

# Council fined after vulnerable man choked to death on food

Fife Council has been fined £100,000 for safety breaches following the death of a vulnerable man who choked to death on a sandwich unsuitable for his prescribed diet.

In its role to support the care of those who live in supported living accommodation, Fife Council was responsible for the safe ingestion of food for 66-year-old Brian Millar.

On 4 June 2020, the resident of accommodation in Kirkcaldy was given a sandwich by a carer. Brian could only be given food that was carefully prepared to ensure it was soft and bite-sized.

Brian should also have been closely supervised to ensure his safety while eating. However, the food was not suitably prepared and he was not closely observed. He choked on the sandwich and died.

At Kirkcaldy Sheriff Court on 23 April 2024, Fife Council, North Street, Glenrothes pleaded guilty to breaching Sections 3(1) and Section 33(1)(a) of the Health and Safety at Work etc. Act 1974. It was fined £100,000 and the Sheriff also directed that a Compensation Order of £50,000 be paid to Brian's family.

Speaking after the case, HSE inspector Kerry Cringan said: "It is tragic when a vulnerable person dies in circumstances which were completely avoidable.

"Sadly, it is not uncommon for us to be informed of deaths where people in care choke on high-risk foods that were not suitable for their diet.

"Care providers must be guided by speech and language therapy professionals and then ensure their staff are trained to understand what those recommendations mean.

"They should be aware that we will not hesitate to take appropriate enforcement action against those who fail to train staff in the importance of following modified texture diets."

## **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.

2. More information about the [legislation](#) referred to in this case is available.
  3. Further details on the latest [HSE news releases](#) is available.
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## [Haulage firm fined after man went to work and didn't come home](#)

An Oldham-based haulage company has been fined more than £85,000 after a fork lift truck driver was killed while loading a heavy goods vehicle (HGV).

Ian Dawson, 60, of Rochdale, was loading pallets onto the HGV at Chorlton Express Transport Limited on 19 November 2020. As he was doing this, the HGV moved forward, causing the fork lift truck to overturn. Mr Dawson, who was not wearing a seat belt, was trapped beneath the vehicle, and died as a result of his injuries.



Fork lift truck driver Ian Dawson was killed while unloading a HGV in Oldham

His partner Jane Medhurst, described the last moment she saw him, before they both left for work on that fateful day.

“We told each other, ‘love you’, kissed and said, ‘see you later.’”

“What happened that day was so catastrophic. It has drastically changed my life. I still find it difficult to cope with the loss of Ian.”

“He loved his food and months after his death I still found myself shopping for him. Thinking oh that’s one of Ian’s favourites I will buy that. Even though I knew he was not here anymore.”

“Although I now realise Ian will never come home again and I have now had to move out of the house we shared, it still haunts me that he is gone. It was so sudden and unexpected that I never got a chance to say goodbye to him.”

An investigation by the Health and Safety Executive (HSE) found that Chorlton Express Transport Limited of Meek Street in Oldham, had failed to put sufficient safe systems of work in place regarding vehicle movements, or to ensure that all fork lift truck drivers were compelled to wear seat belts. A court heard that, had Mr Dawson been wearing a seat belt, it is highly likely that this would have saved his life.



Ian Dawson was very much loved by his friends and family

His daughter Caitlin, who was just 19 when her dad died, said it had ‘turned her life upside down’.

“I can still remember getting the phone call that my dad had passed like it was yesterday. At just 19 years old when it happened, and it being the first time losing someone, it felt like my life had turned upside down, especially in the brutal terms it happened.

“To this day, I still sit and cry and the fact that I will never get to say goodbye to my dad. I will never be able to speak to him and he will never be able to take me shopping again, one of the most fond memories I have of him.

“It has been one of the most traumatising experiences of my life and I am still suffering every day because of it.”



The incident happened at  
Chorlton Express  
Transport Limited in  
Oldham

The company pleaded guilty to breaching regulation 2(1) of the Health and Safety at Work etc Act 1974. They were fined £86,710 and was ordered to pay £5,903 costs at a hearing at Manchester Magistrates Court on 17 April 2024.

