22 JULY 2020

RESTAURANT OPERATOR GUILTY OF OFFENCES AGAINST REGULATORY REFORM (FIRE SAFETY) ORDER 2005

Today, 22 July 2020, at Derby Crown Court, Mohammed Dilawar Hussain, the director and employer at Masala, 7 Curzon Street, Derby, was sentenced in respect of four breaches of the Regulatory Reform (Fire Safety) Order 2005.

Mr Hussain was sentenced to 18 months imprisonment, reduced to 12 months for an early plea, and suspended for 2 years. Mr Hussain was also ordered to carry out 240 hours unpaid community service and to pay a victim surcharge.

In January 2020, Mr Hussain entered a guilty plea to all four breaches relating to there being no fire risk assessment, inadequate firefighting equipment, inadequate means of escape and non-compliance with an Enforcement Notice issued in respect of the building.

In the early hours of Sunday 3 December 2017, following a serious fire in a neighbouring property, it was necessary for firefighters to enter the premises known as Masala, where they discovered persons sleeping on site in the upper rooms.

As a result of this discovery a fire safety audit was carried out the following day. The fire safety audit identified that the fire alarm and emergency lighting were defective, general fire precautions were poor, fire extinguishers were out of test date and found to be empty and it appeared that staff were inadequately trained. In addition there was no evidence of a fire risk assessment.

These deficiencies resulted in a Prohibition Notice being served, preventing further use of the property for sleeping until fire safety measures were improved, and an Enforcement Notice requiring other fire safety improvements to the premises in general be made.

Sufficient remedial work was undertaken to allow the Fire Authority to withdraw the Prohibition Notice, but Mr Hussein failed to comply with the Enforcement Notice by the required date.

Derbyshire Fire & Rescue Service, Group Manager Lee Smith said: "If a fire had occurred in the building where people were sleeping, the absence of working fire detectors and alarms would have allowed the fire to develop, placing occupants at serious risk as smoke and gases from the fire could have killed them while they slept.".

"Employers, Managers and Owners of similar establishments should recognise that they have a responsibility to ensure that any sleeping accommodation they provide for their employees, guests, or any other people has a suitable and sufficient fire risk assessment in place, which is reviewed regularly, and facilities that are provided for safety from fire are maintained to a suitable standard."

Derbyshire Fire and Rescue Service regularly inspects business premises, including hot food outlets where it is known to include sleeping accommodation. The vast majority of these properties are well managed, maintained and comply with current fire safety regulations.

Group Manager Smith went on to say: `"Derbyshire Fire and Rescue Service would like to remind all operators of hot food restaurants and takeaways that if they provide sleeping accommodation, they have a legal responsibility to protect their employees, or guests from the risk of fire."

"The Fire and Rescue Service will consider formal action against anyone found to be in breach of Fire Safety Regulations and particularly where they fail to comply with any statutory notices issued.

"The Service will advise and give support to both local and national businesses and are always willing to help make sure they comply with Fire Safety Legislation. However, the public should continue to be reassured that legal action will be used when necessary, where any serious breaches of Fire Safety Regulations are identified."

For more information regarding business safety visit www.derbys-fire.gov.uk

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