

**WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**27 JUNE 2022**

1. **RESULT OF RECENT FIRE SAFETY APPEAL AGAINST PROHIBITION NOTICE**

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the details of the fire safety appeal be noted.

2. **PURPOSE OF REPORT**

- 2.1 This report is submitted to inform the Authority of the result of an appeal against a Prohibition Notice served under Article 31 of the Regulatory Reform (Fire Safety) Order 2005.

3. **BACKGROUND**

- 3.1 This section of the report relates to an appeal against a Prohibition Notice served on Lexx Jerkz Ltd of 75 Bridge Street, Walsall on 6 October 2021 restricting the numbers of persons who can safely use the premises to a maximum of 60 inside and 60 outside.
- 3.2 A voluntary undertaking (Licensing Act 2003) not to exceed these numbers had been signed previously by the operators of the premises.
- 3.3 Following concerns raised by the Police on behalf of the local Licensing Authority, a joint visit was made with Police and Licensing officers. A Fire Risk Assessment (FRA) was produced stating the premises could operate with a total of 240 persons present. Based upon an inadequate number of exits and excessive travel distance to a final exit, a Prohibition Notice was served restricting the numbers of persons who could use the premises to those given in the voluntary undertaking.
- 3.4 An appeal against the notice was lodged and a hearing took place at Dudley Magistrates' Court on 18 February 2022.

- 3.5 The appeal was dismissed and a costs order was awarded against the appellant. The costs awarded to the respondent (WMFS) was £3,902.10.

4. **EQUALITY IMPACT ASSESSMENT**

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

5. **LEGAL IMPLICATIONS**

- 5.1 The Regulatory Reform (Fire Safety) Order 2005 imposes a duty on persons to provide assistance or information to an Enforcing Authority to ensure that the Order can be effectively enforced. The Order imposes a statutory duty on Fire and Rescue Authorities to enforce the provisions of the Order.

6. **FINANCIAL IMPLICATIONS**

- 6.1 The award against the appellant covers the legal costs incurred by the Authority in preparing the relevant case file. The award also compensates for officers' time spent on this case; this amounted to £975.00.

7. **ENVIRONMENTAL IMPLICATIONS**

- 7.1 There are no environmental implications arising from this report.

**BACKGROUND PAPERS**

Fire Safety Files.

The contact name for this report is Wayne Brown - telephone number – 0121 380 6907.

PHIL LOACH  
CHIEF FIRE OFFICER