

GRENFELL TOWER PUBLIC INQUIRY

RULE 9 WITNESS STATEMENT

OF

COLIN SIMPSON TODD MBE

INTRODUCTION

1. I am the managing director of C.S. Todd & Associates Ltd (“CSTA”), a specialist consulting practice engaged in fire safety, fire engineering and fire risk assessment.
2. I have been formally requested under Rule 9 of The Inquiry Rules 2006 to provide a written statement addressing a number of issues set out in a letter, dated 9th April 2021 from Emily Schwikkard, Assistant Solicitor to the Grenfell Tower Public Inquiry. I am aware that the request is made to assist the Public Inquiry with its Phase 2 investigation.
3. The issues to be addressed in my statement are set out below,
 - a) The chronology of the commissioning, drafting, consultation, approval and publication of the document entitled “Fire Safety in purpose-built blocks of flats” which was produced at the request of MHCLG (sic) and published by the Local Government Association (“the LGA Guide”).
 - b) The nature and extent of MHCLG’s role (sic) in the commissioning, drafting, consultation, approval and publication of the LGA Guide.
 - c) The nature and extent of the involvement of C.S. Todd & Associates and, in particular, my personal involvement, in the drafting of the LGA Guide.
 - d) The nature and extent of the consultation exercise carried out in relation to the LGA Guide and the extent to which it informed the drafting of the LGA Guide.
 - e) I am also requested to include any other issues in relation to which I consider that I have evidence that will be relevant to the Inquiry’s investigation.

A) OVERVIEW OF CHRONOLOGY

4. In the sub-sections below, I set out key stages of the chronology of the project.



Commissioning

5. On 11 October 2010, CSTA received an email from Caroline Bosdet, Senior Improvement Manager, Local Government Improvement and Development (LGID). (My understanding is that LGID was subsequently subsumed into the Local Government Association (LGA)). The email advised that LGID would be issuing an invitation for the work of drafting what is now known as the LGA Guide, which is how I refer to the document hereafter. It was stated, in the email, that the work was to be completed by 31 March 2011. I am aware that at least (or, possibly, exactly) three organizations were invited to tender for this work. I am also aware of the identity of one of these organizations, simply because of casual conversation with an employee of that organization some considerable time after the award of contract to CSTA.
6. I am aware, from my own experience and subsequent discussions during the production of the LGA Guide, that the urgency in production of this Guide, which was stressed to us by LGID, arose from the fire at Lakanal House in 2009. Prior to that fire, enforcement of the Fire Safety Order in purpose-built blocks of flats was not particularly vigorous. Prior to 2006, purpose-built blocks of flats did not fall within the scope of mainstream fire safety legislation, but the overwhelming majority of fire deaths in blocks of flats occurred in the flat of fire origin, which were not within the scope of the Regulatory Reform (Fire Safety) Order 2005 ("the Fire Safety Order"), when it came into force in 2006.
7. After Lakanal House, the enforcement situation completely reversed, with a relatively sudden wave of enforcement of the Fire Safety Order in these premises. As a result of a lack of appropriate guidance, inspecting officers and fire risk assessors were both known to make inappropriate requirements and recommendations for blocks of flats. For example, one fire and rescue authority took enforcement action to require communal fire alarm systems in recently constructed blocks of flats, for which no such system had been required under the Building Regulations.
8. In that connection, the CLG guidance on risk assessment in sleeping accommodation ("the Sleeping Accommodation Guide") offered little or no assistance, in that, for



example, it provided no guidance on means of escape for blocks of flats greater than four storeys in height, nor did it provide any useful guidance on the subject of compartmentation.

