

Item No. 21.	Classification: Open	Date: 16 April 2013	Meeting Name: Cabinet
Report title:		Lakanal Inquiry – Coroner’s Recommendations	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Ian Wingfield, Deputy Leader and Cabinet Member for Housing Management	

FOREWORD - COUNCILLOR IAN WINGFIELD, DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT

The Lakanal fire on 3 July 2009 was a dreadful tragedy and one of the darkest days in Southwark’s recent history. Our sympathies are, as always, with the families and all those affected by the fire.

We are committed to the safety of all our residents and homes, and since the fire we have made big changes to the way we manage our housing stock. We have carried out fire risk assessments on all our residential blocks, and put fire safety and improvements to our housing stock at the top of our priorities.

First and foremost was the creation of a dedicated housing department with clear accountability. In addition, over £48m has been allocated to the Council’s fire risk assessment programme and associated fire safety works across the borough. In particular, all similar properties have an up to date fire risk assessment that is available to the public, and we are spending £326m making all our council homes warm, dry and safe.

We always supported the investigations and a thorough inquiry to get to the facts of what happened on 3 July 2009. It was vital that the families got answers to the many questions about the fire, how it was tackled and what happened to their loved ones. During the inquests we heard in great detail how many different factors contributed on that dreadful day, including in relation to some areas where the council failed. We have learned immediate and enduring lessons from this tragedy and have improved what we do to make our residents and homes safe.

We thank the Coroner for her recommendations, which officers have carefully considered. This report indicates their initial response to the Rule 43 letter issued to the council.

RECOMMENDATION

1. That Cabinet notes the contents of this report and instructs officers to provide a full response to the coroner’s recommendations to be considered by Cabinet at its meeting of 14 May 2013.

BACKGROUND INFORMATION

2. The Lakanal fire on 03 July 2009 in which six people died was a dreadful tragedy and one of the darkest days in Southwark's recent history. In response to the fire the council made a number of improvements to its management of fire safety, including:
 - the creation and establishment of the in-house fire safety team;
 - the immediate undertaking of the programme of Fire Risk Assessments (FRAs) to all blocks of five storey and above, completed by April 2010;
 - the prioritisation of FRA works carried out, with £48m spent/committed to date;
 - the professionalization of the FRA responsibility, with the in house fire safety team having responsibility for blocks of four storey and above and new FRAs completed in March 2013
 - achieving full compliance with the Regulatory Reform Order (the legislation which governs the need for fire risk assessment) by having suitable and sufficient FRAs in place for all blocks where required;
 - the forging and maintenance of a strong relationship with the London Fire Brigade (LFB) operationally and strategically, initially with the co-signed Memorandum of Understanding;
 - clear advice, information and guidance given to residents including use of secondary means of escapes, the removal of grilles and gates, the need for clear walkways, stairs and common areas, the disposal of refuse;
 - working toward strategy for enforcing fire regulations in leasehold properties sub-let as Houses in Multiple Occupation (HMOs).
3. The Coroner's inquest into the tragedy commenced on 14 January 2013 and narrative verdicts were returned by the jury on 28 March 2013.
4. Pursuant to Rule 43 of the Coroners Rules (as amended), the Coroner wrote to the London Borough of Southwark on 28 March 2013 (see Appendix 1).
5. The Rule 43 letter recognised steps the council had already taken since the tragedy, however it also made a number of recommendations.
6. Rule 43A of the Coroner's Rules requires that the council responds to the coroner within 56 days starting from the day the report was sent to the chief executive of the council.
7. The council's response must contain details of any action that has been taken or which it is proposed will be taken, or an explanation as to why no action has been taken.
8. Officers are fully considering the recommendations and will respond to the coroner within the 56 day deadline. A further report to cabinet will set out the full response to each of the recommendations however officers have set out an initial view in the following paragraphs of this report.

KEY ISSUES FOR CONSIDERATION

9. The Coroner's recommendations are as follows, with officers' initial response in italics. It needs to be noted that there is no set definition of high rise and officers

therefore propose that the council considers high rise building to be defined as being above 18 metres, equating to 6 storey and above. This is the height of buildings where a fire mains (dry or wet riser) would be required, as set out in BS 9991:2011. We would also recommend that information and guidance is provided to residents of lower storey blocks where there is a need for a fire main for horizontal use, and any lower storey but complex blocks, i.e. those with more than one means of escape.

