Open Agenda

Cabinet

Tuesday 13 September 2022
11.30 am
Ground Floor Meeting Rooms, 160 Tooley Street, London SE1 2QH

Supplemental Agenda No. 1

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Date: 7 September 2022

Agenda Item 20

Item No. 20.	Classification: Open	Date: 13 September 2022	Meeting Name: Cabinet
Report title:		Marie Curie – Safety works and resident rehousing offers	
Ward(s) or groups affected:		St Giles	
Cabinet Member:		Councillor Darren Merrill, Council Homes and Homelessness	

FOREWORD - COUNCILLOR DARREN MERRILL, CABINET MEMBER FOR COUNCIL HOMES AND HOMELESSNESS

Keeping our residents safe in their homes is of paramount importance to us as a landlord and where we fall short of this commitment we need to act to rectify this immediately.

Last year, Cabinet received a report highlighting fire safety issues found at the Marie Curie housing block on Sceaux Gardens Estate in Camberwell. This report updates Cabinet Members on the latest position in respect of resident engagement, rehousing residents and the works that are proposed to be undertaken.

As part of the response to the fire safety issues found at Marie Curie the Leader of the Council and Cabinet Member for Housing requested that an independent review be undertaken to identify how this situation had arisen and the lessons that need to be learnt. A specialist firm was chosen by residents to undertake this work. The independent report from this review is attached as an appendix to this report.

Whilst the review recognises the progress Southwark Council has made in improving fire safety across our homes over recent years, it also finds that in 2009/10 some fire safety work at Marie Curie was either incorrect or not done and that this work was inadequately scrutinised at the time. I apologise to residents that the council did not get this right in the first place, and for the anxiety and disruption this has caused for them.

This report sets out how the council has acted to ensure Marie Curie is safe, working with the fire service. As well as the changes we have already made and that we will make to ensure all fires safety works are done correctly in future.

The council's cabinet is being recommended to require an update on progress against these recommendations in six months.

I want to thank the members of the Resident Project Group, the Sceaux Gardens Tenants and Residents Association, the St Giles ward councillors and Harriet Harman MP who are supporting residents and advocating on their behalf.

RECOMMENDATIONS

That cabinet:

1. Notes the detailed ongoing resident engagement to date and thanks the Marie Curie Resident Project Group (comprising resident volunteers that meets at key stages) for their continued work to date.

2. Notes the outcome of the independent review of fire safety at Marie Curie.

3. Notes the progress on the rehousing of the tenants within Southwark.

4. Notes the progress on the programme of works to be undertaken.

5. Instructs officers to report in March 2023 on the progress on the works to Marie Curie house, delivering the recommendations of the independent review and reviewing the works undertaken at Lakanal to review whether any additional works to Marie Curie house are required at Lakanal.

BACKGROUND INFORMATION

6. Cabinet received a report at its meeting on 14 September 2021 on the safety works and resident rehousing offers at Marie Curie. This report seeks to update Cabinet Members on the progress with finalising the specification of works and the progress on the rehousing of residents.

7. Marie Curie is a 16 storey block of 98 two bedroomed maisonettes built in or around 1958 by the London County Council. It is a sister block to Lakanal. Both blocks are part of the Sceaux Gardens estate that transferred to the Greater London Council in 1965 and then to Southwark Council in 1982. Of the 98 properties, 11 have been sold on a leasehold basis.

8. The block is described as a scissor block, which means that instead of the internal floors of a maisonette property being directly above each other, the floors cross under the communal access corridor that runs through the block and as a result one floor is on one side of the block and the other floor is on the other side of the block.

9. As the building is above six storeys it is subject to an annual fire risk assessment (FRA). On consideration of the FRA, which showed that there was a possibility of the compartmentalisation of the homes being breached, a 24 hour waking watch was introduced in the block on 27 November 2020. A more intrusive void survey that included removing floating floors, penetrating solid walls, removing partition walls & fixtures and fittings such as kitchen units and bathroom components was received, and recommendations agreed by officers in May 2021.

10. The overall works required to the building are extensive in terms of disruption to residents. These will be delivered in two phases to minimise as far as possible disruption to residents. Phase 1 can be reasonably carried out with

residents in occupation as is similar in nature to the type of work normally delivered through major works programmes. Phase 2 includes more intrusive works and cannot be reasonably delivered with residents in situ.

11. Tenants have been able to choose to either move permanently to a new home or move temporarily in order to move back to Marie Curie when the works are complete. Leaseholders have similarly had the same choice to move either permanently or temporarily. The permanent move option for leaseholders is that we offer to buy back their properties for them to find a property elsewhere to buy. For leaseholders that want to be housed temporarily whilst we carry out the works, they want to know what the costs of the works will be before making a decision.

12. The summary offer to tenants and leaseholders were reported to Cabinet at their meeting on 14 September 2021.

13. A team of two resident services officers (RSO) were seconded to the Ledbury Team to support the Marie Curie residents. Following the successful rehousing of half of the residents, this is now down to one RSO. The surgeries for Marie Curie residents at the Sceaux Gardens TRA Hall continue to be held on Tuesdays between 10am and 2pm. In addition residents of Marie Curie can speak to Officers using the 24/7 facility of the Ledbury Team.

14. Since 4 June 2021, a weekly newsletter has been produced for Marie Curie residents.

15. Open Communities were appointed to the major works project (QHIP – quality homes improvement project) in early 2020 to provide residents with independent advice and support. Open Communities have been working with the wider estate since 2014 when the Lakanal refurbishment works began. This service includes organising and chairing the monthly resident project group (RPG) meetings. This work continues and they are available for Marie Curie residents.

KEY ISSUES FOR CONSIDERATION

Resident Rehousing

16. As of 2 September 2022, of the 98 properties; 34 are tenanted, seven are leasehold and 57 are now empty. Of the 34 remaining tenants, three tenants are in the process of moving to their new homes and seven are awaiting a viewing, following successful bids.

17. The director of Ledbury continues to chair a fortnightly meeting with representatives from Residents Services team to discuss the rehousing needs of each resident and the level of support required to bid for alternative accommodation.

18. Of the seven leasehold properties, three are non-resident leaseholders and four are resident leaseholders. All leaseholders have requested a valuation and so far all but one valuation has been completed. Four leasehold properties have been acquired with the council reaching an agreement by negotiation to date to acquire a further four leasehold interests. Officers are working to effect completion of the legal agreements on these four properties.

19. A number of leaseholders are awaiting the outcome of the work being undertaken to specify the works that are required to the block and the decision as to what works will be recharged to leaseholders before they make a decision on whether they want to be rehoused temporarily whilst the works are undertaken, or move permanently and sell their property to the council.

Works to be undertaken

20. The estimated programme for works is for phase 1 to commence in 2023 with phase two starting when the block is fully empty.

21. Phase 1 - External refurbishment works to some of the communal areas, including the external envelope (all scaffold dependent works):
    - Under window panel renewals
    - Balcony balustrading renewals
    - Roofing renewal
    - External and some communal decorations;
    - Concrete repairs, brickwork and pointing
    - Asphalt repairs
    - Asbestos removal (where required)
    - Fire Risk Assessment (FRA) works (including but not limited to refuse chute hopper upgrade/renewal; communal door renewals window panel renewal; ventilation to communal corridors.

22. Phase 2 – works subject to the final specification could include in properties and communal
    - Door renewals including front entrance doors ; secondary means of escape doors and internal doors
    - Communal decorations
    - Internal refurbishment works to properties including compartmentation and fire safety works
    - FRA works (including communal corridors)
    - Asbestos removal where required to carry out works
    - Landlords electrics
    - Services (renewal of services and risers within block / properties.
    - Heating works
    - Replacement of communal ventilation system with individual ventilation (this will also require the replacement of one bedroom window in each property
    - Removal of gas supply from block

- Installing an automated fire suppression system – Options appraisal to be provided for consideration on sprinklers or misting systems.
- Installing firefighting / evacuation lifts
- Options appraisal on upgrade works to under-croft for non-residential accommodation.

Independent Review

23. Significant works to Lakanal were undertaken in 2016/17 while the building remained empty. Works requiring residents in Marie Curie to move out of their homes are similar in nature and this has led to questions as to why the works were not undertaken at Marie Curie at the same time.

24. Residents were invited to take part in the procurement and selection process for an independent specialist fire safety organisation to undertake a review of what had happened. Through the resident participation group, residents selected Frankham Risk Management Services Ltd.

25. The independent review from Frankham was commissioned and completed in August 2022. The review is attached as appendix one to this report.

26. The report acknowledges the scale of the challenge for Southwark council, which is London's largest council hosing landlord, and acknowledges the willingness of the council to rectify and manage fire safety issues at Marie Curie.

27. The report also highlights gaps in the council's review process for fire risk assessments, giving an example of bathroom ventilation works that were specified but omitted from fire safety work. The report noted similar work had been undertaken at Lakanal.

28. The report found that some compartmentation work at Marie Curie was either incorrect or not done in 2009/10 and inadequately scrutinised at the time.

29. The report notes that although opportunities were missed at the time, the council is continuing to make progress.

30. Perhaps most importantly the report looks to the future with regards to learning lessons from past mistakes to answer the question, what can the council do to ensure it doesn't make these mistakes in future?

31. The recommendations from the review are broken down into seven recommendations for Marie Curie and 11 recommendations for the council housing generally.

32. The seven recommendations from the review and the responses to the recommendations for Marie Curie are set out below:

33. The council's cabinet is being recommended to require an update on

progress against each independent recommendation in a year's time.

