



Induction failings lead to electrocution

SF (UK) Ltd, trading as British Gas, of Millstream, Maidenhead Road in Windsor, was fined £35,000 with £65,000 costs at St Albans Crown Court. This followed an incident on 7 June 2005 when SF (UK) Ltd engineer Ricky Cronin was attending a residential call-out in Cuffley, near Waltham Cross. Whilst repairing a washing machine motor fault, Mr Cronin made contact with live parts after removing the back panel and was electrocuted as the power was left on.

Mr Cronin was only in his 5th week of employment with the company, although he did have previous experience. As part of the induction programme he was accompanied on the job by a more experienced colleague.

The HSE investigation found that the induction training provided by SF (UK) Ltd was insufficient, and there was a lack of adequate risk assessments for the task.

HSE Inspector, Rauf Ahmed said:

“I hope this tragic incident makes it clear to employers, large and small, that they need to take positive action to manage risks and ensure staff receive adequate training when starting in a new job. A significant number of incidents involving electricity at work are reported each year and sadly some of those hurt lose their lives as a result of their injuries. There is plenty of advice and guidance available both from industry and HSE to help comply with the law and keep people safe when working with electricity.”

The company admitted breaching s2(1) HSWA and reg 5(1) MHSWR 1999.

Fatal Forklift accident

Two companies have been prosecuted and fined following a fatal accident involving a fork lift truck. MB Plastics Ltd was charged with failing to ensure the safety of employees, under s2(1) HSWA whilst involved in operating and working with, or in the vicinity of, a telescopic fork lift truck. Birse Water Ltd was charged with failing to ensure the safety of people not in its employment, under s3(1) HSWA.

The prosecution of two companies came in relation to the incident at the Davyhulme Waste Water Treatment Works, Rivers Lane, Trafford, Greater Manchester, on 18 September 2003. MB Plastics Ltd and Birse Integrated Solutions Ltd were sentenced at Manchester Crown Court on Minshull Street on Tuesday 30 June.

The court heard that Birse had failed to ensure that MB Plastics Ltd prepared suitable and sufficient risk assessments in relation to its telescopic forklift truck operations. It also found

that Birse had failed to adequately monitor MB Plastics Ltd.

Judge Peter Lakin said, although there were no witnesses to the incident, the most likely explanation is that the deceased man leant out of the cab window and came into contact with the joystick, bringing the arm of the forklift truck down onto him. The vehicle's off-side cab window normally acted as a guard, but had been damaged during a lifting operation five weeks before the fatality. At the time of the incident, the cab window was entirely missing. MB Plastics Ltd of Forward Works, Woolston, Warrington, pleaded guilty and was fined £150,000 and ordered to pay costs of £24,323. The principal contractor for the project, Birse Water Ltd, which is now trading as Birse Integrated Solutions Ltd of Alexander House, Station Road, Cheadle Hulme, also pleaded guilty. It was fined £50,000 and ordered to pay costs of £41,073.

HSE Inspector Warren Pennington said:

"This incident would have been entirely avoidable if the proper health and safety procedures had been followed. MB Plastics Ltd did not have a system in place for formal regular inspections of the plant. As a result, the company failed to maintain the cab window which could have saved this man's life. Birse, the principal contractor on the site, also had a duty to supervise its subcontractors properly. The company had a comprehensive management system but it was not implemented and, as a result, something as simple as a missing window was not spotted. This incident emphasises how important it is that companies should not only ensure they have the proper procedures in place – but also ensure they are followed."

Passing sentence, Judge Lakin said:

"MB had primary responsibility for the welfare of its employees. The harsh reality of this case is that, in relation to this contract, MB completely failed to have any proper regard to their health and safety obligations. This directly led to the development of an unsafe and sloppy system of work in relation to the use of telehandlers. As a result MB's workforce was exposed to completely unnecessary and avoidable risk. Birse, as principal contractors on site, failed to implement their own systems and accordingly failed to properly monitor what MB were doing. This lack of monitoring allowed MB's disregard for health and safety to continue over a number of weeks. In short, Birse failed in their supervisory role."

Workers gassed at rendering plant

At Forfar Sheriff Court Sacone Environmental Ltd of Brechin was fined £12,000 after pleading guilty to breaching Section 3(1) HSWA.

Following the hearing the HSE has warned companies about the dangers of fumes building up in confined workspaces. It urged that checks be made to ensure areas are well ventilated and monitored and that workers have an easy means of escape in the event of an emergency.

In this particular case, which dates from July 2007, the men were overcome by hydrogen sulphide as they delivered animal waste from the neighbouring abattoir to a waste pit in

preparation for incineration. They collapsed and lay unconscious in the waste intake area of the plant before being rescued and taken to hospital. One was kept in the intensive care unit overnight.

The court heard that the waste intake area had no gas monitors or alarms installed and its enclosed nature meant there was little exchange of air, effectively making it a confined space. To reduce emissions from the rendering processes, the plant is enclosed by the fabric of the building. Access to, and exit from the building was controlled by two sets of doors, only one of which can be opened at a time, to prevent the escape of gases and odours. Waste is tipped into a pit and may remain there for hours or days before being processed and incinerated.

HSE Investigating Inspector John Radcliffe commented:

“This accident was entirely foreseeable and preventable. It was foreseeable that hydrogen sulphide could accumulate in this plant; and there are reasonably practicable controls available to reduce the risks for exposure to the gas in that area. Such areas should be well ventilated and gas monitoring equipment, designed to provide an alert in the event of a gas build up, should have been provided. There was no quick means of escape from this area of the plant, nor was protective respiratory equipment provided. Hydrogen sulphide is an acutely toxic gas to humans. There have been numerous fatal workplace poisonings in industries including leather plants, animal houses, sewerage and effluent treatment sumps and other confined spaces.”

Pedestrian Safety

Dairy Farmers of Britain Ltd, of London Road, Nantwich, Cheshire, was fined £10,000 and ordered to pay £2,916 costs at Lincoln Magistrates' Court on Wednesday 24 June after pleading guilty to breaching Regulation 12(1) and Regulation 17(1) of the Workplace (Health, Safety and Welfare) Regulations 1992.

On 18 June 2008 at the Boutham Park Dairy, Boutham Park Road, Lincoln, a ride-on pallet truck and a forklift truck collided on site between the main fridge and the production areas, injuring the ride-on pallet truck driver.

The injured man, Mr John Reader, who suffered multiple fractures to his lower right leg, was taken immediately to Lincoln County Hospital where he received treatment for his injuries. Following the investigation it was identified that the traffic routes were not organised in such a way that pedestrians and vehicles could circulate in a safe manner. Although not a contributory factor to the incident, it was also identified that the floor surfaces on the traffic routes were unsuitable. There were several areas of damage and the floor was almost constantly wet, making it slippery for both vehicles and pedestrians.

