

Prison sentence for builder that undertook illegal gas work

A self-employed fitter has been jailed after carrying out gas work at a residential address in the New Forest whilst he was not competent to do so, leaving a gas boiler in an 'at risk' condition.

Southampton Crown Court heard how Michael Smithers, who traded under the name of Bournemouth & Verwood Builders, was contracted to carry out the construction of a new build house in the New Forest between 2017 and June 2018, which also included the installation of new gas appliances. Mr Smithers installed a new gas central heating boiler and the homeowner subsequently experienced problems. They contacted the Gas Safe Register and an inspection of the gas installation was carried out, the boiler installation was classed as 'at risk' and removed from service.

An investigation by the Health and Safety Executive (HSE) found that Mr Smithers was not competent to complete gas work and was not Gas Safe registered at the time he carried out this work. Mr Smithers had previously been prosecuted by the HSE and found guilty in April 2014 for unregistered gas work.

Michael Smithers of Nightingale Close, Verwood pleaded guilty to breaching Regulations 3(1) and 3 (3) of the Gas Safety Installation and Use Regulations 1998. He was sentenced to nine months in prison, ordered to pay £2,500 in compensation and £12,529 in costs.

Speaking after the hearing, HSE inspector Nicola Pinckney said: "Mr Smithers conducted gas work while he was not competent to do so and whilst not Gas Safe registered. Given his previous conviction, this defendant should have been fully aware of what the law requires to protect the public.

"To help ensure the highest standards of gas safety are met and to prevent injury and loss of life, all gas work in domestic premises must be done by people who have been properly trained and are registered Gas Safe engineers.

"HSE will not hesitate to take enforcement action against people who break the gas safety rules, which are in place to protect the public. We would

encourage anyone who is asking for gas work to be done to make sure they check the engineer has the right skills and is registered with Gas Safe Register. Homeowners can ask to see the engineer's Gas Safe Register identification card, which contains key information."

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>
4. Further information about gas safety can be found at <https://www.hse.gov.uk/gas/domestic/index.htm>

The post [Prison sentence for builder that undertook illegal gas work](#) appeared first on [HSE Media Centre](#).

[Tool company fined after employee sustains fatal head injuries](#)

Cheltenham Tool Company Limited has been fined after an employee was fatally injured while moving heavy machinery.

Cheltenham Magistrates' Court heard how on 13 November 2019, 57-year-old Ian Challinor, a maintenance engineer at the company, was working with colleagues to move a large and heavy milling machine using a forklift and machine-moving skates. During the work at the site on Swindon Road, Cheltenham, the machine became unstable and toppled onto him causing fatal head injuries.

An investigation by the Health and Safety Executive (HSE) found the company had failed to assess and plan the task of moving the machine to determine a safe system of work, provide clear instructions to the workers and supervise the activity. In addition, the skates used were not adequately maintained or subject to a suitable inspection programme to ensure that they were safe to use.

Cheltenham Tool Company Limited of Swindon Road, Cheltenham pleaded guilty to

breaching Section 2(1) of the Health and Safety at Work Act 1974 and was fined £30,000 and ordered to pay costs of £13,033.

Speaking after the hearing, HSE inspector Annette Walker said: "This was a tragic and wholly avoidable incident, caused by the failure of the company to ensure that this one-off task could be undertaken in a safe manner.

"The lifting and movement of heavy machinery is a specialist and often complex task requiring significant planning, expertise, knowledge and specialist equipment to ensure the risks are controlled."

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2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/
3. HSE news releases are available at <http://press.hse.gov.uk>
4. For more information on how to work safely with machinery, please visit: <https://www.hse.gov.uk/work-equipment-machinery/>

The post [Tool company fined after employee sustains fatal head injuries](#) appeared first on [HSE Media Centre](#).

[Buildings material manufacturer fined for health and safety failings](#)

A buildings material manufacturer has been sentenced after a worker was diagnosed with Hand Arm Vibration Syndrome (HAVS) after repeatedly using vibrating tools above the recommended limits; and a second worker sustained electrical burns in a separate incident.

Peterborough Magistrates' Court heard that the employee was diagnosed with HAVS after a HSE investigation established that he had been using percussive tooling at the company to clean down a machine used for forming cement sheets using a jet pressure washer, pneumatic chisels and a Kango hammer where he was regularly exposed to vibration above the recommended limit. Whilst a health assessment in 2012 had identified the symptoms of HAVS, recommending the employee was referred to a physician for detailed medical examination, this did not happen until 2016 when the employee was diagnosed with late stage 2 HAVS. This is a serious irreversible health condition, causing the fingers to become blanched and numb, preventing the employee from working

with vibratory equipment.

In an unrelated case on 1 September 2017, a second employee sustained electrical burns to his left arm and side of face. The employee was with a second electrician installing a temporary cable repair to switchgear which was around 60 years old. Whilst the employees were trained electricians, neither had the competence to work on the switchgear and they were not provided with any circuit diagrams, drawings or an instruction manual. Neither were there any job specific risk assessments or safe systems of work in place. The two employees isolated all the switches on the right-hand bank of the panel, which was supplying electricity to production machinery, and assumed that this would render the back of that bank of switches as safe. However, whilst working on the last cable connection, the tool used by one employee met a live bus bar terminating support strip. This caused a flash, which resulted in electrical burns.