	Recommendation from the Review	Council Response	Statutory & Professional Bodies
1	A suitably competent person should review the fire risk assessments and compartmentation surveys for Marie Curie and write a fire strategy for the building.	The Council is currently undertaking a Qualitative Design Review (QDR) for Marie Curie. A QDR brings together a range of different stakeholders (such as fire engineers, contractors, consultants and clients) to determine the works that may be needed to bring the fire risk for the building at an acceptable level.	Building Control, London Fire Brigade
2	Fire safety works to Marie Curie should be undertaken in line with the fire strategy written.	As discussed above, the QDR will determine the fire safety works that need to be undertaken, these will be in line with the Fire Strategy, which will also be an output of the QDR. An output of the QDR will result in an appropriate Fire Strategy for Marie Curie being in place.	London Fire Brigade
3	Third-party accredited contractors should be used to carry out the fire safety works at Marie Curie noted in the fire strategy.	Formally appointed and competent third-party accredited contractors will conduct the relevant works. The Employers Requirements (which outline what the Council requires of the consultants and contractors) will stipulate this.	United Kingdom Accreditation Service (UKAS)
4	Adequate oversight of the fire safety works at Marie Curie should be in place.	The Council will assign a Clerk of Works to add an additional level of supervision for these works, which will give assurance that the specification and best practice are being followed.	Building Control & UKAS
5	Going forward, the fire strategy should be available to anyone undertaking works to Marie Curie that may affect fire safety measures.	This is needed to ensure no material change will affect fire strategy and will be managed as part of our building safety team, and the implementation of 'Authority to Proceed' process	Fire Safety Order (FSO 2005) Fire Safety Act 2021 (FSA)

	Recommendation from the Review	Council Response	Statutory & Professional Bodies
6	Future works at Marie Curie House should include fire safety considerations, provided by a suitably competent person and informed by the fire strategy.	The project team is evaluated at the point of the feasibility (scope of works) to ensure the relevant engagement of competent persons are employed to deliver the works.	Competent Persons
7	Future fire risk assessments at Marie Curie House should be undertaken by a suitably competent individual and informed by the fire strategy. The scope of the fire risk assessments should include fire safety measures within flats where they can be expected to affect occupants of other flats. Future fire risk assessments should also include inspection of all communal areas of the building, including ceiling voids.	FRAs are undertaken by suitably qualified/competent Fire Safety Surveyors. We are currently upskilling surveyors as part of our competency programme around new legislation. As part of the Building & Fire Safety Process a monthly Interdepartmental Meetings is undertaken with key stakeholders (Resident Services, Building Safety Managers, Repairs Surveyors and Major Works Project Managers) to review FRA Tasks and HHSRS reporting to ensure any potential issues identified within a property are raised. For the assessment of risk within the flats, the Council will be using HHSRS (Housing Health and Safety Rating System). HHSRS is a scoring system used to measure hazards within a flat. It looks at 29 different hazards including fire. The Council has set up a new Fire Safety meeting which is attended by officers from the across Housing and Modernisation Department. When Council officers go within flats (this could be for a range of reasons, including conducting a repair or a tenancy visit), they may find an HHSRS hazard. The new Fire Safety meeting will allow officers to report these hazards, so that the appropriate actions can be taken to address them.	Fire Safety Order (FSO 2005) Fire Safety Act 2021 (FSA)

	Recommendation from the Review	Council Response	Statutory & Professional Bodies
		Future FRAs at Marie Curie will consider the fire strategy and they will look at all the communal areas of the building, including ceiling voids.	

34. The 11 recommendations from the review and the responses to the recommendations for the Council are:

	Recommendation from the Review	Council Response	Statutory & Professional Bodies
1	Implement the requirements of the Fire Safety Policy, including a strategy for the department, protocols for the tasks carried out and an audit system.	The Council is currently reviewing its Fire Safety Policy to incorporate new legislation guidance in response to the new requirements to include PAP (Principle Accountable Person), AP (Accountable Person) and RP (Responsible Person), which are the named person(s) that will be accountable for Building and Fire Safety. Lawyers Trowers and Hamlins are currently reviewing an amended Building and Fire Safety Policy which will form a new Building & Fire Safety Policy. Frankhams have recommended that the Council incorporates the Fire Management System BS9997 (A Fire Management System allows an organisation to manage its processes and procedures relating to the reducing fire risks). The Council's Building Safety Management System will follow BS9997 and other statutory requirements. This management system will be applied across the Council's stock and it will include protocols for tasks carried out, an audit system, and management review process.	British Standards (BS997), Fire Safety Order 2005, Fire Safety Act 2021, Building Safety Act 2022

	Recommendation from the Review	Council Response	Statutory & Professional Bodies
2	Implement a fire risk management system within the Council; consider BS 9997 or a similar system	The Council's Building Safety Management System will follow BS9997 and other statutory requirements. This management system will be applied across the Council's stock and it will include protocols for tasks carried out, an audit system, and management review process. APEX (the Council's database for managing its assets, including housing stock) is also being upgraded. This should also help the Council to implement the new management system.	British Standards (BS997)
3	Review the fire risk assessment template, with a view to having a central document which contains building information, thereby simplifying the fire risk assessment report. The template should be relevant to the type of premises being assessed.	A review of the template has been conducted and the template is currently being re-written, it will meet the requirements of the Fire Safety Act and the recommendations from the report.	PAS 79, Fire Safety Order 2005, Fire Safety Act 2021,
4	Complete the skills matrix for the Fire Safety Team and ensure that there is a clear skills gap analysis undertaken by someone suitably competent to do so – this should then be used to create a training plan.	The Council has used a competent and qualified consultant to write a competency framework for the Fire Safety Surveyors. This framework uses a skills matrix to outline and measure the skills needed and levels of competence required by individuals to conduct Fire Risk Assessments for different buildings types. This framework follows the industry best guidance and has been agreed by the Council. Each Fire Safety Surveyor will complete questionnaires and interviews with an independent fire safety specialist. The results from these reviews will determine the skills and competence	Chartered Association Building Engineers, (CABE)

	Recommendation from the Review	Council Response	Statutory & Professional Bodies
		level of each member of the team. It will also determine where the team has skills gaps. These gaps will be addressed by personalised training plans for each member of the team. The consultant is also developing training for the members of the Fire Safety Team who are not surveyors. Additional competency and training being developed with Chartered Association of Building Engineers (CABE).	
5	Fire risk assessors should have access to more expert advice from a fire engineer. Identify how the Fire Safety Team will access sufficiently competent advice to assist them with queries and to review assessments. Given the current levels of competence (recommendation is for 100% of assessments).	The Fire Safety Surveyors have access to a database BSI (British Standards Institute) which provides them with the technical guidance. The Fire Safety Surveyors have an internal peer review before Fire Risk Assessments are released. The Fire Safety Team have access to an external and independent Fire Engineer as and when required. Under the Council's Building Safety Management system, appropriate and risk-based audits will be conducted, this will include reviews of Fire Risk Assessments and competencies.	British Standards Institute
6	Review the job specification for the roles of Fire Safety Surveyor, Senior Fire Safety Surveyor and Fire Safety Manager, particularly in terms of skill levels, qualifications and third party accreditations. Our recommendation is that a Level 4 qualification would be a minimum for	The level of qualifications and experience for these roles will be included within the competency framework review, produced by the external consultant.	Competent Persons (Fire Training Consultancy)

	Recommendation from the Review	Council Response	Statutory & Professional Bodies
	Surveyors, with additional specific knowledge required dependent on the type of building (e.g., purpose-built block of flats, converted house etc).		
7	Refocus the management KPIs away from throughput towards skills levels of staff, quality of assessments and adherence to Fire Safety policy. Audits will need to be undertaken by someone with suitable technical competencies.	London Borough of Southwark currently have two KPIs relating the performance outputs of FRAs undertaken: - 1. Based on volume of FRAs completed against Target 2. FRA Tasks Allocations The implementation of additional quality control reviews of Fire Safety Surveyors Reports and increased competency training within the FRA Team will further support the Council commitment to excellence. The newly appointed Fire Safety Manager (August 2022) is delivering these recommendations throughout the FRA team.	London Borough of Southwark Process
8	Ensure that competent technical advice is involved in assessing whether contractors are competent to undertake particular types of fire safety work.	The Council uses contractors from various conforming bodies: - (Timber Research & Development Association (TRADA) International Fire Consultant (IFC) British Approval Fire Equipment (BAFE) Therefore, the Council can be assured that these contractors are competent.	Independent Professional Bodies

	Recommendation from the Review	Council Response	Statutory & Professional Bodies
9	Ensure that a suitably competent Engineer has technical strategic oversight over fire safety within the buildings assessed by the Fire Safety Team. Ensure that there is similar in-house engineer involvement in Major Work's projects and with the new Building Safety Team. Review where this individual sits within the organisation and to whom they should report.	The Council uses an external fire engineer to advise the Fire Safety Team, Investment Team (which delivers Major Works), and the Building Safety Team. The Council has a Building Safety Manager who manages the relationship with the external Fire Engineer. The work that is reviewed by the Fire Engineer is determined by risked priorities for the services discussed above. The outputs from the Fire Engineer are reviewed and approved by the Head of Engineering, the Head of Investment, the Head of Building Safety, and Assistant Director for Building Safety.	London Borough of Southwark Process
10	Create a more robust platform for the Council and tenants and residents to communicate more effectively.	The Council will achieve this through the following: A) Estate Days to engage with residents around fire safety, repairs and other matters. The Council will work with the LFB to deliver these. B) The new Building Safety Team has dedicated resources for this (Building Safety Relations Manager, Senior Resident Liaison Officer, Resident Liaison Officers). This will add to the existing resource and teams across the Council that deliver communications to residents. C) The Council will deliver significant communication and engagement for the Priority Surveying Programme. This will include letters, FAQs, Q&A events, a video to explain more about the surveys, phone calls to arrange survey appointments. The Council will work with TMOs (Tenant Management Organisations) and	London Borough of Southwark Process

	Recommendation from the Review	Council Response	Statutory & Professional Bodies
		TRAs (Tenant and Resident Associations). D) Set up a new panel for Council tenants and leaseholders, which is dedicated to discussing Building and Fire Safety matters. This will include a review of whether the Council can provide training to residents. E) Review the Council's complaints systems and processes, so that these are compliant with the requirements of the Building Safety Act. F) With Marie Curie, the Director of the Ledbury Estate is delivering communications to residents to explain the steps being taken for this building and will continue to do this when the Council has further updates, including those from the QDR discussed above.	
11	The Council's Fire Safety Policy was independently reviewed by FRMS in February 2022. Going forward, Southwark Council are reminded to continue to undertake this process on a regular, ongoing basis. (Note: Included here as a reminder only).	In addition the building and fire safety policy has been issued to our lawyers (Trowers & Hamlins LLP) and is currently in review in respect to accountable person AP/ principle accountable person PAP- and responsible person RP.	Ext Lawyers / London Borough of Southwark

Policy framework implications

Rehousing

35. The existing housing allocations scheme takes into considerations circumstances where residents are required to move to enable essential works to be completed within the property. This entitles tenants to the highest priority band 1 and has been applied to Marie Curie residents. Households would generally be rehoused into new properties based on their bed need, however in order to facilitate moves, we have agreed

households who are under occupying can bid for the same size property. Where a household decides to downsize, we will offer the incentive payment in addition to any other payment to residents set out in the previous report.

36. **Fire Safety**

In November 2020, Council Officers and the LFB were called to flat 54 in Marie Curie House. The resident reported smoke present in the bathroom, which caused their domestic smoke detection to activate. Compartmentation surveys were undertaken in November 2020, as a result of the reported issues. Following the recommendations of the Compartmentation Report a Waking Watch was implemented in December 2020. In addition a communal fire alarm system was installed to support the Waking Watch. The Waking Watch is still in place as building has residents within the block.

Community, equalities (including socio-economic) and health impacts

Community impact statement

37. As well as the 98 homes at Marie Curie there are two community projects and the Sceaux Gardens TRA that are based in the block.

38. Understandably these are much valued community assets and the council is committed to working with the TRA, the Bike Project and Makerspace to keep the organisations going during the works. The works that have to be done to the block includes the pipework and wiring that run from the top to the bottom of the block and these probably run through the stilts that are in the community space areas. If they have to move, we will work with them to provide alternative space.

Equalities (including socio-economic) impact statement

39. Section 149 of the Equality Act, lays out the Public Sector Equality Duty (PSED) which requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities. The council's Approach to Equality ("the approach") commits the council to ensuring that equality is an integral part of our day to day business.