Scott Wynne, HSE Inspector, said:

“This incident could have been avoided if the company had organised the workplace so that vehicles could operate safely in a set area. All companies must assess the risks when pedestrians and vehicles, such as forklift trucks, work in close proximity and take appropriate precautions which are well documented in HSE guidance.”

Ed Reg 17(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 states: “Every workplace shall be organised in such a way that pedestrians and vehicles can circulate in a safe manner.”

Reg 12(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 states: “Every floor in a workplace and the surface of every traffic route in a workplace shall be of a construction such that the floor or surface of the traffic route is suitable for the purpose for which it is used.”

Missing Guards

The HSE has prosecuted Crest Engineering Company Ltd after finding safety guards missing or not in use on several ‘milling’ machines, which are used to shape metal. The company had previously been ordered to replace the guards on the machines at its factory, at Throstle Bank Works on Dukinfield Road in Hyde, but they were later removed or unlocked. Crest Engineering, which is based at Stamford House on Stamford Street in Stalybridge, pleaded guilty to two health and safety offences at Trafford Magistrates Court on Tuesday 23 June. It was fined £13,000 and ordered to pay costs of £3,003.

The company was prosecuted for breaching Section 2(1) HSWA by failing to ensure the safety of its employees. It was also charged with breaching Regulation 11(3) PUWER for failing to make sure the machine guards were well maintained, in an efficient working order and in good repair.

HSE Inspector David Norton said: “Crest Engineering took a deliberate decision to remove the safety guards on the machines despite receiving a formal warning from us about the issue. Safety guards are there for a reason and, by not providing them, the company put the lives of its employees in danger. Factory work can be extremely dangerous and so it’s vital that the risks are reduced to a minimum.”

The HSE first served Crest Engineering with an Enforcement Notice in 1999 for failing to have a safety switch on a piece of machinery. When inspectors visited the site again in 2001, they served eight Enforcement Notices after finding safety guards missing on several machines.

Witness statements given to the HSE revealed that, although the guards were initially provided following the visit, they were removed or put out of use within a few months. Inspectors took the decision to prosecute the company after revisiting the site in May 2007.

Ed - reg 11(3) PUWER states: "All guards and protection devices...shall:

- (a) be suitable for the purpose for which they are provided;
- (b) be of good construction, sound material and adequate strength;
- (c) be maintained in an efficient state, in efficient working order and in good repair;
- (d) not give rise to any increased risk to health or safety;
- (e) not be easily bypassed or disabled;
- (f) be situated at sufficient distance from the danger zone;
- (g) not unduly restrict the view of the operating cycle of the machinery, where such a view is necessary; and
- (h) be so constructed or adapted that they allow operations necessary to fit or replace parts and for maintenance work, restricting access so that it is allowed only to the area where the work is to be carried out and, if possible, without having to dismantle the guard or protection device."

The company got off lightly in the circumstances!

Shredded

Snowflake Animal Bedding Ltd of Ashton-under-Lyne but with a manufacturing plant in Boston, Lincolnshire, was fined £13,300 and ordered to pay costs of £8,655.16 at Boston Magistrates' Court after pleading guilty to breaching section 2(1) HSWA. The company was also fined £3,400 after admitting breaching reg 9(1) PUWER for failing to ensure employees had adequate training for driving fork lift trucks.

On 23 January 2007, an employee – a migrant worker from Poland who had been in the country for just over 6 months at the time of the incident - was working at the company's manufacturing plant at Marsh Lane on the Riverside Industrial Estate in Boston. He was standing on a conveyor belt which fed hay bales into the shredder, cutting strings that were holding bales together. As the bale fell apart, the man lost his balance and fell into the shredder.

Prosecuting, HSE Inspector Judith McNulty-Green said:

"Amazingly, the worker managed to pull himself out of the shredder, but he suffered very serious injuries to his hand, wrist, feet, legs and hip. Some of his wounds were very deep and he needed several skin grafts. The sad thing is that these injuries could have been so easily prevented. The employee should have been standing on a platform to carry out his work, not on the conveyor belt. However, during our investigation it became evident that even if employees did stand on the platform to cut the string, there would be occasions that the hay got tangled and standing on the conveyor to resolve such problems became custom and practice. It was unacceptable for the company to allow this practice to become commonplace and I hope that other companies can learn from this incident and ensure their responsibility to staff safety is of paramount importance."

During the HSE's investigation, it also came to light that the company was not giving staff adequate forklift truck driver training.

Mrs McNulty-Green added:

"Although not directly related to this incident, it became apparent during our investigation that many staff, including the injured man, were not given enough instruction for them to be able to drive and operate the forklifts safely. This is something that should have been done as a matter of course to ensure the safe operation of the factory."

Taken to the cleaners

Following the service of 19 enforcement notices between September 2004 and October 2008 the HSE have prosecuted T.J. & S. Jenkinson Ltd for persistent failings, which put employees at risk of serious harm to their health and safety.

The company makes cleaning products and is based on Sankey Valley Industrial Estate in Earlestown. It was ordered to pay a fine of £30,000 for three offences at St Helens Magistrates Court on Wednesday 17 June, and was also ordered to pay costs of £24,527.

The company pleaded guilty to breaching reg 7(1) COSHHs 2002, reg 5(1) PUWER 1998 and a failure to comply with an Improvement Notice.

The charges related to Jenkinson failing to control adequately the exposure of an employee to hazardous substances in its powder plant room, failing to maintain a Hyster forklift truck which had a history of steering problems, and failing to comply with an Improvement Notice requiring training to be given to employees exposed to hazardous substances.

HSE Inspector Mark Burton said:

"Jenkinson failed to provide safe systems of work and safe working equipment over a prolonged period, putting the health and safety of employees at risk. Enforcement notices should act as a wake-up call for companies to improve their health and safety procedures. Unfortunately, Jenkinson appears to have ignored the warnings and put production before safety. The company made no significant progress in improving health and safety standards, despite being served with Prohibition and Improvement Notices. The situation only started to get better after Jenkinson was invited to attend an interview under caution, and advised to take legal advice. The company then began to appreciate the seriousness of its failings. I hope this case will help to remind companies that the HSE will not accept repeated failings in health and safety. We will prosecute in instances where there is a potential for harm, rather than waiting for someone to be badly injured."

Jenkinson's early guilty plea was taken into consideration by the court and the case was not sent to Crown Court for sentencing, where the company could have received an unlimited fine.

