



Report title

## Lakanal House Working Group

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Meeting

Strategy Committee

Date

11 July 2014

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Report by

Deputy Commissioner and Director of Operational Resilience  
and Training

Document Number

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### Summary

This report provides the final update to the Strategy Committee detailing the work that has been initiated and progressed by the Lakanal House Working Group (LHWG).

### Recommendations

1. That the work of the Lakanal House Working Group be noted.
2. That this report be agreed as the formal conclusion of the work of the Lakanal House Working Group.

### Introduction/Background

1. Following the inquests into the deaths of the six people at the Lakanal House Fire (3 July 2009) the Coroner, Her Honour Frances Kirkham CBE, wrote to a number of organisations, including London Fire Brigade (LFB), recommending what actions should be taken to prevent a similar tragedy from happening again. The Coroner made recommendations using her powers under Rule 43 of the Coroners Rules 1984. A Rule 43 Report (Rule 43) identifies actions that should be taken to prevent future deaths. The outcomes of the Inquest and LFB's response to the Coroner's recommendations were reported to the Authority on 20 June 2013 (FEP 2072). At this meeting Members of the London Fire and Emergency Planning Authority (LFEPA) established a cross party working group to review and oversee some of the other key issues that emerged from the Lakanal House fire. The Authority also agreed the following terms of reference for the working group: *'to undertake a review of the Brigade's response to the fire at Lakanal House and to feed recommendations back to the Strategy Committee'*.

2. This report discharges this requirement.

### **LHWG – Work Programme**

3. At the inaugural meeting of the of the LHWG (24 July 2013) the following work programme was agreed:
  - Ongoing updates on the Rule 43 Action Plan
  - Victim Support
  - Fire Safety Regulatory Reform Order
  - Incident Command
  - Capture and use of premise based information
  - Fire safety information for residents in high rise
4. In establishing the work programme officers provided a range of presentations, background documentation and briefing notes to inform the discussions for each topic area. This included a very detailed presentation by the Building Research Establishment (BRE) on the history of the building and its performance during the fire. A list of the presentations, documentation and briefings notes used by the LHWG are detailed at Appendix 1.
5. The members of the working group also heard from representatives from the Sceaux Gardens Tenants and Residents Association who gave powerful testimonies about their personal experiences both during and after the fire. The Fire Brigades Union (FBU) were also invited to provide feedback to the working group at the March 2014 meeting. The FBU did not take up the opportunity to contribute to the Group and have been asked, therefore, to submit their views in writing.

### **Key Activities**

6. In accordance with the work programme, the members of the LHWG reviewed and progressed work covering the following activities:
  - i) Seeking to secure clarification and further guidance from the Fire Minister and DCLG on:
    - The definition of the term 'parts used in common' in buildings containing multiple domestic premises
    - Whether the Fenestration Self Assessment Scheme (FENSA) is an appropriate means for certifying compliance with Building Regulations 2010 in tall residential buildings
    - The definition of the term 'window' as detailed in the FENSA scheme.
    - Spread of fire over the external surfaces the building (Requirement B4 of the Building Regulations 2010 refer).
    - How the 'responsible person' should assess that the risk assessor has sufficient training, experience and knowledge to undertake a suitable assessment of the risks in complex and high risk premises.

DCLG has replied on some of these issues and meetings have been held between officers and DCLG officials. These exchanges are assessed by officers as having been helpful in confirming the enforcement approach being taken by LFB where issues with individual flats impact on the safety of the common parts, e.g. where a flat front door offers inadequate fire protection for a shared exit route. DCLG share LFB's view that it is not the enforcing authority's responsibility to deal directly with the numerous tenants or leaseholders, but that they should require the landlord to enforce tenancy or lease agreements so that the building is kept safe.



- ii) Undertaking a review into whether building control and other processes within local authorities are effective in protecting the fire safety integrity of a building during significant refurbishment projects. This review highlighted that more should be done to raise awareness about the building related issues that significantly influenced the fire development and its rapid spread during the Lakanal incident. In response to this issue a wide range of engagement activities involving key stakeholders have been initiated by the LFB. This has involved BRE who have been very supportive in sharing their findings relating to the Lakanal House building design and those factors that most influenced the rapid fire development. Recent presentations have been to the London District Surveyors Association and to the Brigade's Area Deputy Assistant Commissioners and Borough Commanders. Four further sessions, at area level, are now being arranged for LFB staff and key partners.

