



Quarter 3 – Newsletter

July – September 2009

Click www.cqms-ltd.com to see the Newsletter Archive

INSIDE QUARTER 3 NEWSLETTER:

- > H&S guidance to be free online
- > Corporate Manslaughter court case - update
- > New Legislation
- > New HSE strategy launched
- > Inquiry calls for legislation changes
- > Importance of reviewing fire precautions
- > HSE Myth of the Month
- > HSE Swine Flu advice
- > Safety Advisers Need Accreditation, HSE Chair Says
- > Recession affecting Health & Safety?
- > Dates for your diary
- > **What could go wrong?**

H&S GUIDANCE TO BE FREE ONLINE

From September 2009 around 250 publications that contain health and safety advice and guidance will be made freely available via the HSE website in PDF format, a decision welcomed by CQMS.

The Health and Safety Executive (HSE) said it was making the information available to help employers better understand their legal duties and what health and safety precautions they need to take.

The publications are expected to cover the full range of HSE's guidance as well as detailed information on approved codes of practice (ACoPs) and safety regulations.

CORPORATE MANSLAUGHTER COURT CASE - UPDATE

Peter Eaton, a director of Cotswold Geotechnical Holdings Ltd, appeared at Stroud magistrates court in June 2009 to face manslaughter charges both on behalf of the company and as an individual.

The case was transferred to Bristol Crown Court where Mr Eaton will enter his plea on 19 August 2009.

NEW LEGISLATION

The Control of Major Accident Hazards (Amendment) Regulations 2009 came into force on 1st July 2009. The amendments to regulation 22 of COMAH provide for a power to recover the costs to the Health and Safety Executive from certain COMAH establishments in specified circumstances. This instrument is prepared for the avoidance of any doubt about the power of the Health and Safety Executive to recover those costs.

NEW HSE STRATEGY LAUNCHED

The HSE launched their new strategy, 'Be Part of the Solution', on 03 June 2009, which explains that for Great Britain's health and safety record to improve, everyone in the workforce must act together to minimise risks while maintaining business competitiveness.

The goals set by the strategy are:

- > Continue investigating work related accidents and ill health to secure justice when appropriate.

- > Encourage strong leadership.
- > Motivate focus on core aims of health and safety to enable risk maker and managers to distinguish between real health and safety and trivial criticism.
- > Encourage increase in competence to promote sensible and proportionate risk management.
- > Reinforce promotion of worker involvement and consultation.
- > Specifically target key health issues.
- > Set priorities and to identify which activities, their length and scale, and deliver a significant reduction in the rate and manner of deaths and accidents.
- > Adapt and customise approaches to help small and medium sized enterprises (SMEs) comply with their health and safety obligations.
- > Reduce the likelihood of low frequency, high impact catastrophic incidents.
- > Take account of wider issues that impact on health and safety as part of continuing drive to improve Great Britain's health and safety performance.

To view the strategy, go to

<http://www.hse.gov.uk/strategy/strategyweb.pdf>

INQUIRY CALLS FOR LEGISLATION CHANGES

A government report produced following an independent inquiry investigating the underlying causes of the high death rate in the construction industry has set out proposals aimed at cutting worker deaths in the sector.

The inquiry, commissioned by the Department of Work and Pensions (DWP), made key recommendations for improving worker safety, two of which are:

1. Introducing statutory health and safety duties for Directors, either by:
 - > A change to the Health and Safety at Work etc Act 1974 to impose general duties on individual Directors "to take all reasonable steps to ensure health and safety"; or
 - > A self-standing Regulation which would outline the framework for health and safety management and risk assessment.
2. Extending the Gangmasters Licensing Act to cover construction workers.

The report also raised serious concerns over the long delays in prosecutions and convictions following construction deaths, and made strong recommendations regarding HSE funding, recommends an increase in the number of HSE Inspectors and suggests the reinstatement of the Worker Safety Adviser scheme, which was aimed at improving safety among workers employed by Small and Medium Sized Enterprises.

The government is now considering its response to all the recommendations made in the report.

IMPORTANCE OF REVIEWING FIRE PRECAUTIONS

Shell International has been fined £300,000 plus costs of £45,000 for breaches of the Fire Safety Order 2005 following an investigation by London Fire Brigade (LFB) into two small fires at the oil giant's London headquarters.

