

# West Yorkshire companies fined after delivery driver injured by falling pallets

Two West Yorkshire businesses, Brighthouse Pallet Services Ltd and Seal It Services Ltd, have been fined for safety breaches after a HGV driver suffered a fracture to one of his neck vertebrae.

Leeds Magistrates' Court heard that on 5 August 2020 the delivery driver, an employee of Brighthouse Pallet Services Ltd was struck by one or two falling pallets whilst they were being unloaded from a HGV trailer by a Seal It Services Ltd fork-lift truck (FLT) operator at the latter company's site at Elland.

An investigation by the Health and Safety Executive (HSE) found that both companies failed in their duty to provide a safe system of work. They failed to put in place simple control measures to ensure that all delivery drivers who visited the Seal It Services Ltd site were moved to a safe location for waiting, whilst HGV trailers were being unloaded by FLTs.

Brighthouse Pallet Services Ltd of Elland Road, Brighthouse, West Yorkshire pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £4,000 and ordered to pay £4806.60 in costs.

Seal It Services Ltd of Riverbank Way, Elland, West Yorkshire, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974. The company was fined £50,000 and ordered to pay £4,654.90 in costs.

After the court hearing, HSE inspector David Welsh, said: "Loading and unloading of HGVs by FLTs are among the most dangerous transport activities in the workplace. People can be hit by falling objects, struck by FLTs, or fall from vehicles.

"All such incidents can result in serious personal injury and the risks involved must be managed by all those who have legal duties for the safety of delivery drivers, both their employer and the sites they deliver to.

"This incident could so easily have been avoided by implementing the simple control measure of keeping the delivery driver out of the area where the FLT was operating to maintain a safe system of work."

## **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>
  4. More information about workplace transport safety  
<https://www.hse.gov.uk/work-equipment-machinery/puwer.htm>  
<https://www.hse.gov.uk/pubns/books/hsg136.htm>
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## **HSE publishes two restriction dossiers on lead in ammunition and substances in tattoo inks and permanent make-up (PMU)**

The Health and Safety Executive (HSE) is opening a six-month public consultation on two restriction proposals.

Today (6 May), HSE published restriction dossiers on [lead in ammunition](#) and [substances in tattoo inks and PMU](#) following a request from the Defra Secretary of State, with agreement from the Scottish and Welsh Government.

Restrictions are developed to limit, ban or set conditions on the manufacture, placing on the market or use of a substance (or group of substances) that are of concern due to risks posed to human health and/or the environment.

HSE has proposed a restriction on hazardous substances present in tattoo inks and PMU as a precautionary measure to address potential risks to human health – there is currently no legislation in Great Britain that addresses the risks presented by insertion into the skin of these substances.

Dr Richard Daniels, HSE’s Director of Chemicals Policy, said: “We want to ensure that the tattoo and permanent makeup industry continues to operate to world-leading safety standards and invite it to look closely at these proposed restrictions during the consultation period.

“The pigments used in tattoo inks and PMU are not necessarily produced specifically for tattooing. These pigments are often of low purity and can contain, intentionally or as an impurity, hazardous substances.”

HSE has proposed a restriction on lead in ammunition after identifying there is an unacceptable risk to human health and the environment that is not adequately controlled.

Dr Daniels continued: “The harm of lead ammunition to wildfowl is of particular concern – poisoning from ingesting lead ammunition can cause long-

term suffering and slow painful deaths for animals.

“Linked to this, the health of humans, particularly children, may also be adversely affected from eating meat killed with lead ammunition.”

In compiling the two dossiers, HSE held a 60-day call for evidence on each proposal last year. HSE is now opening a six-month public consultation on each published dossier and invite interested parties to consider the questions posed to help HSE to form opinions on the proposed restrictions in the next stage of this process.

In forming opinions on whether to introduce the restrictions, HSE will engage with independent experts on the [REACH Independent Scientific Expert Pool \(RISEP\)](#), who will form a Challenge Panel to provide knowledge, scrutiny and challenge.

The public consultations for [lead in ammunition](#) and [substances in tattoo inks and PMU](#) can be found on Citizen Space.

Please click on the above links to take part in the six-month long public consultation.

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2. HSE is the Agency for UK REACH and therefore have responsibility for the majority of the regulatory functions under UK REACH. In the delivery of these functions, HSE is supported by and/or reportable to a number of other government organisations.
3. HSE news releases are available at: <http://press.hse.gov.uk>

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## **[Goat farming company fined after fatality](#)**

Yorkshire Dairy Goats was sentenced for safety breaches after a farm worker was run over and fatally wounded.

Hull Crown Court heard that on 1 August 2018, 53-year-old Janet McDonald, an employee of Yorkshire Dairy Goats, was struck by a reversing telescopic materials handler vehicle (telehandler) whilst working at St Helen’s Farm in

York. She was seriously injured and air-lifted to Hull Royal Infirmary where she died later that day.

An investigation by the Health and Safety Executive (HSE) found that when the employee had finished milking the goats, she walked through a corridor and stepped out into the path of the reversing telehandler. The driver was unable to see the worker so could not take action, and she was struck by the vehicle.

