

# Construction firms fined due to unsafe removal of asbestos

A construction company and a property management company have both been fined after failing to manage asbestos safely during a refurbishment of a former office block in Stockport.

Manchester Magistrates' Court heard how Samer Constructions Limited had been contracted by Swift Property Management MCR Ltd to refurbish the property in Hazel Grove, Stockport. Materials containing asbestos along with general waste had been discarded from the property, on and before 2 August 2018, and were spread across the roof of a one storey part of the block. Some of the materials had also fallen onto a car park area below that was not segregated from passing members of the public.

An investigation by the Health and Safety Executive (HSE) found that an asbestos survey carried out on 31 May 2018 identified the presence of asbestos containing materials (ACM's) including licensed ACM's, but this had not been passed to Samer Constructions Ltd prior to work being carried out. Swift Property Management MCR Ltd failed in its duty to pass the survey onto the contractor prior to work commencing. Samer Constructions Limited failed in its duty to identify whether a survey had been undertaken and went ahead with the work in a reckless manner resulting in two employees being exposed to asbestos fibres.

Swift Property Management Limited of Denison Road, Manchester pleaded guilty to breaching sections 2(1) and 3(1) of the health and Safety at Work etc. Act 1974. The company was fined £25,000 and ordered to pay costs of £3,428.

Samer Constructions Limited of Platt Lane, Manchester pleaded guilty to breaching sections 2(1) and 3(1) of the health and Safety at Work etc. Act 1974. The company was fined £12,000 and ordered to pay costs of £3,428.

Speaking after the hearing, HSE Inspector Phil Redman said: "These risks could so easily have been avoided by acting on the findings of the asbestos survey and carrying out correct control measures and safe working practices. 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](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. More information regarding asbestos health and safety can be found at <https://www.hse.gov.uk/asbestos/>
4. HSE news releases are available at <http://press.hse.gov.uk>

The post [Construction firms fined due to unsafe removal of asbestos](#) appeared first on [HSE Media Centre](#).

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## **NATIONAL GRID GAS SENTENCED OVER MISSING GAS NETWORK RECORDS**

National gas utility company National Grid Gas plc has been fined for failing to ensure its records relating to gas risers in some high-rise multi occupancy building were up to date.

Liverpool Crown Court previous heard that in June 2017 the Health and Safety Executive (HSE) requested information from gas distribution network (GDN) companies about their management of gas networks in high rise multiple occupancy buildings (HRMOBs).

At the time of the offence National Grid Gas operated the nationwide gas transmission system and the gas distribution systems supplying gas to

approximately half of the UK domestic and industrial gas customers, including the gas pipes in HRMOBs.

However, in 2016 National Grid Gas sold part of its operations to Cadent Gas Ltd, this included the activities which the failings relate to. HSE's investigation revealed the incomplete records were transferred to Cadent by National Grid Gas when they sold their gas networks to Cadent. The system had not been subject to any audits or reviews when the records issue came to light in December 2017. As such Cadent were continuing to inspect only the buildings on the existing database.

After HSE had requested the information, it found that Cadent's management records were incomplete and found that records on 769 buildings were missing, meaning gas risers in these HRMOBs had not been subject to a condition survey, inspection or routine maintenance for a number of years.

Additionally, the investigation found that National Grid Gas had failed to ensure that 112 HRMOBs had Pipeline Isolation Valves (PIVs) so that gas to these buildings could be isolated in the event of an incident.

As a result of this, HSE undertook a criminal investigation that considered the risk that residents and members of the public were exposed to as a result of breaches to Health and Safety legislation. Enforcement notices were issued in April 2018 requiring Cadent to take remedial action. Cadent took appropriate action and complied with the notices by September 2018.

National Grid Gas plc of 1-3 Strand, London, WC2N 5EH pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 on 06 November 2020. Today they were fined £4 million with £91,805 costs at Liverpool Crown Court.

After the hearing, HM principal inspector for HSE, Julie Voce said: "This case had wide ranging implications. Our investigations found that people living and working in the high-rise buildings where the failings took place were not protected from the risk of gas leaks.

"National Grid Gas did not have a robust system for recording the details of the gas pipes within these buildings. Opportunities arose where National Grid Gas identified data errors, but these were never satisfactorily acted upon, and opportunities to correct the situation were missed.

"This sentence reflects how important it is when companies are charged with ensuring records that could keep people safe and well are up to date, that they make that task a priority."

**ENDS**

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4. In 2018 Ofgem commenced its own investigation into breaches of licence conditions. The findings of the Ofgem investigation were published in May 2019 and Cadent paid a financial penalty to Ofgem of £24 million and agreed to set up a community fund of £20 million to support customers in vulnerable circumstances.

The post [NATIONAL GRID GAS SENTENCED OVER MISSING GAS NETWORK RECORDS](#) appeared first on [HSE Media Centre](#).

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## [Worker fell to his death through fragile asbestos roof](#)

A roofer was fatally injured when he fell six metres whilst working on a replacement roof at a property in Kirkdale, Liverpool.

