



HS Broadcast – Using a banksman may not be enough

A client (a well-established and respected business in Lincolnshire) recently asked my advice when they had to move a particularly heavy object: this was necessary to allow for the redesign of their car park area.

As you would expect, a detailed method statement was drafted, which documented how the move was to be undertaken. The document was approved by the site supervisor and signed by all members of the team involved in this manoeuvre.

As part of the method statement we had the fork lift truck driver, a person assisting the fork lift truck driver, the site supervisor and a banksman. A **banksman** is the person who directs the operation of the vehicle and pays particular attention to the vehicle, the load, traffic and pedestrians. In this particular case it was agreed that the whole area of movement would be cordoned off to prevent any other vehicles or pedestrians getting close to the move. Due to good planning and management the move was successfully carried out without incident. However that is not always the case.

In December 2016 a fairground company appeared in court over a fatal reversing accident that followed an incident on 27 April 2011.

Stevens Amusements Ltd (SA) was setting up rides at a park in Wellingborough. There was an articulated lorry with a trailer which had a fairground ride on board. The articulated lorry and trailer was being manoeuvred into the correct position. The process was being

supervised by a banksman, Neil Bealey (B). B was standing behind the vehicle so that he had a view of the passenger side. Part way through the operation B heard a scream. The scream was investigated and tragically a fairground worker Michael O'Brien (OB) was found under the wheels on the driver's side of the vehicle. He was pronounced dead at the scene.

In Court, both the driver and B said that they had checked under and around the vehicle before the manoeuvre commenced. They said that the operation had been carried out "by the book" and couldn't understand why OB would have been there. At the inquest evidence was brought concerning OB's state of mind, but his doctor said that although he had been depressed he was not suicidal. The coroner recorded a verdict of accidental death.

HSE decided to prosecute SA, and the firm pleaded not guilty. However, in court, SA was convicted of breaching section 3 (1) Health and Safety at Work etc. Act 1974. [This part of the Act states - It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety]. As a result SA was fined £47,475, with £82,946 in costs.

The issue was that not only could an employee enter the danger zone, but that members of the public could too. The accident happened in a public place at 6.00 p.m. - a time when children and others could foreseeably have been present.



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Therefore if you refer to this kind of situation you cannot rely on a banksman - as indeed I did not when advising my client on their manoeuvre.

- You must have sufficient control to stop the lorry in the event of a hazard. Staff must be trained in using standard signals and the driver must know to stop the vehicle immediately, if necessary.
- Whenever working close to where the public may be present, or indeed other vehicles, then you must take measures to keep the site clear; barriers, tape, marshals etc. If this is a regular movement on a permanent site then physical barriers must be considered.
- You must consider the health & safety of the banksman who may well be at a significant risk and is frequently the victim in a reversing accident.
- You may need to consider a number of trained marshals in addition to the banksman.
- Obviously Hi-Viz garments must be worn .
- Don't forget to document the method statement/risk assessments and communicate these to all staff involved.