

# Lancashire Combined Fire Authority

Meeting to be held on 22 April 2024

## Fire Protection Report

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### Executive Summary

This report summarises Lancashire Fire and Rescue Service (LFRS) prosecutions pertaining to fire safety offences, in addition to convictions resulting from arson incidents which have been progressed via the criminal justice process.

Given the rapidly evolving regulatory change in building fire safety, an update on Fire Protection and Business Support is also provided, detailing how the Service is adapting delivery whilst developing our workforce, to ensure that we keep pace with the changes and improve public and firefighter safety within the built environment.

### Recommendation

The Authority is asked to note the report.

## FIRE SAFETY CONVICTIONS

### Prosecutions

One case has now been concluded, and the landlord, Ms. Angela Chang, pleaded guilty to six breaches of the Regulatory Reform (Fire Safety) Order 2005, at the Great Fortune House, 120 Victoria Rd West and 16 St Georges Lane Thornton-Cleveleys.

The six offences to which Ms. Angela Chang pleaded guilty were:

- Failure to take such general fire safety precautions, so as to ensure the safety of tenants;
- Failure to make a suitable and sufficient fire risk assessment;
- Failure to ensure that the premises were equipped with appropriate fire detectors and alarms;
- Failure to ensure that people could evacuate the premises as quickly and safely as possible;
- Failure to properly maintain an appropriate fire evacuation procedure for the premises; and
- Failure to safeguard the safety of relevant persons by ensuring that any facilities, equipment, and devices were provided.

On Tuesday 19 March 2024, sentencing took place at Preston Crown Court, where Ms. Angela Chang was sentenced to three months imprisonment for failure to comply with the above articles of the Fire Safety Order and ordered to pay £10,414.51 in costs to Lancashire Fire and Rescue Service.

Three cases currently sit within the court system. Of these three cases, one is provisionally set for trial starting 24 April 2024, one is set for trial starting 1 July 2024 and the third is set for trial starting 30 June 2025.

Protection teams continue to investigate and build files in relation to eleven further cases wherein offences are believed to have been committed under the Regulatory Reform (Fire Safety Order) 2005, involving the following types of premises:

- Care and Nursing Home x2
- House in Multiple Occupation x2
- Residential Flats x2
- Mixed commercial and residential x1
- Commercial car repair garage x1
- Nightclub x1
- Health care setting x1
- Hotel x1

Protection leads are also supporting a joint enforcement case with a local authority, Health and Safety Executive and Lancashire Constabulary regarding a complex mill converted to residential accommodation.

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

### **Business Fire Safety Checks (BFSC)**

The BFSC continues to offer greater business support with 3112 undertaken in total during the 23/24 performance year to end of Feb 2024.

86% (2684) have been deemed satisfactory with 428 deemed unsatisfactory and triaged by protection teams during this period with both informal and formal enforcement taken.

### **Legislation Changes Update**

LFRS continues to embed legislative changes coming about from the 1 October 2023 amendments of the Regulatory Reform (Fire Safety) Order 2005, which introduced Section 156 of the Building Safety Act 2022. These amendments will require that all responsible persons must now record the fire risk assessment in full (including all the findings) and the fire safety arrangements for premises in all circumstances.

The new Building Safety Act and Building Safety Regulator (BSR) continues to be developed. Following a competitive interview process, a new Northwest Regional Building Safety Manager has been appointed and will be hosted by Greater Manchester Fire and Rescue Service (GMFRS) and will work directly with LFRS newly appointed BSR lead.

LFRS built environment officers continue to pursue the principle accountable persons for tall buildings that have failed to meet their new legislative requirements by the 28 February 2024.

To date only 25% of Lancashire's 48 residential tall buildings have submitted all of the mandatory building information they are now legally required to provide both to the BSR and the local Fire and Rescue Service. Of the 75% remaining a vast majority have

submitted parts of the information but have failed to provide it all despite several requests. Following several engagements with responsible persons, LFRS will seek to formally request the provision of this information through proportionate use of the Fire Safety Order.

## **ARSON RISK REDUCTION**

### **R v David SCHOLES**

Macauley Avenue, Blackpool, FY4 4AG.

Date and Time of Call – 22/01/2022, 00:47hrs.

This incident involved the deliberate ignition of wheelie bins in a rear alleyway.

The fire caused severe damage to three wheelie bins, two fence panels and a children's trampoline.

Following a guilty plea to Arson, the defendant was sentenced to 18 months imprisonment.

### **R v Kenneth ROYALE**

Buchanan Street, Blackpool, FY1 3BN.

Date and Time of Call – 10/08/2023, 05:08hrs.

This incident involved the deliberate ignition of a wheelie bin, garden furniture, clothing and other items in the rear yard of a domestic property. The wheelie bin had been positioned directly in front of a set of patio doors which was the only available exit from the property. The fire had started to affect the house and the occupier, an elderly lady, made her escape through a ground floor window.

The fire caused severe damage to a wheelie bin, children's toys, clothing, garden furniture and a timber canopy structure attached to the building. Internally there was moderate damage by smoke to the rooms and contents.

The defendant pleaded guilty to Arson with intent to endanger life and was sentenced at Preston Crown Court to 12 years imprisonment.

### **R v restricted due to age (x2)**

Wrea Green Pre-School, Wrea Crescent, Wrea Green, PR4 2WA.

Date and Time of Call – 18/04/2022, 17:49hrs.

This incident involved a fire in an outdoor timber play area at a Pre-School Nursery.

The fire caused severe damage to a wooden play bus, a large section of Astro turf, perimeter fencing, children's toys and a canoe. Radiated heat caused damage to the window frames of the main building and a storage box.

The defendants received youth cautions.

**Business risk**

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

**Sustainability or Environmental Impact**

None

**Equality and Diversity Implications**

None

**Data Protection (GDPR)**

Will the proposal(s) involve the processing of personal data?

No

**HR implications**

None

**Financial implications**

None

**Legal implications**

Failure of Responsible Persons to meet new legislative requirements placed upon them, may result in LFRS undertaking additional prosecution cases in future.

**Local Government (Access to Information) Act 1985****List of background papers**

Paper:

Date:

Contact:

Reason for inclusion in Part 2 if appropriate: Insert Exemption Clause