

# Landlord fined and sentenced to a community order for gas safety breaches

A landlord has been fined and sentenced to a 12-month community order for failing to maintain gas appliances at a rental property.

Colchester Magistrates' Court heard how landlord Hannah Leek failed in her duty to have the gas appliances at her rental property in Tendring, Essex, regularly inspected and maintained and failed to provide a Landlord Gas Safety Record, all of which are legal requirements. Ms Leek also failed to comply with an Improvement Notice issued by an HSE inspector which required her to take action to deal with these issues.

Hannah Leek of Wicklow Close, Shepshed, Loughborough, pleaded guilty to breaching the Gas Safety Installation and Use Regulations 1998, Regulation 36(3)(a), Health and Safety at Work Act 1974, Section 21 and Section 20(2)(j) and was sentenced to a 12-month community order and 100 hours of unpaid work and ordered to pay costs of £3,292.05 and a victim surcharge of £85.

After the hearing HSE inspector Carla Barron 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."

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

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## Galvanizing company prosecuted after

# employee fatally injured

Hereford Galvanizers Limited, a company that undertakes hot dip galvanizing for the corrosion protection of steelwork, has been fined after an employee was fatally injured.

Kidderminster Magistrates' Court heard that on 2 February 2019, an employee was operating an overhead crane adjacent to the molten zinc bath, when a tubular steel brace exploded during galvanizing, causing it to 'rocket' across the workshop floor, fatally striking the employee who was standing in its path. The steel brace failed due to the absence of vent holes to prevent the build-up of pressure inside the hollow steel brace during the galvanizing process.

A quantity of liquid entered the brace during earlier stages of the galvanizing process; when immersed into the 450°C zinc bath, the trapped liquid turned rapidly into steam generating very high internal pressures sufficient to cause failure of the brace. This resulted in a violent explosion which propelled the steel brace across the workshop floor.

An investigation by the Health and Safety Executive (HSE) found that the company, based at Westfields Trading Estate, Hereford, had failed to adequately assess the risk and devise and implement suitable safe systems and methods of work for venting checks. In addition, employees were not adequately trained or supervised when completing venting checks.

Hereford Galvanizers Limited, which operates under the trading umbrella name 'Hereford and Shropshire Galvanizers', pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and have been fined £266,000 and ordered to pay costs of £14,635.29 plus a victim surcharge £170.

Speaking after the hearing HSE inspector Sian Donne said: "This tragic incident led to the avoidable death of a young man. His death could easily have been prevented if his employer had acted to identify and manage the risks involved, put a safe system of work in place and ensured that employees were appropriately trained and supervised."

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2. More about the [legislation referred to in this case](#)<sup>[2]</sup>
3. [Latest HSE press releases](#)<sup>[3]</sup>
4. See more information about [the safe use of work equipment](#)

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# Concrete supplier fined after tyre explosion fatality

A concrete supplier has been fined after an agency worker contracted to work at its site suffered fatal injuries following a tyre explosion.

Dudley Magistrates' Court heard how the contractor suffered fatal injuries when using an air hose/compressed air to inflate the tyre of an articulated wheel loader.

An investigation by the Health and Safety Executive (HSE) into the incident, on 28 March 2019, found that the company failed to have in place a safe system of work for inflation of the multi-piece split rim assembly wheels on the articulated wheel loader. The compressed air system had not been subject to regular and thorough examination and testing by a competent person.

Anytime Concrete (GB) Ltd of Kelvin Way, West Bromwich, pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work etc. Act 1974. The company has been fined £6,666.00 and ordered to pay costs of £4,522.40.

Speaking after the hearing, HSE inspector Karen Sweeney said: "This tragic incident led to the death of a worker. This could easily have been prevented if the company had acted to identify and manage the risks involved, and to put a safe system of work in place."

