

# Director sentenced after apprentice injured in fall from height

The director of an air conditioning company has been sentenced after a worker sustained a broken back when he fell five metres to the ground.

Chelmsford Magistrates' Court heard how, on 24 October 2019, Coolzone Air Conditioning Limited were contracted to replace an air conditioning unit at Eastman House, Radford Cres, Billericay.

As part of the works, an employee, who had never worked on a roof before, was required to go onto the roof to replace the external unit of an air conditioner. After accessing the roof via a man cage, the worker fell through a rooflight to the warehouse floor five metres below. The employee sustained a broken back and has not returned to work since the incident.

An investigation by the Health and Safety Executive (HSE) found that the company director, Daniel Biagioni, attended the site a month prior to the incident and as part of his risk assessment, identified that the rooflights on the warehouse roof presented a fall risk.

However, Mr Biagioni failed to implement the controls he identified in his risk assessment and sent the inexperienced apprentice onto the roof unsupervised.

Daniel Biagioni of Barrow Chase, Chelmsford, Essex pleaded guilty to breaching Section 37(1) of the Health and Safety at Work Act 1974 and received a six-month custodial sentence suspended for 12 months. As part of his sentence he is required to complete 150 hours of unpaid work. Mr Biagioni was also ordered to pay costs of £4,886 and a victim surcharge.

Speaking after the hearing, HSE inspector David, Tonge said: "Roof work is a high-risk activity and duty holders must ensure they put measures in place to protect against this risk.

"Falls from height often result in life-changing or fatal injuries. In most cases, these incidents are needless and could be prevented by properly planning the work to ensure that effective preventative and protective measures are in place."

## **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)

1. More about the legislation referred to in this case can be found at: [legislation.gov.uk/www.hse.gov.uk/pubns/priced/hsg33.pdf](http://legislation.gov.uk/www.hse.gov.uk/pubns/priced/hsg33.pdf)
2. HSE news releases are available at <http://press.hse.gov.uk>

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## [Oil company fined following liquid petroleum gas leak](#)

The operator of the UK's largest oil refinery has been fined for health and safety breaches after a leak of liquid petroleum gas (LPG) was discovered by a worker cycling home at the end of their shift.

Southampton Magistrates' Court heard how, on 15 November 2015, there was an uncontrolled release of around 15 tonnes of LPG through a valve near to the main roadway used by LPG road tankers visiting Esso Petroleum Company's refinery in Fawley, Hampshire.

The leak went undetected for around four hours before being discovered by an employee on his way home. It took a further hour to establish the source of the leak with on-site emergency personnel having to enter the area to reset the valve.

An investigation by the Health and Safety Executive (HSE) found that the leak occurred because LPG was put through the pipe work at too a high a pressure for the valve, there was no process in place to detect the discrepancy in the flow in the pipe and that the company had failed to take all measures necessary to prevent a major accident.

Esso Petroleum Company Limited pleaded guilty to breaching Regulation 5(1) of The Control of Major Accident Hazards Regulations (COMAH) 2015 and was fined £500,000.

After the hearing, HSE inspector, Jonathan Halewood commented:

“The measures required to prevent accidents should be proportionate to the risks. Where companies handle large quantities of substances that can cause major accidents, such as LPG, they are required to have layers of protection in place to prevent accidents.

“In this incident a number of those layers either failed or were not in place resulting in a significant leak. Even though there was no fire or injury on this occasion, there was potential for a major accident. The prosecution has been brought to highlight the importance of maintaining the layers of protection and preventing this kind of major leak.”

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2. More about the legislation referred to in this case can be found at: [HSE: LPG safety resources](http://hse.gov.uk/lpg-safety-resources)
3. HSE news releases are available at <http://press.hse.gov.uk>

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## [Food manufacturing company fined after worker injures finger in machinery](#)

A food manufacturing company has been fined for safety breaches after a hygiene operative suffered a serious injury when his hand came into contact with a mixer.

Leeds Magistrates’ Court heard how on 8 November 2019, the employee of Troy Foods (Salads) Ltd had his index finger severed after his left hand came into contact with a mixer whilst cleaning the door mechanism. This was a result of lack of necessary training in which he should have been signed off before working alone.

An investigation by the Health and Safety Executive (HSE) found that Troy Foods (Salads) Ltd failed to adequately maintain guarding arrangements on a

paddle mixer whilst also having deficiencies with training and supervision.

Troy Foods Salads Ltd of George Mann Way, Leeds, West Yorkshire pleaded guilty to breaching Section 11 (1) Provision and use of Work Equipment Regulations 1998. The company was fined £93,000 and ordered to pay £769 in costs.