After the hearing HSE inspector Jane Carroll said: “The failures of this company has left a family without the man they loved.

“The importance of wearing seatbelts cannot be stressed enough.

The failures meant the company exposed employees, and others, to the risk of being struck or caught by workplace vehicles.

“All work settings that use a forklift truck to load or unload goods, need to consider the risks arising from their use, and implement adequate measures to ensure the safety of those involved in these activities.”

The prosecution was brought by HSE enforcement lawyer Matthew Reynolds and paralegal officer Lucy Gallagher.

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2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.

4. Guidance for [working safely with vehicles](#) is available.

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## [Rogue trader spared immediate spell behind bars after unsafe gas work](#)

A self-employed rogue trader has been handed a suspended prison sentence after carrying out illegal gas work in Gloucestershire.

Christian Davis falsely claimed he was Gas Safe Registered but had actually been removed from the register due to concerns about the standard of his work and his competency.

Trading as BS1 Plumbing and Heating, the 45-year-old carried out illegal work as part of the renovation of a mobile park home in Hallen between June and July 2020. Some of that work included the installation of pipework, a boiler and gas hob. The illegal work resulted in significant expenditure for the property owner.



The new LPG boiler was fitted with a securing clamp missing from the chimney/flue with a gap clearly visible

An investigation by the Health and Safety Executive (HSE) found that Davis had carried out the work while not registered with the Gas Safe Register.

He was handed a 48-week suspended prison sentence by a District Judge sitting at Bristol Magistrates' Court on 17 April 2024. She told him he 'could have killed someone' and that she was relieved to find out he no longer held himself as competent to carry out gas work. Davis now runs a burger restaurant and has no connection to the plumbing and gas trade.



The gas hob which was found to be 'immediately dangerous' with a yellow flame due to improper combustion. Bubbles can also be seen emanating from the solder joint underneath the hob.

Christian Davis, of Callington Road, Brislington, Bristol pleaded guilty to breaching Regulations 3(1), 3(3) and 3(7) of the Gas Safety (Installation and use) Regulations 1998. He was given a 48-week custodial sentence, suspended for two years. He must also pay £3,000 in compensation to the homeowner and £5,000 in costs. The prosecution was brought by HSE enforcement lawyer Samantha Wells.

HSE inspector Alex Stobart, who led the investigation, emphasised the risks associated with unqualified gas work, stating: "Those who undertake gas work without the relevant competence or qualifications put members of the public at risk of death or serious injury.

"We will hold rogue gas traders to account. Gas engineers must be registered with the Gas Safe Register, and we encourage the public to verify an engineer's credentials online.

"Unfortunately rogue traders such as Mr Davis continue to trade and undertake gas work without having the relevant registration, competence, or qualification required to perform gas work safely."

Gas engineers and consumers can contact the Gas Safe Register in any of these ways:

- [Gas Safe Register](#)
- Phone – **Consumers:** 0800 408 5500; **Engineers:** 0800 408 5577
- Email – [enquiries@gassaferegister.co.uk](mailto:enquiries@gassaferegister.co.uk)

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4. Further information on [domestic gas health and safety](#) is available.

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## [Shipping Services company fined after worker loses finger](#)

A company which provides shipping services, cargo handling and storage has been fined after a worker severed part of his finger while at work.

Dundee Sheriff Court heard that on 13 July 2021 Gordon McMillan, 55 at the time of the incident, works as a 'stevedore' (steve-eh-door), a role which involves the dockside loading and unloading of ships and goods vehicles, was injured when operating a table saw.

In early July 2021 the company took up the lease of a building at South Quay, Montrose, near to Montrose Harbour, to store and dry grain.

Mr McMillan was tasked with cutting small pieces of wood known as 'packers', that needed to be replaced on the site.

Whilst using a piece of wood as a 'push stick' Mr McMillan's gloved left hand came into contact with the rotating blade. Upon removing his glove Mr McMillan observed that the top of his left index finger had been almost completely severed. He later had to have part of his finger amputated.

