

CHESHIRE FIRE AUTHORITY

MEETING OF: PERFORMANCE AND OVERVIEW COMMITTEE
DATE: 8 SEPTEMBER 2021
REPORT OF: HEAD OF PREVENTION AND PROTECTION
AUTHOR: KRIS CLOWES

SUBJECT: ANNUAL PROSECUTIONS REPORT 2020-21

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 2020-21.

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 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 Legal Services and external solicitors, in the year 2020/21 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. This last year has seen significant disruption in criminal cases being brought before the court due to the Covid-19 pandemic. The courts have been severely impacted and have a backlog of cases. As a result, the service have found it difficult to schedule one case that is ready to proceed.

Additionally, a further case that is in the court system is awaiting sentencing and has been adjourned multiple times. This now appears to be easing and a number of cases should be taken forward in the next financial year.

7. In addition, the COVID restrictions have made investigating some cases a little more challenging than usual. For example, the ability to undertake PACE interviews has been restricted due to lockdowns, infection controls and social distancing protocols. Despite this, the service have made good progress with investigations.
8. There are currently twelve cases in various stages of the prosecution process. These include 1 case awaiting sentencing, 1 case due in magistrate's court, 2 cases at draft summons stage and 8 cases with suspects under investigation.

Financial implications

9. 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 £289,023 - as at 31/03/21.

Legal implications

10. The aim of protection activity 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 when the prospect of success is high. More speculative, or aggressive use of the Order could result in awards of costs against the Authority, reputational damage and resource implications. This could affect the Service as a whole and not serve the interest of the public.

Equality and Diversity implications

11. 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. An Equality Impact Assessment for this work has been completed.

Environmental implications

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

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BACKGROUND PAPERS: APPENDIX 1, PROSECUTIONS 2020/21

Agenda Item 7, Appendix 1

Prosecutions 2020/21

2021

1. **Trinnette Hair Professionals – Chester**

On Monday 1st February at Warrington Magistrates Court Mr Adibelli of Trinnette Hair Professionals was ordered to pay £2250 in fines which amounted to £250 for each of the nine breaches of The Order. In addition, £5000 in costs and a further £190 in victims surcharge were also ordered to be paid.

The breaches of The Order included lack of compartmentation, no working fire alarm, no fire risk assessment and fire extinguishers that hadn't been serviced. There were people sleeping on the premises who would have been in serious danger if a fire had occurred either in the premises or in the coffee shop below.

The fire safety issues at this premises were first identified by operational crews during a special service call for a water leak at the premises below. They flagged the premises to the Protection team and an audit was carried out.