Speaking after the hearing, HSE inspector Julian Franklin said: "Better compliance, supervision and training are essential to reinforce safe systems of work.

"This incident could so easily have been avoided by simply implementing the correct control measures and safe working practices."

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2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)

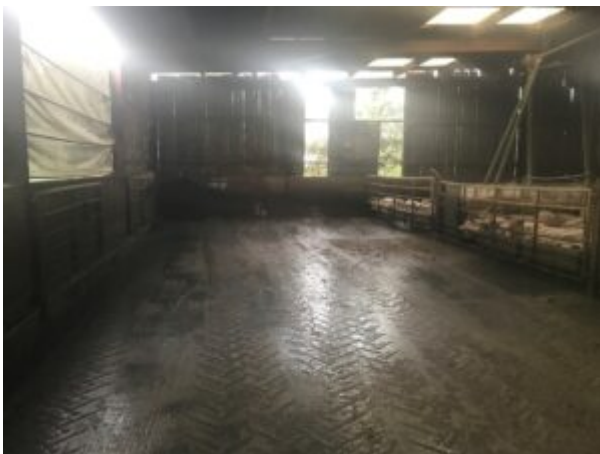
3. HSE news releases are available at <http://press.hse.gov.uk>

4. Please see the link below to the page on HSE's website that is the best guide to doing it the right way:

<https://www.hse.gov.uk/work-equipment-machinery/power.htm>

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## [Farm employee fatally injured by telehandler](#)



A farming partnership has been fined after a farm worker was fatally injured

following an incident involving a telehandler within the pig barn.

Weston Super Mare Magistrates' Court heard how, on 17 October 2019, Mr Andrew Denning, a self-employed farm worker, was helping with the mucking-out and animal welfare checks inside a large pig shed.

Mr Denning was working in close proximity to a telehandler, fitted with a bucket, which was scraping the muck from the floor using multiple short manoeuvres. Mr Denning was struck by telehandler and killed as it reversed.

An investigation by the Health and Safety Executive (HSE) found that C M Stone failed to ensure a safe system of work. Staff working within the shed were not adequately segregated from the machine so far as was reasonably practicable.

CM Stone of The Yards, Woolavington Puriton, Bridgwater, pleaded guilty to breaching regulation, 3(1) of the Health and Safety at Work Act. The company has been fined £53,000.00 and ordered to pay costs of £8,000.00

Speaking after the case HSE inspector William Powell commented: "The system of work used at this farm was not safe. Simple measures to keep pedestrians and large farm vehicles properly separated could have prevented Mr Denning's death.

"Being struck by a moving vehicle has been the biggest cause of workplace fatalities on farms for several years. Farmers should properly assess their workplace transport risks and separate people and vehicles where reasonably practicable. HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards"

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)<sup>[2]</sup>
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## **[Contractor sentenced after asbestos disturbance in public park](#)**

A contractor has been awarded 100 hours community service and 10 days

Rehabilitation Activity following a conviction of health and safety breaches after labourers disturbed asbestos and worked dangerously at height while refurbishing a disused park toilet block.

Southwark Crown Court heard how, in 2019, a charity hired a local contractor, Fahadh Rasheed, to convert a toilet block in Valentines Park, Ilford, into a community meeting centre. The work included replacing the weather-damaged roof.

Mr Rasheed employed unskilled and untrained labourers to undertake this work. The labourers disturbed a significant amount of asbestos insulation board present in the structure, spreading asbestos debris around the site.

The construction work was brought to the attention of the Health and Safety Executive (HSE) by a member of the public who observed the labourers working on the roof, without scaffolding or other control measures, to prevent them falling from height. The asbestos was later cleaned up by a licensed asbestos removal company.

An investigation by HSE found that Mr Rasheed had not carried out a refurbishment and demolition asbestos survey before work began. Furthermore, he had not ensured the workers he'd engaged had the necessary skills, knowledge and experience, including asbestos awareness training, to undertake this work.

Previously a jury had found Mr. Rasheed guilty of breaching Regulation 15.(2) of The Construction (Design and Management) (CDM) Regulations 2015. At the sentencing hearing on 6 December 2021, Mr. Rasheed was given a Community Order including 100 hours unpaid work and a 10 days Rehabilitation Activity Requirement.

After the hearing HSE inspector David King said: "This was a case of a contractor completely failing to grasp the importance of planning, managing and monitoring construction work to ensure the health and safety of construction workers. "Companies and their Directors 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. It does so through research, information and advice, promoting training; new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement. [gov.uk](http://gov.uk)<sup>[1]</sup>
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk](http://legislation.gov.uk)<sup>[2]</sup>
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