

# Companies sentenced after worker hospitalised for nearly two weeks

Two construction companies have been sentenced after a worker was hospitalised for nearly two weeks after being struck by a 124kg panel.

The man was working as a lift supervisor at a construction site at Eskdale Terrace, Jesmond, Newcastle, on 22 January 2020.

He had been using a tower crane to lift a structured insulated panel (SIP). During the lifting operation, the SIP struck steelwork and fell on top of the worker.

He spent 13 days in hospital following the incident after fracturing his collarbone, shoulder blade, left ankle and left rib.

An investigation by the Health and Safety Executive (HSE) found Tolent Construction Limited, the principal contractor, had failed to properly plan, manage and monitor the construction phase. This resulted in a failure to ensure a suitable and sufficient lift plan was in place for the lifting of individual SIPs. Most importantly, the lift plan failed to stipulate how the individual SIPs were to be safely lifted and failed to consider proximity hazards or how the SIPs would be adequately controlled during the lifting operation.



The construction site at Eskdale Terrace, Jesmond, Newcastle

HSE's investigation also identified Clad Build UK Limited (trading as SIP Build UK), as the contractor responsible for the design, supply and

installation of the SIPs. Clad Build UK Limited failed to plan, manage and monitor the work or to provide the necessary information and instruction to workers on how to prepare the SIPs for lifting. Clad Build UK Limited also failed to ensure effective supervision and monitoring of work being undertaken by a sub-contractor working under its control and to comply with requests for information from the principal contractor.

HSE guidance can be found at: [Managing health and safety in construction. Construction \(Design and Management\) Regulations 2015. Guidance on regulations L153 \(hse.gov.uk\)](#) and here: [Lifting Operations and Lifting Equipment Regulations \(LOLER\) 1998](#)

Tolent Construction Limited of Grey Street, Newcastle, pleaded guilty to contravening Regulation 13 (1) of the Construction (Design and Management) Regulations 2015. The company was fined £1,000 and ordered to pay £8,468.50 in costs at Newcastle Crown Court on 17 April 2023.

Clad Build UK Limited of Foxbridge Way, Normanton Industrial Estate, Normanton, West Yorkshire, pleaded guilty to contravening Regulation 15 (2) of the Construction (Design and Management) Regulations 2015. The company was fined £12,000 and ordered to pay £45,000 in costs at Newcastle Crown Court on 17 April 2023.

HSE inspector Stuart Whitesmith said: "HSE will not hesitate to take enforcement action against those that fall below the required standards. This case should raise awareness of the dangers of failing to properly plan and safely carry out this type of lifting operation. SIPs are increasingly used in the construction industry and all contractors should be aware of the need to suitably plan, manage and monitor their safe installation."

#### **Notes to Editors:**

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>
4. For guidance please go to: [Managing health and safety in construction. Construction \(Design and Management\) Regulations 2015. Guidance on regulations L153 \(hse.gov.uk\)](#) or here: [Lifting Operations and Lifting Equipment Regulations \(LOLER\) 1998](#)
5. Had Tolent Construction Limited not entered administration prior to the sentencing hearing, the recorder stated the company would have received a £1m fine. James Wood KC added there was no basis that Tolent Construction Limited was seeking to deploy a voluntary liquidation to avoid a fine. Therefore in the circumstances, he concluded that to seek to impose a fine of £1m would have been wrong.

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## Construction company fined £800,000 after death of 10-year-old boy

A Scottish civil engineering contractor has been fined £800,000 for safety breaches after a 10-year-old boy died after falling down a manhole on a building site in Glasgow.

Ten-year-old Shea Ryan went out to play with his friends on the evening of 16th July 2020 and got onto the construction site where he was able to enter a manhole within which, he fell. Emergency services and local residents raced to the scene and rescued Shea from the manhole but tragically he died from his injuries.

The construction site was part of a surface water management project being carried out adjacent to Glenkirk Drive in the Drumchapel area of Glasgow on behalf of Glasgow City Council.



The construction site adjacent to Glenkirk Drive

An investigation by Police Scotland and the Health and Safety Executive (HSE) found that insufficient measures had been taken to prevent children gaining access to the construction site.

The HSE investigation also found that R.J. McLeod (Contractors) Limited, the company in charge of the site, had failed to carry out a suitable and sufficient assessment of the risk of unauthorised persons gaining access to the site, which resulted in a failure to adequately inspect and maintain suitable perimeter fencing, and install other suitable security measures. HSE guidance on protecting the public can be found here: [Public protection – construction industry health & safety \(hse.gov.uk\)](https://www.hse.gov.uk/public-protection-construction-industry-health-safety/)



The construction site adjacent to Glenkirk Drive

R.J. McLeod (Contractors) Limited, of London Road, Glasgow, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £800,000 and ordered to pay a victim surcharge of £60,000 at Glasgow Sheriff Court on 14 April 2023.

