

# Client and construction company sentenced after failing to control the removal of asbestos

Property owner Michael Cutmore and building contractors B and S BM Limited have both been sentenced after a refurbishment project of an old hotel was found to contain asbestos containing materials (ACMs) on site while work was still taking place.

Truro Crown Court heard that during September 2017 a property in Island Crescent, Newquay was to be partially demolished and refurbished under the control of one of its owners, Michael Cutmore. The hotel had been left derelict for several years, allowing it to be subject to vandalism and squatting and had been soft-stripped by its owner. Asbestos surveys identified the presence of ACMs, but these were not managed appropriately nor removed prior to the work. Local building contractors, B and S BM Limited were appointed by the hotel's second co-owner to carry out works in half of the property while Mr Cutmore himself also stripped asbestos from within the former hotel.



During a proactive inspection, the Health and Safety Executive (HSE) identified that the former hotel was being refurbished and partially demolished whilst ACMs remained in-situ. Some of these ACMs were licensable products (e.g. asbestos insulating board which contains amosite). Due to the extent of the spread of asbestos dust and debris throughout the building and the lack of adequate control measures, workers and visitors to the properties were at risk of exposure to asbestos fibres.

B and S BM Limited of Prow Park, Newquay pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work Act 1974. The company was fined £22,000 and ordered to pay costs of £5,000.

Michael Cutmore of Mount Wise, Newquay pleaded guilty to breaching S3(2) of the Health and Safety at Work Act 1974 and has been ordered to carry out 120 hours unpaid work and ordered to pay costs of £7,500.

Speaking after the hearing HSE inspector Georgina Speake said, "Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

"The dangers associated with asbestos are well known and a wealth of advice and guidance is freely available from HSE and other organisations."

#### **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>

The post [Client and construction company sentenced after failing to control the removal of asbestos](#) appeared first on [HSE Media Centre](#).

---

## **College fined for asbestos failings**

Newnham College has been fined for failings that exposed employees and subcontractors to asbestos during refurbishment of a flat owned by the college.

Cambridge Magistrates' Court heard that in March 2018, employees of Newnham College and subcontractors were carrying out a refurbishment of a flat on Grange Road, Cambridge when asbestos insulation debris was discovered in the floor voids after work had been carried out in them. No asbestos refurbishment survey was carried out prior to insulation debris being found. One employee, who contaminated his gloves and clothing with loose asbestos debris, did not have asbestos awareness training and spread asbestos from his clothing outside the flat.

An investigation by the Health & Safety Executive (HSE) found that there was inadequate planning and management of the refurbishment work of a flat on Grange Road, Cambridge when asbestos insulation debris was discovered in the floor voids after work had been carried out in them.

Newnham College of Sidgwick Avenue, Cambridge, pleaded guilty to breaching

Regulations 5 and 16 of the Control of Asbestos Regulations 2012. It has been fined £12,000 and ordered to pay costs of £4,450.28.

Speaking after the hearing, HSE inspector Sandra Dias said: "Asbestos surveys need to be carried out prior to refurbishment works which disturbs the fabric of a building. Asbestos is still present in hidden locations in buildings and needs to be located before work starts that could potentially expose individuals.

"Asbestos related diseases are currently untreatable and claim the lives of an estimated 5,000 people per year in the UK."

#### 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 on asbestos can be found at: <http://www.hse.gov.uk/asbestos/>

The post [College fined for asbestos failings](#) appeared first on [HSE Media Centre](#).

---

## [Shipping company fined after worker fell from height and suffered life changing injuries](#)

A shipping company was fined for safety breaches after a worker was paralysed from the waist down when he fell 3.4 metres to the bottom of a ship's hold.

Beverley Magistrates' Court heard that on 15 May 2017, the 28-year-old worker, a stevedore employed by Thor Shipping and Transport UK Ltd, was unloading Merchant Vessel Frej at No 3 Quay, Hull Docks. He lost his footing and fell through an access ladder gap in the walkway and fell to the bottom of the hold.



An investigation by the Health and Safety Executive (HSE) found that for the stevedores to inspect all the cargo from port to starboard it was custom and practice for them to step over an access ladder gap on the walkway to get to the other side. The stevedore made his way along the walkway and went to step over the gap. He was astride the gap, holding onto the guard rail, when his high-vis jacket got caught on an eyebolt on the rails. He took his hand off the rail and turned to free his jacket when he lost his footing and fell through the gap to the bottom of the hold.

