

NORTH YORKSHIRE FIRE AND RESCUE SERVICE

Watch Manager Caulfield

09/01/2018

A summary report of a fire safety investigation.

1.0 Purpose of Report

- 1.1 To inform the panel of the outline factors in relation to a fire safety investigation. This is in relation to potential breaches of the Regulatory Reform (Fire Safety) Order 2005 (The Order) at Mr Happy restaurant / takeaway, 53, Blossom Street York,
YO24 1AZ.

2.0 Introduction

- 2.1 In line with Service procedure the circumstances surrounding the investigation as known at this time are provided. The purpose of this report is to provide sufficient information to enable the panel to undertake the evidential and public interest tests.
- 2.2 Further guidance in relation to the public interest test with regard to prosecution can be found within guidance issued by [The Crown Prosecution Service](#) the [HSE](#) and [Xact training](#)
- 2.3 The panel are reminded that for there to be an offence. The responsible person or any other person mentioned in article 5 (3) must in this case;
- ‘fail to comply with any requirement or prohibition imposed by articles 8 to 22 and 38 (fire safety duties) where that failure places one or more relevant persons at risk of death or serious injury in case of fire.’

3.0 Background

On 25th May 2017 North Yorkshire Fire and Rescue Service carry out a scheduled fire safety audit at Mr Happy restaurant , 53 Blossom Street, York, YO24 1AZ, concerns where raised by WM Jamison from White watch York, the concerns were about people sleeping above the takeaway shop.

- 3.1 The premises consist of a basement, ground, first, and second floors. The basement is used for storage, ground floor is used as a small restaurant and take away shop. The upper floors were in use as storage and sleeping accommodation.(Image DSC00220).

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- 3.2 WM Caulfield attended the premises on the 25th May 2017, Mr Kheng Chooi Koay was on the premises and identified himself as the owner.
- 3.3 People were found to be living on the first and second floors above the shop. On the first floor rooms had been created to make bedrooms, the construction was of poor quality with insufficient fire separation. Image DSC 00227
- 3.4 The fire alarm panel was located in the restaurant part at the front of the building, The panel was showing a number of faults including power fault and general fault. (Images DSC 00216). On the 25th May 2017 a prohibition notice was served.

4.0 Case evidence and investigation details

- 4.1 On 25th May 2017 Mr Koay admitted that he was the business owner. Mr Koay accepted and signed for the prohibition notice. Mr Koay was unable to produce a fire risk assessment; he admitted that his staff and non members of staff slept at the premises.
- 4.2 The RRO applies to the whole of the premises.
- 4.3 [REDACTED]
- 4.4 Mr Kheng Chooi Koay was invited for interview under caution. He attended interview on 28th June 2017. Transcript of the interview is available.
- 4.5 It was established that a private limited company had been set up called Mr Happy (YORK) limited; Requests were made to HMRC and returned No Corporation Tax returns have been filed with HMRC by Mr Happy (YORK) Ltd for the period from 06/04/2015 to 05/04/2017. Also HMRC were unable to trace a Value Added Tax (VAT) record for Mr Happy (YORK) Ltd.

The director of Mr Happy York Ltd a Mr Zhongle Chen was also invited and attended an interview under caution, Transcript of the interview is available.

Mr Zhongle Chen is known to the Police for suspected involvement in people trafficking.

In interview he claims the company was only set up to help his friend Mr Koay with his business, and as the returns from HMRC show the company (Mr Happy (YORK) limited) does not show evidence of trading.

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Both Mr Koay and Mr Chen required the use of an interpreter during their interviews.

4.6 During interview it was established that;

- Mr Koay has day to day control of the premises.
- No Fire Risk assessment had been carried out. (Article 9)
- Routine testing and maintenance of the fire detection and fire alarm system had not been carried out in line with national guidelines. (Article 17)
- Matters in relation to fire safety management and organisation had not been established (Article 11).
- Mr Koay admitted people had been sleeping on the premises from 13th May 2015.