CQMS Limited

Call 01476 566665 / 564242 | The Annexe, The Maltings, Wharf Road, Grantham, Lincolnshire NG31 6BH

SOURCES: HSE/HSC WEBSITE, ROSPA PUBLICATION (SAFETY EXPRESS), TRADE PUBLICATIONS. ALL INFORMATION DETAILED IS TO PROVIDE INFORMATION AND GUIDANCE ONLY.

LFB officers carried out an investigation into the two small fires and issued a Prohibition Notice after finding blocked escape routes, excessive fire loading (combustible materials such as furniture) and defective fire doors due to the refurbishment of the upper floors of the building.

The LFB officers also found that Shell's fire risk assessment had not been reviewed since March 2003. The assessment had identified some of the issues uncovered after the fires but the fire precautions had been allowed to deteriorate for more than three years.

Shell admitted three breaches of the Fire Safety Order: failure to review the fire risk assessment contrary to Article 9(3); and two counts of failing to maintain premises and equipment efficiently contrary to Article 17(1).

The LFB said that a new fire risk assessment should, on average, be updated every year.

The Fire Safety Order 2005 consolidated more than 100 pieces of legislation repealing the Fire Precautions Act 1971 and the Fire Precautions (Workplace) Regulations 1997. The main features are:

- > A single, simple fire safety regime applying to all workplaces and other non-domestic properties;
- > A risk assessment based approach, with responsibility for fire safety resting with a 'responsible person';
- > The abolition of prescriptive fire certificates;
- > The inclusion of some self-employed people and parts of the voluntary sector in the regime.

Companies who have not assessed the fire safety risks and recorded their findings are in breach of the law and risk invalidating their insurance and being fined.

If you do not have a Fire Risk Assessment in place, or have not reviewed the assessment, and require further information or advice please contact CQMS Ltd.

HSE MYTH OF THE MONTH

MYTH: Health and safety is a threat to village fetes



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.

HSE PROVIDES GENERAL SWINE FLU ADVICE

Employers and employees should always practice good personal hygiene measures – use a disposable tissue to control coughs/sneezes, dispose of it appropriately and wash your hands before eating, drinking etc. In addition at the current time you should:

Advise your staff to stay at home if they are sick with flu-like symptoms and have good reason to believe, based on HPA guidance, that they may have been exposed to the swine flu virus

Send home any employees who are displaying flu-like signs/symptoms in the situation described above

USE OF FACE MASKS

The number of people in public places who are displaying symptoms is likely to be limited. Therefore it should not be necessary for workers to wear facemasks routinely when in contact with the general public.

For certain occupations and activities where there is an increased likelihood of exposure (e.g. health and social care workers), HSE's guidance is that fluid-repellent surgical face masks offer a barrier to minimise contact with the mouth and nose but do not offer protection against aerosols.

For protection against aerosols a FFP3 mask should be used. A **filtering facepiece (FFP3)** device is a mask which is certified to the PPE Directive. It provides a high level of filtering capability and face fit.

ASSESSING THE TYPES OF CONTROL MEASURES NEEDED WITHIN THE WORKPLACE

DH, working with HSE and HPA, has produced guidance for businesses in the eventuality of a flu pandemic. This is available at Department of Health website: Pandemic flu guidance for businesses and contains advice on facemasks and good hygiene, as well as a risk assessment matrix and checklists.

Further information

Department of Health website:

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyandGuidance/DH_080771

Direct gov website:

http://www.direct.gov.uk/en/Swineflu/DG_177831

SAFETY ADVISERS NEED ACCREDITATION, HSE CHAIR SAYS

The Chair of the HSE is requesting that Health and safety advisers should be accredited to ensure they meet appropriate standards of professional competence.

CQMS Limited

Call 01476 566665 / 564242 | The Annexe, The Maltings, Wharf Road, Grantham, Lincolnshire NG31 6BH

SOURCES: HSE WEBSITE, EA WEBSITE, CONSTRUCTION NEWS WEBSITE, ROSPA PUBLICATION (SAFETY EXPRESS), VARIOUS TRADE PUBLICATIONS. ALL INFORMATION DETAILED IS TO PROVIDE INFORMATION AND GUIDANCE ONLY.

Judith Hackitt told guests at an International Institute of Risk and Safety Management (IIRSM) reception in London that although HSE did not intend to run such a scheme, it did believe one was necessary.

