

Construction firm fined £90,000 after exposing public to asbestos during renovation work

A Warrington-based construction company has been fined £90,000 after exposing people to asbestos during a renovation project in the Hanley area of Stoke-on-Trent.

Despite failing to attend Staffordshire Magistrates' Court on 24 August 2023, Esskay Construction Ltd was found guilty in its absence.

Nathan Cook, prosecuting on behalf of the Health and Safety Executive (HSE) told the court how the regulator received a concern on 31 August 2021 about asbestos disturbance. The concern related to a refurbishment project under the control of the company at an address in Brunswick Street in Hanley.



- Access to the site was limited after concerns were raised to HSE

Representatives from the local authority had attended the site and discovered significant amounts of asbestos-containing debris to the front and rear of the building and along the public highway.

An inspector from HSE then went to site and served two Prohibition Notices – prohibiting all work within, and access to, 12 Brunswick Street and the surrounding area, other than by a licensed asbestos removal contractor for the purpose of making safe. A licensed asbestos removal contractor was then appointed to carry out a clean-up operation.

However, further investigation by HSE found that Esskay Construction Ltd had failed to appoint a competent person to carry out a refurbishment and demolition asbestos survey of the premises prior to carrying out work on

site. The company then allowed refurbishment to commence without knowing where the asbestos containing materials were, resulting in them being disturbed and potentially exposing workers and members of the public to harmful asbestos fibres.



- Significant amounts of asbestos-containing debris to the front and rear of the building and along the public highway

Esskay Construction Ltd of Mandarin Court, Warrington, Cheshire, failed to attend court but were found guilty in their absence, to breaching Regulations 5, 11 and 16 of the Control of Asbestos Regulations 2012. Esskay Construction Ltd were fined £90,000 and ordered to pay costs of £6,009 and a victim surcharge of £190.

Speaking after the hearing, HSE inspector Will Gretton said: "Asbestos is a class 1 carcinogen which is known to kill around 20 tradesmen each week. Carelessness at this scale, met with a failure to attend court, is unacceptable.

"For that reason, any building constructed prior to the year 2000 must be assessed for the presence of asbestos prior to any disturbance work taking place, and any asbestos containing materials must be left undisturbed or be removed by a competent contractor under controlled conditions.

"By failing to take these simple steps, Esskay Construction Ltd put workers and members of the public at risk of being exposed to a substance known to cause fatal illnesses including mesothelioma, lung cancer and asbestosis.

"HSE will not hesitate to take action where contractors are found to be flouting the law and putting people at risk, and this case should serve as a reminder to those engaged in this type of work that they have responsibilities when it comes to managing the risks associated with

asbestos."

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.
4. Detailed [guidance on asbestos](#) is also available

Manchester company director fined after obstructing HSE investigation

A Manchester-based construction company and its director have been fined after a catalogue of health and safety failings following an inspection.

On 13 January 2022, Health and Safety Executive (HSE) inspectors visited a timber-frame housing development under construction off Brookwood Drive in Meir, Stoke-on-Trent by a company called Amro Construction Ltd.

At hearing at North Staffordshire Magistrates Court on 24 August, HSE enforcement lawyer Nathan Cook said that the regulator had identified several health and safety failings, including the presence of an open flame gas stove amongst large volumes of combustible material, a lack of fire precautions, poor site security and inadequate washing facilities.

HSE has guidance about fire safety in construction which can be found at: [Construction – Fire safety industry health & safety \(hse.gov.uk\)](#).

Mr Cook went on to say that a HSE investigation found Amro Construction Ltd had also failed to assess the on and off-site fire risks, despite it being a timber-frame project in a highly residential area. This was despite previous advice and enforcement from HSE in relation to the matter. As a result, the company failed to implement measures to prevent a fire from occurring or spreading, putting workers and members of the public at risk. The investigation also found the company had received previous enforcement in relation to the provision of adequate washing facilities.

During the course of the investigation, David Taylor, Amro Construction Ltd

managing director, also deliberately obstructed the inspector by refusing to provide information requested as part of his enquiries – causing a delay of several months.

At North Staffordshire Magistrates Court on 24 August, Amro Construction Ltd of The Junction, Rolls Crescent, Hulme, Manchester, pleaded guilty to breaching Section 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £20,000 and ordered to pay costs of £1,587.

David John Taylor of Clarendon Street, Hulme, Manchester, pleaded guilty to breaching Section 33(1)(h) of the Health and Safety at Work etc. Act 1974 and was fined £3,000 and ordered to pay costs of £1,935.

Speaking after the hearing, HSE Inspector Rob Gidman said: “This type of proactive prosecution should highlight to the construction industry that HSE will not hesitate to prosecute companies for repeated breaches of the law, and that directors will also be prosecuted where they intentionally obstruct our inspectors.

“To protect workers and the public, it’s vital that fire risks are adequately considered when planning timber frame construction work so that suitable control measures can be put in place from the outset.

“This includes considering how to prevent a fire spreading from site during the construction phase, as well as providing general fire precautions such as fire alarms and detection devices.”

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4. HSE guidance about [fire safety in construction](#) is available.

