

Construction company and director sentenced for multiple safety failings

An Irvine-based construction company and its director have been sentenced after multiple health and safety failings, giving rise to significant risk, were found on a house build site in Irvine.

Kilmarnock Sheriff Court heard how three inspections by the Health and Safety Executive (HSE) took place at the construction site at Eglinton Park in Irvine between October and December 2016.

As a result of these inspections, multiple prohibition and improvement notices were served on Stable Homes Limited for health and safety failings including unsafe scaffolding, unsafe electrics, inadequate welfare, unsafe traffic management, site tidiness and lack of general fire precautions.

The HSE investigation found that as client and principal contractor, Stable Homes Limited had failed to put an adequate plan in place to manage and monitor the construction phase of the project and this had led to significant risks on site. They also failed to take adequate action to rectify the failings and comply with the enforcement notices.

The HSE investigation also found that Director of the company, Ravinder Singh, was acting as site manager and directly involved in the failings of the company.

Stable Homes Limited of Mill Crescent, Irvine, pleaded guilty to seven charges under health and safety regulations and was fined a total of £35,332. Ravinder Singh, of the same address, pleaded guilty to six charges under Section 37(1) of the Health and Safety at Work etc. Act 1974 for the offences by the company being committed with his consent or attributable to his neglect. Mr Singh was sentenced to 166 hours community pay back order and was disqualified from holding a directorship for two years.

After the hearing HM inspector Helen Diamond said: "Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those who fall below the standards required on construction sites. HSE will also take action against senior people in those companies for their role in the creation of unacceptable risks on sites."

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

HSE inspection campaign sheds light on health and safety issues in South Yorkshire

- Twenty-two inspectors inspected 71 business in Sheffield and Rotherham.
- 65 % of business inspected were found to be in some form of breach of health and safety law.
- Inspectors served three prohibition notices, 31 improvement notices and a further 23 companies were written to.

With its South Yorkshire inspection campaign drawing to its conclusion the Health and Safety Executive (HSE) has found 65 per cent of business to be some form of breach of the law.

Last week 22 inspectors from HSE's Yorkshire and North East Field Operations teams inspected 71 businesses in the Sheffield and Rotherham area. Of those visited 46 companies needed to make improvements to better protect the health, safety and wellbeing of workers in metal fabrication, engineering, general manufacturing and waste and recycling sectors

During the course of the week inspectors served three [prohibition notices](#) and 31 [improvement notices](#). Examples of some of the breaches found included poor controls of welding fumes and metal working fluids.

In addition to where notices have been served, HSE has formally written to a further 23 local businesses to compel them to improve various aspects of health and safety.

Andrew Denison, Acting Head of Operations said: "Protecting the health, safety and wellbeing of workers is of paramount importance and at the heart of what we do.

The high proportion of breaches identified during this initiative indicates that the risks were not being adequately controlled.

Inspectors' have taken robust proportionate action to deal with serious risks and to ensure companies are complying with the law.

I hope businesses will take note and understand that they will be held to account if they fail in their responsibilities.

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Directors fined for unlicensed asbestos removal

The managing director and the director of a printing company, have been fined for safety breaches after organising the removal of asbestos insulation board by untrained personnel.

Leeds Magistrates' Court heard how, between August 2016 and December 2016, Charles Dunn and Jeremy Mills, respectively the managing director and director of D&M Heritage Limited, consented to work taking place at the company's premises which failed to use adequate measures to prevent the spread of asbestos.

An investigation by the Health and Safety Executive (HSE) found that the company rented space in a warehouse at Red Doles Lane in Huddersfield and had been given notice to leave by the new owners. Prior to leaving, the company agreed to remove some free-standing cupboards. A licensed removal company, who had carried out work previously at the site, had told the directors of D&M Heritage Ltd that the rear of a cupboard was broken and was likely to be asbestos.

