

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.

"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."

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

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