Farm fined after dad electrocuted

A farm has been fined £60,000 following the death of a father-of-three who was electrocuted by an overhead power line.

Patrick ‘Paddy’ Rice was fatally electrocuted on 13 May 2021 while operating

a tipper lorry at VB Farms LLP's Littlecombe Farm in Crediton, Devon.

Paddy's mother says her family have been "traumatised and deeply shocked" since the 43-year-old lost his life.

Employed by Langford Plant Hire, Paddy, who was from Crediton, was delivering stone that was going to be used to repair farm tracks by VB Farms LLP, when the hydraulic arm of the tipper lorry came into contact with an 11kV overhead power line.



He was electrocuted after exiting the lorry.

A Health and Safety Executive (HSE) investigation into the incident found VB Farms LLP failed to carry out an assessment of how the work could be completed safely and did not consider the dangers involved with working near an overhead power line.

Overhead power lines typically carry electricity at voltages similar to the 11 kV in this case, but can go up to 400 kV. Britain's workplace regulator is also concerned about a nationwide trend of farm machinery getting bigger, increasing the risk of contact with power lines. HSE guidance can be found at: [Overhead power lines – Electrical safety \(hse.gov.uk\)](https://www.hse.gov.uk/electrical-safety/overhead-power-lines.htm)

Fran Rice, Paddy's mother, said in a statement presented to the court: "Paddy was an extremely practical person. He had loads of friends and was very popular and liked adventures.

"Since the loss of Paddy, we are all traumatised and deeply shocked. It has all been hazy. We find it difficult to talk about what happened, Gordon, Paddy's dad, does not talk a lot about it. We are living in a life that is carrying on and ours isn't, we are not fitting in, we go out and want to

enjoy what we do but it is never quite there."



Michele Webber, Paddy's partner, said in her victim personal statement: "When the accident happened, I was off work for about five months. My memory is terrible since it happened and I am stuck on the day of the accident. I feel like I have no purpose or joy and no future."

VB Farms LLP, of Love Street, Chester, was found guilty of breaching Regulations 3(1) and 4(3) of the Electricity at Work Regulations 1989 following a trial at Exeter Magistrates' Court. The company was fined £60,000 and ordered to pay costs of £11,715 on 17 August 2023.

HSE inspector James Collins said: "This was a tragic and wholly avoidable

incident – another sad reminder of the dangers of overhead powerlines. Paddy's death could easily have been prevented if VB Farms LLP had acted to manage the risks involved and put in place a safe system of work."

This prosecution was supported by HSE enforcement lawyer Jon Mack.

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2. More about the legislation referred to in this case can be found at: legislation.gov.uk/
3. HSE news releases are available at <http://press.hse.gov.uk>

Working Minds: Stress campaign to help HGV drivers

- Road Haulage Association announced as new Working Minds partner
- Help is available via the free, confidential, text "BeAMate" service

More needs to be done to protect Britain's truckers from work-related stress.

That's the view of the Health and Safety Executive (HSE), whose Working Minds campaign will now target HGV drivers – and their bosses – to promote good mental health whilst at work. The Road Haulage Association (RHA) today, Thursday 10 August, joins as a campaign partner.

Long hours away from home, demanding delivery times and limited access to toilets and showers are common causes of stress for drivers.



When safe to do so, drivers can text "BeAMate" for free confidential health support 24/7 – a service provided by Working Minds campaign partner, Mates in Mind.

Elizabeth Goodwill, from the HSE's Stress and Mental Health Policy Team said: "HGV drivers keep the country and our economy moving. It's therefore vital employers meet their legal duty to ensure risks of stress and mental ill health are factored into risk assessments.

"Initiatives such as 'BeAMate' are helpful for people needing individual help, but we would like to see more focus on preventing work-related stress at an organisational level, to stop it developing into poor mental health. We look forward to working with the Road Haulage Association and Mates in Mind to provide employers with the help they need to protect and support drivers.

"Driving a HGV and its cargo naturally comes with pressure. However, that does not mean the simple steps in our "5R's" (Reach out>Recognise>Respond>Reflect>make it Routine) can't be followed. Problems arise when there is excessive pressure workers are unable to cope with."

Material and advice from the Working Minds campaign for drivers and employers can be found [here](#).

Laura Taylor, HR Director at the RHA said: "We are delighted to be supporting HSE's Working Minds campaign. At the RHA we recognise that our employees' mental health wellbeing is not just a personal concern to them but a vital component of our collective success as an organisation.

"Therefore, supporting mental health is not just a token initiative for us but a commitment to nurturing an environment where all employees feel valued, understood and empowered."

The view from the behind the wheel – Michelle Upson

Michelle Upson, a lorry driver who has been in the industry for more than three decades, is concerned about the welfare of her fellow workers. She said: "I'd say there is a mental health problem in the industry. Especially for the guys up the road all week and without their families – it is a lot tougher for them.

"Most of the workforce is men and the age demographic is still high. I think they are less likely to talk about their mental health problems so promoting it is a good thing.

"Mates in Mind say it is okay not to be okay and I think that is a valuable message to promote if anyone has got a problem and whether they need someone to talk to.

