

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."

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

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

Journalists should approach HSE press office with any queries on regional press releases.

[Company fined after worker injured by wall collapse](#)

A landscaping services company was sentenced today after a worker was seriously injured when a retaining wall collapsed into a trench.

Newton Aycliffe Magistrates' Court heard how, on 7 November 2016, an employee of Award Winning Greenfingers Limited was undertaking groundworks to install a new timber retaining structure in the rear garden of a property at Beamish, County Durham.

While excavating a trench in front of an existing blockwork wall, a section of the wall collapsed and fell onto the worker, trapping him underneath. As a result, he sustained a complex fracture to his pelvis which required surgery and he has not been able to return to work since the incident.

An investigation by the Health and Safety Executive (HSE) found that the company failed to properly plan and manage the installation of the timber structure, and had not put sufficient control measures in place to prevent the collapse of the existing blockwork wall.

Award Winning Greenfingers Limited of Saltwell View, Gateshead pleaded guilty to breaching Regulation 19 (1) of The Construction (Design and Management) Regulations 2015 and was fined £20,000 and ordered to pay costs of £1048.86 and a victim surcharge of £220.

Speaking after the hearing, HSE inspector Cain Mitchell said: "This case highlights the dangers of undermining a freestanding wall by excavating alongside the structure without appropriate planning and the necessary precautions in place.

"If the company had implemented reasonably practicable measures that minimised the risk to persons working next to such structures this incident could easily have been avoided".

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[Exmouth building companies fined after disregarding health and safety regulations](#)

Coast & Country Construction Limited and Paul Humphries Architects Ltd have both been sentenced today after serious breaches of their health and safety duties.

Exeter Magistrates' Court heard that, in early 2016, a concern was raised about the lack of health and safety controls at a large timber frame extension being built onto Manor Lodge Residential Home in Exmouth. On 1 March 2016, inspectors from the Health and Safety Executive (HSE) visited the site and found numerous health and safety breaches.

During the site inspection, uncontrolled high-risk activities were witnessed that put workers at risk of death, serious injuries or ill health. The risks included falls from height, fire, slips and trips and poorly controlled wood dust. The inspection found there was a total disregard for health and safety and site management. In particular, the risk of fire spread associated with the construction of a timber frame extension adjoining an existing building. 80 physically and/or mentally impaired residents of the home were put at risk of injury or death due to the possibility of fire spreading into the home.

The subsequent investigation by the HSE found that the work was not properly planned, nor appropriately supervised or carried out in a safe manner. Coast & Country Construction Limited (formerly known as Make a Loft a Home) as the principal contractor, had a duty to control how the work was carried out and to ensure that the work would be completed safely. The timber frame extension work was designed by Paul Humphries Architects Ltd who failed to perform

their duties as the principal designer and failed to consider the risk of fire spread to the vulnerable residents.

Coast & Country Construction Limited of Concord Road, Exmouth did not attend court but were found guilty in their absence to breaching Section 2 (1) and 3 (1) of the Health and Safety at Work etc Act 1974, and have been fined £150,000 and ordered to pay costs of £6,039.

Paul Humphries Architects Ltd of Salterton Road, Exmouth pleaded guilty to breaching Regulation 11 (1) and 11 (3) of the Construction (Design and Management) Regs 2015, and have been fined £20,000 and ordered to pay costs of £6,039.

Speaking after the hearing HSE inspector Nicole Buchanan 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.”

“Companies should be aware that HSE will not hesitate to take enforcement action against those that fail to control workplace risks appropriately.”

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Partners fined after farm worker injured

Two partners in a farming company have been fined after an employee received serious injuries when his arm was drawn into the rollers of a potato grading machine.

Lincoln Magistrates Court heard today how, on 21 October 2016, an employee of Leverton Brothers was cleaning and emptying a potato grading machine when his right arm was drawn into the unguarded contra-rotating haulm rollers. In order to check that the grader was emptying, he climbed onto the side of the grader and reached across in an attempt to move the remaining potatoes. His glove was caught by the rollers, drawing his arm in and it took 45 minutes to

release him.

An investigation by the Health and Safety Executive (HSE) identified that a safe stop procedure could have been followed, and that the contra-rotating rollers should have been guarded.

David and Philip Leverton pleaded guilty to breaching Regulation 3 (1) of the Management of Health and Safety at Work Regulations 1999, and Regulation 11 of the Provision and Use of Work Equipment Regulations 1998. They were each fined £5,000 and each ordered to pay costs of £892.10

Speaking after the hearing, HSE inspector Martin Giles said:

“This injury could have been easily prevented 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.”

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[Company fined after employee suffers serious burns](#)

A company that produces metal sheet components has been fined after a worker suffered burns to his, face, ears and head.

Hereford Magistrates’ Court heard how, on 12 September 2016, an employee of Mettech (Hereford) Limited sustained burns when attempting to light a gas burner present within a powder coating oven.

An investigation by the Health and Safety Executive (HSE) found the gas oven involved did not meet current health and safety standards in that it did not have a flame failure device to prevent the accumulation of unlit gas within

the oven. And the gas oven had not been adequately maintained or inspected by a person competent in gas safety. The company also failed to ensure that their employees followed a safe system of work.

Mettech (Hereford) Limited of Folbigg Court, Rotherwas Industrial Estate, Hereford has pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act 1974 and has been fined £20,000 and ordered to pay costs of £2685.45.

After the hearing HSE inspector Sarah Reilly commented: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

"Companies need to be made aware that they employ people who are competent in gas safety matters to inspect and maintain their gas oven appliances and to ensure that employees are properly trained to light gas ovens."

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