

Director prosecuted for failing to comply with Enforcement Notices

A director of a woodworking company has been fined for failing to comply with Enforcement Notices served to protect the health and safety of workers in his workplace.

Swansea Magistrates' Court heard that, in November 2016 and August 2018, Classical Joinery Group Limited in Neath (now dissolved) had not complied with four Enforcement Notices. The Notices had been served to ensure compliance with controlling health risks associated with the use of hazardous substances and controlling fire and explosion risks associated with the spraying of flammable substance.

An investigation by the Health and Safety Executive (HSE) found that Peter John Gittins was the sole director of the company and, by his consent or connivance, Classical Joinery Group Limited had failed to comply with all of the Improvement Notices served.

Peter John Gittins of Abbey Road Industrial Estate, Neath, pleaded guilty to four offences that contravened Section 37(1) of the Health and Safety at Work etc Act 1974. He was fined £2,000, given a 12-month community order and ordered to pay costs of £6,488.36.

Speaking after the hearing, HSE inspector Lee Jones, said "We do not tolerate disregard for health and safety and consider the non-compliance of HSE Enforcement Notices as a serious offence.

"In this case, Mr Gittins chose to flagrantly ignore the support, guidance and warnings from HSE to assist his compliance with the law; in doing so he put people at risk."

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. For more about the legislation referred to in this case ^[2], please visit: <https://www.legislation.gov.uk/>
3. [Latest HSE press releases](#) ^[3]
4. See more information about the safe use of work equipment, please visit: <http://www.hse.gov.uk/pubns/books/l22.htm>

The post [Director prosecuted for failing to comply with Enforcement Notices](#) appeared first on [HSE Media Centre](#).

[Forging company fined after maintenance fitter suffered a fatal injury](#)

A forging company has been fined after an employee suffered a fatal injury when he fell from height from a mobile tower scaffold.

Dudley Magistrates' Court heard that on 19 June 2019, a Stokes Group Limited employee George Clifford was fatally injured at the company site on Cochrane Road, Dudley, West Midlands, after falling from a tower scaffold whilst dismantling a Eumuco 2000 Tonne Forging Press.

An investigation by the Health and Safety Executive (HSE) found the company had failed to have a safe system of work in place for the dismantling of the forging press and did not provide information, instruction and training for the task. The mobile scaffold tower was erected without suitable and sufficient measures namely guard rails to prevent a person falling a distance liable to cause injury.

Stokes Group Limited of Cochrane Road, Holly Hall, Dudley, West Midlands pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £50,000 and ordered to pay costs of £2,885.20.

Speaking after the hearing, HSE inspector Karen Sweeney said. "The incident could have been prevented if the work had been properly planned, risk assessed and a safe system of work put in place for the dismantling of the forging press. When devising a safe system of work, consideration should have been given to the selection of work equipment for work at height and whether a mobile tower scaffold was appropriate.

"The incident could also have been prevented had the tower scaffold been erected with suitable and sufficient measures such as guard rails, to prevent a person falling a distance liable to cause injury."

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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. General guidance of engineering workshops can be found at: hse.gov.uk/pUbns/priced/hsg129.pdf

The post [Forging company fined after maintenance fitter suffered a fatal injury](#) appeared first on [HSE Media Centre](#).

[Prison sentence for builder that undertook illegal gas work](#)

A self-employed fitter has been jailed after carrying out gas work at a residential address in the New Forest whilst he was not competent to do so, leaving a gas boiler in an 'at risk' condition.

Southampton Crown Court heard how Michael Smithers, who traded under the name of Bournemouth & Verwood Builders, was contracted to carry out the construction of a new build house in the New Forest between 2017 and June 2018, which also included the installation of new gas appliances. Mr Smithers installed a new gas central heating boiler and the homeowner subsequently experienced problems. They contacted the Gas Safe Register and an inspection of the gas installation was carried out, the boiler installation was classed as 'at risk' and removed from service.

An investigation by the Health and Safety Executive (HSE) found that Mr Smithers was not competent to complete gas work and was not Gas Safe registered at the time he carried out this work. Mr Smithers had previously been prosecuted by the HSE and found guilty in April 2014 for unregistered gas work.

Michael Smithers of Nightingale Close, Verwood pleaded guilty to breaching

Regulations 3(1) and 3 (3) of the Gas Safety Installation and Use Regulations 1998. He was sentenced to nine months in prison, ordered to pay £2,500 in compensation and £12,529 in costs.

Speaking after the hearing, HSE inspector Nicola Pinckney said: “Mr Smithers conducted gas work while he was not competent to do so and whilst not Gas Safe registered. Given his previous conviction, this defendant should have been fully aware of what the law requires to protect the public.

“To help ensure the highest standards of gas safety are met and to prevent injury and loss of life, all gas work in domestic premises must be done by people who have been properly trained and are registered Gas Safe engineers.

