

# Worker injured after being struck by fencing panels

A security fencing manufacturing company has been fined after a worker sustained significant injuries on site.

Liverpool Magistrates' Court heard how, on 23 February 2017, John Evans, an employee of Blok N Mesh Limited had been helping to manually load fencing panels into shipping containers when approximately 34 panels fell on him. Mr Evans suffered significant injuries as a result including; a broken left shoulder, fractured vertebrae in his neck, two broken ribs, contusions to his lungs, and soft tissue damage to his face.

An investigation by the Health and Safety Executive (HSE), found that workers were put at risk by the company not having suitable control measures in place to load the panels safely to prevent them from falling. There had been two previous incidents of fencing falling on workers, which should have acted as a warning to the company that the loading procedure was dangerous.

The investigation also found that the company failed to ensure that work was sufficiently planned, risks were assessed and controlled and that a safe system of work was in place. The company subsequently loaded the fencing using specially designed stillages, eliminating the need for workers to be inside the container, and therefore significantly reducing the risk of injury.

Blok N Mesh Limited of Leytonstone House, Leytonstone, London, pleaded guilty to breaching Section 2 (1) and Section 3 (1) of the Health and Safety at Work etc. Act 1974 and was fined £260,000 and ordered to pay costs of £5,177.30.

Speaking after the incident, HSE inspector Helen Jones said "This incident could so easily have been avoided by ensuring workers weren't put in a dangerous situation, where unsecured fence panels could easily fall and cause serious injury.

"This company had two previous accidents in identical situations, which should have served as a warning that the system in place was dangerous should they have heeded this warning, the serious injuries suffered by Mr Evans could have been prevented."

## **Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. [hse.gov.uk](http://hse.gov.uk)
2. More about the legislation referred to in this case can be found at:

[legislation.gov.uk/](http://legislation.gov.uk/)

3. HSE news releases are available at <http://press.hse.gov.uk>

4. <http://www.hse.gov.uk/pUbns/priced/hsg246.pdf>

Journalists should approach HSE press office with any queries on regional press releases.

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## [Director jailed after Hoddesdon explosion led to death of two brothers](#)

Simon Thomerson has been sentenced to 8 months in custody after pleading guilty to a health and safety breach that resulted in the death of two brothers.

Luton Crown Court heard how Mr Thomerson, the sole owner and director of Clearview Design and Construction Ltd, had been contracted by the owners of an industrial park in Hoddesdon, Hertfordshire to refurbish several of the units.

Brothers Ardian and Jashar Lamallari had been employed as labourers and were working inside the unit at 16:45 on 3 October 2015 when an explosive fire occurred within one of the units. Both brothers suffered near 100 per cent burns and died within 12 hours of the incident. A third man who was working with them also suffered severe burns, but survived.

A joint investigation by Hertfordshire Constabulary and the Health and Safety Executive (HSE) found that Mr Thomerson had supplied the three men with several litres of highly flammable "thinners", which they then poured onto the floor of the unit to remove old dried carpet tile adhesive.

The investigation found that Mr Thomerson had given no serious consideration to the safe use of the thinners, despite the obvious warnings on the containers. The vapour spread over an area up to half the size of a tennis court and was ignited by one of several possible ignition sources that were in the area.

Sole owner and director of Clearview Design and Construction Ltd, Simon Thomerson of Sutherland Avenue, London, pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work etc. Act 1974. He received a custodial sentence of 8 months and was ordered to pay a victim surcharge of £170.

Detective Inspector Justine Jenkins from the Bedfordshire, Cambridgeshire and Hertfordshire Major Crime Unit who led the investigation said:

"This was a tragic event that led to the death of two men in absolutely horrific circumstances. We have worked closely with HSE and our other partner

agencies to ensure that the failings by those in control of the site were identified and prosecuted and are satisfied that the sentence delivered today reflects the seriousness of those failings.”

Speaking after the hearing, HSE inspector Paul Hoskins said: “This tragic incident led to the wholly avoidable death of two brothers, Ardian and Jashar, destroying the lives of their young families.

“The risks of using highly flammable liquids are well known, and employers should make sure they properly assess the risks from such substances, and use safer alternatives where possible. Where the use of flammable solvents is unavoidable, then the method and environment must be strictly controlled to prevent any ignition.”

In a victim impact statement, Zana Lamallari, wife of Jashar said:

“After the death of my husband, my family life has completely been destroyed. My children’s and my future has been completely destroyed. He was everything to me.”

In a victim impact statement, Ismete Lamallari, wife of Ardian said:

“The impact in my life is so big. My family has been destroyed; my home, everything. My husband was very loving towards the children and everyone. He was an honest worker.”

