

# Exmouth building companies fined after disregarding health and safety regulations

Coast & Country Construction Limited and Paul Humphries Architects Ltd have both been sentenced today after serious breaches of their health and safety duties.

Exeter Magistrates' Court heard that, in early 2016, a concern was raised about the lack of health and safety controls at a large timber frame extension being built onto Manor Lodge Residential Home in Exmouth. On 1 March 2016, inspectors from the Health and Safety Executive (HSE) visited the site and found numerous health and safety breaches.

During the site inspection, uncontrolled high-risk activities were witnessed that put workers at risk of death, serious injuries or ill health. The risks included falls from height, fire, slips and trips and poorly controlled wood dust. The inspection found there was a total disregard for health and safety and site management. In particular, the risk of fire spread associated with the construction of a timber frame extension adjoining an existing building. 80 physically and/or mentally impaired residents of the home were put at risk of injury or death due to the possibility of fire spreading into the home.

The subsequent investigation by the HSE found that the work was not properly planned, nor appropriately supervised or carried out in a safe manner. Coast & Country Construction Limited (formerly known as Make a Loft a Home) as the principal contractor, had a duty to control how the work was carried out and to ensure that the work would be completed safely. The timber frame extension work was designed by Paul Humphries Architects Ltd who failed to perform their duties as the principal designer and failed to consider the risk of fire spread to the vulnerable residents.

Coast & Country Construction Limited of Concord Road, Exmouth did not attend court but were found guilty in their absence to breaching Section 2 (1) and 3 (1) of the Health and Safety at Work etc Act 1974, and have been fined £150,000 and ordered to pay costs of £6,039.

Paul Humphries Architects Ltd of Salterton Road, Exmouth pleaded guilty to breaching Regulation 11 (1) and 11 (3) of the Construction (Design and Management) Regs 2015, and have been fined £20,000 and ordered to pay costs of £6,039.

Speaking after the hearing HSE inspector Nicole Buchanan 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."

"Companies should be aware that HSE will not hesitate to take enforcement

action against those that fail to control workplace risks appropriately.”

**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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## [Partners fined after farm worker injured](#)

Two partners in a farming company have been fined after an employee received serious injuries when his arm was drawn into the rollers of a potato grading machine.

Lincoln Magistrates Court heard today how, on 21 October 2016, an employee of Leverton Brothers was cleaning and emptying a potato grading machine when his right arm was drawn into the unguarded contra-rotating haulm rollers. In order to check that the grader was emptying, he climbed onto the side of the grader and reached across in an attempt to move the remaining potatoes. His glove was caught by the rollers, drawing his arm in and it took 45 minutes to release him.

An investigation by the Health and Safety Executive (HSE) identified that a safe stop procedure could have been followed, and that the contra-rotating rollers should have been guarded.

David and Philip Leverton pleaded guilty to breaching Regulation 3 (1) of the Management of Health and Safety at Work Regulations 1999, and Regulation 11 of the Provision and Use of Work Equipment Regulations 1998. They were each fined £5,000 and each ordered to pay costs of £892.10

Speaking after the hearing, HSE inspector Martin Giles said:

“This injury could have been easily prevented and the risk should have been identified. Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery.”

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

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## [Company fined after employee suffers serious burns](#)

A company that produces metal sheet components has been fined after a worker suffered burns to his, face, ears and head.

Hereford Magistrates' Court heard how, on 12 September 2016, an employee of Mettech (Hereford) Limited sustained burns when attempting to light a gas burner present within a powder coating oven.

An investigation by the Health and Safety Executive (HSE) found the gas oven involved did not meet current health and safety standards in that it did not have a flame failure device to prevent the accumulation of unlit gas within the oven. And the gas oven had not been adequately maintained or inspected by a person competent in gas safety. The company also failed to ensure that their employees followed a safe system of work.

Mettech (Hereford) Limited of Folbigg Court, Rotherwas Industrial Estate, Hereford has pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act 1974 and has been fined £20,000 and ordered to pay costs of £2685.45.

After the hearing HSE inspector Sarah Reilly commented: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

"Companies need to be made aware that they employ people who are competent in gas safety matters to inspect and maintain their gas oven appliances and to ensure that employees are properly trained to light gas ovens."