10. Cabinet is asked to note that the guidance in BS 9991:2011 refers to high rise being above 30 metres, equating to 10 storey and above where it says "All buildings with a floor higher than 30 metres above ground should be fitted with sprinklers". This is also supported by the recent Coroners Rule 43 letter relating to the tragic deaths of two fire fighters in Southampton, which recommended that "Social housing providers should be encouraged to consider the retro-fitting of sprinklers in all existing high rise buildings in excess of 30 metres in height".
11. Southwark has approximately 300 blocks of 6 storey and above and 80 blocks of 10 storey and above. There are also lower level complex blocks. The current fire safety programme has prioritised 207 blocks for fire safety works. The programme is a rolling programme encompassing tower blocks, street properties, sheltered accommodation and hostels. Investment needs are assessed on an ongoing basis and some £48m has been spent or allocated since 2009 and major works carried out to 196 blocks.

Information and guidance to occupiers of flats and maisonettes in high rise buildings

12. The coroner has recommended that, in relation to residents of high rise residential buildings, the council should demonstrate to those who are about to enter into occupation of a flat or maisonette the fire safety features of their dwelling and of the building generally; this should include walking residents through relevant features such as escape balconies and demonstrating how to open fire exit doors and where these lead.
 - *This will be undertaken. This is very straightforward for non –complex blocks with a single means of escape, i.e. front door to a single staircase and exit, for more complex blocks there will be a need for the fire safety team to be involved in the process. The resourcing implications will be examined and included in the follow-up report.*
13. The coroner has recommended that the council should give residents clear guidance as to how to react if there is a fire in the building, namely to explain whether they should attempt to get out of their flat or maisonette and leave the building, or whether they should remain in their flat; that guidance should explain clearly how to react if circumstances change, for example, if smoke or fire enter their flat or maisonette. This will also be reinforced through regular communications with residents.
 - *Fire action notices that advise residents and visitors of the stay put guidance unless directly affected by smoke or fire strategy are already being installed in common areas as part of the current fire safety works. This will be rolled out to any high rise and other blocks that sit outside the current fire safety works programme.*

14. The coroner has recommended that the council should consider additional ways in which information might be disseminated to residents, for example, by fixing inside each flat and maisonette a notice about what to do in case of fire.
- *It is intended to issue residents in high rise blocks with an expanded version of the fire action notices and stay put principles.*

Signage in high rise residential buildings

15. The coroner has recommended that your authority reviews signs in common parts of high rise residential buildings to ensure that these are sufficiently prominent and provide useful information. It is recommended that signage in common areas explain whether residents should normally remain in their flats or maisonettes or whether they should evacuate the building, in which case evacuation procedures should be explained.
- *As indicated above, fire action notices that advise residents and visitors of the stay put unless directly affected by smoke or fire strategy are already being installed in common areas as part of the current fire safety works. There is a need to roll these out to any high rise and other blocks that sit outside this programme.*
16. The coroners has recommended that the council should provide clear information to residents to enable them to find escape routes.
- *Directional signage is already being installed in common areas as part of the current fire safety works. There is a need to roll these out to any high rise and other blocks that sit outside this programme.*
17. The coroner has recommended that the council should use pictograms to assist those for whom English is not their first language.
- *The directional signage referred to above is already in pictogram form as the Regulation/BS 5499 requires.*
18. The coroner has recommended that the council should provide information to those in the emergency services which would assist them to understand a building's layout and enable them quickly to find a particular flat or maisonette once inside the building.
- *We will immediately carry out a review of all existing high rise block signage and undertake to ensure that it all complies with this recommendation. This will require some replacement signage.*
 - *We have also set up a project team to progress the distribution of plans of all blocks of five storey and above to the London Fire Brigade.*
19. The coroner has recommended that the council should liaise with the London Fire Brigade regarding use of premises information plates and boxes.
- We have begun liaison with the London Fire Brigade regarding premises information plates and boxes and will shortly be installing the use of premises information plates at prioritised blocks.*

