

Corporate Governance & Standards Committee Report

Ward(s) affected: All

Report of Managing Director & Head of Paid Service

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## **Update on G Live Accident**

### **Executive Summary**

To receive an update on an accident at G Live

### **Recommendation to Committee:-**

To note this update

### **Reason(s) for Recommendation:**

To keep Members of the Committee up to date.

## 1. Purpose of Report

To receive an update on an accident at G Live (“the Accident”)

## 2. Strategic Priorities

Being up to date as regards (potentially) serious claims against the Council – and then learning the lessons from such claims - is an important element of the Council’s Governance.

## 3. Background

The Accident occurred at G Live Theatre on 9 February 2013. It resulted in fatal injuries when a horizontal shutter in the loading area suddenly gave way leading to the subsequent death of two people.

## 4. Update: Criminal Proceedings

4.1 The Council is not a defendant in the criminal proceedings referred to below.

4.2 The owner of the company which supplied the shutter involved in the Accident has been charged with two counts of manslaughter by gross negligence; and the company has also been charged with a health and safety offence. Not Guilty pleas were entered at Guildford Crown Court in May. A pre-trial review has been set for 23 September, with the trial set for October 4<sup>th</sup>.

## 5. Update: Civil Proceedings

5.1 Weightmans, the solicitors appointed by the Council’s insurers, advise that

“The claims are brought by their families against a number of potential defendants involved in the theatre and its operation, of which one of them is Guildford Borough Council. Court proceedings were issued in February 2016, as limitation was due to expire. Court proceedings have been issued against all potential defendants including Guildford Borough Council, although proceedings have not yet been served on any of the defendants. This is because a criminal trial is due to take place in September following charges of gross negligence manslaughter [*sic*] against a Director of one of the other defendants.

Once this trial is complete, proceedings in the civil proceedings are expected by early December 2016. It is not clear at this stage whether proceedings will in fact be served on Guildford Borough Council.”

5.2 Weightmans also advise:

“With regard to the civil proceedings, the claimants’ allegations against GBC (although not exhaustive) are that, as owner of the premises they were ultimately responsible for ensuring the safety of visitors, that contractors were competent and that maintenance inspections were undertaken by the relevant person.

The families are represented by two different firms of solicitors and both made an application to court to extend the time for service of proceedings until after conclusion of the criminal trial. Hearings were listed in May so that the applications could be heard. The hearings were not ultimately required as all of the parties agreed to the request and the matter was dealt with by consent. Save for the criminal proceedings, there are no forthcoming hearings scheduled.”

5.3 Clearly, the Council is just one of a number of defendants including HQT as the operators of the building and Wilmott Dixon who built it. The Health & Safety Executive visited the Council as part of their investigations and it did not have any concerns about the Council’s Health & Safety Arrangements at G Live.

5.4 Members of the Council’s Building Control Team have also been interviewed with regard to Building Regulations during its construction; and one officer has been informed that he may be called as a witness for the Crown at the trial later in the year.

**6. Consultations**

The Lead Councillor for Governance has been consulted on this Report; as have the Managing Director, the Monitoring Officer & the Legal Services Manager.

**7. Equality and Diversity Implications**

None

**8. Financial Implications**

There are no financial implications at this stage.

**9. Legal Implications**

None other than those implicit within this Report

**10. Human Resource Implications**

None

**11. Conclusion**

Members are asked to note this Report

**12. Background Papers**

12.1 Legal case files

12.2 Revenue & Payment Services files