

# test

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## Landlord of lock up garages fined for asbestos failings

The proprietor of a set of lock up garages in Wigston, Leicestershire has been sentenced for asbestos related offences.

Leicester Crown Court heard that work carried out by Paul Whitaker in March and April 2016 spread asbestos over a number of domestic gardens after a powered jet-wash was used to clean asbestos cement roof sheets. The power of the water jet caused asbestos to be dislodged from the roofs, and spread across the gardens, the garage units themselves, and nearby Network Rail land. This put members of the public at risk of exposure to asbestos fibres – a Class 1 carcinogen.





An investigation by the Health and Safety Executive (HSE) found that work should have been planned to include the use of basic precautions as detailed in published and widely recognised guidance for working with asbestos cement. Low energy cleaning methods and proper protective measures would have prevented the release of asbestos fibres thus eliminating much of the risk.

Paul Whitaker of Sandford Road, Syston, Leicestershire, pleaded guilty to breaching Section 3(2) of the Health and Safety at Work etc Act 1974. He was fined £ 600 and ordered to pay £10,000 of prosecution costs.

Speaking after the hearing HSE inspector Roy Poulter said “Asbestos cement roofing sheets requires as careful management as any other asbestos product”

**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>

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## [Company prosecuted after employee injured during loading operations](#)

A shipping company has been fined after a Heavy Goods Vehicle (HGV) driver was struck by a paper reel that was being loaded on to his trailer.

Liverpool Magistrates' Court heard how, on 7 September 2016, an agency HGV driver working for Jenkins Shipping Company Limited at its Liverpool depot, was assisting in the loading of paper reels onto his HGV trailer, when a reel slipped from the clamp attachment of the fork lift truck being used to load the reels striking the driver's lower body and legs. He sustained several lower limb fractures.

An investigation by the Health and Safety Executive (HSE) found that HGV drivers working for Jenkins Shipping Company Ltd regularly assisted with loading operations by either holding back the curtain of the HGV trailer or strapping the reels ready for transit, placing individuals either near the drop zone or moving vehicles. The company failed to have a safe system of work in place to keep pedestrians and vehicles separate during loading operations.

Jenkins Shipping Company Limited of West Bank Road, Belfast, pleaded guilty to breaching sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £30,000 and ordered to pay costs of £7,306.16.

HSE inspector Catherine Lyon said after the hearing: "By ensuring a suitable safe system of work was in place and implemented, the life changing injuries sustained by the HGV driver could have been avoided. Suitable safe systems include ensuring that pedestrians are located in a safe area, away from moving vehicles and falling loads. "

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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 about workplace transport safety can be found at: <http://www.hse.gov.uk/pubns/priced/hsg136.pdf>
4. HSE news releases are available at <http://press.hse.gov.uk>

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## **Restaurant owner fined after disturbance of asbestos**

A restaurant owner has been fined after asbestos was disturbed during the conversion of rooms above the restaurant into flats in Essex.

Chelmsford Magistrates' Court heard that during September 2016, above the Marco Polo restaurant on Lower Southend Road, Wickford, asbestos insulation board was removed and broken up which resulted in workers being exposed to asbestos fibres. An asbestos survey was only carried out after the asbestos had been disturbed.







An investigation by the Health and Safety Executive (HSE) found that a management asbestos survey and a refurbishment and demolition asbestos survey had not been completed prior to the work starting, and the work had not been completed by a licenced asbestos contractor.

Faruk Kamali of Lower Southend Road, Wickford, Essex pleaded guilty to breaching Regulation 4(3) of the Control of Asbestos Regulations 2012 and was fined £3,000 and ordered to pay full costs of £6,293.

After the hearing HSE inspector David King said “Those in control of works have a responsibility to manage the risks from asbestos in non-domestic premises. To achieve this the dutyholder must ensure that a suitable and sufficient assessment is carried out as to whether asbestos is or is liable to be present in the premises.”

Further information about client’s duties can be found at <http://www.hse.gov.uk/construction/cdm/2015/commercial-clients.htm>

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

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## [Contractor fined after fall through skylight](#)

A construction company, Modern Ltd, has been sentenced after a worker fell through a skylight.

Hendon Magistrates' Court heard how, on 12 May 2017, a worker was carrying out cladding work from a flat roof in Chiswick. In collecting his tools, the worker walked across a covered skylight, which he assumed to be strong enough to take his weight. The worker fell through this skylight and because of his injuries he is still yet to return to work.

An investigation by the Health and Safety Executive (HSE) found the company had failed to plan or supervise the work at height. As such an opening where a skylight was going to be installed was covered with a fragile material. The workers on site thought this was a solid surface.

Modern Ltd of Brentwick Gardens, London, pleaded guilty to breaching Regulation 4(1) of The Work at Height Regulations 2005 and was fined £31,250.

After the hearing, HSE inspector Adam Thompson commented "The risks associated with fragile roofs are known throughout the construction industry.

"Failing to protect workers from this risk is inexcusable"

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