

Director jailed for failing to protect workers from asbestos exposure

A company director has been jailed for eight months after failing to protect workers from exposure to asbestos at a student development project in Winchester.

Stephen Davies, 59, had set up Cavendish Winchester Ltd with the sole purpose of refurbishing the Winnall Close commercial unit into student rental accommodation. His co-director Neil Bolton, 56, was spared an immediate spell behind bars when he was handed a four-month suspended sentence at Southampton Crown Court on 27 March 2024. The company itself was fined £30,000 – with all three defendants pleading guilty.

An investigation by the Health and Safety Executive (HSE) revealed the company removed an estimated ten tonnes of asbestos insulating board (AIB) during the refurbishment in late 2019 and early 2020. The dangerous materials were stripped out by workers unqualified to do the job and unaware of the risks to their health.



Debris outside the Cavendish centre

- The issue of asbestos more widely, and improving knowledge of the dangers, is the focus of two HSE campaigns. Guidance on [asbestos safety](#) has recently been updated and the current [Asbestos: Your Duty](#) campaign aims to improve understanding of what the legal duty to manage asbestos involves.

The investigation arose when HSE received a concern that large quantities of AIB had been illegally removed. The work was all carried out under the direction of Stephen Davies.

The court was told both directors were aware of the considerable extent and quantity of the materials containing asbestos within the building, as they had previously sought legitimate quotes for its competent removal.

However, they chose to save a considerable sum of money by avoiding properly planned, safe removal, by a Licenced Asbestos Removal Contractor. They knowingly exposed workers to significant risk to their health. In addition,

the investigation was unable to determine where a very sizeable quantity of asbestos-contaminated debris ended up, such that others in the waste removal chain were likely to have been put at risk too.

All three defendants pleaded guilty to charges relating to a lack of adequate management of the removal of asbestos containing materials.



The ground and first floor of the building with AIB present on the walls



Both Stephen Davies and Neil Bolton pleaded guilty to Section 37 of the Health and Safety at Work etc Act 1974, by causing their company, The Cavendish Winchester Ltd, to breach Section 4(1) of the Act.

- Davies, of Petworth, West Sussex was given an immediate custodial sentence of 8 months in prison.
- Bolton, of Petworth, West Sussex was given a custodial sentence of four months, suspended for 12 month, with 250 hours of unpaid work and ordered to pay costs of over £5,123.
- The Cavendish Winchester Ltd, of Newtown House, Liphook, was fined £30,000.00.

Speaking after the hearing, HSE principal inspector Steve Hull said: "We brought this case because, despite the directors of this company being put on notice of the risks involved, they put profit before the health of those they employed."

“The dangers to health associated with exposure to asbestos fibres are well known and a wealth of advice and guidance is freely available from HSE and other organisations.

“Structural refurbishment which either exposes or is liable to expose people to asbestos fibres should only be carried out by competent persons working to a strict plan of work to ensure safety. Higher risk asbestos removal, such as the removal of AIB, can only legally be carried out by Licenced Asbestos Removal Contractors who have the knowledge and equipment to prevent the spread of fibres and properly protect the workers undertaking the removal work.

“This work involved the removal of an estimated ten tonnes of AIB.

“The defendants then tried to cover their tracks by legitimising the removal of a small amount of residual asbestos containing materials, after illegally stripping out the majority, by obtaining a new quote for legal removal of that very small remaining portion. This deliberate attempt to save money, when they knew full well that the workers would have to live with the possibility of developing serious asbestos-related disease in the future, makes the case particularly serious.”

This case was brought by HSE enforcement lawyer Kate Harney, who was supported by Paralegal Officer Helen Jacob

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. HSE has recently updated its guidance on [asbestos safety](#) and has just launched its [Asbestos: Your Duty](#) campaign that aims to improve understanding of what the legal duty to manage asbestos involves.

[Company fined after worker crushed to death](#)

A company in Kent has been fined £175,000 following the death of an employee.

Liam McArdle, from Gravesend, was fatally crushed by an excavator attachment while working for Erith Plant Services Limited on 21 September 2021.

A demolition grab, attached to an excavator, fell onto the 24-year-old while it was loaded onto a lorry at Erith Plant Services Limited's workshop at Eastern Quarry on Watling Steet, Swanscombe.

