

Alison Mutch OBE
HM Senior Coroner
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Your Ref: 8927/CLB

Date 8 February 2019

Dear Ms Mutch,

Re: Richard John WHALE

Thank you for your letter dated 21st December 2019 which contained a Regulation 28 Report to Prevent Future Deaths.

Trafford Council are aware that the jury conclusion into the death of Richard John Whale was one of accidental death, with contributed factors relating to impedance and lack of awareness of the stewards, obstruction of access to both handrails by stewards, and lack of awareness by the stewards of their surroundings.

In terms of the matters of concern relevant to the Local Authority (Trafford Council) Point 5 (1) namely (*italics*):

The Local Authority had issued a list of recommendations to the club after the death of Mr Whale. There was no mechanism in place for discussion of those recommendations or to ensure that they had been followed or if not followed discussions for reasons.

the Council's response is as follows:

The Council has a dual regulatory role in relation to sports grounds safety. Firstly, under The Safety at Sports Ground Act 1975, the Council is responsible for issuing the General Safety Certificate and enforcement of the conditions. In issuing a General Safety Certificate, the Council has to be satisfied that appropriate policies and procedures are in place to ensure the reasonable safety of all people who attend a sports ground. Secondly, the Council is the relevant enforcing authority in relation to the Health and Safety at Work etc. Act 1974, including the investigation of accidents that are reported to the local authority under the Reporting of Injury, Disease and Dangerous Occurrences Regulations 2013.

It was within this remit that the Council undertook an investigation into the accident to Richard John Whale. The investigation found that the Club had satisfactory arrangements in place at the time of the accident in relation to maintaining the safety of spectators at the ground, and that there was no evidence available which would warrant any formal action under the Health and Safety at Work etc Act 1974.

Following the outcome of the investigation, a letter was sent to the Club outlining three recommendations. This was an informal letter highlighting good practice recommendations to

the Club, and it did not stipulate any legal contraventions which the Club should action or that any action should be taken within a specified timescale. The responsibility, therefore, was with the Club as to whether or not the recommendations were implemented.

However, it is anticipated that these recommendations would have been picked up and highlighted through a number of existing mechanisms which allow for discussions to take place between the Council, the Club and other interested parties. This is primarily done through meetings of the Safety Advisory Group, where issues relating to sports grounds safety are discussed. The Council also have regular engagement with the Club where necessary, such as in response to any match-day incidents, and undertake proactive match-day monitoring audits where issues relating to safety are discussed.

Following the conclusion of the inquest, Council Officers and the regional Sports Ground Safety Authority Inspector have met with the Club to discuss the concerns raised during the inquest. During these discussions, the Club explained the actions they have taken to address the recommendations highlighted in the letter from the Council, and they have also explained that they are undertaking additional awareness training for stewards and monitoring of stewards' behaviour whilst carrying out their duties at the stadium. Council officers undertaking future match-day audits at the Club will include observations of the monitoring of stewarding behaviour by the Club.

In addition, the Council have now requested that the Club responds to any future recommendations or requests within a specified time frame with a review of all actions where it is considered necessary. This positive approach has been welcomed by the Club and has been implemented with immediate effect.

Further, as part of our commitment to safety at sports ground duties, the Council is currently reviewing its policies and procedures and will include an appraisal of the Coroner's concerns as part of this review.

Yours Faithfully,




Corporate Director, Place