

Councils' asbestos management to be assessed during inspection campaign

Hundreds of inspections at council buildings will be carried out by the Health and Safety Executive (HSE) to check councils are managing the risk of asbestos properly.

HSE inspectors will visit the head offices of dozens of councils across the country to ensure asbestos risks are being managed effectively to keep people safe. Each council visit will see inspections take place at several different sites within each local authority's property portfolio. This work continues previous inspection campaigns that targeted hospitals and schools.

The inspections will assess how local authorities are managing the risks from asbestos within their buildings and meeting the 'duty to manage' (DTM) requirements under Regulation 4 of the Control of Asbestos Regulations 2012 (CAR).

[The duty to manage asbestos](#) covers a wide range of buildings, some regulated by HSE and others regulated by our colleagues in local authorities. These visits will look at asbestos management in public buildings, including libraries, museums and leisure centres.

People who visit or work in these buildings will not be exposed if asbestos is properly managed. But it can become dangerous when disturbed or damaged.

HSE launched The Asbestos – Your Duty campaign in January 2024 to reach those responsible for maintenance and repair of non-domestic buildings built before the year 2000 to raise awareness of the [legal duty to manage asbestos in buildings](#).

Helen Jones, HSE's Head of Health and Public Services Sector, said: "Local authorities have a hugely important role to play in keeping people safe.

"They can do this through the maintenance of their property portfolios and in their role as a regulator.

"To keep people safe from its harms, a culture of safely managing asbestos is needed in our building industry and among those responsible for buildings.

"Asbestos exposure in Great Britain is still the single greatest cause of work-related deaths due to exposures decades ago.

"Together, we must protect people in the workplace and reduce future work-related ill health."

"Those responsible for the maintenance of buildings must do everything to comply with the law and prevent exposure to this dangerous substance, which was widely used in post-war construction before it was completely banned in 1999.

Premises built before the turn of the century, and especially those between 1950 and 1980, when the use of asbestos in construction was at its peak, must carry out the necessary checks, understand their legal responsibilities and actively manage any asbestos they are responsible for.

HSE will check how asbestos is managed when visiting a range of buildings across council stock ensuring they have the right arrangements in place.

HSE inspectors, will contact the local authority before visiting to arrange a suitable date and time for the inspection.

Background

What should local authorities (LAs) do to prepare for these inspections?

In advance of the inspections, LAs may wish to review their current arrangements and check that they are meeting their duties under CAR, which includes requirements to:

1. take reasonable steps to find out if there are asbestos-containing materials (ACMs) in their buildings, and if so, the amount, where it is and what condition it is in
2. presume materials contain asbestos unless there is strong evidence that they do not
3. make, and keep up to date, a record of the location and condition of any ACMs – or materials which are presumed to contain asbestos
4. assess the risk of anyone being exposed to fibres from the materials identified
5. prepare an asbestos management plan (AMP) that sets out in detail how the risks from these materials will be managed
6. take the necessary steps to put the plan into action
7. periodically review and monitor the plan and the arrangements, and act on the findings, so the plan and arrangements remain relevant and up to date
8. provide information on the location and condition of the materials to anyone who is liable to work on, or disturb them

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. The Asbestos – Your Duty campaign aims to raise awareness of the risks of asbestos. Free resources are available here: <https://workright.campaign.gov.uk/campaigns/asbestos-your-duty-campaign-assets/> and a video about asbestos inspections is available here:

<https://www.youtube.com/watch?v=BsVp1l4C0eU>.

3. Information on where [asbestos can be found](#) is available on HSE's website.
4. Further details on the latest [HSE news releases](#) is available.

[Company failed to manage legionella risk as prisoner dies](#)

A company has been fined after it failed to manage the risk of legionella bacteria in the hot and cold water systems at HMP Lincoln.

The Health and Safety Executive (HSE) investigation followed the death of an inmate.

Amey Community Limited has now been fined £600,000 after pleading guilty to a health and safety offence.