LFB has also initiated a piece of work to audit/evaluate the extent to which significant refurbishment projects in high rise residential premises have been sensitive to considerations of fire safety integrity. This audit work commenced in April 2014, with the assistance of 3 London boroughs (Southwark, Camden and Lewisham), and it is intended to report the outcome of this work to a future meeting of the Strategy Committee.

- iii) The production of a media campaign that aims to further engage residents and influence housing managers/providers to communicate fire safety information with those living in their properties, as well as complying with their legal responsibilities under the Regulatory Reform (Fire Safety) Order 2005 (RRO). This campaign, entitled "do you know your fire plan", was launched on 28 March 2014 and includes a dedicated website ([www.knowtheplan.co.uk](http://www.knowtheplan.co.uk)) that acts as the focal point for this work, asking people to get to know their building and have a plan in case of fire. The site holds information and advice for tenants about how to act safely in their homes to prevent fires and who to go to for fire safety advice. The site also contains information for housing providers and allows them access to materials such as posters and leaflets to give to their residents or use in their buildings. The site will be updated and refreshed with new material throughout the life of the campaign, such as LFB's work with National Landlords Association and the RICS Code of Practice, which was discussed at the Strategy Committee in March 2014.
- iv) Exploring opportunities to promote the new approved standards for cable management (arising from the Hampshire Rule 43 recommendations relating to the Shirley Towers incident where two firefighters lost their lives in 2010 fighting a fire in a high rise block of flats) with the Electrical Safety Council (ESC). LFB, along with other Fire and Rescue Services (FRSs), have been actively trying to change the wiring regulations, so that cables fixed to ceilings either directly or in a conduit/trunking, are held in place by such means that would prevent them dropping during a fire. This has involved working closely with the ESC who sit on the appropriate British Standards Institute (BSI) committee. During the BSI committee meeting in September 2013 the draft proposal for a new standard for fixing cabling was unanimously agreed. These changes will now be discussed with the relevant BSI committee where it is hoped that the 2015 edition of the wiring regulations (BS7671), which prescribe the standards for all English wiring installations, will include these amendments.
- v) Working with the lift industry in an attempt to influence the scope of the lift testing and maintenance regimes to ensure they include a check of the firefighting lift operating requirements. LFB has written to the London District Surveyors Association (LDSA) and Association of Consultant Approved Inspectors (ACAI) proposing a series of recommendations relating to the upgrade of existing lift installations during routine refurbishments. These upgrade recommendations are aimed at bringing the performance



and functionality of the older style lifts into line with modern firefighting lift design as specified in British Standard (BS) EN 81-72.

- vi) Raising awareness regarding the risks, in terms of increased fire loading, associated with the build up of paint layers within communal areas of residential high rise premises. This issue was first raised with Directors of Housing and social landlords in January 2009. The Head of Fire Safety Regulation wrote again in December 2013 to all London Borough Directors of Housing and over 200 Housing Associations and Registered Social Landlords reminding them of LFB's concerns and providing more detailed information on this issue. The concerns about the build up of paint layers also features on LFB's new website as part of the "do you know your fire plan" media campaign.
- vii) In terms of the wider victim support issues, raising awareness about the needs of those people who are directly affected by incidents such as the Lakanal House fire. Meetings have been held with a number of the voluntary sector organisations to discuss their role during large scale incidents. This has confirmed that the British Red Cross (BRC) Fire and Emergency Support Division, has a Memorandum of Understanding (MoU) with the majority of London Councils to provide welfare support and humanitarian services in the immediate aftermath of a major incident. It has been confirmed that the BRC did attend the Lakanal House fire and provided direct support to Southwark Council in establishing their emergency rest centre. Officers are now working with the BRC to establish whether LFB can further support the voluntary sector in responding to major emergencies within London. Through officers routine contacts with the Metropolitan Police Service (MPS), LFB has also raised the concerns highlighted by the Sceaux Gardens Tenants and Residents Association regarding the way cordons were managed during the Lakanal House fire. The Association felt strongly that the MPS could have been more flexible and sensitive in respect to allowing some of the residents to return to their flats to collect their personal effects.
- viii) To improve the use of intelligence from fire investigation work officers have introduced a new process to ensure that fires in premises where building structural issues or deficiencies in building control/management have played a part in the spread or development of the fire are systematically identified. This new process involves the fire safety Team Leader completing a report on the key factors that lead to the incident, what previous Fire Safety Regulation (FSR) intervention has been carried out, what data is currently held about the premises and how accurate it is and what further FSR actions have been carried out. This report is then forwarded to the Area Fire Safety Manager to hold a post fire review to discuss these issues and identify any strategic factors and learning points that are then reported to the Head of FSR on a quarterly basis. Where appropriate, Team Leaders will send a separate report to the relevant building control body, with a request for a response. They have also been tasked with a new role to follow up this response and include that in a post fire report that is sent to the Area Fire Safety Manager.
- ix) A review was undertaken to establish whether Borough Commanders had sufficient awareness of significant refurbishment projects in high rise residential premises. This review confirmed that the overwhelming majority of Borough Commanders seem to enjoy a close and effective working relationship with Borough Councils and are using their contacts to raise awareness about the key issues arising from the Lakanal House fire.
- x) The production of two 'Guides for Councillors'; these are called:
  - Making Sure Estates are Safe from Fire - Guide for Councillors

