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Via E-mail and post

FAO Alison Hewitt
HM Senior Coroner for the City of London
4th Floor
The Central Criminal Court Old Bailey
City of London
EC4M 7EH

22 May 2025

Dear Coroner

**RESPONSE TO REGULATION 28: REPORT TO PREVENT FUTURE DEATHS:
REGARDING THE DEATH OF ALEXANDER ADNAN CARDOZA**

1. INTRODUCTION

- 1.1 We confirm receipt of your report to prevent future deaths issued on 3 April 2025 (the "Notice"), made under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and Regulations 28 and 29 of the Coroners (Investigations) Regulations 2013 following the death of Alexander Adnan Cardoza on 27 March 2025. A response is required by 29 May 2025 to deal with the concerns raised within the report.

- 1.2 We would like to express our deepest sympathies to the family and friends of Alexander, following his untimely death.

- 1.3 This response is given as per the requirements under Regulation 29 of the Coroners (investigations) Regulations 2013.

2. THE NOTICE AND BROADER CONCERNS

- 2.1 We note the coroner has outlined the following concerns in the in the Notice.

- (i) The barriers in place remain surmountable;
- (ii) The barriers include horizontal metal wiring which, it appears, may assist the surmounting of the barrier;
- (iii) The can be moved and can be used to assist a person to surmount the barriers;

- (iv) The nature and level of the operational security in place on the 27 March 2025 was insufficient to prevent Alexander Cardoza from surmounting the barrier and falling; and
 - (v) There is no CCTV Camera monitoring [REDACTED]
- 2.2 As such the coroner has requested that immediate action be taken to prevent future deaths by addressing the concerns set out above and that both Heron Property and Samba are in a position of power to take such action.

3. BACKGROUND AND PROPERTY INFORMATION

- 3.1 For ease of reference and to assist the coroner, we outline the position regarding the area of concern to the coroner. Pavilion Trustees Limited and Pavilion Property Trust (collectively "Pavilion Trustees")

- 3.2 [REDACTED] is the tenant for the operation of their business as a [REDACTED] [REDACTED] leased the premises in shell condition and completed their own full fit out. [REDACTED] has full and sole responsibility for the operation of the business trading at the premises which includes the [REDACTED] including ensuring health and safety compliance.

- 3.3 [REDACTED] are responsible for the management of the property including the structure and the barriers [REDACTED] There are [REDACTED]

- 3.4 Following the death of Alexander Adnan Cardoza, [REDACTED] are addressing the concerns raised by yourself at (i) and (ii) by demonstrating the primary actions being taken to alleviate those concerns. The concerns raised at (iii), (iv) and (v) are within [REDACTED] remit but we are working with [REDACTED] to find an adequate and timely solution for the safe use of [REDACTED] and outline our response to these concerns also.

- 3.5 Balustrade (referred to here as barrier(s)) heights within the built environment are governed and directed from Approved Document Part K of the Building Regulations, which stipulate that at any commercial or residential property, the barrier height shall be set at a minimum height of 1.1m from the finished floor level.

- 3.6 The original barriers on [REDACTED] were over and above the building regulations compliance requirement of 1.1m at the time of practical completion. The barrier on the [REDACTED] was extended to 2.4m by way of metal wires to prevent customers from dropping [REDACTED] over the side directly onto the pavement below. [REDACTED] barrier was also increased to 2.4m by way of metal wires, following the death of Mr Hadgu. [REDACTED] did not have these modifications made at the same time as the [REDACTED] as beyond the [REDACTED] there is a flat roof preventing any dropped [REDACTED] from falling to the ground.

