

Directors fined for unlicensed asbestos removal

The managing director and the director of a printing company, have been fined for safety breaches after organising the removal of asbestos insulation board by untrained personnel.

Leeds Magistrates' Court heard how, between August 2016 and December 2016, Charles Dunn and Jeremy Mills, respectively the managing director and director of D&M Heritage Limited, consented to work taking place at the company's premises which failed to use adequate measures to prevent the spread of asbestos.

An investigation by the Health and Safety Executive (HSE) found that the company rented space in a warehouse at Red Doles Lane in Huddersfield and had been given notice to leave by the new owners. Prior to leaving, the company agreed to remove some free-standing cupboards. A licensed removal company, who had carried out work previously at the site, had told the directors of D&M Heritage Ltd that the rear of a cupboard was broken and was likely to be asbestos.

The cupboards comprised of doors made with asbestos insulation board (AIB) and the rear of the cupboards also contained AIB. The cupboards were broken up during removal, releasing asbestos fibres. Some pieces were placed in bags, others placed in a nearby skip.

Charles Dunn of Mill Lane, Mixenden, Halifax pleaded guilty to breaching Section 37 of the Health & Safety at Work Act (due to Reg 11 of Control of Asbestos Regulations 2012) and a second charge of breaching Section 37 of the Health & Safety at Work Act (due to Reg 16 of Control of Asbestos Regulations 2012). He was fined £916 and ordered to pay £5,000 in costs.

Jeremy Mills of Occupation Road, Linley, Huddersfield pleaded guilty to breaching Section 37 of the Health & Safety at Work Act (due to Reg 11 of Control of Asbestos Regulations 2012) and a second charge of breaching Section 37 of the Health & Safety at Work Act (due to Reg 16 of Control of Asbestos Regulations 2012). He was fined £1,600 and ordered to pay £10,000 in costs.

Speaking after the hearing, HSE inspector Yolande Burns-Sleightholme said: "Asbestos is a killer. Companies need to recognise the dangers of removing asbestos by themselves both to their employees and others. Asbestos removal should only be carried out by trained personnel who understand the risks and know how to control them."

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
2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/
3. HSE news releases are available at <http://press.hse.gov.uk/3>
4. Please see the link below to the page on HSE's website that is the best guide to doing it the right way: <https://www.hse.gov.uk/asbestos>

[Manufacturing company fined after workers exposed to risk](#)

Metals fabrication company MTL Advanced Limited have been sentenced for health breaches after several workers were diagnosed with hand arm vibration syndrome (HAVS) or carpal tunnel syndrome.

Sheffield Magistrates' Court heard that the company was visited by the Health & Safety Executive in March 2018 following a concern received from an employee. During that visit it was found that there were multiple health and safety breaches, resulting in the company being issued with Improvement Notices.

An investigation by the Health and Safety Executive (HSE) found that there were systemic failings to recognise the risk of hand arm vibration syndrome (HAVS) or to take appropriate action to control exposure. Of particular concern were accounts from employees of pain and tingling in their fingers, hands and arms and that there were no limits on their use of vibrating tools such as angle grinders.

MTL Advanced Limited of Grange Lane, Rotherham, South Yorkshire pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company has been fined £90,000 and ordered to pay £14,061 in costs.

Speaking after the hearing, HSE inspector Laura Hunter said: "Work activities involving vibrating tools should be properly assessed so that appropriate controls can be implemented to avoid exposing employees to harm.

"Employees suffering from HAVS can experience difficulty in carrying out tasks in the workplace involving fine or manipulative work and are less able to work in cold conditions. Sadly, these effects can be permanent and life changing."

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[Care home company fined after resident choked to death](#)

HC-One Limited has been fined following an incident when a resident choked to death on a jam doughnut.

Falkirk Sheriff Court heard that, on 7 August 2019, a resident of Orchard Care Home, Lychgate Road, Tullibody, was given a piece of jam doughnut to eat. The resident had previously suffered from a stroke and had been diagnosed with dementia. She had been assessed as being at high risk of choking and consequently was on a 'minced and moist/fork mashable' diet. A jam doughnut is unsuitable for someone on this diet and should not have been given to her. She died as a result of choking on the doughnut.

An investigation by the Health and Safety Executive (HSE) found that staff who gave out snacks at Orchard Care Home had not been properly trained and did not have awareness of food that was suitable for each diet. They regularly gave this resident food, which was not suitable for her diet, in breach of their own risk assessment.

