

Shana
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To: John Denham
John Healey
Shahid Malik

From: Shona Dunn
Director
Fire and Resilience
Directorate
Location: 1/D1 Ashdown House

Tel: [REDACTED]
Date:

29 July 2009
Ruth Stanier
Anne Kirkham
Anthony Burd
Brian Nash
Brian Martin
Robert Attrill
Louise Upton
Anthony Maude
Gary Messenger
Peter Wise
Chris Boulton
Kelly Fairman

Copies: PS/All Ministers
PS/Peter Housden
Richard McCarthy
David Rossington
Sir Ken Knight
George Eykyn
Fred Croft
Terrie Allafat
Michael Winders
Sandy Bishop
Erica McAlpine

Fatal Fire at Camberwell

Issue

1. To provide further information and briefing in relation to the fire at Lakanal House, Camberwell to assist you in reaching a decision on next steps. This supplements the information sent to you in my submission dated yesterday which covered the pros and cons of different Inquiry options.

Timing

2. Urgent – you have indicated that you want to be in a position to make an announcement about next steps, if possible, on Thursday 30 July.

Recommendation

3. That you note the additional information provided in this submission including:
 - An update from housing colleagues in relation to the non-public inquiry related issues raised at your recent meeting with Harriet Harman
 - A full communications package which could be used in support of a decision in line with the recommendation in yesterday's submission
 - A full communications package which could be used in support of a decision to seek a 'super' coroner's inquest – this follows from the indication you have given today that you may be minded to pursue this option.
4. Sir Ken's report providing an independent overview of the investigations into the fire will also be sent to you today alongside this submission

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Consideration

Coroner v Super Coroner's Inquest

5. My submission of 28 July provided a full assessment of the pros and cons associated with a number of different options for addressing the concerns raised by stakeholders in relation to the Lakanal House fire which have led to several requests for a public inquiry.
6. We recommended that you do not establish a public inquiry but instead write to the coroner emphasising the concerns that have been raised with you about the fire and indicating that you have confidence in the inquest to explore these issues in full. A full communications pack to support this decision is attached including letters to key individuals, a script for discussion with Harriet Harman, a draft letter to the Coroner and a draft press statement on next steps.
7. We understand, however, that you may be minded to go with 'option 2' which was to seek to have a High Court Judge appointed to act as a "super" coroner in order to ensure the Inquest is taken forward as quickly as possible. This was the option raised by Harriet Harman in your meeting last week.
8. Following further discussions on this option with the Ministry of Justice it is now clear that the request to the Lord Chief Justice to identify a High Court Judge to act in this capacity usually comes from the coroner himself and that it is only the coroner who can formally appoint the judge to undertake the inquest on his behalf. This usually happens when the coroner considers that the Inquest is of such significance or such high profile that they would not be able to manage it within the normal course of business.
9. The information we have from MoJ is that it is unlikely that this incident would be considered (by the Lord Chancellor or the Lord Chief Justice) to be significant enough to warrant a 'super' coroner – most recent examples of where a High Court Judge has been appointed are the Diana, Princess of Wales and Dodi Fayed inquest and that of Jean Charles de Menezes. However, there is nothing to prevent you from writing to the Lord Chancellor expressing your view and seeking his, as long as this is done in a way which does not suggest a lack of confidence in the coroner.
10. It should be noted however that the Lord Chancellor has no powers to appoint a High Court Judge or to require a Coroner to do so and that, should the Lord Chancellor agree with your view, he would then have to seek to encourage the Coroner to consider this approach.
11. A full communications pack, including a draft letter to the Lord Chancellor is attached within the pack, should you chose this option.

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Issues raised by Harriet Harman

12. During your meeting with Harriet Harman and the delegation last week a number of fire, housing and building issues were raised which you may now wish to respond to in a letter back to Harriet Harman:

The fire itself - e.g. causes of the fire, why did it spread, LFB operational response

13. The cause of the fire has, of course, been established but the other aspects continue to be part of the ongoing investigations by the police, Health & Safety Executive and London Fire Brigade. To the extent that we have information from these investigations, this is included in Sir Ken's report. The coroner's inquest (or "super" coroner's inquest) will be informed by these investigations and will have in mind the considerable public interest in these issues.

Social housing and building issues - e.g. structural issues concerning the type of building, are social landlords updating fire protection quickly enough, do we need evacuation training etc in tall buildings

14. You will remember that after the fire John Healey wrote to all LAs providing them with information to reassure tenants and provided landlords with references to the guidance available. The TSA wrote to RSLs. Subsequently the Director of Housing Delivery and Homelessness wrote to LAs on 10 July asking them if they owned scissor blocks. To date we have received responses from 21 authorities – none of which have these types of blocks. We will continue to pursue responses with a view to issuing further advice subject to us knowing the extent to which the design of the building contributed to the fire.

Immediate

Action -

Engage CIH/
CIEH

LAs/RSLs
Carrying out
fire
duties

Costs of
doing more
of this?

Build fire
Safety into
standards
by
TSA

15. Housing providers have a duty under the Fire Safety Order to risk assess fire safety in the common parts of buildings, to take adequate precautions and to manage any risk that remains. LAs and FRSs have agreed an inspection protocol to improve fire safety. The framework is a basis for detailed local arrangements and we will need to understand from LFB and LB Southwark how these arrangements worked in practice.

