

Devon based welding engineer sentenced after serious injury to worker

An agricultural engineer from Totnes in Devon has been sentenced after a worker sustained serious, life changing injuries after falling through a mezzanine floor whilst it was under construction.

Plymouth Crown Court heard how Russell Soper, trading as RJS Agricultural Welding was contracted to install the mezzanine floor in a unit at the South Hams Business Park in Totnes during March 2017.

On 31st March, 53yr old Derek Mortimore, a self-employed worker contracted by Russell Soper to help with the floor construction, was working on the mezzanine floor while it was still being constructed. During the work, Mr Mortimore fell approximately three meters through the purlins to the concrete floor below suffering serious head injuries. Mr Mortimore remained in hospital for many months after the fall to undergo neurological rehabilitation.


An investigation by the Health and Safety Executive (HSE) found that Russell Soper, as an employer, failed in his duty to ensure the health and safety of his employees and others whilst at work. Insufficient measures were taken to prevent a fall through the mezzanine floor while under construction.

Russell Soper of Diptford, Totnes pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005. He has been fined £2,500 and ordered to pay costs of £6,132 and a victim surcharge of £170.

Speaking after the hearing HSE inspector Allison George said: "Falls from height remain one of the most common causes of work related fatalities and injuries in this country and the risks associated with working at height are well known.

"Mr Mortimore's injuries were life changing for both him and his family. He could have easily been killed. This serious incident and devastation could have been avoided if basic safe guards had been put in place."

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^[1]
2. More about the legislation referred to in this case can be found at: legislation.gov.uk/ ^[2]
3. HSE news releases are available at <http://press.hse.gov.uk>^[3]
4. Further information about health and safety in workplace transport can

be found at: <http://www.hse.gov.uk/workplacetransport/driving.htm>^[4]

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[Yorkshire Water Services Ltd sentenced after worker killed](#)

Yorkshire Water Services Ltd has been sentenced today after a fitter suffered fatal burns when his clothing was ignited by sparks.

Leeds Crown Court heard that, on 20 July 2015, Mr Michael Jennings was working in the bottom of a dry well, a designated confined space, on the end of the disused Lane 1 of the brewery Trade Waste treatment plant at the Tadcaster Sewage Treatment Works. The adjoining Lane 2 was still in service. The brewery Trade Waste plant was the only Yorkshire Water Services effluent treatment plant to use oxygen gas injection to assist the clean-up process. Mr Jennings and a colleague had been tasked with changing the stop valve on the end of the disused Lane 1 drain pipe which emerged into the bottom of the dry well. Mr Jennings was using an angle grinder to cut through corroded bolts when sparks from the grinding wheel impinged onto his overalls, bursting into flames. He suffered whole body burns and died in Pinderfields Hospital two days later.

An investigation by the Health and Safety Executive (HSE) found that the drain valve was half-opened and the atmosphere within the dry well was oxygen-enriched, greatly increasing the risk of fire.

It also found that a near miss report had been recorded at the same location in September 2014. Employees had found the interior of Lane 1 to be heavily oxygen-enriched and had alerted local managers to the problem, but this warning had not been acted upon and the company had failed to identify the implications for any future work.

The HSE investigation showed that the company's risk assessment and permit to work procedures had been inadequate. There were no site-specific procedures in place and the generic risk assessment template form did not include oxygen enrichment as a possible hazard. The employees working on the day of the incident were not familiar with the site and they were not aware of the September 2014 near miss. This meant that they did not have the knowledge or experience to recognise that oxygen-enrichment of the dry well was a potential hazard when the valve was taken off or opened.

Yorkshire Water Services Ltd of Western House, Bradford, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 and was fined £733,000 and costs of £18,818.

Speaking after the hearing, HSE inspector John Micklethwaite commented: "This was a tragic and wholly avoidable incident, caused by the failure of the company to implement an adequate and effective safe system of work for work in a confined space.

"Those in control of work activities have a duty to identify hazards that could arise, to eliminate or to mitigate them, and to devise suitable safe systems of work. The risk assessment process is central to this role.

"The employer also has a duty to provide the necessary information, instruction and training to his workers, and to provide an appropriate level of supervision to ensure that the work can be carried out safely and without risks to health."

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Construction companies fined after worker injured

Two construction companies have been fined after a worker's foot was trapped in a rotating screw.

Liverpool Crown Court heard how, on 5 March 2015, Costain Limited and Galliford Try Building Limited were upgrading Water Treatment Works in Cheshire. During commissioning work, a worker's foot became trapped in a large rotating screw which led to the amputation of three toes.

An investigation by the Health & Safety Executive (HSE) found that both companies had failed to properly plan and manage the commissioning work.

Costain Ltd and Galliford Try Limited were found guilty of breaching Section 3 (1) of the Health and Safety at Work Act 1974. Both companies have been fined £1,400,000 each with a total of £101,046.20 costs.

Speaking after the case, HSE inspector David Argument said: "This injury was easily preventable. The commissioning work should have been properly planned and managed.

"Employers should make sure they properly assess and apply effective control measures to minimise the risk posed by dangerous parts of machinery."

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[Cambridge busway fatality: HSE investigating](#)

The Health and Safety Executive is investigating a fatal collision at a busway in Cambridge.

On Thursday 13 September 2018, a cyclist was involved in a collision with a bus at the busway on Long Road. The man was pronounced dead at the scene.

A HSE spokesperson said: "We have been in contact with the police and will continue to work closely together. Our thoughts are with the family."

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2. HSE is investigating instead of police as a 'guided busway' is not a road.

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[Company fined after worker suffers fractured spine](#)

A construction company has been sentenced after a worker was injured while demolishing a farm building.

South Tyneside Magistrates' Court heard how, on 20 September 2017, an employee of Northern Structures Ltd was removing roof sheets from a timber frame farm building when he fell approximately 4 metres through one of the asbestos cement roof sheets onto the ground below, suffering a fractured spine.

An investigation by the Health and Safety Executive (HSE) found that, while a risk assessment and method statement were in place to remove the roof sheets from below, this method was then changed to remove them from above. It was during this process that the employee fell through a roof sheet.

Northern Structures Ltd of Amble Industrial Estate, Amble, Northumberland pleaded guilty to breaching Regulation 4(1)(a) and Regulation 4(1)(c) of the Work at Height Regulations 2005 and was fined £150,000 with £791.70 in costs.

Speaking after the hearing, HSE inspector Loren Wilmot said:

"Suitable and sufficient measures should have been in place through the use of alternative access equipment.

"This would have negated the need for the employee to be on the roof of the building, therefore eliminating the risk of a fall from height through the roof sheets."

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