



SUBJECT: Walls come tumbling down

RECIPIENTS: All Council Services (including schools)

ISSUE DATE: 22/02/19

REF: HSB 135

Council sentenced after a wall collapsed and seriously injured a six-year-old girl.

The Crown Court heard how, in August 2016, a wall spanning the back of two houses collapsed onto the girl. She was placed in an induced coma after sustaining serious and life-threatening injuries, spending 10 days in hospital. She has made a good recovery but still suffers some physical and emotional problems.

An investigation by the Health and Safety Executive (HSE) found the Borough Council failed to take any action after receiving concerns about the wall's condition two years prior to the incident. Wider concerns about the poor condition of brick walls in the vicinity, including council-owned walls, were not passed to building control or the Council's inspections teams.

The Borough Council failed to implement a system of intelligence-led inspection, maintenance and repair, to adequately identify and remedy the risks of collapses to boundary walls, both owned solely by the Council, or jointly with private residents. They pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974 and has been fined of £133,333 and ordered to pay costs of £21,419.55.

The HSE said: "This was a wholly avoidable incident which could easily have been fatal. If the Council had properly recorded concerns about the state of the walls, then a suitably qualified individual could have been engaged to identify the level of risk and instigated the required remedial action, adding "those with the responsibility for structural safety should take proactive measures to ensure that boundary walls and other structures are safely maintained."

Lincolnshire County Council has a duty to ensure the premises it owns are safe for everyone, including Staff, Visitors, Contractors and members of the public. Managers responsible for premises must ensure the premise is safe and free from foreseeable risks of harm. For advice and guidance see:-

The G19 Premises compliance officers policy [Here](#)
and

G2- General Office Hazards [Here](#)



If you require further assistance or clarification on the subject please contact:

Corporate Health & Safety Advisers (see George section: Corporate > Information for Working > Risk Management > H&S Advisers)