

## Council found guilty after child sustains head injury from defective bollard fall

A jury has found Hampshire County Council guilty of breaching s 3(1) of the Health and Safety at Work Act after a six-year-old girl sustained a serious head injury in an incident involving a defective bollard.

Bournemouth Crown Court was told last Friday (22 June) that the victim, who cannot be named for legal reasons, was attempting to leapfrog the 0.9 m bollard at the bottom of Quay Hill in Lymington, Dorset on 28 December 2015 when it collapsed.

She hit her head in the fall and sustained a fractured skull. The youngster, who was on holiday with her family, was rushed to Southampton General Hospital and spent five months undergoing surgery and rehabilitation. She still requires care.

According to the *Bournemouth Daily Echo*, the jury was told about reports, which showed how road chiefs at Hampshire County Council has been warned about the bollard's safety on 15 December, less than two weeks before the incident.

Although Quay Hill is a cobbled street, the route is accessed by vehicles. Hampshire County Council manages it as the highways authority.

The *Advertiser and Times* added that highways engineer Colin Hibberd visited the site six days later and reported that, while he found the bollard to be damaged, he did not think the work was urgent enough to warrant immediate repair, and did not class it as a "safety defect".

The court was told how inspectors determine the seriousness of issues using their training and aptitude, and check their process against a Hampshire County Council handbook they carry.

The *Advertiser and Times* said that Hibberd had reported the bollard had two plastic ties on it when he attended the scene and carried out his inspection. He also told the court that he pushed against the bollard to check its resistance to movement and "it was clear it was stable". Hibberd concluded that it was not a safety issue and logged it on the council's system as a job that needed "further inquiry".

The highways engineer told the court that he then raised the bollard to its normal height because leaving it on the ground would have created a potential trip hazard.

However, the *Advertiser and Times* reported how experts in the trial had agreed the "main lump" of the bollard weighed around 63 kg and that using cable ties to secure it was an "inadequate control".

The Health and Safety Executive investigated the incident and brought the prosecution, charging the county council with the s 3(1) breach. Sentencing has been set for 18 July.

