



# SMC Safety Solutions

## Health & Safety

**Newsletter – August 2019**

### **HEALTH AND SAFETY MANAGEMENT**

#### **HSE still fighting “blue tape”**

In March 2018 the HSE’s board considered the scourge of unnecessary Health and Safety burdens blighting business. What’s the latest?

#### **Wasted resource**

“Blue tape” is the term used by the HSE to describe Health and Safety rules which are imposed through business-to-business interactions as opposed to legislation. It can arise from a large client, insurer, contractor accreditation scheme, or Health and Safety consultancy, etc. The HSE has found that many of these additional rules are completely pointless and lead to excessive record keeping which does not make workers any safer.

#### **Update**

A progress report was tabled at the HSE’s board on 12 June 2019. It draws on research, workshops, a survey of 2,000 businesses and discussions with various other stakeholders. The report states that 39% of SMEs find that the policies and procedures they must put in place to satisfy Health and Safety are excessive and disproportionate. 35% say there is no real link between what they’re required to do and actually keeping employees safe.



## What are the solutions?

The HSE is concerned that it has “very few direct levers to drive change on this agenda” but wants to provide leadership in this area because blue tape is giving Health and Safety a bad name. It says it’s influencing insurers not to ask their clients to do more than is legally required. It has also worked with the British Standards Institution to create simplified guidance for SMEs applying for ISO 45001 certification and expects better regulation over the advice given by Health and Safety consultants in the future.

## Conclusion

The HSE is treading an extremely fine line. It wants compliance but not over-compliance. In its report it welcomes the positive influence third parties have on getting businesses to improve standards whilst decrying those who take it too far.

**Tip.** If you’re asked to do something which appears pointless, get a second opinion or check our archive of articles. Blue tape is here to stay so be on your guard against those who want to waste your time and money.

Over a third of smaller businesses say their time is being wasted by nonsense requests in the name of Health and Safety. It’s not going to change soon, so be on your guard.

# PPE

## Worker had worn ineffective face mask

Two companies have been sentenced following the death of a floor layer after he was exposed to a toxic substance. What precautions should have been taken to protect the worker?

### Exposure

On 4 September 2015 a floor layer who had been fitting a bathroom floor was found dead by the homeowner. He was killed as a result of fumes from Altrofix 25NF, a toxic flooring adhesive which accumulated in the small space.

**Note.** The hazardous ingredient is known as dichloromethane. It is a neurotoxin which causes damage to the brain and central nervous system.

Following the incident, the HSE found that the employer T Brown Group Ltd (T) had failed to assess the risks posed to its employee while he used the product and had not ensured that safety procedures were devised and followed.

### Root causes

Rather than taking control of the risks at management level, T had left its employees to decide whether respiratory protection was needed and if it was required, to determine the best type. Since the worker was not competent to make such a complex decision, he had expected a dust mask to protect him. However, alternative precautions were necessary.

### Warning

It may seem like you're doing the right thing by handing out packs of dust masks but be careful that you're not inadvertently giving staff a false sense of security in situations where they're actually at significant risk.

**Tip.** Instruct staff specifically on what protective clothing and equipment to wear and when. This should be confirmed in your safety documentation, e.g. method statements, but you could back this up with a safety briefing on using hazardous substances when going through your CoSHH Risk Assessments.

### Prosecution

T pleaded guilty to breaching the Health and Safety at Work etc. Act 1974 (HSWA). It received a fine of £250,000 with costs of £23,936. An unusual aspect of the case was that the Company responsible for supplying the adhesive, Altro Ltd, was also charged. The supplier admitted that it had failed to ensure that its product was safe to use so far as is reasonably practicable. It pleaded guilty to breaching s.6HSWA and was fined £500,000 plus costs of £34,773. Following the fatality, the firm says it immediately stopped selling Altrofix



25NF and then undertook a full review of its product range. It updated its safety data sheets and now provides extra information on the safe use of chemicals.

