

# Company fined after employee seriously injured in collision with forklift truck

A warehouse and storage company has been fined after an employee sustained serious injuries when he was hit by a forklift truck.

Southampton Magistrates' Court heard how on 11 July 2019, the delivery driver was in a delivery yard at Driver's Wharf in Southampton, while his vehicle was being loaded, when he was hit by a forklift truck. He was knocked to the ground and the forklift truck ran over his legs causing severe crush injuries.

An investigation by the Health and Safety Executive (HSE) found that there were inadequate control measures in place to segregate pedestrians and vehicles at the delivery yard.

Skillbeech Services Ltd of Carnac Place, Cams Hall Estate, Fareham pleaded guilty to breaching section 2 (1) of the Health and Safety at Work Act 1974. They were fined £32,000 and ordered to pay costs of £8,222.

Speaking after the hearing, HSE inspector Nicola Pinckney said: "The injuries sustained in this incident were life changing and could have easily been fatal.

"This incident could have been avoided if basic vehicle and pedestrian segregation and control measures such as barriers, marked walkways and safe working practices had been in place.

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

## **Note 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: <https://www.hse.gov.uk/pubns/priced/hsg136.pdf>
3. HSE news releases are available at <http://press.hse.gov.uk>

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## [Unregistered gas fitter sentenced for illegal gas work](#)

A self-employed plumber has been sentenced after carrying out illegal and unsafe gas work.

North Staffordshire Magistrates' Court heard how, in April 2018, Jeffrey Lewis incorrectly installed a new boiler in a domestic property in Stoke-on-Trent. Mr Lewis was, nor had ever been, Gas Safe Registered. He also issued an invalid gas safety certificate to the occupier using a false Gas Safe registration number.

An investigation by the Health and Safety Executive (HSE) found that Mr Lewis had not undertaken any appropriate training in gas work since the 1970s. By carrying out this gas work, Mr Lewis was also in breach of a Prohibition Notice issued to him by the HSE in 2015. The notice prohibited Mr Lewis from carrying out further gas work until he was competent to do so and had become registered with the Gas Safe Register.

Jeffrey Alan Lewis of Cheadle, Stoke-on-Trent pleaded guilty to two breaches of the Gas Safety (Installation and Use) Regulations 1998 and breaching section 33 of the Health and Safety at Work etc Act 1974. He received a one year custodial sentence suspended for 18 months, a four month curfew (7pm-6am), was ordered to carry out 20 rehabilitation activity days and pay costs of £1,000.

Speaking after the hearing, HSE inspector Wendy Campbell said: "Mr Lewis knew that he was not registered to undertake gas work, but still put the occupier and her family at serious risk by carrying out the work.

"All gas work must be done by a registered Gas Safe engineer to ensure the highest standards are met to prevent injury and loss of life. A gas boiler must be properly commissioned by a competent gas engineer before being left operating otherwise you cannot be sure that it is working safely."

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. Further information about gas safety can be found at <http://www.hse.gov.uk/gas/>

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## [Company fined after worker suffers multiple serious injuries](#)

A specialist construction company has been fined after a worker was injured when a number of wooden floor panels fell on him at an industrial unit in Fen Street, London.

Westminster Magistrates' Court heard how on 11 September 2018, a steelworker employed by Mr Mezzanine Limited was working beneath a partially constructed mezzanine floor when several panels, each weighing 38 kg, fell from the edge on to him. He was struck repeatedly and sustained serious injuries which included multiple fractures of his skull, spine, legs and 11 ribs. He has not returned to work.



An investigation by the Health and Safety Executive (HSE) found the company had been contracted to install a mezzanine floor in the unit. They failed to properly plan or supervise the work, which resulted in a lack of exclusion zones or measures to prevent the panels from falling.

Mr Mezzanine Limited of Technology Park, Colindale, London pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005. They were fined £16,000 and ordered to pay £7,284 costs.

Speaking after the hearing, HSE inspector Kevin Smith said: "Those in control of work at height have a responsibility to properly plan, supervise, and devise safe methods for carrying out the work.

