

TYNE AND WEAR FIRE AND RESCUE AUTHORITY

Item No

MEETING: 15th June, 2009

SUBJECT: Prosecution – Fire Safety

JOINT REPORT OF CHIEF FIRE OFFICER

1 INTRODUCTION

- 1.1 The purpose of this report is to inform members of the successful outcome of a recent prosecution brought by the Authority against Gurmail Singh Lally which was heard at Newcastle Magistrates Court on May 11th 2009

2 BACKGROUND

- 2.1 On the 8th July 2008 officers from the Protection and Technical Department carried out an inspection of Bolam House, Douglas Terrace, Newcastle, which was in use as student accommodation.
- 2.2 This inspection found a number of serious contraventions of the Regulatory Reform (Fire Safety) Order 2005. This Authority is the enforcing authority for fire safety in student accommodation where these are shared and use shared facilities (Houses in Multiple Occupation), nightclubs, public houses and other licensed premises.
- 2.3 Officers of the Authority conducted a thorough investigation of this case to determine who was responsible for these for these breaches of fire safety legislation.
- 2.4 The investigation concluded that there were a number of serious deficiencies within the premises. As such, the Authority were of the view that it was in the public interest to progress this matter by way of prosecution in the Magistrates Court. These deficiencies included:
- no working fire alarm with no detectors in any of the bedrooms,
 - no emergency evacuation procedures and plan in the event of fire,
 - fire routes and exits were blocked by combustible materials,
 - no arrangements in place for calling the Fire and Rescue Service ,
 - exit signs were not in accordance with current standards,
 - fire doors were missing which meant in the event of a fire there was no means of preventing the spread of smoke or fire

- combustible materials being stored under the staircase.
- bedrooms contained a large number of electrical cooking equipment which had not been PAT tested and also posed a potential risk of fire.
- bars on living accommodation windows preventing any attempted rescues by Fire and Rescue Service

3 OUTCOME

3.1 Gurmail Singh Lally as the responsible person for fire safety was charged with offences against the Regulatory Reform (Fire Safety) Order 2005.

3.2 These breaches of the Regulatory Reform (Fire Safety) Order 2005 were:

Article 8 (1)(a) :Duty to take general fire precautions

A failure to ensure the safety of his employees as there was no emergency action procedure in place to ensure their safe evacuation in the event of fire

Article 8 (1)(b) :Duty to take general fire precautions

A failure to ensure the safety of relevant persons,(not employees) as there was no emergency action procedure in place to ensure their safe evacuation in the event of fire

Article 9 (1) : Risk assessment

A failure to make a suitable and sufficient risk assessment of the risks to which relevant persons were exposed in that no risk assessment had been carried out.

Article 9(3)(a) Risk assessment

A failure to regularly review his risk assessments or to keep them up to date.

Article 13(1)(a) Fire Fighting and Fire Detection

The premises were not appropriately equipped with a fire alarm system

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Article 14(1) Emergency Routes and Exits

The escape routes to emergency exits and the exits themselves were not kept clear at all times

Article 14(1)(g) Emergency Routes and Exits

Emergency routes and exits were not indicated by signs.

Article 17(1) Maintenance

Emergency lighting was not subject to a suitable system of maintenance and not maintained in an efficient state, in efficient working order or in good repair

Article 17(1) Maintenance

Structural fire precautions were not adequately maintained

Article 17(1) Maintenance

Manual fire precautions were not adequately maintained

Article 17(1) Maintenance

The fire alarm system was not adequately maintained

Article 18(1) Safety Assistance

No competent person was appointed to assist in undertaking the preventative and protective measures

3.3 As is customary, Sunderland City Council Legal Services represented the authority in the prosecution of the case. Mr. Lally pleaded guilty to 13 offences. He was fined £500 for each offence (a total of £6,500), together with the standard £15.00 victim surcharge and costs of £5087.14 being awarded to the authority. A total fine of £11,602.14.

3.4 The action the Authority has taken is in line with national guidance and was proportionate to the seriousness of the offences.

3.5

4 RECOMMENDATIONS

4.1 The Authority is recommended to note the contents of this report and receive further reports as appropriate

BACKGROUND PAPERS

The under mentioned background papers refer to the subject matter of the above report:

HSE – Enforcement Management Model 2005

FSC 42/07 – Annex A – Enforcers Guide

The Regulatory Reform (Fire Safety) Order 2005