

# Construction fined after failing to provide basic facilities to workers

A Cheshire construction company has been fined £5,000 after it failed to provide workers with adequate welfare facilities.

C.B. Homes Limited was carrying out work at a site on Bunbury Lane in Alpraham when it was visited by the Health and Safety Executive (HSE) on 23 March 2023. The proactive inspection found the company had failed to provide workers with adequate facilities for workers to wash their hands.

It wasn't the first time the Tarporley-based company had failed to provide such facilities with enforcement action being taken by HSE on three other occasions. It is a legal duty for companies to provide workers with suitable welfare facilities.

Guidance on the provision of [suitable welfare facilities](#) is available.

Chester Magistrates Court heard that HSE served an improvement notice in relation to the offences, which the company subsequently complied with.

C.B. Homes Limited of High Street, Tarporley, Cheshire pleaded guilty to breaching Regulation 13(4)(c) of the Construction (Design and Management) Regulations 2015 and were fined £5,000 and ordered to pay costs of £1,984.

HSE inspector Sara Andrews said: "This company showed a flagrant disregard towards the health of its own workers.

"It's a legal requirement to provide suitable welfare facilities, including a clean supply of warm water to enable workers to wash their hands in what is often a very dirty environment.

"The provision of suitable washing facilities is key to ensuring that the risk of workers developing some health conditions is adequately controlled. It's also basic hygiene and the right thing to do."

"Failure to provide them is a serious matter and, when a company falls short, we will take action. In this case, repeated failure has resulted in prosecution."

This case was prosecuted by HSE enforcement lawyer Chloe Ward.

## **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. Guidance on the provision of [suitable welfare facilities](#) is available.

---

## [November 2023 – A roundup of HSE’s top stories](#)

In November we published more Health and Safety Executive (HSE) stories than any other month this year. They include the prosecution of a major movie production company following an incident on the set Fast and Furious 9, a £1.4 million fine for a cider maker following the tragic death of a grandad, and the publication of our annual ill health and injury statistics. Our Working Minds campaign also launched a new online learning tool designed to prevent work-related stress – businesses are encouraged to give it a go.

### **Rogue plumber handed suspended prison sentence**

A man from St Helens was given a suspended prison sentence for carrying out illegal gas work in Cheshire. Richard Goldthorpe, who has previously spent time behind bars for committing similar offences, was also exposed on BBC’s Rogue Traders TV programme.

He was given a 32-week prison sentence, suspended for a period of 12 months.

You can read the full press release here: [Rogue plumber handed suspended prison sentence | HSE Media Centre](#).



Jamie Anderson

## **Manufacturing company fined half-a-million pounds after forklift truck death**

The mother of a man killed when the forklift truck he was driving overturned said she still feels angry as he 'simply went to work and didn't come home.'

Father of one Jamie Anderson was killed on 4 June 2019, when the forklift truck he was operating overturned at a depot in Newark. Barcode Warehouse Ltd was fined £500,000 after pleading guilty to health and safety failures.

[For more on this story: Manufacturing company fined half-a-million pounds after forklift truck death | HSE Media Centre](#)

## **New online learning tool helps businesses address work-related stress**

On 8 November, a new learning tool to help businesses prevent work-related stress was launched. The free-to-use interactive tool designed by HSE's Working Minds campaign, aims to provide a better understanding of what needs to be done to comply with the law.

You can read more about the launch here: [New online learning tool helps businesses address work-related stress | HSE Media Centre](#)



## **Manager jailed and funfair company fined after three-year-old girl dies**

An operations manager at a funfair company was jailed for six months and disqualified as a director for five years after a three-year-old girl died on a Norfolk beach. The funfair company he was working for has been fined £20,000. It followed the tragic death of Ava-May Littleboy, who had been playing on an inflatable trampoline when it exploded, ejecting her high into the air.

