

# Landlord fined for not providing gas safety certificates

A landlord has been fined for failing to ensure that gas fittings, appliances and associated flues were checked for safety.

Edinburgh Sheriffs Court heard that from late winter 2013 to early spring 2014 David Mackman stated he was the landlord for at least 15 flats in an old tenement block. The majority of the flats had gas central heating boilers for heating and hot water. Some of the boilers served more than one flat. The court was told tenants were not provided with Landlord's Gas Safety Certificates.

The Health and Safety Executive (HSE) investigated after receiving a complaint from a tenant. The HSE inspector failed to obtain a response from Mr Mackman and on being unable to contact the complainant attended the block of flats with another HSE inspector.

The inspectors gained access to several flats and quickly identified gas safety concerns. They again attempted to make contact the landlord during this visit but failed. Due to the gas safety concerns the inspectors decided to contact the Gas Safe Register, the official gas safety organisation in Britain, who arranged for Scottish Gas Networks (SGN) to attend the property.

The inspectors later revisited the property with SGN engineers and after gaining access to further flats they identified further gas safety faults. SGN issued 'immediately dangerous' safety notices and disconnected the gas supply to several properties.

Despite repeated attempts to contact him, the landlord did not attend the flats to assist with the investigation.

At a later visit SGN notices were again issued to a number of flats. Mr Mackman attended during this visit and HSE Inspectors issued 15 Improvement Notices. The aim of the notices was to ensure all gas safety issues were identified and rectified by a competent Gas Safe registered engineer which would enable the landlord to provide tenants with a Landlord's Gas Safety Certificate.

David Stuart Mackman, Shepherd's Keep, Colzium, Kirknewton pleaded guilty to breaching Regulation 36(3)(b) of the Gas (Installation and Use) Regulations 1998 and was fined £4,500 and ordered to pay a £175 Victim Surcharge.

Speaking after the hearing, HSE inspector Katherine Gostick said: "It was very fortunate that Mr Mackman's failure to carry out important landlord gas safety checks did not result in a number of deaths in the flats he rented out, where the unsafe gas appliances were leaking poisonous odour free fumes.

"He should have employed a competent Gas Safe Registered engineer to carry out landlord gas safety checks including carrying out the necessary work and

obtain a landlord gas safety certificate every 12 months. Landlords may be prosecuted if they do not ensure that this well publicised duty is carried out. Tenants should check that they receive a landlord gas safety certificate on moving into rented property and annually.

**Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. [hse.gov.uk](http://hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [INDG285 Landlords \(hse.gov.uk\)](http://INDG285_Landlords_(hse.gov.uk)) & [legislation.gov.uk/](http://legislation.gov.uk/)

HSE news releases are available at <http://press.hse.gov.uk>

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## **Scaffolding contractor fined after worker sustains multiple injuries in fall**

A scaffolding contractor has been fined after a worker fell from height resulting in serious injuries.

Brighton Magistrates Court heard how, on 15 August 2019, Darren Barnett was dismantling temporary over-roof scaffolding at a site in Hailsham, East Sussex, when he fell through the scaffolding landing on to the roof of the property below, before rolling down and on to the ground. Mr Barnett fell approximately eight meters in total and sustained two brain haemorrhages, six vertebra fractures, a fractured shoulder blade and multiple rib fractures.

An investigation by the Health and Safety Executive (HSE) found the company had failed to properly plan the works in respect of giving consideration to how the temporary over roof should be dismantled safely. Furthermore, Mr Barnett was only provided with a single lanyard harness that was not suitable for such works, rather than a twin lanyard harness.

Zendrill Ltd of Blind Lane, Bredhurst, Gillingham, Kent pleaded guilty to breaching Regulations 4 (1) (a) and 6 (3) of the Work at Height Regulations 2005. The company was fined £16,667 and ordered to pay costs of £6,767 and a victim surcharge of £170.

Speaking after the hearing, HSE inspector Ross Carter said: "The case highlights the importance of following industry guidance in order to design and dismantle scaffolding in a safe manner with the correct equipment made available to those undertaking the work.

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

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>

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## **Contractor fined after carrying out illegal gas work**

A self-employed contractor has been fined after undertaking gas work on a property whilst not being gas safe registered.

Crewe Magistrates' Court heard how, on 1 June 2019, Robert Allen, a self-employed contractor trading as A&E Property Services, replaced a boiler at a property in Ledward Street in Winsford. Following the installation, a number of problems arose including loss of pressure and water leaks. In August 2019, a Gas Safe Registered engineer attended the property and discovered multiple issues with the installation including an inadequately sized pipe, which they felt posed immediate danger. The case was reported to the Health and Safety Executive (HSE) in the form of a Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) report.

