

# Tobacco firm fined £32,000 following machinery failures

An Ipswich-based tobacco manufacturer has been fined £32,000 after failing to put measures in place to prevent access to the rotating blades of a ribbon blade mixer.

Whole-body access was possible for employees using the machine, which presented a risk of serious personal injury from an employee coming into contact with the rotating blade.

An investigation by the Health and Safety Executive (HSE) found that Honeyrose Products Limited failed to put appropriate measures in place to ensure that access to the dangerous parts of machinery was prevented.

HSE guidance says employers should consider [how their workers use machinery and have adequate maintenance arrangements in place](#) to ensure it remains safe to use. HSE

Honeyrose Products Limited of Alpha Business Park, White House Road, Ipswich pleaded guilty to a breach of Regulation 11(1) of The Provision and Use of Work Equipment Regulations 1998 and Regulation 3(1) of The Management of Health and Safety at Work Regulations 1999.

The company was fined £32,000 and was ordered to pay costs of £12,583 at a hearing at Ipswich Magistrates Court on 28 March 2024.

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

## **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.
  4. HSE guidance on [equipment and machinery](#) is available.
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# Horticulture company fined after lorry driver suffers life changing injuries

A horticulture company has been fined £3,000 after a lorry driver suffered third degree burns on his body while making a delivery to a site in Essex.

The man had been delivering a load of hardcore aggregate to Plants Galore Horticulture Limited's Eagle Nursery in Hamlet Hill, Roydon. His lorry had a tipper and grab arm and after tipping the load, struck 11kV overhead power lines which ran across the yard.

He exited the cab, believing he had struck a telephone cable, and in doing so received an electric shock while holding the handle of the door, when his feet touched the ground. He suffered third degree burns on his body and required multiple skin grafts for injuries to his right forearm, right and left foot, and just above his right knee. He also had exposed tendons in his right forearm and had amputations of the fourth and fifth toes on his left foot.



Essex Police took this photograph at the scene showing where the vehicle struck the overhead power line

Accidental contact with live overhead power lines kills people and causes many serious injuries each year. The Health and Safety Executive (HSE) has guidance [about to how to plan and manage work near overhead powerlines](#).

A HSE investigation found that Plants Galore Horticulture Limited had failed to provide information and instructions on risks, including locations of overhead power lines and what precautions to take. The company failed to erect ground-level barriers to establish a safety zone to keep people and

machinery away from the powerlines. An exclusion zone of 3 metres around the 11kV wires should also have been adhered to.



Scorch marks on the ground can be seen on the ground where the incident happened

Plants Galore Horticulture Limited pleaded guilty to breaching Section 4(2) of the Health and Safety at Work etc Act 1974. The company was fined £3,000 and was ordered to pay £4,000 costs at a hearing at Chelmsford Magistrates' Court on 28 March 2024.

After the hearing, HSE inspector Connor Stowers said: "Employers should make sure they properly assess and apply effective control measures to minimise the risk from striking overhead powerlines.

"If a suitable safe system of work had been in place prior to this incident, the life changing injuries sustained by the worker could have been prevented."

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## Director jailed for failing to protect workers from asbestos exposure

A company director has been jailed for eight months after failing to protect workers from exposure to asbestos at a student development project in Winchester.

Stephen Davies, 59, had set up Cavendish Winchester Ltd with the sole purpose of refurbishing the Winnall Close commercial unit into student rental accommodation. His co-director Neil Bolton, 56, was spared an immediate spell behind bars when he was handed a four-month suspended sentence at Southampton Crown Court on 27 March 2024. The company itself was fined £30,000 – with all three defendants pleading guilty.

An investigation by the Health and Safety Executive (HSE) revealed the company removed an estimated ten tonnes of asbestos insulating board (AIB) during the refurbishment in late 2019 and early 2020. The dangerous materials were stripped out by workers unqualified to do the job and unaware of the risks to their health.



Debris outside the Cavendish centre

- The issue of asbestos more widely, and improving knowledge of the dangers, is the focus of two HSE campaigns. Guidance on [asbestos safety](#) has recently been updated and the current [Asbestos: Your Duty](#) campaign aims to improve understanding of what the legal duty to manage asbestos involves.