Ms Hackitt said: "We do believe that there is a need for an accreditation system within the competency framework for health and safety professionals. We have no interest in HSE directly controlling or regulating such a scheme, but we are very keen to ensure that all professional bodies who establish an accreditation scheme do so in a way that measures competence in practice, not just acquired knowledge. Accreditation must include continuing professional development as a requirement as well as a means of sanction, with real teeth, for anyone who acts unethically in their professional activities – including providing inappropriate advice or guidance."

She said that those involved in health and safety needed to be competent to assess and manage risk by applying common sense, taking a proportionate approach and exercising judgment about what is reasonable.

Competence is one of the cornerstones of the new health and safety strategy for Great Britain, and HSE wants to see increased competence as the basis of a more sensible and proportionate approach to managing risk.

The HSE wants employers to have access to competent, sensible advice so that risks are properly managed and unproductive measures and paperwork are not pursued. A study for the Federation of Small Businesses in 2007 found that 60 per cent of firms found risk assessment difficult – making professional advisers an important part of the health and safety system.

CQMS believe accreditation is the way forward to ensure Health and Safety Consultancy's not only hold the relevant safety qualifications but also have a suitable level of experience to ensure that competent advice is provided. CQMS Safety Advisers all have, as a minimum requirement, NEBOSH qualifications which are expanded upon by sector specific training, regular Continued Professional Development and on-the-job training and experience.

RECESSION AFFECTING HEALTH & SAFETY?

A recent survey by the British Safety Council (BSC) indicates that the recession is having a significant effect upon health and safety at work, which could put lives at risk.

The survey reveals that while 70% of workers feel more inclined to be productive in an environment where their employer is attentive to their health, safety and wellbeing, just over half of bosses think that a proactive approach to health and safety enhances the bottom line (compared to 72% in 2007).

According to the survey, 1 in 10 workers is fearful of raising concerns about health and safety issues in the current economic climate, and 1 in 12 feels under pressure from their boss to take risks with people's safety in order to save money.

The survey also noted the following concerning statistics:

- > One in four employers (26%) admit they are not aware of three major pieces of legislation or formal

guidance: the Health and Safety (Offences) Act, the Corporate Manslaughter Act and the Institute of Directors' 'Guidance for Directors'.

- > 53% of employees still have had little or no health and safety training: 23% of employees surveyed had never received any kind of training; 14% have been trained occasionally; and 16% have been trained just once.

To view the report in full:

http://www.britsafe.org/download/reports/BSC_Annual_Survey_2009.pdf

DATES FOR YOUR DIARY

CQMS are pleased to announce the following forthcoming training dates:

BRITISH SAFETY COUNCIL LEVEL 1 CERTIFICATE (1 DAY)

When?

Thursday 10 September 2009
10:00 – 17:00

Where?

CQMS Ltd offices, Grantham.

Who should attend?

The course is open to all levels of employee and does not require any prior knowledge.

What is the cost?

Only £50.00 +VAT per person.

FIRE WARDEN RESPONSIBILITIES (1/2 DAY)

When?

Friday 25 September 2009
10:00 – 13:00

Where?

CQMS Ltd offices, Grantham.

Who should attend?

Anyone responsible for overseeing fire safety, designated Fire Marshals

What is the cost?

Only £40.00 +VAT per person.

To **book your place** on the above training course, please contact CQMS' offices by either

- > telephoning 01476 566665 or
- > emailing training-events@cqms-ltd.com

Hurry, book early to avoid disappointment!

CQMS Ltd can provide a range of training courses, and should you require any other training please contact our offices for a specific quotation.

CQMS Limited

Call 01476 566665 / 564242 | The Annexe, The Maltings, Wharf Road, Grantham, Lincolnshire NG31 6BH

SOURCES: HSE WEBSITE, EA WEBSITE, CONSTRUCTION NEWS WEBSITE, ROSPA PUBLICATION (SAFETY EXPRESS), VARIOUS TRADE PUBLICATIONS. ALL INFORMATION DETAILED IS TO PROVIDE INFORMATION AND GUIDANCE ONLY.

WHAT COULD GO WRONG?

It is paramount to ensure your Health and Safety procedures in place are robust enough to protect you, your business and your workforce from accidents occurring, particularly in the current harsh economic climate.

CQMS Ltd urges all employers to review their arrangements and procedures, supervision and competency of employees to ensure they are doing all they reasonably can to prevent workplace injuries and dangerous occurrences. The cases outlined below provide a stark reminder of what can happen when those arrangements are inadequate.

The following articles have been taken from the press and are provided as an example of recent prosecutions made under failings in health and safety legislation.

