

## **LANCASHIRE COMBINED FIRE AUTHORITY**

Meeting to be held on 19th December 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 September 2016 to 1 December 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 one prosecution on 11<sup>th</sup> November 2016.

#### Broadclough Mill, Burnley Road, Bacup

Mr Laurence Daw, the landlord of Broadclough Mill appeared before Burnley Magistrates Court on the 11<sup>th</sup> November 2016 for trial after pleading not guilty to the single charge brought under the Regulatory Reform (Fire Safety) Order 2005:

1. Failure to comply with the requirements imposed by the Enforcement Notice, which failure placed relevant persons at risk of serious death or injury.

As a result of an Inspection on 3<sup>rd</sup> February 2015, which Mr Daw failed to attend, he was issued an Enforcement Notice detailing the steps considered necessary to remedy areas of significant contraventions of fire safety regulations.

Although every effort was made to meet with Mr Daw at Broadclough Mill and assist him in complying with the Enforcement Notice by the specified dates, Mr Daw failed to attend on any occasion.

Mr Daw eventually contacted the fire service on the day the Enforcement Notice expired, five months after it was issued. On further inspection of the Mill by Fire Safety Officers it was found that none of the works required to ensure the safety of the occupants, had been completed.

At the trial, Magistrates found for the prosecution based on the case file provided and evidence given in cross examination by retired Fire Safety Officer Mick Bingham finding Mr Daw Guilty of the offence under Article 32(1)(d) the Regulatory Reform (Fire Safety) Order 2005:

Mr Laurence Daw was awarded a fine of £2000, ordered to pay Lancashire Fire and Rescue Service prosecution costs of £2600 and a victim surcharge of £400 giving an overall total of £5000.

#### HMO 143 Manchester Road, Burnley

Two separate Responsible Persons, owner and the leaseholder, were summoned to appear at Burnley Magistrates on 9 September, 30 September, and 14th October but failed to attend or provide suitable representation at Court on each occasion. As a result a warrant for the arrest of the owner was issued, who was arrested on 7th November. At the hearing on the 11<sup>th</sup> November, which was this time attended by both defendants a pre-trial hearing was scheduled to Burnley Magistrates for the 9 December.

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

### Primary Authority Scheme

LFRS have now signed a second Primary Authority Partnership and are now the Primary Authority for fire safety with Four Seasons Healthcare PLC who, similarly to Barchester Healthcare, has over 300 Care Homes across the UK. Protection Support are also currently in partnership negotiations with two national pub chains, a northern supermarket chain and a large North West Housing provider.

### Business Safety Week 05 – 09 September 2016

LFRS Protection Staff in all area hubs participated in the annual Chief Fire Officers Association (CFOA) UK Business Safety Week. The key objective of the week was to highlight the help and support that is available to businesses from their local fire and rescue service with the main driver of the week being on education of businesses not enforcement. The overall aim was to reduce the number of enforcement notices delivered to businesses and encourage them to make fire safety an everyday part of working life so employees can respond safely and appropriately in the event of an incident.

A total of twenty organised events were run throughout the county with over two hundred business receiving advice during the week. The advice ranged from measures to reduce the chances of arson, fire risk assessment advice, staff training, maintenance of fire safety systems and specific advice to care/nursing homes on the emerging issue of the dangers of emollient creams for residents who smoke and have mobility issues.

### Competency Framework for Business Fire Safety Regulators

As identified in the 2015 Prevention and Protection review; the Protection Function has adopted and aligned staff to the 'Competency Framework for Business Fire

Safety Regulators' (CFBFSR); which promotes and develops LFRS as Better Regulators. The four new Business Safety Advisors (BSA) have achieved the Level 3 Cert and Fire Safety Inspectors (FSI) or are currently achieving the Level 4 Diploma.

#### Community Fire Risk Management Information System (CFRMIS) 6

CFRMIS 6, the updated database used for recording all Fire Safety visits and outcomes, was "rolled" out live on 22<sup>nd</sup> November across LFRS.

Training took place at Service Training Centre for all Prevention and Protection Officers during the week of the 14<sup>th</sup> November, on the introduction to CFRMIS 6 which included; searching, reporting, creating new premises and completion of Fire Safety Audit forms (FO1).

## **ARSON CONVICTIONS**

### **R v Eamon William Roche**

Derby St, Accrington

Mr Roche was part of a gang that set fire to the victim's car. There had been long standing arguments between Mr Roche and the victim. Significant damage was caused to the car. A full investigation was carried out by LFRS and a report submitted to the Courts, where the evidence was accepted which negated the need for our Officer attending to present evidence. This case dated back to 2014 but only made it into the Crown Court in October 2016.

Mr Roche was sentenced to 27 months imprisonment.

### **R v Kyle Perry**

Roe Lee Mill, Blackburn

This incident involved a derelict Mill in Blackburn that had been subject to multiple arson attacks over a period of months. This final fire resulted in an attendance of 5 pumps and an ALP. The Mill had to be partially demolished following the fire with an estimated £400,000 damage.

A multi agency investigation was carried out and a fire investigation report submitted. The Police used modern technology to put Mr Perry at the scene of the fire via GPS fixes of his mobile phone. Mr Perry had taken photos of the fire burning in its early stages. LFRS staff were called to present evidence in Preston Crown Court, but Mr Perry pleaded guilty prior to the trial starting.

Mr Perry was sentenced to 2 years imprisonment – suspended for 2 years with a rehabilitation activity requirement.

**R v Liam Reddington**  
Shakespeare Rd, Fleetwood

This incident involved Mr Reddington setting fire to a Childs pram and bedding that was within the lounge of his mother’s house. There was resultant fire and heat damage to the lounge and hallway contents. Mr Reddington had set previous fires in the week before. Mr Reddington was arrested at the scene. A full fire investigation was carried out and submitted to the Courts. Mr Reddington pleaded guilty prior to a full trial.

Mr Reddington was sentenced to 3 years imprisonment

There have been a number of other cases where guilty verdicts/pleas have been made and we are awaiting the results of sentencing. These incidents will be reported to a later meeting

**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:		