

# Company and director fined following worker's fatal fall from a tree

A property investment company and its director have been fined after a worker fell from a tree causing fatal injuries.

Nottingham Crown Court heard how on 27 September 2017 untrained workers were tasked with taking down a large, dead sycamore tree on Ebers Road in Nottingham using a chain saw. One worker went up a ladder and used the saw to cut a branch, which when released swung back at the worker knocking him out of the tree. As he was not using ropes to anchor himself into the tree he then fell to the ground. The man was taken to hospital and sadly died two weeks later.

An investigation by the Health and Safety Executive (HSE) revealed that workers should have been trained in chainsaw use and in working with saws in trees. The work should also have been properly planned with competent workers using correct personal protective equipment (PPE) for operating the saws and climbing the tree.

Claudio De Falco of The Spinney, Woodthorpe, Nottingham as Director pleaded guilty to a breach of Regulation 4 (1)(c) of the Work at Height Regulations 2005. He was fined £40,000 and ordered to pay costs of £6,350.

CDF Properties Investment Ltd of Haydn Road, Nottingham pleaded guilty to a breach Regulation 4 (1)(c) of the Work at Height Regulations 2005.

The company was fined £80,000 and ordered to pay costs of £12,700.

Speaking after the hearing HSE inspector Martin Giles said:

“Using chain saws on and in trees is a specialised task and should only be carried out by trained and competent people using the right protective equipment for using the saws and climbing trees.

“Falls from height remain one of the most common causes of work-related fatalities in this country and the risks associated with working at height are well known.”

## **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. [www.hse.gov.uk](http://www.hse.gov.uk)
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>

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## **Employer sentenced after worker severed three fingers**

Andrew Gibson has been given a suspended jail sentence for safety breaches after a worker suffered life changing injuries.

Sheffield Magistrates' Court heard how, on 19 October 2016, an employee was using an Elektra Beckum table saw to cut down some large (2.4m x 2.4m) sheets of chipboard at a workshop in Houndhill Park, Rotherham. The worker's right hand made contact with the unguarded saw blade and three of his fingers were severed. After the incident he was taken to hospital by Mr Gibson. Two of his fingers were reattached at the hospital but the third finger was never found.



An investigation by the Health and Safety Executive (HSE) found that the worker was pushing the sheets through the saw by hand, without using an appropriate pushstick or jig which would have kept his hand and fingers away from the moving blade. At the time of the incident the crown guard and riving knife were also not fixed to the machine. The investigation also found that there was no Employer's Liability (Compulsory Insurance) policy in place.

Andrew Gibson of Lower Dolcliffe Road, Mexborough, South Yorkshire, who at the time was trading as Crosby Kitchens (a kitchen manufacturing company), pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. He was sentenced to 26 weeks in prison, suspended for 18 months, and 200 hours of unpaid work. He was also ordered to pay £17,000 compensation to the injured employee.

After the hearing, HSE inspector Jane Fox commented: "This incident could so easily have been avoided by implementing suitable control measures and safe working practices.

"Dangerous parts of machinery should be appropriately guarded as required by the legislation, in order to protect employees."

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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/)<sup>[2]</sup> Please see the link below to the page on HSE's website that is the best guide to doing it the right way:
3. <http://www.hse.gov.uk/pubns/wis16.pdf>
4. HSE news releases are available at <http://press.hse.gov.uk><sup>[3]</sup>

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## [Construction firm prosecuted due to inadequate welfare facilities on site](#)

A Stockport construction company has been prosecuted after failing to ensure suitable welfare facilities were provided for workers on site.

Manchester Magistrates' Court heard that R & S Builders (Mcr) Ltd had been issued with multiple Improvement Notices, following an inspection by a Health and Safety Executive (HSE) inspector at the company's site at Great Underbank, Stockport on 7 July 2018. The company subsequently complied with the Improvement Notices that had been served for fire safety and respiratory risks, but failed to comply with the minimum standards of health, safety and welfare on site.



