

Council charged with Legion

deaths

Daily Telegraph
Wednesday Feb 11th 2004

By SALLY POOK

A TOWN council is to be charged with corporate manslaughter – in the first case of its kind – following the deaths of seven people from Legionnaire's disease.

The council has been summoned to appear before magistrates on Feb 24 to face seven counts of manslaughter. Also in court will be Gillian

Beckingham, 45, a design services manager, who has already been charged with the same seven offences.

The Crown Prosecution Service said last night that it was satisfied that it could bring evidence to show that Barrow borough council, Cumbria, had failed in its duty towards the public.

Legal experts said the case had wide-ranging implica-

tions for local authorities, which could now face unlimited fines if found guilty of such an offence.

"This is the first time a local authority has been prosecuted for corporate manslaughter," said David Bergman, the director of the Centre for Corporate Accountability, an advice and research organisation.

"The only organisations

that can face such charges are corporate bodies but councils are now considered as such under new Local Government Association legislation.

"This will have major implications for the way councils think about safety."

The charges follow a police investigation into seven deaths in the outbreak in Barrow-in-Furness in August 2002. More than 150 people

were infected and a 30-year-old air conditioning plant at the council-run Forum 28 arts complex opposite Barrow Town Hall was identified as the source.

Among the townspeople who died was June Miles, 56, a mother of four children, and Richard Macaulay, an 88-year-old grandfather.

Georgina Somerville, 54, Harriet Low, 74, Wendy Mill-

burn, 56, Elizabeth Dixon, 80, and 55-year-old Christine Merewood also died.

"We looked at the evidence to see whose actions or inactions may have led to this tragic state of affairs," said a CPS spokesman. "We are satisfied there is evidence to bring a case in relation to Gillian Beckingham.

"We are also satisfied we can bring evidence to show

there was a failing by the council in its duty of care towards the public.

"The council must therefore also stand and be answerable for the tragic deaths. This is unique."

A council spokesman said it had been told of the summons yesterday and was seeking legal advice. "We are not able to comment further."

Gillian Beckingham was not

at work and could not be contacted. She and the council have also been charged with offences under the Health and Safety at Work Act.

Successful corporate manslaughter prosecutions are rare. The CPS must show that an individual "considered to embody the company" knew lives were being put at risk through criminal negligence of health and safety rules.