

To: Brandon Lewis/Mark Prisk/Don Foster  
From: Peter Holland  
Chief Fire and Rescue Adviser  
Location: Zone B6, Eland House  
Tel: [REDACTED]  
Date: March 2013  
Cleared: Neil O'Connor  
FRED Director  
Copies: See below

**MP/BL/004837/13**

**Rule 43 from K St J Wiseman – Coroner for Southampton and the New Forest re Shirley Towers**

### **Summary**

1. The Coroner's Rule 43 letter of 4 February (Annex A) makes a number of recommendations for the Department following the inquests into the deaths of two Hampshire firefighters – Alan Bannon and James Shears - on 6 April 2010. The Coroner has written to both the Chief Fire and Rescue Adviser and DCLG Ministers to highlight actions which he considers should be taken to prevent a similar tragedy occurring in the future. **It has been agreed that as the Chief Fire and Rescue Adviser, I will reply on behalf of the Department.**

### **Timing**

2. As soon as possible. Rule 43A of the Coroners requires recipients of Rule 43 letters to provide a response within 56 days of the letter being sent, ie, by 1 April (Easter Monday).

### **Recommendation**

3. That you confirm you are content with my proposed draft reply - Annex B.

### **Background**

4. Two Hampshire FRA firefighters – Alan Bannon and James Shears – died on 6 April 2010 fighting a fire on the 9<sup>th</sup> floor of Shirley Towers, a council owned high rise block of flats in Southampton. The Inquest recorded the cause as death by misadventure in each case, with a narrative saying: *Obvious precautions to prevent the fire occurring were not taken, in addition operating conditions for all fire fighters involved became extremely difficult and dangerous and this significantly contributed to the deaths ... Numerous factors have been identified as relevant in the chain of causation which could have affected the eventual outcome and which, where appropriate, will form the basis of recommendations to improve safety in the future.* The recommendations are addressed to the Chief Fire and Rescue Adviser, the Secretary of State, Brandon Lewis and Mark Prisk.

### Consideration

5. The Coroner misunderstands the scope and role of both the Chief Fire and Rescue Adviser and Ministers when he says: *these primary recipients should disseminate these recommendations to every FRS and social housing provider in the UK so that they shall promptly consider these recommendations in relation to high rise buildings within their locality, decide what to do about them and inform the primary recipient of such decisions.*

6. The proposed draft reply aims to clarify the role and scope of the Chief Fire and Rescue Adviser for England and Ministers and confirms that a copy of the Coroner's letter has – or will, in the case of social housing providers – be forwarded to the relevant interested parties, **[DN – Peter to consider and confirm ]**

7. The detailed response to the specific recommendations is set out in Annex A to the draft reply. Recommendations 1 – 4, and 8 relate to technical and operational issues, and I have taken advice from policy colleagues with responsibility for Building Regulations, the Regulatory Reform (Fire Safety) Order 2005 and social housing in respect of recommendations 5, 6, 7 and 8.

**Peter Holland**

**Chief Fire and Rescue Adviser**

Cc: PS/Secretary of State

**All Advisers**

Neil O'Connor

Dawn Eastmead  
Bob Ledsome  
Paul Downie  
Brian Martin  
Mary Marshall  
Ken Bromley  
Les Britzman