

# Entertainment company fined after worker dies from fall

A company in the entertainment industry has been fined £16,000 following the death of a worker.

Russell Bowry, a self-employed rigger, was working at ELP Broadcast and Events Ltd's Cardington Hangar Studios in Bedfordshire when he fell from height on 13 March 2018.

The 52-year-old, from Lower Stondon, Bedfordshire, was part of an assembly team for a project that required the building of a temporary rehearsal stage.

This stage was a water and wind proof cube for a musical that was due to be performed at the studios.

Mr Bowry was working on the roof of the cube when he fell through the structure and landed 10 metres below. He died from his injuries three days later.



The roof which Mr Bowry was working on

A Health and Safety Executive (HSE) investigation found that ELP Broadcast & Events Ltd had failed to plan and implement a safe system of work. The company also failed to implement its own health and safety policy or ensure there was adequate supervision.

HSE guidance can be found at: [Work at height – HSE](#)

ELP Broadcast & Events Ltd, of Bedford Technology Park, Thurleigh, Bedfordshire pleaded guilty to breaching Section 3(1) of The Health and Safety at Work etc Act 1974. The company was fined £16,000 and ordered to pay £2,968.70 in costs at Luton Magistrates' Court on 22 November 2023.

HSE enforcement lawyer Samantha Wells said: "This tragic incident should not have happened. It is vital the entertainment sector has safe systems of work so when it puts on a good show, the workers behind the scenes are protected at all times."

This prosecution was brought by HSE enforcement lawyer Samantha Wells and supported by HSE paralegal officers Kirsty Crapper and Imogen Isaac.

#### **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.

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## **Mother's grief after only son killed while working for major egg supplier**

A mother has spoken about her grief after her only child was killed while working at 'Sunrise Eggs' in Loughborough.

Nineteen-year-old Ben Spencer had only been working for Sunrise Poultry Farms for two weeks when he was crushed between a heavy goods vehicle (HGV) and a wall on 12 April 2021.

His mum Tracy says she would like nothing more but to 'curl up in a ball' after his death at the site in Sileby.



Nineteen-year-old Ben Spencer was killed while working for Sunrise Poultry Limited

"My life revolved around Ben, because it has always been just me and him," she said.

"I used to go out every day, even if it was just for a walk, and we used to go on family holidays, all of us with a caravan.

"Now I've got no life. Sometimes I walk the dog at eleven o'clock at night to avoid running into people, I just can't face getting into a conversation with them.

"I find myself keeping my distance from everyone, I just can't cope with the idea of feeling close to someone, even my family.

"My dreams are of Ben when he was younger and I just yearn to be back there. Those years standing on the edge of a football pitch watching him in the freezing cold and now I'd just go back there in heartbeat."

The HGV was attempting a complex manoeuvre towards a narrow thoroughfare at the Seagrave Road premises as Ben Spencer was walking towards it.



HSE inspector Alex Nayar  
at the scene of the  
tragedy

An investigation by the Health and Safety Executive (HSE) found that measures in place for segregating pedestrians and moving vehicles were wholly inadequate.

Sunrise Poultry Farms, of Seagrave Road, Sileby, Loughborough, pleaded guilty to breaching Regulation 17 of the Workplace (Health, Safety and Welfare) Regulations 1992 and was ordered to pay a fine of £233,000 plus costs of £8,841 at a hearing at Leicester Magistrates' Court on 22 November 2023.

Ben's tragic death continues to have a significant impact on the lives of Tracey, as well as his friends and family.

"I still can't go in Ben's bedroom," Tracy said.

"It's still the same as the last day he went to work. I can't bring myself to make the bed and have tied the door shut so the dog can't go in there. I have tried to make myself go in there, but I just can't walk across the threshold.

"I cry when I leave the house and I cry when I get back, because he's not here. I hear noises and look up expecting to see Ben coming round the back.

"Sunrise Poultry was Ben's first real job and with it came a conversation about the future, his own home, learning to drive and saving.

"If I could just curl up in a ball I would."

