

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

25 JUNE 2012

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

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 results of recent prosecutions under the Regulatory Reform (Fire Safety) Order 2005.

3. **BACKGROUND**

3.1 **The Connaught Hotel, 38 Tettenhall Road, Wolverhampton**

3.1.1 This section of the report relates to the Connaught Hotel, 38 Tettenhall Road, Wolverhampton and the prosecution that was pursued by this Authority following a fire at the premises on 12 October 2007.

3.1.2 The fire required the attendance of eight fire engines and an aerial appliance, the first call to the Fire Service originating from an adjoining premise as the fire alarm within the Hotel was defective at the time. Subsequent investigations also identified that some fire exits from the building were obstructed and certain fire doors defective.

3.1.3 The Connaught Hotel (West Midlands) Ltd came to trial at Wolverhampton Crown Court on 15 February 2012 under the Regulatory Reform (Fire Safety) Order 2005. The company was found guilty of 12 offences, including serious case offences that could have put employees and relevant persons at risk of death or serious injury.

3.1.4 At a subsequent hearing on 16 March 2012 the company was fined a total of £36,000 (£3,000 per offence) and ordered to pay costs of £43,933.50; a total financial penalty of £76,933.50.

3.1.5 On 13 April 2012 Connaught Hotel (West Midlands) Ltd served notice of its intention to appeal the Court's decision in respect of the above conviction and sentence; the date of this hearing has yet to be determined.

3.2 261-263 Slade Road, Erdington, Birmingham

3.2.1 This section of the report relates to 261-263, Slade Road, Erdington, Birmingham and the prosecution that was pursued by this Authority following the failure of the owner to comply with a Prohibition Notice.

3.2.2 Mr. Cyrus Bassiri, as the owner and Responsible Person for a house in multiple occupation above a retail outlet at 261-263 Slade Road, failed to comply with a Notice issued to the premises which prohibited sleeping within. Additionally, he had failed to provide adequate alarms to give warning to his tenants in the event of fire.

3.2.3 Mr Bassiri pleaded guilty to the above offences at Birmingham Crown Court on 27 February 2012; the case was concluded on 4 April 2012 when Mr Bassiri was sentenced to 6 months imprisonment on each count, the terms to run concurrently. However, both terms were suspended for 12 months.

3.2.4 Mr Bassiri was also ordered to carry out 180 hours of unpaid work in the community and pay £17,000 towards the costs of 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 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 prevention. 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**

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 £17,459 in the case of the Connaught Hotel and £6,263.66 in the case of Slade Road.

BACKGROUND PAPERS

Fire Safety files.

VIJ RANDENIYA
CHIEF FIRE OFFICER

NEERAJ SHARMA
CLERK AND MONITORING OFFICER