HSE Principal Inspector Graeme McMinin said “Shea should never have been able to get onto and play on that site. The security measures should have taken account of the adjacent children’s play park and the likelihood of children trying to gain access.

“The company should have had robust measures in place to maintain the fence line that was regularly being damaged and consider what additional security measures were needed to deter and prevent unauthorised access.

“The construction industry should be aware that some children can be drawn to construction sites as exciting places to play. It must do everything it can to keep them out of construction sites and away from danger to prevent a tragedy such as this happening again.”

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# Trucking company fined after 'hero' mechanic dies

A Lancashire trucking company has been fined £30,000 after a mechanic died while repairing a forklift truck.

Joseph Robinson, a mechanic at E. Jackson (Chatburn) Limited, was working with a new employee as they attempted to fix a steering fault on a forklift truck at the firm's site at Salthill Industrial Estate in Clitheroe on 13 October 2020. While doing this, Mr Robinson, 39, told the new employee, who was driving the forklift truck, to move the vehicle forwards.

However, the forklift truck reversed and trapped Mr Robinson against a trailer. The 39-year-old, who was from Clitheroe, was taken to hospital with severe head injuries following the incident and placed in an induced coma.



The forklift truck Mr Robinson was attempting to fix

He died the following day on 14 October 2020. On 15 October 2020, Mr Robinson's body was taken for organ donation, with a total of eight individuals receiving his donated organs.

Mr Robinson's mother, Sue Robinson, said in her VPS: "Joe was a much-loved son, brother, nephew, cousin and friend. He was a hero in our eyes, honest, hardworking, loyal and generous of spirit as evidenced by his request that in the event of his death that his organs be donated. Joe was always going to be a mechanic. As a little boy he loved to take things apart, see how they worked and put them back together, so on leaving school that was the profession that he chose to follow.

"As his parents, we have always been and always will be so very proud of the boy he was and the man he became, we grieve for him profoundly and miss him



in every way each and every day. His premature death robbed him of any opportunity of ever becoming a husband, a father or indeed growing into an old man and in turn robbed us, his family, of taking part in that journey.

“To lose a child is every parent’s worst nightmare and the shock and devastation we felt at his sudden death was both mind numbing and paralysing in its intensity. As a family we will never truly recover from losing Joe. All our futures are dictated by that one catastrophic day. We constantly mourn him and will continue to do so. We miss his cheeky humour, his one liner quips, his happy smiling face, his unconditional love and support.”

An investigation by the Health and Safety Executive (HSE) found that the forklift truck was over 30-years-old and had not been maintained nor subjected to a Lifting Operations and Lifting Equipment Regulations (LOLER) examination for some years. No principles of working with vehicles at the site had been put in place such as designating a safe repair area or separating pedestrians and vehicles. Had E. Jackson (Chatburn) Limited properly maintained the forklift truck and provided the driver with appropriate training this incident could have been prevented. HSE guidance can be found at: [Managing Lift trucks – Vehicles at work \(hse.gov.uk\)](https://www.hse.gov.uk/lifttrucks/)

E. Jackson (Chatburn) Limited, of Downham Road, Chatburn, Clitheroe, Lancashire, pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974. The company was fined £30,000 and ordered to pay costs of £3,712.80 at Crewe Magistrates’ Court on 11 April 2023.

HSE inspector Shellie Bee said: “This incident could so easily have been avoided. The employer had not maintained the forklift truck in a suitable working condition and had allowed an untrained employee to operate it. This together with an inappropriate system to fix a fault on the machine meant that the truck and Joseph Robinson were in close proximity when it moved in a direction he had not anticipated. As a result Joseph tragically lost his life. Employers should ensure they carry out an assessment of the risks created by forklifts and ensure safe systems of work for their safe operation and maintenance are followed.”

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## Company fined £80,000 after director jailed for removing asbestos across Great Britain

An unlicensed asbestos removal company has been fined £80k after its director was [jailed last month](#) after failing to ensure the safe removal the dangerous product.

In September 2021 at an address in Stockport, Asbestos Boss Limited removed an asbestos insulating board ceiling from a domestic integral garage with little to no control measures in place. The asbestos waste was then dumped at the property of the resident, littering the road and pavement with asbestos material.



Asbestos Boss Limited removed an asbestos insulating board ceiling from a domestic integral garage in Stockport

Asbestos Boss Limited and its director/manager, Daniel Luke Cockcroft, advertised as a licensed asbestos removal company and removed licensable material from domestic properties.

