

Retail company and construction contractor fined over safety failings

Martin McColl Limited and JMS Retail Concepts Limited have both been sentenced today after two members of the public tripped and fell over construction work outside a convenience store in Dinas Powys, Vale of Glamorgan.

Cardiff Magistrates' Court heard that during the three-day construction of a concrete disabled ramp in January 2016, two members of the public were injured whilst attempting to enter the store. On 12th January an elderly member of the public tripped over the construction work breaking her wrist, hitting her head and suffering severe bruising. The following day, the 13th January 2016 another elderly member of public fell from the partially constructed ramp breaking his collar bone and suffering severe bruising.

An investigation by the Health & Safety Executive (HSE) found that construction work which was undertaken while the store was open, meant customers were required to walk through the construction site to enter and exit the store. It would have been reasonably practicable to close the store during the construction of the ramp and install barriers and signs to prevent access by members of the public.

Martin McColl Limited of Ashwells Road, Brentwood, Essex pleaded guilty on the first day of a two day trial after initially pleading not guilty to breaching Section 3(1) of the Health & Safety at Work etc. Act 1974, and have been fined £600,000 and ordered to pay costs of £11,520.

JMS Retail Concepts Limited of Stump Lane, Chorley, Lancashire pleaded guilty to breaching Section 3(1) of the Health & Safety at Work etc. Act 1974, and have been fined £40,000 and ordered to pay costs of £3,038.

Speaking after the hearing HSE inspector Gemma Pavey said "These incidents could so easily have been avoided by simply carrying out correct control measures and safe working practices.

Commercial clients and 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 seek to 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
2. More about the legislation referred to in this case can be found at:

legislation.gov.uk/

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

Journalists should approach HSE press office with any queries on regional press releases.