Liam's dad says the pain since losing his son has been unbearable.



The incident took place at Erith Plant Services Limited's workshop

A Health and Safety Executive (HSE) investigation into the incident found Erith Plant Services Limited failed to ensure there was a safe method of work while loading and unloading excavators and attachments. The company failed to ensure steps were taken to ensure HGV drivers fully engaged the quick hitch when moving attachments during loading and unloading activities. There was also no defined segregation between vehicles and pedestrians at the firm's Eastern Quarry workshop, nor was there suitable supervision of work activities.

HSE guidance states the plan for any lifting operation must address the foreseeable risks involved in the work and identify the appropriate resources, including people, necessary for the safe completion of the job. More on this can be found at: [Planning and organising lifting operations – Equipment and machinery \(hse.gov.uk\)](https://www.hse.gov.uk/planning-organising-lifting-operations-equipment-machinery/)

Declan McArdle said in his victim personal statement: "The pain of losing my son has been and will continue to be unbearable. Liam worked hard and wanted to learn. He wanted to follow in my footsteps, and I was proud of the person he was becoming.

"Liam and I enjoyed spending time together. We would go on truck rallies and to car racing events together. Liam would never really say: 'I love you, dad.' It just wasn't his way.



Liam McArdle

“Rather, he would ask me to go to a racing event with him and I knew that this was Liam’s way of saying he loved me. Liam and I were planning on going to a racing event in February 2022. I went to the event, and I took Liam’s ashes with me so that we could still go together.”

Erith Plant Services Limited, of Queen Street, Erith, Kent pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £175,000 and ordered to pay £37,804 in costs at Woolwich Crown Court on 27 March 2024.

HSE inspector Joanne Williams said: “This tragic death serves as an important reminder that workers need to be trained and that there is always the potential for an attachment to fall during the operation of excavators. Employers need to ensure that work practices are maintained to keep workers away from the danger areas during lifting activities.”

This HSE prosecution was brought by HSE enforcement lawyer Alan Hughes and supported by HSE paralegal officer Helen Jacob.

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[Bakery company fined £400,000 after employee has left leg amputated](#)

A food manufacturing company on the Wirral has been fined £400,000 after one of its employees had to have her leg amputated.

Sharon Bramhall lost a leg following a serious incident at Baker & Baker Products, which is based in Bromborough. The 58-year-old had to have her left leg amputated below the knee following the incident at the company's premises on Stadium Road.

Baker and Baker Products, which makes a wide variety of baked goods, pleaded guilty and was sentenced at Liverpool Magistrates' Court on 25 March 2024. In a statement provided to the court, Mrs Bramhall said she felt 'lucky' it wasn't worse.

"I know I could have died," she said.

"Sometimes I wake up and just wish I'd booked that night off work for some reason and none of this would have happened."

The court heard how Mrs Bramhall had been supervising four other members of staff as they completed high-level cleaning tasks during a night shift on 22 April 2022. She had been acting as 'a banksman' for an employee who was controlling a mobile elevating work platform (MEWP). As the MEWP turned through 90 degrees into the warehouse it struck Sharon, crushing her left leg. The incident was captured on CCTV.



- Just moments after this CCTV still was taken, Sharon Bramhall's life changed forever

She was hospitalised for three months and has had a total of nine operations including several skin grafts.

"I have a huge scar on my stomach from where the surgeons took a piece of it to use as a flap over my stump.

"My left leg above my stump is really badly scarred and damaged. It was trapped under the cherry picker.

"The recovery afterwards was awful.

"It is difficult to put in to words just how much the accident has impacted me. I have had to uproot and move my family.

"I am struggling with blistering on my stump, even now, rendering me wheelchair dependent. I am not able to leave the house on my own. I am fearful about what the future holds for me."

An investigation by the Health and Safety Executive (HSE) revealed a series of failings by Baker & Baker Products UK Limited.

The company failed to have in place a suitable and sufficient safe system of work when escorting MEWP's from a parked position to point of use. They also failed to provide information, instruction and training for the movement of the MEWP and use of banksman and also failed to adhere to their normal practice and company policy to ensure a trained MEWP operator acted as banksman.

