

# Builder avoids immediate prison sentence after failing to protect workers

A builder has been given a suspended prison sentence after he put the lives of workers at risk on a construction site in London

David Beadle, trading as Beadle the Builders, failed to comply with a prohibition notice issued by the Health and Safety Executive (HSE) in relation to unsafe working at height at the site on Woodyates Road in South East London.

Falls from height remain the leading cause of death within the construction industry and [HSE has published guidance](#) about how these incidents can be avoided.



The scaffold was a potentially dangerous structure at risk of collapse and in breach of the HSE prohibition notice.

A proactive investigation by HSE found Beadle allowed workers under his control on at least three occasions to continue using a scaffold which was not properly constructed. It was a potentially dangerous structure at risk of collapse and in breach of the prohibition notice.

Sixty-three-year-old Beadle also failed to ensure that suitable and sufficient measures were in place to prevent workers falling a distance that would have caused personal injury. No edge protection had been installed to the side of the roof, the flat dormer roof, the front elevation of the roof, and safe access was not provided.

He was given a 26-week custodial sentence, suspended for 12 months and was told to complete 150 hours of unpaid work.

Beadle of Rochester Way, London, pleaded guilty to breaching Regulation 6(3) of the Work at Height Regulation 2005 and 33(1)(g) of the Health and Safety at Work etc. Act 1974. He was also ordered to pay £6,043 in costs at the

hearing at Bexley Magistrates Court on 7 August 2024.

HSE Inspector Emma Bitz said “We will not hesitate to take appropriate enforcement action against those who fail to do all that they can to keep workers safe.

“The risks from working at height are well known, as are the control measures required to reduce those risks.

“Falls from height remain the largest cause of workplace deaths in the construction industry.”

This prosecution was brought by HSE enforcement lawyer Chloe Ward and supported by HSE paralegal officer Rebecca Forman.

#### Notes to editors:

1. [The Health and Safety Executive](#) (HSE) is Britain’s national regulator for workplace health and safety. We are dedicated to protecting people and places, and helping everyone lead safer and healthier lives.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. HSE does not pass sentences, set guidelines or collect any fines imposed. Relevant sentencing guidelines must be followed unless the court is satisfied that it would be contrary to the interests of justice to do so. The sentencing guidelines for health and safety offences can be found [here](#).
5. Guidance on [working at height](#) is available.

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## [Registration data reflects Building Control Profession’s commitment to high standards](#)

- Building control professionals who carry out any building control work in England or Wales must be registered with the Building Safety Regulator (BSR).
- Registration data indicates a growing number of inspectors are joining the registered profession, reflecting industry’s commitment to upholding high standards.
- A temporary 13-week extension period for experienced building inspectors in England to complete their competency assessment came to an end on 6 July 2024.<sup>[\[1\]](#)</sup>

Building Control registration data indicates a growing number of professionals joining the registered ranks, reflecting the industry's commitment to upholding high standards.

The transition extension period ensured sector professionals had sufficient opportunity to align with the new requirements at a realistic pace without disrupting or compromising their ability to provide essential services.

As of 30 July 2024, there were 4,049 building professionals registered as building inspectors in England and Wales. All Registered Building Inspectors have signed up to and are accountable under the [Code of Conduct](#).

Registration by classes:

- At Class 1 (Trainee) – 1,971
- At Class 2 (Registered Building Inspector) – 1,614
- At Class 3 (Specialist Building Inspector) – 464
- At Class 4 (Building Inspector – Technical Manager) – 516

Commenting on the latest figures, Ged Cooper, BSR Head of Building Control Professional Standards, says: "We are encouraged by this steady increase in numbers and are pleased to see a consistent level of success in Class 2 and Class 3 and it's heartening that a high proportion are also Class 4 technical managers. We expect to see this positive progress continue.

"BSR is focused on being a fair and pragmatic regulator. Granting an extension for building inspectors to complete their competency assessments shows our commitment to a supportive regulatory environment and a level playing field in building control.

"Building Control Bodies must take regulatory advice from RBIs of Class 2 or Class 3 RBIs to perform their functions effectively. We've started investigations and inspections of these bodies and will require assurance with evidence to demonstrate that they have sufficient resources to deliver their regulatory duties and responsibility."

Throughout the transition period, BSR listened to and acknowledged the sector's challenges. This included enabling a limited number of professionals who had completed the competency assessment process by the 6 July deadline, but were awaiting their results, to continue to undertake the restricted activities for which they had completed the assessment process.

On the immediate future for the profession, Ged Cooper says: "As an enabling regulator, BSR focus on facilitating compliance and supporting building control professionals through clear regulatory pathways and frameworks. Building control is crucial in the construction process, and we value the role of building inspectors in supporting Building Control Bodies.

