

# Fencing manufacturer and site owner fined after employee fatality



A fencing manufacturer and the owner of the yard where the business operates, have been fined following the death of an employee at the site.

North Somerset Magistrates' Court heard how on 14 August 2017, Roderick McKenzie Hopes was working for PA Fencing Ltd at the yard. A telescopic forklift (telehandler) used to move timber, was lifted too high. It tipped over, knocking over some stacked timber which fell on to Mr Hopes resulting in his death.

An investigation by the Health and Safety Executive (HSE) found that the telehandler's safety device, designed to stop loads being lifted so high, had not worked for a long time and maintenance had failed to identify this. Furthermore, the machine operator had not received full training in its use and the machine was regularly used to lift overly heavy loads.

The yard supervisor did not know how the machine should be used safely. The yard wasn't laid out to allow the safe stacking of material.

The investigation also found that PA Fencing Ltd shared the machine with Mr David Crossman, who owns the neighbouring farm and rents the yard to PA Fencing Ltd. Neither PA Fencing Ltd nor Mr Crossman had ensured that the machine was properly maintained nor that it was independently thoroughly examined, a test which must be done at least annually.

P A Fencing Limited of Unit 4 Westfield Business Park, Bristol BS21 6UY pleaded guilty to breaching Section 2(1) of the Health & Safety at Work Act 1974. The company was fined £35,000.00 and ordered to pay costs of £7500.00.

David Crossman of Ham Farm, Ham Lane, Yatton BS49 4QL pleaded guilty to breaching Regulation 5(1) of the Provision and Use of Work Equipment Regulations 1998 and Regulation 9(3) of the Lifting Operations and Lifting Equipment Regulations 1998 and was fined £3000.00 and ordered to pay costs of £7500.00.

Speaking after the hearing HSE inspector Tania Nickson said:

“This incident could so easily have been avoided by simply ensuring that the vehicle in question had been properly maintained and thoroughly examined.

“This failure was compounded by PA Fencing Ltd not ensuring their yard was set up to safely store timber or that their drivers were properly trained and appropriately supervised.

“Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards.”

**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. [www.hse.gov.uk](http://www.hse.gov.uk)<sup>[1]</sup>
2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)<sup>[2]</sup>
3. HSE news releases are available at <http://press.hse.gov.uk>