Had these been implemented, the incident could have been prevented.

Baker & Baker Products UK Limited, of Stadium Road, Bromborough, Wirral, pleaded guilty to breaching section 2(1) and 33(1) of the Health & Safety at Work etc. Act 1974. The company was fined £400,000 and was ordered to pay costs of £7,266 costs. This HSE prosecution was brought by HSE enforcement lawyers Karen Park and Matt Reynolds and paralegal officer Louisa Shaw.

After the hearing, HSE inspector Ian Betley said: "Sharon Bramhall suffered terrible injuries that will affect her for the rest of her life due to the failings of her employer.

"Vehicles continue to be a major cause of serious injuries in the workplace, and the first principle of any employer should be to keep people and vehicles apart.

"The risk assessment decided that someone was needed to escort the MEWP, thus a safe system of work needed to be devised. Employees should have been given appropriate banksman training, including how to effectively communicate with the driver.

“Had these been in place, Sharon’s injuries could have been avoided.”

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3. Further details on the latest [HSE news releases](#) is available.
4. HSE guidance on [working under vehicles](#) is available.

[Stay safe around cattle in the countryside at Easter](#)

The Easter break will see thousands of people heading into the countryside to stretch their legs and enjoy Britain’s stunning scenery.

While the vast majority of walkers enjoy the countryside safely and use the extensive network of footpaths, bridleways, and public access land without any problems, going through fields where there are cattle can be hazardous.

Britain’s workplace regulator, the Health and Safety Executive (HSE), is reminding both farmers and walkers to do all they can to help to keep everyone safe, particularly where cattle and countryside visitors are close together.



Injury by animal was the leading cause of death on British farms last year

HSE is currently running its [Your Farm, Your Future campaign](#) aimed at improving safety on British farms with a focus on livestock in 2024. The safety of farmers themselves from cattle is a concern to the regulator all-year round; statistics show four workers were killed following incidents with animals on farms in 2022/23.

HSE regularly investigates incidents involving cattle and the public. A proportion of these incidents involve serious injury and sometimes death. On average, between one and two members of the public are killed each year while using public rights of way, others suffer serious injury.

In the past 12 months, HSE has prosecuted four landowners/farmers for failing to take appropriate steps to stop walkers from being seriously injured on their land. One of these cases resulted in the tragic death of a 61-year-old grandmother [who was killed while enjoying a family walk in Northumberland](#).

HSE inspector Wayne Owen said: "All large animals can be a risk to people. Even a gentle knock from a cow can result in people being crushed or falling. All cattle should be treated with respect."

Farmers have a legal responsibility to manage their herds to reduce risk to people using footpaths and other rights of way.

Incidents in which walkers are killed or injured often involve cows with calves, or bulls. Often, those injured or killed have a dog with them.

Members of the public can find out about steps to safely enjoy the countryside and respect farming activities by following Government advice in [The Countryside Code – GOV.UK \(www.gov.uk\)](#).

Advice includes:

- Give livestock plenty of space. Their behaviour can be unpredictable, especially when they are with their young.
- Keep your dog under effective control to make sure it stays away from livestock. It is good practice wherever you are to keep your dog on a lead around livestock.
- Let your dog off the lead if you feel threatened by livestock. Releasing your dog will make it easier for you both to reach safety.

Mr Owen said: "Farmers should carefully consider the risk before putting cattle into fields with footpaths, for example cows and calves are best kept in alternative fields.

"Even docile cattle, when under stress, perhaps because of the weather, illness, unusual disturbance, or when maternal or other instincts are aroused, can become aggressive.

"Follow farming industry and HSE guidance to reduce the risk from animals and help people to enjoy your land and pass through smoothly."



This year's campaign is focusing on livestock as well as farm vehicles

Key considerations for farmers and landowners include:

- No dairy bulls should be kept in fields with public access at any time.
- Where possible avoid putting cattle, especially cows with calves, in fields with public access.
- Where there is a need to keep cattle with calves or a bull in a field with public access, do all that you can to keep animals and people separated. Consider the use of fencing (permanent or temporary e.g. electric fencing). This is particularly important at busy times or where access routes are heavily used.
- Assess the temperament of any cattle before putting them into a field with public access.
- If cattle, especially cows with calves, do need to be put into fields with public access, keep this period to a minimum.
- Position feed and water troughs away from public access routes and away from public entrances and exists to the field.
- Put in place a system to monitor any cattle in fields with public access at least on a daily basis. It may be worth recording this.
- Consider culling any animal that shows signs of aggression.
- Any animal that has shown any sign of aggression must not be kept in a field with public access.
- Clearly sign post all public access routes across the farm. Display signage at all entrances to the field stating what is in the field (cows with calves / bulls).

