

# Fine for company which ignored previous enforcement action

A property development company has been fined £8,000 for failing to adequately assess the risks involved in a refurbishment project, despite having been subject to previous enforcement action.

Health and Safety Executive (HSE) inspectors visited a Daneets Developments Limited site in Bond Street, Blackpool, on 7 June 2021 during which enforcement action was taken in relation to general fire precautions, slips and trips, a failure to provide welfare, work at height, use of personal protective equipment, electrical safety, and potential exposure to asbestos.

A follow up visit to the site was then made on 21 June 2021 where further breaches of law relating to work at height and building safety were identified.

An investigation by HSE found the company did not have the organisational capability to comply with their duties under the Construction (Design and Management) Regulations 2015. It also found that lessons from previous enforcement action in 2017, had been ignored.

Daneets Developments Limited of Glenville Close, Cheadle, Cheshire pleaded guilty to breaching the Construction (Design and Management) Regulations 2015 Reg 13, and was fined £8,000 and ordered to pay costs of £2,744 at Blackpool Magistrates Court on August 31 2022.

After the hearing, HSE inspector Jackie Western 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. 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. 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](https://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](https://www.legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>
4. More information and guidance on work equipment and machinery can be found at: <http://www.hse.gov.uk/work-equipment-machinery/index.htm>

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## Timber company fined £80,000 after worker hurt in fall

A Devon-based timber company has been fined £80,000 after an employee fell through a stairwell while working on a barn conversion.

The 49-year-old driver and warehouse operative, employed by Lamisell Limited, was working on the barn, which was being converted for rental use, at the company's address near Okehampton, on 14 May 2018.

He was trying to access the first floor of the barn from exterior scaffolding and jumped onto a piece of insulation which was covering a stairwell. The insulation gave way and the worker fractured two vertebrae in the fall.

An investigation by the Health and Safety Executive (HSE) found the work was not properly planned, appropriately supervised, or carried out in a safe manner when the incident occurred. The company had a duty to control how the work was carried out, including staff supervision.

Lamisell Limited, of Meeth, Okehampton, Devon pleaded guilty to breaching Section 4 (1) of the Work at Height Regs 2005, and was fined £80,000 and ordered to pay costs of £7,331 at Poole Magistrates' Court on August 31, 2022. The company also ordered to pay a £170 victim surcharge.

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 at height are well-known."

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## Staying safe around cattle

Recent incidents involving cattle have underlined the potential dangers they pose to walkers, as people head out to enjoy the countryside this bank holiday weekend.

The Health and Safety Executive (HSE), however, is stressing that serious incidents involving cattle and walkers are rare, while reminding both farmers and walkers to do all they can to keep everyone safe.

Farmers have a legal responsibility to manage their herds to reduce risk to people using footpaths and other rights of way.

HSE regularly investigates incidents involving cattle and the public. A proportion of these incidents involve serious injury and sometimes death. Incidents often involve cows with calves or bulls, and the person injured often has a dog.

HSE's published statistics show that in the five years leading up to March of this year, nine members of the public died after being attacked or trampled by cattle.

Members of the public can find out about steps to safely enjoy the countryside and respect farming activities by following Government advice in the [The Countryside Code](#).

Advice includes:

- Give livestock plenty of space. Their behaviour can be unpredictable, especially when they are with their young.
- Keep your dog under effective control to make sure it stays away from livestock. It is good practice wherever you are to keep your dog on a lead around livestock.
- Let your dog off the lead if you feel threatened by livestock. Releasing your dog will make it easier for you both to reach safety.

While many thousands of people enjoy the countryside and use the extensive network of footpaths, bridleways, and public access land every day,

activities such as walking through or near cattle can be hazardous.

HSE inspector Wayne Owen said: "All large animals can be a risk to people. Even a gentle knock from a cow can result in people being crushed or falling. All cattle should be treated with respect.

"Farmers should carefully consider the animals put into fields with footpaths, for example cows and calves are best kept in alternative fields. Even docile cattle, when under stress, perhaps because of the weather, illness, unusual disturbance, or when maternal or other instincts are aroused, can become aggressive.

"Follow farming industry and HSE guidance to reduce the risk from animals and help people to enjoy your land and pass through smoothly."