5.0 [REDACTED]

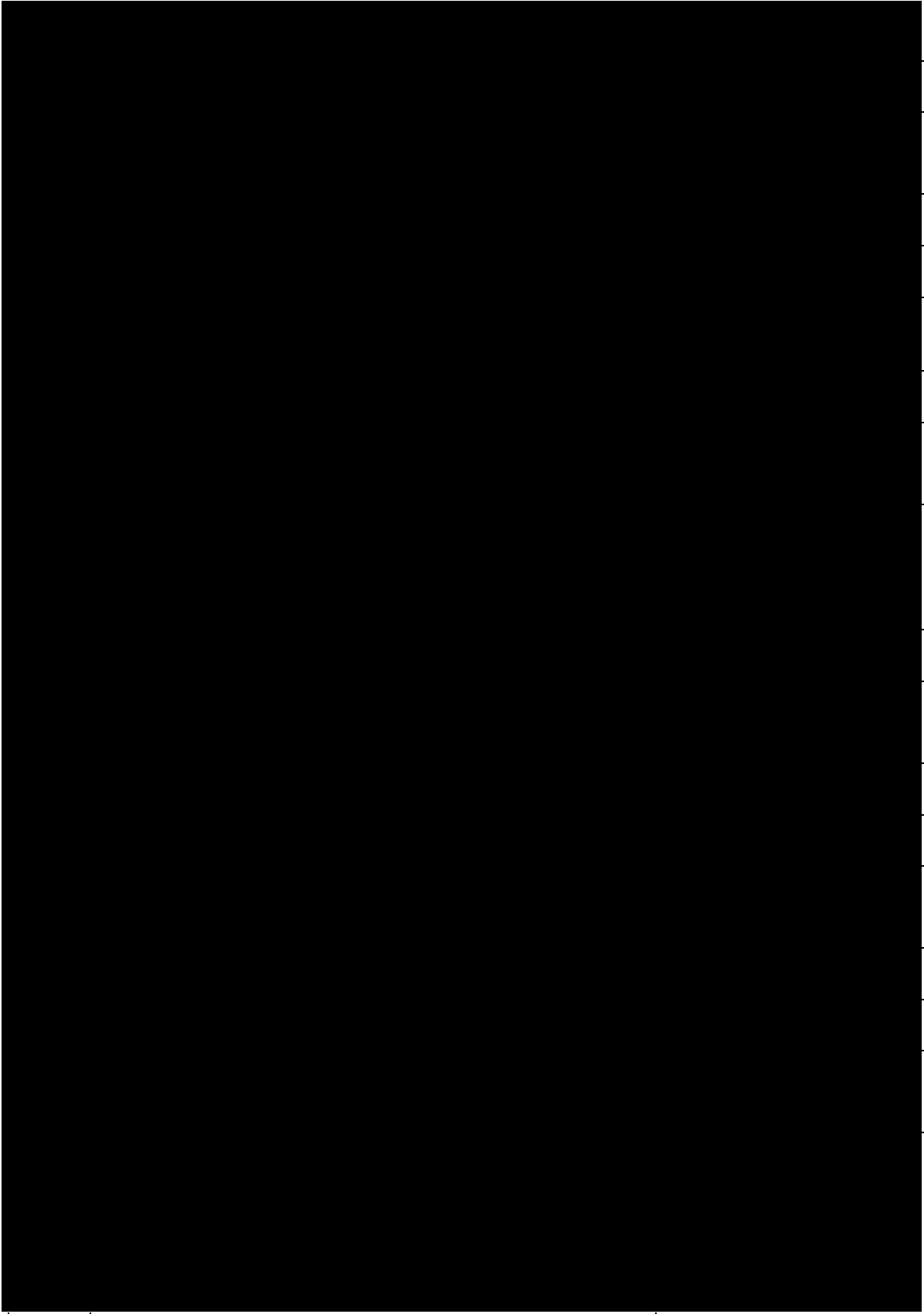
5.1 [REDACTED]