The cupboards comprised of doors made with asbestos insulation board (AIB) and the rear of the cupboards also contained AIB. The cupboards were broken up during removal, releasing asbestos fibres. Some pieces were placed in bags, others placed in a nearby skip.

Charles Dunn of Mill Lane, Mixenden, Halifax pleaded guilty to breaching Section 37 of the Health & Safety at Work Act (due to Reg 11 of Control of Asbestos Regulations 2012) and a second charge of breaching Section 37 of the Health & Safety at Work Act (due to Reg 16 of Control of Asbestos Regulations 2012). He was fined £916 and ordered to pay £5,000 in costs.

Jeremy Mills of Occupation Road, Linley, Huddersfield pleaded guilty to breaching Section 37 of the Health & Safety at Work Act (due to Reg 11 of Control of Asbestos Regulations 2012) and a second charge of breaching Section 37 of the Health & Safety at Work Act (due to Reg 16 of Control of

Asbestos Regulations 2012). He was fined £1,600 and ordered to pay £10,000 in costs.

Speaking after the hearing, HSE inspector Yolande Burns-Sleightholme said: "Asbestos is a killer. Companies need to recognise the dangers of removing asbestos by themselves both to their employees and others. Asbestos removal should only be carried out by trained personnel who understand the risks and know how to control them."

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

4. Please see the link below to the page on HSE's website that is the best guide to doing it the right way:

<https://www.hse.gov.uk/asbestos>

[Manufacturing company fined after workers exposed to risk](#)

Metals fabrication company MTL Advanced Limited have been sentenced for health breaches after several workers were diagnosed with hand arm vibration syndrome (HAVS) or carpal tunnel syndrome.

Sheffield Magistrates' Court heard that the company was visited by the Health & Safety Executive in March 2018 following a concern received from an employee. During that visit it was found that there were multiple health and safety breaches, resulting in the company being issued with Improvement Notices.

An investigation by the Health and Safety Executive (HSE) found that there were systemic failings to recognise the risk of hand arm vibration syndrome (HAVS) or to take appropriate action to control exposure. Of particular concern were accounts from employees of pain and tingling in their fingers, hands and arms and that there were no limits on their use of vibrating tools such as angle grinders.

MTL Advanced Limited of Grange Lane, Rotherham, South Yorkshire pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act

1974. The company has been fined £90,000 and ordered to pay £14,061 in costs.

Speaking after the hearing, HSE inspector Laura Hunter said: "Work activities involving vibrating tools should be properly assessed so that appropriate controls can be implemented to avoid exposing employees to harm.

"Employees suffering from HAVS can experience difficulty in carrying out tasks in the workplace involving fine or manipulative work and are less able to work in cold conditions. Sadly, these effects can be permanent and life changing."

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<http://www.hse.gov.uk/vibration>

Care home company fined after resident choked to death

HC-One Limited has been fined following an incident when a resident choked to death on a jam doughnut.

Falkirk Sheriff Court heard that, on 7 August 2019, a resident of Orchard Care Home, Lychgate Road, Tullibody, was given a piece of jam doughnut to eat. The resident had previously suffered from a stroke and had been diagnosed with dementia. She had been assessed as being at high risk of choking and consequently was on a 'minced and moist/fork mashable' diet. A jam doughnut is unsuitable for someone on this diet and should not have been given to her. She died as a result of choking on the doughnut.

An investigation by the Health and Safety Executive (HSE) found that staff who gave out snacks at Orchard Care Home had not been properly trained and did not have awareness of food that was suitable for each diet. They regularly gave this resident food, which was not suitable for her diet, in breach of their own risk assessment.

HC-One Limited of Southgate House, Archer Street, Darlington, County Durham

DL3 6AH pleaded guilty to breaching the Health and Safety at Work etc. Act 1974, Section 3(1) and Section 33(1)(a) and were fined £640,000.

After the hearing, HSE inspector, Allison Aitken 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

"If a suitable training had been in place prior to the incident, the sad death of a resident could have been avoided."

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