

# Company fined after employee sustains serious injuries in fall from height

A North-East manufacturer of artificial trees, plants and flowers has been sentenced after an



employee suffered serious injuries when he fell from height.

Newcastle Magistrates' Court heard how a warehouse operative, was gathering products from shelf racking. The products were stored in boxes, unwrapped on pallets up to four bays high. Access to the racking was gained by using a ladder and then either dropping the items or carrying them down to the ground. During this work, the operative slipped from the ladder and fell approximately five metres, striking his head on a pallet as he fell, suffering a broken vertebra and a head injury.

An investigation by the Health and Safety Executive (HSE) found that Treelocate (Europe) Limited had failed to properly plan the work and failed to ensure there was safe access to the area and that measures were taken to prevent and/or mitigate a fall from height.

Treelocate (Europe) Limited of Belford Industrial Estate, Belford, Northumberland,

pleaded guilty to breaching Section 4(1) of the Work at Height Regulations 2005 and was fined £40,000 plus full costs of £1620.40 by Newcastle Magistrates Court.

After the hearing, HSE inspector Phil Chester said: "Treelocate (Europe) Ltd failed to suitably plan and carry out work at height in its warehouse to reduce the risk from working at height as far as is reasonably practicable. Ladders should not just be the go-to piece of equipment for working at height and suitable planning should be done in order to remove the risk where possible."

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. [www.hse.gov.uk](http://www.hse.gov.uk)
  2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)
  3. HSE news releases are available at <http://press.hse.gov.uk>
  4. Further information about health and safety during working at height can be found at: <https://www.hse.gov.uk/pubns/indg401.pdf>
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## [Scaffolding company fined after crane operator electrocuted](#)

A company has been fined after a worker was fatally electrocuted whilst operating a lorry mounted crane.

Cardiff Crown Court heard how on 17 May 2016, ASL Access Scaffold Limited employee Martin Tilby was fatally electrocuted when the crane he was operating struck an overhead powerline whilst he was unloading materials in a field at Cowbridge, South Glamorgan.

An investigation by the Health and Safety Executive (HSE) found that no risk assessment had been carried out in the field where the incident happened, and no control measures were put in place to prevent contact with the overhead powerlines.

ASL Access Scaffold Limited of Bridgend Industrial Estate, Bridgend was found guilty of breaching Sections 2 (1) of the Health and Safety at Work Act 1974 and LOLER Regulation 8 (1). The company was fined £160,000 and ordered to pay costs of £45,000.

Speaking after the hearing, HSE inspector Damian Corbett said: "This death was easily preventable, and the risk should have been identified. Employers should make sure they properly assess and apply effective control measures to minimise the risk from striking overhead powerlines. This death would have been preventable had an effective system for managing unloading materials been in place."

### **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](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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## [Construction company fined for employee asbestos exposure](#)

MS Properties (Northern) Ltd have been fined for safety breaches after employees were exposed to asbestos on 22 March 2019 after removing false ceiling tiles during a shop conversion at 309-315 Hessle Road, Hull.

Beverley Magistrates' Court heard that the company had not commissioned a refurbishment asbestos survey prior to the work commencing. Employees removed over 1000m<sup>2</sup> of asbestos insulation board (AIB) ceiling tiles in an uncontrolled manner, exposing them to asbestos.

An investigation by the Health and Safety Executive (HSE) found that the company's director, and the casual labourers they employed, spent approximately three to four weeks removing the suspended ceiling, along with the ceiling tiles which contained asbestos, to install new stud walls to divide the shop floor into separate units. The labourers were unskilled and untrained. They were provided with a claw hammer to knock the tiles down. The asbestos-containing tile debris was then shovelled or collected into approximately 62 one tonne bags.

MS Properties (Northern) Limited of Beckside Business, Beckside Road, Bradford, pleaded guilty to breaching Regulation 5 of the Control of Asbestos Regulations 2012. The company has been fined £16,000, ordered to pay £3,011.87 in costs and a victim surcharge of £190.

After the hearing, HSE inspector Trisha Elvy commented: "If the company had identified any asbestos on the site through a refurbishment asbestos survey, carried out by a competent surveyor, and had it removed by licenced asbestos removal contractors prior to the refurbishment work commencing, then MS Properties (Northern) employees would not have been exposed to asbestos.

