



Safety Bulletin 137

Builder sentenced to 3 years imprisonment for manslaughter of labourer

Two men were jailed on the 20th July 2009 after a 15 year old labourer was crushed to death by a wall in Hadley Wood, London.

Builder Colin Holtom and contractor Darren Fowler had previously been convicted of manslaughter and breach of health and safety laws at the Old Bailey. The case was brought following an investigation by the police and the Health and Safety Executive.

Mr. Holtom, of Latchingdon, near Chelmsford, Essex was sentenced to three years imprisonment after pleading guilty to the manslaughter, by gross negligence, of his employee Adam Gosling. A charge of failing to comply with a duty under section 2(1) the Health and Safety at Work etc Act 1974 was left on the file.

Darren Fowler of Upminster, was jailed for twelve months after admitting working while disqualified from being a company manager for a second time and a failure to discharge a duty imposed by section 3(1) of the Health and Safety at Work etc Act 1974, contrary to section 33 (1a) of the act.

The judge instructed that Holtom and Fowler should both serve at least half of their sentences before being eligible for early release. He said that Mr. Holtom should bear the lion's share of the blame for the death as he had left a 15 year old and an 18 year old alone and unsupervised while they carried out the demolition of an unstable brick wall.

He added that Mr. Holtom showed a *"cavalier and irresponsible attitude to the safety of his employees"*.

The court heard that on 23 April 2007 Adam Gosling and his brother were told by Holtom to demolish a wall at a property where they were working. There was no proper discussion or instruction on how the wall was to be removed before work started and Adam and his brother began demolition with no supervision. Soon afterwards the unstable wall started to move. Adam alerted Mr. Holtom to the danger but he failed to have a look at the problem himself. The wall subsequently fell onto Adam who suffered a major head injury after becoming trapped against an adjacent garage.

Simon Hester, the investigating inspector from the Health and Safety Executive, said:

"The management and setup of this small construction project was appalling. Adam Gosling should never have been there at all as 15-year olds have been banned from working on construction sites since 1920. There was a complete disregard for basic health and safety requirements – inadequate personal protective equipment, no risk assessments, no training, and minimal supervision. There were no welfare facilities on site and the workers were not even covered by Employees Liability Insurance.



“We know there are many other sites with serious shortcomings but it is the duty of the contactors and employers to ensure that basic health and safety requirements are followed. The HSE will do all we can to ensure tragedies like this are avoided – we rely heavily on people contacting us with concerns and worries so that we can intervene before any more workers are killed in such tragic circumstances.”

If you require any further information, clarification or assistance with the above, then please do not hesitate to contact us:

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Source – The Health and Safety Executive (HSE)

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