

# Goat farming company fined after fatality

Yorkshire Dairy Goats was sentenced for safety breaches after a farm worker was run over and fatally wounded.

Hull Crown Court heard that on 1 August 2018, 53-year-old Janet McDonald, an employee of Yorkshire Dairy Goats, was struck by a reversing telescopic materials handler vehicle (telehandler) whilst working at St Helen's Farm in York. She was seriously injured and air-lifted to Hull Royal Infirmary where she died later that day.

An investigation by the Health and Safety Executive (HSE) found that when the employee had finished milking the goats, she walked through a corridor and stepped out into the path of the reversing telehandler. The driver was unable to see the worker so could not take action, and she was struck by the vehicle.

Yorkshire Dairy Goats of Seaton Ross, East Yorkshire pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company has been fined £180,000 and ordered to pay £20,000 in costs.

Speaking after the hearing, HSE inspector Sarah Taylor said: "Pedestrians and vehicles need to be kept apart at all work sites and this includes agriculture.

"This incident could so easily have been avoided by simply segregating vehicles and pedestrians."

## **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.<sup>[1]</sup>
  2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)<sup>[2]</sup>
  3. HSE news releases are available at <http://press.hse.gov.uk><sup>[3]</sup>
  4. Please see the link below to the page on HSE's website that is the best guide to doing it the right way:  
<https://www.hse.gov.uk/agriculture/topics/machinery/farm-vehicles.htm>
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# Lancashire County Council fined over Hand Arm Vibration issues

Lancashire County Council has been fined after several employees carrying out work in the highways department developed a debilitating nerve condition as a result of failure to control exposure to vibration.

Manchester Magistrates' Court heard that, in February 2019, HSE received a RIDDOR report from Lancashire County Council, relating to the diagnosis of a case of Hand-Arm Vibration Syndrome (HAVs). An improvement notice was served to the council in July 2019 requiring the council to improve their control of HAVs. However, subsequent to this, a further ten cases of vibration-related ill-health, unrelated to the RIDDOR report, were uncovered and reported late. Four more reports were also filed, but these were on time.

Regular use of vibrating tools causes the painful and disabling disorder which, in this case, has left the employees with nerve damage to the hands and arms, making everyday tasks and leisure activities difficult or impossible.

An investigation by the Health and Safety Executive (HSE) found that there had been insufficient supervision and monitoring by the council to ensure that operatives accurately recorded their levels of exposure to vibration.

Furthermore, health surveillance records had not been acted upon promptly to reduce or stop exposure levels when symptoms were reported. In addition to this, risk assessments were not adequate for controlling the amount of exposure of operatives, and practices had not been implemented to prevent overexposure. Had these measures been in place the total of fifteen reported HAVs incidences of ill-health could have been prevented. It was also found that the council had failed to send reports of the various diagnoses to HSE without delay as required under the RIDDOR regulations.

Lancashire County Council of County Hall, Fishergate, Preston pleaded guilty to breaches of Section 2 (1) and 3(1) of the Health and Safety at Work etc. Act 1974 and Regulation 8 of the RIDDOR Regulations 2013. The Council was fined £50,000 and ordered to pay costs of £10,366,78.

Speaking after the hearing, HSE inspector Jennifer French, said: "HAVs can be a serious and sometimes disabling condition that is irreversible.

"All employers have a duty to provide effective measures to ensure the health of their staff are not seriously or permanently harmed by the work they are asked to do. HSE is committed to thoroughly investigating companies who do not comply with their duties and will prosecute if necessary."

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2. More about the legislation referred to in this case can be found at: <https://www.hse.gov.uk/vIBRAtion/hav/index.htm>
3. More about RIDDOR reporting can be found at:

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<https://www.hse.gov.uk/riddor/>

4. HSE news releases are available at <http://press.hse.gov.uk>

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## Asbestos removal company fined for failing to protect workers from risk

An asbestos management company has been fined and two of its employees have been jailed for failing to protect workers from asbestos exposure during a major refurbishment project in Plymouth

Chelmsford Crown Court heard that in February 2017, concerns were raised by workers at Ensure Asbestos Management Limited who believed they were being put in danger whilst carrying out refurbishment work at the former department store.

An investigation by the Health and Safety Executive (HSE) found irregularities in the asbestos surveys and clearance certificates, with some of them found to be fraudulent.

Ensure Asbestos Management Limited had been contracted to carry out an asbestos survey, remove all identified asbestos-containing materials (ACMs) from the building and then carry out the initial strip-out of the building before it was refurbished. However, the company was found to have deliberately cut corners in managing the danger of asbestos exposure putting workers at risk.

Ensure Asbestos Management Limited of Station Road, Sawbridgeworth, Hertfordshire pleaded guilty to breaching Section 2(1) and 3(1) of the Health and Safety at Work etc Act 1974 was fined £100,000.

