

# Estate management partnership and tenant fined for gas safety breaches

Burghill Farms, a partnership trading as Dalhousie Estates, and Mr Piers Le Cheminant have been fined following an incident where one of the occupants of a holiday cottage was found collapsed in a bathroom heated by a portable cabinet propane gas heater.

Forfar Sheriff Court heard that on 28 October 2015, the victim, Thomas Oliver Hill, was staying with his girlfriend and her family at Glenmark Cottage, Tarfside, north-west of Edzel. They were renting the cottage from Mr Le Cheminant, who in turn rented the property from Burghill Farms who were paid 20 per cent of the rental income he received. Mr Hill had taken a bath in the bathroom, which was heated by the gas heater. His girlfriend and her family became concerned when he did not appear after an hour. They knocked on the bathroom door and forced entry when they didn't receive a response. Mr Hill was found collapsed next to the bathroom door and later died. A post-mortem confirmed the cause of death was carbon monoxide poisoning.

An investigation by the Health and Safety Executive (HSE) found that Burghill Farms and Piers Le Cheminant did not have a suitable and sufficient system of maintenance in place for the cabinet heaters and the cabinet heaters were placed in rooms which were too small for the heaters to be used safely due to a lack of suitable ventilation. However, these failings could not be proven to be causally connected to the death of Mr Hill.

Burghill Farms of Brechin Castle, Brechin, Angus pleaded guilty to breaching Regulation 36(2)(a) of The Gas Safety (Installation and Use) Regulations 1998 and Section 33(1)(c) of the Health and Safety at Work etc. Act 1974. The company was fined £120,000.

Piers le Cheminant of Poundsgate, Newton Abbot, Devon, pleaded guilty to breaching Regulation 35 of The Gas Safety (Installation and Use) Regulations 1998, and Section 33(1)(c) the Health and Safety at Work etc. Act 1974. He was fined £2,000.

Speaking after the hearing, HSE principal inspector Niall Miller said: "Landlords have a duty to maintain gas heaters in a safe condition, which in the context of movable gas appliances includes maintaining an appropriate operating environment."

## **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. [hse.gov.uk](https://www.hse.gov.uk)

2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
  3. HSE news releases are available at <http://press.hse.gov.uk>
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## Company fined after employee sustains serious burn injuries

A company has been fined after a worker suffered serious injuries following an explosion at their factory.

Chelmsford Magistrate's Court heard how, on the 24 September 2019, employees at Fabric Flare Solutions Limited, Unit 7, Gosford Road, Beccles, Suffolk, were treating fabrics with a hydrophobic coating that gave off flammable vapours both during the application process and when subsequently drying in the spray room. The flammable vapours ignited causing an explosion just as a 51-year-old employee was walking past the spray room. The blast threw him several metres across the factory and he suffered serious burn injuries to 15 per cent of his body.

An investigation by the Health and Safety Executive (HSE) found that Fabric Flare Solutions Ltd failed to ensure the safety of their employees by not eliminating several sources of ignition in the spray room, including liquid petroleum gas space heaters, domestic light fittings, and other electrical equipment. The company had ignored the clear instruction on the safety data sheet for the substance to be kept away from sources of heat, hot surfaces, sparks, open flames, and other ignition sources.

Fabric Flare Solutions Ltd of 44 Pinbush Road, Lowestoft, Suffolk pleaded guilty to breaching section 2(1) of the Health and Safety at Work Act 1974. The company was fined £26,000 and ordered to pay costs of £7,196.

Speaking after the hearing, HSE inspector Tim Underwood said: "Employers who handle, store or use flammable substances must consider the potential risk of fire and explosion and ensure they have robust procedures in place to assess and control risk at all times.

"This was a tragic and wholly avoidable incident, caused by the failure of the company to fully assess the risk and implement safe systems of work."

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## Company fined after fatality at quarry

A company has been fined after an employee was struck by an excavator and fatally crushed.

