

# CHESHIRE FIRE AUTHORITY

**MEETING OF:** PERFORMANCE AND OVERVIEW COMMITTEE  
**DATE:** 22 JULY 2020  
**REPORT OF:** HEAD OF PROTECTION AND ORGANISATIONAL  
PERFORMANCE  
**AUTHOR:** STEWART MARTINDALE

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**SUBJECT:** PROSECUTIONS ANNUAL REPORT 2019-20

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## Purpose of Report

1. To present an update on Cheshire Fire Authority's (the Authority) prosecutions under the Regulatory Reform (Fire Safety) Order 2005 (the Order) during the financial year 2019-20.

## Recommended that:

- [1] the contents of this paper be noted; and
- [2] prosecutions remain on the Performance and Overview Committee future work programme for annual review.

## Background

2. The Order was introduced on the 1<sup>st</sup> 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 Legal Services and external solicitors, in the year 2019/20 undertook one prosecution which was successful (Appendix A).
5. The Authority 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 nine cases under investigation which may proceed to prosecution at a later date.

## **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 currently stands at £303,609.60 - as at 31/03/20.

## **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 public interest.

## **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 issued to businesses which are frequently owned and operated by members of Black, Asian and Minority Ethnic (BAME) communities.

## **Environmental implications**

10. Effective enforcement reduces the risk of fire and therefore contributes to reduced emissions, water use and CO<sub>2</sub> associated with transporting and producing re-building products.

**CONTACT: DONNA LINTON, CLEMONDS HEY, WINSFORD**

**TEL [01606] 868804**

**BACKGROUND PAPERS: NONE**

## **Appendix A**

### **Prosecutions 2019**

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#### **2019**

##### **1. Forrester's Arms (Tarpurley) Ltd – Tarpurley**

Following a fire within a chimney at the premises, a fire safety audit was undertaken by Protection officers on 28<sup>th</sup> January 2019. Numerous deficiencies were identified which posed serious risk to life from fire and a Prohibition and Enforcement Notice was issued. The deficiencies related to inadequate general fire precautions, compartmentation, means of warning, means of escape, emergency procedures, fire safety maintenance and fire safety training. The company was prosecuted and fined £2250 with the Authority being awarded £2250 costs. The director was awarded a 4-month custodial sentence (suspended for 12 months) and was issued with a curfew order.