Graham Butterworth died on 5 December 2017 after contracting Legionnaires' disease while serving a prison sentence at HMP Lincoln.

Water samples from Mr Butterworth's cell and nearby shower blocks tested positive for legionella days after the 71-year-old died.

HSE guidance states any risks of exposure to legionella needs to be identified and managed. Further guidance can be found at: [Legionella and Legionnaires' disease – HSE](#).

The investigation, carried out by HSE inspector Aaron Rashad, found Amey Community Limited, which provided facilities management services at HMP Lincoln, failed to act on a risk assessment carried out in 2016, failed to put in place a written scheme for preventing and controlling legionella risks, failed to ensure that appropriate water temperatures were maintained and failed to monitor water temperatures in the water system in October and November 2017. This allowed legionella bacteria to multiply rapidly.

Amey Community Limited, of Furnival Street, London, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £600,000 and ordered to pay £15,186.85 in costs at Lincoln Magistrates' Court on 3 December 2024.

HSE inspector Stacey Gamwell said: "There is a legal duty to keep workers and inmates safe in prisons. The occupants of HMP Lincoln had been put at risk of legionella bacteria and developing Legionnaires' disease because of Amey Community Limited's failures.

"Companies such as Amey Community Limited need to ensure they have identified any risk of legionella and have suitable and sufficient arrangements in place

for managing the risk and control measures they have implemented.”

This HSE prosecution was brought by HSE enforcement lawyer Andy Siddall and supported by HSE paralegal officer Helen Jacob.

Further information:

1. [The Health and Safety Executive](#) (HSE) is Britain’s national regulator for workplace health and safety. We are dedicated to protecting people and places, and helping everyone lead safer and healthier lives.
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 does not pass sentences, set guidelines or collect any fines imposed. Relevant sentencing guidelines must be followed unless the court is satisfied that it would be contrary to the interests of justice to do so. The sentencing guidelines for health and safety offences can be found [here](#).

[Company and contractor sentenced as failures led to evacuation in village](#)

A company and a contractor have been fined following the evacuation of 30 homes in a Derbyshire village.

Residents in Wessington were forced to leave their properties on 21 June 2022 after Elliott Kirk struck an underground gas main with a mechanical post knocker.

Mr Kirk had been installing fencing around Belper Skip Hire Limited’s farm on Brackenfield Lane after being contracted by the company.

The striking of the gas main led to over two million kilogrammes of gas being released, putting 30 homes in the surrounding area at risk of fire and explosion.

Sinead Martin, the investigating inspector at the Health and Safety Executive, said: “In this case, both Elliott Kirk and Belper Skip Hire Limited failed in their duties and, as a result, Mr Kirk and others in the vicinity were put at serious risk. It is extremely fortunate that this incident did not result in serious injury; had the gas ignited, the resulting explosion would have been catastrophic.”

The HSE investigation found Belper Skip Hire Limited was made aware of the location of the gas main and had been advised by Cadent, the asset owner, in May 2022 that no ground penetrating works were to be carried out in the

vicinity. Despite acknowledging receipt of this information, the company failed to pass it on to Mr Kirk and allowed the work to continue. Mr Kirk failed to obtain underground service diagrams prior to starting the work, and failed to take any other steps to check for the presence of underground services.

Belper Skip Hire Limited, of Ascot Drive, Derby, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £26,667 and ordered to pay £3,173 in costs at Derby Magistrates' Court on 2 December 2024.

Elliott Henry Kirk, of Castle Gate, Nottingham, pleaded guilty to breaching Regulation 16(2) by virtue of Regulation 25(4) of the Construction (Design and Management) Regulations 2015. He was fined £800 and ordered to pay £3,173 in costs at Derby Magistrates' Court on 2 December 2024.