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. Further information relating to the safe use of highly flammable liquids can be found at: <http://www.hse.gov.uk/fireandexplosion/index.htm>

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## **[Two companies fined after worker](#)**

## suffers life-changing head injury

Two companies have today been found for causing a life-threatening injury to a worker whilst he was working on a flat roof.

Southwark Crown Court has, on 1 December 2014, after a leak had been identified on a flat roof at Downsell Primary School, facility managers Kier Facilities Services Ltd requested action to be taken by its subcontractors, JHH Engineering. While undertaking the repair work, the JHH Engineering Ltd employee fell, suffering a life-changing head injury. The worker has been left with severe cognitive effects including memory loss, behavioural and mood changes, and a reduced ability to care for himself.

An investigation by the Health and Safety Executive (HSE) into the incident, found that site-specific planning was not requested from JHH Engineering Ltd, nor provided, and that the work was not monitored. Kier Facilities Services Ltd failed to implement its own work at height procedures and ensure subcontractors were vetted. The investigation also found the roof was accessed by an employee of JHH Engineering Ltd using an unsecured, damaged ladder of insufficient length which was missing its rubber feet and stability bar. No harness was found, and the employee had not used the fall restraint system provided by Kier whilst on the roof.

JHH Engineering Ltd of Mechanics Workshop, New Lanark, pleaded guilty to breaching Section 2(1) of HSWA 1974 and was fined £30,000 and ordered to pay costs of £5,967.12

Kier Facilities Services Ltd of Tempsford Hall, Sandy, Bedfordshire pleaded guilty to breaching Section 3(1) of HSWA 1974 and was fined £200,000 and ordered to pay costs of £5,923.72

Speaking after the case, HSE inspector Charles Linfoot said: "Falls from height remain one of the most common causes of serious injury and death in the UK. All work at height, including that of subcontractors, should be properly planned, organised, and monitored to ensure that it is undertaken by workers who are sufficiently trained and supervised using appropriate equipment."

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## Fines for trio following asbestos

# failures

Three directors of a now-liquidated waste management company have been sentenced after a series of “appalling” failures, exposing the public and the environment to asbestos.

Stoke on Trent Combined Court heard that brothers George Talbot and his sons, Anthony and Stephen, knew of the hazards of handling asbestos waste at sites in Staffordshire and Lancashire and ignored warnings from the authorities to rectify the problems.

The directors of Alsager Contractors Limited were prosecuted following a joint, two-year investigation into their working practices by the Health and Safety Executive (HSE) and the Environment Agency (EA).

George Thomas Talbot of Barthomley, Cheshire, was disqualified as a director for a period of seven years and was given a total fine of £46,500 after pleaded guilty to breaching:

- Section 22 of the Health and Safety at Work etc. Act 1974. Sentenced to a fine of £7,500
- Regulations 12(1)(a) and 38(1)(b) of the Environmental Permitting (England and Wales) Regulations 2010. Sentenced to a fine of £12,000.
- Sections 33(1)(c), 33(6) and 157(1) of the Environmental Protection Act 1990 on or before 27 June 2011. Sentenced to a fine of £ 7,500.
- Sections 33(1)(c), 33(6) and 157(1) of the Environmental Protection Act 1990 on or before 8 February 2013. Sentenced to a fine of £12,000
- Regulations 12(1), 38(1)(a) and 41(1)(a) of the Environmental Permitting (England and Wales) Regulations 2010. Sentenced to a fine of £7,500.

Anthony Thomas Talbot of Rode Heath, Stoke on Trent, was disqualified as a director for a period of four years and was given a total fine of £4,800 after pleaded guilty to breaching:

- Section 22 of the Health and Safety at Work etc. Act 1974. – Sentenced to a fine of £1,200
- Sections 33(1)(c) 33(6) and 157(1) of the Environmental Protection Act 1990 on or before 27 June 2011. Sentenced to a fine of £1,200
- Sections 33(1)(c), 33(6) and 157(1) of the Environmental Protection Act 1990 on or before 8 February 2013. Sentenced to a fine of £1,200
- Regulations 12(1), 38(1)(a) and 41(1)(a) of the Environmental Permitting (England and Wales) Regulations 2010. Sentenced to a fine of £1,200.

Stephen John Talbot of Sandbach Road North was given a total sentence of £6,000 after pleaded guilty to breaching:

- sections 33(1)(c) 33(6) and 157(1) of the Environmental Protection Act 1990 on or before 27 June 2011. Sentenced to a fine of £3,000.
- Regulations 12(1), 38(1)(a) and 41(1)(b) of the Environmental Permitting (England and Wales) Regulations 2010. Sentenced to a fine of £3,000.