**Tip 1.** When you're selecting a chemical substance to do a particular job, choose the lowest hazard product to achieve what you need. Bear in mind that those which dry or cure rapidly tend to be more toxic. Before selecting these products consider whether it's really necessary or whether you can achieve the same result with a little reorganisation.

**Tip 2.** The priority when using a substance which gives off toxic fumes is to maintain a healthy atmosphere. Ensuring good ventilation must be your highest priority: relying on respiratory protection to keep staff safe is far riskier.

The supplier should have given clearer information about the product's dangers and the Company using it should have looked for a lower hazard alternative. The Company should not have left it to staff to decide on precautions for themselves. If you provide respiratory masks for staff, make sure they know their limitations and that suitable Face Fit Testing is completed.

# DUST

## HSE dust rules “daft as a brush”?

The Sun newspaper has picked up on a story which involves a furniture maker being told by the HSE that he must look at alternatives to using a broom to clear wood dust from the floors. Is this really the case?

## Headline news

In June 2019 The Sun featured a report about a furniture maker who has been told by the HSE that he must not use brooms to sweep up dry wood dust. Rather predictably, the paper has spun the story to make the HSE's rules look ridiculous and has backed the furniture maker who is reportedly refusing to comply with the HSE's demands.

## How much?

The story also highlighted that the HSE deemed using a broom in this instance a material breach of the law. Therefore, the furniture maker is being charged £154 per hour for the inspector's time under the fee for intervention (FFI) scheme. And to comply, the furniture maker would have to invest £2,000 in a special vacuum cleaner to clean his workshop.

## Why not use a broom?

HSE research has identified that when a broom is used to sweep dust, it pushes much of it into the air and into the breathing zone of the individual sweeping. As wood dust is known to cause serious ill-health conditions, such as occupational asthma and nasal cancer, this cannot be allowed to happen. However, this doesn't mean that the HSE has banned brooms.

What has been overlooked in the newspaper article is the word “dry”. If the material is damped down, this will control the dust and sweeping would be acceptable. That said, damping material such as wood dust can make it harder to sweep and be more problematic than simply using a vacuum cleaner to do the job.

## Is it worth the fight?

The furniture maker is already on the FFI clock. This means the longer he allows the battle to continue, the more he will be billed by the HSE. As the HSE has considerable evidence to prove that it's in the right, it's highly unlikely that it will let the case drop or overturn the initial decision. Therefore, the cheapest and easiest solution for him is to invest in a suitable vacuum cleaner.

**Tip.** A vacuum with a HEPA filter should be used. This filters the most dangerous wood dusts effectively. Although the furniture maker believes he will have to spend £2,000 on such a machine, a web search has identified many suitable options at around £300.



## **Be prepared**

This is unlikely to be a unique situation, as HSE inspectors are hitting sites to check on compliance on managing dust in July & August 2019.

**Tip.** If you create dust and may be inspected, review the HSE's guidance documents on the subject (see <http://www.hse.gov.uk/dust/index.htm>). These identify what the HSE will be expecting to see in place if inspectors visit.

The HSE has identified that wood dust can cause cancer and must be controlled effectively. Sweeping it when dry can push it into the breathing zone of the individual using the broom. Battling the HSE on this is pointless. The best option is to invest in a vacuum cleaner with a HEPA filter.



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# PREMISES

## **Pedestrian seriously injured during storm**

A land and property Company has been fined £250,000 after a wall and hoarding fell on top of a man as he walked with his wife and children. What steps should have been taken to prevent this?

### **What happened?**

In January 2014, during a storm, a mother and father with their two children were making their way along a pavement towards Catford Station. As they passed a tall boundary wall it was blown down, and the father of the group was crushed by the falling masonry.

The impact was so severe that he was knocked unconscious and had to be hospitalised. He suffered skull and facial injuries which required a titanium plate being inserted into his left cheek.

### **Whose risk?**

During the HSE's investigations it was discovered that the Company responsible for the premises, GLA Land Property LTD (G), had contracted with another Company to manage and maintain the land where the wall and hoarding were located. However, G retained legal responsibility for ensuring that its assets were properly maintained.

