

MP/BL 004837/13

K St J Wiseman  
HM Coroner for the Southampton  
City and New Forest District  
Coroner's Office  
12-18 Hulse Road  
Southampton  
SO15 2JX

2nd April, 2013

Dear Coroner,

Thank you for your letter of 4 February, addressed to my predecessor Sir Ken Knight, the Secretary of State, and the Ministers responsible for fire and housing. As you have made recommendations in relation to the Building Regulations the response also covers those issues.

I recognise that this letter was written under Rule 43 of the Coroners Rules 1984 concerning the inquest into the deaths of Alan Bannon and James Shears, both of whom died tragically on 6 April 2010 fighting a fire at Shirley Towers, Southampton.

As I mentioned in our telephone conversation last month the Department for Communities and Local Government has no remit or policy locus in relation to the devolved administrations. However as promised I have sent my counterpart in each a copy of your letter of 4 February for their information together with this letter.

I will ensure that all English fire and rescue authorities are aware of these recommendations. Similarly, officials in the Housing Directorate of this Department will draw your recommendations to the attention of social housing providers in England. We will not, however, seek reports from either fire and rescue authorities or from social housing providers on the outcome of any consideration given to these recommendations. The extent to which these organisations may wish to consider and act on your recommendations is entirely a matter for their judgment.

The responsibility for operational effectiveness, together with training and operational response in each of the 46 fire and rescue services in England lies with each respective fire and rescue authority. As the employer, fire and rescue authorities also have the duty of care in relation to matters of safety, including the statutory responsibilities set out in the Health and Safety at Work etc Act 1974.

However, whilst each fire and rescue authority has this responsibility in respect of the fire and rescue service it provides, in 2012 the Local Government Association and the Chief Fire Officers' Association established an Operational Guidance Strategy Board. It has responsibility for developing common national operational guidance for all fire and rescue authorities. I have therefore also copied in the Chairman of that Board who is representing the Chief Fire Officers Association. As Chief Fire and Rescue Adviser I sit on that Board. Prior to the current arrangements my office was responsible for publishing all national operational guidance until last year. There are a few legacy documents which are still the responsibility of my office to publish and they include revisions to the two operational guidance documents on breathing apparatus TB 1/97 and high rise building fires GRA 3.2 which you refer to in your letter. They are at final draft stage prior to being issued to fire and rescue authorities. I am ensuring that all your comments are given due consideration prior to them being published.

I offer, in Annex A, some detailed and contextualised comment on each of the specific recommendations set out in your letter.

I trust you find this helpful. I am copying this letter to the Chairs and Chief Fire Officers of all the English fire and rescue authorities as well as to the Chief Fire and Rescue Adviser in each of the devolved administrations.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Holland', written in a cursive style.

Peter Holland CBE QFSM FIFireE  
Chief Fire and Rescue Adviser

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**DCLG response to Rule 43 recommendations following the inquest into the deaths of Alan Bannon and James Shears**

*1. Guidance and clarification is required with regard to search procedures as set out in Technical Bulletin 1/97 (Breathing Apparatus Command and Control Procedures) to ensure that:*

- e) Thermal imaging cameras are used to search for fire in smoky conditions*
- f) Firefighters understand the importance of fully extinguishing fires before proceeding past or above the fire scene*
- g) Methodical search patterns are undertaken eg, area by area, room by room or floor by floor*
- n) Search patterns are standardised across every FS in the UK so that there is a common understanding and procedure when fire-fighters from different FRAs are engaged in joint working.*

This piece of operational guidance has just been reviewed by all relevant interested parties in relation to the fire and rescue service. It is about to be issued by the Department for Communities and Local Government. It will be reviewed again prior to being issued to ensure the above points are taken fully into account.

*2. It is recommended that a review is undertaken to ensure that the teaching and training of those fire fighting techniques used to contain and cool compartment fires, on the one hand, fully complement techniques designed to attack and extinguish fires, on the other. A review should be undertaken into the training provided in relation to the circumstances and manner in which each technique should be used. For example, a pulse spray technique should not be used in a fully ventilated compartment fire, the severity of which will not be controlled by pulse spraying and gas cooling approach.*

Individual Fire and Rescue Authorities have responsibility for standards of training and teaching against nationally agreed standards. The national Operational Guidance Strategy Board will be asked to consider the recommendations and make any changes they subsequently deem necessary.

*3. It is recommended that a review is undertaken to ensure the adequacy of teaching and training of tactical ventilation procedures in compartment fires to highlight the effect ad-hoc ventilation can have on fire development and to confirm the associated dangers.*

Individual Fire and Rescue Authorities have responsibility for standards of training and teaching against nationally agreed standards. This will also be passed to the national Operational Guidance Strategy Board who will be asked to consider the recommendations and make any changes they subsequently deem necessary.

**4. It is recommended that all FRSs should consider the implementation of measures to reduce the risk associated with fallen cables. In particular consideration should be given to:**

- a. providing insulated wire cutters, or other means of severing cables, to breathing apparatus teams;**
- b. modifying breathing apparatus sets to reduce the risk of cables becoming caught between the wearer's back and the cylinder (as introduced by Hampshire Fire and Rescue Service)**
- c. training all breathing apparatus wearers in the risks presented by fallen cables and how to reduce those risks.**

Individual Fire and Rescue Authorities have responsibility for standards of training and teaching against nationally agreed standards. This will also be passed to the national Operational Guidance Strategy Board who will be asked to consider the recommendations and make any changes they subsequently deem necessary.