9. On the contrary, the Sleeping Accommodation Guide stated that, in blocks built in accordance with modern building regulations, it is assumed that a fire will generally be confined to the dwelling because of the high degree of compartmentation. Indeed, the Guide advised that, where the building had been recently constructed, or significantly altered, it is likely that fire detection and warning, escape routes, facilities for the fire and rescue service would be satisfactory as long as they were being properly maintained and no significant increase in risk had been introduced.
10. On 21 December 2010, there was, attached to a further email from Caroline Bosdet, a request for a quotation for the work ("RFQ"). The RFQ stated that short-listed suppliers would be required to attend an interview on 19 January 2011 undertaken by Richard Longman, Louise Upton, Brian Martin, Peter Wise, all from Communities and Local Government ("CLG"), who were the key funding organization, and Ms Bosdet. The RFQ acknowledged that the timetable for the project was "quite tight" in that it must be completed by June 2011.
11. The RFQ stated that there was a fixed budget for the project of approximately £24,000, excluding VAT, with an allocation for expenses. The stated evaluation criteria were quality (60%) and price (40%). In our response to the RFQ, the fee quoted was £16,000 plus £500 expenses, excluding VAT. On 27 June 2011 (as I recall, because of additional work carried out), LGID varied our contract by increasing our fee to £19,750 plus £500 expenses, excluding VAT.
12. Our proposal to LGID comprised a document of 45 pages, setting out, *inter alia*, our proposed method statement, various information required by LGID, fees, terms of engagement, references, curricula vitae of the proposed drafting team, etc. The quotation letter incorporated within the proposal document was dated 14 January 2011.



13. On 17 January 2011, an email from Ms Bosdet requested that CSTA attend an interview on 19 January 2011. The presentation included a short PowerPoint presentation, which I can provide if required.
14. On 20 January 2011, CSTA were informed that they had been awarded the contract.
15. I am aware that the Inquiry has been presented with expert evidence that refers to the application of what is known as the LACoRS Guide to Grenfell Tower. This Guide was produced in 2008 by Local Authority Coordinators of Regulatory Services, which was also part of the Local Government Group. That guidance related to fire safety in certain types of housing. The LACoRS Guide was subject to a clarification document produced in 2009. The project brief for the drafting of the LGA Guide specifically notes, in relation to the LACoRS guidance, that *“Neither the original guidance, nor the clarification document, were intended to cover purpose-built blocks of flats”* (Exhibit 1).
16. Under our normal quality assurance procedures, when we are awarded a major contract, we request feedback as to why we won the tender. I contacted Ms Bosdet of LGID on 20 January 2011 to obtain feedback in this case. My record of that conversation is attached (Exhibit 2). One of the numerous reasons for appointing CSTA was the technical competence of the practice in fire precautions within the housing sector.

Chronology of Drafting

17. On award of the contract, CSTA immediately appointed a team to draft the guidance (which was that originally proposed to LGID in our tender). On 24 January 2011, the team (also drawing on experience of other consultants in the practice), set out a list of key topics that should be included in the first draft (Exhibit 3). The Public Inquiry will note that the topics included *“external cladding”* and *“disabled evacuation (or not)”*.
18. On 27 January 2011, I attended an initial meeting of the Project Board, at which it was agreed that the drafting of the guidance would be carried out between 4th February and 31st March. I discuss the role of the Project Board later in this statement.



19. In February 2011, a press release was issued to UBM, Inside Housing, Fire Magazine, the Fire Protection Association and the Fire Industry Association for publication. I refer later to this press release under the topic of “consultation”.
20. On 1 April 2011, our first draft was submitted to LGID on schedule.

Chronology of Consultation

21. From 1 April 2011-31 May 2011, there was consultation with key stakeholders, the Project Board (see below), the Reference Group (see below) and three Roadshows (see below). I will comment in more detail on the dates and steps taken in respect of consultation later in this statement.

Approval

22. Final approval of the draft was given by the Project Board on 22 June 2011 and by the Reference Group on 1 July 2011.

Publication

23. The Guide was published on line on the LGA website on 29 July 2011.
24. In September 2011, CSTA noticed that the published version contained an error introduced by LGID. This was immediately drawn to the attention of LGID. As a result, a corrected version of the LGA Guide was published on the LGA website in May 2012.

B) ROLE OF MHCLG (sic)

25. I am asked to address the nature and extent of MHCLG’s role in the commissioning drafting, consultation, approval and publication of the LGA Guide.
26. In this connection, I would note, firstly, that the Ministry of Housing, Communities and Local Government (MHCLG), as a Ministry, did not exist at that time; the relevant arm of Government was known as the Communities and Local Government (“CLG”). CLG subsequently changed its name to the Department for Communities and Local Government (“DCLG”). It is to the CLG that I now make reference in this statement.



