

Farming company sentenced after threshing machine incident

Dullam & Co (Farmers) Ltd have been fined today after a worker was dragged into a reed combing machine.

Exeter Magistrate's Court heard that on 24 March 2017, 44 year old John Dullam was working on the reed combing machine at Narracott Farm, South Molton, when his overalls became entangled in the drum feed intake (mouth of the thresher machine). His legs were pulled into the machine and became trapped. He suffered serious injuries as a result of the incident. Mr Dullam and his father, both from Bishops Nympton are co-directors of the company.

An investigation by the Health and Safety Executive (HSE) found that the drum belt feeding the mouth of the comber lacked effective guarding, preventing any person coming into contact with the drum. Following a blockage, Mr Dullam climbed up and over the top of the comber and stepped down onto the platform where the drum feeding mouth was located. The machine re-started causing his protruding coveralls to become entangled in the drum belt and he was drawn into the reed combing machine feet first.

Dullam & Co (Farmers) Ltd of Bishops Nympton, South Molton pleaded guilty to breaching Regulation 11 (1) of the Provision and Use of Work Equip Regs 1998, and have been fined £6,000 and ordered to pay costs of £1,000 with a victim surcharge of £120.

Speaking after the hearing HSE inspector Paul Mannell said "This incident could so easily have been avoided by simply carrying out correct control measures for machinery guarding and safe working practices.

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

Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and advice, promoting training; new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement. hse.gov.uk^{[1][1]}
2. More about the legislation referred to in this case can be found at: legislation.gov.uk ^{[2][2]}
3. HSE news releases are available at <http://press.hse.gov.uk>^[3]

Media contacts

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

Construction firm fined after multiple safety failings

A Stockport construction firm has been fined after putting employees at risk due to widespread safety failings when carrying out work in an unsafe manner at two construction sites.

Manchester and Salford Magistrates' Court heard that Sherwood Homes Limited had appointed several Principal Contractors to construct numerous domestic properties at two sites, in Preston and at Tarporley. The Health and Safety Executive (HSE) carried out proactive inspections at both sites and found that those working on site were exposed to risks that included falls from height, electrocution, inhalation of silica dust and being struck by construction plant. As a result of the inspections, various enforcement action was taken against the Principal Contractors involved and the Client, Sherwood Homes Limited.

The HSE investigation found that the company failed to make suitable arrangements for managing the projects. There was no F10 notice of construction work displayed, and insufficient welfare facilities at the Tarporley site. The company also failed to give notice in writing to HSE before the construction phase began at the Preston site.

Further investigation found that since early 2014, HSE conducted 9 inspections to four separate sites developed on behalf of Sherwood Homes Ltd. During these visits, 16 enforcement notices and 9 notification of contraventions were served for various health and safety breaches.

Speaking after the hearing, HSE Inspector Susan Ritchie said: "Clients cannot delegate their health and safety responsibilities. CDM 2015 places clear duties on Clients making them accountable for the impact their decisions and approach have on the health, safety and welfare of their project. In general terms, the Client must ensure that the construction project is set up so that it is carried out from start to finish in a way that adequately controls the risk to health and safety of those who may be affected by it. In order to achieve this they must engage others (such as Designers and Principal Contractors) that have the necessary skills, knowledge, training and organisational capabilities to fulfil their responsibilities under CDM and deliver the project safely on behalf of the Client. If the Client fails to do this, HSE will consider taking enforcement action against them."

Sherwood Homes Ltd of Houldsworth Street, Stockport, were found guilty of breaching Regulation 6 (2), Regulation 6(3) and two breaches of Regulation 4 of the Construction (Design and Management) Regulations 2015. The company was fined £76,000 and ordered to pay costs of £14,651.64.

Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We seek to 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
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. More information on managing health and safety in construction can be found at: <http://www.hse.gov.uk/pubns/books/l153.htm>

and

<https://www.citb.co.uk/documents/cdm%20regs/2015/cdm-2015-clients-interactive.pdf>

Local Authority fined after a boy received chemical burns

Comhairle Nan Eilean Siar is the local authority which covers the Western Isles and was today fined £12,000 after a boy received chemical burns.

