

Subject: EXCAVATOR DRIVER FINED

The HSE has prosecuted and fined an excavator driver after a pedestrian was killed near a building site.

As this machine activity could possibly happen on a Bethell site, please take note:

24 October 2008

The driver of an excavator was recently fined and ordered to pay court costs, following an incident in which a pedestrian was killed near a building site in Maida Vale, Westminster, in February 2007.

On 2 February 2007, Mr. Colin Clifford, 50, from Enfield, was operating an excavator outside a house in Sutherland Avenue, West London, within a fenced off area. The excavator had a number of buckets stored in the front bucket of the machine and while, turning the excavator, Mr. Clifford raised the front buckets over the site fence until they were hanging over an unprotected section of public pavement.

At that point, an 81-year-old pedestrian, Mr. Joseph Johnston, was walking past. Mr. Clifford then unintentionally operated the wrong lever causing the stored buckets to fall to the pavement. At least one of these struck Mr. Johnston, who died soon after the incident.

The HSE investigation showed that Mr. Clifford had sufficient space to turn his excavator without the need to lift the front bucket above the public pavement, and also that there were other workers nearby who could have helped in closing the public pavement had it been necessary to do so.

In October 2008, Mr. Clifford was fined £2500 and ordered to pay costs of £1500 at the Old Bailey, after pleading guilty to breaching s.7(a) of the Health and Safety at Work, etc Act 1974, which covers the duty of employees while at work to take reasonable care for their own health and safety and that of other affected persons.