

# NEWSLETTER

## HIGHLIGHT

- Asbestos removal company fined for failing to protect workers from risk
- North West construction company fined after building collapse
- Construction company fined after child struck by wall co/lapse.
- Two contractors sentenced after cable strike at substation
- Gas fitter and builder sentenced for unregistered gas work

### SAFETYFORM APPOINT NEW OPERATIONS MANAGER



Safetyform are delighted to announce the appointment of Gavin Johnson as their new Operations Manager.

<<Read More About this on Page 2<<

If you are interested in working with Safetyform drop us a line to: [info@safetyform.co.uk](mailto:info@safetyform.co.uk)



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## SAFETYFORM APPOINT NEW OPERATIONS MANAGER



Since joining Safetyform in 2018 Gavin has helped grow the business and assist in the day to day management of client services, recruitment, scheduling and marketing, to name but a few.

**"It's a natural progression of Gavin's career path" said Joseph Hoey, Director of Safetyform. "Gavin is so passionate about the business and is fantastic with all our clients in terms of communications and in delivering client services. He will make a brilliant Operations Manager and we are so happy to be able to give him this opportunity and we wish him all the success he deserves in his new role".**

Gavin's promotion means there is an exciting opportunity to appoint an administrative assistant to assist Gavin in fulfilling his role effectively and in supporting the future growth of the business.

If you are interested in working with Safety/arm then drop us a line to: [info@safetyform.co.uk](mailto:info@safetyform.co.uk)



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## Asbestos Removal Company Fined for Failing to Protect Workers from Risk

An asbestos management company has been fined and two of its employees have been jailed for failing to protect workers from asbestos exposure during a major refurbishment project in Plymouth.

Chelmsford Crown Court heard that in February 2017, concerns were raised by workers at Ensure Asbestos Management Limited who believed they were being put in danger whilst carrying out refurbishment work at the former department store.

An investigation by the Health and Safety Executive ( HSE) found irregularities in the asbestos surveys and clearance certificates, with some of them found to be fraudulent.

Ensure Asbestos Management Limited had been contracted to carry out an asbestos survey, remove all identified asbestos-containing materials (ACMs) from the building and then carry out the initial strip -out of the building before it was refurbished. However, the company was found to have deliberately cut corners in managing the danger of asbestos exposure putting workers at risk.

Ensure Asbestos Management Limited of Station Road, Sawbridgeworth, Hertfordshire pleaded guilty to breaching Section 2(1) and 3(1) of the Health and Safety at Work etc Act 1974 was fined £100,000.



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## Asbestos Removal Company Fined for Failing to Protect Workers from Risk

Director of Ensure Asbestos Management Billy Hopwood of Swanstead, Basildon, Essex pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. He has been sentenced to 10 months in prison and has been disqualified from being a director for five years.

Contracts Manager at Ensure Asbestos Management Phillip Hopwood of Churchgate Street, Harlow, Essex pleaded guilty to breaching Sections 2(1), 3(1) and 33(1)(m) of the Health and Safety at Work etc Act 1974. He has sentenced to 15 months in prison and disqualified from being a director for 10 years.

"Workers should be supported by their employers when they raise health or safety concern. This case sends a clear message that those responsible will be held to account for their failings.

"The dangers associated with asbestos are well known and a wealth of advice and guidance is freely available from HSE and other organisations."

**Speaking after the hearing HSE inspector Georgina Symons said:**

**"Ensure Asbestos Management Limited - a previously licensed asbestos removal contractor-failed to work within the law despite having a wealth of knowledge on the risks associated with exposure to asbestos and the necessary training to have done so safely. They deliberately falsified documents and cut corners.**



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## North West Construction Company Fined After Building Collapse

A Manchester construction company was fined after much of a three-bedroom domestic property in Stretford collapsed during a loft conversion and ground floor extension work.

Manchester Magistrates' Court heard that on 4 May 2020, Mughal Construction Limited had been carrying out a loft conversion when it collapsed, causing workers to flee from the site. The building had insufficient temporary supports and workers did not have sufficient skills, knowledge and experience, to carry out the work safely.

An investigation by the Health and Safety Executive (HSE) found that the company had failed to properly plan, manage, and monitor the work. It had failed to provide adequate health and safety measures to prevent the risk of collapse at the property including sufficient measures to ensure it remained safe and stable.

Mughal Construction Limited of Levenshulme Trading Estate, Pri ntworks Lane, Manchester pleaded guilty of breaching Regulations 13(1) and 19(1) of the Construction (Design and Management) Regulations 2015. The company was fined £30,000 and ordered to pay costs of £3,000.

**HSE inspector, Phil Redman, said after the hearing: "This was a very serious incident, and it is fortunate nobody was injured as a result of the collapse. Where contractors fail to take suitable and sufficient precautions whilst carrying out structural alterations HSE will take appropriate action including prosecution."**



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## Construction Company Fined after Child Struck by Wall Collapse

Gurmit Properties Limited were fined today for safety breaches after a substantial part of a wall at a construction site at Barnsley Road, South Elmsall collapsed, seriously injuring a child.

Leeds Magistrates' Court heard that, Gurmit Properties Limited (GPL) were the owners of the site at Barnsley Road, South Elmsall. The company had previously received a large delivery of aggregate, which was deposited on land next to the construction site. Officials from the local council attended the site and ordered the materials to be removed. GPL then brought the materials back on to their site storing them behind the wall.

