

Grenfell Tower – fire safety investigation:
The fire protection measures in place on the night of the fire, and conclusions as to:
the extent to which they failed to control the spread of fire and smoke;
the extent to which they contributed to the speed at which the fire spread.

Phase 1 Report – Appendix D

Legislation, Regulation and Guidance relevant to Grenfell Tower

REPORT OF

Dr Barbara Lane FREng FRSE CEng

Fire Safety Engineering

24th October 2018

Specialist Field	:	Fire Safety Engineering
Assisted by	:	Dr Susan Deeny, Dr Peter Woodburn, Dr Graeme Flint, Mr Tom Parker, Ms Danielle Antonellis, Mr Alfie Chapman
On behalf of	:	Grenfell Tower Inquiry
On instructions of	:	Cathy Kennedy, Solicitor, Grenfell Tower Inquiry
Subject Matter	:	To examine the circumstances surrounding the fire at Grenfell Tower on 14 th June 2017
Inspection Date(s)	:	6 th October, 1 st November, 7-9 th November 2017

Dr Barbara Lane
Ove Arup & Partners Limited
13 Fitzroy Street
London W1T 4BQ

Appendix D– Legislation, Regulations and Guidance relevant to Grenfell Tower

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D1 Introduction

- D1.1.1** This Appendix defines the applicable legislation, regulations, and statutory guidance as applied to Grenfell Tower on the 14th June 2017. It addresses this application in two ways – during a construction project which requires Building Regulations compliance, and the rest of the occupation time which requires compliance with the Regulatory Reform (Fire Safety) Order 2005 (FSO) (since 2006). Since 2005 the Housing Act 2004 also applies during the occupation. Guidance has been issued by the government on how to deal with the FSO and the Housing Act in residential buildings.
- D1.1.2** In this section I will define the current legislation as it forms the basis of the definition of compliance used in the other sections and appendices of my report, and so a definition of a defect or non-compliance can be made.
- D1.1.3** This section also provides insight on the older legislation that was relevant to the original design and construction of the building, and to the modifications and alterations made to the building between the end of construction in 1974 and the most recent refurbishment in 2014.
- D1.1.4** I have investigated if there are any significant compliance “differences” the range of applicable legislation over this 40 year period makes. This is in order to understand the minimum standards of compliance with the legislation, regulation and guidance and therefore to permit the other sections and appendices in this report to discuss in detail the compliance, or otherwise, of the fire safety measures in Grenfell Tower on the 14th June 2017.
- D1.1.5** This section also explains what current legislation requires to protect people from fire, in high rise residential building in England.

D2 Commentary on interactions between legislation, regulation and guidance

- D2.1.1** The following points set out the interaction and hierarchy between the different documents discussed in this Appendix:
- a) **Legislation:** Sets out the law that must be complied with.
 - b) **Regulations:** Enacted under legislation give specific rules that must be followed in order to comply with the law.
 - c) **Statutory guidance:** Guidance approved or endorsed by a specified Government Minister (whether created by a Government department or not) to assist individuals in complying with the Regulations and the Legislation. In order for guidance to be statutory, it must also be created under powers invested in the Minister by legislation.

- d) **Non-statutory guidance:** Guidance created to assist an individual in complying with Legislation or Regulation, or to assist in understanding Statutory guidance. Non-statutory guidance may be published by anyone and does not require endorsement by Government.

D3 Hierarchy of Guidance

D3.1.1 The construction industry maintains a wide range of different types of guidance document at this time. The most common types of guidance document are listed in Table D.1 in order of importance.

Table D.1: Hierarchy of guidance

Type of Guidance	Purpose of guidance
Statutory guidance (as defined in the Building Act 1984)	<p>Developed under the power of primary legislation. A failure on the part of a person to comply with an approved document does not of itself render him liable to any civil or criminal proceedings. However, where a contravention of the Act is alleged, failure to comply with an Approved Document may be relied upon as tending to establish liability, and proof of compliance may be relied upon as tending to negative liability.</p> <p>Example – Approved Document B enabled by the Building Act 1984.</p>
Approved codes of practice (as defined by the HSE) or “ACOPs”	<p>Guidance approved by the Health and Safety Executive, with the consent of the Secretary of State It gives practical advice on how to comply with the law. If you follow the advice you will be doing enough to comply with the law in respect of those specific matters on which the Code gives advice. You may use alternative methods to those set out in the Code in order to comply with the law.</p> <p>However, the Code has a special legal status. If you are prosecuted for breach of health and safety law, and it is proved that you did not follow the relevant provisions of the Code, you will need to show that you have complied with the law in some other way or a Court will find you at fault.</p> <p>There are currently no ACOPs published by the HSE explicitly addressing the issue of fire safety in construction.</p> <p>Example – Safety in the installation and use of gas systems and appliances Gas Safety (Installation and Use) Regulations 1998 as amended: Approved Code of Practice and Guidance.</p>
British Standards (as defined by BSI)	<p>The principal characteristic of a British Standard is that it is produced by a process that involves:</p> <p>A committee – a widely-based group of experts nominated by organisations who have an interest in the content and application of the standard</p> <p>Consultation – making a draft available for scrutiny and comment to anyone who might be interested in it</p> <p>Consensus – the principle that the content of the standard is decided by general agreement of as many as possible of the committee members, rather than by majority voting.</p> <p>This process reinforces the authority of the standard and helps to ensure that it will be accepted by a very wide range of people who might be interested in applying it.</p>

Type of Guidance	Purpose of guidance
	<p>British Standards may be developed entirely within the UK by BSI committees, or, in most cases, are adoptions of international standards developed under very similar processes and, almost always, involving strong UK participation.</p> <p>Please refer to Section D3.1.2 for a discussion of the different categories of British Standard.</p> <p>Examples – BS 9991:2011 “Fire safety in the design and use of residential buildings – Code of practice”, BS 476-21:1987 “Fire tests on building materials and structures. Methods for determination of the fire resistance of loadbearing elements of construction”.</p>
Other guidance	<p>Other guidance is available from a wide range of parties in the construction industry. This includes trade bodies and associations dealing with specific parts of the construction industry. Specific technical guidance developed by such bodies may also be referred to by the other tiers of guidance referenced above.</p> <p>Examples: Association for Specialist Fire Protection “colour” guides, Chartered Institution of Building Services Engineers TM19 “Relationships for smoke control calculations”.</p>

D3.1.2 British Standards

D3.1.3 British Standards are an important source of guidance for the UK construction industry. There is a range of types of British Standard. The most commonly applied standards in the construction industry are as follows (as defined by BSI):

- a) **Codes of practice** recommend good practice as currently undertaken by competent and conscientious practitioners. They are drafted to incorporate a degree of flexibility in application, whilst offering reliable indicative benchmarks. They are commonly used in the construction and civil engineering industries.
- b) **Specifications** are a highly prescriptive standard setting out detailed absolute requirements. It is commonly used for product safety purposes or for other applications where a high degree of certainty and assurance is required by its user community.
- c) **Methods** are also highly prescriptive, setting out an agreed way of measuring, testing or specifying what is reliably repeatable in different circumstances and places, wherever it needs to be applied.
- d) A **Vocabulary** is a set of terms and definitions to help harmonise the use of language in a particular subject or discipline.
- e) **Guides** are published to give less prescriptive advice which reflects the current thinking and practice amongst experts in a particular subject.

D3.1.4 Other categories of standard can be employed as necessary.

D4 Chronology of the design, construction and significant modifications to Grenfell Tower

D4.1.1 Table D.2 presents a chronology of the key dates and events that are relevant to Grenfell Tower. Table D.2 indicates the source of each of the events presented. This information is presented here to provide context for when different events occurred. Therefore, the specific legislation, regulation and guidance for each event can be identified (Table D.3).

Table D.2: Chronology

Date	Milestone	Reference	Evidence
1961	LCC publish Code of Practice for Section 20 Precautions against fire in certain buildings and cubical extent of buildings	LCC Section 20 Code of Practice 1961	Code of Practice date
1962	Second edition of CP3 published (first edition to be relevant to flats)	British Standard Code of Practice CP3 Chapter IV Precautions against fire – Part 1 Fire precautions in flats and maisonettes over 80ft in height	Code of Practice date
1964	Amendment to Construction Bylaws	London Construction (Building) amending bylaws 1964	Date of regulation
1965	Publication of first national Building Regulations under the Public Health Act 1961	The Building Regulations 1965 ¹	Came into operation February 1966
1966	Amendment to Construction Bylaws made under Section 98 Byelaws with respect to construction and version of buildings of London Building Acts (Amendment) Acts 1939	London Construction (Building) amending bylaws 1966	Date of regulation
1967	Original design began	RBK00000275	RBKC chronology

¹ “These regulations are made by the Minister of Public Building and Works. Under Section 4 of the Public Health Act 1961. They will apply generally throughout England and Wales, with the exception of the Inner London Boroughs (the area of the former L.C.C.) where the London Building Acts will continue to prevail. The regulations will take the place of the building byelaws made by individual local authorities”

Date	Milestone	Reference	Evidence
1967	LCC Means of escape in case of fire permits other codes to be used for design with agreement of Greater London Authority – start of the transition period in London to formal adoption of CP3 Chapter IV which concluded in 1974	LCC Means of escape in case of fire 1967	<i>“This Code of Practice is in the course of revision. Several important principles have been changed. ... Pending the publication of the revised Code of Practice applicants are advised to discuss their schemes with the Greater London Council’s officers in the earliest stages of design.”</i>
1970	GLC publish Code of Practice for Section 20 Precautions against fire in certain buildings and cubical extent of buildings	GLC Section 20 Code of Practice 1970	Code of Practice date
1971	Third edition of CP3 published. This edition extended the scope of CP3 from flats and maisonettes over 80ft in height to all blocks over 2 storeys.	British Standard Code of Practice CP3 Chapter IV Precautions against fire – Part 1., Flats and maisonettes (in blocks over 2 storeys)	Code of Practice date
1972	Construction of Grenfell Tower began.	RBK00000275	RBKC chronology
1974	Construction of Grenfell Tower completed.	RBK00000275	RBKC chronology
1974	GLC publish guidance on means of escape in fire requiring compliance with CP 3 1971 – transition period for design of flats in London ends,	Greater London Council Means of Escape Code of Practice 1974	Code of Practice date
October 1979	Building Regulations application <u>AR/BR/W/150917</u> for improvements to ground floor community rooms.	RBK00000275	RBKC chronology
April 1980	Building Regulations application <u>542/80</u> for alterations, repairs and decorations.	RBK00000275	RBKC chronology

Date	Milestone	Reference	Evidence
3 July 1980	Building Regulations application <u>AR/BR/2/150917</u> for alterations to plans previously approved, concerning the ground storey and mezzanine level play centre and community areas.	RBK00000275	RBKC chronology
January 1985	Building Regulations application <u>AR/BR/2/150917</u> for the provision of three security screens and doors; the redecoration of the lobbies (incl. new self-closing fire resisting flat entrance doors); the provision of escape lighting system.	RBK00000275	RBKC chronology
May 1985	Building Regulations application <u>16/847/85</u> for security improvements.	RBK00000275	RBKC chronology
July 1985	Mandatory rules for means of escape in case of fire statutory guidance comes into force. Requires compliance with CP3 1971 for flats	The Building Regulations 1985: Mandatory rules for means of escape in case of fire	Stated publication date
August 1985	First edition of Approved Document Part B published – addressing B2, B3 and B4 only	Approved Document Part B 1985	Stated publication date
November 1985	The Building Regulations 1985 published	The Building Regulations 1985 ²	Came into operation on 11 th November 1985
January 1986	Publication of new inner London regulations	The Building (inner London) Regulations 1985	Came into operation on 6 th January 1986
October 1986	Building Regulations application <u>B/1643/86</u> for alterations to decks 1 & 2, new floor staircase, toilets and general upgrading of existing structure.	RBK00000275	RBKC chronology
May 1987	Building Regulations application <u>JS/BM</u> for Phase 1 alterations to the existing layout of Deck-1 and Deck-2 of Playcentre.	RBK00000275	RBKC chronology

² “These Regulations shall not apply to Inner London”.

