

Waste company director sentenced over failure to comply with HSE notices

A director of a Kent waste company has been disqualified from being a director for five years for his role in its failure to comply with two Improvement Notices served by the Health and Safety Executive (HSE).

David Richard Barker, director of BSP (Knockholt) Limited, was also sentenced to two 12-month community sentences, to run concurrently, to include 12 months of supervision and 80 hours of unpaid work.

An HSE inspection in August 2020 found that employees manually sorting through waste in the company's yard near Orpington were at risk of being struck by heavy machinery, and that there were inadequate rest facilities for them to use during break times.

Two Improvement Notices were served on the company in September 2020, and a date for compliance in October 2020 was set. [Improvement Notices](#) can be served on companies or individuals when HSE inspectors are of the opinion that they are breaching health and safety regulations. They are given a specified amount of time to improve their practices to comply with their legal duties.

However, a further site inspection in February 2021 found that the company had not complied with either notice. The company went into liquidation in 2022 but [it was prosecuted and fined £150,000](#) in March 2023.

Mr Barker, one of the company's directors and its main controlling party, told HSE during that he had appealed against the Improvement Notices but did not provide any evidence. In an email sent to an inspector, he also suggested that the only way to resolve differences of opinion between HSE and the company about the safety of its working practices would be for HSE to bring a prosecution against it.

Although Mr Barker was not present at the site during either inspection, HSE inspectors were told to direct all enquiries regarding health and safety to him.

At Croydon Crown Court, David Richard Barker, of Crockham Hill, Edenbridge, Kent, was previously found guilty after trial of breaching Sections 37(1) and 33(1)(g) of the Health and Safety at Work etc Act 1974, in that the offences of contravening the requirements imposed by the Improvement Notices were committed with his "consent, connivance or were attributable to his neglect", such that he, in addition to BSP (Knockholt) Limited, was guilty of the offences.

On 20 May 2024, he was sentenced to two 12-month community sentences to run concurrently, disqualified from being a director for five years, and ordered to pay £10,000 towards prosecution costs.

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.