IN THE CROWN COURT AT BRISTOL

BETWEEN:

R

v

Britannia Jinky Jersey Limited

and

Stephen Bennison

SENTENCING REMARKS

20th November 2026

The Hon Mr Justice Moody:

Introduction

1. On 18th February 2019 at Pontin's Brean Sands Holiday Park in Somerset, a section of ventilation ducting mounted in the ceiling collapsed. It struck and injured a number of customers. Mrs Wendy Jones was one of those who were injured. Sadly she never fully recovered from her injuries and she died in hospital six months later on 4th August 2019.

2. I am required now to sentence these two Defendants who have each pleaded guilty to breaches of health and safety legislation. There is no basis of plea. I heard submissions yesterday and the parties helpfully agreed a bundle and a list of issues for consideration, albeit they agree that no trial of the issues or Newton hearing is required; rather they rely on these matters as identifying the issues to which I should have regard in my overall contextual assessment of the offending.

3. The First Defendant, Britannia Jinky Jersey Ltd ("Britannia"), is the owner and operator of the Brean Sands Holiday Park. The Second Defendant is Mr Stephen Bennison. He carries on business as Bennisound and Light Ltd which company specialises in light and sound installations. He was the only director and there were no employees. In effect he is self-employed. He was responsible for soundproofing works to the holiday park which involved placing slabs of rockwool insulation on the ducting which was involved in the accident.

4. Where I make findings about this incident and the responsibility of the Defendants, I do so to the criminal standard, in other words so that I am sure.

5. Before coming to the details of the incident, I will say something about Mrs Jones.

Mrs Wendy Jones

6. Mrs Jones was aged 68. I have carefully considered the victim personal statements given by her daughter Hayley and her son James. They have spoken movingly and with great dignity about the mother they lost. They are a very close family. Mrs Jones was a great support to her children and grandchildren. James describes her as: 'many things: a mother, auntie, cousin, friend, carer, charity worker, community leader and above all else, a loving nanny.'

7. He says that, whatever role she took on, she gave it everything she had. Her smile, warmth and kindness touched countless lives. Whenever someone was struggling, her first instinct was always the same: what can I do to help?'

8. Hayley has spoken of her mother's prolonged period in hospital and the pain of watching her mother's decline. It caused Hayley great distress and anxiety. She says that life has been so empty without her Mum and that it feels like her arm has been chopped off.

9. Wendy Jones was a life tragically cut short. There is nothing that this Court can do or that I can say that will bring her back or heal her family's pain.

The incident

10. The incident occurred as I have mentioned on 20th February 2019. Mrs Jones was on holiday at the Brean Sands holiday park with her daughter Hayley, Hayley's partner and her 8 year old grandson. At about 6pm Hayley and her mother went to the Fun Factory to play bingo. The Fun Factory is a large public space with a capacity for over 1,000 guests. Many people were present, including small children. I have seen photographs of the room. Part of it has a high ceiling, and part of it has a lower ceiling. Against the area where the ceiling height changes, there was a ventilation duct which was boxed in.

11. While Hayley was at the bar buying bingo tickets, the ducting collapsed. She says that while she was standing in the queue she heard one big bang then other bangs and noise and screaming. She turned and saw that there was wood and metal and yellow foam insulation coming down from the ceiling and it was covering everything that was underneath. I have seen photographs of the aftermath and it must have been a terrifying experience for those people who were beneath it or nearby. The ventilation duct had given way at one end and collapsed, in a domino fashion, all the way along its length - which was 32m - crashing to the ground. Some guests were sitting below the ducting and tragically Mrs. Jones was one of those guests.

12. Fifteen other people including children and a baby suffered injuries, although thankfully none of those injuries were life threatening. It is obvious however that this was only a matter of luck; it could have been a great deal worse.

Mrs Jones' injuries; causation of death

13. Mrs Jones suffered a left mid shaft femoral fracture, bilateral rib fractures, contusions, a fractured scapula and a left pneumothorax (collapsed lung). As I have indicated, she was in hospital for a prolonged period of time. Whilst there she suffered significant bilateral pulmonary thromboemboli (blood clots). She also suffered from recurrent infection of the wound to her left thigh. Unfortunately her infection proved resistant to treatment and she remained too unwell to leave hospital.

