

## Ginsters owner fined £1.28m after employee crushed to death by lorry

The owner of Ginsters has been fined £1.28 million after an employee was killed by a lorry that was delivering supplies to the bakery where it makes its pasties.

Paul Clarke was fatally crushed on 2 December 2021 after being struck by the vehicle as it reversed into a loading bay at The Cornwall Bakery, Callington, operated by Samworth Brothers.

He was taken via helicopter to Derriford Hospital, where he later lost his life.

"Our lives will never be the same without Paul," his mother has said in a statement.



Paul Clarke

The 40-year-old, who had recently joined the bakery as an intake operator, had been moving strip curtains in the loading bay before being struck by the

lorry.

A Health and Safety Executive (HSE) investigation found Samworth Brothers had not assessed the risks associated with the temporarily installed strip curtains and that there was no safe system of work to move them out of the way when the lorries reversed into the loading bay. The strip curtains had been installed in place of a faulty roller door.

The site staff had not been provided with training or instructions to move the curtains and had devised their own methods, which included standing in the yard behind reversing vehicles. Mr Clarke was new to the role and was working his first lone shift. Management failings had not picked up the additional risks associated with this task.



The intake bay where the incident occurred

HSE guidance can be found at: [Introduction to workplace transport safety – HSE](#)

Bernice, Paul's mother, said in a statement: "Paul was a family man and loved big family holidays, which will never be the same without him. I have not

been on a family holiday since I feel so much guilt towards Paul, we don't celebrate Christmas as the date is too close and it is just not the same.

"Paul and I had a very special relationship between a mother and a son. We were always talking and catching up. I would call him every weekend and see what he was doing. He would always come out with us on a bike ride or a walk. We all miss Paul very much every day, our lives will never be the same without Paul."

Samworth Brothers Limited, of Samworth Way, Melton Mowbray, Leicestershire, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £1.28 million and ordered to pay £24,106 in costs at Plymouth Magistrates' Court on 7 November 2024.

HSE inspector Aimie Baker said: "Bernice's words make clear the impact the passing of Paul has had and our thoughts remain with her and her family.

"Workplace transport incidents involving pedestrians are a major cause of fatal injuries in the workplace with 25 such recorded fatalities in 2023/24. Employers should plan their workplace to reduce contact between pedestrians and vehicles.

"Their risk assessment should consider workplace transport activities, including loading and unloading, and ensure that pedestrians are safe from the risks associated with vehicle movements where they interact. The management arrangements further require employers to monitor and review their measures as appropriate for the risks."

This HSE prosecution was brought by HSE enforcement lawyers Daniel Poole and Kate Harney, who were supported by HSE paralegal officer Imogen Isaac and HSE litigation officer Helen Vigus.

#### **Notes to editors:**

1. [The Health and Safety Executive](#) (HSE) is Britain's national regulator for workplace health and safety. We are dedicated to protecting people and places, and helping everyone lead safer and healthier lives.
  2. More information about the [legislation](#) referred to in this case is available.
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# Company fined after worker killed by telehandler

A construction company has been fined £160,000 after a man was killed by a telehandler at a house build site in Glasgow.

Scott Bradley had been reversing the vehicle at the Stepford Road site when it slid down an embankment and overturned on 11 May 2022.

The 44-year-old, employed by Merchant Homes Partnership Limited, had been using the telehandler to move scaffolding behind houses that had been partially built.

Despite the efforts of colleagues and the emergency services, Mr Bradley died from crush injuries at the scene.



The incident took place at a house build site in Glasgow

An investigation by the Health and Safety Executive (HSE) and Police Scotland found Merchant Homes Partnership Limited, the principal contractor at the site, had not risk assessed the traffic route where the incident occurred.

HSE guidance can be found at: [Construction – Mobile plant and vehicle industry health & safety](#)

HSE inspector James Caren said: “This was a tragic incident and our thoughts remain with the friends and family of Mr Bradley.

“Our investigation discovered that Merchant Homes Partnership Limited had failed in its duty to properly risk assess and introduce measures to ensure the traffic route was suitable for the telehandler being driven by Mr

Bradley. As a result of this, the telehandler's wheels went over the edge of the traffic route while it was being reversed, which tragically led to the vehicle overturning."

Merchant Homes Partnership Limited, of George Square, Glasgow, pleaded guilty to breaching Regulation 27(2) of the Construction (Design and Management) Regulations 2015. The company was fined £160,000 at Glasgow Sheriff Court on 12 November 2024.



The incident took place at a house build site in Glasgow

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# Fine for council after man 'who loved life' killed by falling tree

Cheshire East Council (the council) has been fined £500,000 after 'the most amazing man' was killed by a falling tree.

