

News release

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HSE SAYS: SAFETY CHECKS ON INFLATABLES MUST BE CARRIED OUT PROPERLY

The Health and Safety Executive (HSE) is warning inspectors of inflatable play equipment that they must conduct comprehensive safety checks or face prosecution.

In June 2006, safety concerns expressed by Shrewsbury & Atcham Borough Council, regarding the safety of inflatable play devices, sparked HSE's investigation into the validity of safety certificates and inspections carried out by Peter John Morrell.

HSE's investigation uncovered instances, at Watton in Norfolk, Spennymoor in County Durham and Kingston-on-Thames, where Morrell had issued 'pass' certificates for inflatables, despite there being safety-related faults. In November 2008 HSE issued a Prohibition Notice on Peter Morrell legally preventing him from conducting further inspections until he has complied with the 'Schedule to the Notice'. HSE pursued its investigation of three specific instances in order to bring a prosecution case before the courts.

Several deficiencies noted with the inflatables showed that Morrell's inspections were not carried out in accordance with the relevant BSEN (British & European Standard). This standard is not the law but following it would usually be sufficient to demonstrate compliance with the law. Although Morrell operated as an 'Inspector of Inflatables' he was not registered with any of the recognised authorities for the Inspection of Play Inflatables and Amusement Devices (such as PIPA and ADIPS) nor did he demonstrate his competence in any similarly accepted manner.

Morrell (74), of Prestatyn, pleaded guilty at Shrewsbury Crown Court on Friday 15th May, 2009, to three charges of breaching section 3(2) of the Health and Safety at Work etc Act 1974.

The judge imposed a conditional discharge of 12 months for the breach in the Kingfisher Centre, Kingston-upon-Thames and two years for each of the instances in County Durham and Norfolk. These conditional discharges are to run concurrently and the judge voiced that such serious health and safety breaches, aggravated by the risks to young children, would normally attract a substantial financial penalty but this was “not possible” given the state of Morrell’s personal finances which also reflect his inability to receive remuneration from inspecting inflatables due to the Prohibition Notice served on Morrell by HSE.

HSE inspector Janice Dale said:

“Employers and those who are self-employed have a responsibility to ensure the safety of people who are not their employees. The legal onus to arrange regular checking of equipment, by an appropriately qualified body, lies with the operators of that equipment. In addition, anyone issuing safety certificates for unsafe inflatables could be risking the health and safety of young children enjoying a moment of leisure and pleasure. Morrell had certified inflatables as safe for use, when they were not. Disregard for the safety of children is a serious matter and is also an irresponsible attitude that could have endangered others.”

ENDS

Notes to editors:

1. Section 3(2) of the Health and Safety at Work etc Act 1974 states: “It shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not thereby exposed to risks to their health or safety.
1. The maximum penalty in the lower court (Magistrates’) for a single breach of Section 3(2) of the HSW Act is £20,000; or up to 1 year imprisonment for any offences committed after 16th January,2009.
Cases heard in the higher (Crown) court for offences committed after 16th January,2009 carry an unlimited fine or up to 2 years imprisonment.

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