

CHESHIRE FIRE AUTHORITY

MEETING OF: PERFORMANCE AND OVERVIEW COMMITTEE
DATE: 7TH SEPTEMBER 2022
REPORT OF: HEAD OF PREVENTION AND PROTECTION
AUTHOR: STEWART MARTINDALE

SUBJECT: PROSECUTIONS ANNUAL REPORT 2021-22

Purpose of Report

1. To present an update on prosecutions under the Regulatory Reform (Fire Safety) Order 2005 (the Order) during the financial year 2021-22.

Recommended that:

[1] the contents of the paper be noted.

Background

2. The Order was introduced on the 1st of October 2006 and it had the effect of widening the range of premises that fire and rescue services had powers to inspect.
3. Depending on the seriousness of a regulatory breach, inspectors have a range of enforcement options available to them ranging from educate and inform, through to prosecution.

Prosecutions summary

4. Protection, supported by the Joint Legal Team and external solicitors, in the year 2021/22 undertook one prosecution. It was successful (see Appendix to this report).
5. The Service secured extensive press coverage, providing public reassurance about its regulatory effectiveness and sending a clear message of deterrent to other businesses.
6. There are currently eight cases in various stages of the prosecution process. These include 3 cases going to trial in the Crown Court, 1 case due in the Magistrate's Court and 4 cases with individuals under investigation.

Financial implications

7. Where the Authority successfully prosecutes cases it may be awarded costs to cover its own solicitor's fees and staff time. The Authority maintains a prosecution reserve capped at £300k (any additional costs are transferred to the general reserve). The reserve stands at £279,414.51 - *as at 28/06/22*.

Legal implications

8. Adherence to legal requirements when undertaking prosecutions and investigations is vital in preserving the reputation of the Service. The aim is to guide, educate and assist commercial business owners to make their premises safe for users, employers and the wider community. The Service prosecutes only when appropriate and the prospect of success is high. More speculative or aggressive use of the Order in court could result in awards of costs against the Authority, reputational damage and resource implications which would affect the Service as a whole and not serve the interest of the public.

Equality and Diversity implications

9. Due to an increase in serious fires locally and nationally which involve certain types of fast food outlets, officers have, over recent years, visited more of these businesses to help them reduce risk and comply with regulations. This, in the most high risk premises, has resulted in an increase in enforcement action involving businesses which are frequently owned and operated by members of Black, Asian and Minority Ethnic (BAME) communities. An Equality Impact Assessment for this work has been completed.

Environmental implications

10. Effective enforcement reduces the risk of fire and therefore contributes to reduced emissions, water use and CO₂ release associated with transporting and producing re-building products.

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BACKGROUND PAPERS: NONE

Appendix A

Prosecutions 2021/22

Mr Pizza – Crewe



Abdul Magid Mohammad Ben Rajab, owner of Mr Pizza appeared at Chester Crown Court for sentencing on Friday 17th September after previously pleading guilty to 10 breaches of the Regulatory Reform (Fire Safety) Order 2005.

Mr Rajab received between 6 and 12 months custodial sentence for each breach of the fire safety order (to be served concurrently), suspended for 18 months, along with 200 hours unpaid work in the community.

Mr Rajab was also ordered to pay £6,500 towards the costs of the prosecution.

The investigation into the business began after firefighters attended a fire in the kitchen at the premises on 23 March 2019, which prompted concerns regarding fire safety deficiencies. The Protection team was informed and a fire safety inspection was subsequently conducted at the site.

The building had a restaurant on the ground floor and a four bedsit house in multiple occupation on the first floor. However, it was discovered that there were people sleeping on the ground floor, in the commercial restaurant part of the premises.

A number of serious fire safety issues were identified at the premises including the absence of smoke detectors throughout the premises and insufficient means of escape. There was also no adequate fire door between the living accommodation and first floor escape route and the downstairs kitchen.