40. As most of the residents have chosen to move, the main equalities issue centres on their rehousing opportunities. The council's allocations scheme was approved following detailed consideration of its impact on equalities, and all residents moving permanently will be rehoused through this scheme. However, some residents could be disadvantaged through a lack of access to IT, a lack of understanding of English or illiterate. The Marie

Curie team has an understanding of each resident's needs and are supporting those residents who could be disadvantaged because of these circumstances. Rehousing of residents should not have any negative impacts in relation to any of the protected characteristics under the Equality Act.

Health impact statement

41. The proposed works at Marie Curie are to address the health and safety issues identified by the fire risk assessment.

42. The opportunity to be rehoused on a permanent basis that the vast majority of Marie Curie residents have chosen, will enable those residents with health issues and those who are overcrowded to be rehoused in much more suitable homes. This will have a positive health impact on all these households.

43. For those residents who have opted to move on a temporary basis and return to a refurbished Marie Curie, they will benefit from homes with improved insulation, which will have a positive impact on health.

Climate change implications

44. On 18 June 2019, the council's Cabinet agreed the resolution passed by the council assembly on 27 March 2019 to "declare a Climate Emergency and do all it can to make the borough carbon neutral by 2030." The Cabinet noted "that there are considerable financial savings to be made by 'going green', whether it be more energy efficient lighting, smart meters at council properties, or piloting energy generation schemes such as installing solar panels on council properties".

45. The government estimates that residential buildings account for 27% of Southwark's carbon emissions. The Council's direct emissions account for 12% of the borough's emissions and council housing is the second largest contributor to carbon emissions at 14%. The council therefore plans to take targeted actions across energy supply and usage and to retrofit council buildings including council homes to make them greener.

46. In line with the council's climate emergency declaration and its climate action plan, the works to Marie Curie will include improved insulation to the existing homes (green retrofitting) and the removal of gas from the block (targeted action on energy supply), which will make the homes significantly more energy efficient and reduce carbon emissions.

Resource implications

47. Two temporary Resident Services Officer posts were created for 6 months to provide the necessary intensive resident engagement and support. This has been extended to 18 months for One Residents Services Officer. £90k has been budgeted for this.

48. There were 85 tenants to be rehoused. At an average of £10k per tenant which includes: the lump sum payment of £6,500; the cost of the removal company; reasonable costs related to soft furnishings such as curtains and carpets; the disconnection and connection of services such as phones, TV; and the redirection of post.

Legal Implications

49. The comments of the Director of Law and Governance are set out in the supplementary advice section of this report.

Financial implications

50. The works necessary for Marie Curie have both revenue and capital implications. The revenue implications are estimated as follows:

Activity	**Estimated cost**
Waking watch service from November 2020 to June 2023	£1,610,000
Appointment of two temporary resident services officers for six months and eighteen months respectively to provide the necessary intensive resident engagement and support.	£90,000
Associated payments to 85 tenants requiring rehousing	£288,000
Total estimated cost	**£1,988,000**

51. As the dwellings will need to be empty during the works, there will be a loss of rent and services charges for the HRA. The amount lost will depend on the duration of the works, and as this is not yet fully determined, it is not possible to provide a definitive estimate at this stage. However, the annual loss in rent and service charges based on 2021-22 rent levels and service charge rates for Marie Curie is £489k.

52. Capital costs will be associated mainly with the cost of the works required and the cost of purchasing homes from leaseholders to facilitate those works.

53. These works include a lump sum and inconvenience payment of £6,500 per tenant which is capitalised, estimated to be £552k.

54. The project is at feasibility stage and the cost of works is estimated to be in the region of £12.2m excluding fees and other associated costs. Final work costs are due to be agreed in November 2022.

55. Marie Curie had 11 properties owned by leaseholders that the council may need to purchase. Four leaseholders have already sold their properties

back to the Council. The cost of acquiring all leasehold properties is estimated to be in the region of £3.4m.

Consultation

56. A Resident Project Group has been established for Marie Curie, separate from that of Sceaux Gardens, to ensure the Marie Curie issues are dealt with directly with Marie Curie residents. The Resident Project Group meets on a monthly basis.

57. All residents have had a one to one with a Resident Services Officer to discuss their particular needs, and to help decide whether they want to move on a permanent or temporary basis. The one to one conversations will continue with residents until they move.

58. A weekly newsletter is distributed to both the remaining residents of Marie Curie and those tenants who have moved and have the right to return, to keep residents up to date on the works programme and to address issues of concern raised by the Resident Project Group that can be shared with all residents.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

59. Cabinet endorsed the approach to the rehousing of council secure tenants and the acquisition of leasehold interests in properties at Marie Curie on 14 September 2021. The legal implications of this approach were provided in the report presented to cabinet at the time.

Strategic Director of Finance and Governance

60. The strategic director of finance and governance notes the contents of the report and the costs arising as outlined in the financial implications section above. The additional revenue cost and rental loss will continue to be met from contingency sums within the Housing Revenue Account and/or reserves as required. Capital costs arising will be met from a combination of existing QHIP and fire safety budgets and once we have further clarity around the total costs involved, the capital programme will be reviewed as necessary to accommodate these works. Given the scale of the resources needed, this may impact on the priority and delivery of projects within the existing programme.

REASONS FOR LATENESS

61. Following receipt of the Independent Report and engagement with local residents, the results of consultation with key stakeholders were received and coordinated after the deadline for publication of the report to ensure as many points of view could be heard and considered in taking this decision.

REASONS FOR URGENCY

62. This decision details the council's commitment to undertake fire safety work at Marie Curie House. The Independent Report contains a number of recommendations and notes the council's response. This report also demonstrates to residents, key stakeholders and those consulted that their comments have been taken into account in a timely and accessible manner. It is important that the Independent Report together with the council's response is disseminated as soon as possible after its publication given the significance of the issue.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Cabinet reports: Marie Curie – Safety works and resident rehousing offers. 14 September 2021	Constitutional Team, 160 Tooley Street, London SE1 2QH	Paula Thornton 020 7525 4395
Web link: http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=7420 (Item 10)		

APPENDICES

No	Title
Appendix 1	Independent Review in respect of Fire Safety Issues relating to Marie Curie House

AUDIT TRAIL

Cabinet Member	Councillor Darren Merrill, Council Homes and Homelessness
Lead Officer	Michael Scorer, Strategic Director of Housing and Modernisation
Report Author	Mike Tyrrell, Director of Ledbury
Version	Final
Dated	7 September 2022
Key Decision?	No

CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	**Comments Sought**	**Comments Included**
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		7 September 2022

APPENDIX 1

FRANKHAM

Independent Review Report

Independent Review in respect of Fire Safety Issues relating to Marie Curie House

Southwark Council
southwark.gov.uk

Prepared by:

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Issue Date:
July 2022

Project Reference:
803480

BRINGING IDEAS TO LIFE

DOCUMENT VERIFICATION

Issue Purpose	Issue Date	Prepared by	Notes
Client Issue	27/07/2022	Frankham RMS	

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1 INTRODUCTION

This Independent Review was commissioned following several incidents at Marie Curie House in November 2020 which were attended by London Fire Brigade. These incidents related to smoke simultaneously being present in a number of flats with no visible source of fire. As a result, compartmentation surveys were undertaken, which resulted in a number of fire safety issues being identified with the building.

Given the fatal fire that occurred in Marie Curie House's sister block, Lakanal House, and the compartmentation issues identified there, post-fire, this Review seeks to establish the timeline and progression of remedial works at Marie Curie House.

The Brief for this part of the independent review is understood to have been written in Summer 2021 and states that the Council requires an independent organisation to undertake the following:

- Review of fire safety works completed to Marie Curie House post the Lakanal House fire
- Review of works identified at Lakanal House and the implications for Marie Curie House
- Review of fire safety Notices from London Fire Brigade for Marie Curie House
- Resident engagement on fire safety within Marie Curie House since the Lakanal House fire
- Interviews with key officers (major works, engineering, fire risk assessors, resident services) to clarify issues
- Review of Fire Risk Assessments and task actions made relating to Marie Curie House since the Lakanal House fire
- Provide positive and negative (observations)
- On completion the independent organisation shall prepare a list of improvements, review and propose recommendations for the council to improve its delivery of fire and building safety obligations, which are related to the conclusion of this independent review. (*This item was added to the brief in June 2022 at the request of Southwark*).
- Provide report and present findings to Councillors and Residents

A tender deadline was established for 27 August 2021. Frankham Risk Management Services successfully tendered for the project, providing a more detailed outline of the way in which they proposed to undertake the review.

It should be recognised that some items of documentation requested during the process were not available for review.

2 EXECUTIVE SUMMARY

This report considers the fire safety issues recently identified at Marie Curie House, seeks to understand how they occurred and also why they have not been remediated to date, particularly given the tragic fire at the building's sister block, Lakanal House, in 2009. Being the largest Council in the country, Southwark Council has a substantial housing stock of several thousand blocks. To manage this number of buildings is a significant undertaking and has not been forgotten when writing this independent review.

This report considers the documentation provided, together with interviews conducted with Council Officers and the Tenants & Residents Association representatives, as well as a tour of Marie Curie House undertake on 25 March 2022.

Since the Lakanal House fire in 2009, the Council has shown a willingness to rectify and manage fire safety issues at Marie Curie House. An in-house fire safety team has been created, fire risk assessments have been conducted on an (approximately) annual basis at Marie Curie House and significant sums have been spent on upgrading and remediating fire safety measures in the building.

However during this period, it has become apparent that some issues have not been adequately remediated and the quality of the fire safety advice provided to the Council has varied considerably. There appears to be limited oversight on the level of knowledge of contractors providing such advice and the qualifications required in order to be deemed competent are in some cases inadequate for the tasks they undertake. This has resulted in both inadequate assessments in some respects an over-provision in other aspects of fire safety.

Fire risk assessments in some cases have simply echoed the information of previous risk assessment visits and have included just a tour of the common areas, without appropriate consideration of the flats within. There was no Fire Strategy or other Regulation 38 information available to inform these fire risk assessments and explain the fire safety standard adopted in the building or the reasoning behind fire safety measures. This lack of review process resulted in fire risk assessments that rely primarily on the knowledge of the assessor and this issue is compounded as actions that have been recommended have not been subsequently scrutinised prior to carrying out the works.

An example of this is the bathroom ventilation works which were initially specified to be part of the 2009/10 fire safety works and were then omitted, as well as being removed as an action within fire risk assessments that were later undertaken. The omission of these works was a substantial error.

The Council's Rule 43 response some years ago asked the Government for clarification regarding common areas and access into flats when guidance had been published on this specific issue a year previously, within the 'Fire Safety in purpose-built Blocks of Flats' guidance document. When similar works to the bathroom ventilation system were carried out several years later at Lakanal House, there appears to have been no mechanism to relate the issue back to Marie Curie House and revisit the issue which remained there. This is disappointing given that the 2013 fire risk assessment of Lakanal House highlighted this issue and the 2016 fire risk assessment at Lakanal House noted the Lakanal Inquiry findings and coroner's report regarding this specific matter.

