

Company director sentenced after repeated serious safety failings

The director of a waste transfer company was found guilty and banned from being a company director after knowingly exposing employees to serious unsafe working conditions.

Preston Crown Court heard that, in November 2018, despite a conviction for transport related health and safety offences following a fatal incident in 2013, and further enforcement action in 2017 for using a poorly maintained and damaged telehandler, Zarif Mohammed allowed the continued use of the same seriously damaged machine on the waste transfer site in Kensulate Park, Blackburn.

An investigation by the Health and Safety Executive (HSE) found the telehandler was being used without working reversing lights, a camera or mirrors, which presented a serious risk of people being struck and seriously injured as the driver would not be able to see adequately when reversing the vehicle.

Zarif Mohammed of Angela Street, Blackburn, pleaded guilty under Section 37 to breaching section 2(1) of the Health and Safety at Work etc Act 1974. Mr Mohammed was sentenced to six months imprisonment suspended for 18 months, and 190 hours of unpaid work with a further six rehabilitation days. He was also struck off from working as a company director for five years.

Speaking after the hearing, HSE inspector Steven Boyd said “Mr Mohammed had been previously convicted by HSE following a fatality at a previous company of which he was a director and then was served additional enforcement by HSE on a visit to a new company of which he was a director.

“Despite this, Mr Mohammed allowed serious unsafe conditions to prevail, presenting a high risk of persons being killed or seriously injured.

“Workplace transport incidents remain a major cause of fatal and serious injuries in the waste and recycling industry. It is important that vehicles are maintained in a safe condition.

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/
3. HSE news releases are available at <http://press.hse.gov.uk>

The post [Company director sentenced after repeated serious safety failings](#) appeared first on [HSE Media Centre](#).

[Company director sentenced after exposing employees to hazardous substances](#)

A manufacturer of agricultural trailers has been sentenced for deliberately putting his workers at risk of developing severe lung disease, after exposing them to substances harmful to health.

Preston Crown Court heard that, over a period of time up to February 2018, James Harrison, former managing director of the now dissolved Laser Shapes (NW) Limited, exposed his employees to hazardous substances and deliberately hid unsafe working practices from HSE inspectors at the company's former site at Witton Mill, Blackburn.

An investigation by the Health and Safety Executive (HSE) found that employees of Laser Shapes (NW) Limited regularly used aerosolised paints containing isocyanates and solvents to spray large tractor trailers. Breathing in products containing isocyanates and solvents can cause occupational asthma, dizziness, liver and kidney damage. However, this activity was being carried out without adequate controls in place to prevent workers from breathing in harmful substances.

Mr Harrison of Silsden, Keighley pleaded guilty to breaching Sections 37 and 2(1) of the Health and Safety at Work etc. Act 1974. Mr Harrison was sentenced to 10 months imprisonment suspended for 18 months with 20 hours unpaid work, and ordered to pay costs of £5428.21.

Speaking after the hearing, HSE inspector Leona Cameron said "James Harrison was well aware of the unsafe conditions that his employees were being subjected to whilst at work.

"The effect of being exposed to these substances has resulted in at least one former employee developing a life changing condition, which could easily have been prevented if proper controls had been in place, such as suitable extraction and respiratory protective equipment."

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[Egg production company fined following Forklift Truck overturned](#)

A Chorley company has been fined after a forklift truck (FLT) overturned on a slope trapping the driver.

Manchester Magistrates' Court heard that on 1 December 2018 an employee of Staveley's Eggs Ltd had been driving the FLT at the company's premises at Goosnargh Near Preston, when the truck overturned, trapping the driver between the truck and the ground, leading to him sustaining serious life changing crush injuries as a result.



An investigation by the Health and Safety Executive (HSE) found that the areas where FLT's were driven had significant changes in gradient which were not a suitable surface for the type of FLT's in use. The company failed to both identify and control the risk of FLT overturn.

Staveley's Eggs Ltd of Coppull, Chorley pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974. The company were fined £60,000 and ordered to pay costs of £4259.42.

