

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

15 APRIL 2013

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

Report of the Chief Fire Officer and Clerk and Monitoring Officer

RECOMMENDED

THAT the details of the recent fire safety prosecutions be noted.

2. **PURPOSE OF REPORT**

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

3. **BACKGROUND**

3.1 **The Fox Hotel Limited, Wolverhampton**

3.1.1 This section of the report relates to The Fox Hotel Limited, Wolverhampton and the prosecution that was pursued by this Authority following a joint licensing task force inspection, which identified multiple failures to comply with fire safety legislation and which constituted a risk of death or serious injury to people in the hotel.

3.1.2 Mr. Parmjit Kalirai, as the Director and Responsible Person for the limited company, failed to comply with the Regulatory Reform (Fire Safety) Order 2005 and those failures constituted 23 offences in total.

The failures giving rise to offences included: inadequate means of escape, inadequate fire resistance and inadequate emergency (and primary) lighting.

3.1.3 Mr. Kalirai pleaded guilty to the above offences, and was subsequently sentenced at Wolverhampton Crown Court on 9th January 2013.

3.1.4 Due to the serious nature of the offences and that the commission of the offences were based (in part) on greed, Mr. Kalirai was sentenced to custody of 8 months imprisonment, suspended for 2 years and to pay a total of £19,066.40 costs for the bringing of the prosecution.

3.2 30A Hall Street, Dudley

3.2.1 This section of the report relates to 30A Hall Street, Dudley and the prosecution that was pursued by this Authority following a fire at the premises on 18th April 2010.

3.2.2 This case concerned the common areas of a House in Multiple Occupation. Subsequent to a fire at 27 Hall Street, Dudley (18/4/10), a post fire inspection of the whole premises was undertaken by WMFS officers in conjunction with officers from Dudley Private Sector Housing (20/4/10).

3.2.3 On 7th February 2013 at Dudley Magistrates Court, Mr. Gurmit Singh appeared to answer charges of 5 offences at 30A Hall Street, Dudley contrary to The Regulatory Reform (Fire Safety) Order 2005.

3.2.4 At the hearing on 7th February 2013, Mr. Singh was fined a total of £20,000 (£4,000 per offence) and ordered to pay costs of £5,266.50; a total financial penalty of £25,281.50 (including a £15.00 victim surcharge).

3.3 Hylands Hotel (Cumberland Court Limited), 153-155 Warwick Road, Coventry, CV3 6AU

3.3.1 This section of the report relates to Cumberland Court Limited and Karim Mooloo (the limited company and company director, respectively) for the Hylands Hotel, 153-155 Warwick Road, Coventry, CV3 6AU Coventry, following a fire safety inspection, subsequent to a complaint being made about the fire safety of the premises.

3.3.2 Failures to provide adequate fire safety were found during the inspection on 2 November 2010 including: no means of raising an alarm in case of fire, locked emergency exits, inadequate fire resistance, and no staff training. The failures were so serious that the use of the premises had to be prohibited and an enforcement notice was served, requiring the failures to be rectified.

3.3.3 A follow-up inspection found that the enforcement notice had not been complied with (an inherent offence under article 32(1)(d) of the Regulatory Reform (Fire Safety) Order 2005).

3.3.4 On 15 January 2013, at Warwickshire Justice Centre in Leamington Spa, Karim Moloo (on behalf of Cumberland Court Limited) entered guilty pleas to 9 offences and Karim Moloo pleaded guilty to 5 offences as company director.

3.3.5 Sentencing took place on 19 February 2013. Cumberland Court Limited was fined £22,000 in accumulative penalties for the failures. Karim Moloo received a custodial sentence of 2 months imprisonment, suspended for 2 years.

3.3.6 All costs were paid in full, totalling £18,071 (including a victim surcharge of £15).

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 defendants covers the legal costs incurred by the Authority in preparing the relevant prosecution file. The award also compensates for officers' time spent on each case; this amounted to £11,569 in the case of the Fox Hotel, £4,002 in the case of 30A Hall St and £9,568 in the case of Cumberland Court Ltd and Karim Moloo.

BACKGROUND PAPERS

Fire Safety files.

The contact name for this report is Phil Hales, Director of Technical and Operational Support 0121 380 6907.

VIJ RANDENIYA
CHIEF FIRE OFFICER

NEERAJ SHARMA
CLERK AND MONITORING OFFICER