Similarly, it appears that some of the compartmentation works carried out as part of the 2009/10 fire safety remediation were incorrectly undertaken in some instances or not carried out. This resulted in diminished compartmentation remaining in place above flat entrance doors and escape doors into the communal corridors. Again, there appears to have been a lack of adequate scrutiny of these works before they were signed off as acceptable.

Overall, although Southwark continues to make progress, the evidence demonstrates there were missed opportunities to identify the fire safety deficiencies at Marie Curie House earlier and issues resultant from the Lakanal House fire in 2009 were not fully addressed, despite assurances previously given in the Rule 43 response.

The Brief for this review is documented in the Introduction section of this report. This Brief was augmented by the client in June 2022 to request "*consideration of improvements, review and recommendations for the council to improve its delivery of fire safety and building safety obligations*."

This review has considered documentation provided, together with interviews conducted with Council Officers and the Tenants & Residents Association representatives. Recommendations have been made identifying approaches that should be adopted for in order to improve the safety of Marie Curie House going forward as well as wider improvements that are advised to prevent a recurrence of the situation at other buildings within the portfolio. These wider recommendations include the need for an improved standard of fire risk assessments at buildings, along with investment in (and upskilling of) technical competencies with suggestions for improvements to management, audit and communication processes.

3 METHODOLOGY

As per the tender submission provided by Frankham Risk Management Services, this independent review consisted primarily of a desktop review of documentation and a series of interviews with Council Officers and members of the Tenant & Resident Association. In addition, a tour was undertaken of Marie Curie House on 25 March 2022.

Documents that informed the review are as follows:

Document	**Date**
Southwark Council Fire Safety Policy	October 2017
Questions & Clarification Points for Andrea White – 4 questions submitted by the T&RA ahead of my meeting with them on 25 March 2022	Undated
Asset management Division and Engineering Business Unit to Fire Safety Team Structural Charts	Undated
LFB Notification of Deficiencies for Marie Curie House	18 December 2020
CRTO Estate Inspection Process	Undated
Principal People Job Description for Fire Safety Manager – available online	Undated
Minutes of residents' meetings for the Lakanal House Refurbishment held between November 2013 and May 2017	Dated as per meeting
Rule 43 letter from Her Honour Frances Kirkham CBE to The Mayor and Burgesses of The London Borough of Southwark	28 March 2013
Response to Rule 43 letter from Southwark Council to Her Honour Frances Kirkham CBE	23 May 2013
Building and fire safety policy Draft v3	9 November 2021
Local Government Association's Fire safety in purpose-built blocks of flats guide	May 2012
Job Description for Fire Safety Surveyor	Undated
Job Description for Senior Fire Safety Surveyor	Undated
Fire Risk Assessments for Marie Curie House – 12 in total	20 July 2009 v1 12 November 2010 5 January 2013 25 July 2013 31 January 2014 28 January 2015 28 January 2016 18 May 2016 7 August 2017 30 May 2018 30 May 2019 27 January 2020 (reviewed 2021)

Fire Risk Assessment Review for Marie Curie House	9 January 2012
Fire Risk Assessments for Lakanal House – 6 in total	27 May 2013 28 November 2016 1 August 2017 10 December 2018 18 December 2019 4 January 2021
Incident Record for smoke present in 54 Marie Curie House	7 & 8 November 2020
Phoenix Green UK Ltd site survey of Marie Curie House	21 December 2020
Example minutes from quarterly Strategic Fire Safety meeting with LFB	1 March 2022
FRA Borough Plan – KPIs for 2021/2022	Undated
FRA Borough Plan HM Performance Dashboard latest stats	January 2022
Fire Safety Team – Membership – Qualification Matrix (V7a)	Undated
Marie Curie House Fire Compartment Survey by PC and CD	November 2020
Consultancy Report – Fire Safety Inspection – Marie Curie House undertaken by Frankham RMS	23 November 2021
Residents Fire Safety Information Pack Temporary Fire Evacuation Strategy Change	2021
Fire Strategy Plan Refurbishment Handover Rev 100317 – Lakanal House	Undated
Lakanal House Staircase Enclosure Drawing Detail – K004/03/05 Rev B	May 2014
As Built plans for Lakanal House	01 December 2016
Gantt chart for Marie Curie Fire and Safety Works 2009/2010	7 January 2010
Contract Area 3 – Sceaux Gardens Refurbishment report	23 April 2012
Response to 'Basic Fire Safety Protection Survey Report' by Sharpfibre Ltd (Dated 30 April 2012) of Marie Curie House	24 May 2012
Survey report of Marie Curie House for WDS and FRA Works by Major Works; Housing Services Department	Undated but surveys undertaken April – June 2011
Certificate of Completion for Sceaux Gardens Estate project	26 November 2013
Notice of Project Completion for LBS – Lakanal House Refurbishment	28 March 2017
Lakanal House and Marie Curie Timeline of Events – July 2009 to March 2017	June 2022

The following documents were requested as part of this internal review but not provided:

Document
Sharpfibre's report (on which the response of 24 May 2012 was based)
Fire Strategy for Marie Curie House
Regulation 38 information for building works that have been undertaken on Marie Curie House or Lakanal House

LFB Improvement Notice of 2009 for Marie Curie House
External wall survey of Marie Curie House
Compartmentation or other drawings of Marie Curie House

It is considered that a sufficient number and breadth of documents were provided in order to fulfil the brief. We would like to thank those who spent time finding particular documents that were requested.

Although pertinent to the Brief, this report does not consider the external walls of the building in detail. This is primarily because limited information was provided on the subject and a copy of the intrusive assessment report undertaken recently was not available for review. This report therefore focuses on reviewing the internal compartmentation issues at Marie Curie House, for which there were a number of sources of information. This allows the review to focus on fire safety deficiencies relating to fire spread within the building beyond a single flat.

The review encompassed a total of 14 interviews with 18 people involved in the interviews, held between the end of January 2022 and the end of March 2022. One Council Officer did not reply to introductory emails and was therefore not included in the interviews. The following individuals were interviewed on the dates indicated below:

Date of Interview	**Individual's role**	**Initials**
21 January 2022	Fire Safety Surveyor	JC
27 January 2022	Head of Engineering	SH
27 January 2022	Health &Safety Manager	SN
28 January 2022	M & E Team	MOD
28 January 2022	M & E Team	PG
31 January 2022	Specialist Fire Surveyor	CD
1 February 2022	Major Works Project Managers	SS & AB
4 February 2022	Building Safety Consultant	PC
4 February 2022	Deputy Fire Safety Manager	SY
9 February 2022	Resident Liaison	NP
3 March 2022	Strategic Director – Housing and Modernisation	MS
21 March 2022	Director of Asset Management and Private Building Safety Lead & Interim Head of Investment	DH & DV
25 March 2022	Residents of Sceaux Estate – 2 former and current residents of Marie Curie House – plus Resident Liaison	ME, DL and LP
25 March 2022	Fire Safety Surveyor	EJ

Where individuals are grouped together, this is because they were interviewed jointly.

Each interview lasted approximately one hour. Each interview was initiated by explaining that this was not a blame or finger-pointing exercise but that the Council wishes to learn lessons from anything that had happened previously. It is important to note that most of the interviews were conducted in the spirit with which they were intended, and most interviewees were open, candid, and helpful –we would like to thank all Southwark Council staff for their assistance.

The Tenant & Residents Association members were met on Friday, 25 March 2022 for approximately 2 hours in the community hall at Marie Curie House. This preceded a tour of 4 unoccupied flats within Marie Curie House and a tour of some of the communal areas in the building, including sight above the false ceilings in some communal corridors. Our thanks to Earl Johnson, Sharon Shadbolt and the M&E contractor who facilitated this visit.

The findings of these interviews, meetings and the building tour have been interpreted into the commentary of this report.

4 BACKGROUND

Southwark Council is the landlord for the Sceaux gardens estate and is situated at the junction of Peckham Road and Southampton Way in Camberwell, south-east London. The estate consists of:

- 2 tower blocks of 15 storeys – Lakanal House and Marie Curie House
- 4 blocks of 6 storeys
- 1 single storey block consisting of bedsits

Lakanal House and Marie Curie House are sister blocks, being of the same design, and are the focus on this review. They were both constructed around 1959/1960. These tower blocks have a single central staircase and each comprises of 98 maisonettes – this is 2-storey flats. The flats have a "scissor stair" configuration which was fairly common for the age of construction, with the upper part of one floor extending over the lower part of another flat. Floors are concrete and walls between flats are also concrete. The evacuation strategy for both buildings was originally designed as a stay put policy, where only individuals in the flat involved in fire would leave. A stay put policy necessitates good compartmentation between flats, as will be discussed later in this report. In the original design, some services within flats were provided on a communal basis, such as extract ventilation.

On 3 July 2009, a fire at Lakanal House resulted in the death of 6 people. Those who died were not located in the flat where the fire started (Flat 65). A Coroner's inquest was subsequently held. In addition, London Fire Brigade brought a prosecution against Southwark Council, who pleaded guilty and were fined a total of £570,000 for safety failures at Lakanal House, including failure to conduct a fire risk assessment, deficiencies in fire-resistant structures and materials between each maisonette staircase and shared internal doors, a lack of compartmentation in false ceiling structures in shared corridors and an absence of fitted intumescent strips and smoke seals on fire doors. As a result of the fire, the Council undertook extensive refurbishments of Lakanal House during 2016.

In late July 2009, it is understood that London Fire Brigade (LFB) issued improvement notices for Marie Curie house, which is the sister block to Lakanal House. As a result, works to Marie Curie House were undertaken between September 2009 and March 2010.

In November 2020, Council Officers and the LFB were called to flat 54 in Marie Curie House – see Incident Record in Appendix A. The resident reported smoke present in the bathroom, which caused their domestic smoke detection to activate. Smoke was also present in flats 39 and 56. There are conflicting accounts as to the reason: smoke found to be originating from an electric motor located in flat 56 within a shared duct for the bathrooms at Marie Curie House; another account is that flat 42 or 43 had 50/60 candles lit. It may be that there were several separate incidents that occurred in November 2020. Compartmentation surveys were undertaken in November 2020 as a result of the reported issues, which have prompted this independent review. In December 2020 a waking watch was instigated at Marie Curie House which remains in place today. A communal fire alarm system was also installed around this time to provide a simultaneous evacuation strategy (where all building occupants are alerted to a fire and are expected to leave) moving from the previous stay put evacuation (where only the occupants of the flat of origin (the flat affected) are expected to be alerted and leave).

5 THE LEGAL FRAMEWORK

With regard to fire safety, both the Fire Safety Order 2005 and the Housing Act 2004 applies in blocks of flats in England. Under the Housing Act, assessment of the conditions within flats or the common parts of blocks of flats is carried out by means of the Housing Health and Safety Rating System ('HHSRS') specified in the Act. The purpose of the HHSRS is to provide a means of assessment that identifies hazards and allows a judgement to be made as to whether the consequent risk to people is acceptable. A total of 29 hazards, including the hazard of fire, must be considered in carrying out the HHSRS. The assessment is carried out on each individual flat, rather than the entire block as a single building. It is important that those carrying out the HHSRS are suitably competent to identify potential or existing hazards, including those relating to fire, and adequately assess the risk to occupants. The Housing Act places responsibility on the housing authority to inspect properties if they become aware of significant fire hazards and gives them powers of entry for this purpose, as well as powers to require improvements and take emergency remedial action. An offence is committed if inadequate fire safety measures place people at risk of death or serious injury in case of fire.

