

# Tree service company sentenced after employee suffers finger amputation

Josh Noon Tree Services has been sentenced today after a worker suffered serious hand injuries when his hand was caught in a log splitting machine.

Exeter Magistrates' Court heard that on 29 December 2017, 33-year-old tree surgeon Darren Gillespie was working with another employee on the log splitting machine at the company's site at Lapford, Crediton.

Mr Gillespie was placing logs in the splitter and then removing the split logs and throwing them into the log store while another employee would operate the log splitter. His hand became trapped whilst working on the machine and when he pulled away he found his right-hand index finger had been completely severed along with the tip of the middle finger.

The court heard that even after surgery, Mr Gillespie still suffers from pain the incident has significantly impacted his ability to continue to work as a tree surgeon.

An investigation by the Health and Safety Executive (HSE) found that due to a lack of guarding or two-handed controls, the machine involved in the incident presented a foreseeable risk of serious injury to operators. The inclusion of a second person loading logs onto the splitter increased the likelihood that a serious injury would occur.

Joshua Mark Noon of Highfield Close, Lapford, Crediton, pleaded guilty to breaching Regulation 3(2) of the Health & Safety at Work etc Act 1974, he has been fined £3100 and ordered to pay costs of £6019.90.

Speaking after the hearing HSE inspector Paul Mannell said: "This incident could so easily have been avoided by simply carrying out correct control measures for machinery guarding and safe working practices.

"Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery."

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

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## **Director of waste company convicted**

The director of a waste management company has been ordered to carry out unpaid work after an employee was critically injured.

Poole Magistrates' Court heard that on 18 April 2017 Justin Tinsley, then aged 33, had only been employed by Mike Toon Ltd for a few weeks when he was trapped between a telehandler and a gate post at the company yard on Dawkins Road in Poole. Mike Toon Ltd processed and recycled builders' waste and soil at the yard.

Justin was struggling with a manoeuvre and the machine became stuck. With the engine running and the door blocked Justin climbed out through the window to allow Mr Toon to free the machine. However, the machine moved unexpectedly, and Justin was crushed between the machine and a gate post. Justin was unconscious in hospital for some weeks and has never fully recovered from his crush injuries.



An investigation by the Health and Safety Executive (HSE) found Justin was being trained to drive a telehandler by the company owner and director Michael Toon. The investigation found several serious long-term faults with the telehandler including some relating to braking.

Michael Toon of Bournemouth pleaded guilty breaching section 37 of the Health and Safety at Work etc Act 1974; that being a director of Michael Toon Ltd he failed to discharge his duty under section 2(1), the offence being committed with his consent or connivance or being attributable to his neglect. He was given a 120 hours unpaid work community order and ordered to contribute to costs of £1500.

HSE inspector Ian Smart said: "Michael Toon was well aware of the unsafe condition of the telehandler yet allowed it to be used by an inexperienced employee.

"HSE promotes safe-stop procedures where drivers should apply the parking brake and turn off the ignition before exiting any mobile machinery. Justin

could not do this as the telehandler was in such poor mechanical condition. The law requires mobile machinery to be in safe working order at all times. Maintenance is not optional. This accident could easily have been prevented.”

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## [Roofing company and director prosecuted after skylight fall](#)

A roofing and building company, and its director, have been sentenced after an employee fell through a skylight.

North East Derbyshire & Dales Magistrates’ Court heard that on 26 March 2018, an employee was carrying out replacement work on the fragile roof of a stable block when he fell through a skylight at Owler Lee Farm, Dronfield. He had stepped from newly fitted metal sheets onto a Youngman board on the skylights. The lower end of the board went through the skylight and he fell around 15 feet to the floor below, resulting in fractures to his knee, elbow and wrist.

An investigation by the Health and Safety Executive (HSE) found that Mr Ian Wilkinson, the director of Weathervane Roofing & Building Limited, did not adequately plan the work at height, which meant there was no safe system of work in place for removal and replacement of the fragile roof of the stable building. As a result, there were inadequate measures in place for preventing falls through the fragile roof, or from one of the roof edges, and there was nothing in place to catch the operatives and prevent them from hitting the ground in the event of a fall.