HSE inspector Sinead Martin added: "Prior to breaking ground, contractors must take suitable steps to check for the presence of underground services. They must then adopt safe digging practices to ensure that no buried services are damaged as a result of their work. Commercial clients have a duty to pass on all relevant pre-construction information within their possession to contractors to enable them to manage the risks."

This HSE prosecution was brought by HSE enforcement lawyer Gemma Zakrzewski and supported by HSE paralegal officer Melissa Wardle.

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[Company fined £1.6m following the death of 'happy-go-lucky' 24-year-old](#)

A company has been fined £1.6m after a 24-year-old man was crushed to death. Jack Phillips lost his life on 8 August 2019 while working for Brand Energy

and Infrastructure Services UK Ltd at South Cliff Tower in Eastbourne.

His parents say they are “no longer complete” following the loss of their “happy-go-lucky” son.



Jack Phillips (pictured) was 24 when he lost his life

Jack had been assisting while temporary Mast Climber Work Platform sections were being lifted by a lorry mounted crane.

The load fell on top of Jack when the lifting sling which was attached to the crane snapped.

An investigation by the Health and Safety Executive (HSE) and Sussex Police

found Brand Energy & Infrastructure Services UK Ltd, trading as Lyndon SGB, failed to properly plan the lifting operation of the work platform. The company, a provider of temporary access equipment, had failed to identify a requirement for safe exclusion zones. The company also failed to have a suitable robust system in place to ensure all accessories had been thoroughly examined or disposed when expired. This resulted in out-of-date slings being used.



Jack had been assisting while temporary Mast Climber Work Platform sections were being lifted by a lorry mounted crane.

HSE guidance can be found at: [Lifting Operations and Lifting Equipment Regulations \(LOLER\) – HSE](#)

Jack's parents, Scot and Nichola, said in a statement: "How do you put into words the utter devastation you feel. Our child, our only son, is dead. Our life, our family's life has now changed forever. We are no longer complete without Jack, we will never see our baby boy, the boy we nurtured and helped grow into a young man, get married, raise a family, or grow old.

"His sisters will never have the honour of him being an uncle to their children. We will never have the honour of seeing or meeting his children. Jack was a happy go lucky "Jack the lad". Everyone who had the pleasure of meeting him, loved him."

Brand Energy and Infrastructure Services UK Ltd, of Kingston Road, Leatherhead, Surrey pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £1,600,000 and ordered to pay £23,193.60 in costs at Brighton Magistrates' Court on 27 November 2024.

HSE principal inspector Ross Carter said: "This tragic incident led to the wholly avoidable death of a young man. This death could so easily have been prevented if Jack's employer had fulfilled their statutory duty to plan and

manage the risks associated with lifting equipment and lifting operations.

“Brand Energy and Infrastructure Services UK Ltd failed in its duty of care to all its operatives, including Jack, in the way it planned and implemented the lifting operations and the slack customs and practices it allowed to become part of the safety culture with regard to lifting.”

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

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5. Following a trial, Mr Ronald Efferion was found not guilty of breaching Section 7(a) of the Health and Safety at Work etc. Act 1974.

[Company fined after an explosion seriously injured two employees](#)

A company which produces electricity from food waste by anaerobic digestion, has been fined more than £300,000 after an explosion caused two employees to suffer life changing injuries.

The metal tank the two men were working on was projected high into the air before crashing to the ground nine seconds later.

Footage of the blast has been released.

On 20 September 2017, two employees of Bio Dynamic (UK) Limited were using a grinder to cut and replace pipework at the top of an 11-metre high metal tank containing waste slurry. They were not using harnesses. Sparks from the grinder ignited flammable gasses causing the tank to explode.

Footage of the explosion captured by CCTV has now been released.

Tomasz Patek was flung out of the mobile elevating work platform (MEWP) into the air and landed on the ground in the slurry around the tank. He suffered serious injuries to his back, head and torso and was in hospital for two

months. His injuries were so severe that he was not able to work for more than two years.

