

# Director of G&S Roofing Ltd sentenced following unsafe roofing work

The director of a roofing company has been handed a suspended jail sentence after an eagle-eyed Health and Safety Executive (HSE) inspector spotted unsafe work on a roof.

Brighton Magistrates' Court heard that on 11 August 2018, the inspector noticed three men working on the pitched roof of a two-storey house in East Grinstead, West Sussex, without any edge protection.



The HSE investigation found that the company's failure to ensure that work at height was carried out safely was attributable to Clifford Smith. The most basic of duties for those organising work at height is to provide adequate fall prevention measures. No fall prevention measures were provided by Clifford Smith whilst three roofers worked on the roof.

The court heard that this was not the first time the HSE had encountered poor working practices from G&S Roofing and Clifford Smith, with HSE having taken previous enforcement action and a prosecution in March 2018 for similar conditions at a site in Horsham, West Sussex.

Clifford Smith of The Hatchington, Worplesdon, Guildford pleaded guilty to a breach of section 37 of the Health and Safety at Work Act. He was sentenced to six months in jail, suspended for twelve months, ordered to do 200 hours of unpaid work and has been disqualified from being a director for three years. He was furthermore ordered to pay £4000 in costs.

Speaking after the hearing HSE inspector Amanda Huff said: "We hope this case demonstrates that directors can be held personally liable for the failings of their company if they fail to manage health and safety. Clifford Smith had previous form for this and failed to learn the lessons; we hope others that cut corners will pay closer attention to the health, safety and wellbeing of

workers.”

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

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## [Hampshire County Council fined £1.4m after child suffers life-changing head injury](#)

Hampshire County Council has today been fined after a six-year-old girl, playing on an unsecured street bollard, suffering a life-changing head injury.

Bournemouth Crown Court heard how, on 28 December 2015, the girl was visiting Lymington with her family. She climbed onto the cast iron hinged bollard on Quay Hill, a cobbled pedestrianised street. The bollard fell to the ground taking the child with it. As a result, she suffered serious, life-changing head injuries that were initially life-threatening and spent six months in hospital in a critical condition. The extent of her brain injury will not be fully known until her brain has matured.



An investigation by the Health and Safety Executive (HSE) found the bollard which weighed approximately 69kg was damaged and not appropriately secured. This matter had been reported to Hampshire County Council prior to the incident and monthly scheduled inspections had failed to identify this. The investigation also found insufficient information, instruction and training were provided to the council's highways department personnel conducting ad hoc and monthly inspections, and the inspection guidance was misleading.

Hampshire County Council of The Castle, Winchester, Hampshire was found



guilty after a trial of breaching Section 3(1) of Health and Safety at Work etc Act 1974 and has been fined £1.4m and ordered to pay full costs of £130,632.

Speaking after the case, HSE inspector Angela Sirianni said: "Councils have a duty to adequately assess and control risks to members of the public from street furniture.



"A child has been left with life-changing injuries as a result of what was an easily preventable incident. Council inspections failed to identify this risk over a long period of time and then, when alerted to the damage to the bollard, failed to take the urgent action required to prevent injury."

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## **Company sentenced following serious incident in sewer**

A water and wastewater company has been fined following an incident in which three workers were carried along a sewer following the collapse of a 150-year-old sewer gate.

Westminster Magistrates' Court heard that, on 29 August 2017, three workers were carrying out preparatory work in a sewer for the Thames Tideway Tunnel at East Greenwich, which is controlled by Thames Water Utilities Limited (TWUL). A 150-year-old cast iron penstock failed engulfing the workers and carrying them along the sewer. The three workers suffered minor physical injuries but have been mentally affected. One worker has been treated for the long-term traumatic stress because of the incident which has prevented him from continuing work in his specialised career.

An investigation by the Health and Safety Executive (HSE) found that Thames Water Utilities Limited (TWUL) had planned individual work activities but failed to properly coordinate these as the permission and authorisation system was fragmented. The company had no effective means of collating, comparing and adapting to the impact of multiple work activities.

Due to an unrelated planned power outage, sewage pumps vital to the control of sewage levels for the work being undertaken at East Greenwich were not available for use which resulted in the failure.

Thames Water Utilities Limited of Clearwater Court, Reading, Berkshire, pleaded guilty to breaching Regulation 3(1)(b) of the Confined Spaces Regulations 1997 and was fined £300,000 and instructed to pay costs of £16,419.

Speaking after the hearing, HSE inspector James Goldfinch said: "This serious

incident endangered the lives of three workers and caused lasting adverse mental health effects; the workers narrowly avoided death by drowning in sewage.

“It should serve as a warning and a reminder to all those that work in confined spaces that work in these challenging environments must be properly planned, coordinated and managed.”

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## **Manufacturer of engineering products and components fined after worker was injured**

Nichol McKay Limited, manufacturer of engineering products and components, has been fined after a profile shed supervisor was struck by a bucket and its contents.

Ayr Sheriff Court heard that, on 4 May 2017, a profile shed supervisor attended the automatic shot blaster to assist a colleague loading a number of components, weighing approximately 60kg each, into a suspended basket. There was no safety catch on the hooks used to hold the load to prevent it becoming detached. Having loaded a number of plates into one such basket, the basket (and its contents) fell from its attachment, striking the supervisor on the head and rendering him unconscious.



During an investigation by the Health and Safety Executive (HSE) a Notice of Contravention and an Improvement Notice were served which required a review of the company's management of lifting operations. The notice was complied with when the company confirmed a new lifting operations procedure and safe system of work.

Nichol McKay Limited, Prestwick Airport, Monkton, Prestwick pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. act 1974 and was fined £12,000.

Speaking after the hearing HSE inspector Aileen Jardine said: "This incident could easily have been avoided by simply carrying out correct control measures and safe working practices.

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

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## [Sink manufacturer fined after worker was injured](#)

A sink manufacturing company has been fined after a tool setter was struck by a moving part of a machine.

Falkirk Sheriff Court heard that, on 13 August 2017, the worker employed by Carron Phoenix Limited was asked by the operator of a machine to address an issue that had arisen at a part of the machine called the 'tool charger' which had become jammed, on the company site at West Carron Works in Falkirk. The tool setter entered the machine using an actuator. This allowed the safety interlock on the door to be overridden which meant the door could be opened without the machine being stopped. As soon as the jam was removed, the machine immediately restarted and a moving part struck the tool setter on the body, pinning him against the machine's outer wall. He sustained three fractures to his pelvis.

During an investigation by the Health and Safety Executive (HSE), a Prohibition Notice was issued preventing any of the interlocks being overridden. An additional Improvement Notice was served requiring Carron Phoenix Ltd to develop and implement a safe system of work and to review all risk assessments.

Carron Phoenix Limited, of West Carron Works, Falkirk, pleaded guilty to breaching Regulations 11(1) and (2) of the Provision and Use of Work Equipment Regulations 1998 and was fined £16,000.

Speaking after the hearing, HSE inspector Kim Ross said: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices

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

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