Note. Employing a contractor to do work which is your legal responsibility does not transfer the liability to the other party. You must still show that you were diligent in your arrangements to select a competent and adequately resourced contractor and monitor its activities on an ongoing basis.

**Tip.** If you employ a management Company to maintain your premises, carry out periodic audits to confirm that Health and Safety management arrangements are running smoothly and to identify any improvements required. To avoid practical difficulties, make it a condition of the contract that the contractor co-operates with and assists the auditor in this process.

### **Root cause**

The causes of the accident were rooted in a lack of inspection and maintenance. A crack in the wall should have been fixed; instead it had been left to weaken the structure and eventually it caused the wall to collapse. The accident had been precipitated by the hoarding attached to the wall which the HSE reported had "acted like a sail".

G pleaded guilty to breaching s.3(1) Health and Safety at Work etc. Act 1974 and was fined a total of £250,000 with £14,653 in costs.



## Don't ignore the signs

The risk of signs blowing away in strong wind is well known in the specialist signs industry but if you're not in that sector it might not be so obvious.

If you're attaching a sign or hoarding to a fixed structure, you must ensure that it's capable of withstanding any foreseeable load which may be imposed on it, including during a storm.

**Tip.** The risk does not only apply to signs. There have been similar accidents reported with hoarding or sheeted scaffolding blowing over in adverse weather. If you have temporary structures such as those commonly found on a construction site, ensure that someone is given responsibility for checking the weather forecast.

Have a plan of action for what needs to be done in extreme conditions, e.g. such as strapping down or removing items to an undercover location.

A crack in the wall meant it was weakened and was pulled over when strong winds exerted force via the sign fixed to it. The problem should have been picked up and repaired much sooner. If you have a maintenance contractor, audit them periodically to check arrangements.



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## IN COURT

### **Company fined £1 million after two employees suffer burns**



A car and commercial vehicle component manufacturer has been fined after two employees suffered burns whilst cleaning a distillation tank.

Cheltenham Magistrates' Court heard how on 11th July 2017 two employees of Delphi Diesel Systems Limited were burnt when the vapour of a flammable chemical, which was being used to clean the distillation tank part of a component washer, ignited and caused an explosion. Both employees suffered significant burn injuries, with one employee's injuries being so serious they could not return to work for over two months.

An investigation by the Health and Safety Executive (HSE) into the incident at the Company's site in Stonehouse, Gloucestershire found that no risk assessment had been undertaken for the procedure of cleaning the distillation tank and that no safe system of work had been put in place. The investigation also found that no planning had been undertaken for the use of the flammable chemical during the cleaning activity.

Delphi Diesel Systems Limited of Brunel Way, Stroudwater Business Park, Stonehouse, Gloucestershire has pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974. The Company has been fined £1,000,000 and ordered to pay costs of £9,374.

Speaking after the case HSE principal inspector Paul Thompson said "Those in control of work have a responsibility to devise safe systems of work, and to provide the necessary information, instruction and training to their workers in those systems, as well as the substances they use.

"If a suitable safe system of work had been in place prior to the incident, the injuries suffered by the employees could have been prevented"



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## **Concrete production Company pleads guilty after sub-contractor loses four fingers**



A concrete production Company has been fined after a welder lost four fingers during an unsafe lifting operation.

Southwark Crown Court heard how on 27th September 2016, at the Company's Kings Cross site in York Way, a forklift was being used to lift and swivel a large metal gate attached to the truck with a chain on a "O-ring" that was slotted onto the forklift truck tines with nothing to prevent it sliding off. As the gate was being lifted, it slipped off the tines and fell to the floor, slicing off the welder's four fingers.

An investigation by the Health and Safety Executive (HSE) found that Hanson Quarry Products Europe Limited did not properly plan and supervise this lifting operation to ensure it was carried out in a safe manner.

