

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

21 NOVEMBER 2016

1. RESULT OF FIRE SAFETY PROSECUTIONS

Report of the Chief Fire Officer and Clerk

RECOMMENDED

THAT the details of the fire safety prosecutions 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

3.1 161 Hagley Road, Edgbaston, Birmingham, B16 8UQ

3.1.1 This section of the report relates to 161 Hagley Road, Edgbaston, Birmingham, B16 8UQ, that was pursued by this Authority following an anonymous complaint which identified a number of multiple failures to comply with fire safety legislation and which constituted a risk of death or serious injury in the event of fire.

3.1.2 Mr. Cyrus Bassiri, as the Responsible Person for the premises, failed to comply with the Regulatory Reform (Fire Safety) Order 2005 and these constituted 14 offences in total. These failures included a fire alarm which was not working, inadequate fire resistance and failing to comply with two enforcement notices.

3.1.3 Mr. Bassiri pleaded guilty to five offences and was subsequently sentenced at Birmingham Crown Court on 18th March 2016.

3.1.4 Mr. Bassiri was sentenced to a total of 19 months immediate custody and was ordered to pay £13,820.65 costs for bringing the prosecution.

3.2 Intelligent Foods Central Limited (trading as Subway), 24 Queen Square, Wolverhampton, WV1 1TQ

3.2.1 This section of the report relates to Subway, 24 Queen Square, Wolverhampton, WV1 1TQ, that was pursued by this Authority following a routine inspection of an adjoining premises which identified a number of number of multiple failures to comply with fire safety legislation and which constituted a risk of death or serious injury in the event of fire.

3.2.2 Mr. Dharmendar Singh Khag, as the director and Responsible Person for the limited company, failed to comply with the Regulatory Reform (Fire Safety) Order 2005 and these constituted three offences in total.

3.2.3 Mr. Khag pleaded guilty to those offences at Wolverhampton Magistrates Court on 19th January 2016. The company was fined £15,000 and he was ordered to pay £5,868.30 costs for bringing the prosecution.

3.3 Mr. Simon Fox

3.3.1 This section of the report relates to 254 Humber Road, Coventry, and was pursued by this Authority following a serious fire resulting in life changing injuries to one casualty and identified a number of failures to comply with fire safety legislation.

3.3.2 Mr. Simon Fox, as the Responsible Person, failed to comply with the Regulatory Reform (Fire Safety) Order 2005 and these constituted six offences in total. These failures included an inadequate fire alarm, inadequate fire doors to protect the escape route and failing to maintain such fire doors as were present.

3.3.3 Mr. Fox pleaded guilty to one offence which incorporated the full facts of the remaining offences at Crown Court at Leamington on 23rd September 2016.

3.3.4 Mr. Fox was sentenced to four months imprisonment suspended for two years and 250 hours unpaid work; he was fined £25,000 and was ordered to pay costs of £24,300 for bringing the prosecution.

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 £13,820.65 in the case of the Cyrus Bassiri, £5,868.30 in the case of Intelligent Foods Central Limited and £24,300.00 in the case of Simon Fox.

BACKGROUND PAPERS

Fire Safety files.

The contact name for this report is Gary Taylor, Assistant Chief Fire Officer, 0121 380 6907.

PHIL LOACH
CHIEF FIRE OFFICER

KAREN GOWREESUNKER
CLERK TO THE AUTHORITY