

# Waste management company fined after worker suffers burns to body and face

A worker suffered burns to his face and body after the crowbar he was using came into contact with a live electrical conductor.

The Health and Safety Executive (HSE) prosecuted a waste management company following the incident on 14 July 2021.

The man was moving heavy duty electrical cables with a metal crowbar on a mobile elevating working platform when the bar came into contact with the live conductor, causing an electrical explosion at Copper Hill industrial estate, Ermine Street, Barkston Heath, Lincolnshire.

As well as suffering serious burns, the explosion caused the man to fall from the platform and sustain a broken left arm, fractured ribs and dislocated knee cap.



The worker had been contracted by New Earth Solutions (West) Limited, trading as Mid UK Recycling, to work at the firm's recycling plant at Copper Hill industrial estate.

An investigation by HSE into the incident found this task was not part of the normal workload for the injured worker and that he had not received any training with regards to undertaking electrical work. The task had not been properly planned nor risk assessed and the electrical cables were not isolated before work began. In addition, the level of supervision provided was inadequate and safety devices on the electrical supply had been set inappropriately, prioritising continuity of supply over safety of the

electrical circuit.

HSE guidance can be found at: [Electrical safety – HSE](#).

New Earth Solutions (West) Limited, of Station Road, Caythorpe, Grantham, Lincolnshire, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £200,000 and ordered to pay £12,466.60 in costs at Lincoln Magistrates' Court on 10 May 2024.

HSE inspector Tim Nicholson said: "This incident could so easily have been avoided by properly planning the task, ensuring that all workers involved were suitably competent and making sure that electrical conductors were isolated before the work began.

"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 brought by HSE enforcement lawyer Jayne Wilson and supported by HSE paralegal officer Ellen Garbutt.

#### **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>

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## **[Companies fined as worker injured at Pirelli factory](#)**

Three companies have been fined after a lift truck engineer was seriously injured while working at Pirelli Tyres' factory in Carlisle.

Ivan Weightman sustained fractures to his back and leg when two heavy metal skips fell on top of him, trapping the 47-year-old against the ground on 14 November 2019.

Pirelli, International Rubber and Tyre Recycling Limited and DCS Multiserve Limited were all prosecuted by the Health and Safety Executive (HSE) following the incident on Dalston Road. Workers from International Rubber and Tyre Recycling Limited moved materials at the site whereas staff from DCS Multiserve Limited removed waste.

Mr Weightman was servicing a fork lift truck that was parked up against a stack of waste tyres on a stillage. Two metal skips were positioned on top of the stack.



Pirelli's site on Dalston Road, Carlisle.

In order to work on the truck, Mr Weightman moved the vehicle a short distance away from the stack.

As he then walked to the front of the truck, which was leased by International Rubber and Tyre Recycling Limited, both skips fell from the stack and trapped him against the floor.

He fractured four lumbar vertebrae, his left femur and was hospitalised for several weeks as a result of the incident.



Pirelli's site on Dalston Road, Carlisle.

A HSE investigation found the skips were routinely placed on the tyres so they will be reduced in size prior to them being transported off site. The truck was positioned to stabilise the skips. This improvised working method was approved by Pirelli, and carried out by workers at International Rubber and Tyre Recycling Limited and DCS Multiserve Limited . There had been no effective control over access to the truck and the ignition key was routinely left in the cab. There was a lack of clarity over which contractor was responsible for this activity and as a result no risk assessment had been made and no safe system of work existed.

Mr Weightman said in his victim personal statement: "I used to enjoy going camping, going for walks with my partner and doing a bit of DIY. I had to get rid of my tent, I couldn't put it up. With all the pain, I struggled to do it.

"I can't go for walks like I used to. It starts to get uncomfortable and painful.

"I struggle coming down the stairs with my left knee. I struggle to get comfortable in bed or when sat on the sofa. My left knee gives way sometimes, like when I am carrying a heavy shopping bag.

"I can't play with my grandson, who is five, and I won't be able to play with my great nephew when he is older."

Pirelli Tyres Limited, of Derby Road, Burton-On-Trent, Staffordshire, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974 and Regulation 11(1) of the Management of Health and Safety at Work Regulations 1999. The company was fined £280,000 and ordered to pay £4,703.43 in costs at Carlisle Crown Court on 10 May 2024.

International Rubber and Tyre Recycling Limited, of Moorhead Lane, Shipley,

West Yorkshire, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974 and Regulation 11(1) of the Management of Health and Safety at Work Regulations 1999. The company was fined £9,000 and ordered to pay £4,566.13 in costs at Carlisle Crown Court on 10 May 2024.

DCS Multiserve Limited, of Mylord Crescent, Camperdown Industrial Estate, Newcastle, pleaded guilty to breaching Regulation 11(1) of the Management of Health and Safety at Work Regulations 1999. The company was fined £2,600 and ordered to pay £15,000 in costs at Carlisle Crown Court on 10 May 2024.