Hanson Quarry Products Europe Limited of Hanson House, Castle Hill, Maidenhead pleaded guilty to breaching Regulation 8(1) of the Lifting Operations and Lifting Equipment Regulations 1998 and has been fined £400,000 and ordered to pay full costs of £11,376.25.

Speaking after the case HSE inspector Jane Wolfenden said: "The use of forklift truck, chain and O-ring was unsafe, putting workers at unnecessary risk. This incident could so easily have been avoided by simply having a competent person plan a safe lifting operation and providing adequate supervision to ensure the lifting operation was carried out safely.

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards "



## **Employer sentenced after worker severed three fingers**



Andrew Gibson has been given a suspended jail sentence for safety breaches after a worker suffered life changing injuries.

Sheffield Magistrates' Court heard how, on 19th October 2016, an employee was using an Elektra Beckum table saw to cut down some large (2.4m x 2.4m) sheets of chipboard at a workshop in Houndhill Park, Rotherham. The worker's right hand made contact with the unguarded saw blade and three of his fingers were severed. After the incident he was taken to hospital by Mr Gibson. Two of his fingers were reattached at the hospital but the third finger was never found.

An investigation by the Health and Safety Executive (HSE) found that the worker was pushing the sheets through the saw by hand, without using an appropriate pushstick or jig which would have kept his hand and fingers away from the moving blade. At the time of the incident the crown guard and riving knife were also not fixed to the machine. The investigation also found that there was no Employer's Liability (Compulsory Insurance) policy in place.

Andrew Gibson of Lower Dolcliffe Road, Mexborough, South Yorkshire, who at the time was trading as Crosby Kitchens (a kitchen manufacturing Company), pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. He was sentenced to 26 weeks in prison, suspended for 18 months, and 200 hours of unpaid work. He was also ordered to pay £17,000 compensation to the injured employee.

After the hearing, HSE inspector Jane Fox commented: "This incident could so easily have been avoided by implementing suitable control measures and safe working practices.

"Dangerous parts of machinery should be appropriately guarded as required by the legislation, in order to protect employees."



## **Landlord of lock up garages fined for asbestos failings**



The proprietor of a set of lock up garages in Wigston, Leicestershire has been sentenced for asbestos related offences.

Leicester Crown Court heard that work carried out by Paul Whitaker in March and April 2016 spread asbestos over a number of domestic gardens after a powered jet-wash was used to clean asbestos cement roof sheets. The power of the water jet caused asbestos to be dislodged from the roofs, and spread across the gardens, the garage units themselves, and nearby Network Rail land. This put members of the public at risk of exposure to asbestos fibres – a Class 1 carcinogen.

An investigation by the Health and Safety Executive (HSE) found that work should have been planned to include the use of basic precautions as detailed in published and widely recognised guidance for working with asbestos cement. Low energy cleaning methods and proper protective measures would have prevented the release of asbestos fibres thus eliminating much of the risk.

Paul Whitaker of Sandford Road, Syston, Leicestershire, pleaded guilty to breaching Section 3(2) of the Health and Safety at Work etc Act 1974. He was fined £600 and ordered to pay £10,000 of prosecution costs.

Speaking after the hearing HSE inspector Roy Poulter said “Asbestos cement roofing sheets requires as careful management as any other asbestos product”



## **Demolition Company fined after nearby worker injured**



G O'Brien & Sons (Nationwide Demolition Contractors) Limited has been fined after a nearby worker was seriously injured on a demolition site in Durham.

Newton Aycliffe Magistrates' Court heard that on 22nd February 2018 the Company was demolishing two semi-detached properties as part of a project to renovate a residential street. The injured person, the Director of a loss assessor Company, had attended his client's property adjacent to where the work was taking place. Demolition waste had spread into the garden of the neighbouring property, and the injured person stood on a broken window panel, cutting through his ankle and Achilles tendon, whilst attempting to take photographs of the waste.