Speaking after the hearing, HSE Enforcement Lawyer Andy Siddall said:

"The company admitted failing to segregate vehicles and pedestrians at its workplace in Sileby and that resulted in the tragic death of Ben.

"Accidents like this simply shouldn't happen and a mother shouldn't have to

hold the hand of her son as he lies dying in the workplace.

“So please check your workplace transport risk assessments, think carefully, and ensure that everybody goes home safely.”

HSE inspector Alex Nayar said: “Our thoughts today are with Ben’s family and friends.

“He was at the start of his working life. He should have returned home safely to them at the end of his working day, but because of the failings of Sunrise Poultry Farms Limited, he did not.

“Ben’s death could have easily been prevented if they had adequately assessed and controlled the risks associated with workplace transport, a leading cause of death in the workplace.”

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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. Guidance on [workplace transport safety](#) is available.

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## **Company fined as HSE inspection identifies failures**

A manufacturing business in Lincolnshire has been fined for failing to protect its workers from hazardous substances.

A Health and Safety Executive (HSE) inspection of W.S. Barrett and Son Limited’s site at Riverside Industrial estate in Boston, Lincolnshire, found the company’s workers were being potentially exposed to welding fume and dusts from powder coating.

Welding fume is carcinogenic and can cause other serious illnesses such as occupational asthma. Exposure to coating powders can also cause occupational asthma and skin irritation.



The company was served with Improvement Notices following issues with Local Exhaust Ventilation systems.

The inspection on 25 March 2022 found that an on-tool extraction system on the welding tools was in a poor state of repair and that Local Exhaust Ventilation systems, provided to capture welding fume and dusts from powder coating in order to protect employees' health, had not been thoroughly examined and tested.

A subsequent HSE investigation found W.S. Barrett and Son Limited, a specialist manufacturer for the agricultural and horticultural industries, had failed to ensure that its Local Exhaust Ventilation systems, which controlled workers' exposure to welding fume and dusts from powder coating, had been thoroughly examined and tested.

The company had already been warned about its Local Exhaust Ventilation systems, during a previous HSE inspection on 13 February 2018, the company was served with Improvement Notices following issues with Local Exhaust Ventilation systems. The company failed to comply and was prosecuted as a result.



The company was served with Improvement Notices following issues with Local Exhaust Ventilation systems.

HSE guidance can be found at: [Welding fume: protect your workers – Overview – HSE](#) & [Surface engineering – Reducing risks associated with using coating powders – employers \(hse.gov.uk\)](#)

W.S. Barrett & Son Limited, of Marsh Lane, Boston, Lincolnshire, pleaded guilty to breaching Regulation 9(1) and Regulation 9(2) of the Control of Substances Hazardous to Health Regulations 2002. The company was fined £10,000 and ordered to pay £3,625.20 in costs at Lincoln Magistrates' Court on 22 November 2023.

HSE inspector Stacey Gamwell said: "W.S. Barrett & Son Limited could have ensured that its Local Exhaust Ventilation systems were thoroughly examined and tested to ensure that they were working as intended to protect the health of its employees.

"This case highlights the importance of regular maintenance and inspection of control measures including Local Exhaust Ventilation, to ensure equipment remains in an efficient state, in efficient working order, in good repair and in a clean condition."

This HSE prosecution was brought by HSE enforcement lawyer Jonathan Bambro.

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)
  3. HSE news releases are available at <http://press.hse.gov.uk>
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## **HSE publishes annual work-related ill health and injury statistics for 2022/23**

Nearly two million workers in Great Britain reported suffering from work-related ill health in 2022/23.

The Health and Safety Executive (HSE) has today (Wednesday 22 November) published [its annual statistics on work-related ill health and workplace injuries](#).

The statistics reveal that 1.8 million workers reported they were suffering from work-related ill health in 2022/23, with approximately half of the cases down to stress, depression or anxiety.

In the recent years prior to the COVID-19 pandemic, the rate of self-reported work-related ill health had been broadly flat, but the current rate is higher than 2018/19.

There were an estimated 875,000 cases of work-related stress, depression or anxiety in 2022/23. The current rate of self-reported work-related stress, depression or anxiety is higher than the pre-pandemic level .

