

Company fined more than 500k following overhead power lines incident

A Construction company has been fined after a tipper vehicle driven by one of its employees came into contact with overhead power lines during the construction of a waste transfer station.

Northampton Crown Court heard that on 9 March 2016 a driver employed by Mick George Ltd was emptying a load of soil from his tipper vehicle at a site in Northampton. Mick George Ltd had already identified the need for Permanent Protection Structures (goalposts) but after an initial delay only one was installed. In order to empty the final remains of the load from his vehicle, the driver pulled forward with the body raised and the vehicle touched, or came close to touching, the 33KV overhead power lines (OPL's). The tipper vehicle suffered minor damage but the driver was unhurt.

An investigation by the Health and Safety Executive (HSE) showed that Mick George Ltd should have assessed the risks from OPL's more rigorously and realised its system of work was inadequate to reduce the risk of tipper vehicles striking an OPL.

Mick George Ltd of Lancaster Way, Huntingdon, pleaded guilty to a breach of Regulation 25(3) of Construction (Design and Management) Regulations 2015 (CDM). The company was fined £566,670 and ordered to pay costs of £9,000.

HSE inspector Stuart Parry, speaking after the sentencing said:

"Every year in the UK, two people are killed and many more injured when mechanical plant and machinery comes into contact or close proximity to OPL's. This was a very serious incident and it is fortunate nobody was injured as a result.

"A suitable and sufficient assessment would have identified the need to contact the Distribution Network Operator, Western Power, to request the OPL's were diverted underground prior to the commencement of construction. If this was not reasonably practicable, Mick George Ltd should have erected goalposts either side of the OPL's to warn drivers about the OPL's. "

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/](https://www.legislation.gov.uk/)
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Two companies fined for serious breaches involving the removal of asbestos

A residential property management company and a specialist installation contractor have been fined after a resident raised concerns about soffit replacement work carried out on the guttering on three blocks of flats in London.

Westminster Magistrates' Court heard that in July 2016, Squaredeal UPVC & Renewables Limited of Rustington, West Sussex ('Squaredeal') had been contracted by Wildheart Residential Management Limited of Ewell, Epsom, Surrey ('Wildheart') to replace the soffits on the blocks in a housing estate at Sutton Grove, Sutton, London.

An investigation by the Health and Safety Executive (HSE) found that Wildheart instructed Squaredeal to carry out the work, but failed to check whether the soffits contained asbestos. Squaredeal had the soffits analysed and became aware they contained asbestos but started to remove the soffits without adequate precautions to ensure workers and residents were protected.

Squaredeal UPVC & Renewables Limited was fined a total of £18,500, and ordered to pay £5,607.90 in costs after pleading guilty to offences under Regulations 5, 8(1) and 11(1) of the Control of Asbestos Regulations 2012.

Wildheart Residential Management Limited was fined £8,000, and ordered to pay £3000 in costs after pleading guilty to an offence under Regulation 4(3) of the Control of Asbestos Regulations 2012.

HSE inspector Fu Lee commented after the hearing:

"The work risked not only the workers, but also the residents of the flats being exposed to disturbed asbestos. Exposure to asbestos can lead to a number of diseases, including asbestosis or fibrosis (scarring) of the lungs; lung cancer and mesothelioma. These diseases are irreversible, disabling and in most cases eventually fatal.

"The latest statistics show that asbestos related disease cause approximately 3000 deaths a year. All asbestos-related diseases typically take many years to develop after exposure.

"This incident could have been avoided if the companies had taken appropriate

action to identify the type of asbestos and engage an appropriately qualified contractor to carry out the work safely.”

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[Company fined after worker injured by wall collapse](#)

A landscaping services company was sentenced today after a worker was seriously injured when a retaining wall collapsed into a trench.

Newton Aycliffe Magistrates’ Court heard how, on 7 November 2016, an employee of Award Winning Greenfingers Limited was undertaking groundworks to install a new timber retaining structure in the rear garden of a property at Beamish, County Durham.

While excavating a trench in front of an existing blockwork wall, a section of the wall collapsed and fell onto the worker, trapping him underneath. As a result, he sustained a complex fracture to his pelvis which required surgery and he has not been able to return to work since the incident.

