

## **Appendix 1 – Prosecutions to Date (2006 to 2017)**

### **2009**

#### **Control Recycling - Everite Road, Widnes**

This company was audited in 2008 following a complaint by an employee and resulted in a prohibition notice being issued. The case resulted in a prosecution citing breaches of five articles. The court issued fines totalling £20,000 and awarded Cheshire Fire Authority (the Authority) £10,000 in costs.

#### **Belgrave Hotel - City Road, Chester**

The Responsible Person was prosecuted in 2009 following a failure to comply with an enforcement notice issued in 2008. The court found in favour of the Authority issuing £3,000 in fines and £7,000 in costs.

### **2010**

#### **The Belfry House Hotel - Stanley Road, Handforth, Wilmslow**

Issues were first identified by an operational crew carrying out an inspection and site specific risk visit in 2007. Breaches included failure to carry out a risk assessment, failure to install smoke detectors and failure to illuminate evacuation routes. Protection officers attended and confirmed the issues and the inspecting officer issued a prohibition notice. The case went to Crown court in 2010 and the Responsible Persons were fined £75,000 and the Authority was awarded £52,000 in costs.

#### **P & S Ashley Timber - Norton Way, Sandbach**

Following a complaint by a member of the public in 2008 an audit was conducted which led to a prohibition notice being served. This case went to Crown Court in 2010, where eight counts were brought of breaches of the Fire Safety Order 2005 (the Order) including no risk assessment, no fire fighting equipment, no system of evacuation and no signage. The Responsible Person and his company were fined £80,000 and £50,000 in costs although the fine was subsequently reduced by the Court of Appeal to £40,000. Although the Service explored a number of routes to recover the costs, the Responsible Person served a custodial sentence of 365 days for non-payment of fines and therefore the costs awarded to the Authority are not now recoverable.

#### **Meloni's - 75 Albert Road, Widnes**

An audit at a Bed and Breakfast/Restaurant in 2009 resulted in eight breaches of the Order being found and a prohibition notice being issued. Subsequently, the court awarded fines of £6,000 and awarded the Authority £2,500 in costs.

## **M & M Car Spares - Slutchers Lane, Warrington**

Three breaches were brought, the main one being a breach of an enforcement notice continuing for almost 18 months. The Responsible Person was fined £1,950 for the three breaches plus £750 in costs.

## **2012**

### **Haslington Hall - Holmesshaw Lane, Haslington**

Following an audit of this grade 1 listed building a prohibition notice was issued to prevent the premises being used as guest accommodation. In January 2012 at Crewe Magistrates Court the Responsible Person was found guilty of nine offences and was fined £16,000 plus £7,800 costs.

### **Buffet City Takeaway - Newgate Street, Chester**

In January 2010 an operational fire crew from Chester carried out a thematic visit and identified fire safety concerns which resulted in Protection officers issuing a prohibition notice. At Chester Magistrates Court in January 2012 the Responsible Person pleaded guilty to eight offences and was fined £20,000 plus £4,000 costs.

### **Win House - 66 Church Street, Runcorn**

An audit of the premises resulted in a prohibition notice being issued. Following this audit in December 2010 a fire occurred at the premises and it was believed that the prohibition notice was being breached and additional contraventions were identified. In August 2012 at Warrington Magistrates Court the Responsible Person pleaded guilty to nine offences and received a £5,000 fine plus costs of £2,500.

### **House in Multiple Occupation - 199 Crewe Rd, Crewe**

Following a tenant's complaint regarding fire safety breaches an audit was completed and significant issues identified. Joint working with Cheshire East housing led to a prosecution in October 2012. The house in multiple occupation which was operating without licence was served with a prohibition notice due to the seriousness of the fire safety breaches. The premises was being run by two brothers, one defendant was fined £45,000, the other £37,500 and both were ordered to pay £22,000 costs. The case attracted media interest from local and some national press.

## **2013**

### **The Crossbar - Lovely Lane, Warrington**

Fire safety problems were discovered during a post fire inspection following a serious fire. The Responsible Person was running both a hotel and bar within the premises (one resident was using the sleeping accommodation at the time of the fire). The individual was prosecuted by the Service's internal solicitor with Warrington Magistrates court awarding 200 hours community service.

