



Director Feels the Heat after Premises Fire

Friday, 17 February 2012

Overview

You may recall last year, we informed you there are still many employers/ persons in control of premises not paying sufficient attention to fire safety law? (See Lloyds Law Safety Alert: Fire breaches lands employer in court 1211).

Unfortunately, the message is still not getting through, as another serious case considered a landmark hearing for the UK fire and rescue service (FRS) shows, as it is believed to be the first time that a jury, rather than magistrates or an individual judge, has convicted a defendant under the Regulatory Reform (Fire Safety) Order 2005, commonly referred to as the FSO.

What happened?

A fire broke out in a London hotel and the blaze spread quickly from a first floor guest bedroom, up a staircase to the floor above and along a corridor.

Three people escaped from the fire, two by using the stairs and a third by climbing out of a second floor window.

Following the fire, London FRS fire safety inspectors visited the hotel and discovered a number of serious fire safety concerns.

These included defective fire doors, blocked escape routes and no smoke alarms in some of the hotel's bedrooms.

The hotel owner/ director was also unable to produce a suitable and sufficient fire risk assessment and was found not to have provided staff with adequate fire safety training.

What were the consequences?

The owner initially appeared before magistrates for contraventions of the FSO, and the case was first heard at Highbury Corner Magistrates Court, where he pleaded not guilty to all twelve charges.

The case was committed to Blackfriars Crown Court for trial, where the defendant was found guilty on all counts, with the fine being apportioned between the corporate defendant (the hotel as a limited company,) fined £30,000, and the individual defendant (the owner/ director) receiving a fine of £180,000.

The defendants were further ordered to pay prosecution costs of £50,000 and compensation of £2,000 (to a guest who had to escape the fire through a second floor window).

What do you need to do?

The above case is yet another illustration of the powers of the FSO, so it is vital to recognise that responsibility for fire safety is specifically that of the Responsible Person i.e. the employer/ occupier or person otherwise responsible for the premises.

In practice, this means that Responsible Persons in control of premises are required by law to carry out a fire risk assessment and act on its findings.

The risk assessment should also identify actions that need to be taken in order to protect the building from fire. It must be kept under constant review and amended if any changes are made to the premises

This is a good time to ensure risk assessments, standards, training and supervision are appropriate, up-to-date and the provisions of your health and safety policy are being applied in practice.