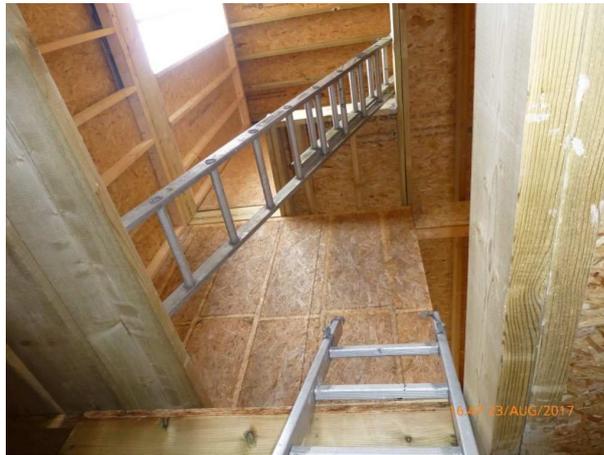
An investigation by the Health and Safety Executive (HSE) found that the Company failed to suitably ensure that demolition work within its grounds was carried out in such a manner as to prevent danger. The work had not been thoroughly planned to ensure that demolition waste was fully enclosed within the site boundary, and there was no secure fence to prevent unauthorised access to the site.

G O'Brien & Sons (Nationwide Demolition Contractors) Limited of Durham Road, Birtley pleaded guilty to breaching Regulation 20(1) of the Construction (Design and Management) Regulations 2015. The Company was fined £3,000 and ordered to pay costs of £1419.40.

After the hearing, HSE inspector Phil Chester said, "An important message to the industry is to suitably plan work and ensure that site documentation is followed throughout the duration of the work. Paperwork and planning are not just a tick box exercise."



## **Construction firm fined due to multiple safety failings**



A construction firm has been sentenced after failing to put measures in place to prevent falls from height and to control risks associated with fire.

Greater Manchester Magistrates' Court heard how Irish Anglo Properties Limited failed to ensure the safety of their workers and nearby residents during the construction of six timber frame houses at Moss Lane East in Manchester.

An inspection by the Health and Safety Executive (HSE) found three men working on the flat roof of the structure on 23rd August 2017. The roof ranged from two to three stories high, with no edge protection in place to prevent falls and access to the roof was via untied ladders resting on unsecured floorboards inside the building. Serious fire safety failings were also identified on site with the Company failing to consider both the risks associated with constructing from timber, and the measures needed to reduce the risk of a fire occurring and spreading across and beyond the site. There was also an accumulation of combustible materials on site, a lack of adequate site security and there were no general fire precautions in place.

A material with a suitable level of fire resistance should have been used for the construction, taking into account the close proximity of the occupied apartment block, and the construction of the timber frame should have been phased to allow the building in of suitable compartmentation to reduce the risk of fire spread.

Irish Anglo Properties Limited of Moss Lane East, Manchester, pleaded guilty to breaching Regulation 29(a) of the Construction (Design and Management) Regulations 2015 and Regulation 6(3) of the Work at Height Regulations 2005. The Company was fined £26,000 and ordered to pay costs of £10,000.

HSE inspector Laura Royales said after the hearing: "The failings on this site put not only the site operatives but also those living in the adjacent apartment block at risk of serious injury or even death. "Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards, even where no incident occurs."



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## **Construction Company fined after worker suffered carbon monoxide poisoning**



Construction Company Construction 360 Ltd was sentenced for safety breaches after a worker collapsed and lost consciousness while working at the site of King Asia Foods Ltd, Middle Bank, Doncaster.

Sheffield Magistrates Court heard how, on 11th January 2018, the worker was cutting a drain into the factory floor as part of the construction of a new processing room within the packaging area of the factory. He was using a petrol driven floor saw within an enclosed space (the open side had been covered by a tarpaulin). After a period of cutting, he felt unwell and subsequently collapsed losing consciousness. He was taken to hospital and was diagnosed with carbon monoxide poisoning. He also sustained bruising to his head, elbow and knees, and a cut to his elbow.