An investigation by HSE found that Mr Allen had never been Gas Safe Registered. It was discovered that he had provided himself with a false registration number and had also used the registration number of a completely unconnected company.

On the inspection of the work carried out at Ledward Street, five separate serious defects were found including an unsealed flue, a pressure relief valve incorrectly located, undersized gas pipework, uncommissioned appliance, and corrosion to the gas pipework. These defects could have led to carbon

monoxide leakage, scalding, unsafe combustion, and unburned gas release, which could have proved fatal.

Robert Allen of Nixon Drive, Winsford, Cheshire pleaded guilty to two breaches of Regulation 3 (3) of the Gas Safety (Installation and Use) Regulations 1998 and breaches of Regulation 3 (7) of the Gas Safety (Installation and Use) Regulations 1998 and Regulation 5 (3) of the Gas Safety (Installation and Use) Regulations 1998. He was given a 40 week suspended sentence, 200 hours community service and ordered to pay costs of £5263.04

Speaking after the hearing, HSE inspector Ian Betley said: "This case highlights the dangers of carrying out unregistered gas work. All gas work must be done by registered Gas Safe engineers to ensure the highest standards are met in order to prevent injury and loss of life. Installers will be prosecuted if they carry out gas work without the proper qualifications. Householders should check that anyone they allow to work on the gas supply is gas safe registered."

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2. More about the legislation referred to in this case can be found at: <https://www.hse.gov.uk/gas/>
3. HSE news releases are available at <http://press.hse.gov.uk>

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## **Plant hire company in court over work at height and welfare issues**

A plant hire company has been fined for leaving workers at risk of a fall from height and failing to provide minimum welfare facilities.

Blackpool Magistrates' Court heard how, on 17 November 2020, Ruttle Plant (Birmingham) Ltd was in the process of building a new aggregate recycling facility at their site at Common Bank Lane, Chorley. Part of the work included the provision of cladding to the roof, which was carried out using a cherry picker. However, as some areas of the roof were difficult to reach, employees had to step onto the roof where no edge protection had been provided, putting them at risk of a 30ft fall. In addition, workers had been

on site for some considerable time without the minimum required welfare facilities being available. This included facilities for hand washing during the height of the Covid pandemic.

An investigation by the Health and Safety Executive (HSE) found that the workers had been left unsupervised by site management, there had been no method statement to follow when they climbed onto the roof and there were no preventative measures in place to prevent the risk of a fall from height. Workers were also expected to drive to the company's head office along an unadopted roadway more than five minutes' drive away to use the toilet, despite there being ample room on the site for facilities.

Ruttle Plant Hire (Birmingham) Ltd of Lancaster House, Ackhurst Road, Chorley, Lancashire pleaded guilty to breaches of Regulation 13(4)(c) of the Construction (Design and Management) Regulations 2015, and Regulation 4(1) of The Work at Height Regulations 2005. The company was fined £66,667 and ordered to pay costs of £1,847.

Speaking after the hearing, HSE inspector Christine McGlynn said: "Had a worker fallen off the roof edge, it could have been fatal. Employers should ensure that workers are not left to carry out high risk roof work without supervision.

"Work at height and roof work should only be carried out by trained workers, who are being robustly monitored, following proper planning, risk assessment and using suitable equipment. The minimum standards for welfare must also be met."

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2. More about the legislation referred to in this case can be found at: [Construction- Roof work industry health and safety](#)
3. HSE news releases are available at <http://press.hse.gov.uk>

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## **Safety cases for high-rise buildings: a summary**

The law relating to building safety in England is changing. Proposed reforms currently making their way through parliament will introduce a safety case regime. This will mean new roles and responsibilities for high-rise residential building owners and management, including

accountable persons (AP) and building safety managers (BSM).

Building on the safety case principles we published last year, we have continued our work with partners in the public and private sector to develop information that we hope will form a toolkit for building owners and managers.

The first part of this toolkit is a short summary of the key things they can do to prepare. It's intended to be a quick read to help people and organisations to understand what they can do.

HSE has now published this headline document on its website:  
<https://www.hse.gov.uk/building-safety/how-to-prepare.htm>

In the coming months this will be followed by further information that builds on the safety case principles from last year. This will include new material that we have introduced following the very helpful suggestions and comments we received from early adopters, private landlords, social housing providers, and other industry consultees.

Tim Galloway, Deputy Director of the Building Safety Programme at HSE, encouraged organisations and people to start preparing: "I am really pleased that we've published this information in such a digestible form. I want to thank all our partners for their invaluable contribution. We all want safe buildings and I would encourage building owners to start their preparations for the new regime now rather than wait for all the details to be developed. I think the existing principles, this headline document and the further information to come will really help."

Read more about safety cases and safety case reports here:  
<https://www.hse.gov.uk/building-safety/safety-cases-reports.htm>

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