

# **WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**24 JUNE 2019**

## **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 adjoining premises of Rotana Shisha Lounge and Valentino's Cash & Carry, Highgate, Birmingham. Mr. Mohammed Miskari, Mr. Mojtaba Rezvani and Valentino's Cash & Carry Ltd. were pursued by this Authority following a Fire Safety inspection on 21 January 2016 which highlighted serious fire safety failures concerning the means of escape from the premises putting relevant persons at risk of death or serious injury in case of fire.
- 3.2 Mr. Rezvani pleaded guilty on behalf of himself and Valentino's Cash & Carry at the earliest opportunity. Mr. Miskari pleaded guilty at the pre-trial preparation hearing.
- 3.3 Sentencing took place on 3 May 2019 at Birmingham Crown Court. Her Honour Judge Kristina Montgomery QC presided.
- 3.4 Mr. Miskari received a 12-month community order of 100 hours unpaid work, a £12,000 fine to be paid in 12 months and £9,351.37 costs. Mr. Rezvani received an 8-month custodial sentence suspended for 12 months, 200 hours unpaid work and £9,351.37 costs. Valentino's Cash & Carry Ltd. were fined £250,000 to be paid within 3 years.

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 £18,702.74 costs awarded against the defendants covers the legal costs of £10,876.25 incurred by the Authority in preparing the relevant prosecution file. The award also compensates for Sandwell Legal and Counsel's 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 Gary Taylor – tel. no. 0121 380 6006.

PHIL LOACH  
CHIEF FIRE OFFICER