14. Britannia relies upon medical reports from Mr Ivor Vanhegan, a consultant trauma and orthopaedic surgeon. He has pointed to Mrs. Jones' pre-existing conditions. In particular, prior to the incident she had diabetes and poor mobility such that she used a mobility scooter. His opinion is that the infection in her left femur was well controlled by the time of her death and contributed only a relatively small

proportion to the factors responsible ultimately for her death. He estimates this to be in the order of 10 to 15%. That may be so, but it is important not to lose sight of the central point, which is agreed between these parties - and of which I am sure - namely that the accident was a significant cause of Mrs Jones's death and that she would not have died when she did, but for the accident.

The indictment

15. The indictment contains two counts against the First Defendant. Count 1 is corporate manslaughter contrary to section 1(1) of the *Corporate Manslaughter and Corporate Homicide Act 2007*, and Count 2 is failing to discharge a duty contrary to sections 3(1) and 33(1)(a) of the *Health and Safety at Work Act 1974*.

16. There is one count against the Second Defendant Mr Bennison, namely Count 3 - that he failed to discharge a duty contrary to section 3(2) and 33(1)(a) of the *Health and Safety at Work Act 1974*.

17. The relevant duty which by this indictment is alleged to have been breached by both Defendants is the duty to conduct their undertakings in such a way to ensure so far as was reasonably practicable that members of the public were not exposed to risks to their health and safety.

18. On 30th July 2025 at the PTPH (plea and trial preparation hearing), Mr Bennison pleaded guilty to Count 3. Britannia pleaded not guilty to counts 1 and 2 and the trial was fixed for 12th October this year.

19. On 22nd September 2026 Britannia was re-arraigned on Count 2 and pleaded guilty. The plea to Count 2 was acceptable to the Prosecution and the Prosecution invited the Court to order that Count 1 lie on the file. I made that order.

20. By their guilty pleas the Defendants have admitted that they exposed members of the public to risks to their health and safety.

The ducting and the work carried out on it

21. The First Defendant, Britannia, took over the Brean Sands Holiday Park in 2011 when the previous operator went into administration. I accept that the new owners

then invested very large sums in the business. By 2015 there were complaints from local residents about noise emanating from the site, and the matter was taken up by the local authority. Britannia therefore decided to carry out sound insulation works in the Fun Factory. Britannia engaged the Second Defendant to do this work.

22. Mr Bennison had previously done work for Pontin's, but this was in relation to the erection of sound and lighting equipment, which is Mr Bennison's principal area of work. He did not have any expertise in soundproofing work. Indeed, this was the first and last time that he had done such work.

23. It appears that there was no competitive tendering process. On the evidence overall I find that Mr Bennison was engaged because he was cheaper than specialist contractors.

24. Britannia did have health and safety policies and these included ensuring that risk assessments and method statements were obtained from contractors. Unfortunately, that process was not followed in this case.

25. Mr Bennison did not produce a method statement or a risk assessment in relation to this work. He did not do the work himself. Instead, he subcontracted it to other untrained ad hoc tradesmen. None of them had any experience in relation to soundproofing works.

26. This accident was investigated by Mr Jan Andreson for the Health and Safety Executive and Mr Tristan Pulford for Britannia. They have helpfully agreed a joint statement and they have not identified any areas of disagreement between them.

27. They point out and I find that *Construction Design and Management Regulations 2007* applied to this work. Pursuant to those Regulations Britannia was the client, and Mr Bennison was the contractor and the designer.

28. It is important to note that the ventilation ducting and the ceiling in the Fun Factory are structurally distinct. The way the work was done is that slabs of rockwool insulation were placed in two layers on the ceiling tiles in the suspended ceiling in the Fun Factory. The slabs measure 120cm x 60cm x 10cm and have a density of 6kg/m3. So with two layers, the additional weight was 12kg/m2.

