

Regulation 28: Prevention of Future Deaths report

Mark WELSH (died 06.07.17)

	<p>THIS REPORT IS BEING SENT TO:</p> <p>1. Mr Mike Brown Commissioner Transport for London Windsor House 50 Victoria Street London SW1H 0TL</p>
1	<p>CORONER</p> <p>I am: Coroner ME Hassell Senior Coroner Inner North London St Pancras Coroner's Court Camley Street London N1C 4PP</p>
2	<p>CORONER'S LEGAL POWERS</p> <p>I make this report under the Coroners and Justice Act 2009, paragraph 7, Schedule 5, and The Coroners (Investigations) Regulations 2013, regulations 28 and 29.</p>
3	<p>INVESTIGATION and INQUEST</p> <p>On 17 July 2017, I commenced an investigation into the death of Mark Nicholas Welsh, aged 55 years.</p> <p>The investigation concluded at the end of the inquest on 18 December 2017. I made a determination of death by road traffic collision, when Mr Welsh was knocked over by a lorry whilst crossing Duke's Road at the junction with Euston Road in London at approximately 9.30am on Thursday, 6 July 2017.</p> <p>The medical cause of death was: 1a multiple injuries.</p>

4	<p>CIRCUMSTANCES OF THE DEATH</p> <p>Despite travelling at just 7 miles per hour, the lorry driver turning left into Duke's Road from Euston Road would only have had a second to see Mr Welsh as a hazard, through the front passenger cab window, before the pedestrian disappeared from his view.</p> <p>The lorry would have been visible to Mr Welsh and it did have its indicator on, but because it had to swing out to make the turn, it might have appeared to him that the lorry was going to carry straight on along Euston Road, falsely reassuring him that it was safe to cross.</p>
5	<p>CORONER'S CONCERNS</p> <p>During the course of the inquest, the evidence revealed matters giving rise to concern. In my opinion, there is a risk that future deaths will occur unless action is taken. In the circumstances, it is my statutory duty to report to you. The MATTERS OF CONCERN are as follows.</p> <p>I heard at inquest that:</p> <ul style="list-style-type: none"> • Transport for London (TfL) made a decision in 2007 that that it would not undertake any consideration of pedestrian crossings at that crossroads until after the completion of HS1; • £50,000 was paid to TfL in 2009 by UNISON as part of planning permission to allow building on the opposite corner, £20,000 of which was used on a feasibility study in 2013, but TfL decided that traffic flow would be impeded by four pedestrian crossings, so none was installed and use was not made of the remaining £30,000; • UNISON has made several complaints to Camden Council/TfL about the dangers of this particular crossroads, but TfL's best expectation of delivery of any improvement is for the year 2020. <p>I appreciate that every decision about traffic control at one junction must be taken in the context of the whole network, but 13 years after the issue was first raised seems an inordinately long time to wait for some improvement at such a busy crossroads (about which there had been several complaints prior to this fatality).</p> <p>Consideration of the junction was described to me as being based on four new crossings or none, which I did not quite understand.</p> <p>The statistics upon which TfL decisions about traffic control are based, were described to me by TfL's lead sponsor as only taking account of the proportion of collisions/accidents that result in serious injury or death, not taking into account the overall incidence of collisions/accidents (or even taking into account reported near misses). This seems an omission.</p>

6	<p>ACTION SHOULD BE TAKEN</p> <p>In my opinion, action should be taken to prevent future deaths and I believe that you have the power to take such action.</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, namely by 27 February 2018. I, the coroner, may extend the period.</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 following.</p> <ul style="list-style-type: none"> • HHJ Mark Lucraft QC, the Chief Coroner of England & Wales • Camden Council • Department of Transport • ██████████, daughter of Mark Welsh • ██████████, partner of Mark Welsh • ██████████, sister of Mark Welsh • ██████████, UNISON <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 Senior Coroner, at the time of your response, about the release or the publication of your response by the Chief Coroner.</p>
9	<p>DATE SIGNED BY SENIOR CORONER</p> <p>28.12.17</p>