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2. HSE Guidance for England and Wales on putting cattle into fields with public rights of way / public access can be found here: [Cattle and public access in England and Wales \(hse.gov.uk\)](#)
3. HSE guidance for Scotland can be found here: [Cattle and public access in](#)

[Scotland: Advice for farmers, landowners and other livestock keepers AIS17 \(hse.gov.uk\)](#).

4. Further advice, videos and free resources [Work Right Agriculture – Work Right to keep Britain safe](#)
 5. There is also guidance available from other stakeholders for visitors to the countryside and farmers / landowners eg [The Countryside Code – GOV.UK \(www.gov.uk\)](#).
 6. Further details on the latest [HSE news releases](#).
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Company fined after ‘perfect’ son crushed to death

A company in Hertfordshire has been fined after an employee was crushed to death.

James Rourke lost his life after being struck and run over by an excavator at Sarazen Gardens, Brampton on 18 November 2019.

James and his family had celebrated his sister Katie’s 21st birthday the weekend before the fatal incident.



James Rourke

The 22-year-old site engineer had been attaching 'warning' work signs to fencing around the site when he was hit by the vehicle.

James, from Westcliff-on-Sea in Essex, had only joined his employer, Materials Movement Ltd, months before after graduating from the University of Birmingham with a degree in geology in the summer of 2019.

The firm had been hired to undertake ground clearance works at Sarazens Gardens in preparation for the building of new houses.

A Health and Safety Executive (HSE) investigation found Materials Movement Ltd had failed to plan and manage the work at Sarazen Gardens. The company failed to properly supervise the work that James and the excavator driver were undertaking to ensure it was safe. The Baldock firm also failed to ensure the work was planned and managed to eliminate any chance of James working near the excavator.

HSE guidance states employers must consider five main precautions needed to control excavator hazards, these are; exclusion, clearance, visibility, plant and vehicle marshaller and bucket attachment. Further guidance on mobile plant and vehicles can be found at: [Construction – Mobile plant and vehicle industry health & safety \(hse.gov.uk\)](https://www.hse.gov.uk/construction-mobile-plant-vehicle/)

James' mother, Clare, said in her victim personal statement: "The sunshine has been taken from our lives and the dark gap is immense.

"Our profound loss is ever present; James is always missing. Missing from family events, Christmas, birthdays, holidays. Unknown to newborn family members. Unknown to new friends.

"Our house has a bedroom with no owner. Possessions we cannot bear to touch, photographs we cannot look at.

"We were an even family of six, now an odd family of five – incomplete, unbalanced."

Materials Movement Ltd, of Royston Road, Baldock, Hertfordshire, pleaded guilty to breaching Regulation 15(2) of the Construction (Design and Management) Regulations 2015. The company was fined £133,330 and ordered to pay £8,500 in costs at Peterborough Magistrates' Court on 22 March 2024.

HSE inspector Martin Paren said: "This tragic incident led to the avoidable death of a young man. This death could have easily been prevented if his employer had properly planned, instructed, and supervised the work.

"Our thoughts today are with the family of James, who should have been protected from such harm at work – because of the failings of Materials Movement Ltd he was not."

This prosecution was brought by HSE enforcement lawyer Jon Mack and supported by HSE paralegal officer David Shore.

Clare added: "James was perfect. He was a big part of our close family unit. He would do anything for us. We cherished him, dearly. He was a compassionate, valued friend to many and was known for his humour and gentle nature."

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3. Further details on the latest [HSE news releases](#) is available.
4. In February 2020, Materials Movement Ltd was sentenced following a separate HSE prosecution. The company was fined £33,000 following the death of worker Stephen Hampton who died from an explosion on Swain's Lane in Camden on 16 March 2017.