29. When the work was completed a large quantity of rockwool was placed on top of the ventilation ducting in either two or three layers. It is not entirely clear whether this was done so as to dispose of surplus material or so as to try and improve sound deadening or perhaps both, and it is not necessary for me to resolve this dispute. It is however clear that this was Mr Bennison's decision, and he did that work himself. It was however discussed with Dave Hill of Britannia and so the company knew about it.

30. Mr Bennison described the ventilation ducting as sturdy, but he admitted that he did not inspect the support fixings or brackets, and he was not provided with any structural plans or documentation. He admitted that no assessments were made regarding the ducting's ability to support the additional weight.

31. After the work was done, Mr Mick Forster, the site's general manager, raised concerns that the ceiling might be overloaded because of the addition of these rockwool panels. The ceiling was seen to be bowing or sagging by Britannia's Stephen Ford and this was reported. Dave Hill raised these concerns with Mr Bennison, but he rejected them, saying that the weight in the ceiling was "amply supported by the ceiling support/straps".

32. In light of these concerns, Britannia obtained a report from TJ Harding, a chartered surveyor. I accept that this was a responsible thing for Britannia to do. Mr Harding concluded that the soundproofing material:

> "Has not been safely or adequately installed and the safe load for the existing suspended ceiling may have been exceeded, which could result in a collapse of the ceiling in a public area."

33. He also commented:

> "… The insulation has been laid in three or more layers above the ventilation duct, which appears to be completely unnecessary and with no attempt to conceal the edges of the slabs is also very unsightly on the public area of the main hall."

34. Mr Harding recommended that additional hangers were added to the ceiling.

35. Mr Harding also recommended that the additional layers above the ventilation should be reduced down to 100mm (i.e. one layer).

36. Britannia's Dave Hill sent the report to Mr Bennison who essentially rejected it. He said that "experience tells me there is enough suspension unfortunately I don't have the pieces of paper to prove that. As a goodwill gesture I will attach extra points in the ceiling to the grid over the dance floor area at no extra cost to yourselves". In relation to the ducting he said: "…I have said from the beginning that I will put as many slabs on as possible to aid in the dampening". In relation to Mr Harding's recommendation to remove slabs down to 100 millimetres, he said: "One slab would actually leave 'gaps' as they say, and also less to dampen, Doesn't make much sense". [sic]

37. As I have indicated, the ceiling and the ducting were structurally distinct. The TJ Harding report concluded that the addition of insulation to the ceiling was unsafe because of the additional weight. It is fair to note that the Harding report did not expressly make the same point in relation to the ducting, but it did say that the rockwool should be reduced down to one layer.

38. The expert joint statement says that if Mr Harding did not raise the ductwork as a safety concern due to overloading a layperson would not be able to identify safety issues.

39. Subsequently, when further soundproofing work was carried out in another area known as Luna's Show Bar, Mr Bennison added extra wires over the floating ceiling in the Fun Factory to provide some strengthening.

40. Mr Bennison also fixed some plywood to the plasterboard around the ducting so as to cover the visible rockwool slabs in that area.

41. At this time Mr Bennison observed some visible bowing to the facade around the ducting after installing the plywood. He says that he referred this to the maintenance team at Pontins. However so far as the ventilation ducting is concerned, it is clear that the stacked insulation slabs were not reduced down to one layer as the TJ Harding report advised. Nothing further was done.

42. On 18th February 2019 a guest, Carley Mepstead, was in the Fun Factory. She noted and that the top of the boxing was not attached to the ceiling and was bulging. She says it was bowed right out by at least a foot and over a six-foot length. She says that she did not feel safe. She refused to sit beneath it. She brought it to

the attention of a lady blue coat who said: “fine I'll let somebody know”. Her partner Kelvin Henry confirms this. On the same day Sean Buffery thought that the boxing was bowing and he heard a man complaining about it to a blue coat. Britannia accept and I find that two complaints about the safety of the ducting were made in the 48 hours before the collapse. I find that these complaints were not escalated as they should have been.

The cause of the collapse

43. Mr Andreson and Mr Pulford have agreed and I find that the support system for the ductwork predated Britannia's ownership of the premises. It contained inherent design and manufacturing flaws and it was operating close to its safe load capacity prior to the addition of the insulation. It would not satisfy current standards. They agree and I further find that the load bearing capacity of the support system could not have been verified without intrusive or destructive investigation.

