

Waste company fined after woman hit by vehicle and dies

A waste company has been fined over £250,000 after a member of the public was run over by one of its vehicles and died.

The woman was collecting wood from Martins of York's yard on Osbaldwick Lane, York, when she was hit by a reversing skip wagon on 29 January 2020.

She later died from her injuries.

The woman had regularly attended the site with another woman to collect wood.

A Health and Safety Executive (HSE) investigation into the incident identified that Martins of York had failed to put in place appropriate measures to control access into the main yard area. This allowed unrestricted access to the site so visitors, including members of the public, were exposed to risks from moving vehicles. Martins of York employees working as hand pickers within the yard were also put at risk of being struck by moving vehicles within the area.

HSE guidance can be found at: [Waste management and recycling – Transport \(hse.gov.uk\)](https://www.hse.gov.uk/waste-management-and-recycling-transport/)

Martins of York Limited, of Park Court, Riccall Road, Escrick, York, pleaded guilty to breaching Section 2(1) and 3(1) of the Health & Safety at Work etc. Act 1974. The company was fined £268,000 and ordered to pay £10,130.32 in costs at York Magistrates' Court on 27 October 2023.

HSE inspector Darian Dundas said: "Measures should have been introduced to prevent members of the public from being able to enter the yard without authorisation, whilst also ensuring that workers present within the yard were not put at risk from vehicles moving in and around where they were working.

"This incident could so easily have been avoided by carrying out correct control measures and safe working practices.

"It is hoped that this will remind the waste industry of the need to ensure that workplace transport is appropriately considered, with control measures introduced to ensure the appropriate separation of vehicles and pedestrians."

This HSE prosecution was supported by HSE enforcement lawyer Jayne Wilson.

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

[Company fined £240,000 after Liverpool residents put at risk during removal of dangerous cladding](#)

A health and safety inspector found cladding lying on residents' balconies at a Liverpool apartment block, posing a serious fire risk.

The combustible cladding was similar to that used on Grenfell Tower when the 2017 disaster occurred. Green Facades Limited had been contracted to remove the potentially dangerous aluminium composite panels and combustible insulation material from The Circle, an eight-storey building on Henry Street in Liverpool.

When an inspector from the Health and Safety Executive (HSE) first visited the site on 10 January 2022, the inspection revealed that, in preparation for the removal work, combustible material had been left exposed and there were inadequate means of escaping from the scaffold which was being erected.



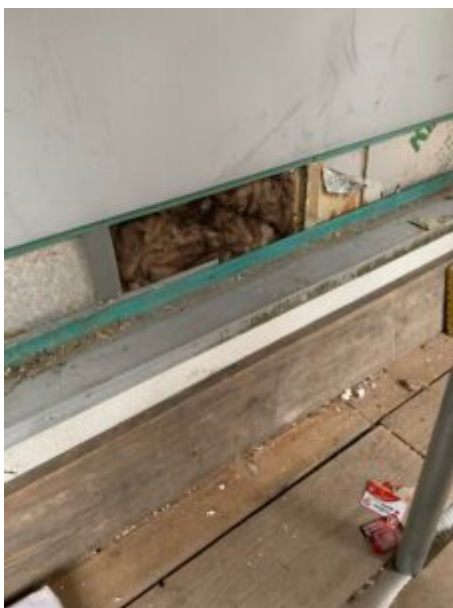
Combustible material exposed where scaffold is attached to the building

The situation had worsened when the inspector returned a few days later, on 21 January 2022. Further combustible material had been exposed with no

protection from potential sources of ignition, and combustible cladding material was found lying on residents' balconies. As the building remained occupied during the works, the inspector alerted Merseyside Fire and Rescue Service who took their own enforcement action.

Green Facades Limited had been subject to earlier enforcement for similar breaches during cladding removal at a site in London. At that time the company was provided with advice on sustainable compliance with the regulations.

An investigation by HSE found that Green Facades Limited, had failed to take appropriate precautions to address the risk of fire and to ensure the safety of residents, workers, and others. It had also failed to take account of published guidance on the safe removal of cladding following the previous issue in London.



Exposed combustible material on exterior of the building

The company of Woolwich Road, London pleaded guilty to breaching regulations 11(1) and 13(1) of the Construction (Design and Management) Regulations 2015. AT Liverpool Magistrates' Court the company was fined £240,000 and ordered to pay costs of £5,405.

After the hearing HSE inspector Jackie Western said: "The disturbing irony of this case is that work to protect residents from fire risk ended up making the situation more dangerous.

"This prosecution highlights the need for responsible management of the removal of cladding. The potentially tragic consequences of fire involving this type of material are well known following the Grenfell Tower fire.

