

Enquiry Number – Request – 301034-4edd8c@whatdotheyknow.com

Request and Response:

I refer to your Freedom of Information request dated 6th November 2015 under whatdotheywanttoknow.com.

I have answered the questions in order that you have raised them.

Q.1 I am requesting a copy of the report into the investigation of the display at Brunswick Park last year where several people were injured.

A.1 Please find attached the Health and Safety report investigation that has third party elements redacted.

Q.2 It is alleged that several calls were made on the public address system before the fireworks were set off with a delay of 20 minutes. Can you confirm that this was the case, and therefore on whose instruction on the night the firework display was told to commence? Which officer of the council gave the nod to commence the display on the night?

A.2 The answer to question 2 is within the report.

Q.3 I am requesting any recorded information that you hold where any officer of the council admitted making a decision to proceed with the display despite the safety concerns.

A.3 The answer is within the report.

Q.4 Within the report, or separate to it, can you produce any recorded evidence or record of investigation which shows direct evidence that a faulty firework was to blame for this incident, and not your council's organisation of crowd control on the night?

A.4 There is no additional recorded evidence. With regards to a faulty firework this issue is highlighted in the investigation report. The firework company admitted partial liability.

If you are dissatisfied with the handling of your request you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the responses to your request and should be addressed to:

Information Management Unit
Sandwell Council House
Freeth Street
Oldbury
West Midlands
B69 3DE
Email — contact_sandwell.gov.uk

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Please remember to quote the reference number above in any future communications.

Report on fireworks accident at Brunswick Park, Wednesbury on 5th November 2014

Following a serious incident involving a firework being emitted into the crowd during an organised display, Chris Williams, Senior Lead Officer (Health and Safety) with the assistance of Robin Gristwood (Health and Safety Officer) carried out an investigation.

Incident details

Date of Accident: 5th November 2014

Time of Accident: 20:10

Witnesses: Mark Bowhay, Wayne Chattin, Kayleigh Love, James Piggott, Christopher Jones (Wardens). Sunish Patel, Tony Potter, John Satchwell.

Weather: Fine with no wind or rain, zero cloud cover during the evening of the event. Heavy rain prior to the event resulted in areas of the park becoming very soft underfoot. Some areas of the park proved to be very boggy which restricted spectator viewing areas.

This was the third, free community bonfire and fireworks event to be held at the venue. The first event held in 2012 attracted an estimated 3000 people with an increase to between 5000 and 6000 in 2013. Jubilee Fireworks were the competent firework operators for all of the events and checked the suitability of the site prior to the event in 2012. [REDACTED] (Managing Director – Jubilee Fireworks) assessed that the site was 'tight' but could work with the correct control measures in place.

Prior to the event, the site plan was drawn up and event safety arrangements and risk assessments prepared. Risk assessments were also obtained from Jubilee Fireworks. Some informal planning meetings took place prior to the event but no minutes/documentation were forwarded or considered as part of the investigation.

The event commenced at 17:00 as advertised and a general build up of members of the public attending the site ensued.

The security staff (UK Security and Events) and wardens (Sandwell Council) were briefed that prior to the start of the fireworks display that the multi-use games area (MUGA) and skate park along with the two side paths and areas to the side if the firing area would need to be cleared before the display could commence (as in previous years).

The Free Radio road show commenced at 17.00 with a variety of local acts. The bonfire was lit at 18:30 and the crowd in the park started to grow. The bonfire was roped off with an exclusion zone, and as the fire became established the heat from the bonfire pushed back the spectators a further 20/30m from the fire. This created a bottleneck towards entrance point at the bottom of the park next to the skate park.

At 19:15, it became apparent that the numbers attending the event were much higher than in previous years. This was due to the fact that it was a free event and weather was perfect for a firework event. There had also been excellent marketing and communications for the event, particularly on social media.

[IL1: PROTECT]

A large number of spectators were entering from the bottom end of the park (near to the Skate Park and MUGA) and were congregating in the safety area to the side of the firework firing area. Announcements were made by Free Radio asking spectators to move but this did not prove to be successful as the announcements could not be heard at the bottom of the park and people were reluctant to move into the main body of the park.

Extra wardens, security staff and council officers were deployed to the area to move the spectators out of the safety area. John Satchwell (Parks and Countryside Manager) was attending the event as an observer and quickly identified the difficulties that staff were having in moving spectators out of this area. John asked the wardens to locate 'megaphones' so that they could be used to get the safety message across to spectators. This had limited success and subsequent comments on social media by persons who attended the event stated that they had difficulty in understanding what the instructions were.

The problem was further compounded as spectators were still arriving at the site at the bottom of the park. Staff continued to attempt to move spectators from the safety zone but was subject to abuse and physical threats of violence. A decision was made to lock the gates which prevented around 200 people gaining entry into safety zone. These spectators stood to the rear of the firework display.