Liverpool Crown Court heard how on 22 May 2017, the roofer was completing snagging work on a replacement roof. The worker had accessed a part of the old roof made of fragile asbestos cement sheets, which gave way. He fell through the sheets to the ground below sustaining fatal injuries.

An investigation by the Health and Safety Executive (HSE) found that the area accessed did not have safety nets fitted and the building occupier failed to take reasonably practicable measures to reduce the risk to those working on the roof.

Owners of the building Pearsons Glass, of Maddrell Street, Liverpool, pleaded guilty to breaching the Health and Safety at Work etc. Act 1974, sections 3. The company was fined £80,000 and ordered to pay costs of £6,656.

Speaking after the hearing, HSE inspector Andrew McGrory said: "The risks from working on fragile surfaces are well known.

"Businesses have a responsibility to ensure that the contractor they select to undertake any construction work devise safe methods of doing so, which should include providing the necessary information to their workers and ensuring that they are adequately supervised."

The prosecution of the roofing contractor is ongoing.

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## [Spot checks and inspections on businesses are taking place in Slough](#)

HSE is working with Slough Borough Council to carry out spot check calls, visits and inspections on businesses in Slough to check they have COVID-secure measures in place.

To protect workers, visitors and customers, businesses must make sure they have put measures in place and everyone is following them to manage the risk from coronavirus.

HSE will be calling and visiting businesses from all different sectors in the area to check they are following the government guidelines, this will be starting on Monday 08 February.

Slough Borough Councillor, Pavita K Mann, lead member of Planning and Regulatory Services, said: "We will be talking to local businesses and visiting and inspecting sites across Slough to understand how they are managing risks in line with their specific business activity.

"Becoming COVID-secure needs to be the priority for all businesses. It is a legal duty for businesses to protect their workers and others from harm and this includes taking reasonable steps to control the risk and protect people from coronavirus.

"This means making business adjustments to become COVID-secure. We advise employers to work with their employees when implementing changes, to help increase confidence with workers, customers and the local community."

Being COVID-secure means businesses need to keep up to date with the latest guidance and put measures in place to manage the risk and protect workers, visitors and customers.

During the calls and visits, HSE provides advice and guidance, but where businesses are not managing the risk, immediate action will be taken.

Angela Storey, Director of Transformation and Operational Services at HSE, said: “Across the country we are working with local authorities, like Slough Borough Council, to check businesses are COVID-secure and providing support and advice where needed.

“Our spot checks and inspections support the cross-government work in helping employers and employees at work during the pandemic.

“All workplaces are in scope for spot checks which means businesses of any size, in any sector can receive an unannounced check from HSE or an inspection from the local authority, to check they are COVID-secure.

“If you are contacted by the HSE or your local authority, please engage with us.

“By making sure that businesses have measures in place to manage the risks, we can benefit the health of local communities as well as support the local and national UK economy.”

Please ensure your workplace is safe by following the guidance on [being COVID-secure](#). Further information on [spot checks and inspections](#) is available on our website.

/ENDS

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2. HSE news releases are available at <https://press.hse.gov.uk>
3. For HSE’s working safely guidance see <https://www.hse.gov.uk/coronavirus/working-safely/index.htm>

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## **[Company fined after workers injured in forklift truck crash](#)**

A carpet sample book manufacturer has been fined after two workers were

seriously injured in an incident where a forklift truck crashed into an onsite refuse skip.

Manchester Magistrates' Court heard how on 29 July 2019, three workers at Profile Patterns Limited had been emptying waste from plastic bins at their site in Wigan. They were using a forklift truck to raise the bins to a height that enabled a worker at either side of the truck to manually tip the bins into a skip. When one of the bins became trapped between the side of the skip and the forks, the driver of the forklift truck climbed on top of the skip to free the bin whilst the other two employees remained standing at either side of the forklift truck. Another employee was asked to reverse the forklift truck to aid the release of the bin.

However, after reversing, the forklift truck then moved forward crashing into the skip causing the employee on top of the skip to fall. One of the workers standing at the side of the truck became impaled by her right arm by the fork. The two workers sustained serious fractures that required hospital treatment.

An investigation by the Health and Safety Executive (HSE) found that Profile Patterns Limited did not take effective measures to ensure the health and safety of employees in relation to the risks arising from the use and operation of forklift trucks. The company failed to implement a safe system of work and provide adequate instruction and training to employees. It was established that tipping bins into the skip in this way was normal working practice that had taken place over a considerable length of time, throughout which employees were placed at significant risk.

Profile Patterns Limited of Makerfield Way, Ince Wigan, Lancashire, pleaded guilty to breaching sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £20,000 and ordered to pay costs of £238.

Speaking after the hearing, HSE inspector Emily Osborne said: "The risk of injury from this unsafe working practice was foreseeable and the incident could so easily have been avoided.

"Profile Patterns Limited should have put in place a number of safety measures including appropriate segregation of vehicles and pedestrians and a safe system of work for emptying the bins.

"Those in control of work also have a responsibility to provide the necessary information, instruction and training to their workers in order to carry out work safely."

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4. More information about safe use of work place vehicles can be found at:

<https://www.hse.gov.uk/workplacetransport/>

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