

Contractor fined for failing to comply with health and safety regulations



A sole trader has been fined for failing to plan, manage and monitor construction work being carried out under their control.

Chelmsford Magistrates' Court heard how Rytis Tamasaukas was the principal contractor carrying out extensive refurbishment works to extend a detached property in Chigwell, Essex.

The Health and Safety Executive (HSE) carried out six site inspections between 1 May and 28 November 2018. Mr Tamasaukas was served with three prohibition notices for breaches of the Work at Height Regulations 2005 and another prohibition notice for the stability of roof trusses. He was also served three improvement notices for the control of wood dust, access and egress and competent supervision,

Following a revisit to the site by the HSE inspector David King it was discovered that Mr Tamasaukas continued in his failure to plan, manage and monitor the construction work being carried out under his control. He also failed to comply with the prohibition notice for work at height and the improvement notice which referred to the training of a competent Site Manager.

Mr Tamasaukas, formerly of 27 Neterfield Gardens, Barking and now resident in Romford, Essex, pleaded guilty to breaching Regulation 15(2) of the Construction (Design and Management) Regulations 2015 and two counts of breaching Section 33(1)(g) of the Health and Safety at Work Act 1974. He was ordered to serve a community order, which involves undertaking 280 hours of

unpaid work within the next 12 months and ordered to pay costs of £5,000.

Speaking after the hearing, HSE inspector David King said: "This case highlights the need for suitable and sufficient planning, managing and monitoring, using the appropriate work at height equipment and having a competent Site Manager. Duty holders should be aware that HSE will hold to account those who do not comply with health and safety legislation, or who do not comply with enforcement notices served on them."

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. www.hse.gov.uk
2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/

<http://www.hse.gov.uk/construction/areyou/principalcontractor.htm>

<http://www.hse.gov.uk/work-at-height/index.htm>

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

[Company fined after a worker falls from height when platform collapses](#)



A North-East civil engineering company has been sentenced after a worker suffered life threatening injuries after falling 15 metres when a platform he was working on unexpectedly collapsed.

Teesside Magistrates Court heard how that on 31 July 2019, the worker was involved in the dismantling of the Brent Bravo, a former North Sea oil and gas platform.

Able UK Limited was contracted to dismantle four platforms from the Brent North Sea oil and gas field. The incident occurred during the removal of a module located on the north west corner of the Brent Bravo Platform. In planning for the removal of the module, it was noted that there were three platforms on the cellar deck of the structure that would need to be moved to allow the module to fall safely.

It was not recognised by the planning team that one of the platforms did not form part of the main structure and was attached to the platform using bolts that had corroded over time. This affected the structural integrity of the platform and the methodology required to remove it safely. During the cutting of bracing beams, the platform unexpectedly collapsed causing one of the employees to fall 15 metres.

An investigation by the Health and Safety Executive (HSE) into the incident found that Able UK Limited failed to carry out a full structural appraisal of the platform prior to demolition. This would have informed the risk assessment and method statement being used by the cutting crew at the time of the incident to ensure that the work could have been carried out safely.

Able UK Limited of Able House, Billingham Reach Industrial Est, Haverton Hill Road, Cleveland, pleaded guilty to breaching Regulation 2(1) of The Health and Safety at Work act 1974 and was fined £200,000 with £20,991.24 costs by Teesside Magistrates Court.

After the hearing, HSE inspector Richard Littlefair said: "When undertaking demolition work where structures are being left in a pre-weakened state, it is essential for those in control of the work to take appropriate measures to ensure the safety of all those involved with the work. This includes ensuring that consideration is given to the stability of structures before and during demolition work, as well as ensuring that control measures are in

place to mitigate other associated health and safety risks such as work at height.”

1. The Health and Safety Executive (HSE) is Britain’s national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and advice, promoting training; new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement. www.hse.gov.uk
2. More about the legislation referred to in this case can be found at: <http://www.legislation.gov.uk/>
3. HSE news releases are available at <http://press.hse.gov.uk>

[School fined after teaching assisted injured in fall from height](#)

Todmorden Church of England Junior Infants and Nursery School has been sentenced today for a breach of the Health and Safety at Work Act after an employee fell through the ceiling of the school hall, causing a major injury.