Ed - The HSE issues enforcement notices when it finds serious breaches of health and safety regulations. There are two types of notices – improvement and prohibition. Improvement Notices require changes to be made by a particular date, and Prohibition Notices stop work from taking place until specific improvements have been made.

Reg 7(1) COSHH 2002 states: “Every employer shall ensure that the exposure of his employees to substances hazardous to health is either prevented or, where this is not reasonably practicable, adequately controlled.”

Reg 5(1) PUWER1998 states: “Every employer shall ensure that work equipment is maintained in an efficient state, in efficient working order and in good repair.”

Section 33(1)(g) of the Health and Safety at Work etc Act 1974 states: “It is an offence for a person to contravene any requirement or prohibition imposed by an improvement notice or a prohibition notice.”

The Health and Safety Offences Act 2008 increased the maximum penalty for offences committed after January 2009 which breach health and safety regulations. Each offence now has a maximum penalty of £20,000 and/or six months imprisonment in a Magistrates Court, and an unlimited fine and/or two years imprisonment for cases referred to Crown Court

Risk Assessments are crucial

Eurolift (Tower Cranes) Ltd has been sentenced for its part in an incident that led to the death of two workers and injured a third in February 2005.

WD Bennetts Plant & Services Ltd was found guilty of breaching section 3 (1) HSWA reg 8(3) Construction (Health, Safety and Welfare) Regulations 1996. Eurolift (Tower Cranes) Ltd pleaded guilty to breaching s2(1) HSWA and Reg 8(3) of the Construction (Health, Safety and Welfare) Regulations 1996.

After the conviction in March, WD Bennetts Plant and Services Ltd was put into administration. On 7 May 2009, the company’s name was changed to ‘WDB1’. Eurolift (Tower Cranes) Ltd still exists but is no longer trading.

In court speaking about Eurolift (Tower Cranes) Ltd, the Judge William Wood, stated his belief that the breach was serious enough to attract a fine in the region of £100,000 to £200,000. However taking into account the current financial state of the company he imposed a fine of £50,000 and ordered them to pay costs of £1,000.

The prosecution followed an incident on a construction site at a school in Durrington, Worthing, on 11 February 2005. The deceased men, Steve Boatman and Gary Miles, had been working on the jib of a crane. A third man, who was injured in the incident, was working on the mast of the crane. He was instructed to start de-torquing the mast bolts of the crane. He should have slacked off the bolts one-by-one, and then re-tightened each bolt in turn, but he was not trained in this job and he failed to re-tighten the bolts leaving them

part un-done. This caused the crane to collapse as it was turned.

Mr Boatman and Mr Miles were flung from the crane and died from injuries sustained in the fall. The third victim suffered several broken bones and lacerations.

The Judge, His Honour William Wood said:

“It seems to be right that Eurolift should discontinue trading rather than for me to impose a trivial fine that does not reflect the gravity of the offence.”

HSE Inspector Peter Collingwood, who led the investigation, said:

“This was a wholly avoidable tragedy in which two men lost their lives and another was seriously injured. There was potential for many more lives to be lost. We would urge all employers to ensure employees are properly trained and understand the risks involved in the work they do.”

Crown Censure

The Health and Safety Executive has called HM Prison Service to account over a case of Legionnaires Disease at Nottingham Prison.

An inmate at Nottingham Prison was diagnosed with Legionnaires Disease on 8 March 2006. The HSE conducted a thorough and detailed investigation to determine the likely source of exposure. High levels of legionella bacteria were discovered in the hot and cold water system in the prison’s Health Unit.

The HSE found the Approved Code of Practice for controlling legionella bacteria in water systems had not been followed. This was a breach of Section 3 HSWA 1974.

HM Prison Service attended a formal Crown Censure Hearing at HSE’s Nottingham Office on 12 June 2009. HM Prison Service accepted the Crown Censure after explaining the action it had taken to prevent a recurrence at Nottingham Prison or its other prisons.

HSE Director for the Midlands Nick Ratty says the system for managing health and safety at Nottingham Prison had not been effective in controlling this well-known risk.

“The standard was far below what is appropriate for a Prison,” Mr Ratty said.

“This case highlights the need for employers to properly manage hot and cold water systems and manage the risk from legionella bacteria where vulnerable people may be at risk.”

Ed - Whilst the HSWA applies to Crown bodies, including departments and agencies, Crown immunity means such bodies are excluded from the provisions for statutory enforcement, including prosecution and penalties. HSE enforces health and safety law in relation to such Crown bodies in Great Britain through Crown Censure.

Shattering plunge

Kettering-based Dodson and Horrell Limited were fined £2,000 and ordered to pay costs of £2,255 at Kettering Magistrates Court today, Thursday 11 June, after pleading guilty to breaching Health and Safety legislation.

Dodson and Horrell contravened Regulation 3(1)a (the information says 3(1)) of the Management of Health and Safety at Work Regulations 1999 in that they failed to make a suitable and sufficient assessment of the risks to the health and safety of their employees undertaking maintenance that involved working at height.

On 17 July 2008, at the company's premises in Ringstead, Northamptonshire, a 53-year-old local worker was oiling the chains on a machine that stacks bags of animal feed onto pallets, when he fell approximately six feet, resulting in bruised ribs and a punctured lung.

Prosecuting, HSE Inspector Michelle Morrison said:

"The risks of working at height always need to be fully assessed as every month 1,000 workers suffer a serious injury following a slip, trip or a fall in the workplace. The outcome of this incident, the injuries and the subsequent fine remind us that the results can be serious for people and for businesses that fail to comply with their health and safety duties."

Risk assessment failures lead to death

SF (UK) Ltd, trading as British Gas, of Millstream, Maidenhead Road in Windsor, was fined £35,000 with £65,000 costs at St Albans Crown Court

As we have reported previously, on 7 June 2005, SF (UK) Ltd engineer Ricky Cronin was attending a residential call-out in Cuffley, near Waltham Cross. Whilst repairing a washing machine motor fault, Mr Cronin made contact with live parts after removing the back panel and was electrocuted as the power was left on.

Mr Cronin was only in his 5th week of employment with the company, although he did have previous experience. As part of the induction programme he was accompanied on the job by a more experienced colleague.

The HSE investigation found that the induction training provided by SF (UK) Ltd was insufficient, and there was a lack of adequate risk assessments for the task.

HSE Inspector, Rauf Ahmed said:

"I hope this tragic incident makes it clear to employers, large and small, that they need to take positive action to manage risks and ensure staff receive adequate training when starting in a new job. A significant number of incidents involving electricity at work are reported each year and sadly some of those hurt lose their lives as a result of their injuries."

The company had admitted breaching section 2(1) HSWA reg 5(1) MHSWR 1999.