The Fire Safety Order is the second relevant piece of legislation. Within blocks of flats, it predominantly applies to the common parts rather than within individual flats. The legislation assigns the title of 'responsible person' to the employer, the person having control of the premises or the owner and gives them duties that they must undertake, including the conducting of a suitable and sufficient fire risk assessment for the premises and taking such general fire precautions as will ensure, so far as is reasonably practicable, the safety of employees and other relevant persons. The term "relevant persons" includes flat occupants in a residential block. The responsible person must also make and arrange effective planning, organisation, control, monitoring and review of the preventive and protective measures related to fire safety.

There is further complexity in that the safety of the common parts from fire can sometimes rely on fire safety measures within the flats, into which there is no power of entry by the fire and rescue authority, or power to make requirements under the Fire Safety Order. However, there is such a power under the Housing Act. Examples of such instances can relate to flat front doors, internal doors within flats and ventilation systems (such as those in kitchen or bathroom extract systems).

In May 2012, the Local Government Association published a guide to Fire safety in purpose-built blocks of flats. The guidance was recently withdrawn to some extent as changes in government policy and regulation mean it was considered outdated. The Government is reportedly producing an updated version, however, the 2012 guidance remains freely available online at:

Fire safety in purpose-built blocks of flats - GOV.UK (www.gov.uk)

Notwithstanding that the guidance has now been withdrawn, it provides pertinent and useful advice in relation to the legal framework for fire safety in blocks of flats. Part C of the guidance covers the law governing fire safety in blocks of flats and key points include:

- Under the Housing Act 2004, the housing authority must inspect properties if they become aware of significant fire hazards. Housing authorities have powers of entry for this purpose.
- The housing authority may make requirements for improvements in fire precautions. In the event of serious risk, the housing authority has the power to take emergency remedial action.
- All fire safety measures must be adequately maintained.
- An offence is committed if inadequate fire safety measures place people at risk of death or serious injury in case of fire.

Paragraph 25.1 of this guidance states that "…After the block is occupied, control of fire safety is transferred to the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005".

Paragraph 27.2 relates to the Housing Act 2004 and states: "Assessment of the conditions within flats or the common parts of blocks of flats is carried out by means of the Housing Health and Safety Rating System ('HHSRS') specified in the Act. The purpose of the HHSRS is to provide a means of assessment that identifies hazards and allows a judgement to be made as to whether the consequent risk to people is acceptable. A total of 29 hazards, including the hazard of fire, must be considered in carrying out the HHSRS. The assessment is carried out on each individual flat, rather than the entire block as a single building".

Section 27 goes on to explain that assessed hazards are classified as either Category 1 or Category 2 hazards, according to the extent of risk to the most vulnerable occupants, with Category 1 hazards being a greater risk than Category 2 hazards. It states that "If a local housing authority becomes aware that a Category 1 or Category 2 hazard may exist, they are obliged to carry out an inspection. If it is confirmed that a Category 1 hazard exists, the housing authority have a duty to take one of a number of possible enforcement actions…In the case of serious risk, the housing authority may, itself, take emergency remedial action".

Section 28 of the guidance covers the Regulatory Reform (Fire Safety) Order 2005. It clarifies that the FSO does not apply to individual flats but does apply to the common parts of blocks of flats. It also clarifies that the 'responsible person' is typically the freeholder or landlord but can be other companies or individuals, including fire risk assessors. It goes on to clarify that "Sometimes, flat entrance doors may be outside the control of a freeholder….in case of impasse, a landlord should refer the matter to the relevant enforcing authority". It is understood that London Fire Brigade have historically been unwilling to apply requirements under the Fire Safety Order to flat entrance doors.

Section 29 on page 39 covers the overlap between the Housing Act and the Fire Safety Order: "The Housing Act applies to the common parts and the flats themselves, while the common parts also fall within the scope of the FSO. A further complexity is that the safety of the common parts from fire can sometimes rely on fire safety measures within the flats, into which there is no power of entry by the fire and rescue authority, or power to make requirements under the FSO. However, there is such a power under the Housing Act". It goes on to cite common examples where fire safety measures within flats have an influence on fire safety of the common parts and other flats:

- Front doors
- Internal doors
- Ventilation systems

This section states that "The flat entrance doors are critical to the safety of the common parts in the event of a fire within a flat. The doors must be self-closing and afford an adequate degree of fire resistance. Where these doors are, under tenancy agreements, the responsibility of the freeholder, the FSO and the Housing Act may both be used to address deficiencies, but, in many cases, it will be the FSO that is more appropriate to apply". With regard to ventilation systems, this section states that "Common kitchen or bathroom extract arrangements can be a route for fire-spread between flats. A 'stay put' policy may be compromised by inadequate measures to prevent spread of fire via a common extract duct. Again, while it may be argued that some powers to address such deficiencies might exist under the FSO, there is no doubt that the powers of the Housing Act can be used for this purpose".

Part D of the guidance begins on page 41 and lists keys points including:

- It is normally only necessary to consider the common parts to satisfy the FSO.
- Where a landlord has concern regarding risk to residents within their flats, the fire risk assessment may extend to the flats themselves.

- Intrusive fire risk assessments (involving destructive exposure) will only be necessary where there is justifiable concern regarding structural fire precautions.

Section 33.2 provides points to dispel some common misconceptions. The points include:

- Normally, fire risk assessments need not involve destructive inspection of the building, such as opening up of construction. However, where practical, it may be appropriate to lift a sample of accessible false ceiling tiles, or to open a sample of service risers.
- Although the scope of a fire risk assessment is limited to the common parts, it is essential that the fire resistance between the flats and the common parts is considered. In particular, it will be necessary to examine at least a sample of flat entrance doors to ensure that they are fire-resisting and self-closing. Care should be taken to look out for other obvious ready routes where fire might spread between the flats and the common parts, such as meter or milk delivery cupboards, windows, and so forth".

Section 34 covers the scope of a fire risk assessment and states: "As the fire risk assessment is concerned with fire safety within the common parts, the flats themselves are outside the scope of the FSO. Accordingly, the scope of the fire risk assessment required by the FSO does not include measures to protect residents from a fire in their own flat. However, it will normally be necessary to gain limited entry to at least a sample of flats. This is to examine the necessary measures to ensure when a fire occurs in a flat, that there is not undue risk to other residents".

Section 35 of the guidance deals with the 4 types of fire risk assessment that can be undertaken: "The scope of a fire risk assessment needs to be relevant to the nature of the premises and the amount known in respect of the structural protection. There are, in principle, four different types of fire risk assessment that can be carried out for a purpose-built block of flats. They differ in the extent to which the building is inspected". The guidance goes on to explain the 4 types:

- Type 1 – Common parts only (non-destructive)
- Type 2 – Common parts only (destructive)
- Type 3 – Common parts and flats (non-destructive)
- Type 4 – Common parts and flats (destructive)

It clarifies that a Type 1 fire risk assessment is the basic fire risk assessment required for the purpose of satisfying the FSO and that a Type 1 assessment includes examination of at least a sample of flat entrance doors. "It also considers, so far as reasonably practicable, the separating construction between the flats and the common parts without any opening up of construction". It goes on to say that "Unless there is reason to expect serious deficiencies in structural fire protection – such as inadequate compartmentation, or poor fire stopping – a Type 1 inspection will normally be sufficient for most blocks of purpose-built flats. Where doubt exists in relation to these matters, the action plan of a Type 1 fire risk assessment may recommend that one of the other types of fire risk assessment be carried out or that further investigation be carried out by specialists".

A Type 2 fire risk assessment is noted within the guidance as relating to the common parts only of the building but with a degree of destructive inspection, carried out on a sampling basis. The purpose of the destructive inspection is to check the integrity of separating construction and can involving requiring access into a flat. However, this can often be carried out in vacant rather than occupied flats. The guidance acknowledges that this is likely to be a one-off exercise, "which is carried out only if there is good reason to suspect serious structural deficiencies that could lead to spread of fire beyond the flat of fire origin".

Regarding Type 3 fire risk assessments, this section of the guidance states that "A Type 3 fire risk assessment may sometimes be appropriate for rented flats if there is reason to suspect serious risk to residents in the event of a fire in their flats. (This might be, for example, because of the age of the block or reason for suspicion of widespread,

unauthorised material alterations). This type of fire risk assessment will not be possible in the case of long leasehold flats, as there is normally no right of access for freeholders".

Regarding Type 4 fire risk assessments, the following comment is made in the guidance: "This is the most comprehensive fire risk assessment, but will only be appropriate in limited circumstances – such as when a new landlord takes over a block of flats in which the history of works carried out is unknown and there is reason to suspect serious risk to residents from both a fire in their own flats and a fire in neighbours' flats".

6 GOVERNMENT GUIDANCE ON COMPARTMENTATION

The Local Government Association's guidance document entitled 'Fire Safety in purpose-built Blocks of Flats' provides advice on compartmentation in Section 54, starting on page 71. It begins by stating that "Adequate compartmentation is a basic requirement in all purpose-built blocks of flats. The standard of fire separation, whether between individual flats, between flats and the common parts, or between the common parts and ancillary accommodation, such as refuse chutes and plant rooms, should be a key consideration when undertaking a fire risk assessment".

It goes on to explain that standards of compartmentation and fire separation recommended in design guides for blocks of flats has changed over the years, particularly in comparison to those published prior to the 1960s. Section 54.8 states that "It is vital that floors and walls are in good condition and that there are no openings, whether intentional or unintentional, that would permit the uncontrolled spread of fire and smoke. The potential for fire to spread through any service ducts and risers, ventilation ducts and refuse chutes, and by means of openings around gas, electricity, water, drainage and telecommunications services, should be considered…Particular attention should be paid to service ducts or risers and any common ventilation systems".

The guidance then provides further information and advice regarding these matters, including stating that "It has been traditional for many years for the common extract from bathrooms to incorporate shunt ducts, which reduce the likelihood of fire and smoke-spread between flats. Some earlier designs used the same arrangement for kitchen extract, although this was not a preferred method. However, there are blocks of flats that do not incorporate shunt ducts and have no adequate means of preventing fire and smoke-spread between flats via ventilation ducts. The absence of measures to prevent fire and smoke-spread via common ventilation systems is so far removed from what is acceptable today that action will be necessary to reduce the risk it poses". This guidance was published in May 2012.

The guidance goes on to say (Section 54.15) that "In existing flats, it will rarely be practicable to upgrade ventilation systems to meet current benchmark standards and retrospectively introduce mechanical fire and smoke dampers into the ducts. However, one way of reducing the potential for fire-spread between flats would be to fit intumescent fire dampers to the vents into the ducts. Although this would not restrict the spread of smoke in the early stages of a fire, it would prevent spread of flames and hot gases. This is a reasonable approach for bathrooms, but it less satisfactory for kitchens, where there is the potential for a serious fire in the room in which the vent is located. In these cases, the ideal solution would be to rearrange the ventilation to discharge directly to outside and not via a common duct".

