

Brunswicks Regulatory News



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Gassed

Bodycote HIP Ltd has been fined £533,000 and ordered to pay costs of £200,000 for breaching s2(1) HSWA following the deaths at its manufacturing plant in College Road, Hereford. The court heard that on the 14 June 2004, the company's Works Manager and Maintenance Engineer were found collapsed on the stairs leading to a concrete-lined pit into which argon gas had leaked from a large pressure vessel. The pit's oxygen alarm system was switched off and the ventilation system was not running.

HSE Inspector Luke Messenger said:

"Both these tragic deaths were not only regrettable but also entirely preventable. The risks from confined spaces and asphyxiation due to the presence of argon were well known to the company, which had experience of a similar double fatality at a Bodycote Group site in California, just three years earlier. Despite this warning the company failed to undertake a proper risk assessment for entry into the confined space. Although they had implemented a safe system of work and permit to work procedure, they had not properly trained employees in their use, or ensured that these systems and procedures were being followed through their auditing procedure. On the day of the incident, the ventilation system, which could have removed the leaking argon before it became a problem, and the oxygen alarm system, which would have warned of the oxygen-depleted atmosphere, was not switched on. Had these systems been working these two deaths may not have occurred."



Platform Falls Killing Employee

PC Harrington Contractors Ltd, based in Grays Inn Road, London, has pleaded guilty to a breach of s2 (1) HSWA and has been fined £150,000 and ordered to pay costs of £25,203. It follows an incident where one employee died and another was seriously injured during construction works within Wembley Stadium.

The incident occurred on 15 January 2004, when a platform became dislodged during a lifting operation, causing it to fall and hit two workers. This resulted in the death of one worker, Patrick O' Sullivan and seriously injured another. Both men were working on the building of the concrete superstructure of the stadium at the time.

Giles Meredith, HSE Inspector, said:

“There were many thousands of crane movements at Wembley. This incident demonstrates that when things do go wrong during lifting operations, the outcome is often very serious. Our thoughts remain with the family of Patrick O' Sullivan who live with the consequences of this tragic event.”

Copper Pipes saves Life

Hansen Transmissions Ltd (HTL), of Nile Street, Huddersfield has been fined £70,000 and ordered to pay £22,000 costs by Birmingham Crown Court after the company pleaded guilty to breaching s2(1) HSWA.

Veolia Environmental Services Birmingham Ltd (VESB), of James Road, Tyseley, Birmingham was fined £100,000 and ordered to pay £22,000 costs at the same hearing after pleading guilty to breaching s3(1) HSWA.

On 5 July 2007, an employee of HTL was working to replace a gearbox within a condenser unit at VESB's premises when he fell more than 10m. Fortunately he landed on a pallet of bundled narrow bore copper pipes which broke his fall by absorbing much of the impact. However, he suffered serious injuries including broken ribs, a punctured lung and a hernia.

HSE inspector Paul Smith said:

“This incident resulted in serious injuries which could so easily have been fatal. The man involved is lucky to be alive. Falls from height are serious and are the major cause of fatal injuries across all industries. The system used by HTL was plainly unsafe – men, working 10m and more up in the air, were manoeuvring bulky plant using inappropriate methods, on and above an inadequate working platform, with markedly inadequate protection from the drop beneath.

Any informed check upon this system of work should have identified its shortcomings and put a stop to it. VESB failed to properly monitor or manage the work being carried out by HTL. VESB apparently expected the use of scaffolding and harnesses but did not check that the work was being done that way. There were no checks by VESB on the adequacy of the

health and safety arrangements being employed by HTL's staff. Site owners and operators must be aware of their duties towards contractors and others who work on their premises then take suitable steps to ensure their safety. Such failures are unacceptable, especially as HSE has published a wealth of advice and guidance for employers to help them reduce the risk of falls from height and has recently launched the 'Shattered Lives' campaign to raise awareness of slips, trips and falls in the workplace."

Teen Labourers Tragic death

Two men have been jailed after a 15 year old labourer was crushed to death by a wall in Hadley Wood, London. Builder Colin Holtom and contractor Darren Fowler had previously been convicted of manslaughter and breaches of health and safety laws at the Old Bailey. The case was brought following an investigation by the police and the HSE.

Mr Holtom, of Latchingdon, near Chelmsford, Essex was sentenced to 3 years imprisonment after pleading guilty to the manslaughter, by gross negligence, of his employee Adam Gosling. A charge of failing to comply with a duty under s2(1) HSWA was left on the file.

Darren Fowler of Upminster, was jailed for 12 months after admitting working while disqualified from being a company manager for a second time and a failure to discharge a duty imposed by s3(1) HSWA.

The judge instructed that Holtom and Fowler should both serve at least half of their sentences before being eligible for early release. He said that Mr Holtom should bear the lion's share of the blame for the death as he had left a 15 year old and an 18 year old alone and unsupervised while they carried out the demolition of an unstable brick wall. He added that Mr Holtom showed a "cavalier and irresponsible attitude to the safety of his employees".

The court heard that on 23 April 2007 Adam Gosling and his brother were told by Holtom to demolish a wall at a property where they were working. There was no proper discussion or instruction on how the wall was to be removed before work started and Adam and his brother began demolition with no supervision. Soon afterwards the unstable wall started to move. Adam alerted Mr Holtom to the danger but he failed to have a look at the problem himself. The wall subsequently fell onto Adam who suffered a major head injury after becoming trapped against an adjacent garage.

Simon Hester, the investigating inspector from the Health and Safety Executive, said: "The management and setup of this small construction project was appalling. Adam Gosling should never have been there at all as 15-year olds have been banned from working on construction sites since 1920. There was a complete disregard for basic health and safety requirements – inadequate personal protective equipment, no risk assessments, no training, and minimal supervision. There were no welfare facilities on site and the workers were not even covered by Employees Liability Insurance. We know there are many other sites with serious shortcomings but it is the duty of the contactors and employers to ensure that basic health and safety requirements are followed. The HSE will do all we can to ensure tragedies

like this are avoided – we rely heavily on people contacting us with concerns and worries so that we can intervene before any more workers are killed in such tragic circumstances.”

