

# English stately home fined £266k after butler fatally crushed by lift

A charitable trust has been fined £266,000 after the Elizabethan stately home it manages became the scene of the “tragic and untimely” death of its long serving butler.

Peterborough Crown Court heard how Arthur Mellar, 47, head butler at Burghley House in Stamford, Lincolnshire, was killed when he became trapped in a luggage lift as he attempted to free an item of guests’ luggage.

On the day of the incident, 12 July 2014, there had been several guests at the estate, which is managed by Burghley House Preservation Trust and has featured in films such as the 2005 production of *Pride & Prejudice*, for its annual cricket match.

Four guests’ bags had been put into the lift on the ground floor to take them up to the second floor, when a “grinding sound” was heard after a bag became stuck between floors.

Mrs Rock, who manages the house affairs, pressed the stop button and “reached into the lift to grab the items”, the court heard. However, she was unable to free them and, in order to attend to guests’ children who were at that point going for a swim, she left and told Mr Mellar the lift had become stuck.

At some point later, a member of staff heard a “low groaning sound” and Mr Mellar was discovered with his head and shoulders crushed under the bar of the lift. Although staff managed to free him he was subsequently pronounced dead.

The lift, which was installed in the late 1950s, was located in the private part of the house where staff and family lived. The lift cage and shaft were positioned inside a stairwell and the lift was used to carry guest luggage and cleaning equipment. It was referred to by staff as “a little bit cranky” and had jammed before on several occasions, said James Hodivala, prosecuting for HSE.

On the day of the incident, one of the bags became jammed between the edge of the lift car – which had no door, but was fitted with a “bungee cord” – and the lift shaft. As Mr Mellar leaned over the balustrade of the stairwell into the lift area to retrieve the bag, the lift descended, trapping him between the lift cage and the stairwell’s bannister.

Mr Hodivala said that if a slack rope detection device had been installed it would have “prevented the incident”. He said this device was “standard in industry... well understood and documented”.

The court heard the lift had never undergone a thorough examination and there was no emergency brake to prevent the lift falling. No risk assessment had been carried out, and, although the lift was checked by the maintenance manager on a monthly basis, “if there was juddering and [it was] making noise”, the manager was not a competent person for this job.

Sarah Le Fevre, the barrister representing Burghley House Preservation Trust Limited, which pleaded guilty to breaching health and safety law, said the incident was an “aberration” in an otherwise “robust” health and safety system, which the judge accepted. She added the trust had since completed a “comprehensive review across [the] estate” of health and safety and now ensured all staff are trained in risk assessments and manual handling. The lift was decommissioned and “will be removed completely”, she added.

However, Judge Sean Enright rejected the defence’s mitigation argument that the lift was infrequently used. It was “sheer chance that prior incidents didn’t have tragic results”, he said, adding that a “number of other staff” had been exposed to the risk.

Announcing the fine, the judge referred to the trust’s “positive attitude to health and safety” since the incident and its early guilty plea. He said he would reduce the fine by a third, and imposed a

£266,000 fine on the trust for breaching section 2(1) of the Health and Safety at Work, etc Act 1974. The trust was also ordered to pay costs of £16,863.

Mr Mellar's partner Gerwin Castillo spoke of how he had lost his "inspiration and reason to live". He said that the "pain was still raw" and that he has struggled to cope since the tragedy. Mr Mellar had been in the Trust's service since 2006, and was a "most loyal and conscientious employee".

Burghley House Preservation Trust was established as a charity in 1969 "for the advancement of historic and aesthetic education and the preservation of buildings of national importance".

Designed by William Cecil, Lord High Treasurer to Queen Elizabeth I, Burghley House attracts 700,000 visitors annually. As well as the 2005 film production of *Pride & Prejudice* starring actress Keira Knightley, the house appeared in the 2006 *Da Vinci Code* film.

The trust posted £8.4m in income and profits of £620,000 in its latest accounts.

Commenting after the case, HSE Inspector Alison Ashworth said: "This was a completely avoidable incident, and Burghley House admitted its role in it, but of course that will be little comfort for Mr Mellar's family."

"I would urge any business using lifts, particularly older lifts such as the one in this case, watching this case to ensure correct measures are taken in relation to maintenance of lifts and that competent lift engineers are employed when necessary to identify defects."

In a statement issued afterwards, David Pennell, estates director at Burghley House, said: "Health and safety matters have always been paramount across all activities at Burghley and what happened to Arthur Mellar in July 2014 was an accident."

"I know that I speak for all of us at Burghley when I say how much we miss him and our thoughts are with Gerwin and Arthur's family at this time."

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