

**LANCASHIRE COMBINED FIRE AUTHORITY**  
Meeting to be held on Monday 17 September 2018

**FIRE PROTECTION REPORTS**

Contact for further information:  
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**Executive Summary**

This report deals with Lancashire Fire And Rescue Service (LFRS) prosecutions in respect of fire safety management failures and arson incidents within the period 1<sup>st</sup> June 2018 to 31<sup>st</sup> August 2018.

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

**Recommendation**

The Authority is asked to note and endorse the report.

**FIRE SAFETY CONVICTIONS**

Prosecutions under the Regulatory Reform (Fire Safety) Order 2005 (RRFSO)

A hotel in Burnley was prohibited in December 2017 due to serious breaches of the RRFSO. The breaches included an inadequate fire alarm system, inadequate fire doors and no suitable management on the premises. The case file was approved to proceed and the summons is currently being prepared.

Another hotel in Preston, again was prohibited in February 2018, in 2005 the owner was convicted of two offences under the Fire Precautions Act 1971 for the same premises. The current breaches were so serious that they posed a risk of serious injury or death they included inadequate fire detection, inadequate means of escape and lack of fire safety management. The summons has been written and has been signed off by a Principal Officer.

The case file for a takeaway in Lancaster has again been approved to proceed and the summons is being prepared. These premises were restricted in use in 2015; the owner complied with the restriction notice and removed the sleeping risk. In February 2017 a multi-agency visit uncovered persons sleeping on the upper floors, contravening the restrictions notice. Evidence was gathered at that point to work towards a prosecution, another multi-agency visit in November 2017 again showed that persons were still sleeping on the premises.

A hotel in Blackpool was prohibited in 2017 due to staff sleeping in the basement, there were a number of issues with the fire safety provisions which led to the closure, and the local authority also prohibited the premises on the same day. The prosecution case file is in its final stages of preparation before being considered whether to proceed with legal proceedings.

Another hotel in Blackpool was issued with a voluntary closure in July 2018. In August 2018 Blackpool Council Health and Safety contacted the protection department at Blackpool station to advise that a complaint had been registered from a paying guest in regards to the condition of the hotel. Inspectors visited the hotel that morning and found a number of guests in the hotel, the premises was therefore prohibited. The manager initially forcibly removed the inspectors before the Police were requested to gain entry to begin the evidence gathering. This case is in its infancy and is on-going.

## **FIRE PROTECTION & BUSINESS SUPPORT INFORMATION**

### Risk Based Inspection programme

The Risk Based Inspection Programme (RBIP) is now embedded within the Protection Department and officers are using this tool. Due to observations from the recent Inspection, the facility has now been added to give cases that require an additional visit, e.g. Enforcement Notice etc. to be put in a separate 'revisits' tab together with the functionality to add cases that meet the RBIP scoring criteria that are flagged. This will ensure that cases requiring a revisit are not inadvertently missed.

### Business Support Website

The site is fully up-to-date with all the information for the Risk Based Inspection Programme and updated contacted details. The Corporate Communications Department and Protection Department are currently exploring the opportunity to have the various pages contained in the Business Support Website to be brought within the main LFRS site. The current unique web address would still take users to the correct page and would be signposted from there as usual. The changes to the end user would be unnoticeable but would allow for the maintenance of the site by Corporate Comms Department, which will ensure that the site remains GDPR compliant, together with other accessibility requirements that are likely to come in during the course of 2019.

### Business Safety

The Pennine Business Safety Adviser (BSA) has been heavily involved in our 'Places of Worship' training events. These have been organised jointly with Nelson Fire Station and our Community Fire Safety Team at Burnley. Within Western area, the BSA has been heavily supporting Blackpool Football Club due to a recent change in management. The BSA in Northern Area has been undertaking multi-agency inspections on the run up to and during the World Cup with colleagues from Lancaster Borough Council

### Primary Authority Scheme

Since the update of the Primary Authority register and changes brought about by the introduction of the Enterprise Act on October 1st 2017, LFRS has been in a position to register new Partnerships. As a result LFRS now has 10 registered partnerships Barchester Healthcare, Four Seasons Healthcare, Amber Taverns, Torus 62 housing, Daniel Thwaites, Warwick Estates, EH Booths, Regenda Group, Progress Housing Group & PBSA Student Roost.

St Catherine's Hospice is also at a stage for consideration for partnership with LFRS.

New agreements have now been formalised with Torus 62 and Barchester to include a new hourly rate of £75/hour which equates to £4,500 per annum. This will be rolled out to the other partners before their 12 month anniversary dates.

There have also been discussions with 6 other very interested companies.

## **ARSON RISK REDUCTION**

### Arson convictions

#### **R v Patricia Pemberton**

##### **Regent St, Haslingden**

This incident involved a top floor flat of a three storey building of private flats. Pemberton used her keys to enter the flat and set a fire in a remote corner of the flat and left the building. A thorough fire investigation was carried out and a report submitted to the Police. The defence employed an expert witness to challenge the LFRS fire report. This was countered by our investigator. The case went to Crown Court and the case was started. Pemberton pleaded guilty part way through the trial. She was sentenced to 2 years imprisonment for arson reckless as to whether life endangered and also received a 5 year restraining order.

#### **R v Martin Charles Simon McKulkin**

##### **Great Bolton St, Blackburn**

This incident involved a car being set alight outside a hotel on Great Bolton St. The attending crews carried out a fire investigation and submitted it to the Police. A suspect was arrested and charged. He later appeared in Magistrates Court and where he pleaded guilty negating the need for LFRS to attend to present evidence. He was given a 12 month suspended sentence.

#### **R v “youth offender”**

##### **Allotments, Peel Park Ave, Accrington**

There had been a spate of fires within the allotments where sheds had been set alight. Following further investigations by the Police a youth was arrested and charged with arson and attempted arson. He later appeared at youth court where he was pleaded guilty. He was sentenced as follows: 12 month referral order and £350.00 compensation.

## **R v Michael James Mercer & Carl Fox**

### **St Philips Rd, Preston**

This incident involved an end of terrace property that was under renovation. There were 2 areas of fire. The defendants had been seen in the premises immediately before the fire being noticed. The owner of the premises turned up as the defendants were leaving the scene. When he approached them they made off. They were later arrested and charged. Following their trial at Preston Crown Court the following verdict was reached: Carl Fox sentenced to 10 months imprisonment. Michael Mercer's charges lie on file which means no further action at this point, however the defendant can be tried at a later date if further evidence comes to light.

## **R v Nicholas Butler**

### **Blackthorn Lane, Bacup**

Nicholas Butler bought petrol from a nearby petrol station, poured petrol over his cousin's car and set it on fire. Crews located petrol pour marks and petrol at the scene. Butler pleaded guilty and received a 32 months' prison sentence.

### **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:		