Etex (Exteriors) UK Ltd of Lichfield Road, Burton-on-Trent pleaded guilty to breaching Regulations 6(4), 7(1) of the Control of Vibration at Work Regulations 2005; Regulation 4 (3) of Electricity At Work Regulations Act 1989; and Regulation 5 of Management of Health and Safety at Work Regulations 1999. The company was fined £282,100 and ordered to pay costs of £12,294.

Speaking after the hearing, HSE inspector Roxanne Barker said: "With regards to the case of Hand Arm Vibration Syndrome this company failed to implement and maintain a system that would suitably monitor the recorded results of vibration data and trigger times, therefore failing to have effective controls in place to limit the duration and magnitude of exposure to vibration. They also failed to ensure that their employee was under suitable health surveillance to identify problems at any early stage to prevent serious ill health.

"Etex (Exteriors) UK Ltd also failed in its duty to ensure that those undertaking electrical work were suitably competent and given the right information to complete tasks safely."

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

The post [Buildings material manufacturer fined for health and safety failings](#) appeared first on [HSE Media Centre](#).

[Juice manufacturing company fined after worker loses fingers](#)

Fruit juice manufacturer, AMC Freshly Squeezed (UK) Ltd, has been fined after an employee had three fingers of their right hand severed whilst cleaning a screw conveyor.

Liverpool Magistrates' Court heard that on the 25 July 2019, a production operative was carrying out the daily process of cleaning the extraction area at their premises in Whitemoss Business Park in Skelmersdale. Whilst the screw conveyor, which is used for removing waste pulp and peel from the building, was being cleaned the employee noticed that no water or debris was exiting the drain as it normally would. In an attempt to remove the blockage, the worker inserted their hand through the drain hole resulting in the severing of two fingers below the second knuckle and one below the first. The hospital attempted to reattach the fingers, but was unsuccessful. The worker has since been unable to resume their former employment.

An investigation by the Health and Safety Executive (HSE), found that although removal of the drain plug was done daily, the company failed to identify and therefore eliminate the dangers involved in accessing the moving parts of the open drain point of the screw conveyor. No risk assessments were undertaken and no safe systems of work were in place. The company did not provide staff with adequate training or make them aware of the dangers associated with the machinery being used.

AMC Freshly Squeezed (UK) Ltd of Degrave House, Whitemoss Business Park, Skelmersdale pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974. They were fined £16,000 and ordered to pay costs of £2,400.

Speaking after the hearing, HSE inspector David Bellis said: "This incident could so easily have been avoided. Employers should ensure they carry out an assessment of the risks and put in safe system of works for the operation of all machinery, including tasks such as cleaning. Employers should also ensure that adequate information, instruction and training is provided to all who use it."

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2. More about the legislation referred to in this case can be found at: [Why is machinery safety important?](#)

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

The post [Juice manufacturing company fined after worker loses fingers](#) appeared first on [HSE Media Centre](#).

[Company and director sentenced for exposing workers to asbestos](#)

A wood working company and its director have been fined after an inspection by the Health and Safety Executive (HSE) found a series of failings and risks associated with significant quantities of asbestos-containing materials within the premises.

Bristol Crown Court heard that on 10 August 2016, during an unannounced visit to a workshop on Moravian Road, Bristol, the asbestos insulating board lining the building was found to be in very poor condition with many panels having extensive damage. Enforcement notices were served requiring the risks to be controlled and the asbestos materials to be removed by a licenced contractor.



Enquires further to the inspection identified that the company, and its director Wayne Braund, had failed to ensure a suitable and sufficient assessment was carried out to determine whether asbestos was present, and take relevant action to ensure any risks associated with the asbestos materials were controlled. They also fabricated documents to make it appear that the asbestos materials were going to be removed by a relevant licenced contractor.

Stairs2U (Bristol) Limited of The Old Bus Depot, Moravian Road, Bristol pleaded guilty to a charge under Regulation 4 of the Control of Asbestos Regulations 2012. The company was fined £25,000.

Wayne Braund of Fieldgrove Lane, Bitton, Bristol pleaded guilty to a charge under Section 37 of the Health and Safety at Work etc Act 1974. He was sentenced to six months imprisonment suspended for eighteen months and ordered to pay £25,000 costs.

Speaking after the hearing, HSE inspector Stacey Gamwell said: "The risks associated with asbestos-containing materials are well known and advice and guidance is freely available from HSE.

"Duty holders are required to manage the risks from asbestos in any non-domestic premises and ensure that a suitable and sufficient assessment is undertaken to identify asbestos-containing materials and ensure that any risks are controlled. "

"Employers should not undertake any work with asbestos materials which exposes their employees to asbestos unless the risks have been assessed and relevant control measures have been implemented. Work associated with many categories of asbestos materials including those in this case may only be undertaken by a suitably licenced asbestos removal contractor under stringent procedures."

For separate offences prosecuted by the Fire Service, Mr Braund was sentenced to a further 12 months in prison, suspended for 18 months. He was also fined £25,000 and ordered to pay £25,000 costs.

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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 safe techniques can be found at: <http://www.hse.gov.uk/asbestos/duty.htm>

The post [Company and director sentenced for exposing workers to asbestos](#) appeared first on [HSE Media Centre](#).