

Unlicensed contractor fined for exposing workers to asbestos

A Norwich based construction company has been sentenced today for carrying out unlicensed asbestos cleaning work.

Norwich Magistrates' Court heard how the company began a project to refurbish parts of Rose Lane Business Centre in Norwich, including former kitchen and canteen. Work started on east side of the ground level in April 2015 and various phases continued into November 2015. It was during the later phase when significant exposure to asbestos materials occurred.

An investigation by the Health and Safety Executive (HSE) found the workers had little awareness of asbestos on site and no prior Asbestos Awareness Training.

The investigation revealed that no Demolition and Refurbishment Asbestos Survey had been in place before the project started. However, when one was carried out following HSE intervention, it discovered licensed asbestos debris on the ground level within the area the size of a football pitch. Despite these findings and surveyor's recommendations, the unlicensed contractor proceeded to clean the debris between 1 October and 6 October 2015, dry sweeping and vacuuming the area.

Y Construction Ltd of The Union Building, 51-59 Rose Lane, Norwich was found guilty of breaching Regulations 8(1), 10(1) and 11(1) of the Control of Asbestos Regulations 2012 and was fined £250,000 with costs of £6,512.88.

Speaking after the hearing, HSE inspector Kasia Urbaniak said: "The dangers associated with asbestos, including licensed asbestos are well known and a wealth of advice and guidance is freely available from the HSE website.

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

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>

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

Builder sentenced after young worker seriously-injured

A builder from Cornwall has been sentenced after one of his employees sustained serious, life-changing hand injuries whilst operating a handheld circular saw.

Bodmin Magistrates' Court heard how David Avent, trading as David Avent Building Services, undertook a barn refurbishment in Callington during February 2017. On 7 February, a worker, who had recently turned 17, was using a circular saw to cut wooden flooring sheets when the blade made contact with his hand causing serious, life-changing injuries. The saw blade cut fully through his index finger, three quarters through his middle finger and half way through his ring finger.

An investigation by the Health and Safety Executive (HSE) found David Avent had no record of any information, instruction and training that he had provided to his employee in the safe use of the circular saw nor had he ensured that safe working practices were followed when cutting the flooring sheet. The investigation also found that circular saw blade had not been properly adjusted for the size of material being cut at the time of the incident and the flooring sheet was not appropriately supported whilst being cut.

David Avent of Callington, Cornwall pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and Regulation 3(4) of the Management of Health and Safety at Work Regulations 1999. He has been fined £1,120 and ordered to pay costs of £8489.48.

Speaking after the hearing, HSE inspector Dr Jo-Anne Michael said: "This injury was easily preventable and the risk associated with the task should have been identified."

"Employers should make sure they properly assess and apply effective control measures to minimise the risk from contact with dangerous parts of machinery to ensure that the risks are given careful attention to ensure they are properly controlled."

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[Company fined after worker seriously injured when repairing machinery](#)

A quarry operator has been fined after an employee had his hand and arm caught in a conveyor belt.

Lochmaddy Sherriff Court heard how, on 2 November 2016, employees of MacAulay Askernish Limited were undertaking maintenance work on the conveyor belt of a screener unit that was slipping at Askernish Quarry on the Isle of South Uist. One of the workers, Donald Campbell, was leaning through the opening in the conveyor frame when his hand was pulled into the nip point between the drive drum and conveyor belt. His arm quickly became entangled in the mechanism, causing severe injury, permanent disfigurement and impairment.

An investigation by the Health and Safety Executive (HSE) found the guarding of the screener unit was not adequate. The investigation also found the company failed to have in place a suitable procedure for the isolation of the screener unit and to ensure the unit was maintained in good repair as other guard panels were not in place.

Macaulay Askernish Limited of Hillside Office, Lochboisdale, Isle of South Uist, pleaded guilty to breaching Regulation 6(1) of the Quarries Regulations 1999 and has been fined £30,000.

Speaking after the hearing HSE inspector, Mike Tetley said: "This injury was easily preventable and the risks from this type of equipment are well-known.

"Companies operating belt conveyors must ensure access has been prevented to dangerous parts and that guards are properly maintained. Having a secure isolation procedure in place is also an essential control when undertaking maintenance work."

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[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."

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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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