

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2022

1. RESULT OF RECENT FIRE SAFETY PROSECUTIONS

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 Talbot Hotel

- 3.1.1 This section of the report relates to the Talbot Hotel, 136 High Street, Stourbridge and the prosecution pursued by this Authority against three defendants who were charged with offences contrary to the Regulatory Reform (Fire Safety) Order 2005. This was as a result of a complaint which identified that fire alarm cables had been cut and a catalogue of management failings on 8 and 9 August 2018.

- 3.1.2 The matters were heard at Wolverhampton Crown Court on 1st April 2022 before His Honour Recorder Justin Wigoder.

- 3.1.3 The defendants were New Horizons Hotel Limited, a company director, Mr Joao Maia E Silva and the hotel manager, Mr Shaun Melson.

- 3.1.4 All defendants pleaded guilty to all offences. The company was fined £60,000 with a contribution of £9,000 towards costs. Mr Maia E Silva and Mr Melson were each sentenced to eight months immediate custody. No costs were awarded due to their immediate incarceration.

3.1.5 The Articles contravened collectively by the defendants were:

- Article 8 – General fire precautions (spread of fire).
- Article 13 – Alarms and detectors.
- Article 17 – Maintenance of the alarm system and of fire doors.
- Article 9 – Review of the Fire Risk Assessment.

3.2 **Pranzo Restaurant**

3.2.1 This section of the report relates to the Pranzo Restaurant, 262 Warwick Road, Birmingham (an extensive restaurant with living accommodation above) and the prosecution pursued by this Authority against two defendants who were charged with offences contrary to the Regulatory Reform (Fire Safety) Order 2005. This was as a result of a serious fire on 6 February 2020 from which a man escaped. It involved six pumps and an aerial appliance. The fire alarm was switched off; however, the alarm was raised by a smoke alarm which had been fitted previously by operational crews.

3.2.2 The matters were heard at Birmingham Crown Court on 11 May 2022 before His Honour Judge Rochford.

3.2.3 The defendants were Lala Bakery Limited and the sole director, Mr Qaisser Jamal.

3.2.4 Both defendants pleaded guilty to both offences. The company was fined £80,000 with a contribution of £30,000 towards costs. Mr Qaisser was sentenced to 9 months immediate custody and ordered to make a contribution of £15,000 towards costs.

3.2.5 The Articles contravened collectively by the defendants were:

- Article 14 – Failure to maintain a means of escape and associated general fire precautions.
- Article 17 – Maintenance of the alarm system and of fire doors.

Note: The long-awaited trial in absence in relation to Metro Court has been further adjourned to 11 October 2022. This was due to begin on 23 May 2022 but had to be re-listed due to extended legal argument in the case which preceded its projected start.

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 against the Talbot Hotel were £18,781.96 of which £11,277.50 were Fire Service costs. The Judge (Recorder) ordered the company to make a contribution of £9,000.
- 6.2 The total costs of bringing the prosecution against Pranzo Restaurant were £68,500 of which £12,902.50 were Fire Service costs. The Judge ordered the company to make a contribution of £30,000. Mr Qaisser was ordered to make contribution of £15,000 towards costs.

7. **ENVIRONMENTAL IMPLICATIONS**

- 7.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

Fire Safety Files.

The contact name for this report is Wayne Brown - telephone number – 0121 380 6907.

PHIL LOACH
CHIEF FIRE OFFICER

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