

# Failure to Comply - Fire Services Get Tough

## Fire Services increasingly look to courts to enforce fire safety legislation

Fire services are turning to the courts more and more to prosecute those who flout the requirements of fire safety law. In turn, the courts are showing that the legislation has real teeth, as the following two cases illustrate:

### **£50,000 bill for... failure to comply**

In the first case, a father and son, Brian and David Murdoch, of Kidderminster, face penalties and costs of over £50,000 after failing to have a fire risk assessment conducted for properties they owned in the town. In July 2007 a fire broke out at shops owned by the pair in Coventry Street, Kidderminster.

Both pleaded guilty to a number of charges under The Regulatory Reform (Fire Safety) Order (RRFSO), including:

- Failure to conduct a fire risk assessment.
- Failure to discuss fire safety arrangements and procedures.
- Failure to ensure that fire safety equipment was adequately maintained.

Although the premises had been fitted with two smoke alarms, this was not considered sufficient to alert residents sleeping on the second floor, and four residents living in flats above the shops had to be evacuated.

### **London landlord jailed... firm fined £21,000**

This case is the first custodial sentence passed under the RRFSO legislation and concerns a serious fire at a flat in Tottenham in September of last year. A tenant was rescued from the blaze by fire-fighters and taken to hospital, but tragically later died from his injuries. The landlord, Mr Mehmet Parlak, pleaded guilty to eight charges under the RRFSO legislation as follows and was jailed for four months. His company, Watchacre Properties Ltd was fined £21,000.

The charges were as follows:

- Article 9 – Failure to make a suitable and sufficient assessment of the risks to which relevant persons were exposed.
- Article 11 (1) – Failure to make and give effect to appropriate fire safety arrangements.
- Article 13 (1)(1) – Failure to provide appropriate fire fighting equipment.
- Article 13 (1)(a) – Failure to provide appropriate fire detection measures, namely adequate smoke alarms in the common parts of the premises.
- Article 14 (1) – Failure to ensure that routes to emergency exits from the premises and the exits were clear (in relation to the gas fired boiler).
- Article 14 (2)(a) – Failure to ensure that persons were able to evacuate the premises as quickly and safely as possible, in that the escape route was not properly protected (because the intumescent strip and cold smoke seal were missing from the top edge of the second floor habitable room and there were combustible materials stored in the exit route including a washing machine, television, clothing and furniture).
- Article 14 (2)(g) – Failure to ensure that there was adequate signage at the premises to indicate the emergency exit and route.
- Article 15 (1) - Failure to establish and give effect to appropriate procedures to be followed in the event of serious and imminent fire.

SSAIB says:

Clearly, the fire services are taking a tough approach to the enforcement of this legislation, particularly where death or injuries result.

Registered firms are encouraged to help their business clients understand the responsibilities that are now placed upon the “responsible persons” under this legislation. The Government has issued comprehensive guidance for businesses, which can be found at: [www.communities.gov.uk/fire/firesafety/](http://www.communities.gov.uk/fire/firesafety/)

SSAIB offers certification to installers of fire alarm systems. To obtain an information pack, please contact SSAIB's offices by telephone or email.

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