Inverness Sheriff Court heard that in May 2017 a crusher was being prepared for use following transportation from another quarry to Leiths (Scotland) Ltd, Kishorn Quarry, Nr Strathcarron, Wester-Ross, Scotland. Pawel Kocik was struck by a quick hitch on the dipper arm of an excavator and crushed between the quick hitch and side of the feed hopper of a mobile crusher.

An investigation by the Health and Safety Executive (HSE) found that a suitable and sufficient assessment of the risks to employees had not been made and that a safe system of work was not in place for erecting the hinged crusher feed hooper side plates, which required being lifted into position and secured with wedges and pins, along with the fitting of a cross brace beam in the feeder. Work at height in the feeder had not been properly assessed and insufficient information, instruction and training for the tasks had been provided.

Leiths Scotland Ltd of Cove, Aberdeen pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £130,000.

The Crown accepted that the failings detailed in the charge did not cause the death of the employee and the plea came before the court on a non-causal basis.

Mike Tetley, HM Specialist Inspector of Quarries said: "This case should serve as a reminder of the need for employers and quarry operators, as duty holders, to review their activities to ensure that a suitable and sufficient assessment of risk has been made and recorded, that the necessary equipment and controls are in place and sufficient information, instruction and training has been provided, especially when excavators are being used as lifting equipment."

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## Waste management company fined after workers suffered multiple fractures

A waste management company has been sentenced for safety breaches after an employee and an agency worker both fell from height.

Leeds Crown Court heard that, on the 4 September 2018, an employee of Associated Waste Management Limited was walking across a first-floor gantry at the company's premises in Morley, Leeds, when one of the metal mesh panels gave way beneath his feet. He fell approximately four metres into the bay below and sustained a double break to the left leg, a break to the right leg and a broken ankle. An agency worker came to assist him, but he also fell through the missing floor panel and sustained a dislocated and fractured shoulder.

An investigation by the Health and Safety Executive (HSE) found that the mesh panel gave way because the clips, which held it in position had become dislodged after a shovel loader, working in the bay beneath the gantry, stuck the frame of the gantry. Due to the height of the gantry, when the shovel loader raised its bucket it came into contact with the gantry. Repeated striking of the gantry resulted in a number of clips, which held the gantry panels in place, becoming loose or dislodged.

Associated Waste Management Limited of St Bernards Mill in Gelderd Road, Gildersome, Morley, Leeds pleaded guilty to breaching Sections 2(1) and 3(1) of the Health & Safety at Work etc Act 1974. The company has been fined £760,000 and ordered to pay costs of £16,170.

Speaking after the hearing, HSE inspector Darian Dundas said: "The company did not have a suitable inspection regime in place.

"This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices."

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## [Company fined after employee suffered serious injuries during lifting operation](#)

A luxury motor yacht manufacturer has been fined after a worker suffered serious crushing injuries to his right hand during a lifting operation.

Leicester Magistrates' Court heard how on 3 December 2018, an employee suffered serious crushing injuries to his right hand during the lifting of a storage cage at Fairline Yachts manufacturing facility at Nene Valley Business Park, Oundle. As there was no goods lift in the manufacturing unit an overhead crane was used. As the cage was lifted it began to tip and fall in the direction of the employee. The cage trapped his hand against a boat trolley causing serious crushing injuries to the employee's dominant right hand.

An investigation by the Health and Safety Executive (HSE) into the incident found that the lifting operation was not properly planned by a competent person, appropriately supervised or carried out in a safe manner.

Fairline Yachts Limited of Nene Valley Business Park, Oundle pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £230,000 and ordered to pay costs of £7,410.

Speaking after the hearing, HSE inspector Aaron Butel said: "When undertaking lifting operations involving lifting equipment companies should ensure that they are always properly planned by a competent person, appropriately supervised and carried out in a safe manner.

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

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