



# Safetyform Monthly Newsletter - May 2021

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*Welcome to the latest edition of the Safetyform monthly newsletter, bringing you up to date with all the latest construction health & safety news.*

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## Need a Fire Risk Assessment?



A Fire Risk Assessment is a key factor to managerial compliance with the Regulatory Reform (Fire Safety) Order 2005 (the Fire (Scotland) Act 2005 and the associated Fire Safety (Scotland) Regulations 2006 in Scotland;

As from 1 October 2006 it is a legal requirement for every workplace to have a Fire Risk Assessment, while those employing five or more persons will have to be able to produce a formalised written Fire Risk Assessment using the applied risk profiling and fire safety management strategies detailed in British Standards.

A Fire Risk Assessment assesses the fire risks, the protective and preventative measures and processes/procedures in force in premises against established standards. The assessment identifies necessary controlling measures to remove or reduce risk to an acceptable level and produces an action plan for compliance.

Safetyform have a team of dedicated skilled Fire consultants that can perform Type 1 and 3 Assessments on commercial or residential properties.

Please Get in touch today to discuss any requirements you may have for 2021.

## What's in the News?

### Building contractor and clients fined after catalogue of safety breaches



The clients and principal contractor of a construction project have been sentenced following numerous serious health and safety failings.

Basildon Crown Court heard how London and Essex Property Partnership Ltd, principal contractor Ludovic Calo and commercial client Richard Balls were involved in the construction of two semi-detached houses at Central Wall Road, Canvey Island. Health and safety concerns were raised by members of the public and the Health and Safety Executive (HSE) visited the site on five separate occasions between 26 July 2017 and 23 March 2018. They identified ongoing health and safety breaches relating to work at height, site welfare and security, as well as an accumulation of domestic and construction waste on site.

There were also reports that bricks had fallen from the scaffold, and the building's gable end wall apex section had at one point collapsed onto the neighbouring property. Despite HSE serving a number of enforcement notices and notification of contravention letters, serious breaches of health and safety law continued and there was a failure to comply with the enforcement notices.

An investigation by HSE found the project's joint clients, Richard Balls and London and Essex Property Partnership Ltd had failed to make suitable arrangements to manage the project. They did not ensure the principal contractor complied with his duties under the Construction Design and Management Regulations, and in Richard Ball's case, did not comply with one HSE improvement notice issued to improve health and safety standards on the site. The project's principal contractor, Ludovic Calo, failed to plan, manage, and monitor effectively to ensure the construction work was carried out safely, failed to ensure work at height was properly planned and carried out safely, failed to take suitable measures to prevent the fall of materials from the scaffold and did not comply with two HSE-issued improvement notices served to improve health and safety standards on the site.

Ludovic Calo of Kitchener Road, Walthamstow was found guilty of breaching Regulation 13(1) of The Construction (Design and Management) Regulations 2015; Sections 4(1) and 10(1) of The Work at Height Regulations 2005; and two charges under Section 21 of the Health and Safety at Work Act 1974. He received a 29 week suspended custodial sentence, 3 months electronic curfew 9pm-6am and ordered to pay costs of £5,000.

Richard Balls, of Henham, Bishops Stortford was found guilty of breaching Sections 4(1) and 4(3) of The Construction (Design and Management) Regulations 2015, and Section 21 of the Health and Safety at Work Act 1974. He received a 29 week suspended custodial sentence, 3 months electronic curfew 9pm-6am and ordered to pay costs of £5,000.

London & Essex Property Partnership Ltd of Scratton Road, Stanford Le Hope were found guilty of breaching Sections 4(3) and 4(6)(b) of The Construction (Design and Management) Regulations 2015. The company was fined £20,000 and ordered to pay costs of £5,000.

Speaking after the hearing, HSE inspector Glyn Davies said: "Property developers and construction firms should be aware that HSE will not hesitate to prosecute those who fall below the required standards, especially where advice and enforcement fails to improve their management of health and safety."

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***"Commercial clients and principal contractors have significant and wide-ranging duties to comply with construction health and safety law, and it is not acceptable to cut costs and maximise profit at the expense of putting people at risk."***

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## Company fined after worker suffers multiple serious injuries



A specialist construction company has been fined after a worker was injured when a number of wooden floor panels fell on him at an industrial unit in Fen Street, London.

Westminster Magistrates' Court heard how on 11 September 2018, a steelworker employed by Mr Mezzanine Limited was working beneath a partially constructed mezzanine floor when several panels, each weighing 38 kg, fell from the edge on to him. He was struck repeatedly and sustained serious injuries which included multiple fractures of his skull, spine, legs and 11 ribs. He has not returned to work.

