

Property management consultancy and asbestos surveying company fined after inadequate refurbishment

A property management consultancy and an asbestos surveying company have been fined after an inadequate refurbishment and demolition survey was provided for a major refurbishment project including partial demolition.

Dudley Magistrates' Court heard how the survey undertaken by Home Inspectors Southern Limited failed to identify asbestos cement and asbestos insulating board (AIB) containing Chrysotile and Amosite asbestos.

An investigation by the Health and Safety Executive (HSE) found that the surveyor had no training in asbestos surveying or previous work experience with a suitably qualified person or accredited organisation. The survey also incorrectly advised that a non-licensed contractor could be engaged to remove the large quantity of AIB identified. Home Inspectors Southern Limited were not asked for any information by Vital Property Solutions Limited to demonstrate their skills, knowledge, experience and training relating to asbestos surveying.

Vital Property Solutions Limited of Desborough Street, High Wycombe pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work Act 1974. The company has been fined £8,400 and ordered to pay costs of £929.67.

Home Inspectors Southern Limited of Hawthorn Close, Brighton pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work Act 1974. The company has been fined £4,800 and ordered to pay costs of £929.67.

Speaking after the hearing, HSE inspector Edward Fryer said: "Asbestos surveyors have a duty of care to those persons who use the information they provide. The survey missed a significant amount of asbestos contaminated materials (ACM's) thus increasing the risk to workers, who would be disturbing the fabric of the buildings during the refurbishment/demolition project. The risk arises from workers unknowingly working on ACM, and not taking effective precautions to prevent exposure and spread of asbestos fibres. Where surveyors fall well short of the standard then HSE will take robust action.

Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We seek to 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/

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

4. Further information about health and safety on asbestos can be found at:
<http://www.hse.gov.uk/pubns/books/hsg264.htm>

Luxury yacht building company fined after engineer injured

A luxury yacht building company has been fined following an engineer losing consciousness after being struck on the back of the head by a solid metal bracket weighing 147kg.

Poole Magistrates' Court heard how the employee of Sunseeker International Limited was working under the hull of an 86-foot yacht adjusting the height of a prop when the bracket came free. The worker suffered a large laceration to the top of his head and lost consciousness. He suffered concussion for several weeks and pain in his neck from a torn muscle. He was off work for six weeks and received physiotherapy for 15 months.

An investigation by the Health and Safety Executive (HSE) into the incident, which occurred on 28 January 2016, found that the company failed to provide a safe system of work to ensure safety during the task of realigning the brackets on the hull of the yacht.

Sunseeker International Limited pleaded guilty to breaching Regulation 2 (1) of the Health and Safety at Work etc. Act 1974 and was fined £167,000 and ordered to pay costs of £7,000 and a victim surcharge of £120.

Speaking after the hearing, HSE inspector Victoria Bailey said: "Those in control of work have a responsibility to devise safe methods of working and to inform, instruct and train their workers in the safe system of working.

"If a suitable, safe system of work had been implemented prior to the incident, the serious injuries sustained by the employee could have been prevented."

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Company prosecuted after worker killed

RRS London Waste Papers Ltd have been sentenced after health and safety breaches resulted in the death of one of their employees.

Westminster Magistrates' Court heard how a RRS London Waste Papers Ltd worker was found dead inside the compaction chamber of a baling machine. The worker had suffered fatal crush injuries.

An investigation by the Health and Safety Executive (HSE) into the incident, which occurred on 27 March 2017, found the worker had fallen down the loading hopper into the compaction chamber of a baling machine. He was most likely attempting to clear a blockage and falling into the chamber initiated the compaction sequence.

The investigation found that this could have been prevented had RRS London Waste Papers Ltd devised and instructed workers on a safe method for clearing machine blockages. Climbing up the baler to clear machine blockages exposed workers to the risk of falling a significant distance either into the compaction chamber or the surrounding concrete floor.

RRS London Waste Papers Ltd of Manor Road, Erith was found guilty of breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974. The company was fined £250,000 and ordered to pay costs of £6,639.77 and a victim surcharge of £170.