HC-One Limited of Southgate House, Archer Street, Darlington, County Durham DL3 6AH pleaded guilty to breaching the Health and Safety at Work etc. Act 1974, Section 3(1) and Section 33(1)(a) and were fined £640,000.

After the hearing, HSE inspector, Allison Aitken 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 training had been in place prior to the incident, the sad death of a resident could have been avoided."

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 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>
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[Construction worker dies after falling from tower](#)

A construction company has been fined after an employee died as a result of falling from a mobile tower.

Cambridge Magistrates Court heard how, on 15 September 2017, Sean Harding was working from a mobile tower levelling a steel beam that was seated on a door lintel. This involved using a crowbar to lever the beam up for a work colleague to insert a metal packer into the gap. Mr Harding caught his jacket sleeve on the tower, lost balance and fell over a single guard rail and down to ground level. He was taken to hospital but died three months later due to medical complications.

An investigation by Health and Safety Executive (HSE) found that the mobile tower wasn't configured correctly for the task due to the limited headroom and that double guard rails could have been used, if configured correctly.

Peter Saunders Builders Ltd of Tennyson House, Cambridge Business Park, Cambridge pleaded guilty to breaching Regulation 8 (a) of the Work at Height Regulations 2005 and was fined £16,000 with £5,139.80 costs.

Speaking after the hearing, HSE inspector Stephen Hartley said: "Falls from height remain one of the most common causes of work-related fatalities in this country and the risks associated with working at height are well known.

"Those in control of work have a responsibility to select access equipment that is suitable for the task and the work environment and ensure that it is safely used."

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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: <https://www.hse.gov.uk/work-at-height/the-law.htm>HSE
3. HSE news releases are available at <http://press.hse.gov.uk>
4. [Administration, risk assessment – Construction health & safety \(hse.gov.uk\)](https://www.hse.gov.uk/management/health/safety/)

[South Yorkshire businesses targeted for health and safety inspection](#)

- 22 inspectors dispatched to carry out inspections in Sheffield and Rotherham.
- 12 fatalities and 594 serious injuries reported in five years.
- HSE will take enforcement action if it identifies areas of concern.
- 12,000 UK workers died from occupational lung diseases in 2020

Britain's workplace regulator is set to clamp down on businesses in Sheffield and Rotherham after a sharp increase in the number of serious and fatal incidents noted by its inspectors within the last five years.

There were 12 worker deaths reported to the Health and Safety Executive (HSE) – under the “[RIDDOR](#)” regulations – in Sheffield and Rotherham between 2014 and 2021 and a further 594 serious injuries reported over the same period. Inspection teams will primarily focus on conducting inspections on businesses where workers regularly undertake welding and use metalworking fluids, a high proportion of which are based in the area.

In 2020 around 12,000 people in the UK died from [lung diseases](#) likely to be linked to past exposure from work. There is scientific evidence to suggest that exposure to [welding](#) fumes can cause lung cancer and exposure to [metalworking fluids](#) can cause a range of lung diseases.

From today, Monday 10 January 2022, 22 inspectors from HSE's Yorkshire and North East field operations teams will visit more than 70 local business, identified by HSE's targeting and intelligence team as operating in a high risk sector or performing poorly. The businesses span a wide range of sectors including metal fabrication, engineering, general manufacturing, waste and recycling. The operation will last for a week.

Andrew Denison, Acting Head of Operations said: "It is estimated that each year 12,000 workers die in Britain from occupational lung disease and 17,000 new cases report suffering work-related breathing and lung problems. This part of South Yorkshire has a fine tradition in metal fabrication and manufacturing; we just need to ensure that the innovation continues to extend to safe working practice.

"Local inspectors have witnessed an alarming rise in the number of fatalities and injuries in the Sheffield and Rotherham area in the last five years. This initiative will ensure that inspectors are able to visit sites and speak with duty holders to ensure the appropriate controls are in place to protect their workers' health and safety, particularly in relation to the risks from occupational lung disease. "

During the visits the companies will need to demonstrate that they have measures in place to manage risks to protect the health and well-being of their workers including health conditions such as occupational lung disease.

If an HSE inspector identifies any other areas of concern during an inspection, they will take the necessary enforcement action which in some cases may lead to an Enforcement Notice being served or, in the case of serious breaches, a prosecution.

Ends

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