



Welcome to *Comply Comment* where in this issue, to reinforce the need to continually manage and keep on top of building compliance, we highlight recent prosecutions in the asbestos and fire safety sectors.

ASAP Comply Ltd provide a full suite of professional property compliance services to enable you to avoid these pitfalls.

## Asbestos Prosecutions in 2017

**DAVID WILLIAM BRIGGS, A DEMOLITION CONTRACTOR TRADING AS BRIGGS DEMOLITION**, was sentenced to 24 weeks imprisonment. Having obtained an asbestos survey report from a suitable survey, he chose to ignore its findings and proceeded to demolish the building, claiming there was no asbestos present. Briggs was charged with failing to protect employees, other persons/the public, failing to prevent the spread of asbestos and illegally moving asbestos without a licence.

**MIDLANDS BASED ENVIRO-SAFE LTD** were fined £16,000 with £7,731 costs for failing to meet required standards. They failed to adequately assess the risk involved with asbestos removal works and failed to protect their employees.

**BARRIE LYONS, A MANCHESTER BASED ANALYST** with 29 years of experience was fined for falsifying an asbestos air clearance certificate. He failed to carry out a suitable inspection of the site and had not carried out the correct amount of air sampling although the report he issued said he had. He was fined £2,000 and ordered to pay £3,906 costs.

**ANTHONY WEST, A BEDFORDSHIRE BASED CONTRACTOR**, was fined £2,970 with costs of £5,419 for failing to carry out a suitable assessment of asbestos removal work. Although in possession of a pre-demolition asbestos survey, West did not follow the advice to employ a licensed asbestos removal contractor.

**KINGSLEY ASBESTOS SERVICES LTD AND BOURNE VALLEY CONSTRUCTION SERVICES** were fined £6,000 and £8,000 respectively and ordered to pay full costs after unsafe asbestos work was carried out in a property in Leatherhead, Surrey. They failed to commission an appropriate survey to locate and identify Asbestos Containing Materials.

## Fire Safety Prosecutions

A London based landlord was fined over £150,000, ordered to pay costs and was served with a Prohibition Notice after placing 18 tenants into a flat which had been partitioned into 14 small rooms with single sheets of plasterboard. There were no fire doors, automatic fire detection or alarms. Extension leads and trailing wires ran throughout the premises.

Two property developers Mr Raja and Mr Ahmed were fined £65,000, given 440 hours community service between them, suspended six month and 30 week prison sentences, were subjected to a curfew order and ordered to pay costs when they failed to take suitable precautions when converting a public house into a restaurant.

A Manchester based landlord was given a suspended jail sentence of a year, 200 hours community service and ordered to pay in excess of £11,000 costs following an inspection of his premises by fire officers. The issues included a lack of fire doors, broken alarm, empty appliances, holes in roofs and blocked evacuation routes. The landlord also failed to produce a Fire Risk Assessment.

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## New Staff and Appointments

ASAP Comply are pleased to announce the appointment of Jonathan Green as our Quality Manager.

Jonathon will sit on our management board and will also take responsibility for both the day to day operational management of our certification body subsidiary ISOComply Ltd. He will also lead the quality management and accreditations in our compliance database subsidiary ProComply Ltd.



## Increased Prison Sentences and Fines for H&S Offences

Following our article *Potential for unlimited fines for H&S Offences* on Linked In and our website [www.asapcomply.com/news](http://www.asapcomply.com/news) we have monitored the impact of the revised Sentencing Council guidelines with interest.



Using data from the HSE in relation to the prosecution of company directors and senior managers, there is a steep rise from 15 to 46 in

the year 2015/2016 – that's an increase of 300%.

Of the 46 prosecutions for H&S offences 70% of the defendants were found guilty and 12 received custodial sentences of up to two years.

During the same period fines increased from just over £14 million to nearly £21 million.

