

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

20 NOVEMBER 2017

1. RESULT OF RECENT FIRE SAFETY PROSECUTIONS

Report of the Chief Fire Officer and Clerk

RECOMMENDED

THAT the details of the fire safety prosecutions 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 Norfolk Hotel, 267 Hagley Road, Birmingham

3.1.1 This section of the report relates to the Norfolk Hotel, 267 Hagley Road, Edgbaston, Birmingham, that was pursued by this Authority following a complaint which identified a number of multiple failures to comply with fire safety legislation and which constituted a risk of death or serious injury in the event of fire.

3.1.2 Mr. Sukhwant Singh Pahal and Mr Yasin Hussain were co-defendants who had each failed to comply with the Regulatory Reform (Fire Safety) Order 2005. These failures resulted in 10 offences against each defendant.

3.1.3 On 30 August 2017 at Birmingham Crown Court both defendants pleaded guilty to 6 offences and were sentenced to 8 months imprisonment suspended for 2 years on each of the 6 counts. All sentences will run concurrently. Collective legal costs of £29,886.65 for bringing the prosecution were awarded against both defendants. Mr Pahal agreed to meet costs for both.

3.2 JD Sports and Scotts, Merry Hill Shopping Centre, Brierley Hill

3.2.1 This section of the report relates to JD Sports Fashion PLC as the Responsible Person trading as JD Sports and Scotts at the Merry Hill Shopping Centre, Brierley Hill that was pursued by this Authority following a routine seasonal inspection which identified a number of failures to comply with fire safety legislation due to the blocking of exit doors and the reduction of exit corridor widths.

3.2.2 JD Sports Fashion PLC, failed to comply with the Regulatory Reform (Fire Safety) Order 2005. The failures constituted 6 offences in total.

3.2.3 On 19 October 2017 at Wolverhampton Magistrates Court the company pleaded guilty to all offences. The company was fined £60,000 and was ordered to pay £7,463.52 towards legal costs.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out as the matters contained in this report do not represent a change in policies or functions of the Authority.

5. **LEGAL IMPLICATIONS**

The Regulatory Reform (Fire Safety) Order 2005 places a general duty on 'responsible persons' 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. The Authority is responsible for ensuring public safety by monitoring compliance with the law and, as appropriate, enforcing the requirements of the legislation.

6. **FINANCIAL IMPLICATIONS**

The award against defendants covers the legal costs incurred by the Authority in preparing the relevant prosecution file. The award also compensates for WMFS officers' time spent on each case; this amounted to £6,810.65 in the case of the Norfolk Hotel and £2,962.52 in the case of JD Sports Fashion PLC.

BACKGROUND PAPERS

Fire Safety files.

The contact name for this report is Gary Taylor, Assistant Chief Fire Officer, 0121 380 6006.

PHIL LOACH
CHIEF FIRE OFFICER

KAREN GOWREESUNKER
CLERK TO THE AUTHORITY

(Official – WMFS – Low)