LEG AMPUTATION AFTER CRUSHING BY FALLING WEIGHT

Agricultural contractors Pete Mellor Ltd of Burton on Trent have been fined a total of £12,000 with costs of £2,500 for failing to carry out suitable risk assessments after a man's leg was amputated when he was crushed by a falling weight in October 2007.

The employee was carrying out repairs to a forklift truck, which involved removing the 1.8 tone counterbalance weight. The weight was unsupported; it fell off and landed on a self employed worker who was walking past at the time. The man's left leg was crushed by the weight and had to be amputated below the knee.

HSE Inspector Samantha Farrar said:

"The incident resulted from an unsafe system of work. The weight was not supported during removal and the person carrying out the repair had been given insufficient information and instruction. Also, the injured party was allowed to walk through the work area."

FIRM GIVEN £733K PENALTY AFTER SECOND DOUBLE FATALITY

A metal treatment company must pay a total fine and cost of £733,000 after pleading guilty to a breach of the HSWA 1974, following the death of two workers at its manufacturing plant in Hereford in 2004.

Stuart Jordan and Richard Clarkson were found unconscious on stairs leading to a concrete lined pit after argon gas had leaked from a large pressure vessel. The pit's oxygen system had been silenced after a number of false alarms at the site. The ventilation system was also not in operation after the machine had lost power during a power cut, which occurred a month prior to the incident, and had not been switched back on.

The company has subsequently re-trained staff to ensure they correctly follow the safe system of work, including carrying oxygen masks when working in confined spaces. It has also removed the inhibit button from the alarm system, so that the alarm can't be silenced, and a warning light has been installed to alert operators to leaks, in the event that the alarm fails to sound.

The company experienced a similar double fatality at its California facility in 2001, meaning the firm should have

been aware of the dangers of working in confined spaces however despite this they had failed to undertake a proper risk assessment for entry into the confined space.

£100K FINE FOLLOWING CRUSHING DEATH

Two employees of Auto Recoveries were moving a five tonne press brake using a jack and rollers when it rocked and tipped over, trapping one employee beneath.

The man had died by the time the paramedics arrived at the scene.

The senior partner at Auto Recoveries, George Robertson Graham, was fined £100,000 and ordered to pay £20,000 costs after admitting failing to undertake an adequate risk assessment or having a safe system of work in place.

HSE Inspector Steve Smith, said: "A man has tragically lost his life here and what's particularly sad about this is that the incident could have been prevented if the employer had ensured a safe system of work had been in place."

HUGE FINE A WARNING TO OTHER WAREHOUSE AND LOGISTICS OPERATORS

A logistics company has been fined £133,000 after a member of the public was crushed to death by a faulty lorry on its premises.

The company has since made major improvements in health and safety at the premises including introducing dedicated, delineated pedestrian walkways, and clearly marked out 'no go' areas for vehicles, as well as tighter controls over vehicle movements in the rear yard.

Mr. David West was waiting to collect a parcel at the Concorde Logistics warehouse in Milton Keynes in 2006 when a vehicle entering the yard stopped suddenly due to a fault which caused the brakes to lock. The driver got out of his cab to investigate and report the problem, however the brakes then released and rolled over Mr. West causing fatal injuries.

In sentencing, the judge took into account the company's early guilty plea, and its full cooperation with the investigation throughout. Consequently, the fine was reduced by a third. Senior EHO Matthew Barnes, who led the investigation, said: "Other companies operating similar warehousing premises need to ensure they have robust risk assessments for ensuring pedestrians and vehicles can circulate safely; enforced systems of control for vehicle movements; information, instruction and training provided for employees and site visitors on these systems; and appropriate and planned use of loading bays for goods collection."

JAIL TERMS FOR BUILDING BOSSES OVER DEATH OF TEENAGE WORKER

A "protracted and complex" investigation into the death of a 15-year-old casual construction labourer has resulted in jail sentences for the builder who employed him, and the disqualified company manager who was supervising the project at the time.

Adam Gosling had been doing some casual work for Colin Holtom, who traded as Maldon Groundworks.

CQMS Limited

Call 01476 566665 / 564242 | The Annexe, The Maltings, Wharf Road, Grantham, Lincolnshire NG31 6BH

SOURCES: HSE WEBSITE, EA WEBSITE, CONSTRUCTION NEWS WEBSITE, ROSPA PUBLICATION (SAFETY EXPRESS), VARIOUS TRADE PUBLICATIONS. ALL INFORMATION DETAILED IS TO PROVIDE INFORMATION AND GUIDANCE ONLY.

