

REGULATION 28: REPORT TO PREVENT FUTURE DEATHS (1)

	<p>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</p> <p>THIS REPORT IS BEING SENT TO:</p> <p>AS TO THE MATTER IDENTIFIED BY THE LETTER "A".</p> <p>The Secretary of State for the Department of Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR.</p> <p>and the Network Display and Development, Directorate South West, 1st Floor, Ash House, Falcon Road, Sowton Industrial Estate, Exeter EX2 7LB</p> <p>AS TO THE MATTER IDENTIFIED BY THE LETTER "B".</p> <p>The Secretary for State for the Department of Business Innovation and Skills, 1 Victoria Street, London SW1H 0ET and</p> <p>The Director High Hazard Installations Directorate Health and Safety Executive, Redgrave Court, Merton Road, Bottle, Merseyside, L20 7HS.</p>
1	<p>CORONER</p> <p>I am Michael Richard ROSE, Senior Coroner for the West Somerset area</p>

2	<p>CORONER'S LEGAL POWERS</p> <p>I make this report under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013.</p>
3	<p>INVESTIGATION and INQUEST</p> <p>I held an Inquest into 7 deaths that occurred on the M5 motorway near Taunton on the 4th November 2011 when 34 vehicles entered a thick bank of fog although the possibility of its intensity being increased by chemical particulates from a nearby firework display could not be excluded.</p>
4	<p>CIRCUMSTANCES OF THE DEATHS</p> <p>The deceased were all travelling either as drivers or passengers in northbound vehicles on the M5 motorway near junction 25 when 34 vehicles collided in an area of greatly reduced visibility. As well as the 7 deaths, 51 other people were injured some seriously.</p> <p>Immediately before the incident a firework display had been launched on a site adjoining the motorway.</p>


	<p>At a further meeting held on the 10 June 2014 in an attempt to identify solutions to the problems, the Highway Agency stated they would place, subject to funding, motorway incident Detection Automatic Signalling (MIDAS) between Junction 23 and 25, to detect a reduction of speed in vehicles approaching the scene and signal the safe speed to proceed on display signs.</p>
6	<p>ACTION SHOULD BE TAKEN</p> <p>“A” I am concerned that the Highway Agency's proposals whilst possibly preventing further vehicles entering an accident scene or a large area of reduced visibility would not prevent the initial incident and that this can only be achieved by the erection of fog detection devices and greater use of overhead gantries displaying signs warning of events that may cause reduced visibility.</p> <p>AND as the criterion for deploying road safety equipment is six personal injury collisions in three years the present incident would not qualify for special consideration.</p> <p>“B” To consider whether or not risks arising from firework displays being held</p>

in periods of very high humidity can be greatly reduced if the City and Guild's courses for Firers and Senior Firers (being the only persons able to conduct a firework display using class IV fireworks) had instruction in realising when such risks arose.

AND before operating any display Firers had prepared :-

- (i) a risk assessment which took account of the topography of the area, nearby watercourses, prevailing wind conditions, identifying highways and all other matters relevant for the safety of the users thereof onlookers and nearby residents.
- (ii) Assessed the humidity, wind direction and speed immediately before the display,
- (iii) Positioned lookouts to see if any smoke or fog was approaching a highway or railway line in the immediate vicinity.
- (iv) Had immediate access to a communication link to the emergency services and
- (v) Be able to stop the display immediately if an emergency arises

AND to consider whether Firers and Senior Firers should be licensed by law for periods of five year

	<p>AND whether Local Licensing Authorities shall advise persons holding firework displays of the risks referred to herein.</p>
7	<p>YOUR RESPONSE</p> <p>You are under a duty to respond to this report within 56 days of the date of this report.</p> <p>Your response must contain details of action taken or proposed to be taken, setting out the timetable for action. Otherwise you must explain why no action is proposed.</p>
8	<p>COPIES and PUBLICATION</p> <p>I have sent a copy of my report to the Chief Coroner .</p> <p>I am also under a duty to send the Chief Coroner a copy of your response.</p> <p>The Chief Coroner may publish either or both in a complete or redacted or summary form. He may send a copy of this report to any person who he believes may find it useful or of interest. You may make representations to me, the coroner, at the time of your response, about the release or the publication of your response by the Chief Coroner.</p>
9	<p>DATE 19 June 2014</p> <p style="text-align: center;"></p> <p>SIGNED BY CORONER</p>