

Owners of The Nightingale nightclub fined after an employee fell down a lift shaft

1st November 2017



Owners of The Nightingale nightclub have been fined £10,000 at Birmingham Magistrates' Court today (01/11), after an employee fell 13ft down a lift shaft at the club.

Birmingham City Council prosecuted The Nightingale (UK) Limited – which is based at Wynner House, 143 Bromsgrove Street, Birmingham, and runs The Nightingale in Kent Street – following the incident in July 2016, in which an employee sustained a broken back.

The company pleaded guilty to one offence under the Health and Safety at Work etc Act 1974, and were also ordered to pay court costs of £6,251.15 plus a £120 victim surcharge.

Health and Safety inspectors investigating the incident found the way staff used a disabled passenger lift to transport stock was flawed, it had not been subjected to audits of inspections. They also found the company had failed to ensure the lift was maintained in a safe condition and employees had not been trained in what to do if the lift had a fault.

The court heard that the lift had been taken out of use on the 28 July 2016 because of a fault with the middle door release, by sending it to the top floor and activating the stop button. On 30 July a employee used a screwdriver to operate the middle floor emergency door release so stock could be taken down in the lift. During the fourth trip, the lift did not arrive at the landing and as another employee walked in carrying a storage frame they fell 13ft (4m) down the shaft sustaining serious injuries. The company said that against company rules the lift had been used on occasions by staff before to take stock down. It accepted it did not do enough to prevent use of the lift by electrically isolating it.

Nightclub owners co-operated with the investigation, instructing a contractor to maintain the lift and ensured its employees had received adequate training post incident.

Councillor Barbara Dring, Chair of the city council's Licensing and Public Protection Committee, said: "This case shows what can happen if a business fails to ensure that suitable systems and control measures are in place, particularly if failing to do so could result in serious or life changing injuries.

“Falls from height are well known to cause serious or fatal injuries. Officers will continue to take action where minimum standards of health and safety are not met or flouted.”