

LANCASHIRE COMBINED FIRE AUTHORITY
Meeting to be held on Monday 20 February 2017

FIRE PROTECTION REPORTS

Contact for further information:
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Executive Summary

This report deals with prosecutions in respect of fire safety management failures and arson incidents within the period 1 December 2016 to 1 February 2017.

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 two prosecutions during the period, one of which is subject to an appeal.

HMO 143 Manchester Road, Burnley

This Prosecution was a result of an inspection in 2014 at 143 Manchester Road, Burnley, BB11 4HT by Fire Safety Officers and Local Authority (LA) housing department officers, supported by Police and Community Support Officers. The premises consist of basement and three floors that were being used as a House in Multiple Occupation (HMO), sleeping accommodation.

During the course of the visit the premises was found to be occupied by twelve young French students and two French carers placed there by the Embrace Cooperation Ltd.

The premises itself contained a number of breaches of Fire Safety Legislation and lack of general fire precautions that placed the occupants at risk of death or serious injury.

A full day's trial took place on the 27 January 2017 at Burnley Magistrates Court at which, both LFRS and LA Officers gave evidence in cross examination.

The Leaseholders, Embrace Cooperation Ltd pleaded guilty to six charges and the Owner/Landlord of the premises, Dr Muhammad Jehangir Khan Bhatti was found guilty of four offences, by the District Judge, for serious breaches of fire safety regulations, brought under the Regulatory Reform (Fire Safety) Order 2005.

Of particular concern was the fact that a professional landlord, who had previously been informed by the Local Authority housing department, that the premises was unsuitable for use as a HMO, advertised and leased the premises, with inadequate fire safety provision, knowing it was to be used as a multi occupied premises.

Also of concern was that a large UK company, who should be fully aware of its responsibility to ensure adequate fire safety provision, allowed unsuitable premises to be used for sleeping accommodation.

The case highlights the importance for Landlords and Leaseholders to ensure that their lease agreements clearly identify the person responsible for the provision and maintenance of a premises functional and structural Fire Safety and who is required to ensure the premises is fit for purpose and not a risk of death or serious injury to occupants.

Dr Muhammad Jehangir Khan Bhatti and the Embrace Cooperation Ltd will appear for sentencing at Burnley Magistrates Court on the 10 February 2017.

Broadclough Mill, Burnley Road, Bacup

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

Magistrates found for the prosecution and 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.

Mr Daw has lodged an appeal which will be heard on 27 April 2017.

FIRE PROTECTION & BUSINESS SUPPORT INFORMATION

Primary Authority Scheme

LFRS has signed a further two Primary Authority Partnerships:

- Amber Taverns Ltd, based in Blackpool and have 120 Public Houses across the North west, North East, Midlands and Wales;
- EH Booths & Co Ltd are based in Preston and have 28 stores across the North West.

When the Regulatory Delivery Office complete final checks of the agreements, LFRS as their Primary Authority will work together with their partners to provide advice and guidance and further improve their premises fire safety provision, procedures and management.

Business Safety

LFRS Business Safety Advisors (BSA's) have been working with Police and Local Authority licensing departments after visits to several licenced premises raised concerns due to various levels of non-compliance.

The responsible persons were provided advice and detailed reports showing the works needed to bring their premises to an acceptable licensing and fire safety standard.

Joint inspections are planned to target licenced food outlets with low food/hygiene ratings.

A Business Forum at Heysham Golf Club was hosted by Business View and was attended by Local Businesses from Lancaster and Morecambe districts. The BSA established links with local business owners, provided fire safety/contingency planning advice as well as local Fire Safety contacts and links to the LFRS business support website.

Shop safe campaign - 15 December 2016 targeted St George's and Fishergate Shopping Centre's in Preston due to stock storage issues that have occurred during previous Christmas shopping periods.

The overall standard was good, with escape routes maintained and extra stock suitably managed, and responsible persons provided with additional Fire Safety advice.

Post Fire Inspection - Following a serious fire at a scrap yard in East Lancashire a Hot Strike was undertaken with visits to similar premises within Southern Area to provide advice and guidance to owners to reduce the risk of further incidents.

North West Ambulance Service (NWAS) – met with BSA's to launch the new recording system regarding AED (Automatic Electronic Defibrillator) within the work place. This is to assist NWAS in mapping where the nearest AED is to any member of the public who may require it in the event of a cardiac episode.

During a visit to any commercial business, information will be collected and a return will be sent to NWAS. The information can then be readily available and relayed to any First Aider while the Ambulance crew are dispatched.

ARSON CONVICTIONS

R v James McGrady

Holden Fold, Darwen

This incident involved the deliberate ignition of an outhouse adjacent to the house which was occupied at the time. The Police arrested Mr McGrady at the scene. A full fire investigation was carried out to discount any accidental ignition sources in particular an electrical fault. A full fire report was submitted with LFRS staff being called to present evidence at Crown Court. Mr McGrady entered a guilty plea 5 days prior to the full trial due to the weight of evidence against him. Mr McGrady was sentenced to 3 years and 4 months imprisonment for arson reckless as to whether life endangered.

R v Mark Grimbaldeston

Bolton Rd, Blackburn

This incident involved the deliberate ignition of some clothing and some books in the ground floor lounge whilst his partner was asleep in bed. Mr Grimbaldeston had set the fire then left the property. A taxi driver who had dropped the couple off earlier in the evening returned via the address following dropping another fare in the area. He told the Police that Mr Grimbaldeston and his partner had been arguing quite badly as he dropped them off earlier and he was quite concerned. When he got to the address he noticed the door open and the fire in the lounge. He ran upstairs and led a female to safety. She then returned into the house and was led out again by Fire Service personnel upon their arrival. A full fire investigation was carried out with reports being submitted to the Police. Mr Grimbaldeston pleaded guilty prior to trial and was sentenced to 6 years and 5 months for arson with intent to endanger life.

(This incident was filmed by the BBC who were following the Police on incidents and it will appear soon on TV).

R v Youth defendant 1 and youth defendant 2 *(due to a press embargo set by the Judge, the defendants cannot be named).*

Albert Rd, Morecambe

This incident involved a double fronted toy shop with living accommodation above. A couple of weeks prior to the fire, the 80 year old shop owner had refused to sell a BB gun to some youths and asked them to leave his shop. These youths broke into the shop via a rear door and stole some goods including a BB gun. Upon exiting the shop 2 separate fires were set whilst the owner was in his flat above. Due to neighbours alerting him, he was able to escape via the shop before it became heavily involved in fire. A multi agency investigation was carried out with a full written fire investigation report being submitted to the police. Two of the three youths that had been in the shop were charged with arson reckless as to whether life endangered and burglary.

Originally LFRS evidence was accepted by both defence and prosecution, but when it came to the trial our Officer was requested to present evidence to clarify a few questions that the defence barristers had and to help the Magistrates in the Youth Court understand how a deliberate conclusion had been reached. Unusually a laptop and projector was utilised by our investigating Officer to present the evidence. By using this IT technology, it was easier to explain everything with some clarity which also negated any cross examination as every point was covered in the presentation.

The following day, defendant 1 admitted to being the one that set the fires.

Defendant 1 (aged 15) was sentenced on two accounts of arson, burglary and theft to 30 months imprisonment in a young offender's institution. The Judge summarised that if defendant 1 had been an adult, he would have been sentenced to at least 10 years imprisonment.

Defendant 2 was sentenced at Crown Court with a Youth referral Order for 9 months, under curfew with a tag for 8 weeks between 22:00 – 07:00 hours, Supervised by probation for 9 months and a £15 surcharge.

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:		