Tragic Leak

Peter Tongue, a gas fitter from Brecon, has been jailed for 3 years for two manslaughter charges, to run concurrently, after being found guilty by a jury at Cardiff Crown Court of two charges of manslaughter and six charges under HSWA.

Margaret Powell of Brecon, and Thomas Morgan of Port Talbot died from carbon monoxide poisoning from a warm air central heating system that Tongue had worked on at Mrs Powell's home in December 2006.

HSE Inspector Hugh Emmet said:

“This tragic case demonstrates why it is essential that gas engineers only work on appliances where their competence has been assessed and that they are on the Gas Safe Register. Peter Tongue worked on Mrs Powell's gas central heating system but his accreditation to work on that particular system had lapsed three years previously. As a result, his knowledge of the system was not up to date. This sends out a stark message to gas engineers that working outside their assessed competence can cost them their liberty but more importantly can cost lives. This also serves as a warning to those who are doing gas work who are not on the Gas Safe Register. “

Paralysed after joist fall

Property People (NW) Ltd has been fined £92,000 and ordered to pay full costs of £11,404 by Liverpool Crown Court after pleading guilty to two health and safety offences.

Harold Roach fell 10ft through roof joists at a refurbishment site on Gertrude Street in Birkhead while he was working for Property People (NW) Ltd.

Property People admitted contravening s2(1) HSWA by failing to ensure the safety of its employees. It also pleaded guilty to breaching Reg 3(1) Reporting of Injuries, Diseases and Dangerous Occurrences Regs 1995 by failing to report the injury to HSE.

The court heard that the incident happened on 23 April 2005 while joists were being removed from the ceiling of an archway, and that Property People had failed to provide a safe platform for its employees to use. Mr Roach suffered serious injuries to his back from the fall, resulting in permanent paralysis.

HSE Inspector Ian Betley said:

“The injuries Mr Roach sustained were extremely serious and he will need to use a wheelchair for the rest of his life. Working at height remains the single biggest cause of workplace deaths and one of the main causes of major injury. It should be managed by implementing and enforcing suitable and sufficient control measures. Companies are required by health and safety legislation to take reasonable measures to ensure the safety of employees and others that may be affected by their work. In this case, a suitable platform should have been used to remove the joints from below, rather than from above. Had such steps been taken,

this incident could have been avoided.

The tragic outcome of this incident, and the subsequent fine, must act as a reminder that the results can be serious for businesses that fail to comply with the legislation.”

Ed -

Regulation 3(1)RIDDOR states that “where any person at work suffers a major injury as a result of an accident arising out of or in connection with work, the responsible person shall notify the relevant enforcing authority by the quickest practicable means and within 10 days send a report to the relevant enforcing authority on a form or some other means so approved.”

Arm Crushed in Conveyor Belt

The Wrigley Company Limited, of Plymouth, Devon, has pleaded guilty to breaching s2(1) HSWA and reg11(1) PUWER. The company has been fined £75,000 for each breach and ordered to pay costs of £21,000 by Plymouth Crown Court.

The HSE prosecuted the company following an incident on 3 January 2007 in which company employee, Philip Poyntz (29 at the time) was seriously injured at the Estover plant in Plymouth while attempting to clean the trim return conveyor belt on one of the site’s gum sheeting machines.

HSE Inspector David Cory said:

“This incident was entirely preventable and happened because the moving conveyor belt was unguarded. This meant that Mr Poyntz’s arm could be drawn into the machinery and caught in the conveyor’s tail drum, resulting in very serious injuries from which he is still suffering today. He has not been able to return to his previous work since the incident and remains signed off from the company. The obvious health and safety hazard caused by the lack of guarding should have been addressed immediately. Two previous safety consultant reports commissioned by the company in 2002 and 2006 had highlighted such guarding deficiencies but their action to address the issues at the site was incomplete and they did not improve the guarding on the tail drum of the conveyor involved in the incident.

Instead, the company incorrectly relied upon training and the expectation that staff would always follow isolation procedures during the cleaning of the conveyor. As this case proved, staff training on its own is no substitute for adequate machinery guarding. Appropriate guarding or other protective devices should always be considered and provided first, before and in addition to staff training as required by legislation.

Our investigation also found poor guarding on other conveyors and gum-making machinery, even several months after this particular incident, and most of these had been raised already in the consultants’ previous reports. The outcome of this case has helped to highlight HSE’s safety messages to all companies operating machinery, especially the importance of fitting guarding which meets the required legal safety standards. All employers have a duty

of care towards their employees. Those who fail to take this responsibility seriously could face severe repercussions.”

Fatal Reversing

John Stacey and Sons Ltd has been fined £60,000 and ordered to pay costs of £29,061 after a prosecution that follows an incident at the company’s Tadley site on 1 June 2007. An employee, Frederick Aubrey, was run over and died five days later from his injuries. The company pleaded guilty to s2(1) HSWA and reg 3(1) MHSWR at an earlier hearing. It also has to pay the victim surcharge of £15.

On 1 June 2007, Frederick Aubrey was working at a waste transfer station in Silchester Road, Tadley, owned by John Stacey and Sons Ltd. Mr Aubrey, along with two other employees, was hand-sorting waste, a process known as ‘totting’. A fourth worker was helping the three men with the totting when the driver of a skip loader came on site. He asked the fourth worker to get into a shovel loader and tip over one of the skips. The worker did so and in the process reversed over Mr Aubrey, who died five days later in hospital.

David Bibby, HSE Inspector, said:

“This case highlights the importance of assessing risks and putting adequate controls in place to protect pedestrians from vehicles, and the tragic consequences when this is not properly done. The practice of totting had only been going on at the company for about two weeks prior to the incident and they had not recognised that by doing this people were being unnecessarily exposed to the risk of vehicles moving around them with nothing to protect them. This should serve as a message to all companies, and especially those in the waste industry where unfortunately accidents like this are all too common, to ensure that risks from workplace transport are identified and suitable measures put in place to prevent accidents.”

Fingerless

Tetrosyl Ltd of Bevis Green Works, Walmersley, Bury, pleaded guilty to two offences under health and safety legislation at Manchester Crown Court and has been fined £50,000 and ordered to pay costs of £6,141.

