

Westway
Chelmsford
Essex CM1 3AR

Tel: [REDACTED]

Fax: [REDACTED]

13th February 2015

Mrs Caroline Beasley-Murray
HM Senior Coroner for Essex
HM Coroners Court
A Block – Ground Floor
County Hall
Victoria Road
Chelmsford
CM1 1QH

Dear Mrs Beasley-Murray

Inquest into the Death of Mr P Gurton

I refer to your letter dated 22 December 2014 enclosing a Report to Prevent Future Deaths pursuant to regulation 28 of the Coroners (Investigations) Regulations 2013 ("the Report"). This Report was written following the conclusion of the inquest into the death of Percy William Gurton.

First Essex has offered our sincere condolences to Mr Gurton's family for their loss. We have also offered support to the driver of the bus in question. I note there is no criticism whatsoever of the actions of the bus driver which has been of some comfort to him in this tragic event.

Your report records your opinion that action should be taken to prevent future deaths and asks that First Essex gives consideration to incorporating a barrier of some sort in front of the relevant seat.

Actions taken to date

The tragic accident involving Mr Gurton was investigated fully by First Essex at the time in accordance with its health and safety policies and procedures. In addition, First Essex co-operated fully with relevant authorities on their independent investigations including Essex Police.

Upon receipt of your letter dated 22 December 2014 and its report, we have since met with the manufacturer of the relevant bus involved in this incident, Optare, on 15 January 2015.

First is investigating with Optare the feasibility of retro-fitting some form of containment onto this type of bus which may help to prevent future deaths in circumstances such as those which occurred involving Mr Gurton. In principle, a technical solution may include not only a barrier but other possibilities such as handpoles. However, the risks associated with such a solution need to be carefully evaluated, as there is a possibility that an unintended consequence of any adaptation may be to actually increase the incidence and severity of passenger injuries overall in the event of a collision or emergency braking. Adding such fixtures to the interior therefore has to be considered carefully as it may introduce additional risk of harm to passengers rather than reduce it.

Moreover, that response will subsequently also need to be assessed against and take into account specific regulatory and licensing requirements on construction, design and accessibility of public service vehicles and applicable industry and regulatory guidelines and proposals (see below).

Technical, regulatory and industry issues

The bus in question is manufactured by Optare and is from their "Solo" range. It was registered in 2002 and is some 13 years old. First Essex currently operates 24 of this type of vehicle with the same seating configuration but there are many more in service throughout the UK with other bus operators (including other FirstGroup bus operators).

The bus itself was purchased with the standard internal configuration at the time as designed by the manufacturer, and as built to the "Certificate of Initial Fitness" (COIF) standards and it complies with all legal requirements for operation. In the

Westway
Chelmsford
Essex CM1 3AR
Tel: [REDACTED]
Fax: [REDACTED]

first instance, issues of technical modification to buses should be referred to the relevant manufacturer by the bus operator and this is what First Essex has done.

In addition, matters in relation to the construction, design and accessibility of buses are subject to a number of specific regulations and licence conditions. Any proposed technical modifications must therefore also be assessed against regulatory and licensing requirements and developed with authorities to ensure continued legal compliance with current legislation and guidance. Quite often, the issue of containment is specific to priority seating areas and any change to the configuration could potentially affect accessibility.

Moreover, it has become clear that the issue that you have raised is not an isolated one and nor is it an issue specific to this type of bus or to First Essex.

The Department for Transport has flagged the issue of containment (primarily on older buses) around priority seating and wheelchair/buggy spaces with industry and manufacturer representatives (including the Confederation of Passenger Transport of which FirstGroup is a member). All parties are actively engaging on exploring the relevant issues with the aim of adopting an industry-wide approach. The engagement recognises that the issue of containment for priority seats is not unique to the Optare "Solo" bus type (First Essex itself operates a number of different types of buses from multiple manufacturers as does every major bus operator in the UK) or to any particular bus operator. This initiative is active and ongoing so First Essex cannot as yet confirm what actions may result from this. However, currently, it is anticipated that, a code of practice may potentially be developed which would apply to all relevant bus operators in the UK. Naturally, this aligned approach would much better address concerns of the type that you have raised.

Actions proposed to be undertaken and timetable

Whilst First Essex is continuing discussions with Optare, the consideration of the outcome of those discussions must necessarily take into account existing regulatory and licensing requirements and any ongoing industry discussions on the same issues. Any unilateral action which any single bus operator may take would otherwise have piecemeal effect at best and may lead to unintended consequences or non-compliance with new industry or Department for Transport requirements.

Westway
Chelmsford
Essex CM1 3AR
Tel: [REDACTED]
Fax: [REDACTED]

At present, the Department for Transport's engagement with stakeholders on this issue is ongoing. There is no fixed timetable in respect of concluding that engagement or the production of any outputs from it. However, should you wish, I would be glad to keep you updated on developments from that.

Yours sincerely



[REDACTED]
Managing Director
First Essex Buses Ltd