

Sole trader fined following workers' exposure to hazardous substance

A Lincolnshire-based sole trader has been fined after his employees were exposed to a hazardous substance.

The Health and Safety Executive (HSE) prosecuted Chris Buckley, trading as The Furniture Chest, after the workplace regulator inspected the firm's site on Station Road, Heckington, Lincolnshire, on 7 April 2022.

HSE inspectors found a significant build-up of wood dust and that Local Exhaust Ventilation systems, provided to capture wood dust and protect employees, had not been thoroughly examined and tested.

A subsequent HSE investigation found Chris Buckley had failed to prevent or adequately control employees' exposure to wood dust and had failed to ensure that Local Exhaust Ventilation systems had been thoroughly examined and tested. Improvement Notices had been served in relation to the control of wood dust at previous inspections.





Wood dust is a hazardous substance and exposure can lead to workers suffering from respiratory diseases such as asthma and sino-nasal cancer.

HSE has guidance on working in the [woodworking industry](#) and is running the [Dust Kills: Wood Dust campaign page](#), which provides free advice to businesses and workers on the control measures required to prevent exposure to dust.

Chris Buckley of Heckington, Sleaford, Lincolnshire, pleaded guilty to breaching Regulations 7(1) and 9(2) of the Control of Substances Hazardous to

Health Regulations 2002. He was fined £1,354 and ordered to pay costs of £3,578 at Boston Magistrates' Court on 9 October 2023.

HSE inspector Muir Finlay said: "Chris Buckley could have ensured that his Local Exhaust Ventilation systems were thoroughly examined and tested to ensure that they were working to protect the health of employees. A suitable and sufficient cleaning regime could have been implemented to further reduce the build-up of dust.



"HSE recognises wood dust can cause serious health problems and launched its

[Dust Kills campaign](#) to help businesses to take action now to protect their workers' respiratory health."

This HSE prosecution was supported by HSE enforcement lawyer Rebecca Schwartz.

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
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>

[Company fined after worker crushed to death](#)

A recycling company has been fined £40,000 after its failure to maintain the lifting equipment on a refuse vehicle caused the death of an employee.

Henry Chambers had been working for Bin Busy Recycling Limited at an aggregates site run by another company in Charlton, London, when the incident occurred on 5 July 2019.

The 65-year-old, from Dartford, had been unloading glass bottles from the refuse vehicle at an unloading bay at the site before he became trapped between the vehicle's tailgate and hopper.



The bin lorry at HSE's laboratory in Buxton, Derbyshire

He sustained multiple crush injuries and died in hospital four days later.

Mr Chambers' wife, Gail, said: "The Christmas before Henry died, we had just celebrated our 40th wedding anniversary. It was a 40-year marriage which shouldn't have ended as abruptly as it did.

"Henry was 65 and he kept saying he wanted to retire but there was no set time. There were lots of things we wanted to do when he retired. His big dream was to hire a Winnebago and drive Route 66, but he would have been just as happy down in Cornwall. His big things were holidays and family."

A Health and Safety Executive (HSE) investigation into the incident identified multiple faults with the refuse vehicle's lifting equipment, with some parts excessively worn and even missing. The equipment had not been thoroughly examined by a competent person after Bin Busy purchased the vehicle in April 2017.

A thorough examination is a systematic and detailed examination of the equipment and its safety-critical parts, carried out at specified intervals by a competent person. In the case of this vehicle's lifting equipment, a thorough examination should have been carried out every 12 months. Although Bin Busy had arrangements in place for the vehicle to be maintained, these were focused on its roadworthiness and did not include inspection and maintenance of its lifting equipment.

HSE guidance can be found at: [Thorough examinations and inspections of lifting equipment \(hse.gov.uk\)](https://www.hse.gov.uk/lifting-examinations)

Bin Busy Recycling Limited, of Standard Wharf, Manor Road, Erith, Kent, pleaded guilty to breaches of Regulation 9(3) of the Lifting Operations and

Lifting Equipment Regulations 1998 and Regulation 5(1) of the Provision and Use of Work Equipment Regulations 1998. The company was fined £40,000 and ordered to pay £22,338.24 in costs and the victim surcharge of £181 at Westminster Magistrates' Court on 9 October 2023.

HSE inspector Gordon Carson said: "Regular proactive maintenance and inspection of work equipment is vitally important to ensure equipment does not deteriorate to the extent that it puts people at risk or, as was tragically the case here, causes fatal injuries. Bin Busy failed to effectively maintain the lifting equipment on this refuse vehicle or arrange for it to be thoroughly examined in accordance with specified timescales."

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. Attached picture of the bin lorry at HSE's laboratory in Buxton, Derbyshire.

[Unregistered gas fitter jailed for illegal and unsafe gas work](#)

A West Midlands self-employed plumber has been jailed after carrying out further illegal and unsafe gas work.

During 2020 and 2021, Daniel Kelly Mountain, installed and worked on gas boilers and performed gas work when he was not registered as an individual with the Gas Safe Register. He also falsely advertised himself as being Gas Safe Registered. By law all gas businesses and individuals who perform gas work must be on the Gas Safe Register.

Official Gas Safe Register inspectors who checked on the work carried out by Mr Mountain found it to be unsafe, left in a condition of being 'immediately dangerous' or 'at risk'. This placed the occupiers at risk to their safety.

A previous investigation by the Health and Safety Executive (HSE) in 2016 resulted in Mr Mountain being warned not to carry out any gas work until he was registered with Gas Safe Register. He was issued with a Prohibition Notice preventing him from carrying out further gas work until he was

competent to do so and had become registered with the Gas Safe Register. However, Mr Mountain breached the Prohibition Notice and performed unsafe and unlawful gas work at a number of domestic properties across the West Midlands.

