

## REGULATION 28: REPORT TO PREVENT FUTURE DEATHS

	<p><b>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</b></p> <p>This report is being sent to Mr John Mothersole, Chief Executive, Sheffield City Council</p>
1	<p><b>CORONER</b></p> <p>Christopher P Dorries OBE, HM Senior Coroner for South Yorkshire (West)</p>
2	<p><b>CORONER'S LEGAL POWERS</b></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><b>INVESTIGATION</b></p> <p>In January 2017 I commenced an investigation into the death of Mr Leslie Bingham. The investigation concluded following an inquest in June 2018 where the Jury's narrative conclusion (copy attached) was to the effect that Mr Bingham died from injuries received when he was hit by a police vehicle whilst crossing the A61 Penistone Road at Owlerton Green.</p>
4	<p><b>CIRCUMSTANCES OF THE DEATH</b></p> <p>Mr Bingham had approached the A61 along Owlerton Green on his way to a family celebration at the Greyhound Stadium. He was not affected by drink or other substances. The exact path taken from the kerb on the West side of Penistone Rd (ie: adjacent to the Pizza Hut) is unknown but Mr Bingham got safely onto the first pedestrian refuge which is roughly triangular in shape. At this point he had only crossed the lane for traffic turning left into Owlerton Green and still had the two northbound lanes of the A61 to cross. The evidence was that Mr Bingham then stepped into the northbound lanes of the A61 notwithstanding the approaching police vehicle. It is clear that the traffic lights for the police vehicle were on green.</p> <p>The final conclusion of the jury as to the crossing itself reflected evidence (and in particular a viewing) as regards the positioning of the red/green pedestrian indicator lights on the triangular refuge. Mr Bennett from the City Council was present throughout and can no doubt assist you further but in summary the jury feared that a pedestrian approaching from Owlerton Green might be misled by a green pedestrian light intended only for those crossing the mouth of Owlerton Green in a northbound direction. The sequence is such that this (first) light will be green for a large part of the time that the pedestrian indicator to cross the northbound lanes of Penistone Road is red. The first light has been designed to be particularly bright with a narrow viewing angle but it is highly visible to those approaching from Owlerton Green, particularly if the corner to reach the refuge is cut very slightly. The jury were plainly of the view that Mr Bingham</p>

	<p>may have had only this bright green light in mind as he progressed towards the refuge and thought that this gave him clearance to cross the A61 in front of the approaching traffic which he may well have assumed was being shown a red light.</p> <p>I would respectfully agree with the jury's conclusion on this point. Whilst this is a difficult junction to provide for, it remains a significant hazard with a high likelihood of serious injury for anyone who makes this error.</p>
5	<p><b>CORONER'S CONCERN</b></p> <p>During the course of the investigation my inquiries revealed a matter giving rise to a concern. In my opinion there is a risk that future deaths will occur unless action is taken.</p> <p>In the circumstances it is my statutory duty to report to you.</p> <p>The <b>MATTER OF CONCERN</b> is as follows --</p> <p>The evidence showed that there was a significant possibility that a pedestrian approaching the A61 from Owlerton Green adjacent to the Pizza Hut may be misled by a green light intended for pedestrians crossing the mouth of Owlerton Green and thus miss a red light prohibiting them crossing the northbound lanes of the A61.</p> <p>I therefore make this report.</p>
6	<p><b>ACTION SHOULD BE TAKEN</b></p> <p>In my opinion action should be taken to prevent future deaths and I believe you the Sheffield City Council have the power to take such action.</p>
7	<p><b>YOUR RESPONSE</b></p> <p>You are under a duty to respond to this report within 56 days of the date of this report, namely by 12<sup>th</sup> September 2018. I may extend this period upon request.</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><b>COPIES and PUBLICATION</b></p> <p>I have sent a copy of my report to the Chief Coroner and to the family of Mr Bingham (via Messrs Irwin Mitchell, solicitors), the South Yorkshire Police and the driver of the police vehicle.</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>

*Professor Christopher P Dorries OBE*

*HM Senior Coroner, South Yorkshire (West)*

*17<sup>th</sup> July 2018*