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Fire Prosecutions on the increase – Regulatory Reform (Fire Safety) Order 2005

In the last two years (Oct 2006 –2008) there have been 42 prosecutions in the UK against companies failing to comply with the Fire Safety Order. Additionally, fire services have issued 3,800 enforcement notices during the same period.

A number of common trends emerged including: blocked or locked exits, poorly maintained fire escape ladders/staircases, lack of staff fire training storage of combustible materials in boiler rooms, lack of fire alarms, lack of emergency lighting, lack of fire doors and in many cases lack of suitable fire risk assessment.

Recent prosecutions include:

- A major food and retail chain has been fined **£250,000** for a range of fire safety failings at six of their stores. An investigation revealed a range of fire safety breaches at the six stores including: **no fire alarm system locked fire escape doors and a poorly maintained fire escape ladder**. The chain pleaded guilty to 13 offences under fire safety legislation. The company was fined £20,000 for each of 11 serious breaches and £15,000 each for two other failings. It was also ordered to pay the Fire and Rescue Service **£11,167** in costs.
- A residential care home provider was ordered to pay out £100,000 relating to inadequate fire precautions. Prosecution followed a fire that started as a result of **general rubbish and storage in the boiler room** over a period of time. In addition **staff had not been instructed in the findings of the fire risk assessment**, which had identified that the boiler room was a high fire risk that should not be used as a store. The company also did **not have an adequate system in place for reviewing fire safety arrangements** in the home.
- A major frozen food company has been ordered to pay a total of **£28,500** in fines and costs after admitting that it failed to comply with fire safety legislation. An electrical fire started on the store's ground floor and six staff located on the first floor evacuated to the roof. There they discovered that the **vertical escape ladder was locked**. They eventually managed to break the lock with a crowbar and all but one climbed to safety. Fire crews rescued the remaining staff member who was unable to descend the ladder.

An investigation by officers of the Fire service uncovered a number of fire safety contraventions which led to successful prosecution. The company pleaded guilty to four charges relating to: **failure to properly manage fire safety measures; failure to properly instruct and train staff; failure to keep and maintain emergency exit routes clear and means of escape that could not be quickly and safely used**.

- A Fire and Rescue Authority has successfully prosecuted a man for the illegal storage of fireworks and will serve a total of **18 months in prison**. The man was prosecuted by the fire authority after he was found to be **dangerously storing 33 cartons of fireworks and 34 loose fireworks** in his living room. The fireworks had a total net explosive content of 157kg .
- THE OWNER of a warehouse was fined **£12,000** after he pleaded guilty to a string of offences under the Regulatory Reform (Fire Safety) Order. The owner was ordered to pay £2,000 for each of six offences under the legislation, plus £2,250 costs due to **no working fire alarm, no emergency lighting, no fire risk assessment in place and piles of flammable boxes blocking escape routes**. The owner was prosecuted after he ignored a previous enforcement notice.
- A property manager was fined **£5,600** and ordered to pay substantial costs after being found guilty of seven breaches of the Order. The case related to a fire at a house converted into flats. Two residents were hurt as they escaped by jumping from a first-floor window. The offences included **failing to properly assess the fire risks and failing to provide a smoke alarm and ensure the escape route was protected by fire-resistant doors**.
- A bar owner was fined **£1,500** and ordered to pay **£500** costs for breaching two enforcement notices. The notices were issued after fire safety officers discovered dangerous conditions at the Café Bar. The owner failed to rectify the dangerous conditions and allowed people to sleep in the premises despite there **not being an adequate fire alarm system, emergency lighting or means of escape. An exit door could not be fully opened and a locked gate blocked escape into the street behind the property**.

- A landlord was ordered to pay more than **£10,000** in fines and costs following a fire at a house of multiple occupation. Fire safety inspectors found that the **fire alarm was not functioning and the main exit was obstructed. Fire doors were unserviceable due to missing or broken parts and the fire extinguishers were past their testing dates.**
- The owner of a house of multiple occupancy (HMO) located above a commercial premises was ordered to pay a total of **£5,900** in fines and costs after pleading guilty to a series of fire safety offences. Fire safety officers found that the **fire alarm was defective, there was inadequate fire separation between the commercial premises and the flats and the means of escape on each floor was blocked by combustible materials.** The fire service prohibited the use of the flats for five weeks until they were made safe. During the court hearing the prosecution argued that the owner had put occupants' lives in serious and unacceptable danger.
- The owner of a night-club in northeast England has been fined **£4,000** and was ordered to pay **£975** costs after a man suffered serious burns while on a night out at the premises. The owner was found guilty of breaching the Regulatory Reform (Fire Safety) Order. Specifically, the **company failed in its duty of care to take general fire precautions and failed to carry out a suitable and sufficient fire risk assessment.**
- A major sports company was fined **£17,400** for six breaches of Fire Safety and was also ordered to pay costs of **£6,150**. The failings, which included fire escapes that were locked or partially blocked by stock and an empty portable fire extinguisher, came to light during a fire service visit in December 2007.
- The owner of a hairdressing salon was fined **£4,000** for nine breaches of the Order. A fire service investigation identified a number of faults, including no emergency lighting in the basement, no fire alarm and no smoke detection system. A notice was issued giving the owner four months to fix the problems. However, when the inspectors returned in July they found that no work had been carried out.
- A nightclub has been fined **£41,000** after pleading guilty to 12 fire safety offences. The breaches included wedged-open fire doors; no clear escape routes; and an exit staircase obstructed by rubbish. The case arose when fire service officers were called to a fire alarm at the premises and subsequently carried out an inspection identifying the contraventions.
- The proprietor of a hotel was ordered to pay more than **£11,000** in fines and costs for a series of breaches of the Regulatory Reform (Fire Safety) Order. The failings came to light after fire crews were called to the hotel in March when the fire alarm system sounded. Attending crews found no fire but could not locate any staff at the hotel to assist. The subsequent investigation uncovered a number of breaches, including failing to complete a fire risk assessment, failing to maintain the fire safety features of the hotel and failing to provide adequate fire safety training to employees.

Source

Fire Protection Association (FPA) Fire Risk Management Journal