

Council fined over falling tree deaths



The tree hit three cars and a bus shelter

Birmingham City Council has been fined £150,000 for breaching health and safety law after three people were killed by a falling tree.

Kenneth Davis, his mother Ellen, and Alan Poole were all killed when the ash tree fell on their cars in King's Heath in December 1999 amid gale force winds.

The council pleaded guilty to the charge brought by the Health and Safety Executive (HSE).

Judge Richard Wakerley QC said: "The condition and the danger the tree presented would have been obvious to anyone making a close inspection of that tree."

The maximum penalty for the charge was an unlimited fine.

The council will also have to pay £56,000 costs.

Mr Davis, a 56-year-old building contractor, Mrs Davis, 79, and Mr Poole, a 59-year-old postman, were travelling along Alcester Road South on 3 December 1999.

The 15-tonne 180-year-old ash tree fell across both carriageways, crushing the two cars.

The driver of a third car also hit in the accident escaped with minor injuries.

A bus shelter and the fence of a children's playground were crushed.

Colman Treacy QC, prosecuting, said 90% of the tree's roots had rotted away.



The tree fell across both carriageways

He said the council had failed to put into place a proactive system to deal with tree maintenance, and did not have staff trained in such matters.

Manslaughter discounted

An inquest jury returned verdicts of accidental deaths on all three victims in August 2001.

In September last year, the HSE charged the council with breaching section 3(1) of the 1974 Health and Safety at Work Act.

This requires employers to ensure the safety of those who are not in their employment.

However, the Crown Prosecution Service decided against bringing charges of corporate manslaughter.

The families of those who died could now start a civil action for compensation.

In a statement issued after Monday's trial, Birmingham City Council said it "deeply regrets this tragic accident.

"We have taken on board the lessons to be learned to strengthen and upgrade our tree maintenance programme."