

# Peterborough company fined for failing to undertake asbestos assessment

A property management company has today been sentenced after failing to carry out an asbestos survey prior to undertaking extensive refurbishment works.

Huntingdon Magistrates' Court heard how, between April and May 2017, Thistlemoor Healthcare and Management Ltd undertook construction work at two properties, one of which was part of a medical centre in Peterborough. In this time, the company failed to carry out an asbestos survey for either property, both of which were likely to contain asbestos.

An investigation by the Health and Safety Executive (HSE) found the company undertook and carried out construction which was likely to disturb asbestos containing materials during the strip out and part demolition of the two properties. Despite this, the company failed in its duty to carry out an asbestos survey for either property.

Thistlemoor Healthcare and Management Ltd of Thistlemoor Road, Peterborough pleaded guilty to breaching Regulation 5 of Control of Asbestos Regulations 2012 and has been fined £15,000 and ordered to pay costs of £1,805.60.

Speaking after the hearing, HSE inspector Samantha Wells said: "The risk of exposure to asbestos could so easily have been avoided if the company had carried out a suitable and sufficient asbestos assessment to identify the presence of asbestos within properties prior to commencing refurbishment work.

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

## **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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## Construction firm and director fined for safety breaches

A company and its director have been fined for failure to comply with a prohibition and improvement notice.

Southwark Crown Court heard how, on 31 March 2016, Awad (UK) Ltd, under the control of its director Andrzej Wilk, was issued with a prohibition notice on site where it was found that persons were at serious risk of fall and injury from the unprotected edges at the site. The court also heard that the company was issued with an improvement notice on 4 April 2016 for failure to provide adequate and suitable welfare facilities at the site.

An investigation by the Health and Safety Executive (HSE) found Awad (UK) Ltd and Andrzej Wilk had not taken steps to comply with the prohibition notice preventing any work near the open edges where there was a risk of fall and injury to persons. The investigation also found that Awad (UK) Ltd and Andrzej Wilk had not complied with the improvement notice requiring the provision of adequate and sufficient welfare facilities.

Awad (UK) Ltd of Fourth Way, Wembley, Middlesex pleaded guilty to breaching Regulation 6(3) of the Work at Height Regulations 2005 and Section 21 and 22 of the Health & Safety at Work etc Act 1974. The company has been fined £37,500 and ordered to pay costs of £10,000.

Andrzej Wilk of Beresford Avenue, Surbiton pleaded guilty to breaching Section 37 of the Health and Safety at Work etc. Act 1974 and was fined £7,500 and ordered to pay costs of £10,000.

Speaking after the case, HSE inspector Saif Deen said: "The risks associated with working at height and the requirement to provide adequate welfare facilities are well-known throughout the construction industry.

"In this case, the company and its director failed to comply with HSE's enforcement action and continued to put persons at risk of serious injury."

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## **North Yorkshire company fined after contractor falls from height**

A company specialising in the installation of biomass heating systems and photovoltaic solar systems was sentenced today after a worker suffered a serious injury following a fall from height.

Beverley Magistrates court heard how, on 27 March 2015, an operative was installing a flue system for a biomass heating system at a farm in North Yorkshire. He had attempted to work from a ladder at the side of the outbuilding but when this proved ineffectual, he resorted to climbing onto the roof to complete the works. Whilst working on the roof, the operative fell a distance of around 2 metres through the fragile cement sheet, suffering injuries including broken bones in the left ankle.

An investigation by the Health and Safety Executive (HSE) found the company had failed to adequately plan the installation of the heating system and the necessary work at height. Furthermore, the investigation found the company failed to provide suitable work at height equipment such as a mobile elevated work platform, edge protection, crawl boards, a roof ladder or scaffolding.

Duncan Plumbing Heating and Electrics Ltd of Rudgate Business Park, Tockwith, North Yorkshire pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 and has been fined £32,000 and ordered to pay £2,424.60 in costs

After the hearing, HSE inspector James Harvey commented: "Work at height, such as roof work, is a high-risk activity that accounts for a high proportion of workplace serious injuries and fatalities each year.

"This case highlights the importance of following well-known industry guidance to plan and assess the work at height requirements needed to complete the work safely."

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)<sup>[2]</sup>

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## [Gas fitter sentenced to 16 months in prison after carrying out unsafe gas work](#)

A self-employed gas fitter has been sentenced to 16 months in prison after he carried out unsafe gas work while falsely pretending to be Gas Safe Registered.

Nottingham Crown Court heard that Richard Trezise was prosecuted following investigations by Health and Safety Executive (HSE) inspectors at seven different locations where the Gas Safe Register had been alerted to unsafe work.

Mr Trezise had produced Landlord's Gas Safety Certificates and falsely claimed to be Gas Safe Registered by using the registration number of another business who had never heard of him. He left customers with faulty installations that presented risks of gas leaks and dangerous accumulations of the products of combustion.

A HSE investigation found that, between May 2015 and July 2016, Richard Trezise had carried out work whilst unregistered and whilst falsely pretending to be Gas Safe Registered at seven different locations in Nottinghamshire, Mid Glamorgan, Gwent and Yorkshire. This was contrary to the Gas Safety (Installation and Use) Regulations 1998 and in breach of a prohibition notice previously served on Mr Trezise.

Richard Trezise had previously pleaded guilty to 21 offences under the Gas Safety (Installation and Use) Regulations 1998 in Nottingham Magistrates Court. He was today sentenced to a 16 months prison and a concurrent 28 day sentence for not attending the court hearing.

HHJ Burgess stated of Mr Trezise: "You intentionally breached the law. You used false certificates of registration. You defied an existing prohibition

notice. And all of this was for financial gain.”

“It almost goes without saying that faulty gas installations can lead to gas leaks, explosion and death. This is the reason that the regulations exist and why a breach of them is likely to be regarded as extremely serious.”

Speaking after the hearing HSE inspector Emma Madeley said:

“Richard Trezise undertook gas work which he knew he was not registered to do. Some of the work was unsafe and it was fortunate that no one was harmed.

“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.

“The public should always ask to see the gas engineer’s identification and check the registration number at [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk) or ringing gas safe register customer helpline 0800 408 5500.”

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## **West Midlands haulage firm prosecuted after worker killed**

A Worcestershire-based haulage firm has been sentenced following a fatal incident in which a driver was crushed by a reversing vehicle.

Worcester Crown Court heard how, on 11 December 2013, a Toolies Transport Limited employee, 60-year-old Kevin Scott, was assisting a colleague to reverse a vehicle when he became trapped between the reversing vehicle and his own causing fatal injuries.

An investigation by the Health and Safety Executive (HSE) found drivers were routinely labelling up their loads in the yard whilst other lorries were returning to the yard and reversing in close proximity. The investigation found there was no segregation of vehicles and pedestrians, lighting was inadequate and there was deep shadow between parked lorries.

Tooles Transport Limited of Rushock Trading Estate, Droitwich Spa, Worcestershire was found guilty of breaching Section 2(1) of the Health and Safety At Work Act 1974 and have been fined £150,000 and ordered to pay costs of £253,728.07.

Speaking after the case, HSE principal inspector Elizabeth Hornsby said: "Those in control of work have a responsibility to devise safe methods of working 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, this tragic loss of life could have been prevented."

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