

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

5 OCTOBER 2020

1. RESULT OF RECENT FIRE SAFETY PROSECUTIONS

Report of the Chief Fire Officer

RECOMMENDED

THAT the details of the fire safety prosecution 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 This section of the report relates to 16 College Road, Handsworth Wood, Birmingham, and the prosecution pursued by this Authority against one defendant who was charged with 3 offences contrary to the Regulatory Reform (Fire Safety) Order 2005. This was as a result of a fatal fire in which one man died from burns, and a subsequent fire safety investigation.
- 3.2 The matters were heard at Birmingham Crown Court on 28 February 2020 before His Honour Judge Melbourne Inman QC. The defendant was Mr. Some Nath of 13 Golds Hill Gardens, Handsworth, Birmingham. The offences included no working fire alarm, no doors to prevent the spread of fire and roller shuttered exit doors.
- 3.3 Mr. Nath pleaded guilty to all offences. He was sentenced to six months imprisonment for each offence (concurrent) suspended for 18 months and ordered to make a contribution of £5,000 towards costs to be paid within 10 months.
- 3.4 The Articles contravened were:

Article 8 – General fire precautions (spread of fire).

Article 13 – Alarms and detectors.

Article 14 – Means of escape (shuttered exits)

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

The Regulatory Reform (Fire Safety) Order 2005 places a general duty on Responsible Persons, and others who have control to any extent, to provide general fire precautions to keep people safe in case of fire. The Order imposes a statutory duty on Fire and Rescue Authorities to enforce the provisions of the Order.

6. **FINANCIAL IMPLICATIONS**

The total costs of bringing the prosecution were approximately £9k of which £3,800 were Fire Service costs. The Judge ordered the defendant to make a contribution of £5,000.

7. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from this report.

BACKGROUND PAPERS

Fire Safety Files

The contact name for this report is Gary Taylor - telephone number – 0121 380 6006.

PHIL LOACH
CHIEF FIRE OFFICER