

# Sole director jailed after employee killed by excavator

Robert Harvey, sole director and employee of Front Row Builders Ltd has been sentenced after an employee, Nicholas Hall was crushed to death by an excavator bucket, which Harvey was operating.

The employee was pinned against the wall of an excavation pit for a vehicle wash bay that was under construction for Peter Lawless Road Planing Limited at Craighead Industrial Estate, Whistleberry Road, Blantyre.



Hamilton Sheriff Court heard that on 7 May 2016 work was being carried out by Front Row Builders Ltd employees to build a wall within an excavation. Robert Harvey operated an excavator to lower cement and blocks down into the hole for three other men who were working in the hole to use. Robert Harvey tipped the bucket to empty the mortar contents and shouted to Nicholas Hall to 'scrape the rest out with a shovel'. Nicholas was pinned against the wall by the excavator bucket and died of blunt force injuries to his chest and abdomen.

An investigation by the Health and Safety Executive (HSE) found that on Robert Harvey, an employee, had failed to undertake a sufficient assessment of the risks to those who had been instructed to work with him, he operated a long reach excavator without receiving the appropriate training or certification and he instructed Nicholas Hall, who was working within the

excavation, to remove mortar from the bucket.

Robert Harvey of Reston Drive, Glasgow pleaded guilty to breaching Section 7(a) and Section 33(1)(a) of the Health and Safety at Work Act etc 1974, and was given a 10 month custodial sentence.

Speaking after the hearing HSE inspector Helen Diamond 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 safe system of work had been in place prior to the incident, the death of this worker could have been prevented."

#### **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>

The post [Sole director jailed after employee killed by excavator](#) appeared first on [HSE Media Centre](#).

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## **[Recycling company fined after employee suffers amputation](#)**

A waste recycling company has been fined after an employee lost part of his arm in a conveyor belt.

Lincoln Crown Court heard on 26 April 2015 that the employee of Mid-UK Recycling Ltd was working as a line operator in the building known as Unit 4 MRF (*Material Recovery Facility*). On the morning of the incident, blockages had occurred on this line and waste had become wrapped around the axle stopping a lower conveyor. It was whilst removing waste from this axle that the employee's glove got dragged into the in-running nip between the belt and

the powered roller of the conveyor. This resulted in his left arm being amputated above the elbow.

An investigation by the Health and Safety Executive revealed that the company had failed to prevent access to dangerous parts of the conveyor. The castell key system had essentially been bypassed allowing the system to be operated in automatic mode with persons still inside the enclosure.

Mid UK Recycling Limited (now known as MUKR Limited) of Summit House, Quarrington, Sleaford, Lincolnshire, NG34 8RS pleaded guilty to a breach of section 2 (1) of the Health and Safety at Work etc. Act (1974) and was fined £1.275 million and ordered to pay costs of £45,065.59

Speaking after the hearing, HM inspector Scott Wynne said, "This incident could so easily have been avoided had the company ensured that the system designed to keep people away from dangerous machinery was properly maintained. Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

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## **[Property development company and director prosecuted after unsafe demolition work](#)**

A building development company and its director have been sentenced after unsafe demolition work took place at a former pub in Bexley.

Westminster Magistrates' Court heard that on 22 June 2016, the former Ye Olde Leather Bottle pub was completely demolished without appropriate action taken to ensure members of the public were not in danger of harm.

An investigation by the Health and Safety Executive (HSE) found no safe system of work existed at the time of the incident. There had been no asbestos survey done before the demolition work began, which meant any asbestos-containing materials present would, during the demolition, have caused asbestos fibres to be released and widely spread. The company had not arranged for gas and electricity supplies to be properly disconnected by the appropriate bodies, leading to a potential risk of explosion or of electrocution of people on site.

There were no measures, such as hoarding or fencing, of the site to prevent access to the dangerous activity, or to prevent the ejection of materials from site. The building was on a busy road and pedestrians passing by, including primary school aged children going to and from a school 200 metres away, and traffic were all at risk.

Balmonza Ltd of Woolwich Road, London pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974 and has been fined £20,000 with £1000 costs.

