

# Council fined for waste collection failures

- Investigation prompted by death of employee Steve Bishop

Chelmsford City Council has been fined £80,000 for waste collection safety failures, after a father-of-three died when he was struck by a bin lorry.

Steve Bishop, 37, passed away after being hit by the rear and underside of a bin lorry that was reversing down Osea Way, Chelmsford, on 8 December 2017.

Steve, who lived in Chelmsford, was working as a loader operative for Chelmsford City Council at the time of the incident.

Nickie Bishop, Steve's partner, says her family will never get over his passing.

It is accepted the Council's failings did not lead to the death of Mr Bishop. The incident did however, prompt a Health and Safety Executive (HSE) investigation. The workplace regulator found that Chelmsford City Council failed to effectively manage the risks presented by moving refuse vehicles, provide training and instruction for agency workers on safe procedures for reversing and the use of hand signals. The local authority also failed to effectively monitor its employees working practices.



HSE guidance can be found at: [Collecting waste and recyclables \(hse.gov.uk\)](https://www.hse.gov.uk/collecting-waste-and-recyclables/)

Nickie Bishop said: "I would like to reiterate the pain this has caused me and my boys. My boys' dad will never be brought back from this tragic incident. Me and my sons shall never get over this.

"I hope more than anything that no other family ever has to go through this

heartbreak, to have a knock on the door to say their partner who is hard at work and been run over.

“For me now, as my 11-year-old and nine-year-old bring up fond memories of their dad and family moments, I am having the difficult subject of my youngest son, who is five, asking about his dad, and why he is in the sky.”

Chelmsford City Council pleaded guilty to breaching Section 2(1) and Section 3(1) of the Health and Safety at Work Act 1974. The local authority was fined £80,000 and ordered to pay £61,065 in costs at Chelmsford Crown Court on 16 June 2023.

HSE inspector Saffron Turnell said: “Several health and safety management failings were identified by this public organisation which led to inconsistent systems of work and provision of training in the high-risk activity of waste collection. Nickie’s words make clear the impact Steve’s passing has had on the family and our thoughts remain with them.

“Local authorities and companies should be aware that HSE will not hesitate to hold to account those that fall below the required standards.”

This prosecution was supported by HSE enforcement lawyer Rebecca Schwartz.

#### **Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain’s national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. [www.hse.gov.uk](http://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)
3. HSE works alongside the Waste Industry Safety and Health Forum who produces the industry guidance reversing in Waste Recycling Collections [INFO-12.pdf](http://INFO-12.pdf) ([wishforum.org.uk](http://wishforum.org.uk))
4. HSE news releases are available at <http://press.hse.gov.uk>
5. Pictures of the bin lorry attached.

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## **[Working in hot weather: Employers asked to help workers](#)**

Employers need to act to make sure their workers are protected during periods of extreme hot weather this summer.

That’s the message from the Health and Safety Executive (HSE) – the country’s

workplace regulator.

The UK Health Security Agency and the Met Office have issued a yellow heat-health alert for the coming days (Friday June 9 through to Monday June 12). The alert is the first to be issued in 2023.

HSE says this alert – and the record high temperatures seen in Great Britain last summer – should prompt employers to take action to protect those working both inside and outside in extreme heat.

There is no legal maximum temperature for workplaces but the regulator is calling on employers to be responsible.

HSE saw a surge in people seeking advice during summer 2022 – with visits to its online hot weather working guidance increasing by nearly a thousand percent and the number of concerns relating to hot weather reported to HSE almost doubling in July, when temperatures exceeded 40°C for the first time in history.

Employers must assess risks to the health and safety of their workers by law, including risks from extreme weather such as heat waves. While there is no legal maximum temperature for workplaces, heat is classed as a hazard and should be treated like other hazards.

HSE says everyone – whether working indoors or outdoors – is at risk and employers should discuss with workers changes to manage the risk.

