

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

20 FEBRUARY 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

3.1.1 This section of the report relates to 551 Foleshill Road, Coventry and the prosecution that was pursued by this Authority of four defendants who were jointly charged with a range of offences contrary to the Regulatory Reform (Fire Safety) Order 2005. This was as a result of concerns raised by Coventry City Environmental Health Team over the poor fire safety measures within.

3.1.2 The defendants were Mushtaq's Limited who leased the premises from Mr Bashir Ahmed who, in turn, is the sole director of Mushtaq's Limited; Mr Bashir Ahmed, Mr Israr Raja and Mr Akbar Jan. Messrs Raja and Jan sub-let part of the premises from Mushtaq's Limited. The offences included poor maintenance of fire doors, no working fire alarm, no fire risk assessment and no maintenance of the fire extinguishers.

3.1.3 On 16th December 2016 at Leamington Crown Court, Mushtaq's Limited pleaded guilty to offences and was fined £60,000. It was ordered to make a contribution of £5,000 towards costs.

3.1.4 At the same court Mr Bashir Ahmed pleaded guilty to 8 offences and was sentenced to 30 weeks imprisonment suspended for 2 years and 200 hours unpaid work. He was ordered to make a contribution of £2,000 towards costs.

3.1.5 Mr Raja pleaded guilty to 13 offences jointly with Mr Jan and was sentenced to 6 months imprisonment suspended for 2 years and 240 hours unpaid work. He was ordered to make a contribution of £1,000 towards costs.

3.1.6 On 21st December 2016 at the same court Mr Akbar Jan pleaded guilty to 13 offences jointly with Mr Raja and was sentenced to 9 months immediate custody for breaching the prohibition notice which had been served on the premises; 6 months concurrent for fire separation issues and 4 months concurrent for maintenance issues. He was ordered to make a contribution of £750 towards 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 extends to the common areas of domestic premises. 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 the defendants partly covers the legal costs incurred by the Authority in preparing the relevant prosecution files. The total costs incurred were £18,920. The costs within that sum for the officers' time were £7,026.25. The total awarded by the court was £8,750.

BACKGROUND PAPERS

Fire Safety files.

The contact name for this report is Gary Taylor, Assistant Chief Fire Officer, 0121 380 6907.

PHIL LOACH
CHIEF FIRE OFFICER

KAREN GOWREESUNKER
CLERK TO THE AUTHORITY