An investigation by the Health and Safety Executive (HSE) found that Construction 360 Ltd had failed to appropriately plan the work in the confined space of the processing room. Additionally, at the request of the Director of Construction 360 Ltd, unsafe work at height had also taken place beforehand as the worker had accessed the roof of the processing room without suitable edge protection, or means of access, without checking the stability of the structure.

Construction 360 Ltd of Eastoft Road, Cowle, Scunthorpe, North Lincolnshire pleaded guilty to breaching section 2(1) of the Health & Safety at Work etc Act 1974. The Company has been fined £15,000 and ordered to pay £1805 in costs.

After the hearing, HSE inspector Sarah Robinson commented: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

"The Company failed to appropriately plan a safe system of work for the task being carried out."



## **Company fined after child seriously injured in road traffic incident**



An adventure activity and team building organisation has been fined after a child was hit by a car seriously injured whilst on a school trip.

Birmingham Magistrates' Court heard how, on Friday 31st March 2017, a group of teenage school children from Birmingham were participating in a walking expedition on the outskirts of Birmingham. The route being taken required the group and their adult supervisor to cross the busy A45 dual carriageway near Meriden, West Midlands, at around 4pm.

After waiting for a gap in the traffic some of the children started crossing the road when one of the pupils was struck by a car travelling in the outside lane. The 15-year-old suffered multiple fractures as a result of the collision.

An investigation by the Health and Safety Executive (HSE) found Freax, the Company responsible for the expedition had not planned the route to allow for safe passage across the dual carriageway. There were no specific traffic control measures in place at the crossing point used by the participants, and the Company chose not to use a footbridge about 400 metres away as part of the expedition route.

Freax Limited of Nechells Park Road, Birmingham was found guilty of breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The Company was fined £10,000 and ordered to pay £22,455.16 in costs. Speaking after the hearing, HSE inspector Richard Littlefair said: "This case highlights the importance of planning for safety when organising such outdoor activities involving school children.

"Children should be allowed to take part in challenging activities, however there is a balance to be struck between protecting children from the most serious risks and allowing them to reap the benefits of participating.

"Companies should make sure that challenging activities are managed in a sensible and proportionate way so that children are not exposed to unnecessary risk of serious personal injury or death."



## **Industrial staircase installer fined after worker trapped**



A Company specialising in the manufacture and installation of industrial staircases has been fined following an incident where a worker became trapped at a site on Fenchurch Avenue in London.

Westminster Magistrates' Court heard that on 19th July 2018 Dragos Sultana suffered serious injuries when a section of staircase weighing 1.7 tonnes fell and trapped his leg. The staircase was being lifted into position when one of the fabric slings supporting the load failed, causing one side of the staircase to drop and striking Mr Sultana. His injuries resulted in the amputation of his leg just below the groin.

An investigation by the Health and Safety Executive (HSE) found that Leyton Group Construction Ltd failed to properly plan the lifting operation. The lift plan was not specific to the job and the method statement lacked the level of detail required about the load, how it should be slung and how it should be lifted. This resulted in the slings being stretched across the sharp metal edges of the staircase stringers, which caused a shearing action and ultimate failure of one of the slings.

Leyton Group Construction Ltd of Swinborne Road, Basildon pleaded guilty to breaching Regulation 8 (1) of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) was fined £14,000 and ordered to pay costs of £7,227.14.

Speaking after the hearing, HSE principal inspector Tania van Rixtel said:

“The method employed for lifting the staircase was unsafe. This case highlights the need for duty holders to properly plan all lifting operations before work is carried out to manage the risk of injury to workers. This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

“Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards.”



## **Construction firm prosecuted due to inadequate welfare facilities on site**



A Stockport construction Company has been prosecuted after failing to ensure suitable welfare facilities were provided for workers on site.

Manchester Magistrates' Court heard that R & S Builders (Mcr) Ltd had been issued with multiple Improvement Notices, following an inspection by a Health and Safety Executive (HSE) inspector at the Company's site at Great Underbank, Stockport on 7th July 2018. The Company subsequently complied with the Improvement Notices that had been served for fire safety and respiratory risks but failed to comply with the minimum standards of health, safety and welfare on site.

