

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 has been prosecuted by the Health and Safety Executive (HSE) as a result.

Patrick Atherton and his 13-year-old Border Collie 'Lad' had been dropped off at Birdcage Farm, in Ottery Saint Mary, by his wife on 12 June 2022. The 70-year-old, who moved to the South West from West Kirkby on The Wirral more than 30 years ago, was a regular user of the footpath and said it was 'ironic' that Lad had been on his lead that fateful day.



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

"I've been a trainer of Border Collies for many years.

"It was ironic that for the first time I had kept Lad on his lead as I had noticed two young calves in the field and thought if he was walking by my side they wouldn't really notice.

"Unfortunately, one black cow did and it charged at us, knocking me down by the hedge that bordered the path.

"I tried to stand up and let Lad off his lead but they kept on knocking me over.

"There was about seven cows involved, but it was the very aggressive black cow that was trying to kill my dog.

“I thought we were going to die.”

The traumatic ordeal only came to an end after Mr Atherton said he heard a call – who he presumed to be from the farmer – and the cattle moved away from the pair and ran back to the farm.

“I had been powerless to do anything,” he added.

“We were both surrounded by cattle.

“I could hear Lad shrieking in pain as he was repeatedly kicked and stamped on.

“He was never the same dog after what happened and he sadly passed away in September this year.

“I just want to make other people aware of the risks when out enjoying popular footpaths such as this one.”



The retired chartered surveyor said he feared for his life during the incident

Mr Atherton escaped with cuts and bruises following the attack, while Lad was badly injured had to take veterinary medication for the remainder of his life.

The HSE investigation found that cattle with young calves , which are known to be protective and unpredictable, were being kept in a field with a public right of way across it. They can pose a risk to walkers, especially to those with dogs.

Where possible farmers should:

- avoid putting cattle, especially cows with calves, in fields with public access.

- do all that they can to keep animals and people separated, including erecting fencing (permanent or temporary) e.g. electric fencing.
- Assess the temperament of any cattle before putting them into a field with public access.
- Consider culling any animal that shows signs of aggression.
- Any animal that has shown any sign of aggression must not be kept in a field with public access.
- Clearly sign post all public access routes across the farm. Display signage at all entrances to the field stating what is in the field (cows with calves / bulls).

John Hallett of Birdcage Farm, Ottery St Mary, Devon pleaded guilty to breaching Section 3(2) of the Health & Safety at Work etc Act 1974 and was fined £2,000 and ordered to pay costs of £4,500 at Exeter Magistrates' Court.

HSE inspector Simon Jones said: "It is fortunate that the injuries sustained by Mr Atherton weren't life threatening, however given the nature of the attack the end result could have been far worse.

"Public knowledge – and concern – is increasing about how dangerous cattle can be. On this occasion Mr Atherton took the right precautions and HSE has taken action against the farmer in question.

"Cattle are extremely protective of their calves and even calm cattle can become aggressive if they think the calves may, in any way, be threatened, even by members of the public walking past.

"Farmers should not place cattle with calves in fields where members of the public have a legal right to walk.

"Had John Hallett followed this simple rule, then this incident could have been prevented."

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. Advice for farmers, landowners and other livestock keepers on dealing with [the risks posed by cows with calves](#) is available.
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Food company fined £360,000 after worker loses consciousness

A company in Fife which grows and prepares vegetables has been fined £360,000 after a worker was dragged into a machine and lost consciousness.

Remigiusz Cyrek, a hygiene operative at Kettle Produce Limited, was undertaking a routine clean of a machine that makes carrot batons on 22 June 2018. The 37-year-old was trapped by a giant roller after being dragged into the machine at the company's premises at Orkie Farm, in Freuchie.

Mr Cyrek had been cleaning part of the conveying machinery which had not been isolated from the power supply. The hood of his waterproof jacket became entangled in a moving power driven roller, causing it to tighten around his neck and resulting in him losing consciousness. The incident left the Polish national unable to work for six months afterwards.

An investigation by the Health and Safety Executive (HSE) found that Kettle Produce Limited had failed to provide a safe system of work for employees who were cleaning the machinery. A safe system of work should ensure that cleaning activities are not carried out whilst the machinery was moving, and that all parts were isolated and locked-off from the power supply.

HSE guidance on [working safely with machinery](#) is available.

Kettle Produce Limited, of Balmalcolm Farm, Cupar, Fife, pleaded guilty to breach Section 2(1) and Section 33(1)(a) of the Health and Safety at Work etc Act 1974. The company was fined £360,000 at Dundee Sheriff Court on 23 November 2023.

HSE inspector Kerry Cringan said: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

"While cleaning is an essential part of food processing, hygiene operatives should not be exposed to risks from unguarded moving parts.

"Companies should be aware that we will not hesitate to take appropriate enforcement action against those that fall below the required standards."

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 4. Guidance on [working safely with machinery](#) is available.
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Entertainment company fined after worker dies from fall

A company in the entertainment industry has been 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.

This stage was a water and wind proof cube for a musical that was due to be performed at the studios.

Mr Bowry was working on the roof of the cube when he fell through the structure and landed 10 metres below. He died from his injuries three days later.



The roof which Mr Bowry was working on

A Health and Safety Executive (HSE) investigation found that ELP Broadcast & Events Ltd had failed to plan and implement a safe system of work. The company also failed to implement its own health and safety policy or ensure there was adequate supervision.

HSE guidance can be found at: [Work at height – HSE](#)

ELP Broadcast & Events Ltd, of Bedford Technology Park, Thurleigh, Bedfordshire pleaded guilty to breaching Section 3(1) of The Health and Safety at Work etc Act 1974. The company was fined £16,000 and ordered to pay £2,968.70 in costs at Luton Magistrates' Court on 22 November 2023.

