

# Family-run company fined after member of public is crushed

A family-run plant hire company has been fined after a member of the public was crushed at its Cambridgeshire site.

On 30 January 2020, a FDS (Cambridge) Ltd employee was moving and processing a stockpile of concrete and brick rubble using an excavator at the company's site on Ely Road, Little Thetford, Ely, Cambridgeshire.

A member of the public then came onto the site in a vehicle and was removing building waste from their trailer when they became trapped against the trailer by the reversing excavator, sustaining multiple fractures to both of their legs.

The Health and Safety Executive (HSE) found that members of the public should not have been able to get onto the site unchallenged. Additionally, they should not have been permitted to park near an operating machine which the company should have either barriered off or put suitable arrangements in place to ensure that it had ceased operating whilst people were in the vicinity.

FDS (Cambridge) Ltd of Ely Road, Little Thetford, Ely, Cambridgeshire pleaded guilty to contravening Regulation 3 (1) of the Health and Safety at Work Act 1974. The company were fined £18,000 and ordered to pay £9,354.58 in costs at Peterborough Magistrates' Court on 4 November 2022.

After the hearing, HSE inspector Roxanne Barker said: "This was a tragic and wholly avoidable incident, caused by the failure of the host company to implement safe systems of work, considering the breadth of their operations, including, and especially, those which involved visitors to their site.

"This risk was further amplified by the company's failure to undertake a number of simple safety measures including the segregation of vehicles and pedestrians."

## **Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We seek to 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](https://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>
4. Guidance on workplace transport safety can be found at: [Workplace transport safety – A guide to workplace transport safety \(hse.gov.uk\)](https://www.hse.gov.uk/workplace-transport-safety/)

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# Scaffolding company fined after worker injured in fall through skylight

A Cornish scaffolding company has been fined £24,000 after a worker was injured when he fell through a fibreglass skylight.

The 37-year-old scaffolder was working for Worden Scaffolding, part of GK Worden & Son Limited, on a commercial project at an industrial unit in Liskeard on 22 July 2019.

The company had been tasked with installing edge protection on the unit's asbestos cement pitched roof, which had fibreglass rooflights running along it.

The scaffolder was walking up the apex of the gable end of the roof when he stepped on and fell through a rooflight, landing on a concrete mezzanine floor about 3m below.

He suffered a complex fracture to the wrist and hand, a broken rib and a bruised kidney.

An investigation by the Health and Safety Executive (HSE) found that another scaffolder from Worden Scaffolding had also been exposed to similar risks of working near fragile rooflights at the same site in the months before.

In both instances, HSE found the work was not properly planned, appropriately supervised or carried out in a safe manner when the incident occurred. The workers were on the roof without edge protection, crawling boards, harnesses, lanyards or nets. The company had a duty to control how the work was carried out, including staff instruction.

GK Worden & Son Ltd of St Ann's Chapel, Gunnislake, Cornwall, pleaded guilty to breaching Section 4(1) of the Work at Height Regs 2005, and was fined £24,000 and ordered to pay costs of £14,000 at Plymouth Magistrates' Court on 1 November 2022.

Speaking after the hearing, HSE inspector Peter Buscombe said: "This worker's injuries were serious. This incident could have been avoided if basic safeguards had been put in place.

"Falls from height remain one of the most common causes of work-related fatalities and injuries in this country and the risks associated with working on or near fragile surfaces are well-known."

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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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## [Two weeks to go until HSE's Health and Work Conference 2022](#)

The Health and Safety Executive (HSE) is reminding interested parties to sign up for this year's Health and Work Conference with the free, interactive, event taking place on 15 November 2022. To [register](#) for the virtual all-day event, click here: <https://healthandworkconference.co.uk/home#register>

Building on the success of last year's conference, which saw huge demand, HSE has increased the capacity five-fold to provide 5,000 spaces for delegates.

The conference is part of HSE's approach to inspire and promote better prevention, management and control of the common risks and causes of work-related ill-health across Great Britain.

At the conference HSE will unveil how it is supporting the government's response to the Health is Everyone's Business (HiEB) consultation, as well as discussions on topics including work related stress and mental health, occupational health, musculoskeletal disorders, and occupational lung disease.

Delegates at the event will see how health and work is evolving not just in response to the pandemic, but also around the actions we need to take collectively as employers, employees, regulators and others to prevent harm caused by work-related ill-health.

Ali Wellens, HSE's head of health and work branch, said: "Health in the workplace needs to be a priority for everyone.

"This conference is a unique opportunity to engage with HSE's regulatory inspectors, scientists and health topic specialists.

"There will also be the chance to connect with peers and delve deeper into the topics that are of interest to you via a selection of elective workshops on priority areas of health and work.

"The day will include discussions around work related stress and mental

health, occupational health, musculoskeletal disorders, occupational lung disease and COSHH and much more.”

Spaces are limited, so please register for the Health and Work Conference 2022 today.