Stornoway Sheriff Court heard that on 11 July 2017 after employees of Comhairle Nan Eilean Siar had cleaned the slipway and steps of the pier at Valtos Pier, Uig using sodium hypochlorite two children (a boy aged 9 and a girl aged 12), who were later crabbing on the steps of the pier, and the hospital later confirmed that the boy had sustained a chemical burn from the sodium hypochlorite.

An investigation by the Health and Safety Executive (HSE) found that due to the Council's failure to wash away the solution or cordon off the area that the two children were able to access the area and the boy received burns.

Comhairle Nan Eilean Siar of Sandwick Road, Stornoway pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and were fined £12,000 and a compensation order was made in favour of the boy for £6,000

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

"Employers should be aware that 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
 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>
-

HSE to prosecute following 2011 explosion at Pembroke Refinery

The Health and Safety Executive (HSE) has today informed two companies they face prosecution following an incident at the Pembroke Refinery on 2 June 2011, which resulted in the deaths of four people and serious injuries to another.

Valero Energy UK Limited and B & A Contracts Limited are to face charges under Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. The charges relate to the deaths of Dennis Riley, Robert Broome, Andrew Jenkins and Julie Jones and major injuries to Andrew Phillips who were all working on the Amine Recovery Unit when an explosion and subsequent fire took place.

At the time of the incident the refinery was operated by Chevron Limited, but ownership changed in August 2011.

The defendants are due to appear at Haverfordwest Magistrates' Court on 24 September 2018 at 2pm.

HSE's deputy director field operations, Jane Lassey, said: "Following a painstaking and extremely thorough investigation, much of which was conducted jointly with Dyfed Powys Police, we have concluded that there is sufficient evidence to bring criminal charges."

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

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. Now that criminal proceedings have commenced your attention is drawn to the fact that the provisions of the Contempt of Court Act apply to this matter. You will understand that it is not appropriate for HSE to give media interviews until court proceedings are concluded.
5. The [Code for Crown Prosecutors](#) sets out the principles for prosecutors to follow when they make enforcement decisions. HSE's approach to prosecutions is set out in its [enforcement policy statement](#).

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

North West property developer sentenced after building collapse

A Manchester-based property developer has today been sentenced after the roof and part of the rear wall collapsed at one of his properties during demolition works.

Manchester Crown Court heard how Riaz Ahmad appointed a group of workers, who had no experience in construction, to carry out demolition work at a property in Oldham. On 11 August 2017, after receiving a call from Oldham Metropolitan Borough Council's building control department, a HSE inspector visited the site and found almost all the internal walls and supports of the roof had been taken out. A Prohibition Notice was served preventing any further work and a major road running past the building was closed.

A day later, it was agreed that there was no safe way of accessing the building and Oldham MBC obtained an order to demolish the building. It was soon after this that the roof and wall collapsed. This triggered an emergency response involving Greater Manchester Police and the Fire Service, during which properties were evacuated and the area cordoned off. Oldham Borough Council arranged for an emergency demolition of the remainder of building to take place later that day. Local businesses faced significant disruption as the site was made safe.

An investigation by the Health and Safety Executive (HSE), found the collapse could have been prevented had a principal contractor been appointed and a suitable risk assessment been carried out. These steps could have ensured the stability of the building during the demolition with regards to temporary works and control measures such as scaffolding. Mr Ahmad did not suitably plan the work as he employed unskilled workers, neglected the risks from working at height and stability of the building, failed to provide them with

basic welfare facilities and did not consider several health hazards.

Riaz Ahmad, of Dickenson Road, Manchester, was found guilty of breaching Section 2 (1) and Section 3 (1) of the Health and Safety at Work Act 1974 and Regulation 19 (1) of the Construction (Design and Management) Regulations 2015. He was sentenced to eight months imprisonment for each offence (to run concurrently) and was ordered to pay prosecution costs of £65,000.

In his sentencing of Mr Ahmad, the Judge remarked that:

‘This was a very serious case indeed. It was nothing short of a miracle that only one person was injured. A clear statement has to be made to those who undertake significant projects such as this, namely that health and safety legislation has to be adhered to for good reason, and those who ignore its basic tenets will receive punishment.

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

“Duty holders should be aware that 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
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>