Holtom was sub-contracted to Soneca Systems Ltd to carry out a large garden landscaping and refurbishment project at a private address where Darren Fowler was the project manager for the site.

An existing pool-house had been demolished, exposing a 22-foot-long wall, which was seven-foot high and had a large crack running down its centre. The wall was deemed unsafe and required demolition.

Adam and his older brother old by Holtom to demolish the wall, however as they did so the wall began to lean into a neighbouring garden. Adam spoke to Holtom, who apparently told him to go into the adjacent garden and push the wall back. As he did so, the wall fell towards him, hitting a concrete garage, and trapped Adam against it. The emergency services managed to free Adam, but he had suffered a fractured skull and was confirmed dead at the scene.

Holtom was charged with gross-negligence manslaughter and was jailed for three years; Fowler had previously pleaded guilty to working while disqualified from being a company manager and failing to discharge a duty under the HSWA 1974. He was jailed for nine months with three months suspended.

Enquiries into the incident were led by the Homicide and Serious Crime Command in conjunction with the HSE.

Simon Hester, the HSE investigating inspector, said: "The management and set-up 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 Employers Liability Insurance."

HSE WARN "WORK SAFELY AT HEIGHT" AFTER 6.5m LIFT SHAFT FALL

The UK Lift Company of Blisworth, Northampton, have been fined £2000 and order to pay costs of £8000 following an incident when the company's assistant site manager fell 6.5m down a lift shaft.

The incident occurred at a school in Lincolnshire in 2008 when Michael Richards fell from the second floor down the School's lift shaft whilst helping a lift engineer sustaining a broken pelvis, other broken bones, fractures and ligament damage.

The UK Lift Company pleaded guilty to breaches of the Work at Height Regulations 2005.

TWO COMPANIES FINED FOR 25m FALL

Pinnacle Scaffolding Ltd and L J McLaren Engineering Ltd have both been fined following an incident in which a roofer fell 25m sustaining serious injuries.

A self employed roofer was sheeting the roof of a new factory under construction when the incident occurred in September 2007. The scaffolding at the roof edge did not comply with requirement for collective fall protection and the man was able to slide between the scaffolding

and the roof surface. As a result, he fell 25m, and sustained a broken arm and facial injuries.

HSE Inspector David Bradley said: "On this occasion the roofer is lucky to be alive, although he has sustained significant damage to his arm and has not worked since the incident."

Pinnacle Scaffolding Ltd and L J McLaren Engineering Ltd were fined for breaches of the Work at Height Regulations 2005.

SMALL COMPANIES WARNED TO TAKE HEALTH AND SAFETY RESPONSIBILITIES SERIOUSLY AFTER ROOFER'S DEATH

The Health and Safety Executive (HSE) has warned small companies to take their responsibilities seriously, after a man fell 10 metres to the floor through a PVC light on the roof of a DIY superstore in Wigan and later died.

CRN Contracts Ltd was charged with having contravened Regulation 4 of the Work at Height Regulations 2005, and Section 3(1) of the Health & Safety at Work etc Act 1974.

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.

15FT FALL RESULTS IN SERIOUS LEG INJURIES

A warehouse operation in which a man was stocktaking ended in tragedy when he plummeted to the ground and sustained serious injuries.

The incident occurred in June 2008 when Victoriaplumb.com employee, Mr. Christopher Scott, needed to access high level items on racking. A three sided wooden cage was placed onto the forks of a lift truck, Mr. Scott then climbed in and was raised 12-15 metres up to the racking above. He fell from the crate onto the floor below, sustaining extensive damage to his knee and foot, leaving him unable to undertake work of a heavier manual nature.

The Company pleaded guilty to breaches of the HSWA 1974 for failure to ensure the safety of an employee; the Management of Health and Safety at Work Regulations 199 for failure to undertake a suitable and sufficient risk assessment; and RIDDOR 1995 for failing to report the accident.

Investigating EHO, Mr Stephen Mills, explained that prior to this incident the company had no documented procedures for accessing goods at height, nor risk assessments for workplace transport issues, including forklift-truck usage. Although it did have a safety policy, which it produced in March 2008, it failed to implement it.

LACK OF EQUIPMENT MAINTENANCE CAUSES SEVERE BURNS

The HSE have prosecuted A1 Rewinds Ltd of Aston, Birmingham, following an incident in July 2008 which resulted in an employee suffering severe burns.