27. At the time in question, a prevailing mantra of Government was “localism”. The effect of this was that Government policy was that no new fire safety guidance documents should be produced by Government. The philosophy was that sectors were better placed to develop guidance than Government departments and that such guidance should be based on the principle of localism.
28. Accordingly, while the CLG, who, at that time, had responsibility for the Building Regulations, the Fire Safety Order and the Housing Act, were concerned at the lack of relevant guidance on fire safety in purpose-built blocks of flats (and the consequences thereof, to which I have already referred in this statement), their view was that it would not be appropriate for guidance to be produced by CLG.
29. Instead, it was considered appropriate for the production of the guidance to be managed by Local Government Improvement and Development (“LGID”) with the technical content of the guidance under the control of the relevant sectors, namely the fire sector and the housing sector. (LGID was, at the time, described as the national voice of local government and, as previously noted, was later subsumed entirely into the Local Government Association.) This method of working satisfied the mantra of localism, in that the LGA Guide would support enforcement of the Fire Safety Order by local fire and rescue authorities, and the relevant requirements of the Housing Act by local authorities.
30. The CLG funded the LGID to, in effect, run the project, but it was made clear to us by LGID that, while our contract for drafting the Guide was with LGID, the ultimate client was CLG. I am aware that a contribution to the funding of the project was also made by the Electrical Safety Council.
31. The CLG maintained an input during the whole production process. As noted earlier in this statement, our interview, at the tender stage, was carried out by four representatives of CLG and one representative of LGID, the latter of whom had no technical expertise in fire safety, but had more the role of a project manager. During the drafting and consultation stages, CLG were a member of the Project Board, the latter of which I discuss later in this statement.



32. I do recall that, at some meetings, CLG noted that their role was that of “Observers”, but they were not reticent in making comment on the draft at these meetings; my impression was that the mantle of “Observer” was more associated with the doctrine that the guidance was sector-led rather than practical reality. In this connection, I do not make this comment as any form of criticism, as comments from representatives of CLG were positive and helpful; in any case, our approach was to welcome comments from all and sundry, whether individual members of the public, representatives of sector bodies or Government.
33. Ultimately, as a member of the Project Board, CLG had a voice in the ultimate approval of the final draft of the LGA Guide. However, the mechanics of publishing the Guide on the web were arranged solely by LGID, who, I seem to recall, around the time in question, were probably in the course of subsumption into the main LGA.
34. I am aware that a late, or final, draft was subject to consideration by Government lawyers at the CLG. No changes were required as a result of that scrutiny.
35. On publication of the LGA Guide, CSTA were copied by CLG on a letter to the Local Government Group, jointly signed by the Minister for Housing and Local Government and the Parliamentary Under Secretary of State at CLG recording thanks to LGID and CSTA for what the Ministers described as *“a great example of the housing and fire sectors coming together to address the challenges that they face in practical terms”*.

C) NATURE AND EXTENT OF INVOLVEMENT OF CSTA, AND MYSELF, IN DRAFTING

36. The team selected by CSTA to draft the LGA Guide comprised:
- Colin Todd (the Public Inquiry are already in possession of my CV).
 - Steven Daws, Technical Director of CSTA. Steven holds a Master’s degree in fire engineering and is a Chartered Engineer through the Institution of Fire Engineers of which he is a Fellow. In 2011, he had spent over 20 years as an employee of CSTA.



