

Elworthy, Debbie

Subject: FW: Tesco Stores Limited

From: Jill Armitage [<mailto:j.armitage@mshblicensing.com>]

Sent: 18 March 2016 16:48

To: Elworthy, Debbie

Subject: Tesco Stores Limited

Debbie, good afternoon

**LICENSING (SCOTLAND) ACT 2005
TESCO STORES LIMITED**

As required by Section 43 of the above Act we hereby give you notice that Tesco Stores Ltd, the holder of premises licences in respect of the undernoted stores, have been convicted of the relevant offences as follow:

<i>Date of conviction or sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>
18.3.13	Waverley Borough Council	H&S accident - S.2 Health and Safety at Work etc Act 1974	£20,000, plus costs of £5000. In addition, the court award £4400 compensation to the injured colleague.
8.12.15	Waverley Borough Council	Failure to comply with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 Contravening the Management of Health and Safety at Work Regulations 1999 Health and Safety at Work etc Act 1974 - 2 offences.	Fined £47,000 in total (£15K each in relation to a failure to provide a safe workplace for employees, and customers; £15K in relation to a failure to effectively monitor our safety systems; and £2K for late reporting of the accident)

Please confirm receipt of this e-mail

Your customary assistance is appreciated.

Kind regards

Jill

Undernote:

Newton Port, Haddington
Tantallon Road, North Berwick
Olive Bank Road, Musselburgh

Jill Armitage
Licensing Paralegal

**HILL BROWN
LICENSING**

Elworthy, Debbie

Subject: FW: Fao Violet Thomson
Attachments: Tesco1.pdf; Tesco2.pdf

-----Original Message-----

From: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk
[<mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>]

Sent: 11 April 2016 16:44

To: Licensing

Subject: FW: Fao Violet Thomson

Debbie

Please find attached documents confirming the notification of convictions for Tesco, as requested

Cheers
Heather

Please see attached extracts as requested

Surrey Magistrates' Courts

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TESCO STORES LTD

Tesco House
Delamare Road
Cheshunt
Hertfordshire
EN8 9SL

Case Number: **1200274783**
Defendant Present: Appears by Barrister or Solicitor in absence of Defendant
Informant: 005 Waverley Borough Council
Post-Hearing Custody Status:

1 **HS74001** Between 23.05.2011 and 25.04.12 at Tesco Express 29-31 Ridgeway Road, Farnham failed to provide such information, instruction, training and supervision with regard to the movement of roll cages as was necessary to ensure, so far as was reasonably practicable, the health and safety at work of [REDACTED] Contrary to Section 2 (1) and 33 (1)(a) Health and Safety at Work etc Act 1974
Plea: Indicated plea of Guilty - 18/03/2013

FO Fined £20000.00. 20,000.00
FCOMP To pay compensation of £4400.00. 4,400.00
FVS To pay victim surcharge of £15.00. 15.00
FCOST To pay costs of £5000.00. 5,000.00
Creditor: WAVERLEY B C,

OFFAM
Offence amended in court.

2 **HS74018** Failure to notify Waverley Borough Council forthwith of a major injury to [REDACTED] as a result of an accident arising out of or in connection with work. Contrary to Regulation 3 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 and Section 33 (1)(c) Health and Safety at Work etc Act 1974

WDRN
Offence withdrawn.

3 **HS74018** On 25.04.12 at Farnham failed to ensure that suitable personal protective equipment was provided to employees who may be exposed to a risk to their health or safety while at work in that the defendant company failed to provide safety shoes to [REDACTED] Contrary to Regulation 4 The Personal Protective Equipment at Work Regulations 1992 and Section 33 (1)(c) Health and Safety at Work etc Act 1974

WDRN
Offence withdrawn.

Time To Pay: To be paid by 15/04/2013

BALANCE

29,415.00

I certify the above extract to be a true copy

Date Printed: 08/04/2016 _____ of the said Magistrates' Court.

TESCO STORES LTD

Tesco House
Delamare Road
Cheshunt
Hertfordshire
EN8 9SL

Case Number: **1500182469**

Defendant Present: Yes

Informant: 005 Waverley Borough Council

Post-Hearing Custody Status:

1

HS74001

On 27/08/15 failure to comply with the requirement imposed under Regulation 5 Reporting of Injuries Diseases and Dangerous Occurrences Regulations 2013 ("the Regulations") to follow the reporting procedure described in Paragraph 1 (1)(a) of Part 1 of Schedule 1 to the Regulations in respect of an injury suffered by a person not at work as a result of a work-related accident, in that you failed to notify Waverley Borough Council by the quickest practicable means without delay of an injury suffered by [REDACTED] at Tesco Lion Green Weyhill Contrary to Regulation 5 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 and Section 33(1)(c) Health and Safety at Work, etc, Act 1974

FO

Fined £2000.00.

2,000.00

FVS

To pay victim surcharge of £120.00.

120.00

FCOST

To pay costs of £4599.57.

4,599.57

GPTAC

Defendant's guilty plea taken into account when imposing sentence.

Plea: Guilty - 08/12/2015

REAS

Reasons: Victim impact statement read to Court

2

HS74001

between 11/06/14 and 17/11/14 being an employer contravened Regulation 5(1) Management of Health and Safety at Work Regulations 1999 in that you failed to make and give effect to such arrangements as are appropriate having regard to the nature of your activities and the size of your undertaking for the effective planning organisation control monitoring and review of the preventive and protective measures identified by you in consequence of the risk assessment made under Regulation 3 as the measures you need to take to comply with the requirements and prohibitions imposed upon you by or under the relevant statutory provisions. Contrary to Regulation 5(1) Management of Health and Safety at Work Regulations 1999 and Section 33(1)(c) Health and Safety at Work, etc, Act 1974

FO

Fined £15000.00.

15,000.00

GPTAC

Defendant's guilty plea taken into account when imposing sentence.

Plea: Guilty - 08/12/2015

3

HS74001

On 27/08/14 being an employer within the meaning of the Health and Safety at

FO

Fined £15000.00.

15,000.00

Work etc Act 1974 ("the Act") failed to discharge the duty imposed on you by Section 3(1) of the Act in that you failed to conduct your undertaking in such a way as to ensure so far as was reasonably practicable that persons not in your employment who may have been affected thereby were not thereby exposed to risks to their health and safety namely the risks associated with slip/trip hazards. Contrary to Section 3 and 33(1)(a) Health and Safety at Work, etc, Act 1974

Plea: Guilty - 08/12/2015

4

HS74001

On 27/08/14 being an employer within the meaning of the Health and Safety at Work etc Act 1974 ("the Act") you failed to discharge the duty imposed on you by Section 2(1) of the Act in that you failed to conduct your undertaking in such a way as to ensure so far as was reasonably practicable that persons in your employment who may have been affected thereby were not thereby exposed to risks to their health and safety namely the risks associated with slip/trip hazards. Contrary to Section 2 and 33(1)(a) Health and Safety at Work, etc, Act 1974

Plea: Guilty - 08/12/2015

GPTAC

Defendant's guilty plea taken into account when imposing sentence.

FO

Fined £15000.00.

15,000.00

COLLO

Collection order made.

NCR

No compensation ordered because being dealt with by Civil Court

GPTAC

Defendant's guilty plea taken into account when imposing sentence.

REAS

Reasons: Been audited before incident, then audited after, policy/proceedings not been done. Someone didn't do what was written down, failed to insure proper controls in place.

Victim Impact Statement read

Time To Pay: To be paid by 05/01/2016

BALANCE

51,719.57

I certify the above extract to be a true copy