

**WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**26 JUNE 2023**

1. **RESULT OF RECENT FIRE SAFETY PROSECUTION**

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the details of the fire safety prosecution be noted.

2. **PURPOSE OF REPORT**

- 2.1 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 On the 5th of October 2016, following a fire, a referral was made from Red Watch Erdington with regards to a lack of a fire alarm at Piri Fino Restaurant, 410 Birmingham Road, Wylde Green, Sutton Coldfield, B72 1YJ. Fire safety officers visited the premises. During their visit, officers noticed that renovation works had been carried out on the ground floor restaurant and there were numerous issues identified including:

- No fire risk assessment
- Insufficient fire resistance between the ground and first floor in numerous places
- No fire alarm system
- Insufficient fire resistance on the first floor between the waiting room and the landing on the first floor.

- 3.2 Despite several further fire safety visits, the issues were not resolved, with the directors of the restaurant (Arista Restaurants Ltd trading as Piri Fino) and the managing agent (KWB Property

Management Ltd) both trying to pass responsibility to the other. A prosecution was pursued by this Authority against both companies, and Mr Christos Orthodoxou (the building owner).

- 3.3 In February 2022, a director of KWB Property Management Ltd Mark Lenton, accepted a simple caution for offences relating to 410 Birmingham Road. He was offered a simple caution on the basis that his level of personal responsibility was less than the other defendants.
- 3.4 The remaining defendants, Arista Restaurants Limited, KWB Property Management Ltd and Christos Orthodoxou have pleaded guilty to all offences, and they were due to be sentenced on 27<sup>th</sup> May 2022.
- 3.5 Following several adjournments, sentencing was concluded on 28<sup>th</sup> April 2023 at Birmingham Crown Court. Mr Christos Orthodoxou, was handed a prison sentence of 16 months suspended for 21 months. He was further ordered to pay a fine of £5,000 and £15,765 towards prosecution costs. KWB Property Management Limited were ordered to pay a fine of £80,000 along with a further £20,000 towards prosecution costs. Arista Restaurants Limited were ordered to pay £60,000 along with a further £20,000 towards prosecution costs.

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

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

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

- 5.1 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**

- 6.1 The total costs of bringing the prosecution were £55,765 of which £23,416.25 were the costs for time spent by WMFS officers, and the remainder and for time spent by our solicitors and barrister. The

defendants were ordered to pay all costs in full.

7. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from this report.

**BACKGROUND PAPERS**

Notification of Fire Safety Prosecution – 19<sup>th</sup> December 2019  
Fire Safety Files

The contact name for this report is Simon Barry telephone number –  
0121 380 7500.

WAYNE BROWN  
CHIEF FIRE OFFICER