An investigation by the Health and Safety Executive (HSE) found that the table saw did not have a blade guard or a guiding fence, and that no push-stick had been provided. HSE issued a Notification of Contravention to the Company, outlining the material breaches identified during the investigation.

Rix Shipping (Scotland) Limited of Meridian Street, Montrose pleaded guilty to the contravention of The Provision and Use of Work Equipment Regulations 1998,

Regulations 11(1) and 11(2) and were subsequently fined £16,000 with a Victim Surcharge of £1200.

Speaking after the hearing HSE inspector Michelle Gillies said: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

"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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## [Aviation company fined after worker death at Heathrow Airport](#)

An aviation company has been fined £160,000 after a man, described by his family as a “legend”, was crushed to death at London Heathrow Airport during the unloading of baggage containers from an aircraft.

The man was working for Dnata Limited, a provider of ground handling and cargo services to major airlines, at Terminal 3 on 23 February 2022. He had arrived at the stand with a set of trailers to collect baggage containers which were being unloaded from the hold of an Emirates Airbus A380 aircraft which had just arrived from Dubai.

The man moved around one of the trailers and under a type of scissor lift known as a high-loader; a raised platform being used to bring the containers to ground level. At this time the high-loader operator lowered one of its two hydraulically operated platforms, which was holding two further containers to be collected, and it crushed the employee.

A Health and Safety Executive (HSE) investigation found that the operators' visibility of the area underneath the rear of the platform was almost completely obscured.

However, Dnata did not have any engineering controls installed on its high-loaders, such as sensors, to detect if people were underneath raised platforms before they were lowered, or to stop movement of platforms in these circumstances. It also did not have any mandatory communication systems in place to ensure operators were informed that it was safe for them to lower platforms.

A spindle locking mechanism to secure containers on the baggage trailer being used by the employee was broken at the time of the incident, and it is



thought that this prompted him to move to the other side of the trailer to attempt to operate it from that position. Although another employee had reported defects on the trailer more than two weeks before the incident and it should have been removed from service, the defects were not entered into the company's maintenance system, and it was available for use on the night of the incident without having been repaired.

HSE has guidance on the safe use of lifting equipment. This sets out what businesses should do to comply with the [Lifting Operations and Lifting Equipment Regulations 1998 \(LOLER\)](#).

The wife of the employee said: "My husband absolutely loved work. He called his work colleagues his second family. He used to be so excited to go into work. He used to love making tea for everyone during tea breaks and used to buy tea bags and take them into work especially for that reason.

"The future plans I had with my husband are ruined. After retirement, we were both going to go on religious pilgrimages and also holidays together, go on experiences together, enjoy the time with our children together. Now I face the rest of my life without my best friend and companion."

His children added: "He was the rock of our whole family. He was such a happy, positive, funny, loving, supportive dad. He had an infectious personality and was loved by many in his community. His presence is greatly missed at family gatherings and events. They are no longer the same. He was a legend.

"We can no longer go to an airport without being reminded that this was a place where our father died. Each of us has had to have counselling to help us to come to terms with and process what has happened, and we were each off work for a long period of time. However, it cannot heal the pain that we feel."

Dnata Limited, of Dakota House, Poyle Road, Colnbrook, Berkshire pleaded guilty to breaches of Regulation 8(1) of the Lifting Operations and Lifting Equipment Regulations 1998 and Regulation 5(1) of the Provision and Use of Work Equipment Regulations 1998. The company was fined £160,000 and ordered to pay £6,494.25 in costs at Westminster Magistrates' Court on 17 April 2024.

HSE inspector Gordon Carson said: "Although Dnata had identified a risk of employees being crushed by the platforms of high-loaders, the measures it had put in place before this incident occurred failed to ensure that work in close proximity to these machines could be carried out safely. Numerous hazards exist during airport ground handling activities and companies providing these services should ensure their activities comply with UK health and safety legislation."

This prosecution was brought by HSE enforcement lawyer Rebecca Schwartz and supported by HSE paralegal officer Gabrielle O'Sullivan.

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