You can read the full story here: [Manager jailed and funfair company fined after three-year-old girl dies | HSE Media Centre](#)



Francesca Whyatt

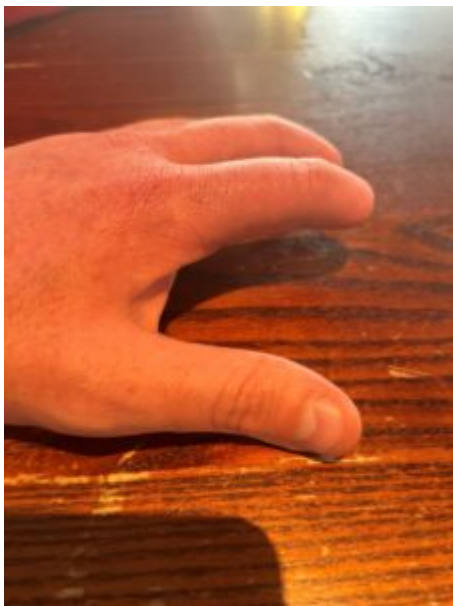
### **Priory Healthcare fined following patient death**

The company that runs The Priory Hospital was fined after it failed to ensure the safety of patients on the hospital's Emerald Ward following the death of 21-year-old Francesca Whyatt.

Francesca, from Knutsford in Cheshire, was found unconscious at The Priory Hospital in Roehampton, London. She died three days later.

The company was fined £140,000 following a HSE investigation.

You can read the full press release here: [Priory Healthcare fined following patient death | HSE Media Centre](#)



Tom Matthews' left hand

### **McCain Foods fined after employee loses fingers**

A frozen food giant was hit with a £700,000 after an employee lost two of his fingers following an incident at a factory in Lincolnshire.

Tom Matthews, from Grantham, is now a health and safety champion in his current job at a different company, warning others to avoid his misfortune.

He had been working a night shift at McCain Foods' site in Easton on 2

September 2019 when he suffered serious injuries to his left hand.

You can read the full story about this here: [McCain Foods fined after employee loses fingers | HSE Media Centre](#)

### **HSE publishes annual work-related ill health and injury statistics for 2022/23**

On 22 November, we published the annual statistics on work-related ill health and workplace injuries.

The statistics show that nearly two million workers in Great Britain reported as suffering from work-related ill health – with around half of those being down to stress and anxiety.

You can read more on the statistics here: [HSE publishes annual work-related ill health and injury statistics for 2022/23 | HSE Media Centre](#)



Nineteen-year-old Ben Spencer was killed while working for Sunrise Poultry Limited

### **Mother's grief after only son killed while working for major egg supplier**

A mother spoke about her grief after her only child was killed while working at 'Sunrise Eggs' in Loughborough.

Nineteen-year-old Ben Spencer had only been working for Sunrise Poultry Farms for two weeks when he was crushed between a heavy goods vehicle (HGV) and a wall on 12 April 2021.

His mum Tracy says she would like nothing more but to 'curl up in a ball' after his death at the site in Sileby.

You can read more here: [Mother's grief after only son killed while working for major egg supplier | HSE Media Centre](#)

### **Entertainment company fined after worker dies from fall**

A company in the entertainment industry was fined £16,000 following the death of a worker.

Russell Bowry, a self-employed rigger, was working at ELP Broadcast and Events Ltd's Cardington Hangar Studios in Bedfordshire when he fell from height on 13 March 2018.

The 52-year-old, from Lower Stondon, Bedfordshire, was part of an assembly team for a project that required the building of a temporary rehearsal stage.

You can read the full press release here: [Entertainment company fined after worker dies from fall | HSE Media Centre](#)



Patrick Atherton and his dog were attacked by cows as they walked on a public footpath in Devon

### **Farmer fined after cow attack left man fearing for his life**

A retired chartered surveyor said he feared for his life after being attacked by cows while walking his dog on a public footpath in Devon.

The farmer responsible was prosecuted by HSE as a result.

Mr Atherton, a 70-year-old had been walking with his dog on its lead when they were set upon by around seven cows on 12 June 2022.

You can read the full press release here: [Farmer fined after cow attack left man fearing for his life | HSE Media Centre](#)



The incident took place at Warner Brothers' studios in Leavesden

### **Company fined as stunt performer sustains life-changing injuries during filming of Fast and Furious movie**

A production company was fined after a stunt performer was injured during the filming of Fast and Furious 9: The Fast Saga.