An estimated 35.2 million working days were lost in 2022/23 due to self-reported work-related ill health or injury.

HSE's chief executive Sarah Albon said: "Preventing or tackling work-related stress can provide significant benefits to employees, improving their experience of work and their overall health; and also to employers including increased productivity, decreased absenteeism and reduced staff turnover."

HSE's statistics also reveal the impact work-related ill health and workplace injuries are having on Britain's economic performance.

In 2021/22, the estimated annual costs of workplace injury and new cases of work-related ill health reached £20.7 billion, representing a £1.9 billion increase compared with 2019/20.

The figures also show that 135 workers were killed in work-related accidents in 2022/23, while 561,000 workers sustained a self-reported non-fatal injury in the workplace during the same period.

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2. Details on HSE's work-related mental health campaign, Working Minds, can be found here [Working Minds – Work Right to keep Britain safe](#)
3. Details on HSE's new 10-year strategy can be found here [HSE strategy 2022 to 2032 – About us – HSE](#)
4. HSE's annual statistics on work related ill health and workplace injuries 2022/23 can be found here – [Statistics – About HSE statistics](#)

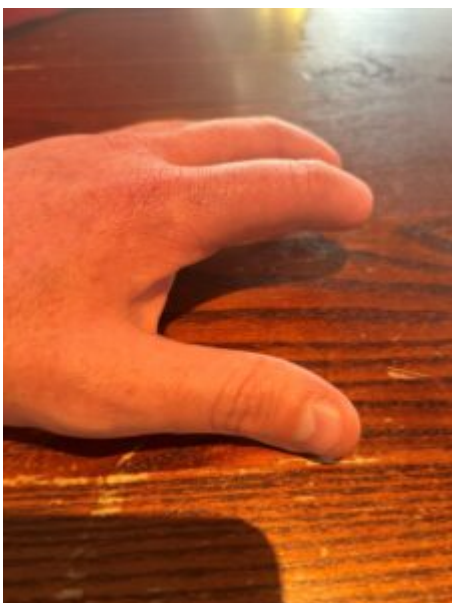
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## McCain Foods fined after employee loses fingers

A frozen food company has been fined £700,000 after an employee lost two of his fingers following an incident at the firm's premises in Lincolnshire.

Tom Matthews, from Grantham, now champions health and safety in his current job at a different company, warning others to avoid his misfortune.

He had been working a night shift at McCain Foods' site in Easton on 2 September 2019 when he suffered serious injuries to his left hand.



Tom Matthews' left hand

While cleaning the company's batter system machinery, the 33-year-old had attempted to remove string dangling from a chute when his left hand was drawn in and contacted the machine's rotary valve.

The index and middle finger were later amputated as a result of the incident.

Tom Matthews, a father-of-two said: "The last four years have been hard and an ongoing struggle both physically and mentally.

"I still have circulation problems in my left hand following the incident that should never have happened.

"While I'm currently working, my new role is with the health and safety team at a different company as I want to use my story as an example to others and make sure something like this doesn't happen again."

A Health and Safety Executive (HSE) investigation found that McCain Foods had failed to provide appropriate guarding to prevent access to the dangerous parts of machinery, namely the rotary valve. It had not conducted an adequate risk assessment of the batter machine and had not provided employees with adequate health and safety training or supervision.

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

McCain Foods (G.B.) Limited, of Havers Hill, Eastfield, Scarborough, North Yorkshire, pleaded guilty to breaching Section 2(1) of the Health & Safety at Work etc. Act 1974 and Section 11(1) of Provision and Use of Work Equipment Regulations 1998 (PUWER). The company was fined £700,000 and ordered to pay £6,508.51 in costs at Lincoln Magistrates' Court on 22 November 2023.

HSE inspector Muir Finlay said: "This incident could so easily have been avoided had the company taken simple steps to guard dangerous parts of machinery and provide employees with suitable training and supervision.

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

This prosecution was led by HSE enforcement lawyer Jonathan Bambro and supported by Rubina Abdul-Karim.

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