

East Yorkshire company fined after worker loses left arm

Transportation and storage company, H Walton Ltd, was sentenced today for safety breaches after a worker suffered injuries leading to the loss of his left arm.

Leeds Magistrates' court heard how, on 9 August 2017, a lorry driver was delivering wheat to Low Newstead Farm in Ripon when it tipped onto the floor of a shed through the open rear door of the trailer. Whilst walking to the rear of the trailer, the driver lost his footing in a heap of grain, which was formed by the load being discharged, and put his hand out to steady himself; his left arm came into contact with a rotating auger and was drawn in.

An investigation by the Health and Safety Executive (HSE) found that a crucial interlocking device was not functioning at the time of the incident, allowing the auger to run when the tailgate was open. It also found that the emergency stop device for the discharge mechanism failed to function, as it was operated through the same circuitry.

H Walton Ltd of Old Goole Mill, South Park Road, Goole, pleaded guilty to breaching Regulation 11 (3)(C) of the Provision and Use of Work Equipment Regulations 1998 and has been fined £200,000 and ordered to pay £531.40 in costs.

After the hearing, HSE inspector Julian Franklin commented: "The driver's injuries are life changing. The trailer was fitted with a safety system to prevent exactly this type of incident; it could so easily have been avoided by simply carrying out regular checks to ensure safety devices and systems remain working. This is something that many hauliers already do as part of their vehicle checks."

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^[1]
2. More about the legislation referred to in this case can be found at: legislation.gov.uk/^[2]
3. HSE news releases are available at <http://press.hse.gov.uk>^[3]

Journalists should approach HSE press office with any queries on regional press releases.

Plymouth landlord puts tenants' lives at risk

A landlord from Plymouth has been sentenced after gas appliances at his rental property in Plymouth were found to be 'Immediately Dangerous'.

Plymouth Crown Court heard how the gas appliances in the property on Laira Street were worked on by someone who was not registered with the Gas Safe Register.

An investigation by the Health and Safety Executive (HSE) found that Lokendra Khadka had failed to ever have gas appliances checked for safety at his rental property. Further, he had arranged for a person to make alterations to a gas boiler flue and that person had left it in an extremely dangerous state.

Mr Khadka was unable to provide any details to HSE or to Plymouth Crown Court on who did this work on the gas boiler flue for him.

Lokendra Kumar Khadka of Albert Road, Plymouth, pleaded guilty to breaching Regulations 36 (3)(a) and 36(4) of the Gas Safety (Installation and Use) Regulations 1998. He has been sentenced to 15 months imprisonment, suspended for 24 months and ordered to pay costs of £4,904.

Speaking after the hearing HSE inspector Simon Jones said: "Mr Khadka put his tenants and their children at a very real risk of death from the gas work he arranged at his rental property, done by someone who was not competent to do it safely.

"Landlords must ensure they only use Gas Safe Register installers to work on gas appliances at their tenanted properties.

"Further, landlord's must ensure that gas appliances at their tenanted properties are checked for safety at least every 12 months"

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4. Further information about gas safety can be found at

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Bus driver sentenced after passengers injured

A bus driver has today been sentenced after he lost control of the bus he was driving, injuring five of his passengers.

Huntingdon Magistrates' Court heard how, on 22 February 2016, the employee of Cambus Limited trading as Stagecoach East, lost control of the bus he was driving as he negotiated a gap in the guided section of the track. The bus jumped over the track, travelled across an adjacent path and came to rest up the side of a grassy embankment. As a result, five of his passengers suffered injuries which included a fractured spine, pelvis, ribs and whiplash.

An investigation by the Health and Safety Executive (HSE) found Mr Le was reading a time duty card whilst driving and therefore had no vision of the busway ahead nor did he have a grip of the steering wheel. The investigation also found Mr Le was driving at speeds of 52mph when the maximum recommended speed in that area was 30mph.

Mr Le Kent Road, Huntingdon, pleaded guilty to breaching Section 7(1) of the Health & Safety etc Act 1974 and has been sentenced to 12 weeks imprisonment, suspended for 12 months, and ordered to pay costs of £2,000.

Speaking after the case, HSE inspector Nigel Fitzhugh said: "Drivers of guided buses must remain vigilant at all times. It is especially important to do so when driving on guided sections as the absence of steering control may create a sense that full control of the bus is being maintained.

"Members of the public should be assured that HSE seriously considers the risks to their health and safety and takes appropriate enforcement action where necessary."

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Company fined after workers exposed to Hand Arm Vibration Syndrome

Nordam Europe Limited have been fined after workers were exposed to Hand Arm Vibration Syndrome (HAVS).

Cardiff Crown Court heard how around 100 employees of the company, which maintains and repairs aircraft components, were exposed to Hand Arm Vibration (HAV) and developed Hand Arm Vibration Syndrome (HAVS) over 22 years. At least 30 employees were exposed to risk of significant harm.

An investigation by the Health and Safety Executive (HSE) found that employees used a range of hand-held vibrating tools including orbital sanders, rivet guns, grinders and drills. The company should have carried out a suitable assessment of work activities which exposed employees to vibration and should have implemented additional controls to reduce exposure so far as was reasonably practicable.

The investigation found that the company failed in their duty to implement a safe system of work in order to control exposure to vibration. In addition, employees should have undergone suitable health surveillance to identify symptoms at an early stage of the disease. This would have prevented it from progressing to a disabling condition.

Nordam Europe Limited of Hawtin Park, Blackwood, Gwent pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974, and has been fined £400,000 and ordered to pay costs of £39,620.92.

Speaking after the hearing HSE inspector Janet Hensey said: "This was a case of the company completely failing to grasp the importance of HAVS health surveillance.

"If they had understood why health surveillance was necessary, it would have ensured that it had the right systems in place to monitor worker's health and the employee's condition would not have been allowed to develop to a severe and life altering stage".

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[Shell UK fined after technician struck by cylinder](#)

Shell UK Limited has today been fined for health and safety breaches after a technician was struck by a cylinder and left severely injured on the Brent Delta offshore installation.

Aberdeen Sheriff Court heard how, on 10 November 2014, technicians were required to replace a gas cylinder within a system used to extinguish fires. When one of the technicians rolled what he thought was an empty cylinder along the floor and took off the protective cap, he realised that it was a fully charged cylinder. The trigger mechanism on the cylinder was activated causing a loud bang and the instantaneous release of the cylinder contents in a white cloud of concentration. The force of the gas release caused the technician to drop the cylinder to the floor causing a valve to shear. This resulted in both cylinder and valve becoming projectiles which struck and severely injured a second technician.

An investigation by the Health and Safety Executive (HSE) found the company failed to take suitable and sufficient steps to ensure risks associated with handling of pressurised cylinders were eliminated. The company also failed to remove pressurised cylinders which were not suitable for use in a safe and secure manner and also failed to ensure the provision of appropriate information and instruction in respect of the handling and use of energised gas cylinders.

Shell UK Limited of Shell Centre, London pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and was fined £60,000.

Speaking after the hearing, HSE inspector David Josiah said: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices."

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

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