

# Company director fined after residents exposed to carbon monoxide

A construction company director has been fined for leaving a gas boiler at a domestic property in a dangerous condition as he worked to build an extension.



During the building work, the residents of the property in Newcastle were placed at a serious risk of ill health, including carbon monoxide poisoning.

Newcastle-upon-Tyne Magistrates' Court heard that commencing in April 2018, construction work was carried out at a domestic property on Lichfield Avenue, which affected the safe working condition of the gas boiler and flue at the property. The family of three, a mother and her two children, remained living in the house while the extension was built.

An investigation by the Health and Safety Executive (HSE) found that David Coulson, director of Coulson Constructions North East Ltd, did not make the gas system in the house safe before or during the construction work, allowing the fumes and poisonous gases from the boiler to flow into the extended house. He was not Gas Safe registered.

David Coulson of Gofton Walk, Newcastle upon Tyne pleaded guilty to breaching Section 37 and Section 20 (2)(j) of the Health and Safety at Work etc. Act 1974. He was sentenced to 12 months imprisonment suspended for 24 months, given 250 hours of unpaid work and ordered to pay costs of £5,200

Speaking after the hearing, HSE inspector Paul Wilson, said: “Construction work can and must be planned properly to ensure the health and safety of those potentially affected throughout the building project.

“Any work on a gas system, including the boiler in our houses, must always be carried out by competent gas engineers, namely those accredited with Gas Safe Registration. Not to do so is both illegal and potentially very dangerous.

“To check if a person is Gas Safe Registered visit the Gas Safe Registered website.”

#### **Notes to editors**

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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. For more information about gas safety, please visit our website here: [Gas safety \(hse.gov.uk\)](http://Gas.safety.hse.gov.uk)

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## **[Home Office funds Responsible Car Wash Scheme pilot to prove case for licensing](#)**

The Responsible Car Wash Scheme (RCWS) launches a pilot project today, funded by the Home Office and supporters, to test the effectiveness and value of introducing licensing for car wash businesses. The pilot is based on a RCWS accreditation scheme for hand car washes to ensure these businesses treat employees, customers and the environment fairly.

The pilot will be independently evaluated by Nottingham Trent University

(NTU) and is supported by the Gangmasters and Labour Abuse Authority (GLAA), the Police, the Health and Safety Executive, Her Majesty's Revenue and Customs, the Environment Agency, and the charity Unseen.

The process has been devised with advice from [The Work, Informalisation and Place Research Centre](#) at NTU, whose studies suggest the number of hand car washes in the UK is between 4,000 and 6,000. Whilst some operate lawfully, this has consistently been identified as an industry where workers are at risk of exploitation ranging from poor working conditions to modern day slavery. Legitimate businesses are undercut by those breaking the law, creating an unfair competitive landscape. Many operate from unsuitable premises that discharge dangerous effluent into water courses and where staff are given ineffective protective equipment when handling dangerous and corrosive cleaning materials.

The pilot builds on previous RCWS initiatives such as a voluntary accreditation scheme working with supermarkets and national network operators which resulted in backing from Tesco, Sainsbury's, Asda, Morrison's and Waitrose.

Ian Clark, professor of work and employment at Nottingham and Trent University said: "Our research into hand car washes has shown widespread non-compliance which has far reaching implications for workers and the environment. The government recognises that an accreditation scheme designed to promote compliance and drive up standards for hand car washes can play a role in preventing exploitation of workers and water pollution in this sector. Our role is to explore the efficacy of the RCWS trial and test this as a workable system to implement mandatory licencing on a national level."

Teresa Sayers, managing director, RCWS said: "With car washes now reopening after lockdown, risks are resurfacing with regards to violation of labour, employment, health and safety and environmental regulations. RCWS aims to ensure compliance, improve standards, and give consumers confidence that they are choosing a fair car wash, by accrediting businesses that adhere to the RCWS Code of Practice. With Home Office backing and an independent evaluation, this has the impetus it needs to work on a nationwide level."

Darryl Dixon director of strategy, GLAA said "The GLAA has supported the principle of this project, and its funding. Concerns over irregularity in this industry have increased public interest, and awareness of some issues in the hand car wash sector. While we recognise that some businesses aim to operate irregularly, requiring enforcement, there are those that may need assistance and education to raise their awareness of what they need to do to be compliant. Building a compliant industry, prevention, education and enforcement go hand in hand to provide a level playing field for legitimate businesses and reduce the risk of exploitation of workers.