The guidance then helpfully sets out in Appendix 1 a history of fire safety design standards for purpose-built blocks of flats. Section A1.26 states that "In the latter part of this period (London legislation 1946-1962), shunt ducts may have been used to prevent fire-spread between flats via common ventilation shafts, but this may need to be confirmed where there is a 'stay put' policy. In Appendices 8 and 9 of the guidance it gives examples of buildings where ventilation ductwork was examined, and remedial measures implemented.

7 REVIEW OF FIRE SAFETY NOTICES FROM LONDON FIRE BRIGADE FOR MARIE CURIE HOUSE

It is understood that London Fire Brigade issued an Enforcement Notice for Marie Curie House on 11 August 2009 as a result of the Lakanal House fire, although a copy of this was not provided for review. In the absence of the original Notice, information previously published in the public domain indicates that for Marie Curie House, the Enforcement Notice indicates:

- Failure to carry out suitable fire risk assessments
- A lack of self-closing or fire-resistant fire doors
- Ceilings to common access/escape corridors not being fire resisting
- Lack of suitable arrangements for the 'planning/monitoring/review of protection of escape routes
- Inadequate maintenance of fire resisting construction, cavity barriers and fire doors
- Lack of effective communication to residents of the emergency plan relevant to the premises

On 18 December 2020, in response to the issues highlighted the month before, London Fire Brigade issued a Notification of Fire Safety Deficiencies for Marie Curie House – this is provided as Appendix B. The Notice highlighted 4 Articles of the Regulatory Reform (Fire Safety) Order, 2005 which (in their opinion) were being contravened:

- Article 4 – Failure to remove fire action notices which stated that the evacuation strategy for the building was 'Stay Put' when the evacuation strategy had altered to simultaneous evacuation.
- Article 14 – Flat front entrance doors and escape doors were fitted with single Perko closers which were considered inadequate.
- Article 15 – same issue as Article 4
- Article 8 – inadequate fire resisting separation between flats

8 REVIEW OF WORKS IDENTIFIED AT LAKANAL HOUSE

Minutes of residents' meetings for the Lakanal House Refurbishment (held between November 2013 and May 2017) show that Lakanal House works started in December 2014, with the refurbishment project finishing in December 2016 with the block fully occupied around June 2017.

Council Officers were able to state that Lakanal House was emptied after the fire and concur that major works were carried out in 2015, whilst the building was still empty and following the Coroner's Inquest. This included asbestos removal, compartmentation issues were resolved and communal ventilation ductwork appears to have been removed and reconfigured within each flat to vent from the bathroom through the second bedroom to outside. Resident Project Team Meeting minutes show that panels under windows and on balconies of Lakanal House were identified by the contractor as needing to be replaced with Class 0 panels (Minutes of 22 June 2015). A list of the works undertaken in 2015 within Lakanal House is given at the end of Appendix E and noted as Scope of Works.

At the time of the Lakanal House fire in 2009, there was no fire risk assessment in place for the building. In relation to aspects of the brief, six fire risk assessments undertaken at Lakanal House between 2013 and 2021 have been reviewed – these have been particularly helpful in identifying deficiencies and works undertaken at Lakanal House. The summaries below focus on aspects relating to compartmentation including the ventilation system and flat entrance doors. All of the fire risk assessments were Type 1 assessments, with the exception of the report carried out on 28 November 2016, which was a Type 3.

2013

- The fire risk assessment dated 27 May 2013 states that "Lakanal House was subject to significant refurbishment works in 2006/2007 which included internal upgrade works and replacement windows and cladding panels to the front and rear facades".
- The fire risk assessment dated 27 May 2013 states that "This report does not include an assessment of external flame spread unless it is identified as impacting on the fire safety of common areas".
- Page 12 of the fire risk assessment dated 27 May 2013 highlights that "The existing ventilation ductwork is expected to be a conventional duct without damper control. This may allow the migration of smoke and hot combustion gases from a point of fire to other areas of the building".

2016

- The fire risk assessment dated 28 November 2016 is a Type 3 assessment and follows the major works undertaken. The fire risk assessment is comprehensive. It states that flat entrance doors and adjacent escape doors were replaced with 30-minute fire doors, with intumescent strips, smoke seals, self-closers to BS EN 1154 and 3 hinges. It states that the shunt duct ventilation system was replaced with independent extract ventilation to both the bathroom and kitchen, each extending to an external wall. No mention is made regarding any timber panels above the flat entrance and escape doors, which would be above the false ceiling in the communal corridor.
- Page 19 of the fire risk assessment dated 28 November 2016 states "Within the Lakanal Inquiry findings and coroner's report it was found that smoke passed through this ducting into the bathrooms of other flats above the flat with the fire. It is with this in mind and to prevent any potential future problems with this extract system, that the shunt duct system has been decommissioned and replaced with extract ventilation to the bathroom and kitchen through ducting out to an external wall within each flat".

2017

- The fire risk assessment dated 1 August 2017 is completed by the same individual as the 28 November 2016 assessment. It is comprehensive and almost identical in contents, although the report template is updated.

2018

- The fire risk assessment dated 10 December 2018 is completed by the same individual as the 2017 and 2016 assessments. It is comprehensive and almost identical to the previous report.
- None of the assessments undertaken in 2016, 2017 or 2018 confirm whether the assessor has looked above the false ceilings in the communal corridors.

2019

- The fire risk assessment dated 18 December 2019 is undertaken by a different individual. It recommends a full passive fire survey. The assessment appears to confirm that the assessor looked above the false ceilings in the communal corridors.

2021

- The fire risk assessment dated 27 January 2021 is undertaken by the same individual as the 2019 assessment. The issues identified in the 18 December 2019 assessment do not appear to have been remedied.
- The assessments highlight the 2-hour fire resistance to the communal service risers within the building.
- Each report states that "Where appropriate the FRA will make recommendations to ensure compliance with relevant fire safety legislation. However, it should be understood that this assessment does not replace the council's other obligations to carry out fire safety assessment such as those required by the Health and Housing Safety Rating System (HHSRS) assessment to dwellings under section 9 of the Housing Act 2004".

Published information in the public domain explains the Lakanal House Inquest found that panels installed in 2006/2007 as part of decent homes refurbishment under the bedroom window of flat 79 appeared to help the fire spread more rapidly than expected after a fire started in the flat below (flat 65) caused by a faulty television. David Crowder told the Inquest that "the 'boxing in" under the stairs in the flats significantly failed within 2 or 3 minutes and that the suspended ceilings in the corridors, installed in the 1980s, did not have any barriers to fire and smoke spreading along its length".

The Inquest also heard that "the council's senior management were warned numerous times they were breaching the Fire Safety Order 2005 because they had not carried out fire risk assessments on their residential blocks". The fire risk assessment programme started in May 2009, with neither Lakanal House or Marie Curie House having a fire risk assessment in place in July 2009. David Walker suggested at the Lakanal House Inquest that fire risk assessments on complex buildings should be carried out by people with good technical knowledge and suggested that fire risk assessors should see inside at least some of the flats in a block – he suggested a 10% sample. The Inquest heard that a letter from London Fire Brigade's assistant commissioner Steve Turek to the Director of Housing in Southwark Council, sent in March 2009, included the following suggestion: "We consider that the structure of the building and changes that have been made to it and the levels of fire resistance are matters that should be considered as part of a suitable and sufficient fire risk assessment".

9 REVIEW OF FIRE SAFETY WORKS COMPLETED TO MARIE CURIE HOUSE POST THE LAKANAL HOUSE FIRE

Following the Lakanal House fire on 3 July 2009, a fire risk assessment was undertaken by Turner & Townsend on 20 July 2009 – it gave the building an overall fire risk rating of Substantial.

Appendix E provides a Gantt Chart of the fire safety works carried out at Marie Curie House between July 2009 and March 2010 as a result of discussions with London Fire Brigade following the Lakanal House fire.

Appendices C and E concur that the 2009/2010 fire safety works included the following extensive works:

- Removal of wood laminate fascia and wood support structure to create void above access corridor ceilings and replacement with Glassroc board including access hatches
- Boxing in of the underside of the internal staircases where it extends into the void above communal corridors
- Fire stopping of service penetrations from the void above communal corridors into individual flats
- Redecoration of walls in communal areas on each floor with fire retardant paint
- Flat front entrance door and frame replacement
- Emergency exit door from flat and frame replacement
- Replacement of external doors from flats to balconies
- Replacement of doors to communal staircase and frames
- Replacement of doors from communal corridors to lift lobbies and frames
- Replacement of bedroom doors with 30-minute fire doors (with intumescent strips) and frames where necessary
- Replacement of doors between staircase and refuse chute areas and frames
- Replacement of metal doors to refuse chute rodding access points with fire rated covers
- New emergency lighting and replacement of lateral mains electrical and risers, including fire stopping
- Encapsulation of internal stair within flats
- Fire break in void (this may refer to the void above access corridor ceilings)
- Installation of smoke/heat detectors in each room, with kitchen and sitting room alarms being mains powered and entrance hall and bedrooms being battery powered
- Upgrade of escape balcony communal doors including panic pad installation
- Fire stopping of vertical service risers between flats
- Fire stopping of vertical service risers within flats
- Fire stopping of redundant vents from warm air system between flats and communal corridor
- Installation of fire safety signage
- Removal of redundant wiring and installation of cable trays
- Firestop vertical ducts in escape and lift lobbies, cover opening with MDF (fire-rated materials) and fit intumescent/smoke seals
- Replacement of vents to ventilation shaft in bathrooms and sitting rooms

One item of note identified on the Gantt Chart (Appendix E) is item 29 – fresh air vent in bathroom wall. This is noted in the document as “omitted”, suggesting that it was not carried out. A tour of several flats in Marie Curie House confirmed that the bathroom ventilation has not been rerouted independently through the bedroom wall to outside in each flat, as had been undertaken in Lakanal House as part of the 2015 works. However, it does appear that the vent covers in both the kitchen and the bathroom were replaced. Although not an intumescent type. It was identified that (compared to Marie Curie House up to the current day) Lakanal House had at least one additional measure undertaken - installation of independent ventilation ducting from the bathroom. This was confirmed by a previous resident of Lakanal House, who occupied the building after its refurbishment.

Council Officers who worked for the Council at the time of the Lakanal House fire were able to confirm that there was no consideration at that time of emptying Marie Curie House to undertake required works. In 2012/13, further works were undertaken in Marie Curie House as part of the Warm Dry Safe Initiative which included removal of the warm air heating cupboards within each flat.

10 TIMELINE OF ACTIVITY 2009 – 2020

Below (and Appendix D) identifies a timeline of events at both Lakanal House and Marie Curie House between July 2009 and March 2017. The timeline was outlined by Southwark Council in June 2022.

