

# Builder prosecuted for exposing employees to asbestos during unsafe removal

Kieran Lynch has been prosecuted after his employees were exposed to asbestos while refurbishing domestic premises in Barnsdale Road, Reading.

Reading Magistrates' Court heard how Mr Lynch, trading as Lynch and Co, was contracted to carry out a largescale refurbishment for his client who had recently purchased the property from their local council. Prior to the project commencing, the owner of the property informed Mr Lynch that the ceiling boards in the garage contained asbestos.

Mr Lynch instructed two employees, who had no experience in asbestos removal, to take down the boards with no protective measures in place. Once they had taken down the boards, they stored them inside the house for a further three months before they were moved into the front garden to be disposed of. Subsequent examination of these boards identified them as Asbestos Insulating Board (AIB) – a high risk product which requires an asbestos removal licence to remove.

An investigation by the Health and Safety Executive (HSE) found that Mr Lynch was made aware that asbestos was present in the property, and yet he failed to make adequate enquiries as to where the asbestos was, its type and the condition it was in, prior to carrying out the removal. He also instructed his employees, who lacked the necessary competence, to carry out the removal with no control measures in place.

Mr Kieran Lynch of 9 Old Barn Close, Emmer Green, Reading pleaded guilty to breaching the Control of Asbestos Regulations 2012 Regulations 5 (1)(a), 8(1), 11 (1) and received a Community Order for a period of 12 months with a Rehabilitation Requirement of 25 days and Unpaid Work of 100 hours. Mr Lynch was also ordered to pay £5,000 in costs and a £95 victim surcharge.

Speaking after the hearing, HSE inspector David Tonge said: "Refurbishment work, even in domestic premises, is liable to expose people to asbestos and adequate steps must be taken to find out if asbestos is present. If so, appropriate measures must be taken to ensure people are not exposed to asbestos fibres."

## **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](https://www.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. Further information about Asbestos can be found at [HSE: Asbestos – health and safety in the workplace](http://www.hse.gov.uk/asbestos/)
  4. HSE news releases are available at <http://press.hse.gov.uk>
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## Company sentenced after fatal fall through fragile asbestos roof

A company has been sentenced after an employee of a Powys construction company was fatally injured in Liverpool when he fell six metres through a roof whilst working on a replacement roof project.

Liverpool Crown Court heard that on 22 May 2017, roofer Marius Andrus was completing snagging work on a replacement roof. The worker had accessed a part of the old roof made of fragile asbestos cement sheets, which gave way. He fell through the sheets to the ground below sustaining fatal injuries.

An investigation by the Health and Safety Executive (HSE) found that the area accessed did not have safety nets fitted and that the employer failed to take reasonably practicable measures to reduce the risk to those working on the roof.

AJM Services (Midlands) Ltd of Llanfihangel, Llanfyllin, Powys pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005. The company was fined £51,000 and ordered to pay costs of £5,000.

Speaking after the hearing, HSE inspector Andy McGrory said: “This was a tragic incident, which resulted in a needless loss of life and could have easily been avoided by properly planning the work and ensuring appropriate safeguards were in place.

“Those in control of work at height have a responsibility to devise safe methods of working, which should include providing clear and comprehensive information for their workers and ensuring that they are adequately supervised.”

Owners of the building Pearsons Glass of Maddrell Street, Liverpool pleaded guilty to breaching the Health and Safety at Work etc. Act 1974, section 3, at an earlier hearing and were sentenced at Liverpool Crown Court in February 2021. The company was fined £80,000 and ordered to pay costs of £6,656.

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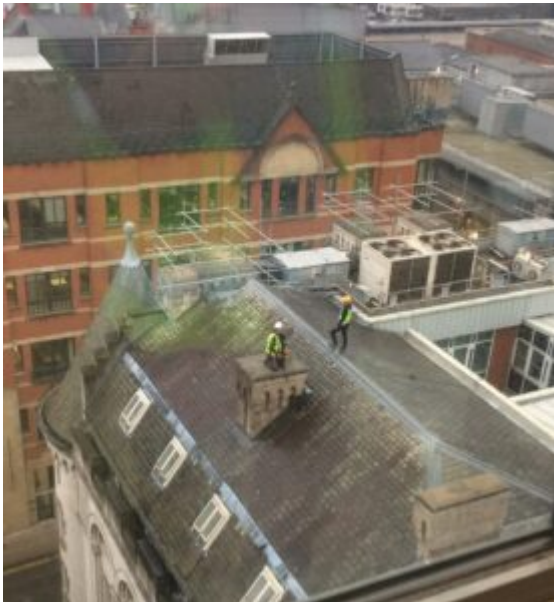
2. More about the legislation referred to in this case can be found at:

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

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

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## [Construction firm fined and director given community order for breaching working at height regulations](#)



A construction firm and its director have been sentenced after carrying out unsafe work on the roof of a multi-storey building in Manchester.