HSE inspector Matthew Tinsley said: "The fines imposed on these companies should be a warning to those responsible for the effective management of contractors and effective supervision of employees that the courts, and HSE, take a failure to follow the regulations extremely seriously. It also highlights the risks of improvised work methods using unsuitable equipment. HSE will not hesitate to take action against companies which do not do all that they should to keep people safe."

This HSE prosecution was brought by HSE enforcement lawyer Nathan Cook and supported by HSE paralegal officer Louisa Shaw.

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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.

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## **[Company fined as worker falls through roof and fractures back](#)**

A company in Manchester has been fined £20,000 after an employee fell through a roof and suffered serious injuries.

The 24-year-old, employed by Hightech Roofing N/W Limited, was repairing a roof on a building in Blackburn when they fell approximately 4.8 metres through a roof light on 3 August 2022.

The employee suffered a broken foot and ankle as well as a fractured vertebrae.



A Health and Safety Executive (HSE) investigation found Hightech Roofing N/W Limited failed to ensure the work on the roof was properly planned, appropriately supervised and carried out in a manner that was as safe as reasonably practicable. While on the roof, operatives used orientated strand boards as crawl boards to move around the roof. The boards were placed where employees needed to step, but did not cover the roof lights, which led to the worker falling.

The company also failed to assess the specific risks arising from the need to work on or over fragile surfaces and failed to consider risks arising from employees working in proximity to the edge of the roof. No edge protection had been installed at the gable end of the building.

HSE guidance states those carrying out roof work must be trained, competent and instructed in use of the precautions required. A 'method statement' is the common way to help manage work on roofs and communicate the precautions to those involved. More on this can be found at: [Construction – Roof work industry health & safety \(hse.gov.uk\)](https://www.hse.gov.uk/construction-roof-work/)



Hightech Roofing N/W Limited, of Grimshaw Street, Failsworth, Manchester, pleaded guilty to breaching Regulation 4 of the Work at Height Regulations 2005. The company was fined £20,000 and ordered to pay £5,858.46 in costs at Preston Magistrates' Court on 9 May 2024.

HSE inspector Sam Eves said: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

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

This prosecution was brought by HSE enforcement lawyer Gemma Zakrzewski and supported by HSE paralegal officer Rebecca Withell.

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## [Double glazing company boss avoids jail after worker dies](#)

The director of a Croydon-based double glazing company has avoided an immediate spell behind bars following the death a man described as “an anchor” by his devastated wife.

Ayman Noor was given a suspended prison sentence and his company – My Best Group Limited – was fined, following the death of 40-year-old Kashif Rehman on 12 November 2021.

Mr Rehman suffered a cardiac arrest when a number of toughened glass panels fell on him as he was trying to retrieve one from a stack leaning against a wall. The incident happened at the firm’s premises on Bensham Grove in Thornton Heath. He died three days later in hospital.

His wife Naila said her husband was ‘humble, kind and caring’ as she spoke about the impact of his death on their young family.

“I didn’t just lose my husband, I lost my anchor, my friend and my biggest support and motivator, she said.

“Kashif was humble, helpful, kind, caring, intelligent and God fearing and an amazing role model to three young sons. We once had a beautiful family of five, happy and content with sounds of laughter and positive moments. Now our home is filled with sadness, hollowness, emptiness and silence.

“Before switching off the life support machine, I had to give the news to my two, four and six-year-old sons that their daddy can’t come home. Those painful cries still ring in my ears and I have flashbacks to their painful tears. I always see my boys suffering even in the happiest celebrations, I see the sadness in their eyes and longingness for their dad.”

An investigation by the Health and Safety Executive (HSE) found that Mr Rehman’s death could have been prevented had the glass panes, weighing up to 10kg each, been restrained or stored in a suitable racking system to hold them in place.

Naila added: “I still have sleepless nights due to the anxiety and flashbacks from the day. I get vivid flashbacks from the day it happened, the drive to



the hospital and the funeral. I also feel uneasy on Fridays as this is when the incident happened, where I just relive the trauma.”

The HSE investigation also found My Best Group Limited, had failed to assess the risks associated with storing and handling the panes of glass, implement a safe system of work and provide adequate training and supervision. Its director, Mr Noor, was aware of the failings but failed to implement the measures required to ensure the safety of his employees and members of the public that had access to the glass storage shed.

At Southwark Crown Court on 8 May 2024, My Best Group Limited, which is now in liquidation pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974. The company would have been fined £120,000 but due to its liquidation status this was reduced to a nominal fine of £2,200. Director Ayman Noor was given 20 weeks and 14 weeks custodial sentences that will run concurrently, but they were suspended for 12 months. He will also pay costs of £9,294 for breaching section 37 of the same Act.

