

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.



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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