Jail for breaching a Prohibition Notice

Kevin Hall of Woodpecker Way, Cannock, trading as Norfix Plumbing and Heating has been jailed for 84 days for carrying out gas work in contravention of a Prohibition Notice.

The court heard that HSE started an investigation into work carried out by Mr Hall after receiving a complaint concerning gas work undertaken at a house in Cannock in 2008. Mr Hall had replaced an old gas boiler after falsely claiming to be CORGI registered. Until April of this year, when the Gas Safe Register was introduced, gas engineers were legally required to be registered with CORGI. Mr Hall used another engineer's CORGI registration number on paperwork that he gave to the householder.

When the work was inspected by a CORGI registered engineer, it was found to be 'not up to current standards' although it appeared to pose no major risk to the occupants.

In July 2008, a Prohibition Notice was issued against Mr Hall preventing him from carrying out further gas installation work. Despite attempts by HSE staff to contact Mr Hall, he did not get in touch. The ensuing HSE investigation uncovered further boiler installations in Cannock and nearby Brocton that had been completed in December 2008 after the Prohibition Notice had been served. At both addresses, Hall had falsely claimed to be CORGI registered and left the households with heating systems without hot water.

Whilst the installations were not immediately dangerous, they did not comply with current standards and the householders received no paperwork certifying that the work had been carried out according to the gas safety regulations.

Speaking after the case, HSE investigating inspector Andrew Bowker said:

"Kevin Hall continued to do sub-standard gas work without registration. The work has needed to be put right by registered engineers. Fortunately, in this instance, no one died or became ill. Such a blatant disregard for the law will not be ignored by HSE. By failing to be correctly registered with CORGI, Hall gained financial advantage over bona fide registered installers. However, the householders incurred additional costs in remedial work so their installations were a false economy. Every effort was made to contact Mr Hall in order to resolve the situation before proceedings were brought, so he was well aware that he was acting unlawfully."

Quad Bike follies

The HSE has reminded employers of those using all-terrain vehicles (ATVs), (also known as quad bikes) of the importance of wearing a protective helmet, the provision of adequate training in the correct use of the vehicle and of ensuring the vehicle is well maintained.

The warning follows the death of a farm worker, Grant Shannon, 34 years, on 14 June 2007 when he was involved in an ATV accident while working at Kelloe Mains Farm, near Duns. Mr Shannon sustained fatal head injuries when he lost control of the quad bike and crashed into a tree. He was not wearing a helmet.

The owners of Kelloe Mains Farm, the partnership known as R & J McDonald, were fined £6,650 at Jedburgh Sheriff Court on after pleading guilty to breaching s2(1) HSWA. Mr Shannon had taken up employment on the farm as a dairy worker just 3 days before he died. The accident happened when he was told to use an ATV to assist another employee in moving cattle from one part of a field to another. The deceased had never driven an ATV before and had not received any formal training on how to do so. Mr Shannon was not wearing head protection and the quad bike was later found to have a number of defects, the most serious being incorrect tyre pressure which is critical for the safe operation of ATVs. Four worn tyres and ineffective rear brakes were also discovered.

HSE Inspector Gillian McLean commented after the case:

“Mr Shannon’s death could easily have been prevented. Prior to using an ATV the user must have received adequate, formal training and must ensure that the vehicle is in good mechanical condition (pre-ride checks by the operator can ensure that this is the case). The user should also wear a helmet. Sadly, farming is a dangerous business, and the numbers of deaths and injuries to farmers, workers and members of the public is unacceptable. In 2007-08, nine agricultural workers in Scotland lost their life at work and 2,364 were seriously injured. Less than 1.5% of the working population is employed in agriculture yet the sector is responsible for between 15 per cent and 20 per cent of fatalities to workers in Great Britain each year.”

Ed – In January 2009 the HSE launched their campaign “Make the promise. Come home safe.” Promise Packs were sent to around 70,000 British farmers - containing a “Promise Knot”, a symbolic “knot” of farm baling twine, which can be used as a visual reminder of the pledge to come home safe, and a poster outlining detailed information.

And another similar case

Farmer Gerald Parker, 64, of Thorncliffe Grange Farm at Emley near Huddersfield, was fined a total of £500 and ordered to pay costs of £958 at Huddersfield Magistrates’ Court after pleading guilty to 2 breaches PUWER and the Personal Protective Equipment at Work Regulations 1992.

Mr Parker was prosecuted for an incident in July 2008 when, using a quad bike to carry two employees to an outlying field where some cattle had broken out, he lost control of the vehicle which then toppled upside down into a 12 foot ditch. Not only was Mr Parker not wearing a safety helmet, but he had also failed to provide head protection for his two passengers.

A Prohibition Notice was immediately served preventing use of the farm's two quad bikes until suitable protective headgear was provided.

After the hearing, HSE Inspector Charlie Callis said:

“Vehicles like quad bikes are widespread in agriculture and this has encouraged a careless approach to their use which at times amounts to recklessness. There have been a number of serious incidents, many of them high profile. On average two people die each year in all terrain vehicle incidents on farms with yet many more resulting in serious injury. Head injuries are the most common cause of death which is why everyone riding a quad bike should wear a suitable helmet and should receive adequate training.

Basic to this training would be an understanding that passengers should never be carried on a sit-astride quad bike. It may be tempting under pressure of work to use the machine in this way, but the long seat is actually designed for operators to shift their body weight backwards and forwards under different slope conditions, and not for carrying passengers. Added to this, head protection is vital. More than half of all ATV riders have been thrown off at some time and, as there is no cab or roll bar, your only protection is what you wear. All three riders in this case suffered head injuries from which, fortunately, they have fully recovered. Sad to say, many are not so lucky.

Given the appropriate training, most of these accidents are avoidable, and certainly given the right safety headgear serious injury can be prevented. For this reason HSE will not hesitate to prosecute people who break the law in this way and put people's lives at risk.”

Construction Site Safety

Bouygues (UK) Ltd has been prosecuted after an employee was struck by a reversing vehicle as he crossed a one-way vehicular traffic route within a construction site. The worker died at the scene.

Bouygues (UK) Ltd, based in East London, pleaded guilty to breaching s2 (1) and 3(1) HSWA. The court fined the company £160,000 and ordered them to pay costs of £21,698.20 and victim surcharge of £15.

The investigation followed an incident on 3 June 2005, when the company was building additional teaching accommodation at Eastbury School, Barking. The worker died after being struck by a reversing vehicle. He was carrying materials across a designated vehicle route from a storage area when he was hit.