"No matter how small or large your company, there is a need to prevent exposing your employees and the public to asbestos by ensuring that it is identified on site prior to any work commencing."

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)<sup>[2]</sup>
3. HSE news releases are available at <http://press.hse.gov.uk><sup>[3]</sup>
4. Please see the link below to the page on HSE's website that is the best guide to doing it the right way:

<https://www.hse.gov.uk/asbestos/>

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## [Sole trader who repaired agricultural and industrial sheds fined after worker injured](#)

William Henry Swanson, trading as LTS Construction has been fined following an incident when a worker suffered serious injuries after falling through a fragile roof light of a grain store. LTS Construction has now ceased trading.

Wick Sheriff Court heard that on 25 September 2019, an employee of Mr Swanson was working on a grain store roof to remove and replace damaged cement roof sheets and fragile roof lights. He stood on a moss-covered roof light which gave way beneath his weight. He fell approximately 4.5m onto the concrete floor below. He sustained injuries to his head, ribs, pelvis and wrist. He suffers from short term memory loss and anxiety and has not worked since.

An investigation by the Health and Safety Executive (HSE) found that Mr Swanson did not have suitable measures in place to access the roof or to prevent the risk of (a) falling from the edge of the roof and (b) falling through roof lights. The accused should have considered the work at height hierarchy of control:

- the use of mobile elevated work platforms (if practicable) to avoid working on a roof containing fragile materials, or
- safe access to roof level, and
- roof edge protection to have prevented falls from the eaves and gable wall sections of the roof, and
- safety nets to have reduced fall risks when removing and replacing roof sheets, and
- the use of staging or crawling boards to spread the weight of persons who worked on areas of the roof that were fragile.

None of these measures were in place at the time of the accident.

William Henry Swanson of Watten, Wick, Caithness KW1 5UP pleaded guilty to breaching the Work at Height Regulations 2005, Regulation 4(1)(a) and (c) and the Health and Safety at Work etc. Act 1974, Section 33(1)(c). He was fined £2,000.

After the hearing, HSE inspector, Liz Hunter said: "Those in control of working at height have a responsibility to implement safe work methods and to lead by example. They should communicate the work method clearly with the workers to demonstrate how fall risks will be prevented or reduced when working on or near fragile roof lights.

"Falls from height remain one of the most common causes of work-related fatalities in this country. I have investigated numerous fatal and serious accidents caused by falls through fragile roof materials during construction and maintenance activities on farm buildings. The life changing injuries sustained by Mr Swanson's employee were preventable had a combination of safe access, roof edge protection, staging and safety nets been used by trained personnel."

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## **School trust fined after failing to control the disease risk from animals**

The Spencer Academies Trust has been fined after failing to control the risk to humans from infectious diseases carried by animals.

Southern Derbyshire Magistrates' Court heard how the Trust, which operates 12 schools, failed to properly control the risk from zoonotic diseases to employees, pupils and visitors at one of its academies. The academy school was home to several animals including goats, pigs and rabbits.

An investigation by the Health and Safety Executive (HSE) found that the trust had failed to provide adequate washing facilities to control the risks of disease to employees, pupils and visitors to the academy. The academy had also failed to provide suitable housing for the animals to minimise the risk

to children as well as adequate training for staff.

The Spencer Academies Trust, Arthur Mee Road, Stapleford, Nottingham, pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. They were fined £20,000 and ordered to pay full costs of £7,304.10 and a victim surcharge of £170.

Speaking after the hearing, HSE inspector Leigh Stanley said: "HSE recognise the wider learning benefits from keeping animals in the school environment, however, schools must ensure that the risks of zoonotic diseases are adequately assessed and effectively controlled. This includes adequate supervision and washing facilities. In this case, the Trust failed to implement suitable arrangements which meant that there was a significant risk to the health of people including the children."

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. Link to industry code of practice which details what animal visitor attractions should be considering when keeping animals  
<http://www.visitmyfarm.org/component/k2/339-industry-code-of-practice/339-industry-code-of-practice>