Bradford Magistrates’ Court heard that on 18 September 2019, a teaching assistant had accessed the loft space in the school and as they entered, they fell around four metres through the fragile ceiling which resulted in a broken back.

An investigation by the Health and Safety Executive (HSE) found that when the teaching assistant was searching for a spare desk in the loft space, she fell due to the area being only partially boarded, meaning that the fragile ceiling gave way. This incident resulted in the victim suffering a broken back that left her in hospital for three weeks. She is still in recovery awaiting further operations.

Todmorden Church of England Junior Infants and Nursery School of Burnley Road, Todmorden pleaded guilty to breaching Section 6 (3) of the Work at Height Regulations 2005. The school has been fined £4,000 and ordered to pay a surcharge of £181 and £747.80 costs.

After the hearing, HSE inspector Charlotte Bligh commented: “The school failed to take suitable and sufficient measures to prevent events like this.

“This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices”

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2. More about the legislation referred to in this case can be found at: legislation.gov.uk/^[2]
3. HSE news releases are available at <http://press.hse.gov.uk>^[3]
4. Please see the link below to the page on HSE's website that is the best guide to doing it the right way: [Working at height: A brief guide \(hse.gov.uk\)](http://hse.gov.uk/working-at-height)

[Company, director and excavator operator fined after two workers sustain severe injuries in separate incidents](#)

J Murphy Aggregates Ltd, Shaun Murphy and James Duggan have been sentenced at Leeds Crown Court for safety breaches after a worker was struck by a falling excavator. In addition, J Murphy Aggregates Ltd was sentenced for safety breaches in a separate incident after a wagon driver sustained severe crush injuries to his right leg when he was dragged under a 360 excavator.

York Crown Court had previously heard that J Murphy Aggregates Ltd was engaged in waste management/collection of non-hazardous waste, typically tarmac, brick rubble and broken concrete, which is further broken down and then sold on as hardcore to building sites. The sole director is Shaun Murphy. Prior to the incident, the company were using agency staff on occasion to cover some tasks.

An investigation by the Health and Safety Executive (HSE) found that James Duggan had been initially employed as a crusher machine operator via an employment agency and held a Construction Plant Competence Scheme (CPCS) card to do so. However, he was then employed directly by Shaun Murphy to operate a tracked excavator, despite not holding formal qualifications for operating one. Mr Duggan was using the excavator to "munch" a stockpile when the ground

below the excavator collapsed. The excavator then tumbled down the stockpile and collided with a worker who was catapulted off the crushing machine he was maintaining at the time.

The 58-year-old worker suffered multiple fractures to both legs, a dislocated kneecap, a right sided fracture to the pelvis and hip, two punctured lungs, and a right sided fracture to the skull. He also required ten stitches to the head. He remained in hospital for a year, during which time his right hip was removed. His right leg is now significantly shorter than his left leg.

J Murphy Aggregates Ltd of Viaduct Street Pudsey Leeds West Yorkshire pleaded guilty to breaching Section 2 (1) and Section 3 (1) of the Health & Safety at Work etc Act 1974. The company was fined £70,000.

Shaun Murphy, Director, of Viaduct Street, Pudsey, Leeds pleaded guilty to breaching Section 2 (1) and Section 3 (1) by virtue of section 37(1) of the Health & Safety at Work etc Act 1974. He was sentenced to an eight-month custodial sentence, suspended for two years, and 160 hours of community service. He is also required to attend 20 rehabilitation activity requirement days and pay £2,242.50 costs.

James Duggan, Excavator Operator, of Snawthorne Grove, Castleford West, Yorkshire pleaded guilty to breaching Section 7 (a) and Section 3 (2) of the Health & Safety at Work etc Act 1974. He received an eight-month custodial sentence, suspended for two years, and order to pay £2,242.50 costs.

J Murphy Aggregates Ltd was also sentenced in relation to a later incident in which a wagon driver sustained severe crush injuries to his right leg when it was dragged under a 360 excavator.

