

# Construction company and director sentenced for health and safety failings

A construction company and its managing director have been sentenced after poor conditions at a building site were found to be dangerous.

Westminster Magistrates' Court heard how HSE inspectors had visited the site in Sherborne Gardens, London, following an incident in January 2017. They found evidence of poor health and safety conditions on site including dangerous work at height, a lack of suitable equipment, and untrained operatives working without adequate supervision.

An investigation by the Health and Safety Executive (HSE) subsequently found the construction company, C J Langs Limited, failed to plan, manage and monitor the work on site and its managing director Mr Kewie Doherty was responsible for the poor conditions on site.

C J Langs Limited of Pembroke Lodge, Pembroke Road, Ruislip pleaded guilty to breaching regulation 15(2) of the Construction (Design and Management) Regulations 2015, and was fined £80,000 and ordered to pay costs of £6,000.

Mr Doherty of Bashley road, Park Royal, London pleaded guilty to breaching Section 37(1) of the Health and Safety at Work etc Act 1974 and was ordered to carry out 150 hours of unpaid community work and to pay costs of £1,673. Mr Doherty was also disqualified from being a company director for a period of 3 years.

Speaking after the hearing, HSE inspector Kevin Smith said: "Dutyholders should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards".

## **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>

Journalists should approach HSE press office with any queries on regional press releases.

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## Waste company fined after two workers injured in explosion

A Bedfordshire waste company has been sentenced after two of its employees suffered burns whilst processing flammable aerosol containers.

Luton Magistrates' Court heard how, on 12 July 2016, two workers were processing flammable aerosol canisters using an industrial plastic shredder. The canisters were highly pressurised and, while using a gas operated forklift to lift them into a shredder, a spark from the forklift ignited a cloud of gas created by the shredded aerosols, leading to an explosion. While both workers were injured, one suffered serious third degree burns which left him in an induced coma for 10 days, on a life support machine. The individual has undergone several operations and has been left with considerable permanent scarring and a lifelong dependency on medication for nerve pain.

An investigation by the Health and Safety Executive (HSE) found the work was not suitably planned, not supervised by a competent person nor was it carried out in a safe manner.

B & W Waste Management Services Ltd of Thurleigh Road, Milton Earnest pleaded guilty to breaching Regulation 6 (1) of Dangerous Substances and Explosive Atmospheres Regulations 2002 and has been fined £100,000 and ordered to pay costs of £11,603.14.

Speaking at the hearing, HSE inspector Andrew McGill said: "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.

"If a suitable safe system of work had been in place prior to the incident, the life changing injuries suffered by one employee, could have been prevented."

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## [International tyre manufacturer fined after workers seriously injured](#)

Pirelli Tyres Ltd has been fined after two employees had their arms broken by the same machine.

Carlisle Magistrates' Court heard how, on 29 November 2013, an employee of Pirelli Tyres Ltd was loading the stripline machine when his left arm was pulled in by a roller. On 31 August 2015 a second employee had his left arm pulled in by the same roller whilst trying to make an adjustment during a production run.

Both incidents occurred at Pirelli's tyre factory at Dalston Road, Carlisle.

An investigation by the Health and Safety Executive (HSE) found the machine, which was manufactured by Pirelli in 2003, was not properly guarded, despite the first incident.

Pirelli Tyres Ltd of Derby Road, Burton-on-Trent pleaded guilty to two breaches of Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998. The company was fined £512,000 and ordered to pay costs of £5,820.

Speaking after the hearing HSE inspector Matthew Tinsley said: "Dangerous parts of machinery must be guarded to prevent access. Machines that are built in-house for a company's own use must meet modern guarding standards, just as if they were going to be placed on the open market.

"This machine should have been appropriately guarded from first use but, failing that, the first incident should have prompted a thorough review of the machine to identify what additional guarding was needed and appropriate action taken."

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## [Waste management and recycling company fined after worker injured](#)

A waste management and recycling company was sentenced after an employee sustained serious injuries to his foot while adjusting a waste shredding machine.

Chesterfield Magistrates Court heard how on 17 May 2016 an employee was adjusting the shredder to prevent the rotating teeth of the shredder catching on the mesh sieve on the bottom of the machine. While he was kneeling on the open side door of the machine; used to access shredder, he used the machine's remote controller to rotate under power the shredder. His foot was caught between the rotating shredder and the machine bed resulting in amputation of his big toe and part of another toe on his right foot.

An investigation by the Health and Safety Executive (HSE) found that the company failed to ensure that their employees had been trained to operate the machine safely. The company did not have any effective supervision in place to ensure that operators were following safe procedures. The company had no monitoring arrangements in place which may have highlighted to them that there were problems with the application of the systems of work, training and supervision. Had employees been trained to operate the machine safely they would not have been on the machine before testing the powered rotation of the shredder.

CP Environmental Limited pleaded guilty of breaching Section 2 (1) of the Health and Safety at Work Etc. Act 1974 and were fined £34,000 and ordered to pay costs of £19,226.35.

Speaking after the hearing HSE Inspector Mr David Keane said "This incident could have easily been avoided and it was fortunate that the injuries suffered weren't more serious. 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, and to properly monitor and supervise those systems."

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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. More information on retrofitting woodworking machine brakes can be found here: <http://www.hse.gov.uk/pubns/wis38.pdf>

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## [Construction company fined after undertaking unlicensed asbestos work](#)

A Bristol-based construction company has today been sentenced for carrying out unlicensed asbestos work.

Bristol Magistrates' Court heard how, during July 2017, a project was undertaken to refurbish The Cherry Tree pub at Oldland Common, Bristol, into eight flats. T.W. Parker (Building & Groundworks) Ltd was commissioned to conduct the works.

A survey of the site on 13 July found waste materials, including asbestos insulation board, were left lying outside the building. Asbestos containing materials, which would require a licence to remove, were also found to be present amongst the debris and in the building structure.

An investigation by the Health and Safety Executive (HSE) found the removal work was initiated under the control of T.W. Parker (Building & Groundworks) Ltd and was done prior to the refurbishment survey. Mr Parker had been advised that a refurbishment survey was to be undertaken before works commenced. He failed to request information from the client with regards to the potential presence of asbestos containing materials, despite some material being marked as containing asbestos, and failed to use a licensed contractor to undertake the removal works.

T.W. Parker (Building & Groundworks) Ltd of Hicks Common Road, Winterbourne pleaded guilty to breaching Section 5, 8(1) and 16 of the Control of Asbestos Regulations 2012. The company has been fined £7,000 and ordered to pay costs of £1,264.60.

Speaking after the hearing, HSE inspector Ian Whittles said: "The dangers associated with asbestos are well-known and a wealth of advice and guidance is freely available from the HSE website.

"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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