



Prosecutions

£300,000 Fine for Pub Chain

A major pub chain has been fined £300,000 after a Merseyside landlord died from carbon monoxide poisoning, and tenants at another 474 pubs were put at risk.

Paul Lee was found unconscious by a cleaner at the Aintree Hotel on Aintree Road in Bootle just after midday on 12 November 2007. He had turned on a gas fire in his living room ten hours earlier before falling asleep.

The 41-year-old suffered a heart attack due to lack of oxygen on the way to the hospital and died the following morning without regaining consciousness. He had worked as the tenant landlord at the pub for less than a month.

The owner of the Aintree Hotel, Enterprise Inns plc, was prosecuted after a Health and Safety Executive (HSE) investigation found that the fire may not have been serviced since 1979 and the chimney was completely blocked.

The West Midlands based company, which owns approximately 7,700 pubs across the UK and has an annual turnover of £818 million, admitted breaching Section 3(1) of the Health and Safety at Work etc Act 1974.

Liverpool Crown Court heard that **Enterprise Inns should have ensured that gas safety inspections were carried out at 868 of its pubs at least every 12 months, but that only 394 had valid certificates. The gas heater which caused Mr Lee's death should have been checked before he took over the tenancy.**

Enterprise Inns also received a written warning from HSE in 2001, following a fire at one of its properties in Birmingham, which highlighted a systematic failure to implement annual gas safety checks.

Iain Evans, the investigating inspector at HSE, said:

"It is shocking that a major pub chain failed to ensure regular gas safety checks were carried out at more than 400 of its properties. As a result, one man has been killed and hundreds of other lives have been put at risk.

"Tests we carried out on the gas fire at the Aintree Hotel showed that the workplace limit for exposure to carbon monoxide would have been exceeded within five minutes of it being turned on, and would have reached a level known to be fatal within an hour.

"The chimney from the fire was completely blocked so there was nowhere for the carbon monoxide to escape. Instead, it gradually built up in the room and starved Mr Lee's organs of oxygen until he was left unconscious.

"What makes this case so tragic is that Mr Lee's life could have been saved if Enterprise Inns had continued to obey the written warning it received about gas safety six years earlier, instead of falling back into old habits."

Enterprise Inns plc, of Monkspath Hall Road in Solihull was ordered to pay £19,000 towards the cost of the prosecution in addition to the fine at Liverpool Crown Court on 5 October 2010.

Gas Safe Register is the official gas safety registration scheme in Great Britain. All gas fitters must be Gas Safe registered to fit, fix and service gas appliances.



Litter Picker Fatally Run Down at Work

National waste and recycling company Veolia ES (UK) Ltd has been fined £225,000 after a worker was killed in a vehicle collision while collecting litter from a busy road.

The prosecution follows an investigation by the Health and Safety Executive (HSE) after an incident on 2 March 2007 in East Peckham, Kent.

Damian Griffiths, 20, an agency worker for Veolia, was litter-picking on a grass verge of the A228 with a colleague, who was driving a caged vehicle, used to collect the litter, alongside him.

A large goods lorry travelling in the same direction collided with the caged vehicle, shunting it into Mr Griffiths. The LGV driver escaped serious injury but Mr Griffiths died at the scene.

Veolia ES (UK) Ltd, of Pentonville Road, London, was found guilty of breaching sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974, at Maidstone Crown Court, on 11 August 2010. It was also ordered to pay costs of £95,239.

Following sentencing, HSE Inspector Caroline Penwill, said:

"Veolia failed to ensure Mr Griffiths' work activity was safe and properly planned. As a result of its failure a man has died. This has had devastating consequences for Damian Griffiths' family.

"Litter-picking near busy roads can be a high-risk activity if not properly planned. Veolia was responsible for managing these works, but in this case did not properly protect the roadside crew from oncoming traffic.

"Other road users were also put at risk. This is unacceptable. **Those responsible for managing roadside jobs must ensure that safe systems of work are in place, and measures are taken to safeguard workers and members of the public.**"

Company Prosecuted after Wall Collapse

A Wiltshire construction company has been prosecuted after a teenager was seriously injured when a wall collapsed last August.

Simon Jones Restoration and Re-design Limited pleaded guilty to health and safety breaches at Chippenham Magistrate's Court, following the prosecution brought by the Health and Safety Executive (HSE).

Two employees were carrying out refurbishment work to a large domestic property in Chirton, Devizes, which had been in a poor condition for a number of years. They were creating an opening in a lime mortar gable end wall when the wall collapsed, injuring both workers.

The seriously hurt teenager, who does not want to be named, was aged 17 at the time of the incident. He suffered a fractured pelvis, ligament damage to his ankle and chipped teeth.

Mark Renouf, HSE Inspector said: "This was a serious case which could easily have been fatal. **The job was complex with a substantial element of temporary works. It needed to be carefully and meticulously planned with the involvement of a competent engineer. Unfortunately this was not done and as a result led to terrible consequences.**"

The company, of Foxtwicken, East Kennett, Marlborough, Wiltshire, pleaded guilty to breaching section 28(1) of the Construction (Design and Management) Regulations 2007 and was fined £4,000, with £3,000 costs and ordered to pay £1,000 compensation to the injured teenager.



News

Work-related Deaths Reported to HSE and Local Authorities

The HSE has issued statistics covering work-related fatalities that are reportable under RIDDOR, and are updated on a quarterly basis. However, it is noted that a consequence of providing detail that is as up-to-date as possible is that many of the cases listed are still under investigation. Therefore, these statistics are released on a provisional basis and may be subject to revision as more accurate information becomes available.

Some deaths are excluded from these statistics as they are reportable under other legislation. The main exclusions include fatal accidents involving workers travelling on a public highway (a 'road traffic accident'). Such incidents are enforced by the police and reported to the Department for Transport. Those killed whilst commuting (travelling from home to work, and vice versa) are also excluded. Fatal accidents involving workers travelling by air or sea, as these incidents are the responsibility of the Air Accident Investigation Branch and Marine Accident Investigation Branch, and reported accordingly. Fatal injuries at work due to 'natural causes', usually heart attacks or strokes, unless brought on by trauma due to the accident; and accidents to members of the armed forces.

Statistics relating to worker deaths (that is, employees and the self-employed combined) are as follows:

- agriculture, hunting, forestry and fishing: 9
- extractive and utility supply: 1
- manufacturing: 6
- construction: 12
- services: 11.



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European Safety Week

Safe maintenance will be the focus of this year's European Week for Safety and Health at Work, starting on 25 October until the 29th, as hundreds of conferences, exhibitions, and training sessions are held throughout Europe.

Regular maintenance is essential to keep equipment, machines and the work environment safe and reliable. Lack of maintenance or inadequate maintenance can lead to dangerous situations, accidents and health problems. Maintenance is a high-risk activity with some of the hazards resulting from the nature of the work. Maintenance is carried out in all sectors and all workplaces. Therefore, maintenance workers are more likely than other employees to be exposed to various hazards.

According to the European Standard EN 13306, maintenance concerns the 'combination of all technical, administrative and managerial actions during the life cycle of an item intended to retain it in, or restore it to, a state in which it can perform the required function'.

Maintenance is a generic term for a variety of tasks in very different types of sectors and all kinds of working environments. Maintenance activities include:

- inspection
- testing
- measurement
- replacement
- adjustment
- repair
- upkeep
- fault detection
- replacement of parts
- servicing
- lubrication
- cleaning

Regular maintenance has an important role in eliminating workplace hazards and providing safer and healthier working conditions. Lack of maintenance or inadequate maintenance can cause serious and deadly accidents or health problems.