HSE is asking employers to consider simple and cheap measures such as:

- Making sure workplace windows can be opened or closed to prevent hot air from circulating or building up.
- Using blinds or reflective film on workplace windows to shade workers from the sun.
- Placing workstations away from direct sunlight and heat sources.
- Putting insulation around hot pipes and machinery.
- Offering flexible working patterns so workers can work at cooler times of the day.
- Provide free access to drinking water.
- Relaxing dress codes if possible.
- Providing weather-appropriate [personal protective equipment](#)
- Encouraging workers to remove [personal protective equipment](#) when resting (ideally in shaded areas) to cool off.
- Sharing information about the symptoms of heat stress and what to do if someone is affected.

Many firms are already taking steps to adapt to Great Britain's changing climate. Nottingham-based engineering firm CNTL Ltd found that measures as simple as changing the lightbulbs helped workers.

Dane Rawson, Director of CNTL Ltd, said: "The heat was getting unbearable so we brought everyone together to agree what we could do. We moved to flexible hours to suit staff. Some went with 5am to 1pm. We also replaced our

lightbulbs to LEDs, which give off a lot less heat. Longer-term we're starting to think about work we can get done on the roof so it absorbs less heat."

John Rowe, HSE's Head of Operational Strategy, said: "Last summer should have been a wakeup call for all employers. Climate change means we're likely to get hotter summers and that could have a big impact on the workforce of this country, affecting everything from health of workers to productivity on construction sites.

"We know all employers are under pressure and we don't want to add to their burden but it's vital they think hard now about simple and cheap measures they can put in place to support workers should we see extreme heat again this summer.

"The extreme heat we experienced in 2022 isn't going away so sensible, supportive employers will be planning now how they should respond."

**Ends**

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2. HSE news releases are available at: <http://press.hse.gov.uk>.
3. HSE guidance can be found at: [Temperature \(hse.gov.uk\)](https://www.hse.gov.uk/temperature)

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## [Wiltshire land owner fined after public attacked by cows in two separate incidents](#)

A Wiltshire landowner has been fined £15,000 after members of the public were seriously injured by cattle while walking along footpaths on his estate.

Sir Charles Hobhouse pleaded guilty to health and safety failings at his Monkton Farleigh Estate in Bradford-on-Avon.

It follows two separate incidents in summer 2021 in which people using public footpaths on his land were attacked by cows.

Retired military officer Michael Booley was walking his dogs with his wife Joanne and their friend Josian Gauld on 5 June 2021. They found the public

right of way blocked by an electric fence and no alternative route provided. After carefully negotiating a fence to continue along the path, the trio were approached and attacked by several cows.

Mrs Booley suffered serious injuries including a fractured shoulder and broken ribs.



During the first incident, an electric fence was blocking the public footpath

Mr Booley, 57, said the attack was 'horrendous' and that he felt 'powerless' to protect the pair from the aggressive herd.

"Experiencing battle as a soldier is different to being attacked out in the countryside when on a leisure walk on a public right of way," he said.

"I witnessed my wife being relentlessly stamped on and head butted by the cows and at one stage she was not responding.

"I also witnessed my friend desperately trying to find cover behind a tree and fighting the attacking cows with her rucksack as they attacked her from both sides.

"I still have nightmares about it."

An investigation by the Health and Safety Executive (HSE) found Sir Charles Hobhouse had failed to ensure the risks to members of the public were controlled, including where possible, that cattle with calves were suitably segregated from the public footpath. HSE has [advice for farmers, landowners and other livestock keepers](#) on dealing with the risks posed by cows with calves.



Although the fence allowed walkers to climb under or over it, cows on the other side were not separated

Despite being formally instructed to implement controls to prevent a similar incident, a second attack occurred weeks later on 19 August 2021.

Local builder James Johnson was out for an early morning run with his dog along the footpath when he was attacked by cattle shortly after 6am.

“I remember the incident clearly,” the 42-year-old said.

“There were two groups of cows, one of which was running fast towards me and the other coming from a different direction.

“When I realised what was happening I let the dog go and started to run.

“The cattle ran into me and knocked me onto the ground, where I was trampled, pushed and head butted.

“Every time I attempted to get back up, they pushed me back down.

“Near the end, when I was exhausted and hurt, I fell to the ground one more time and remember thinking ‘this is it – this is where I die’.”