Joe Watts, from Surrey, sustained life-changing injuries after he fell approximately 25 feet at Warner Bros. studios in Leavesden, Hertfordshire on 22 July 2019.

He had been filming a fight scene for the action movie.

You can read more on this release here: [Company fined as stunt performer sustains life-changing injuries during filming of Fast and Furious movie | HSE Media Centre](#)



Lewis McFarlin

## **Lift maintenance company fined after engineer fatally crushed**

A lift maintenance company was fined after an employee died while working at a factory run by Muller Yogurt and Desserts.

Lift Monitoring Systems Limited, previously known as RJ Lift Services Limited, was fined £200,000 on Monday following a HSE investigation into the death of 24-year-old Lewis McFarlin, a lift engineer employed by the Staffordshire company.

The full story is available here: [Lift maintenance company fined after engineer fatally crushed | HSE Media Centre](#)

## **Cold weather working: Helping workers stay safe and warm**

Employers were reminded of their responsibilities to keep workers safe as the first spell of cold weather hit large parts of the country during the last few days of November.

We stresses the importance of [protecting workers during the cold weather](#) as the Met Office issued yellow and amber weather warnings for ice and snow.

You can read more on the release here: [Cold weather working: Helping workers stay safe and warm | HSE Media Centre](#)



Mark Gillen sustained life changing injuries when a staging platform toppled over and on top of him

## **Man “lucky to be alive” after incident at luxury yacht maker in Plymouth**

A premium yacht maker was fined £600,000 after one of its workers suffered life changing injuries at its shipyard in Plymouth.



Mark Gillen's wife Sarah said she is lucky to still have her husband around after he sustained a catalogue of injuries, including 12 broken ribs and a severed right arm, when a staging platform weighing approximately one tonne, toppled over and fell on top of him.

You can read the full story here: [Man "lucky to be alive" after incident at luxury yacht maker in Plymouth | HSE Media Centre](#)

### **Firms fined over £600k after dad dies from fall**

A further two companies have been fined after a dad died following a fall from the roof of a building site in Warrington.

Father-of-one Dennis Vincent, 36, and another worker were using ropes to install a lightning protection system to the front of an office block being converted into flats.

You can read more about this press release here: [Firms fined over £600k after dad dies from fall | HSE Media Centre](#)



### **Renowned cider manufacturer fined following grandad's death**

The maker of Henry Westons Cider was fined £1.4 million after a much-loved grandfather was killed on his 65<sup>th</sup> birthday. Tommy Manns, from Dymock, Gloucestershire, was driving a company van when he was killed by the end of a security barrier on 28 September 2020.

The van was being driven out of the firm's site at Bounds Farm, March Marcle, Ledbury, when the end of a security barrier speared through the vehicle's windshield and fatally crushed Tommy.

The full press release can be read here: [Renowned cider manufacturer fined following grandad's death | HSE Media Centre](#)

---

## Road tanker manufacturing company fined after gas asphyxiation

A leading tanker manufacturing company has been fined £200,000 after a worker collapsed from gas exposure before the same fate befell a colleague who went to check on him.

On 18 March 2020, a worker at Tasca Tankers in Wakefield, West Yorkshire entered a metal tank to carry out some welding work. A few minutes later, a second worker looked inside the tank to check on his colleague and found him slumped at the bottom. After shouting for help the second worker went into the tank and also collapsed. Emergency services rescued both employees after entering the space with breathing apparatus.



The type of tank the worker entered to carry out some welding work

An investigation by the Health and Safety Executive (HSE) found the company had failed to ensure safety of their employees while working in the tanks, classified as a confined space. When inside the tank, the employees suffered asphyxiation resulting from inhalation of argon gas leaking from the welding torch. This resulted in a hypoxic brain injury that left the first worker in a coma for more than 12 days and on waking suffered a loss of memory, the inability to walk, talk and move his left arm. The worker has had to learn to walk and talk again. Both workers continue to suffer long lasting physical and psychological effects of this incident.

