

# Construction company fined following death of HGV driver

A Nottinghamshire-based engineering and groundworks contractor has been fined £233,000 for safety breaches after a 52-year old HGV driver was struck and killed by the mast of a piling rig at a house build site in Annan, Dumfries and Galloway.

On 21 January 2021, Gary Dobinson, who was employed by another company, visited the Hallmeadow development off Elm Road with his lorry to collect and transfer the piling rig owned by Van Elle Limited.

Tragically, as the mast of the rig was being lowered in preparation for its transportation, it suddenly collapsed and struck Mr Dobinson. Site workers and the emergency services raced to the scene to try to help him, but he sadly died from his injuries.

An investigation by Police Scotland and the Health and Safety Executive (HSE) found that insufficient measures had been taken to maintain the piling rig in a safe condition prior to the incident. Specifically, the securing lug for one of the mast's retaining pins was badly corroded and failed, allowing the pin to displace, causing the mast to topple.

HSE guidance on maintaining and inspecting plant can be found here: [The safe use of vehicles on construction sites: A guide for clients, designers, contractors, managers and workers involved with construction transport – HSG144 \(hse.gov.uk\)](#)

Van Elle Limited, of Southwell Lane, Kirkby-in-Ashfield, Nottinghamshire pleaded guilty to breaching Regulation 5 of the Provision and Use of Work Equipment Regulations 1998. The company was fined £233,000 at Dumfries Sheriff Court on 4 June 2024.

HSE inspector James Caren said: "All work equipment should be subject to suitable inspection and maintenance to ensure that it can be used without risk to the safety of those using it and those in the vicinity. Construction plant are exposed to harsh conditions and require effective inspection and maintenance regimes to avoid safety defects developing.

"The company should have had robust measures in place to maintain the piling rig so that it was structurally sound and could be operated safely."

## **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.

2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. HSE guidance on protecting the public can be found here: [Public protection – construction industry health & safety \(hse.gov.uk\)](#)

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## Reminder for farmers to keep visitors safe this summer

Britain's workplace regulator, is calling on farmers to do all they can to make sure those visiting their farms are kept safe and healthy.

It is the time of year when some farmers consider hosting "open farm" events, perhaps as part of [Open Farm Sunday](#), happening on Sunday 9 June 2024. Open farm events allow members of the public to visit participating farms and witness farming first hand.

Both visitors and farmers can find these open days informative, engaging and rewarding, however farmers also have a legal duty to make sure visitors are kept safe and well.

Wayne Owen, an inspector from the Health and Safety Executive (HSE) says many of the measures farmers must put in place are easy to apply.

"Events like Open Farm Sunday provide the chance for the public to get an insight into this really important industry," he said.

"However, it is important that farmers understand the risks on their farm and ensure that visitors are protected from them.

"As well as safety risks from things such as moving vehicles and animals, there are also potential health risks that the farmers will need to control.

"By following some simple steps, both farmers and the public can get as much out of these visits as possible."

In a bid to assist in identifying and controlling risks to visitors, the Access to Farms industry group has produced an [Industry Code of Practice](#) (ICOP) which is available to download free from the [Access To Farms](#) website. As well as guidance on how to control risk, the ICOP includes a useful checklist for farmers to use. There is also a shorter summary guide, and a guide for schools planning to take pupils to farm events.

HSE was consulted in the production of the ICOP. It provides sensible, proportionate and balanced advice to farms on how to comply with health and

safety law and keep visitors safe and well.

Key components of a well-managed open farm event include:

- Making sure the event is risk assessed and well planned.
- Ensuring that the farm and farm staff understand the risks on site, including zoonotic risk (i.e. risks from diseases or bugs carried by animals).
- Providing visitors with enough information on the risks and the controls in place (e.g. the importance of properly washing hands after touching animals, before eating or drinking, and before leaving site).
- Controlling visitor access to animals.
- Supervising visitor contact with animals. Providing separate clean areas for petting of animals. Preventing visitors going into the pens with animals.
- Providing suitable facilities for washing hands (normally this will be hot and cold water, liquid soap and paper towels) and directing visitors to use them after petting animals, before eating food, before and after using any play equipment, and before leaving site.
- Hand washing gels are not an acceptable substitute for washing facilities.
- If visitors are allowed to consume food or drink on site, providing separate clean eating areas, near hand washing facilities.
- Good prominent signage on site giving important information to visitors (but don't rely on signage alone to give those important messages).
- Ensuring that visitors are not exposed to other risks on the farm e.g. by fencing off high risk areas or activities and keeping people away from traffic routes and moving vehicles.

By following these principles farms can hold safe and enjoyable open farm events.

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**[Skip hire and waste recycling company](#)**

# fined after worker is injured

A family run and owned skip hire, waste and recycling business in Scotland has been fined £24,000 after a worker sustained serious injuries to his left hand and forearm on the blades of a machine.

Barry Edward Pae, formerly known as Barry Edward Vaughan, an employee of W M Russell & Sons Limited was injured while he attempted to change the blades of a rapid granulator machine. He sustained serious and irreversible injuries which included complete amputation of his left index, middle and ring fingers, and an open fracture to his left wrist following the incident on 9 April 2021.

An investigation by the Health and Safety Executive (HSE) found that the company failed to provide a safe system of work for changing the cutter blades. This included a failure to provide sufficient information, instruction, and training on how to isolate the granulator when changing the cutter blades or carrying out other maintenance.

