

# Company and director sentenced after scaffolder seriously injured

A scaffolding company and its managing director have today been sentenced after one of its scaffolders suffered a serious injury whilst taking down a scaffold.

Brighton Magistrates' Court heard how LS Scaffolding was contracted to erect a scaffold and temporary roof over a pair of houses to enable the conversion of the lofts. While dismantling the roof of the structure at the site on Upton Court Road, Slough, a worker fell and broke his femur.

An investigation by the Health and Safety Executive (HSE) into the incident, that occurred on 28 July 2016, found that LS Scaffolding Ltd regularly used untrained workers and failed to ensure scaffold structures were designed by competent persons. The investigation also found that the company and its director failed to ensure the work on a complex scaffold was properly planned, supervised or carried out.

LS Scaffolding Ltd of Vicarage Farm Road, Hounslow pleaded guilty to breaching Regulations 4 (1) and 8(b) (ii) of The Work at Height Regulations 2005. The company was fined £47,000 and ordered to pay costs of £7,371 with a £170 surcharge.

Lakhbir Khakh, director of LS Scaffolding Ltd of Stanwell Gardens, Staines pleaded guilty to breaching two counts of Section 37 of the Health and Safety at Work etc. Act 1974 and was sentenced to 18 weeks custodial sentence suspended for 12 months and was fined £1,700 with a £115 surcharge.

After the hearing, HSE inspector Dominic Goacher commented: "It is essential that scaffolding companies ensure that non-standard scaffolds are safely erected to a design produced by a competent scaffold engineer and that safe systems of work are planned and used by competent workers."

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

---

# HSE food manufacturing inspections target the causes of workplace ill-health

Companies and people working in food manufacturing are being told they must pay closer attention to how they manage workplace health risks or face serious penalties.

The Health and Safety Executive's (HSE) programme of proactive inspections will review health and safety standards in food manufacturing businesses across the country, and the sector is being warned that a programme of unannounced inspections will begin today.

The inspections will focus on two of the main causes of ill-health in the sector which are currently occupational asthma from exposure to flour dust in bakeries, cake and biscuit manufacturers and grain mills and musculoskeletal disorders (MSDs) – predominantly lower back pain and upper limb disorders from manual handling activities and repetitive tasks across the sector.

The inspection visits come as HSE recently released its Manufacturing sector plan which prioritises the reduction of cases of occupational lung disease and MSDs.

Exposure to flour dust is the UK's second most common cited cause of occupational asthma. MSDs are the most common type of work-related illness in food manufacturing with handling injuries, accounting for around 20% of reported employee injuries (RIDDOR). HSE insists that such ill-health can be prevented when organisations have proper risk control systems in place.

The inspections will ensure measures are being taken by those responsible to protect workers against health risks and HSE will not hesitate to use enforcement to bring about improvements.

HSE's head of Manufacturing Sector John Rowe, said: "The food manufacturing sector is made up of over 300,000 workers and its health and safety record needs to improve. This inspection initiative will look to ensure effective management and control of targeted health risks.

HSE is calling on anyone working in the industry to take the time to refresh their knowledge of our advice and guidance, available for free on our website.

Food manufacturing companies should do the right thing by protecting workers' health; everyone has the right to go home healthy from work."

**Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. It aims to reduce 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. [uk](#)<sup>[1][1][1]</sup>
  2. More about the legislation referred to in this case can be found at: [gov.uk](#)<sup>[2][2]</sup>
  3. HSE news releases are available at <http://press.hse.gov.uk><sup>[3][3]</sup>
- 

## [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 12<sup>th</sup> 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 13<sup>th</sup> 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](http://hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://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.

---

## **[Company and one of its directors fined for the unsafe storage of unauthorised biocidal products](#)**

A pest control company and one of its directors have been sentenced for the unsafe storage of unauthorised biocidal products and phostoxin (aluminium phosphide).

Ipswich Crown Court heard how Rodent Service (East Anglia) Limited stored non-approved biocides and pesticides including phostoxin (used for the control of pests and vermin) at its premises at Cooke Road, Lowestoft.

An investigation by the Health and Safety Executive (HSE) arising from a report provided by Natural England into the alleged secondary poisoning of a tawny owl by a rodenticide (a biocidal compound), found various biocidal compounds which were not authorised for use improperly stored at the premises. In addition, part used canisters of phostoxin (a compound that reacts with moisture in the atmosphere or the soil to produce phosphine, a poisonous gas, used to control rabbits within their burrows) were found stored inside a filing cabinet within the workplace.

Rodent Service (East Anglia) Limited of Cooke Road, Lowestoft, Suffolk pleaded guilty to breaching Sections 2 (1) and 3 (1) of the Health and Safety at Work etc. Act 1974 The company has been fined £100,000 and ordered to pay costs of £10,000. The company was also ordered to pay a victim surcharge of

£170.

Donald Eric Martin, Director of Rodent Service (East Anglia) Limited also pleaded guilty of an offence of neglect by virtue of S37 of the Health and Safety at Work etc. Act 1974. He was sentenced to a six months in prison, suspended for 12 months, and ordered to pay costs of £1000 and a victim surcharge of £115.00.

Speaking after sentencing HSE Principal Inspector Paul Carter commented: "This situation could so easily have been avoided by the company disposing of those biocidal and similar high-risk compounds not authorised for storage and use and ensuring that only sealed containers of phostoxin were kept on site stored safely in accordance with the manufacturer's instructions. 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. It aims to reduce 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][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> <sup>[2]</sup>
3. HSE news releases are available at <http://press.hse.gov.uk><sup>[3]</sup>

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

---

## [Construction company fined after worker seriously injured](#)

A construction company has been fined after a worker suffered serious injuries when the first floor of the building he was standing on collapsed underneath him.

Manchester Minshull Street Crown Court heard how Huntsmere Projects Limited was the principal contractor for the construction of a new house in Alderley Edge. A subcontractor had installed the first floor but a gap left between the concrete beams on the landing was not identified by the Huntsmere site manager nor the contractor's supervisor.

On the 22 April 2014, a 47-year-old worker fell approximately 3.5 metres when

the concrete block beneath his feet gave way and he fell between two concrete beams, suffering serious multiple fractures.

An investigation by the Health and Safety Executive (HSE) found the collapse occurred as a result of some of the installed floor blocks becoming displaced during the work on site because of the gap. Huntsmere Projects Limited did not take all practicable steps to prevent danger to workers from collapse of a part of the new building. The investigation found that the company should have ensured that the floor was installed as per the design and failed to identify the gap which allowed the floor blocks to move.

Huntsmere Projects Ltd, of Alderley Road, Wilmslow, Cheshire, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and was fined £240,000 with £14,439.53 costs.

HSE inspector, Deborah Walker, said after the hearing: "As principal contractor, Huntsmere Projects Limited was responsible for safety on the site including ensuring proper planning and co-ordination on the part of all involved in the project.

"Huntsmere Project Limited also had a duty to monitor and control the other contractors that it had engaged – the collapse could have been avoided had the company fulfilled its duties in its role as principal contractor"

#### **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](http://hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>
4. More information regarding safe working in the construction industry can be found at <http://www.hse.gov.uk/construction/index.htm>

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