- Malcolm Hoare, then a senior consultant in CSTA (subsequently an Associate Director). He joined CSTA in 2005, having spent a career of 30 years in the fire and rescue service. In his career, he was, for a period, seconded as an instructor in fire safety engineering at the fire safety college in Moreton-in-the-Marsh, ending his time there as course director for the specialist fire prevention course. Immediately prior to joining CSTA, Malcolm was the senior fire safety officer in West Midlands Fire and Rescue Service, responsible for the Service's legislative fire safety enforcement. From 2008, he was one of three consultants within the practice delivering training to all newly appointed and potential fire safety officers in Scotland, under a contract with Scottish Government.
37. In paragraph 17, I referred to our very early identification of the need to warn the readership of the hazard of "external cladding". I am uncertain as to which of the team wanted this to be included in the list of key topics, but I am 90% certain that it was not me. More than likely, the idea came from Steven or Malcolm, but it could have come from any of the other consultants in the practice, all of whom were asked to make suggestions in respect of major topics for inclusion. I am aware that one of the team, Mick Broszko (now, sadly, deceased) subsequently particularly advised that the subject of fire spread via cladding be included.
38. From studies of notes, early draft documents and consultation with Steven and Malcolm, I have been able to confirm the initial responsibilities of each member of the drafting team in relation to the Parts into which the draft was to be divided. As a result of workloads at the time, Steven Daws volunteered to take a lead on the allocation of the work and supervision of initial drafting. My advice to him was to treat me as a drafting resource to carry out whatever work he wished, though, in keeping with the culture of our practice, the three of us worked very closely together, with mutual agreement of who did what.
39. The initial drafting responsibilities for the various Parts of the Guide were as follows:
- Part A ("Safe as houses? Fire in flats and their impact): Colin Todd (though Steven chose the title and set out what he envisaged ought to be covered).
 - Part B ("Fire safety – how blocks differ from other residences"): Steven Daws.



- Part C (“The law governing fire safety in blocks of flats”): Colin Todd.
 - Part D (“Fire risk assessment”): Colin Todd.
 - Part E (“Managing fire risk – preventing fires”): Steven Daws and Malcolm Hoare (jointly).
 - Part F (“Managing fire risk – fire protection”): Malcom Hoare.
 - Part G (“Managing fire risk – ongoing control”): Steven Daws and Malcolm Hoare.
40. These seven Parts of the published document comprised 117 pages, of which I drafted 18 pages (approximately 15% of the document). There is a short introduction prior to these seven Parts, which I think Steven and I drafted together. There are also 13 appendices, a glossary, bibliography and index. My recollection is that I drafted four of the appendices, namely Appendix 1 (history of fire safety design standards), Appendix 2 (steps in a fire risk assessment), Appendix 3 (selecting a competent fire risk assessor) and Appendix 6 (fire detection and fire alarm systems for blocks of flats). In the final document, of the 43 pages of appendices, I, therefore, drafted 24 pages, largely because the section on history is particularly long. The Part on fire detection and fire alarm systems, as originally drafted, was longer but was reduced in length at the request of the Project Board (see below).
41. I prepared the index while, to the best of my recollection, the glossary and bibliography were something of a joint exercise.
42. Even taking the appendices into account, the final text for which I was originally responsible amounts to less than 25% of the entire document. I am aware that certain lawyers for CPs (as well as social media and certain specialist publications) have characterized me as the author of the LGA Guide. In view of the circumstances outlined above, I wish to record, for the Inquiry, my dissatisfaction with this characterization, which, at best, is an approximation borne of abbreviation or, at worst, is a misrepresentation of the truth.
43. Notwithstanding the above, it is proper for me to note that there was very close collaboration between Steven, Malcolm and myself; we each checked the others’ drafts,



suggesting amendments as appropriate. Steven carried out some editing of the drafts prepared by Malcolm and myself, but I would also record that, ultimately, I carried out final edits to consider all technical issues and ensure consistency of language (so precluding any obvious “joins” between sections drafted by different consultants). Moreover, as managing director of the practice and the principal point of liaison for the Project Board and Reference Group, to which I refer later, I had overall editorial control of the CSTA work delivered to LGID (though, as discussed later in this statement, not total control of the technical content of the final publication).

44. Steven and Malcolm deserve the credit for a number of the novel concepts, which were particularly well received by consultees. These include:
- the concept of four types of fire risk assessment, which was the brainchild of Steven Daws;
 - the principle of “managed use” vs “zero tolerance” in relation to housekeeping; (which I believe came from Steven and Malcolm); and
 - the use of benchmarks, with guidance on the degree to which they might be varied (which was a concept proposed by Malcolm).
45. During the drafting process, we were formally authorized to consult with whomsoever we wished in the fire and housing sectors regarding the content and recommendations of the early drafts. These were informal, but perfectly proper, consultations with a network of colleagues that is quite extensive, given that CSTA was founded in 1982.
46. By way of a simple example, I sent early drafts of material to colleagues within the profession, including those in London Fire Brigade and other consulting practices.
47. During the entire project, we were required regularly to consult with two groups, which played an important part in the final content of the Guide. These were the stakeholders, selected by LGID, from the fire and housing sectors, whom we were required to satisfy in terms of the content of the Guide. These were the Project Board (sometimes described as the Project Group) and the Reference Group. I set out further information about both of these Groups below.

