

GATE SYSTEM INSTALLER JAILED FOR MANSLAUGHTER

Tragic UK story bears lessons for US installers

By Christine Cunningham

Editor's note: We thought this story was so important, we obtained permission to reprint the text and the photos on these pages. This story originally appeared in the online edition of The Mirror, a longtime respected news source in Britain.

The writing style is different and more sensational than our usual, but we have left the majority of the text in its original form. While codes, regulations, and laws in the UK are different from those in North America, this story shows the tragic possibilities when automated gate systems are not installed properly.

This gate fell on the victim. Photo courtesy of Norwich Eastern Daily Press.

A workman who installed a giant iron security gate which crushed a grandmother to death has been jailed for three and a half years. Robert Churchyard, 52, was convicted of manslaughter by gross negligence over the death of Jill Lunn.

Mrs. Lunn, 56, hailed as the “rock” of her family, was killed when the automatic gate toppled on the much-loved grandmother at her home in Blofield Heath, near Norwich. Mrs. Lunn was killed in the horror incident at her own house just weeks after the gate was set up.

The freak accident was a “wholly preventable tragedy,” the court heard. Churchyard, of Norwich, was jailed at the city’s crown court. He was also convicted of an offense under the Health and Safety at Work Act at a separate trial.

Company also fined

Churchyard worked for Automated Garage Doors and Gates, Ltd., when the tragedy happened. The company also admitted three counts of failing to comply with a requirement under the Supply of Machinery [Safety] regulations and was fined £12,000 [about \$16,000].

Churchyard fitted [installed] the huge gate, which weighed about a third of a ton, in March 2013. But it didn’t have any failsafe stopping devices to prevent it falling if it were operated manually, the court heard.

On the fatal day, Mrs. Lunn pulled into her drive, with her grandchild in the car, and tried to close the gate using the remote control. It wouldn’t work so she tried to shut the gate manually. It fell straight on top of Mrs. Lunn and crushed her to death on April 17, 2013.

Andrew Jackson, prosecuting [attorney], said the tragedy could have easily been prevented by a stopping device either to the gate or to the track upon which the gate ran.

Devastated family

In an impact statement read in court, Mrs. Lunn’s grief-stricken family said her death had left them “devastated.” They said they felt “cheated” she had died in such a terrible way and were still struggling to come to terms with the tragedy. But her daughter said they felt the person most cheated was Mrs. Lunn herself as she had “so much more living to do.”

Jailing Churchyard, Judge Stephen Holt said it was an awful tragedy as he stressed: “There are no winners.” Judge Holt said the family’s raw, emotion-charged impact statement was “heartbreaking.” He said the case crossed the custody threshold, and he had no alternative but to jail Churchyard, whose own family left the court in tears.



Jill Lunn was killed when the automatic gate toppled on her. Photo courtesy of Norwich Eastern Daily Press.



Robert Churchyard, 52, was jailed for three and a half years over the death. *Photo courtesy of Norwich Eastern Daily Press.*

The effect on the installer

Anthony Potter, defending [attorney], said [Churchyard] had never got over what happened. Mr. Potter said, “He has continued to think about what happened to Mrs. Lunn on a daily basis. It’s had an effect on his health.”

He said Churchyard, who worked for the company for 20 years, has now left and become a long-distance lorry [truck] driver. Mr. Potter said, “He will not return to this kind of work in the future.”

Company pleads guilty, expresses regret

Philip Hackett, [attorney] for the company, offered their “profound regret” and apologized for their failings. But Mr. Hackett said following the tragedy every single installation by the firm was inspected and there was no other failure.

He said, “It is still completely inexplicable what actually happened on this occasion.”

Mr. Hackett said the company was a small family enterprise, had pleaded guilty at the earliest opportunity, and fully co-operated with police.

Preventing other tragedies

Afterwards, Det. Sgt. Darren Reade of Norfolk Police said, “Jill’s death should never have happened. If Churchyard had undertaken all the safety work expected of him, then she would have been protected from the gate breaking in such a way. I hope that this outcome prevents a similar tragedy from happening in the future.”

Mrs. Lunn’s loved ones told the court that four generations of their family had been shattered by her death. They said in a statement: “The sudden loss of our perfectly healthy, beautiful, loving 56-year-old mother, sister, daughter and Nana has taken its toll emotionally physically and financially on the whole family.”

“Our Mum was our rock, the hub of our family. She was the most loving and caring person you could ever meet. If there was a competition for best Mum and Nana she would have won hands down.”

“Security” gate?

They said they thought that fitting [installing] gates to Mrs. Lunn’s home would keep the family safe.

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"Unfortunately, this was not to be the case and in fact totally the opposite," they said. "The day our Mum died a big chunk of who we are, what we lived for, and our ability to care and love was taken away from us."

Sending a message

After the case, a shocked safety expert said the industry must learn a lesson from the tragedy. Health and Safety Executive inspector Edward Crick said, "This case is a stark demonstration of what happens when companies do not comply with the relevant legislation relating to the safety of machinery.

"The industry must learn from the tragic death of Jill Lunn so no other family suffers the same loss. There is plenty of guidance available to help businesses ensure they put in place the basic safeguards and provide their customers with the necessary information to operate them safely."

Norfolk County Council Trading Standards Business, Food and Farming manager, Jon Peddle, said: "The failings in this case had tragic consequences for Mrs. Lunn and her family. We welcome this sentence and hope this sends out a clear message to similar businesses." ■

UK trade association speaks out

On Nov. 7, after Chuchyard was sentenced to jail, the Door & Hardware Federation (DHF), the UK's primary trade association for doors and gates, said, "This is the first time that an individual has received a custodial sentence for an accident involving an unsafe automated gate."

DHF General Manager Michael Skelding added, "Today's sentencing serves as a stark warning to everybody involved in the automated gate sector that they must ensure all doors and gates are checked for safety against current standards and regularly maintained by properly trained specialists. As this court case clearly demonstrates, both individuals and companies could face prosecution in the event of an accident." ■



Michael Skelding

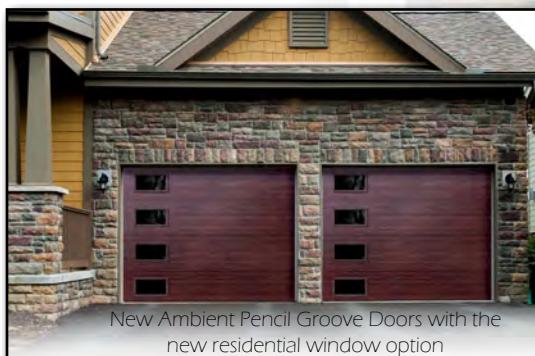
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