

[Fined for refusing HSE inspectors entry to construction site](#)

A man who was in control of a construction site in Scotland has been fined for not allowing two HSE inspectors access to the site to deal with unsafe work activity.

In 2021 multiple concerns about unsafe work at a construction site in Irvine had been sent to the Health and Safety Executive (HSE). On 16 March 2021, two HSE inspectors attended the construction site and observed unsafe work at height taking place on a steel structure.

The inspectors tried to gain entry to the site, but the gates were locked. They spoke to the person in control of the site, Baldev Singh Basra, but he refused to unlock the gates and let them in. Despite explaining the powers to enter a premise given to HSE inspectors as part of the Health and Safety at Work etc. Act 1974, Mr Singh Basra still refused entry to the site.

After officers from Police Scotland attended and gained entry to the site, the HSE inspectors were able to take enforcement action to stop the unsafe work. Two workers were then found to be on the roof of the structure with no safe means of getting down. The Scottish Fire and Rescue Service attended the site and rescued the workers from the structure.

At Kilmarnock Sheriff Court, Baldev Singh Basra of Loach Avenue, Irvine pleaded guilty to an offence under Section 33(1) of the Health and Safety at Work etc. Act 1974 for contravening a requirement of an inspector – namely refusing entry to a premise where unsafe work was taking place. He was fined £1,500.

Following the sentencing, HSE Principal Inspector Graeme McMinn said: “Inspectors appointed by an enforcing authority have the right to enter any premises which they think it necessary to enter for the purposes of enforcing health and safety at work and any relevant statutory provisions.

“They may only enter at a ‘reasonable time’, unless they think there is a situation which may be dangerous. In this case, the priority of the inspectors was to deal with the unsafe work activity, and they could not allow the person in control of the site to refuse them entry to stop the unsafe work.”

Notes to editors:

1. The Health and Safety Executive (HSE) is Britain’s national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. www.hse.gov.uk

2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/
 3. HSE news releases are available at <http://press.hse.gov.uk>
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[HSE investigates incident at Cornwall theme park](#)

The Health and Safety Executive (HSE) is investigating an incident at a theme park in Cornwall after three people suffered injuries on a ride and attended hospital.

The incident happened at around 11.45am on 26 July at Flambards theme park in Helston, Cornwall.

HSE is making enquiries into what happened and the ride remains closed to the public.

Simon Chilcott, HSE Principal Inspector, said: "While incidents at theme parks are relatively rare, we are now gathering information to ascertain what happened."

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 2. HSE news releases are available at [HSE Media Centre](#)
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[Uncle who killed nephew on farm appeals for others to stay safe](#)

The grieving uncle of a four-year-old boy killed on a farm has urged everyone in agriculture to do more to keep children safe.

Brian Nutter was at the wheel of a farm vehicle when his nephew Harry Lee fell from the cab footplate and was crushed beneath its wheels.

Mr Nutter, speaking during this year's Farm Safety Week (July 18 – 22), said: "I don't want it to happen again. Everyone needs to think. I hope if people know what happened they'll be a bit more aware of what they're doing, and they won't have to go through what I'm going through."

Mr Nutter, who farms north of Burnley, Lancashire was given a 26-week prison sentence, suspended for 18 months, and was ordered to carry out 250 hours of unpaid work and pay costs of £5,154 in March this year, following the incident in July 2019.

An investigation by the Health and Safety Executive (HSE) found there were insufficient measures in place to ensure the safety of children on the farm.

The Prevention of Accidents to Children in Agriculture Regulations 1998, prohibits children under the age of 13 from riding on, or operating, vehicles used in agricultural operations. No-one, including children, should ride on the footplate of any agricultural machine.

Mr Nutter was also speaking in the week that the HSE's annual Fatal injuries in Agriculture, Forestry and Fishing in Great Britain report was published, revealing that 25 people had been killed in agriculture-related activities in the previous 12 months.

He said: "We were cleaning a shed out in the farmyard, using a telescopic handler and we had to get something out of the field.

"Harry was with me, and I put him on the machine, as I'd done in the past, and we drove out the yard, on to the lane and into the field. I turned around and he'd gone, and he was under the wheel. It was so, so quick."

Mr Nutter said that he and his family had all grown up around farms and farm vehicles.

He said: "We were brought up on a farm and we did things, and we were lucky that nothing happened. We were brought up doing it and you follow suit. My own children had been on the farm with me, and Harry was the next generation, the younger one.

"He spent a lot of time with me because that's what he wanted to do, and I loved him being with me because I didn't think that we were doing anything wrong. I wish that Harry had stopped in the house that day, but he didn't.

"I miss him loads, every day I miss him. I wish he were here. I'd do anything to bring him back, but I can't and that's the hardest bit. I always think about him, I do a job now and he's always there with me."

Mr Nutter said that the hazards of farming weren't always recognised, but that farms were a dangerous place for children.

He said: "Farms now are getting bigger, machinery is getting bigger, and we're all running at a faster pace and now farming is changing that fast it has become more of a dangerous place for children, but it's so hard when it's their home, that's the biggest trouble. There's less of you doing the work

and looking after children at the same time. The children want to be with you because they want to be learning.

“The safest place for the children is in the house. Always take a step back and think. I want people to look and think what you’re doing, there’s always another way. I know I’m not the first, I hope I’m the last but I know I won’t be.

“I want to get the message across. I am one of the people it’s happened to, and I don’t want it to happen again. People need to be aware of what can happen. Everyone needs to think. If the children aren’t there, it can’t happen. If Harry had stopped in the house, he’d be here now.

“It’s had a massive impact on all the family. Life has changed forever. It’ll never be the same again. I wish I’d done something different. It’ll never leave me. I wish I’d not had him on the vehicle with me. Please don’t do it.”