Director of Ensure Asbestos Management Billy Hopwood of Swanstead, Basildon, Essex pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. He has been sentenced to 10 months in prison and

has been disqualified from being a director for five years.

Contracts Manager at Ensure Asbestos Management Phillip Hopwood of Churchgate Street, Harlow, Essex pleaded guilty to breaching Sections 2(1), 3(1) and 33(1)(m) of the Health and Safety at Work etc Act 1974. He has sentenced to 15 months in prison and disqualified from being a director for 10 years.

Speaking after the hearing HSE inspector Georgina Symons said: “Ensure Asbestos Management Limited – a previously licensed asbestos removal contractor – failed to work within the law despite having a wealth of knowledge on the risks associated with exposure to asbestos and the necessary training to have done so safely. They deliberately falsified documents and cut corners.

“Workers should be supported by their employers when they raise health or safety concern. This case sends a clear message that those responsible will be held to account for their failings.

“The dangers associated with asbestos are well known and a wealth of advice and guidance is freely available from HSE and other organisations.”

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/) <sup>[2]</sup>

HSE news releases are available at <http://press.hse.gov.uk>

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## **Gas fitter and builder sentenced for unregistered gas work**

A gas fitter and building company have been sentenced following unsafe and unregistered gas work.

Southwark Crown Court heard that Valentin Pauliuc, trading as VP Plumbing & Heating, was hired in February 2019 by HSM Builders Limited, the principal contractor for a domestic renovation in South London, to carry out plumbing and gas work including the installation of a new gas boiler and gas cooker.

However, some of the gas work was later found by a Gas Safe Register

inspector to be 'Immediately Dangerous', meaning it would be an immediate danger to life or property if connected to a live gas supply, as it was in this case.

A Health and Safety Executive (HSE) investigation found that Mr Pauliuc was not registered with Gas Safe Register, which is a requirement under the Gas Safety (Installation and Use) Regulations 1998 for people who undertake gas work, and that HSM Builders did not check that he was registered to do the work.

Valentin Pauliuc, of Downing Close, Harrow, pleaded guilty to a breach of Regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998. He was sentenced to 10 months in custody, suspended for 12 months, and was placed under a curfew and was also ordered to pay £1,644 in compensation to the owners of the property, and £4,747.68 in costs.

HSM Builders Limited, of Cedar Avenue, Enfield, pleaded guilty to a breach of Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £50,000 and ordered to pay £4,859 in costs.

Speaking after the hearing, HSE inspector Gordon Carson, said: "All gas work must be done by registered Gas Safe engineers to ensure the highest standards are met to prevent injury and loss of life.

"HSE will not hesitate to take enforcement action against people who break the gas safety rules, which are in place to protect the public. We would encourage anyone who is asking for gas work to be done to make sure they check the engineer has the right skills and is registered with Gas Safe Register. Homeowners can ask to see the engineer's Gas Safe Register identification card, which contains key information.

"By law, businesses should make reasonable efforts to obtain evidence that any person they intend to perform gas installation work, either under contract or on their own behalf, is a member, or employed by a member, of Gas Safe Register."

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)
3. More information about safe use of work equipment can be found at <http://www.hse.gov.uk/pubns/books/l22.htm>
4. HSE news releases are available at <http://press.hse.gov.uk>

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# Engineering firm sentenced after fatal incident

An engineering company specialising in the manufacture of containers and drums for the nuclear, aerospace and medical industries has been sentenced after a worker was fatally injured.

Preston Crown Court heard that on 21 May 2018, Whilst working at Graham Engineering's site in Whitehalls Industrial Estate, Colin Willoughby was lying on his back, underneath the raised middle section of a Hugh Smith 1000 tonne capacity press, using a hand-held electric grinder to remove a weld from the base of a large metal piston. When the weld was removed, the internal ram fell through to the ground, crushing Mr Willoughby resulting in instant death.

An investigation by the Health and Safety Executive (HSE) found Graham Engineering Ltd failed to carry out a risk assessment and ensure a safe system of work on the Hugh Smith 1000 tonne capacity press. The 20-tonne middle section of the press was raised using fork lift trucks which exceeded their safe working load, in order to access the underside of the press.

Following a trial in front of a jury Graham Engineering Ltd of Whitehalls Industrial Estate, Nelson was found guilty of breaching Section 2(1) of the Health and Safety at Work etc. Act 1974.

The Company was fined £500,000 and ordered to pay costs of £145,487

Graham Engineering Ltd's Manufacturing Director was acquitted of an associated charge under Section 37 of the Health and Safety at Work etc Act 1974.

Speaking after the hearing HSE principal inspector Steven Boyd said:

"An unsafe system of work was adopted by Graham Engineering Ltd whilst undertaking hazardous work and the ensuing sequence of events led to the untimely death of Mr Willoughby. This tragic incident could have been avoided if the task had been adequately risk assessed and supervised to ensure safe procedures were followed".

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