Leeds Magistrates' Court had previously heard that, on 4 December 2020, the wagon driver's tipper vehicle was being loaded with rubbish by a 360 Excavator. He was standing watching this being done. He then approached the side of the wagon to retrieve some overhanging rubbish, before walking between the excavator and wagon and standing towards the rear of the vehicle near to the right-hand track of the excavator. The excavator tracked forwards, dragging his right leg under it, and crushing it.

His right leg was broken and degloved below the knee. He underwent several operations to repair the open fractures and have muscle and skin grafts. A muscle graft subsequently failed in his right ankle and following other complications his right leg was amputated below the knee. His left leg has also been left badly scarred and damaged from the skin and muscle grafts taken from it.

An investigation by the Health and Safety Executive (HSE) found that there was no effective segregation between heavy vehicles and pedestrians in the yard. CCTV footage of the two weeks prior to the accident showed several occasions where plant machinery almost contacted a pedestrian. In the period immediately prior to the accident, other pedestrians are seen on foot within the danger zone of the excavator as it is loading wagons with rubbish.

J Murphy Aggregates Ltd of Viaduct Street, Stanningley, Pudsey, West Yorkshire pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. For this offence, the company was fined £50,000. J Murphy Aggregates Ltd was ordered to pay a total of £8,750 costs.

After the hearing, HSE inspector David Beaton commented: "These cases are a damning indictment of a company which has consistently permitted unsafe systems of work. Shaun Murphy failed to ensure that James Duggan had the relevant skills, knowledge, experience and training to use the excavator at the site. James Duggan knew he was only qualified to operate a crusher as permitted by his CPCS card.

"The result was this tragic incident which could so easily have been avoided by using the correct control measures and safe working practices.

"That another worker should sustain injury as a result of J Murphy's failure to implement safe systems of work is deplorable. Segregation measures should have been in place to prevent pedestrians from being within the danger zone.

"I hope this case sends strong signals to businesses that HSE will not hesitate to take action where employers fail to meet health and safety standards and put their workers and the public at risk."

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4. Please see the link below to the page on HSE's website that is the best guide to doing it the right way.
<https://www.hse.gov.uk/waste/transport.htm>

[Company fined after electrician died following fall from crane platform](#)



A company has been fined after an electrician died in fall of approximately eight metres when an access panel on the raised walkway of an overhead crane gave way beneath him.

Teesside Crown Court heard that on 25 October 2016, whilst working at Cleveland Bridge UK Limited's site in Yarm Road, Darlington, electrician Keith Poppleton was repairing wiring that had been causing a short circuit on the lifting equipment of a large overhead gantry crane, known as C25. As he was walking along the crane's walkway, an access panel gave way beneath his feet, causing him to fall through to the ground below. Mr Poppleton sustained fatal injuries and was pronounced dead at hospital.

An investigation by the Health and Safety Executive (HSE) found the company had failed to maintain the crane walkway's access panels, which had been used to replace lighting fittings some months earlier. Also, the panel itself had been subject to weld repair, and there was no evidence of any steps being taken to ensure that the panel was safely replaced into the void and secured to ensure it did not fail.

Cleveland Bridge UK Ltd of Cleveland House, Yarm Road, Darlington were found guilty of breaching Sections 2(1) and 3(1) of the Health & Safety at Work etc Act 1974, Regulation 5(1) of the Provision and Use of Work Equipment Regulations 1998 and Regulation 8(b)(i) of the Work at Height Regulations 2005. The company was fined £1.5M and ordered to pay costs of £29,239.

Mr Poppleton, a former college lecturer in electrical engineering, leaves behind a wife and three daughters.

His wife Catherine Poppleton said: "The day Keith died a large part of me died with him. He was my world, he was the reason my life was interesting, exciting, safe and I felt loved.

"He was risk-averse and this respect for safety was something he practised as well as taught.

"I feel that the 'me' before losing Keith has gone. I do not feel like myself anymore, I do not feel whole."

Speaking after the hearing, HSE inspector Jonathan Wills said: "Mr Poppleton and others were at risk from serious injury whilst walking on a gantry 26

feet high, as the company had failed to assess the risk of these access platforms, which should be secured in accordance with the manufacturer's instructions.

"This was an incident, which could easily have been prevented had the company considered the risks associated with such access panels not being secured in place following maintenance work and general wear and tear."



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