The investigation arose when HSE received a concern that large quantities of AIB had been illegally removed. The work was all carried out under the direction of Stephen Davies.

The court was told both directors were aware of the considerable extent and quantity of the materials containing asbestos within the building, as they had previously sought legitimate quotes for its competent removal.

However, they chose to save a considerable sum of money by avoiding properly

planned, safe removal, by a Licenced Asbestos Removal Contractor. They knowingly exposed workers to significant risk to their health. In addition, the investigation was unable to determine where a very sizeable quantity of asbestos-contaminated debris ended up, such that others in the waste removal chain were likely to have been put at risk too.

All three defendants pleaded guilty to charges relating to a lack of adequate management of the removal of asbestos containing materials.



The ground and first floor of the building with AIB present on the walls



Both Stephen Davies and Neil Bolton pleaded guilty to Section 37 of the Health and Safety at Work etc Act 1974, by causing their company, The Cavendish Winchester Ltd, to breach Section 4(1) of the Act.

- Davies, of Petworth, West Sussex was given an immediate custodial sentence of 8 months in prison.
- Bolton, of Petworth, West Sussex was given a custodial sentence of four months, suspended for 12 month, with 250 hours of unpaid work and ordered to pay costs of over £5,123.
- The Cavendish Winchester Ltd, of Newtown House, Liphook, was fined £30,000.00.

Speaking after the hearing, HSE principal inspector Steve Hull said: “We brought this case because, despite the directors of this company being put on notice of the risks involved, they put profit before the health of those they

employed.

“The dangers to health associated with exposure to asbestos fibres are well known and a wealth of advice and guidance is freely available from HSE and other organisations.

“Structural refurbishment which either exposes or is liable to expose people to asbestos fibres should only be carried out by competent persons working to a strict plan of work to ensure safety. Higher risk asbestos removal, such as the removal of AIB, can only legally be carried out by Licenced Asbestos Removal Contractors who have the knowledge and equipment to prevent the spread of fibres and properly protect the workers undertaking the removal work.

“This work involved the removal of an estimated ten tonnes of AIB.

“The defendants then tried to cover their tracks by legitimising the removal of a small amount of residual asbestos containing materials, after illegally stripping out the majority, by obtaining a new quote for legal removal of that very small remaining portion. This deliberate attempt to save money, when they knew full well that the workers would have to live with the possibility of developing serious asbestos-related disease in the future, makes the case particularly serious.”

This case was brought by HSE enforcement lawyer Kate Harney, who was supported by Paralegal Officer Helen Jacob

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**[Company fined after worker crushed to](#)**

# death

A company in Kent has been fined £175,000 following the death of an employee.

Liam McArdle, from Gravesend, was fatally crushed by an excavator attachment while working for Erith Plant Services Limited on 21 September 2021.

A demolition grab, attached to an excavator, fell onto the 24-year-old while it was loaded onto a lorry at Erith Plant Services Limited's workshop at Eastern Quarry on Watling Steet, Swanscombe.

Liam's dad says the pain since losing his son has been unbearable.



The incident took place at Erith Plant Services Limited's workshop

A Health and Safety Executive (HSE) investigation into the incident found Erith Plant Services Limited failed to ensure there was a safe method of work while loading and unloading excavators and attachments. The company failed to ensure steps were taken to ensure HGV drivers fully engaged the quick hitch when moving attachments during loading and unloading activities. There was also no defined segregation between vehicles and pedestrians at the firm's Eastern Quarry workshop, nor was there suitable supervision of work activities.

HSE guidance states the plan for any lifting operation must address the foreseeable risks involved in the work and identify the appropriate resources, including people, necessary for the safe completion of the job. More on this can be found at: [Planning and organising lifting operations – Equipment and machinery \(hse.gov.uk\)](https://www.hse.gov.uk/lifting/)

Declan McArdle said in his victim personal statement: "The pain of losing my son has been and will continue to be unbearable. Liam worked hard and wanted



to learn. He wanted to follow in my footsteps, and I was proud of the person he was becoming.

