Luton dad died after falling down newly dug hole that was left unsafe

Matthew Wilmot had watched the FA Cup final at a pub and was walking home when he fell into the hole

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Matthew Wilmot, who died after falling into a hole in Luton that was not made safe by M&S Water Services (Utilities) Ltd 8
(Image: south bedsnews agency_sbna_fairl)

A father of two was killed when he plunged down a newly excavated hole late at night that had been left unsafe by workmen.

Matthew Wilmot, 40, had earlier been watching the FA Cup final at a pub and, after spending the evening drinking, was dropped off at the end of the night in a taxi near his home.

But a court heard today (June 28) that the hole on the footpath that had only recently been dug out by workmen for a water company, had not been properly made safe and there was a risk to members of the public.

As Mr Wilmot made his way towards his home in Luton he plunged into the hole with tragic consequences. His lifeless body was found in the hole in Devon Road in Luton early the next morning.

Today the water company responsible for the excavation of the hole and making sure it was left in a safe state was fined £100,000 and ordered to pay prosecution costs of a further £50,238.

M&S Water Services (Utilities) Ltd, which had been contracted to carry out the work by Affinity Water, appeared at Luton Crown Court for sentencing.

The company, which is based in Luton, had been found guilty earlier this year after an eight day trial of failing to discharge a duty under the Health and Safety at Work Act by not ensuring that people not in its employment were not put as risk.

Passing sentence Judge Mark Bishop said the job, which was to dig a hole to locate a stop tap, had been carried out by workers for M&S Water Services on the morning of Thursday, May 25, 2017.

After digging to a depth of around five feet, the stop tap still hadn't been found and so the workmen reported back on phone to others supervising and were told to make the site safe and move on to another job.

The hole that Matthew Wilmot fell into and died in Luton that was not made safe by M&S Water Services (Utilities) Ltd
(Image: south bedsnews agency_sbna_fairl)

The judge said making safe meant refilling the hole with some of the "spoil" so that it was not as deep as before. Soil was put back so that the depth of the hole was 1.2 metres and there were plastic barriers put around the opening.

In addition two signs saying "Footway Closed" were in position either side of the hole.

After watching the cup final two days later, Mr Wilmot was making his way home late at night and it was shortly after 12.30am on Sunday, May 28, when a taxi dropped him off at the end of his road.

By now more than 48 hours had elapsed since the safety barriers had been put in place and they had moved.

The judge said when the workmen had left the site on the Thursday it had been decided by them that no footplate was needed to be placed over the hole, because the footpath had been closed and such a precaution represented a a "trip hazard".

At the trial the jury was told that in the early hours of that Sunday morning witnesses had seen the plastic barriers had fallen down. Mr Wilmot's body was found at 7am that morning.

The judge said it was clear that the excavation of the hole was on a footpath which would be used by people to move objects like wheelie bins past it to a collection point. He said the site had "started to get untidy".

The judge went on: "I am satisfied the jury accepted the evidence that this site had not been left safe."

If the hole had been filed with more soil and been covered either measure would have reduced or eliminated the risk to the public.

"I am quite satisfied there was a foreseeable risk to members of the public by the way this excavation was left and that's what the jury found as well," said the judge.

At an inquest into death of Mr Wilmot, which was held in 2018, Ampthill Coroner's Court heard how the hole had been dug by contractors on behalf of Affinity Water, but safety barriers had been removed.

A jury of four men and five women heard that the father of two had watched Arsenal beat Chelsea in the final while drinking beer, Jagerbombs and shots in various pubs on Saturday, 27 May.

At the end of the night he took a taxi with a friend to the end of his road. A neighbour discovered Mr Wilmot's body "upside down" in the hole on Devon Road at about 7am.

The inquest was told work had been temporarily suspended on the Thursday as the hole needed to be deeper and another team was going to continue the work the following Tuesday.

Barriers had been put up and the footpath was shut with signage. The death of Mr Wilmot, from was accidental, the coroner decided.

A victim impact statement from Tania Banks, who was Matthews's partner of 24 years, was read out in court today in which she said "All our lives have been changed forever, our hearts have been broken and our world is a much sadder place without Matthew."