**5. It is recommended that all FRSs and social housing providers consider the Rule 43 recommendations made by HM Coroner for Hertfordshire Mr Edward Thomas following the inquest into fire-fighter fatalities at Harrow Court in particular Recommendation 8 made by the FBU which is repeated here for ease of reference:**

**That SBC should remove all the surface mounted plastic trunking/conduit used to protect and support Fire Alarm and Automatic Fire Detection System in the Common Areas of all their premises, and replace them with a method of cable support which as a minimum conforms to BS 5839-Part1: 2002: clause 26.2 (f)**

**Methods of safe cable support should be such that circuit integrity will not be reduced below that afforded by the cable used, and should withstand a similar temperature and duration to that of the cable, while maintaining adequate support.**

**Note 7: In effect, this recommendation precludes the use of plastic clips, cable ties or trunking, where these products are the sole means of cable support.**

As this is a matter for Fire and Rescue Authorities and social housing providers it will be brought to their attention

**6. It is recommended that Building Regulations are amended to ensure that all cables, not just fire alarm cables, are supported by fire-resistant cable supports. This could be achieved by an amendment to BS7671 (2008) Institute of Electrical Engineers Wiring Regulations.**

BS 7671:2008 - *Requirements for electrical installations* (also known as the *IET Wiring Regulations, 17th Edition*) is published by the Institution of Engineering and Technology (the IET). Part P of the Building Regulations - *Electrical safety in dwellings* - calls for electrical work installation work in houses and blocks of flats to follow the rules in BS7671 or an equivalent standard.

Although the Department has no plans to make the use of heat resistant cable clips in electrical installations a requirement of the Building Regulations, officials have raised the matter with the joint IET/British Standards Institute BSI (JPEL/64)

responsible for BS 7671:2008. JPEL/64 is currently considering the issue and will report back in due course. Should the committee decide a change to BS7671:2008 is warranted, all competent electricians would work to the amended standard as a matter of course and the Department could amend its guidance to Part P of the Building Regulations to bring it into line.

***7.Social housing providers should be encouraged to consider the retro-fitting of sprinklers in all existing high rise buildings in excess of 30m in height, particularly those identified by Fire and Rescue Services as having complex designs that make fire-fighting more hazardous/difficult. It is noted that current legislation requires that all newly built high rise buildings in excess of 30m in height must be fitted with sprinkler systems.***

This recommendation has been drawn to the attention of social housing providers as indicated in my letter.

It is, however, for each social landlord to comply with the Building Regulations and the Regulatory Reform (Fire Safety) Order 2005 and to consider the most effective way of managing fire safety in the buildings for which they are responsible. Clearly, the fire safety measures which may be need to be implemented or installed in any particular building will need to be determined primarily by a careful assessment of the life-risk to the residents and others in the building.

***8.It is recommended that a review of training given to control staff is undertaken by all FRSs in UK in the light of the guidance given in recent Generic Risk Assessments including GRA 3.2 of September 2008.***

Individual Fire and Rescue Authorities have responsibility for standards of training and teaching against nationally agreed standards. This will also be passed to the national Operational Guidance Strategy Board who will be asked to consider the recommendations and make any changes they subsequently deem necessary.

***9.It is recommended that there should be an obligation to:***

- a. provide signage to indicate floor levels both in stairwells and lift lobbies in high rise premises, to assist the emergency services;***
- b. ensure that signage indicating flat numbers and emergency exists in high rise premises are placed at a low level to increase visibility in smoke conditions.***

***This could potentially be achieved by amending Article 38 of the Regulatory Reform (fire Safety) Order 2005, which relates to maintenance of measures provided for the protection of fire-fighters. Alternatively new legislation may be required.***

The Government has no plans to amend the Regulatory Reform (Fire Safety) Order 2005 or introduce new legislation. It believes that the fire safety regulations offer importance public safety protection and are proportionate, putting responsibility for compliance where it belongs - with employers and buildings owners. We recognise that no two premises are likely to be the same in terms of risk, and we want building

owners to have the flexibility to determine the fire safety precautions necessary in the light of a suitable and sufficient assessment of the risk in each of the individual premises for which they are responsible.

Following the tragedy at Lakanal House in July 2009, those responsible for fire safety in purpose built flats reported that they would welcome additional and specific guidance on how to manage fire safety in these buildings. In response, the Department, with additional support from the Electrical Safety Council, provided a grant to the Local Government Association to develop, in partnership with the housing sector and enforcing authorities (represented by the Chief Fire Officers' Association and the Chartered Institute of Environmental Health Officers), detailed advice on the fire risk assessment process and issues to be considered to adequately assess the risk to residents in purpose built blocks of flats.

This guidance offers detailed advice on the issue of signage and is available on the Government's DCLG webpage:

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government/series/fire-safety-law-and-guidance-documents-for-business>

In addition, the Fire and Rescue Services Act 2004 section 7(2) (d) places a statutory duty on Fire and Rescue Authorities to obtain information for the purposes of fire fighting. There is comprehensive guidance which was issued by the Chief Fire and Rescue Adviser on how best this can be achieved. The guidance is entitled Fire and Rescue Service Operational Guidance – Operational Risk Information and was issued in March 2012

**Peter Holland CBE QFSM FIFireE**  
**Chief Fire and Rescue Adviser**