HSE guidance can be found at: [Provision and Use of Work Equipment Regulations 1998 \(PUWER\) \(hse.gov.uk\)](#)

At Dunfermline Sheriff Court on 30 May 2024, WM. Russell & Sons Limited of Lilliehill, Dunfermline pleaded guilty to breaching the Health and Safety at Work etc Act 1974, Section 2(1), and 33(1)(a) between 2 April and 9 April 2021, both dates inclusive. and were fined £24,000.

Speaking after the case HSE inspector Laura Dempster said: "Those in control of work have a responsibility to provide a safe system of work for their employees and to provide the necessary information, instruction and training on that system.

"If a safe system of work had been in place prior to the incident, the life changing injuries sustained by the employee could have been prevented."

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# Company director given suspended sentence after worker crushed to death

A company director has been given a suspended prison sentence after an employee lost his life at a site in St Helens.

Roger Gibbons, the director of RM Gibbons Ltd, was given a 16 weeks custodial sentence, which was suspended for 12 months. His company was also fined £40,000 following the death of Uldis Sankans, who died after being crushed between a girder and the basket of a mobile elevating work platform (MEWP) while working for RM Gibbons Ltd.

The 30-year-old, from Latvia, had been operating the MEWP at a site in St Helens when he was fatally crushed on 8 November 2019.

A Health and Safety Executive (HSE) investigation found that. RM Gibbons Ltd failed to properly risk assess the operation of the MEWP and failed to provide its employees with sufficient training.

HSE guidance states hazards such as entrapment, overturning, falling and collisions should be identified within a risk assessment and suitable control measures put in place while operating a MEWP. More on this can be found at: [Construction – Mobile elevating work platforms health & safety \(hse.gov.uk\)](https://www.hse.gov.uk/construction/mobile-elevating-work-platforms-health-safety/)

- RM Gibbons Ltd, of Whiteleys Lane, Lathom, Ormskirk, pleaded guilty to breaching Section 2(1) and Section 33(1)(g) of the Health and Safety at Work etc Act 1974. The company was fined £40,000 and ordered to pay £9,424 in costs at Liverpool Magistrates' Court on 30 May 2024.
- Roger Gibbons, Director of RM Gibbons Ltd, Delph Drive, Burscough, pleaded guilty to breaching Section 2(1) and Section 33(1) of the Health & Safety at Work etc. Act 1974 by virtue of 37(1). He was sentenced to 16 weeks imprisonment, suspended for 12 months and was told to complete 140 hours of unpaid work at Liverpool Magistrates' Court on 30 May 2024.

HSE inspector Mike Lisle said: "This incident could easily have been avoided by simply identifying the risks and putting in place appropriate control measures and ensuring employees have been suitably trained.

"Companies should be aware that HSE take fatal accidents seriously no matter the size of the company and will not hesitate to take appropriate enforcement action against those that fall below the required standards."

This prosecution was brought by HSE enforcement lawyers Matthew Reynolds and Alan Hughes, and supported by HSE paralegal officer Hannah Snelling.

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## Site manager issued suspended sentence after death of young father

The site manager of a waste and recycling company has been given a suspended prison sentence following the death of a young father at a site in Dewsbury.

Wayne Griffiths, who was also a former director of Arthur Brook Limited, was given a ten-month custodial sentence, which was suspended for 18 months. It followed the death of 26-year-old Sebastian Luke Martin at the firm's Low Mill Lane facility on 21 September 2018.

Father-of-two Mr Martin, known as Luke, was drawn into a conveyor and suffered multiple injuries that resulted in him being taken to hospital where he died two days later.



The aftermath of the incident at the company's Low Mill Lane facility in Dewsbury

An investigation by the Health and Safety Executive (HSE) found that on the day of the incident, a large number of guards including both perimeter and conveyor guards on the machinery known as 'The Frag' had been removed to allow metal containing material to be reprocessed with the aid of a mini digger operated by Luke.

Griffiths was responsible for the Frag – from its initial conception and

construction, to the development of systems of work and employee training. He was directly involved in the day to day operation of the machine and this included the maintenance operations. Guards had been removed and not replaced and yet he allowed Luke to work on the Frag with the machine in a dangerous condition for two days prior to the incident, putting him at risk of serious personal injury. Luke left the digger cab and approached the unguarded machinery. He was drawn into the conveyor crushing his arm and upper body which ultimately lead to his death.

Arthur Brook Limited of Queens Mill, Low Mill Lane Ravensthorpe, Dewsbury pleaded guilty to breaching Section 2(1) of the Health & Safety at Work etc Act 1974. Wayne Griffiths also pleaded guilty to breaching Section 37(1) of the Act as the breach of Section 2(1) by Arthur Brook Limited occurred with his consent, connivance, or neglect. The company has been fined £200,000 and ordered to pay £43,000 in costs.

Wayne Griffiths was sentenced to 10 months for pleading guilty at the first opportunity, suspended for 18 months during which time he must complete 200 hours of unpaid work and pay costs of £10,000.

After the hearing, HSE inspector Louise Redgrove commented: “

“The incident could easily have been avoided if the company and Wayne Griffiths had taken effective measures to ensure all guards were maintained and in place prior to operating the Frag machine.”

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