

TYNE AND WEAR FIRE AND RESCUE AUTHORITY

Item No. 11

MEETING:

SUBJECT: PROSECUTION UPDATE – FIRE SAFETY

**JOINT REPORT OF THE CHIEF FIRE OFFICER AND CHIEF EXECUTIVE (CLERK
TO THE AUTHORITY) AND DEPUTY CLERK TO THE AUTHORITY**

1 INTRODUCTION

- 1.1 The purpose of this Report is to inform Members of the outcome of prosecutions brought by the Authority during 2019/2020 and to provide an update on upcoming prosecutions.

2 OVERVIEW OF PROSECUTION RESULTS

- 2.1 A detailed case summary of each of the prosecution cases referred to below are included in the Appendix attached to this Report.

**2.2 MR. YASEEN ASHRAF – NUMBERS 20 AND 30 THE BURNSIDE,
NEWCASTLE UPON TYNE**

- 2.2.1 Mr. Ashraf was charged with four offences under the Health and Safety at Work etc. Act 1974 in relation to premises situated at Numbers 20 and 30 The Burnside. All of the charges related to breaches of the Explosives Regulations 2014. Mr. Ashraf pleaded guilty at the earliest opportunity to all four offences.
- 2.2.2 Mr. Ashraf was sentenced at Newcastle Crown Court on 15th November 2019. In respect of three of the offences, the sentence was 8 months custody suspended for 18 months with 150 hours unpaid work to be completed within 12 months. There was no separate penalty for the fourth offence. Legal costs of £850 were ordered to be paid and forfeiture of the seized fireworks was granted to the Authority.

**2.3 PROSECUTIONS OF MR. ABDULLAHTEEF MAHDI, MR.
MOHAMMADSALEM MAHDI AND MR. AHMED KHATTAB – 12 ½ - 14
NORTH BRIDGE STREET, SUNDERLAND, SR5 1AB**

- 2.3.1 Mr. A. Mahdi and Mr. M. Mahdi were each charged with two offences of failing to provide information contrary to Article 27(1)(d) of the Regulatory Reform (Fire Safety) Order 2005 which are offences by virtue of Article 32(2)(e) of the Order. Mr. Khattab was charged with four offences under the same legislation.

- 2.3.2 On 27th November 2019 each Defendant was convicted and sentenced in their absence at Sunderland Magistrates Court. In respect of Mr. A. Mahdi and Mr. M. Mahdi, the Magistrates fined each of them £500 for each offence, ordered them to pay a £50 victim surcharge each and awarded full legal and Authority investigation costs of £1563.19 in each case. In respect of Mr. Khattab the Magistrates fined him £150 for each of the four offences and again ordered full legal and Authority investigation costs of £1563.18 be paid.

3 UPCOMING PROSECUTIONS

- 3.1 The Authority currently has one pending prosecution relating to alleged offences under the Regulatory Reform (Fire Safety) Order 2005. This prosecution is currently adjourned in the Magistrates Court due to the COVID-19 situation and a reduction in courts sitting to hear private prosecutions. An update will be provided on this prosecution in due course.

4 RISK MANAGEMENT

- 4.1 There are no risk management issues in respect of this report.

5 FINANCIAL IMPLICATIONS

- 5.1 In relation to the prosecution of Mr. Ashraf referred to above, all the fireworks found within Numbers 20 and 30 The Burnside were seized and stored by the Authority. Due to the large quantity seized, these fireworks were then moved to and stored at a secure external location which has incurred transport and storage costs of approximately £3,442.25 (ex. VAT). These costs also include the cost of safely destroying the fireworks seized. Although these costs were requested to be paid by Mr. Ashraf at the conclusion of the prosecution case, the Court did not grant this application. As such these are costs the Authority has paid.

6 EQUALITY AND FAIRNESS IMPLICATIONS

- 6.1 There are no equality and fairness implications in respect of this Report.

7 HEALTH AND SAFETY IMPLICATIONS

- 7.1 There are no health and safety implications in respect of this Report.

8 CONCLUSION

- 8.1 Members are asked to note the contents of this Report.

BACKGROUND PAPERS

Appendix 1 – Case Summaries