

LANCASHIRE COMBINED FIRE AUTHORITY

Meeting to be held on 19th September 2016

FIRE PROTECTION REPORTS

Contact for further information:

Deputy Chief Fire Officer Justin Johnston – Tel. 01772 866801

Executive Summary

This report deals with prosecutions in respect of fire safety management failures and arson incidents within the period 1 April 2016 to 31 May 2016.

In addition, Fire Protection and Business Support Information is included in the report.

Recommendation

The Authority is asked to note the report.

FIRE SAFETY CONVICTIONS

Prosecutions under the regulatory reform (fire safety) order 2005

Lancashire Fire and Rescue Service (LFRS) successfully completed 3 prosecutions in July/August:

House of Multiple Occupation (HMO) - 3 Hawkhurst Road, Penwortham

On the 21st July 2016 at Preston Crown Court, Mr Andrew Kennedy, the landlord of the HMO in Penwortham, pleaded guilty to 6 charges brought under the Regulatory Reform (Fire Safety) Order 2005.

LFRS brought the charges following an inspection of the premises by Fire Safety Officers from Bamber Bridge and Environmental Health Officers from South Ribble Borough Council on 5th March 2015. The inspection identified contraventions of fire safety regulations, considered so serious that a Prohibition Notice preventing people from sleeping on the premises was issued. Of particular concern was the unconverted attic of the property that had been rented out and occupied as a habitable room, accessed via an unfixed wooden ladder.

Mr Kennedy showed complete disregard to people's safety by continuing to breach the Prohibition Notice, this was reflected in his sentencing, as the presiding Judge, Judge Altham convicted him for 34 weeks imprisonment, suspended for 18 Months for the one offence of breaching of the Prohibition Notice.

In addition Mr Kennedy was given a 5 week suspended sentence for each of the other 5 offences, 150 hours unpaid work order and a ten day rehabilitation activity order.

HMO - 8 Balmoral Terrace Fleetwood

On the 27th July 2016 at Blackpool Magistrates Court, John Graham Salisbury of 11 Rosewood, Cottam, Preston pleaded guilty to six separate breaches of the Regulatory Reform (Fire Safety) Order 2005 relating to a HMO 8 Balmoral Terrace Fleetwood, a mid-terraced three-storey property consisting of five flats.

Mr Salisbury was given the opportunity, on a number of occasions, to meet with Fire Safety Officers at the premises to discuss the requirements of an Enforcement Notice issued January 2015 but he never took the opportunity to do so. Due to the poor standard of Fire Safety provision and non-compliance with the Enforcement Notice, LFRS were left with no alternative but to bring charges against the Responsible Person.

Mr Salisbury was fined;

- £4000 for failure to comply with the requirements of an enforcement notice.
- £400 each for five (5) of the other articles.

LFRS received costs of £4270 and with a victim surcharge of £150, Mr Salisbury was consequently handed a total fine of £10,420.

Ormskirk landlord - Mr Timothy Reynolds

Mr Timothy Reynolds, the landlord of the Malthouse Business Centre and the Buck lth Vine Inn, Ormskirk, appeared before Ormskirk Magistrates Court on the 27th June 2016, pleading guilty to 7 offences under the Regulatory Reform (Fire Safety) Order 2005. Although the Magistrates now have the ability to award unlimited fines for offences under the Regulatory Reform (Fire Safety) Order 2005, it was determined that due to the seriousness of the offences, culpability of the responsible person and the putting of profit before safety that sentencing would be better carried out at Liverpool Crown Court on the 2nd August 2016, where sentences may not just be financial but are potentially custodial as well.

Mr Reynolds was given a six month prison sentence, suspended for two years, for each of the seven charges. In addition he was given 200 hours unpaid community work and ordered to pay LFRS costs of £6000.

Of particular concern was the fact that a professional landlord, who was aware of his responsibility to ensure adequate fire safety provision, continued to allow unsuitable premises to be used for sleeping accommodation. Despite being issued with the Prohibition Notice, investigations revealed that Mr Timothy Reynolds did not take adequate measures to comply with the prohibition relating to the Malthouse allowing continued occupation after the notice was issued.

Broadclough Mill, Bacup.

The landlord of the multi occupied business premises was summoned to appear at Burnley Magistrates on 22nd July, but failed to attend. A warrant for his arrest was issued. After he presented at a police station the case was subsequently adjourned to Burnley Magistrates for the 16th September.

HMO Manchester Road, Burnley

2 separate Responsible persons have been summoned to appear at Burnley Magistrates on the 9th September for alleged inadequate fire safety measures at the above rented accommodation.

FIRE PROTECTION & BUSINESS SUPPORT INFORMATION

Deliberate secondary fires - Blackpool

Industrial units and spare land adjacent to Bispham tip, Bristol Ave, Bispham had been subject to fly tipping and deliberate secondary fires. CM Frankland, Western Area, Business support officer has worked with the police, Environmental Protection, local business and the land owners to offer advice and support. This has resulted in a number of arrests and an immediate drop in secondary fire activity in the area. The owners have also agreed to fence off the site and clear any waste.

ARSON CONVICTIONS

The past 2 months has been very quiet in terms of Court Cases for arson. There are a number of successful cases where defendants have either pleaded guilty or have been found guilty but all cases are awaiting sentencing.

LFRS close working arrangements with Lancashire Constabulary on arson cases continues to be very successful with LFRS/LanCon detection rates consistently running at approximately 2.5 to 3 times the National average.

Historically, arson was seen to be the most difficult of crimes to detect and secure a conviction, with National detection rates being at approximately 7% of all fires that are recorded as deliberate.

Business Risk

Moderate – Members need to be aware of prosecutions related to fire safety activity and/or arson within Lancashire in order to satisfy themselves that the required robust approach is being pursued.

Environmental Impact

None

Equality and Diversity Implications

None

HR Implications

None

Financial Implications

None

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact
Reason for inclusion in Part II, if appropriate:		