

Farmer sentenced after child fatally injured in fall from farm vehicle



The mother of a four-year-old boy who fell from a farm vehicle and was run over sustaining fatal injuries has called for a change in attitude in agriculture.

Today, farmer Brian Nutter was given a suspended prison sentence following the death of his nephew Harry Lee.

Wigan Magistrates' Court heard that on 8 July 2019, Harry was riding on the cab footplate of a telescopic handler driven by his uncle Brian at a farm in Newchurch-in-Pendle. As the vehicle turned into a field, Harry fell from the footplate and was fatally crushed beneath the wheels.

An investigation by the Health and Safety Executive (HSE) found there were insufficient measures in place to ensure the safety of children on the farm. The Prevention of Accidents to Children in Agriculture Regulations 1998, prohibits children under the age of 13 from riding on, or operating, vehicles used in agricultural operations. Furthermore no-one, including children, should ride on the footplate of any agricultural machine.

Brian Nutter of Tynedale Shippon, Newchurch-in-Pendle, Lancashire pleaded guilty to breaching Section 3 of the Health and Safety at Work etc. Act 1974. He was given a 26-week prison sentence suspended for 18 months, a community order, which included 250 hours of unpaid work and ordered to pay costs of £5,154.

Mum Sarah Nutter said: "Losing a child at any age is a traumatic experience, but losing a child in such deeply tragic circumstances is completely life changing. The event of Harry's death has and will have a lasting effect that I, and my family will never get over.

"Farming is a lifestyle and a way of life. If we could go back and make different decisions and do things differently, we would certainly do so. We

have had to learn the hard way.

"The dangers to children on farms are often not appreciated when you live with them, but they should be at the forefront of all our minds every single day.

"I hope the effects of Harry's accident will change the attitude of people living on farms and make them think twice about the dangers their children are exposed to and how easily accidents can be avoided."

Dad Martin Lee said: "Harry, so passionate about farming even at four-years-old, was very much my legacy, the person who would take on the farm.

"Always smiling, Harry had a love for life that brought joy to all those around him and certainly lived his life to the full.

"He was a loving, caring, kind and bright child, full of affection for his family. It is a tragedy that he was needlessly taken from us too soon.

"His death has traumatised and deeply impacted the whole family."

Speaking after the hearing, HSE inspector Shellie Bee said: "This is a deeply sad and upsetting incident for all involved. Harry, a four-year-old child, lost his life in what was a wholly avoidable incident caused by a failure to protect him from farm work activities. Harry should not have been in the workplace nor allowed to ride on farm machinery.

"Farms can appear to be exciting places, but they are busy workplaces with moving machinery and vehicles, livestock, chemicals and many other significant hazards.

Each year, children are killed and many more are seriously injured as a result of farming work. Often the child is a close relative to those managing and running the farm.

"The best way to keep children safe, particularly young children, is to keep them out of the farm workplace altogether. If taken onto the farm, to working areas, this must be carefully planned. The child should be fully supervised by a responsible adult who is not engaged in any other activity."

She added: "In addition to the general health and safety duties to protect children. There is specific law that prohibits children under the age of 13 years from riding on or operating agricultural vehicles used in the course of agricultural operations.

"Harry's family hope that their story will make the wider farming community take steps to fully protect the safety of any child who may be on the farm."

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
 2. More about the legislation referred to in this case can be found at: legislation.gov.uk/
 3. HSE news releases are available at <http://press.hse.gov.uk>
 4. For more information on child safety in agriculture: [Agriculture: Children and public safety](#)
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Construction company prosecuted after workers fall from height

A construction company has been sentenced following an incident where two bricklayers fell from height during the construction of a parapet wall.

Manchester Magistrates' Court heard that on 31 October 2019, two employees suffered serious injuries at a property in Over Alderley, Cheshire when the makeshift platform they were working on collapsed. The two men, along with plywood boards and bricks, fell approximately eight feet to the concrete floor below. The first man sustained fractured ribs, severe bruising and a large wound to his leg, the second man sustained severe bruising to his knees.

An investigation by the Health and Safety Executive (HSE) found that H Cumberbirch & Sons Limited did not properly plan the work at height, in that the risk assessment and method statement by failing to consider how the parapet wall would be constructed and how the risk of falling from height would be prevented. The company failed to ensure that there were suitable measures in place for preventing the employees from falling from height and they were left to work out how best to carry out the work with the equipment they had available. The work at height was not adequately supervised to ensure that it was carried out safely.

H Cumberbirch & Son Limited of Fence Avenue in Macclesfield pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005. The company was fined £36,000 and ordered to pay costs of £2,824.

Speaking after the hearing, HSE inspector Sinead Martin said: "This incident could have been prevented had the company properly planned the work at height and identified and implemented suitable control measures, such as platforms for preventing falls through the joists and scaffolding at the roof edges.

"Falls from height are the number one cause of serious injury and death in the construction industry."

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 3. HSE news releases are available at <http://press.hse.gov.uk>
 4. For more information on working at height visit: [Work at Height](#)
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HSE focuses on health and safety in the construction industry in Birmingham

With the number of new construction schemes started across Birmingham City Centre almost doubling in 2021^[1], the Health and Safety Executive (HSE) are sending inspectors out to sites to ensure firms are complying with health and safety regulations, it announced today (Thursday 3 March).

As the city prepares to host the 2022 Commonwealth Games in just 140 days' time, the HSE has noted increased development across the city potentially raising risks for both workers and the public.