An investigation by the HSE found that welfare facilities on site had been in a poor condition, in particular there being no hot or warm running water, and that the Company did not provide evidence of compliance with the Improvement Notice within the deadline. R & S Builders (Mcr) Ltd was previously subject to enforcement action by HSE in 2017 that included an Improvement Notice in relation to the absence of adequate welfare provisions at a different site.

R & S Builders (Mcr) Ltd of Sovereign House, Stockport Road, Cheadle, pleaded guilty to breaching Section 21 of the Health and safety at Work etc. Act 1974 and Regulation 13(4) of the Construction (Design and Management) Regulations 2015. The Company was fined £8,000 and ordered to pay costs of £1,814.90.

HSE inspector Chris Brookes-Mann said after the hearing: "Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards. Furthermore, companies that fail to comply with an Improvement Notice in the time allowed can expect to be prosecuted since this is a criminal offence in its own right regardless of the circumstances under which the original Improvement Notice was served."



## **Company Director and two construction companies sentenced after worker falls from height**



A Company Director has received a Community Service Order and two construction companies have been fined after a worker suffered life changing injuries following a fall from a scaffold tower during the refurbishment of an old pub in Reading.

Reading Magistrates' Court heard how on 2nd December 2016 Samuel Goemans of Cedar Ridge Construction Limited suffered a serious head injury after falling from a tower scaffold onto the street below (London Road). His injuries have led to long term brain and memory problems and have resulted in him suffering from seizures and losing the ability to care for himself.

An investigation by the Health and Safety Executive (HSE) found that the principal contractor failed to control the safety and planning on site and the sub-contractor carried out unsafe working practices.

The principal contractor, Turnkey Contractors Limited of Ethelburt Avenue, Bassett Green, Southampton pleaded guilty to breaching Section 3 (1) of The Health and Safety at Work etc. Act 1974. The Company has been fined £40,000 and ordered to pay costs of £3184.00.

The Director of Turnkey Contractors Limited, Santokh Dhanda, of Ethelburt Avenue, Bassett Green, Southampton pleaded guilty to breaching Section 3 (1) of The Health and Safety at Work etc. Act 1974 and has received a Community Service Order for 100 hours.

The subcontractor, Cedar Ridge Construction Limited of Waterloo Road, Wokingham pleaded guilty to breaching Regulation 4 (1) of The Work at Height Regulations 2005. The Company has been fined £40,000 and ordered to pay costs of £3184.00.

Speaking after the hearing HSE inspector Ian Whittles said: "Falls from height remain one of the most common causes of work-related injuries in this country and the risks associated with working at height are well known.

"The case highlights the importance of following industry guidance and in order to design and erect scaffolding in a safe manner, which does not raise risk to members of the public and workers using the scaffold."



## Company fined for non-compliance of Notices



Kitchen worktop manufacturing Company, The Solid Surface Shop UK Ltd was sentenced for non-compliance of Improvement Notices and failure to effectively manage Health and Safety.

Sheffield Magistrates' Court heard that, during an inspection in March 2016, it was found that there was a poor standard of health and safety management including significant accumulations of dust around the premises on Henry Street in Sheffield. Local exhaust ventilation units present were not subject to thorough examination and test and no risk or hazardous substance assessments had been completed. The Company was served with five Improvement Notices. The notices required thorough examination of local exhaust ventilation, monitoring for dusts including respirable crystalline silica, a system to manage respiratory protective equipment and assessments of the risk from noise and hand arm vibration.

An investigation by the Health and Safety Executive (HSE) found that the Improvement Notices were hand delivered to site and discussed with two of the Directors. Despite extensions to the compliance dates for all the notices being given, repeated phone calls, emails and letters, no appeals or evidence of compliance was ever received by HSE. A Company representative attended an interview under caution but did not provide any reasonable explanations for the non-compliance.

