

# Surveyor fined after failing to detect asbestos

A specialist asbestos company has been fined after failing to detect asbestos at a demolition site.

Greater Manchester Magistrates' Court heard how EAS Asbestos Limited were commissioned to conduct refurbishment and demolition surveys by Mercer Brother Limited, a construction company who were contracted to demolish garages for Hyndburn Homes. EAS Asbestos stated in their surveys that asbestos was only present in the cement roof sheets, there were no areas that could not be accessed, and that there was no asbestos insulation board present in the garages.

On Wednesday 1 February 2017, the demolition of the garages went ahead but work was immediately stopped when suspect material was found. Another surveying company was brought in and confirmed the presence of large amounts of asbestos insulation board in the demolition rubble.

An investigation by the Health and Safety Executive (HSE) found that the survey carried out by EAS Asbestos Limited was incorrect and misleading.

EAS Asbestos Limited of Lower Meadow Lane, Huthwaite, Sutton in Ashfield, pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work Act 1974. The company was fined £6,700 and ordered to pay costs of £1,000 and a victim surcharge of £170.

Speaking after the case, HSE inspector Jacqueline Western said "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

"Companies should be aware that 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. [www.hse.gov.uk](http://www.hse.gov.uk)
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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## Contractor fined after a series of failures to carry out work safely and provide adequate welfare facilities

A contractor carrying out refurbishment and basement extension work was prosecuted after the Health and Safety Executive (HSE) identified a series of serious safety breaches during inspections.

Westminster Magistrates' Court heard that PVAD Limited was the contractor controlling work at a construction site at on Montholme Road, London, SW11, when it was inspected by the HSE in March 2017. The inspection found that numerous areas of the site had no edge protection to prevent falls, including where workers could fall four metres into the basement from the site entrance area. Unsafe 'homemade' ramps were being used to allow access to some parts of the site.

It was also found that the welfare facilities fell far below the legally required standard, with the WC having no cistern to allow flushing and the washing arrangements on site consisting of a cold water outdoor tap and bucket, with no soap or towel.

A prohibition notice was served on PVAD Limited, but further inspections in April and May 2017 found new work at height issues that were so serious that all work had to be halted on both occasions until the site was made safe. An improvement notice was also served requiring PVAD Limited concerning the inadequate welfare facilities. The company breached the notice as the improvements made were insufficient.

The HSE had previously inspected other PVAD Limited sites several times in 2015 and 2016. As a result, the company had been served with three improvement notices relating to welfare facilities and two formal letters highlighting work at height risks and giving advice.

PVAD Limited of Overstone Road, Hammersmith pleaded guilty to breaching Regulation 6(3) of the Work at Height Regulations 2005, Regulation 15(11) of the Construction (Design and Management) Regulations 2015 (CDM) and Section 33(1)(g) of the Health and Safety at Work etc Act 1974. The company was fined £51,334 and ordered to pay £1,525.50 in costs.

HSE inspector Adam Thompson commented after the hearing:

"After the March 2017 inspection PVAD Limited were provided with clear written advice to help them make improvements. They failed to take note of this and continued to rely on a site manager with no formal health and safety training.

“On the three occasions the site was visited the workers were at such risk of falling that all work had to halt. It was just good fortune that no one was killed or seriously injured at the site”.

“The standards were particularly inexcusable as the company had received clear warnings in the past. It speaks volumes that, even after being issued with three welfare improvement notices at other sites, they provided their workers at the new site with a non-flushing WC and an outside cold water tap and a bucket as washing facilities”.

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## **Building contractor jailed after house collapse in Brighton**

A building contractor has been sentenced following an incident in February 2015 in which a house in Brighton partially collapsed.

Hove Crown Court heard how builder Glen Peters (trading as Brow Builders) undermined the structural integrity of the house by digging out the basement. He then failed to act on the advice of a structural engineer on how to remedy the situation, resulting in the gable wall partially collapsing and the ground floor collapsing into the basement. Adjacent properties had to be evacuated and the area cordoned off because there were concerns that members of the public living nearby and passing through the area were at risk.