Date	Event	Comments for Lakanal	Comments for Marie Curie
3 Jul 2009	Fire at Lakanal House.	Lakanal did not have an FRA when the fire happened. Lakanal is decanted and put under Police Control until the Inquest can be concluded	There was not an FRA for Marie Curie when the fire at Lakanal happened – the LFB enforcement notice (discussed further below) stated that the building did not have an appropriate FRA when the fire happened at Lakanal. There is an FRA from 20 July 2009. This was conducted by Turner and Townsend. The Council engaged them after Lakanal to conduct FRAs.
Jul 2009	FRA works were drawn up for Marie Curie	Police site - no schedule of works at this point	These FRA works came from LFB investigations and the work of the Council. This is reflected by a quote from a Council spokesperson – "following the Lakanal fire we worked with the fire brigade and on our own to look at the works needed on high rise blocks." The programme of works also stated that LBS would give the specifications for the FRA works. These were not planned works. These works were a response to specific Fire Safety Concerns – these were raised by the LFB through discussions with the Council and by the FRA from 20 July 2009, as discussed above.
Jul 2009	Fire Safety Works commence at Marie Curie.		Contractors used were Shellens, Morrisons, All Fired Up, Silk and Mackman, Spokemead and M Wicker.
11 Aug 2009	LFB serve Enforcement Notices for other High Rise Scissor Blocks, including Marie Curie.		Southwark not able to locate the notices at this stage. They have been requested them from Legal Services. The LFB has a public record of notices, but it begins from January 2010. LFB and the Council had discussed the problems from the notice – both after the LFB inspections which followed the fire and at a meeting on 7 August 2009 As per the comments of a spokesperson, the Council was addressing these problems.
Mar 2010	Fire Safety Works are completed at Marie Curie		The Council Website states that the LFB signed these off as being compliant with the FSO The sign off from Building Control has been requested. Relevant certificates have been requested from the Investment Team, Repairs Service and Engineering Service.
Nov 2010	FRA completed at Marie Curie		This FRA stated that the risk rating for the building was tolerable. This was completed by Turner and Townsend.
Jan 2012	FRA completed at Marie Curie		This FRA stated that the risk rating for the building was tolerable. This was completed LBS.
Apr 2012	Planned Major Works (Warm Dry and Safe) works commence at Marie Curie		Paper taken to Strategic Director for approval of contractor at Sceaux Gardens (part of Marie Curie) for the planned works there. This included works at Marie Curie. The report stated that the Council may change the scope of works for Marie Curie, if the Inquest showed that there were matters that need to be addressed. The Council was the consultant for this scheme of works (major works).
Apr 2012 to Jun 2012	Fire Safety Investigations happen at Marie Curie		Fire Safety Investigation Report by Sharpfibre LTD raised concerns – this was from 30 April 2012. No access to this report at this stage, but it has have requested it from Sharpfibre LTD. After the Sharpfibre report, the Council did its own assessment. This states that "notwithstanding some minor issues (mentioned below

			and expanded upon in the main body of the report) that are to be further investigated, in terms of fire safety, Marie Curie House is considered to be of comparatively 'Low Risk' for this type of building". This report is dated 24 May 2012. The recommendations from this report were used to determine the Fire Safety works for the Warm, Dry and Safe (WDS) Scheme. This document has been shared and it is called "Document 6 – Response to Sharpfibre Report at Marie Curie 260522" An LBS Decent Homes report states that Turner and Townsend Ltd drew up a schedule of FRA works for Marie Curie's WDS works. This document has been shared and it is called "Document 7 – Decent Homes Report Marie Curie 0412 to 0612"
14 Jan 2013	The Lakanal House Inquest commences		
28 Mar 2013	The Lakanal House Inquest concludes		
23 May 2013	Rule 43 Letter sent by Chief Executive of the Council.		The response to the Rule 43 letter discussed a feasibility study regarding sprinklers. This study concluded that sprinklers would be added to the Council's sheltered housing but would not be added to other homes. This was discussed by a Cabinet report from December 2013.
Jun 2013		June 2013 - Lakanal had been handed back to Southwark, so the next steps could be discussed. An Order 1 was issued to Keepmoat in June 2013 to carry out an options appraisal on Lakanal. NB - Options appraisal was designed to look at the way the works would be funded, not the scope of works.	
Jul 2013		In July 2013 Calford Seaden were appointed to provide all consultancy services for the pre-construction phase of the scheme following a tendering/quotation exercise. Detailed design work was undertaken to develop the scheme and produce a Task Order Price (TOP)/Schedule of Works. The decisions during this process went through the appropriate teams within the Council. During the design phase, there was not an FRA because the building was not occupied, and major works were due to take place whilst property was decanted.	
6 Oct 2013	Warm, Dry and Safe works at Marie are completed		The Certificate of Completion for these works provided.
5 Feb 2014	Conditional approval for the works at Lakanal House received from Building Control		
14 Nov 2014	Planning approval received for the works at Lakanal House		
Jan 2015	Pre-construction and enabling	Keepmoat were the contractor for the refurbishment works.	

	works commenced at Lakanal House		
Sept 2015	Refurbishment works begin at Lakanal House		
10 Mar 2017	Refurbishment works are concluded (Practical Completion) at Lakanal House	The Certificate of Completion for these works completed	

The following facts and timescales appear pertinent to the observations, discussion and analysis which follow:

In Marie Curie House and Lakanal House, the original hot air systems which provided heating in each flat were replaced in the 1970s, having previously been located in the entrance hall on the lower floor of each flat. The hot air systems were replaced by a communal (district) system of gas powered central heating (radiators) and hot water.

Lakanal House was subject to significant refurbishment works in 2006/2007 which included internal upgrade works and replacement windows and cladding panels to the front and rear facades

Immediately after the Lakanal House fire In July 2009, London Fire Brigade issued an Enforcement Notice for Marie Curie House on 11 August 2009. Although there is no copy available for review, it appears that the Enforcement Notice covered:

- Failure to carry out suitable fire risk assessments
- A lack of self-closing or fire-resistant fire doors
- Ceilings to common access/escape corridors not being fire resisting
- Lack of suitable arrangements for the 'planning/monitoring/review of protection of escape routes
- Inadequate maintenance of fire resisting construction, cavity barriers and fire doors
- Lack of effective communication to residents of the emergency plan relevant to the premises

As a result, fire safety works were undertaken to Marie Curie House between September 2009 and March 2010 – see Section 9 of this report for a list of these works. These works were carried out without decanting residents. Planned works were then undertaken at Marie Curie House between April 2012 and October 2013 as part of the Warm Dry and Safe initiative. Again, these works were carried out with residents remaining in their flats. It is understood that the Council reserved the right to change the scope of works for Marie Curie House if the Inquest showed that there were matters which needed to be addressed. The scope of the Warm Dry and Safe works included the renewal of windows, electrical upgrading, removal of the warm air heating system and upgrade of bedroom door frames.

The timeline above (and in Appendix D) refers to a compartmentation report of Marie Curie House by a company called Sharpfibre Ltd, dated 30 April 2012. Sharpfibre's original report was not available for review but a response to the report from the Council was available and is provided as Appendix H. It is unclear why or by whom Sharpfibre Ltd were asked to undertake the survey. However, the Council response (dated 24 May 2012) stated that there were only minor issues. It is understood (based on the timeline comments above that Turner & Townsend then drew up a schedule of fire safety works for Marie Curie House, possibly based on these documents.

The Lakanal House Inquest commenced on 14 January 2013. On 28 March 2013, at the conclusion of the Inquest, Her Honour Frances Kirkham CBE wrote a Rule 43 letter to the Mayor and Burgesses of The London Borough of Southwark – the letter is provided at Appendix F. The letter is helpful in stating that "I understand (1) that fire risk assessments have been undertaken in relation to all high rise residential buildings within the Borough, and it was

your intention that any fire safety work be completed by March 2012; and (2) that fire safety information and advice have been given to residents of such buildings". The letter goes on, however, to provide recommendations relating to 6 areas:

1. Information and guidance to occupiers of flats and maisonettes in high rise buildings
2. Signage in high rise residential buildings
3. Policies and procedures concerning fire risk assessment
4. Training of staff engaged in maintenance refurbishment work on existing building
5. Access for emergency vehicles
6. Retro-fitting of sprinklers

With regard to Point 3, the Rule 43 letter recommends that "your authority review its policies and procedures concerning fire risk assessments of high rise residential buildings.

- Prioritising such buildings for regular rigorous review
- Considering the skills and experience needed to undertake an assessment of higher risk residential buildings
- Considering the training required for members of staff considered to be competent to carry out assessments
- Identifying when individual flats or maisonettes should be inspected and how these should be selected for inspection
- 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".

With regard to Point 4, the Rule 43 letter recommends "that your authority 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 building 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".

In response to the Rule 43 letter of 28 March 2013, the Chief Executive of Southwark Council, Eleanor Kelly, replied on 23 May 2013 – the letter is provided at Appendix G. It is interesting that on page 1 the letter states that there is no set definition of 'high rise' and therefore the Rule 43 letter recommendations will be applied to blocks over 30m, equating to those of 10 storey and above. It is understood that the Council owns thousands of blocks of flats, with only approximately 170 being over 18 metres in height. On this basis, looking at only those over 30 metres would cover very few buildings but both Lakanal House and Marie Curie House would be included in those buildings, both being more than 30 metres in height.

With regard to Point 3 of the Rule 43 letter, relating to policies and procedures concerning fire risk assessment, there is a detailed response on each of the 5 bullet points noted on the previous page of this document. Whilst there is no need to copy out the full response, the following points are of particular note:

A. "The council completely reviewed its approach to fire risk assessments….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".
B. "The cycle of review for blocks…can vary from 6 months to 2 years, dependant on the risk of the building".
C. "…the council has already centralised the responsibility to a specialist in-house fire safety team that is considered highly skilled and experienced, also offering a high degree of building design and construction knowledge".

D. "The in-house fire safety team has undergone a wide range of training across many disciplines, and we also provide for continuous professional development. Further training is provided for any change in law, regulation, guidance or practice".

E. "…we have also considered the "Competency Criteria for Fire Risk Assessors" published by the Fire Risk Assessment Competency Council and consider that our in-house assessors meet the requirements set out".

F. "Our current fire risk assessment process already identifies areas where further internal in-dwelling investigation might be required. This is 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. However, the council is already rolling out an annual property check process…including whether any modifications have been made to the layout of the property. This would also identify any lifestyle issues that would impact on the fire safety of the individual property and the block. 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 sample of flats or maisonettes to identify possible breaches of the compartment. Clearly this issue is of national significance and subject to further exploration of the legal basis for inspection of all council properties and the response from the Department for Communities and Local Government, the council will continue with its current strategy".

G. "Prior to every fire risk assessment being undertaken, the surveyor will be provided with a comprehensive brief on the layout of the building, records of any recent major works and any other design features or characteristics relevant to the building and its fire safety".

H. "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 electronic document management system, Info@Work, at the end of 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 design, construction and any recent refurbishment or replacement".