The three defendants were also ordered to repay costs of £200,000 in total.

When passing sentence, the judge described the “flagrant breach of the prohibition notice” in relation to Peel Street. “It is clear that the company, far from responding to earlier warnings about their handling of asbestos, continued to create risks and deliberately disregard a prohibition notice.”

HSE inspector David Brassington said after the hearing, “This was an appalling breach of a prohibition notice which potentially exposed workers to asbestos. Companies should know HSE will not hesitate to take enforcement against those who flout the law.”

Speaking after the case, an Environment Agency officer in charge of the investigation said: “This successful prosecution demonstrates how the Environment Agency works in partnership with other enforcers like the HSE, to tackle serious waste crime and failures to comply with regulations.

“We’re determined to tackle those who flout the law. Illegal waste and those behind waste crime diverts as much as £1 billion very year from legitimate businesses and the treasury. As the Environment Agency we do everything we can investigate these crimes and prosecute those we believe responsible.”

“Waste crime is a serious offence; in this case we’ve seen a continuous disregard for the laws and regulations around managing asbestos waste.”

There is no evidence to suggest the environment or neighbouring businesses have been harmed by the actions at the three sites.

## **Background**

The two-year investigation between 2011 and 2013 focused on Alsager’s management of waste at facilities at the following locations:

- Winghay Close, off Chemical Lane in Newcastle-Under-Lyme.
- Peel Street, Longbridge Hayes Industrial Estate in Newcastle-Under-Lyme.
- Heywood Distribution Park, Pilsworth Road, Lancashire.

Investigators found evidence all three defendants knew of

- waste containing asbestos being kept or disposed of at the Longbridge Hayes site in a manner likely to cause pollution or harm human health from June 2011.
- waste containing asbestos was being deposited in a trailer at the Heywood Distribution Park site without an environmental permit from June 2011.

It was also found George and Anthony Talbot knew of waste containing asbestos being deposited at the Chemical Lane site without an environmental permit from February 2011.

On 10 May 2012, HSE served a prohibition notice on Alsager Contractors Ltd to prohibit work on six road going ejector trailers that contained or were

contaminated with asbestos. The notice required that no work should be undertaken on the trailers – except to carry out decontamination under the control of a licensed asbestos contractor.

On 5 February 2013, it was identified by an Environment Agency officer that a door had been cut into this trailer to enable access to the asbestos waste, in contravention of the notice. The environmental permit for Peel Street was suspended and then revoked.

An investigation by HSE found that the two directors of the company at that time, namely George Talbot and Anthony Talbot, were aware of the conditions of the prohibition notice and both failed to prevent work which contravened that notice.

### **About HSE**

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## **Speciality Gas company fined after employee overcome by fumes**

A Speciality Gas Company from the Midlands has been fined after an employee was overcome by vapour whilst disposing of redundant gas bottles.

Stoke Combined Court heard how on 7 February 2015, four members of the Air Liquide (UK) Ltd Emergency Response Team were disposing of redundant gas bottles at the company's site in Tunstall. This involved two workers cutting the bottles open inside a purpose-built box, using a hacksaw operated from the outside. During the incident, one of the workers, wearing a bomb disposal suit and respiratory protective equipment (RPE) was carrying a bottle they had just cut open, when approximately 50 ml of highly hazardous liquid leaked from the bottle onto the floor. Vapour from the spill drifted downwind affecting two unprotected workers, one so badly he collapsed to the floor. Both were taken to hospital for treatment and tests and later discharged.

An investigation by the Health and Safety Executive (HSE) found that the system of work was inadequate. The Emergency Response team were not

adequately informed or instructed to deal with the hazardous contents of the bottles. The work was not adequately supervised or nor was the very real risk of explosion adequately controlled.

Air Liquide (UK) Ltd of Station Road, Coleshill, Birmingham pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 and was fined £160,000 and ordered to pay costs of £22,611.60.

Speaking after the hearing HSE Inspector Matthew Lea said “Employers have a duty to devise and train their workers in safe systems of work and make sure they are being followed. That starts with understanding the hazardous properties of the chemicals likely to be present in the bottles they required to handle. Their failures put the lives of their workers at significant risk”

For more information on gas cylinder disposal please go to British Compressed Gases Association (BCGA) website:  
[http://www.bcgga.co.uk/pages/index.cfm?page\\_id=91](http://www.bcgga.co.uk/pages/index.cfm?page_id=91) (There is no specific HSE guidance)

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