Thor Shipping and transport UK Ltd of Stone House, North Street, Goole pleaded guilty to breaching Regulation 6(3) of the Work at Height Regulations 2005 and to Regulation 3(1)(a) of the Management of Health & Safety at Work Regulations 1999. The company has been fined £120,000.

After the hearing, HSE inspector Denise Fotheringham commented: "Falls from height often result in life-changing or fatal injuries.

"In most cases, these incidents are needless and could be prevented by properly planning the work to ensure that effective preventative and protective measures are in place."

#### **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)<sup>[1]</sup>
2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)<sup>[2]</sup>
3. HSE news releases are available at <http://press.hse.gov.uk><sup>[3]</sup>

The post [Shipping company fined after worker fell from height and suffered](#)

[life changing injuries](#) appeared first on [HSE Media Centre](#).

---

## [Sheffield company fined £700,000 after worker killed](#)

Chesterfield Special Cylinders Ltd was fined £700,000 today for safety breaches after a 64-year-old worker was fatally wounded by shrapnel ejected from testing equipment.

Sheffield Crown Court heard that on 10 June 2015, John Townsend was leak testing eight 1500 litre cylinders, by applying compressed air inside to create pressure, at the company's Sheffield site. Whilst in the process of venting the air through the test manifold, it catastrophically failed and fatally injured Mr Townsend.

An investigation by the Health and Safety Executive (HSE) found that prior to installing the fittings, 1.5 litres of a mineral oil-based corrosion inhibitor had been placed into each of the cylinders. The incident occurred because the inhibitor contaminated the leak test manifold during venting of cylinders and was subjected to enough pressure inside the manifold to ignite and cause the test equipment to fail.

Chesterfield Special Cylinders Ltd of Meadowhall Road, Sheffield was found guilty of breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company was fined £700,000 with full costs of £169,498.82.

After the hearing, HSE inspector Eddy Tarn commented: "This was a tragic and wholly avoidable incident, caused by the failure of the company to identify any additional risks that arise when work processes are adapted.

"Companies should accurately identify and control all potential hazards in the workplace and thereafter monitor performance through effective supervision."

### **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)<sup>[1]</sup>

2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/) <sup>[2]</sup>
3. HSE news releases are available at <http://press.hse.gov.uk> <sup>[3]</sup>

The post [Sheffield company fined £700,000 after worker killed](#) appeared first on [HSE Media Centre](#).

---

## [Construction company fined after worker killed during demolition work](#)

A construction company was fined half a million pounds after a father-of-two was killed when a re-enforced concrete slab collapsed underneath him during a demolition project.

Southwark Crown Court heard that on 14 April 2014, 33-year-old labourer Dainius Rupsys from Lithuania was working with an excavator operator at the site on Grosvenor Square in London, as part of the operation to demolish the existing multi-storey building before 31 residential flats could be built.



Mr Rupsys had been burning through reinforcing steel bars with an oxy-propane lance to assist the excavator operator's efforts to remove part of the re-enforced concrete slab. Another worker had alerted the supervisor that their work had made the structure unsafe and the demolition was halted. However, the supervisor then ordered the removal of props supporting the remaining slab and less than ten minutes later it collapsed. The Court heard that the 360 excavator may have moved back onto the slab after the props were removed.

Mr Rupsys, the 360 excavator and its operator in the cab all fell with the slab. Mr Rupsys suffered severe head injuries and died at the scene, while the excavator operator injured his back.

An investigation by the Health and Safety Executive (HSE) found that in the weeks before the incident CCTV from overhead cameras showed demolition work had been carried out unsafely, that Mr Rupsys was not adequately trained to use the oxy-propane lance and that he had no training on using the safety harness, which was not attached when the incident occurred.

McGee Group Limited (McGee) of Athlon Road, Wembley, Middlesex, who was the principal contractor for the project, pleaded guilty to a breach of Regulation 22(1)(a) of the Construction (Design and Management) Regulations 2007. The company was fined £500,000 with £66,236,22 in costs.

HSE inspector Andrew Verrall-Withers commented after the hearing:

“In the weeks prior to this tragic incident workers were regularly put at an acute risk of falling. This is a case of a company wanting to have good systems to protect the workers, but not paying enough attention to what was actually happening at the site.

“This young man’s death could have been prevented. Mr Rupsys should not have been allowed to operate an oxy propane lance. Employers have a duty to check workers have sufficient skills, knowledge, experience and training before they allow them to use equipment.”

#### **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>

The post [Construction company fined after worker killed during demolition work](#) appeared first on [HSE Media Centre](#).