Signage was attached to the northern entrance after the first incident

Mr Johnson sustained significant injuries including concussion, dislocated shoulders, broken ribs, and broken vertebrae. He was in hospital for several days. On this occasion there had been no measures to segregate the cows from the footpath.

Sir Charles Hobhouse pleaded guilty at Taunton Crown Court to breaching two counts of section 3(2) of the Health and Safety at Work etc Act 1974 on 3 May 2023. At a sentencing hearing at Bristol Crown Court on 8 June 2023 he was fined £15,000 and ordered to pay costs of £8,000.

HSE Inspector Leo Diez said: "Large animals can be a risk to people. Even a gentle knock from a cow can result in injury. Seemingly docile cattle can pose a risk to walkers when they are under stress or feel threatened and can exhibit instinctive maternal or aggressive behaviour.

"Where possible cows with calves should not be grazed in fields where there is a public right of way. Where this is not possible they should be segregated from the footpath by appropriate fencing where it is reasonable to do so."

#### Notes to editors

1. [The Health and Safety Executive](#) (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. Advice for farmers, landowners and other livestock keepers on dealing with the risks posed by cows with calves is available.

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## [Recommendation to restrict substances in tattoo and permanent make-up inks](#)

The Health and Safety Executive (HSE) is recommending the restriction of hazardous substances in ink used for tattooing and permanent make-up (PMU) in Great Britain.

The proposed new restriction would target substances classified for carcinogenicity, mutagenicity, reproductive toxicity, skin sensitisation, skin corrosion, and serious eye damage. It aims to protect people from any

potential harmful effects which may be caused by tattoo and PMU ink.

This is the first time HSE has recommended a restriction of a substance in its role as the agency for UK REACH, the chemicals regime established in Great Britain after the UK left the European Union.

The Secretary of State for Defra, in consultation with Welsh and Scottish ministers, will now decide if the restriction should be brought into law.

Dr Richard Daniels, director of HSE's chemicals regulation division, said: "Currently there is no legislation to control what substances are present in tattoo and PMU ink. We've considered the health risks carefully and looked at the social and economic impact of recommending this restriction."

Dr Daniels concluded: "If Defra, Scotland and Wales accept our recommendation, the next step is for them to draft new legislation. We are recommending a transition period of two years so there will be time for manufacturers and suppliers to adapt to any new legal requirements and to fully test the safety of reformulated inks before they start to use them, there will be a further year for artists to use up old stock and switch to new inks."

This recommendation has been reviewed by a Challenge Panel made up of independent experts from the [REACH Independent Scientific Expert Pool \(RISEP\)](#).

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2. HSE is the Agency for UK REACH and therefore has responsibility for the majority of the regulatory functions under UK REACH. In the delivery of these functions, HSE is supported by and/or reportable to a number of other government organisations.
3. HSE proposes concentration limits of substances in tattoo ink and PMU are based on those established in the GB Classification, Labelling and Packaging (CLP) Regulation; a concentration limit of 0.1% for substances which are prohibited for use in cosmetics because they are listed in Annex II or Annex VI of the Cosmetic Products Regulation (CPR). A derogation is proposed for 19 pigments (including Pigment Blue 15:3 and Pigment Green 7) that are prohibited for use in hair dyes but permitted for use in other types of cosmetics (such as lipsticks). HSE's review of the available hazard information for these 19 pigments did not identify evidence indicating they are unsafe if used in tattoo or permanent makeup ink.
4. The recommendation follows this year's [publication of the final risk](#)



[assessment opinion and the 60-day public consultation on the draft socio-economic \(SE\) opinion,](#)

5. This opinion has been reviewed by a Challenge Panel made up of independent experts from the [REACH Independent Scientific Expert Pool \(RISEP\)](#).
6. Throughout the dossier-preparation and opinion-forming stages, the registry of restriction intentions (see [Restrictions – HSE](#)) was updated with information on public consultations, Challenge Panel meetings notes, the status of the projects and the opinion adoption.
7. Further details on the latest [HSE news releases](#) is available.

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## **HSE to lead investigation following incident at event in Southport**

A spokesperson for HSE said: “We are investigating an incident in Southport on Sunday June 4 in which a nine-year-old-boy was seriously injured. We’ll provide further updates when appropriate.”