

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

20 SEPTEMBER 2010

1. RESULT OF FIRE SAFETY PROSECUTION

Joint report of the Chief Fire Officer and Clerk

RECOMMENDED

THAT the report be noted.

2. PURPOSE OF REPORT

This report is submitted to inform the Authority of the results of a recent prosecution under the Regulatory Reform (Fire Safety) Order 2005.

3. BACKGROUND

- 3.1 The prosecution relates to a House in Multiple Occupation (HMO), 232/234 Highfield Road, Washwood Heath, Birmingham in the ownership of Mr. A. Rehman, following a serious fire at the premises on 29th June 2007.
- 3.2 Mr Rehman came to trial at Birmingham Crown Court in July 2010 under the Regulatory Reform (Fire Safety) Order 2005.
- 3.3 Counsel for the Fire Authority outlined the breaches of the Fire Safety Order; which included locked final exit doors, a fire alarm which was fitted but did not work, safety signs which were out of date; and fire resisting doors which either did not close or had holes in them, rendering them useless in the event of fire.
- 3.4 The defendant was convicted of 18 charges related to breaches of the Order and was sentenced to 4 months imprisonment suspended for 12 months on all 18 charges to run concurrently; 150 hours unpaid community work on all charges to run concurrently; and full costs of £10,435.

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 introduces for the first time a general duty of fire safety care for those responsible for non-domestic premises. 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 the defendant will cover legal costs incurred by the Authority of approximately £5,000. The remaining balance is effectively compensation for officers' time spent on this case.

BACKGROUND PAPERS

Fire Safety files.

VIJ RANDENIYA
CHIEF FIRE OFFICER

SUSAN PHELPS
CLERK