

HSE Prosecution: Unsafe Demolition of the Ye Olde Leather Bottle

Former Ye Olde Leather Bottle, 131 Heron Hill, Belvedere, Bexley

Defendants: Balmonza Ltd and Kulvinder Singh

Court: Westminster Magistrates' Court

Incident: 22 June 2016

Prosecution outcome: Successful guilty pleas and fines in 2019

1. What happened

On 22 June 2016, the former Ye Olde Leather Bottle public house at 131 Heron Hill, Belvedere was completely demolished. The Health and Safety Executive (HSE) investigated the demolition and found that appropriate measures had not been taken to ensure that members of the public were not exposed to danger.

The HSE investigation found that there was no safe system of work in place at the time of the demolition. The building was located on a busy road, with pedestrians and passing traffic exposed to the activity. The HSE also identified primary-school-age children travelling to and from a school approximately 200 metres away as being potentially at risk.

2. Safety failures identified by HSE

No asbestos survey: No asbestos survey had been carried out before demolition. The HSE considered that asbestos-containing materials could therefore have been disturbed, with fibres potentially released and widely dispersed.

Gas and electricity: Balmonza Ltd had not arranged for gas and electricity supplies to be properly disconnected by the appropriate bodies. This created potential risks of explosion and electrocution.

Inadequate site security: There was no adequate hoarding or fencing to prevent people entering the dangerous demolition area or to prevent demolition materials being ejected from the site.

Risk to the public: The site's position beside a busy road meant pedestrians, passing traffic and nearby schoolchildren were potentially exposed to the demolition hazards.

3. Offences and penalties

Defendant	Offence	Outcome
Balmonza Ltd	Section 3(1), Health and Safety at Work etc. Act 1974	Guilty plea; £20,000 fine + £1,000 costs
Kulvinder Singh	Section 37(1), Health and Safety at Work etc. Act 1974	Guilty plea; £5,000 fine + £1,000 costs

Total fines: £25,000. **Total costs:** £2,000. **Total financial penalty and costs:** £27,000.

4. Why the prosecution is relevant

The prosecution concerned the way demolition work was carried out and the risks created for workers and members of the public. It was not simply a planning enforcement matter. The HSE identified failures in planning and managing the work, site security, utility disconnection and protection of the public.

Kulvinder Singh was prosecuted personally under section 37(1), in addition to Balmonza Ltd being prosecuted under section 3(1). The HSE's enforcement guidance confirms that section 37 can be used where an offence by a body corporate is attributable to the consent, connivance or neglect of a director or other responsible officer.

5. Source and evidential status

The factual details in this document are based principally on a November 2019 safety bulletin reproducing the HSE prosecution account. The HSE maintains public and historical registers of successful health and safety convictions. The HSE prosecution system states that it records successful convictions resulting from breaches of health and safety legislation.

Important: This document records the prosecution outcome and the safety failures reported in the HSE case account. It does not infer that any later works by either defendant are unsafe. Any relevance to current works should be assessed separately by the appropriate regulator.

Primary/authoritative references

HSE register of convictions and notices: resources.hse.gov.uk/convictions/

HSE conviction history register: resources.hse.gov.uk/convictions-history/

HSE prosecution account reproduced in Safetyform Monthly Newsletter, November 2019.