

Lancashire Combined Fire Authority

Meeting to be held on 16 December 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 may also be 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

Prosecution outcome

On Thursday 21 of November 2024, sentencing took place at Preston Crown Court regarding 120 Corporation Street, Preston, where Mr Liang Chen was sentenced to the following.

- Nine months to be served concurrently, suspended for eighteen months.
- One hundred and twenty hours Community Service.
- Ordered to pay £2,400 in costs to Lancashire Fire and Rescue Service.

The four offences to which Mr Liang Chen pleaded guilty were:

- Article 9(1) Failure to make a suitable and sufficient fire risk assessment.
- Article 13(1)(a) Failure to ensure the premises were equipped with appropriate fire detectors and alarms.
- Article 14(2)(b) Failure to ensure persons could evacuate the premises as quickly and safely as possible.
- Article 32(2)(h) Failure to comply with the requirements imposed by the prohibition notice.

Prosecution Case Progress

LFRS currently have two cases relating to the same premises within the court system. These relate to two responsible persons at a care and nursing home. One case is set for sentencing on the 29 January 2025 at the Magistrates Court. The second case has a

dismissal hearing on the 24 March 2025 at Crown Court along with a trial date set for the 28 July 2025.

Two other legal cases are also set to be heard in the Crown Court, one for sentencing on the 9 December 2024 relating to supported living, and the second which relates to student accommodation, has a trial date of 14 July 2025.

Protection teams continue to investigate and build case files in relation to sixteen other premises where offences are believed to have been committed under the Regulatory Reform (Fire Safety Order) 2005, which include the following:

- Care and Nursing Home x 1
- House in Multiple Occupation x 2
- Residential Flats x 3
- Mixed commercial and Residential x 4
- Commercial car repair garage x1
- Commercial restaurant x 1
- Nightclub x 1
- Health care setting x 1
- Hotel x 2

Enforcement Notice Appeals

The Protection team are currently engaged with two appeals against the issuing of Enforcement Notices. One relates to a mixed-use premises with the grounds of the appeal being that it was served in error. The other relates to a residential block of flats and on the grounds that the company in question are not a responsible person, as defined by the Regulatory Reform (Fire Safety) Order 2005.

In both instances, the services regulatory position is that all notices were served correctly and to the relevant responsible persons.

Responsible persons have 21 days from the issuing of a notice, to appeal to the Magistrates Court. In respect of an Alterations or Enforcement Notice, any appeal has the effect of suspending the operation of the notice until the appeal is complete or withdrawn.

Upon hearing the appeal, the Court can either cancel or affirm the notice and if it affirms the notice, can do so either in its original form or alter the notice as it sees fit. If the appellant or the enforcing authority is aggrieved by the determination of the Magistrates Court in respect of any such appeal, they can then appeal the Magistrates Court's decision to the Crown Court.

Arson Risk Reduction

R v Jonathon DONNELLY

Address - Leicester Road, Preston

Date and Time of Call – 03/01/2024, 01:16

This incident occurred in a rented terraced property and involved the deliberate ignition of ignitable material in a bedroom wardrobe. The fire caused severe damage by fire to

the wardrobe, severe damage by smoke to the bedroom and moderate damage by smoke to remainder of the first floor. Slight smoke had also entered the property to the right of the affected house.

On the 29 August 2024 the occupier was sentenced to 9 years imprisonment for various offences including reckless arson.

R v Ashley O'NEILL and Lewis YATES

Address – Pedders Lane, Preston

Date and Time of Call – 21/11/2023, 00:55

This incident involved the ignition of tissue paper which had been placed in the letterbox of an occupied semi-detached property. CCTV also showed the two males deliberately igniting the fascia boards with a lighter and using an aerosol can as a makeshift blowtorch. The incident caused slight damage by heat to the rear of the front UPVC door, and moderate damage by heat and flame to fascia boards.

The two defendants were found guilty of arson with intent to endanger life and sentenced to 4 and 5 years in prison respectively.

R v Wayne DARGIE

Address – The Barn, Berkley Drive, Bamber Bridge

Date and Time of Call – 27/09/2021, 03:20

This incident involved a deliberate fire at a visitor centre tea shop. The incident caused significant damage by fire and firefighting operations to the tea shop and storeroom.

The defendant received a 9 month custodial sentence for reckless arson.

R v Waqar KHAN

Address - 172 Grey Street, Burnley

Date and Time of Call – 06/08/2023, 13:06

This incident involved the deliberate ignition of clothing in the kitchen of a mid-terraced rented property. The rear UPVC door was found open on arrival of crews. The fire caused severe damage by fire to the kitchen contents and decor, severe damage by smoke to the staircase and moderate damage by smoke to one further ground floor room, two bedrooms and a bathroom.

On the 22 August 2024 the defendant was sentenced to 3 years in prison for arson with intent to endanger life.

R v Gerald TAYLOR

Address - Wilton Parade, Blackpool

Date and Time of Call – 12/02/2024, 22:56

This incident involved the deliberate ignition of a sofa in the lounge of a flat. The incident caused severe damage by fire to the lounge and contents and severe damage by smoke to the remainder of the flat.

The defendant who was the occupier was sentenced to 4 years in prison for reckless arson.

R v Jack LAIN

Address – Woodcrest, Wiltshire

Date and Time of Call – 25/09/2023, 18:55

This incident occurred at a detached house and involved the ignition of a flammable liquid which the defendant had poured through the open ground floor bedroom window of his parents' house. The incident caused significant burns to the defendant's father's hand, severe damage by fire to the bedroom and first floor landing, and severe damage by heat and smoke to the remainder of the property.

The defendant pleaded guilty to arson with intent at Preston Crown Court and was sentenced to 3 years in prison.

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