## **Notes to editors**

The pilot will implement four interventions to explore the efficacy of the

approaches. They are:

- The RCWS working with the assistance of Local Council, the GLAA, Thames Valley Police (Slough)
- The RCWS operating in isolation (Luton)
- A Land Registry/Landlord intervention (Hillingdon)
- Control area mapping sites at start and finish of the pilot to see any change or engagement with RCWS (Watford)

RCWS Accreditation requires the operator to meet and abide by the **Code of Practice** in full.

- Consent to Trade and Trading Standards
- Financial Transparency and Corporate Governance
- Providing Safe and Hygienic Working Conditions
- Protecting the Environment
- Compliant and Ethical Employment Practices and prevention of worker exploitation

### **About RCWS**

The Responsible Car Wash Scheme (RCWS) is a not-for-profit organisation founded to promote compliance and raise standards in the car wash industry. It aims to be a positive force in improving conditions for workers and upholding their statutory rights. Launched in October 2018 at the House of Lords, the scheme has the backing of National and Local Government, the Gangmasters and Labour Abuse Authority, the Police, the Health and Safety Executive, Her Majesty's Revenue and Customs, the Environment Agency and the charity Unseen, all of whom have assisted in its development.

### **About WIP**

The Work, Informalisation and Place Research Centre (WIP) provides methodologically innovative interdisciplinary studies of contemporary work and employment in sectors such as hand car washes, nail bars, and small-scale garment manufacturing. Work in these sectors tends towards casualisation and informalisation where workers operate under business models that embed patterns of labour market exploitation. Exploitation includes wage theft, under payment of the national minimum wage through to modern slavery where employer coercion centres on work for favours, labour bondage and tied labour in unsafe workplaces.

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# Builder receives custodial sentence for failing to report an incident where a worker was seriously injured

A builder has been imprisoned for 24 weeks after he failed to report a serious incident at a construction site he was in charge of.

Westminster Magistrates' Court heard that on 8 January 2019, worker Simon Lewis had been clearing a site on Clarence Avenue, New Malden with an excavator so a new house could be built. The excavator tipped while digging and it trapped Mr Lewis' leg, resulting in an amputation.

An investigation by the Health and Safety Executive (HSE) found that Mr Lewis had no formal training for operating excavators and had requested a 3-ton model was provided for the work. However, only a smaller 1.7-ton excavator was provided, and Mr Lewis was put under pressure to use this. The incident was not reported to the HSE within ten days as required and the defendant, Paul Adams had not investigated the incident. HSE was only able to start an investigation more than eight months later when the victim complained. By this time crucial evidence relating to the cause of the incident was unobtainable and the work was almost completed.

There was no health and safety related documentation and there was no employer's insurance cover for Mr Lewis to claim against. Mr Adams had not obtained any health and safety related training during his 50 years in the construction industry.

Paul Adams, trading as Surrey Conversions of Sutton Common Road, Sutton pleaded guilty to a breach of Regulation 3(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013. He received a 24-week custodial sentence and was ordered to pay costs of £2,033.

Speaking after the hearing, HSE inspector Andrew Verrall-Withers said: "This case re-enforces how important it is that incidents are reported so they can be investigated, and improvements made to prevent serious incidents in future.

"The judge noted Mr Adams had not reported the incident even when prompted to by a solicitor, and that despite his construction experience he had failed to take any interest in understanding his legal duties nor invest in health and safety.

"Mr Adams claimed in court that he had stopped working for months due to the impact of the incident. However, the evidence showed he had continued with the work.

"The judge commented on how distressing it must have been for Mr Lewis on top of his life changing injury, to know the incident was not being

investigated.”

He added: “We went to great efforts to ensure Mr Adams made improvements. However, in court it was confirmed that although he had told the probation officer, he had stopped work, he was still carrying out construction work at an unidentified site despite failing a health and safety test.”

#### Note to editors

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## [Chemical plant fined after major gas leak](#)

Ineos Chemicals Grangemouth Limited has been fined after ethylene, a flammable gas, was released from a cracked pipe at the KF Ethylene Plant.