HSE has guidance on [working in confined spaces](#).

At Leeds Magistrates' Court on 1 December, Tasca Tankers of Unit 5, Diamond Business Park, Thornes Moor Rd, Wakefield, West Yorkshire pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company was fined £200,000 and ordered to pay £ £7,060 in costs.

After the hearing, HSE inspector Louise Redgrove, said: “Two employees very nearly died in an incident which was foreseeable.

“The company had previously received related enforcement action and yet still failed to identify work was taking place inside confined spaces. This incident could so easily have been avoided if the company had ensured robust controls, effective training and emergency procedures were in place and current.”

This prosecution was led by HSE enforcement lawyer Jonathan Bambro.

#### **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.

---

## **Care home fined £125,000 after teenager’s death**

A care home in Bristol has been fined for not doing enough to keep people safe from vulnerable patients who posed a danger to themselves and others.

The complex Health and Safety Executive (HSE) investigation and prosecution follows the death of Melissa Mathieson at Alexandra House on 12 October 2014. Jason Conroy murdered the 18-year-old and was jailed for life the following year, following a Crown Prosecution Service case.

Alexandra House on Wells Road, Bristol is one of three homes run by Alexandra Homes (Bristol) Limited. It’s a specialist residential care service for adults with Asperger syndrome and autism spectrum disorders and registered with the Care Quality Commission (CQC).

Both Melissa and Jason were fairly new residents at the home having both moved there in August 2014, Melissa from Crawley, and Jason from a school in Shropshire.



James and Melissa  
Mathieson

Prior to moving to Alexandra House, Jason Conroy had strangled a member of staff at his school rendering her unconscious. This and several other incidents highlighted the need for close monitoring.

Alexandra House was identified as a suitable place for Jason when he turned 18. Information was passed from his school to Alexandra House warning of his behaviour. This included a risk assessment that said he posed a risk to others and that he had demonstrated sexual aggression towards women. A report also said that he could be violent to others and posed a threat of sexually harmful behaviour to staff and younger peers.

In 2015 Jason Conroy was jailed for life and ordered to serve a minimum term of 19 years for the sexually motivated murder of Melissa.

Following Melissa's death, the HSE investigation found Alexandra House did not have suitably trained and qualified staff in sufficient numbers to adequately deal with Jason Conroy. In addition, they were not sufficiently informed of the risks he posed. He was not adequately monitored and there were insufficient control methods in place to ensure the safety of people in Alexandra House, particularly at night.

At Bristol Crown Court on 1 December, Alexandra Homes (Bristol) Limited of Kingswood, Bristol, pleaded guilty to breaching Section 3(1) Health and Safety At Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. They were fined £125,000 and ordered to pay £41,000.

Melissa's father James Mathieson said: "Melissa was a lovely daughter, she was friendly, loved her cuddles, energetic and fun to be with. Everybody loved her and many hearts were broken when she was allowed to be murdered in her sleep.

"When Melissa found a place at Alexandra House, we made it clear to representatives at Alexandra Homes just how vulnerable she was. We were putting her safety into their care and to me they disregarded this.

“They told us they would look after her, she would be safe and they would help her live a full life. That was not true, as they failed on all accounts, and we lost a beautiful daughter, sister, and granddaughter.

“Although Jason Conroy murdered our daughter, I feel he was another failure of Alexandra Homes as he was in the wrong place with the wrong supervision.”

Speaking after the hearing, HSE inspector Caroline Coleman said: “This has been a complex and sensitive investigation. It has taken time, but we now have the right outcome.

“Alexandra Homes was given clear warning signs about Jason Conroy’s behaviour but simply didn’t act upon them. As a result, Melissa Mathieson, a vulnerable young woman lost her life in a setting that was meant to protect and help her.

“While the Care Quality Commission is now the regulator for patient health and safety matters, the legislation is there to help keep people safe and must be followed. Our thoughts remain with Melissa’s family and friends.”

This HSE prosecution was led by HSE lawyer Krystal Savoie.