After the hearing, HSE inspector Steven Boyd commented:

“This incident could so easily have been avoided by ensuring the area where FLT’s were driven was free of slopes and damage, and that a suitable FLT was used for the site.

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

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[Roofer sentenced after dangerous carbon monoxide release](#)

A self-employed roofer has been sentenced after leaving a gas appliance flue in an immediately dangerous condition when he removed a chimney stack from a property in March 2019.

Truro Crown Court heard how Mark Reski, trading as MR Roofing & Leadwork, was contracted to remove and rebuild a chimney stack from the roof of a client’s property in Fowey.

The chimney stack was shared between the client’s and a neighbouring property, occupied by a vulnerable elderly woman. In removing the chimney stack, Mr Reski exposed the flue liner for the gas range within the elderly woman’s property. He left the flue liner unsupported, dangling at an angle and exposed to the elements. A flue liner left in this condition would not function correctly, with a high risk of combustion products, including carbon monoxide, entering the property.

The flue liner was left in this dangerous state for seven days and was only discovered when a carbon monoxide alarm sounded in the elderly woman’s home. When the fire service entered her house, their carbon monoxide alarms

sounded, so they ventilated the property and made it safe by isolating the gas supply. A Gas Safe Registered engineer tested the gas range flue and found it to be spilling dangerous levels of carbon monoxide. He classed the situation as 'Immediately Dangerous'.

An investigation by the Health and Safety Executive (HSE) found that Mr Reski had failed to make any proper or meaningful enquiries into what gas appliances were fluing through the chimney he was working on.

Mark Reski of Lockengate, Bugle, Cornwall pleaded guilty to breaching Regulation 8(1) of the Gas Safety (Installation and Use) Regulations 1998. He has been sentenced to 6 months in prison, suspended for 24 months, fined £5,000 and ordered to pay costs of £3,000.

Speaking after the hearing, HSE inspector Simon Jones said: 'It should have been obvious to Mr Reski, an experienced roofer, that the chimney that he was working on was fluing a gas appliance when he exposed the flue liner.

'Mr Reski made no enquiries whatsoever as to what was fluing through the chimney and his actions put an elderly and vulnerable woman's life in serious danger. It is only by good fortune that she heard an alarm sounding and called for help and so did not suffer potentially fatal carbon monoxide poisoning.

'Builders and roofers should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standard.'

Further information about gas safety can be found at www.hse.gov.uk/gas/

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Construction company fined after dumper truck overturns and fatally injures worker

A leading construction company has been fined following an incident in which a worker was killed when a dumper truck overturned.

Chelmsford Magistrates' Court heard that on 3 October 2019, David Scott Green, a groundworker working for Rose Builders Ltd, was manoeuvring a 9T front tipping dumper truck on a spoil heap to offload top soil at the Summers Park Development site in Colchester, Essex.. He lost control of the truck which toppled forward and came to rest upside down at the base of the spoil heap. A colleague noticed the overturned truck and ran over to assist, but Mr Green had sustained a serious head injury during the fall and died on scene.



An investigation by the Health and Safety Executive (HSE) found major deficiencies in the management of tipping operations on the spoil heaps. The investigation established that the operation was not properly planned; drivers were not given instruction or training on how to safely operate vehicles and tip on spoil heaps, and the job itself was poorly supervised. The victim did not have his seat belt fastened and the investigation confirmed that this was common practice on the site.

Rose Builders Ltd of Riverside House, East Lawford, Essex pleaded guilty to breaching Sections 2 (1) and 3(1) of the Health and Safety at Work Act 1974. The company has been fined £225,000 and ordered to pay costs of £11,822.90.

Speaking after the hearing, HSE inspector Kasia Urbaniak said, "This was a tragic and wholly avoidable incident, caused by the failure of the employer to assess the risk related to tipping operations, implement safe systems of work, and failure to ensure that such systems were communicated to groundworkers and were followed."

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