"If a suitable safe 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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# Building contractor and clients fined after catalogue of safety breaches

The clients and principal contractor of a construction project have been sentenced following numerous serious health and safety failings.

Basildon Crown Court heard how London and Essex Property Partnership Ltd, principal contractor Ludovic Calo and commercial client Richard Balls were involved in the construction of two semi-detached houses at Central Wall Road, Canvey Island. Health and safety concerns were raised by members of the public and the Health and Safety Executive (HSE) visited the site on five separate occasions between 26 July 2017 and 23 March 2018. They identified ongoing health and safety breaches relating to work at height, site welfare and security, as well as an accumulation of domestic and construction waste on site.



There were also reports that bricks had fallen from the scaffold, and the building's gable end wall apex section had at one point collapsed onto the neighbouring property. Despite HSE serving a number of enforcement notices and notification of contravention letters, serious breaches of health and safety law continued and there was a failure to comply with the enforcement notices.

An investigation by HSE found the project's joint clients, Richard Balls and London and Essex Property Partnership Ltd had failed to make suitable arrangements to manage the project. They did not ensure the principal contractor complied with his duties under the Construction Design and Management Regulations, and in Richard Ball's case, did not comply with one HSE improvement notice issued to improve health and safety standards on the site. The project's principal contractor, Ludovic Calo, failed to plan, manage, and monitor effectively to ensure the construction work was carried out safely, failed to ensure work at height was properly planned and carried out safely, failed to take suitable measures to prevent the fall of materials from the scaffold and did not comply with two HSE-issued improvement notices served to improve health and safety standards on the site.

Ludovic Calo of Kitchener Road, Walthamstow was found guilty of breaching Regulation 13(1) of The Construction (Design and Management) Regulations 2015; Sections 4(1) and 10(1) of The Work at Height Regulations 2005; and two charges under Section 21 of the Health and Safety at Work Act 1974. He received a 29 week suspended custodial sentence, 3 months electronic curfew 9pm-6am and ordered to pay costs of £5,000.

Richard Balls, of Henham, Bishops Stortford was found guilty of breaching Sections 4(1) and 4(3) of The Construction (Design and Management) Regulations 2015, and Section 21 of the Health and Safety at Work Act 1974. He received a 29 week suspended custodial sentence, 3 months electronic curfew 9pm-6am and ordered to pay costs of £5,000.

London & Essex Property Partnership Ltd of Scratton Road, Stanford Le Hope were found guilty of breaching Sections 4(3) and 4(6)(b) of The Construction (Design and Management) Regulations 2015. The company was fined £20,000 and ordered to pay costs of £5,000.

Speaking after the hearing, HSE inspector Glyn Davies said: "Property developers and construction firms should be aware that HSE will not hesitate to prosecute those who fall below the required standards, especially where advice and enforcement fails to improve their management of health and safety.

"Commercial clients and principal contractors have significant and wide-ranging duties to comply with construction health and safety law, and it is not acceptable to cut costs and maximise profit at the expense of putting people at risk."

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## [Manufacturing company fined after an apprentice suffers life-changing injury](#)

A manufacturing company has been fined after an apprentice's hand was caught in machinery.

Manchester Magistrates' Court heard that on 21 November 2018, a 17-year-old apprentice, who had been working at Amber Industries Limited in Oldham for 18 months, was reaming work pieces using an unguarded pillar drill whilst wearing gloves. The glove on his right hand became entangled in the drill bit resulting in three of his fingers being severed.

An investigation by the Health and Safety Executive (HSE) found there were no guards in place to prevent access to rotating parts and that the company had failed to provide suitable information, instruction and training to the apprentice, including clear instructions not to wear gloves. They also failed to provide adequate supervision and monitoring.

Amber Industries Limited of Crompton Street, Chadderton, Oldham pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £52,500 and ordered to pay costs of £14,442. Speaking after the hearing, HSE inspector Jane Carroll said: "This injury 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 dangerous parts of machinery".

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. More information and guidance on young people at work can be found at: [www.hse.gov.uk/youngpeople/index.htm](http://www.hse.gov.uk/youngpeople/index.htm)

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