- 3.7 The Notice states, “It seems that no or no sufficient action has been taken to prevent persons from being able to fall from t [REDACTED]” and this is “despite the subsequent structural and operational changes” outlined in the inquest on 10 December 2024. As was submitted by H [REDACTED] at the inquest, there were additional metal wires installed on t [REDACTED] as there had previously been installed on the [REDACTED]. Further, a full risk assessment was conducted by [REDACTED] and this included information on the necessary operations of the [REDACTED] including security and [REDACTED]. Unfortunately, it is evident these operational risk management controls were not being followed on the day of 27 March 2025. The position is therefore, that [REDACTED] had taken action following the inquest in December 2024 to further prevent persons from being able to climb over and subsequently fall from [REDACTED].
- 3.8 It is also respectfully noted that, in both incidents, individuals appear to have taken deliberate actions to bypass and surmount the barriers [REDACTED], rather than having accidentally fallen from them, as might be misconstrued from the above concern.
- 3.9 The metal wires currently [REDACTED] are intentionally not taut (i.e., causing them to bend towards the direction of pull) so to make it harder, but not impossible to climb, however, it is understood by [REDACTED] that further preventative measures need to be taken to stop individuals from surmounting the barriers.
- 3.10 For ease, we have dealt with the actions in response to the coroner’s Notice in two parts, addressing each [REDACTED] individually as different actions are being taken in respect of each [REDACTED] to most appropriately deal with the risk presented.

4. PROPOSED STRUCTURAL CHANGES [REDACTED]

- 4.1 [REDACTED] has a boundary barrier comprising of glass with a stainless-steel frame at 1.39m high. There are additional metal wires to increase the height of the barrier to 2.4m. The additional metal wires were added at the point of installation, the reason being to prevent/avoid customers from standing against t [REDACTED] b [REDACTED] and fall to the pavement below.
- 4.2 In response to concern (i), [REDACTED] are progressing a project in conjunction with [REDACTED] to permanently enclose [REDACTED].
- 4.3 Planning permission was previously granted in 2015 by City of London for a full enclosure to t [REDACTED] including fully enclosed sides. The planning consent lapsed in the meantime.
- 4.4 [REDACTED] have now received a detailed proposal from Scheldebouw which allows for a modular steel framed enclosure to t [REDACTED]. The additional structure will have a roof with an electric louvre system to allow for ventilation but will fully enclose [REDACTED].
- 4.5 It has been agreed by [REDACTED] at fully enclosing [REDACTED] is the best solution and Scheldebouw were formally instructed on 13 May 2025 to produce the detailed designs.

4.6 As the design is still in the developmental stage and whilst the structural and wind calculations have taken place, the design will have to go through a planning application process and approval would also be needed from Mr Russell Pengelly, the Design Out Crime Officer/Architectural Liaison Officer (ASB/Crime Prevention Advisor) prior to the planning application being submitted. [REDACTED] are in contact with Mr Pengelly.

4.7 The exact timescales for this project are unknown as it is in the design and planning phase. [REDACTED] expects this would take at least 12 months. This will remove the need for horizontal metal wires and deals with concern (ii) as regards [REDACTED]. The structure will no longer be surmountable.

4.8 In the meantime, we understand that [REDACTED] will keep the [REDACTED] closed to the public until permanent alterations have taken place and [REDACTED] is enclosed.

5. PROPOSED STRUCTURAL CHANGES TO [REDACTED]

5.1 As outlined above, following the death of Mr Hadgu, it was concluded that the metal wires would be effective to increase the height of the barrier, thereby making it significantly more difficult to climb over the barrier. The additional height by way of metal wires was added by March 2023.

5.2 Whilst [REDACTED] was not relevant to the unfortunate incident on 27 March 2025, [REDACTED] understands the importance of making further structural changes in addition to those made in March 2023, to further prevent persons from being able to surmount the barriers.

5.3 In response to concern (i), [REDACTED] are progressing designs to increase the height of [REDACTED] barrier and change nature of the barrier, by removing the horizontal metal wires. [REDACTED] have now received a detailed proposal from Scheldebouw which increases the height of the barrier from 2.4m (1.39m glass, with the metal wires extending it to 2.4m) to 2.8m whilst also removing the handrails and footrails. In this design the existing glass and base brackets will remain in situ and new 2.8m posts will be installed to support new glazing that will be added to increase the height of the barrier to 2.8m. The barrier will therefore be made up completely of glazing up to a height of 2.8m.

