

# Director and companies fined for failing to manage the risk of asbestos

Two engineering companies and their director have been sentenced for failing to manage the risks from asbestos to employees within the workplace.

A large quantity of asbestos containing materials, including asbestos insulating board, were identified during a HSE inspection at factory premises in Kidderminster owned by Kespar Engineering Limited in February 2019. The premises were occupied by SDF Automotive Limited (who went into administration in November 2019). Employees of both companies worked in the premises. The sole director for both companies was Peter Gerard Parkes.

An investigation by the Health and Safety Executive (HSE) identified the failure of all defendants to manage the risks from asbestos within the premises. This included the failure to ensure the suitable and sufficient assessment of the risks to the health of employees working there was carried out. The defendants were aware that asbestos was present within the premises and had previously prepared asbestos management plans however these were not reviewed or updated. The location and condition of the asbestos on site was not actively monitored and the risk of any exposure to asbestos containing materials was not adequately considered or controlled by the defendants.

Kespar Engineering Ltd of Stourport Road, Kidderminster, pleaded guilty to breaching Regulations 4 (10), 6 (1) and 11 (1) of the Control of Asbestos Regulations 2012. The company was fined £51,000 and ordered to pay costs of £30,000.

SDF Automotive Limited (in administration) formerly of Stourport Road, Kidderminster, pleaded guilty to breaching Regulations 4 (10), 6 (1) and 11 (1) of the Control of Asbestos Regulations 2012. The company was conditionally discharged for two years.

Peter Gerard Parkes of Morville, Bridgnorth, pleaded guilty to several counts under Section 37 of the Health and Safety at Work etc Act 1974. These related to his individual failing as a Director of Kespar Engineering Ltd, SDF Automotive Ltd, and Smethwick Drop Forge Ltd in respect of the offences committed by the Companies under his control. Mr Parkes was given a 12 month suspended prison sentence, fined £9,000 and ordered to pay costs of £14,000.

The case was heard at Kidderminster Magistrates' Court.

Speaking after the hearing, HSE inspector Sarah Reilly, said: "It is important that all dutyholders including company directors recognise the importance of actively managing asbestos containing materials in non-domestic premises and ensure that the potential risk to health posed by the materials is controlled."

"Health and safety law places duties on organisations and employers –

directors can be personally liable and held to account when these duties are breached.”

#### **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>
4. Further information about the duty to manage asbestos can be found at: <https://www.hse.gov.uk/asbestos/managing/index.htm>
5. Guidance on the role of Directors and business owners for leading health and safety at work can be found at <https://www.hse.gov.uk/pubns/indg417.pdf>