
From: J BLAKEMAN [REDACTED]
Sent: 02 September 2013 14:06
To: rblack@kctmo.org.uk
Subject: Grenfell Tower Power Surges

Dear Mr. Black

I wonder whether we can discuss the [REDACTED] RBKC rejection of legal liability towards the losses suffered by Grenfell Tower residents at the TMO Board meeting on 5 September, either as a matter arising from the minutes of the last meeting or under the Chief Executive's Report?

I have had a look at the Terms and Conditions of the [REDACTED] policy. Section 2(b) states: "the insurer will indemnify the Insured in respect of all sums which the insured may become legally liable as damages in respect of ... (b) accidental damage to property". Those two words "legal liability" qualify this cover to an extent that effectively allows the [REDACTED] and/or RBKC escape almost any claim for damages. However, since the TMO has not yet been able to identify the underlying cause of the power surges, I do not understand how [REDACTED] and RBKC can be so confident at this stage that there is no legal liability.

The advice given to residents to go to the CAB for free legal advice is presumably to ensure that there is no liability unless and until this is successfully tested in a court of law – which could take years, even if any resident were minded to go through the whole process; and even assuming they can get an early appointment with the CAB, given how overloaded they are with work.

However, the Grenfell Tower case clearly has immediate implications for the residents of all TMO housing stock throughout the Borough - and it surely also begs the question as to whether the [REDACTED] insurance policy is fit for purpose.

I do not understand the intricacies of insurance policies and I suspect that many TMO tenants and leaseholders do not either. Therefore, some clarification for all TMO residents is required. I suspect that most residents would assume that, in situations such as the Grenfell Tower incidents, where they suffer loss but are in no way personally responsible for the damage, they would be compensated through the TMO's insurance. This appears not to be the case – but I doubt that residents are really aware of this.

Should one or more residents of Grenfell Tower seek to test [REDACTED] decision, either through a court of law or via their own insurance company, this will take a very long time. In the meantime, residents throughout the TMO's stock could be at similar risk as those living in Grenfell Tower – and should be advised accordingly, drawing their attention to the Grenfell Tower precedent.

I note that 45 residents have submitted claims; and that all flats from the 10th floor appear to have been affected by the surges, which gives a total of 60 flats whose residents could claim. Given that the TMO has offered £200 per claimant as a gesture of goodwill, this totals either £9,000 (45 claims) or a maximum of £12,000. Will the TMO bear this cost, or RBKC? If the TMO, from which budget will it be paid?

I believe there is a degree of urgency here – and it would be good perhaps to be able provide a report to TMO members at the forthcoming TMO AGM.

Kind regards.

Cllr. Judith Blakeman