



**Merry Christmas from
Lincsafe**

**Christmas
2018**



Two companies fined after worker suffers serious crush injuries

Two companies have been sentenced after a structural engineer received serious crush injuries when a bundle of scaffold tubes weighing about one tonne rolled onto his legs while he was visiting a client's construction site.

Southwark Crown Court heard how, on 15 September 2015, the engineer, accompanied by two managers at the site in London, approached four bundles of scaffold tube stored on the ground (one of the bundles had been stacked on top of the other three) which had been left unattended. The top bundle was disturbed, rolled off and fell onto the engineer's lower legs. It took several attempts to free him from under the bundle. The engineer suffered fractures to both ankles and a number of fractures on his right leg.

The scaffold bundles were delivered earlier that day and belonged to scaffolding firm PHD Modular Access Services Ltd. St George City Ltd was the Principal Contractor for the site, where demolition activities were taking place within a very confined footprint.

An investigation by the Health and Safety Executive (HSE) found that PHD failed to ensure that control measures specified in the company's risk assessment - material storage area to be fully segregated using physical barriers - were in place to prevent access by unauthorised persons.

St George City had signed off on PHD's storage requirements and should have been conscious of the practical difficulties concerning deliveries and storage due to the confined nature of the site. On the day of the incident, St George site management had become aware that the scaffold materials had not been segregated, however, no action was taken.

PHD Modular Access Services Ltd, of Oxford Road, Denham, Uxbridge pleaded guilty to breaching Regulation 15 of the Construction (Design and Management) Regulations 2015, and has been fined £50,000 and ordered to pay costs of £7,777.99.

St George City Limited, which is part of the Berkeley Group, of Berkeley House, Portsmouth Road, Cobham, pleaded guilty to breaching Regulation 13 of the Construction (Design and Management) Regulations 2015 and has been fined £130,000 and ordered to pay costs of 7830.79.

After the hearing, HSE inspector Gabriella Dimitrov said:

"The contractors knew that it was a congested site with large demolition machines tracking around and as such required careful planning with regards to material arrivals and storage. This incident could have been easily prevented had suitable barriers been provided."

Fulham Company fined for failing to undertake asbestos assessment

A residential property development company has today been sentenced after failing to carry out an asbestos survey prior to undertaking extensive refurbishment works.

Westminster Magistrates' Court heard how, on and before 6 December 2017, Pascal Huser Design & Build Ltd undertook construction work at a property in Fulham, London. The company failed to carry out an asbestos survey for the property which was uncovered during a routine Health and Safety Executive (HSE) inspection.

The subsequent HSE investigation found the company removed a boarded asbestos ceiling without taking any precautions to prevent workers being exposed to the health risk. This happened because the company failed in its duty to carry out an asbestos survey for the property.

Pascal Huser Design & Build Ltd of Putney Bridge Road, London pleaded guilty to breaching Regulation 5 of Control of Asbestos Regulations 2012 and has been fined £16000 and ordered to pay costs of £4940.40.

Speaking after the hearing, HSE inspector Jenny Morris said: "The risk of exposure to asbestos could so easily have been avoided if the company had carried out a suitable and sufficient asbestos assessment to identify the presence of asbestos within the property prior to commencing refurbishment work".

"Companies should be aware HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

Construction company fined for fatal fall into basement

A construction company has today been fined after a chauffeur fell to his death at a concealed basement void in a domestic property undergoing construction work.

Luton Magistrates' Court heard how, on Saturday 16 September 2017, Mr Bala Singh Koranga, a visitor to the house and not associated with the works, entered the construction area and stepped onto a blue tarpaulin that was placed to prevent rainwater entering the basement. Mr Koranga fell into the void and sustained a fatal laceration to the neck.

