

**Safest People, Safest Places**

## **COMBINED FIRE AUTHORITY**

**21 MARCH 2017**



## **OUTCOME OF PROSECUTION UNDER THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

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### **REPORT OF AREA MANAGER COMMUNITY RISK MANAGEMENT**

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#### **Purpose of Report**

1. To brief members on the outcome of the prosecution taken by the Combined Fire Authority (CFA) against Mr Kaiser Javeed Choudry and Hayat Accommodation Services Ltd relating to breaches of the Regulatory Reform (Fire Safety) Order 2005 (RRO) at the Albert Guest House in Shotton Colliery.

#### **Background**

2. The Albert Guest House in Shotton Colliery was converted from a care home to an unlicensed house of multiple occupation and used as accommodation for a range of guests with limited income. The property was registered as a company under Hayat Accommodation Services Ltd with Mr Kaiser Javeed Choudry as the company director.
3. At 22:51 hrs on 17 January 2015, the Service was called to a fire at the property in a first-floor bedroom, five appliances attended and three people were rescued by fire crews. The fire investigation determined the cause to be deliberate and resulted in one male adult being convicted for arson. A fire safety investigation also commenced due to fire doors on escape routes being found wedged open.
4. At 03:27 hrs on 8 May 2015 a second fire occurred at the property in an unlocked cupboard under the stairs, the cause was also found to be deliberate. A second fire safety investigation found a range of other contraventions under the RRO which resulted in a prohibition noticed being served preventing further use of the building until these were rectified.
5. Following a comprehensive fire safety investigation and legal advice, a decision was taken to proceed with a prosecution under the RRO against both Hayat Accommodation Services Ltd and Mr Choudry as the company director. The 'Informations' was signed by the Chief Fire Officer on 13 June 2016 to authorise the prosecution and to serve the summonses.
6. The Authority has a service level agreement with Essex Fire and Rescue Service to access specialist legal advice and training in relation to the RRO. This agreement provides the services of a specialist barrister as and when needed.

## Outcome of the prosecution

7. On 19 September 2016 at Peterlee Magistrates Court, Mr Choudry pleaded guilty to a total of eight offences, three against himself as the company director and five against Hayat Accommodation Services Ltd for breaches of the RRO.
8. Sentencing took place on 6 February 2017 and Mr Choudry and Hayat Accommodation Ltd were ordered to pay a total of £8,866 in fines with an additional £12,000 to the Service in costs.
9. The prosecution taken by the Authority was covered very positively by the press which has helped to promote fire safety in the business community and enhance the reputation of the Authority and the Service. It was also noted by the legal team that through enquiries and interest from other FRSs this prosecution has helped to drive forward fire safety at a national level.

## Lessons learned

10. A debrief was held internally and with the legal team from Essex Fire Service to ensure any organisational learning from the process was captured. The outcome has resulted in a comprehensive set of documentation that can be utilised for future reference and training of staff.
11. Three main positive areas of particular noted during the debrief were: the high quality of the fire safety investigation which lead to the guilty pleas; the professional legal support provided by Essex Fire Service throughout the investigation and prosecution and the clear direction and steerage provided by the Service Leadership Team to the legal team at key points in the process.

## Recommendations

12. Members are requested to:
  - a. **Note** the contents of the report.

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