HSE enforcement lawyer Samantha Wells said: "This tragic incident should not have happened. It is vital the entertainment sector has safe systems of work so when it puts on a good show, the workers behind the scenes are protected at all times."

This prosecution was brought by HSE enforcement lawyer Samantha Wells and supported by HSE paralegal officers Kirsty Crapper and Imogen Isaac.

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[Mother's grief after only son killed while working for major egg supplier](#)

A mother has spoken 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.



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

"My life revolved around Ben, because it has always been just me and him," she said.

"I used to go out every day, even if it was just for a walk, and we used to go on family holidays, all of us with a caravan.

"Now I've got no life. Sometimes I walk the dog at eleven o'clock at night to avoid running into people, I just can't face getting into a conversation with them.

"I find myself keeping my distance from everyone, I just can't cope with the idea of feeling close to someone, even my family.

"My dreams are of Ben when he was younger and I just yearn to be back there. Those years standing on the edge of a football pitch watching him in the freezing cold and now I'd just go back there in heartbeat."

The HGV was attempting a complex manoeuvre towards a narrow thoroughfare at the Seagrave Road premises as Ben Spencer was walking towards it.



HSE inspector Alex Nayar at the scene of the tragedy

An investigation by the Health and Safety Executive (HSE) found that measures in place for segregating pedestrians and moving vehicles were wholly inadequate.

Sunrise Poultry Farms, of Seagrave Road, Sileby, Loughborough, pleaded guilty to breaching Regulation 17 of the Workplace (Health, Safety and Welfare) Regulations 1992 and was ordered to pay a fine of £233,000 plus costs of £8,841 at a hearing at Leicester Magistrates' Court on 22 November 2023.

Ben's tragic death continues to have a significant impact on the lives of Tracey, as well as his friends and family.

"I still can't go in Ben's bedroom," Tracy said.

"It's still the same as the last day he went to work. I can't bring myself to make the bed and have tied the door shut so the dog can't go in there. I have tried to make myself go in there, but I just can't walk across the threshold.

"I cry when I leave the house and I cry when I get back, because he's not here. I hear noises and look up expecting to see Ben coming round the back.

"Sunrise Poultry was Ben's first real job and with it came a conversation about the future, his own home, learning to drive and saving.

"If I could just curl up in a ball I would."

Speaking after the hearing, HSE Enforcement Lawyer Andy Siddall said:

"The company admitted failing to segregate vehicles and pedestrians at its workplace in Sileby and that resulted in the tragic death of Ben.

"Accidents like this simply shouldn't happen and a mother shouldn't have to hold the hand of her son as he lies dying in the workplace.

"So please check your workplace transport risk assessments, think carefully, and ensure that everybody goes home safely."

HSE inspector Alex Nayar said: "Our thoughts today are with Ben's family and friends.

"He was at the start of his working life. He should have returned home safely to them at the end of his working day, but because of the failings of Sunrise Poultry Farms Limited, he did not.

"Ben's death could have easily been prevented if they had adequately assessed and controlled the risks associated with workplace transport, a leading cause of death in the workplace."

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3. Further details on the latest [HSE news releases](#) is available.
4. Guidance on [workplace transport safety](#) is available.

[Company fined as HSE inspection](#)

identifies failures

A manufacturing business in Lincolnshire has been fined for failing to protect its workers from hazardous substances.

A Health and Safety Executive (HSE) inspection of W.S. Barrett and Son Limited's site at Riverside Industrial estate in Boston, Lincolnshire, found the company's workers were being potentially exposed to welding fume and dusts from powder coating.

Welding fume is carcinogenic and can cause other serious illnesses such as occupational asthma. Exposure to coating powders can also cause occupational asthma and skin irritation.



The company was served with Improvement Notices following issues with Local Exhaust Ventilation systems.

The inspection on 25 March 2022 found that an on-tool extraction system on the welding tools was in a poor state of repair and that Local Exhaust Ventilation systems, provided to capture welding fume and dusts from powder coating in order to protect employees' health, had not been thoroughly examined and tested.

A subsequent HSE investigation found W.S. Barrett and Son Limited, a specialist manufacturer for the agricultural and horticultural industries, had failed to ensure that its Local Exhaust Ventilation systems, which controlled workers' exposure to welding fume and dusts from powder coating, had been thoroughly examined and tested.

The company had already been warned about its Local Exhaust Ventilation systems, during a previous HSE inspection on 13 February 2018, the company was served with Improvement Notices following issues with Local Exhaust

Ventilation systems. The company failed to comply and was prosecuted as a result.



The company was served with Improvement Notices following issues with Local Exhaust Ventilation systems.

HSE guidance can be found at: [Welding fume: protect your workers – Overview – HSE & Surface engineering – Reducing risks associated with using coating powders – employers \(hse.gov.uk\)](#)

W.S. Barrett & Son Limited, of Marsh Lane, Boston, Lincolnshire, pleaded guilty to breaching Regulation 9(1) and Regulation 9(2) of the Control of Substances Hazardous to Health Regulations 2002. The company was fined £10,000 and ordered to pay £3,625.20 in costs at Lincoln Magistrates' Court on 22 November 2023.

HSE inspector Stacey Gamwell said: "W.S. Barrett & Son Limited could have ensured that its Local Exhaust Ventilation systems were thoroughly examined and tested to ensure that they were working as intended to protect the health of its employees.

"This case highlights the importance of regular maintenance and inspection of control measures including Local Exhaust Ventilation, to ensure equipment remains in an efficient state, in efficient working order, in good repair and in a clean condition."

This HSE prosecution was brought by HSE enforcement lawyer Jonathan Bambro.

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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>