An investigation by the HSE found that welfare facilities on site had been in a poor condition, in particular there being no hot or warm running water, and that the company did not provide evidence of compliance with the Improvement Notice within the deadline. R & S Builders (Mcr) Ltd was previously subject to enforcement action by HSE in 2017 that included an Improvement Notice in relation to the absence of adequate welfare provisions at a different site.

R & S Builders (Mcr) Ltd of Sovereign House, Stockport Road, Cheadle, pleaded guilty to breaching Section 21 of the Health and safety at Work etc. Act 1974 and Regulation 13(4) of the Construction (Design and Management) Regulations 2015. The company was fined £8,000 and ordered to pay costs of £1,814.90.

HSE inspector Chris Brookes-Mann said after the hearing: "Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards. Furthermore, companies that fail to comply with an Improvement Notice in the time allowed can expect to be prosecuted since this is a criminal offence in its own right regardless of the circumstances under which the original Improvement Notice was served."

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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. More information on provision of welfare facilities can be found at <http://www.hse.gov.uk/pubns/cis59.pdf>
4. HSE news releases are available at <http://press.hse.gov.uk>

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## [Furniture company sentenced after failing to comply with compulsory insurance requirements](#)

A Plymouth-based furniture company has been sentenced for failing to have employers' liability compulsory insurance (ELCI) the day an employee was injured.

Pinexpress flouted repeated requests for documentation from representatives of an employee who was accidentally cut as he was unpacking furniture delivered to a customer.

Plymouth Magistrates' Court heard that after the incident on 30 October 2018, his solicitors requested details of the company's ELCI. After several repeated requests, the solicitors raised concerns with the Health and Safety Executive (HSE) two months later.

Despite repeated attempts by both the solicitors' firm and HSE, the company failed to produce a certificate of insurance, or give any confirmation that they did or did not have the necessary cover. HSE served a 'notice to produce' in February 2019 but this was not complied with. No further action has been taken by the dutyholder to comply with the notice or to make any contact with HSE. As a result, the employee who was injured at work has been unable to progress his claim for compensation which has caused anxiety and stress in addition to the physical injuries sustained.

Pinexpress Limited of Looe Street, Plymouth, Devon pleaded guilty to breaching Section 1(1) and 4(2)(b) of the Employers' Liability Compulsory

Insurance Act (1969) and has been fined £35,000 and ordered to pay costs of £2,729.80.

Speaking after the hearing HSE visiting officer Roberta Rickard said:  
“Employers are responsible for the health and safety of their employees while they are at work. Having up to date employers’ liability compulsory insurance is much more than a box ticking exercise, as this case demonstrates; it has a bearing on the lives of the employees it is designed to protect.

“Anyone who wants to check whether their employer has ELCI should be able to find an up to date certificate displayed in their workplace. This information may be held electronically as long as employees know how and where to find it and are given reasonable access to it.”

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4. The company in this case is a Local Authority enforced premises; HSE’s only involvement therefore was to investigate the ELCI concern.

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## **[Company fined for non-compliance of Notices](#)**

