

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

29TH NOVEMBER 2010

1. **RESULTS OF RECENT FIRE SAFETY PROSECUTIONS**

Joint report of the Chief Fire Officer and Clerk

RECOMMENDED

THAT the report be noted.

2. **PURPOSE OF REPORT**

This report is submitted to inform the Authority of the results of recent prosecutions under the Regulatory Reform (Fire Safety) Order 2005.

3. **BACKGROUND**

3.1 **Select & Save, 580–582 Bristol Road, Selly Oak, Birmingham**

3.1.1 This prosecution relates to a convenience store at 580-582 Bristol Road, Selly Oak, in the ownership of Mr. K. Chandramohan, following three separate visits by fire safety officers during the period September–December 2008.

3.1.2 Mr. Chandramohan came to trial at Birmingham Crown Court in August 2010 under the Regulatory Reform (Fire Safety) Order 2005.

3.1.3 Counsel for the Fire Authority outlined the breaches of the Fire Safety Order, namely failure to provide adequate means of escape in case of fire and failure to undertake a fire risk assessment.

3.1.4 The defendant was convicted of six charges related to breaches of the Order and was fined a total of £5,500, to be paid within six months; and full costs of £7,747.

3.2 Rapyal Meat and Poultry Limited, Wright Street, Small Heath, Birmingham

3.2.1 This prosecution relates to a meat processing plant at Wright Street, Small Heath, following a fire at the premises on 31st December 2008.

3.2.2 In this instance both the company and a director of the company, Mr. M. Shabir, came to trial at Birmingham Crown Court in September 2010 under the Regulatory Reform (Fire Safety) Order 2005.

3.2.3 Counsel for the Fire Authority outlined the breaches of the Fire Safety Order, namely failure to provide adequate means of escape in case of fire, no fire alarm system, lack of signage on emergency routes and exits, no fire safety training for staff and failure to undertake a fire risk assessment.

3.2.4 The company pleaded guilty to eight charges with two other charges to remain on file. The judge accepted two specimen charges and fined the company £15,000 in each instance. Mr. Shabir pleaded guilty to four of the six charges laid against him, the remaining charge to remain on file. Again, the judge took one specimen charge and fined him £7,500. Full costs of £9,322 were awarded.

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 of fire safety care for those responsible for non-domestic premises. The Order complements the change in emphasis of the role of the Fire and Rescue Authorities to one of prevention. The Authority is responsible for ensuring public safety by monitoring compliance with the law and, where necessary, enforcing the requirements of the legislation.

6. **FINANCIAL IMPLICATIONS**

The award against the defendants covers the legal costs incurred by the Authority in preparing the prosecution file (£9,632) and compensation for officers' time (£7,437).

BACKGROUND PAPERS

Fire Safety files.

VIJ RANDENIYA
CHIEF FIRE OFFICER

SUSAN PHELPS
CLERK