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## [Company fined after worker suffers life changing injuries](#)

A construction company has today been fined after a worker fell through a roof and suffered life changing injuries.

Glasgow Sheriff Court heard how, on 22 October 2015, the self-employed joiner was working on the construction site at Claremont Terrace, Glasgow, when he fell approximately 3.6 metres onto a pile of timber cut-offs. The employee sustained multiple fractures to his ribs and to his spine.

An investigation by the Health and Safety Executive (HSE) found that although the company had a risk assessment in place, there were no sufficient measures in place to prevent falls through a void in the roof of the building.

Fleming Buildings Limited of Auchinloch Road, Lenzie, pleaded guilty to breaching Regulation 6(3) of the Work at Height Regulations 2005, and Section 33(1)(c) of the Health and Safety at Work etc. Act 1974. The company was fined £9,335.

Speaking after the hearing, HSE inspector Graham Mitchell said: "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. This incident might have been prevented if suitable and sufficient measures had been in place such as a crash desk or safety net.

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

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## [Double-investigation leads to fine for North East car parts manufacturer Faltec Europe Limited](#)

A South Tyneside car parts manufacturer has been fined £1.6million after a Legionnaires' disease outbreak and an explosion occurred at the same plant within a year.

The Health and Safety Executive (HSE) investigated and have prosecuted Faltec Europe Limited in relation to both incidents.

Five people fell seriously ill following the Legionnaires' disease outbreak and one worker suffered serious burns from the explosion incident.

Newcastle Crown Court heard that between October 2014 and June 2015, two employees, two agency workers and a local resident fell seriously ill with Legionnaires Disease. HSE found the illness was caused by Faltec's failure to effectively manage its water cooling systems within the factory, causing the legionella bacteria within the water supply to grow to potentially lethal levels.

In relation to the explosion incident, the same court heard that on 16 October 2015, an operator attempted to recover a part that came off production rollers at the plant in Boldon. There is an explosive atmosphere within the machine during normal production. The part he was retrieving came into contact with an electrostatic grid, which created a spark and caused a dust explosion. The 19-year-old man suffered first degree burns to his face and arms. HSE found that adequate measures were not put in place to protect operators from explosion risks, this was despite previous explosions having occurred.

Concerning the legionella incident, Faltec Europe Limited of Didcot Way, Boldon in Tyne and Wear pleaded guilty to breaches of Section 2 (1) and 3 (1) of the Health and Safety at Work Act 1974 (HSWA). In relation to the

explosion, the company pleaded guilty to breaching Section 2 (1) of HSWA. The company was fined £1.6million and ordered to pay costs of £75,159.73 and a victim surcharge of £120.

Speaking after the hearing, HSE inspectors Fiona McGarry and Michael Kingston said: "The explosion and outbreak of Legionnaires' disease at the Faltec factory had a major impact on the six people affected, with some suffering long-term ill-health as a result. In addition, the incidents raised concern amongst other employees and the local community.

"Supported by colleagues from Public Health England and South Tyneside Council HSE investigated and identified breaches in both cases. In pleading guilty to three charges under the Health and Safety at Work Act 1974 the company have acknowledged these breaches.

"Legionnaires' disease is a relatively uncommon, but potentially fatal form of pneumonia. When water systems are not properly controlled and maintained there is a risk of exposing both employees and the wider community to Legionella bacteria. Following the outbreak, and HSE enforcement, improved control measures have now been implemented by the company to better manage the Legionella risks at the site."

"Furthermore, where dangerous substances create a fire and explosion risk, there needs to be adequate control measures in place to prevent an explosion or mitigate the consequences. The risks should have been assessed before the machine was put into use and the previous incidents should have resulted in a comprehensive review by a competent person. Operators need to be trained on the fire and explosion risks and understand the required controls".

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. Further information regarding the risks associated with Legionnaires disease is available at <http://www.hse.gov.uk/legionnaires/>
5. Further information regarding the risks associated fire and explosion is available at <http://www.hse.gov.uk/fireandexplosion/index.htm>

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