## ASAP Comply Vacancies

### Asbestos Surveyor

#### FULL AND/OR PART-TIME

Essential skills are being able to carry out asbestos management surveys, refurb/demolition surveys and re-inspection surveys throughout the UK & Eire to domestic, industrial and commercial premises. Possessing a degree in a relevant subject and with P402 & P405 quals as a minimum, you must also have a minimum 5-7 years asbestos surveying experience.

## Highlights of the First Quarter 2017

ASAP Comply continued to grow during the first 6 months of our current financial year and sales were up 12% on the previous year.



Following the growth of our Health & Safety Premises Survey/audit product we decided to expand our management teams academic knowledge in this field. Peter Kellett commenced a part time MSc in Health, Safety & the Environment at Salford University in February 2017.



The achievement of the LCA (Legionella Control Association) accreditation within our Legionella and Water Projects Division was a highlight of Q1 2017 and masterminded by our divisional manager Andy Marsh.

## Visit Our New Website

Building on the new branding launched in 2016, the new website was launched in March this year, following advice from SEO experts Click Consult, freelance designer HKA Design and Paul Maloney a freelance web developer. The site will help to strengthen the company's presence in the digital arena along with increased marketing and PR on social media channels.

 [asapcomply.com](http://www.asapcomply.com)



## Health & Safety Consultants

Auditing commercial & residential premises throughout the UK and Eire. Qualified to degree level and with a minimum of 5 years surveying experience, you must be mobile, dedicated and have excellent client-facing skills.

 For more information go to [www.asapcomply.com/vacancies](http://www.asapcomply.com/vacancies)

## GDPR 2016 IMPACT

FROM MAY 2018

The General Data Protection Regulation 2015 (GDPR) is to provide pan European cross border Data Protection. GDPR delivers a fundamental change in how personal data is handled.

It will have an impact on every business in Europe and a substantial impact in jurisdictions beyond. GDPR will apply when the Great Repeal Bill enshrines EU Regulations into Domestic Law.

Why you may ask is this relevant in the light of BREXIT? It really is very simple – if you want to trade with the EU you must comply with GDPR. This applies equally to Britain post BREXIT and to countries wishing to trade with the EEA such as USA, Brazil, Russia, India and China.

Whereas the UK Data Protection Act covered the widest possible usage, GDPR aligns the provision of data to specified, explicit, legitimate purpose only.

The main features of the GDPR are:

- ✔ Consent & withdrawal of consent to use data
- ✔ Cross border controls and communication
- ✔ Data Protection Officer appointed if required
- ✔ Data Processors support controllers
- ✔ Privacy by design
- ✔ Transparency, Notices must be clear, concise & informative
- ✔ New data breach Notification Regime
- ✔ Higher penalty threshold up to 20 million Euros or 4% of global turnover
- ✔ Lower penalty threshold up to 10 million Euros or 2% of global turnover.

Within the EU, Data Controllers and Data Processors can be liable for breaches of the regulations. Data subjects, individual or corporate, will seek judicial remedy against those liable for the breach.

GDPR applies to all organisations within the EU as well as external organisations who wish to trade within the EU. It therefore will have significant reach and global impact.

The two-year withdrawal from the EU would be well used in adopting and implementing GDPR 2016. This would leave the UK well placed to trade with the EU acting as a gateway for external countries wishing to trade with Europe who do not have the knowledge required of GDPR.

## MEPS IMPACT

FROM APRIL 2018

The Energy Act 2011 contained a number of provisions which impact upon the owners and occupiers of property.

Minimum Energy Performance Standards are perhaps the most significant and are intended to improve the energy efficiency of buildings. These must be implemented by landlords and occupiers who sub-let no later than April 2018.

The minimum standard being applied to non-domestic properties is an E 'rating' from an EPC.

From April 2018, it will be unlawful to rent a commercial property with a 'rating' of F or G on an EPC. This has very significant implications in terms of marketability and income.

20% of commercial properties currently sit in the F or G EPC 'rating' category. Without improvement and remedial works, it will be unlawful to rent these properties from April 2018.

Minimum Energy Performance Standards also apply to domestic properties.