Weathervane Roofing & Building Limited of Vicarage Close, Holmesfield pleaded guilty to breaching Regulation, 6(3) of the Work at Height Regulations 2005. The company has been fined £20,000 and ordered to pay costs of £1,125.70.

Mr Ian Wilkinson of Vicarage Close, Holmesfield pleaded guilty to breaching Section 37(1) of the Health and Safety at Work etc. Act 1974 and was sentenced to a 12-month community order with 160 hours of unpaid work. He was ordered to pay costs of £1,125.40.

After the hearing, HSE inspector Laura Royales 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. Whilst the injuries sustained by the operative in this case were serious, it is only by chance that they were not fatal. Those in control of work at height must ensure that the work is properly planned and that suitable measures are implemented for preventing falls, or for mitigating the effects of a fall."

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## **[Company director fined after worker impaled on a spike](#)**

Hafeez Ghafoor, formerly a director of the now-dissolved landscaping company R K United Ltd, has been sentenced for safety breaches after a worker suffered life changing injuries.

Leeds Crown Court heard that on 25 August 2016, an employee of R K United Ltd was using a lorry loader crane to deliver a load of soil to a new house on Otley Road, in Leeds. As he brought the crane arm down, his left arm was impaled on a spike which was protruding from the control system. The impact caused several bones in his arm to be shattered.





An investigation by the Health and Safety Executive (HSE) found the crane had severe defects, including a disabled safety system, and part of the safety guard around the controls had been cut off, leaving the spike on which his arm was impaled. In addition, the worker had not received appropriate training to operate the lorry loader crane.

Hafeez Ghafoor of Park Road, Crosland Moor, Huddersfield pleaded guilty to breaching Section 37 of the Health & Safety at Work etc Act 1974. Mr Ghafoor was given a 12-month prison sentence suspended for two years and ordered to complete 200 hours of community service.

After the hearing, HSE inspector Yolande Burns-Sleightholme commented: "This injury was easily preventable, and the risk should have been identified.

"The lorry loader crane should have been properly maintained, regular inspections carried out, and a thorough examination taken place every twelve months. The disabled safety system would have been found during the examination, ensuring that this incident could not have occurred."

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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: <http://www.cpa.uk.net/crane-interest-group-publications-guidance>

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## [Roofing contractor company fined after fatal ladder fall](#)

An Aberdeen based roofing contractor has been fined after an employee fell to his death from a ladder while exiting a scaffold at Jute Street in the city.

Aberdeen Sheriff Court heard that on 21 September 2016, Joseph Kane, an employee of Henderson and Aitken Limited fell from the top rungs of a ladder when it slipped sideways on the scaffold. Mr Kane died of multiple injuries.

The scaffolding had been erected by Henderson and Aitken Limited employees and the ladder was tied, using a blue nylon cord, to the scaffold ledger at only the left stile.



## Unsafe scaffold at Jute Street

A Health and Safety Executive (HSE) specialist inspector that carried out the investigation estimated the lateral movement of the ladder due to the lack of fixity was approximately 20cm.

HSE found a Henderson and Aitken Limited employee had erected the scaffold even though he was not a qualified or competent scaffolder. He had been asked to do this by the company director who was aware he was unqualified. The director then allowed three people to access the scaffold. The scaffold was not erected to the correct standard.

Henderson and Aitken Limited of 6 Balmoral Terrace, Aberdeen, AB10 6HH pleaded guilty to breaching Regulation 4 of Work at Height Regulations 2005 and Section 33(1)(c) of HSWA and was fined £53,000.

Speaking after the hearing HSE Principal Inspector Niall Miller 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.

"This tragic and preventable death highlights the need for those undertaking work at height to ensure that it is carried out safely, that industry guidance is followed and that the relevant regulations are complied with. It is vitally important that those planning and arranging for such work give sufficient regard to the risks posed to workers and members of the public through their actions."

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