Yorkshire Dairy Goats of Seaton Ross, East Yorkshire pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company has been fined £180,000 and ordered to pay £20,000 in costs.

Speaking after the hearing, HSE inspector Sarah Taylor said: "Pedestrians and vehicles need to be kept apart at all work sites and this includes agriculture.

"This incident could so easily have been avoided by simply segregating vehicles and pedestrians."

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)<sup>[2]</sup>
3. HSE news releases are available at <http://press.hse.gov.uk><sup>[3]</sup>
4. Please see the link below to the page on HSE's website that is the best guide to doing it the right way:  
<https://www.hse.gov.uk/agriculture/topics/machinery/farm-vehicles.htm>

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## **[Lancashire County Council fined over Hand Arm Vibration issues](#)**

Lancashire County Council has been fined after several employees carrying out work in the highways department developed a debilitating nerve condition as a result of failure to control exposure to vibration.

Manchester Magistrates' Court heard that, in February 2019, HSE received a RIDDOR report from Lancashire County Council, relating to the diagnosis of a

case of Hand-Arm Vibration Syndrome (HAVs). An improvement notice was served to the council in July 2019 requiring the council to improve their control of HAVs. However, subsequent to this, a further ten cases of vibration-related ill-health, unrelated to the RIDDOR report, were uncovered and reported late. Four more reports were also filed, but these were on time.

Regular use of vibrating tools causes the painful and disabling disorder which, in this case, has left the employees with nerve damage to the hands and arms, making everyday tasks and leisure activities difficult or impossible.

An investigation by the Health and Safety Executive (HSE) found that there had been insufficient supervision and monitoring by the council to ensure that operatives accurately recorded their levels of exposure to vibration.

Furthermore, health surveillance records had not been acted upon promptly to reduce or stop exposure levels when symptoms were reported. In addition to this, risk assessments were not adequate for controlling the amount of exposure of operatives, and practices had not been implemented to prevent overexposure. Had these measures been in place the total of fifteen reported HAVs incidences of ill-health could have been prevented. It was also found that the council had failed to send reports of the various diagnoses to HSE without delay as required under the RIDDOR regulations.

Lancashire County Council of County Hall, Fishergate, Preston pleaded guilty to breaches of Section 2 (1) and 3(1) of the Health and Safety at Work etc. Act 1974 and Regulation 8 of the RIDDOR Regulations 2013. The Council was fined £50,000 and ordered to pay costs of £10,366,78.

Speaking after the hearing, HSE inspector Jennifer French, said: "HAVs can be a serious and sometimes disabling condition that is irreversible.

"All employers have a duty to provide effective measures to ensure the health of their staff are not seriously or permanently harmed by the work they are asked to do. HSE is committed to thoroughly investigating companies who do not comply with their duties and will prosecute if necessary."

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2. More about the legislation referred to in this case can be found at: <https://www.hse.gov.uk/vIBRAtion/hav/index.htm>
3. More about RIDDOR reporting can be found at:

<https://www.hse.gov.uk/riddor/>

4. HSE news releases are available at <http://press.hse.gov.uk>

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## **Asbestos removal company fined for failing to protect workers from risk**

An asbestos management company has been fined and two of its employees have been jailed for failing to protect workers from asbestos exposure during a major refurbishment project in Plymouth

Chelmsford Crown Court heard that in February 2017, concerns were raised by workers at Ensure Asbestos Management Limited who believed they were being put in danger whilst carrying out refurbishment work at the former department store.

An investigation by the Health and Safety Executive (HSE) found irregularities in the asbestos surveys and clearance certificates, with some of them found to be fraudulent.

Ensure Asbestos Management Limited had been contracted to carry out an asbestos survey, remove all identified asbestos-containing materials (ACMs) from the building and then carry out the initial strip-out of the building before it was refurbished. However, the company was found to have deliberately cut corners in managing the danger of asbestos exposure putting workers at risk.

Ensure Asbestos Management Limited of Station Road, Sawbridgeworth, Hertfordshire pleaded guilty to breaching Section 2(1) and 3(1) of the Health and Safety at Work etc Act 1974 was fined £100,000.

Director of Ensure Asbestos Management Billy Hopwood of Swanstead, Basildon, Essex pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. He has been sentenced to 10 months in prison and has been disqualified from being a director for five years.

Contracts Manager at Ensure Asbestos Management Phillip Hopwood of Churchgate Street, Harlow, Essex pleaded guilty to breaching Sections 2(1), 3(1) and 33(1)(m) of the Health and Safety at Work etc Act 1974. He has sentenced to 15 months in prison and disqualified from being a director for 10 years.

Speaking after the hearing HSE inspector Georgina Symons said: "Ensure Asbestos Management Limited – a previously licensed asbestos removal contractor – failed to work within the law despite having a wealth of knowledge on the risks associated with exposure to asbestos and the necessary training to have done so safely. They deliberately falsified documents and

cut corners.

“Workers should be supported by their employers when they raise health or safety concern. This case sends a clear message that those responsible will be held to account for their failings.

“The dangers associated with asbestos are well known and a wealth of advice and guidance is freely available from HSE and other organisations.”

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