

TYNE AND WEAR FIRE AND RESCUE AUTHORITY

Item No. 4

MEETING: 23 JANUARY 2012

RESULT OF PROSECUTION

**JOINT REPORT OF THE CLERK TO THE AUTHORITY AND THE CHIEF
FIRE OFFICER**

1. INTRODUCTION

1.1 The purpose of this report is to inform members of the outcome of a recent fire safety prosecution relating to the unauthorised storage of fireworks.

**2. TYNE AND WEAR FIRE AND RESCUE AUTHORITY –V- ALAN
TEASDALE AND CAROL FINN**

2.1 On 22 September 2010, fire officers were alerted by the Northumbria Police to the presence of a large quantity of fireworks at the business premises of Temple Recycle Company Limited at Pallion Industrial Estate in Sunderland.

2.2 The premises in question were registered under the Manufacture and Storage of Explosives Regulations 2005 for the storage of up to 250kg of hazard type 4 fireworks - or up to 100kg only of a mixture of type 4 and the more hazardous type 3 fireworks - in a separate explosives store. However, upon attendance at the premises it was established that hazard type 3 and 4 fireworks with a net explosive content of approximately 1,400kg were being stored inside the main body of the building. Measures to prevent fire or explosion or to limit the extent of any fire or explosion, should one occur were highly inadequate. Boxed fireworks were stacked floor to ceiling in a room with inadequate compartmentation and fire resistance. Some fireworks were loose and some of the boxes were in a state of disrepair, with other flammable loose goods and packaging being present. No fire risk assessment was available.

2.3 In view of the serious risk to safety, a Prohibition Notice was issued in relation to the premises and arrangements were made for the return of stock to the original supplier in Lincolnshire.

2.4 The storage without a licence of such a large quantity of fireworks at the Unit occupied by Temple Recycle Company Limited constituted an offence under regulation 10(1) of The Manufacture and Storage of Explosives Regulations 2005. A further offence was committed under

regulation 4(1)(b) in that there was a complete failure to take appropriate measures to limit the extent of any fire or explosion that might have occurred as a result of the unauthorised storage.

- 2.5 Mr Alan Teasdale, the person who had placed the orders for the fireworks and arranged for their storage at the Pallion premises, was charged with both offences. Mrs Carol Finn – the sole director of Temple Recycle Company Limited – who permitted the storage of the fireworks and allowed company staff to travel to Lincolnshire to collect and transport the consignments – was charged with aiding and abetting the commission of the two offences.
- 2.6 When the matter came before Sunderland Magistrates Court on 20 October 2011, both defendants pleaded guilty to both offences. In view of the seriousness of the matter, the hearing was adjourned for reports until 2 November. On that occasion, Community Service Orders were made against both defendants. The District Judge considered there to have been a clear disregard for safety regulations and indicated that the level of risk to staff, visitors and the public merited a significant penalty. Mr Teasdale was ordered to undertake 100 hours of unpaid work and Mrs Finn 60 hours. Each defendant was also ordered to pay £400 towards prosecution costs.

3. RECOMMENDATIONS

- 3.1 Members are asked to note the contents of the above report
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BACKGROUND PAPERS

- Law and Governance Services Prosecution File – 70816 (Case Summary and file notes dated 20.10.2011 and 2.11.2011)