

## D J Willrich "Grand Prix Award 2010"

We are delighted to inform that our client DJWillrich Ltd (DJW) the International Audio-Visual Systems Integrators for Museums and Theme parks based in Beaulieu, have scooped the "Grand Prix Award" at their Industry's Professional AV Awards held on Friday 8th October 2010. Having been short-listed for our work at "ringwerk at the Nürburgring", an indoor F1 theme park at the racing circuit in Germany; we won the award for Education Project of Year for "Centre of the Cell", a hands on interactive educational experience about the human body cell based in Whitechapel, London and then went on to win the "Systems Company of the Year". It was a great surprise to then be awarded the ultimate "Grand Prix Award" out of the 22 category winners, being one of the smallest Companies there. Lynn Willrich Director said "Many thanks go to Chris who supports both the Company and myself particularly well; especially when trying to complete the "dreaded prequalification questionnaires" from Council and Government authorities in the UK". More information can be found at [www.djwillrich.com](http://www.djwillrich.com).



### Restaurant bosses pay over £12,000 for 'horrifying' non-compliance

Two bosses of an Indian restaurant in Plymouth have pleaded guilty to four offences under the Regulatory Reform (Fire Safety) Order 2005.

Taklus Hussain and Faizul Hoque were each fined **£4,000** and ordered to pay **£2,300** each in costs after a fire at the Mutley Spice Restaurant in Mutley. A subsequent inspection found inadequate fire detection and alarm provisions, blocked stairwells leading to sleeping accommodation above, no suitable training of staff, and no suitable and sufficient fire risk assessment.

A prohibition notice was issued on the use of the sleeping accommodation above the restaurant which was being used by two members of staff.

Presiding magistrate Diana Greene said: "We were horrified at the extent of your non-compliance. If a random passer-by had not seen the smoke, the outcome could have been extremely different. It hardly bears thinking about."

The court heard that the fire was caused after a member of staff left a heater on.

Kingsley Keat, prosecutor for the Devon and Fire Rescue Authority, confirmed that both parties wished to work with the fire service to determine what the premises could be used for, and had co-operated fully with them regarding the issues identified.



### Jack hammer touched live underground cable

An incident in which a worker suffered severe burns when he struck an underground electrical cable with his jack hammer has cost a civil engineering firm more than £34,000.

The HSE prosecuted Dwyer Engineering Services for breaching the Construction (Design and Management) Regulations after it investigated the incident at a building site in Maidstone, Kent.

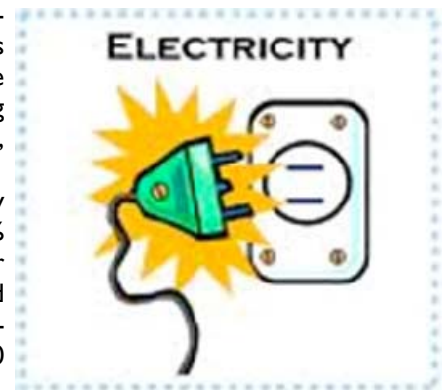
Employee Bradley Marsh suffered **62% burns** to his upper body, face, neck and arms when he accidentally struck the 11,000-volt cable.

He was in hospital for six weeks and skin grafts mean he can no longer expose his skin to direct sunlight.

Dwyer did not have a capable supervisor on site, there was no suitable system in place to identify underground cables, and it had not properly assessed the risks to Marsh.

On 12 October, Maidstone magistrates fined the company **£20,000** and ordered it to pay costs of **£14,532**.

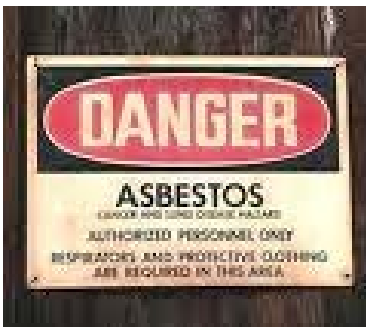
"If Dwyer Engineering Services had been prepared to spend a little time locating underground services, using signs, maps, and locating devices, then this incident would have been avoided," said HSE inspector David Fussell after the case.



**Asbestos Victims face compensation confusion**

A Court of Appeal ruling has left victims of the asbestos-related cancer Mesothelioma facing confusion and uncertainty, according to lawyers and trade unions.

In the split judgment, three judges were unable to agree on a 2008 High Court ruling that insurers providing cover at the time of a victim's exposure to asbestos fibres were liable to pay out on claims for Mesothelioma.



Instead, they found that in some cases the responsibility lay with the employer's insurer at the onset of symptoms, which could be as much as 50 or 60 years later.

Helen Ashton of law firm Irwin Mitchell, who represented one of the lead claimants in the case, said she was delighted the 366-page judgment had found in favour of her client. But she added that for many people in a similar position it would just cause more problems. "Without a uniform judgment it remains unclear which victims are entitled to access the justice they deserve, and it really is pot luck," said Ashton.

"For many, it will mean delays, more legal uncertainty and more confusion, as the very wording of their employer's insurance policies would need to be reviewed to see whether they can make a claim or not."

Ian McFall, head of asbestos policy at Thompsons Solicitors, accused insurers of resorting to "picking apart the words in their own policies" now that the risk they had insured had become a reality. "This decision means some insurers are required to pay while others are not, depending on words such as 'injury sustained' or 'disease contracted' used in insurance contracts written decades ago," he said.

Unions also condemned the latest ruling. "This is the ultimate insult for people suffering, or who have watched a loved one suffer, a painful and degrading death from industrial disease," said Unite joint general secretary Derek Simpson.

"Insurers banking premiums and then escaping paying out compensation by relying on policy small print is obscene."

A further appeal may now be heard by the Supreme Court. Construction union UCATT's general secretary Alan Ritchie said: "The Supreme Court must act swiftly and restore confidence in the judicial system, by overturning this judgment."

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**Marriott Hotels fined for hatch fall**

The Marriott Hotels chain has been ordered to pay **almost £20,000** in penalties after a contractor suffered serious injuries when she fell around 2.5 metres through a closed access hatch. Margaret Davis was at the Bristol Marriott Hotel City Centre in November 2009 to carry out a survey of its plant rooms with a view to improving insulation.

As she tried to get into the Bristol Suite plant room, she stepped on a closed access hatch and fell through it onto a concrete floor below. She suffered a compressed fracture of her vertebrae and a fractured heel.

When officers from Bristol City Council's public health services team investigated the accident, they found that Marriott had not assessed the risks associated with the hatches.

Principal environmental health officer Paul Tregale said the access hatches were not constructed to withstand the weight of a person and not adequately guarded to prevent people standing on them.

Marriott Hotels International, which operates around 60 hotels in the UK, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act by failing to protect contractors from risk.

On 20 October, Bristol magistrates fined the chain £15,000 and ordered it to pay full costs of £4607.

**Myth of the month**

**Myth: If you run an office-based business you need a health and safety consultant by law!**

**The reality**

You probably already deal with most business issues yourself and health and safety should be no different.

If you run a low risk, office-based business then health and safety is something you can manage without needing to buy in expert help.

After all, you should know your business better than anyone else.

