



BY EMAIL

Tesco Stores Limited
Tesco House
Shire Park, Kestrel Way
Welwyn Garden City
AL7 1GA

FAO: Mr Zak Golombeck, H.M. Area Coroner
[REDACTED] Senior Coroners Officer
[REDACTED]

Your Ref: [REDACTED]

20 August 2024

Dear Sir or Madam,

RE: Regulation 28: Report to Prevent Future Deaths – Afolabi Oluwafemi OJERINDE (Deceased)

We refer to the letter dated 26 June 2024 addressed to [REDACTED] Company Secretary of Tesco Stores Limited (“TSL”), making TSL aware that it has been recognised as an Interested Person in the inquest into the death of Mr Ojerinde (the “**Inquest**”), and the accompanying Regulation 28 Report to Prevent Future Deaths, dated 25 June 2024 (the “**PFD Report**”). These documents were received by TSL on 03 July 2024 and required a response by 20 August 2024. Please find below TSL’s response:

1. I am [REDACTED] Group & UK People Safety Director for Tesco Plc, the parent company of TSL. TSL is the UK trading entity of Tesco Plc, which owns and operates its petrol filling stations. I have held this position since July 2018, having worked for Tesco since 2009 in a number of health & safety related management roles in the UK and across the Tesco Group. I am authorised to respond on behalf of TSL.
2. May I first take this opportunity to express my personal condolences and those of the senior leadership team and colleagues at TSL, to Mr Ojerinde’s family.
3. As you will be aware and have noted in the PFD Report, the Report was written and sent before TSL had any direct contact with the Coroner’s office and prior to any hearings within the Inquest process. As such, we understand that the information and conclusions within the PFD Report rely on information provided by third parties, including Greater Manchester Fire and Rescue Service (“**GMFRS**”). TSL has not had sight of the information provided to the Coroner by GMFRS or other relevant third parties (but it is hoped that in time, in assisting with the Coroner’s investigation, it may receive further information which will assist it with its further consideration of

matters arising from the tragic circumstances of Mr Ojerinde's death). The following information may therefore be known to the Coroner already, but if not then we hope it is of assistance generally, and particularly in clarifying the status of the Improvement Notice referred to in the PFD Report, which appears to have been a significant factor in the decision to issue the PFD Report at this stage of the Coroner's investigation.

I. Primary Authority Advice

4. Hertfordshire Fire & Rescue Service ("**HFRS**") are the Fire Primary Authority partner for TSL under the provisions of the Regulatory and Enforcement Sanctions Act 2008 ("**RES Act**"). On 15 December 2020, HFRS issued Primary Authority Advice pursuant to s.27 RES Act to TSL relating to: *"The use of intuitive monitoring systems to allow petrol filling stations to trade without a dedicated person permanently monitoring CCTV for each individual site"* (the "**PA Advice**").
5. The relevant part of the PA Advice confirmed *"The PA has examined and assessed the intuitive system and the policies/procedures in place to support its operation during unattended self-service. We are satisfied as an authority that Tesco have risk assessed the system and ensured that control measures are in place to ensure that it meets the requirements of the legislation mentioned above."*
6. The legislation referenced was The Petroleum (Consolidation) Regulations 2014 and The Dangerous Substances and Explosive Atmospheres Regulations 2002.
7. The PA Advice applied to TSL's petrol filling station and operations at Blackley, Manchester, and was valid at the time of the incident involving Mr Ojerinde on 4 September 2023.

II. Draft Section 21 Improvement Notice

8. At Section 3 of the PFD Report, titled 'INVESTIGATION', the Coroner states that *"I have been made aware of a Section 21 Improvement Notice pursuant to Health and Safety at Work Act 1974 from Greater Manchester Fire and Rescue Service"*.
9. I can confirm that on 1 March 2024, having been contacted by GMFRS, HFRS made TSL aware of a **draft** Section 21 Improvement Notice that GMFRS intended to serve on TSL.
10. It is understood that as the draft Improvement Notice conflicted with the PA Advice issued by HFRS, HFRS directed GMFRS not to take enforcement action (i.e. not serve the notice) in accordance with the Primary Authority regime and Regulation 28 RES Act. We understand that GMFRS did not appeal HFRS' direction not to take enforcement action and accordingly no Section 21 Improvement Notice was served or took effect.

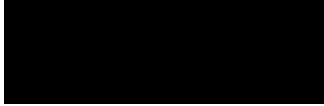
III. Coroner's concerns

11. We note the Coroner's matters of concern in Section 5 of the PFD Report.
12. TSL takes its safety responsibilities very seriously and many years have been spent developing and refining its systems and procedures to ensure safety – for colleagues, for customers, and for others such as contractors or the general public.
13. It is hoped that reassurance is provided by the fact that TSL have in place systems which have been approved as legislatively compliant by a competent and specialist regulator operating in the same regulatory field as GMFRS.
14. Further and whilst the systems in place at the Blackley petrol filling station at the time of the incident were subject to, and complied with, TSL's PA Advice, we would like to assure the Coroner that TSL takes every opportunity to review its processes and systems whenever an incident occurs, including in respect of any Primary Authority Advice as appropriate. It is committed to keep the relevant processes and systems under careful review as the Coroner's investigation continues (and as the Coroner is aware it appears there is considerable disclosure still to be made in the Coroner's investigation, such disclosure as has so far been made being limited primarily to medical matters).
15. After this incident and before the PFD Report was issued – recognising the seriousness of the tragic events, acknowledging the legitimate interest of GMFRS, and also recognising that broader industry considerations applied and broader industry knowledge and experience would be valuable – TSL had initiated and then commenced discussions with GMFRS and HFRS to set up a collaborative working group with relevant stakeholders both within TSL and externally throughout the industry and with enforcing authorities. Once established, the group will be chaired by Clare Scawthorn, in her independent capacity as Technical Manager for the Petroleum Retailers Association.
16. In the meantime, and as a precursor to the work to be done by the working group, Tesco is working with GMFRS and HFRS to establish the scenarios which may occur at a remotely monitored petrol filling station and be observed by CCTV, to identify if and where improvements can be made to mitigate any risk.
17. The intention of the collaborative working group is to review and discuss the scenarios within the wider group of relevant stakeholders, share knowledge, and consider what opportunities, whether operational or technological, may be available, including to ensure that any proposed changes can be implemented on an industry-wide basis. This approach recognises that the issues which appear to arise will not solely be relevant to TSL's operations, but of broader industry significance and



application and is proposed with a view to establishing a series of commonly adopted standards. We hope that this exercise will be beneficial to the petroleum industry as a whole and the safety of our customers and public at large.

Yours faithfully



Group & UK People Safety Director
For and on behalf of Tesco Stores Limited