5.4 [REDACTED] anticipate that the structural alterations to [REDACTED] will be completed by Autumn 2025.

5.5 Scheldebouw have carried out preliminary design works and modelling for this location, but it will require further development throughout the proposed 5-week pre-construction phase to finalise the drawings and specifications.

5.6 This will alleviate the need for horizontal metal wires and deals with concern (ii) as regards [REDACTED].

5.7 [REDACTED] have informed us that [REDACTED] will also remain closed to the public until permanent alterations have taken place to the barrier.

5.8 Again, such recommendations for alternations to the design of the barriers need to be signed off by Mr Russell Pengelly, the Design Out Crime Officer/Architectural Liaison Officer (ASB/Crime Prevention Advisor). As outlined above [REDACTED] are in contact with Mr Pengelly and he has been invited to the kick-off call with Scheldebouw which is scheduled to take place in May 2025.

5.9 As per the recommendations in the Public Health report, post installation of the approved design changes, a plan will be set up to allow officers to revisit and follow up with [REDACTED] to ensure safety is upheld.

6. OTHER CONCERNS [REDACTED] SECURITY AND CCTV)

6.1 It has been identified that the [REDACTED] as well as the [REDACTED] present a risk as it mitigates the height of the barriers when [REDACTED] towards the barriers, presenting a platform to climb onto the barriers.

6.2 It has been recommended in the Public Health report that [REDACTED] remove these [REDACTED] [REDACTED] and kept away from the edges [REDACTED]. It has been suggested that [REDACTED] obtain alternative designs for the [REDACTED]. They are focusing on [REDACTED] in place and away from the edges to prevent people from [REDACTED] at all, providing greater security. [REDACTED] understands that [REDACTED] will seek alternative designs to remove the risk the current layout presents and to deal with concern (iii) raised by the coroner, in conjunction with heightening the barrier on [REDACTED] and permanently enclosing [REDACTED].

6.3 As regards concern (iv) the [REDACTED] are responsible for and provide security personnel for the [REDACTED].

6.4 As regards concern (v) whilst there is CCTV covering [REDACTED] the risk assessment established that neither [REDACTED] CCTV covers [REDACTED]. The Public Health report comments that “*Whilst this is not a breach of the licensing condition attached to the premises licence, the CCTV should cover all operational areas.*” It has been agreed that the Licensing Team will work with [REDACTED] to enhance coverage once the design and build is more advanced and potentially refresh the condition attached to the licence by way of minor variation. Such designs will take account of the umbrella placements to ensure this does not block CCTV coverage of [REDACTED]. [REDACTED] do not propose increasing their CCTV coverage in this areas as review and actioning anything seen on the CCTV in real time would present practical issues i.e., [REDACTED] security who are based on the ground floor would not have direct contact with [REDACTED] and would be too far away to act in an emergency situation.

7. RELEASE OF THE RESPONSE / PUBLICATION OF RESPONSES

7.1 Our instructed solicitors CMS Cameron McKenna Nabarro Olswang LLP (“CMS”) contacted the coroner on 4 April 2025 as regards the publication of the Notice and any responses. The concern raised at the time was to invite the coroner not to publish the Notice in the immediate future as doing so may encourage copycat attempts.

- 7.2 We are grateful for the coroner's agreement that the Notice will not be published in the meantime. Upon publication of the Notice and responses, for the same reasons, we would invite the coroner to extensively redact the information within to avoid a member of the public from reviewing them and establishing how to circumvent any control measures in place at the [REDACTED]

8. CONCLUSION

- 8.1 We thank you for your time taken to prepare the Notice and for permitting us to review the information provided.

- 8.2 [REDACTED] will continue to engage with the necessary parties to ensure that changes are made in an expedited manner to achieve safe and compliant roof terrace areas.

Yours sincerely

[REDACTED]