

**Health and Safety Scenarios – FOR CONSIDERATION PRIOR TO MEETING**

**Scenario 1:**

The former owner of a building firm has been prosecuted for carrying out illegal and dangerous gas work at two homes.

Mr A, was prosecuted by the Health and Safety Executive (HSE) after an investigation established that he carried out gas work on two separate occasions without being a member of the Gas Safe Register, as the law requires.

The court was told that he was registered with the Gas Safe Register between October 2009 and October 2010, but had subsequently allowed his registration to lapse. He knew a current registration was a legal requirement, but opted to undertake the gas work regardless.

Mr A, pleaded guilty to five breaches of the Gas Safety (Installation and Use) Regulations 1998 as an unregistered gas fitter:-

- two counts of Regulation 3(1),
- two counts of Regulation 3(3)
- and single count of Regulation (3(2).

Mr A stated that he had let his registration lapse when his business ran into financial difficulties and lost the tender of ongoing contacts.

Although he fully accepted that he had deliberately deceived the householders into thinking he was registered, he was very remorseful.

## **Scenario 2**

The owner of a fish and chip shop has been taken to court for a serious breach of health and safety regulations on his premises following an investigation into working practices at the business last year.

The investigation revealed that a counter assistant had to seek medical attention for burns, having been struck by hot oil on her feet, left leg and back while her employer was emptying the fryer.

The court heard how during an inspection at the premises it was discovered that Mr B was in breach of both the Health and Safety at Work etc Act 1974 and the Personal Protective Equipment at Work Regulations 1992.

Under this legislation, Mr B was required to ensure that a safe system of work was in place when emptying oil from the fryer, and to provide employees with health and safety training. During the investigation, there was no documentation found to reflect these requirements.

The court also heard how Mr B was required by law to provide personal protective equipment in the form of safety footwear to employees. During the investigation, he confirmed that the need to wear safety footwear had been identified due to slippery floors at the premises – but there was still none provided.

In mitigation Mr B said that he had never had any accidents previously as he usually emptied the fryer after the shop was closed and the staff had gone home and that he had advised staff to wear trainers to work

Mr B pleaded guilty to all three charges against him: two relating to his general duty to his employee and one relating to a breach in health and safety regulations.

**Scenario 3**

A plumber was prosecuted by the Health and Safety Executive (HSE) after it was found that he had installed an oil fired boiler at a property that had the potential to cause death from CO poisoning.

Mr C pleaded guilty to breaching Section 3 (2) of the Health and Safety at Work etc Act after it was heard the boiler was installed in a compartment with inadequate ventilation and an unsuitable material, flue liner, linking the boiler into the chimney.

No problems were noticed for around six months until the householder came home to find the house full of smoke and fumes. The flexible flue liner had dipped to form a moisture trap. This had become full of water which had fully or partially blocked the flue. These conditions led to incomplete combustion and the spillage of products of combustion including carbon monoxide.

Mr C was horrified to learn that his work was defective and was very remorseful.

**Scenario 4:**

A father of 3 was killed when his lorry clipped an overhead power line at a Farm.

Mr D, the farm owner, admitted breaching the Health and Safety at Work Act.

The victim was delivering cattle feed to the farm when his lorry's tipper hit the overhead power and died instantly by electrocution

The HSE said its investigation found Mr D had made no attempt to remove or reduce the serious risk associated with the power line.

After sentencing, the HSE inspector said: "Had Mr D had the power lines diverted, as he did after the incident, or even put in place measures to make people aware of the power lines, this terrible incident would not have happened and the driver would likely still be here today."