44. I find therefore that the collapse occurred as and when it did because the insulation added to the ducting was so heavy as to overload the fixings that kept the ductwork in place and so led to a collapse onto those below.

45. The precise mechanism of the collapse is not entirely clear and it is not necessary for me to determine this. It was most likely initiated by a timber mullion splitting or a steel bracket failing.

The position of the First Defendant

46. So far as Britannia and its responsibility is concerned, the position is as follows.

    a. The experts agree and I find that a client under the *CDM Regulations* should not appoint any party to undertake such work unless they are satisfied with the competence of those undertaking the work.

    b. I find that Britannia failed to engage in any proper planning or assessment of the risks of the soundproofing work which they required to be done.

c. Britannia accepts and I find that they failed to satisfy themselves of the competence of Mr Bennison. It is true that he had worked at the premises before, but he had no experience of or qualifications in sound insulation, and no means of assessing the load bearing capacity of the ceiling or ducting. The appointment of an unsuitable contractor was the root cause of the problems which followed.

d. I accept that Pontins had a pre-existing relationship with Mr Bennison but find that the main reason that Mr Bennison was engaged notwithstanding his lack of any suitable qualifications and experience was because he was cheaper than a specialist company.

e. I find that the decisions to engage him were made or authorised by Dave Hill assistant to the Operations Director/ Group Operations Director and Robert Ferrari, the finance director. And so senior management were involved in these decisions.

f. Britannia expressly accepts and I find that it fell short in the steps it should have taken to check that Mr Bennison had adequately planned and assessed the risks posed by the installation. I find that Britannia failed, in breach of its own procedures, to ensure that Mr Bennison provided a suitable method statement and risk assessment. I find that a suitable risk assessment would have identified the risk of overloading in the ducting and would have provided for suitable steps to ensure that the ducting was not overloaded.

g. I find that Britannia failed to act adequately upon the recommendation of TJ Harding chartered surveyor, in particular in that the insulation was not reduced down to one layer.

h. I find that Britannia failed to act adequately upon the warnings of TJ Harding in relation to the safe load of the ceiling having been exceeded. It is true that this was structurally distinct but I find that it should have rung alarm bells about Mr Bennison's work more generally.

i. They failed also to act on Mr Bennison's observation of billowing. This was reported to the maintenance team and should have been escalated.

j. I find further that Britannia failed to act upon the warnings of Carly Mepstead and others in relation to the bowing of the ducting by escalating those warnings appropriately. I find that a reasonable and prudent owner of such premises would at a minimum have cordoned off the area below the ducting.

The position of the Second Defendant

47. Turning to the position of Mr Bennison:

a. The experts agree and I find that no contractor or designer should accept an appointment under the *CDM regulations* unless they are competent. I find that Mr Bennison was not competent to undertake this work in that.

    i. he had no experience of sound insulation;

    ii. He had no experience or expertise in relation to assessing the safe loads of the ducting (or the ceiling).

    iii. The men who were engaged by Mr Bennison to do the work had no expertise in the work they were required to do.

b. He failed to produce a risk assessment or method statement. As I have indicated, I find that a suitable risk assessment would have identified the risk of overloading to the ducting and would have provided for suitable steps to ensure that the ducting was not overloaded.

c. He was dismissive of Mr Harding's criticisms.

d. He failed to act upon the recommendation of Mr Harding in reducing down the rockwool to one layer.

e. He failed to act sufficiently upon his own observation of billowing of the plasterboard facade. He should - as the experts have agreed and I find - have reported this in a formal manner to a senior member of the Britannia team.

f. He failed to carry out an assessment of the weight bearing capacity of the ductwork. Since it would not have been apparent what the load bearing

capacity was, the experts have agreed and I find that he – as designer - should have highlighted the need for structural calculations.

The Guidelines

48. I am required by section 59(1) of *The Sentencing Act 2020* to follow to the *Sentencing Guidelines* issued by the Sentencing Council unless I am satisfied that it would be contrary to the interests of justice to do so.