Sandy Carmichael, HSE Inspector, said: “This tragic case highlights the risks from workplace transport. Every year a significant number of people are killed by moving vehicles on construction sites, and a larger number injured. Better training, planning and awareness would reduce a number of these incidents. But equally, if not more important, is that

managers and directors make sure that someone is checking that control measures are in place and being used.”

Amputation

The HSE has prosecuted Metal Containers Ltd (formerly trading as Greif UK Ltd) after an employee’s one finger was broken in two places and another injured in the unguarded rotating part of a chained conveyor.

Metal Containers Ltd, of South Wirral, was fined a total of £7,000 and ordered to pay costs of £5,735 at Burton Magistrates’ Court after the company had earlier pleaded guilty to breaching s2(1) HSWA and reg 3(1)(a) MHSWR 1999.

The prosecution followed an incident that occurred, on 29 March, 2008 at the company’s Cyclops Works in Victoria Crescent, Burton-upon-Trent.

The company operates a lacquering process for lids used on the large ends of steel drums. This process sometimes jammed where the lids, on a chained conveyor, entered an oven to bake the lacquer. The operator, 55-yr-old Robert Smith, was trying to clear the backlog of lids when his hand became drawn into in the unguarded chain drive. Mr Smith was able to withdraw his hand before it became further entangled but it had already been injured by the teeth of the chain sprocket.

Metal Containers Ltd had failed to identify the risks involved in clearing blockages and the need for guarding on the machine’s exposed moving parts. The company had not taken sufficient measures to guard its employees from dangerous parts of machinery.

Speaking after the case, HSE investigating inspector Lyn Spooner said:

“The dangers of using machines without suitable safeguards are well known and long-established. Serious injuries such as amputation can result when limbs, or parts of limbs, become trapped by moving parts so it is fortunate that, in this case, injuries were not more severe. Allowing machines to be operated without suitable and appropriate guards blatantly ignores the safety of employees and is a fundamental failure by the company. HSE publishes Approved Codes of Practice, guidance and information leaflets to give practical advice on machinery guarding. There is no excuse for duty holders failing to control risks and protect employees.”

Fatal fall

A Scottish construction company and one of its directors have been convicted of failing to ensure proper health and safety standards after the death of an employee. Andrezej Freitag, a 53-year-old from Poland, fell nearly 3m down an exhaust shaft at a block of flats being built on Arbroath Road, Dundee. The incident, on 29 May 2008, happened because there was not a robust barrier on the edge of the shaft. Mr Freitag later died from his

injuries in Ninewells Hospital.

At Dundee Sheriff Court Discovery Homes (Scotland) Limited of High Street Kinross, was fined £5,000 after pleading guilty to breaching s2(1) HSWA.

Mr Richard Lionel John Pratt, a Director of the same company, who also performed the duties of site manager, was fined £4,000 after pleading guilty to breaching s37(1) HSWA.

HSE Inspector Murray Provan said after the case: “This accident was entirely foreseeable and preventable. Mr Freitag died because his employer and the site manager failed to do enough about the risks associated with working at height. Mr Pratt used the type of barrier normally found at a roadworks site as protection at the top of the shaft, which is totally unsuitable for that purpose. He was in charge from the beginning of works and the standard of health and safety management was Mr Pratt’s responsibility. The company’s culpability is wholly attributable to his neglect.”

Ed - This is only the second successful prosecution of a company director in Scotland in 6 years for a breach of health and safety legislation.

Signage – love it or loathe it, it can be dangerous!

The HSE is launching a campaign to save signage or more particularly the people involved in manufacturing and installing them!

Sign manufacture can involve the use of dangerous machinery, high noise levels, exposure to harmful paints and solvents, the risk of slips, trips and falls, musculoskeletal disorders and so on. Workers in the sign and graphics industry can sometimes face some significant health and safety risks.

The HSE has joined forces with the British Sign and Graphics Association and other partners to stage ‘Sign Up! Safely’, an event aimed at improving awareness of health and safety among workers in the industry.

HSE inspector Gareth Lewis, who has helped organise the link up:

“This is a real opportunity for companies and employees in this region to get to grips with some key issues affecting their daily working lives. For example, sign manufacturers or their contractors often install, remove and clean signs, and this work may well involve working at height. Falls from height are the commonest cause of work-related deaths, and it is vital that this sort of work is scrupulously planned and executed.

A number of practical, hands-on training sessions will cover everything from working safely at height, and using access equipment, to how to go about manual handling, producing risk assessments, and managing potentially hazardous substances in the workplace. All of these are designed with the needs of the signs industry in mind so I would urge companies and workers to make the time to go along. After all, their lives could depend on it!”

Ed – at the risk of sounding like Jeremy Clarkson – we could get by with many fewer signs in our lives!

Local Better Regulation

Local authority leaders are being urged to maximise the contribution of their own regulatory services.

Best practice examples of how regulatory issues ranging from work-related ill health to alcohol misuse to taxi licensing can all be tackled in ways that promote prosperity and protect against rogue traders are highlighted in an advice and guidance document due to be published next week by the public body for better local regulation LBRO.

The guidance demonstrates how environmental health, fire safety services, licensing and trading standards can play an important and sometimes under-estimated role in supporting businesses – and in turn consumers – through the recession and beyond.

A recent LBRO survey showed that more than half of the face-to-face contacts small and medium sized businesses had with local authorities in a 12 month period were with regulatory services officers.

Elected members, chief executives and directors are now being encouraged to assess how they can take full advantage of these officers' local contacts, knowledge and expertise. Better Local Regulation: Supporting Businesses Towards Recovery, sets out how regulatory services are best placed to deliver four key approaches to moving towards recovery:

- Using direct relationships to signpost local businesses to appropriate support and guidance
- Using face-to-face engagement to understand local businesses' diverse issues and challenges and feed this information into local economic assessments
- Taking an intelligence-led approach to targeting activity on the particular opportunities and threats faced by local economies and communities
- Developing collaborative approaches that deliver shared local and national priorities
-

The better regulation principles of being accountable, targeted, proportionate, consistent and transparent are at the heart of the advice and guidance, with case studies demonstrating how councils and their partners can further embed these principles through locally-agreed recovery plans.

Recommended approaches to developing regulatory services include adopting a continuous improvement culture, maximising use of resources and creating better outcomes through local, regional and national partnerships and greater collaboration.

LBRO Chairman Clive Grace said: "Councils need to be active in adversity. The leadership of

elected Members and Chief Executives has been critical to developing local ways forward amidst the global crisis. Better regulation has an important part to play, supporting business and protecting communities. Local authority regulatory services are often the most visible face of councils to the business community. Their advice and their focus on rogue traders benefits compliant businesses and their customers alike and are essential at a time when many are struggling.”

Ed – Don’t hold your breath?

