

# Retail company and construction contractor fined over safety failings

Martin McColl Limited and JMS Retail Concepts Limited have both been sentenced today after two members of the public tripped and fell over construction work outside a convenience store in Dinas Powys, Vale of Glamorgan.

Cardiff Magistrates' Court heard that during the three-day construction of a concrete disabled ramp in January 2016, two members of the public were injured whilst attempting to enter the store. On 12<sup>th</sup> January an elderly member of the public tripped over the construction work breaking her wrist, hitting her head and suffering severe bruising. The following day, the 13<sup>th</sup> January 2016 another elderly member of public fell from the partially constructed ramp breaking his collar bone and suffering severe bruising.

An investigation by the Health & Safety Executive (HSE) found that construction work which was undertaken while the store was open, meant customers were required to walk through the construction site to enter and exit the store. It would have been reasonably practicable to close the store during the construction of the ramp and install barriers and signs to prevent access by members of the public.

Martin McColl Limited of Ashwells Road, Brentwood, Essex pleaded guilty on the first day of a two day trial after initially pleading not guilty to breaching Section 3(1) of the Health & Safety at Work etc. Act 1974, and have been fined £600,000 and ordered to pay costs of £11,520.

JMS Retail Concepts Limited of Stump Lane, Chorley, Lancashire pleaded guilty to breaching Section 3(1) of the Health & Safety at Work etc. Act 1974, and have been fined £40,000 and ordered to pay costs of £3,038.

Speaking after the hearing HSE inspector Gemma Pavey said "These incidents could so easily have been avoided by simply carrying out correct control measures and safe working practices.

Commercial clients and companies 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 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. [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/)

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

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## **Company and one of its directors fined for the unsafe storage of unauthorised biocidal products**

A pest control company and one of its directors have been sentenced for the unsafe storage of unauthorised biocidal products and phostoxin (aluminium phosphide).

Ipswich Crown Court heard how Rodent Service (East Anglia) Limited stored non-approved biocides and pesticides including phostoxin (used for the control of pests and vermin) at its premises at Cooke Road, Lowestoft.

An investigation by the Health and Safety Executive (HSE) arising from a report provided by Natural England into the alleged secondary poisoning of a tawny owl by a rodenticide (a biocidal compound), found various biocidal compounds which were not authorised for use improperly stored at the premises. In addition, part used canisters of phostoxin (a compound that reacts with moisture in the atmosphere or the soil to produce phosphine, a poisonous gas, used to control rabbits within their burrows) were found stored inside a filing cabinet within the workplace.

Rodent Service (East Anglia) Limited of Cooke Road, Lowestoft, Suffolk pleaded guilty to breaching Sections 2 (1) and 3 (1) of the Health and Safety at Work etc. Act 1974. The company has been fined £100,000 and ordered to pay costs of £10,000. The company was also ordered to pay a victim surcharge of £170.

Donald Eric Martin, Director of Rodent Service (East Anglia) Limited also pleaded guilty of an offence of neglect by virtue of S37 of the Health and Safety at Work etc. Act 1974. He was sentenced to a six months in prison, suspended for 12 months, and ordered to pay costs of £1000 and a victim surcharge of £115.00.

Speaking after sentencing HSE Principal Inspector Paul Carter commented: "This situation could so easily have been avoided by the company disposing of those biocidal and similar high-risk compounds not authorised for storage and use and ensuring that only sealed containers of phostoxin were kept on site stored safely in accordance with the manufacturer's instructions. 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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## Construction company fined after worker seriously injured

A construction company has been fined after a worker suffered serious injuries when the first floor of the building he was standing on collapsed underneath him.

Manchester Minshull Street Crown Court heard how Huntsmere Projects Limited was the principal contractor for the construction of a new house in Alderley Edge. A subcontractor had installed the first floor but a gap left between the concrete beams on the landing was not identified by the Huntsmere site manager nor the contractor’s supervisor.

On the 22 April 2014, a 47-year-old worker fell approximately 3.5 metres when the concrete block beneath his feet gave way and he fell between two concrete beams, suffering serious multiple fractures.

