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## **HSE warns of the dangers of working on fragile roofs**

### **Fines of £68,000 imposed after workman dies in fall**

"Everybody involved in planning and carrying out construction work has some responsibility for ensuring the health and safety of the workers. This case brings home the possible tragic consequences if they fail to do carry out their duties." HSE Deputy Chief Executive Justin McCracken said after the court imposed fines totaling £68,000.

The Health and Safety Executive (HSE) has today warned companies of the need to make and implement proper risk assessments when working with fragile roofs. The warning follows the death of 28 year old Darren Brownbill.

Darren a scaffolder from Warrington died after falling through a fragile roof light while working on an extension to the warehouse operated by Unichem PLC on Walton Summit, Preston on 9 June 2003.

Three companies and two individuals have been fined a total of £68,000 and ordered to pay £40,407 costs at Preston Crown Court after being prosecuted by HSE.

Ian Connor, Acting Principal Inspector for the HSE, said:

"This was a tragic incident in which a man lost his life in circumstances that could so easily have been prevented. The dangers presented by fragile roof materials have been well known for many years, yet were not taken into consideration in this case.

"Considerable time had been spent planning the job and any one of those involved had the opportunity to realise that somebody could fall through the warehouse roof. Simple steps could then have been taken to prevent this death. If this had been done, Darren would still be alive today."

The following were charged:

- Darren's employer Telford Tower & Scaffolding Ltd of Castle Trading Estate, Priorslee, Telford, Shropshire pleaded guilty to a charge under Section 2(1) of the Health and Safety at Work etc Act 1974 (HSW Act). The company was fined £35,000 and ordered to pay £20,000 costs
- Pochin (Contractors) Ltd of Brooks Lane, Middlewich, Cheshire the main contractors for the work, pleaded guilty to a charge under Section 3(1) of the HSW Act. The company was fined £25,000 and ordered to pay £15,000 costs
- Unichem plc of Unichem House, Cox Lane, Chessington, Surrey, the clients for the work, pleaded guilty of a charge under the Regulation 11 of the Construction (Design and Management) Regulations 1994 (CDM Regulations). The company was fined £3,000 and ordered to pay £2,407 costs

- David Isherwood, a partner in the firm of Isherwood McCann of Rose Park, Lutterworth Road, Blaby, Leicester , the project designer, pleaded guilty to a charge under Regulation 13 (2) (a) (i) of the CDM Regulations. He was fined £2,500 and ordered to pay £1,500 costs
- Ian McCann, a partner in the firm of Isherwood McCann of Rose Park, Lutterworth Road, Blaby, Leicester, the planning supervisor for the project, pleaded guilty to a charge under Regulation 15 (1) of the CDM Regulations. He was fined £2,500 and ordered to pay £1,500 costs

### **Notes to editors**

1. Section 2(1) of the HSW Act states, "It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees."

2. Section 3 (1) of the HSW Act states, "It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety."

3. Regulation 11 of the CDM regulations states, "Every client shall ensure that the planning supervisor for any project carried out for the client is provided (as soon as is reasonably practicable but in any event before the commencement of the work to which the information relates) with all information mentioned in paragraph (2) about the state or condition of any premises at or on which construction work included or intended to be included in the project is or is intended to be carried out. (2) The information required to be provided by paragraph (1) is information which is relevant to the functions of the planning supervisor under these Regulations and which the client has or could ascertain by making enquiries which it is reasonable for a person in his position to make."

4. Regulation 13 of the CDM regulations states, " Every designer shall –

- ensure that any design he prepares and which he is aware will be used for the purposes of construction work includes among the design considerations adequate regard to the need –
- to avoid foreseeable risks to the health and safety of any person at work carrying out construction work or cleaning work in or on the structure at any time, or of any person who may be affected by the work of such a person at work,

5. Regulation 15 of the CDM regulations states," The planning supervisor appointed for any project shall ensure that a health and safety plan in respect of the project has been prepared."

### **For further information**

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