

Manslaughter charges alarm engineers

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The building services industry was stunned by the decision to prosecute an individual design services manager over the seven deaths caused by a Legionnaires' disease outbreak in Cumbria.

The Crown Prosecution Services has pressed manslaughter charges against Barrow Borough Council and its employee Gillian Beckingham.

It is the first time that corporate manslaughter charges have been brought against a local authority. In the past, where individuals have been charged, they have invariably been senior managers or directors.

Mrs Beckingham faces seven charges of manslaughter after the disease, which affected 170 other people, was traced to an arts centre air conditioning unit in Barrow-in-Furness, Cumbria. The council faces seven counts of corporate manslaughter.

If convicted, Mrs Beckingham faces a maximum sentence of life imprisonment and the council an unlimited fine.

The outbreak was traced to a 30 year old air conditioning unit at the council operated Forum 28 arts complex in August 2002. It was discovered after the outbreak that the maintenance contract to clean the unit had been terminated.

Some local government officials say this will make employees less willing to take difficult technical decisions if they believe they could be left open to prosecution.

The institute of Directors (IOD), which last year backed the introduction of the offence of corporate manslaughter, said it was concerned about the danger of "scape-goating" individual managers. This could deter employees from volunteering for health and safety responsibilities, it said. Prosecutors will have to prove that Mrs Beckingham owed a duty of care to the victims; that there was negligence; that the breach was a substantial cause of death; and that the breach of duty was so gross that it was criminal.

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