An investigation by the Health and Safety Executive (HSE) found that the company failed to properly plan and manage the installation of the timber structure, and had not put sufficient control measures in place to prevent the collapse of the existing blockwork wall.

Award Winning Greenfingers Limited of Saltwell View, Gateshead pleaded guilty to breaching Regulation 19 (1) of The Construction (Design and Management) Regulations 2015 and was fined £20,000 and ordered to pay costs of £1048.86 and a victim surcharge of £220.

Speaking after the hearing, HSE inspector Cain Mitchell said: “This case highlights the dangers of undermining a freestanding wall by excavating

alongside the structure without appropriate planning and the necessary precautions in place.

“If the company had implemented reasonably practicable measures that minimised the risk to persons working next to such structures this incident could easily have been avoided”.

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[Exmouth building companies fined after disregarding health and safety regulations](#)

Coast & Country Construction Limited and Paul Humphries Architects Ltd have both been sentenced today after serious breaches of their health and safety duties.

Exeter Magistrates’ Court heard that, in early 2016, a concern was raised about the lack of health and safety controls at a large timber frame extension being built onto Manor Lodge Residential Home in Exmouth. On 1 March 2016, inspectors from the Health and Safety Executive (HSE) visited the site and found numerous health and safety breaches.

During the site inspection, uncontrolled high-risk activities were witnessed that put workers at risk of death, serious injuries or ill health. The risks included falls from height, fire, slips and trips and poorly controlled wood dust. The inspection found there was a total disregard for health and safety and site management. In particular, the risk of fire spread associated with the construction of a timber frame extension adjoining an existing building. 80 physically and/or mentally impaired residents of the home were put at risk of injury or death due to the possibility of fire spreading into the home.

The subsequent investigation by the HSE found that the work was not properly planned, nor appropriately supervised or carried out in a safe manner. Coast & Country Construction Limited (formerly known as Make a Loft a Home) as the principal contractor, had a duty to control how the work was carried out and to ensure that the work would be completed safely. The timber frame extension work was designed by Paul Humphries Architects Ltd who failed to perform their duties as the principal designer and failed to consider the risk of fire spread to the vulnerable residents.

Coast & Country Construction Limited of Concord Road, Exmouth did not attend court but were found guilty in their absence to breaching Section 2 (1) and 3 (1) of the Health and Safety at Work etc Act 1974, and have been fined £150,000 and ordered to pay costs of £6,039.

Paul Humphries Architects Ltd of Salterton Road, Exmouth pleaded guilty to breaching Regulation 11 (1) and 11 (3) of the Construction (Design and Management) Regs 2015, and have been fined £20,000 and ordered to pay costs of £6,039.

Speaking after the hearing HSE inspector Nicole Buchanan said “Those in control of work have a responsibility to devise safe methods of working and to provide the necessary information, instruction and training to their workers in the safe system of working.”

“Companies should be aware that HSE will not hesitate to take enforcement action against those that fail to control workplace risks appropriately.”

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Partners fined after farm worker injured

Two partners in a farming company have been fined after an employee received serious injuries when his arm was drawn into the rollers of a potato grading machine.

Lincoln Magistrates Court heard today how, on 21 October 2016, an employee of Leverton Brothers was cleaning and emptying a potato grading machine when his right arm was drawn into the unguarded contra-rotating haulm rollers. In order to check that the grader was emptying, he climbed onto the side of the grader and reached across in an attempt to move the remaining potatoes. His glove was caught by the rollers, drawing his arm in and it took 45 minutes to release him.

An investigation by the Health and Safety Executive (HSE) identified that a safe stop procedure could have been followed, and that the contra-rotating rollers should have been guarded.

David and Philip Leverton pleaded guilty to breaching Regulation 3 (1) of the Management of Health and Safety at Work Regulations 1999, and Regulation 11 of the Provision and Use of Work Equipment Regulations 1998. They were each fined £5,000 and each ordered to pay costs of £892.10

Speaking after the hearing, HSE inspector Martin Giles said:

“This injury could have been easily prevented and the risk should have been identified. Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery.”

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