The company, which manufactures car care products including oils and lubricants, was charged under s2(1) HSWA for not operating a safe site, and not providing suitable training. The court heard that the incident happened on 8 August 2008 when 21-year-old Robert Karpowicz was using a powder-mixing machine at the factory. Mr Karpowicz had not received training to use the machine, which also had an unguarded open hatch. His right hand was badly injured when he used the hatch to obtain a sample from the machine, while the internal blades were still running.

HSE Inspector Chris Smith said:

“This incident has had a devastating effect on Mr Karpowicz, who has not worked since.

He was a keen sportsman but is now unable to use his right hand, and is having to adapt to living with the effects of the injury. The incident would have been totally avoidable if the company had followed the correct procedures. The danger of unguarded machinery cannot be highlighted too much.

It is the employer's duty to ensure risks to safety within the workplace are adequately assessed, and that correct control measures are implemented to avoid injury. This was further aggravated by Mr Karpowicz not having received training to use the machine correctly. This case underlines the human tragedy that lies behind the statistics of industrial injuries, and the long term effects that individuals suffer."

Pick and Place Severs Finger

TC Industries of Europe Limited, of Holborn Viaduct, London, has been fined £5,000 and ordered to pay £1,357 in costs and the £15 victim surcharge after it pleaded guilty to a breach of s2(1) HSWA.

The incident took place at the company's plant at Carlin How, near Saltburn, on 25 May 2008, when a member of staff - Colin Hicks - had a finger cut off and another badly crushed while working with a pick and place transfer unit to stack parts.

Mr Hicks reached up to activate the limit switch with his right hand while resting his left hand on the unguarded carriageway for balance. As a result the drive wheels of the pick and place unit ran over his left hand that was still resting on the carriageway, severing one of his fingers and severely crushing a second.

HSE Inspector Dave Shallow said:

"The injured man was working on an unguarded part of the machine and what makes this case all the more serious is the fact that the company had previously been advised of the need to provide a guard for the machinery. However, the company is now actively working with HSE to ensure full compliance with all requirements.

Employers who operate machinery are required to establish how this work can be undertaken safely. They must also put in place adequate safeguards and safe working practices to ensure employees are not exposed to dangerous parts of machinery."

Man Falls through PVC light

CRN Contracts Ltd pleaded guilty to two charges under health and safety legislation, and has been fined £25,000 and ordered to pay costs of £14,086 by Manchester Crown Court.

David Battison from CRN Contracts Ltd in Birkenhead (formerly Concrete Repairs NW Ltd) was working on the roof of The Range store when he fell 10m to the floor through a PVC light. The 49-year-old was taken to the Royal Albert Edward Infirmary in Wigan, where he died from his injuries.

CRN Contracts Ltd was charged with having contravened Reg 4 Work at Height Regs 2005,

and s3(1) HSWA.

The court heard that Mr Battison and a colleague were applying anti-corrosion paint to the bolts on the corrugated roof of The Range superstore on 27 May 2005 when the incident happened.

HSE Inspector Warren Pennington said:

“It’s shocking that basic health and safety procedures weren’t followed and extremely sad that, ultimately, it led to a man’s death. CRN Contracts Ltd did not provide adequate supervision of the work. It should have used boards to cover the fragile roof lights, and protected the area around the perimeter of the roof. The company also failed to cordon off the floor under the section of roof it was working on to protect the public from the work. Roof maintenance can be extremely dangerous if proper health and safety rules aren’t followed. I hope this case will help to remind people that it’s simply not worth taking risks.”

Pallets Save Man from deathly fall

Tower Roofing Ltd has been fined £3,500 and ordered to pay full costs of £5,976 following an incident at Magnesium Elektron Ltd’s premises on Rake Lane in Swinton.

Lee Bridge was cleaning guttering at the factory on 6 March 2008 when the fragile roof gave way. He landed on a stack of pallets more than 2m below him, before bouncing off them and falling a further 2m to the concrete floor.

Tower Roofing, which is based on Brandlesholme Road in Bury, pleaded guilty to breaching Reg 6(3) Work at Height Regs 2005 for failing to take suitable precautions to prevent the incident from occurring.

HSE Inspector Angelica Rutherford-Hacon said:

“Mr Bridge is lucky to be alive and would have been seriously injured if the pallets hadn’t broken his fall. The roof he was working on was clearly fragile and should have been boarded out before any attempt was made to clean the guttering. Tower Roofing didn’t think enough about safety in advance of the work starting and put its employees at risk as a result. Working on roofs can be extremely dangerous so it’s vital that work is planned properly. Companies should involve the workers who will be doing the job and consult them about the right equipment to use. Those in charge of the work need to ensure that safe methods of working are properly implemented and checked.

Tower Roofing allowed two of its employees to carry out work on a fragile roof – with one of them working more than six metres above the ground – without having proper safety measures in place. It is only by luck that the incident did not result in a fatality and I hope that it will act as a reminder to roofing companies to treat safety as one of their top priorities.”

Ed -

Section 6(3) of the Work at Height Regs 2005 states: “Where work is carried out at height, every employer shall take suitable and sufficient measures to prevent, so far as is reason-

ably practicable, any person falling a distance liable to cause personal injury.”

Fork Lift Fall

Simpsons Malt Limited, of Tweed Valley Maltings, Tweedside Trading Estate, Berwick, which manufactures a variety of malts, has been fined £10,000 and ordered to pay £5,883.75 in costs, after it pleaded guilty to a breach of s2(1) HSWA. It was also ordered to pay the £15 victim surcharge.

The incident took place on 6 October 2007, when a worker – John Weatherburn, of Berwick – was injured after falling from the forks of a fork lift truck while attempting to repair a roller shutter door.

HSE Principal Inspector Richard Bulmer said:

“Falls from height are the most common cause of workplace fatalities and many other serious major injuries. Experience shows that using a simple pallet on a standard fork lift truck as a means of access when carrying out maintenance or repair work is fraught with danger. Many workers have been either killed or seriously injured in this way in the past. Health and Safety Law requires a reasonable approach to risk reduction, involving for example, such alternatives as the safe use of ladders, mobile scaffolds or cherry pickers (mobile elevated work platforms).

The method employed should be sufficient to the circumstances of the task. Fork lift trucks may be used if properly modified and provided with a secure safety cage.”