The 2009 LBRO survey of 200 businesses reported that 56 per cent of small and medium sized businesses that have had face-to-face contact with their local authority in the last 12 months have had contact with a local authority regulatory officer.

The Local Better Regulation Office helps local authorities improve their environmental health, trading standards, fire safety and licensing services – reducing burdens on businesses that comply with the law while targeting those who flout it. It was incorporated as a government-owned limited company in May 2007. Following the commencement of the Regulatory Enforcement and Sanctions Act 2008 on 1 October 2008, it now operates as an executive non-departmental public body, accountable to the Department for Business, Innovation and Skills through the Better Regulation Executive. LBRO is governed by an independent Board, has a staff of around 25 and is based in central Birmingham.

Boots in partnership

Boots UK has signed up to a pioneering scheme for better local regulation, creating an innovative partnership with Nottinghamshire County Council as its single point of contact for trading standards issues across the UK.

Primary Authority run by the Local Better Regulation Office aims to provide companies with reliable and consistent regulatory advice from a single source – the Primary Authority – when dealing with key aspects of environmental health, trading standards and licensing services. Government estimates suggest the scheme could eventually save business across the UK up to £50 million a year.

Councillor Mick Murphy, Nottinghamshire County Council’s Cabinet Member for Community Safety, said: “Our Trading Standards team has enjoyed an excellent working relationship with Boots over the years and welcome this opportunity to be able to build upon that in the future by signing up to a Primary Authority agreement. The arrangement will allow us to continue to provide support and advice to Boots, a major company in the county, on complying with Trading Standards regulations.”

LBRO Chair Clive Grace said:

“Businesses like Boots invest hugely in compliance. They want the confidence that their investment won’t be challenged by one local authority once it’s agreed by another. Primary Authority delivers this assurance. We have built PA on sound foundations. Boots and

Nottinghamshire can rely on them in using the scheme to their advantage and that of their customers and communities. Primary Authority is available to all businesses, regardless of size, which operate across two or more council boundaries including small and medium-sized enterprises which trade over the internet.

For businesses a primary authority partnership will mean consistency of local inspection and enforcement activity. Currently businesses can run the risk of prosecution even if they follow official advice if local inspectors disagree about how to interpret regulations. This lack of consistency can also result in discrepancies in protection for consumers, workers and the environment.

For local authorities primary authority will provide the opportunity to influence compliance nationally via the primary authority giving advice to its partner business as well as saving other local authorities resources by allowing them to focus inspection activity where it is most needed.”

Ed – fine in principle and, of course building on the Home Authority relationships we’ve known over the years. Can you imagine the difficulty of a local regulator having to untangle PA relationships on the high street?

LBRO targeting

Focusing local weights and measures activity on the national priority of healthy workplaces by targeting related activity such as drug preparations, is one of the innovative approaches to tackling national priorities at a local level and within limited budgets, recently published by the Local Better Regulation Office.

Other successful models highlighted as part of a report for local councils by the Local Better Regulation Office include a ‘whole farm’ approach to animal health inspection, a ‘watchdog’ scheme that sees more than 600 community based volunteers supporting local trading standards officers and a ‘scores on the doors’ scheme that encourages businesses to meet at least the minimum standards required.

The report on integrating the new National Enforcement Priorities - fair trading, air quality, alcohol licensing, hygiene of food businesses, improving health in the workplace and animal and public health - features case studies from councils all unique to each other in terms of their socio-economic make-up, political leadership and regulatory issues. Although there are strong similarities in their approaches to enforcement, important differences of emphasis and perspective are clearly evident.

LBRO Chair Clive Grace said:

The seven diverse local authorities that participated in the research proved that it is possible to effectively combine both national and local priorities to deliver the best possible outcomes for the communities and businesses they serve. This will provide a valuable

insight for all local authorities.”

Whilst the councils involved in the project did not report significant changes in their activity due to the National Enforcement Priorities, differences between the expectations of national regulators were sometimes seen as a complicating factor and NEPs were seen to build reassurance about the importance of regulatory services and protect them from cuts.

With 92% of local authorities already reflecting the national enforcement priorities in their service plans, LBRO commissioned the Institute of Local Government studies (INLOGOV) at the University of Birmingham, to examine the approaches local authorities use to deliver trading standards, environmental health and licensing activities aimed at safer neighbourhoods, clean and green streets, and supporting the most vulnerable in society within a local and national context.

As well as promoting best practice, LBRO will use the research to update the priorities for the future and include the learning in its work with the Welsh Assembly Government to compile a first set for the Welsh regulatory services.

The councils all demonstrated ways they tackled the challenge of providing prosperity and protection with apparently competing needs and finite resources. Many focused on cultural change that saw real engagement with elected members, shared services, public consultation on services, robust performance management and targeting resources at the source of problems rather than the symptoms.

Trading Standards – worth the money?

Action by local authority Trading Standards Services to protect the public from unfair trading practices saves UK consumers at least £347 million a year according to the OFT. In a new study the OFT found that, on average, for every £1 that TSS spend on this work, they deliver direct consumer savings of at least £6.

The overall figure of £347million includes:

an estimated saving of at least £228m a year delivered by TSS through tackling unfair trading practices. This includes actions against traders providing goods and services without reasonable care and skill, misleading claims and omissions, aggressive and coercive selling or unfair contract terms.

an estimated saving of at least £119million a year delivered by TSS advice and assistance to consumers.

The research is the first time the financial impact of this work, carried out by nearly 200 TSS across the UK, has been evaluated. The OFT is also encouraging individual TSS to use the same methodologies to estimate consumer savings they deliver locally.

OFT Chairman Philip Collins said:

‘The current economic climate means that work by local authority Trading Standards

Services to promote and maintain fair trading in their communities and across the UK is more important than ever. These findings demonstrate the very substantial contribution that Trading Standards Services make to the economic prosperity of the UK by protecting consumers and preventing them losing hundreds of millions of pounds each year.'

Councillor Geoffrey Theobald OBE, the Local Authorities Coordinators of Regulatory Services Chairman said:

'This report from the OFT shows how valuable council trading standards services are to local people and they really do save them and businesses a lot of money. It shows that in levelling the playing field for all, council trading standards officers are keeping an extra £347 million in people's pockets and confirms they are doing everything possible to protect consumers and ensure that businesses can compete fairly.'

Ed - Download the research at <http://www.of.gov.uk>

Code of Practice for Vehicle Warranties

The Motor Codes Ltd Code of Practice for vehicle warranty products has completed Stage One of the OFT Consumer Codes Approval Scheme.

Subscribers to the code administer around two million warranties for cars and motor vehicle products every year. By signing up to this code, they have agreed to raise their standard of customer service above that required by law.