Project Board



48. The Project Board acted as a steering group in relation to the content of the Guide. They were, in effect, our client interface in relation to the technical content of the Guide and had ultimate responsibility for the final content.
49. Project Board meetings were, as best I can recall, with one exception, all attended by myself, but possibly, at some meetings, with one or more colleagues, including Naomi Davies, my then personal assistant. The initial meeting of the Project Board was held on 27 January 2011, at which time, arrangements for public consultation were agreed. I do not recall any particular contention between CSTA and the Project Board, not least because we were required to address changes that the Project Board required. Certainly, a number of granular issues were subject to specific challenges by the Project Board.
50. I recall one of the most major of these, which arose at a very late stage in finalizing the Guide. This related to flat entrance doors. At the time, we were aware that a number of inspecting officers of fire and rescue services were requiring that original flat entrance doors, installed as fire-resisting doors at the time of construction of a block, should be replaced with new 30 minute ("FD30S") doors; because of changes in test standards, the original doors would probably achieve only 15-20 minutes' fire resistance in current fire resistance tests.
51. As something of a compromise, the draft produced by CSTA had recommended that this action should be taken in respect of doors in blocks over 30m in height, while in blocks of over six storeys but less than 30m in height (in effect, blocks of around six to ten storeys) the original "notional" fire doors should be upgraded with intumescent strips and smoke seals; only in blocks of up to six storeys could the original notional fire doors remain, provided they were properly maintained and were in good condition.
52. This recommendation was challenged by the Project Board, at least two members of which specifically asked for justification for replacement of notional doors in blocks of any height. When I explained that this was included as a compromise, given that it was being required by some inspecting officers in all blocks, I recall extremely clearly the response that this was because of the inadequate training of the officers and that I should ensure that the Guide reflected our belief as to what was necessary, rather than



what were inappropriate requirements of certain enforcing authorities. This was consistent with the opinion expressed by the Fire Brigades Union (“FBU”) during the consultation phase (see below) that, as a result of a lack of investment in the appointment and training of fire safety enforcement officers, the FBU could see that there was a place for challenging enforcing authorities.

53. I also recall that I was asked outright as to whether I believed that replacement of original fire-resisting doors in good condition was necessary; the Project Board concurred emphatically with my view that this was not necessary, unless to compensate for shortcomings in other fire precautions. Accordingly, I was advised that this is what the Guide should say.
54. I can be very clear about this exchange, as it is the change proposed by the Project Board that was not implemented correctly by LGID; the version published on the LGID website in July 2011 continued to contain the original draft recommendations, immediately followed by a conflicting recommendation, which was that, ultimately, intended following discussion with the Project Board that, where means of escape are satisfactory, “notional FD30” doors should continue to be acceptable. As noted earlier in this witness statement, this error was corrected in 2012.
55. Later in this statement, I will talk about the role of the Project Board in resolving issues that CSTA regarded as potentially contentious and that were referred to the Project Board for a decision. At this stage, I would note that one of the areas identified was whether PEEPs would be appropriate for purpose-built blocks of flats. Our view was that PEEPs, in the sense that the term is normally used whereby staff on premises assist with evacuation of disabled people, were not practicable. However, we referred the matter to the Project Board for advice and a decision on this. I can recall the discussions on the matter at the Project Board, including some of those present at the meeting in question. The consensus opinion of the Project Board was that the LGA Guide should acknowledge that PEEPs were not practicable.