Legionnaires Outbreak

Kepak UK Ltd, which has its headquarters on Flanshaw Lane in Wakefield, has been fined £25,000 and ordered to pay £20,000 in costs by Preston Crown Court. Kepak pleaded guilty to breaching s2(1) HSWA by failing to protect its employees from the risk of contracting Legionnaires’ disease.

The court heard that the first case of Legionnaires’ disease was diagnosed on 26 September 2006 in Boguslaw Plociennik, who was employed as a boner, and a second on 3 October 2006 in Zbigniew Rauk, who was employed as a packer.

Following notification of the two cases, an outbreak committee was formed made up of HSE, South Ribble Borough Council’s Environmental Health Department, Central Lancashire Primary Care Trust, the Health Protection Unit and Lancashire Teaching Hospitals. Water samples were taken throughout the building and significant levels of legionella were found to be present at three locations: a pressure washer hose point, an apron wash shower point, and a pressure washer header tank. The tank was fed by hot and cold water and supplied water to three pressure washer hose points in and around the process area. Em-

ployees used the pressure washer system to clean away meat and fat debris in the various processing areas as and when required.

Whilst the investigation was taking place, Kepak closed the Carr Place site and the domestic water system was drained, pumped through, chlorinated and disinfected. Kepak has subsequently not reopened the site, which was one of two the company operated in the Preston area.

HSE Principal Inspector Dorothy Shaw said:

“Kepak failed to carry out simple checks on the hot and cold water system. As a result, many of its employees working at the site were potentially exposed to the legionella bacteria, and two individuals were made seriously ill. Any system containing water at temperatures between 20 and 45 degrees Celsius, and which may release an aerosol during operation or maintenance, presents a foreseeable risk of exposure to legionella bacteria. Legionnaires’ disease is a potentially fatal illness and, had the correct procedures been in place, the outbreak at Kepak’s premises would not have occurred. Legionella bacteria can build up in purpose-built water systems and, if conditions are favourable, the bacteria can multiply, increasing the risk.

A risk assessment had been carried out in May 2001 which set out that simple and periodic checks should be carried out on Kepak’s domestic water system, and that the control measures should be monitored and reviewed. But this did not happen.”

Asbestos Woes

Fife Council has been fined £10,000 after pleading guilty to a charge under s3(1) HSWA. The contractor in the incident, ECG Building Maintenance Ltd has been fined £3,700 after pleading guilty to charges under s2(1) and 3(1) HSWA.

Fife Council contracted ECG Building Maintenance Ltd to replace water storage tanks within the communal loft areas of properties in Fraser Avenue and adjoining areas. Some of these tanks were insulated with asbestos. ECG Building Maintenance Ltd was not licensed by HSE to remove asbestos nor were they competent to do the work. Their workers had not been adequately trained so did not recognise the presence of asbestos, or the risks posed by it. They also failed to implement established control measures to minimise the exposure to themselves as well as to other people in the vicinity.

HSE inspector Alastair Brown commented after the case:

“ Fife Council failed to keep an understandable register of asbestos and failed to ensure that a full survey for asbestos was carried out prior to any work starting, so the information available was not sufficient to alert persons to the immediate danger from the asbestos prior to the work beginning. In view of the Council’s previous experience of managing asbestos, this was a very disappointing incident. The effects of exposure to asbestos fibres can take as

long as 20 to 30 years to manifest themselves, and over 4,000 people are dying every year in Great Britain due to the unrecognised exposure to asbestos earlier in their working lives. Legislation came into force in May 2004 which requires the organisation in control of any non domestic premises, or the common parts on domestic premises, to identify and assess asbestos in those premises.

The Council failed to identify that asbestos was present in the area where work was to take place, and the contractor then failed to recognise it, resulting in the asbestos becoming airborne as it was disturbed and spread into public areas of the buildings.”

Debris Cracks

Calder Industrial Materials Ltd, which manufactures lead products, has been fined £4,500 and ordered to pay costs of £1,050 following the incident at its Jupiter Drive site. The court heard that Stephen Shore was trying to clear debris from a conveyor belt on 20 February 2008 when he became trapped. He sustained crush injuries, including cracked ribs and severe bruising.

Calder Industrial Materials pleaded guilty to breaching Reg 11(1) PUWER by failing to prevent access to dangerous parts of machinery.

HSE Inspector Bruce Jones said:

“Mr Shore was badly injured because Calder Industrial Materials failed to prevent him from gaining access to dangerous machinery. Fixed guards and a padlocked gate should have prevented Mr Shore from entering the machine and accessing the underside of a tipping table, which is used to tip debris onto a conveyor belt. But the guards and gate were not installed until after the incident. This case should act as a reminder to employers of the importance of safety in the workplace. Effective measures must be put in place to prevent serious injuries from dangerous machinery.”

Ed -

Regulation 11(1) PUWER states: “Every employer shall ensure that measures are taken... which are effective:

1. to prevent access to any dangerous part of machinery or to any rotating stock-bar; or
2. to stop the movement of any dangerous part of machinery or rotating stock-bar before any part of a person enters a danger zone.”

Gas Maintenance

Shazad Ishaq, pleaded guilty to contravening Regs 36(2)(a) and 36(6)(b) Gas Safety (Installation and Use) Regs 1998. He has been fined a total of £2,500 and ordered to pay £1,500 costs by Worcester Magistrates.

Tenants at a house in Wylds Lane, Worcester, were taken to hospital on 16 March 2008 suf-

fering from suspected exposure to carbon monoxide after complaining about the smell of fumes coming from the gas boiler.

The court heard that before the family was evacuated, a National Grid engineer identified a flue gas spillage and the gas supply to the boiler and cooker hob was disconnected. The HSE identified inadequate air supply to the boiler which was housed in a kitchen cupboard, inadequate cleaning and maintenance of the boiler, particularly the filters, visual signs of soot and flue gas spillage on the inside of the cupboard and boiler casing and that the flue was 'not to current standards'.

HSE Inspector Janice Willets said:

"The gas inspector's investigation concluded that no maintenance or cleaning work appeared to have been carried out on the boiler for a considerable period prior to the incident. Further investigations also showed a landlord's gas safety certificate had not been made available to the tenant for several months. There is a duty on landlords to maintain gas appliances in safe condition for use by their tenants and ensure their certificates are up to date. Mr Ishaq failed to do either of these things."

