

Workshop 1c

# Wobbling walls: a civil and criminal case against Basildon Council

**Speaker:** Peter Long,  
Basildon Borough Council

**Chaired by:** Shaun Mulloy,  
Wolverhampton Homes

**Room:** Surrey room



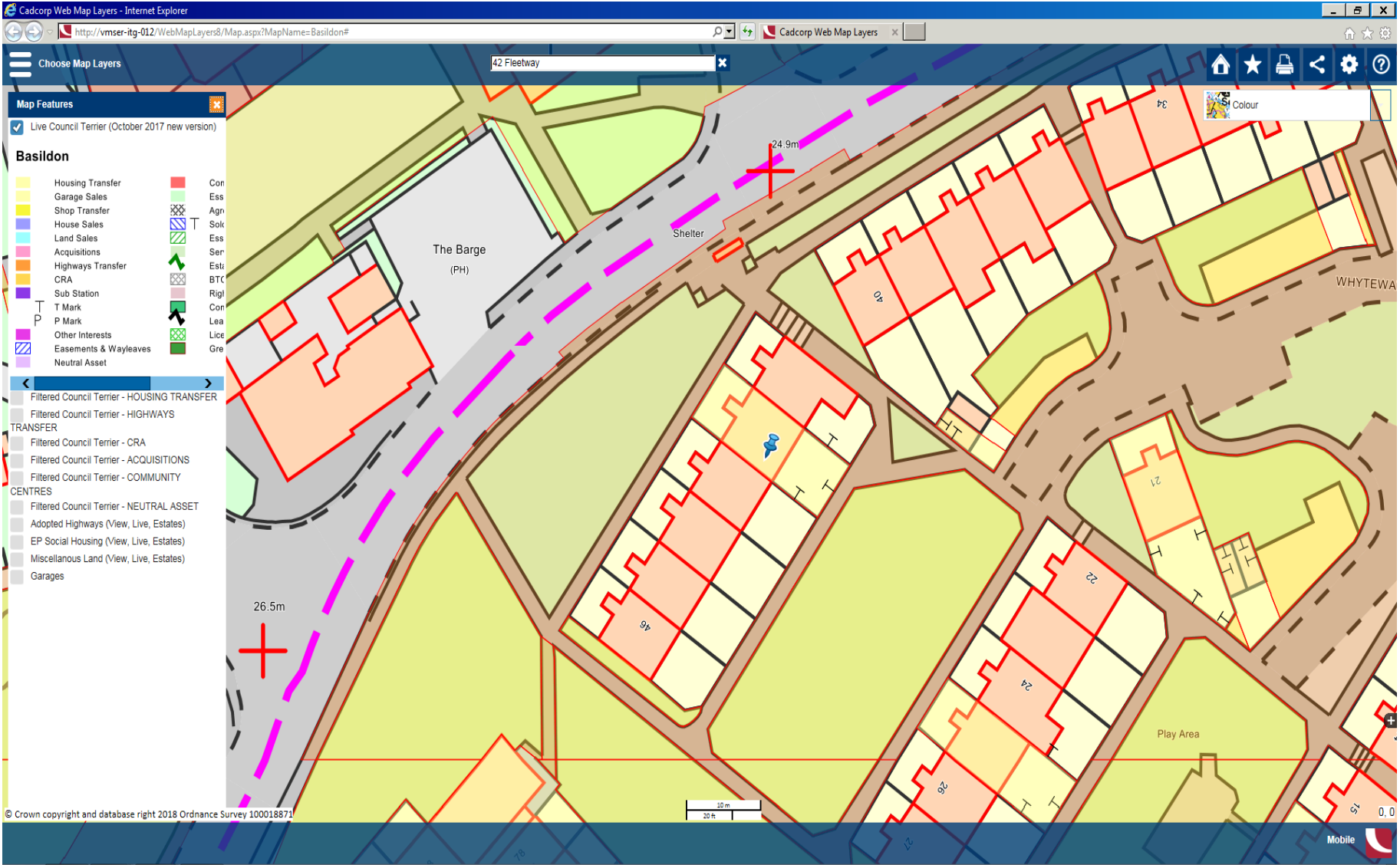
National Housing  
Maintenance Forum

**NHMF**  
**Maintenance**  
**Conference**  
**2019**













- On Sunday 14<sup>th</sup> August 2016
- Half brick wall 1.8m high x 6.6m long weighing approximately 2.25 tonnes
- Nadia, 5 years old was airlifted to London hospital.
- Bleed on the brain, bleed from liver, broken collar bone and other breaks.
- Placed into an induced coma.
- In hospital for 10 days, the first 7 in intensive care.
- Continues to be monitored for nerve, or brain damage.

- Stock Condition Survey carried out in May 2016.
- Surveyor classified the wall as “moderate risk” and likely to require repairs / renewal by 2017.
- Inspection only to the rear of number 42. The inside of the wall and a Unistrut repair at number 43 was not visible.



REGINA (HEALTH AND SAFETY EXECUTIVE)

V.

BASILDON BOROUGH COUNCIL

“That you, between 19 October 2014 and 14 August 2016, being an employer with the meaning of the Health and Safety at Work etc. Act 1974 did fail to discharge the duty imposed by section 3(1) of the said Act, namely to conduct your undertaking, namely the maintenance and repair of boundary walls, in such a way as to ensure, so far as is reasonably practicable, that those not in your employment, including Nadia XXXXXXXX, were not thereby exposed to risks to their health and safety, namely the risk of serious injury or death resulting from the collapse of brick boundary walls, whereby you are guilty of an offence as provided by Section 33(1)(a) of the Act.”

- Since the incident, we have surveyed in excess of 3,500 walls.
- Demolished over 120 walls and in most cases replaced with a fence.
- Regularly involve Building Control.
- Use of Section 77 and 78 of The Building Act (1984)
- Devoted surveyor to walls and dangerous structures.
- HSE very happy with our actions following the incident.....but.

- Request to Basildon staff to be alert and to signpost to Repairs Service.
- Toolbox talks with contractor employees.
- Awareness of walls on periodic estate inspections.
- Continual surveying.
- Budget pressure.

- What are you doing about wobbly walls?
- Has this given you something to think about?
- Can you afford the reputational, or the financial risk?

# Thank you.

**See you at the  
conference!**