

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

17 SEPTEMBER 2018

1. RESULT OF RECENT FIRE SAFETY PROSECUTIONS

Report of the Chief Fire Officer

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 This section of the report relates to the Diamond Sheesha Lounge, Digbeth, Birmingham. Mr Kazim Mashedi, Mr Waquas Rehman and Mr Sulaman Rahid were pursued by this Authority following a severe fire which highlighted serious fire safety failures and resulted in two persons suffering serious injuries. The fire occurred on 25 December 2013 and was arson, and the perpetrators have not been identified. At its height 10 pumping appliances, 1 aerial appliance and 8 main jets were in use at the fire.

The young man who jumped from the upper floor dislocated his shoulder and knee; and suffered smoke inhalation. The young lady required stitches after cutting her hands and forearms as she tried to jump towards a tree to break her fall. She landed on her back on concrete causing bruising to her back and ankles. Both suffer flashbacks.

No consideration was given to the proximity of the wooden sheesha structure to the building where the young man was living, therefore, the fire spread rapidly and made the only staircase unusable. There were no alarms to give early warning nor any fire resisting doors to protect the single means of escape.

- 3.2 Mr Rehman and Mr Rahid pleaded guilty at the earliest opportunity. Mr Mashedi initially elected to go to trial but pleaded guilty on the day the trial was to begin.

3.3 Sentencing took place on 7 August 2018 at Birmingham Crown Court. His Honour Judge Richard Bond presided.

3.4 Mr Rehman and Mr Rahid each received 8 months immediate custody and are to pay £6,000 each towards costs. Mr Mashedi received 18 months immediate custody and is to pay £14,736 towards the remainder of the costs.

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 imposes a duty on persons to provide assistance or information to Enforcing Authority to ensure that the Order can be effectively enforced. The Order imposes a statutory duty on Fire and Rescue Authorities to enforce the provisions of the Order.

6. **FINANCIAL IMPLICATIONS**

The award against the defendants covers the legal costs of £26,736 incurred by the Authority in preparing the relevant prosecution file. The awards also compensate for officers' time spent on the case.

7. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from this report.

BACKGROUND PAPERS

Fire Safety Files

The contact name for this report is Assistant Chief Fire Officer Gary Taylor - telephone number – 0121 380 6006.

PHIL LOACH
CHIEF FIRE OFFICER