Ed -

Regulation 36(2)(a) Gas Safety (Installation and Use) Regs 1998, states: "Every landlord shall ensure that there is maintained in a safe condition... any relevant gas fitting."

Regulation 36(6)(b) Gas Safety (Installation and Use) Regs 1998, states: "Every landlord shall ensure that... a copy of the last record made in respect of each appliance or flue is given to any new tenant of premises to which the record relates before that tenant occupies those premises save that, in respect of a tenant whose right to occupy those premises is for a period not exceeding 28 days, a copy of the record may instead be prominently displayed within those premises."

Unregistered Gas Fitter caught

Gordon Connolly has been fined £5,000 and ordered to pay prosecution costs of £20,632 by Rugby Magistrates Court. Mr Connolly was found guilty of two charges under Reg 3(3) Gas Safety (Installation and Use) Regs 1998 of carrying out work as a gas engineer while not a member of the approved gas registration body.

The Court heard that in January of 2006 Mr Connolly was served with an Improvement Notice requiring him to either become registered or stop undertaking gas work. However, he carried on working and was eventually caught when council officials spotted problems with gas safety certificates issued by the defendant after he had completed some gas work.

Mr Neil Craig, HSE Principal Inspector, said after the trial:

"We'd been pursuing Mr Connolly regarding his illegal activities for some time and gave him ample opportunity to become compliant. But he flagrantly chose to ignore our warnings and the law - and this result should serve as a warning to others. We're grateful to the Ian Jackson, Housing Officer at Warwick District Council, who in June 2007 spotted anomalies on the Gas Safety Certificates of two properties in the Council's rent deposit scheme and contacted HSE. The certificates had been completed by Mr Connolly and further checks revealed that he was still not legally registered, so we initiated legal proceedings.

This is good example of regulators working together to root out rogue gas engineers who, without the competency checks that come through registration, unnecessarily put people's lives at risk."

Illegal Gas Work

Peter Welke, formerly of Edelston Road in Blackpool, was charged with contravening Regs 3(3) and 4 Gas Safety (Installation and Use) Regs 1998 by carrying out gas-fitting work without being registered, and by subcontracting work to a gas fitter who was not registered. He has been fined £700 and ordered to pay costs of £2,800.

The HSE investigated Peter Welke after he carried out work at two properties on Cheviot Avenue and East Cliffe in Lytham St Annes during June and July 2007.

HSE Inspector Ian Philips said:

"Peter Welke was putting lives at risk because he didn't have the training he needed to work with gas. Gas fitters must be registered by law and have the correct qualifications for the type of work they are doing. Every year, 20 people die in the UK from carbon monoxide poisoning caused by gas appliances and flues that have not been properly installed. Qualified gas fitters know how to install boilers properly so that air circulates around them, preventing carbon monoxide from building up. People should therefore always check gas fitters' ID before allowing work to go ahead."

Gas Scam

Nigel Anthony Baxter, 44, of Greenhill Cottages, Mossley, Lancashire, has been disqualified as a director for three years, handed 200 hours community service and ordered to pay £4,000 prosecution costs by Tameside Magistrates' Court.

Business Minister Ian Lucas said:

"We are determined to crack down on rogue traders who flout the law and cheat honest businesses. This prosecution sends a clear warning to would-be fraudsters that they won't be allowed to get away with their crimes."

Baxter's Stalybridge-based firm Baxters Gas Service Engineers Ltd went into liquidation in March 2005, facing unpaid debts of more than £42,000.

But just three weeks beforehand he had set up the similarly-named Baxters Gas UK Ltd, also in Stalybridge, and continued trading. This firm was wound up in December 2006 leaving another £24,000 in unpaid debts.

Despite repeated warnings he was breaking the law by using similar trading names as his defunct first company, he set up a second "phoenix" company – Baxters Gas Ltd – in 2006, which was finally dissolved in January last year.

Procedural Problems

Stoke Forgings Dudley Ltd has been fined £5,000 and ordered to pay costs of £4,103 by Dudley Magistrates Court. On 25 June 2008, an employee broke his wrist and thumb, dislocated a shoulder, required an extensive skin graft on his forearm, and also damaged nerves and tendons in his forearm after becoming entangled in machinery.

The company, which is based at Cochrane Road, Dudley, pleaded guilty to a breach of Reg 3 Management of Health and Safety at Work Regs 1999 and a breach of Reg 11 PUWER. The court heard how the injured party was working on a 6-Spindle Drill when he became entangled in a neighbouring drill, after his clothing got caught up in the moving parts.

Prosecuting, HSE inspector Sarah Palfreyman said:

“The worker should have been protected by fixed guards around the dangerous parts of the machinery and he was lucky to have escaped with the injuries he has. Drill-related injuries are still all too frequent and companies need to ensure proper risk assessments are carried out on machinery. In this case, if a suitable assessment had been undertaken, the need for an adequate guard would have been identified and the chance of an incident occurring would have been reduced, if not eliminated. HSE publishes Approved Codes of Practice, guidance and information leaflets with practical advice on machinery guarding – so there is no excuse for duty holders who don’t control risks and protect their employees.”

EA War

The Environment Agency has informed us that prosecutions for waste crimes have resulted in fines totalling £3 million in the last year. The amount has doubled in the last five years. The Environment Agency’s crackdown on waste crime – from fly tipping to the illegal export of waste – has led to an increase in the severity of penalties handed down by the courts. This week the EA secured its largest ever waste fine – £261,268 – after the soft drinks company Red Bull failed to meet its requirements to recover and recycle packaging waste. The company was ordered to pay £3,755 in costs to the Environment Agency as well as compensation of £6,854.

In the last twelve months the EA has created a new National Environmental Crime Team made up of around 20 former-detectives, intelligence officers and forensics experts. The team was set up to target organised waste crime, and they are specialists in recovering the proceeds of crime.

Red Bull Grounded

The Red Bull Company Limited has been ordered to pay a record £271,800 after failing to recover and recycle packaging waste.

The London based soft drinks importer pleaded guilty to charges of failing to register with the Environment Agency as a producer of packaging waste, and charges of failing to meet its requirements to recover and recycle packaging waste with respect to each of the eight years between 1999 and 2006, a total of sixteen charges.