“Liam and I enjoyed spending time together. We would go on truck rallies and to car racing events together. Liam would never really say: ‘I love you, dad.’ It just wasn’t his way.



Liam McArdle

“Rather, he would ask me to go to a racing event with him and I knew that this was Liam’s way of saying he loved me. Liam and I were planning on going to a racing event in February 2022. I went to the event, and I took Liam’s ashes with me so that we could still go together.”

Erith Plant Services Limited, of Queen Street, Erith, Kent pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £175,000 and ordered to pay £37,804 in costs at Woolwich Crown Court on 27 March 2024.

HSE inspector Joanne Williams said: “This tragic death serves as an important reminder that workers need to be trained and that there is always the potential for an attachment to fall during the operation of excavators. Employers need to ensure that work practices are maintained to keep workers



away from the danger areas during lifting activities.”

This HSE prosecution was brought by HSE enforcement lawyer Alan Hughes and supported by HSE paralegal officer Helen Jacob.

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## **[Bakery company fined £400,000 after employee has left leg amputated](#)**

A food manufacturing company on the Wirral has been fined £400,000 after one of its employees had to have her leg amputated.

Sharon Bramhall lost a leg following a serious incident at Baker & Baker Products, which is based in Bromborough. The 58-year-old had to have her left leg amputated below the knee following the incident at the company’s premises on Stadium Road.

Baker and Baker Products, which makes a wide variety of baked goods, pleaded guilty and was sentenced at Liverpool Magistrates’ Court on 25 March 2024. In a statement provided to the court, Mrs Bramhall said she felt ‘lucky’ it wasn’t worse.

“I know I could have died,” she said.

“Sometimes I wake up and just wish I’d booked that night off work for some reason and none of this would have happened.”

The court heard how Mrs Bramhall had been supervising four other members of staff as they completed high-level cleaning tasks during a night shift on 22 April 2022. She had been acting as ‘a banksman’ for an employee who was controlling a mobile elevating work platform (MEWP). As the MEWP turned through 90 degrees into the warehouse it struck Sharon, crushing her left leg. The incident was captured on CCTV.



- Just moments after this CCTV still was taken, Sharon Bramhall's life changed forever

She was hospitalised for three months and has had a total of nine operations including several skin grafts.

"I have a huge scar on my stomach from where the surgeons took a piece of it to use as a flap over my stump.

"My left leg above my stump is really badly scarred and damaged. It was trapped under the cherry picker.

"The recovery afterwards was awful.

"It is difficult to put in to words just how much the accident has impacted me. I have had to uproot and move my family.

"I am struggling with blistering on my stump, even now, rendering me wheelchair dependent. I am not able to leave the house on my own. I am fearful about what the future holds for me."

An investigation by the Health and Safety Executive (HSE) revealed a series of failings by Baker & Baker Products UK Limited.

The company failed to have in place a suitable and sufficient safe system of work when escorting MEWP's from a parked position to point of use. They also failed to provide information, instruction and training for the movement of the MEWP and use of banksman and also failed to adhere to their normal practice and company policy to ensure a trained MEWP operator acted as banksman.

Had these been implemented, the incident could have been prevented.

Baker & Baker Products UK Limited, of Stadium Road, Bromborough, Wirral, pleaded guilty to breaching section 2(1) and 33(1) of the Health & Safety at Work etc. Act 1974. The company was fined £400,000 and was ordered to pay costs of £7,266. This HSE prosecution was brought by HSE enforcement lawyers Karen Park and Matt Reynolds and paralegal officer Louisa Shaw.

After the hearing, HSE inspector Ian Betley said: "Sharon Bramhall suffered terrible injuries that will affect her for the rest of her life due to the failings of her employer.

“Vehicles continue to be a major cause of serious injuries in the workplace, and the first principle of any employer should be to keep people and vehicles apart.

“The risk assessment decided that someone was needed to escort the MEWP, thus a safe system of work needed to be devised. Employees should have been given appropriate banksman training, including how to effectively communicate with the driver.

“Had these been in place, Sharon’s injuries could have been avoided.”

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4. HSE guidance on [working under vehicles](#) is available.