The Solid Surface Shop UK Ltd, previously based at Henry Street, Sheffield pleaded guilty to breaching a single charge under Section 2 (1) of the Health & Safety at Work etc Act 1974. The Company has been fined £10,000 and ordered to pay £6181.51 in costs.

After the hearing, HSE inspector Laura Hunter commented: "Improvement notices must be complied with.

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards"



## **Construction firms fined after Director blown off roof**



Three construction companies have been fined after the Director of one of the firms received serious injuries after falling 11 metres when a gust of wind blew him off a roof.

The three firms, Bowmer and Kirkland Ltd, Advance Roofing Ltd and JKW Roofing were working on the roof of the new three storey teaching block of Abbotsfield School for Boys in Hillingdon.

Westminster Magistrates' Court heard how on 23rd February 2017 Storm Doris was moving across the UK bringing gusts of wind up to 94 mph. Because of the winds there were numerous warnings on site and many activities had been suspended. The roof works continued however, until the early afternoon when a gust of wind blew JKW Roofing Company Director John Whitham, 52, off the roof, along with freestanding A-frame barriers and stacks of insulation. Mr Whitham sustained severe injuries to his pelvis, vertebrae and tibia, from which he continues to suffer.

Bowmer and Kirkland were the principal contractor on the project. Advanced Roofing were contracted to carry out the roofing works on the project and had sub-contracted the substantive roofing works on the main building to JKW Roofing while using its own workers on other areas.

An investigation by the Health and Safety Executive (HSE) found all three contractors had failed to ensure that a suitable and sufficient system to assess the effects of high wind when working at height was being followed. The companies had taken an informal approach to assessing weather conditions which was not in line with industry standards.

Bowmer and Kirkland Limited, of High Edge Court Street, Belper, Derbyshire, pleaded guilty to breaching Regulation 4(3) of the Work at Height Regulations 2005 and were fined £350,000 and ordered to pay £6,190.28 in costs.



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Advanced Roofing Limited, of Littlewell Lane, Stanton-By-Dale, Derbyshire, pleaded guilty to breaching Regulation 4(3) of the Work at Height Regulations 2005 and were fined £29,300 and ordered to pay £6,187.88 in costs.

J.K.W. Roofing Services Limited, of Gedling Road, Arnold, Nottinghamshire, pleaded guilty to breaching Regulation 4(3) of the Work at Height Regulations 2005 and received 12-month conditional discharge and ordered to pay £6,159.48 in costs.

Speaking after the hearing, HSE inspector Gabriella Dimitrov said: "Those in control of work have a responsibility to devise safe methods of working and to provide the necessary information, instruction and training to the workers in the safe system of working. If a suitable safe system of work had been in place prior to the incident, the life changing injuries sustained by Mr Whitham could have been prevented."



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## **Restaurant owner fined after disturbance of asbestos**



A restaurant owner has been fined after asbestos was disturbed during the conversion of rooms above the restaurant into flats in Essex

Chelmsford Magistrates' Court heard that during September 2016, above the Marco Polo restaurant on Lower Southend Road, Wickford, asbestos insulation board was removed and broken up which resulted in workers being exposed to asbestos fibres. An asbestos survey was only carried out after the asbestos had been disturbed.

An investigation by the Health and Safety Executive (HSE) found that a management asbestos survey and a refurbishment and demolition asbestos survey had not been completed prior to the work starting, and the work had not been completed by a licenced asbestos contractor.

Faruk Kamali of Lower Southend Road, Wickford, Essex pleaded guilty to breaching Regulation 4(3) of the Control of Asbestos Regulations 2012 and was fined £3,000 and ordered to pay full costs of £6,293.

After the hearing HSE inspector David King said "Those in control of works have a responsibility to manage the risks from asbestos in non-domestic premises. To achieve this the duty holder must ensure that a suitable and sufficient assessment is carried out as to whether asbestos is or is liable to be present in the premises."

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