

# [HSE to prosecute Falcon Tower Crane Services Limited following deaths of three men](#)

A prosecution by the Health and Safety Executive (HSE) is being brought against Falcon Tower Crane Services Limited after a crane collapsed in Crewe, Cheshire and three men lost their lives.

Rhys Barker, 18, from Castleford, David Newall, 36, from Bradford, and David Webb, 43, from Northampton, died following the incident at a construction site on Dunwoody Way on 21 June 2017.

Falcon Tower Crane Services Limited is accused of breaching Section 2(1) and Section 3(1) of the Health and Safety at Work etc. Act 1974.

The charges follow a long and complex investigation by HSE. A Plea and Trial Preparation Hearing is due to take place at Chester Crown Court on 6 October 2023.

## **Notes to Editors:**

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

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# [September 2023 – A roundup of HSE's top stories this month](#)

A campaign launch, an important investigation update, cautions for fraudulent divers, as well as a host of successful prosecutions were among the top stories published by the Health and Safety Executive (HSE) during September.

## **Waste management company fined £3m following HSE investigations**

At the beginning of the month, Valencia Waste Management Limited, formerly known as Viridor Waste Management Limited, were fined a total of £3million

after two men died in separate incidents.

HSE investigated the firm after the deaths of Michael Atkin and Mark Wheatley in 2019 and 2020.

Michael, a 63-year-old HGV driver from Wetherby, was killed while collecting wastepaper bales at the firm's Grendon Road site in Earls Barton, Northamptonshire on 10 October 2019.



Mark Wheatley (right) and his partner Keeley Martin

Just months later, 31-year-old agency worker Mark, died while lifting two skips with a lorry at a depot in Bovey Tracey in Devon on 17 January 2020.

[The devastated families of both men paid tributes to the impact of losing their loved ones](#)

### **Divers and company director receive police cautions for fraud**

Two offshore commercial divers and the director of a diving company were sanctioned for exaggerating credentials.

HSE investigators slammed the trio for false claims of diving experience that could have jeopardised their own and other divers' lives in an offshore incident.

Following the investigation, two divers from the Portsmouth area had their diving qualifications withdrawn.

[Both men and the director of a commercial diving company also received police cautions for fraud.](#)

### **Gas Safety Week: Engineer of the Year discusses career, regulations and diversity**

An award-winning gas specialist at HSE described the "emotionally taxing" week he spent at the site of an explosion that claimed the life of a two-

year-old boy.



Steve (middle) collecting his award at the National Gas Industry Awards

Steve Critchlow, a principal registered gas engineer, was called to Mallowdale Avenue in Heysham, Lancashire, following the blast in May 2021.

He stayed at the site for a week as part of his investigation for HSE.

[His report helped support the conviction of a man who received 15 years in jail for manslaughter.](#)

### **HSE to lead investigation into double fatality at Teesworks site**

On 15 September, we announced that an investigation into the deaths of two men at the Teesworks site in 2019, will be led by HSE.

John Mackay and Tom Williams died following an explosion at the site.

[This remains a criminal investigation that Cleveland Police will continue to support.](#)

### **Grimsby company fined £200,000 after driver suffers chemical burns**

A company in Lincolnshire was fined £200,000 after a driver suffered chemical burns to his feet assuming he was standing in a puddle of rainwater.

The man had been offloading his tanker with a delivery at the Laporte Road site of Tronox Pigment UK Limited, in Stallingborough, Grimsby, on 9 August 2022.

[The driver was actually standing in a pool of water containing caustic, a corrosive chemical substance.](#)

### **Time running out as deadline to register high-rise buildings nears**

On 20 September, a warning was given that time was running out to register high-rise buildings with the Building Safety Regulator (BSR).

It will be a criminal offence for any qualifying building not to be registered with the new regulator after 1 October 2023. Registration opened in April 2023.

[Those responsible for high-rise buildings not registered by the deadline could face significant sanctions, including prosecution.](#)

### **HSE campaign highlights dangers from metalworking fluids**

Businesses are being warned to make sure their staff are safe when working with metalworking fluids or coolants.



HSE inspector Stacey Gamwell with Dane Rawson, director of CNTL Ltd

Exposure to metalworking fluids – also referred to as ‘white water’ – can cause harm to lungs and skin through inhalation or direct contact with unprotected skin; particularly the hands, forearms and face.

[HSE plans to carry out unannounced inspections between now and March 2024.](#)

### **Company fined £1.275m after man crushed to death**

A Birmingham company was fined £1,275,000 after a 26-year-old man was crushed to death during maintenance work at Mountsorrel Quarry in Leicestershire.

Tarmac Aggregates Limited failed to ensure critical defects were recorded and rectified in a timely manner.



