

Notification of Contravention

Field Operations Division

Mr Anthony Brookes

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Principal Inspector
Mr Paul Carter

For the attention of

Date: 22 March 2017

Dear Sir

HEALTH AND SAFETY AT WORK ETC ACT 1974

I visited your premises at the above address on Wednesday 15 March 2017 to assess how well you were managing health and safety risks. I met . During the course of my visit I identified significant contraventions of health and safety law.

ACTION REQUIRED

In **Appendix 1** I have explained those contraventions. I require you to take action to ensure that you are managing health and safety more effectively and complying with the law. If you do not understand the action required or why it is necessary for you to comply with the law, please contact me or my Principal Inspector as soon as possible.

Please write to me confirming the action you have taken on each of these contraventions by 30 June 2017. A return visit may be made to ensure the appropriate action has been taken. If you do not take this action, I will consider further enforcement.

Important information

Please read the important information enclosed which informs you that a fee will now be payable by you. This fee covers our costs in these circumstances, and is applicable because I have observed significant contraventions of the law.

I have sent a copy of this letter to _____ as a representative of your employees because Section 28(8) of the Health and Safety at Work etc. Act 1974 requires me to inform your employees about matters affecting their health and safety.

If you require further information or advice please visit HSE's website or contact me.

Yours faithfully

Mr Anthony Brookes
HM Inspector of Health and Safety

Enc: Appendix 1
Information on Fee for Intervention

cc:

APPENDIX 1 – MATERIAL BREACHES

Dangerous Substances and Explosive Atmospheres Regulations 2002, Regulation 6(5)

The above regulations require every employer and self-employed person to ensure that risk of a dust explosion is either eliminated or reduced so far as is reasonably practicable. During my visit we discussed the fact that a DSEAR Risk Assessment had taken place in April 2016 and that you were addressing the recommendations within that report. However, I found that large parts of the mill were heavily contaminated with a deep build-up of dust in addition to numerous spillages of grain and powders from production machinery. This accumulation of dust increases the chances of propagation of fire and explosion and risk of a secondary dust explosion.

You should take immediate steps to remove these accumulations of products and dust and keep the work area as free from dust as is reasonably practicable to avoid the propagation of fires and explosions. By the time that you write to me in June 2017 I shall expect you to have made significant progress on this and developed a comprehensive action plan to address the recommendations in your DSEAR Risk Assessment.

IMPORTANT INFORMATION

The Health and Safety and Nuclear (Fees) Regulations 2016

RECOVERY OF COSTS

Under regulations 22 and 23 of the Health and Safety and Nuclear (Fees) Regulations 2016, HSE will recover the costs that it incurs for the work it does in relation to certain contraventions of health and safety law. These contraventions are known as 'material breaches'. The costs for the whole visit where a material breach is first identified are recoverable, along with other associated work.

This cost recovery is known as 'Fee for Intervention'. Further information is available on HSE's website at <http://www.hse.gov.uk/fee-for-intervention/>.

I am notifying you that the contravention(s) listed in **Appendix 1** are, in my opinion, material breaches for which a fee is payable by you to HSE under Fee for Intervention. The reasons for my opinion are also given in Appendix 1.

HSE will send you one or more invoices for the costs incurred.

Under regulation 24(5) of the Fees Regulations 2016 you have the right to dispute the invoice. You can find further information about Fee for Intervention and details of the terms on which you can dispute an invoice in the leaflet HSE 48 - *Fee for Intervention: What you need to know* at <http://www.hse.gov.uk/pubns/hse48.pdf>.

There are exemptions and disapplications, where HSE cannot recover its costs for carrying out its functions which can be found in HSE 47 - *Guidance on the Application of Fee for Intervention* at <http://www.hse.gov.uk/pubns/hse47.pdf>.