Christopher Hall, 48, from Wilmslow, was walking his dog in The Carrs – one of the town's parks – on 28 August 2020, when the large limb of a tree fell and struck him. He received multiple injuries and sadly died at the scene.

Less than a year before, another large limb from the same tree had fallen off but the incident was never investigated by the council or its ground maintenance company Ansa Environmental Services Limited. As the District Judge sentenced both at Chester Magistrates Court on 8 November 2024 he said that the previous incident should have "acted as a wake-up call".



Chris with wife Fiona and son Sam on their way to Bali

In a victim personal statement, Chris's wife Fiona said her husband "loved life and life loved him".

"Seeing his face, you will get a sense of who Chris was, what he meant to those around him and what we have lost," she said.

"His image serves not only as a tribute to the most amazing man but also a focal point and brutal reminder of why seeking justice matters so very deeply.

"Chris loved life and life loved him.

"His death was utterly senseless and wholly avoidable.

"He was simply walking our dog on a dry, warm, summer's day.

"His loss is colossal, his absence is immense and he leaves a void that can never be filled."



4. The stump of the tree after it had been cut down, with the limb remnants and floral tributes to the right of the pathway

An investigation by the Health and Safety Executive (HSE) found that when same tree had shed another large limb in September 2019, no investigation was carried out by those responsible to assess whether the tree posed a future safety risk. The council, who controlled the park, did not have a formal overarching tree strategy to manage the risks from trees in public places, and their grounds services contractor, Ansa Environmental Services Limited, had no robust tree management policy.

Organisations who are responsible for trees in areas regularly used by members of the public often adopt a concept called “zoning”, where trees are prioritised for proactive checks based on frequency of public access. HSE guidance is available [here](#).



Chris and his son Sam visiting the Great Wall of China

In his own statement, Chris’s son Sam spoke about the impact his dad’s death has had on his life.

“For the past four years, it’s felt like a long, painful trail – a path we



never wanted to be on,” he said.

“Losing dad was losing my life and strength. I miss every little piece of him – his laughter, wisdom, and adventures we shared.

“Our travels ignited a passion in me, but now every journey feels bittersweet without him.

“I’ve taken up diving, which was one of his dreams for us. Being underwater helps me connect with him.”

Cheshire East Council pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974. They were fined £500,000 and ordered to pay £7,284 costs at a hearing at Chester Magistrates Court on 8 November 2024.

There was no separate penalty for Ansa Environmental Services Limited of Middlewich, Cheshire, who also pleaded guilty to breaching 3(1) of the Health and Safety at Work Act 1974. They were ordered to pay a nominal fine of £500. In passing his sentence, the District Judge said it would have been disproportionate to impose fines on both.



3. Contractors taking down the remaining tree limb after the incident

HSE inspector Lorna Sherlock said: “This was an utterly tragic event that has caused the death of a much-loved husband and father.

“Had this public area been better managed, this death might have been avoided. No lessons were learned from the limb falling off the tree less than a year before.

“Cheshire East Council had not adopted a formal overarching tree strategy to manage the risks from trees in public places since it was formed in 2009.

“There was no overarching, consistent risk identification process leading to zoning of trees in all frequently accessed public areas.

“Fiona and the family have shown great courage and fortitude throughout their ordeal.”

The prosecution was brought by HSE enforcement lawyer Matthew Reynolds and paralegal officer Gabrielle O’Sullivan.

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5. Guidance on [managing the risk posed by trees](#) is available.

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## **Manchester engineering firm fined after apprentice loses fingers**

A Manchester-based engineering company has been fined £500,000 after a young apprentice lost the use of two fingers when using a horizontal bandsaw.

The apprentice, who was just 18 at the time, suffered the serious injuries to his fingers in an incident at Proline Engineering Limited in Worsely, on 7 November 2022. While one finger was severed completely, the other was surgically re-attached. However, the now 20-year-old has been left with very little movement and nerve damage in that finger. He had only been on a placement with the firm in order to gain experience in fabrication and engineering and was just over a month into this placement when the incident occurred.



The horizontal band saw the apprentice had been using

An investigation by the Health and Safety Executive (HSE) found that he was being taught how to weld as part of his apprenticeship placement. This process required multiple sections of steel to be available to practice welding on. After a brief period of verbal training he was permitted to cut lengths of steel into these sections using a horizontal bandsaw, which was located in a shipping container some distance away from the main workshop.

HSE inspector Tracy Fox said: "This young man was at the very start of his career.

"As a result of this companies failures, he sustained serious and irreversible injuries that have been truly life changing. Those injuries have impacted on many aspects of his life and resulted in him having to undergo numerous operations and procedures.

"Once a keen mountain biker and member of his local gym, his hand grip is such that he can no longer take part in those activities that he used to love."



