

# Car business owner sentenced for breaching health and safety law by putting employees and tenants in danger

A mechanic and landlord based in Kent has been sentenced after refusing to comply with enforcement notices issued by the Health and Safety Executive (HSE) and Kent Fire and Rescue Service to protect workers and tenants from injury.

HSE inspectors were involved in a multi-agency intervention at the premises in September 2017 to protect vulnerable workers, tenants and the surrounding community.

HSE received concerns that workers were accessing the dangerous unguarded flat roof of The Convent of Mercy in Swanley. The premises were being used to store car parts for Smartworld; a car repair and sales business owned by Mustafa Kemal Mustafa. Mr Mustafa was also the landlord of The Convent, a house of multiple occupancy (HMO).

HSE issued seven enforcement notices, covering unsafe working at height, dangerous electrical installations, flammable risks and machinery guarding.

Croydon Crown Court heard that Mr Mustafa deliberately ignored prohibition and improvement notices served by the HSE and continued to put himself, workers and members of the public at risk.

Mr Mustafa Kemal Mustafa, of Briar Lane, West Wickham, Bromley, pleaded guilty to non-compliance of notices breaching Section 21 and 22 of Health and Safety at Work Act 1974, breaching Section 4(2) of the Electricity at Work Regulations 1989; and breaching Section 6(3) of the Work at Height Regulations 2005. He has been disqualified as a director for six years, received two suspended custodial sentences, 300 hours unpaid work and ordered to pay £8,000 in costs.

Speaking after the hearing, HSE inspector Joanne Williams, said: "HSE is dedicated to ensuring that business owners and landlords operate within the law and provide safe accommodation for tenants and a safe place to work for employees.

"We do not tolerate disregard for health and safety and consider the non-compliance of HSE enforcement notices as a serious offence.

"In this case Mr Mustafa chose to flagrantly ignore the support, guidance and warnings from HSE to assist his compliance with the law and continued placing people at serious risk of injury or even death."

Inspector Williams added: "Wherever possible we continue to work with

companies to improve health and safety. However, we will not hesitate to take enforcement action where necessary and prosecute individuals and businesses who ignore warnings and the law.”

#### 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. [www.hse.gov.uk](http://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>
4. Guidance can be found on the HSE website  
<http://www.hse.gov.uk/gas/landlords/index.htm>  
<http://www.hse.gov.uk/work-at-height/index.htm>  
<http://www.hse.gov.uk/electricity/> <http://www.hse.gov.uk/pubns/hsc14.htm>
5. For Kent Fire and Rescue Service (KFRS) related offences, the court sentenced Mr Mustafa to an 11 month custodial sentence, suspended for two years. This is to run concurrently with the sentence for the HSE related offences, which was a 13 month custodial sentence, suspended for two years. In addition, he must serve 300 hours unpaid community service over 15 months, is disqualified from being a company director for six years, and must pay £3,000 costs to KFRS and £5,000 costs to the HSE.

The post [Car business owner sentenced for breaching health and safety law by putting employees and tenants in danger](#) appeared first on [HSE Media Centre](#).

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## [Landscaping company fined after worker suffers head injuries](#)

A company specialising in landscaping and garden machinery has been fined following an incident where a worker suffered head injuries on site at a school in Cromer, Norfolk.

Peterborough Magistrates’ Court heard that, on 8 August 2018, Jeremy Buck suffered multiple fractures to the side of his face when his head became trapped between an excavator’s bucket and a gate post. Mr Buck had been watching to ensure the machine did not hit the nearby fence when pushing soil but became trapped when he was facing away from the approaching excavator.

An investigation by the Health and Safety Executive (HSE) found that Garden

Discount Centre Limited /trading as GDC Ltd, from St Olaves, Great Yarmouth, failed to assess the risks of the task and implement safety measures. Furthermore, no specific training for banking or operating excavators was given to employees, including the injured man and the excavator driver. Employees were not instructed on safe working practices with or near moving site plant.