Date	Milestone	Reference	Evidence
November 1988	Fire at Apartment 154 Grenfell Tower – Unknown extent.	RBK00000275	RBKC chronology
December 1990	Building Regulations application B/2257/90 for the refurbishment of first floor, formerly a medical centre.	RBK00000275	RBKC chronology
January 1991	Building Regulations application S/20/67 for refurbishment and alteration of the medical care centre on the first floor of Grenfell Tower.	RBK00000275	RBKC chronology
January 1991	Building Regulations application S/20/67 – a Section 20 application under the London Building Acts for alterations to existing office on 1 st floor level.	RBK00000275	RBKC chronology
June 1992	Approved Document B 1992 B1 – B5 Replaces Mandatory rules for means of escape in case of fire as statutory guidance	Page 131, Approved Document B 1992	Stated publication date
1993	RBKC enter into Modular Management Agreement with the Lancaster West Estate Management Board.	RBK00000275	RBKC chronology
1996	RBKC enter into Modular Management Agreement with the Kensington and Chelsea Tenant Management Organisation.	RBK00000275	RBKC chronology
January 1997	Fire at Grenfell Tower – Unknown extent.	RBK00000275	RBKC chronology
August 1999	<u>Planning Application PP/99/01237</u> Application by Mercury Personal Communications Ltd submitted for the provision of pole mounted antennae around plant room roof with the equipment located inside the plant room itself. This Planning Application was subsequently withdrawn.	RBK00000275	RBKC planning website RBKC chronology (incorrectly states 2009)

Date	Milestone	Reference	Evidence
August 2000	<u>Planning Application PP/00/01959</u> Application for planning permission submitted for the installation of new air conditioning system on external wall to walkway.	RBK00000275	RBKC planning website RBKC chronology
October 2000	Application granted for <u>Planning Application PP/00/01959</u> - installation of new air conditioning system on external wall to walkway.	RBK00000275	RBKC planning website RBKC chronology
November 2000	Building Regulations Application <u>FP/00/01569</u> for office refurbishment and internal alterations on 1st floor submitted.	RBK00000275	RBKC building control website RBKC chronology (incorrectly stated month as August)
January 2001	Building Regulations Application <u>FP/00/01569</u> approved. Approved Document B 2000 replaces 1992 edition.	Page 7 Approved Document B 2000	RBKC building control website Publication date
2002	Approved Document B 2000 amended.		Publication date
April 2004	<u>Planning Application PP/00/00924</u> Application for planning permission submitted for the 'erection of a bricked enclosure at ground level to contain a pump for a hydraulic lift'	RBK00000275	RBKC chronology (reference suggests submission in 2000)
May 2004	Building Regulations Application <u>FP/04/00796</u> to erect brick-clad pump room with concrete roof.	RBK00000275	RBKC chronology
June 2004	Application granted for <u>Planning Application PP/00/00924</u> - 'erection of a bricked enclosure at ground level to contain a pump for a hydraulic lift' 8 conditions imposed.	RBK00000275	RBKC chronology (reference suggests submission in 2000)
2005	Like for like replacement of passenger lifts in the main core. Lifts not installed as fully compliant fire fighting lifts.	CST00000384	Specification document and health & safety file for lift refurbishment works.

Date	Milestone	Reference	Evidence
2006		The Building and Approved Inspectors (Amendment) Regulations 2006	15 th March 2006
2006		Regulatory Reform (Fire Safety) Order 2005	1st April 2006.
April 2007	Approved Document B 2006 replaces 2000 edition (as amended)	Approved Document B 2006	Commencement date
September 2008	Building Regulations application <u>BN/08/04452</u> to replace flat roof coverings (location and extent unknown).	RBK00000275	RBKC building control website RBKC chronology
July 2009	6 people die in the Lakanal House fire on the 3 rd July.		Coroner rule 43 letter to DCLG
March 2010	Approved Document B 2006 amended	Approved Document B 2006 (incorporating 2007 and 2010 amendments)	Planning portal website
April 2010	Two firefighters die in Shirley Towers fire in Southampton on the 6 th April.		Coroner rule 43 letter to DCLG
April 2010	Fire on the 6 th floor of Grenfell Tower. The fire was started deliberately in the lift lobby. No injuries were sustained. Fire remained in lobby and was extinguished by a neighbour with a garden hose. The 2012 FRA states that the fire occurred in July. This conflicts with the other documents.	SEA00000059 TMO00831859 RBK00000275	TMO e-mail to Studio E 2012 FRA RBKC chronology
May-July 2011	TMO instruct flat entrance door replacement programme following consultation with LFB. Fitting of 109 replacement flat entrance doors to tenanted apartments by Masterdor.	MAS00000003 TMO10048276	Masterdor directory TMO letter to residents

Date	Milestone	Reference	Evidence
December 2011	TMO asked to carry out an exercise to identify where major investment was needed on the housing estate which would help to regenerate the area. The TMO were also asked to provide indicative costings for the works to be carried out to Grenfell Tower.	RBK00000275	RBKC chronology
February 2012	Studio E Architects first contacted by KCTMO in connection with providing services for the refurbishment of Grenfell Tower.	SEA00000007	Studio E correspondence with KCTMO
March 2012	TMO carried out a consultation at Grenfell Tower to establish whether the items identified for investment at Grenfell Tower matched the residents' priorities.	RBK00000275	RBKC chronology
March/April 2012	Studio E Architects appointed by TMO to begin refurbishment design.	Studio E e-mail reference SEA00000007	
April 2012	Studio E Architects instructed to proceed with Grenfell Tower planning application by KCTMO, in advance of ratification by RBKC Cabinet.	SEA00000009	Studio E correspondence with KCTMO

Date	Milestone	Reference	Evidence
August 2012	<p>First planning application submitted</p> <p><u>Planning Application PP/12/03163</u></p> <p>'the refurbishment of existing Grenfell Tower including new external cladding and fenestration, reconfiguration of lower 4 levels to provide 7 new residential units, replacement nursery and boxing club facilities, replacement canopy, external public realm works, redevelopment and change of use of existing garages to refuse collection area and office accommodation.</p>	<p>SEA00000045</p> <p>RBK00000275</p>	<p>Studio E correspondence with Max Fordham & Exova.</p> <p>RBKC planning website</p> <p>RBKC chronology</p>
October 2012	<p>Leaseholder apartments sent correspondence informing them of their responsibilities under the RRO regarding their flat entrance door. The letter informed them that evidence could be requested and warned that enforcement action could be taken if non-compliant.</p>	<p>Appendix to TMO00830598</p>	<p>Appendix to the TMO fire safety management policy.</p>
October 2012	<p>Planning application withdrawn and resubmitted under new code (PP/12/04097), submitted for 'the refurbishment of existing Grenfell Tower including new external cladding and fenestration, reconfiguration of lower 4 levels to provide 7 new residential units, replacement nursery and boxing club facilities, replacement canopy, external public realm works, redevelopment and change of use of existing garages to refuse collection area and office accommodation.</p>	<p>SEA00000064</p>	<p>IBI Taylor Young correspondence with KCTMO</p> <p>RBKC planning website</p> <p>RBKC chronology</p>

Date	Milestone	Reference	Evidence
January 2013	Approved Document B 2006 amended.	Approved Document B 2006 (incorporating 2007, 2010 and 2013 amendments)	Planning portal website
January 2013	Section 20 and 21 of the London Building Acts (amendment) Act 1939 repealed		9 January 2013
February 2013	Rule 43 letter regarding the Shirley Towers fire issued to DCLG from the Coroner.		Coroner rule 43 letter to DCLG
March 2013	Rule 43 letter regarding the Lakanal House fire issued to DCLG from the Coroner.		Coroner rule 43 letter to DCLG
April 2013	DCLG letter regarding Shirley Towers fire issued to housing directors of local authorities and CEOs of private registered providers.		DCLG letter from Lakanal House Inquiry documents
May 2013	DCLG response to rule 43 letter issued to coroner from Secretary of State.		Rule 43 letter response
May 2013	Power surges at Grenfell Tower reported by residents	RBK00000275	RBKC chronology
July 2013	Cabinet agree a revised budget for the whole Grenfell Tower project	RBK00000275	RBKC chronology
August 2013	Publication of OJEU notice	RBK00000275	RBKC chronology
October 2013	Executive Decision Report - Grenfell Tower Planning Application - Permission to enter into a Unilateral Undertaking.	RBK00000275	RBKC chronology
November 2013	RBKC's Grenfell Tower Planning Application - Permission to enter into a Unilateral Undertaking is approved by the Housing Policy Board.	RBK00000275	RBKC chronology
November 2013	Tenders invited for the refurbishment works in relation to the Enhancements and Improvements of Grenfell Tower.	RBK00000275	RBKC chronology

Date	Milestone	Reference	Evidence
2014	RBKC terminates Modular Management Agreement with the Lancaster West Estate Management Board.	RBK00000275	RBKC chronology
January 2014	Conditional approval of planning application PP/12/04097 given by RBKC, subject to 11 conditions of section 106 agreement.	RBK00000275	RBKC planning website & RBKC chronology
March 2014	Rydon appointed as Contractor by TMO.	RBK00000275	RBKC chronology
May 2014	Demolition Notice (DEM/14/02401) submitted. This application was in relation to parts of the building which were removed as enabling works to facilitate the building works under FP/14/03563.	RBK00000275	RBKC chronology
June 2014	Refurbishment works begin in Grenfell Tower Planning Application PP/14/03655 submitted for the change of use of nursery and office to further residential accommodation, creating two additional residential units. Documents on the planning portal show this to be in the southwest corner of the mezzanine and walkway levels.	RBK00000275	RBKC chronology RBKC planning website
July 2014	<u>CON/14/04204 (2)</u> application made re conditions. Details required by conditions 3 (samples and materials-external faces of building) and 4 (samples and materials-windows and doors) of planning permission PP/12/04097.	RBK00000275	RBKC chronology
July 2014	<u>CON/14/04204</u> application made re conditions. Details required by condition 11 (Construction Traffic Management Plan) of planning permission PP/12/04097.	RBK00000275	RBKC planning website RBKC chronology

Date	Milestone	Reference	Evidence
August 2014	CON/14/04204 – decision made – discharged of conditions grant.	RBK00000275	RBKC planning website RBKC chronology
September 2014	FP/14/03563 - TMO submitted a Building Regulations 'Full Plans application'. Description: New floor areas, new overcladding and windows, new heating system, reconfigured podium and entrance.	RBK00000275	RBKC Building Control website RBKC chronology (states August 2014)
September 2014	CON/14/04204 (2) – Discharge of conditions granted.	RBK00000275	RBKC chronology
December 2014	NMA/14/08597 – Non material amendment to planning permission PP/12/04097 submitted.	RBK00000275	RBKC chronology
December 2014	PP/14/03655 – permission granted subject to section 106 agreement. There are two conditions and two informatives.	RBK00000275	RBKC planning website, RBKC chronology
January 2015	NMA/14/08597 – decision to accept non-material amendments.	RBK00000275	RBKC chronology
February 2015	CON/15/01274 – conditions application. Details required by condition 3 (materials) of PP/12/04097.	RBK00000275	RBKC planning website RBKC chronology
March 2015	Purchase order for Celotex RS5080 received by SIG plc from Harley Curtain Wall Ltd. Total of 6146m ² to be delivered on or before 04/06/15.	SIG00000010	Purchase order D1059/9194
April 2015	CON/15/01274 – discharge of conditions granted in relation to PP/12/04097.	RBK00000275	RBKC planning website RBKC chronology
May 2015	Purchase order for Kingspan K15 received by SIG plc from Harley Curtain Wall Ltd. Total of 795m ² – with that amount subtracted from Celotex PO due to 'production issues'.	SIG00000012	Purchase order D1059/9341-065

Date	Milestone	Reference	Evidence
June 2015	First issue of BCA Technical Guidance Note 18 “Use of Combustible Cladding Materials on Buildings Exceeding 18m in Height”.	BCA website	BCA website and document issue date
September 2015	Coroner regulation 28 report to DCLG – Death of Emma Waring: Matter of concern: Inclusion of domestic sprinklers in residential properties, especially those housing vulnerable individuals (No response from DCLG).	Courts and Tribunal Judiciary website	Coroner’s report
March 2016	London Fire and Emergency Planning Authority responds to RBKC to confirm it has been consulted and is satisfied with the proposals.	RBK00003002	LFEPa record of consultation/ advice given
May 2016	Completion Certificate for smoke ventilation systems signed by PSB UK.	RYD00000577	Rydon O&M manual
May 2016	CON/16/02854 – conditions application. Details required by condition 5 (cycle parking and storage) of planning permission PP/12/04097. This application was withdrawn by the Applicant.	RBK00000275	RBKC planning website RBKC chronology
May 2016	CON/16/02850 – conditions application. Details required by condition 6 (hard and soft landscaping and external lighting) of planning permission PP/12/04097. This application was withdrawn by the Applicant.	RBK00000275	RBKC planning website RBKC chronology
May 2016	CON/16/02852 – conditions application. Details required by condition 7 (landscaping and tree/shrub planting scheme) of planning permission PP/12/04097.	RBK00000275	RBKC planning website RBKC chronology

