



Derek Winter DL
Senior Coroner for the City of Sunderland

	<p>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</p> <p>THIS REPORT IS BEING SENT TO: -</p> <ul style="list-style-type: none">• The Local Government Association (LGA)• The Environmental Services Association (ESA)• Chartered Institute of Wastes Management (CIWM)• The Health and Safety Executive (HSE)
1	<p>CORONER</p> <p>I am Andrew Hetherington, Assistant Coroner for the City of Sunderland</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. http://www.legislation.gov.uk/ukpga/2009/25/schedule/5/paragraph/7 http://www.legislation.gov.uk/uksi/2013/1629/part/7/made</p>
3	<p>INVESTIGATION and INQUEST</p> <p>On 27th December 2017 an Investigation commenced into the death of James Ryan McLaren, which concluded at the end of the Inquest on 3rd October 2018. The jury returned a conclusion of Accident. The Cause of Death, following Post-Mortem Examination, was: - Ia Head and chest injuries</p>
4	<p>CIRCUMSTANCES OF THE DEATH</p> <p>James Ryan McLaren was last seen leaving the Arizona Nightclub in Sunderland at 3:00am on Saturday 23rd December 2017: CCTV footage shows James walking in the direction of Vine Place at approximately 4:30am. The information from friends was that he previously climbed into bins, when intoxicated, to sleep.</p> <p>Max Recycle are a private collector of trade waste, covering a number of areas including Wearside. The refuse collection vehicle arrived in Sunderland city centre at approximately 4:35am to collect mixed waste on 23rd December 2017. The bins, used by the customers on Vine Place, are 1100 litre capacity, some of which have lids, but they are not usually locked. Nothing was noted as a concern about the bin collections. Customers were still placing material in the bins at that time of day. I also heard that an Operator used a head torch to provide additional light.</p>

	<p>The last collection was at 5:30am and the refuse collection vehicle returned to the Hawthorne Site. James was reported missing to the Police, and his mobile phone was tracked to the last location in the area around Sedgeleth Industrial Estate.</p> <p>Police together with a representative of Max Recycle located James' body - James was found deceased at the site of Max Recycling in Sedgeleth Industrial Estate at around 21:00hrs on 24th December 2017.</p>
5	<p><u>CORONER'S CONCERNS</u></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.</p> <p>The MATTERS OF CONCERN are, as follows. –</p> <p>The WISH WASTE 25 – Managing access to large waste and recycling bins – contains formal guidance to prevent death or serious injury when people shelter in large commercial or communal domestic bins. This guidance was provided to the Inquest. Factors increasing the foreseeability of people gaining access and getting into the bins include, but are not limited to:</p> <ul style="list-style-type: none"> ▪ <i>the bin storage area:</i> <ul style="list-style-type: none"> • <i>being quiet and isolated;</i> • <i>being dark and unlit, especially at collection times;</i> ▪ <i>the bins:</i> <ul style="list-style-type: none"> • <i>having lids that are not secured and easy to open.</i> <p>I heard evidence that not all bins had lids, and that those, that did, had not been locked on 23rd December 2017. I heard that where there were locks to the bins and their lids, some had a generic lock that could be opened using a generic key, and that to unlock the bins would only take a matter of seconds, and that this would not be an onerous task for an operator to unlock the bin. I also heard that, although not in the location where James climbed into the bin, some customers fitted combination locks to bins with a code shared on a manifest for the collection vehicle. It is not known whether, once a bin is locked, it can be opened from the inside, and this is also a concern. This is particularly relevant with the nights becoming colder and darker, and the potential for people to seek refuge in bins due to the elements or for any other reason. I raise this for your attention as to whether further steps can be taken to safely secure a bin and deter entry therein.</p> <p>For LGA: The Sunderland City Council Environmental Health Officers locally have sought to raise awareness of the issue when conducting inspections of premises and customers using bins. Could you raise awareness nationally of the issue to prevent death or serious injury arising from access to large commercial or communal domestic bins?</p> <p>For ESA: Could you raise your members' awareness nationally of the issue and risk, and to provide a reminder to employers and employees to consider a heightened check to look for people who may be sheltering in the bins particularly in colder months? Would you consider suggesting that head torches are used in dark or poorly lit areas regularly to provide additional lighting which appears to be good practice?</p> <p>For CIWM: Could you raise your members' awareness nationally of the issue and risk, and to provide a reminder to employers and employees to consider a heightened check to look for people who may be sheltering in the bins particularly in colder months? Would you consider</p>

	<p>suggesting that head torches are used in dark or poorly lit areas regularly to provide additional lighting which appears to be good practice?</p> <p>For HSE: Please would you clarify what it means in the WISH WASTE 25 formal guidance for bins to be secure, and whether this should include the securing of bin lids by way of a generic lock that can also be opened from the inside to prevent someone from being trapped?</p>
6	<p>ACTION SHOULD BE TAKEN</p> <p>In my opinion action should be taken to prevent future deaths and I believe 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 3rd December 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 Chief Coroner and to the following: -</p> <ul style="list-style-type: none"> • Family • Max Recycle and their Solicitors • Sunderland City Council Environmental Health Service <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>Dated this 4th day of October 2018</p> <p>Signature <u>A. P. Hetherington</u> Assistant Coroner for the City of Sunderland</p>