"The profession is entering a new transformative era, with unified, consistent standards making it a positive career choice. Enhanced professional standards will lead to stronger compliance with building regulations. Improved practices will set high standards as the norm, not the exception.

“Looking at the landscape ahead, the quality, effectiveness, and efficiency of building control activities are set to significantly improve”.

BSR believes that increased transparency and accountability within the building control sector will increase confidence and trust, reassuring the public that building work is being strongly and consistently regulated. This improved status will not only help attract new professionals into the sector but also retain existing talent, contributing to a more robust and effective building control landscape.

[Find a registered building inspector in England – GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[Find a registered building inspector in Wales – GOV.UK \(www.gov.uk\)](https://www.gov.uk)

<sup>[1]</sup> Transitional arrangements in Wales can be found [here](#)

## Notes to Editors

1. Plans for regulation of the Building Control profession were introduced in the Building Safety Act 2022. BSR has worked closely with representative bodies from the profession over a considerable period of time to prepare for implementation of the new requirements.
2. The standards required to demonstrate competence have been regularly communicated to the profession. [The Building Inspector Competence Framework](#) (BICoF) went through a full public consultation between October and December 2022 and was published in April 2023.
3. Registered Building Inspector’s competence requirements are set out in the BICoF. The class of registration required to be achieved will depend on the complexity and risk of the building work being controlled. Inspectors must select a class of registration appropriate to their work and demonstrate their competence through an independent competence assessment scheme. There are 4 Classes of building inspector registration. Class 1, 2, 3 & 4.
4. All Registered Building Inspectors sign up to the [Code of Conduct](#) and are accountable to the Regulator. The Code of Conduct also places a responsibility on registered building inspectors not to act beyond their individual competence.
5. BSR will focus regulatory activity on building control bodies and inspectors

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## [Company fined more than £100,000 after worker loses leg](#)

A Manchester-based waste and recycling company has been fined more than

£100,000 after an employee lost his leg after being struck by an excavator.

The 41-year-old man had been sorting refuse with two other colleagues at the Levenshulme site of Pink Skips (NW) Ltd on 5 October 2022 when the incident happened.

As the trio were working, a 360-excavator was being used to move waste in the same area. CCTV footage showed that the excavator was being used close to the workers on the ground.



The worker was struck and run over by an excavator (pictured here)

As one of the men was standing behind the vehicle, it suddenly reversed, striking him, and running over his leg.

The injury was so severe that the leg had to be amputated above the knee. The Romanian father and grandfather has been left unable to work and still suffers from considerable pain.

An investigation by the Health and Safety Executive (HSE) found that Pink Skips (NW) Ltd of Printworks Lane, Manchester, had failed to [adequately segregate pedestrians and vehicles](#) for which detailed guidance is available.

The investigation also found that hand picking regularly occurred around the excavator operating. There was a written safe system of work which stated that operatives were not to work within the swing reach area of the excavator, that barriers should be placed between operatives and machines at all times, and that banksmen should be used. However, these precautions were not being used in practice. There was also no monitoring of the alleged systems in place, had there been, this would have highlighted that the

control measures were not being used.

The company pleaded guilty to breaching regulation 2(1) of the Health and Safety at Work etc Act 1974. It was fined £106,700 and ordered to pay £5,744 costs at a hearing at Manchester Magistrates' Court on 7 August 2024.

The prosecution was brought by HSE enforcement lawyer Matthew Reynolds and paralegal officer Rebecca Withell.

After the hearing HSE inspector Lisa Bailey said: "The company failed to segregate pedestrians and vehicles or put in place a safe system of work for its hand sorting and picking activities, thereby exposing employees, to the risk of being struck by workplace vehicles.

"The injuries sustained here have been truly life-changing."

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5. Guidance for [working safely with vehicles](#) is available.

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## [Company fined £1m as employee suffers serious injuries](#)

A logistics company has been fined £1 million after an employee fell over 10 metres and sustained serious injuries.

Christopher Hooper suffered fractures to his skull, back, pelvis, arm, wrist and ankle after falling 11 metres at DP World Southampton's terminal on 20 September 2022.

The 31-year-old, from Winchester, had fallen through an open hole in the driver's cab of a straddle carrier, landing on the concrete floor below.

The hole had been created by contractors that were replacing a glass floor, exposing Mr Hooper and other workers to the risk of falling from height.



Mr Hooper alongside his fiancée Lydia

Inspectors from the Health and Safety Executive (HSE) found Mr Hooper's employer, Southampton Container Terminals Limited, trading as DP World Southampton, failed to ensure there was a safe system of work at its site on Western Avenue.

Mr Hooper, who had worked for Southampton Container Terminals Limited since he was 17, had been undertaking routine maintenance work and was unaware of the open hole before falling onto the floor.