Date	Milestone	Reference	Evidence
June 2016	Coroner regulation 28 report to Home Secretary – Death of fire fighter ~Stephen Hunt. Ten matters of concern relating to training and operational use of breathing apparatus and other equipment. Also relating to the competence of fire risk assessors.	Courts and Tribunal Judiciary website	Coroner's report
June 2016	Application CON/16/02854 in relation to condition 5 of PP/12/04097 withdrawn by Applicant.	RBK00000275	RBKC planning website RBKC chronology
June 2016	CON/16/03802 – conditions application. Details required by condition 5 (cycle parking) of planning permission PP/12/04907.	RBK00000275	RBKC planning website RBKC chronology
July 2016	Application CON/16/02850 in relation to condition 6 of PP/12/04097 withdrawn by Applicant.	RBK00000275	RBKC planning website RBKC chronology
July 2016	CON/16/02852 – discharge of conditions granted in relation to condition 7 of PP/12/04097. One informative re unique text.	RBK00000275	RBKC planning website RBKC chronology
July 2016	Final inspection of works carried out at Grenfell Tower by RBKC and building certificate for FP/14/03563 signed off by RBKC 7 th July. Completion Certificate issued by John Allen of RBKC Building Control to the TMO.	RBK00002987	Completion certificate from RBKC Building Control
August 2016	CON/16/03802 – discharged of conditions granted. 1 informative.	RBK00000275	RBKC planning website RBKC chronology
August 2016	CON/16/04468 – discharge of conditions granted in relation to condition 6 of PP/12/04097. 2 informative.	RBK00000275	RBKC planning website RBKC chronology

Date	Milestone	Reference	Evidence
September 2016	Gas leak at Grenfell Tower.	RBK00000275 CAD00000004 -	RBKC chronology Witness Statement of Stephen Mason, Cadent Gas Ltd
September 2016	National Grid cut off gas supply to parts of Grenfell Tower.	RBK00000275 CAD00000004	RBKC chronology Witness Statement of Stephen Mason, Cadent Gas Ltd
December 2016	Cadent Gas Limited (on behalf of National Grid) commence gas main works at Grenfell Tower.	RBK00000275	RBKC chronology

D5 Applicable legislation, regulation, statutory and non-statutory guidance

D5.1.1 Summary

D5.1.2 Table D.3 presents a summary of the legislation, regulation and guidance that was in force during the key dates identified in Table D.2.

Table D.3: Summary of legislation, regulation and guidance relevant to key milestones in the life of Grenfell Tower

Milestone	Date	Legislation, Regulation or Guidance relevant to Milestone date
Original design phase	1967	Legislation: London Building Acts (Amendment) Act 1939 Regulations: London Building (Constructional) Bylaws 1952 and 1964 Codes of Practice: LCC guide Means of escape in case of fire (1967 amendment), LCC Section 20 Code of Practice (1961), British Standard CP3: Chapter IV: Precautions against fire: Part 1. Fire precautions in flats and maisonettes over 80ft in height (1962)
Original construction phase	1972 to 1974	Legislation: London Building Acts (Amendment) Act 1939 Regulations: London Building (Constructional) Bylaws 1972 Codes of Practice: LCC guide Means of escape in case of fire (1967 amendment), British Standard CP3: Chapter IV: Precautions against fire: Part 1. Flats and maisonettes (in blocks over 2 storeys) (1971)
Building in use	1974 to 2006	Legislation: Fire Precautions Act 1971 applied by virtue of Section 10 only where enforced by the fire authority. (see D6.3.6-D6.3.9 below) The Fire Precautions (Workplace) Regulations 1997
Building Regulations application <u>AR/BR/W/150917</u> for improvements to ground floor community rooms	October 1979	Legislation: London Building Acts (Amendment) Act 1939 Regulations: London Building (Constructional) Bylaws 1972-1974, including London Building (Constructional) Amending Bylaws 1979 Codes of Practice: GLC guide Means of escape in case of fire (1974), British Standard CP3: Chapter IV: Precautions against fire: Part 1. Flats and maisonettes (in blocks over 2 storeys) (1978 amendment)
Building Regulations application <u>542/80</u> for alterations, repairs and decorations	April 1980	Legislation: London Building Acts (Amendment) Act 1939 Regulations: London Building (Constructional) Bylaws 1972-1974, including London Building (Constructional) Amending Bylaws 1979 Codes of Practice: GLC guide Means of escape in case of fire (Revised 1979), British Standard CP3: Chapter IV: Precautions against fire: Part 1. Flats and maisonettes (in blocks over 2 storeys) (1978 amendment)
Building Regulations application <u>AR/BR/2/150917</u> for alterations to plans previously approved, concerning the	July 1980	Legislation: London Building Acts (Amendment) Act 1939 Regulations: London Building (Constructional) Bylaws 1972-1974, including London Building (Constructional) Amending Bylaws 1979 Codes of Practice: GLC guide Means of escape in case of fire (Revised 1979), British Standard CP3: Chapter IV: Precautions

Milestone	Date	Legislation, Regulation or Guidance relevant to Milestone date
ground storey and mezzanine level play centre and community areas		against fire: Part 1. Flats and maisonettes (in blocks over 2 storeys) (1978 amendment)
Building Regulations application <u>AR/BR/2/150917</u> for the provision of three security screens and doors; the redecoration of the lobbies (incl. new self-closing fire resisting flat entrance doors); the provision of escape lighting system	January 1985	Legislation: Building Act 1984, London Building Acts (Amendment) Act 1939 Regulations: London Building (Constructional) Bylaws 1972-1974, including London Building (Constructional) Amending Bylaws 1979 Codes of Practice: GLC guide Means of escape in case of fire (Revised 1984), British Standard CP3: Chapter IV: Precautions against fire: Part 1. Flats and maisonettes (in blocks over 2 storeys) (1978 amendment)
Building Regulations application <u>16/847/85</u> for security improvements	May 1985	Legislation: Building Act 1984, London Building Acts (Amendment) Act 1939 Regulations: London Building (Constructional) Bylaws 1972-1974, including London Building (Constructional) Amending Bylaws 1979 Codes of Practice: GLC guide Means of escape in case of fire (Revised 1984), British Standard CP3: Chapter IV: Precautions against fire: Part 1. Flats and maisonettes (in blocks over 2 storeys) (1978 amendment)
Building Regulations application <u>B/1643/86</u> for alterations to decks 1 & 2, new floor staircase, toilets and general upgrading of existing structure	October 1986	Legislation: Building Act 1984, London Building Acts (Amendment) Act 1939 Regulations: Building Regulations 1985 Statutory Guidance: Mandatory Rules for means of escape 1985 Code of Practice: British Standard CP3: Chapter IV: Precautions against fire: Part 1. Flats and maisonettes (in blocks over 2 storeys) (1978 amendment)
Building Regulations application <u>JS/BM</u> for Phase 1 alterations to the existing layout of Deck-1 and Deck-2 of Playcentre	May 1987	Legislation: Building Act 1984, London Building Acts (Amendment) Act 1939 Regulations: Building Regulations 1985 Statutory Guidance: Mandatory Rules for means of escape 1985 Code of Practice: British Standard CP3: Chapter IV: Precautions against fire: Part 1. Flats and maisonettes (in blocks over 2 storeys) (1978 amendment)
Building Regulations application <u>B/2257/90</u> for the refurbishment of first floor, formerly a medical centre	December 1990	Legislation: Building Act 1984, London Building Acts (Amendment) Act 1939 Regulations: Building Regulations 1985 Statutory Guidance: Mandatory Rules for means of escape 1985 Code of Practice: British Standard CP3: Chapter IV: Precautions against fire: Part 1. Flats and maisonettes (in blocks over 2 storeys) (1978 amendment), BS 5588 Part 1: Code of practice for residential buildings 1990

Milestone	Date	Legislation, Regulation or Guidance relevant to Milestone date
Building Regulations application <u>S/20/67</u> for refurbishment and alteration of the medical care centre on the first floor of Grenfell Tower	January 1991	Legislation: Building Act 1984, London Building Acts (Amendment) Act 1939 Regulations: Building Regulations 1985 Statutory Guidance: Mandatory Rules for means of escape 1985 Code of Practice: British Standard CP3: Chapter IV: Precautions against fire: Part 1. Flats and maisonettes (in blocks over 2 storeys) (1978 amendment), BS 5588 Part 1: Code of practice for residential buildings 1990
Building Regulations application <u>S/20/67</u> – a Section 20 application under the London Building Acts for alterations to existing office on 1 st floor level	January 1991	Legislation: Building Act 1984, London Building Acts (Amendment) Act 1939 Regulations: Building Regulations 1985 Statutory Guidance: Mandatory Rules for means of escape 1985 Code of Practice: British Standard CP3: Chapter IV: Precautions against fire: Part 1. Flats and maisonettes (in blocks over 2 storeys) (1978 amendment), BS 5588 Part 1: Code of practice for residential buildings 1990
Building Regulations application <u>S/20/67</u> – a Section 20 application under the London Building Acts for alterations to existing office on 1 st floor level	January 1991	Legislation: Building Act 1984, London Building Acts (Amendment) Act 1939 Regulations: Building Regulations 1985 Statutory Guidance: Mandatory Rules for means of escape 1985 Code of Practice: British Standard CP3: Chapter IV: Precautions against fire: Part 1. Flats and maisonettes (in blocks over 2 storeys) (1978 amendment), BS 5588 Part 1: Code of practice for residential buildings 1990
Building Regulations Application <u>FP/00/01569</u> for office refurbishment and internal alterations on 1st floor submitted	November 2000	Legislation: Building Act 1984, London Building Acts (Amendment) Act 1939 Regulations: Building Regulations 1991, Construction (Design and Management) Regulations 1994 Statutory Guidance: Approved Document B 1992 Code of Practice: BS 5588 Part 1: Code of practice for residential buildings 1990
Building Regulations Application <u>FP/04/00796</u> to erect brick-clad pump room with concrete roof	May 2004	Legislation: Building Act 1984, London Building Acts (Amendment) Act 1939 Regulations: Building Regulations 2000, Construction (Design and Management) Regulations 1994 Statutory Guidance: Approved Document B 2000 Code of Practice: BS 5588 Part 1: Code of practice for residential buildings 1990
Lift replacement	2004-2005	Legislation: Building Act 1984, Health and Safety at Work Act 1974 Regulations: Building Regulations 2000, Construction (Design and Management) Regulations 1994 Statutory Guidance: Approved Document B 2000

Milestone	Date	Legislation, Regulation or Guidance relevant to Milestone date
		Code of Practice: BS 5588-1:1990 (flats and maisonettes), BS 5588-5:1991 (firefighting stairs and lifts)
Building in use	2006 to 2017	Legislation: Regulatory Reform (Fire Safety) Order 2005, Housing Act 2004 Regulations: Housing Health and Safety Rating System (England) Regulations 2005 Statutory Guidance: DCLG guides for the HHSRS (Enforcement, Operation and Landlord) (2006), DCLG guide to fire safety risk assessment in sleeping accommodation 2006
Building Regulations application BN/08/04452 to replace flat roof coverings	September 2008	Legislation: Building Act 1984, Health and Safety at Work Act 1974 Regulations: Building Regulations 2000, Construction (Design and Management) Regulations 2007 Statutory Guidance: Approved Document B 2006 Code of Practice: BS 5588-1:1990 (flats and maisonettes)
Refitting of flat front doors	2011	Legislation: Regulatory Reform (Fire Safety) Order 2005, Health and Safety at Work Act 1974 Regulations: Construction (Design and Management) Regulations 2007 Statutory Guidance: DCLG guide to fire safety risk assessment in sleeping accommodation 2006
Refurbishment design begins	2012	Legislation: Building Act 1984, Regulatory Reform (Fire Safety) Order 2005, Health and Safety at Work Act 1974 Regulations: Building Regulations 2010, Construction (Design and Management) Regulations 2007 Statutory Guidance: Approved Document B (2010) Code of Practice: BS 9991 (2011) Guidance: LGA guide to Fire safety in purpose-built blocks of flats 2012
Full plans Building Regulations submission and work begins on site	2014	Legislation: Building Act 1984, Regulatory Reform (Fire Safety) Order 2005, Health and Safety at Work Act 1971 Regulations: Building Regulations 2010, Construction (Design and Management) Regulations 2007 Statutory Guidance: Approved Document B (2010) Code of Practice: BS 9991 (2011) Guidance: LGA guide to Fire safety in purpose-built blocks of flats (2014)
RBKC issues Completion Certificate and project reaches Practical Completion	2016	Legislation: Building Act 1984, Regulatory Reform (Fire Safety) Order 2005, Health and Safety at Work Act 1971 Regulations: Building Regulations 2010, Construction (Design and Management) Regulations 2007 Statutory Guidance: Approved Document B (2010) Code of Practice: BS 9991 (2011) Guidance: LGA guide to Fire safety in purpose-built blocks of flats (2014)

D5.1.3 The following sections provide a brief explanation of the legislation, regulations and statutory and non-statutory guidance documents referred to in

Table D.3. The summaries present the terms of application of each document and identify the key sections in each that define the fire safety responsibilities and design measures that were relevant to Grenfell Tower.