Sarah Hill, one of the HSE inspectors leading the campaign, commented:

"With a high volume of construction sites in the busy city centre, there is inevitably more potential for incidents which can result in life-changing injuries or worse and working environments which can pose respiratory risks and are hazardous to workers' health and well-being. This week, HSE colleagues and I will be visiting sites across the city to check that employers are managing risk and keeping workers and the public safe. The fatal injury rate in the construction sector is around four times the all-industry rate, while over 3,500 builders die each year from cancers related to their work, so this is a reminder to employers that there is no room for complacency or non-compliance."

During a visit, inspectors look to see how companies keep their workers, and anyone affected by the work they do, healthy and safe. In the event that an employer is breaking the law, an inspector may deploy a range of measures such as issuing an improvement notice which allows a minimum of 21 days for the issue to be put right or, in the case of the most serious breaches, prosecution.

Sarah Hill added:

"The majority of work-related illness, injuries and fatalities are wholly

avoidable if those responsible for the welfare of their workers follow health and safety guidance and regulation. Construction is a high risk industry, but those that work in it are as entitled as everyone else to go home safe and well at the end of the day.”

Health and safety statistics for the construction industry across the UK:

- 39 fatal injuries to workers in 2020/21
- 74,000 workers suffering work-related ill health (average over 2018/19-2020/21)
- 61,000 non-fatal injuries (averaged over 2018/19-2020/21)
- Four fatalities amongst members of the public.[\[2\]](#)

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2. HSE news releases are available at <http://press.hse.gov.uk>

[\[1\]](#) Deloitte Birmingham Crane Survey 2022 [Birmingham Crane Survey 2022 | Deloitte UK](#)

[\[2\]](#) Data up to March 2021, published 16 December 2021 [Construction statistics in Great Britain, 2021 \(hse.gov.uk\)](#)

[A letting company and its director have been fined for gas safety failings](#)

A letting agent company and its director have been fined for failing to carry out essential safety checks on gas appliances in their rental property.

Chelmsford Magistrates' Court heard how the landlord, Belleview Property Limited (Belleview), failed to carry out the annual gas safety check at their rental property in Colchester, Essex. Belleview were served with an Improvement Notice requiring the checks to be carried out, but they failed to do within the specified timeframe.

They also failed to provide details of the tenancy agreement when requested to do so by a Health and Safety (HSE) inspector using her powers under Section 20 of the Health and Safety at Work etc Act 1974. The investigation found that Belleview's failures were committed with the consent of, or were attributable to neglect on the part of, Adrian Ellis, as the sole director of Belleview.

The Court heard how Adrian Ellis had previously been prosecuted by HSE for failing to undertake gas safety checks at properties owned and rented out by him as an individual. Belleview had also been subject to HSE enforcement twice in the last five years relating to its failure to arrange gas safety checks at properties rented out by it, including the property subject to the current case.

Belleview Property Limited of 15 Station Road, St Ives, Cambs PE27 5BH pleaded guilty to breaching the Gas Safety Installation and Use Regulations 1998, Regulation 36(3), for failing to comply with the requirements of the Improvement Notice served under Health and Safety at Work Act 1974, Section 20 and failing to comply with the requirement to provide information under Health and Safety at Work etc Act 1974, Section 20 was fined £12,000 with £2,245.28 costs.

Director Adrian Ellis of 4 Leech's Lane, Colchester, Essex CO4 5EP pleaded guilty to breaching Section 37(1) of the Health and Safety at Work etc Act 1974 and was fined £3,000 with £ 2,245.28 costs.

Each defendant was ordered to pay a further £170 as a government surcharge.

After the hearing HSE inspector Jessica Churchyard said: "Landlords must ensure gas appliances at their tenanted properties are maintained in a safe condition and are checked by a Gas Safe Register engineer at least every 12 months.

"HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

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2. More about the legislation referred to in this case can be found at: gov.uk/; www.hse.gov.uk/gas/domestic/faqlandlord.htm
3. HSE news releases are available at <http://press.hse.gov.uk>

Contractor fined for failing to comply with health and safety regulations



A sole trader has been fined for failing to plan, manage and monitor construction work being carried out under their control.

Chelmsford Magistrates' Court heard how Rytis Tamasaukas was the principal contractor carrying out extensive refurbishment works to extend a detached property in Chigwell, Essex.

The Health and Safety Executive (HSE) carried out six site inspections between 1 May and 28 November 2018. Mr Tamasaukas was served with three prohibition notices for breaches of the Work at Height Regulations 2005 and another prohibition notice for the stability of roof trusses. He was also served three improvement notices for the control of wood dust, access and egress and competent supervision,

Following a revisit to the site by the HSE inspector David King it was discovered that Mr Tamasaukas continued in his failure to plan, manage and

monitor the construction work being carried out under his control. He also failed to comply with the prohibition notice for work at height and the improvement notice which referred to the training of a competent Site Manager.

Mr Tamasaukas, formerly of 27 Neterfield Gardens, Barking and now resident in Romford, Essex, pleaded guilty to breaching Regulation 15(2) of the Construction (Design and Management) Regulations 2015 and two counts of breaching Section 33(1)(g) of the Health and Safety at Work Act 1974. He was ordered to serve a community order, which involves undertaking 280 hours of unpaid work within the next 12 months and ordered to pay costs of £5,000.

Speaking after the hearing, HSE inspector David King said: "This case highlights the need for suitable and sufficient planning, managing and monitoring, using the appropriate work at height equipment and having a competent Site Manager. Duty holders should be aware that HSE will hold to account those who do not comply with health and safety legislation, or who do not comply with enforcement notices served on them."

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2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/

<http://www.hse.gov.uk/construction/areyou/principalcontractor.htm>

<http://www.hse.gov.uk/work-at-height/index.htm>

3. HSE news releases are available at <http://press.hse.gov.uk>

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