- [REDACTED]
- [REDACTED]
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- [REDACTED]
- [REDACTED]
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- [REDACTED]
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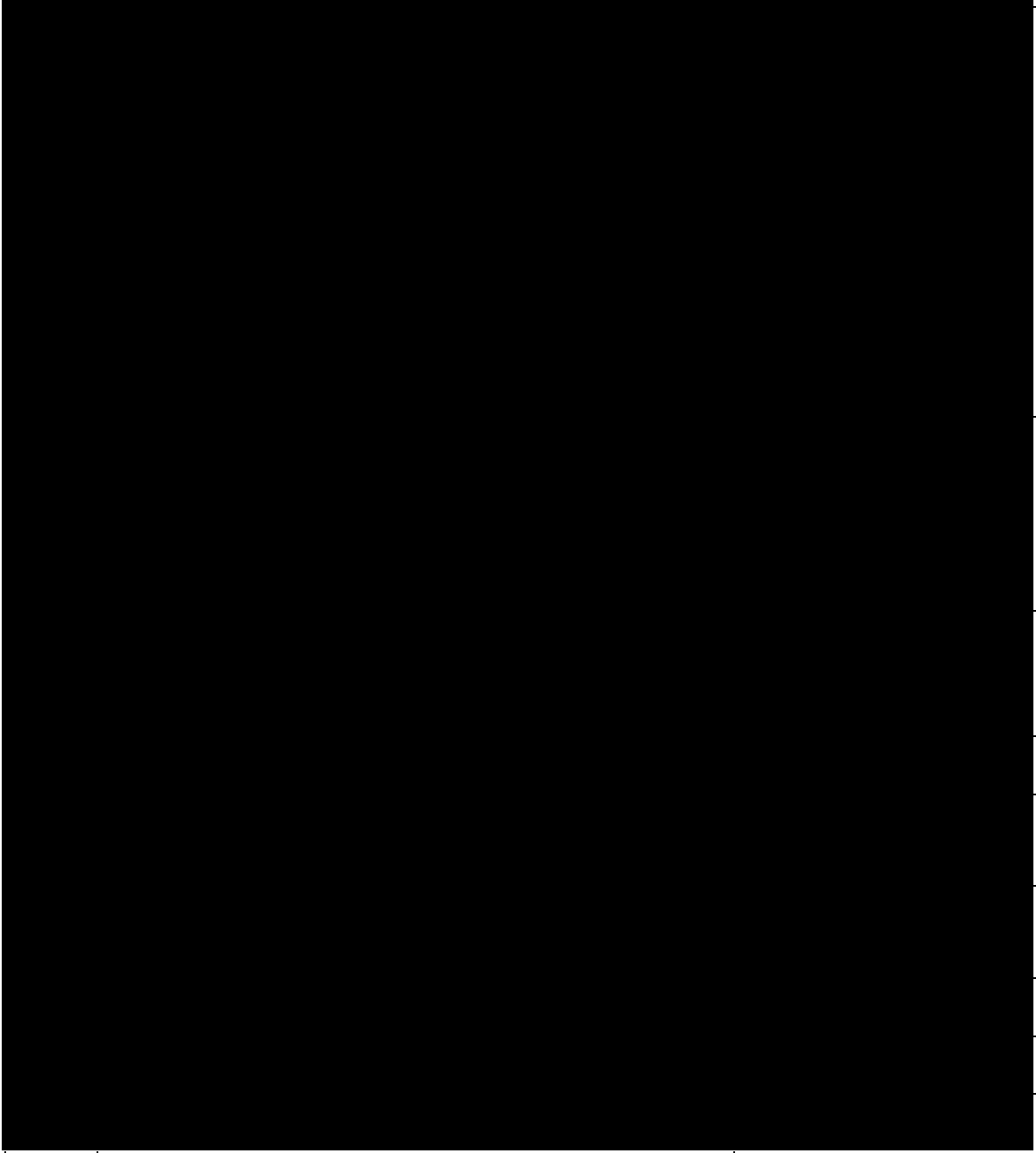
5.2 [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