- D5.1.4** This is in order to understand the minimum standards of compliance with the legislation, regulation and guidance and therefore to permit the other sections in this report to discuss in detail the compliance, or otherwise, of the fire safety measures in Grenfell Tower on the 14th June 2017.
- D5.1.5** Please also refer to the relevant parts of the expert report by Colin Todd that deals with the applicable legislation, regulation and guidance relevant to Grenfell Tower.

D6 Legislation

- D6.1.1** Legislation sets out the law that must be complied with.
- D6.1.2** Legislation sets high level requirements. The means by which the high level requirements can be complied with are set out in Regulations (Section D7) and Guidance (Sections D8 and 0).

D6.2 Fire safety design

D6.2.1 London Building Acts (Amendment) Act 1939

- D6.2.2** In accordance with the chronology presented in Section D4 the building was first designed in 1967. Construction began in 1972 and was completed in 1974. The active legislation controlling building design and construction in London at this time was the London Building Acts (Amendment) Act 1939

- D6.2.3** This Act has key sections relating to fire safety in buildings:

- a) Section 20 – ‘Precautions against fire in certain buildings and cubical extent of buildings’ - Requiring that *“proper arrangements will be made and maintained for lessening so far as is reasonably practicable danger from fire in the building.”* For buildings taller than 100ft (30m) (or 80ft (25m) where the building footprint exceeds 10,000sqft (930m²).
- b) Section 34 – ‘Protection against fire in certain new dwellings’ - Requiring *“... all such means of escape therefrom in case of fire as in the circumstances of the case can be reasonably provided...”* in every new building which has a storey at a greater height than 20ft.
- c) Section 98 – ‘Byelaws with respect to construction and conversion of buildings’ - this enabled byelaws to be made with respect to the specification of fire resistance tests, periods of fire resistance required, subdivision of a building to control fire spread, the classification and certification of buildings by the district surveyor, limitations on the use of

buildings to their classification, the provision and maintenance of appliances, means for ‘extinguishing’ and the uniting of buildings.

- D6.2.4** Note Section 98 (2) permitted any such byelaws made under Section 98(1) to replace the whole or part of the provisions of Section 20 Precautions against fire in certain buildings and cubical extent of buildings. Such byelaws were required to specify to what extent the enactment or part thereof was replaced.
- D6.2.5 Public Health Act 1936 and 1961**
- D6.2.6** The active legislation controlling building design and construction nationally at the same time was the Public Health Act 1961.
- D6.2.7** Section 4 (1) of the Public Health Act 1961 granted the minister power to make regulations for all or any of matters set out in the sections 61 to 62 of the public Health Act 1936. These sections were:
- a) 61 – Byelaws with respect to buildings and sanitation; and
 - b) 62 – Application of certain byelaws to existing buildings
- D6.2.8** Local authorities “*shall no longer have power to make building byelaws*”. Regulations under this section “*shall be known as building regulations*”.
- D6.2.9** Section 60 of the Public Health Act 1936 ‘Means of escape from fire in the case of certain high buildings’ was not repealed by the 1961 Act. Section 60 required the local authority to deem the necessary provisions for means of escape in case of fire for any building where the floor of the upper storey is more than 20 foot above the surface of the ground and is let in flats or tenement dwellings.
- D6.2.10 The Health and Safety at Work Act 1974**
- D6.2.11** This Act makes provision for securing the health, safety and welfare of persons at work and for protection others against risks to health and safety in connection with the activities of persons at work.
- D6.2.12** It is the enabling legislation for the Construction (Design and Management) Regulations 1994 and 2007, described in Section D7, that places responsibilities on building owners, designers and contractors to maintain and provide information relevant to fire safety design and operation of the building.
- D6.2.13 Building Act 1984**
- D6.2.14** In accordance with the chronology presented in Table D.2, the alterations to the building were submitted for building control approval in 2014. The active legislation controlling building design and construction in London at this time was the Building Act 1984.
- D6.2.15** The preamble of this Act states that its purpose was to consolidate previous enactments concerning construction, buildings and related matters. Section 72

of the 1984 Act provides specific legislative requirements for maintaining means of escape from buildings at all times, and not just as part of the design and construction.

D6.2.16 Application of Section 72 to flats was repealed by Section 266 and Schedule 16 the Housing Act 2004. Therefore, after the commencement of the 2004 Act the Building Act no longer enforced requirements for means of escape in case of fire in buildings in operation. Instead this requirement was enforced through the powers in the Housing Act and the Regulatory Reform (Fire Safety) Order 2005.

D6.2.17 Schedule 1 of the Housing Act presents the specific fire precautions that the Secretary of State has the power to create Building Regulations to control.

D6.2.18 Section 6 of this Act also provides the legislative power for the Secretary of State to create statutory guidance for aspects of building construction, including fire safety, in the form of Approved Documents (Section D8).

D6.3 Fire safety in operation

D6.3.1 Fire Precautions Act 1971

D6.3.2 This legislation was enacted to:

“... make further provisions for the protection of persons from fire risks; and for purposes connected therewith.”

D6.3.3 This Act sets out the circumstances under which premises were required to have a fire certificate, issued by the local fire authority. Under this legislation it was an offence to operate a premises that was designated as requiring a fire certificate without such a certificate.

D6.3.4 Fire certificates were required to state:

- a) *“the particular use or uses of the premises which the certificate covers; and*
- b) *the means of escape in case of fire with which the premises are provided; and*
- c) *the means (other than means for fire fighting) with which the relevant building is provided for securing that the means of escape with which the premises are provided can be safely and effectively used at all material times; and*
- d) *the type, number and location of the means for fighting fires (whether in the premises or affecting the means of escape) with which the relevant building is provided for use in case of fire by persons in the building; and*

e) The type, number and locations of the means with which the relevant building is provided for giving to persons in the premises warning in case of fire.”

- D6.3.5** Additionally, Section 6(2) of the Act permitted the relevant fire authority to impose requirements and restrictions on the operation, maintenance and occupancy of the building in relation to the items quoted above.
- D6.3.6** Clause 1-(2) of the FPA states that “the Secretary of State may by order designate particular uses of premises” to become “designated uses” under the FPA.
- D6.3.7** Based on the Fire Precautions Orders which were made (statutory instruments 1972 No.238, 1976 No. 2009 and 1989 No. 76), high rise blocks of flats were not designated uses for which fire certificates were compulsory.
- D6.3.8** However, Clause 10 of the FPA permits the fire authority to apply to the courts for a restriction or prohibition of the use of a premises, whether designated or not, in the event that the premises involved an excessive risk to persons in case of fire.
- D6.3.9** Therefore, by virtue of Section 10, the FPA 1971 was in principle applicable to Grenfell Tower. However, I am not aware that any application was made by the fire authority in respect of Grenfell Tower.
- D6.3.10** The legislation was enforced by the local fire authority.
- D6.3.11** This Act was repealed and replaced by the Regulatory Reform (Fire Safety) Order 2005 on its commencement on 1st April 2006.
- D6.3.12** Regulatory Reform (Fire Safety) Order 2005
- D6.3.13** The Regulatory Reform (Fire Safety) Order 2005 (commencing 1st April 2006) replaced the Fire Precautions Act 1971.
- D6.3.14** Article 5 of the Order places duties on specific persons that have control over premises to implement and maintain fire precautions. Those persons are referred to as “responsible persons”.
- D6.3.15** Article 25(a) states that the enforcing authority for the Order in high rise blocks of flats is the relevant fire and rescue authority for the area in which the building stands.
- D6.3.16** As stated in Article 6(1)(a), the Order does not apply to individual domestic dwellings. However, where those dwellings are part of a block of flats, the Order imposes duties on home owners and tenants in relation to cooperating with and assisting the responsible person for the building (Article 17 - Maintenance) and any relevant inspectors (Article 27 – Powers of inspectors) and enforcing officers (Article 32 - Offences).

D6.3.17 Housing Act 2004

D6.3.18 This Act addresses several aspects of regulation of housing. Part 1 addresses housing conditions and provides the legislative background for a new system of assessing housing conditions. Part 1 of this Act also provides the legislative powers by which housing conditions may be enforced in the UK.

D6.3.19 Sections 5 and 7 of the 2004 Act place the responsibility of enforcing the Act on the local housing authority, a function of local authorities. These sections came into force on the 6th April 2006.

D6.3.20 The Housing Act applies to dwellings and to any common part of a block of flats. Unlike the RRO, the Housing Act is explicit in its definition of common parts as follows (Section 1(5)):

““common parts”, in relation to a building containing one or more flats includes – a) the structure and exterior of the building, and b) common facilities provided (whether or not in the building) for persons who include the occupiers of one or more of the flats.”

D6.3.21 Section 3 of the Housing Act, commencing on the 6th April 2006, requires local housing authorities to keep housing conditions in their area under review, and to investigate and take action against hazards that may be present. Fire is explicitly referenced as a relevant hazard in Section 10 of the Act. Where fire hazards are identified, the Act requires local housing authority to consult the local fire authority, where possible, before taking action.

D6.4 Fire service legislation

D6.4.1 Fire Services Act 1947

D6.4.2 This Act was introduced to make further provisions for fire services in Great Britain and to transfer fire-fighting functions from the National Fire Service to fire brigades maintained by the councils of counties and county boroughs.

D6.4.3 The Act sets out the duties and powers of fire authorities, alongside administrative and financial provisions. Section 1 of the Act identifies the primary duties as follows:

“It shall be the duty of every fire authority in Great Britain to make provision for fire-fighting purposes, and in particular every fire authority shall secure:

a) The services for their area of such a fire brigade and such equipment as may be necessary to meet efficiently all normal requirements;

b) The efficient training of the members of the fire brigade;

c) Efficient arrangements for dealing with calls for the assistance of the fire brigade in case of fire and for summoning members of the fire brigade;

d) Efficient arrangements for obtaining, by inspection or otherwise, information required for fire-fighting purposes with respect to the character of the buildings and other property in the area of the fire authority, the available water supplies and the means of access thereto, and other material local circumstances;

e) Efficient arrangements for ensuring that reasonable steps are taken to prevent or mitigate damage to property resulting from measures taken in dealing with fires in the area of the fire authority;

f) Efficient arrangements for giving, when requested, of advice in respect of buildings and other property in the area of the fire authority as to fire prevention, restricting the spread of fires, and means of escape in case of fire.”

D6.4.4 Sections 13 to 16 of the 1947 Act describe the duties and powers of fire authorities to ensure the provision of adequate water supplies for fire fighting, in cooperation with statutory water authorities and any other parties who may control relevant water supplies.

D6.4.5 This act was repealed entirely by the subsequent Fire and Rescue Services Act 2004, described below.

D6.4.6 Fire and Rescue Service Act 2004

D6.4.7 This Act repealed the Fire Service Act 1947. The 2004 Act also lists the core duties of fire services as follows:

- a) Promotion of fire safety;
- b) Fire-fighting;
- c) Rescuing people from road traffic accidents; and
- d) Functions relating to emergencies other than fires and road traffic accidents.

D6.4.8 The 2004 Act also expands the responsibility of the fire service to other emergencies, including:

“events or situation is one that causes or is likely to cause – a) one or more individuals to die, be injured or become ill; b) harm to the environment (including the life and health of plants and animals).”

D6.4.9 Sections 38 to 43 of the 2004 Act describe the duties and powers of fire authorities to ensure the provision of adequate water supplies for fire fighting, in cooperation with statutory water authorities and any other parties who may control relevant water supplies.

D6.4.10 Section 45 of the 2004 Act provides powers to fire fighters to enter premises “... for the purpose of obtaining information needed for the discharge of a fire and rescue authority’s functions under Sections 7, 8 or 9...”.

D6.4.11 Furthermore, fire fighters may apply for a warrant to enter premises by force if obstructed in their duties.

D6.4.12 Section 7 of the 2004 Act states:

“(1) A fire and rescue authority must make provision for the purpose of—

a) Extinguishing fires in its area, and

b) Protecting life and property in the event of fires in its area

...

(2) In making provision under subsection (1) a fire and rescue authority must in particular—

...

d) Make arrangements for obtaining information needed for the purpose mentioned in subsection (1); ...”

D6.4.13 The gathering of information about the fire safety design and management of buildings before a fire occurs is an important part of the fire service’s generic risk assessment process as described in Section D9.4 and therefore the 2004 Act provides powers of entry in advance of fire events.

D7 Regulations

D7.1.1 Regulations are enacted by Parliament to provide more details on how persons with duties under Legislation are required to demonstrate compliance with the law.

D7.2 Fire Safety Design

D7.2.1 London Building (Constructional) Bylaws

D7.2.2 Before the commencement of the Building Regulations in London, construction standards were controlled by Bylaws instituted under Section 98 of the 1939 Act. No regulation was enacted by Section 20 and 34 of the 1939 Act. Codes of Practice for compliance with these sections were published by the London County Council (LCC) and later the Greater London Council (GLC) which I describe in Section D8.2 of this Appendix.

