

Company and director fined after workers exposed to asbestos

A company and its director have been sentenced after workers were exposed to asbestos and its potential harmful effects.

Inspectors from the Health and Safety Executive (HSE) visited Eye Track Limited's site in Stretford, Manchester, and found an uncontrolled spread of asbestos containing materials around the premises.



Some of the asbestos containing materials on site

HSE has recently updated its webpages on [asbestos safety](#) and in 2023 launched an awareness campaign, [Asbestos and You](#), which provides tradespeople with information about how to deal with asbestos on a job, and the personal risks from asbestos that still exist across the country today.

Earlier this year, the workplace regulator launched its [Asbestos: Your Duty](#) campaign that aims to improve understanding of what the legal duty to manage asbestos involves.

HSE attended the premises on Talbot Road in April 2019 after concerns were raised over workers unsafely working at height during the demolition of a number of units and construction of eight new residential houses.

During the inspection, HSE found significant amounts asbestos-containing materials across the site, mostly large amounts of debris associated with the breakage of asbestos-containing roof sheets from the demolished units. One unit taken down was estimated to contain 100 square metres of asbestos insulation board, 70% of which was demolished by hand and machinery.

A subsequent HSE investigation found the asbestos removal work was carried out under the direct control and instruction of Eye Track Limited director Selcuk Pinarbasi, who was fully aware of the potential dangers of asbestos. Mr Pinarbasi had some months earlier instructed a suitably qualified asbestos surveyor to carry out an asbestos demolition survey which had identified in detail the presence of both licensed and unlicensed materials throughout the

site. Mr Pinarbasi was therefore fully aware of the risks the site posed from the presence of asbestos materials on his site prior to any demolition work taking place.

Eye Track Limited, of Talbot Road, Stretford, Manchester, pleaded guilty to breaching Section 2(1) and Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £20,000 and ordered to pay £18,783.61 in costs at Manchester Crown Court on 25 April 2024.

At the same hearing. Selcuk Pinarbasi, of Bankhall Lane, Hale, Greater Manchester, pleaded guilty to breaching Section 3(1) and Section 33(1)(g), by virtue of Section 37(1), of the Health and Safety at Work etc. Act 1974. He received a custodial sentence of 20 weeks, suspended for 12 months. He was also fined £75,000 and ordered to pay costs of £18,783.61.

HSE inspector Phil Redman said: "This case highlights how such behaviour will not be tolerated under any circumstances. Lives were deliberately put at risk as profits were prioritised over safety during the uncontrolled demolition and removal of asbestos containing materials.

"Eye Track Limited and its director showed a total disregard for the health, safety and welfare of workers working under their control."

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.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.

Housing company fined more than £500,000 after worker suffers burns

A housing company based in Kent has been fined £528,000 after an employee repairing a fence post inadvertently struck an underground cable, suffering burns to his face.

The MHS Homes employee and a colleague had been tasked by the company to repair three fence posts in a back garden of a tenant on 10 January 2023.

They had already repaired two of the posts and started on a third, when one of the workers struck an underground electrical cable as he tried to break through some concrete using a breaker.

The company failed to provide the employees with information on the location of, or the tools to safely excavate around, an electrical cable and gas pipe.

An investigation by the Health and Safety Executive (HSE), found that MHS Homes often excavated the ground. However, they never provided any information to employees on the location of underground services and did not provide suitable equipment to detect and safely excavate underground services. They had previously identified the risk of underground services in a risk assessment in 2017.

On this occasion, the two employees were digging not only by an electrical cable, but also a gas service. This heightened the risk of a fire or explosion, with the potential to kill not employees and members of the public nearby, as well the risk of destroying property.

MHS Homes of Broadside, Leviathan Way, Chatham, Kent pleaded guilty to breaching Regulation 16(2), by virtue of non-compliance with Regulation 25(4), of The Construction (Design and Management) Regulations 2015. The company was fined £528,000 and must pay £4,122 in costs following a sentencing hearing on 24 April 2024.