For more information on HSE and its health and work priorities visit [www.hse.gov.uk](http://www.hse.gov.uk)

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1. HSE news releases are available at <http://press.hse.gov.uk>
1. To view the full conference agenda click [here](#)

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## [Blackburn building firm fined for multiple safety failings](#)

A Blackburn building firm has been fined £116,666 after a long history of health and safety failings.

An investigation by the Health and Safety Executive (HSE) found Mullberry Homes Limited failed to plan, manage, and monitor health and safety work on construction sites across England.

Mullberry Homes Limited was given a series of Notification of Contravention (NoC) letters, official correspondence that outline how firms need to improve and provide advice on doing so. They also received a significant number of formal Improvement and Prohibition Notices due to unsafe work, yet the firm repeatedly failed to ensure the work being done on their sites, including in Aintree, Liverpool; Middleton, Rochdale and Thorncliffe Road, Barrow-in-Furness was carried out safely and without risks to health. The company failed to reach the required basic legal standards.

The HSE investigation also found that Alistair Wilcock, in his role as managing director at Mullberry Homes Limited, should have ensured measures were taken to comply with each concern when it was raised by HSE and these measures were maintained.

Mullberry Homes Limited of Old Hall Lane, Blackburn pleaded guilty to

breaching regulation 13 of the Construction (Design and Management) Regulations 2015. The company was fined £116,666 and ordered to pay costs of £8294.40 at Manchester Crown Court on 31 October 2022.

Alistair Wilcock of Deer Park, Accrington, was served with a formal caution after accepting he was guilty of breaching section 37 of the Health and Safety at Work etc Act 1974, in relation to the company's failing of regulation 13 of the Construction (Design and Management) Regulations 2015 on the basis of neglect. It is accepted by HSE that responsibility for compliance with the relevant legislation was not limited to Mr Wilcock.

HSE inspector Matt Greenly said: "Companies have a duty of care to those they employ and HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards. Mullberry Homes and their director, Mr Wilcock had every opportunity to improve standards and maintain these improvements but they sadly failed to do so and continued to put workers and contractors at risk.

"Mullberry Homes Limited, and its previous company name of Paddle Limited, has a long history of formal enforcement and prosecutions from HSE and it is hoped that this case will serve as a wake-up call for them to ensure that their management is robust enough to maintain any and all health and safety improvements they make in the future."

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. More guidance can be found at: [Construction – Health and safety for the construction industry \(hse.gov.uk\)](https://www.hse.gov.uk/construction/)

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## **[Construction company and two workers sentenced after worker suffers electric shock](#)**

A construction company and two workers have been sentenced after a worker suffered an electric shock whilst working on a farm.

On 30 September 2019 an employee of Connop and Son Limited was working on Worton Grounds Farm, Deddington, Banbury, Oxon and pouring concrete when the floating arm of a mobile concrete pump came into contact with an overhead powerline.

As a result, the employee received an 11,000-volt shock which caused him to lose consciousness. His colleagues had to perform CPR to resuscitate him at the scene. The man was later taken to Oxford Hospital where he was in a coma for six days and hospitalised for 10 days.

A Health and Safety Executive (HSE) investigation found that Connop & Son Limited fell far below the expected standard and failed to implement its own control measures documented within its risk assessment. Therefore, the company did not meet the requirements of regulation 14 of the Electricity at Work Regulations 1989.

The HSE investigation also found that Alexander Maddan, a sole trader, failed to plan, manage and monitor the construction phase and failed to ensure reasonably practicable control measures were in place. Additionally, Shaun Walker, a concrete pump operator, failed to take reasonable care for the health and safety of himself and others who were affected by his acts or omissions.

Connop and Son Limited, of Folly Farm, Eardisland, Leominster pleaded guilty to breaching regulation 14 of the Electricity at Work Regulations 1989. The company was fined £50,000 and ordered to pay costs of £5425 plus a victim surcharge of £181 at Oxford Magistrates' Court on 28 October 2022.

Alexander Maddan, of Deddington, Banbury, Oxon pleaded guilty to breaching regulation 13 (1) of Construction Design and Management Regulations 2015. Mr Maddan was fined £3,000 and ordered to pay costs of £525 plus a victim surcharge of £181 at Oxford Magistrates' Court on 28 October 2022.

Shaun Walker, of Swinford Leys, Wombourne, Wolverhampton pleaded guilty to breaching section 7 of the Health and Safety at Work Act. Mr Walker was handed a 12-month community order with a requirement to carry out 60 hours of unpaid work and ordered to pay costs of £2,000 plus a victim surcharge of £90 at Oxford Magistrates' Court on 28 October 2022.

Following the hearing, HSE inspector Steve Hull commented: "Connop and Son Limited, Alexander Maddan and Shaun Walker could have ensured that the mobile concrete pump lorry was positioned outside an exclusion zone to prevent contact with the overhead powerline.

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

## **Notes to editors**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and advice, promoting training; new or revised regulations and codes of

practice, and working with local authority partners by inspection, investigation and enforcement. [hse.gov.uk](http://hse.gov.uk)<sup>[1]</sup>

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