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2. More about the legislation referred to in this case can be found at: [Legislation.gov.uk](#)
3. The Fatal Injuries in Agriculture, Forestry and Fishing in Great Britain report can be found here: [Fatal injuries in agriculture, forestry and fishing in Great Britain: 1 April 2021 to 31 March 2022 \(hse.gov.uk\)](#)
4. HSE news releases are available at [HSE Media Centre](#)
5. For more information on child safety in agriculture: [Agriculture: Children and public safety \(hse.gov.uk\)](#)

[Philip White – Robens will still matter over the next 50 years](#)

*Lord Alfred Robens was a prominent post-war industrialist. In 1969, three years after the Aberfan disaster, Robens was selected to chair a committee on workplace health and safety. The Robens Report of July 1972 led to the Health & Safety at Work etc. Act 1974, paving the way for the creation of Health and Safety Executive (HSE) the following year. Fifty years ago this week the report was tabled and debated. **Philip White**, HSE’s director of regulation, believes Robens has not only stood the test of time, but remains relevant to HSE in a crucial new phase.*



Lord Robens set to work with the aim of finding a way to reduce Britain's work-related deaths, injuries and ill health. At that time there were around 1,000 work related deaths each year, half a million suffered injuries, and 23 million working days were lost annually through industrial injury and disease. Fifty years on, few would argue his report didn't meet this aim.

We should all reflect on this achievement with pride. I believe that Lord Robens' report, and the Health & Safety at Work etc. Act 1974, is a great British achievement. It demonstrates how government can work with the consent and agreement of those in positions of responsibility across society. It's one of very few pieces of post-war legislation that has stood the test of time – and delivered what it set out to achieve.

Moreover, the spirit of Robens has carried through in several key pieces of legislation that HSE helped introduce to keep pace with changing world or work as well as ensuring the principal of those who create risk must take responsibility for controlling it: the Control of Major Accidents Hazards Regulations (1983), the Control of Substances Hazardous to Health (1988), the Construction Design & Management Regulations (1994) and the Gas Safety Management Regulations (1996).

But we don't just believe in regulating by legislating. Our strategy, *Protecting People and Places* makes clear our commitment to finding new ways to address the most significant risks. As well as an expanding remit that now includes the Building Safety Regulator, which will enable people to feel safe in their homes, and heightened responsibility to the wider environment in our role in chemicals regulations, the economy itself and the way people work is also transforming. The drive to Net Zero will create new challenges, and the revolution in online retail means the model of regulating the retail supply chain may need to be reviewed.

We are under no illusion that some of these challenges are more abstract than those facing the readers of the Robens Report in the 1970s.

Look carefully through the report, and the transcripts of the subsequent parliamentary debates it generated, and you'll find reference to two other issues that needed to be considered – work-related stress and apathy towards health and safety.

Both challenges persist in Britain's workplaces today.

In 2020/21, 822,000 workers reported experiencing work-related stress, depression or anxiety – but it's fair to say that the true figure is greater if you include those suffering in silence.

The Covid-19 pandemic created a renewed focus on health and safety for all of us. While many have positively sought to capitalise and harness this, I am troubled by even casual references creeping back into public conversations that associate health and safety with barriers to fun or innovation, overlooking the true mission of protecting people and places – and getting every worker home safely at the end of their day. If we need to challenge examples of this, we will do so without hesitation, but remembering Robens' principle for controls to be practical and proportionate to the risk.

Robens still matters. And will still matter over the next 50 years.

Philip White, Director of Regulation, HSE

About HSE

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[DCM vapour killed a construction worker](#)

A brick and stonework restoration company, Brick Restoration Ltd and its two directors, Stewart Bailey and John McCole, have been sentenced following the death of a construction worker.

Alexandru Sorin was overcome by dichloromethane ('DCM') vapour whilst using a DCM-based paint stripper at a property in London on 25 July 2017.

Mr Sorin was working on his own stripping paint from the walls of a lightwell in the basement of Berkeley Gardens, London. DCM vapour is heavier than air and can accumulate in confined spaces with poor ventilation. While carrying out the work Mr Sorin was overcome by the DCM vapour and died from the exposure.

An investigation by the Health and Safety Executive (HSE) found that Brick Restoration Ltd failed to implement any effective measures to control Mr Sorin's exposure to DCM. His death could have been prevented by eliminating the risk associated with DCM by using a different removal method or by substituting the DCM paint remover for a less hazardous product.

At City of London Magistrates' Court, Brick Restoration Ltd of Worboys Road, Worcester, pleaded guilty to breaching Regulation 7(1) of the Control of Substances Hazardous to Health Regulations 2002 and were fined £50,000 and ordered to pay costs of £2,805.64.

Stewart Bailey of Worboys Road, Worcestershire, pleaded guilty to breaching Section 37(1) of the Health and Safety at Work etc Act 1974 and was sentenced to 200 hours of community service and ordered to pay costs of £2,805.64.

John McCole of Savill Gardens, London also pleaded guilty to breaching Section 37(1) of the Health and Safety at Work etc Act 1974 and was sentenced to 200 hours of community service and ordered to pay costs of £2,805.64

Speaking after the hearing HSE inspector, Owen Rowley, said: 'Mr Sorin's death was entirely avoidable. DCM is a volatile solvent and exposure to high concentrations of vapour can cause loss of consciousness and death.

"Anyone intending work with DCM-based products should carry out a suitable and sufficient risk assessment and implement appropriate control measures. Crucially, DCM-based products should only be used in well ventilated areas to prevent the build-up of vapour."

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. Further guidance on working safely can be found at: <https://www.hse.gov.uk/pubns/guidance/dcm2.pdf>