

## News Flash - HSE spot checks on Transport Industry in coming weeks



HSE's latest campaign is particularly focused on the Transport Industry (although it is equally relevant to any business where loads are carried; e.g. construction). They have teamed up with VOSA and spot checks will be carried out on hundreds of vehicles in the coming weeks; with

a particular emphasis on whether loads are being transported correctly. Whilst the focus is on the North West, many local businesses may operate in these areas and be caught by the initiative.

According to the HSE, loading and unloading accounts for one in five workplace transport incidents and unsafe loads on vehicles injure more than 1,200 people a year and cost UK businesses millions of pounds in damaged goods.

We advise that this is a good time to check those all-important transport health and safety systems. Whilst you may think 'it wont happen to me' just a couple of weeks ago a lorry shed its load on the A11 at Thetford causing chaos to road users and undoubtedly costing the operator large sums of money. We have also represented drivers and operators facing prosecution following such incidents and the court treat these matters with increasing seriousness; particularly when they result in injury or worse. Further, in serious cases this could lead to the Traffic Commissioner calling a Public Inquiry and potentially revoking your Operators Licence.

Why not have an early spring-clean of your systems and consider the following;

- Have you reviewed your risk assessments for loading and unloading? Are these suitable, sufficient, easily understood and communicated to employees? [Remember "employees" in health and safety includes owner drivers].
- Do you use site specific/dynamic risk assessments? If so are these being properly carried out by employees?
- Are employees provided with all necessary tools and equipment to properly secure their loads? Are these maintained and fit for purpose?
- Are your employees properly trained to carry out their tasks? Think about issues such as driver's hours, manual handling and maintenance reporting as well as loading/unloading, overloading and securing of loads.
- Are employees trained to use any other plant necessary to properly load or unload e.g. forklifts? This machinery might not belong to you; are you satisfied that it meets health and safety requirements and is properly maintained etc?
- Are your vehicles, containers and equipment properly maintained and do you have a method by which employees can report any deficiencies? Are these reports acted on or do they just sit in a file?
- Have you checked that your employees have the correct licence to drive a particular vehicle?
- What measures do you have in place to prevent overloading? Are employees aware of this?

### Workplace Transport Generally



Please remember that many of the issues above are equally relevant to general workplace driving, for example, when employees drive their own cars on 'business use' by driving to meetings held off-site. This is

likely to affect most businesses and if an accident occurs whilst an employee is driving for business use then the Police and/or HSE will ask about your workplace transport systems. Do you have a system in place to ensure that employees are appropriately insured for business use, have a valid driving licence and are driving roadworthy and properly maintained vehicles?

Workplace transport, in short, affects almost every business. Whilst the HSE are targeting the transport industry in particular, we advise that you take this opportunity to consider all driving for 'business use' as the courts have demonstrated that businesses should ignore these issues at their peril.

## Introduction to our transport team

Our team at Birketts can assist you with all your legal needs in the increasingly regulated world of transport, from transport specific issues such as tachographs, licensing, terms and conditions, logistics contracts and liens, to more general areas of law such as health & safety, employment, corporate immigration, corporate and property.

Our aim:

- make it simple; and
- give you clear, practical and commercial advice and recommendations.

Please get in touch with the following primary contacts for Transport related issues or speak to your usual contact at Birketts.



**Alex Davey**  
**Contracts and Disputes**  
Partner  
t: +44 1473 406241  
alex-davey@birketts.co.uk



**Laura Thomas**  
**Corporate Criminal Defence**  
Employed Barrister  
t: +44 1473 299173  
laura-thomas@birketts.co.uk



**Mark Gipson**  
**Corporate & Commercial**  
Partner  
t: +44 1473 406263  
mark-gipson@birketts.co.uk



**Mark Henry**  
**Corporate, Banking and Insolvency**  
Partner  
t: +44 1473 406306  
mark-henry@birketts.co.uk



**Catherine Johnson**  
**Employment**  
Associate  
t: +44 1473 299174  
catherine-johnson@birketts.co.uk



**Sally Azarmi**  
**Corporate Immigration**  
Partner  
t: +44 1473 299130  
sally-azarmi@birketts.co.uk



**Pam Dawson**  
**Commercial Property**  
Associate Legal Executive  
t: +44 1473 406238  
pam-dawson@birketts.co.uk



**Robert Howard**  
**Debt Recovery**  
Legal Executive  
t: +44 1473 406279  
robert-howard@birketts.co.uk

## Birketts LLP

For a full list of our services see [www.birketts.co.uk](http://www.birketts.co.uk)

Registered office:  
24-26 Museum Street  
Ipswich  
IP1 1HZ  
t 01473 23 23 00  
f 01473 23 05 24

Kingfisher House  
1 Gilders Way  
Norwich  
NR3 1UB  
t 01603 23 23 00  
f 01603 23 05 33

Daedalus House  
Station Road  
Cambridge  
CB1 2RE  
t 01223 32 66 00  
f 01223 32 66 29



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