Luke and his girlfriend Sarah

Luke Branston, from Leicester, died in the early hours of 21 June 2017 after becoming trapped between a conveyor and a feed hopper.

[His family say they are devastated by his passing.](#)

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## [Company fined £1.275m after man crushed to death](#)

A company in Birmingham has been fined £1,275,000 after a 26-year-old man was crushed to death during maintenance work at Mountsorrel Quarry in Leicestershire.

Luke Branston, from Leicester, died in the early hours of 21 June 2017 after becoming trapped between a conveyor and a feed hopper.

Luke's family, who loved going stock car racing with him every weekend, say they are devastated by his passing.



Luke and his girlfriend Sarah

The contractor, working on behalf of Branston Site Services Limited, was part of a nightshift maintenance team that was repairing a feed hopper at the Loughborough quarry, operated by Tarmac Aggregates Limited.

He had been stood on a conveyor that was located under the feed hopper and had not been effectively isolated – through cutting the power – before the

repair work started.

The conveyor was then inadvertently switched on, trapping Luke against the feed hopper, fatally crushing the 26-year-old.



The feed hopper and conveyor at Mountsorrel Quarry

A Health and Safety Executive (HSE) investigation into this incident found Tarmac Aggregates Limited had failed to ensure the feed hopper was properly isolated before the repair work commenced. The test button on the conveyor electrical panel was not connected to the test circuit and was therefore inoperative. This issue appears to have existed for many years before the incident, meaning Tarmac Aggregates Limited failed to ensure critical defects were recorded and rectified in a timely manner. The company should have also provided a visual and audible pre-start alarm for the conveyor.

HSE guidance can be found at: [Quarries – HSE](#) and [Provision and Use of Work Equipment Regulations 1998 \(PUWER\) \(hse.gov.uk\)](#).



The conveyor at Mountsorrel Quarry

Michael Branston, Luke's brother, said: "I'm definitely not the same person that I was before this incident, I used to be fun and highly motivated, but now I look at things a lot differently and approach things with more caution.

"I always think the worst all the time in situations and I find myself visualising what would happen if I lost a loved one.

"Luke wasn't just my brother, he was my best friend, there with me every step of the way, so the loss was massive for me."

Sharon Branston, Luke's mum, said: "I feel this has made us an emotional family, having guilty feelings for being happy. We are still here and he is not. Six years on, I still have hard days and cry over silly things. I still have Luke's ashes at home as I can't bear the thought of leaving him.



Luke Branston

“Every day I think about Luke and wish he was here still, but I only have memories and photos, that’s all we have left.”

Kevin Branston, Luke’s dad, said: “We had to sell Luke’s house to help with money pressure. The loss of Luke’s house hurt a lot, it was as if I was losing a memory.

“Luke was the youngest child of my four children. Luke is like a missing link in my life – at work and more as we loved going stock car racing as a family every weekend. Luke’s racing took him all over the country. Every bit of spare time he had was spent in the workshop fixing his cars with his brother Micky. I go in the workshop now and find myself just sitting there getting upset looking at his race car, thinking why him?

“Sometimes I feel guilty for still being here when Luke’s not. I miss him all the time.”





Luke Branston

Tarmac Aggregates Limited, of Trinity Park, Bickenhill Lane, Birmingham, pleaded guilty to breaching Section 2(1) and Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £1,275,000 and ordered to pay £200,000 in costs at Leicester Crown Court on 27 September 2023.

HSE inspector Adrian Jurg said: “This is a devastating tragedy that claimed the life of a young man. Luke’s family have made clear the impact his passing has had on their lives and our thoughts remain with them.

“When a company like Tarmac profit from the hard work of contractors like Luke then the very least they owe him and his family is a duty to ensure he gets home safe at the end of his shift.

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

This prosecution was supported by HSE enforcement lawyer Alan Hughes.

#### **Notes to Editors:**

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4. Michael, Sharon and Kevin Branston's statements were presented to the court.

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## [Meat company fined after worker severs fingers](#)

A Herefordshire catering and retail butchers has been fined after a teenage worker severed three fingers and partially a fourth while operating machinery that hadn't been suitably guarded.

On 18 July 2020, the 18-year-old man was operating a grinding machine at LDA Meats Limited, Lyndon Business Park, Lower Road Trading Estate, Ledbury.

While he was mincing some lamb, he slipped on the wet floor and, in an attempt to save himself, put his hand out and into the machine. This caused him to sever his fingers when his hand came into contact with the rotating worm thread in the machine.

HSE has guidance available for operating machinery here: [Equipment and machinery – HSE](#)

An investigation by the Health and Safety Executive (HSE) found the machine had not been suitably and sufficiently assessed to identify the hazardous parts, the risks associated with the machine or the required control measures to prevent access to dangerous parts.

