

# Contractor fined after young carpenter dies

A carpentry contractor has been fined after a 22-year-old man died after he was struck by construction equipment on a building site.

On 30 October 2019, Niall McCormack from Kettering, Northamptonshire had been working for KM Carpentry Contractors Limited installing roof trusses at a new build site at Alconbury Weald, Cambridgeshire.

Both the truss packs and party wall spandrel panel had been lifted by crane onto a pair of semi-detached properties the day before the incident – temporarily supported by timber restraints.



Niall McCormack was just 22 when he was killed on a building site

Mr McCormack was working with another carpenter to remove trusses from the pack, to then spread and install across the building. As the two carpenters were in the process of spreading, the wind caught a spandrel panel, pushing it against the remaining trusses in the pack. Both the truss pack and spandrel panel fell into the work area. Niall McCormack was struck by the falling material and suffered a fatal head injury.

An investigation by The Health and Safety Executive (HSE) found that KM Carpentry Contractors Limited had failed to identify the risk of wind loading, and the effect this could have on the stability of the spandrel panel prior to being secured in place. The method statement for the installation of the spandrel panels included lifting and placing them on the roof only after the roof trusses had been installed and permanently secured. This could not be followed as they had both been placed on the roof at the same time as the roof trusses the day before.

HSE has guidance on the [roles and responsibilities](#) for contractors who

directly employ or engage construction workers or manage construction work.

At Cambridge Magistrates' Court on 25 April 2024, KM Carpentry Contractors Limited, of High Street, Higham Ferrers pleaded guilty to breaching Section 2(1) of the Health & Safety at Work etc Act.

The Company was fined £8,000 and ordered to pay £6,974 in costs.



Niall McCormack was struck by falling equipment on the site in Cambridgeshire

A family statement said: "The whole family has been badly affected by Niall's loss. One of his friends is going to Australia and we can't help thinking Niall should be here and going with him.

"Niall has lost the ability to grow up and have children of his own. He won't be getting married and all the things you do as families. He's missed out on so much, for what, going to work. No one should go to work and not come back."

After the hearing, HSE Inspector Jenny Morris said: "Our thoughts are with Niall's family, a 22-year-old who was just setting out on his career in the construction industry.

"This case highlights the importance of identifying the risks associated with a work activity and ensuring a safe system of work is devised and then followed."

The prosecution was brought by HSE enforcement lawyer Samantha Wells and paralegal officer Lucy Gallagher.

#### 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.

2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.

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## **Company and director fined after workers exposed to asbestos**

A company and its director have been sentenced after workers were exposed to asbestos and its potential harmful effects.

Inspectors from the Health and Safety Executive (HSE) visited Eye Track Limited's site in Stretford, Manchester, and found an uncontrolled spread of asbestos containing materials around the premises.



Some of the asbestos containing materials on site

HSE has recently updated its webpages on [asbestos safety](#) and in 2023 launched an awareness campaign, [Asbestos and You](#), which provides tradespeople with information about how to deal with asbestos on a job, and the personal risks from asbestos that still exist across the country today.

Earlier this year, the workplace regulator launched its [Asbestos: Your Duty](#) campaign that aims to improve understanding of what the legal duty to manage asbestos involves.

HSE attended the premises on Talbot Road in April 2019 after concerns were raised over workers unsafely working at height during the demolition of a number of units and construction of eight new residential houses.

During the inspection, HSE found significant amounts asbestos-containing materials across the site, mostly large amounts of debris associated with the breakage of asbestos-containing roof sheets from the demolished units. One unit taken down was estimated to contain 100 square metres of asbestos insulation board, 70% of which was demolished by hand and machinery.

A subsequent HSE investigation found the asbestos removal work was carried out under the direct control and instruction of Eye Track Limited director Selcuk Pinarbasi, who was fully aware of the potential dangers of asbestos. Mr Pinarbasi had some months earlier instructed a suitably qualified asbestos surveyor to carry out an asbestos demolition survey which had identified in detail the presence of both licensed and unlicensed materials throughout the site. Mr Pinarbasi was therefore fully aware of the risks the site posed from the presence of asbestos materials on his site prior to any demolition work taking place.

Eye Track Limited, of Talbot Road, Stretford, Manchester, pleaded guilty to breaching Section 2(1) and Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £20,000 and ordered to pay £18,783.61 in costs at Manchester Crown Court on 25 April 2024.

At the same hearing, Selcuk Pinarbasi, of Bankhall Lane, Hale, Greater Manchester, pleaded guilty to breaching Section 3(1) and Section 33(1)(g), by virtue of Section 37(1), of the Health and Safety at Work etc. Act 1974. He received a custodial sentence of 20 weeks, suspended for 12 months. He was also fined £75,000 and ordered to pay costs of £18,783.61.

HSE inspector Phil Redman said: "This case highlights how such behaviour will not be tolerated under any circumstances. Lives were deliberately put at risk as profits were prioritised over safety during the uncontrolled demolition and removal of asbestos containing materials."

"Eye Track Limited and its director showed a total disregard for the health, safety and welfare of workers working under their control."

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# Company fined after agency worker injured using unguarded machine

A packaging manufacturer has been fined for safety breaches after a worker received severe hand injuries at a factory in Yorkshire.

On 15 June 2020 an agency worker injured their fingers when using a table saw without a guard at Loadhog Limited's site at Hawke Street, Sheffield.

The worker, who was operating the saw, received the injuries when his fingers came into contact with a rotating saw blade. Three fingers were partially severed although they were later reattached in hospital.