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5.4 [REDACTED]

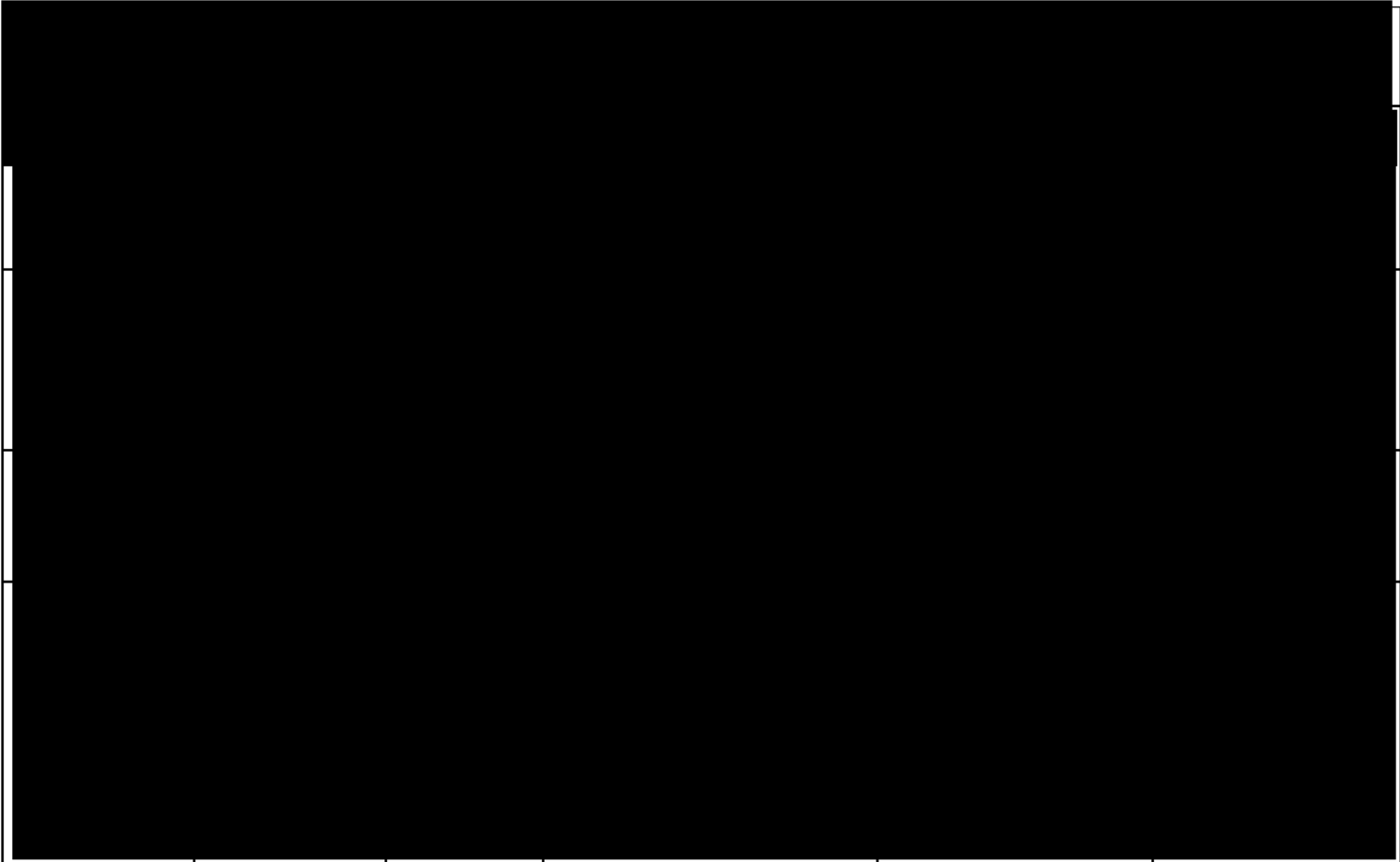
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6.0 [REDACTED]