Speaking after the hearing, HSE inspector Nicholas Wright said: "This tragic incident, which led to the avoidable death of a father, was easily preventable and the risk should have been identified.

"Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery. Maintenance work should only be carried out when the piece of equipment is isolated and confirmed safe. Companies should be aware that HSE will not hesitate to take enforcement action against those that fall below the required standards."

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Company fined more than 500k following overhead power lines incident

A Construction company has been fined after a tipper vehicle driven by one of its employees came into contact with overhead power lines during the construction of a waste transfer station.

Northampton Crown Court heard that on 9 March 2016 a driver employed by Mick George Ltd was emptying a load of soil from his tipper vehicle at a site in Northampton. Mick George Ltd had already identified the need for Permanent Protection Structures (goalposts) but after an initial delay only one was installed. In order to empty the final remains of the load from his vehicle, the driver pulled forward with the body raised and the vehicle touched, or came close to touching, the 33KV overhead power lines (OPL's). The tipper vehicle suffered minor damage but the driver was unhurt.

An investigation by the Health and Safety Executive (HSE) showed that Mick George Ltd should have assessed the risks from OPL's more rigorously and realised its system of work was inadequate to reduce the risk of tipper vehicles striking an OPL.

Mick George Ltd of Lancaster Way, Huntingdon, pleaded guilty to a breach of Regulation 25(3) of Construction (Design and Management) Regulations 2015 (CDM). The company was fined £566,670 and ordered to pay costs of £9,000.

HSE inspector Stuart Parry, speaking after the sentencing said:

"Every year in the UK, two people are killed and many more injured when mechanical plant and machinery comes into contact or close proximity to OPL's. This was a very serious incident and it is fortunate nobody was injured as a result.

"A suitable and sufficient assessment would have identified the need to contact the Distribution Network Operator, Western Power, to request the OPL's were diverted underground prior to the commencement of construction. If this was not reasonably practicable, Mick George Ltd should have erected goalposts either side of the OPL's to warn drivers about the OPL's. "

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[Two companies fined for serious breaches involving the removal of asbestos](#)

A residential property management company and a specialist installation contractor have been fined after a resident raised concerns about soffit replacement work carried out on the guttering on three blocks of flats in London.

Westminster Magistrates' Court heard that in July 2016, Squaredeal UPVC & Renewables Limited of Rustington, West Sussex ('Squaredeal') had been contracted by Wildheart Residential Management Limited of Ewell, Epsom, Surrey ('Wildheart') to replace the soffits on the blocks in a housing estate at Sutton Grove, Sutton, London.

An investigation by the Health and Safety Executive (HSE) found that Wildheart instructed Squaredeal to carry out the work, but failed to check whether the soffits contained asbestos. Squaredeal had the soffits analysed and became aware they contained asbestos but started to remove the soffits without adequate precautions to ensure workers and residents were protected.

Squaredeal UPVC & Renewables Limited was fined a total of £18,500, and ordered to pay £5,607.90 in costs after pleading guilty to offences under Regulations 5, 8(1) and 11(1) of the Control of Asbestos Regulations 2012.

Wildheart Residential Management Limited was fined £8,000, and ordered to pay £3000 in costs after pleading guilty to an offence under Regulation 4(3) of the Control of Asbestos Regulations 2012.

HSE inspector Fu Lee commented after the hearing:

“The work risked not only the workers, but also the residents of the flats being exposed to disturbed asbestos. Exposure to asbestos can lead to a number of diseases, including asbestosis or fibrosis (scarring) of the lungs; lung cancer and mesothelioma. These diseases are irreversible, disabling and in most cases eventually fatal.

“The latest statistics show that asbestos related disease cause approximately 3000 deaths a year. All asbestos-related diseases typically take many years to develop after exposure.

“This incident could have been avoided if the companies had taken appropriate action to identify the type of asbestos and engage an appropriately qualified contractor to carry out the work safely.”

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