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  2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
  3. HSE news releases are available at <http://press.hse.gov.uk>
  4. Further information about health and safety in motor vehicle repair and during tyre inflation can be found at:  
<https://www.hse.gov.uk/pubns/books/hsg261.htm>  
<https://www.hse.gov.uk/pubns/indg433.pdf>
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# Company prosecuted for failing to control risks to employees using vibrating tools

A company that manufactures and sells medical devices for the healthcare industry has been fined for failing to adequately control the risk to its employees from exposure to vibration when using vibrating tools. .

Newport Magistrates' Court heard that employees of Frontier Plastics Ltd worked at the company's Blackwood site in Gwent for long periods of time using vibrating tools including strimmers, hedge cutters, grinders, drills and linishers, without suitable controls to reduce the risks. As a result, two employees, the earliest of which had started at the company using vibrating tools in 1991, are suffering ill-health from hand arm vibration.

An investigation by the Health and Safety Executive (HSE) found that before August 2019 the company, failed to; adequately assess the risks of using vibrating tools, put in place measures to control the risk, provide suitable information, instruction and training on the risks to employees and place the employees under suitable health surveillance to monitor their condition.

Frontier Plastics Limited, a subsidiary of Verna Group International Limited, of Western Avenue, Chorley pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and has been fined £246,000 and ordered to pay costs of £15,788.

Speaking after the hearing HSE inspector Sian Donne said: "This was a case of the company completely failing to grasp the importance of managing exposure to vibration. HAVS is a serious, disabling and permanent condition. If the company had put in place suitable controls to reduce exposure and health surveillance to monitor workers' health, then the employees' condition would not have developed to a severe and life altering stage."

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  2. More about the [legislation referred to in this case](#)<sup>[2]</sup>
  3. [Latest HSE press releases](#)<sup>[3]</sup>
  4. See more information about [Hand arm vibration at work \(hse.gov.uk\)](#)
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# Estate management partnership and tenant fined for gas safety breaches

Burghill Farms, a partnership trading as Dalhousie Estates, and Mr Piers Le Cheminant have been fined following an incident where one of the occupants of a holiday cottage was found collapsed in a bathroom heated by a portable cabinet propane gas heater.

Forfar Sheriff Court heard that on 28 October 2015, the victim, Thomas Oliver Hill, was staying with his girlfriend and her family at Glenmark Cottage, Tarfside, north-west of Edzel. They were renting the cottage from Mr Le Cheminant, who in turn rented the property from Burghill Farms who were paid 20 per cent of the rental income he received. Mr Hill had taken a bath in the bathroom, which was heated by the gas heater. His girlfriend and her family became concerned when he did not appear after an hour. They knocked on the bathroom door and forced entry when they didn't receive a response. Mr Hill was found collapsed next to the bathroom door and later died. A post-mortem confirmed the cause of death was carbon monoxide poisoning.

An investigation by the Health and Safety Executive (HSE) found that Burghill Farms and Piers Le Cheminant did not have a suitable and sufficient system of maintenance in place for the cabinet heaters and the cabinet heaters were placed in rooms which were too small for the heaters to be used safely due to a lack of suitable ventilation. However, these failings could not be proven to be causally connected to the death of Mr Hill.

Burghill Farms of Brechin Castle, Brechin, Angus pleaded guilty to breaching Regulation 36(2)(a) of The Gas Safety (Installation and Use) Regulations 1998 and Section 33(1)(c) of the Health and Safety at Work etc. Act 1974. The company was fined £120,000.

Piers le Cheminant of Poundsgate, Newton Abbot, Devon, pleaded guilty to breaching Regulation 35 of The Gas Safety (Installation and Use) Regulations 1998, and Section 33(1)(c) the Health and Safety at Work etc. Act 1974. He was fined £2,000.

Speaking after the hearing, HSE principal inspector Niall Miller said: "Landlords have a duty to maintain gas heaters in a safe condition, which in the context of movable gas appliances includes maintaining an appropriate operating environment."

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