Mr Kulvinder Singh, also of Woolwich Road, London pleaded guilty to Section 37(1) of the Health and Safety at Work etc. Act 1974 and was sentenced to £5000. He was ordered to pay costs of £1000.

Speaking after the hearing, HSE principal inspector Sue Parkyn said: "The work done in a haphazard way and ultimately unsafe manner. This was a very serious incident and it is fortunate nobody was injured as a result. It could so easily have been avoided by ensuring that someone competent was supervising the carrying out the demolition in a planned manner, in accordance with the law, relevant published guidance and British Standards.

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

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2. Further information is available about [the legislation referred to](#) in this case.
3. [Latest HSE press releases](#).

The post [Property development company and director prosecuted after unsafe demolition work](#) appeared first on [HSE Media Centre](#).

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## Technician fined for failures in testing carried out on a rollercoaster

A self-employed Non-Destructive Testing (NDT) technician has been fined after a train from a fairground ride he carried out NDT testing on subsequently derailed from the track and crashed to the ground.

Hamilton Sheriff Court heard that in April 2016 William Testo, an NDT technician tested the assembled Tsunami rollercoaster at M & D (Leisure) Limited, Strathclyde Country Park. He then issued an NDT Report dated 25 April 2016. On 26 June 2016 a train on the rollercoaster, with nine passengers, derailed and crashed to the ground causing a number of serious injuries to those on board.

An investigation by the Health and Safety Executive (HSE) found that Mr Testo did not possess the appropriate level of qualification in ultrasonic testing (a method of NDT testing) to allow him to competently check for fatigue cracking on the ride. Further the NDT report he issued failed to properly record parts tested and results obtained.

William Testo of Downiebrae Road, Rutherglen pleaded guilty to breaching Section 3(2) of the Health and Safety at Work etc Act 1974 and was fined £1,000.

Speaking after the hearing HSE inspector Martin McMahon said “NDT Testing forms a vital part in ensuring fairground rides are safe for the public to enjoy. Failing to carry out this work properly can have the most serious of consequences. Many of those members of the public involved continue to be impacted by the events of that day.

“NDT technicians must ensure they carry out their work diligently and competently at all times”.

Mr Testo is the third party to be prosecuted in relation to this incident. Earlier this year M & D (Leisure) Limited was fined £65,000 for breaching Regulation 5(1) of the Provision and Use of Work Equipment Regulations 1998, and Craig Boswell, a ride inspector, was sentenced to 160 hours community payback order for breaching Section 3(2) of the Health and Safety at Work etc Act 1974.

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## Manufacturer fined after employee injured on lathe

A Lancashire manufacturer was fined after an employee was pulled into a metalworking lathe whilst applying emery cloth by hand.

Sefton Magistrates' Court heard that on 8 February 2019, Stephen Blackburn, an employee of Blackstar Handling Systems Limited was applying emery cloth by hand to a lathe to smooth down a pre-fabricated shaft, at the company's site in Skelmersdale. His arm was pulled into the machine, sustaining an open fracture, resulting in numerous surgeries including skin grafts.

An investigation by the Health and Safety Executive (HSE) found that Blackstar Handling Systems Limited had not recognised that the unsafe method of using hand held emery cloth on lathes was custom and practice among their employees. The company failed to provide a suitable and sufficient risk assessment and so did not identify and put in place control measures, or provide training in an alternative safe method of working, such as using a suitable tool post to handle emery cloth.

Blackstar Handling Systems Limited of Douglas Bank House, Wigan Lane, Lancashire, pleaded guilty of breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £20,000 and ordered to pay costs of £3689.60

HSE inspector Catherine Lyon said after the hearing "This injury was easily preventable, and the risk should have been identified.

"Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery."

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2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)
3. More information about the use of emery cloth on metalworking lathes can be found at <http://www.hse.gov.uk/engineering/lathes.htm>
4. HSE news releases are available at <http://press.hse.gov.uk>

The post [Manufacturer fined after employee injured on lathe](#) appeared first on [HSE Media Centre](#).