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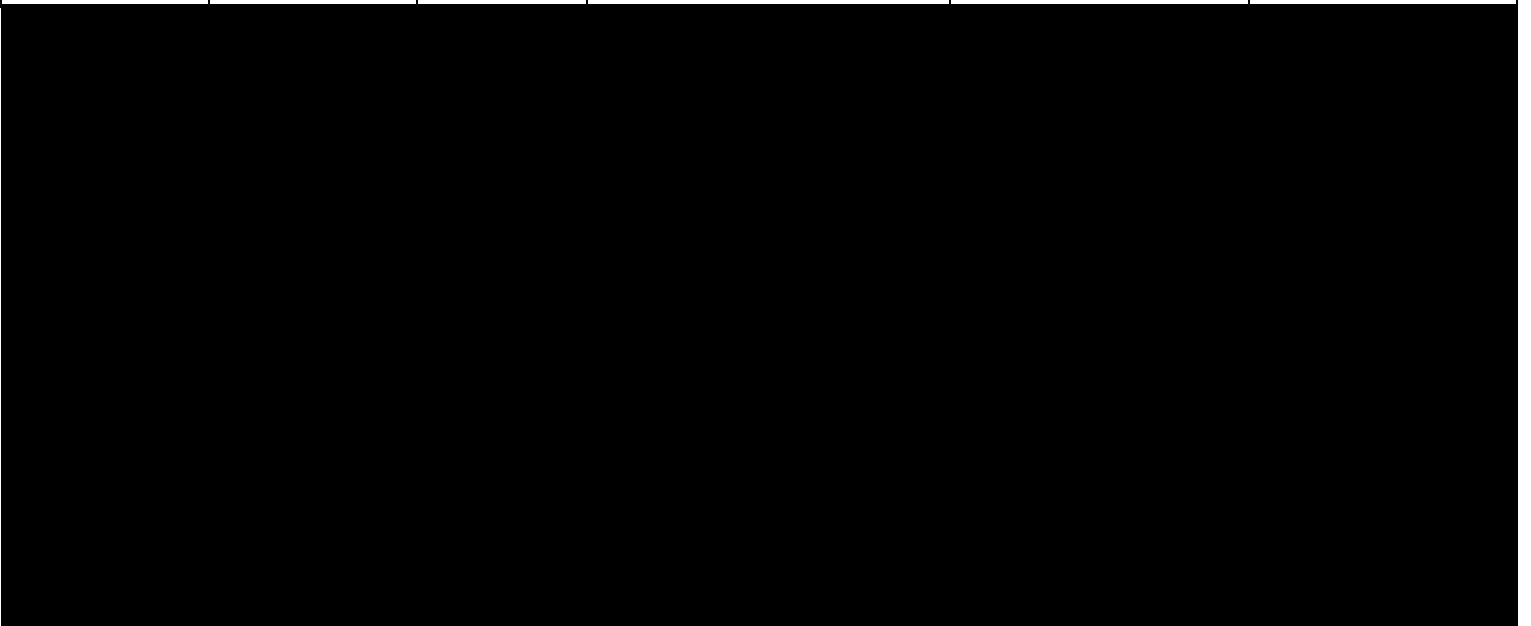
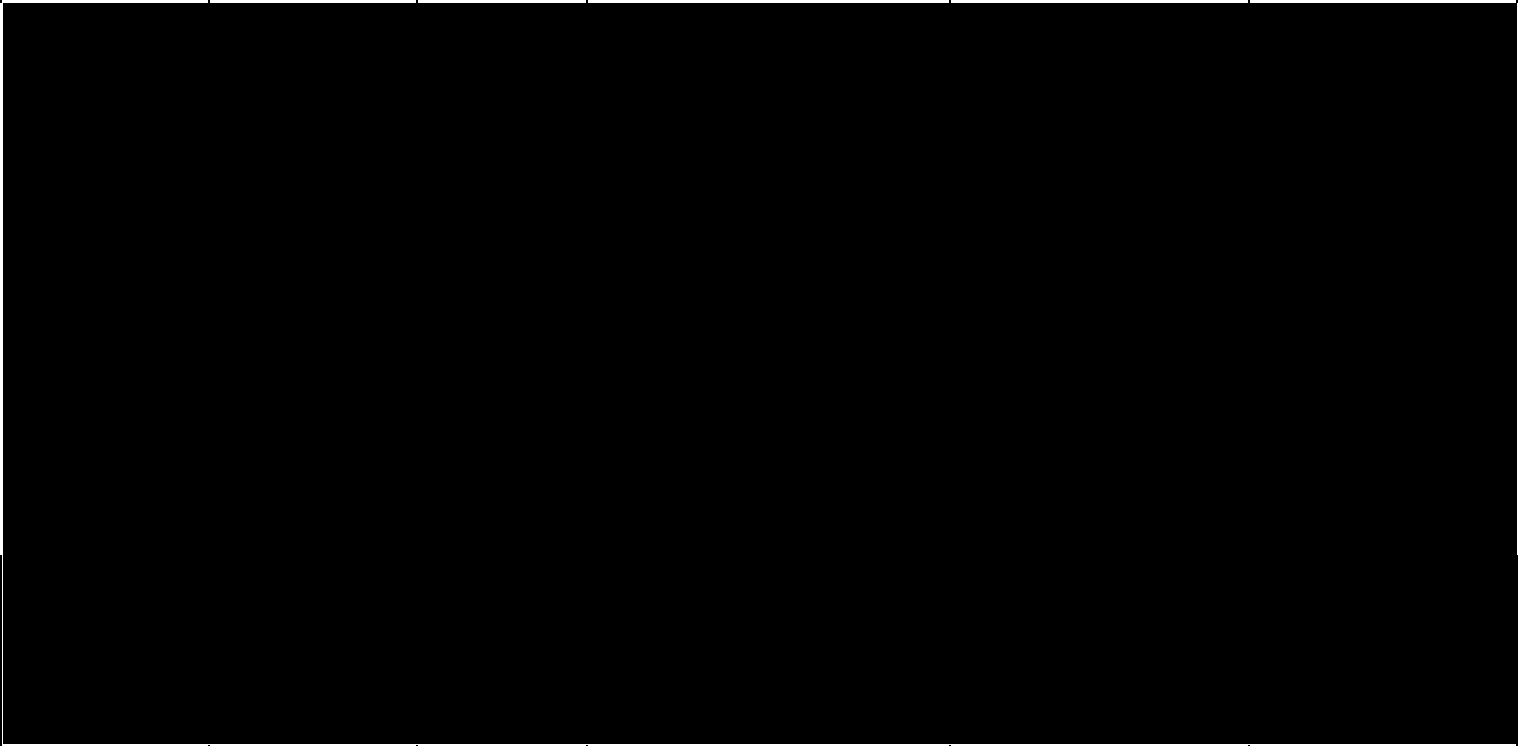
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[REDACTED]					
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