An investigation by the Health and Safety Executive (HSE) found the company had failed to put in place adequate construction site fencing and the site had no warning signs and used ineffective barriers around the concealed void. SM Builder Expert Limited of Alnwick Road, London pleaded guilty to breaching Regulation 13(1) of the Construction (Design and Management) Regulations 2015 and was fined £5,280 and ordered to pay costs of £3,204.

Speaking after the hearing, Mr Koranga's son said: "My father was always very happy. He was always messing around and joking. It was what he was known for. He is greatly missed."

HSE inspector Rauf Ahmed added: "This tragic incident could easily have been prevented. Builders need to take adequate measures to prevent unauthorised access into construction sites and prevent persons falling into open basements."

Further information is available at:

<http://www.hse.gov.uk/construction/safetytopics/publicprotection.htm>

Local authority sentenced after member of public contracts Legionnaires' Disease

Tendring District Council has been fined after a member of public contracted Legionnaires' Disease having been a regular user of its leisure centre facilities.

Colchester Magistrates' Court heard how the member of public frequently used the showers at Walton Lifestyles when, in November 2016, he fell seriously ill and was taken to hospital where he remained for 18 days. He was diagnosed with Legionnaires' disease, sepsis, pneumonia and chronic kidney failure.

Water samples taken from the men's shower tested positive for the legionella bacteria. Legionella bacteria can proliferate in hot and cold water systems that aren't properly maintained or cleaned.

An investigation by the Health and Safety Executive (HSE) found Tendring District Council had failed to adequately manage the water systems at a number of leisure centres in the district, including Walton Lifestyles, Dovercourt Lifestyles and Clacton Leisure Centre. The significant failings included not having suitable and sufficient Legionella Risk Assessments for the leisure facilities and not providing adequate control measures required for Legionella control. Staff were not adequately trained and a lack of monitoring meant

these failings went unnoticed for several months. Tendring District Council of Town Hall, Station Road, Clacton-on-Sea, Essex pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974 and has been fined £ 27,000 and ordered to pay costs of £ 7,500.

Speaking after the case, HSE inspector Tania van Rixtel said: "Hot and cold water systems can provide the ideal breeding ground for the potentially fatal legionella bacteria if certain control measures are not in place. Controls such as maintaining water temperatures, regular flushing of low-use outlets and adequate cleaning are all necessary in order to reduce the risk of legionella developing.

"Tendring District Council failed to ensure controls such as these were being implemented therefore causing a potential risk to human health. This could have easily been a fatality and given the number of people who use the facilities, the potential legionella risk to the public would have been significant."

Need to Know news...

Whats new in 2019

Please find the Lincsafe (Health & Safety part of PIB Group) latest training dates for 2018 (so far), at our Caenby Corner & Retford offices. All prices inc Books and Certification; If you would like further information on Lincsafe (Health & Safety) courses please contact our office.

Gate Safe delivers IOSH approved specialist awareness training at Lincsafe:

17th January at Lincsafe Offices – To book go to <http://gatesafe.org/training/>

Asbestos Awareness Cat A UKATA Approved – Initial in the AM and Refresher in the PM:

February 18th – £65+VAT per person

Cskills SMSTS 5 Day Course - (Held in Retford)

February 12,13,19,20,21 £550+VAT per person

April 29,30, 1,2,3 May £550+VAT per person

Cskills SMSTS Refresher 2 Day Course

April 2nd & 3rd £375+VAT per person

Cskills SSSTS 2 Day Course

March 12th & 13th £300+VAT per person

Cskills SSSTS Refresher 1 day course

February 7th £180+VAT per person

IOSH Managing Safely 3 day course

February 4th,5th,6th – £400+VAT per person

May 22nd, 23rd,24th – £400+VAT per person

September 16th, 17th, 19th – £400+VAT per person

First Aid 3 Day course – QCF

March 4th,5th,6th – £180+VAT per person

All prices inc Books and Certification; if you would like further information please contact our Lincolnshire, Caenby Corner office on:-

01673 876 150

or

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