The record fine was £261,278.00 and the company was ordered to pay £3,755.00 in costs to the Environment Agency. The company was also ordered to pay compensation of £6,854.00 to the Environment Agency for unpaid registration fees for the years 1999 to 2006 inclusive. This overtakes the previous highest fine of £225,000 which was imposed in January 2008 on a Midlands company that also failed to register as a producer of packaging waste.

Under the Producer Responsibility Obligations (Packaging Waste) Regulations 2007, businesses that have an annual turnover in excess of a specified amount (£2 million since 2000) and handle more than 50 tonnes of packaging each year must be registered with the Environment Agency or a compliance scheme. Each year, “obligated businesses” must also provide evidence of payment for the recovery and recycling of packaging waste.

Red Bull Company Limited approached the Environment Agency on 8 July 2007 to say that it was not registered with the Environment Agency or a compliance scheme. The company cooperated with the Environment Agency and attended an interview under caution on 12 March 2008, admitting that its turnover and packaging handled was more than the threshold limits allowed by the regulations. By not registering it was estimated that Red Bull made a saving of more than £180,000.

Environment officer Helen Pavlou said:

“The regulations are in place to encourage a reduction in the amount of packaging used by business and to decrease the amount of waste that is sent to landfill. While it is encouraging that the Red Bull Company Ltd came to us when they realised their mistake, it is disappointing that there are still companies that are not compliant with this important legislation more than a decade after it was passed. Money raised from compliance is invested in the recycling industry, so failure to comply by the Red Bull Company Ltd and other companies means that there is less investment in the recycling industry than there should be.”

Wasted Holidays

John Vernon, of Lakeview Country Club, Lanivet, Cornwall has been fined a total of £5,500 and ordered to pay costs of £2,315 for dumping and burning waste at a holiday park. On 19 November 2008 officers visited Lakeview Country Club to investigate a report of waste being illegally disposed of at the site. They were accompanied by an officer from North Cornwall District Council that had received a complaint and photographs showing waste burning.

On arrival they met the owner, John Vernon, who took them to some recent bonfire sites.

Among the bonfire remains were old mattresses, paperwork, paint tins, plastic pots, an old armchair, fibreglass resin, plaster board, carpet, chipboard and the metal frames of furniture. Waste was also found in a small water-filled pit. Among the deposited material were two car wheels, a blue plastic pipe, concrete blocks and rubble. The officers were then shown a quarry where a number of domestic electrical items including fridges, washing machines, microwave ovens, cookers and a television had been dumped. There was also a large amount of green waste and grass clippings.

John Vernon confirmed he had given instructions to clear up the site and burn wood and that the waste had come from refurbished holiday units at Lakeview.

Domestic electrical items including televisions contain hazardous substances such as lead and other toxic metals that pose a risk to human health and the environment. Fridges contain ozone-depleting gases in coolants and insulation foam. They must be safely disposed of in accordance with the latest Waste and Electrical Equipment (WEEE) Regulations.

Liz Harnett from the Environment Agency said:

“The defendant has owned this site since 2001 and should have taken more care to ensure waste was properly dealt with and his staff more closely supervised. He gained financially by burning this waste and would have gained further from these offences had they not been reported by a member of the public.”

Stinks to high heaven

Veolia has been fined £12,000 and ordered to pay costs to the Environment Agency of £14,737 for a consistent breach in conditions at the High Heavens composting facility in High Wycombe between June and December 2006. Thames Water Services Limited operated the business at the time of the breaches, but Veolia took over management of the site – and responsibility for the breaches – in November 2007.

High Heavens is a composting facility is located in High Wycombe, Buckinghamshire and composts kerbside-collected organic wastes and civic amenity green waste. It is permitted to take up to 40,000 tonnes of waste per year.

High Wycombe Magistrates’ Court heard that the permit at High Heavens has conditions set by the Environment Agency which ensure all emissions to air are free from odours. These could pollute the environment, harm human health or damage the local area.

Environment officer Holly Linham said:

“We were first alerted to the odour problems at the site from members of the public. They started to telephone our pollution incident hotline number and reported bad smells coming from the site. We went out and conducted odour surveys and detected bad smells from the site on 20 separate occasions. On numerous occasions we found the odour to be offensive and considered it to be having a significant negative impact on the local area.”

During this period the Environment Agency received over 170 complaints from local resi-

dents. Many stated that the odour was spoiling the enjoyment of their homes and gardens. Windows and doors had to be shut to limit the smell entering their homes. Several residents are said to have suffered from stress and others have stated that the offensive odour was ruining their lives.

Success in the Bag

Environment Secretary Hilary Benn has welcomed the news that leading supermarkets and their customers in England are now using 346 million fewer single-use carrier bags every month than in 2006.

In May 2006, 718 million bags were being given out – by May 2009 this had almost halved to 372 million, a reduction of 48 per cent.

In December 2008, seven leading high street supermarkets signed up to a voluntary agreement with the Government to achieve a 50 per cent cut in the number of bags they give out compared with 2006 figures. This voluntary target built on the reduction of 26 per cent in the number of bags given out between 2006 and 2008.

Environment Secretary Hilary Benn said:

“This is a great achievement by the seven supermarkets and their customers and it shows that by working together, we really can change our bag habits. The target of a 50 per cent reduction was only narrowly missed and retailers have really put a lot into this in the last six months. This means that several hundred million fewer carrier bags are going to landfill every month and we’re using less raw materials to make them, which is great news. I look forward to seeing further reductions in the months ahead.”

Green Buses

Bus operators and councils will be able to bid for the money which they can then use towards the additional up front cost of buying low carbon buses. As more low carbon buses are produced and sold, costs will reduce. This will encourage bus technology and will stimulate the market for low carbon buses, an industry in which the UK is a world leader.

Transport Secretary Andrew Adonis said;

“CO₂ emissions from buses have increased significantly over the last 10 years. For the sake of our environment and the air quality in our towns and cities it’s important to encourage the industry to move towards low carbon models. I’m delighted that this is an industry where UK manufacturers are leading the field. Therefore these companies and their employees are well placed to benefit from this initiative.

Over the next two years we expect this fund to support the purchase of several hundred low carbon buses and, just as importantly, help to stimulate the development of a new green technology industry and help to safeguard up to 900 jobs in bus manufacturing.”