D7.2.3 The national building regulations made under the Public Health Act 1961 (The Building Regulations 1965 and 1972) did not apply in London at the time of the construction of Grenfell Tower.

D7.2.4 The following Bylaws were in force during the design and when construction began in 1972:

a) London Building (Constructional) Bylaws 1952

b) London Building (Constructional) Bylaws 1964

D7.2.5 Part XI of these Bylaws presented instructions to designers as to how buildings were to be constructed

“... to minimise the risk of the spread of fire between adjoining buildings by a stable and durable form of construction to prevent the untimely collapse of buildings in the event of fire and to minimise the risk of spread of fire between specified parts of buildings.”

D7.2.6 These instructions specify the fire resistance rating required by elements of construction, i.e. columns, walls and floors. The Bylaws address only the fire resistance requirements of elements of construction and do not discuss design requirements or concepts for means of escape or fire fighting purposes.

D7.2.7 The Building Regulations 1965

D7.2.8 The Building Regulations 1965, enacted under the Public Health Act 1961, were in force nationally but not in London at the time of construction of Grenfell Tower.

D7.2.9 Part E of the Regulations prescribed the requirements for ‘Structural Fire Precautions’.

D7.2.10 The Regulations designated purpose groups, rules of measurement, fire resistance periods and tests of fire resistance. It made provisions for compartment walls and floors, for external walls, separating walls, protected shafts, fire resisting doors, stairways and fire stopping. It also made provisions for restriction of spread of flame over surfaces of walls and ceilings, performance requirements for roofs and small garages.

D7.2.11 The Public Health Act 1961 did not grant ministers the power to make regulations with regard to means of escape in the case of fire (Section 60 of The Public Health Act 1936). Therefore, the necessary provisions for means of escape were defined by Local Authorities. I describe the guidance available during the construction of Grenfell Tower CP3 1962 and 1971 in Section D9.2.

D7.2.12 Building Regulations 1985

D7.2.13 The Building Regulations 1985, were enacted by the Building Act 1984 and stated that they “shall not apply in inner London”.

D7.2.14 For London, the Building (Inner London) Regulations 1985 were enacted and stated that “the Building Regulation 1985 ...shall apply in inner London”.

D7.2.15 Building Regulations 2010

D7.2.16 The Building Regulations provide functional requirements that must be demonstrated for a building to be compliant with the Building Act 1984. The

2010 version of the Building Regulations was current at the time of the alterations to Grenfell Tower in 2014. This is still the current version.

D7.2.17 Works controlled by the Building Regulations

D7.2.18 The 2010 Regulations control two types of action:

- a) Building Work (Article 3 of the Building Regulations 2010) – Relevant to the erection or extension of a building and the “*material alteration*” of a building, among other conditions; and
- b) Material change of use (Article 5 of the Building Regulations 2010) – Where there is a change in the purposes for which a building is used, for example Regulation 5.(g) “*the building, which contains at least one dwelling, contains a greater or lesser number of dwellings than it previously did.*” Physical changes to the building are not required for it to fall under the requirements of a material change of use.

D7.2.19 These actions are discussed in the following sections. When work is controlled by the Building Regulations it must comply with one or more of the “functional requirements” listed in Schedule 1, and excerpted below.

D7.2.20 Functional requirements of the Building Regulations 2010

D7.2.21 The functional requirements in the Building Regulations relating to fire safety are defined in Part B of Schedule 1 of the Building Regulations, as follows:

- a) **Part B1 Means of warning and escape** –
The building shall be designed and constructed so that there are appropriate provisions for the early warning of fire, and appropriate means of escape in case of fire from the building to a place of safety outside the building capable of being safely and effectively used at all material times.
- b) **Part B2 Internal fire spread (linings)** –
 - (1) To inhibit the spread of fire within the building, the internal linings shall – a) adequately resist the spread of flame over their surfaces; and b) have, if ignited, either a rate of heat release or a rate of fire growth, which is reasonable in the circumstances
 - (2) In this paragraph “internal linings” means the materials or products used in lining any partition, wall, ceiling or other internal structure.
- c) **Part B3 Internal fire spread (structure)** –
 - (1) The building shall be designed and constructed so that, in the event of fire, its stability will be maintained for a reasonable period.
 - (2) A wall common to two or more buildings shall be designed and constructed so that it adequately resists the spread of fire between those buildings. For the purposes of this sub-paragraph a house in a terrace and a semi-detached house are each to be treated as a separate building.
 - (3) Where reasonably necessary to inhibit the spread of fire with the building, measures shall be taken, to an extent appropriate to the size and intended use of the building, comprising either or both of the following –

a) sub-division of the building with fire-resisting construction; b)
installation of suitable automatic fire suppression systems.
(4) The building shall be designed and constructed so that the unseen
spread of fire and smoke within concealed spaces in its structure and fabric
is inhibited.

d) **Part B4 External fire spread –**

(1) The external walls of the building shall adequately resist the spread of
fire over the walls and from one building to another, having regard to the
height, use and position of the building.

(2) The roof of the building shall adequately resist the spread of fire over
the roof and from one building to another, having regard to the use and
position of the building.

e) **Part B5 Access and facilities for the fire service –**

(1) The building shall be designed and constructed so as to provide
reasonable facilities to assist the fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to
enable fire appliances to gain access to the building.

D7.2.22 Building Regulations 2010 - Material alteration

D7.2.23 The requirements for material alterations are described in Article 4 of the
Building Regulations 2010. These requirements define how the person doing
the work is able to comply with the Building Regulations and therefore with
the Building Act 1984.

D7.2.24 A *material alteration* is a class of building work, as defined by the 2010
Regulations. An alteration is considered to be material under the Regulations
if:

“the work, or any part of it, would at any stage result-

- a) In a building or controlled service or fitting not complying with a relevant
requirement where previously it did; or*
- b) In a building or controlled service or fitting which before the work
commenced did not comply with a relevant requirement, being more
unsatisfactory in relation to such a requirement”*

D7.2.25 Where material alterations are made to a building, the Building Regulations
require that the once the works are completed, the building must comply with
Parts B1, B3, B4 and B5 as described above, or where it did not comply
previously is no more unsatisfactory than before the work was carried out.

D7.2.26 Maintenance works to a building would not trigger a requirement to make a
building regulations application, unless the maintenance works would reduce
the level of safety relating to one or more of the provisions of Parts B1 to B5.
This is because they would not be a material alteration as defined in Article
3(2).

- D7.2.27** Please refer to Section 4 of this report for a description of the works undertaken in Grenfell Tower since 2005.
- D7.2.28 Building Regulations 2010 - Material change of use**
- D7.2.29** The requirements for material changes of use are described in Regulation 6 of the Building Regulations 2010. These requirements define how the person doing the work is able to comply with the Building Regulations and therefore with the Building Act 1984.
- D7.2.30** In accordance with Regulations 6(1)(a) and (c), in buildings over 15m in height, if the change of use is relevant to the whole building, then the whole building must comply with Parts B1 to B5 of the Building Regulations, as described in Section D7.2.7.
- D7.2.31** As defined in Regulations 6(2)(a) and (c), where there is a material change of use of part of a building only, then the parts that fall under the change of use must comply with Parts B1, B2, B3, B4(2) (external fire spread – roofs) and B5 only. However, the whole of the building must still comply with Part B4(1) (external fire spread – walls).
- D7.2.32** Please refer to Section 4 of this report for a description of the works undertaken in Grenfell Tower since 2005.
- D7.2.33 Building Regulations 2010 – Fire safety information**
- D7.2.34** The requirement for the “person carrying out the work” to provide fire safety information to the responsible person was first introduced as Regulation 16B in the Building Regulations 2000, through the introduction of the Building and Approved Inspectors (Amendment) (No.2) Regulations 2006.
- D7.2.35** The Building Regulations 2010 retained this requirement as Regulation 38 (excerpt below)::

PART 8

Information to be Provided by the Person Carrying Out Work

Fire safety information

38.—(1) This regulation applies where building work—

- (a) consists of or includes the erection or extension of a relevant building; or
- (b) is carried out in connection with a relevant change of use of a building,

and Part B of Schedule 1 imposes a requirement in relation to the work.

(2) The person carrying out the work shall give fire safety information to the responsible person not later than the date of completion of the work, or the date of occupation of the building or extension, whichever is the earlier.

(3) In this regulation—

- (a) “fire safety information” means information relating to the design and construction of the building or extension, and the services, fittings and equipment provided in or in connection with the building or extension which will assist the responsible person to operate and maintain the building or extension with reasonable safety;

- (b) a “relevant building” is a building to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of building work;
- (c) a “relevant change of use” is a material change of use where, after the change of use takes place, the Regulatory Reform (Fire Safety) Order 2005 will apply, or continue to apply, to the building; and
- (d) “responsible person” has the meaning given by article 3 of the Regulatory Reform (Fire Safety) Order 2005.

D7.2.36 Regulation 38 requires the person carrying out the building work to give fire safety information to the responsible person for that building no later than the date of completion of the work.

D7.2.37 Regulation 38 defines the fire safety information to be provided. It is information relating to the design and construction of the building which will assist the responsible person to operate and maintain the building with reasonable safety.

D7.2.38 The responsible person is defined and has duties under the Regulatory Reform (Fire Safety) Order 2005. It is the person who owns and/or controls the building.

D7.2.39 Compliance with regulation 38 is required for any building where the Regulatory Reform (Fire Safety) Order 2005 applies; this is the legislation that provides for fire safety duties when buildings are completed and occupied (See Section D7.3)

D7.2.40 Building Regulations 2010 – Full Plans Submission

D7.2.41 Where the Regulatory Reform (Fire Safety) Order 2005 applies once that building is occupied, there is an additional requirement to make a full plans submission.

Giving of a building notice or deposit of plans

12.—(1) This regulation applies to a person who intends to—

- (a) carry out building work;

(3) A person intending to carry out building work in relation to a building to which the Regulatory Reform (Fire Safety) Order 2005(a) applies, or will apply after the completion of the building work, shall deposit full plans.

D7.2.42 This means providing a description of the proposed building work, and any other plans necessary to show that the work would comply with the Regulations:

Full plans

14.—(1) Full plans shall be accompanied by a statement that they are deposited for the purpose of regulation 12(2)(b).

(4) Full plans shall be accompanied by a statement as to whether the building is a building in relation to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of the building work.

D7.2.43 Finally, local authorities are required to provide a completion certificate in respect of works to buildings to which the Regulatory Reform (Fire Safety) Order 2005 will apply.

Completion certificates

17.—(1) A local authority shall give a completion certificate in accordance with this regulation and as provided for in paragraph (2) where—

- (a) they receive a notice under regulation 16(4) or (5) that building work has been completed, or, that a building has been partly occupied before completion; and
- (b) they have either—
 - (i) been notified, in accordance with regulation 14(4), that the building is a building to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of the work; or
 - (ii) been requested, in accordance with regulation 14(5), to give a completion certificate.

D7.2.44 **The Building (Approved Inspector) Regulations 2010**

D7.2.45 These regulations define the procedure to be followed in the event that a building regulations submission is supervised by an Approved Inspector, rather than the local authority. These Regulations are enabled under powers contained in the Building Act 1984.

D7.2.46 The Building (Inner London) Regulations 1985 required the application of the Building (Approved Inspector) Regulations 1985 in London. The Building (Approved Inspector) Regulations 2010 supersede the 1985 regulations.

D7.2.47 The primary duty of an Approved Inspector is stated in Regulation 8 of the Regulations, as follows:

“an approved inspector by whom an initial notice has been given shall, so long as the notice continues in force, take such steps (which may include the making of tests of building work and the taking of samples of material) as are reasonable to enable the approved inspector to be satisfied within the limits of professional skill and care that—

- a) regulations 4 (requirements relating to building work), 6 (requirements relating to material change of use), 7 (materials and workmanship), ... 38 (Fire safety information), ... of the Principal Regulations are complied with,”*

D7.2.48 In this case the “Principal Regulations” are the Building Regulations 2010.

D7.2.49 The Approved Inspector Regulations do not explicitly apportion enforcement powers to the approved inspector. If the works being supervised do not comply with the Building Regulations and the approved inspector cannot agree the design with the person doing the work, then under Section 18 of the Approved Inspector Regulations the inspector may cancel their initial notice. This means that the person doing the work must then engage with the local

authority building control to resolve the compliance of the design with the Building Regulations.

D7.2.50 The Approved Inspector Regulations also place requirements on competency and, crucially, independence of Approved Inspectors undertaking such supervision.

D7.2.51 Approved Inspectors are also required to consult with the fire service where the works they are supervising are required to address Part B of the Building Regulations 2010.