Garden Discount Centre Limited pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work Act 1974 was fined £20,000 and ordered to pay costs of £4,745.50.

Speaking after the hearing HSE inspector Kasia Urbaniak said: "This incident could so easily have been avoided by simply assessing the risks of the task at hand, implementing suitable safety measures and issuing relevant safety instructions to employees.

"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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2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>

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## **[Isle of Wight worker dies during demolition project](#)**

Three construction companies have been fined after a worker suffered fatal injuries while demolishing a two-storey building in preparation for a development project.



Portsmouth Crown Court heard how David Shayler, an employee of Ryde Demolition Limited, was removing roof timbers by hand with a colleague, when a gable wall partially collapsed causing him to fall backwards striking his head against a stack of roof tiles.

An investigation by the Health and Safety Executive (HSE) into the incident which occurred on the 13 October 2016, found that the work was inadequately planned and managed by all the duty holders involved in the project, the technique used to remove the roof timbers was done out of sequence, and the brick gable had been left unstable. In addition, inadequate provision was made to prevent falls from height, despite concerns raised by workers in the days leading up to the incident.

Ryde Demolition Ltd of St Johns Hill, Ryde have pleaded guilty to breaching two counts of Section 2(1) of the Health and Safety at Work Act 1974 and have been fined £80,000 and ordered to pay costs of £12,132.02.

HJ Bennett Ltd of Pyle Street, Newport have pleaded guilty to breaching two counts of Section 3(1) of the Health and Safety at Work Act 1974 and have been fined £120,000 and ordered to pay costs of £12,057.62.

Stoneham Construction Limited of St Johns Place, Newport have pleaded guilty to breaching Regulation 13(1) of the Construction (Design & Management) Regulations 2015 and have been fined £56,667 and ordered to pay costs of £12,004.42.

Speaking after the case, HSE inspector Dominic Goacher said: "This was a tragic and wholly avoidable incident, caused by the companies' failure to implement safe systems of work."

"Demolition is a high-risk activity whose safe execution is complex and technical and where expertise is vital. The risk of unintended structural collapse is well known within the industry. Demolition requires careful planning and execution by contractors who are competent in the full range of demolition techniques."

"Falls from height remain one of the most common causes of work-related fatalities in this country, and the risks associated with working at height are well known. In this case the risks of structural collapse and falling from height were not controlled, which led to the preventable death of a

father-of-two.”

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. Further information about carrying demolition out safely can be found on HSE’s website: <https://www.hse.gov.uk/construction/safetytopics/demolition.htm>

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## [HSE continues spot inspections in Oldham and Pendle](#)

The Health and Safety Executive (HSE) is carrying out further spot inspections at businesses in Oldham and Pendle to ensure all workplaces are COVID-secure as coronavirus cases continue to rise in the areas.

HSE inspectors are busy calling and visiting businesses across all different sectors in both areas putting employers on the spot and ensuring they are COVID-secure.

HSE is providing advice and guidance to manage risk and protect workers but where some employers are not managing this, HSE will take immediate action. This can range from the provision of specific advice, issuing enforcement notices, stopping certain work practices until they are made safe and, where businesses fail to comply, this could lead to prosecution.

To be COVID-secure means businesses need to keep up to date with the latest guidance and put measures in place to manage the risk and protect workers and others. There are [five practical steps](#) that businesses can take to do that:

- Step 1. carry out a COVID-19 risk assessment
- Step 2. develop increased cleaning, hand washing and hygiene procedures
- Step 3. take all reasonable steps to help people work from home

- Step 4. maintain 2m social distancing where possible
- Step 5. where people cannot be 2m apart, manage transmission risk.

To support the understanding of the rise in coronavirus cases in the area, HSE is working alongside Pendle Borough Council and Oldham Borough Council in the regulation of workplace health and safety and alongside local public health authorities.