#### **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. Following the Mid Staffordshire NHS Foundation Trust Public Inquiry and the publication of the Francis Report, the Care Quality Commission (CQC) was given powers to carry out criminal investigations and bring prosecutions. These took effect in April 2015. Since that time, in England, the CQC has been the regulator for patient health and safety matters, with HSE regulating health and safety for workers and members of the public. A revised memorandum of understanding reflecting these changes and setting out areas of responsibility was agreed by the two organisations which is available on HSE’s website. [MoU between the Care Quality Commission \(CQC\) and HSE](#)
-

## Renowned cider manufacturer fined following grandad's death

A cider manufacturer has been fined after a much-loved grandfather was killed on his 65<sup>th</sup> birthday.

Tommy Manns, from Dymock, Gloucestershire, was driving for H Weston and Sons Limited, the manufacturer of Henry Westons Cider, when he was killed by the end of a security barrier on 28 September 2020.

H Weston and Sons Limited was fined £1.4 million on Thursday after the company was prosecuted by the Health and Safety Executive (HSE).

The van was being driven out of the firm's site at Bounds Farm, March Marcle, Ledbury, when the end of a security barrier speared through the vehicle's windshield and fatally crushed Tommy.



Two of Tommy's grandchildren had called him up to wish their grandad a happy birthday just hours before the accident.

Tommy, who had two children as well as three grandchildren, was a farm manager at H Weston and Sons Limited and had started working at the company in 2008.

A HSE investigation into the incident found H Weston and Sons had installed the barrier a month earlier, and failed to undertake a suitable and sufficient risk assessment. The company also failed to implement a safe system of work to ensure the barrier could be secured safely when open and closed.



HSE guidance can be found at: [Advice on horizontal swing car park barriers.](#)

Tommy's wife Rose Manns said: "I am still in shock following the death of my husband. I've never been an emotional person, but since the accident I am nervous and reliving the accident all the time. In the beginning I couldn't even drive because my husband was driving at the time of his accident and I couldn't face driving again for a long time.



Tommy and Rose

"I've always been a people's person and now I have no confidence. People stop and ask me how I feel and how I am. I don't feel confident to talk to people about what happened and people don't know what to say to me.

"Tommy loved his grandchildren so much. He spoke to the two grandkids who were four and six on the day of his death. They rang to sing happy birthday to him in the morning. He never got the chance to open his birthday cards.

"We had put a deposit down on a motorhome. My son had to ring the company a couple of days after Tommy died to cancel the order.

"Tommy has left a great legacy. He was so loved, he was my rock, my



soulmate.”



Oliver Hunter, Tommy’s stepson, added: “As a parent there are many memorable moments you want to keep hold of, however trying to explain to my four-year-old son (now seven) and six-year-old daughter (now nine) that their Grampy Tom had died on his birthday and that he is no longer with us, is one I wish I could forget.

“Both of our children were outgoing, happy little people with a love of life, but since Tommy’s death their behaviours have changed, they are more wary of life, can be more angry and upset over various things. They live with a constant fear that their loved ones maybe taken away from them which consequently means they are both struggling daily with separation anxiety on

different levels.”

H Weston and Sons Limited, of Much Marcle, Ledbury, Herefordshire, pleaded guilty to breaching Regulation 3(1) of the Management of Health and Safety at Work Regulations 1999 and Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £1.4 million and ordered to pay £26,756.50 in costs at Kidderminster Magistrates’ Court on 30 November 2023.

HSE inspector Sara Lumley: “This is a sad and devastating case that is made all the more tragic as the incident took place on Tommy’s birthday. It was also his day off. Rosemary and Oliver have made clear the impact that Tommy’s passing has had and our thoughts remain with them and their family.

“Horizontal barriers can be dangerous – but deaths are extremely preventable. The guidance for those operating barriers like this at car parks is clear and it’s vital to make sure the barriers are adequately secured at all times whether open or shut.”

**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. [hse.gov.uk](https://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)
3. HSE news releases are available at [http://press.hse.gov.uk](https://www.press.hse.gov.uk)