Falkirk Sheriff Court heard that on 2 May 2017 approximately 17 tonnes of ethylene was released from the pipe. This leak precipitated the formation of a flammable gas cloud of around 65,000m<sup>3</sup>. The gas cloud was seen to move through a congested area of the plant reaching ground level.

An investigation by the Health and Safety Executive (HSE) identified that the immediate cause of an unplanned shutdown on the compressor was due to a ‘non-routine’ maintenance activity related to the changeover of a redundant electronic control card in the compressor anti-surge system. The line should have been designed for all potential operating conditions and should not have failed as a result of the rapid opening of the valve and the sudden inrush of hot gas.

Ineos Chemicals Grangemouth Limited, of Chapel Lane, Lyndhurst, Hampshire pleaded guilty to breaching Regulation 5(1) of the Control of Major Accident Hazards Regulations 2015 and section 33(1) of the Health and Safety at Work etc. Act 1974. They were fined £400,000.

Speaking after the hearing HSE inspector Mac Young said: “While there were no injuries as a result of this incident and it was brought under control relatively quickly, the level of fine reflects the seriousness of what happened. It is important that operators of high hazard sites remain vigilant and control the risks that arise as a result of their processes to prevent major incidents.”

Head of the Health and Safety Investigation Unit of COPFS Alistair Duncan said: “Hopefully this prosecution and the sentence will remind other duty holders that failure to fulfil their obligations can have serious consequences and that they will be held to account for their failings.”

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## [Health and Safety Executive inspections focus on occupational lung disease](#)

The Health and Safety Executive (HSE) is inspecting fabricated metal businesses across Great Britain to check that they are managing the respiratory risks of welding fumes and metalworking fluids.

From today, World Asthma Day 2021, health and safety inspectors across GB will be targeting businesses whose workers undertake welding and use metalworking fluids to check that they are complying with the [welding fumes guidance](#) and [metalworking fluid guidance](#). During the visits, dutyholders will need to demonstrate they have measures in place to manage risks to protect their workers from [occupational lung disease](#) and ‘WorkRight’ to keep workers

healthy and safe.

Last year in the UK, 12,000 people died from lung diseases estimated to be linked to past exposure, from work in a range of sectors. There is scientific evidence that exposure to welding fumes can cause lung cancer and exposure to metalworking fluids can cause a range of lung diseases, including occupational asthma and occupational hypersensitivity pneumonitis (OHP), which are debilitating diseases with life changing impact.

Inspectors will be looking for evidence of employers and workers knowing the risks, planning their work and using the right controls to protect workers' health. If necessary, they will use enforcement to make sure workers are protected.

While the primary focus will be on lung health during this programme of inspections, if an HSE inspector identifies any other areas of concern, they will take the necessary enforcement action to ensure these are dealt with. This will include making sure that businesses are COVID-secure and doing all they can to protect their workers from the risk of coronavirus.

HSE's Acting Head of Manufacturing and Utilities Unit, Clare Owen, said: "12,000 people died last year from lung diseases estimated to be linked to past exposure from work, with thousands more cases of ill-health and working days lost. We want businesses whose workers use metalworking fluids and undertake welding activities to take action now to protect their workers' respiratory health.

"Through visiting metal fabrication businesses, our inspectors are able to speak to a range of dutyholders and look at the measures they have in place to comply with the law and protect workers from lung diseases such as occupational asthma and lung cancer.

"Our inspection initiative aims to ensure employers and workers are aware of the risks associated with the activities they do. They must recognise these dangers and manage these risks through reducing exposure. Dutyholders need to do the right thing, for example, through completing a risk assessment, ensuring workers are trained and reducing exposure using local exhaust ventilation (LEV) and using suitable respiratory protective equipment (RPE) to protect workers, where required."

For more information on the programme of inspections follow the campaign on Twitter at @H\_S\_E or on Facebook @hsegovuk. You can also join the conversation at #WorkRight and sign up for HSE's [e-bulletin here](#).

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2. HSE news releases are available at <http://press.hse.gov.uk>
3. The inspection programme will be supported by HSE's 'WorkRight' campaign, aimed to influence employer behaviour by encouraging fabricated metal businesses to download free guidance and advice, increasing knowledge and capability to protect workers' health.

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