D7.2.52 The Construction (Design and Management) Regulations 2007

D7.2.53 The CDM regulations were enacted under the Health and Safety at Work Act 1974 (Section D6.2.5) and commenced on the 6th April 2007. Their primary function is to control risks to the health and safety of construction workers and people who may be affected by construction work. The most recent version of these Regulations are CDM 2015.

D7.2.54 The CDM regulations also require specific parties involved in building projects to create and maintain a “health and safety file”, defined in the Regulations as:

“a record containing information relating to the project that is likely to be needed during any subsequent construction work to ensure the health and safety of any person... “

D7.2.55 Noting that the CDM regulations include renovation, repair, upkeep and maintenance under the definition of “construction work”. Therefore, the health and safety file must include all information about the installation, certification, commissioning and maintenance of fire safety measures installed in the building.

D7.2.56 Duties are placed on the Client and all Designers and Contractors involved in the project to provide all relevant information to the health and safety file. The health and safety file is delivered to the Client at the end of the construction phase.

D7.3 Fire safety in operation

D7.3.1 The Fire Precautions (Workplace) Regulations 1997

D7.3.2 These regulations were implemented under the Fire Precautions Act 1971. They placed duties on employers and persons in control of workplaces to provide specific fire safety provisions in order to safeguard the safety of employees in case of fire.

D7.3.3 The Regulations specifically describe technical, management and training requirements (to the extent that they are appropriate to the workplace) for:

- a) Fire detection and alarm systems;

- b) Automatic and non-automatic fire-fighting equipment;
- c) Emergency routes and exits
- d) Appropriate systems of maintenance for of each of the above

D7.3.4 Enforcement of the 1997 Regulations was the responsibility of the local fire authority. The Regulations provide the local fire authority with powers to serve enforcement notices on workplaces.

D7.3.5 These Regulations would have been relevant only to the non-residential areas of Grenfell Tower. This includes the common corridors on each residential floor of the building, which were workplaces for relevant members of staff of management and maintenance organisations.

D7.3.6 The Fire Precautions (Workplace) Regulations 1997 were revoked in their entirety by the Regulatory Reform (Fire Safety) Order 2005.

D7.3.7 **The Housing Health and Safety Rating System (England) Regulations 2005**

D7.3.8 The Housing Health and Safety Rating System (England) Regulations 2005 (HHSRS) were enacted under the Housing Act 2004, described in Section D6.3.17, above. The HHSRS replaced the existing system for assessing housing conditions contained in Section 604 of the Housing Act 1985.

D7.3.9 **The HHSRS defines a method by which an inspector can determine the following:**

- e) The likelihood of a hazard occurring;
- f) The likelihood of an occupant undergoing each of 4 classes of “harm” due to the hazard under investigation; and therefore
- g) Classify the hazard under investigation into bands (from A being most hazardous, to J being least hazardous) based on a numerical scoring system.

D7.3.10 This method is intended to produce an equal measure of hazard across 29 different hazard types, of which Type 24 is Fire.

D7.3.11 When determining the likelihood of the four classes of harm, the inspector must assess the harm against the “relevant occupier”. For fire hazards, Regulation 6(7)(g) defines the “relevant occupier” to be a person aged 60 or over.

D7.3.12 Section 2 of the 2004 Act states that a “*hazard*” means *any risk of harm to the health or safety of an actual or potential occupier of a dwelling...*”. Therefore, an inspector undertaking an assessment of a dwelling must calculate harm against the “relevant occupier” as defined in the HHSRS, regardless of the age or condition of the current occupier of a residential building (if any).

D8 Statutory guidance

- D8.1.1** This is guidance approved or endorsed by a specified Government Minister (whether created by a Government department or not) to assist individuals in complying with the Regulations and the Legislation. In order for guidance to be statutory, it must also be created under powers invested in the Minister by legislation.
- D8.1.2** As indicated in Table D.1, statutory guidance holds a special position in the hierarchy of guidance. The following is an example using Approved Documents:
- “A failure on the part of a person to comply with an approved document does not of itself render him liable to any civil or criminal proceedings; but if, in any proceedings whether criminal or civil, it is alleged that a person has at any time contravened a provision of building regulations-*
- a) a failure to comply with a document that at that time was approved for the purposes of that provision may be relied upon as tending to establish liability, and*
 - b) proof of compliance with such a document may be relied upon as tending to negative liability.”*

D8.2 Fire Safety Design

- D8.2.1 Approved Document B (2013 edition)**
- D8.2.2** This document provides statutory guidance for designers with respect to fire safety in buildings. Its stated intention (ADB p5) *“is to provide simple guidance for the most common types of buildings”*. Volume 2 of this document addresses the fire safety design of high rise blocks of flats.
- D8.2.3** Approved Documents are issued based on the powers assigned to the Secretary of State by the Building Act 1984. The first edition of this document was published in 1985 and addressed only Parts B2 (Internal fire spread (surfaces)), B3 (Internal fire spread (structure)) and B4 (External fire spread).
- D8.2.4** Guidance to comply with Part B1 of the Building Regulations (Means of escape) was provided in a separate document called the Mandatory Rules for means of escape, also published in 1985. Section 2 of the Mandatory Rules for means of escape required a building of three or more storeys containing a flat on the third storey or above to be constructed in accordance with the *British Standard Code of Practice CP3 Code of basic data for the design of buildings, Chapter IV Precautions Part: 1948 Flats and Maisonettes (in blocks over two storeys)*.

D8.2.5 Further revisions of ADB occurred in 1992, 2000, 2002, 2006, 2007, 2010 and 2013. These revisions of ADB included specific guidance within them to address Part B1

D8.2.6 ADB provides specific guidance on how high-rise residential buildings should be designed to comply with Parts B1 to B5 (please see Section D7.2.7) of the Building Regulations. The design concept followed in all revisions of ADB for residential buildings is based on the following assumptions:

- a) *“The fire is generally in a flat*
- b) *There is no reliance on external rescue (e.g. by a portable ladder)*
- c) *Measures in Section 8 (B3) provide a high degree of compartmentation and therefore a low probability of fire spread beyond the flat of origin, so that simultaneous evacuation of the building is unlikely to be necessary; and*
- d) *Although fires may occur in the common parts of the building, the materials and construction used there should prevent the fabric from being involved beyond the immediate vicinity (although in some cases communal facilities existing which require additional measures to be taken).”*

D8.2.7 This design concept is commonly known as the “stay put” evacuation strategy.

D8.3 Fire safety in operation

D8.3.1 Statutory guidance for complying with the HHSRS

D8.3.2 The DCLG has produced the following statutory guidance relating to the background, implementation and enforcement of the HHSRS:

D8.3.3 Housing Health and Safety Rating System: Guidance for Landlords and Property Related Professionals –

D8.3.4 The stated purpose of this guide is to assist non-specialists, in particular private landlords, in understanding the process and outcome of an inspection using the HHSRS method.

D8.3.5 This guide also provides an overview of the inspections and enforcement processes. It highlights in particular the responsibilities of landlords in managing hazards in their properties.

D8.3.6 Guidance is also provided on the 29 different hazards identified in the HHSRS, how to identify them and a range of specific preventive measures that can help mitigate the hazards.

D8.3.7 Housing Health and Safety Rating System: Operating guidance

- D8.3.8** This document is to assist inspectors in how to implement the hazard rating method defined in the HHSRS Regulations 2005.
- D8.3.9** The operational guide discusses the factors that may be seen by an inspector within a dwelling that may contribute to an increase or decrease in the likelihood or health outcome of a fire.
- D8.3.10** However, no guidance is provided on how those increases or decreases should be reflected in changes made to the average values (presented in the guide) to reflect the specific case of the building being inspected.
- D8.3.11** Additionally, the guide is not clear how the likelihood of a fire occurring is supposed to be modified when considering a deficiency in a building that may affect more than one flat, such as the provision of non-compliant insulation to a building façade.
- D8.3.12** **Housing Health and Safety Rating System: Enforcement Guidance**
- D8.3.13** This document is intended to help authorities decide which is the appropriate enforcement action under Section 5 of the Housing Act 2004 and how they should exercise their discretionary powers under Section 7 of the Housing Act 2004.
- D8.3.14** Section 2.8 of the Enforcement Guide (excerpted below) provides that referrals from the fire and rescue service to be a relevant means by which a hazard could be identified or confirmed as requiring investigation.
- 2.8 Authorities will need to prioritise inspections and in doing so may have regard to their wider housing strategies and the individual circumstances of the case before them. Local authorities may feel that priority should be given to complaints or referrals from sources such as social services child protection teams, the police, the fire and rescue authority and Warm Front managers, and also from other occupiers, directly or indirectly through local councillors.
- D8.3.15** Section 4.19 (excerpted below) confirms that any works undertaken to comply with an Improvement Notice issued under the 2004 Act must also comply with the Building Regulations, where relevant.

Building Regulations

4.18 Satisfying the requirements of the current Building Regulations, the supporting Approved Documents and relevant standards and Codes of Practices will usually achieve the Ideal for the majority of hazards as described in the operating guidance. In a few cases, the Ideal might be at a higher level than Building Regulations require. In practice, the difference will be negligible and is extremely unlikely to result in enforcement action.

4.19 Work to mitigate hazards may need to comply with the current Building Regulations where major improvements are carried out, or windows are replaced. A house built under the Building Regulations as a single family dwelling may need additional works if it is to be used as an HMO. Where the Building Regulations will apply to the works of improvement, separate approval will need to be sought by the owner.

D8.3.16 Section 5.9 (excerpted below) provides guidance on timelines for remedial works to be undertaken, with a minimum period of 28 days required to permit an owner or occupier to undertake the required remedial works.

5.9 A notice cannot require remedial works to start within 28 days of the service of the notice. Where a landlord has been asked to carry out works in more than one property, consideration should be given to staggering start times to enable the landlord to organise the work. As more than one hazard can be dealt with in the same notice, the notice can specify different deadlines for completion of the various actions required, allowing less time to tackle serious hazards and longer time for the less serious hazards. This is reasonable and appropriate where all the hazards are sufficiently serious to be the subject of an improvement notice. However, it might be more appropriate to deal with lesser hazards by a separate improvement notice or a hazard awareness notice so that they do not remain the subject of outstanding action.

D8.3.17 **Statutory guidance for compliance with the Regulatory Reform (Fire Safety) Order 2005**

D8.3.18 **DCLG Guide - Fire safety risk assessment – Sleeping accommodation 2006**

D8.3.19 This guide was produced by the DCLG to assist employers, managers and owners of premises providing sleeping accommodation, including high rise blocks of flats. It was published under the powers of Article 50 of the RR(FS)O.

D8.3.20 The guide provides a five step risk assessment method to be followed in the assessment of residential buildings. The following steps are identified:

- a) Identify fire hazards
- b) Identify people at risk
- c) Evaluate, remove, reduce and protect from risk
- d) Record, plan, inform, instruct and train
- e) Review

- D8.3.21** Part 2 of the DCLG guide provides further guidance on fire risk assessment and fire precautions. This part of the guidance also describes the design recommendations provided in ADB for the design of residential premises and links this to potential methods of mitigating non-compliances or elevated risks through the provision of management or physical fire safety measures.
- D8.3.22** **DCLG Guide - Regulatory Reform (Fire Safety) Order 2005 - Guidance Note No.1: Enforcement 2007**
- D8.3.23** A guide for Fire and Rescue Authorities in England to assist in understanding their enforcement powers and duties under the RR(FS)O, and for the public to better understand the intent of specific aspects of the Order. This guide is published under the powers of Article 50 of the RR(FS)O.
- D8.3.24** It provides a description and plain-English explanation of the content and purpose of each article of the Order.
- D8.3.25** Section 3 of the guide clarifies that:
- “The guidance is founded upon current knowledge and legal advice. It must however be accepted that any definitive interpretation of the Order will be made by the courts.”*
- D8.3.26** Sections 84 and 85 of the DCLG guide, discussing Article 17 – Maintenance, confirms that:
- “Occupiers of private domestic premises in such buildings [e.g. purpose-built flats] are required to cooperate with the responsible person where the latter needs to maintain a common fire precaution.”*
- D8.3.27** Section 125 provides that the Order does not confer powers on inspectors or enforcement officers to force entry into premises. However, Sections 149 to 151 of the DCLG guide confirm the ability to bring criminal sanctions against responsible persons and/or any person committing offences for failure to comply with the requirements and prohibitions imposed by the order.

D9 Guidance

D9.1.1 Guidance documents are issued to assist in understanding how the relevant Regulations could be complied with, and therefore the requirements of the law. Guidance documents may be published by any organisation, and not just government departments.

D9.2 Fire Safety Design

D9.2.1 Means of escape in case of fire 1967 amendment

D9.2.2 This guidance was provided by London County Council as to how designers could comply with Section 34 of the London Building Acts (Amendment) Act 1939, i.e. the requirement that “... *all such means of escape therefrom in case of fire as in the circumstances of the case can be reasonably provided...*”. It was the relevant design guidance at the time of the design of Grenfell Tower.