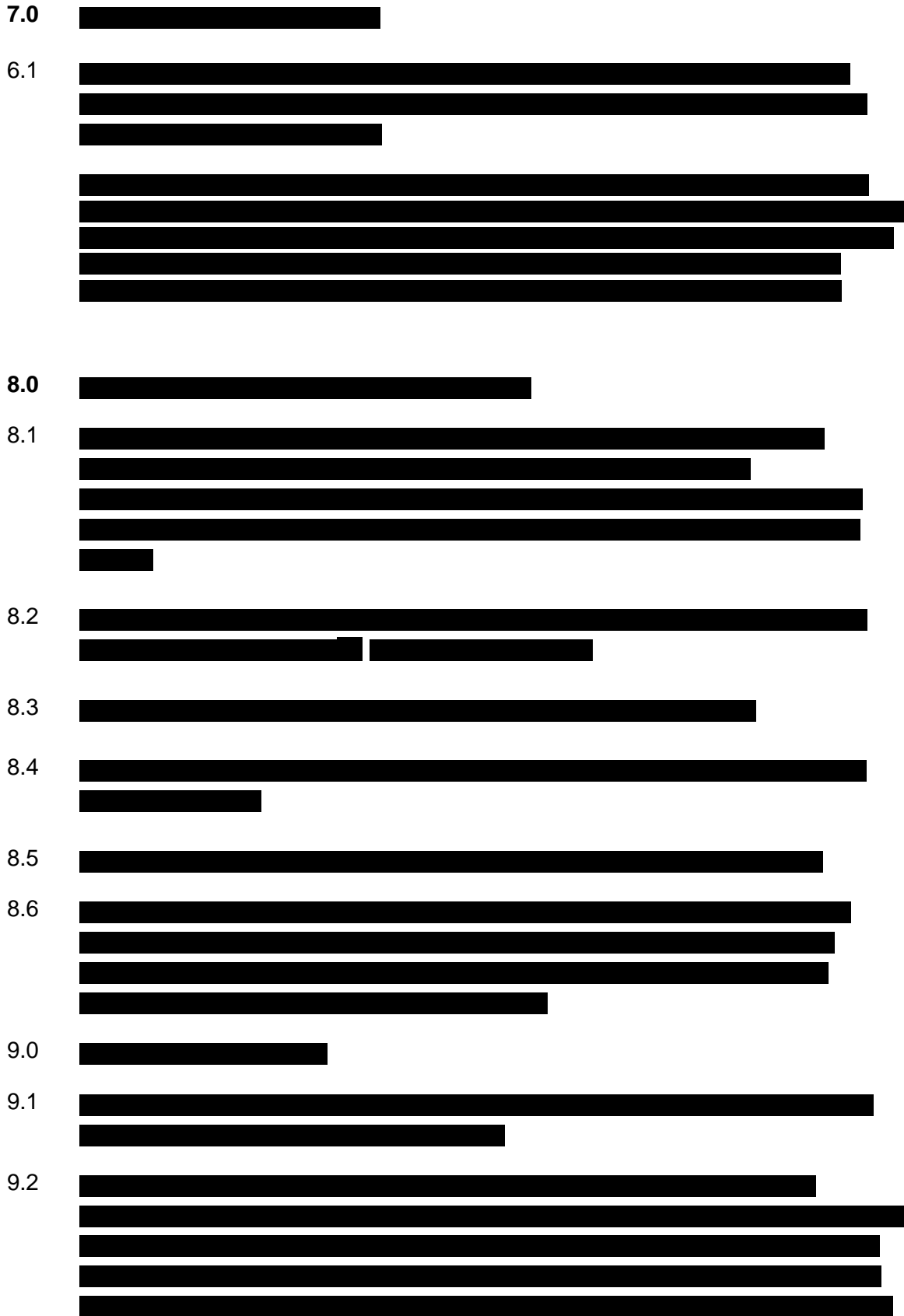
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10.0 Decision of the panel

10.1 In consideration of the information provided. The decision of service manager ACFO Rushworth, supported by the panel is to –

- *Submit the file to the Fire and Rescue Authority legal advisors for legal opinion. If there is sufficient evidence to provide a realistic prospect of conviction, proceed to issue summons,*

Kevin Caulfield
Watch Manager

23/02/2018