Sentence: the First Defendant

49. Britannia is a private limited company incorporated in Jersey. Two named directors are Robert Ferrari and Alexander Langsam, and Mr Langsam is listed as the sole shareholder.

50. The relevant guideline in relation to the Britannia is the guideline for *Organisations - breach of duty of employer towards employees and non-employees*.

Culpability

51. At the first step I must first determine the offence category. Mr Cooper KC for Britannia submits that I should find that this is a case of medium culpability since – he submits – systems were in place but they were not sufficiently adhered to or implemented.

52. I do not accept that these failings can be characterised in that way. It is true that Britannia had health and safety policies, but there were multiple serious and basic failings on the part of Britannia which taken together show that, at the time of the breach, there was a situation which may be fairly characterised as a serious failure within the organisation to address risks to health and safety. These included: engaging an unsuitable and unqualified contractor, essentially because he was cheaper; failing to require a method statement; and failing to require a risk assessment.

53. There were also failures to act adequately on the TJ Harding report, and the warnings given in the days before the accident. Ignoring concerns raised by

employees or others is specifically identified in the Guideline as a factor evidencing high culpability.

54. There is no explanation from Britannia for these failings. It is not said for example that the relevant person who should have ensured the policies were complied with was off sick, or that there was some sort of failure of communication which meant that relevant documents were not procured. Standing back and looking at the evidence overall there was simply a wholesale failure to comply with basic requirements of Britannia's own policies. As I have said, having regard to the wording of the Guideline this can therefore properly be characterised as a serious failure within the organisation to address risks to health and safety.

55. I therefore conclude that Britannia fell far short of the appropriate standard, and that the culpability was high.

Harm

56. Turning to the question of harm, as the Guideline makes clear health and safety offences are concerned with failures to manage risks to health and safety. The offence is in creating a risk of harm. I therefore have to consider both the seriousness of the harm risked and the likelihood of that harm arising.

57. As the seriousness of harm risked. This is self-evidently level A, death. That is not disputed.

58. As to the likelihood of such harm occurring, I consider that the likelihood was high. I accept that the park was closed for 17 weeks a year, as pointed out by Britannia. But the essence of the offence which gave rise to the risk of harm, was overloading the ducting. The experts have agreed, as I have explained, that the additional layers of rockwool would have exceeded the safe load capacity of the support system. It was therefore essentially an accident waiting to happen. If the ducting were to fail, there was an obvious risk of level A harm occurring. This is because it was located in an area which was open to the public and heavily trafficked by large numbers of people, both day and night.

59. On this basis the harm falls into category 1.

60. But before assigning a final category for harm:

a. I must first consider whether the offence exposed a number of workers or members of public to the risk of harm. I consider that this is amply demonstrated here since large numbers of people used the relevant area.

b. And secondly, I must consider whether the offence was a significant cause of actual harm. There were other elements which contributed to the collapse – the prior defects in the ducting fixing. And there were other elements which contributed to Mrs Jones's death – her prior medical conditions. But she would not have died when she did but for the breach. Furthermore, 15 other members of the public were injured. Thus, self-evidently the offence was a significant cause of actual harm here.

61. Since both of these factors apply, I should consider moving up a harm category or substantially moving up within the category range at Step 2. I consider that I should substantially move up within the category range.

62. Britannia's turnover from continuing and discontinued activities in 2023 and 2024 was £30 million to £35 million and so, in the terms of the Sentencing Council Guideline, it is a medium organisation, albeit one at the high end of the bracket.

63. For high culpability the starting point is a fine of £950,000 with a range of £600,000 to £2.5m. (I note in passing that for medium culpability, the starting point is a fine of £540,000 with a range of £300,000 to £1.3m. so there is overlap between the categories.)

64. Bearing in mind that there was a risk of harm to a number of people, and the offence was a significant cause of actual harm in this case, I take £1.3m as my starting point.

