

Glazing company fined for failing to control risks of vibrating tools

A glass and glazing company which installs and repairs glass windscreens and side windows to buses, coaches, motor homes and trains, has been fined for failing to adequately control the risk to its employees from using vibrating tools.

Reading Magistrates' Court heard how employees of PSV Glass and Glazing Limited were required to use oscillating and reciprocating saws, known as Fein cutters, to remove the thick adhesive that had been used to secure the windows in place – sometimes for their entire shift. HSE received reports of 30 employees at the company being diagnosed with hand arm vibration syndrome (HAVS).

An investigation by the Health and Safety Executive (HSE) found that on and before 20 August 2018, the company failed to adequately assess the risk to employees from exposure to vibration. They did not monitor the use of the Fein cutters and had not implemented measures to control exposure. There was no tool maintenance programme to ensure tools were working effectively to ensure vibration levels were kept to a minimum.

A large number of the 30 technicians affected are relatively young and have sustained life-changing permanent injury to their hands, which means they can no longer work with vibrating tools. Most now suffer constant pain and sensitivity to cold and struggle with everyday tasks.

PSV Glass and Glazing Limited of Hillbottom Road, High Wycombe pleaded guilty to breaching Regulations 5(1), 6(1), 7(1) and 8(1) of The Control of Vibration at Work Regulations 2005. The company has been fined £211,290.04 including a victim surcharge of £70 and ordered to pay costs of £11,120.04.

Speaking after the hearing, HSE inspector Emma Page 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 they had the right systems in place to monitor workers' health and the employees' condition would not have been allowed to develop to a severe and life altering stage."

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](https://www.hse.gov.uk)

2. More about the legislation referred to in this case can be found at: legislation.gov.uk/
 3. For more information on managing the risks of working with vibrating tools visit: hse.gov.uk/vibration/hav/index.htm
 4. HSE news releases are available at <http://press.hse.gov.uk>
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Plastics manufacturer fined after employee's arm was pulled into rollers of slitter machine.

A company, which manufactures self-adhesive vinyl and other coated plastic films has been fined after an employee's hand became caught between two driven rollers and was pulled into the machine.

Newport Magistrates' Court heard how on 25 July 2019, an employee of Kay Premium Marking Films Limited was attempting to clean glue off a roller within the slitter machine. His hand became caught within the mechanism of the machine and he sustained a broken ulna, radius and elbow. As a result of the incident the employee underwent surgery to have his arm pinned and plated.

At the time of the incident the machine had no guards in place and there was access to dangerous parts of the machine including the driven rollers whilst it was running.

An investigation by the Health and Safety Executive (HSE), that although the company had a risk assessment in place, it failed to identify the dangerous parts of the machine and the control measures required to prevent access to, or stop the movement of, those dangerous parts before a person could enter the danger zone.

Kay Premium Marking Films Limited, Unit 2, Oakwood Close, Pen Y Fan Industrial Park, Crumlin, Gwent, pleaded guilty to breaching Regulation 11(1) of The Provision and Use of Work Equipment Regulations 1998 and Regulation 3(1) of The Management of Health and Safety at Work Regulations 1999 and have been fined £66,000 and ordered to pay costs of £9998.40.

Speaking after the hearing HSE inspector Seren Linton said "This injury could have easily been prevented had the risk been identified. Employers should make sure they properly assess and apply effective control measures to identify and minimise the risk from dangerous parts of machinery."

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 2. More about the [legislation referred to in this case](#)^[2]
 3. [Latest HSE press releases](#)^[3]
 4. See more information about [the safe use of work equipment](#)
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[Construction company and its groundworks contractor sentenced](#)

A construction company and its groundworks contractor have been fined after unsafe excavation work left a worker with serious burns to his hand and arm.

High Wycombe Magistrates' Court heard that, on the 2 August 2018, a groundworker was preparing the ground to install a post to carry an Automatic Number Plate Recognition Camera (ANPRC), at Twyford near Reading, Berkshire.

Initially, the worker dug hand, however, due to the ground conditions and numerous hedgerow roots he started to use an 110V mechanical electric breaker.

The incident occurred when the groundworker struck a power cable supplying an adjacent British Telecommunications building. The voltage of the cable was 415v causing the ground worker to receive an electric shock that caused burns to one hand and to his opposite arm.

An Investigation by the Health and Safety Executive (HSE) found that site plans for buried cables had not been consulted and a cable avoidance tool had not been used to locate buried services in advance of carrying out the work. In addition, there was a lack of properly trained labour and supervision in place for the excavation works.