Low carbon buses use at least 30 per cent less fuel and emit nearly a third less carbon than an equivalent conventional bus. They therefore have the potential to significantly reduce the impact of road transport on climate change. They will also meet the most stringent air

quality emission standards to help improve air quality.

Ryan air Take Off

Ryan air has taken a number of voluntary steps to increase the clarity and transparency of its website and other advertising after reaching an agreement with the OFT.

The OFT entered into discussions with Ryan air after the Advertising Standards Authority (ASA) referred the airline to it last year.

As a result, Ryan air has agreed to:

- Provide clear information about Ryan air's Price Guarantee and qualify as necessary any statements that Ryan air is guaranteed to offer the lowest prices.
- Give further prominence to links on its website and in email promotions that contain information about optional services and charges such as for checked-in baggage.
- Give further prominence to links on its website and in email promotions that contain information about any terms and conditions applicable to promotional offers such as the days or dates on which offer prices are not available.

OFT Director of Consumer Markets, Mike Haley, said:

'We welcome Ryan air's action which we believe will make it easier for consumers to access the information they need when choosing low cost flights.'

Better Regulation, Better Regulators

The Better Regulation Executive (BRE), part of the Department for Business, has published four new reports, as part of their ongoing examination of national regulators, on the Insolvency Service, Human Tissue Authority, Fish Health Inspectorate and Natural England. The Hampton Implementation Reviews looked at the work of each regulator against the principles of better regulation set out by Philip Hampton in 2005. Each review found that the regulators were making progress implementing these principles but a range of issues still needed to be addressed in each case in order to meet fully the criteria set out by Hampton. Key areas for improvement by the regulators have been highlighted, as well as the improvements they have already made.

The reviews, carried out by teams drawn from regulatory staff and staff from the Department for Business, are part of a wider assessment of national regulators being conducted by the BRE started in 2007. The review teams looked at the way regulators worked with businesses, as well as seeking feedback from the companies and other organisations they deal with. Other national regulators will undergo similar scrutiny.

Innovation

The first Government backed innovation awards, the iawards, have been launched by Science and Innovation Minister Lord Drayson and leading businessman James Caan. The

awards, launched at the Science Museum, aim to celebrate the best of cutting edge British science and technology.

Innovation and science will play a key role in building a stronger and more competitive economy able to take advantage of the upturn. The awards will recognise those people and businesses that will help to do this.

Prime Minister Gordon Brown said:

“New innovations will help us build for the future and take advantage of new opportunities in low carbon, digital technology, bioscience and advanced manufacturing. The awards will celebrate and recognise Britain’s most innovative entrepreneurs.”

Science and Innovation Minister Lord Drayson said:

“Now more than ever we need to support and celebrate British innovation. New ideas and products will get us out of the downturn and provide the foundations on which we can build Britain’s future. The next iPlayer, Spotify and Ecotricity are out there and the people that will create these successful companies need to be supported and celebrated. The awards will do just that.”

Entries for the 13 categories are open to all organisations, but must specify the British involvement in any innovation - demonstrating that innovative thinking and development came from a British organisation or team.

The awards categories reflect the greatest challenges we face as a country where science and innovation offer the best chance of developing viable solutions. Each entry must demonstrate how its innovative qualities relate to at least one of the following challenges:

- addressing the healthcare needs of an aging society;
- increasing international security from tackling global poverty to minimising the threat of terrorism;
- preserving finite natural resources in the face of population growth and climate change; and
- delivering public services which make best use of new technologies.

They must also demonstrate that the innovation has an impact on one of the Government's grand challenges for science.

University Places

Lord Mandelson has announced, an extra 10,000 places are being made available to universities to support more students going into higher education this year.

The Government will pay the student support costs for full time undergraduate entrants to science, technology, engineering and maths subjects - areas which will equip young people with the skills they need for the jobs of the future.

The Government is taking this action to invest through the downturn and build a stronger Britain at a time when applications to universities are at their highest ever.

Business Secretary Lord Mandelson said:

“By making available 10,000 extra places in science, technology and maths we are not only helping more individuals with the ambition and ability to go to university but also investing in this country’s future. Our expansion of higher education is more important now than ever as we continue to invest in a highly skilled workforce to win the jobs of the future and lead the way in building Britain’s future.”

This is a fiscally neutral change - the costs of supporting the extra students will be met through reprioritising existing budgets and reducing the optional five year holiday on repayment of student loans to two years.

Higher Education Minister David Lammy said:

“In tougher times it is right that we continue to invest which is why we are providing funding today to help meet some of the unprecedented demand to study at university. This Government has hugely expanded higher education with 300,000 more students at university than in 1997 supported by a 25 per cent increase in funding over the same period. We want to support people with the ability and talent to go to university because it is good for those individuals and the future of our economy.”

NHS apprenticeships

Health Secretary Andy Burnham has announced NHS organisations will receive a total of £25 million to create 5,000 new NHS apprenticeships by March 2010.

New NHS apprenticeships will get real ‘on the job’ experience while improving their qualifications and contributing to the NHS workforce. Apprenticeships will include clinical support roles such as dental nurses and pharmacy support workers and non-clinical roles such as IT support, estates and facilities management and catering.

In addition to the £25 million worth of funding announced, progress towards achieving the 5,000 new apprenticeships has so far included:

- The creation of a National Apprenticeship Advisory Committee chaired by Guys’ and St Thomas’ NHS Foundation Trust Chief Executive Ron Kerr to drive progress and promote recruitment and retention of apprenticeships in the NHS;
- Plans from Strategic Health Authorities (SHAs) which demonstrate their individual planned contribution to this important commitment; and
- Joint working between the NHS, Skills for Health (the sector Skills Council for the health sector) and NHS Employers who are actively supporting the NHS to promote a skilled, flexible workforce to improve the quality of health and healthcare through appropriate apprenticeship training programmes and frameworks for both health employers and employees.