### **The Rams Head - Grappenhall, Warrington**

Following a small fire a Protection inspector identified issues which led to a prosecution. The licensee pleaded guilty to four offences, was fined £100 per offence and £269 costs due to the individual having been declared bankrupt and on benefits. The owners, Punch Taverns pleaded guilty to one offence and were fined £2,000 and £8,000 costs were awarded. The fire risk assessor also received a 'simple caution' for an inadequate assessment of the risk of fire.

### **Rangemore Nursing Home - Knutsford**

A resident lit an artificial cigarette, discarded it on the bed, which led to a fire. The nursing home staff evacuated two residents from the compartment, but were not able to carry out further evacuations due to the smoke produced by the fire. Operational Crews performed six rescues. The Responsible Person received a 12 month prison sentence suspended for two years, 66 hours community service and the Authority was awarded £68,362 in costs.

## **2014**

### **Cheshire Fast Foods - Macclesfield**

A fire in a flat above the takeaway premises required one female occupant to be rescued due to the lack of suitable means of escape. The Responsible Person was prosecuted and received a six month prison sentence suspended for two years, 150 hours of community service and the Service was awarded £1,000 in costs. In addition the company also received a fine of £5,000 and the Authority was awarded £2,000 in costs.

### **Kenyon Court - Widnes**

Protection officers conducting a routine audit identified that the premises had been changed from an office block and was being used as a house in multiple occupation. A prohibition notice was issued due to serious fire safety risks and a further inspection identified that the notice was being breached. The Responsible Person was prosecuted and received a fine of £6,000 and the Authority was awarded costs of £4,000.

### **Spice of India - Warrington**

Protection officers issued prohibition and enforcement notices on the premises due to their concerns regarding the means of escape. A further inspection identified the premises was being used in breach of the prohibition notice and the Responsible Person was prosecuted and received a fine of £1,000 and the Authority was awarded £1,000 in costs.

## **2015**

### **Minster Care Group (Croftwood Care Home) – Runcorn**

Protection officers issued an enforcement notice on the premises due to serious concerns with the standard of fire safety measures in the premises not being suitable for its use as a care home for vulnerable persons. The company was prosecuted and fined £40,000 with the Service being awarded full costs. Additionally, the Fire Risk Assessor employed by the company was also prosecuted and sentenced to four months imprisonment suspended for one year.

### **Smallwood Homes (Thelwall Grange Care Home) – Stockton Heath**

Following a small fire at the premises Protection officers issued an enforcement notice due to concerns with the fire alarms system and compartmentation not providing sufficient protection for residents. The company was prosecuted and fined £40,000 with the Authority being awarded costs totalling £19,283.

### **The Brecks - Warrington**

Protection officers issued a prohibition notice on the premises due to their concerns regarding the lack of a suitable means of escape and alarm system. Subsequent inspections revealed that the premises was continuing to be used in breach of the notice and the Responsible Person was prosecuted and sentenced to six months imprisonment for each offence to run concurrently, suspended for one year. The Responsible Person was also awarded two hundred and fifty six hours unpaid work. The Authority was awarded £600 costs.

## **2016**

### **Four Seasons (No. 9) Limited – Crewe**

A fire safety audit was undertaken by Protection officers on 7th March 2016 following a complaint received from a relative of a resident. Deficiencies were identified relating to compartmentation, means of fire detection and warning, means of escape; and evacuation procedures. The company was prosecuted and fined £50,000 with the Authority being awarded £9000 costs.

## **2017**

### **Hospitality First Two Limited - Crewe**

A fire safety audit was undertaken by Protection officers on 3<sup>rd</sup> December 2015. Deficiencies were identified which posed serious risk to life from fire and a Prohibition notice was issued. The deficiencies related to the means of escape, means of fire detection and warning, means of escape; and fire risk assessment. The company was prosecuted and fined £80,000 with the Authority being awarded £10,000 costs.

## **Current cases**

A further five case files are at various stages of the prosecution process and will be reported to Members when they have been to court and in future updates to the Performance and Overview Committee.

## **Simple Cautions issued to date**

In addition to the current case files which are being compiled, Protection officers have issued four simple cautions to premises across the Service Area.