HSE inspector Marcus Pope said: “This is yet another tragic and avoidable workplace incident that should never have happened.

“Had My Best Group Limited implemented a suitable safe system of work for storing and handling glass Mr Rehman would still be here today. These tragic circumstances should demonstrate to the glass industry the importance of safe storage and handling of glass.”

This prosecution was brought by HSE enforcement lawyer Rebecca Schwartz.

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## **[HSE issues MoD \(Army\) with Crown Censure following death of soldier](#)**

The Health and Safety Executive (HSE) has today (Wednesday 8 May) issued the

Ministry of Defence (MoD) with a Crown Censure following the death of a soldier.

Conor McPherson, a private in the Black Watch, 3<sup>rd</sup> Battalion, the Royal Regiment of Scotland, lost his life during a training exercise at the Heely Dod firing range in Otterburn, Northumberland on 22 August 2016.

Conor's father has said he was the model son.

The 24-year-old was part of a team-of-five when he was accidentally shot in the back of the head by a fellow soldier at around 11pm. He died at the scene.

The group had been shooting at remote controlled targets as they manoeuvred on foot through the moorland firing range. They were using live rounds and night vision technology at the time.

A HSE investigation found the MoD (Army) failed to properly implement a safe system of work for the exercise.

The planning and conducting of the exercise was poor, and there was an ineffective system to monitor the management arrangements mandated within the MoD's own procedures. Mandated planning meetings in the lead up to the exercise were not attended by some staff.

Errors were made while producing written instructions and some staff lacked confidence while producing them. The finalised written instructions differed to how the exercise was being conducted. There should have been an additional supervisor with the firers on the night of the incident, due to the soldiers' lack of experience when carrying out night time firing.

Mandated 'night time' specific safety tasks were not carried out prior to firing commencing. Incorrect and unauthorised night vision equipment was being used by some soldiers. Officers who were not sufficiently experienced in controlling such an activity were not properly mentored or supervised to deal with an exercise of such complexity.

Neil McPherson, Conor's father, said in his victim personal statement: "Conor was a model son. He did not drink or smoke and he loved his family life. He loved books and his PC games and Saturday night films on TV.

"On the night Conor died, it was every parents' worst nightmare. A knock at the door, two men in suits bearing news that we had lost our son. I think we both went into shock but the memories of it all are blurred.



Conor McPherson (Credit: Ministry of Defence)

“The future is one of deep sorrow. Not to see Conor grow and find love and give us grandchildren is very sad. He would have been a fabulous father and as our only son there is no one to carry on the family name.”

By accepting the Crown Censure, the MoD (Army) has admitted breaching its duty under Section 2(1) of the Health and Safety at Work etc. Act 1974 and Regulation 5 of the Management of Health and Safety at Work Regulations 1999.

HSE inspector Jonathan Wills said: “Our thoughts are with the family of Private McPherson, with whom we have remained in close contact.

“Just like any other employer, the MoD has a responsibility to reduce dangers to its personnel, as far as it properly can.”

This HSE Crown Censure was brought by HSE enforcement lawyer Kate Harney and supported by HSE paralegal officer Rebecca Farman.

Mr McPherson added: “Socially, I don’t go out much anymore and Betty (Conor’s mother) hardly ever goes out socially except for a meal. I myself could not go back to work after Conor’s death. I don’t think I want to work anymore as I tend to shun being around groups of people. Betty and I have many pictures that to date, I cannot bear to look at although we often reminisce together. We also both have one of Conor’s dog tags each which we wear on a chain.”

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2. The MoD cannot face prosecution in the same way as non-Government bodies

and a Crown Censure is the maximum sanction for a government body that HSE can bring. There is no financial penalty associated with Crown Censure, but once accepted is an official record of a failing to meet the standards set out in law.

3. More information on Crown Censures can be found here: <http://www.hse.gov.uk/enforce/enforcementguide/investigation/approving-enforcement.htm><sup>[1]</sup>
4. The [Code for Crown Prosecutors](#)<sup>[2]</sup> sets out the principles for prosecutors to follow when they make enforcement decisions. HSE's approach to Crown Censure is set out in its [enforcement policy statement](#)<sup>[3]</sup>.
5. Following investigations by Northumbria Police and the Royal Military Police, the Health and Safety Executive (HSE) was handed jurisdiction in December 2020.
6. The Crown Censure was issued on 8 May 2024 during a meeting held at the Army HQ in Andover. Lieutenant General Dame Sharon Nesmith DCB (Deputy Chief of the General Staff) formally accepted the Crown Censure from HSE on behalf of MoD (Army) and acknowledged the offences and deficiencies that led to the death of Pte McPherson.