

# Welsh dairy company fined after worker injured

A Wrexham-based dairy firm has been fined after a worker was covered in hot caustic and steam resulting in serious injuries.

Wrexham Magistrates' Court heard how, on 3 May 2017, a Tomlinson's Dairies Limited employee was modifying the pipework at the back of one of the plants when a pneumatic valve opened covering him in hot caustic and steam. The worker suffered serious burns to 27% of his resulting in a four week stay to recover in hospital.

An investigation by the Health and Safety Executive (HSE) found the company failed to ensure the safe isolation of plant and pipework before work commenced. The company had relied on informal risk control systems and arrangements which were no longer sufficient for a business of its size.

Tomlinson's Dairies Limited of Five Crosses Industrial Estate, Minera, Wrexham has pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work Act 1974 and has been fined £200,000 and ordered to pay costs of £4267.20.

Speaking after the case, HSE inspector Gary Martin said "Those in control of work have a responsibility to devise safe methods of work and to provide the necessary information, instruction and training to their workers in the safe system of working.

"If a suitable safe system of work had been in place prior to the incident, the life-changing injuries sustained by the employee 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>

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

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## East Midlands company fined after worker injures hand

A Leicester-based packaging manufacturer has today been sentenced after an employee suffered severe injuries to a number of his fingers.

Leicester Crown Court heard how, on 4 March 2016, an employee of CPS Flexible Limited (now called Fusion Flexibles Limited) was operating a conversion machine with a heated blade to cut through the plastic sheets. Whilst the employee was cleaning this hot blade, it lowered without warning causing severe, irreversible injuries to three fingers on his right hand.

An investigation by the Health and Safety Executive (HSE) found the company had failed to both identify this risk of the blade lowering without warning and to put in place appropriate measures to eliminate the risk.

CPS Flexible Limited of Ratby Lane, Leicester pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and has been fined £50,000 and ordered to pay costs of £8,825.

Speaking after the hearing, HSE inspector Mark Austin said: "This incident could so easily have been avoided if the company had taken measures to prevent this risk of the blade falling without warning, an issue with the machine that was known to many of the employees beforehand.

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

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# Hertfordshire company fined for dangerous gas installations

A Hampshire-based utilities company has today been fined for dangerous gas installations at Royal Veterinary College.

St. Alban's Crown Court heard how Dimension Data Advanced Infrastructure Ltd had been sub-contracted to carry out all the gas, plumbing and above ground drainage work at the College from December 2010 until September 2011. Multiple gas leaks were found across a new student village, putting hundreds of students housed on the campus at risk.

An investigation by the Health and Safety Executive (HSE) found 50 incorrect fittings had been used with cheaper water fittings being used instead of gas fittings. The installation was classified as 'Immediately Dangerous' under the gas safe classification scheme. At the time the work was carried out neither Dimension Data Advanced Infrastructure Ltd nor any of its employees were registered on the Gas Safe Register.

Dimension Data Advanced Infrastructure Ltd of Fleet, Hampshire pleaded guilty to breaching Section 3 of the Health and Safety at Work Act 1974 and was fined £466,660 and ordered to pay costs of £11,548.68.

Speaking after the case, HSE inspector Graham Tompkins said "Unregistered gas work puts people and property at real risk. Working with gas appliances is difficult, specialised and potentially very dangerous, so it is vital that this is only undertaken by trained and competent engineers who are registered with Gas Safe.

"HSE will not hesitate to take appropriate action against rogue gas fitters who disregard the new law and place lives at risk. All gas work must be done by registered Gas Safe engineers to ensure the highest standards are met to prevent injury and loss of life."

Further information about gas safety can be found at <http://www.hse.gov.uk/gas/>

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## 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."

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

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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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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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