Tomasz suffers from pre and post-traumatic amnesia and has no specific recollection of the events. In a statement, he reveals the psychological scars from the incident; "After the accident, I was unable to recover emotionally.

"I did not realise what had happened and was in deep shock. I could not cope with the pain. I could not accept an accident had happened to me."

Robert Tyrko was thrown into the air and landed back in the basket of the MEWP. Following the incident, Robert's leg was amputated and he remains wheelchair bound as treatment is still ongoing to receive a prosthesis. Also, he sustained a fractured skull and a piece of metal in his elbow that continues to affect his daily life.

In his statement, Robert explains how the explosion has affected his day-to-day life; "This whole situation is having a huge impact on my relationship. I can't help my wife in anything like I used to be able to. Magda is both wife and husband because all my responsibilities fell on her; along with the kids.

"Also my personality is explosive. I lose my patience very quickly. I attended appointments with a psychologist because I had nightmares that I was still having this accident."

A joint investigation by the Health and Safety Executive (HSE) and the Environment Agency found that the company had failed to ensure the health and safety of its employees and others nearby. The company had kept and treated waste in a manner likely to cause pollution to the environment. The explosion was caused by multiple failures in the company's management system and exacerbated by multiple breaches of the company's environmental permit.

At a hearing at Nottingham Crown Court on 22 November 2024, Bio Dynamic (UK) Limited, of Colwick Industrial Estate, Nottingham:

- pleaded guilty to breaching Section 2(1) and Section 3(1) of the Health and Safety at Work etc. Act 1974.
- pleaded guilty to breaching regulation 38(2) of the Environmental Permitting (England & Wales) Regulations 2016 (EPR), and s.33(1)(c) of the Environmental Protection Act 1990 (EPA).
- They were fined a total of £304,500 and ordered to pay £228,998 in costs.

After the hearing, HSE inspector Richenda Dixon said: "It's remarkable that Robert and Tomasz weren't killed.

"This incident resulted from fundamental and multiple failings by the company to properly manage its health and safety risks.

"These included failing to ensure that the design, installation and use of the tanks were safe; failing to carry out risk assessments; failing to put in place a safe system of work; and failing to train and supervise employees."

Senior Environmental Crime Officer Iain Regan said: “This was a lengthy and technically complex investigation by the Environment Agency and the HSE during which we found that the company’s attitude towards environmental compliance was largely cosmetic. Although the site had an environmental permit, the company was not complying with the conditions of the permit or with their own management system and procedures.

“The site had unauthorised gaseous emissions points and undertook modifications to their process which were not risk assessed or notified to the Environment Agency. The company did not recognise or understand the impact that these changes had on the safety of the plant and failed to take action, when warned, which could have prevented the incident. These factors, and a failure to implement permit to work procedures, including appropriate risk assessment, created all the necessary conditions on 20 September 2017 for the explosion which occurred.

“Sites which receive, treat or dispose of waste must be permitted to ensure that they minimise the risk to the environment or human health. Incidents such as the explosion at Bio Dynamic show why it is essential that such sites strictly comply with all the conditions of their environmental permit and take their environmental responsibilities seriously. The consequences of the company’s failure to comply with its environmental permit could have been fatal. As it is, two employees have been left with life changing physical and mental injuries which continue to devastate their lives seven years on from this incident.”

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5. Guidance on anaerobic digestion can be found here: [Disposal and energy recovery \(hse.gov.uk\)](#), [Dangerous Substances And Explosive Atmospheres, L138: Dangerous Substances and Explosive Atmospheres Regulations 2002. Approved Code of Practice and Guidance, L138 \(hse.gov.uk\)](#)
6. The Environment Agency is the principal body in England with responsibility for the regulation of waste management facilities, the investigation of environmental crime and the prosecution of environmental offences.
7. Environment Agency press releases are available on [UK](#).
8. Guidance from the Environment Agency on anaerobic digestion can be found

at

www.gov.uk/guidance/biological-waste-treatment-appropriate-measures-for-permitted-facilities