Extra Example

16. There is no specific money for Housing providers to do work on Fire Prevention. We will need to consider the extent to which we fund this through the decent homes programme as part of the Reform of Council Housing Finance Consultation. Housing colleagues aim to report on this after the summer recess in the context of the consultation paper on Council Housing Finance.

17. The TSA will be responsible for implementing the Decent Homes Standard across the social housing domain. In addition it intends to set standards on repairs, maintenance and security for social tenants. It will be consulting on these standards in November but it is committed to ensuring tenants homes are well maintained and they feel safe and secure in them.

18. Harriet Harman also raised a query about evacuation of such premises. Our advice to those who become aware of a fire in their own home is to get out,

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stay out and call the FRS from a place of safety. We advise everyone to plan their emergency escape route and to have a working smoke alarm in place.

19. It is not a requirement of the Fire Safety Order that evacuation strategies should be in place for the residents of blocks of flats, such as Lakanal House, although there should be an emergency plan. in practice, an evacuation would be difficult to implement and the participation of the residents could not be compelled. The strategy for tackling fires in these type of building is therefore based around residents staying put. This reflects the presumption that certain safety standards, reflecting the requirements of Building Regulations at the time of construction or refurbishment, are in place to protect residents.

20. Both the Building Regulations and the Fire Safety Order are designed to deliver a reasonable standard of fire safety in all premises, including in the dwellings themselves and in the common parts of blocks such as corridors which may be used for escape. The extent to which these have been complied will be determined by the investigations currently underway.

The role and response of local authorities following a fire - e.g. social tenants lack contents insurance, do local authorities have sufficient contingency planning in place to rehouse people, provide food/clothing/cash

21. Harriet Harman also raised the issue of the role and response of local authorities following a fire, - e.g. do local authorities have sufficient contingency planning in place to rehouse people, provide food/clothing/cash, social tenants lack contents insurance.

22. Southwark inform us that they have completed 89 rehousing interviews for all the tenanted properties at Lakanal House and are pro-actively trying to contact any household who has not yet approached their services for assistance to determine whether they require their help in securing alternative accommodation.

23. 94 households have been made an offer of alternative social housing, 5 households have yet to receive a first offer. 34 households had agreed to accept offers made to them and 7 households moved into their new tenancies. CLG has uplifted Southwark's homelessness grant by £50,000 to help tenants with relocation costs.

24. Intelligence suggests (through our homelessness work) that many local authorities have contingency plans worked up with their stakeholders to support tenants when faced with such an incident. We would expect all local authorities who suffered a major fire or something similar to have a plan in place to tackle the issue. However, we do appreciate that some local authorities might require additional support.

25. Homelessness officials and advisors work closely with all local authorities to tackle and prevent homelessness. They have built up strong relationships, over many years, and are prepared to take on a more hands on role where

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necessary to support them. Such support was provided following the floods of 2007.

26. If Ministers are concerned that local authorities might not have adequate contingency plans in place we could turn this advice into a good practice guide and circulate to all Local Authorities Housing Options teams.

27. Following the floods in 2007, Treasury is working with the financial services sector, including the ABI, to address concerns around financial inclusion and Defra is involving them in its discussion on the Statement of Principles review. The Government has 3 key goals for financial inclusion:

Issue of
Content

Insurance

- that people can manage their money on a day-to-day basis;
- that people can plan for the future and cope with financial pressure;
- and that people can deal effectively with financial distress should unexpected events arise.

28. We intend to pursue further with Treasury and DEFRA following their experience with flooding to see if any lessons can be drawn and used in this context.

Communications and Stakeholder engagement

29. As discussed above a full communications pack is included for both the Coroner's Inquest and Super Coroner's inquest options. These include:

- A draft Statement
- A letter for you to send to Harriet Harman following her letter to you of 22 July and copied to Cllr Peter John (Leader, Southwark Labour Group) and Cllr Ian Wingfield (Shadow Executive Member for Housing) and Val Shawcross (London Assembly Member for Lambeth and Southwark) –
- A letter for you to send to Matt Wrack following his letter to Shahid Malik of 6 July
- A script for your use in conversation with Harriet Harman
- Draft letters to the Coroner (option 1) or the Lord Chancellor (option 2)

30. The news release in both cases sets out the next steps the department will be taking, including the consideration of the findings of Sir Ken Knight's report to you. It also highlights that you have every confidence in the Coroner's Inquest and at this stage see no need to press ahead with a Public Inquiry. This remains relevant regardless of whether you chose to write to the Lord Chancellor or not.

31. The letter to Harriet Harman follows up the points she has raised with you in writing and during your meeting and sets out your position in relation to the Coroner's Inquest. This letter is copied to other members of the delegation you met with last week.

(A) Izzy's team / list of LA Chief Exec - hsg depts
Phone calls Friday / Monday

(B) Resend e-mails / + letters - Yvette 10th July 5:00 pm

↳ Response by close on Monday please

Action

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32. We will circulate a copy of the news release to other key stakeholders we have previously been in touch with through my and Terrie Alafat's respective letters to Chief Fire Officers and Local Authorities on 10 of July.

Shona Dunn