D9.2.3 Fire resistance ratings of the structure of buildings, and how to achieve it, was prescribed by the Bylaws described in Section D7.1.1 and therefore no further design guidance was published on this aspect of design.

D9.2.4 This document provides guidance on how to arrange high rise blocks of flats in terms of internal layout of individual flats and the arrangement of means of escape. The means by which protection from fire and smoke to people in the building may be provided is also presented in this code of practice. This includes requirements for fire resistance to protected corridors within flats, flat front doors, escape corridors and stair enclosures and the provision of smoke venting.

D9.2.5 This design guidance does not discuss the evacuation strategy that is assumed to be the basis of the design requirements.

D9.2.6 The London statutory guidance ‘LCC Guide Means of escape in case of fire (1967)’ states:

“This Code of Practice is in the course of revision. Several important principles have been changed.

...

Pending the publication of the revised Code of Practice applicants are advised to discuss their schemes with the Greater London Council’s officers in the earliest stages of design.”

D9.2.7 Therefore, until the LCC 1967 guide was superseded in 1974 by the Greater London Council Means of Escape Code of Practice (GLC 1974), there existed a transition period where it was possible for designers to use guidance documents other than the current statutory guidance for means of escape where agreed with Greater London Council officers.

- D9.2.8** During this transition period the **national** statutory guidance for means of escape was CP3 Part 4 (1962 and then later, 1971). Therefore, it is possible that between 1967 and 1974, a designer could use either the LCC 1967, CP3 1962 or CP3 1971 in the design of means of escape in a high rise residential building. From the publication of the statutory guide GLC 1974, CP3 1971 was adopted as the guidance document for means of escape in London.
- D9.2.9** I have reviewed the means of escape guidance in these three documents against the original construction of Grenfell Tower. Out of these, only CP3 1971 is consistent with the original design and construction of Grenfell Tower; specifically, its single stair and internal ventilated lobby arrangement. This layout is consistent only with the design principles of a CP3 1971 smoke dispersal ventilated lobby. It is on this basis that I have concluded CP3 1971 was the basis for the design of Grenfell Tower – see section 4.2 for further details.
- D9.2.10** Further guidance to address Section 20 of the London Building Acts (amendment) Act 1939 was also required to be followed; I have described this guidance in D9.2.15.
- D9.2.11** **British Standard Code of Practice CP3 1971**
- D9.2.12** The full title of this document is British Standard Code of Practice: Code of basic data for the design of buildings – Chapter IV: Precautions against fire – Part 1 Flats and Maisonettes (in blocks over two storeys). It was published in 1971 and amended in 1972, 1976 and 1978. The 1971 edition superseded the 1962 edition of the guide.
- D9.2.13** This document provides guidance on how to arrange high-rise blocks of flats in terms of internal layout of individual flats and the arrangement of means of escape. The means by which protection from fire and smoke to people in the building may be provided is also extensively discussed and presented in this guide. This includes requirements for fire resistance to protected corridors within flats, flat front doors, escape corridors and stair enclosures, the provision of smoke venting and facilities for fire fighting.
- D9.2.14** As I have described in the preceding section CP3 1971 was permitted for use in London to satisfy Section 34 of the London Building Acts (amendment) Act 1939. To satisfy Section 20 of the London Building Acts (amendment) Act 1939 further guidance was required to be followed which I have described in D9.2.15.
- D9.2.15** **Code of Practice for buildings of Excess Height and/or Additional Cubical Extent requiring approval under Section 20 of the London Building Acts (amendment) Act 1939 – 1970**
- D9.2.16** Under Section 20 London Building Acts (amendment) Act 1939, Council consent was required for Grenfell Tower which exceeds 100 feet (30.48m) in height.

D9.2.17 The London local authority body has published guidance to assist persons submitting applications to demonstrate compliance with Section 20 of the 1939 Act. I am aware of the following versions of this guidance, published by:

- a) London County Council – 1961;
- b) Greater London Council – 1970, 1974 and 1978.

D9.2.18 The 1970 guide published by the GLC was in force at the time of construction of Grenfell Tower.

D9.2.19 The foreword to the 1970 guide clearly states that the Code of Practice should be read in conjunction with the council's Code of Practice for means of escape:

“Basically the principles incorporated in this Code seek to contain an outbreak of fire, to prevent the rapid spread of fire throughout a building or to adjoining buildings, to ensure the safety of the structures against fire, to provide such fire-fighting facilities as would enable the fire brigade to tackle the seat of a fire with the utmost speed and, in conjunction with the Council's code of Practice for Means of Escape in Case of Fire, to safeguard the occupants of buildings.”

D9.2.20 The Code of Practice for means of escape in force at the time was the 'LCC Guide Means of escape in case of fire (1967)'. As I have explained in the preceding parts of this Section D9.2, the LCC 1967 Guide Means of escape in case of fire permitted other design codes to be used with permission from the Greater London Council Officials. I have explained that the single stair and its ventilated lobbies at Grenfell Tower appears to have been designed using CP3 1971 (See Section 4).

D9.2.21 Therefore, the designer of Grenfell Tower was required to apply the guidance of the Section 20 Code of Practice **in addition to** CP3 1971. They are not mutually exclusive.

D9.2.22 With regard to construction, paragraph 4.02 of the 1970 Section 20 Code of Practice requires the building to be constructed in conformity with the provisions of the current building by-law, except where a higher standard of construction is specified within the Code of Practice. The current by-laws were the London Building (Constructional) Bylaws 1964 (amending 1966, 1970), which I have described in D7.2.

D9.2.23 I have reviewed the requirements of the 1970 Section 20 Code of Practice to identify any construction required to be to a higher standard than required in the London Building (Constructional) Bylaws 1964 (amending 1966, 1970).

D9.2.24 Paragraph 4.08 requires access above 80ft (24.384m) to assist fire fighting by a “fire fighting lobby approach staircase” and an associated fire lift. The requirements for the firefighting lobby approach staircase and fire lift are set

out in Appendix A ‘Construction and ventilation of fire fighting lobby approach staircases and fire lifts’ of the Section 20 Code of Practice.

D9.2.25 Appendix A of the Section 20 Code of Practice makes specific provisions for the construction of the lobby, staircase, fire doors to the stair case, as well as the fire lift and ventilation requirements for the stair and for the lobbies.

D9.2.26 I describe those requirements where they are not the same as those required by CP 3 1971 in Appendix H.

D9.2.27 In Section 4, I make clear where CP3 and Section 20 intersect, and why I have chosen specific requirements from CP3 in my compliance assessment at the time of the construction of Grenfell Tower.

D9.2.28 **BS 9991 Fire safety in the design, management and use of residential buildings – Code of practice (2011 edition)**

D9.2.29 The stated scope of this code of practice is:

“This British Standard gives recommendations and guidance on the design, management and use of the following building types, to achieve reasonable standards of fire safety for all people in and around:

(a) dwellings (single-family dwelling houses, self-contained flats or maisonettes);

(b) residential accommodation blocks (e.g. for students or hospital staff), with individual bedrooms and the provision of kitchen/sanitary facilities constructed within a fire compartment, accommodating not more than six persons;

(c) sheltered housing and extra care housing.

It is not applicable to hotels, caravans/mobile homes, hospitals, residential care/nursing homes, places of lawful detention, hostels or houses of multiple occupancy.”

D9.2.30 BS 9991 also states:

“Any user claiming compliance with this British Standard is expected to be able to justify any course of action that deviates from its recommendations.”

D9.2.31 Therefore, the combination of individual clauses from this code of practice with any other forms of guidance would require justification to ensure that the design includes all the required fire safety provisions relied upon by the code.

D9.2.32 The stated assumptions of BS 9991 with respect to fire safety in flats and maisonettes is as follows:

“(a) fire will occur within the flat or maisonette (e.g. not in a stairwell);

(b) there can be no reliance on external rescue (e.g. a portable ladder);

(c) the flat or maisonette will have a high degree of compartmentation and therefore there will be a low probability of fire spread beyond the flat or maisonette of origin, so simultaneous evacuation of the building is unlikely to be necessary; and

(d) where fires do occur in the common parts of the building, the materials and construction used in such areas will prevent the fire from spreading beyond the immediate vicinity (although in some cases communal facilities exist which require additional measures to be taken)."

D9.2.33 This design concept is commonly known as the "stay put" evacuation strategy. Please refer to Section 4 of my main report for a detailed description of the stay put concept.

D9.2.34 Please refer to Section D2 for a description of how compliance with the guidance in BS 9991 contributes to a design complying with the Building Regulations.

D9.2.35 BS 9999 Fire safety in the design, management and use of buildings – Code of practice (2008 edition)

D9.2.36 This standard superseded the BS 5588 series of standards that are referenced in ADB and provide more details on the design of specific aspects of building design with respect to fire safety. However, BS 9999 2008 is a standalone design guide for the design, management and use of buildings.

D9.2.37 The issue of combining different standards in the design of a building is addressed in the foreword of BS 9999 states:

"The concept behind the development of BS 9999 and BS 7974 is that technical guidance on fire safety is provided at three different levels. This permits a design approach to be adopted that corresponds to the complexity of the building and to the degree of flexibility required. The three levels are as follows.

(a) General approach. This level is applicable to a majority of building work undertaken within the UK. In this case the fire precautions designed into the building usually follow the guidance contained in the documents published by the relevant government departments to support legislative requirements.

(b) Advanced approach. This is the level for which BS 9999 is provided. Guidance provided in this document gives a more transparent and flexible approach to fire safety design through use of a structured approach to risk-based design where designers can take account of varying physical and human factors. Much of the guidance in BS 9999 is based on fire safety engineering principles, although it is not intended as a guide to fire safety engineering.

(c) Fire safety engineering. This is the level for which BS 7974 is provided. This level provides an alternative approach to fire safety and can be the only practical way to achieve a satisfactory standard

of fire safety in some large and complex buildings, and in buildings containing different uses.

There might be circumstances where it is necessary to use one publication to supplement another, but care needs to be taken when using a “pick-and-mix” approach as it is essential to ensure that an integrated approach is used in any one building.”

- D9.2.38** This standard is relevant to Grenfell Tower because BS 9991 (described above) is explicitly not intended to address non-residential areas of a building. Therefore, it is the guidance in BS 9999 that was relevant to the non-residential areas in Grenfell Tower, e.g. the nursery, boxing club and community meeting spaces.
- D9.2.39** Additionally, ADB references BS 5588-5:2004 as the relevant standard for designing fire fighting shafts for non-residential buildings. As noted above, BS 9999 superseded BS 5588-5 on its publication and, at the time of the refurbishment of Grenfell Tower, represented the most recent design guidance for the design of non-residential fire fighting shafts.

D9.3 Fire safety in operation

D9.3.1 Local Government Association – Fire safety in purpose built blocks of flats - 2012

- D9.3.2** The LGA Guide to Fire safety in purpose built blocks of flats provides advice on the means of satisfying the Regulatory Reform (Fire Safety) Order 2005. The LGA guide is not statutory guidance and compliance with the guide does not necessarily equate to compliance with the Regulatory Reform (Fire Safety) Order 2005.

- D9.3.3** This guide is intended to assist responsible persons of purpose built blocks of flats to comply with the Regulatory Reform (Fire Safety) Order 2005 and the Housing Act 2004. The guide therefore states that:

“Accordingly, it is expected that enforcing authorities will have regard to this guide.”

- D9.3.4** This guide is broken into the following parts:

- a) Part A: Safe as Houses? Fires in flats and their impact
- b) Part B: Fire safety – How blocks of flats differ from other residences
- c) Part C: The law governing fire safety in blocks of flats
- d) Part D: Fire risk assessment
- e) Part E: Managing fire risk – preventing fires
- f) Part F: Managing fire risk – fire protection
- g) Part G: Managing fire risk – ongoing control

- D9.3.5** The LGA guide provides discussion of each of the points listed above and gives specific examples to assist the reader in understanding their responsibilities in accordance with the legislation.
- D9.3.6** Section 35 of this guide confirms that landlords are expected to need to access individual flats in a block to undertake inspections of shared fire protection measures. Section 82.4 explicitly notes the need to inspect flat entrance doors, however it also states:
- “Where leasehold flats are involved, this will only be possible if there is a legal right of access, by means of a condition within the lease to carry this out.”*
- D9.3.7** This is an apparent contradiction of Article 17(4) of the RR(FS)O which states:
- “The occupier of the other premises must cooperate with the responsible person for the purposes of paragraph (2).”*
- D9.3.8** Paragraph(2) of Article 17 of the Order deals with the making of arrangements with occupiers of buildings in order to maintenance and repair of general fire precautions in the building.
- D9.3.9** **Chief Fire Officer’s Association – “Enforcers’ Guidance” 2011 (revised 2015)**
- D9.3.10** This document is intended to provide enforcing authorities with a standardised approach to the articles contained within the Order in the interested of promoting consistency of application. Its full title is “Collected Perceived Insights into the Application of the Regulatory Reform (Fire Safety) Order 2005 For the Benefit of Enforcing Authorities”.
- D9.3.11** This guide provides an article by article description of the Order alongside commentary and guidance on its requirements, duties and powers. Frequently Asked Question sections are also provided listing questions that have been asked about each specific article.
- D9.3.12** The commentary on Article 17 – Maintenance confirms that occupants of single private dwellings may be considered as duty holders pursuant to the Order and that they must cooperate with the responsible person. This section also confirms that an owner of a private dwelling could be prosecuted under Article 32(10) of the RR(FS)O, excerpted below:
- “(10) Where the commission by any person of an offence under this Order, is due to the act or default of some other person, that other person is guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.”*
- D9.3.13** Appendix 1 of the CFOA guide provides specific and additional guidance for the application of the Order to residential premises, including to private and

individual flats that are part of a larger building. Appendix 1 of the CFOA guide lists some examples of what may be considered to be common areas as follows:

“(e.g. common entrance hall, stairs, lift, corridors, gardens)”

D9.3.14 Appendix 1 also notes:

“Where the occupant of a flat or bed-sit may exercise control over a common fire precaution, such as parts of a fire alarm system that extends into flats, or the fire resisting nature of the front door to the flat (which are provided to protect the common means of escape corridor), then the occupant may be regarded as having duties under the [Regulatory Reform (Fire Safety)] Order....

