



ENVIRONMENT  
AGENCY



Health & Safety Executive

Competent Authority for Enforcement of Control of Major Accident Hazard Regulations  
(COMAH)

Health and Safety at Work etc Act 1974, Sections 21, 23 and 24

Serial number CIP/060105/IK/1

## Improvement Notice

To Name W. H. Keys Ltd

Address Hall End Works,  
Church Lane,  
West Bromwich B71 1BN

Trading as Above

Inspector's full name I, Ian Jonathan Kelcey

Inspector's official  
Designation

being a person authorised by the Agency under section 108 of the Environment Act 1995, and  
being entitled to issue this notice under section 21 of the Health and Safety at Work etc. Act  
1974 by virtue of Regulation 20(5) of The Control of Major Accident Hazards Regulations  
1999

Official address of Environment Agency, Sentinel House, 9 Wellington Crescent, Fradley Park,  
Lichfield, Staffordshire WS13 8RR

Telephone number 01543 404958

hereby give you notice that I am of the opinion that

Location of premises or place of activity at Your premises at the above address

you, as an employer wholly or partly in control of the premises are contravening in  
circumstances that make it likely that the contravention will continue or be repeated, the  
following provisions of the Control of Major Accidents Hazards Regulations 1999

The Control of Major Accident Hazards Regulations 1999, Regulation 4

The reasons for my said opinion are:

All measures necessary are not being taken to prevent a major accident in that there is  
inadequate provision to prevent the loss of toxic materials and contamination of land or  
groundwater.

Date for compliance.

and I hereby require you to remedy the said contravention or, as the case may be, the  
matters occasioning them by **1 July 2005**

and I direct that the measures specified in the Schedule which forms part of this notice shall  
be taken to remedy the said contravention or matters.

Signature

Date

07/01/05

An Improvement Notice is also being served on

of

related to the matters contained in this notice

Environment and Safety  
Information Act 1988

This is a relevant notice for the purposes of the Environment and Safety Information Act 1988  
This page only will form the register entry

SEE NOTES OVERLEAF

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974 and section 33(2A) of this Act renders the offender liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. An inspector has power to withdraw an Improvement Notice or to extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
3. The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provisions referred to in the notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal, a form to use, and information about where to send it are contained in booklet ITL 19 which will be provided by the Inspector with this notice. Copies are available from the Employment Tribunal Enquiry Line (tel 08457 959775).

#### **Time Limit for Appeal**

A notice of appeal must be sent to the Employment Tribunal within 21 days from the date of service on the appellant of the notice, or notices, appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. If posted the appeal should be sent by recorded delivery.

The entering of an appeal suspends the Improvement Notice until the appeal has been determined, but does not automatically alter the date given in this notice by when the matters contained in it must be remedied.

The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 1993 (SI 1993 No 2687), as amended, for England and Wales and The Employment Tribunals (Constitution and Rules of Procedure) (Scotland) Regulations 1993 (SI 1993 No 2688), as amended, for Scotland.

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#### **PUBLIC REGISTERS OF ENFORCEMENT NOTICES UNDER THE ENVIRONMENT AND SAFETY INFORMATION ACT 1988**

1. Under the requirements of the Environment and Safety Information Act 1988, the Competent Authority (CA) (the Health and Safety Executive (HSE) and the Agencies jointly) maintain at their Offices public registers of information on notices which do not impose requirements or conditions solely for the protection of persons at work. These are called 'relevant notices' under this Act and will be identified by the inspector serving the notice (see overleaf). Entries will be kept in the public register for a period of at least 3 years.
2. The entry in the register will be made within 14 days either of the expiry of the right of appeal or of the disposal of an appeal. Where a notice is cancelled on appeal no entry will be made. Where an inspector is satisfied that a notice has been complied with, a further entry will be made in the register within 7 days to show this. If a notice is withdrawn or amended the entry on the register will be withdrawn or amended within 7 days.
3. The entry on the register will normally be the front page of the notice form. If you think that the entry for this notice would disclose information about a trade secret or secret manufacturing process, you should give written notice to the CA within 14 days. The CA will then draft an entry which it believes will not reveal the secret and serve this on you. In the meantime the entry in the register will specify only your name and address, any place involved and the relevant legal provisions.
4. If you are not satisfied with the redrafted entry you have a further right of appeal to the Secretary of State within 14 days. The CA will give you further information about appeals to the Secretary of State at this time.

#### **PUBLIC AVAILABILITY OF INFORMATION ON NOTICES**

1. Under the Code of Practice on Access to Government Information the CA is committed to make available on request information about its actions and decisions, which includes information about the notices it has issued. In general the information that CA will make available about a notice is the information on the front page.
  2. Information on a notice will not be made available until the right of appeal against the notice has expired or the appeal has been disposed of. Where an inspector is satisfied that a notice has been complied with, this information will be made available at the same time as the information on the front page of the notice.
  3. If you think that the information in the notice would disclose commercially confidential information you should give written notification to the CA within 14 days. The CA will then redraft the information in such a way that it believes will not reveal the commercially confidential information. In the meantime the only information that the CA would make available would be your name and address, any place involved and the relevant legal provisions.
  4. If you are not satisfied with the redrafted information there is no further appeal. However, the CA will make every effort to agree with you a form of words which would not reveal any commercially confidential information.
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*Health and Safety at Work etc Act 1974, Sections 21, 23 and 24*

*Serial number*

## **SCHEDULE to IMPROVEMENT NOTICE**

To comply with the requirement of this Schedule you should

Provide facilities such that all spillages or losses of containment of toxic materials from your COMAH establishment are contained so that they can be either reused or disposed of to an authorised waste disposal facility.