An investigation by the Health and Safety Executive (HSE) found the company had been contracted to install a mezzanine floor in the unit. They failed to properly plan or supervise the work, which resulted in a lack of exclusion zones or measures to prevent the panels from falling.

Mr Mezzanine Limited of Technology Park, Colindale, London pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005. They were fined £16,000 and ordered to pay £7,284 costs.

Speaking after the hearing, HSE inspector Kevin Smith said: "Those in control of work at height have a responsibility to properly plan, supervise, and devise safe methods for carrying out the work.

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*"If a suitable safe system of work had been in place prior to the incident, the life changing injuries sustained by the employee could have been prevented."*

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## Demolition company fined after worker sustained life changing injuries

A Preston demolition company has been fined after the operator of an articulated boom type cherry picker became trapped between the vehicle platform rail and the roof of an industrial shed.

Manchester Magistrates Court today heard how on Thursday 2 November 2017 a worker contracted by Bradley Demolition Ltd was accessing the underside of the roof in Bredbury to remove asbestos sheets and was trapped by his neck between the basket of the machine and a roof truss. As a result of the incident the operator suffered life changing injuries which will require lifelong care.

An investigation by the Health and Safety Executive (HSE) into the incident found that the vehicle was not suitable for the work undertaken and that it was not fitted with propriety devices to avoid the likelihood of operators being crushed. The risk assessment did not sufficiently identify the entrapment hazard, and there was no effective communication with banksmen on the ground. An inadequate plan led to the operator being trapped for a sustained period of time.

Bradley Demolition Ltd of Kent Street, Preston pleaded guilty to breaches of Regulation 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £200,000 and ordered to pay costs of £21,838.56.

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*Speaking after the hearing HSE inspector David Argument said: "If a suitable safe system of work had been in place prior to the incident, the life changing injuries sustained by the employee could have been prevented"*

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## Construction company fined after apprentice electrician falls from height

Greenway Partnership Limited, a Herefordshire based construction company, has been fined after an apprentice fell two metres during the demolition of part of a school premises.

Bristol Magistrates' court heard that on 8 February 2018, the apprentice electrician fell from height, causing facial and head injuries. He was in the process of removing the flat roof of Block 2 Lydney CofE Community School in Lydney when the incident occurred.

An investigation by the Health and Safety Executive (HSE) found that the Greenway Partnership Limited did not adequately plan for the removal of the flat roof. Operatives had not been trained in working at height or demolition, and there was inadequate supervision of the work. As a result, no measures were put in place at the time to prevent or mitigate a fall.

Greenway Partnership Limited of Bromsberrow Heath Business Park, Bromsberrow Heath, Ledbury pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005. Despite being in liquidation the company was fined £21,319 and ordered to pay £6,284 in costs.

Speaking after the hearing, HSE inspector Stephan Axt-Simmonds said: "Apprentices should not be left unsupervised to plan and undertake work on construction sites – it is those in control of work who have the responsibility to devise safe methods of working and to provide the necessary information, instruction, training and supervision.

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*"If a suitable safe system of work had been in place prior to the incident, injuries sustained by the employee could have been prevented."*

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## Company fined following fatal gas explosion



An asbestos removal contractor has been fined after a worker was fatally injured and another worker seriously injured in a gas explosion.

Hamilton Sheriff's Court heard how on 5 October 2017, workers were removing a boiler and pipework, and over spraying walls to remove asbestos residue, at the former Pastoral Centre in Bonkle Road, Newmains in Wishaw.

The work was being carried out prior to demolition. The plan was to cut the boiler and pipework into sections to make it easier to remove. However, the gas supply had not been isolated and the workers cut through a live gas outlet pipe, the gas ignited causing an explosion.

Two workers received extensive burns to their body and underwent surgery. One of the employees died in hospital several days after the incident.

An investigation by the Health and Safety Executive (HSE) identified that the risk assessment and plan of work for the job had identified services were present in the boiler room, but the company failed to ensure the gas pipe was isolated and purged of gas before work commenced.

Enviraz (Scotland) Limited of Kelvin Avenue, Hillington Business Park, Glasgow pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £150,000. Speaking after the hearing, HSE inspector Helen Diamond said: "This incident could so easily have been avoided if the company had ensured that the gas pipe in the boiler room had been isolated and purged prior to removal. Within the asbestos licensing provisioning regime, HSE expects licensed contractors to have adequate management arrangements in place to control non-asbestos risks.

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***"Given the potential consequences of using a power tool on live or unpurged pipework, the management system to establish the status of the pipework needs to be robust and there should be written confirmation of isolation. Tragically, one man has lost his life as a result of this incident and a second worker has sustained life-changing injuries."***

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## Contact Us

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