

# Businessman sentenced after failing to prevent exposure to asbestos

A Manchester-based businessman has been prosecuted after failing to check whether asbestos was present in a building he owned before starting major refurbishment works.

Manchester Magistrates' Court heard how Mr Whaid Ahmed did not survey his property at 1-3 Stephenson Square, Manchester for asbestos before carrying out renovations to the building between 1 April 2012 and 12 October 2017. Following a routine inspection from a Health and Safety Executive (HSE) inspector, a survey was subsequently carried out. Large amounts of asbestos, some of which was in very poor condition, was discovered on the premises, indicating that asbestos could have previously been removed without any controls in place from areas of the building already renovated.

The HSE investigation found Mr Ahmed failed to identify the risks involved, and put appropriate measures in place to prevent exposure to asbestos. Mr Ahmed has had previous enforcement action from HSE over a similar issue so was well aware of his duties under the law.

Mr Whaid Ahmed of Hale Barns, Altrincham pleaded guilty to breaching Regulations 5(a), 11(1)(a) and 16 of the Control of Asbestos Regulations 2012. Mr Ahmed was given a six months prison sentence, suspended for two years, sentenced to 250 community service hours and ordered to pay costs of £5,742.14.

HSE inspector Matt Greenly said after the case: "This case highlights the importance of surveying a property for asbestos to prevent risk to anyone occupying or working in that building and to reduce the risk of exposure to asbestos and contracting incurable diseases as a result of that exposure."

## **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>

Journalists should approach HSE press office with any queries on regional press releases.

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## Company and director sentenced after resident injured

A Cornish construction company and its director have been sentenced after a resident fell through the balcony at his home during recent refurbishment work.

Truro Magistrates' Court heard how, on 18 August 2016, 58-year old Simon Powell, who has impaired mobility and suffers from epilepsy, had been sitting on the balcony at his property when he fell more than three metres through a plastic panel, which had been installed within his balcony and onto the beach below. Mr Powell suffered multiple fractures and damage to his liver. ChristalClearProperties Ltd had been working on the refurbishment of the neighbouring riverside property which included changes to that property's balcony which required it to be extended to join that of Mr Powell's. Sheets of plywood and plastic were used to temporarily infill the completed balcony framework prior to the toughened safety glass infills being fitted.

An investigation by the Health and Safety Executive (HSE) found that in the absence of safety glazing, the fall prevention measures were inadequate and there were no measures in place to prevent access to the balcony until the construction work had been completed. The investigation also found there was no construction phase plan in place and no specific risk assessment for the use of plywood or plastic as an interim measure. The plastic sheeting that had been used was an unsuitable material as it did not afford Mr Powell any impact protection.

ChristalClearProperties Ltd of Langurtho Road, Fowey, Cornwall pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974 and has been fined £22,000 with costs of £4,782.72.

Anthony John Ham of Langurtho Road, Fowey, Cornwall pleaded guilty to breaching Section 37 of the Health and Safety at Work Act 1974, and has been given a 12 week prison sentence, suspended for 12 months. He was also ordered to pay costs of £4782.72.

Speaking after the hearing, HSE inspector Georgina Speake said: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

"Falls from height remain one of the most common causes of work related fatalities/injuries in this country and the risks associated with working at height are well known."

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## [Construction firms targeted in new health inspections](#)

Construction firms across Great Britain will be targeted on their health standards by the Health and Safety Executive (HSE) it has been announced.

These inspections will be the first time the regulator has targeted the industry with a specific focus on respiratory risks and occupational lung disease, looking at the measures businesses have in place to protect their workers' lungs from the likes of asbestos, silica and wood dust.

Inspectors will be visiting construction businesses and sites across the country throughout October and will specifically be looking for evidence of construction workers knowing the risks, planning their work and using the right controls, and if necessary will use enforcement to ensure people are protected.

### **HSE's Peter Baker, chief inspector of construction said:**

"Around 100 times as many workers die from diseases caused or made worse by their work than are killed in construction accidents. Annually, work-related cancers, mainly linked to asbestos and silica, are estimated to kill 3,500 people from the industry. Thousands of others suffer life-changing illnesses from their work. Not all lung diseases take years to develop. Some, like acute silicosis or occupational asthma, can occur more quickly.

"As a result, we've launched this inspection initiative to find out what exactly businesses in the construction industry are doing today to protect their workers' health, particularly when it comes to exposure to dust and damage to lungs.

"We want construction workers to be aware of the risks associated with the activities they carry out on a daily basis; be conscious of the fact their

work may create hazardous dust; and consider how this could affect their health, in some cases irreversibly. We want businesses and their workers to think of the job from start to finish and avoid creating dust or disturbing asbestos by working in different ways. We want to see construction firms encouraging their workers to firstly keep the dust down and wear the right mask and clothing.

“Ultimately, we want construction workers’ lungs to be protected from ill health, so they can go home healthy to their families and enjoy long careers in this important industry.”

For more information on the programme of inspections and to download our free #DustBuster selfie cards visit: <https://bit.ly/2QWLYib> and follow the campaign on Twitter at @H\_S\_E, on Facebook @hsegovuk and @SaferSites. You can also join the conversation at #WorkRight

-ENDS-

Notes to Editors:

1. During the upcoming programme of inspections, while the primary focus will be on health, if a HSE inspector sees any issues of concern, they will take the necessary enforcement action to deal with this.
2. 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)
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## [Derbyshire company fined after vehicles collide](#)

A Glossop-based company has been fined after a visiting tanker collided with a fork lift truck.

Manchester Magistrates’ Court heard how, on 23 June 2017, a tanker was reversing into a tanker discharge bay at Dinting Lodge in Glossop when it collided at low speed with a fork lift truck. No workers were injured in the incident.

An investigation by the Health and Safety Executive (HSE) into the incident found that the company had insufficient control of workplace transport, in particular, reversing vehicles.

Carpenter Limited of Dinting Lodge Industrial Estate, Glossop pleaded guilty

to breaching Section 2 (1) of the Health and Safety at Work Etc Act 1974 and has been fined £60,000 and ordered to pay costs of £1,302.

Speaking after the hearing, HSE inspector Medani Close said: “The host company failed to undertake a number of simple safety measures including segregation of reversing vehicles, from other moving vehicles and pedestrians, and ensuring that reversing manoeuvres were supervised, in accordance with their site rules.”

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## **[Construction company and director sentenced for health and safety failings](#)**

A construction company and its managing director have been sentenced after poor conditions at a building site were found to be dangerous.

Westminster Magistrates’ Court heard how HSE inspectors had visited the site in Sherborne Gardens, London, following an incident in January 2017. They found evidence of poor health and safety conditions on site including dangerous work at height, a lack of suitable equipment, and untrained operatives working without adequate supervision.

An investigation by the Health and Safety Executive (HSE) subsequently found the construction company, C J Langs Limited, failed to plan, manage and monitor the work on site and its managing director Mr Kewie Doherty was responsible for the poor conditions on site.

C J Langs Limited of Pembroke Lodge, Pembroke Road, Ruislip pleaded guilty to breaching regulation 15(2) of the Construction (Design and Management) Regulations 2015, and was fined £80,000 and ordered to pay costs of £6,000.

Mr Doherty of Bashley road, Park Royal, London pleaded guilty to breaching Section 37(1) of the Health and Safety at Work etc Act 1974 and was ordered to carry out 150 hours of unpaid community work and to pay costs of £1,673. Mr Doherty was also disqualified from being a company director for a period of 3 years.

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

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