Sally Nicholson, HSE Head of Operations, North West, said: “While the number of confirmed coronavirus cases continues to grow in both Oldham and Pendle, we are urgently talking to local businesses to understand how they are managing risks in line with their specific business activity.

“Employers have a legal duty to protect their workers and others from harm and this includes taking reasonable steps to control the risk of coronavirus. While most businesses are following the guidelines, some are failing in their duty and neglecting to maintain things like social distancing measures and hand washing and hygiene procedures that are crucial in stopping the spread of the virus.

“Becoming COVID-secure is crucial for all businesses to tackle the rise in infection cases in the area and we will take action against workplaces that fail their duty.”

As inspections are ongoing, HSE has been utilising different ways to gather intelligence and reach out to businesses across Oldham and Pendle with a combination of site visits, phone calls and through collection of supporting visual evidence such as photos and video footage.

All businesses are in scope for inspections, that means any size business in any sector can receive an unannounced inspection.

Some of the common issues HSE inspectors are finding include: failing to provide arrangements for monitoring, supervising and maintaining social distancing, failing to introduce an adequate cleaning regime – particularly at busy times of the day – and providing access to welfare facilities to allow employees to frequently wash their hands with warm water and soap.

Francine Cheney, HSE Head of Operations for Construction, said: “While we are busy targeting businesses in Pendle and Oldham, we want all workers to remain safe in the workplace and to continue to follow government guidelines travelling to work, back at home and socially.

“This way we can help stop the spread of the virus and if any employees do get any symptoms, they should immediately self-isolate, follow the test and trace guidelines and contact their manager at work.

“By working together and ensuring that all businesses in the area are COVID-secure, we can benefit the health of the local community while supporting the local economy.”

For more information on spot inspections, see [hse.gov.uk](https://www.hse.gov.uk).

**Ends**

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2. HSE news releases are available at <http://press.hse.gov.uk>
3. For HSE's working safely guidance see <https://www.hse.gov.uk/coronavirus/working-safely/index.htm>

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## **[Manufacturing firm fined after employee fatally crushed](#)**

A company, which manufactures adhesive tape, has been fined after a worker was fatally injured while operating a rewind slitting machine.

Luton Magistrates Court heard how on 10 April 2018, Mr Brett Dolby was operating the machine, designed to cut a large roll of adhesive material into narrower rolls, when he was drawn into an in-running nip between a rotating roller and the adhesive material. Mr Dolby's colleagues found him trapped in the machine at the factory in Dunstable, having suffered fatal crush injuries.

An investigation by the Health and Safety Executive (HSE) found that Mr Dolby was required to work close to an unguarded in-running nip whilst the rewind slitting machine was in operation, which presented a hazard due to rotating parts. The risk assessment for the machine was inadequate because it failed to identify the in-running nips and other hazards on the machine. Therefore, machine operators were provided with inadequate information and training relating to the risks associated with this operation; and employees were placed at severe risk of injury.

The company previously received advice in 2012 from both HSE and an external consultant in relation to the guarding of machinery on site, but had failed to take action to ensure the necessary guarding of the rewind slitting machine prior to the incident in April 2018.

Scapa UK Limited of Ashton Under Lyne, Manchester, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974, and was fined £120,000 and ordered to pay full costs of £15,192.68.

After the hearing HSE inspector Emma Page said “This tragic incident could easily have been prevented if the company had properly assessed and applied effective control measures to minimise the risks from dangerous parts of the machinery.

“The dangers associated with in-running nips are well known, and a wealth of advice and guidance is freely available from HSE and other organisations.

“Employers should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards.”

HSE guidance on the safety requirements for plastic sheet and film winders is available here: <https://www.hse.gov.uk/pubns/ppis11.pdf>

## **Ends**

### **Notes to editors:**

1. The Health and Safety Executive (HSE) is Britain’s national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and advice, promoting training; new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement.  
[hse.gov.uk](https://www.hse.gov.uk)[1]
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