

# Painting and decorating employer sentenced after worker is seriously injured falling from height

A Northamptonshire painting and decorating employer has been sentenced after an employee sustained serious, life changing injuries after falling from height.

Wellingborough Magistrates' Court heard that, on 7 August 2018, an employee of Ian Ramsay was severely injured when he fell from height whilst installing a roof ladder on a pitched roof at a property in Mawsley, Northamptonshire. The fall resulted in the employee being permanently paralysed from the chest down. The homeowners hired Mr Ramsay to paint the exterior windows and soffit boards of their property, including the painting of dormer windows within their roof. The employee was in the process of setting up ladders to access the dormer windows when he fell from height.

An investigation by the Health and Safety Executive (HSE) found that the incident could have been prevented if the work at height hierarchy had been followed in the planning process and if appropriate equipment had been provided to employees, such as fully compliant scaffolding. The risk assessment should have identified that this work was not short duration and that the use of ladders was not appropriate.

Ian Ramsay of Padmans Close, Mawsley, Northamptonshire, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. He was sentenced to a 12-month community order, 160 hours of unpaid work and ordered to pay costs of £2,124.28 with a surcharge of £85.

Speaking after the hearing, HSE inspector Rachel Grant said "Employers and those in control of any work at height activity must make sure work is properly planned, supervised and carried out by competent people.

"This includes using the right type of equipment for working at height. In this instance, the painting of the soffits and windows was not short duration work and should have been done from appropriate work platforms. Ladders were not the appropriate equipment."

## **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>

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## [Metal fabrication company fined for failing to comply with improvement notices](#)

A Lincolnshire metal fabrication company has been fined for not complying with three improvement notices issued by the Health and Safety Executive (HSE).

Boston Magistrates' Court heard that, in December 2018, W S Barrett & Son Limited was issued with three improvement notices relating to testing wood dust and powder coating local exhaust ventilation (LEV), and providing LEV for welding fume extraction on its site in Boston, Lincolnshire. Improvement notices are legal documents requiring improvements to be made by a specified date. WS Barrett & Son Limited failed to comply with all three notices by the completion date.

An investigation by HSE found that the company was first advised of the problem in February 2018 but did not act following receipt of a Notification of Contravention letter. A further visit by HSE in December 2018 found the company had still not made the necessary improvements. A subsequent follow up visit in April 2019 showed they still had not done the work to meet the improvement notices.

W S Barrett & Son Limited of Marsh Lane, Boston pleaded guilty to breaching Section 33(1) (g) of the Health and Safety At work etc Act 1974. The company was fined £12,000.00 and ordered to pay costs of £1,740.40.

Speaking after the hearing, HSE inspector Martin Giles said, "The failure to comply with an improvement notice is a serious offence. If you receive a notice, you should ensure you take appropriate action to correct the health and safety problems and breaches that are identified in the notice."

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## [Company director sentenced after repeated serious safety failings](#)

The director of a waste transfer company was found guilty and banned from being a company director after knowingly exposing employees to serious unsafe working conditions.

Preston Crown Court heard that, in November 2018, despite a conviction for transport related health and safety offences following a fatal incident in 2013, and further enforcement action in 2017 for using a poorly maintained and damaged telehandler, Zarif Mohammed allowed the continued use of the same seriously damaged machine on the waste transfer site in Kensulate Park, Blackburn.

An investigation by the Health and Safety Executive (HSE) found the telehandler was being used without working reversing lights, a camera or mirrors, which presented a serious risk of people being struck and seriously injured as the driver would not be able to see adequately when reversing the vehicle.

Zarif Mohammed of Angela Street, Blackburn, pleaded guilty under Section 37 to breaching section 2(1) of the Health and Safety at Work etc Act 1974. Mr Mohammed was sentenced to six months imprisonment suspended for 18 months, and 190 hours of unpaid work with a further six rehabilitation days. He was also struck off from working as a company director for five years.

Speaking after the hearing, HSE inspector Steven Boyd said "Mr Mohammed had been previously convicted by HSE following a fatality at a previous company of which he was a director and then was served additional enforcement by HSE on a visit to a new company of which he was a director.

“Despite this, Mr Mohammed allowed serious unsafe conditions to prevail, presenting a high risk of persons being killed or seriously injured.

“Workplace transport incidents remain a major cause of fatal and serious injuries in the waste and recycling industry. It is important that vehicles are maintained in a safe condition.

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## **[Company director sentenced after exposing employees to hazardous substances](#)**

A manufacturer of agricultural trailers has been sentenced for deliberately putting his workers at risk of developing severe lung disease, after exposing them to substances harmful to health.

Preston Crown Court heard that, over a period of time up to February 2018, James Harrison, former managing director of the now dissolved Laser Shapes (NW) Limited, exposed his employees to hazardous substances and deliberately hid unsafe working practices from HSE inspectors at the company’s former site at Witton Mill, Blackburn.

An investigation by the Health and Safety Executive (HSE) found that employees of Laser Shapes (NW) Limited regularly used aerosolised paints containing isocyanates and solvents to spray large tractor trailers. Breathing in products containing isocyanates and solvents can cause occupational asthma, dizziness, liver and kidney damage. However, this activity was being carried out without adequate controls in place to prevent workers from breathing in harmful substances.

Mr Harrison of Silsden, Keighley pleaded guilty to breaching Sections 37 and

2(1) of the Health and Safety at Work etc. Act 1974. Mr Harrison was sentenced to 10 months imprisonment suspended for 18 months with 20 hours unpaid work, and ordered to pay costs of £5428.21.

Speaking after the hearing, HSE inspector Leona Cameron said “James Harrison was well aware of the unsafe conditions that his employees were being subjected to whilst at work.

“The effect of being exposed to these substances has resulted in at least one former employee developing a life changing condition, which could easily have been prevented if proper controls had been in place, such as suitable extraction and respiratory protective equipment.”

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## **Egg production company fined following Forklift Truck overturned**

A Chorley company has been fined after a forklift truck (FLT) overturned on a slope trapping the driver.

Manchester Magistrates’ Court heard that on 1 December 2018 an employee of Staveley’s Eggs Ltd had been driving the FLT at the company’s premises at Goosnargh Near Preston, when the truck overturned, trapping the driver between the truck and the ground, leading to him sustaining serious life changing crush injuries as a result.



An investigation by the Health and Safety Executive (HSE) found that the areas where FLTs were driven had significant changes in gradient which were not a suitable surface for the type of FLTs in use. The company failed to both identify and control the risk of FLT overturn.

Staveley's Eggs Ltd of Coppull, Chorley pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974. The company were fined £60,000 and ordered to pay costs of £4259.42.

After the hearing, HSE inspector Steven Boyd commented:

"This incident could so easily have been avoided by ensuring the area where FLTs were driven was free of slopes and damage, and that a suitable FLT was used for the site.

"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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