The incident took place at DP World Southampton's terminal

The HSE investigation found Southampton Container Terminals Limited had failed to ensure there was a system of work that ensured the replacement of the glass floor and routine maintenance work could be carried out safely at the same time. The company also failed to ensure there was a risk assessment in place and failed to implement its own policy for the use of permits to work whilst working at height.

Mr Hooper, who was 29 at the time of the incident, said in his victim personal statement: "I feel like a puppet in my life who is being moved from therapy to therapy with no control over where I am going. It feels like my life is in a waiting room, early out of hospital I had closer milestones that felt achievable whereas now no one can tell me what I can do next and that is really impacting my day-to-day life as I don't know what the rest of my life will look like."





The incident took place at DP World Southampton's terminal

Southampton Container Terminals Limited, of Palace Street, Westminster, London pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £1 million and ordered to pay £11,664.59 in costs at Southampton Magistrates' Court on 2 August 2024.

HSE inspector Francesca Arnold said: "This incident has resulted in severe life-changing injuries for Mr Hooper, who is lucky to be alive. His life has completely changed because of Southampton Container Terminals Limited's failure to produce a suitable risk assessment and implement straightforward control measures.

"The hazards of working at height are well known and documented and this prosecution should now remind employers that a failure to manage and implement effective measures can have serious consequences and they will be

held accountable for this failure. Information on working at height safely is freely available on [HSE's website](#)."

This prosecution was brought by HSE enforcement lawyer Andy Siddall and supported by HSE paralegal officer Rebecca Withell.

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## [Companies fined after dad crushed to death by machine](#)

Two companies have been fined after a father-of-three was crushed to death by a machine.

The Health and Safety Executive (HSE) investigation found the incident was entirely avoidable and Russell Hartley would still be alive had this work been planned, managed and monitored to a sufficient standard.

Mr Hartley, was a self-employed engineer from Sheffield who had been hired by Premier Engineering Projects Ltd to replace machinery at a materials recycling facility on Twelvetreets Crescent, Bow, London.



Russell Hartley

The 48-year-old led a group of four engineers tasked with replacing a Trisomat screen, known colloquially as a 'flip-flop', on 24 February 2020, when the incident occurred.

The flip-flop, a machine that sorts different sizes of waste, was fixed within a metal structure at height in a bay at the site.

The crane, supplied by M&M Mobile Crane Hire Ltd, was first used to lower the flip-flop from its position at the site.

Mr Hartley, who also had three grandchildren, then took over using a telehandler. With the flip-flop resting on the telehandler's forks, the machine began to go further down the bay.

The flip-flop became jammed in the bay when Mr Hartley attempted to reverse the telehandler.

The crane was then used again to lift the flip-flop off the telehandler, which unknown to the workers, had its forks slightly raised above ground level.



Mr Hartley was crushed to death by a Trisomat screen (pictured here)

As the crane moved towards the telehandler, the flip-flop toppled forwards off the forks and crushed Mr Hartley. Another worker, who was standing on the flip-flop at the time, was thrown off the machine but escaped serious injury.

The HSE investigation found that two contractors, Premier Engineering Projects Ltd and M&M Mobile Crane Hire Ltd, failed to ensure the safety of those involved in carrying out the replacement of the Trisomat screen. The work being undertaken was not properly planned, supervised or carried out safely, and the assessment of the risks arising from the work was both unsuitable and insufficient. Mr Hartley was working with nine other engineers, also hired by Premier Engineering Projects, as well as three workers from M&M Mobile Crane Hire Ltd at the site.

Mr Hartley's wife, Debbie, said in her victim personal statement: "Russell was everything to us. He was funny and one of the nicest guys you could ever meet. Nothing was ever too much. If it needed doing, he got it done. He was a fantastic father and husband. He worshipped his grandkids and all his family.

"I feel like sometimes I am just waiting for him to come home. I can't accept that he has gone as I couldn't say goodbye. Nothing prepared me for that moment. I thought he would be here and live on forever.

"All he ever wanted was to keep his family happy and looked after and I will try to keep that dream alive."

Premier Engineering Projects Ltd, of Industry Road, Carlton, Barnsley, South Yorkshire, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £28,000 and ordered to pay £9,277.48 in costs at the Old Bailey on 1 August 2024.

M&M Mobile Crane Hire Ltd, of David Road, Colnbrook, Slough, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The

company was fined £48,000 and ordered to pay £9,500 in costs at the Old Bailey on 1 August 2024.

HSE inspector Mark Slater, who investigated this incident alongside HSE inspector David Beaton, said: “Had this work been planned, managed and monitored to a sufficient standard, this incident was entirely avoidable and Mr Hartley’s family would still have him in their lives. Risks arising from the lifting and moving of equipment of this size and nature are entirely foreseeable, and work of this nature should be afforded the utmost respect and care.”

This prosecution was brought by HSE enforcement lawyer Kate Harney, who was supported by HSE enforcement lawyer James Towey and HSE paralegal officer David Shore.

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