

## **WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**15 APRIL 2024**

### **1. RESULT OF RECENT FIRE SAFETY PROSECUTIONS**

Report on behalf of the Chief Executive Officer

#### **RECOMMENDED**

THAT the details of the fire safety prosecution be noted.

### **2. PURPOSE OF REPORT**

This report is submitted to inform the Authority of the result of prosecutions under the Regulatory Reform (Fire Safety) Order 2005.

### **3. BACKGROUND**

3.1 This case concerned the persistent failure to comply with a Prohibition Notice served upon First Job Ltd and its directors, Carmen Lupu and Daniel Orasanu, in relation to occupied premises being converted from an office block to flats at Metro Court, 150 High Street, West Bromwich during the period 24 November 2016 to 17 August 2017 when the premises was vacated subject to a Closure Order issued by the court under the Anti-social Behaviour, Crime and Policing Act 2014. The issues included:

- no power to the fire alarm
- insufficient number of fire detectors in the occupied third floor corridor
- numerous fire doors in the open position
- combustible materials in the staircase obstructing the means of escape
- non fire-resistant flat windows opening onto the means of escape

- doors to flats which were not fire resisting.
- 3.2 Despite the Prohibition Notice being in force throughout, Ms Lupu continued to advertise in her native Romania that the accommodation was available for rent and a further number of families moved into the premises. This situation persisted up to the point of the Closure Order being served.
- 3.3 This Authority's criminal prosecution was due to be heard at Wolverhampton Crown Court on 7 June 2018, however, the defendants failed to appear. Immediate investigations found that Ms Lupu and Mr Orasanu had fled to Romania during the previous week despite having surrendered their passports to the court at an earlier hearing. The Court issued warrants for their arrest should they try to return to the UK.
- 3.4 Several court hearings took place during which the Authority was directed to apply for European Arrest Warrants (EAWs) for Ms Lupu and Mr Orasanu. This application was duly made, however, the warrants could not be executed due to technical differences between British and Romanian statutes concerning fire safety law. Consequently, the Authority requested a trial in absence to which the court agreed. Due to Covid and the subsequent backlog in cases the trial could not begin until 11 October 2022.
- 3.5 The prosecution outlined the case to the jury and showed them video footage and still images of the deficiencies found by the officers on multiple occasions including the increasing occupation of the premises despite the prohibition. At the conclusion of the case, the jury were directed by His Honour Judge (HHJ) Berlin to find the defendants guilty only if they believed the prosecution had proved its case against them. He did suggest that the failure to comply with the prohibition was an example of "cynical profiteering by the defendants". The jury unanimously found each of the three defendants guilty of each of the three offences with which they were charged, although the defendant company First Job Limited had by this point been dissolved and therefore could not be sentenced.
- 3.6 Having discharged the jury, HHJ Berlin then gave further directions to seek details of previous European convictions via Interpol before the court could proceed to sentencing. This was expected to take

around two months, and HHJ Berlin suggested he may be in a position to sentence in the early part of 2023. Following sentencing of the defendants, the EAWs can then be executed subject to Ms Lupu and Mr Orasanu being located.

- 3.7 Due to changes following Brexit, a single check of convictions across Europe is no longer possible and individual enquiries had to be made with several countries resulting in further delays. Our thanks should go to our colleagues in West Midlands Police for their assistance with this process.
- 3.8 Following further cancellations of Court hearings, on 8 February 2024 Daniel Orasanu was finally sentenced by HHJ Chawla at Wolverhampton Crown Court to a total of 34 months imprisonment and Carmen Lupu to 33 months. They were also ordered to pay full prosecution costs totalling £66,708. Unusually, due to the serious nature of the offending and total disregard for the law, HHJ Chawla ordered that the sentences for the breach of the prohibition notice and the other fire safety offences should run consecutively. This resulted in the total sentences being well above the usual maximum for these offences of 24 months.

#### 4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

#### 5. **LEGAL IMPLICATIONS**

The Regulatory Reform (Fire Safety) Order 2005 places a general duty on Responsible Persons, and others who have control to any extent, to provide general fire precautions to keep people safe in case of fire. The Order imposes a statutory duty on Fire and Rescue Authorities to enforce the provisions of the Order.

#### 6. **FINANCIAL IMPLICATIONS**

The total costs of bringing the prosecution were £66,708, which will be recovered as the defendants were required to pay full prosecution costs.

## 7. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from this report.

## **BACKGROUND PAPERS**

Notification of Fire Safety Prosecution – 21 June 2017  
Fire Safety Files

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HEAD OF PROTECTION