Motor Codes Ltd was established to look after motor industry codes of practice, including ones that had originally been developed and administered by the Society of Motor Manufacturers and Traders Limited (SMMT). Having completed stage one of the OFT's code scheme, Motor Codes will now carry out comprehensive monitoring including visits to garages and customer satisfaction surveys, to ensure that the Code is working effectively.

Only codes that demonstrate this can achieve Stage Two approval, and be entitled to display the OFT Approved Code logo.

The vehicle warranty code requires that members:

give clear pre-contractual information to consumers so that they can make an informed decision on the suitability of a warranty,

- give clear information to consumers on what is covered under the warranty,
- provide a cancellation period of at least 14 days,
- give consumers access to an independent arbitration scheme for products that do not fall within the remit of the Financial Ombudsman Service, and
- agree to be subject to independent disciplinary procedures for failing to comply with the Code.
-

Mike Haley, OFT Director of Consumer Protection, said:

'This is one of a number of codes entered into the OFT Approved Scheme by Motor Codes Ltd, and I congratulate them for working hard to drive up standards within the motor

industry. By achieving stage one of the two-stage process Motor Codes Ltd has shown that the code meets our strict criteria. They now have to prove it is working in practice. Consumers who purchase from code members can anticipate they are going to receive a much higher level of consumer protection than is required by law.'

Ed - The OFT's Consumer Codes Approval Scheme aims to promote and safeguard consumer interests by helping consumers to identify better businesses, and to encourage those businesses to raise their standards of customer service.

The scheme consists of two stages. During Stage One the code must meet the OFT's published core criteria, which contain measures designed to remove or ease consumer concerns about undesirable trading practices. At Stage Two the code sponsor must prove that its code lives up to the promises made in Stage One by demonstrating that the code is being effectively implemented by its members and that consumer disputes are properly resolved.

SMMT received Stage Two approval for its code for new car sales on 27 September 2004 (see press release 153/04). Other code approved organisations include the Vehicle Builders and Repairers Association Ltd, the Direct Selling Association, the Ombudsman for Estate Agents Company Ltd, the Carpet Foundation, Bosch Car Services, and the British Association of Removers.

Code sponsors who have completed Stage One and are working towards full approval of their consumer code are: MVRA Ltd, Debt Managers Standards Association, Safeway, British Healthcare Trades Association, the Renewable Energy Association and the Institute of Professional Willwriters.

Three jailed for violating export ban

Three businessmen have been jailed for a total of 10 years at Southwark Crown Court, following prosecution by the Revenue and Customs Prosecutions Office (RCPO), for conspiring to export military equipment to Iran and for conspiring to supply military goods from the USA to Iran via Hong Kong and Romania.

The three businessmen, two of whom had been granted political asylum in this country having fled from Iran in 1995, were charged with obtaining parts to be used as spares for Iran's ageing military aircraft, including F14 Tomcats, F4 Phantoms, F5 Tigers and Cobra Attack Helicopters.

In May 2006, HM Revenue and Customs officers intercepted a shipment of eight liquid oxygen converters bound for Iran at Heathrow Airport. The liquid oxygen converters had been designed in the USA and manufactured as part of the breathing system for aircrew in fighter jets.

The defendants claimed that the liquid oxygen converters were for use in ambulances, and supplied HM Revenue and Customs with documentation to establish this. Following detailed investigation, it was discovered that the documentation was fake and had been created by the defendants, and that the trade in aircraft parts had begun at the end of 2005. The

three defendants were arrested between August and November 2007 and their homes and businesses were searched.

Following a further two years' worth of work by prosecutors and investigators, including RCPO issuing formal requests for evidence to Hong Kong, Romania and Luxembourg, 8,000 pages of evidence was gathered and presented to the court.

The evidence showed that the defendants received requests from Iran for them to obtain and supply parts, including oxygen converters, military radios, helicopter engine transmissions and electric motors for 20mm Gatling-type cannons. They then sourced the parts from the USA and were advised by their suppliers that exporting them required an export licence. The defendants pretended that the parts were for customers within the USA and arranged for them to be shipped to an address in Florida. From Florida, the parts were exported to the UK and then on to Iran using misleading descriptions of the parts and their value.

David Green QC, Director of RCPO, said:

"This is an excellent example of international law enforcement and prosecuting agencies working together to prevent arms trafficking, and more specifically to end the activities of a major Iranian arms procurement network. RCPO prosecutors worked with counterparts in the USA, Hong Kong, Luxembourg and Romania to acquire the evidence that has allowed us to bring this case to a successful conclusion."

Ed the sequence of events leading to the prosecution is interesting and shows the complexity of the operation and the investigation:

Mohsen Akhavan Nik came to the attention of HM Revenue & Customs officers in 2000 when a laser that he had sent to Iran was seized and he was warned about arms trafficking. He claimed that the laser was used to project advertising slogans onto the outside of buildings when, in fact, it was designed for battle simulation by tanks.

In May 2006, HM Revenue and Customs intercepted a shipment of eight liquid oxygen converters bound for Iran at Heathrow Airport. The liquid oxygen converters were part of the breathing system for aircrew in fighter jets.

Mohsen Akhavan Nik and Mohammed Akhavan Nik claimed that the liquid oxygen converters were for use in ambulances and supplied HM Revenue & Customs with documentation purporting to establish this. Following detailed investigation, it became clear that the documentation was fake and that their trade in aircraft parts to Iran had begun at the end of 2005.

In August 2007, HM Revenue and Customs officers arrested Mohsen Akhavan Nik and Mohammed Akhavan Nik and searched their home in Ascot where their business was also based. A large quantity of documents, computer material and some aircraft components were seized. Examination of that material led the investigators to speak to Nitish Jaitha who provided further documents. A detailed analysis of that material led the investigators to arrest Jaitha in November 2007.

The material gathered showed that Mohsen Akhavan Nik received requests from one of two people in Iran to obtain parts and supply quotes for the delivery of those parts to Iran. These requests included not just liquid oxygen converters but a vast array of parts required for military aircraft.

Mohsen Akhavan Nik and Mohammed Akhavan Nik then asked Jaitha to source the parts

from the USA. On regular occasions, the supplier of the parts would specifically state that the parts required an export licence from the USA authorities before those parts could be exported. When that happened, the defendants pretended that the customer for the parts was in the USA and would arrange shipment of the goods to an address in Florida that had been set up by Mohsen Akhavan Nik and Mohammed Akhavan Nik. Once the goods were received in Florida, they were exported to the UK and then on to Iran using false descriptions of the parts and their value.