An investigation carried out by the Health and Safety Executive (HSE) found that the property had bungeroosh walls, common to buildings in the Brighton area which were built in the mid-18<sup>th</sup> to 19<sup>th</sup> century. They are constructed with a mixture of rubble, timber, pebbles, stones and flint in a lime mix mortar set between shuttering. The make-up of these walls makes working on this type of building more challenging in terms of structural stability, meaning that those doing so must fully understand what they are dealing with.

The investigation also found that Glen Peters failed to report the incident to HSE as a dangerous occurrence in accordance with the Reporting of

Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013.

Glen Peters (trading as Brow Builders) of Woodingdean, Brighton, pleaded guilty to breaching Regulation 25(1) of the Construction (Design and Management) Regulations 2007 and Regulation 7 of the RIDDOR Regulations 2013. The defendant was sentenced to five months imprisonment for count one and two months imprisonment for count two to run concurrently. He was also ordered to pay costs of £7,000.

HSE principal inspector Emma Stiles said "Basement work must be properly planned to ensure the structural integrity of the building throughout the construction work. When this type of work is done badly, workers and members of public are at significant risk of serious injury or death. In addition, we cannot underestimate the impact on the homeowners when their properties are extensively damaged."

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## **Company fined after worker falls from ladder**

Safestyle UK was sentenced today after a worker fell from a ladder sustaining a fracture to his lower leg.

Sheffield Magistrates' Court heard how, on 1 March 2017, a window installer working for H.P.A.S. Limited, trading as Safestyle UK, was attempting to install a first-floor rear bedroom window at a property on Cemetery Road, Doncaster, when the ladder he was climbing slipped. The ladder was not footed or tied and the operative fell from a height of over three metres, sustaining a broken knee cap which required surgery.

An investigation by the Health and Safety Executive (HSE) found the company's

system for planning work at height was inadequate in that it failed to ensure that work was carried out in a safe manner. Windows were found to be not routinely installed from the inside and ladders were used in a way that constituted serious risk. Additionally, there was no system of monitoring or supervision in place and operatives were left to their own devices.

H.P.A.S. Limited trading as Safestyle UK, of Style House, Eldon Place, Bradford, pleaded guilty to breaching Regulation 4(1) of The Work at Height Regulations 2005 and was fined £850,000 with £1,083 in costs.

Speaking after the hearing, HSE inspector Stuart Whitesmith said: "This incident could easily have been prevented had the company implemented reasonably practicable precautions.

"Such precautions include having effective and enforced safe systems of work, whereby windows are installed internally where possible, or by using suitable access solutions which provide edge protection, and having a formal system in place to ensure works are appropriately supervised."

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## **Company fined after workers suffer serious burns**

A Nottinghamshire foundry has been sentenced after two employees suffered serious burns from an electrical flashover.

Southern Derbyshire Magistrates' Court heard how, on 2 September 2016, at BAS Castings Ltd two employees were working to reinstate the power supply to one of the furnaces after repair work had been completed by contractors. After replacing the fuses, they shut the door to the fuse panel which engaged the

interlock and tried to close the main switch. As this would not operate they opened the panel door and decided to bypass the interlock using a screwdriver in order to try the main switch again. At this point an electrical flashover occurred. Both employees suffered serious skin burns requiring surgery followed by a two week stay in hospital to recover.

An investigation carried out by the Health and Safety Executive (HSE) found that at the time of the incident, BAS Castings Ltd did not have any electrical safety rules, safe systems of work or a permit system in place, and there were no recorded systems or rules for working with electricity. There was no assessment of risk and the injured employees were not provided with any specific instructions on how to undertake the work safely. The company also allowed employees to work on live conductors without consideration of the conditions which are stipulated in law.

BAS Castings Limited of Wharf Road Industrial Estate, Pinxton, Nottinghamshire, pleaded guilty to breaching Regulation 4 (3) and Regulation 14 of the Electricity at Work Regulations 1989. It was fined a total of £60,000 and ordered to pay costs of £1353.90

HSE inspector Leigh Stanley speaking after the case 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, the injuries sustained by the employees could have been prevented."

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