On 7th February 2018 an eight-year old child was walking with her mother along Harrow Street, adjacent to GPL's construction site, when she was hit by the collapsing wall. She sustained serious injuries, including crush injuries to her foot which resulted in the amputation of a big toe.

An investigation by the Health and Safety Executive (HSE) found that GPL had not assessed the structural integrity of the wall to ensure it was safe to be used as either a secure boundary for the site or as a retaining wall for storing materials. When the materials were stored against the wall it failed and this led directly to the collapse and the injuries to the child.



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## Construction Company Fined after Child Struck by Wall Collapse

GPL were a client and a contractor within the meaning of Construction (Design and Management) Regulations 2015 and failed in their duty to ensure that the wall was either safe for use as a secure site boundary or as a retaining wall for storing materials.

Gurmit Properties Ltd of Albion Street Castleford West Yorkshire pleaded guilty to breaching Section 3 (1) of the Health & Safety at Work etc Act 1974. The company has been fined £22,500 and ordered to pay £11,998.80 in costs.

After the hearing, HSE inspector Chris Tilley commented: "The company should have appointed a competent person to carry out an assessment of the wall at the start of the project to establish whether it was safe to use as a boundary wall and then carried out a similar assessment when the wall was then used as a retaining wall for storing materials.

"This incident could have been avoided by simply carrying out correct control measures and adopting safe working practices.

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



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## Two Contractors Sentenced after Cable Strike at Substation

A principal contractor and subcontractor have been fined after an employee's retina was damaged by an explosion caused by a cable strike during construction works at a substation.

Manchester Magistrates Court heard how VolkerInfracore Ltd, a high voltage cabling expert contractor, had been subcontracted by principal contractor Siemens Energy Ltd to carry out cabling works as part of a wider construction project at Whitegate Substation in Chadderton, Manchester. On the 17th September 2019, an excavator driver, working on behalf of VolkerInfracore Ltd, was excavating trenches for laying a 275kV cable and struck an existing live cable close by with the excavator. The contact resulted in multiple explosions which caused blistering to the driver's retina.

An investigation by the Health and Safety Executive (HSE) found that the permit to dig had not been properly completed by Siemens Energy. It was also found that neither they, nor the subcontractors had checked the cable markings prior to work commencing. The existing live cable had not been adequately identified by the team working on behalf of VolkerInfracore and so the surface markings for the cable location were incorrect by around 50cm. It was also found that there had been inadequate monitoring and supervision of work.



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## Two Contractors Sentenced after Cable Strike at Substation

Siemens Energy Ltd of CA Parsons Works, Shields Road, Newcastle Upon Tyne, NE6 2YL pleaded guilty to breaching Regulation 13(1) of the Construction Design and Management Regulations 2015 and was fined £900,000 and ordered to pay costs of £6,327.52.

Volkerinfra Ltd of Hertford House, Hoddesdon, Hertfordshire pleaded guilty to breaches of Section 3 (1) Health & Safety at Work etc. Act 1974 and was fined £180,000 and ordered to pay costs of £6,430.72.

**HSE Inspector Rebecca Vaudrey said after the hearing: "Those in control of work have a responsibility to devise safe methods of working and to provide the necessary information, instruction and training to their workers in the safe system of working."**



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## Gas Fitter and Builder Sentenced for Unregistered Gas Work

A gas fitter and building company have been sentenced following unsafe and unregistered gas work.

Valentin Pauliuc, trading as VP Plumbing & Heating, was hired in February 2019 by HSM Builders Limited, the principal contractor for a domestic renovation in South London, to carry out plumbing and gas work including the installation of a new gas boiler and gas cooker, Southwark Crown Court was told.

However, some of the gas work was later found by a Gas Safe Register inspector to be 'Immediately Dangerous', meaning it would be an immediate danger to life or property if connected to a live gas supply, as it was in this case.

The HSE's<sup>2</sup> investigation found that Mr Pauliuc was not registered with Gas Safe Register, which is a requirement under the Gas Safety (Installation and Use) Regulations 1998 for people who undertake gas work, and that HSM Builders did not check that he was registered to do the work.

Valentin Pauliuc, of Downing Close, Harrow, pleaded guilty to a breach of Regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998. He was sentenced to 10 months in custody, suspended for 12 months, and was placed under a curfew and was also ordered to pay £1,644 in compensation to the owners of the property, and £4,747.68 in costs.



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## Gas Fitter and Builder Sentenced for Unregistered Gas Work

HSM Builders Limited, of Cedar Avenue, Enfield, pleaded guilty to a breach of Section 3(1) of the Health and Safety at Work etc. Act 1974<sup>3</sup>. The company was fined £50,000 and ordered to pay £4,859 in costs.

**Speaking after the hearing, HSE Inspector Gordon Carson, said: "All gas work must be done by registered Gas Safe engineers to ensure the highest standards are met to prevent injury and loss of life. HSE will not hesitate to take enforcement action against people who break the gas safety rules, which are in place to protect the public. We would encourage anyone who is asking for gas work to be done to make sure they check the engineer has the right skills and is registered with Gas Safe Register."**

Home owners can ask to see the engineer's Gas Safe Register identification card, which contains key information.

**"By law, businesses should make reasonable efforts to obtain evidence that any person they intend to perform gas installation work, either under contract or on their own behalf is a member, or employed by a member, of Gas Safe Register."**

<sup>2</sup><https://www.shponline.co.uk/legislation-and-guidance/health-safety-executive-hse/>

<sup>3</sup><https://www.shponline.co.uk/legislation-and-guidance/health-and-safety-at-work-1974/>



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