An investigation by the Health and Safety Executive (HSE) found the collapse occurred as a result of some of the installed floor blocks becoming displaced during the work on site because of the gap. Huntsmere Projects Limited did not take all practicable steps to prevent danger to workers from collapse of a part of the new building. The investigation found that the company should have ensured that the floor was installed as per the design and failed to identify the gap which allowed the floor blocks to move.

Huntsmere Projects Ltd, of Alderley Road, Wilmslow, Cheshire, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and

was fined £240,000 with £14,439.53 costs.

HSE inspector, Deborah Walker, said after the hearing: "As principal contractor, Huntsmere Projects Limited was responsible for safety on the site including ensuring proper planning and co-ordination on the part of all involved in the project.

"Huntsmere Project Limited also had a duty to monitor and control the other contractors that it had engaged – the collapse could have been avoided had the company fulfilled its duties in its role as principal contractor"

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. More information regarding safe working in the construction industry can be found at <http://www.hse.gov.uk/construction/index.htm>

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## **Worker suffers life changing injury after pressure test failure**

Three companies, Sembcorp Utilities (UK) Limited, Central Industrial Services (Northern) Ltd and R & A Kay Inspection Services Ltd, were sentenced today after an employee suffered serious fractures to his leg.

Teesside Crown Court heard that on 3 December 2013, the injured person, Mr Dennis Chadwick, an employee of R & A Kay Inspection Services Ltd, was taking part in a pressure test of a boiler at Sembcorp's Biomass power station at Wilton, Cleveland. CIS Industrial Services was assisting in the pressure test undertaken by Sembcorp. Mr Chadwick was there to verify the test.

The Health and Safety Executive (HSE) prosecuting told the court, a valve on a pressure test rig was pressurised above the safe working limit and failed, causing the hose and metal fitting assembly to whip round, striking Mr

Chadwick on the right leg, causing serious compound fractures.

Sembcorp Utilities (UK) Limited of Wilton International, Middlesbrough, pleaded guilty to breaching Section 2(1) and Section 3(1) of the Health and Safety at Work Act 1974. The company was fined £1,350,000 and ordered to pay costs of £33,000.

Central Industrial Services (Northern) Ltd of Skippers Lane Industrial Estate, Middlesbrough, pleaded guilty to breaching Section 2(1) and Section 3(1) of the Health and Safety at Work Act 1974 and was fined £125,000 with £2,000 costs.

R & A Kay Inspection Services Ltd of Coniscliffe Road, Darlington, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act 1974 and was fined £37,500 with £33,000 costs.

The injured person, Mr Dennis Chadwick said “It has been nearly four years since I was injured. My life changed that day and the impact on my family and me has been immense. In July I had my leg amputated from the knee down and I will now have to learn to walk with a prosthetic but I am determined to get my life back.”

After the hearing, HSE principal inspector Victoria Wise said: “All three companies failed Mr Chadwick. If appropriate pressure relief had been fitted and the companies had put in place a system of work that was safe then Dennis would not have exposed to the harm he suffered.

“After three years of repeated surgery, unfortunately his leg had to be amputated below the knee. Dennis did not leave home that day to become a casualty of work.”

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# Construction firm fined after worker fell from height

West Hill Projects Ltd has been fined more than £95,000 after a worker fell from height.

Hammersmith Magistrates' Court heard that on 5 December 2016 the individual was working next to a large opening in a flat roof on Wandle Road in London. He fell about 3.3m through the opening to the ground below and suffered four fractured vertebrae, a fractured rib and a scalp wound. He was unable to work for several months following the incident.

An investigation by the Health and Safety Executive (HSE) found that West Hill Projects Ltd had failed to take any measures to prevent people on site falling through the opening in the flat roof. People had been working in the area in the days beforehand and the company had not properly planned the project.

West Hill Projects Ltd of Seymour Road, London pleaded guilty to breaching Regulation 6(3) of the Work at Height Regulations 2005. The company was fined £95,604.80 and ordered to pay costs of £988.80.

Speaking after the incident HSE Inspector Owen Rowley said: "The risks associated with work at height are well known throughout the construction industry. West Hill Projects Ltd failed to control the risk on site and one of its workers suffered serious injuries as a result.

"It is vitally important that those in control of work at height implement suitable and sufficient measures to prevent falls. The simple step of installing edge protection around the opening could have prevented this incident from occurring.'

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