The investigation also found the machine was not subject to routine guard checks. This meant an issue with the safety cut out device within the lid of the machine had not been detected or remedied. It was possible for the machine to be operated with the lid open resulting in access to dangerous rotating parts.

At Kidderminster Magistrates' Court on September 26, LDA Meats Limited of St Ethelbert House, Ryelands Street, Hereford, England, pleaded guilty to breaching Regulation 11(1) of the Provision and Use of Work Equipment Regs 1998. The company was fined £8,000 and ordered to pay costs of £2,339.80.

Speaking after the hearing, HSE inspector Seren Linton said: "This incident could so easily have been avoided – instead a teenage worker was permanently disfigured at the very start of his working life.

"Employers should make sure they properly assess and apply effective control measures to minimise the risks from dangerous parts of machinery."

This HSE prosecution was supported by HSE enforcement lawyer Jon Mack and paralegal officer Helen Jacob.

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  3. Further details on the latest [HSE news releases](#) is available.
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## [HSE campaign highlights dangers from metalworking fluids](#)

- Regulator warns of risks and need for health checks
- HSE inspections to target use of specialist machines
- Director of inspected firm says "don't feel intimidated"

Businesses are being warned to make sure their staff are safe when working with metalworking fluids or coolants.

It's a highly technical, specialist field applying precision engineering – but can also cause harm to the lungs and skin.

Past inspections by the Health and Safety Executive (HSE) have uncovered poor performance around control of metalworking fluids in businesses that use computer numerical control (CNC) machines.



A local exhaust ventilation (LEV) was installed on the CNC machines after a HSE visit

Exposure to metalworking fluids – also referred to as ‘white water’ – can cause harm to lungs and skin through inhalation or direct contact with unprotected skin; particularly the hands, forearms and face.

Breathing in the mist generated by machining can lead to lung diseases such as occupational asthma and occupational hypersensitivity pneumonitis.

Manufacturing businesses should implement control measures and carry out health surveillance checks with occupational health professionals.

More about the campaign, and tips on how to keep workers safe, can be found [here](#).

### [Machinists and metalworking fluid – Work Right to keep Britain safe](#)

HSE inspector Fiona McGarry, said: “Lung problems and irritated skin don’t have to be associated with working with metalworking fluid if you take the right precautions.

“It is really important that control measures and fluid quality checks are in place to keep workers healthy. Health checks are essential to identify signs of ill-health early.”

To support the campaign, HSE will carry out inspections to look at how employers are ensuring workers are protected from exposure to fluid or mist generated by CNC machines across Great Britain.

Britain’s workplace regulator plans to carry out unannounced inspections between now and March 2024.

One business to have received such a visit was Nottingham-based engineering firm CNTL Ltd, earlier this year. Dane Rawson, the firm’s director, was apprehensive at first but soon saw the inspector was there to help.



HSE inspector Stacey Gamwell with Dane Rawson, director of CNTL Ltd

He said: “I’m new to this side of the business, I haven’t dealt with a health and safety inspection before. At first, I was cautious, but it didn’t take long for the inspector to make us feel comfortable. She wasn’t trying to catch us out.”

The inspection showed the company had safe working practices in some areas, but it was asked to install local exhaust ventilation (LEV) on its CNC machines.

Dane and the team have noticed the difference: “We have several high-tech machines that constantly use pressurised coolant – it’s bound to create a mist.

“It was something we were aware of and had explored the option of installing LEVs, however as a result of HSE’s visit we wanted to follow their advice and action this sooner.

“We’ve noticed now that the smell of coolant is no longer there and air quality is much improved. It’s definitely a cleaner and safer environment to work in. The staff feel like we’ve done the right thing for them and know their wellbeing is a priority of ours.”

To reduce exposure, you need control measures in place. Local exhaust ventilation (LEV) should be fitted on CNC machines to carry away any harmful metalworking fluid mist, which is difficult to see in normal lighting.



Dane Rawson, director of CNTL Ltd, with HSE inspector Stacey Gamwell

Fluid quality should be regularly checked focusing on concentration, pH, bacteria and contaminants. Fluid systems can become highly contaminated with harmful bacteria.

Where there is exposure to fluid or mist, it is a legal requirement to carry out health surveillance even when preventative controls are in place. You will need to involve an occupational health professional and workers should be encouraged to report any health symptoms that occur.

Regular fluid checks are a part of CNTL’s weekly routine. They outsource to a company that carries out weekly coolant and dipslide checks.

The HSE inspection has had a positive impact on Dane, making him more interested in creating an environment that protects his team’s health as well as safety. He recently attended a trade fair in Germany, partly to understand the approach on the continent.

Dane's message to any company that will be inspected is simple: "Don't feel intimidated. They are only there to benefit you, your company and your staff."

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