The principal contractor on site had failed to plan, manage and monitor the excavation works and also failed to provide adequate supervision for the ANPR installation project.

CLC Contractors Limited (the Principal Contractor), of Unit 2 Northbrook Industrial Estate, Vincent Avenue, Southampton, S016 6PB pleaded guilty to breaching 13 (1) Construction (Design and Management) Regulations 2015 and were fined £400,000.00 and ordered to pay costs of £5,300.00.

Paul Gale, Company Director of PAG Building Services Ltd of 2 Moore Crescent,

Netley Abbey, Southampton, Hampshire pleaded guilty to Section 37(1) Health and Safety Work Act 1974.

Due to the seriousness of the offence the case was referred to Aylesbury Crown Court for sentencing. Paul Gale was sentenced to 14 months imprisonment suspended for 24 months and 150 hour of community service. HSE was awarded costs of £7,200.

Speaking after the case, HSE inspector John Caboche commented: "Those in control of work have a responsibility to devise safe methods of working and to provide the necessary information, instruction and training to their workers in the safe system of working. In this instance, readily available buried service records were not consulted, and a cable avoidance tool was not provided to the groundworks team. Utilising these simple steps would have prevented this serious incident."

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[Council prosecuted after member of the public killed by falling tree](#)

Staffordshire County Council has been prosecuted for failing to inspect and maintain trees on a public footpath, following the death of a member of the public.

North Staffordshire Justice Centre heard how, on 3 October 2019, a man walking his dog on the Isabel Trail in Stafford was struck and killed by part of a falling oak tree.

An investigation by the Health and Safety Executive (HSE) found that the tree, a multi-stemmed mature hybrid oak, approximately 12-14 metre high and with a crown radius of between seven and ten metres, had defects from which it was foreseeable that it was likely to fall and cause injury. The tree was located within the boundaries of the Isabel Trail.

Local authorities, including Staffordshire County Council, are legally required to suitably and sufficiently manage the risks and hazards posed by the trees within their responsibility remit. Staffordshire County Council had a programme of proactive inspection and maintenance across the county, but the Isabel Trail had been omitted for many years.

Staffordshire County Council of 1 Staffordshire Place, Stafford pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974. They were fined £300,000 and ordered to pay costs of £13,164.90 and a victim surcharge £181.

Speaking after the hearing, HSE inspector Lyn Mizen said: "This tragic incident could have been averted if the required periodic tree safety inspections, as per the Staffordshire County Council's own Code of Practice, had been carried out. Local Authorities need to ensure they have suitable inspection systems in place, including monitoring and audit provisions, to guard against situations such as this, and to ensure they have enough suitably trained and competent tree inspectors to enable compliance with their tree management policies and codes of practice."

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[Self-employed gas engineer sentenced for unsafe gas work](#)

A self-employed gas engineer, trading as Shabba Gas Services Plumbing and Heating Engineer, has been fined for carrying out unsafe gas work after installing a boiler which had multiple installation faults.

Isleworth Crown Court heard how, in November 2016, Dexter Regis installed a boiler at a private address in Newbury Park, London. The boiler malfunctioned posing a risk to the occupants of the property by exposing them to carbon monoxide.

The faults came to light when the family living at the property became unwell. Mr Regis was called back to fix the boiler, but the problems continued. The family then engaged another gas engineer to inspect the boiler who found that it was immediately dangerous and posed a risk.

An investigation by the Health & Safety Executive (HSE) found that the flue

had been assembled with parts from more than one manufacturer, there was water leaking from the joints and it had been propped up with rubble.

Dexter Regis of Lady Margaret Road, Southall Court, Middlesex pleaded guilty to breaching Regulations 5(3), 26(1), 26(5) and 27(1) of the Gas Safety (Installation and Use) Regulations 1998. He was sentenced to 15 months imprisonment, suspended for two years with requirements to undertake 200 hours of unpaid work and a tagged curfew between 9pm-6am for 3 months. No order was made for prosecution costs because Mr Regis has no means to pay.

Speaking after the hearing, HSE inspector Charles Linfoot said: "This case involving a badly installed gas boiler and flue could have had tragic consequences. It highlights the importance of engineers working to the correct standards and installing gas boilers in compliance with manufacturer's recommendations, using the correct flue which is properly supported.

"HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

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2. For more information on safe gas installation please see HSE guidance: <https://www.hse.gov.uk/toolbox/gas.htm>
3. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)
4. Further HSE news releases are available at [hse.gov.uk/press](https://www.hse.gov.uk/press)