



Prosecutions

West Lothian Council Fined after Pensioner's Fatal Fall

An elderly lady died when she fell through an access hole in her hallway floor which had been left uncovered by council employees working on her property.

On 2 July 2009, Mrs Catherine Walker, 90, walked into the hallway of her house in Broompark View, East Calder, to go to her bathroom. She fell into an unguarded access hole and suffered major injuries from which she later died.

West Lothian Council employees were carrying out gas repair works as part of a programme to upgrade the central heating systems in all of the council's domestic properties. The work involved fitting new radiators, pipework, a boiler and electrical control systems. As the pipework runs under the floors, the floorboards were lifted in order to do the job.

West Lothian Council pleaded guilty to breaching section 3(1) of the Health and Safety at Work etc Act 1974 and was fined £80,000 on Monday 24 January, at Livingston Sheriff Court.

Following the case, Health and Safety Executive (HSE) Inspector Garry Stimpson said:

"This tragedy could have been avoided. The council employees should have covered the access hole or erected a barrier around it - this would have ensured the safety of Mrs Walker.

"Those working on central heating systems in a residential property must ensure that suitable and sufficient measures are taken to protect the residents.

"Every year thousands of projects involving central heating installation and upgrading are carried out across Scotland. Every time work is carried out contractors must take positive steps to prevent incidents - otherwise this type of incident will happen again."

Contractor Fined after Labourer has Leg Amputated

A Hammersmith company has been fined after a worker had his leg amputated following a fall at a property in West London.

The court heard that on 12 November 2007, Howper 291 Ltd (formally known as Urang Ltd), were refurbishing a domestic mews property in Roland Way, South Kensington.

Lukasz Taborek, 23, from Acton in Ealing, was working on the first floor when it collapsed. He fell more than three metres to the floor below and falling materials then pinned him to the floor.

His right foot was completely crushed and veins and his calf muscles had to be surgically removed. His lower right leg was eventually amputated.

A HSE investigation found Urang Ltd were contracted to manage the refurbishment and assigned a project manager with no health and safety training.

City of London Magistrates Court heard the project manager visited the site for two hours every other day. She did not give the project the adequate supervision required and by her own admission was not trained in construction, nor was her manager experienced in construction.



The first floor was incorrectly built by sub-contractors, who had left the site a month prior to the incident. Concerns regarding the general safety and tidiness on site had also been raised on more than one occasion by the architect.

HSE's inspector Peter Collingwood said:

"This incident was entirely preventable. Had there been adequate management and supervision of the site, this terrible incident could have been avoided."

"This highlights the need for competent supervision to be present on site, so that any significant risks can be managed and controlled effectively."

Howper 291 Ltd, of New Kings Road, Hammersmith in London, pleaded guilty to breaching section 3(1) of the Health and Safety etc. at Work Act 1974 at the City of London Magistrates' Court. They were fined £10,000 and ordered to pay costs of £4,172.

Fingers Severed in Faulty Machine

A man severed two of his fingers while operating unsafe machinery at a London bagel bakery, city magistrates have heard.

Mr Raakesh Patel, from Harrow, was attempting to clear a dough blockage at the Ixxy's Bagels factory in Park Royal, North West London, in November 2007, when a moving blade severed the middle and ring fingers on his right hand down to the knuckle.

The City of London Magistrates' Court heard that Ixxy's Bagels Ltd was aware the equipment was faulty at the time of the incident. The rotating blade in the bagel dividing machine continued even when the rear doors were opened.

Despite being aware of this fault, a Health and Safety Executive (HSE) investigation found Ixxy's failed to take adequate steps to prevent Mr Patel, 26, from using the machine.

Ixxy's Bagels Ltd, of Harley Street, London, pleaded guilty to breaching Regulation 5(1) of the Provision and Use of Work Equipment Regulations 1998 and was fined £2,250 with £9,719 costs.

Grimsby Firm Fined £12k After Worker Falls Through Roof

The demolition firm, H Cope & Sons have been fined £12,000 after a worker fell through a fragile asbestos roof.

The HSE investigation found that the site supervision was so poor that H Cope & Sons did not realise workers would have to go onto the roofs to dismantle them. Dust suppression and scaffolding were also not provided even though a requirement for them had been identified.

The un-named man broke his wrist and shattered his leg from the seven foot fall. He has required several pins and plates to be inserted into his limbs over numerous operations and is now in constant pain.

HSE inspector Dave Bradley said: "This incident has had a devastating and long-term impact on the man involved. Sadly, it was also totally avoidable."



News

Corporate Manslaughter Case Comes to Trial

The trial against Gloucestershire-based engineering consultancy Cotswold Geotechnical, over the death of 27-year old geologist Alexander Wright, who was gathering soil samples on a development site in Stroud when he was crushed in a trench, has begun.

Peter Eaton, a director of Cotswold Geotechnical, is accused of gross negligence manslaughter over the incident. If found guilty, he could face a life sentence. In addition, Cotswold Geotechnical could face an unlimited fine.

The case started at Winchester Crown Court last Thursday 27th January 2011 and is due to last three weeks and will highlight just how tough the new law is on crime in the workplace.