

# Company fined after worker loses tip of finger

A metal fabrication company was sentenced today after a worker was injured when using a vertical milling machine.

Sunderland Magistrates' Court heard how, on 7 December 2016, an employee of Complete Maintenance Solutions Limited was using the machine to drill a hole in a number of metal fence posts. While doing this the glove on her right hand touched the spinning drill bit and became entangled with it. This entanglement resulted in the amputation of the tip of her right ring finger to the first knuckle.

An investigation by the Health and Safety Executive (HSE) found the company had not properly guarded the machine to prevent accidental contact with the moving spindle and drill bit.

Complete Maintenance Solutions Limited of Tower Road, Glover Industrial Estate, Washington pleaded guilty to breaching Regulation 11(1)(a) of The Provision and Use of Work Equipment Regulations 1998 and was fined £4,000 with £957.65 in costs.

Speaking after the hearing, HSE inspector Christopher Lucas said: "This injury could easily have been prevented had the company put in place simple guarding measures. This should serve as a lesson to others in the metalworking industry about the importance of effectively guarding their machinery to stop others being similarly injured."

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

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

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# Fisheries owner fined after putting workers and the public at risk

The owner of a local fisheries site has been fined for failing to secure the boundary of a new build local fisheries site whilst under construction.

Manchester Magistrates' Court heard how Michael Simpson, who directed operations at the site known as Cheshire Oaks Fisheries, had received a £72,000 grant towards the development of a fisheries site in Backford, Cheshire. The Rural Payments Agency, who monitored the grant scheme, had visited the site in 2015 and identified a number of risks including those to the public. Open gates and entry points with a lack of suitable and sufficient fencing to the site provided easy access to excavated lakes, some containing deep water, coupled with unsecure heavy plant machinery, were just some of the many poor standards found at site.


On 14 July 2015, HSE visited the site after the concern was raised and several enforcement notices were issued. Shortly after this visit, the company changed its name from Cheshire Oaks Fisheries Ltd to Rural Development Programme Limited despite Michael Simpson still directing work at the site. Written correspondence from HSE for a re-visit was ignored and entry through the main site gates was refused once additional security measures had finally been put in place, some four years after work commenced.

An investigation by the Health and Safety Executive (HSE), found Michael Simpson had failed to put in place the necessary control measures and failed to manage safe working practice effectively during the construction phase thus putting not only workers at risk, but members of the public also.

Michael Simpson of, Ellesmere Port, Cheshire, was prosecuted under Section 37 and pled guilty to breaching Section 3(1) and 33(1) of the Health and Safety at Work Act 1974 and has been fined £594 and ordered to pay costs of £10,209.

Speaking after the hearing, HSE inspector Phil Redman said: "The defendant in this case failed to protect his workers and members of the public from risk. Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

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# Construction company fined after death of worker

Tonic Construction Ltd has been fined following the death of Shaun Carter.


Cheltenham Magistrates' Court heard how the employee of Tonic Construction Ltd was driving a forward tipping dumper on Tuesday 31<sup>st</sup> May 2016 onto the top of a spoil heap. The dumper became stuck on the edge of the spoil heap, and when Mr. Carter jumped off the vehicle, it flipped over striking Mr. Carter who sustained serious head injuries which he died from at the scene.

An investigation by the Health and Safety Executive (HSE) into the incident found that it was practice on this and other sites for dumpers to access spoil heaps with no barriers to prevent over-running. To compound the situation, an excavator had removed some of this particular spoil heap creating a sheer face.

Tonic Construction Ltd pleaded guilty to breaching Regulation 2 (1) of The Health and Safety at Work Act 1974 and have been fined £200,000 plus a victim surcharge of £170 and ordered to pay costs of £5565.80.

Speaking after the hearing HSE inspector Sue Adsett said: "Risks associated with the creation of spoil heaps had not been suitably and sufficiently assessed. Either the company should have decided on a safer method which avoided the need for the dumper to access spoil heaps (as they have done after the accident), or they should have introduced stricter management arrangements which would have included bunds at a safe distance from the edge."

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## Company fined after worker suffers life-changing injury

A grain milling company has today been fined after a worker lost his right leg after being struck by a fork lift truck.

Chester Crown Court heard how, on 1 September 2015, two employees of Morning Foods Limited, were emptying a warehouse which contained old electrical equipment. One forklift truck was in operation to remove the redundant equipment by loading it onto pallets and taking it across the yard to be sorted into skips. A second was working separately to stack pallets of ingredients onto a trailer. On the day of the incident, Mark Johnson attempted to cross the yard to reach the pallets and skips but was struck by the second fork lift truck, injuring his right leg which later required amputation below the knee.

An investigation by the Health and Safety Executive (HSE) found that no measures had been taken to separate pedestrians from circulating vehicles and that the company could have installed temporary control measures to reduce the risk of collisions with moving vehicles.

Morning Foods Limited of, North Western Mills, Gresty Road, Crewe, pleaded guilty to breaching Regulation 17 (1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and was fined £30,000 and ordered to pay costs of £35,000.

Speaking after the incident, HSE inspector Jennifer French said: "Those in control of work have a responsibility to devise safe working methods and to provide the necessary information, instruction and training to their workers, in the safe system of working. If a suitable system of work had been in place prior to the incident, the life changing injuries sustained by the employee could have been prevented."

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4. <http://www.hse.gov.uk/workplacetransport/index.htm>

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## **Contractors fined after carrying out unlicensed asbestos removal work**

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