

	<p>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</p> <p>THIS REPORT IS BEING SENT TO: [REDACTED] Assistant Director of Highways and Infrastructure, Birmingham City Council</p>
1	<p>CORONER</p> <p>I am Mr Adam Hodson, Assistant Coroner for Birmingham and Solihull</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.</p>
3	<p>INVESTIGATION and INQUEST</p> <p>On 4 July 2022 I commenced an investigation into the death of Mervyn Charles Gladstone Leonard HOLBROOK. The investigation concluded at the end of the inquest on 8 December 2022. The conclusion of the inquest was: Road traffic collision</p>
4	<p>CIRCUMSTANCES OF THE DEATH</p> <p>At 14:30 on 16/06/2022, Mr Holbrook was knocked off his mobility scooter and was run over at the junction of Livingstone Road and the A435 Alcester Road. He had been travelling Southbound along the footpath and left the pedestrian walkway at the mouth of the junction (where the kerb had been worn down) and entered the carriageway at the same time as Nissan Qashqai [REDACTED] tried to navigate and turn left onto the Alcester Road from Livingstone Road. He suffered catastrophic thoracic injuries, and despite life-saving treatment by emergency services, he could not be saved and was pronounced deceased at the scene at 14:57.</p> <p>Following a post mortem the medical cause of death was determined to be:</p> <p>1a RIB FRACTURES WITH FLAIL SEGMENT</p> <p>1b ROAD TRAFFIC COLLISION</p> <p>1c</p> <p>II ISCHAEMIC HEART DISEASE WITH CARDIOMEGALY</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>1. I heard and considered evidence from West Midlands Police's Forensic Collision Unit which confirmed that where the footpath outside 214 Alcester Road South reaches the junction of Livingstone Road, it appears that there is a dropped kerb at the apex. On the opposite side of the junction, the kerbs are raised. West Midlands Police advise that this indicates that the dropped kerbs at this side of the junction are a result of vehicles mounting the kerb as they turn left from Livingstone Road to Alcester Road and therefore causing them to be eroded to be level with the road</p>

	<p>surface. There is also no tactile paving next to these kerbs, which indicate that this dropped kerb is not an "official" pedestrian crossing point - the same being situated approximately 9m from the end of Livingstone Road.</p> <ol style="list-style-type: none"> 2. Mr Holbrook was able to leave the carriageway on his mobility scooter at apex/mouth of the junction due to the kerb being worn down to the road surface, and was struck in the carriageway. 3. On 12 September 2022, PC [REDACTED] of West Midlands Police submitted a notification via Birmingham City Council's Highway Department's online portal of the defect, with the Highways responding via email on 20 September 2022 stating that it did not meet the intervention levels that require repair. 4. I am concerned that vulnerable road users - particularly users of mobility scooters or bicycles - may inadvertently consider the worn down and defective kerb to be an "official" crossing point and enter the carriageway when it is unsafe to do so. 5. Furthermore, if a mobility scooter or similar were to enter the carriageway at the mouth of the junction (as Mr Holbrook did), they would then be unable to mount the curb at the opposite side - they would have to travel West down the carriageway of Livingstone road to the official crossing point, or alternatively (and more dangerously) navigate South on the carriageway into oncoming traffic onto Alcester Road.
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 3 February 2023. 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 Interested Persons</p> <p>[REDACTED] (daughter of the deceased)</p> <p>[REDACTED] (brother of the deceased)</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>
9	<p>08 December 2022</p>

A handwritten signature in black ink, appearing to read 'A. Hodson', with a large, sweeping flourish underneath.

Signature:

Adam Hodson

Assistant Coroner for Birmingham and Solihull