

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

24 SEPTEMBER 2012

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

Joint report of the Chief Fire Officer and 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 **All Saints Retail Limited, Unit 720/721 Upper Mall East, Bull Ring Centre, Birmingham, B5 2BF**

3.1.1 This Authority has prosecuted All Saints Retail Limited following their store at the Bull Ring Centre, Birmingham having persistently ignored verbal and written advice to desist from obstructing fire escape routes so placing relevant persons at risk of death or serious injury in case of fire.

3.1.2 During the Christmas and New Year Fire Safety Campaign (targeting the overstocking by shops during this sales period) in December 2009 and at a subsequent fire safety audit the store was found to have obstructed fire escape routes with stock. Verbal and written advice was given.

3.1.3 The following year, during the Christmas and New Year Fire Safety Campaign the store was again found to be blocking fire escape routes with stock. At a subsequent inspection on 4th January 2011, the fire escape route from the uppermost floor of the store was found to be obstructed by stock.

3.1.4 With this fourth occurrence of blocked fire escape having been found and the ignoring of verbal and written advice from this Authority the decision was taken to prosecute All Saints Retail Limited at court due to their failure to comply with their legislative duties.

3.1.5 On 14th June 2012 at Birmingham Magistrates Court All Saints Retail Limited pleaded guilty to three charges and were fined £7,500.00. Full costs were awarded against All Saints Retail Limited.

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 enforcement. 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**

In the judgement of the court, full costs were awarded against All Saints Retail Limited in the sum of £4,477.50; of these the Authority's costs were £3,185.50.

BACKGROUND PAPERS

Fire Safety files.

VIJ RANDENIYA
CHIEF FIRE OFFICER

NEERAJ SHARMA
CLERK AND MONITORING OFFICER