

Marks & Spencer hit with £1m asbestos fine

Retail giant Marks & Spencer was fined £1 million on Tuesday for failing to protect customers, staff and workers from potential exposure to asbestos during refurbishment at one of its stores. The management was found to have been more concerned about the works being "unsightly" and "interfering with the shopping experience" of customers than the cancer-causing material.

The sentencing hearing, at Bournemouth Crown Court, resulted in Marks and Spencer plc being fined £1 million and ordered to pay costs of £600,000, PA Realisations Ltd being fined £200, and Styles & Wood Limited being fined £100,000 and ordered to pay costs of £40,000, all for breaches that took place at the Marks and Spencer Plc store in Broad Street, Reading. Willmott Dixon Construction Ltd was fined £50,000 and ordered to pay costs of £75,000, for breaches that took place at the Marks and Spencer Plc store in Commercial Road, Bournemouth. Willmott Dixon Construction Ltd is applying for permission to appeal against conviction. As a result of a prosecution brought by the Health and Safety Executive (HSE), Marks and Spencer Plc, Willmott Dixon Construction Ltd and PA Realisations Ltd (formerly Pectel Ltd) were found guilty in July 2011. Styles & Wood Limited pleaded guilty at an earlier hearing in January 2010. The work was carried out between 2006 and 2007 on shops in Reading and Bournemouth. During the three month trial which ended in July 2011, Winchester Crown Court heard construction workers at the two stores removed asbestos-containing materials that were present in the ceiling tiles and elsewhere. The court heard that the client, Marks and Spencer Plc, did not allocate sufficient time and space for the removal of asbestos-containing materials at the Reading store. The contractors had to work overnight in enclosures on the shop floor, with the aim of completing small areas of asbestos removal before the shop opened to the public each day. HSE alleged that Marks and Spencer Plc failed to ensure that work at the Reading store complied with the appropriate minimum standards set out in legislation and approved codes of practice. The company had produced its own guidance on how asbestos should be removed inside stores, and the court heard that this guidance was followed by contractors inappropriately during major refurbishment.

Judge Christopher Harvey Clark QC said that the company, which he described as a "household name" was more interested in making profits out of its Reading store than properly planning for the removal of asbestos.

Rofer given suspended sentence for friend's fatal fall

A self-employed roof contractor has been given a suspended prison sentence after one of his friends suffered fatal injuries falling through the roof of a domestic garage.

Steve Mason had been contracted to replace a flat roof on a double garage at a house in Stock, near Chelmsford. On 24 June 2009, a friend of Mason, 58-year-old James Waughman, visited the property and climbed a ladder to the roof so he could talk to him. As Mr Waughman stepped on the roof he suffered a stroke, and fell through a gap in the roof. He landed on the garage floor and suffered multiple injuries, from which he died three weeks later while in hospital.

HSE inspector Lesley Balkham said that there was no barrier protection around the edge of the roof, or the gap, and the method of work was unsafe. She explained that the work should have been carried out from a bird-cage platform, or a MEWP.

Said the inspector:

"This sends out a powerful message to roofing contractors. Steve Mason failed to properly consider the risks of the job and act to limit the chances of injury, or even death. He should have put guard-rails around the edge of the roof and taken measures to prevent anyone falling through it, but he chose not to."

Mason appeared at Chelmsford Crown Court on 25 August and pleaded guilty to breaching s3(2) of the HSWA 1974. He was given an eight-month prison sentence, which was suspended for 12 months, and was also ordered to pay £500 in costs.

In mitigation, Mason said he deeply regrets the incident and is still struggling to come to terms with the loss of his friend. He entered a guilty plea at the first opportunity and had no previous convictions. He subsequently completed the work using a tower scaffold.

Inspector Balkham concluded: "No matter what size the business, everyone in the construction industry should be very familiar with the risks of working at height and appreciate the importance of ensuring that the right precautions are put in place, however small the job."

BlueCord Roofing & Cladding Ltd and Bakes Roofing Ltd achieve accreditation by CHAS

Our clients, **BlueCord Roofing & Cladding Ltd** and **Bakes Roofing Ltd**, both family owned roofing contractors, have gained membership of the **Contractor Health & Safety Scheme**. Award Health & Safety often help their clients to plough through the tricky questionnaires and to put together the correct documentation.

Well done to Paul & Andrew Flood and Nick & Kevin Bakes and their teams!



We also help organisations to develop their health & safety management systems so that they are in a strong position to be able to apply for membership of bodies such as the Safe Contractor Scheme and the CHAS Scheme. Which can help lead to new business, it certainly cant hurt.....



Council in court over workers exposed to asbestos

Birmingham City Council and a Solihull refurbishment company have been sentenced for exposing three men to asbestos during work on a school.