The joint investigation by the Health and Safety Executive (HSE) and Stockport Trading Standards revealed a number of similar cases of licensed work being done across the country. There were little to no precautions taken and so their own workers, as well as anybody at the premises they were working on, were at serious risk of exposure to asbestos. It was also discovered that Asbestos Boss Limited provided fake air test certificates and

waste transfer notes to customers and had also falsified asbestos training certificates and insurance documents. The company and Daniel Cockcroft also breached a prohibition notice on several occasions.

HSE recently [launched a campaign](#) highlighting the dangers of asbestos and has guidance on the [safe working with asbestos](#).

The additional sites identified by Stockport Trading Standards proved that Asbestos Boss had breached the Prohibition Notice and caused additional spread and exposure. One such case was the removal of asbestos insulating board from 20 service cupboards which Asbestos Boss charged £3,000 for their illegal work. The work was of such poor quality, it has resulted in the site owners receiving remedial quotes from licensed contractors in the region of £50-£64,000 to make them safe.



Asbestos Boss Limited removed an asbestos insulating board ceiling from a domestic integral garage in Stockport

[At Manchester Magistrate's Court on 10 March, Company director Daniel Luke Cockcroft of Darnes Avenue, Halifax, pleaded guilty to all charges and was immediately imprisoned for 10 months and ordered to pay victim compensation.](#)

At the same hearing in March, Asbestos Boss Limited of Old Gloucester Street, London was found guilty of breaching regulations 8(1) and 11(1)(a) of the Control of Asbestos Regulations 2012. They were also found guilty of one charge relating to the failure to comply with a prohibition notice at two separate addresses which prevented them from working with licensed asbestos materials. The company was also sentenced in relation to their conviction for fraud in relation to falsifying training certificates, a business insurance document and unauthorised use of trade association logos. This gave the impression that the business was credible and that workers were adequately trained and competent in relation to asbestos removal.



In the sentencing hearing held on 12 April, the company failed to attend or offer any mitigation and was sentenced to pay a fine of £80,000 as well as compensating the victims for the full costs of the work paid for at the time. This combined compensation order totalled around £10,000.

HSE Inspector Matt Greenly said: "Asbestos is a killer. Companies and their directors need to recognise the dangers of removing asbestos by themselves both to their employees and others. Asbestos removal should only be carried out by trained personnel who understand the risks and how to control them.

"Asbestos Boss Limited have deliberately removed a highly dangerous material resulting in a significant risk of exposure to cancer causing asbestos. They not only have put their customers at risk but have also undoubtedly put themselves, their workers, and their families at serious risk.

"In sentencing the company to such a large fine, Judge Begley said that a message needed to be sent out to anyone who involves themselves in this sort of a scam. The Judge went on to say that Asbestos Boss is a scam operator and has duped a number of people, placing them at risk from the scourge of asbestos"

A spokesperson from Stockport Council, said: "Our Trading Standards team, work closely with other agencies and will do our utmost to ensure offenders like this, who carry out work with no regard for the safety of our residents, are brought to justice.

"We are delighted that these criminals have been held to account. The message is very clear – we will not tolerate this in Stockport and will take robust action wherever possible."

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## **[Registration of High-rise residential](#)**

# buildings

The Building Safety Regulator has today (Wednesday 12 April) opened the registration process for high-rise residential buildings in England.

It is a legal requirement under the Building Safety Act 2022 for all high-rise residential buildings 18 metres tall or higher, or at least 7 storeys tall, with two or more residential units to be registered with the Building Safety Regulator by **1 October 2023**.

The Principal Accountable Person (PAP) for each building, or someone authorised by them, is required to complete the registration process.

The registration service is now open and the fee to register each building is £251.

[Register a high-rise residential building](#)

Guidance on how to apply to register can be found here:

<https://www.gov.uk/guidance/applying-to-register-a-high-rise-residential-building>

More information on the roles of Accountable persons and Principal Accountable Persons can be found here:

<https://www.gov.uk/guidance/safety-in-high-rise-residential-buildings-accountable-persons>

## **Notes to Editors**

**About BSR:** The Building Safety Regulator (BSR) is an independent body established by the Building Safety Act, 2022, and is part of the Health and Safety Executive (HSE). BSR will raise building safety and performance standards and oversee a new stringent regime for high-rise residential buildings, as well as overseeing the wider system for regulating safety and performance of all buildings and increasing the competence of relevant regulators and industry professionals.

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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.

**About the Building Safety Act, 2022:** The Building Safety Act gained Royal Assent on the 28 April 2022 and makes ground-breaking reforms to give residents and homeowners more rights, powers and protections. The Act overhauls existing regulations, creating lasting change and makes clear how residential buildings should be constructed, maintained, and made safe. Full implementation of the Act is in October 2023, which means each building owner should have their building safety regime in place by this time.

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