If you're sat on a 'rating' of F or G on the EPC for your property we recommend that you:

- ✔ Gain a full understanding of the energy efficiency of your building by employing a specialist with experience in this field.
- ✔ Construct a virtual model to understand the options available to you to improve the energy efficiency of your building.
- ✔ Obtain quotations for completing cost effective remediation works necessary to raise the 'rating' to an E on an EPC.
- ✔ Appoint a Project Manager to oversee and deliver these remedial works to budget and programme.
- ✔ Employ a consultant to prepare a new EPC for your building with these efficiency measures complete.



**ASAP Comply Limited have a track record in all areas of energy management and would be delighted to help you with EPCs and energy advice.**

**Please email**  
[peter.kellett@asapcomply.com](mailto:peter.kellett@asapcomply.com)  
**or telephone Peter on**  
**07779 994070.**

## Upcoming ASAP Comply Events

### FACILITIES SHOW

ExCel LONDON  
ARENA  
Stand M850  
21-23 June 2017

[FIND OUT MORE](#)

### HEALTHCARE ESTATES CONFERENCE

SALFORD  
UNIVERSITY  
25 July 2017

[FIND OUT MORE](#)

### RESTAURANT SHOW

OLYMPIA  
2-4 October 2017

[FIND OUT MORE](#)

## Reference Points



### City Reach

CITY REACH, 5 GREENWICH VIEW PLACE, LONDON, E14

**In 2016 ASAP Comply Ltd were commissioned to produce an up to date Fire Risk Assessment for the common areas of City Reach premises.**

It is a landmark office with a glazed atrium offering a prestigious building entrance. A high specification property with 8 floors of offices, it occupies a prominent waterfront position in the Crossharbour district of London's Docklands.

ASAP Comply Ltd have had an association with the premises of City Reach, and our client Ogden Group of Companies, since November 2008 when ASAP produced an EPC for City Reach.

### First of Many

**In November 2004 ASAP Comply completed its first Asbestos Survey for HSS Hire Services Group Ltd at its Coatbridge depot. Since that date we have carried out many Asbestos Management Surveys and Refurbishment/Demolition Surveys for HSS.**

We also provide annual Asbestos Re-inspection services and project manage Asbestos Remediation Works.



In 2017 ASAP Comply Ltd remain HSS preferred supplier with directors and senior management valuing our input and expertise.

## ASAP Compliance Services

ASAP provide a wide range of compliance services to our clients, including:

### ASBESTOS

- ✓ Asbestos Surveys - UKAS accredited ISO 17020
- ✓ Asbestos Re-Inspections - ISO 17020 accredited
- ✓ Project Management of Licensed Asbestos Remediation Works
- ✓ Unlicensed Asbestos Remediation team

### HEALTH & SAFETY RISK ASSESSMENTS

- ✓ Health & Safety Premises Risk Assessments
- ✓ Health & Safety Training

### FIRE RISK

- ✓ Fire Risk Assessments (PAS79 standard)
- ✓ Fire Evacuation Plans
- ✓ Annual servicing Fire Fighting equipment
- ✓ Project Manage Fire Risk Remediation Works

### LEGIONELLA & WATER

- ✓ L8 Legionella Risk Assessment LCA Accredited
- ✓ Project Manage Water Remediation Works

### ENERGY

- ✓ EPC's Level 3 & 4 Quidos Accredited
- ✓ DEC's Quidos Accredited
- ✓ TM44 Air Conditioning Reports Level 3 & 4 Quidos Accredited
- ✓ Energy Efficiency Surveys & Studies
- ✓ MEPS Reports and Recommendations
- ✓ Project Management of Energy Efficiency Improvement Works

### DISABILITY EQUALITY

- ✓ Equality/Disability Access Surveys

### ELECTRICAL

- ✓ Electrical Periodic Testing
- ✓ PAT Testing
- ✓ Fire Alarm Testing
- ✓ Emergency Light Testing

[FIND OUT MORE](#)