Policies and procedures concerning fire risk assessment

20. It is recommended that your authority review its policies and procedures concerning fire risk assessments of high rise residential buildings.
21. The council completely reviewed its approach to fire risk assessments across its stock in the months following the tragedy at Lakanal. This resulted in the creation of a highly skilled and experienced in-house fire safety team, whose sole task relates to the fire safety and associated management of the stock. Officers will carry out a further review and will programme this to take place on an annual basis.
22. The coroner has recommended prioritising such buildings for regular rigorous review.
 - *This recommendation has already been completed and as part of the fire risk assessment process a suitable review is always specified and rigorously undertaken.*
23. The coroner has recommended considering the skills and experience needed to undertake an assessment of higher risk residential buildings.
 - *This recommendation has already been completed and the in-house fire safety team is considered highly skilled and experienced, also offering a high degree of building design and construction knowledge.*
24. The coroner has recommended considering the training required for members of staff considered to be competent to carry out assessments.
 - *This recommendation has already been completed although we also provide for continuous professional development. Further training is provided for any change in law, regulation, guidance or practice.*
 - *In addition however, we will also consider the “Competency Criteria for Fire Risk Assessors” published by the Fire Risk Assessment Competency Council, and if necessary will that ensure our in house assessors meet the requirements.*
25. The coroner has recommended identifying when individual flats or maisonettes should be inspected and how these should be selected for inspection.
 - *This is something we already carry out if we consider there is a need. However, it is nevertheless generally considered outside the scope of the current legislation, the Regulatory Reform (Fire Safety) Order 2005 (FSO), which applies to common areas up to and including the front entrance doors to dwellings.*
 - *We note that the Secretary of State for Communities and Local Government has also been sent a letter pursuant to Rule 43 of the Coroners Rules (as amended), where it is recommended that Government provide clear guidance on*
 - *The definition of “common parts” of buildings containing multiple domestic premises*

- *Inspection of a maisonette or flat which has been modified internally to determine whether compartmentation has been breached*
- *Inspection of a sample of flats or maisonettes to identify possible breaches of the compartment.*

It is therefore considered sensible to await receipt of national guidance on this issue before progressing further.

26. The coroner has recommended ensuring that assessors have access to relevant information about the design and construction of high rise residential buildings and refurbishment work carried out to enable an assessor to consider whether compartmentation is sufficient or might have been breached.

- *Pursuant to the Construction Design Management Regulations, Health and Safety files arising out of major work projects will be electronically stored on the council's Northgate applications (Iworld and Information at Work) from early May 2013. These will be accessible to all Housing and Community Services staff including the in-house fire risk assessors, and will provide them with the necessary information relating to the building's design, construction and any recent refurbishment or replacement.*
- *In addition, Housing and Community Services operational and maintenance officers also undertake annual property checks to dwellings whereby information can be obtained regarding any unauthorised changes to the internal construction and/or layout. This information will be shared with the in-house fire risk assessors.*

Training of staff engaged in maintenance and refurbishment work on existing building

27. It is recommended that the council consider the training needs of personnel who will be involved in procuring or supervising work to existing high rise residential buildings – whether maintenance, refurbishment or rebuilding of parts of buildings – to ensure that materials and products used in such work have appropriate fire protection qualities. Staff should, for example, be trained to understand the significance of the compartmentation principle and to appreciate when Building Control should be notified about work to be undertaken.

- *This recommendation has been completed but is also an ongoing training issue. Maintenance (officers and relevant trades in the repairs service) and operational staff have had fire safety awareness and technical training, and regular refresher training is made available.*
- *In addition, a number of officers, both in the Maintenance and Compliance and Major Works Divisions, have been trained to a nationally accredited standard in relation to health and safety in construction and fire safety.*
- *We also have an internal process by which the in-house fire safety team signs off major works and other relevant specifications.*
- *In terms of Building Control, we will review the current process to ensure that there is liaison with the council's Building Control team in all major work proposals and completions, and that all necessary consents and sign-offs are obtained. We will also carry out a retrospective review of major*

works to ensure that the necessary consents are in place.

Access for emergency vehicles

28. It is recommended that the council liaise with emergency services to consider access for emergency vehicles to high rise residential buildings, having particular regard to obstructions such as vehicle parking in locations which emergency services might need to use.
- *Access for emergency vehicles is already a consideration within the fire risk assessment, to ensure that there is dedicated access space for emergency vehicle and that parking bays do not encroach on this space. There is also a process by which the vehicles that may be causing access difficulties can be removed through the council's parking enforcement contract.*

Retro fitting of sprinklers

29. It is recommended that your authority consider the question of retro fitting of sprinkler systems in high rise residential buildings.
- *This has considerable resource implications for Southwark and other social housing landlords and as such will need to be considered by the Department of Communities and Local Government (DCLG), who are already considering this recommendation following on from the Southampton inquest.*

The council considers this recommendation achievable but it is one where there are many other issues to consider. These include:

- *We do not have the legal right to install these in sold leasehold flats or maisonettes. Therefore this would leave parts of blocks unprotected, in some cases up to 50% of the block.*
- *Future maintenance requirements and access difficulties*
- *False alarms and potential subsequent damage*
- *Insurance claims, spurious or otherwise (related to above)*
- *Cost – whether we install in blocks of 6 storey and above and any other lower complex blocks (approximately 300), or blocks of 10 storey and above and any other lower complex blocks (approximately 80), this will present a significant resource issue for a landlord with the stock size of Southwark Council.*

Policy implications

30. The recommendations will require the revision of a number of policies, which will be detailed in the follow-up report.

Community impact statement

31. The coroner's recommendations impact on all residents of the council's housing stock. It has been assessed that there are no significant detrimental impacts from the proposals which are set out in this report.

Resource implications

Financial implications (FIN0770 – JP)

32. The majority of costs arising from the works relating to the retro-fitting of sprinkler systems would be of a capital nature and no provision currently exists within the HIP for this. There would also be an ongoing revenue commitment for maintenance. The full financial implications will be assessed from the final report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Head of Specialist Housing Services

33. There are a number of issues concerning sold properties and leaseholders which do have an impact on the nature of the responses and need consideration.
34. Any work carried out to the communal areas of the blocks, including the retro fitting of sprinklers, would be service chargeable under the terms of the lease and would require that statutory consultation be carried out with leaseholders. In particular the retro fitting of sprinklers to communal areas of blocks could result in high service charges which may well be disputed by leaseholders. The Head of Specialist Housing Services advises that the council would not be able to fit sprinklers in individual sold properties.
35. In Southwark the majority of the leases leave the responsibility for the individual flat entrance doors to the council, rather than passing this obligation to the leaseholder as part of the demise. It is more common for local authorities to sell the flat entrance door to the leaseholder as part of the demise of the property. This means that the responsible person as regards ensuring that the flat entrance door is of a suitable standard would be the leaseholder rather than the council, and so the should be made aware that her report may have to go to individual leaseholders in other authorities.
36. With regard to the provision of information and guidance to occupiers of high rise blocks, the council will provide information and guidance every time the council is advised of a change of resident for council tax purposes. While the council encourages leaseholders to provide contact details when they sub-let this cannot be enforced. New occupiers could move into properties without the council's knowledge, and with no legal relationship with the council.
37. The same problems arise with regard to fire action notices. Specialist Housing Services would recommend that these are included in the pack issued to new owners and also the Home Owners Guide, but the council would not be able to guarantee that this information would be disseminated to sub-lessees.
38. Within the existing Southwark leases the council has little control over what it can do inside individual sold flats. The council has sold approximately 13,500 leases which would not allow the council to insist on installing notices or signage within the individual properties. Under the terms of the lease the interior of the property is the responsibility of the individual leaseholder, and the council can only enforce certain actions – and frequently this is under its powers as a local authority rather than as a landlord. For the purpose of the Fire Regulations the responsible person for the interior of the property is actually the individual leaseholder rather than the council.

39. In Southwark the council recognises that the height of a block is not the only factor when considering action to take to improve fire safety. For example the council has a number of low rise sheltered accommodation units, which are considered to be high priority due to the vulnerable nature of the residents. The council has recently been out to tender on a £2m scheme to carry out fire safety works, to include sprinkler systems particularly for those blocks with atriums. The council has also carried out short term emergency work including smoke alarms and door closers.

COMMENTS FROM OTHER OFFICERS

Director of Legal Services

40. The background Information section accurately summarises the relevant Coroners Rules.

Strategic Director of Finance and Corporate Services

41. See financial implications at paragraph 32.

REASONS FOR URGENCY

42. The coroner's letter was received on 28 March 2013 after the deadline for Cabinet reports. The importance of the recommendations require this report to be considered urgently.

REASONS FOR LATENESS

43. It has not been possible to circulate this report 5 clear working days in advance because officers were considering the response to the recommendations.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix 1	Coroners Rule 43 letter

AUDIT TRAIL

Cabinet Member	Ian Wingfield, Deputy Leader and Cabinet Member for Housing Management	
Lead Officer	Gerri Scott, Strategic Director of Housing and Community Services	
Report Author	Tony Hunter, Compliance Operations Manager	
Version	Final	
Dated	15 April 2013	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Head of Specialist Housing Services	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	15 April 2013	