Solihull Supplies Ltd, of Lodge Road, Knowle, was contracted by the council to refurbish the reception area at William Cowper Community Primary School, Newtown, Birmingham.

Solihull Supplies then sub-contracted another firm to remove ceiling tiles at the school without carrying out a proper risk assessment. Birmingham Magistrates' Court heard that on 24 July 2009 two workers from the firm, which cannot be named as legal proceedings are still ongoing, were tasked with stripping out tiles from seven rooms being refurbished.

However, a Health and Safety Executive (HSE) investigation found the tiles contained Brown asbestos and the work lasted several hours, exposing both workers and the school caretaker to asbestos. Also, rather than use a cleaner with a specialised filter, an ordinary vacuum cleaner was used which would have spread fibres into the air.

HSE told the court the subcontracted firm did not have a licence to undertake work with asbestos, had no knowledge of how to deal with asbestos and had given its employees no training in dealing with this dangerous substance.

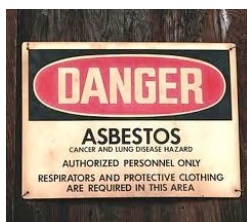
Birmingham City Council, of Victoria Square, Birmingham, pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974 and was fined £5,000 and ordered to pay £1,091 costs.

Solihull Supplies Ltd, of Lodge Road, Knowle, Solihull, pleaded guilty to breaching Regulation 6(1)(a) of the Control of Asbestos Regulations 2006 and **was fined £1,750** and ordered to pay £1,091 costs.

HSE Principal Inspector Jo Anderson said after the hearing:

"Because of the failing of the council and the firms involved, three people now have to live with the knowledge they may become ill from lung disease in the future.

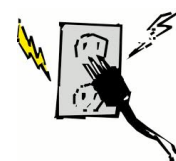
"The long term health risks associated with exposure to asbestos dust are well known and it is simply unacceptable for incidents such as this to still be taking place.



Boss of electrical services firm admits safety blunder

Two workers suffered facial burns from a flash fire while they carried out electrical work at a ferry terminal in Liverpool.

Terence Hayes, the owner of Hayes Electrical and Building Services, was contracted to replace a temporary generator for the landing stage at Pier Head Ferry Terminal with a supply from the mains. Hayes carried out a risk assessment and concluded that there was a low risk of workers suffering an electric shock. He therefore decided that the work could be done without the power supply being cut off. On 16 April 2009, two of the



firm's employees, who wish to remain anonymous, went to the terminal to install a new fuse to the switchboard. While electricity was still running, one of the men slid a three-phase combination switch on to the busbar on the switchboard, which sparked a flash fire. The worker's glasses were badly charred and he sustained severe burns. As a result, he spent four days in hospital and was unable to return to work for three months owing to his injuries. His co-worker, who was standing next to him, also received burns to his face and required hospital treatment. Both have now made a full recovery and did not suffer any permanent scarring.

HSE inspector Sarah Wadham said that the work should have been done out of hours and Hayes should have identified the need to cut the power supply. She said: "One of the workers suffered severe burns in the flash fire but, luckily, his glasses prevented his eyes from being more badly damaged. He still needed three months off work to recover and gets flashbacks of the incident.

"Mr Hayes should simply never have allowed the work to go ahead without the power being cut. The installation and maintenance instructions for the switchboard clearly state work should not be carried out while the electricity supply is live.

"It would have been perfectly reasonable to carry out the work between ferry sailings when the electricity supply at the terminal could have been switched off. That way neither of Mr Hayes' employees would have been put at risk."

Hayes appeared at Liverpool Magistrates' Court on 1 September and pleaded guilty to breaching reg.14 of the Electricity at Work Regulations 1989, for allowing the men to engage in work near a live conductor. He was fined **£8000** and ordered to pay **£4766** in costs.

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Changes to HSE incident reporting and information services come into effect

Businesses are being reminded about new incident reporting arrangements that were introduced from Monday the 12th September. Only fatal and major injuries and incidents will be able to be reported by phone to the Health and Safety Executive (HSE), with all other work-related injuries and incidents reportable under RIDDOR to be reported via one of a suite of seven online forms available on HSE's website.

Said Trevor Carlile, HSE's Director of Strategy:

"This should not be a significant change for many, as more than half of reportable injuries are already notified to HSE through the website. The new forms are intuitive and quick and easy to complete. The most important thing is that there will still be somebody at the end of the phone to assist those who are reporting a traumatic event that has resulted in a death or major injury. Later this month, HSE's Infoline telephone service which currently provides a basic information service to callers will end. Instead, from 30 September, those seeking information and official guidance will be directed to HSE's website - a huge knowledge bank where they can access and download resources and use interactive web tools free of charge.