

Council fined following fatality caused by a tree branch striking a moving vehicle

Wirral Borough Council has been fined after a branch from a tree fell and struck the vehicle of a pregnant mother while she was driving with her two children.

Elizabeth Stear suffered injuries and later, the sad loss of her prematurely born baby.

Liverpool Magistrates' Court heard that on the morning of 10 November 2016, 39-year-old Elizabeth, who was 36 weeks pregnant, had been performing the daily school run. She was driving along the A551 Arrowe Park Road with her 13-year-old daughter and six-year-old son when her moving vehicle was struck by a large branch falling from a mature horse chestnut tree. The branch broke through the windscreen and front driver window and struck the right side of Elizabeth's stomach. She was taken to hospital with suspected major trauma and her baby girl, Lucia Jayne Stear, was delivered by an emergency caesarean, living for 15 hours before sadly passing away.

An investigation by the Health and Safety Executive (HSE) found that the large branch, which fell had a crack on its upper edge where it was joined to the main trunk. It had begun to separate from the main trunk for at least one growing season before the failure. The tree, located within the boundary of Arrowe Park, adjacent to the highway, had not been inspected for at least 13 years. Wirral Borough Council failed to identify and manage the risks from falling trees and branches, and failed to implement a robust system of inspection of trees in its remit despite a similar incident occurring on Arrowe Park Road in January 2015.

Wirral Borough Council of Town Hall, Brighton Street, Wallasey, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The Local Authority was fined £100,000 and ordered to pay costs of £49,363.

Elizabeth Stear said "Usually when you think of your children, you remember things like holidays, achievements, sports days, family days out, their favourite foods etc. We don't have those memories for Lucia. We would like to thank our family and friends, Aintree Hospital, Liverpool Women's Hospital neonatal team, the midwives, Honeysuckle team, the Police and Claire House who are still supporting me today."

After the hearing, HSE inspector Rohan Lye said: "There are no winners in this sad case. Councils have a duty to proactively assess and control risks to members of the public. This tragedy could so easily have been avoided if the risk had been identified, warnings had been heeded and an adequate tree management system had been implemented.

“Tragically, due to these systemic failures, Elizabeth and Alex, together with their two children have been left without Lucia and have had to restructure their lives from the devastating impact they have each individually experienced.”

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