
**MODULE 3 OPENING SUBMISSIONS
ON BEHALF OF
THE LONDON FIRE COMMISSIONER**

1. Exhaustive work has been carried out by the Inquiry in Modules 1 and 2 to expose the mechanisms by which the maintenance and refurbishment of Grenfell Tower were implemented so as to vitiate multiple essential fire safety measures, which caused and contributed to the devastating fire on 14th June 2017. The issues exposed are shocking. The existence or repetition of such circumstances is utterly unacceptable to and for the public. There is an absolute overriding necessity in the public interest to ensure that the construction, maintenance, and refurbishment of premises by and on behalf of building owners includes and results in necessary, lawful, and effective passive and active fire safety measures.
2. Those fire safety measures in turn are crucial to fire and rescue services when carrying out their essential core functions. The extent to which the LFB – or any fire and rescue service – can or should be expected to anticipate, plan for, and resource the possibility of catastrophic failures of fire safety measures in the built environment remains of fundamental importance to the sector. The expectations that can properly be placed by a fire and rescue service on its personnel is a critical aspect of that question. The fundamental failure of basic fire safety measures in buildings such as Grenfell Tower present an obvious serious risk, not only to residents but also to fire-fighters who depend on the existence of such measures when carrying out their duties at great personal risk.
3. The Inquiry's focus turns through Module 3 to consider how – if at all – the hazards presented by the Tower as refurbished were, or should have been identified, and once identified, how they could or should have been responded to.
4. A key element of that work revolves around the adequacy or otherwise of the fire risk assessment carried out by or on behalf of the Responsible Person under the Regulatory Reform (Fire Safety) Order 2005. The Inquiry has a range of factual evidence and expertise - in particular the evidence of Colin Todd and Dr Barbara Lane – to absorb and assist it in reaching its conclusions.
5. One aspect of Dr Lane's analysis, in Chapter Ten of her report, does require some observation in these opening remarks: namely, the LFB's position as to whether or not the external envelope of the building was caught by the Order. The desirability of its inclusion

was beyond doubt; the lack of clarity within the Order as it was originally (and is currently) drafted is commensurately undesirable.

6. It is of note that the current Fire Safety Bill amends the Order, so as to expressly apply it to the building's structure and external walls and any common parts, including the front doors of residential parts. Whether these amendments can properly be understood as clarification or extension of the scope of the Order, they have been received as changes, welcomed by public and industry bodies alike and expected by government to increase the burdens on persons responsible for multi-occupancy residential buildings and *'provide for increased enforcement action in these areas, particularly where remediation of aluminium composite material (ACM) cladding is not taking place.'*
7. Notwithstanding the lack of clarity in terms of the Order, the benefits and desirability of including the structure and external envelope of buildings within its scope lay behind Assistant Commissioner Steve Turek's letter to London boroughs and social housing landlords of 23rd March 2009 [LFB00000262]. Those considerations also informed the excerpted content, in Chapter 10 of Dr Lane's report, of the Notice of Fire Safety Deficiencies issued to KCTMO in respect of Trellick Tower on 19th September 2012 [CST00005434].
8. However, at those times, the lack of clarity remained a considerable problem for enforcement bodies and for a broad range of other stake holders. The Lakanal House fire and the investigations that followed underlined the continuing lack of clarity so that clear advice had to be sought from the responsible government department. In letters to the LFB on 6th February 2013 and 13th December 2013 the government response was, effectively, that the requirements and powers set out in the Order were not applicable to the external structures and surfaces of residential buildings [LFB00032153 and LFB00001803]. The reasoning provided was that the Order does not apply to domestic premises, saving in the most limited of circumstances and it would be artificial to exclude the exterior walls from the domestic premises which they surround. Other legislative mechanisms were available to secure fire safety standards, in particular, the Building Regulations 2010 and the Housing Act 2004.
9. The LFB did continue to consider what means were at its disposal to raise awareness of risks posed by external envelopes of buildings, even if the formal enforcement tools set out in the Order were not available. The letter of Assistant Commissioner Dan Daly of 6th April 2017 sent to local authorities, including RBKC, was carefully and deliberately crafted to set out the strength of the LFB concerns and expectations in light of the fire at Shepherd's Court, including the provision of *'all relevant information about any replacement window and façade schemes ... to fire risk assessors'*, so as to ensure the fire and other safety risk assessments were carried out in full understanding of the relevant

built environment, whilst not asserting that an assessment of the external envelope itself fell within the scope of the Order. The LFB remains of the view that this is and was a proper expectation of a building owner and Responsible Person. The fire risk assessment process does not, and cannot, function as an audit of the built and constructed environment: a fire risk assessor instructed by a Responsible Person is dependent on the adequacy and accuracy of information supplied. Dan Daly's letter illustrates the LFB's commitment to building pragmatic partnerships with local authorities by sharing known fire safety risks and promoting public safety. That commitment is also apparent in the LFB's engagement with the KCTMO and RBKC, which will be explored in Module 3.

10. The LFB continues to look to the future in developing its response strategies to fire risk in high-rise residential buildings. It has not only conducted an extensive review of policies and procedures for information gathering, assessment of risk and operational fire-fighting, but has also commissioned significant research projects to inform ongoing learning. Among those projects, in partnership with the University of Bath, research has been conducted into the physiological effects on fire-fighters who are deployed into high-rise buildings in which active and passive fire measures may have fundamentally failed. One of the purposes of that research is to determine the extent to which fire-fighters can be deployed in a way which does not place them at unacceptable risk to their own safety and, as a consequence, to that of the people they are required to assist. It is expected that the results of that research will be of national and international significance.
11. Another research project, this time in the field of communications, has informed the imminent introduction by the LFB of a system by which fire survival guidance information can be viewed in real time in the control room and on the fire-ground using devices provided to incident commanders and at the bridgehead inside the building. It is expected that the introduction of this new system will positively influence the development of operational procedures by fire and rescue services nationwide.
12. The evidence which the Inquiry has examined in Modules 1 and 2 has been highly informative to the LFB in its ongoing review process. Module 3, in so far as it relates to the vital requirement for building owners to conduct suitable and sufficient assessments of fire risks in their premises, will provide an opportunity to underline a principle which is of great importance to fire and rescue services: the safety of occupants of high-rise residential buildings and the ability of fire and rescue services to carry out their work effectively in case of fire, is wholly dependent upon a robust system of risk assessment and the rigorous amelioration of the identified risks by Responsible Persons.

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