"Despite earlier interventions and advice from HSE, and the availability of a wealth of guidance from HSE and others, this company continued to fail in its duty to address the risk of fire, putting people's lives at risk."

This prosecution was supported by HSE lawyer Matthew Reynolds.

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2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. Guidance for managing the [risk of fire](#) during [cladding removal and replacement](#) is available.
5. Information about the [Building Safety Regulator](#) can be found on HSE's website or on our [Making Buildings Safer](#)

[HSE to visit farms as part of national inspection campaign](#)

Farmers are being reminded they must change their attitude towards safety as Britain's workplace regulator readies itself for a wave of inspections in the coming months.

Inspectors from the Health and Safety Executive (HSE) will visit farms across England, Scotland and Wales as part of a push to change the culture in the industry and check for compliance with long standing legal requirements.

People on farms are 21 times more likely to be killed in a workplace accident than other sectors.

In total, there have been 161 deaths on Britain's farms over the last five years – an average of 26 people each year. This includes members of the public and children.

The visits, from this week to next April, will focus on the main causes of death in farming, including working with cattle, operating and maintaining vehicles and falls from height.

They will also look at risks to members of the public, which often means the management of cattle around public rights of way, as well as child safety on the farm.

HSE plans to carry out 440 visits during the campaign.

One of the HSE inspectors helping organise and support the visits is Kathy Gostick, who offered the following advice to farmers:

“We will not only be checking farmers’ knowledge of risk but also making sure they understand their responsibility to themselves and others. We will look at actions they have taken to control these risks and comply with the law.”

Although, the number of deaths in the agricultural sector has fallen by around half since the early 1980s, the rate of fatalities, which is based on the number of people at work in the sector, has remained stubbornly high, much higher than comparable industries.

In a bid to reduce that number, Kathy Gostick has called for farmers to stop and think differently about their own and other peoples’ safety.

“There are simply too many tragedies in farming and it is time for that to change.

“We are committed to making workplaces safer and healthier and that includes agriculture – we will do this by highlighting the risks, providing advice and guidance, and by holding employers to account for their actions.

“This means changing attitudes towards safety – it is the only way we will reduce the numbers of people being injured or killed.

“These upcoming inspections will help drive home the message that the only way we can bring down the numbers being injured or killed is if we change behaviour.”

Alongside inspections, HSE regularly gives advice on safe practice to key industry stakeholders, including at agricultural shows. The regulator is a key member of the Farm Safety Partnership.

There are many simple actions farmers can take to reduce the key risks:

- When using and maintaining vehicles consider [‘Safe Farm, Safe Driver, Safe Vehicle’](#) and follow ‘Safe Stop’ and use adequate props during maintenance.
- When handling cattle ensure good handling facilities are in place and used and that you have considered protection of members of the public when cattle are kept in field with public access. See [Handling and housing cattle AIS35 – HSE](#) and [Cattle and public access – HSE](#)
- When considering [working at height](#); avoid doing the work yourself – use a professional contractor instead. Don’t ever be tempted to use the wrong equipment – being lifted on the forks or bucket of a telehandler or fork lift truck is illegal. As is walking or working on fragile roof materials.
- When considering children on farms, try and avoid them being there in the first place and if not then full and complete supervision is required. See [Preventing accidents to children on farms INDG472\(rev4\) \(hse.gov.uk\)](#)

Earlier this year HSE launched [‘Your Farm – Your Future’](#) – a campaign focused

on the number one cause of fatalities in agriculture – moving vehicles. The campaign website bringing together lots of great advice on controlling the key risks.

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2. HSE guidance on [working at height](#) and [what a good farm looks like](#) is available.
3. Further details on the latest [HSE news releases](#) is available.

[Companies fined as child suffers fractured skull](#)

Three companies have been fined a total of £420,000 after a slate tile fractured the skull of a three-year-old child.

The slate came off a roof at a construction site at the Moonfleet Manor hotel in Weymouth, Dorset, and struck the young girl on 13 June 2019.

She had been leaving the hotel with her father and older brother after attending a swimming lesson.



Moonfleet Manor hotel

The pre-schooler received first aid and was later taken to hospital where she was put into an induced coma to stabilise her. She then underwent a two-hour operation to remove fragments of slate from her head.

The slate had come off the hotel roof and fell approximately five metres before striking the child.

The roof was being renovated by Rocare Building Services Limited.

The company had taken off the old tiles and began replacing them with new slates.

The new slates had been stacked around the roof, leading to one piece falling off.



The piece of slate that hit the child

Rocare Building Services Limited had been appointed by Moonfleet Manor as the principal contractor to oversee the refurbishment work which also included replacing windows and restoring chimneys and gutters.

