

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

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

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