

Plymouth landlord receives suspended prison sentence after gas safety failings

A landlord from Plymouth has been sentenced after failing to maintain gas appliances and failing to have landlord's gas safety checks undertaken at his rental property in Canterbury Drive, Plymouth.

Plymouth Crown Court heard how, in August 2018, a concern was raised with the Health and Safety Executive (HSE) by a previous tenant that no landlord's gas safety checks had been carried out for three years. HSE made numerous attempts to contact the landlord, Mr Thomas Brumby, but received no replies or representations.

Having failed to provide HSE with a copy of any landlord's gas safety records for his tenanted property, a formal Improvement Notice was served on Mr Brumby requiring him to arrange for the gas appliances at his tenanted property to be checked and maintained. Mr Brumby ignored this Improvement Notice.

Thomas Brumby of Canterbury Drive, Plymouth, pleaded guilty to breaching Regulations 36(3)(a) and 36(2)(a) of the Gas Safety (Installation and Use) Regulations 1998. He has been sentenced to 15 weeks in prison for each offence, both suspended for 18 months, and ordered to pay costs of £1,500.

Speaking after the hearing HSE inspector Simon Jones said: "Thomas Brumby put the residents and other members of the public at risk of harm by failing to maintain gas appliances in the domestic property. He showed contempt of the law surrounding gas safety at a tenanted property.

"Landlords must ensure they obtain a landlord's gas safety record and they maintain all gas appliances in accordance with the law."

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
2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/

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The post [Plymouth landlord receives suspended prison sentence after gas safety failings](#) appeared first on [HSE Media Centre](#).

[Building firm fined after worker injured](#)

Stan England Builders Limited has been fined following an incident when a worker suffered serious injuries after falling from a mezzanine level and wooden platform.

Aberdeen Sheriff Court heard that on 31 March 2016, Alan Ness was working at a residential property in Banchory. He began taping areas on the ceiling of a mezzanine level. He gained access to this level by a wooden platform which had a ladder propped against it. As he was working close to the edge of the mezzanine level, he lost his footing and stumbled a drop of 18.5cm onto the wooden platform. He was unable to regain his footing and fell a further 2.5 metres head first onto the floor below. He sustained head, back and neck injuries.

An investigation by the Health and Safety Executive (HSE) found that there was no edge protection on the wooden platform and no safe system of work had been put in place. Mr Ness had received no formal training for work at height or working on ladders, he had a lack of knowledge and awareness of the hazards associated with work at height. Stan England Builders Limited had failed to supervise appropriately and had not corrected deficiencies, despite visiting shortly before the accident there was no written risk assessments for this task.

Stan England Builders Limited of Raemoir Road, Banchory pleaded guilty to breaching Regulation 6(3) of the Work at Height Regulations 2005 and was fined £6,000.

After the hearing, HSE inspector, Connor Gibson 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.

"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. In this case a different and simple approach of using edge protection on the wooden platform could have prevented the life changing injuries sustained by the employee."

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[Company fined after worker loses thumb](#)

A poultry processing company was fined for safety breaches after an agency worker had her thumb severed on a moving part of a processing line.

Sheffield Magistrate's Court heard that, on 24 April 2017, the Chesterfield Poultry Ltd worker was rehangng chickens on a hook coming from an overhead conveyor at a site on Coulman Street, Coulman Road Industrial Estate, when one of the chicken's feet came out of the shackle. As she went to insert the foot back into the hook, her thumb got stuck, and she was pulled around with the conveyor. Further around the line there was a fixed upright post attached to a drip tray and as she got to this point her thumb met the post and her thumb was traumatically severed.

An investigation by the Health and Safety Executive (HSE) found there was no emergency stop for the worker to stop the conveyor from her working position when she became caught in it.

Chesterfield Poultry Ltd (CPL) trading as Iqbal Poultry (IQP) of Coulman Street, Thorne, Doncaster pleaded guilty to breaching Section 3(1) of the Health & Safety at Work Act 1974. The company has been fined £300,000 and ordered to pay £5,046.29 in costs.

Speaking after the hearing, HSE inspector Eddy Tarn commented: "The moving shackles passing the fixed pole – that supported the drip tray – created the danger zone that the worker was drawn into.

"Companies must ensure that measures are in place to prevent access to dangerous parts of machinery and provide a means to stop machinery should an emergency happen."

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2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/^[2]
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[Surrey metal fabricator fined after girl crushed by steel gate at primary school](#)

A manufacturer of bespoke gates has been fined after an eight-year-old girl was crushed by a steel gate at a London school.

Westminster Magistrates' Court heard that on 17 May 2018 the girl had been leaving an evening gymnastics club at the school in Streatham, when the sliding gate fell on her. She suffered multiple fractures to her pelvis as well as internal injuries.



The manual sliding gate, which is more than five metres long and 1.7 metres high, was designed and manufactured by Metalart Fabrication Limited. It was installed by Metalart at the school, which is attended by 1700 pupils, in February 2018 after a paper delivery lorry damaged a previous, two-leaf swing gate.

However, an investigation by the Health and Safety Executive (HSE) found that the mechanism in place to prevent the sliding gate from overrunning and falling over as it was opened (a small stop welded to its guiding rail) was insufficient if the gate was opened robustly.

When the gate was opened at the time of the incident, it became disengaged from the rollers holding it up, when its momentum caused it to 'ride over' the stop. With nothing to hold it in position, it fell on the girl. The company made changes to the gate's stop mechanism on the morning after the incident and a HSE specialist verified its safety.

Metalart Fabrication Limited, of Oldfields Road, Sutton, Surrey pleaded guilty to breaching Section 6(1)(a) of the Health and Safety at Work etc Act 1974. The company was fined £19,327, including full costs of £1,147 and a victim surcharge of £180.

Speaking after the hearing, HSE inspector Sarah Whittle said: "The failure to fit suitable end-stops meant that the gate was an accident waiting to happen and could have fallen on anyone at any time with life threatening consequences."

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[Yogurt manufacturer fined after two employees suffered serious injuries](#)

A yogurt manufacturing company has been prosecuted after two employees

suffered serious injuries following the release of an acidic cleaning solution.

Telford Magistrates' Court heard that, on 1 January 2016, one of the employees of T M Telford Dairy Ltd suffered serious burns from contact with 1% nitric acid cleaning solution that had a temperature of 65°C, when working on a faulty valve on a CIP (cleaning in place) system on the company site in Donnington Wood, Telford. The valve blew off under pressure and the hot acidic cleaning fluid surged out, hitting the roof overhead and spraying on to the employees. Whilst trying to escape from the acidic cleaning fluid, one of the engineers fell from a hooped ladder and sustained a head injury.

An investigation by the Health and Safety Executive (HSE) found the company failed to ensure the safety of its employees and that it had not formally trained the two engineers in lock-off and isolation procedures, use of permits to work and safe removal of valves. There was no assessment of the risks in place for the safe removal of valves.

T M Telford Dairy Ltd of Donnington Wood, Telford pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and was fined £600,000 and ordered to pay costs of £14,379.45.

Speaking after the hearing, HSE inspector Keeley Eves said: "Those in control of work have a responsibility to assess the risks and implement safe methods of working and to provide the necessary information, instruction and training to their workers in a safe system of working.

"If a suitable safe system of work had been in place prior to the incident, the injuries sustained by the employees could have been prevented".

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