

Director fined for failing to comply with HSE enforcement notices

A director of a former car salvage company has been fined for failing to comply with HSE enforcement notices served to protect the health and safety of workers in his workplace and visitors to the site.

Newport Crown Court heard that between 2018 and 2021, Tahir Karim was in control of activities and persons working at the site known as Long Life Spares, at Graddfa Industrial Estate, Llanbradach and failed to comply with four enforcement notices. The notices had been served in relation to structural safety and the use of unsafe forklift truck vehicles.

An investigation by the Health and Safety Executive (HSE) found that Mr Karim had failed to comply with all of the prohibition notices served. However, he was aware of the risks and directed workers to act in a way that contravened the prohibitions and risked their own safety.

Tahir Karim of Graddfa Industrial Estate, Colliery Road, Llanbradach, Caerphilly, Mid Glamorgan was found guilty of four offences that contravened Section 33 of the Health and Safety at Work etc Act 1974. He was sentenced to 12 months imprisonment.

Speaking after the hearing, HSE inspector Sian Donne, said “We do not tolerate disregard for health and safety and consider the non-compliance of HSE Enforcement Notices as a serious offence.”

Notes to Editors:

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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>

Contractor and security company fined after security guard dies of

hypothermia at windfarm

Two companies have been fined following an incident where a security guard died after being found lying face down and hypothermic, in deep snow, at a remote hillside in Ayrshire.

Ayr Sheriff Court heard that just after midnight on 22 January 2018, Ronald (Ronnie) Alexander, a 74-year-old security guard employed by Corporate Service Management Limited, was found by Police Scotland's Mountain Rescue Team at Afton Windfarm, a remote site near New Cumnock. Mr Alexander died later that day having never regained consciousness.

Corporate Service Management Limited was contracted by Northstone (NI) Limited, who trade as Farrans, to provide security for this site. Following a site visit by the managing director and operations director of Corporate Service Management, it was agreed that two guards would be required because it was known that mobile phone signals offsite are very poor.

Around lunchtime on 21 January, as forecasted, the weather deteriorated resulting in deep drifts on the road to the site from New Cumnock, and the road between the gatehouse where Mr Alexander worked and the site compound where his colleague was stationed. Although mobile phone communications were known to be poor and inconsistent at the site there was no landline. Two-way radios were available, but these could only be used for the guards to speak with each other and not offsite.

The HSE investigation into Mr Alexander's death found that when preparing their emergency weather plan, Northstone (NI) Ltd had failed to include those times when nobody from the company would be present at the site. The company also failed to ensure there was a back-up generator at either of the guard's locations to ensure that their welfare area would have heating and lighting should the main generator fail, despite this having occurred on several occasions previously. Northstone (NI) Ltd did not ensure that Mr Alexander or his colleague had a reliable means of calling for help.

At around 5pm, Mr Alexander's colleague managed to obtain a signal on his mobile phone and reported to Corporate Service Management's control room that not only had the generator failed, but that the only means of transporting the men offsite, a 4x4 vehicle, had become trapped in the deep snow at the site compound. Despite this, Corporate Service Management did not call the emergency services until after 9pm.

Corporate Service Management's emergency plan relied on there being effective communication between the guards and their control room, however they failed to provide this or to make sure that Northstone (NI) Ltd had provided this at the site.

Northstone (NI) Limited, Kingsway, Dunmurry, Belfast pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and was fined £768,000.

Corporate Service Management Limited, MacLellan Street, Glasgow pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and was fined £100,800.

Speaking after the hearing, HSE inspector Gerard Muir said: "This incident could so easily have been avoided had either company ensured that a suitable assessment had been made of the risk to those working at the site in poor weather, that suitable and sufficient means had been provided for the guards to communicate offsite, and that back-up generators had been provided, particularly when they knew how often the main generator had failed. By simply carrying out these correct control measures and ensuring safe working practices at this site, this tragic event could have been avoided.

"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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[Tree surgeon fined after 16-year-old employee sustains life-changing injuries](#)

A self-employed tree surgeon has been fined after a 16-year-old employee suffered serious injuries following a chainsaw incident.

Glasgow Sheriff Court heard how on 19 March 2018, at a domestic property in Glasgow, self-employed Dominic Di Pasquale, trading as Treetops Tree Surgeons, was using a chainsaw to fell trees and then remove the branches, while his employee collected the sections. As Mr Di Pasquale began to remove one of the branches, the young worker attempted to pick it up, unaware that it was still attached to the felled tree, the chainsaw jammed, pulling the employee's right arm into the blade. The 16-year-old sustained a partial amputation of his index finger and deep lacerations to his dominant hand, requiring multiple operations over a three-year period. These life changing injuries have left him permanently disfigured.

An investigation by the Health and Safety Executive (HSE) found that Mr Di Pasquale failed to provide a safe system of work which ensured chainsaw operators maintained safe working distances from other employees, to prevent them coming into contact with the blade. In addition, employees were not adequately trained or supervised when carrying out work with chainsaws.

Dominic Di Pasquale of Motherwell pleaded guilty to breaching Section 2(1) of Health and Safety at Work etc Act 1974 and has been fined £10,000.

Speaking after the hearing, HSE inspector Kim Ross said: "This incident was entirely preventable; the risks from working with chainsaws are well known. Employers have a responsibility to devise safe methods of working and to provide their employees with the appropriate information, instruction and training.

"This case particularly highlights the importance of protecting young workers who may be less familiar with risks in the workplace. HSE will not hesitate to take appropriate enforcement action, especially when young people are put at risk."

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