- Guide for Councillors on Safety in Blocks of Flats and Maisonettes

The first guide is for councillors making housing estate visits to help them ensure that legal obligations on fire safety requirements are being met. The second guide sets out the responsibilities of local authorities as the 'responsible person' under the RRO and gives examples of strategic and policy questions councillors can ask at meetings. This is aimed at councillors who have a specific scrutiny responsibility as members of housing committees/ALMO Boards, etc. Both guides are now at the advanced design stage and will be made to work primarily as electronic documents.

7. In addition to the above, the following four issues were passed to the Strategy Committee to consider in the coming year:
  - The regulation of leasehold properties within high rise buildings (how landlords are dealing with leaseholders making modifications to door/interior walls, etc., which potentially compromise the fire safety of buildings)
  - The need for a recognised Government standard for 'competent persons' carrying out fire safety preventative measures
  - Looking at how the Brigade prioritises its inspections of residential high rise buildings
  - Addressing the problem of accessing accurate data relating to 'private' high rise premises
8. As previously agreed with the Committee, officers have begun the process of commissioning a study to explore these (and wider related) issues in further detail. The terms of reference for that study is at Appendix 2.

## Conclusion

9. As can be seen from above, the work of the LHWG has highlighted new opportunities and activities that have driven further improvements in the way the Brigade and other key stakeholders understand, manage and engage with high rise premises. These initiatives go beyond the scope of the Coroner's Rule 43 recommendations and have informed the further work that will now be considered by the Strategy Committee going forward.
10. The members of the LHWG are satisfied that they have discharged the original remit of the group, as agreed at the Authority meeting in June 2013. The Chair of the LHWG therefore proposes that this report formally concludes the work of the Board.

## Head of Legal and Democratic Services comments

11. In July 2013 the Coroners (Inquests) Rules 2013 and the Coroners (Investigations) Regulations 2013 came into force which replaced the Coroners Act 1988 and the Coroners Rules 1984. The old power under Rule 43 of the 1984 Rules to make a report to prevent future deaths is now transformed into a duty under Paragraph 7(1) of Schedule 5 of the 2009 Act and Rule 28 of the Coroners (Investigations) Regulations 2013 into a duty to make a report to prevent other deaths.

12. The Head of Legal and Democratic Services has read this report and has no further comments

## Director of Finance and Contractual Services comments

13. The Director of Finance and Contractual Services has reviewed this report and has no comments.

## Sustainable Development Implications

14. There are no sustainable development implications.



### Staff Side Consultations Undertaken

15. No specific consultation has been undertaken with staff side in relation to the production of this report. However, as detailed in paragraph 5 of this report, the FBU was given an opportunity to attend the March LHWG meeting to discuss their views. When this opportunity wasn't taken the FBU were invited to submit their views in writing to the Clerk of the LHWG. To date, the Clerk has received no correspondence from the FBU.