Aggravating and Mitigating Factors

65. I turn to the aggravating and mitigating factors.

66. In terms of the aggravating factors, cutting costs at the expense of safety is identified as a specific statutory aggravating factor. For the Prosecution Mr Darbishire KC was careful to say that there was no allegation that there was a deliberate policy of cutting corners on safety so as to save costs; but he did submit that Britannia's approach evinced a casualness in relation to safety, and there was an emphasis on saving money. I am not satisfied such that I can be sure and I do

not find that this is a case of cost cutting at the expense of safety. I have already taken account of Britannia's casualness in its approach to the engagement of Mr Bennison and the safety procedures relating to these works when assessing Britannia's culpability as high, and if I were to make a further upward adjustment at this stage it would give rise to a risk of double counting.

67. In terms of the mitigating factors, the main matter relied upon is that there are no previous convictions recorded against Britannia. There is an expression of contrition and regret. There have been no further regulatory interventions since the incident.

68. Mr Cooper has explained and I accept that the company has undertaken a substantial review of its health and safety arrangements, resulting in improvements to its systems and procedures, and he took me through the relevant documentation which supports this submission.

69. I do therefore consider that a downward adjustment to £1.2m to take account of mitigating factors is justified.

Proportionality

70. I must next step back and consider the overall proportionality of the fine having regard to the overall means of the offender.

71. It is submitted that the accounts show a loss in each of the four previous financial years, and a loss of £1,748,000 in the most recent financial year, and it is submitted that the business's profitability has deteriorated in each year. However, the company accepts that it will be able to meet the fine to be imposed by the court.

72. The fine must be sufficiently substantial to have a real economic impact which will bring home to the management and shareholders the need to comply with health and safety legislation. I am satisfied that the figure I have reached thus far will satisfy those sentencing objectives.

73. I therefore assess the fine before credit for plea at £1.2m.

Credit for plea

74. Britannia is entitled to credit for its guilty plea. The guilty plea was entered on 22nd September about three weeks before the trial was due to start. In these circumstances I allow a discount of just over 15 %.

75. I note that Mr Paul Streets, the acting chief executive officer and a director of the company is present in court.

Sentence

76. **For this offence, the sentence I pass on Britannia Jinky Jersey Limited is a fine of £1,000,000 (one million pounds).** I make a collection order. This will be paid through the Magistrates Court and must be paid within 28 days.

Sentence: The Second Defendant

77. Mr Bennison you were born on 16th April 1966, and are now aged 60. You were 49 at the time of the relevant work. You have worked in the same business for 30 years.

78. The appropriate Guideline for you is the one which relates to: *Individuals -Breach of duty of employer towards employees and non-employees*.

Culpability

79. Looking first at the question of culpability, it is submitted by Mr Haggerty on your behalf that your culpability falls into the medium category in that this was an offence committed through an act or omission which a person exercising reasonable care would not commit. In other words it is suggested that this is a case of carelessness or negligence. I cannot accept that. Looking at your position, I find that you:

    a. held yourself out as competent in relation to works in which you had no expertise;
    b. engaged subcontractors who had no experience of the work you asked them to do;

c. failed to produce a risk assessment or method statement for the work you undertook. I emphasise that these were basic failures.
d. were dismissive of the concerns raised by TJ Harding;
e. ignored the recommendation to reduce the insulation down to one layer;
f. ignored the implications of the billowing which you yourself noticed.

80. I consider that your approach to this task, and the way in which you responded to the concerns raised by others, evinced the most casual disregard for health and safety obligations. This cannot be characterised as negligence or carelessness, and amounted in my judgment to a wilful blindness to the risk of offending. I therefore characterise your culpability as high.

Harm

81. Looking next at the question of harm, the seriousness of the harm risked was once again level A, and I consider that the likelihood of harm occurring was high and so this is a category 1 case for the same reasons that I gave when considering Britannia.

82. That gives a starting point of 12 months with a range of 26 weeks to 18 months custody.

83. But before assigning a final category I must again first consider whether the offence exposed a number of workers or members of public to the risk of harm. And secondly, I must consider whether the offence was a significant cause of actual harm. For the reasons I have already given I consider that those factors are present here.

84. Since both of these factors apply, I should consider substantially moving up within the category range at Step 2. I do so and I take my starting point to be 16 months custody.

