

**Response by Sainsbury's Supermarkets Limited to
Regulation 28 Report from HM Senior Coroner
Mrs Maria Voisin arising from the Inquest into the death
of Christopher David Taylor**

1. This response to the Regulation 28 Report arising from the death of Christopher David Taylor (*"the Report"*) is made on behalf of Sainsbury's Supermarkets Limited (*"SSL"*) notwithstanding the report was addressed to Sainsbury's Plc as SSL is the legal entity which operates the store adjacent to the River Avon in Bath.
2. SSL was not a Property Interested Person at the Inquest nor was it invited to be so and has not had the benefit of hearing the evidence given in the course of that Inquest.
3. SSL has been provided with a transcript of the Prevention of Further Deaths Hearing in relation to the deaths of not only Christopher Taylor but also Samuel Amin which took place before HM Senior Coroner Maria Voisin on the 27 November 2014.
4. The Report issued by the Coroner by letter dated 13 February 2015 was received by SSL on 16 February 2015.
5. The Coroner's Matters of Concern in relation to SSL were expressed in the following terms:

"I appreciate that Sainsbury's were not represented at the Inquest and I do not have any evidence from them in relation to their plans for the bank next to the River Avon in Bath; however I would ask that they consider their responsibility as land owner along this stretch of river in question which falls within the high risk area. Specifically I would ask that they liaise with Bath and North East Somerset Local Authority in relation to potentially the provision of a vandal proof life buoy station along that stretch of river"
6. SSL's response to the Coroner's concerns have been addressed in the manner set out below.
7. On 29 January 2015 (which of course precedes the issue of the Report) representatives of SSL met with, amongst others, [REDACTED] the Team Manager (Licensing and Environmental Protection) for Bath and North East Somerset Council (*"the Council"*) and [REDACTED] of Avon Fire and Rescue Services. At that meeting there was a discussion of the concerns that had arisen from the evidence during the course of the Inquest and the subsequent evidence and representations made at the Hearing to Prevent Further Deaths on the 27 November 2014.
8. The management of health and safety to the highest possible standards is a priority for SSL and that approach extends to matters of public safety where we are able to work with others to enhance

public safety and address issues of concern that have been identified such as those in this case. Accordingly SSL has continued to work with the Council and other interested stakeholders to address the concerns encapsulated in the Report.

9. Following the meeting on 29 January it was agreed that SSL would look at putting waist height fencing along the upper carpark walkway area. It was decided that it would be more appropriate for the fencing to be positioned there rather than along the actual water's edge at the bottom of the (newly cleared) sloped bank because it was thought that putting the fencing at the pavement/carpark level would encourage people to stay further away from the river bank. It was also considered that there was no need for the previously heavy planted area to become accessible to passers-by.
10. The fencing to be put in place was waist height in accordance with RoSPA recommendations that full height fencing can inhibit effective rescue of casualties in the water who may have entered the river further up-stream.
11. Temporary Heras style fencing has been put in place and will remain until a final permanent fence has been erected. Planning permission for the permanent fence is awaited.
12. Appropriate signage has been erected on the temporary fencing in four locations and will also be attached to the permanent fencing. The signage is "bespoke" in design in that it encompasses a hard hitting local message and was agreed with the Council at the meeting on 29 January 2015.
13. So far as life-saving buoys were concerned SSL had already replaced the damaged/missing buoy referred to in evidence during the course of the Inquest. A stock of spare floats is kept at the store as vandalism is, as recognised by the evidence given at the Inquest, a problem. The life buoys are checked weekly as part of the store manager's normal safety routine and hence any damage will be noted and dealt with promptly.
14. There were discussions with the Council and Avon Fire and Rescue Service as to the provision of tamper/vandal proof buoys which are opened by callers to 999 being given a code to access the buoys. SSL has concerns as to the suitability/practicality of such equipment. Our concern is that as with any bespoke equipment there can be issues with maintenance and repair in the future and that the requirement to call 999 could lead to people unsuccessfully trying to access the buoy if they did not have a telephone and/or were in a state of panic.
15. SSL has put in place service level agreements suitable to maintaining the sloped bank area in its current cleared/cut down state of vegetation in order to maintain the improved visibility and emergency access that has resulted from the clearance measures undertaken.
16. SSL will keep the measures outlined above under review and if it has any reason to call into question the validity and/or appropriateness of those measures will raise those concerns with the Council and Avon Fire and Rescue Service. Similarly SSL will continue to work with the Council and Avon Fire and Rescue Service and has made it plain to those organisations that should they have any future or

on-going concerns they should raise them with SSL who will engage with them to give those concerns proper and full consideration.

17. Finally, SSL has noted and considered the recommendations contained within the RoSPA report referred to in the transcript of the Hearing to Prevent Further Deaths which took place before HM Senior Coroner Maria Voisin on the 27 November 2014. In particular SSL endorses the recommendation that the principal method of managing risk in the vicinity of the river Avon is to educate users and potential users and SSL supports the efforts made by the Council and others in that respect. In terms of the hierarchy of controls, which is a fundamental principle of health and safety management, the provision of life saving equipment is a control of last resort. The key to preventing further deaths is to prevent persons inadvertently falling into the river and the Council's programme of information and education is integral to that.

Sainsbury's Supermarkets Limited

29 April 2015