



SUBJECT: £1,000,000 !!!!!!!

RECIPIENTS: All Council Services

ISSUE DATE: April 17 **REF:** HSB81

Local Authority fined £1,000,000 for injuring a member of the public

A Local Authority has been fined after a member of the public was struck by a council tractor. They were fined £1,000,000 for the incident and ordered to pay costs of £10,269.85.

The council pleaded guilty to charges of breaching Sections 2 (1) (duty of care to employees) and 3 (1) (duty of care to none employees i.e. members of the public) of the Health and Safety at Work Act 1974.



Injuries

The Crown Court heard on 1 June 2015 that a disabled 71 year old man suffered bruising and injuries to his arms, legs and head.

The court heard that council employees were collecting branches to be burned, transporting them using a tractor mounted grab attachment. At the same time a disabled man was on a guided walk in the park. The worker using the tractor to transport branches through the park could not see the member of public ahead and collided with him.

Safety failures

An investigation by the Health and Safety Executive (HSE) found the council failed to implement a safe system of work for this activity in that they failed to segregate vehicle movements from the public.

The HSE investigation also found that the council had failed to train workers to the required level needed to safely operate the mounted grab and act as a banksman. It was found that the machine was not suitable.

According to HSE the council had also failed to supervise and plan the work to a high enough degree for a public place and as a result put their workers and members of the public at risk.

Speaking after the hearing HSE inspector Martin Giles said: "The failure to properly plan this work and put in place straight forward control measures not only put the gentleman at risk but also endangered other members of the public walking with him.

"Duty holders have the responsibility to assess the work they do in public areas to lower the risk of harm and injury, particularly when they introduce new plant or equipment."

If you require further assistance or clarification on the subject please contact: Corporate Health & Safety Advisers (see George section: Corporate > Information for Working > Risk Management > H&S Advisers)