A Health and Safety Executive (HSE) investigation found that the company had failed to carry out a suitable and sufficient risk assessment, resulting in a failure to provide a suitable guard, allowing access to the exposed parts of the saw blade.



HSE has guidance for people and companies who own, operate or have control over work equipment and how to use it safely.

At Sheffield Magistrates' Court on 25 April, Loadhog Limited of The Hog Works, Hawke Street, Sheffield pleaded guilty to breaching Regulation 11 of the Provision and Use of Work Equipment Regulations 1998 and Regulation 3 of the Management of Health and Safety at Work Regulations 1999. They were fined £100,000 and ordered to pay £3,139.75 in costs.

After the hearing the HSE inspector Laura Hunter said: "This incident could so easily have been avoided by simply implementing the correct control measures and safe working practices.

"HSE has clear guidance on the provision and use of work equipment that can help in preventing incidents like this from happening.

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

This HSE prosecution was brought by HSE Enforcement Lawyers Jon Mack and Kate Harney and supported by Paralegal Officer Rebecca Forman.

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## **Fine issued after workers exposed to asbestos during hotel demolition**

A company director has been fined after workers were exposed to asbestos during the demolition of a hotel in Cornwall.

Mr Paul Stephens, director of the now liquidated Stephens and Stephens Developers Limited, was fined more than £60,000 as a result of failures at the former Cliffdene Hotel in Newquay in 2020. The hotel had closed in 2018 and was part of a redevelopment plan to build residential apartments on the site.



The former Cliffdene Hotel in Newquay

An investigation by the Health and Safety Executive (HSE) into the control of asbestos at the site came after the hotel had been almost entirely demolished

in August 2020. The company had overall control over the assessment and removal of all asbestos containing materials (ACMs) on site.

However, further enquiries revealed the presence of extensive asbestos debris, a sign that significant spreading had occurred, and that those actions taken to control exposure had been inadequate. Stephens was charged for failure to take reasonably practicable steps to contain the spread of asbestos.

- The issue of asbestos more widely, and improving knowledge of the dangers, is the focus of two HSE campaigns. Guidance on [asbestos safety](#) has recently been updated and the current [Asbestos: Your Duty](#) campaign aims to improve understanding of what the legal duty to manage asbestos involves.

Paul Stephens of Bar Meadows, Malpas, Truro, Cornwall pleaded guilty to breaching regulations 16 of the Control of Asbestos Regulations 2012 by virtue of Section 37(1) of the Health and Safety at Work etc. Act 1974. He was fined £65,813 and ordered to pay costs of £26,116 at Truro Crown Court on 24 April 2024.



Asbestos debris was scattered across the site

Speaking after the hearing HSE principal inspector Georgina Symons said: “The hotel was not in a state of disrepair and presented no structural danger, so there is no reason why the removal of ACMs could not be done ahead of its demolition.

“Identification of the hazard is key. No asbestos removal should happen if there is a risk of exposing workers to it. There needs to be a sufficient assessment as to the presence, location and condition of asbestos at all premises.

“Those tasked with undertaking the assessment should have the necessary skills, knowledge and experience to undertake this work.”

This prosecution was brought by HSE enforcement lawyer Matt Reynolds.

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## **Farming business fined for multiple health and safety risks**

A farming business that refused an offer to take part in a course on farm safety has been fined following a subsequent site visit from Britain's workplace regulator.

Seymour Stevens Limited operate a beef and arable farm in Faversham, Kent.

To help farmers understand what they need to do to comply with health and safety law, the Health and Safety Executive (HSE) fund and run "Preparing for Inspection" courses which have been developed in partnership with industry.

In early 2022 Seymour Stevens Limited were offered a place on the course but did not take it up. A site visit was later carried out by the HSE in November of that year where multiple, serious, health and safety failings were identified.



The HSE investigation found one of the barns used

as an employee through route was deemed unsafe to enter due to its poor structural state. Seymour Stevens Ltd were aware of this but had decided not to repair the shed due to costs. A number of electrical faults were also identified.

Another shed roof was insecurely fixed and was being weighed down with a hay bale in an attempt to prevent it from moving. Roof sheeting was also in poor condition and state of disrepair; in some cases, even falling from buildings.

Bull pens were broken and rusty and concerns were raised about the suitability of these to contain a bull. During the Christmas period in 2022, a bull had managed to escape the farm and was brought back to site by the Police.

HSE focused on the dangers of livestock as part of this year's Your Farm, Your Future campaign. This has advice on working with livestock, and is hosted on its [Your Farm Your Future campaign website](#), to assist farmers and workers and keep them safe.

At a hearing at Maidstone Magistrates' Court on 24 April, Seymour Stevens Ltd, Faversham, Kent pleaded guilty to failing to discharge its general health safety and welfare duties to employees, contrary to Section 2 of the Health and Safety at Work etc Act 1974. They were fined £12,000 and ordered to pay £4,830 in costs.



Speaking after the hearing, HSE inspector Peter Bruce said: "While agriculture accounts for just one percent of the working population, it accounts for about 20 per cent of workplace fatalities.

"In the case at Seymour Stevens farm, there were failings to manage health and safety risks associated with animals and falling objects – two of the five most common causes of fatal injuries in the agriculture sector.

"Employees and members of the public were being put at risk, despite previous warnings having been given to the company by their staff.

"It is important that employers maintain their workplaces and equipment to suitable standards to ensure that employees, visitors and members of the public are not put at risk."

This prosecution was brought by HSE enforcement lawyer, Jon Mack and

supported by HSE paralegal officer, Lucy Gallagher.

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