

Case Study - Press Release

HOMEBUILDER FINED AFTER FORKLIFT CRUSH DEATH

DATE: 22 NOVEMBER 2010

A leading homebuilder and one of its construction plant operators have been fined £14,500 after an incident on a site in Banbury left one man dead and two others severely injured.

On the morning of 11 January 2008, three ceramic tilers, Michael Whateley, 28, his brother Robert Whateley, and Paul Keen, all from Northampton, were waiting in a car for a building plot to be unlocked in Broughton Road, Banbury, in Oxfordshire.

Near the car, Keith Payne, of Gillett Road, Banbury, was undertaking routine checks of a telescopic materials handler - a forklift truck with an extendable arm or boom commonly referred to as a telehandler.

Mr Payne climbed into the cab of the truck, raised and then fully extended the unloaded boom of the telehandler in what he considered to be part of his routine daily checks. However, the truck tipped over and the forks at the end of the boom landed on the car, crushing the roof of the vehicle.

Michael Whateley died from his injuries. Robert Whateley suffered fractures to his spine, and a brain injury. Paul Keen suffered neck and spinal injuries, a broken ankle, broken ribs and a fractured breastbone.

At the time of the incident, Linden Limited was the principal contractor on the site and Mr Payne worked as a self-employed construction plant operator.

The Health and Safety Executive (HSE) investigation showed the incident was preventable if Mr Payne had followed the operating instructions in the machinery manual and ensured the telehandler was being operated on firm level ground.

Instead, while on unsuitable ground he extended the boom of the machine to its limits while the telehandler was not suitably positioned. Also, Linden Limited failed to ensure the equipment was maintained properly and tyre pressures were found to be lower than recommended.

Keith Payne (operator), of Banbury, Oxfordshire, was found guilty of breaching section 7 of the Health and Safety at Work etc. Act 1974 on 12 October 2010, he was fined £7,000.

Linden Limited, of Cowley Business Park, Cowley, Uxbridge, Hillingdon, pleaded guilty to regulation 5 of the Provision and Use of Work equipment Regulations 1998. The company was fined £7,500 and ordered to pay costs of £25,000.

Required Actions/Preventative Measures

- Ensure plant checks are completed at the start of every shift.
- Ensure that the checks are recorded
- Ensure that the checks include a tyre pressure check
- Ensure that the tyre pressures are checked first (prior to other checks)
- Ensure the tyre pressures are recorded
- Ensure a tyre pressure gauge is available for use.
- Ensure correct tyre pressures are available in the cab of plant.
- Ensure all faults are reported to site management
- Never use faulty equipment the correct pressure.
- Never complete checks unless the tyres are inflated to the correct pressure.