Tony Potter (Events and Projects Manager) along with John Satchwell quickly met with the firework company to discuss the emerging situation. It was made clear by the fireworks company that they were concerned about people standing in the safety zone but not at the rear of the firework display.

Further attempts were made to move spectators using the megaphones with some success although staff and the firework company continued to receive abuse. Eventually the crowd moved sideways until it proved impossible to move them any further due to the density of spectator numbers.

A further discussion took place between the Firework Company and John Satchwell / Tony Potter. John Satchwell took the decision to commence the display at 7.50 and stated that he would take the responsibility for what happened. This decision was made due to the possibility of further crowd unrest.

The display commenced some 20 minutes late and within a few minutes some parents attempted to leave the park as their children had started to become distressed. They were escorted along the inside of the safety zone but there was no way for them to exit the park as the gates were locked, which led to a small number of families being unable to exit the event.

The fireworks display was due to last for about 25 minutes, after 20 minutes there was a malfunction with one of the fireworks which resulted in it travelling horizontally. The first malfunction pitched just inside the safety zone and hit a warden [REDACTED] and a security guard (unknown) who were deployed to prevent crowd incursion into this area. The second one travelled further and slightly higher and went through the railings at approx head height hitting a spectator. This was measured as 41 metres from the firework firing zone.

The fireworks crew immediately stopped the display and the injured person ([REDACTED]) was attended to by paramedics and subsequently attended hospital for treatment for a suspected perforated eardrum. [REDACTED] also suffered burns to his leg and was attended to by paramedics at the scene. [REDACTED] was also hit by the firework and was attended by paramedics.

[IL1: PROTECT]

At the end of the fireworks display the majority of people that attended the event began to leave, staff were deployed to divert people around the injured person. A terrific amount of abuse was directed towards wardens and staff following the incident. The ambulance reached the park via Wood Green road and it took some time to reach the injured person through the crowds in the park.

Photographs



Figure 1 - View from firing area to casualty



Figure 2 - View from firing area to bonfire on left and main body of spectators

First Aid Information

First aid was administered by St John's ambulance. Details are also contained on the incident form.

Legislation

Health and safety at Work etc. Act 1974

Section 3 is the most relevant and place duties on employers to ensure, so far as is reasonably practicable not to expose others to risks to their health and safety. This includes contractors, visitors, trespassers and members of the public.

Section 2 places duties on employers to ensure, so far as is reasonably practicable the health, safety and welfare of all employees. This includes providing a safe system of work.

Management of health and safety at work Regulations 1999

Regulation 3 of the above requires a suitable and sufficient risk assessment to be carried out. The purpose of the risk assessment is to identify potential hazards in the area or arising out of its use; evaluate the potential risk involved; identify and evaluate existing control measures; and decide whether additional precautions should be taken. A hierarchy of control should then be followed where hazards should be eliminated where possible and if not remaining hazards adequately controlled.

Working together on firework displays (HSG 123)

This guidance gives advice on safety for outdoor firework displays where the fireworks are to be fired by a competent display operator.

Managing crowds safely (HSG 154)

This guidance provides practical guidance on managing crowd safety in a systematic way by setting out an approach which can be utilised by organisers at any event or venue.

Staffing levels and H&S competency

Jubilee Fireworks Staff

██████████ - BPA Firer ██████████ BPA Firer BPA Firer

Sandwell MBC Staff

Tony Potter (Events and Projects Manager) attended IOSH MS Jan 2004, refresher Jan 2007.

John Satchwell (Parks and Countryside Services Manager) attended IOSH MS Feb 2007, refresher April 2012.

Sunish Patel (Park and Facilities Manager) attended IOSH MS Dec 2009

Gary Bell (Parks Facilities Officer) attended IOSH MS June 2014

Paul Reeves (Grounds Maintenance Supervisor) attended IOSH MS Oct 2009

Dave Nock (Grounds Maintenance Charge hand) attended IOSH Supervising Safely 2009

Mark Bowhay (Warden Supervisor) attended IOSH MS Jan 2012

Nabeel Yafai (Warden Supervisor)

11 x Sandwell Wardens (all have attended IOSH Working Safely)

UK Security & Events Staff

8 x SIA registered security guards

8 x non SIA registered stewards

Other Information – Reasons for firework malfunction / Safety Zones

The firework that malfunctioned was a 50mm (47mm internal diameter), 8 shot Roman candle. This firework was attached to a frame along with several others. At some point during its firing sequence, the candle exploded. This occurs when a unit inside ignites before lifting out of the tube (information from the firework company states that this is a fairly common malfunction). This can result in the candle becoming displaced from its original position or even becoming detached from its supports on the frame. The rigging is designed so that, should this event occur, the candle will fall 'backwards' or 'sideward's'. The candles are attached to the rear of the frame for this purpose. At the Brunswick Park display, the result of the malfunction was to displace the candle in such a way that it fired its final shot(s) into an area that was populated by members of the public.