Meeting apprentices on a visit to Aintree Hospital, Liverpool, Health Secretary Andy Burnham said:

“We are totally committed to being able to provide apprenticeship opportunities for young people. Our ambitious programme to more than treble the number of apprentices will create over 5,000 new apprenticeships in the NHS. Apprenticeships are an excellent way of

giving young people the chance to learn life changing skills and offer a genuine opportunity to train clinical staff. In these tough economic times, we must do all we can to provide high quality routes into jobs so that we can ensure we have a highly skilled, highly motivated and loyal NHS workforce for future generations.”

There are currently 1,500 apprentices in the NHS. All new apprentices will be in post by March 2010.

Planning applications

Businesses, offices, shops, schools and other institutions may benefit from not having to pay planning application fees and administration costs for minor alterations and extensions which can cost up to £2,000 or wait weeks to start building.

Other small developments such as the replacement of shop fronts and installing cash points will also be subject to a simpler and cheaper process.

The package builds on reforms recommended by the Killian Pretty Review into the planning system last year. The government is also proposing to reduce the amount of unnecessary information that applicants submit with their planning applications which could save a further £50 to £70m a year.

At the moment some applicants are submitting unnecessarily large volumes of information which wastes time and resources for them and councils.

John Healey said:

“We want to make it easier for businesses in the current difficult economic climate and these proposals will cut red tape and bureaucracy. By taking smaller applications out of the planning system and cutting the amount of unnecessary information required for planning applications we can save up to £90million a year which would usually be lost in the administrative process. This will make life simpler for councils who can focus on the major applications that matter most and for businesses that won't need to pay out for making simple alterations to their premises such as the addition of a store room at the back of a shop or a new building within an existing industrial site. It's vital that we operate a more cost effective and efficient planning system now so it doesn't stifle economic recovery in the future.”

The majority of planning applications from businesses are classed as minor developments. These reforms will ensure around 30 per cent of these minor non residential proposals will be taken out of the planning system altogether or subject to a much simpler process.

One of the Killian Pretty recommendations was to conduct a consultation into the way local councils advertise major planning applications, including the requirement to advertise applications in local newspapers. No decision has been taken and the consultation is open on this point. The Government wants to make the most out of all methods of communication with residents and we will be consulting carefully about the potential implications.

Pay fair

The Minister has urged businesses to sign up to the Prompt Payment Code, which aims to encourage better payment performance between businesses. Regional Minister for the South East, Jonathan Shaw, will also write to local councils, public sector bodies and business groups in the region to encourage them to sign up to the code.

Over 750 companies in the South East failed during 2008 because of late payment and the region's companies will pay over £33m in unnecessary interest charges because of overdue payments this year.

Visiting Seevent Plastics - one of over 350 companies that have already committed to the code - Rosie Winterton, Minister for Regional Economic Development said:

"Prompt payment remains the biggest financial challenge faced by firms and in many cases late payment is the difference between life and death for a business. We are taking this issue seriously, that's why all government departments have signed up to the Code and are going a step further by paying nine out of ten invoices within ten days. We're also providing advice and support - 80,000 Managing Cash flow guides have been downloaded since last November. I want to see more companies acting responsibly and paying their invoices promptly and without changing their agreed contractual terms. Seevent are a great example of good business – they manage their own cash flow and ensure they pay suppliers on time. That's why I'm here in Lancing to encourage more companies to follow their example and sign up to the Prompt Payment Code."

Ken Fisher, Managing Director of Seevent said:

"We at Seevent believe that the payment of invoices on time is a major part of the contract between supplier and customer. The customer rightly complains if his goods are late in arriving and therefore should honour his part of the contract by paying on time. At Seevent we pride ourselves on our payment record."

CRB

Following a pricing review, the government agency has agreed to reduce the fee charged for a Standard Disclosure from £31 to £26. The change will come into effect from 1 October this year.

The fee reduction has been made possible due to an expected increase in the volume of disclosure applications being processed as the new Vetting and Barring Scheme goes live in October.

Home Office Minister David Hanson MP said:

"The CRB plays a vital role helping to protect the most vulnerable in our society by giving employers the extra tools they need to make informed recruitment decisions. The cost of a CRB check now represents even greater value for money given the protection and assurance that such checks provide."

Ships Detained

The Maritime & Coastguard Agency (MCA) has announced that seven foreign flagged ships have been detained in UK ports during June 2009 after failing Port State Control (PSC) inspections.

During June there were five new detentions of foreign flagged vessels and two continued to be detained. The overall rate of detentions, compared with inspections carried out over the last twelve months, was 3.8%. This is slightly up on Mays twelve month rate.

During the month of June, 183 PSC inspections were carried out in the UK. No deficiencies were found on 59 vessels, 87 had between one and five deficiencies, 33 had between six and 10 deficiencies, four had between eleven and twenty deficiencies and no vessels were inspected that had more than twenty deficiencies.

Of the vessels detained, three were registered with flag states listed on the Paris MOU white list and four were registered with flag states on the black list.

Beekeepers buzzing

The number of beekeepers has grown over the last year, according to the National Bee Unit, which runs BeeBase, the national beekeepers' database.

Increasing the numbers of registered beekeepers is an important feature of 'Healthy Bees', the long term plan to protect and improve bee health.

More than 1,500 new beekeepers have registered on BeeBase this year and much of this has been attributed to the increased publicity on bee health, leading to more people donning bee suits and picking up smokers for the first time. There are also large numbers of new entrants being seen at beekeeping training events provided by the National Bee Unit's team of bee inspectors and beekeeping associations. Recent training events have seen over 13,000 attendees.

Bee health Minister Lord Davies said:

"This is great news – more beekeepers are registering on BeeBase. This entitles them to the free inspection service offered by the National Bee Unit and ensures that they are able to keep up to date on disease developments. It is encouraging that more people appear to be taking up beekeeping and taking up bee health training opportunities. By working with all beekeepers we can collaborate to improve bee health."

HSE's Myth of the Month

The reality

If you believe everything you read, health and safety is to blame for lots of fun events being cancelled. Plastic duck races, village fetes and even morris dancing have all allegedly fallen victim to excessive health and safety regulations.

People often assume that the rules are so complex they make it too much effort to organise an event. But when managed sensibly, health and safety shouldn't (and doesn't) stop things happening.

As part of a well-run event, good planning and practical actions help to make sure that things go smoothly. The important thing is to make sure that health and safety is fit for purpose and acted upon. It certainly isn't about cancelling events – we're here to save lives, not stop them



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