

# Construction company fined £2.345m after worker drowned in river

A construction company has been fined following the death of a worker.

Gary Webster lost his life two days after drowning in the River Aire on 30 October 2017.

Mr Webster and another worker had been on a boat removing debris at the bottom of the weir gates at Knostrop Weir when their boat capsized. The boat had been pulled into turbulent water, caused by the considerable flow of water flowing over the top of the weir.

The 60-year-old was repeatedly pulled under the water and was eventually recovered by a diver 14 minutes later. The other worker managed to swim to safety.

Mr Webster was pronounced dead on 1 November 2017 at Leeds General Infirmary.

A Health and Safety Executive (HSE) investigation found BAM Nuttall Ltd had several operatives who were trained and authorised to control the weir gates so that the flow of the water could be slowed down. This would have allowed the debris to float away or be reached safely by boat. However, the company failed to carry out this task.

BAM Nuttall Limited, of Knoll Road, Camberley, Surrey, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £2.345 million and ordered to pay £25,770.48 in costs at Leeds Magistrates' Court on 12 June 2024.

HSE inspector Jayne Towe said: "BAM Nuttall Ltd failed to plan the work. It failed to carry out any assessment of the risks involved with the task. It failed to have any regard to the recognised hierarchy of controls to reduce the risk associated with removing debris from the water. It failed to ensure that suitable safety measures were in place and failed to put in place a safe system of work.

"This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices."

This prosecution was brought by HSE enforcement lawyer Jonathan Bambro and supported by HSE paralegal officer Sarah Thomas.

## **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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## [Car wash firm fined for failing to protect workers and the public](#)

A car wash firm in Devon has been fined £40,000 after it repeatedly failed to protect workers and members of the public from electrical safety risks.

Investigators from the Health and Safety Executive (HSE) carried out multiple visits to Best Car Wash Ltd in Tavistock between July 2021 and November 2022. They found employees were carrying out car washing outdoors, using electrical appliances such as pressure washers and vacuum cleaners. However, the company had failed to ensure the installation had been constructed or maintained to prevent danger to both the employees and members of the public. As a result of the electrical hazards identified, the company was issued with five enforcement notices.

Despite the notices, subsequent visits found they had not been complied with and it wasn't until April 2023 that a competent person inspected, tested and repaired the installation.

The HSE investigation found the failure of the employer to comply with the initial notice resulted in electrical safety risks to the vulnerable workers persisting for longer.

Best Car Wash Ltd of Plymouth Road, Tavistock, Devon did not provide representation at Plymouth Magistrates' Court and were found guilty in their absence of breaching Section 3(1) of the Electricity at Work Regs and Reg 33 (1)(g) of the Health & Safety at Work Act 1974. They were fined £40,000 and ordered to pay costs of £3,164 on 6 June 2024.

Speaking after the hearing, HSE Principal Inspector Helena Allum said: "We can and will prosecute if companies fail to comply with enforcement notices.

"Those in control of work have a responsibility to ensure safe methods of working. The dangers associated with electricity in a work environment are well known and a wealth of advice and guidance is freely available from HSE."

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## [Openreach fined following death of engineer](#)

Openreach Limited has been fined £1.34 million after an engineer died whilst trying to repair a telephone line.

Alun Owen, from Bethesda, died after he slipped and fell into the River Aber in Abergwyngregyn and was swept away on 6 October 2020.

The 32-year-old has been described by his family as a 'loving and selfless character'.

An investigation by the Health and Safety Executive (HSE) and North Wales Police, found that a number of Openreach engineers had been attempting to repair the telephone lines, which ran across the river, over a period of two months. They had been working both near and in the river. At the time of the incident, there had been flooding in the area which meant the river was much higher and faster flowing than usual.

Mr Owen entered the water and made his way to an island in the middle of the river in order to try and throw a new telephone cable across to the other side by taping it to a hammer and then throwing the hammer. Whilst attempting to cross the remaining section of the river, he slipped in a deeper part and the force of the river swept him away.



Alun Owen

The investigation found that there was no safe system of work in place for work on or near water, nor had Mr Owen – and others working by the river – received training, information or instruction on safe working on or near water.

A statement from Mr Owen's family said: "The genuine love and affection shown to us since the tragedy that unfolded on the 6 October 2020 is a real testimony to Al and how everyone just loved his friendly, loving and selfless character.

"Although it's sometimes difficult to see beyond the sorrow, we will keep his memory alive through reminiscing those many precious moments he had in his love-filled life."