The HSE guidance document 'Working together on firework displays, a guide to safety for firework display organisers and operators' sets out the minimum safety distances to be

[IL1: PROTECT]

maintained for firework displays (nominally 100 metres for fall-out areas and 50 metres for the safety area). At the Brunswick Park display, the result of the malfunction was to displace the candle in such a way that it fired its final shot slightly backwards into what should have been a spectator free zone. This resulted in a number of people being hit. The distance from the firing zone to the estimated position of the main casualty was measured as 41m.

Immediate causes of accident

- 1) Malfunction of a Roman candle firework, which resulted it in it discharging sideways into an area that should have been 'spectator free'.
- 2) Due to the high numbers attending the event, people were initially allowed to congregate in the spectator free zone (safety area). As time went on it was difficult to get people to move from these areas.

Contributory causes of accident

- 1) The weather was perfect for a bonfire and fireworks display with no wind or rain. The event was held on bonfire night Nov 5th and there had been excellent publicity and marketing including extensive use of 'social media'.
- 2) The site was 'fairly tight' (identified in the initial fireworks risk assessment) for this type of event and previous years had seen an increase in the numbers attending from 3000 to 5/6000. As a 'free event' it was difficult to estimate the numbers that would possibly attend on the night. In previous years spectators had been moved from the 'safety zones' without any major problems.
- 3) The location of the 'free radio' road show at the top of the park made it difficult for spectators to hear the safety announcements i.e. requesting that they move out of the safety areas. Spectators also had difficulty in understanding what was being said, when the megaphones were being used.
- 4) Although some planning meetings (no minutes available) had taken place there is no evidence of any 'formal' documented meetings involving all of the main interested parties.
- 5) Tony Potter was identified as the 'Lead Officer and Health and Safety Advisor for the event in the Event Safety Documentation. The decision for the fireworks display to commence was made by John Satchwell as the senior officer, although he had no role defined in the safety documentation

Conclusions

The circumstances of this years event (good weather, event held on bonfire night, excellent publicity) resulted in a higher than expected attendance. Congestion in the park made it very difficult to remove spectators from the designated safety areas. Although the display was delayed in order ensure that the safety areas were cleared, increasingly staff were becoming subject to threats and intimidation.

With a back drop of potential anti-social behaviour if the event was delayed any further, a decision was made to commence the display although the 50 metre safety zone around the fireworks display had been compromised.

[IL1: PROTECT]

The site at Brunswick Park is not suitable for the high numbers that attended this event. Generally it is good practice for the safety zone and fall-out areas to be empty of spectators prior to the event starting thus negating the requirement to move people out of these areas. However as the areas to the sides of the firing zone are one of the main points of access and egress into the park it was not possible to do this until a short time before the event was due to start. The gates from the skate park were locked to prevent any further incursion into the safety zone but this also made it difficult for parents to leave the site during the display with their children. The risk assessment and safety documentation did not adequately address the potential risk of how the safety/fall-out zone would be managed.

The HSE guidance 'Managing Crowds Safely' makes reference to the Event Organiser holding regular event planning meetings for all of the main interested parties. In previous years the main fireworks event at Dartmouth Park had been subject to regular meetings prior to the event. This was not case for this years 'free' event(s).

Recommendations

- 1) There is no doubt that the consequences of a firework malfunction and then entering into the crowd are extremely serious and could have been a lot worse than was the case at the 2014 event. The safety distances recommended by the HSE are the minimum recommended and the Brunswick Park site leaves no margin for error even when fully enforced. Due to the possibility of high numbers of spectators attending, and the difficulty in securing an adequate safety and fall out zones for fireworks, it is recommended that Brunswick Park is not used for future bonfire/fireworks events.
- 2) Following the incident at Brunswick Park and after discussions with the firework company, extra fencing (shell-catcher fencing) was employed around the firing area to restrict the effect of any malfunctioning fireworks. It is recommended that that this additional control measure is included at future bonfire/firework events.
- 3) That the role of Health and Safety Advisor at all future Sandwell MBC bonfire events is held by suitably competent members of the corporate health and safety team as was the case in previous events held at Dartmouth Park.
- 4) Site plans are improved so that the guidance on minimum dimensions as recommended in HSG123 (Working together on firework displays) are clearly indicated.
- 5) That all bonfire events are subject to rigorous 'documented' planning prior to the events taking place which includes all interested parties.
- 6) The 'checklist for venue suitability' as outlined in 'managing crowds safely' is used when considering any 'new' venue for large scale special events of this nature.
- 7) That risk assessments and safety documentation are reviewed for all bonfire events.
- 8) A review is undertaken of all current sites used for Sandwell council bonfire/firework displays to ensure that they meet the guidance outlined in HSG 123 (Working together on firework displays).

Chris Williams CMIOSH
Senior Lead Officer (Health and Safety)
Improvement and Efficiency