Quadra Built Environmental Consultancy Limited had been hired by Moonfleet Manor as the principal designer, in charge of planning, managing and monitoring the pre-construction phase. The company failed in the planning and design stage to properly assess the risks of objects falling from height and hitting people. There was insufficient consultation and collaboration between the various duty holders.

A Health and Safety Executive (HSE) investigation into this incident found scaffolding was not fit for purpose because it did not have sufficient measures to prevent items falling such as protective fans, covered walkways or, at a minimum, brick guards around the entire perimeter. Such measures are cheap and readily available within the industry. Moonfleet Manor ignored requests and failed to put in measures to address an obvious hazard of falling objects coming into contact with members of the public using the busy thoroughfare to the swimming pool. Moonfleet Manor was more concerned about putting convenience of the guests and preventing the hotel from looking like a building site than the safety of their guests, the judge found.

HSE guidance can be found at: [Construction – Planning for construction work \(hse.gov.uk\)](https://www.hse.gov.uk/construction-planning-for-construction-work/)

At Bournemouth Crown Court on 24 October 2023:

- Rocare Building Services Limited, of Headlands Business Park, Salisbury

Road, Ringwood, Hampshire, pleaded guilty to breaching Regulation 13(1) of the Construction (Design and Management) Regulations 2015 and Regulation 10 (1) of Work at Height Regulations 2005. The company was fined £160,000 and ordered to pay costs of £15,554.78.

- Quadra Built Environmental Consultancy Limited, of Kingsmead, Lechlade On Thames, Gloucestershire, was found guilty of breaching Regulation 11 of the Construction (Design and Management) Regulations 2015. The company was fined £60,000 and ordered to pay £25,000 in costs.
- LFH (Moonfleet Manor) Limited, of Manfred Road, Putney, London, was found guilty of breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £200,000 and ordered to pay £143,482.04 in costs.

HSE inspector Nicole Buchanan said: "This incident has caused significant injuries and extreme distress to a child and her family; and could have been fatal.

"Clients and construction companies must always remember their legal duty to keep both workers and members of the public safe. The client, principal designer and principal contractor all have a duty to work together to implement the industry standards to ensure members of the public are safe particularly if a venue is to remain live."

This HSE prosecution was supported by HSE's appointed legal team Sam Jones and Blake Morgan's Steve Parish.

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4. A neurologist who assessed the child is hopeful they will make a full recovery, the court heard.

Companies fined after labourer fractures skull

Two companies have been fined £46,000 in total after a labourer from Runcorn fractured his skull.

The man had been working on a new build house when he fell through a stairwell on 3 March 2021.

He was working for Total Brickwork (UK) Ltd at a construction site run by Challenger Building Services Ltd on Okell Street, Runcorn. The two companies had been working on the construction of four new semi-detached and five terraced houses at the site.

The 46-year-old, who was 43 at the time, was on the first floor in one of the new terraced properties after being instructed by the director of Total Brickwork to clear up debris and mortar that had been left behind by bricklayers.

He had climbed up the first floor using a ladder at the stairwell opening, which had been covered with temporary boards. The boards were slid apart to allow access to the first floor.



Intending to sweep the debris down the stairwell opening, the man lifted up one of the temporary boards and stepped forward as he was going to lean it against a wall.

However, he fell through the stairwell opening onto the ground floor below as there were no floorboards underneath the temporary boards.

He fractured his skull, sustained multiple broken ribs and needed a plate to be inserted into his collarbone.

An investigation by the Health and Safety Executive (HSE) found the principal contractor Challenger Building Services Limited and Total Brickwork (UK) Ltd, the contractor in control of the work activity, had failed to plan, manage and monitor work at the site to ensure it could be carried out safely. Any worker accessing the first floor was at risk of injury due to a lack of appropriate measures for preventing falls from height.

HSE guidance can be found at: [Construction – Working at height industry health & safety](#)

Challenger Building Services Ltd, of Lee Lane, Horwich, Bolton, pleaded guilty to breaching Regulation 13(1) of the Construction (Design & Management) Regulation 2015. The company was fined £30,000 and ordered to pay £1,991.32 in costs at Warrington Magistrates' Court on 23 October 2023.

Total Brickwork UK Ltd, of Weston Road, Runcorn, Cheshire, pleaded guilty to breaching Regulation 15(2) of the Construction (Design & Management) Regulation 2015. The company was fined £16,000 and ordered to pay £1,991.32 in costs at Warrington Magistrates' Court on 23 October 2023.

HSE inspector David Brassington said: "This incident could so easily have been avoided had the risks associated with working on the upper floors been adequately assessed and measures been taken to protect the stairwell openings.

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

This HSE prosecution was supported by HSE enforcement lawyer Gemma Zakrzewski.

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