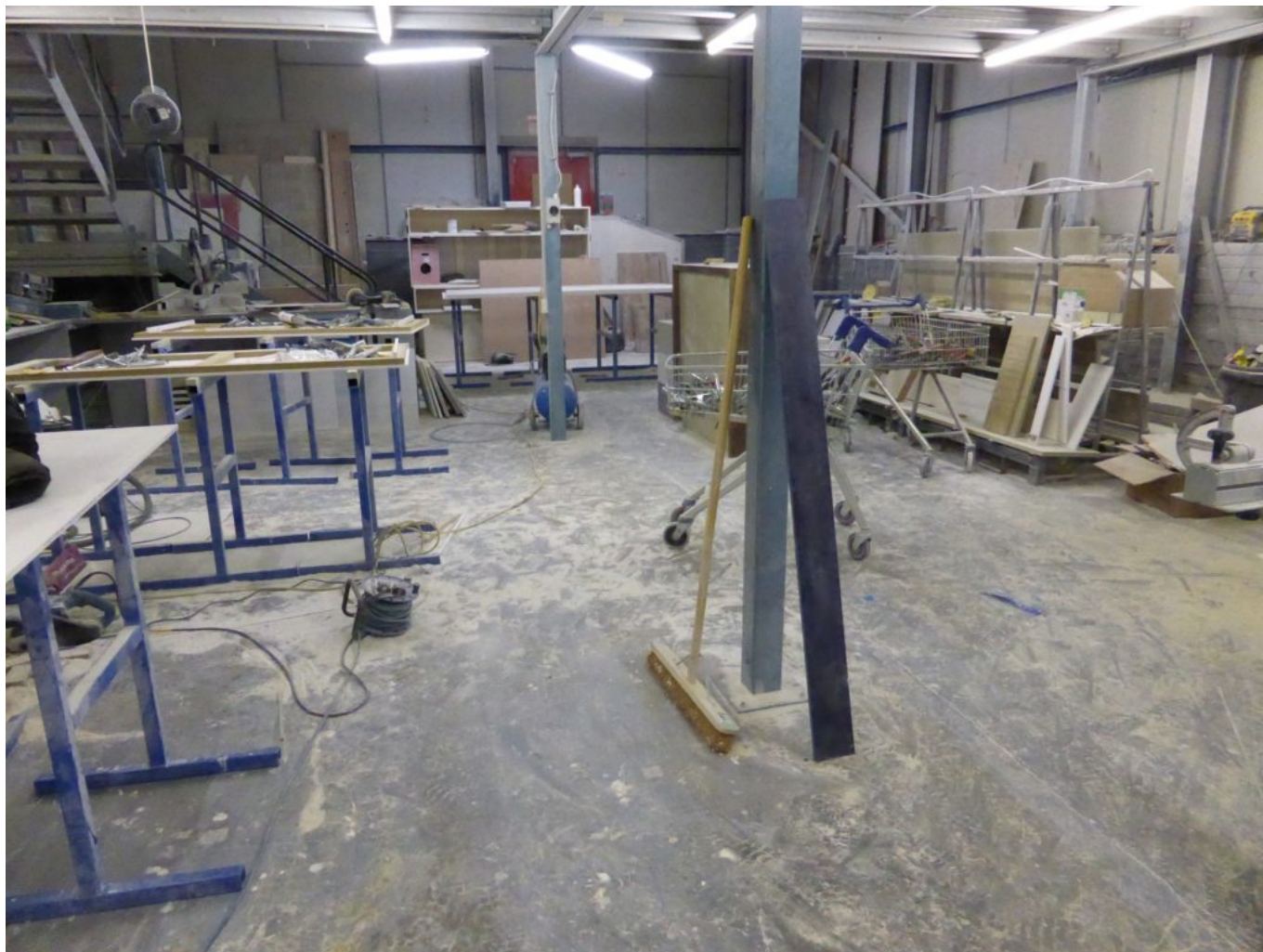
Kitchen worktop manufacturing company, The Solid Surface Shop UK Ltd was sentenced for non-compliance of Improvement Notices and failure to effectively manage health and safety.

Sheffield Magistrates’ Court heard that, during an inspection in March 2016, it was found that there was a poor standard of health and safety management

including significant accumulations of dust around the premises on Henry Street in Sheffield. Local exhaust ventilation units present were not subject to thorough examination and test and no risk or hazardous substance assessments had been completed. The company was served with five Improvement Notices. The notices required thorough examination of local exhaust ventilation, monitoring for dusts including respirable crystalline silica, a system to manage respiratory protective equipment and assessments of the risk from noise and hand arm vibration.







An investigation by the Health and Safety Executive (HSE) found that the Improvement Notices were hand delivered to site and discussed with two of the directors. Despite extensions to the compliance dates for all the notices being given, repeated phone calls, emails and letters, no appeals or evidence of compliance was ever received by HSE. A company representative attended an interview under caution but did not provide any reasonable explanations for the non-compliance.

The Solid Surface Shop UK Ltd, previously based at Henry Street, Sheffield pleaded guilty to breaching a single charge under Section 2 (1) of the Health & Safety at Work etc Act 1974. The company has been fined £10,000 and ordered to pay £6181.51 in costs.

After the hearing, HSE inspector Laura Hunter commented: "Improvement notices must be complied with.

"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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