### Equalities Implications

16. There are no equalities implications.

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### List of Appendices to this report:

1. Appendix 1 - List of Presentations, documentation and Briefing Notes used to inform the LHWG discussions.
2. Appendix 2 - A study of the experience of the operation of the RRO in London.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985	
<b>List of background documents</b> 1. FEP 2072; Coroner's Inquests following the fire at Lakanal House on 3 July 2009 2. FEP 2168; Lakanal House - Monitoring Report and Rule 43 Action Plan	
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**Information Provided to the Members of the LHWG**

Presentations:

- Overview of the Operational Response - DAC Tim Cutbill
- Key Factors that Influenced the Lakanal House fire development - David Crowder (BRE)
- Regulatory Reform Order and Fire Safety in High Rise premises - AC Steve Turek
- Information Management & Use of Risk and Premise Information - Third Officer Dave Brown and Head of Information Management David Wyatt

Documentation/Reports:

- Regular updates relating to the progress of the Coroner's Rule 43 Recommendations - standing agenda item
- Overview of Fire Safety Regulatory Reform Order (August 2013 meeting)
- Letters from the Chairman and Commissioner to the Fire Minister RE: highlighting outstanding issues relating to the Lakanal House fire (September 2013)
- Protection of fire safety features in major refurbishment programmes - Audit Proposal (November 2013 meeting)
- High Rise Communications Plan (November 2013 and March 2014 meetings)
- Incident Command Developments (January 2014 meeting)
- Protection of fire safety features in major refurbishment programmes - Update report (March 2014 meeting)
- Borough Commanders' awareness of significant refurbishment projects in high rise residential premises - Update report (March 2014 meeting)
- Better use of intelligence from fire safety work (March 2014 meeting)
- LHWG update report (draft) for Strategy Committee (March 2014 meeting)

Briefing Notes:

- Lifts provided for fire service use (November 2013 meeting)
- Cable Protection (November 2013 meeting)
- Fire Services Management Committee Brief (December 2013 meeting)
- Multi Layer Paint Issues (January 2014 meeting)
- Victim Support (January 2014 meeting)
- Premise Information Plate pilot (March 2014 meeting)
- Draft Guide(s) for Elected Members (March 2014 meeting)

## A study of the experience of the operation of the RRO in London

**Introduction:** London Fire and Emergency Planning Authority is concerned with the improvement of fire safety management and outcomes in London. Nearly 10 years after the introduction of the Regulatory Reform (Fire Safety) Order 2005 (the RRO), the Authority wishes to explore whether the regime is achieving all that is desirable. The Government has already undertaken some of this work in relation to business, as part of its wider deregulation and burden reduction strategy, but the extent of that work was limited.

Specifically, the Authority is concerned that there are issues about: complexity; understanding among responsible persons; contradictions or gaps in the total legislative framework (for example, the RRO and the 1985 and 2004 Housing Acts); and that the system of devolved managerial and democratic oversight of fire safety protection activities is unsupported by common methodologies or performance measures. There are also issues about how well guidance is informing responsible persons (Article 50 of the RRO gives the Secretary of State a duty to ensure such guidance is available).

The study is not intended to focus specifically on the way in which the London Fire Brigade pursues its responsibilities under the RRO; that will be a component, but is not the whole focus. The study should consider whether a "10 year update" on the RRO could: preserve its benefits; simplify its provisions; deal with areas of friction with other legislation; and help ensure it is better understood by responsible persons.

### Terms of Reference:

- Based upon an analysis of statutory duties which the Authority will supply, to produce a schematic of the legal framework and responsibilities
- To investigate whether, in London, these responsibilities and roles are understood and discharged in practice
- Based upon the experience of the RRO (and other relevant legislation), to consider whether a single regime for different classes of premises is sensible
- To examine whether the necessary tools and competencies for the task exist (which would include the Lakanal House Working Group (LHWG) reference concerning competent persons)
- To examine which bodies have responsibility for ensuring the overall effectiveness of the regime
- To examine available information about how the relevant bodies are performing (which would include the LHWG reference concerned with the prioritisation of inspection)
- To describe the problems (which would include the LHWG reference concerned with the control of leasehold properties)
- To consult relevant bodies and stakeholders about how to make improvements in the future

and, in the light of the above work, to comment upon whether the RRO has been (or could be) effective in reducing avoidable fires and consequently death, injury and loss of property.