The horizontal bandsaw was located in a shipping container some distance away from the main workshop

On the day the incident happened, he had been working unsupervised when he noticed the bandsaw was not completing a full cut due to a build-up of metal debris underneath the sawblade. As he attempted to clear away the debris, his fingers came in contact with the moving sawblade, instantly severing one finger and severely damaging another. He was taken to hospital where he remained for six days.

The investigation also found that Proline Engineering Limited had failed to carry out a suitable and sufficient risk assessment, resulting in a failure to provide suitable guarding arrangements on the bandsaw and had failed to put in place an adequate safe system of work. It also revealed inconsistencies and inadequacies in the provision of information, instruction, training and supervision for those required to use the bandsaw.



The machine the apprentice was using was subsequently taped off following the incident

The company pleaded guilty to breaching Section 2(1) of the Health and Safety

at Work etc Act 1974 at Manchester Magistrates' Court. They were fined £500,000 and ordered to pay £5,317 costs at a hearing at on 6 November 2024.

HSE inspector Tracy Fox went on to say: "Had even the most basic safeguards been put in place this incident would have been avoided.

"The risks arising from operating machines such as bandsaws are well known. HSE has clear guidance on the [provision and use of work equipment](#) that can help in preventing incidents like this from happening.

"We would like highlight that all employers should make sure they properly assess their workplace for these risks and act to ensure that effective measures are in place to minimise the risks associated with operating machinery.

"It is crucial that as part of this assessment employers consider and manage any increased risks that may be associated with inexperienced employees."

This prosecution was brought by HSE enforcement lawyer Gemma Zakrzewski and supported by HSE paralegal officer Sarah Thomas.

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5. Guidance on [working safely with machinery](#) is available.

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## [Fine for construction company after father of three left paralysed](#)

A father-of-three was left paralysed from the chest down after falling through a ceiling at a house renovation in Derbyshire.

Chesterfield builder Andrew Clifford remained lying face down on the floor for around six hours before he was found by a delivery driver. He judged the time by hearing hourly news bulletins from his radio.

Andrew had been working alone installing first-floor joists during the construction of a house on Main Road in Dronfield. The 51-year-old was carrying out the work on behalf of Paul Freeman Limited – a Mansfield-based company he had worked with for around 20 years.

The Health and Safety Executive (HSE) has prosecuted the company for failing to properly plan work at height.

On the morning of 31 October 2022 Mr Clifford slipped and fell from the first floor to the ground below and was left unable to move.

He spent nearly five months in hospital, with the injuries to his spinal cord so serious they left him paralysed from the chest down, with only limited movement in his hands and arms.

Speaking about the day that changed his and his family's lives forever, Mr Clifford said: "The first thing I recall after my fall was landing on my head.

"From that point it was a very strange feeling as from when I landed, I felt no pain and I couldn't understand why or that I couldn't get up.

"My radio was on and I judged the time by the news. After an hour, I tried to move again and this carried on for around three hours. Eventually, I realised this was serious and I thought I'd better stay still as I didn't want to cause further injuries.

"This wasn't the type of street where people were walking past and as it started to get dark I was getting really worried.

"When I was found by the delivery driver I heard him shout out, 'hello, hello, hello'.

"I think I fell between 9am and 9.30 and wasn't found until 3pm."

He went on to say how being a builder was a job he loved and described the impact the incident has had on his everyday life.

"I can't do anything I used to love doing before," he said.

"Simple things like doing the gardening, washing the car and jobs around the house.

"I can't even wash or dress myself now.

"I haven't been upstairs in my house since the accident – my wife and three daughters all sleep upstairs and I sleep alone downstairs.

"Another thing that really upsets me is the thought of not being able to walk my daughters down the aisle when they get married."

An investigation by the Health and Safety Executive (HSE) found that Paul Freeman Limited failed to ensure that work at height had been properly

planned and, as such, no measures had been implemented to prevent falls during the construction of the first floor. Mr Clifford had not been provided with suitable instruction as to how the work should be carried out and was therefore left to work this out on his own.

Working at height remains one of the leading causes of death in the construction industry and [HSE has detailed published guidance on minimising the risks associated with it](#).

Paul Freeman Ltd of Synergy House, Acorn Business Park, Commercial Gate, Mansfield, Nottinghamshire, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act 1974 at Derby Magistrates' Court on 4 November 2024. They were fined £40,000 and ordered to pay costs of £6,263.

HSE inspector Sara Andrews said: "My thoughts remain with Andrew and his family, whose lives have changed dramatically as a result of this preventable incident.

"This case highlights the importance of undertaking a thorough assessment of the risks for all work at height activities and the need to ensure that, where work at height cannot be avoided, suitable control measures are implemented to minimise the risk of serious injury.

"This is even more significant when lone working."

This prosecution was brought by HSE enforcement lawyer Neenu Bains and paralegal officer Rebecca Forman.

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