“HSE will not hesitate to take enforcement action against people who break the gas safety rules, which are in place to protect the public. We would encourage anyone who is asking for gas work to be done to make sure they check the engineer has the right skills and is registered with Gas Safe Register. Homeowners can ask to see the engineer’s Gas Safe Register identification card, which contains key information.”

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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. Further information about gas safety can be found at <https://www.hse.gov.uk/gas/domestic/index.htm>

The post [Prison sentence for builder that undertook illegal gas work](#) appeared first on [HSE Media Centre](#).

[Tool company fined after employee sustains fatal head injuries](#)

Cheltenham Tool Company Limited has been fined after an employee was fatally injured while moving heavy machinery.

Cheltenham Magistrates' Court heard how on 13 November 2019, 57-year-old Ian Challinor, a maintenance engineer at the company, was working with colleagues to move a large and heavy milling machine using a forklift and machine-moving skates. During the work at the site on Swindon Road, Cheltenham, the machine became unstable and toppled onto him causing fatal head injuries.

An investigation by the Health and Safety Executive (HSE) found the company had failed to assess and plan the task of moving the machine to determine a safe system of work, provide clear instructions to the workers and supervise the activity. In addition, the skates used were not adequately maintained or subject to a suitable inspection programme to ensure that they were safe to use.

Cheltenham Tool Company Limited of Swindon Road, Cheltenham pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act 1974 and was fined £30,000 and ordered to pay costs of £13,033.

Speaking after the hearing, HSE inspector Annette Walker said: "This was a tragic and wholly avoidable incident, caused by the failure of the company to ensure that this one-off task could be undertaken in a safe manner.

"The lifting and movement of heavy machinery is a specialist and often complex task requiring significant planning, expertise, knowledge and specialist equipment to ensure the risks are controlled."

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

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

4. For more information on how to work safely with machinery, please visit: <https://www.hse.gov.uk/work-equipment-machinery/>

The post [Tool company fined after employee sustains fatal head injuries](#) appeared first on [HSE Media Centre](#).

Buildings material manufacturer fined for health and safety failings

A buildings material manufacturer has been sentenced after a worker was diagnosed with Hand Arm Vibration Syndrome (HAVS) after repeatedly using vibrating tools above the recommended limits; and a second worker sustained electrical burns in a separate incident.

Peterborough Magistrates' Court heard that the employee was diagnosed with HAVS after a HSE investigation established that he had been using percussive tooling at the company to clean down a machine used for forming cement sheets using a jet pressure washer, pneumatic chisels and a Kango hammer where he was regularly exposed to vibration above the recommended limit. Whilst a health assessment in 2012 had identified the symptoms of HAVS, recommending the employee was referred to a physician for detailed medical examination, this did not happen until 2016 when the employee was diagnosed with late stage 2 HAVS. This is a serious irreversible health condition, causing the fingers to become blanched and numb, preventing the employee from working with vibratory equipment.

In an unrelated case on 1 September 2017, a second employee sustained electrical burns to his left arm and side of face. The employee was with a second electrician installing a temporary cable repair to switchgear which was around 60 years old. Whilst the employees were trained electricians, neither had the competence to work on the switchgear and they were not provided with any circuit diagrams, drawings or an instruction manual. Neither were there any job specific risk assessments or safe systems of work in place. The two employees isolated all the switches on the right-hand bank of the panel, which was supplying electricity to production machinery, and assumed that this would render the back of that bank of switches as safe. However, whilst working on the last cable connection, the tool used by one employee met a live bus bar terminating support strip. This caused a flash, which resulted in electrical burns.

Etex (Exteriors) UK Ltd of Lichfield Road, Burton-on-Trent pleaded guilty to breaching Regulations 6(4), 7(1) of the Control of Vibration at Work Regulations 2005; Regulation 4 (3) of Electricity At Work Regulations Act 1989; and Regulation 5 of Management of Health and Safety at Work Regulations 1999. The company was fined £282,100 and ordered to pay costs of £12,294.

Speaking after the hearing, HSE inspector Roxanne Barker said: "With regards to the case of Hand Arm Vibration Syndrome this company failed to implement and maintain a system that would suitably monitor the recorded results of vibration data and trigger times, therefore failing to have effective controls in place to limit the duration and magnitude of exposure to vibration. They also failed to ensure that their employee was under suitable

health surveillance to identify problems at any early stage to prevent serious ill health.

“Etex (Exteriors) UK Ltd also failed in its duty to ensure that those undertaking electrical work were suitably competent and given the right information to complete tasks safely.”

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2. More about the legislation referred to in this case can be found at: hse.gov.uk/vibration/hav/index.htm
3. HSE news releases are available at <http://press.hse.gov.uk>

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