Manchester Crown Court heard that concerns were raised with the Health and Safety Executive (HSE) after workers were spotted on the roof of the building in Norfolk Street, Manchester, without safety measures in place to prevent a fall.

HSE carried out two inspections at the site following the reports. On the second site visit, on 27 February 2019, employees were found to be working on the roof with no suitable controls in place to prevent falls. Inspectors intervened and stopped the work on site.

An investigation by HSE found that the unsafe work on the roof had taken place over a period of time from 1 January 2019 to 28 February 2019 with a significant risk of death or serious injury.

Exquisite Solutions (Alsager) Limited of St James House, Salford, was found guilty of breaching section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £42,500 and ordered to pay costs of £5,049.73 plus a victim surcharge of £170.

Company director Ali Wit Wit of St James House, Salford, was found guilty of breaching section 37 of the Health and Safety at Work etc. Act 1974, in relation to the company's failing of section 2(1) of the Act. Mr Wit Wit was given a community order for 270 hours of unpaid work and ordered to pay costs of £5,049.73 and a victim surcharge of £85.

Speaking after the hearing, HSE inspector David Norton said: "Falls from height remain one of the most common causes of work-related fatalities in this country and the risks associated with working at height are well known. HSE will not hesitate to take appropriate enforcement action against companies that fall below the required standards and endanger their employees."

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3. More information about working safely at height can be found at <https://www.hse.gov.uk/construction/safetytopics/workingatheight.htm>
4. HSE news releases are available at <http://press.hse.gov.uk>

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## **Gas engineering company fined for unsafe LPG installation work**

A gas engineering company has been fined after undertaking Liquid Petroleum Gas (LPG) installation work at a food factory near Spalding that was later condemned as being unsafe.

Lincoln Magistrates' Court heard how Glen Farrow UK Ltd undertook the installation of a liquid LPG bottle filling system at the food preparation company during January and February 2018. An inspection by the LPG supplier on 13 February 2018 found numerous defects in the installation which put the safety of workers at the factory at risk.

An investigation by the Health and Safety Executive (HSE) found that the

company took on work that they did not have the competencies for. They failed to plan the work adequately and to specify the correct materials and design for the installation. The engineer they sent was not competent to work on a liquid LPG installation of this sort. When asked to quote for this work, Glen Farrow UK Ltd should have realised that it was outside of their competence and subcontracted the work to a company with expertise in liquid LPG installations.

Glen Farrow UK Ltd of Glendum Close, Pinchbeck, Spalding pleaded guilty to breaching Sections 2 and 3 of the Health and Safety at Work Act 1974. They were fined £20,000 and ordered to pay costs of £3131.60.

Speaking after the hearing, HSE inspector Martin Giles, said :“Gas engineers must understand that certain tasks are not part of their normal functions and should only be done by competent contractors.”

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## **Company fined after employee injures finger in saw incident**

An export services company has been fined after an employee suffered serious injuries when his finger came into contact with a saw blade.

Chelmsford Magistrates’ Court heard how on 16 September 2019, the employee’s left index finger was partially severed when it came into contact with the unguarded part of the radial arm saw blade, he was using to cut wooden batons.

An investigation by the Health and Safety Executive (HSE) found that Neil Smith (Export Services) Limited had failed to maintain the adjustable front guard on their radial arm saw. The wing nuts were broken, rendering the guard inoperable.

Neil Smith (Export Services) Limited, with head offices based at Hurricane Way, Norwich pleaded guilty to breaching Section 11(1) of the Provision and

Use of Work Equipment Regulations 1998. The company was been fined £21,000 and ordered to pay costs of £3,954

Speaking after the hearing, HSE Inspector Lydia Edwards said: "The incident could have been easily avoided had the company repaired the guard as soon as it became inoperable. Employers must ensure that machinery guarding is kept in good working order."

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