

LANCASHIRE COMBINED FIRE AUTHORITY

Meeting to be held on Monday 17th December 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 1st September 2018 to 30th November 2018.

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

Recommendation

The Authority is asked to note and endorse the report.

FIRE SAFETY CONVICTIONS

Current prosecutions

The owner of a takeaway premises in Lancaster has pleaded guilty to 8 offences of the Fire Safety Order 2005 including the serious offence of failing to comply with a prohibition notice. Sentencing will be at Preston Crown Court on the 19/12/2018.

The owner of a hotel / multi occupied dwelling in Preston has pleaded not guilty to 11 offences of the Fire Safety Order 2005. The pre-trial preparation hearing is at Preston Crown Court on the 07/12/2018.

The owner of a hotel in Burnley will be served a summons to attend Magistrates Court in relation to 10 offences of the Fire Safety Order 2005 on the week commencing the 03/12/2018.

There are a number of prosecution case files being prepared currently:

- A takeaway in Lancaster
- A multi occupied dwelling in Lancaster
- 2 x hotels in Blackpool

FIRE PROTECTION & BUSINESS SUPPORT INFORMATION

Risk Based Inspection programme

On-going

Business Support Website

On-going

Business Safety

On-going

Primary Authority Scheme (PAS)

Lancashire hosted a national PAS Seminar on 20th November 2018 with an audience of 80 people from Fire Services, Primary Authority partners, Risk Assessors, UCLan Students and Building Control Officers, which has had very positive feedback. LFRS now has 11 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 and St Catherine's Hospice.

Inclusion Housing is now in the process for consideration for partnership with LFRS.

ARSON RISK REDUCTION

Arson convictions

R v Paul Hedley Water St, Lancaster

This incident involved a first floor flat in a block of 6 flats. A fire had been set in the lounge of the flat and allowed to develop. Hedley then knocked on adjacent flat door and informed them he had set fire to his flat then proceeded back inside. The neighbour called the Police to inform them of what they had been told. The Police in turn called the fire service. Upon arrival police were already in attendance and evacuating the neighbouring flats. Crews found a well-developed fire in the lounge.

Hedley was conveyed to hospital for treatment for smoke inhalation, and then later arrested. A thorough fire investigation took place with a stage 1 fire investigation and lengthy impact statement describing the danger to neighbours due to them sharing a single external means of escape, 3 of the flats occupants having to pass the affected flat.

Hedley pleaded guilty at Court and was sentenced to 24 months in prison – suspended for 24 months. He was ordered to attend a drug and alcohol rehabilitation programme in addition to £100.00 victim costs.

R v Jennifer Grant Tarnsyke Rd, Lancaster

This incident involved Grant setting fire to a bag full of her partners clothes and placing the burning items on the communal means of escape to the block of flats

where she resided. Upon arrival of the crew's means of escape was severely smoke logged from the 2nd floor upwards, severely compromising the means of escape for the flat occupants above the fire.

Grant admitted starting the fire to the attending Officer In Charge. A fire investigation was still carried out and submitted to the police as it is not unheard of for a suspect to change their plea once they have been provided with a solicitor. However, in this case Grant pleaded guilty again under police caution and was charged with arson. Grant again pleaded guilty at court and was sentenced to 52 days imprisonment.

R v Christopher Delooze Stratford Rd, Chorley

This incident involved the ground floor flat of an HMO. Delooze had set fire to a waste bin and contents within his flat. Upon arrival of the fire service, the crews had to force entry to the flat and lead Delooze to safety. There was moderate smoke damage to the flat. Delooze was checked over by paramedics before being arrested on scene by the police.

Delooze was charged and remanded in custody. At Magistrates court he pleaded guilty to arson reckless as to whether life endangered and was sentenced to 12 weeks imprisonment.

R v John Marland HMP Lancaster Farms, Lancaster

This incident is worthy of special note due to the fact it is highly unusual for a prisoner serving a current sentence to be charged and committed to Court for trial for starting a fire within a prison unless it is a major incident. This is not just a Lancashire problem, but a National problem.

Throughout Lancashire's Prisons we have had a huge problem with fires within cells causing frustrations for both the FRS and the prison service. Quite often, the inmates will start a fire within their cells with a view of getting moved wings due to range of issues such as bullying, drug debts, gang rivalry etc. Quite often they are protest fires as they want moving prisons nearer to their home towns so as to receive more regular visits from family and friends.

More often than not, the greatest punishment they receive is the removal of some privileges – TV, radio etc and they will get moved to another wing as the cell can't be used until all the damage has been repaired. Ultimately this means because they know there is very little punishment they continue to use this Modus Operandi as a way of sorting their personal issues.

Due to the huge financial costs for putting an inmate through the criminal justice system the Crown Prosecution Service deems it as not in the public interest when the inmate is already in prison. This of course has seen a steady rise in prisons pan service as there is no deterrent to put them off. The benchmark the CPS set for considering taking a case to trial is that the damage has to be above £5,000.00 or that other persons' lives were put in danger.

After many years of trying to persuade the CPS to take a case to court to set a precedence and create a deterrent and send a clear message out to all prisons, that these fires will not be tolerated and they will in fact receive extra tariffs above their existing sentences.

In this case, Marland had set fire to an under counter cupboard which contained his personal belongings causing severe fire heat and smoke damage to his cell. The fire was initially dealt with by prison service staff utilising their "cell - water mist induction system" this is a procedure where they can fight a fire from outside of a cell via an induction porthole in the door. Once the fire is suppressed they can then enter the cell wearing disposable smoke hoods and safely remove the inmate.

Upon arrival of the fire crews, they committed to breathing apparatus wearers and extinguished the fire fully. A fire investigation was carried out and it was found that Marland had created a flame and he then ignited some toilet paper and proceeded to ignite the cupboard and contents.

A fire investigation report was submitted as normal to the police. One of LFRS Incident Intelligence Officer got involved with the case and working with HMP staff put together a further report highlighting the costs to LFRS in terms of Appliance, Supervisory Officers, Admin time costs etc. The impact and risks to the community of having 4 fire appliances deployed to known fires in commercial buildings thus reducing fire cover in the City and increasing attendance times for any further incidents occurring at the same time. To follow this up, the IIO arranged meetings with the police and CPS and convinced them to take the case to court.

Marland pleaded innocent throughout the process up until his plea and case management hearing where he finally pleaded guilty due to the weight of evidence against him.

Marland was later sentenced to a further 31 months imprisonment. Incidentally, he had been due to be released from prison for his index offence the same month as he appeared in court for this fire.

Since this conviction, fires at HMP Lancaster Farms have reduced dramatically as have incidents at other prisons across Lancashire. Work is ongoing across the service with other prisons and Police depts, to encourage any further cases being progressed to court.

NOTE: Due to the quality of the fire investigation reports and supporting documents LFRS staff are providing the Police and CPS, we are finding more often than not, that defendants are being advised by their solicitors to plead guilty early on in proceedings as they would be difficult to defend.

Even where defence have called upon expert witnesses to challenge our reports, they have stood scrutiny. This in turn has negated the need for our staff to present evidence in court under cross examination. This can be put down to investment of continual professional development of our operational managers in their fire investigation skills and our close partnership working with Lancashire Constabulary to whom we also deliver training in relation to fire investigation.

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:		