

Company fined after employee injured by a forklift truck

A company specialising in interior and exterior stonework has been fined after an employee sustained serious injuries when he was struck by a forklift truck.

Peterborough Magistrates' Court heard how on 22 January 2019, an employee of Tudor Stonework Limited was injured whilst moving stone slabs during a lifting operation. The system of work required two operatives to walk in front of the forklift truck to steady a suspended load. However, during this operation the forklift truck ran over the foot of one of the operatives resulting in an open fracture to his left leg as well as crush injuries to his foot.

An investigation by the Health & Safety Executive (HSE) into the incident found that the system of work for transporting stone slabs was not safe, as it required the operatives to be in close proximity to the moving forklift truck.

Tudor Stonework Limited of Silver Street, Enfield, Middlesex pleaded guilty to breaching Sections 2(1) of the Health and Safety at Work Act 1974. The company was fined £466 and ordered to pay costs of £5,570.

Speaking after the hearing, HSE inspector Tom Pouncey said: "Industry practices should be reassessed where other stonemasons may be transporting stone slabs in a similar way.

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

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: [Lifting Operations and Lifting Equipment Regulations \(LOLER\) \(hse.gov.uk\)](http://www.hse.gov.uk/laws/regulations/LOLER.htm)

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

Farmer sentenced after walker killed by cattle

Christopher Paul Sharpe, partner in J H Sharp and Son, has been sentenced for safety breaches after an 83-year-old man was fatally attacked by cattle.

Leeds Magistrates' Court heard how on 30 May 2020, David Tinniswood and his wife were attacked by cattle whilst following a public right of way across Ivescar Farm at Chapel-Le-Dale in Carnforth.

An investigation by the Health and Safety Executive (HSE) found that the couple were walking on a footpath that passed through the yard at Ivescar Farm, following a right of way that runs from the farm down to the road. They were accompanied by two border terriers. The couple were attacked by cattle that were grazing in the field with calves at foot. The 83-year-old man was trampled and pronounced dead at the scene and his wife sustained serious injuries.

Christopher Paul Sharpe of Ivescar Farm, Chapel le Dale, Carnforth, Lancashire pleaded guilty to breaching Section 3 (2) of the Health & Safety at Work etc Act 1974. He received a prison sentence of 12 weeks, suspended for 12 months, and was fined a total of £878 and was ordered to pay £7820.30 in costs.

Speaking after the hearing, HSE inspector Julian Franklin said: "A number of measures could have been taken to safeguard walkers using the path, while cattle and calves were grazing in that field.

"Firstly, not using that field for cattle and calves. Most farmers will have other groups of stock that can graze fields containing rights of way, so can reduce the risk of incidents by putting sheep in them, or they could take fodder crops from them. Cattle with calves can be put in fields without rights of way, away from members of the public, or can be segregated from walkers.

"Farmers should ensure they take all reasonably practicable precautions to protect walkers on public rights of way, especially when they are grazing cows and calves together, or bulls are present."

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2. More about the legislation referred to in this case can be found at: [Cattle and public access in England and Wales \(hse.gov.uk\)](http://Cattle%20and%20public%20access%20in%20England%20and%20Wales%20(hse.gov.uk))^[2]

Roofing contractor sentenced after worker falls from height

A roofing contractor has been sentenced after an unpaid casual labourer fell through a skylight during the renovation of an old asbestos cement roof, at an industrial building in Exeter.

Plymouth Magistrates' Court heard that on 23 October 2018, the labourer, who wanted to gain industry experience having never previously worked on roofs, was instructed by Ian Davey (trading as Exe Fibreglass) to cut fibreglass for the roof of the building. Once the fibreglass was cut, the labourer went up onto the roof to observe the fitting by Mr Davey and another colleague. He stepped on a fragile skylight, which gave way causing him to fall five and a half metres to the floor below. He suffered multiple fractures to his hand and wrist, which required surgical wiring to repair, and also factures to his ribs.

An investigation by the Health and Safety Executive (HSE) found that the work had not been properly planned. There was a lack of training or experience in the supervision of others working at height. There were no preventative safety measures in place for the skylights such as netting, crawl boards or safety harnesses in use.

Ian Davey trading as Exe Fibreglass of Beacon Hill, Exmouth pleaded guilty to breaching Section 9(2) of the Work at Height Regulations 2005. He was given a 12 month community order, which includes 80 hours of unpaid work, and has been ordered to pay costs of £3,000.

Speaking after the hearing, HSE inspector Peter Buscombe said: "This incident could so easily have been avoided by simply using correct control measures and following safe working practices.

"Falls from height remain one of the most common causes of work-related injury and fatality in this country and the risks associated with working at height are well known."

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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>

Suspended sentence for owner of Merseyside roofing firm

A roofing company owner has been given a suspended sentence after a member of the public reported a concern regarding unsafe work at height.

Liverpool Crown Court heard how, on 5 March 2021, company owner Phillip McGinn and two workers were replacing roof tiles on a detached dormer bungalow, in Lydiate on Merseyside, without any scaffolding or edge protection in place to prevent them from falling a distance liable to cause personal injury.

An investigation by the Health and Safety Executive (HSE) found that Phillip McGinn had failed to take suitable and sufficient measures to ensure that work at height was carried out safely. He had failed to provide sufficient work equipment to prevent a fall or to minimise the distance or consequences of a fall.

The court also heard that this was not the first time that HSE had encountered poor working practices from Phillip McGinn. The HSE took previous enforcement action and prosecuted Mr McGinn for a similar offence in 2012.

Phillip McGinn of Lydiate, Merseyside, was found guilty to breaching Section 6(3) of the Work at Height Regulations 2005. He received a thirteen-month suspended prison sentence, 200 hours of unpaid work and ordered to pay costs of £1,000.

After the hearing, HSE inspector Anthony Stuart Hadfield said: "Falls from height remain one of the most common causes of work-related fatalities in this country and the risks associated with working at height are well known. Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standard".

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. More information and guidance can be found at: <https://www.hse.gov.uk/work-at-height>

Recycling company fined after 18-year-old employee injured

A recycling company has been fined after an employee was injured whilst clearing a blockage in a waste metal chute.

Shrewsbury Crown Court heard how, on the 9 October 2017, an employee of PG Skips Limited was injured when he fell through a chute, approximately four metres above a concrete yard, whilst clearing a blockage. Another employee, who was waiting in a telescopic handler to collect the waste metal in the machine bucket, saw him fall and moved the machine to try and catch him. The employee was hit by the bucket and sustained injuries including several broken bones.

An investigation by the Health and Safety Executive (HSE) found that there was no risk assessment or safe system of work in place for clearing blockages. The company had not considered the risk of employees falling through the chute from that height.

PG Skips Limited of The Lowe, Wem, Shropshire were found guilty of breaching Section 2 (1) of the Health and Safety at work Act 1974 and have been fined £17,500.

Speaking after the hearing, HSE inspector Sarah Baldwin-Jones said: "This significant injury to an 18-year-old employee in his first employment could have been easily prevented. The remedial action taken to prevent future blockages implemented after the incident had no cost implication for the company. Employers should make sure they properly assess and apply effective control measures to minimise risks from clearing blockages."

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