HSE guidance can be found at: [Gas – HSE](#) and details on the [Gas Safe Register](#) is widely available.

At Wolverhampton Crown Court on 6 October, Mr Mountain formerly of Wellington Court, Bilston, Wolverhampton, pleaded guilty to one breach of the Gas Safety (Installation and Use) Regulations 1998 Regulation 3(7), two breaches of section 3 of the Health and Safety at Work etc Act 1974, and one breach of section 22 of the Health and Safety at Work etc Act 1974. He received a 12-month custodial sentence.

Speaking after the hearing, HSE inspector Marie-Louise Riley-Roberts said: “Mr Mountain knew that he was not registered to undertake gas work, but still put the occupiers at risk by carrying out the work.

“All gas work must be done by a registered Gas Safe engineer to ensure the highest standards are met to prevent injury and loss of life.

“A gas boiler must be properly commissioned by a competent registered gas engineer before being left operating otherwise you cannot be sure that it is working safely. Please let this be a warning to other rogue gas fitters.”

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2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.

[Dog food boss spared jail after teenager lost finger on first day at work](#)

The director of a dog food company has been given a suspended prison sentence

after a teenage boy severed and lost his finger on his first day working at the firm.

Company director Gary Pitchford was given a six-month custodial sentence, which was suspended for a period of 12 months.

The new starter, who was 16 at the time, had been hired by Finer By Nature after leaving school and began working there on 15 July 2020.

Kidderminster Magistrates Court heard that the middle finger on the teen's right hand was sliced off while assisting another worker operating a food processing machine, used to package dog food, at the company's site at Whitestone Business Park in Hereford.

Despite there being an interlock guard on the machine, the young worker, who is now 19, was instructed to stand on a step ladder and put his hands into the hopper bowl to scrape meat into the base where there were dangerous moving parts of the machine.

This led to his middle finger being severed by the machine. He had two operations to close off the wound following the incident and stayed in hospital for six days in total.

The male said in a statement: "The emotional effect on me has been huge. At 16-years-old I felt so self-conscious, and this stopped me socialising, especially around strangers as they would always ask about my stump. I became very snappy with people including my own family because the trauma of what had happened upset me so much, it affected my mood and behaviour.

"I was experiencing flashbacks and phantom pains in my finger at night-time. Any sound that went snap caused a major flashback because I remember hearing the bone in my finger snap in the machine. I have never returned to the place where this happened, I actually don't even go down the road where the factory is, the thought of it all still makes me feel sick and faint."

A Health and Safety Executive (HSE) investigation found Finer By Nature had failed to make suitable and sufficient assessments of the risks involved with this type of work and that Gary Pitchford, the director at Finer By Nature, had neglected to manage the safety of employees using the food processing machine.

Finer By Nature, of Whitestone Business Park, Whitestone, Hereford, pleaded guilty to breaching Regulation 3(1) and 3(4) of the Management of Health and Safety at Work Regulations 1999 and Regulation 11(1) Provision and Use of Work Equipment Regulations 1998. The company was fined £34,000 and ordered to pay £4,564.15 in costs at Kidderminster Magistrates' Court on 5 October 2023.

Gary Pitchford, of Whitestone Business Park, Whitestone, Hereford, pleaded guilty to breaching Section 37 of the Health and Safety at Work etc. Act 1974. He was sentenced to a six-month custodial sentence for each of the three offences to run concurrently, suspended for 12 months and 180 hours of unpaid work.

HSE inspector Sara Lumley, said: “This incident occurred on the first day of this young person’s work.

“The machine was adequately guarded, and correct use of the guard would easily have been prevented this incident. The risks should have been identified before the machine was used.

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

“The sentence handed out should act as a reminder to all employers that they will be punished if they don’t protect their workers.”

This prosecution was supported by HSE enforcement lawyer Jon Mack.

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[Woodworking company fined for dust exposure](#)

A Norfolk woodworking company has been fined £25,000 for failing to control its employees’ exposure to wood dust.

A Health and Safety Executive (HSE) inspection of The Joinery Yard Limited at Sweet Briar Road industrial estate, Norwich in November 2019 identified failings in the company’s control measures to prevent exposure of their employees to wood dust. As a result, enforcement action was taken.

Wood dust is a respiratory sensitiser that can cause long term health effects including occupational asthma.

A subsequent inspection in July 2022 showed that the company had failed to maintain standards and enforcement action was taken again. This inspection identified ongoing failings in the company’s control measures and found that they had failed to take appropriate precautions to ensure the safety of

workers exposed to wood dust.

HSE has guidance on working in the [woodworking industry](#) and is running the [Dust Kills: Wood Dust campaign page](#).

At a hearing at Norwich Magistrates' Court on 4 October, The Joinery Yard Ltd of Aylsham Road, Norwich, Norfolk pleaded guilty to breaching the Health and Safety at Work Act 1974, Section 2 (1). They were fined £25,000 and ordered to pay costs of £2681.77.

After the hearing, HSE Inspector Natalie Prince said "The fine imposed on The Joinery Yard Limited should underline to everyone in the woodworking industry that the courts, and HSE, take a failure to follow the regulations extremely seriously.

"Wood dust can cause serious health problems and all businesses need to protect their workers' respiratory health.

"We will not hesitate to take action against companies which do not do all that they should to keep people safe."

This HSE prosecution was supported by HSE enforcement lawyer Sam Crockett and paralegal officer Rebecca Forman.

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