... Predominantly this will relate to maintenance requirements under articles 17 and 38. The carrying on of maintenance falls to the responsible person but there is an expectation that the tenant will co-operate with him to ensure that common safety systems are adequately maintained.”

D9.3.15 In the discussion of Article 27 – Powers of inspectors, the CFOA guide confirms that there are no powers of forced entry or seizure of materials conferred to fire service staff by the Order, and therefore fire fighters acting as enforcers of the RR(FS)O cannot enter a dwelling without the consent of the occupier. The FAQ for this section confirms that if a homeowner or occupier does not provide the fire service with information when requested, then it may constitute an offence under Article 32 of the RR(FS)O, and therefore that homeowner or occupier could be subject to prosecution.

D9.3.16 Protocol between Local Housing Authorities and Fire and Rescue Authorities to improve safety

D9.3.17 This protocol was established in 2007 by the Chief Fire Officers Association in conjunction with the National Landlords Association, the Local Authorities Coordinators of Regulatory Services (LACORS), the National HMO Network and the Chartered Institute of Environmental Health. This protocol was created to provide guidance to local authorities and fire and rescue services as to the interrelationship between the Housing Act and the Fire Safety Order. It was endorsed by the Under Secretaries of State for Housing and Fire Safety.

D9.3.18 The relevant Authorities around England were encouraged to apply the protocol to make cooperation and coordination easier between the relevant fire services and local authorities.

D9.3.19 The protocol sets out which authority is expected to take the lead in enforcing fire safety standards in different types of residential accommodation under the housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005. This protocol indicates that the local housing authority would normally take the lead enforcing role for fire safety in high rise flats.

D9.3.20 The LFEPA published a review of the Protocol, including specific modifications to it for the London environment, on the 17th November 2014 (Document Number FEP 2350). This review concluded that:

“Local Housing Authorities retain the lead enforcement role for fire safety within all self-contained flats, whether purpose-built or converted as stated in the protocol; and FRAs take the lead enforcement role for fire safety arrangements in the common parts of all Purpose Built Blocks of Flats (PBBF).”

D9.3.21 The LFEPA document FEP 2350 identifies that Kensington and Chelsea were signatories to the modified London specific Protocol, but does not provide a date for signing the Protocol.

D9.4 Guidance - Fire Fighting

D9.4.1 The Fire Service has produced a range of guidance documents to assist with training their staff as required by Section 7 of the Fire and Rescue Services Act 2004.

D9.4.2 GRA 3.2 Fighting fires – In high rise buildings 2014

D9.4.3 The most relevant guidance for Grenfell Tower at the time of the fire in 2017 is Generic Risk Assessment 3.2 – Fighting fires in high-rise buildings, published by the DCLG.

D9.4.4 This document was updated and republished most recently in February 2014, which is the version of GRA 3.2 document that is currently available on the UK Government website. Therefore, I assume this to be the current edition of the guide and relevant to the operational planning and implementation of the Fire Service response to the Grenfell Tower fire in June 2017.

D9.4.5 This guide provides the current operational guidance for all aspects of approaching fire fighting and search and rescue operations for a fire in a high rise building. Specifically, it addresses:

- a) Significant hazards and risks
- b) Key control measures
- c) Command and control at incidents
- d) Automatic sprinkler systems
- e) Firefighting lifts
- f) Dry rising mains
- g) Wet rising mains
- h) Firefighting shafts

- D9.4.6** Guidance is provided for pre-planning of incidents, operational tasks to be undertaken at a fire incident and post incident issues.
- D9.4.7** It includes several references to “stay put” evacuation strategies, and their basis in effective compartmentation. Specific excerpts are provided below.
- D9.4.8** On Page 17, the guide recommends Fire and rescue Authorities to have contingency plans for particular premises covering, amongst other things:
“Contingency plans for particular premises should cover:
- fire spread beyond the compartment of origin and the potential for multiple rescues
- an operational evacuation plan being required in the event the “Stay Put” policy becomes untenable....”
- D9.4.9** The section on competence and training on Page 20 recommends that training includes:
“ Training, which will cover high rise incidents must include:
....
Evacuation and casualty removal tactics. Incident commanders should understand when a partial or full evacuation strategy might become necessary in a residential building where a “Stay Put” policy is normally in place.”
- D9.4.10** The section on Command and Control at incidents includes guidance on Page 27 for Evacuation and fire survival guidance calls. This states:
“Where a “Stay Put” policy is in place, it should be safe for occupants to remain within their own property in the event of a fire elsewhere in the building. Occupants (if they are able to) should self evacuate when the fire, heat or smoke is adversely affecting them in their property. This may be as the result of a fire that has started in their own property or from elsewhere in the building.
It should be noted that not all high rise residential buildings are designed or have been maintained to have a “Stay Put” policy in place”
- D9.4.11** The pre-populated example GRA matrix on Page 49 of the document also explicitly includes a reference to a “Stay Put” strategy becoming untenable as a risk in a high-rise fire.
- D9.4.12** **LFB Policy 633 – High rise firefighting 2015**
- D9.4.13** LFB produce their own “High Rise fire fighting” policy No 633 issued 26/11/2008 and reviewed 01/06/2015 (LFB00001256) which has now been disclosed to the Inquiry. The purpose of the policy is stated in paragraph 1.1:
- 1.1 This policy is designed to provide guidance for operational personnel who are engaged in search, rescue and firefighting in high-rise buildings.

D9.4.14 This document sets out the hazards which are “*specific to high rise buildings; others are more general in nature but are included due to their likely occurrence at high rise incidents and because the characteristics of the building are likely to intensify their effect*” these have been grouped under three headings:

- a) Building height, layout and design;
- b) Fire behaviour and development;
- c) Fire fighting and rescue operations.

D9.4.15 It provides guidance on fixed firefighting installations in a high rise building, planning for high rise fire, activities en route, on arrival and operational procedure.

D9.4.16 Guidance on operational procedure during a fire includes the following specific advice for evacuation:

Evacuation

- 7.45 The IC should consider following the evacuation plan devised as part of the occupier’s fire risk assessment, unless the fire situation dictates otherwise.
- 7.46 It may be necessary to undertake a partial or full evacuation in a residential building where a “Stay put” policy is normally in place.
- 7.47 Firefighting operations can be adversely affected by the type of evacuation being undertaken, the progress of the evacuation and the number and type of people being evacuated. Evacuation can be made more resource intensive if the occupants have an impaired ability to make their own way to safety; for example, disabled persons or those under the affect of alcohol or drugs may need greater assistance. The IC should consider:
 - (a) the effect of firefighting tactics on evacuation (and vice versa),
 - (b) the resources required to support the evacuation or “Stay put” policy,
 - (c) where it is safe to do so, using other emergency service personnel to assist with evacuation; and that widespread evacuation may divert teams from the task(s) they were briefed to undertake which may require additional resources,
 - (d) the need to establish, if appropriate, separate attack and evacuation stairwells.

D9.4.17 This guidance on the potential necessity to undertake partial or full evacuation in a residential building where a “stay-put” policy is normally in place is identical to the national guidance in GRA 3.2.

D9.4.18 The policy provides further guidance regarding the potential need to change advice to residents through Fire Survival Guidance to evacuate the building:

Fire Survival Guidance

- 7.48 Incidents in high rise buildings can lead to Fire survival guidance (FSG) calls being received by Brigade Control. In these circumstances, the IC should take action necessary to either rescue or reassure occupants.
- 7.49 The management of FSGs is resource intensive. Where FSGs are received at a high rise incident Control will mobilise a stand alone FSG attendance. This attendance is additional to any other resources that have been requested or are en-route. If the size of the incident is subsequently increased, the mobilising system will not include these resources when calculating the additional attendance required.
- 7.50 A clear record of FSG calls and relevant information on their location and circumstances will be necessary at the mobilising centre and the incident ground. This will assist confirmation of priorities and subsequent reassessment of those priorities should information change as the incident develops.
- 7.51 The advice offered during fire survival calls should be re-evaluated throughout an incident and this may require a change in the advice given. In exceptional circumstances an IC may consider informing control that their advice to FSG callers should be altered e.g. to attempt to leave their property. The IC should remember that this advice may be contrary to National Policy for control staff on FSGs and liaison with the officer in charge at control will be required for agreement to change the prescriptive advice. See [Policy number 790](#) - Fire survival guidance calls.

D9.4.19 LFB Policy 539 – Emergency Call Management 2014

D9.4.20 In addition to the specific policy for high rise fire fighting, LFB also have a policy for ‘Emergency call management’ first published 14/11/2007 and reviewed as current 28/03/2014 (LFB00000737). This policy provides specific guidance regarding the Brigade’s responsibility to make arrangements for dealing with emergency calls:

- 1.1 The Authority has a responsibility to make arrangements for dealing with emergency calls for the assistance of the Brigade and making an appropriate response under the provisions of the Fire and Rescue Services Act (2004).

D9.4.21 Under Appendix 3 Fire Survival Guidance, the following specific advice is recommended for callers from high rise domestic buildings:

Appendix 3 - Fire survival guidance

The London Fire Brigade define a Fire Survival Guidance call as being a call to Brigade Control where the caller believes that they are unable to leave their premises due to the effects of fire, and where the Control Room Officer remains on the line providing appropriate advice until either the caller is able to leave by their own means, is rescued by the Fire brigade or the line is cleared.

There is specific guidance for control room officers to follow when taking calls to fire situations in domestic accommodation, where callers have indicated they are unable to leave their premises. This guidance follows Fire Service Circular 10/93 Fire survival guidance and employs the principles of Escape, Assist, Protect and Rescue.

Brigade Control advise callers to ‘Get out and Stay out’, however if a call is received from a High rise building where Fire, Heat and Smoke are not affecting the caller, LFB would advise that:

You are usually safest to remain in your premises unless affected by fire, heat or smoke. If the situation changes, you should leave your premises and dial 999, if you need further assistance.’

D10 Enforcement

D10.1.1 For each of the Acts of Parliament described above, Table D.4 sets out the relevant enforcing agencies and a summary of the enforcement actions available, as identified in each Act.

Table D.4: Summary of Enforcing agencies for relevant legislation

Year	Act	Responsible party	Enforcing agency	Possible enforcement actions
1939	London Building Acts (Amendment) Act	Building Owner	Sections 20 and 34 – London County Council (Greater London Council from 1963), subject to the supervision of District Surveyors	Refusal to permit buildings to be constructed. Prohibition of use of a building. Apply fines to offending parties.
1971	Fire Precautions Act applied by virtue of section 10 - only where enforced by the fire authority.	Occupier, Owner or person having overall management responsibility	Fire authority	Requirements to make alterations. Prohibition of use of building. Apply fines to offending parties.
1974	Health and Safety at Work Act	Employers, persons with control over non-domestic premises	HSE	Requirements to make alterations. Prohibition of use of building. Apply fines to offending parties.
1984	Building Act	Building Owner	Local authority	Refusal to permit buildings to be constructed. Forced entry to buildings to determine if an offence has occurred. Apply fines to offending parties.
2004	Housing Act		Local housing authority	Requirement to make alterations. Prohibition of use of building. Forced entry to buildings to determine the hazards present and to determine if an offence has occurred.
2005	Regulatory Reform (Fire Safety) Order		For completed buildings: Fire and Rescue authority for the area in which the premises are situated. For construction sites: The Health and Safety Executive	Requirements to make alterations. Prohibition of use of building. Apply fines to offending parties.