Following the seizure of the liquid oxygen converters in May 2006, the three men changed their method of operation so that the parts were shipped from the USA to Hong Kong, from where they were sent to Iran. Following that, the three men shipped five liquid oxygen converters to Romania. However, before they could be sent on to Iran, they were intercepted in February 2007 by Romanian customs officers at Otopeni Airport in Bucharest. That in turn led to the interception of a further 32 liquid oxygen converters in March 2007 in Florida by special agents of the United States Immigration and Customs Enforcement. However, these further interceptions did not stop the illegal activities of the defendants. By using a variety of false identities and bogus companies, the three men continued to order parts and ship them to Iran.

By the time of the arrests, Mohsen Akhavan Nik and Mohammed Akhavan Nik had received over £500,000 for aircraft parts that had been sent to Iran, and Nitish Jaitha had received over £200,000. It became clear from the documents that had been seized and analysed that the expectation of the defendants was that those amounts were going to be hugely increased had it not been for their arrests.

The trial began on 27 April 2009 with the defendants denying all of the allegations. During the trial, both Mohsen Akhavan Nik and Mohammed Akhavan Nik claimed that, while they had no qualms about breaking USA export control laws, they had not and would not break UK export control laws. However, they accepted that they had acted with considerable dishonesty in their manufacture and use of false identities and false companies in effecting these shipments to Iran. They asserted that that dishonesty was the means by which the USA export control laws were broken rather than the UK export control laws.

Moshen Akhavan Nik sentenced to 5 years imprisonment and also disqualified as Company Director for 7 years

Mohammed Akhavan Nik sentenced to 2 ½ years imprisonment

Nitish Jaitha sentenced to 2 ½ years imprisonment

The offences for which all three defendants were convicted

Conspiracy to evade the prohibition on the export of goods contrary to Section 1(1) of the Criminal Law Act 1977

Conspiracy to evade the prohibition on the movement of controlled goods between third countries contrary to Section 1(1) of the Criminal Law Act 1977

Rabies controls

The Government has welcomed that the European Commission's announcement that it will propose an extension to the UK and four other Member States' current pet movement requirements until December 2011.

The Chief Veterinary Officer, Nigel Gibbens, said:

“Extending our transitional rules will allow us to benefit from the outcome of the current EU vaccination campaign. This is working to control rabies in wildlife in the few EU Member States still affected and so bring the rabies risk across Europe to a very low level. The successful control of rabies across Europe should pave the way for the UK to move to modernised and harmonised pet movement rules across the EU. This additional 18 month period will give time to further review controls to ensure that they are practical, effective and proportionate to the risk of rabies and the specific threats to human health that they are designed to protect against.

No rules can protect against all diseases that pets might catch when abroad. We will continue to work with the veterinary profession and others to ensure that pet owners understand that travel might bring risks to the health and welfare of their pets, in the same way that they consider any risks to their own health.”

The proposal still needs to be agreed by the European Parliament and Council, which will discuss it in the coming months.

Ed- The UK, along with Republic of Ireland, Sweden, Finland and Malta, benefits from a derogation from EU Regulation 998/2003 that allows stricter controls than other ‘harmonised’ countries – for example requiring pets to wait 6-months before entering or re-entering the UK following vaccination and blood testing, and treating dogs and cats against tapeworms and ticks that could transmit diseases to people. The derogation is currently due to end on 30th June 2010.

Rabies incidence across Europe has reduced significantly in recent years, in large part due to EU-sponsored vaccination programmes. For example, across EU Member States there were 2,679 recorded cases in domestic animals in 1990, and 318 in 2007. Apart from isolated incidents, rabies is now confined to a few Member States in the east of the EU, largely Romania and Latvia (Source: WHO Rabies Bulletin Europe)

SMEs access to capital

A review to examine if Government will need to intervene to help small and medium businesses access growth capital will be led by venture capital expert Christopher Rowlands. The Growth Capital Review is one of the first measures to be taken forward from the Government’s ‘New Industry, New Jobs’ strategic plan for Britain’s recovery. The plan focuses on the resources our businesses need to prepare for the upturn and prioritises high growth firms being able to access the financing they need as opportunities emerge in a new, global economy.

The review will determine if any intervention, including a modern-day version of Industrial and Commercial Finance Corporation/3i, is required to ensure small and medium sized firms with good growth potential have access to the capital they need to take advantage of the upturn.

Business Secretary Lord Mandelson said:

“We have taken action to help businesses access short term finance to survive the global downturn, and to build our economic future. This review will identify if there is a role for Government in facilitating public and private investment to address gaps in the market. Our priority will be to ensure that high-growth businesses, which will be very important for the economy, are able to secure the capital they need.”

The review will be supported by an advisory group which will seek views and input from a wide audience, including industry and government. It will report

CAPITA required to sell software business

Capita Group plc (Capita) is being required to sell part of the IBS OPENSsystems plc (IBS) software business it acquired last year after an investigation by the Competition Commission (CC).

In its final report at <http://www.competition-commission.org.uk>, the CC has confirmed that the completed acquisition by Capita of IBS is expected to result in a substantial lessening of competition in the market for revenues and benefits (R&B) software systems, used by local authorities to collect council tax and distribute benefits. This decision confirms the CC’s preliminary conclusions at the provisional findings stage.

The merger brought together Capita and IBS, both of which supplied R&B and social housing (SH) software systems to local authorities and SH organizations respectively. The CC does not have concerns about the market for SH software, where there are considerably more suppliers in competition with the merged company.

The CC is now requiring Capita to sell the R&B business of IBS as soon as possible, but if no suitable sale is achieved, the CC will require Capita to sell the entire IBS business.

Inquiry Group Chairman, Christopher Clarke, said:

“This merger combines two closely competing suppliers of R&B software to local authorities, leaving only one other supplier actively competing for business. In a stable market with little prospect of entry by new suppliers, our conclusion is that the enlarged Capita R&B business will be able to take advantage of the lack of competition, for example by

increasing prices or reducing levels of service to its customers. We consider that the adverse effects of the merger will have an impact on all customers, whether they are in the process of tendering for new R&B software or already have a contract for such software in place.

We believe that the only way in which we can restore competition for the benefit of customers is by requiring Capita to sell off at least the R&B business of IBS.”

HSE's Myth of the Month

HSE's Myth of the Month

Myth: You can't wear flip-flops to work

The reality

During the summer, many of us think about wearing sandals or flip-flops to work to help us stay cool. Despite recent reports to the contrary, health and safety law doesn't ban them.

However, slips, trips and falls do account for about 30% of all workplace accidents, and what you wear on your feet can make a difference. So, if you work somewhere where the floor can't be kept dry or clean then wearing shoes that fit well and have a good grip would be a better choice than flip-flops.



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