

# Company and director fined after worker sustained life-changing injuries

A manufacturer of concrete architectural elements and garden ornaments, and its director, have been fined after an employee sustained life-changing injuries when his arms became trapped in a cement mixer.

Nottingham Crown Court heard that on 8 August 2018, the employee was using the cement mixer at the company's premises on Nottingham Road, Alferton, to prepare the concrete mix for the ornamental castings. The employee attempted to stop the machinery to retrieve something from the mixing pan. However, when he reached inside, his arms came into contact with the mixing paddles, and he was dragged almost entirely into the mixer. He managed to pull himself out but was seriously injured. As a result of the incident his left arm was amputated at the upper arm level and his right arm had to be amputated at the mid forearm. He also sustained injuries to his ribs, face, back and shoulders.

An investigation by the Health and Safety Executive (HSE) found that David Sharp Studio Limited had failed to take sufficient steps to guard against the risks of entrapment and injury posed by the cement mixer. The employee had been exposed to the risk of serious injury by requiring him to operate the mixer with the lid open whilst standing next to it. There was a failure to provide guards or to interlock the operation of the mixer in order to reduce the risk of accidental entrapment or foreseeable misuse. There was also a failure to train, instruct and supervise the employee to ensure that he was aware of, and followed, safe procedures for working on or near the mixer whilst it was in operation. The HSE investigation also established that the company Director, David Sharp, was aware of the unsafe conditions and allowed them to continue.

David Sharp Studio Limited of White House, Clarendon Street, Nottingham, pleaded guilty to breaching Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998. The company was fined £1,000.

David Sharp, also of Clarendon Street, Nottingham, pleaded guilty to a charge under Section 37 of the Health and Safety at Work etc. Act 1974. He was fined £2,000, disqualified from being a company director for seven years and ordered to pay full costs of £30,802.35.

HSE principal inspector Samantha Farrar said: "This incident could so easily have been avoided by simply providing effective guarding to prevent access to dangerous parts of machinery.

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

## 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>
4. Further guidance on machinery safety can be found at: [Why is machinery safety important? \(hse.gov.uk\)](http://www.hse.gov.uk/machinery/machinery_safety.htm)