Openreach Limited pleaded guilty to breaching Section 2 (1) of the Health and Safety at work etc. Act 1974. The company was fined £1.34 million and ordered to pay costs of £15,858.35 at Llandudno Magistrates' Court on 5 June 2024.

Speaking after the case, HSE inspector Christina Roberts said: "This was a tragic incident that resulted in the death of a much loved young man.

"Mr Owen's family, friends and colleagues have always remained in our thoughts.

"His death would have been preventable had an effective system for working on or near water been in place.

"Mr Owen should not have been put in the unsafe working situation. Companies should learn the lessons from this incident if they have staff who may work on or near water and be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

North Wales Police Detective Chief Inspector Andy Gibson said: "Our thoughts remain with Alun's family at this difficult time.

“North Wales Police worked closely with HSE and whilst it was a protracted and lengthy investigation, it was critical that any failings were identified and acted upon.”

This prosecution was brought by HSE senior enforcement lawyer Nathan Cook and supported by HSE paralegal officer Sarah Thomas.

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## [Tata Chemicals fined following young father’s death](#)

Tata Chemicals Europe Limited has been fined after a young father died following an incident while erecting a scaffold tower in a chemical plant in Northwich.

Michael Densmore, from Halewood in Merseyside, died following complications to the wound he sustained after his right foot slipped into a trough containing a liquid chemical calcium hydroxide – more commonly known as ‘milk of lime’ – causing chemical and thermal burns.

The 37-year-old father-of-four was one of a number of scaffolders employed by Altrad NSG to erect scaffolding at Tata’s Lostock Hall site.

On 30 November 2016, during the course of this work, Mr Densmore stepped over a trough which contained milk of lime – which had been heated to approximately 90 degrees centigrade. His right foot slipped on an unfastened lid covering the trough, resulting in him sustaining chemical and thermal burns to his foot and ankle.

He was airlifted to Whiston Hospital burns unit, where he received specialist treatment and underwent surgery on 8 December and was discharged just over a week later. However, on 3 January 2017, while at home, he suffered a haemorrhage to his right foot and was taken to hospital following a 999 call, but tragically died.

In a statement issued by his family, Micheal was described as 'a loving and amazing role model' to his sons and two nieces.



Michael alongside his sons Billy and Mikey

"Our lives fell apart and have not been the same since that terrible day," they said. "Nobody should have to lose someone they love, due to an accident that happened at work.

"A mother should never have to give CPR to her own son, and a partner, should never have to tell their children that their dad will not be coming home.

"Michael has missed so many life events in the past seven years, including missing his nieces having their own babies, his eldest son giving him a grandson, his youngest boys communions, to name just a few.

"What hurts us the most is the fact that he will never be able to complete

all the plans he had for life, including marrying his Helen.

“The trauma, we have all suffered as a family, cannot truly be put into words. We were once a small happy close-knit family, who all lived life to the full, with Michael being the leader and now we just about get through each day.”



Michael Densmore

The Health and Safety Executive (HSE) investigation found there was no permit in place for hazardous work in a live chemical plant. Little proper thought had been given to the risks involved by those responsible for ensuring staff safety. As far as the scaffolding team was concerned, there was no clearly understood plan to address these risks. Mr Densmore had only received a brief induction when he started work on the site some months before. Crucially, he had not been warned that there would be chemical product flowing through the plant and that the lids to the trough had not been properly sealed. Tata employees had been seen working on or near the troughs and there were no visible warning signs in place.

It also found that there had been previous prosecutions of Tata Chemicals Europe relating to health & safety failures at Lostock Hall and nearby

Winnington Lane.



The incident took place at Tata's Lostock Hall site

Tata Chemicals Europe Limited, of Winnington Lane, Northwich, Cheshire pleaded guilty to breaching Section 3(1) of the Health and Safety at work etc. Act 1974. The company was fined £1.125 million and ordered to pay £60,603.54 in costs at Chester Crown Court on 5 June 2024.

Speaking after the case, HSE inspector Matt Lea said: "This tragic death could have been preventable had Michael Densmore and his colleagues been managed under a robust permit to work system for working in a live chemical plant containing corrosive chemicals which had been heated almost to boiling point.

"Michael should not have been put in this unsafe working situation and should have been warned about the dangers of stepping over the troughs and that they were still in operation.

"Companies should learn the lessons from this incident if they have staff or contractors working in a similar environment and be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

This prosecution was brought by HSE enforcement lawyer Chloe Ward and supported by HSE paralegal officer Sarah Thomas.

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# 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."

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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 \(hse.gov.uk\)](#)