Aggravating and Mitigating Features

85. I turn to the aggravating and mitigating features.

86. In terms of aggravating factors, it is clear that you carried out works at Sandbach school which gave rise on the part of the school to concerns which are similar to those which were raised in this case. You erected lighting equipment which

overloaded the gantry on which it was placed and gave rise to a risk to health and safety. You were dismissive of the concerns that were raised by the school. I accept that this was not the subject of any investigation or action by the Health and Safety Executive and there was no enforcement action taken against you and nor were you even served with a warning or notice. Nonetheless I consider that on the material available to me it can properly be taken into account as an aggravating factor.

87. In terms of mitigation, there is a good deal of mitigation available to you. I have read the pre-sentence report served on your behalf and I have carefully considered everything that has been said so ably by Mr Haggerty. You rely upon the absence of previous convictions and you are indeed a man of good character. You have demonstrated a high level of cooperation with the investigation. I have carefully considered the character references which have been served on your behalf from both family members and business colleagues. You have been in work for the whole of your adult life. You have developed your own business, and you are a dedicated family man. I accept also that the relevant work was undertaken at a time when you had a number of difficulties at home including your wife having been diagnosed with meningitis. I accept also that you are deeply remorseful and that this incident and its consequences have had a profound effect on you.

88. Now bear in mind also the delays that have occurred in this case and the effect that this will have had on you.

89. Taking account of the aggravating and mitigating factors I will therefore reduce sentence before credit for plea to 14 months.

Credit for plea

90. You pleaded guilty and you are entitled to credit for that. There is some dispute as to whether the appropriate discount for your plea should be one third or 25%. You pleaded at the PTPH and it is submitted on your behalf that you could not have pleaded guilty sooner, because you did not at that point have the benefit of specialist advice or sight of much of the investigation documentation which was subsequently disclosed. At the Magistrate's Court, you were legally represented and you knew the nature of the offence that was being alleged against you, namely that your soundproofing works had exposed members of the public to risks to their health and safety. In my judgment you were then in a position to decide whether to plead guilty. Accordingly I allow just over 25% credit.

91. I take the view that the custody threshold has been passed and it is unavoidable that a custodial sentence should be imposed.

92. Taking account of credit for plea, I pass a sentence of **10 months imprisonment**. That is the shortest term I can pass which is commensurate with the seriousness of your offending.

Suspension

93. However, this being a sentence of less than two years where the plea was entered before 22nd March 2026, I am required to consider whether it is appropriate to suspend the sentence. I have had regard to the Sentencing Council's *Definitive Guideline on the Imposition of Community and Custodial Sentences*.

94. I take the view that there is a realistic prospect of rehabilitation in the community, that you do not present a high risk of reoffending, and there is some strong personal mitigation.

95. I bear in mind also that if you had pleaded Guilty after the 22nd of March 2026 then I would be bound to suspend the sentence unless specific provisions applied which are not relevant here.

Sentence

96. In all these circumstances I consider that I can suspend this sentence. **The overall sentence I pass therefore is 10 months imprisonment suspended for 18 months.** I do not attach any additional conditions to this sentence.

97. If in the next 18 months you commit any offence - whether or not it is of the same type for which I am sentencing you today - you will be brought back to court and it is likely that this sentence will be brought into operation either in full or in part.

Ancillary Matters

98. I will now deal with the ancillary matters.

99. I order the statutory surcharge against both Defendants in the appropriate amount.

100. On the question of costs, Britannia has agreed with the Prosecution that it will pay £72,345.59 as a contribution to the prosecution costs. £1,853.89 represents the costs of Somerset council, £15,837.82 represents the cost of the health and safety executive, and £54,662.88 represents the cost of the Crown Prosecution Service

101. I take on board everything that has been said in relation to your means Mr Bennison, and I order you to pay £1,000 as a contribution towards the Prosecution's costs. This can be paid over 6 months. This figure is to be apportioned in the same proportions as the order for costs agreed between Britannia and the prosecution.

Compensation

102. Pursuant to the agreement between the Prosecution and the First Defendant, I will adjourn the question of compensation for written submissions to be lodged within 21 days. I will then endeavour to decide the issue on the papers.

END