

Briefing Note to Environment and Licensing Committee

Subject: Health and Safety Prosecution: P.S.Marsden (Lawnmower Services) Limited

Date: 1 November 2022

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Purpose

To inform Members of a successful health and safety prosecution following an incident at P.S.Marsden (Lawnmower Services), Colwick Industrial Estate, Nottingham.

Background

- 1.1 Members will recall that in January this year Committee gave approval for appropriate prosecution action to be taken following the receipt of a RIDDOR report in January 2021 from the company which reported a serious incident occurring on the 23 December 2021, involving a member of the public suffering a significant injury from a piece of machinery which occurred during a demonstration at the company's premises.
- 1.2 The customer had attended the premises for a demonstration of a 'Predator 360' stump grinder that he was considering buying. There was some difficulty in getting the machine started which lead to three members of staff and the customer stood around the machine. The machine was eventually started but due to the location of the customer his trouser leg was sucked into the cutting blade causing severe lacerations to his left leg below and above the knee resulting in significant injuries including muscle damage, extensive blood loss and excruciating pain. The customer still has residual issues today.
- 1.3 The Council's Environmental Health Officers investigated and identified a number of breaches of health and safety legislation at the premises which lead to/contributed to the incident. They were satisfied that there was no safe system of work in place for demonstrating machinery at the premises.
- 1.4 The case was heard at Nottingham Magistrates Court on the 10 October 2022. The company was fined £20,000 for the offence of not meeting the requirements of Section 3 of the Health and Safety at work Act etc 1974. Section 3(1) of the Act states that:

"It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his

employment who may be affected thereby are not exposed to risks to their health and safety”.

The company were also ordered to pay the Council just over £3,200 in prosecution costs.

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Shortly after the incident the Company took the necessary action to rectify breaches identified. They also co-operated with the investigation of the offences.

Proposal

2.1 The Environment and Licensing Committee notes the content of this report.

Alternative Options

3.1 Not applicable

Financial Implications

4.1 The Court awarded all of the Council’s prosecution costs a total of £3,213 which will be paid within 56 days.

Background Papers

5.1 None

Recommendation(s)

THAT

- (a) The Environment and Licensing Committee note the successful investigation and prosecution taken by officers.

Reasons for Recommendations

To update the Environment and Licensing Committee of the successful prosecution of P.S.Marsden (Lawnmower Services) Limited.