

## Travis Perkins fined £2 million after customer died in store car park

**The builder's merchant reviewed workplace transport rules and trained all staff as banksmen after the incident.**

On 9 November 2012, Mark John Porter was loading timber onto the roof of his Land Rover at Travis Perkins' Milton Keynes store, when one of the cargo straps holding the planks snapped and he fell. At the same time, a flatbed vehicle was manoeuvring into a space between Porter's vehicle and another lorry that was parked in the branch's loading area. Porter was run over by the lorry and died following crush injuries to his chest.

Amersham Crown Court heard that Porter was unable to load the timber in the store's designated loading area as a Travis Perkins heavy goods vehicle (HGV) had parked there. An investigation by the environmental team at Milton Keynes Council revealed that Travis Perkins habitually parked the HGV in the space.

Travis Perkins pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work Act. The company had initially denied a link between the offences and the death, leading to a Newton hearing, where submissions are made by both prosecution and defendants on plea and sentencing.

When applying the sentencing guidelines, Judge Justin Cole did not accept the defence's argument that the circumstances of the accident were highly unusual. The council's investigation found there was a documented risk of stumbling or falling in the car park, particularly when loading and unloading, and that collisions with HGVs were likely to cause serious injury or death.

The judge established Travis Perkins' culpability as medium, the harm level as category A (reflecting death or life-changing injury) and a harm likelihood category of 1 (high). As aggravating factors he noted the company's previous conviction in 2006, when one of its workers was crushed between two vehicles at a yard in Oldham, Greater Manchester, as well as the failure to use a banksman and provide supervision at the Milton Keynes premises.

In mitigation the company submitted extensive workplace transport procedures, though the judge noted it was important not just to have them but to ensure they were implemented. Judge Cole also noted the guidelines' stipulation that a fine *"must be sufficiently substantial to have a real economic impact which will bring home to both management and shareholders the need to comply with health and safety legislation"*.

Travis Perkins' turnover (£2bn) could have classified the company as a "very large" organisation – the guidelines say penalties above the normal ranges for large organisations may be applied in such cases. However, the judge took into account the defence's mitigation and used the range for large organisations, which is between £800,000 and £3.25m. He set the fine near the top of the range, but discounted it to £2m, £1m for each count, in recognition of Travis Perkins' guilty plea at the first reasonable opportunity. The company was ordered to pay £114,813 costs.

Following the accident Travis Perkins brought in a senior consultant to reassess and advise on its workplace transport arrangements. The company has now made it a requirement for all delivery drivers to report to the branch before entering the yard, which means that staff are aware of a vehicle's presence and can make sure safe systems are operating.

The company has increased signage and installed moveable barriers to cordon off areas with frequent vehicle movement. All staff at the branch are now trained as banksmen, and the yellow hatched loading area is kept clear at all times for loading and unloading. Travis Perkins said work is *"ongoing to apply tailored solutions that minimise the very specific risks"* at its 2,000 sites which vary in layout.