Reference Group



56. The initial meeting of the Reference Group was held on 10 February 2011. There were less meetings with the Reference Group, but, again, this Group included stakeholders, the views of whom we were required to have cognisance.
57. As soon as practicable after completion of the first draft, on 15 April 2011, Steven Daws and I met with the Reference Group. In addition to ourselves, there were 37 members of the Reference Group in attendance, including representatives of LGID and CLG (Exhibit 4). At that meeting, there was discussion of certain network events to be held by Reference Group members in pursuance of wide consultation (Exhibit 4).
58. When our drafting process was complete, as the final part of our quality assurance, the draft was thoroughly read by Stephen Robinson, who had recently been appointed as the Head of Fire Engineering in CSTA. Prior to joining us, Stephen worked, for a period, for Arup Fire, before which he was Head of Fire Engineering at London Fire Brigade.

D) CONSULTATION EXERCISES

59. The initial view of LGID was that, because of the timescales, there might not be time for what the LGID described as a “full public consultation”. However, CSTA managed to convince LGID that the practice could do much to ensure the widest possible consultation, so that the published document was very much a consensus on the part of all relevant stakeholders; with the agreement of LGID, CSTA were able, unilaterally, to implement steps to this effect.
60. In that connection, we created a special email address [guideconsult@cstodd.co.uk], dedicated to this project, which enabled any interested party to contact us, at any stage of the project, from initial award to final drafting, to make their views on what should, or should not, be within guidance on the subject of fire safety in purpose-built blocks of flats or, more specifically, on the content of draft guidance. For that purpose, we offered to forward the draft that was finalized on 31 March 2011 to anyone interested in commenting.
61. As stated earlier in this statement, our own consultations began immediately on award of contract. To that end, the attached Press Release to which I referred in paragraph 19



(Exhibit 5) was provided to the journal publishers. At that very early stage, we were seeking, and received, comment on any matters that people thought should be addressed in the drafting of the guidance.

62. As previously stated, CSTA also proactively sought comment from other fire safety practitioners in both the public and private sectors. Purely as examples, I previously mentioned my own consultation with LFB and private sector consultants. As Chairman of the Fire Industry Association Fire Risk Assessment Council, I was also in a position to canvass opinions from members of that Council, who represent many leading organizations involved in the provision of fire risk assessment services.
63. While not strictly a consultation, I also made contact with the Home Office to obtain statistics on fires in purpose-built blocks of flats. The Home Office carried out a special “data run” to obtain unpublished data to assist with the project.
64. On 11 April 2011, CSTA sent the draft Guide to various contacts within the fire sector with a request for comment. One body to whom the draft was sent on that date was the Institution of Fire Engineers (“IFE”) (Exhibit 6C), who circulated the draft to the Institution’s Technical Strategy and Advisory Group (“TSAG”), a group which, in fact, I instituted when a director of the IFE (Exhibit 6C). The most important role of TSAG is to provide input to draft standards and guidance documents.
65. On 11 April 2011, the Chairman of TSAG circulated copies of the Guide to every member of TSAG, including Dr Barbara Lane (Exhibit 6C) . None of the comments were of major significance, though one noted that the draft was “*really, really good common sense throughout*” (Exhibits 6A and 6B).
66. On 21 April 2011, LGA launched a public consultation on the draft Guide, which was made available on the LGA website. The closing date for consultation was 31 May 2011.
67. On 5 May 2011, there was a stakeholder consultation meeting held at LFB headquarters. On the same day, a representative of CSTA (I believe this might have been Malcolm Hoare) discussed the project at a meeting of the South East Arms-Length



Management Organization Group (ALMO), at which 49 ALMOs were represented by over 60 attendees.

68. On 17 May 2011, the draft Guide was discussed at a meeting of the London HMO and Regulatory Group hosted by the Chartered Institute of Environmental Health.
69. A key means of consultation with the public, organized by LGID, were three “roadshows”, held in London on 11 May 2011, Manchester on 12 May 2011 and Birmingham on 19 May 2011. Lists of those delegates booked to attend these roadshows are attached (Exhibit 7A, Exhibit 7B and Exhibit 7C). However, I am aware that attendance was significantly greater than those listed, in that I can recall that one roadshow was attended by over 100 delegates.
70. At the roadshows, CSTA gave a formal presentation on the contents of the draft Guide, which delegates were encouraged to read in full and make subsequent comment to the dedicated email address. However, time was made for substantial discussion from these delegates, with a written note being taken of all formal comments. Aside from handwritten notes by representatives of CSTA, notes were made on flipcharts, for all delegates to see. CSTA still retain the many pages of flipchart notes within the archives of the company.
71. Persons wishing to provide formal written comments on the draft as a result of the widespread public consultation, in addition to providing detailed comments on specific clauses of the draft, were asked seven overarching questions under five headings, as follows:

Content:

1. Do you feel that the guidance covers what you would expect it to cover? Please explain your answer.
 - a. Do you feel there is currently anything missing?
 - b. Do you feel that there are any areas that are unnecessary?

Presentation:

The Reference Group believe that the document is currently too lengthy and needs to be reduced in size in order to make it more readable for users.



2. Can you suggest any areas you would edit down?
3. Do you have any suggestions to improve the presentation of the information, i.e. use of summary boxes, images to illustrate points?

Accessibility:

Final guidance will be available in a free web-based format. A key consideration is how accessible it is to users.

4. Please comment on how practical, user friendly, and easy to interpret you find the draft guidance.
5. Do you have any ideas on how to improve ease of use of the guidance, i.e. use of summary boxes to draw out key points?

Diversity:

6. Do you think that the guidance deals adequately with vulnerable people such as people with disabilities who need assistance with evacuation in the event of a fire?

Overall Impression:

7. Overall, do you find the guidance useful to you/not useful to you. Please explain your answer.
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72. On 13 and 14 June 2011, the CSTA team met in the presence of Ms Bosdet of LGID to review the comments received on the publicly available draft. A total of 59 organizations made formal comment (in addition to many ad hoc comments received via the project email address and actioned as the project progressed). With regard to ad hoc comments, one received from the Chief Fire Officers' Association noted that consideration needed to be given to the issue of cladding being applied to the external envelope of existing buildings to improve the energy efficiency ratings and the potential for fire spread through these systems. This resulted in greater emphasis on the subject within the guidance.
 73. At the above consultation review, comments were categorized into three groups:
 - accepted and actioned;
 - rejected as outside the brief, too detailed or contrary to the intent of the document;



- where there were variations in views expressed and some contention, these were referred to the Project Board for a decision.
74. There were 15 areas in which comment was inconsistent and/or contentious, such that there was a need to defer to the Project Board for a decision (Exhibit 8). One of these related to the issue of vulnerable occupants and PEEPs.
75. In this connection, only around 50% of the respondents addressed the question on vulnerable occupants; a number of these were seeking only clarification of responsibilities. Others highlighted the importance of compartmentation for the safety of disabled people, so enabling them to stay put in the event of fire. In terms of the definitive question as to whether or not the question of disability was adequately covered, respondents were almost equally split in the affirmative and the negative.
76. Only three respondents made specific reference to PEEPs. One of these Respondents stated that the information on disabled residents was adequate and complained that some fire officers were asking for PEEPs when, in the opinion of the Respondent, there was no requirement for them under the Fire Safety Order. A second Respondent, a fire and rescue service, more neutrally, considered that there was no need for discussion of PEEPs in the LGA Guide as they were discussed elsewhere in other guidance. The third Respondent, a local authority, simply noted that they were looking into the possibility of PEEPs for blocks of flats.
77. A specific question was put in writing to the Project Board by CSTA/LGID, namely was there enough in the draft to help reduce the risk to vulnerable persons through references to community fire safety, home fire safety checks and partnership providers.
78. As noted earlier in this statement, I recollect very clearly the subject of PEEPs being discussed at the Project Group, in response to our request for guidance and a decision. The consensus opinion of the Project Group was that it should be acknowledged in the LGA Guide that PEEPs were impracticable because of the difficulty of collating information and keeping it up to date.
79. I am aware that, following the recommendations of the Coroner in the Lakanal House Inquest, the Minister instructed LGA to carry out a review of the content of the LGA



Guide in the light of the Coroner's findings. I have no idea how, or by whom, this review was carried out, but CSTA were not consulted in any way with regard to the review. However, I am aware that the review must have been carried out, since the Minister, in his response to the Coroner, advised the Coroner that the review had determined that no changes to the LGA Guide were necessary.