After the hearing, HSE inspector Peter Bruce, said: "Underground services are widespread and represent a significant risk. It is important measures are taken to identify them before any excavation work is undertaken.

"On this occasion, an electrical cable was struck and a worker suffered minor injuries. However it could have been much worse and potentially fatal.

"Those excavating the ground need to ensure that they obtain service plans prior to the work taking place. It is also vital that employees are provided with the correct tools and detection equipment to do their work safely."

This prosecution was brought by HSE enforcement lawyer Rebecca Schwartz and supported by HSE paralegal officer Ellen Garbutt.

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3. Further details on the latest [HSE news releases](#) is available.
4. Guidance on [working with underground services](#) is available.

Council fined after vulnerable man choked to death on food

Fife Council has been fined £100,000 for safety breaches following the death of a vulnerable man who choked to death on a sandwich unsuitable for his prescribed diet.

In its role to support the care of those who live in supported living accommodation, Fife Council was responsible for the safe ingestion of food for 66-year-old Brian Millar.

On 4 June 2020, the resident of accommodation in Kirkcaldy was given a sandwich by a carer. Brian could only be given food that was carefully prepared to ensure it was soft and bite-sized.

Brian should also have been closely supervised to ensure his safety while eating. However, the food was not suitably prepared and he was not closely observed. He choked on the sandwich and died.

At Kirkcaldy Sheriff Court on 23 April 2024, Fife Council, North Street, Glenrothes pleaded guilty to breaching Sections 3(1) and Section 33(1)(a) of the Health and Safety at Work etc. Act 1974. It was fined £100,000 and the Sheriff also directed that a Compensation Order of £50,000 be paid to Brian's family.

Speaking after the case, HSE inspector Kerry Cringan said: "It is tragic when a vulnerable person dies in circumstances which were completely avoidable.

"Sadly, it is not uncommon for us to be informed of deaths where people in care choke on high-risk foods that were not suitable for their diet.

"Care providers must be guided by speech and language therapy professionals and then ensure their staff are trained to understand what those recommendations mean.

"They should be aware that we will not hesitate to take appropriate enforcement action against those who fail to train staff in the importance of following modified texture diets."

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Haulage firm fined after man went to work and didn't come home

An Oldham-based haulage company has been fined more than £85,000 after a fork lift truck driver was killed while loading a heavy goods vehicle (HGV).

Ian Dawson, 60, of Rochdale, was loading pallets onto the HGV at Chorlton Express Transport Limited on 19 November 2020. As he was doing this, the HGV moved forward, causing the fork lift truck to overturn. Mr Dawson, who was not wearing a seat belt, was trapped beneath the vehicle, and died as a result of his injuries.



Fork lift truck driver Ian Dawson was killed while unloading a HGV in Oldham

His partner Jane Medhurst, described the last moment she saw him, before they both left for work on that fateful day.

“We told each other, ‘love you’, kissed and said, ‘see you later.’”

“What happened that day was so catastrophic. It has drastically changed my life. I still find it difficult to cope with the loss of Ian.

“He loved his food and months after his death I still found myself shopping

for him. Thinking oh that's one of Ian's favourites I will buy that. Even though I knew he was not here anymore.

"Although I now realise Ian will never come home again and I have now had to move out of the house we shared, it still haunts me that he is gone. It was so sudden and unexpected that I never got a chance to say goodbye to him."

An investigation by the Health and Safety Executive (HSE) found that Chorlton Express Transport Limited of Meek Street in Oldham, had failed to put sufficient safe systems of work in place regarding vehicle movements, or to ensure that all fork lift truck drivers were compelled to wear seat belts. A court heard that, had Mr Dawson been wearing a seat belt, it is highly likely that this would have saved his life.



Ian Dawson was very much loved by his friends and family

His daughter Caitlin, who was just 19 when her dad died, said it had 'turned her life upside down'.

