

Directors fined for unsafe removal of asbestos

Two directors of a construction company were fined after failing to ensure the safe removal of asbestos from a plot of land. On 14 and 15 November 2021, Directors Anthony Sumner and Neil Brown, of Waterbarn Limited were involved in the uncontrolled removal of asbestos material from a plot of land in Grasscroft, Oldham.

31 October 2022

Two directors of a construction company were fined after failing to ensure the safe removal of asbestos from a plot of land. On 14 and 15 November 2021, Directors Anthony Sumner and Neil Brown, of Waterbarn Limited were involved in the uncontrolled removal of asbestos material from a plot of land in Grasscroft, Oldham.

The investigation by the Health and Safety Executive (HSE) found that both directors, along with one of the director's two sons, were directly involved in activity resulting in the exposure and spread of asbestos. The method of removal was deemed unsafe, increasing the risk of spread and exposure of particles, as the asbestos panels were smashed with hammers before being bagged for disposal. Enforcement action was required to ensure the land was cleaned of all remaining asbestos debris.

At Manchester Magistrates' Court on 6 September, company director Anthony Sumner of Stamford Road, Denton, Manchester pleaded guilty to breaching section 3(2) of the Health and Safety at Work etc. Act 1974. He was fined £1,400 and ordered to pay costs of £2,418.33. Company director Neil Brown of Amlwch, Anglesey, Gwynedd, also pleaded guilty to breaching section 3(2) of the Health and Safety at Work etc. Act 1974 and was fined £1,400 and ordered to pay costs of £2,418.33.

It is important to note that when left undisturbed, asbestos is not dangerous. It only becomes dangerous when it is disturbed, and the fibres are released into the air. The HSE provide free guidance, which is available to all, to ensure that people aren't exposed to this dangerous material through a lack of knowledge or understanding.

Browne Jacobson have extensive experience in assisting clients proactively with asbestos policies and asbestos management plans to ensure an incident like this is avoided. We also assist clients who have been prosecuted, or have been issued with an improvement or enforcement notice from the HSE. If you are concerned, [please get in touch with us](#).

Contact



Krishna Pancholi

Associate

kpancholi@brownejacobson.com

+44 (0)115 976 6250

Related expertise

Services

Construction all risks	Directors and officers	Health and safety
Criminal compliance and regulatory	Disease	Health and safety in academies and schools