E) MISCELLANEOUS ISSUES

80. I am requested to include in this statement any other issues in relation to which I consider that I have evidence that will be relevant to the Inquiry's investigation. In that connection, I am aware that there may be contention as to the status of the LGA Guide vis-a-vis the LACoRS Guide and the Sleeping Accommodation Guide. I have previously, in this Statement, noted that LGID, part of the same group as LACoRS, expressly stated, in the project brief for the LGA Guide, that the LACoRS Guide was not intended to apply to purpose-built block of flats.
81. I believe that the Inquiry is already aware that the LGA Guide was held, at Government Ministerial level, to satisfy the duty of the Secretary of State, under Article 50 of the Fire Safety Order, to ensure that suitable guidance was available for responsible persons (e.g. as stated in the Minister's response to the Coroner in the Lakanal House Inquest).
82. However, disclosure of correspondence, of which I am in possession, regarding the status of the LGA Guide might assist the Inquiry (Exhibits 9A and 9B, Exhibits 10A, 10B, 10C and 10D, Exhibits 11A, 11B, 11C and 11D, and Exhibits 12A and 12B). That correspondence was the result of enquiries I made with DCLG, the Fire Sector Federation, the representative of the then Chief Fire Officers' Association on the Project Board, and, subsequently, with the Secretary of State at the CLG. This arose because of a challenge to the status of the Guide in criminal proceedings in a Magistrates' Court. Ultimately, as far as I can recall, the Prosecution in this case conceded that the LGA Guide was the appropriate Guide to apply.
83. The correspondence is self-explanatory, but I would draw attention to the statement by Mr D. Sibert, Chairman of the Technical Guidance Workstream of the Fire Sector



Federation that the LGA Guide supersedes the Sleeping Accommodation Guide (Exhibit 11D). (Mr Sibert in his full time job, was employed by the FBU as their in-house Fire Safety Advisor.)

84. For further information, I attach comments from the FBU on the draft Guide, dated 23 June 2011 (Exhibit 13).
85. Finally, in relation to the disastrous fire at Grenfell Tower, the Public Inquiry has already determined that the external spread of fire resulted from the failure of the cladding to comply with the requirements of the Building Regulations.
86. In this connection, I wish to draw the attention of the Public Inquiry to the following extracts from the LGA Guide, which I cite, verbatim, below:

“Compartmentation minimises the likelihood of fire spreading:

- ...
- ...
- ...
- *via concealed voids, including external wall cavities.”*

Under key points in Part F, the following quotation:

“Restrictions apply to the nature and construction of external cladding systems and to the materials used for façades. This is in order to limit the potential for external fire-spread, particularly in high-rise blocks.”

“72. External fire-spread

72.1 The external façades of blocks of flats should not provide potential for extensive fire-spread. When assessing existing blocks of flats, particular attention should be given to any rainscreen or other external cladding system that has been applied and to façades that have been replaced.

72.2 The use of combustible cladding materials and extensive cavities can present a risk, particularly in high-rise blocks. Restrictions are normally applied to the nature of such materials and in particular their surface spread of flame characteristics. Cavity barriers are also



required in some circumstances. Assistance from specialists may be required to determine if the external surfaces of walls are satisfactory and whether there is adequate provision of cavity barriers.”

Under the heading “Controlling alterations so that they are not detrimental to fire safety”, the following example is given:

- *“a landlord undertaking a project to fit rain screen cladding to an existing block of flats without considering the potential for a fire from a flat to travel upwards through the cavity behind the cladding to spread into the flats above.”*

88. The Public Inquiry might consider that the last of these quotations is somewhat apocalyptic. It is notable that the only reference in the Sleeping Accommodation Guide to wall construction relates solely to sandwich panels (which rainscreen cladding is not).

This statement (consisting of 20 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

I confirm that I am willing for this statement to form part of the evidence before the Inquiry and be published on the Inquiry’s web site. Indeed, in view of the misinformation that the Inquiry have heard in relation to this Guide, I would emphatically request that the Statement be made publicly available by these means.

Signed: 

Date: 11 May 2021