

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

19th SEPTEMBER 2011

1. **RESULT OF RECENT FIRE SAFETY PROSECUTION**

Joint report of the Chief Fire Officer and the Clerk and Monitoring Officer

RECOMMENDED

THAT the report be noted.

2. **PURPOSE OF REPORT**

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

3. **BACKGROUND**

3.1 **House in Multiple Occupation - 257 Birmingham Road, Walsall**

3.1.1 This prosecution relates to a House in Multiple Occupation (HMO) at 257 Birmingham Road, Walsall, in the ownership of Mr. Pervaiz Khan, following a fire at the premises on 21st January 2009.

3.1.2 Although the fire was contained within the flat of origin and none of the occupants of the premises were injured, there were people still sleeping in the premises when firefighting operations commenced. Subsequent examination of the premises identified that there was no fire alarm system installed, no emergency lighting and a lack of fire resistance to the single staircase.

3.1.3 Mr. Khan came to trial at Wolverhampton Crown Court in July 2011 under the Regulatory Reform (Fire Safety) Order 2005.

3.1.4 Counsel for the Fire Authority outlined the breaches of the Regulatory Reform (Fire Safety) Order 2005, namely failure to:

- take general precautions to ensure that the premises are safe (Article 8)
- make a suitable and sufficient fire risk assessment (Article 9)
- equip the premises with appropriate fire detectors and alarms (Article 13)
- evacuate the premises as quickly and safely as possible (Article 14), and
- provide emergency lighting (Article 14).

3.1.5 The defendant was convicted on all five charges relating to breaches of the Order, was fined £9,000 and ordered to pay costs of £8,166: a total sum of £17,166.

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, although the Order does extend to the common areas in shared accommodation. 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. The award also compensates for officers' time spent on each case; this amounted to £8,166 in this case.

BACKGROUND PAPERS

Fire Safety files.

VIJ RANDENIYA
CHIEF FIRE OFFICER

NEERAJ SHARMA
CLERK AND MONITORING OFFICER