"Line managers certainly need to promote positive mental health because if it helps one individual it is a success, isn't it?

"Highlighting mental health is a very good idea and all managers need to be aware of it and that obviously involves training. If there are managers who are able to see and spot the signs of poor mental health then it would be good if they can try and help to promote good mental health."

Work-related stress is on the rise

HSE and the Working Minds campaign warns that the scale of work-related stress across the economy has increased in recent years. Stress, depression or anxiety is now the number one cause of work-related ill-health in Great Britain.

Within the transportation and storage sector as a whole (which includes road haulage), around four in ten cases of work-related ill-health are due to stress, depression or anxiety.

Elizabeth Goodwill continued: "Michelle's warning that HGV drivers are less likely to say they are struggling, combined with what we know about the rise of work-related stress across the economy, mean it's crucial these workers have support in place."

Mates in Mind: Help is available

Sarah Meek, managing director at Mates in Mind, said: "As a partner of Working Minds from the outset of the campaign, we are pleased to be supporting this initiative to raise awareness of the impact that a proactive and preventative approach to mental health delivers within the transport and logistics sector.

"As a charity, Mates in Mind works with many businesses within the sector, including Wincanton and Palletways, that have made the commitment to raising awareness and supporting their teams by developing a positive culture towards mental health and wellbeing. Our fantastic anonymous text service is proving popular particularly with those on the road, to communicate any worries or personal challenges with someone available 24/7.

"If you want to know more about how Mates in Mind can provide expert support in co-creating your mental health strategy and proactive plan, including workforce awareness sessions, please contact us at support@matesinmind.org. Let's start the conversation about mental health within your workplace."

Text "BeAMate": If you or someone you know needs help or support, you can use our "BeAMate" text support service. To use the service, simply text "BeAMate" to 85258 and trained volunteers can help with issues including anxiety, stress, loneliness or depression and are available 24/7.

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2. To read more about HSE's Working Minds campaign click [here](#)
3. For press and media enquiries please contact media.enquiries@hse.gov.uk
4. The Road Haulage Association (RHA) is a member-led trade association supporting people and businesses in the road transport industry. For more see rha.uk.net
5. Mates in Mind charity exists to improve the mental health and wellbeing of workplaces across the UK. It provides specific support for construction, transport and logistics industries. For more see matesinmind.org

£1.2million fine for Network Rail after grandad died doing maintenance work

Network Rail has been fined £1.2million following the death of a grandad who was crushed while carrying out maintenance work.

Long-serving employee Kevin Mauger was crushed by a railway track weighing six tons while working at a rail depot in Hampshire.

The 53-year-old from Eastleigh, had five children and eight grandchildren. His wife Rachael says her husband was the core of their family and that his death has left 'a hole that can never be filled'.



Kevin Mauger was a long standing employee of Network Rail

He had been carrying out maintenance on Network Rail's rail production line at the Long Welded Rail Depot off Dutton Lane in Eastleigh on 30 November 2020.

As he was cleaning the inside of a butt-welding machine – a machine that welds two sections of rail tracks together. The machine's conveyor system was on the wrong setting and that meant a section of rail track entered the machine while Kevin was inside. He was crushed and died at the scene.

A Health and Safety Executive (HSE) investigation found Network Rail failed to ensure there was a safe system of work while carrying out maintenance on its rail production line. Network Rail also failed to provide an adequate risk assessment for this type of maintenance.

HSE guidance can be found at: [Human factors/ergonomics – Permit to work systems \(hse.gov.uk\)](https://www.hse.gov.uk/people-at-work/human-factors/ergonomics/permits-to-work-systems.htm).

Kevin's wife, Rachael, said: "Kevin died on my dad's birthday and my birthday is the day after, which was also the day our son had his first child, our youngest grandson. Kevin never got to meet him. This has completely devastated our son.

"Our family have been terribly affected by Kevin's death. One of our daughters feels she cannot give her own children the Christmas me and Kevin gave her as a child as she now finds Christmas really difficult without her dad. Our eldest daughter has had issues with her car but cannot bear to sell it as her dad helped her buy it.

"Our youngest daughter is devastated her dad will not be there to give her away when she gets married. My second-eldest daughter is still living with me as she feels she cannot leave me. She also no longer enjoys going to watch football as this was something she and her dad did together. Kevin's passing has had a big impact on all our grandchildren too, who miss spending time with their grandad so much.

"Kevin was the core of our family, he was the one everyone turned to for help. His death has left a hole that can never be filled."

Network Rail Infrastructure Limited, of Waterloo, London, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £1.2million and ordered to pay £11,410 in costs at West Hampshire Magistrates' Court in a written judgement given on 8 August 2023.

HSE inspector Amanda Huff said: "This tragic accident was wholly avoidable, caused by the failure of the company to implement safe systems of work.

"There were no written isolation procedures in place when they were working on this highly dangerous piece of machinery and the risk assessment for carrying out maintenance was inadequate – it failed to identify suitable and sufficient control measures.

"This accident could have been avoided if there had been robust isolation procedures in place but tragically this was not the case."

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