"I can still remember getting the phone call that my dad had passed like it was yesterday. At just 19 years old when it happened, and it being the first time losing someone, it felt like my life had turned upside down, especially in the brutal terms it happened.

"To this day, I still sit and cry and the fact that I will never get to say goodbye to my dad. I will never be able to speak to him and he will never be able to take me shopping again, one of the most fond memories I have of him.

"It has been one of the most traumatising experiences of my life and I am still suffering every day because of it."



The incident happened at
Chorlton Express
Transport Limited in
Oldham

The company pleaded guilty to breaching regulation 2(1) of the Health and Safety at Work etc Act 1974. They were fined £86,710 and was ordered to pay £5,903 costs at a hearing at Manchester Magistrates Court on 17 April 2024.

After the hearing HSE inspector Jane Carroll said: "The failures of this company has left a family without the man they loved.

"The importance of wearing seatbelts cannot be stressed enough.

The failures meant the company exposed employees, and others, to the risk of being struck or caught by workplace vehicles.

"All work settings that use a forklift truck to load or unload goods, need to consider the risks arising from their use, and implement adequate measures to ensure the safety of those involved in these activities."

The prosecution was brought by HSE enforcement lawyer Matthew Reynolds and paralegal officer Lucy Gallagher.

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3. Further details on the latest [HSE news releases](#) is available.

4. Guidance for [working safely with vehicles](#) is available.

Rogue trader spared immediate spell behind bars after unsafe gas work

A self-employed rogue trader has been handed a suspended prison sentence after carrying out illegal gas work in Gloucestershire.

Christian Davis falsely claimed he was Gas Safe Registered but had actually been removed from the register due to concerns about the standard of his work and his competency.

Trading as BS1 Plumbing and Heating, the 45-year-old carried out illegal work as part of the renovation of a mobile park home in Hallen between June and July 2020. Some of that work included the installation of pipework, a boiler and gas hob. The illegal work resulted in significant expenditure for the property owner.



The new LPG boiler was fitted with a securing clamp missing from the chimney/flue with a gap clearly visible

An investigation by the Health and Safety Executive (HSE) found that Davis had carried out the work while not registered with the Gas Safe Register.

He was handed a 48-week suspended prison sentence by a District Judge sitting at Bristol Magistrates' Court on 17 April 2024. She told him he 'could have killed someone' and that she was relieved to find out he no longer held himself as competent to carry out gas work. Davis now runs a burger restaurant and has no connection to the plumbing and gas trade.



The gas hob which was found to be 'immediately dangerous' with a yellow flame due to improper combustion. Bubbles can also be seen emanating from the solder joint underneath the hob.

Christian Davis, of Callington Road, Brislington, Bristol pleaded guilty to breaching Regulations 3(1), 3(3) and 3(7) of the Gas Safety (Installation and use) Regulations 1998. He was given a 48-week custodial sentence, suspended for two years. He must also pay £3,000 in compensation to the homeowner and £5,000 in costs. The prosecution was brought by HSE enforcement lawyer Samantha Wells.

HSE inspector Alex Stobart, who led the investigation, emphasised the risks associated with unqualified gas work, stating: "Those who undertake gas work without the relevant competence or qualifications put members of the public at risk of death or serious injury.

"We will hold rogue gas traders to account. Gas engineers must be registered with the Gas Safe Register, and we encourage the public to verify an engineer's credentials online.

"Unfortunately rogue traders such as Mr Davis continue to trade and undertake gas work without having the relevant registration, competence, or qualification required to perform gas work safely."

Gas engineers and consumers can contact the Gas Safe Register in any of these ways:

- [Gas Safe Register](#)
- Phone – **Consumers:** 0800 408 5500; **Engineers:** 0800 408 5577
- Email – enquiries@gassaferegister.co.uk

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3. Further details on the latest [HSE news releases](#) is available.
4. Further information on [domestic gas health and safety](#) is available.