Key considerations for farmers and landowners include:

- No dairy bulls should be kept in fields with a public right of way (PROW) at any time.
- Where possible avoid putting cattle, especially cows with calves, in fields with PROW.
- Where there is a need to keep cattle with calves or a bull in a field with PROW do all that you can to keep animals and people separated. Consider the use of fencing (permanent or temporary e.g. electric fencing). This is particularly important at busy times or where PROW are heavily used.
- Assess the temperament of any cattle before putting them into a field with PROW.
- If cattle, especially cows with calves, do need to be put into fields with PROW, keep this period to a minimum.
- Position feed and water troughs away from the PROW and away from PROW entrances and exits to the field.
- Put in place a system to monitor any cattle in fields with PROW at least on a daily basis. It may be worth recording this.
- Consider culling any animal that shows signs of aggression.
- Any animal that has shown any sign of aggression must not be kept in a field with PROW.
- Clearly sign post all PROW across the farm. Display signage at all entrances to the field stating what is in the field (cows with calves / bulls).

Notes to editors:

1. HSE Guidance for England and Wales on putting cattle into fields with public rights of way / public access can be found here: [Cattle and public access in England and Wales \(hse.gov.uk\)](https://www.hse.gov.uk/cattle-public-access/)
1. HSE guidance for Scotland can be found here: [Cattle and public access in Scotland: Advice for farmers, landowners and other livestock keepers AIS17 \(hse.gov.uk\)](https://www.hse.gov.uk/scotland/cattle-public-access/).

1. There is also guidance available from other stakeholders for visitors to the countryside and farmers / landowners eg [The Countryside Code – GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/the-countryside-code).

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## **Waste management company fined £190,000 after fatal fall**

A waste management company has been fined £190,000 after a contractor died when he fell seven metres while carrying out maintenance work.

The experienced maintenance contractor was part of a team under the control and direction of Wiltshire-based Hills Waste Solutions Limited. He sustained fatal injuries in the fall on November 18, 2020, while working on a mechanical screening and separating plant on the Hills Waste Solutions site in Stephenson Road, Westbury.

An investigation by the Health and Safety Executive (HSE) found that Hills Waste Solutions Limited failed to ensure that work at height was properly assessed and planned. The company failed to consider and identify how the necessary work at height could be carried out safely to ensure that the risk of falls was controlled.

Hills Waste Solutions Limited, of Wiltshire House County Park Business Centre, Shrivenham Road, Swindon pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005. The company was fined £190,000 and ordered to pay costs of £14,816, with a victim surcharge of £190 at Aldershot Magistrates' Court on August 17, 2022.

Speaking after the hearing HSE inspector Matt Tyler said: "Those in control of work have a duty to assess the risks and devise safe methods of working and to provide the necessary information, instruction and training to those undertaking the work".

"This incident could have been prevented had the work been adequately planned."

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

## [Cargo handling company sentenced after worker crushed between shipping containers](#)

A cargo handling company has been fined after an employee was fatally crushed between shipping containers whilst working in a container park in Portsmouth.

On 25 August 2017, Mr Mieczyslaw Tadeusz Siwak, a 34-year-old father-of-one, was working for Portico Shipping Limited (formerly MMD (Shipping Services) Limited) on the night shift in the container park. His job was to connect refrigerated container units to electrical supplies, which his colleague had lifted into position for him using a container stacker vehicle. It was during one of these manoeuvres that Mr Siwak was fatally crushed between two containers.

An investigation by the Health and Safety Executive (HSE) found that the company routinely failed to provide adequate supervision of operatives and drivers working on the night shift to ensure safe systems of work were followed. This included failure to use safe walkways to segregate pedestrians from vehicles and the safe operation of container stackers by driving with shipping containers in the raised position to allow visibility.

Portico Shipping Limited of Guildhall Square, Portsmouth, Hampshire pleaded guilty to breaching Section 2(1) of the Health & Safety at Work Act 1974. At Portsmouth Magistrates' Court the company was fined £200,000 and ordered to pay costs of £15,631.61.

Speaking after the hearing, HSE inspector Rebecca Lumb said: "Safe systems of work should be in place on sites with moving vehicles to prevent pedestrians coming into contact with traffic or moving machinery. When moving containers by container stacker, the load should be transported as low as possible whilst maintaining full line of sight.

"Supervisors must be given the necessary instruction and training to implement the safe systems of work and manage hazards during operation processes.

"This tragic incident was entirely preventable had the correct safety management procedures and supervision been in place at the site."

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