Mr. Harjit Singh Matharu, was using an oxy-acetylene welding gun whilst lying beneath a vehicle when acetylene leaking from the perished hose caught light, resulting in severe burns to his face and arms. The court heard that the equipment had not been maintained for 28 years.

HSE Investigating Inspector, Pam Folsom, said:

“The hoses were in an absolutely appalling state, totally perished and had been shortened each time that a bend split the hose allowing highly flammable gas to escape. The consequences of a gas cloud igniting beneath a vehicle, while a man is in the middle of that explosive mixture, are likely to be horrific.”

A1 Rewinds Ltd was fined for breaching the Provision and Use of Work Equipment Regulations 1998, which require employers to ensure that work equipment is maintained in an efficient state, working order and good repair.

FOLLOW CORRECT SAFETY PROCEDURES WHEN OPERATING MACHINERY AND DRILLS - WARNS HSE

The Health and Safety Executive (HSE) is warning employers and their staff to be mindful of following the correct safety procedures when operating machinery and drills, following the prosecution of a Black Country firm.

An employee of Stoke Forgings Dudley Ltd was working on a 6-spindle drill when his clothing became caught in the moving parts of a neighbouring drill. The resulting injuries were a broken wrist and thumb, dislocated shoulder, damaged nerves and tendons in forearm, and extensive skin grafts were required to his forearm.

The company pleaded guilty to a breaches of the Management of Health and Safety at Work Regulations 1999 and the Provision and Use of Work Equipment Regulations 1998 and were subsequently fined.

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.

ILLEGAL DUMPING OF WASTE LEADS TO FINE

Charges were brought upon F E Downes Ltd of Hinckley, Leicestershire under the Environmental Protection Act 1990 for illegally depositing waste materials without a Waste Management Licence.

The Environment Agency inspected land at Hinckley in December 2007 after receiving reports of waste materials being illegally deposited. Soil, construction and

demolition wastes were found to have been deposited on part of the land.

Robert Browning, an Environment Agency Officer, said:

“The Courts are supporting this action by imposing substantial fines. The maximum penalties for these offences are now a £50,000 fine and/or five years imprisonment. Normally the land owner would also be prosecuted. In this instance, it was not in the public interest to prosecute the local football club, the owner of the land. All building and construction concerns are reminded of the requirement to be registered as waste carriers. Most will be carrying building, construction and demolition waste during their business. This waste must be disposed of at a licensed site.”

F E Downes Ltd was fined £10,000 and ordered to pay costs of £2,534.14.

£15K FINE FOR NOT RECYCLING

First Choice Coffee Ltd has been fined £15,000 plus costs of £1,600 after admitting failing to join a recycling scheme during 2006-7, amounting to six separate offences under packaging waste regulations.

Mrs Anne-Lise McDonald, prosecuting, said the company had saved at least £5,970 by not registering with a scheme for five years. Each year the company fails to do that, they have committed three offences.

Under the regulations, a company with an annual turnover of more than £2million and handling more than 50 tonnes of packing a year has to register with the Environment Agency or a compliance scheme by 07 April each year, recover and recycle specific tonnages of packaging waste based on the amount handled the previous year, and provide the Environment Agency with a certificate by 31 January of the year following to prove the targets had been met.

First Choice Coffee Ltd pleaded guilty to several breaches of the Producer Responsibility Obligations (Packaging Waste) Regulations 2005 and the Environment Act 1995.

CQMS Ltd have been providing Health and Safety Support Services nationally to a wide range of industries since 1994.



CQMS Ltd are currently Corporate Members of the Association of Project Safety, the British Safety Council and ROSPA.



CQMS Ltd also hold international ISO 9001 Award signifying Quality Products and Services and also OHSAS 18001, the



international occupational health and safety management system specification.

If you have any questions regarding the content of this newsletter or require any additional information please contact us by telephone on 01476 566665 or via email enquiries@cqms-ltd.com

CQMS Limited

Call 01476 566665 / 564242 | The Annexe, The Maltings, Wharf Road, Grantham, Lincolnshire NG31 6BH

SOURCES: HSE WEBSITE, EA WEBSITE, CONSTRUCTION NEWS WEBSITE, ROSPA PUBLICATION (SAFETY EXPRESS), VARIOUS TRADE PUBLICATIONS. ALL INFORMATION DETAILED IS TO PROVIDE INFORMATION AND GUIDANCE ONLY.