I. "…the council also undertakes annual property checks to all tenanted dwellings whereby information can be obtained regarding any authorised and unauthorised changes to the internal construction and/or layout. This information will be shared with the in-house fire risk assessors".

J. "…a number of offices, both in the Maintenance and Compliance and Major Works Divisions, have been trained to a nationally accredited (NEBOSH – National Examination Board in Occupational Safety and Health) standard in relation to construction and fire safety".

K. "…the council has identified the need for its contractors, including consultants, engaged in major works to be suitably experienced and qualified in fire safety requirements. All of the council's lead designers and consultants will be required to attain NEBOSH accreditation, and all the council's contractors engaged in major works and day to day maintenance will be required to regularly demonstrate sufficient knowledge, experience and qualification in fire safety issues and requirements in construction".

At a prosecution brought by London Fire Brigade in 2017, Southwark Council pleaded guilty to 4 failings at Lakanal House:

- failure to conduct a fire risk assessment
- deficiencies in fire-resistant structures and materials between each maisonette staircase and shared internal doors
- a lack of compartmentation in false ceiling structures in shared corridors
- an absence of fitted intumescent strips and smoke seals on fire doors.

After the Inquest, possession of Lakanal House was returned to the Council. A fire risk assessment was undertaken at Lakanal House on 27 May 2013 in order to allow Council staff and contractors to work in the building following its release back to Southwark Council. It highlighted that "The existing ventilation ductwork is expected to be a conventional duct without damper control. This may allow the migration of smoke and hot combustion gases from a point of fire to other areas of the building".

The Council undertook extensive refurbishments of Lakanal House during 2016, with the building being unoccupied throughout the works. Details of the scope of these extensive works are noted at the end of Appendix E. and included asbestos removal, compartmentation issues resolved, and communal ventilation ductwork removed and reconfigured within each flat to vent from the bathroom through the second bedroom to outside. Resident Project Team Meeting minutes show that panels under windows and on balconies of Lakanal House were identified by the contractor as needing to be replaced with Class 0 panels (Minutes of 22 June 2015). A comprehensive Type 3 fire risk assessment was carried out at Lakanal House on 28 November 2016, which specifically highlights flat entrance doors and the removal of the communal ventilation ductwork. However, it does not mention panels above flat entrance and escape doors or other aspects above the false ceilings in the communal corridor.

Smoke-related incidents in November 2020 prompted London Fire Brigade to issue a Notification of Deficiencies, which stated the following contraventions:

- Article 4 – Failure to remove fire action notices which stated that the evacuation strategy for the building was 'Stay Put' when the evacuation strategy had altered to simultaneous evacuation.
- Article 14 – Flat front entrance doors and escape doors were fitted with single Perko closers which were considered inadequate.
- Article 15 – same issue as Article 4
- Article 8 – inadequate fire resisting separation between flats

This appears to have prompted Southwark to undertake further investigations in relation to compartmentation within Marie Curie House. These investigations highlighted a significant number of deficiencies in compartmentation both between flats and between flats and the communal corridors and service risers. They also highlighted the issues with the communal ventilation ductwork.

11 REVIEW OF FIRE RISK ASSESSMENTS AND TASK ACTIONS MADE RELATING TO MARIE CURIE HOUSE SINCE 2009

At Marie Curie House, fire risk assessments were undertaken between 2009 and 2021, with assessments or reviews undertaken roughly on an annual basis.

Twelve fire risk assessments for Marie Curie House have been reviewed, undertaken between 2009 and 2021. Aspects relating to compartmentation including the ventilation system and flat entrance doors have been focussed on. The following aspects are relevant:

2009

- The fire risk assessment dated 20 July 2009 appears to have been in response to the Lakanal House fire. It was undertaken by Turner and Townsend. It does not mention the Housing Act, 2004. However, it identifies poor compartmentation, and that "mechanical ventilation" could pose a significant risk; it asks for ductwork in flats to be cleaned. This assessment identifies a request by London Fire Brigade for a new 60-minute ceiling in means of escape corridors at Marie Curie House but makes no mention of flat entrance doors or panels above flat entrance doors. The assessment asks for the compartmentation between dwellings to be checked and for 60 minute protection to the underside of flat staircases where they extend into the communal corridor. The assessment gave the building an overall fire risk rating of Substantial, with 33 items to be actioned.

2010

- Another fire risk assessment was carried out by Turner & Townsend on 12 November 2010. This was after completion of the unplanned fire safety works and resulted in an overall fire risk rating of Tolerable, although it is unclear why this was not listed as Moderate, based on the findings. Despite substantial fire safety works having just been completed, there remained 10 items for action. Issues identified included storage in communal areas, communal fire doors not effectively self-closing, smoke seals missing from some flat entrance doors and reiterated concerns about the bathroom ventilation ductwork – a concern that was made in the 2009 assessment but was not addressed in the fire safety works in 2009/10.

2012

- On 9 January 2012, an Officer of the Council carried out a Review of Fire Risk Assessment. This was a much shorter report of 11 pages (rather than the previous Turner & Townsend reports of 31 and 25 pages respectively). It confirmed the new risk rating for the building to be Tolerable. It highlighted that 7 recommendations from the previous fire risk assessment had been implemented but that 3 recommendations from the previous fire risk assessment (regarding storage and regarding the bathroom ventilation system) had not yet been implemented. It raised 4 new actions.

2013

- The next fire risk assessment is dated 5 January 2013, a year after the previous. It states that "a significant amount of work has been done" and that "the original entrance and external balcony doors to the flats have been replaced with self-closing FD30S fire doors". There is no mention of previous actions and the history of the building; there is no mention of the ventilation system and no mention of flat front doors (either being checked or their condition) except that they were previously replaced. There is no mention of gaining access above the false ceiling in the means of escape corridors. The report does not mention the Housing Act, 2004.
- A fire risk assessment carried out on 25 July 2013 is a Type 1 assessment and mentions the Housing Act, 2004 aspects. Flat entrance doors are not mentioned. The assessment states that "The fire stopping qualities of dampers and ducts within the flats was not part of this assessment". There is no mention of gaining access above the false ceilings in the means of escape corridors.

2014

- The fire risk assessment dated 31 January 2014 is undertaken by Turner & Townsend and mentions aspects relating to the Housing Act. Several flat entrance doors and secondary means of escape doors are inspected as part of the assessment, and it is noted in the report that no issues were found. Regarding ductwork, the report states that "At the time of assessment it was not possible to establish if the metal ventilation duck (sic) which runs between the flats are adequately protected to prevent the spread of smoke between dwellings. It is understood that the responsible person has already undertaken further investigation of the ventilation system in Marie Curie. The findings of these investigations should be reviewed and if the system is identified as a means of possible smoke spread between dwellings appropriate measures should be taken to mitigate the risk".

2015

- The fire risk assessment of 28 January 2015 is a Type 1 assessment which includes a paragraph relating to the Housing Act 2004. It is undertaken by the same assessor as carried out the Lakanal House fire risk assessments in 2016, 2017 and 2018. It is comprehensive and includes an inspection of several flats. It does not appear to include a visual inspection above the communal corridor false ceilings. It recommends a smoke test of the ventilation ductwork following the Lakanal inquest findings and rates this as a high-risk action. The assessment also identifies that Perko self-closers have been fitted to flat entrance and escape doors and puts an action to replace these but rates it as a low risk action.

2016

- The fire risk assessment of 18 May 2016 is undertaken by the same assessor as in 2015 and states that more works have been undertaken to Marie Curie House following the Lakanal Inquest recommendations, although does not specify what these are. It is comprehensive but almost identical to the previous report.

2017

- The fire risk assessment of 11 May 2017 is undertaken by the same assessor as in 2015 and 2016. The assessment states that "where it is deemed relevant, a sample dwelling(s) will be inspected to determine its relationship and dependence on the common areas to understand the nature of fire separation between dwellings and common areas". At Section 7.6.1, the report describes the considerations that were taken during the post-Lakanal fire refurbishments around the smoke control system in place in the communal areas. The options are to retain the smoke dispersal system or move to smoke containment. The ventilation ductwork are noted as having no fire dampers and the report highlights the Lakanal Inquest findings that smoke passed through the ducting into other flats bathrooms above the fire flat. The report recommends a smoke test. The issues with inappropriate use of Perko self-closers are noted as resolved, with a Works Order annotated on the report with a future target date of 12 May 2018.
- Only 3 months after the last fire risk assessment, another assessment is undertaken on 7 August 2017 by the same assessor as in 2015, 2016 and 2017. Issues relating to the smoke test and the Perko self-closers remain, although the Perko issue now features 2 Works Orders against it and a revised future target date of 10 August 2018.

2018

- The fire risk assessment dated 30 May 2018 is undertaken by the same assessor as in 2015, 2016 and 2017. The Perko self-closer issues remains within the report, as does the 2 Works Orders and a future target date which has again been revised, now to 31 May 2019. The smoke test issue has a status of Resolved with a future target date of 30 June 2018 and a Works Order number assigned to it.

2019

- The fire risk assessment dated 13 May 2019 is undertaken by the same assessor as in 2015, 2016, 2017 and 2018. The Perko self-closers issue remains in the report, along with the 2 Works Order numbers and is marked as Resolved but the future target date has been extended to 15 May 2020. The smoke test action is marked as Resolved in this report with a future target date of 15 June 2019 and a Works Order noted. The actions states

that “As per agreement with David Rowson, a smoke test will be carried out when or if Major works carry out extensive works to the ventilation system, or when the building is decanted of residents”.

2020 / 21

- The final fire risk assessment was originally written on 27 January 2020 and then appears to have been reviewed on 11 May 2021. In between these dates, in November 2020, the issues with smoke extending into other flats occurred. A copy of the 2020 version was not made available. There is a lack of understanding by the assessor in relation to fire resistance requirements of floors in a building of this height – i.e. the need for 120 minutes rather than 60 minutes. Recommendation actions for a smoke test do not feature in this report, although this is still contained in the Section 7 description from a previous version of the report. The report recommends that a full fire door survey is carried out and sets the risk rating as High, with a target date of 28 February 2020 and comments as follows: “May 2021 – further surveys since December 2020 have highlighted issues with fire doors in general. Replacement of all fire doors with certified FD30S (FD60s in some communal areas) is being looked at as part of feasibility report”.

Actions noted in the 2009 fire risk assessment appear to have been largely incorporated into the fire safety works undertaken in 2009/10, with the notable absence of the issues associated with the bathroom ductwork. In addition, the action regarding panels above flat entrance and escape doors to be 60 minutes fire resisting appears to not have been carried out. Some of the actions noted in the fire risk assessment are worthy of query, such as the required level of fire resistance or the lack of consideration of external fire spread when considering the walls along the external balconies.

Subsequent fire risk assessments undertaken after the fire safety works do not appear to have adequately checked completion of issues detailed in the previous report. For example, the issues noted in the 2009 fire risk assessment included plywood fanlights over the flat entrance and escape doors. These have remained in situ, as identified during a tour on 25 March 2022, yet there is no mention of this issue in the 2010 fire risk assessment. However, bathroom extraction issues were carried forward. In subsequent reports, it can be seen that some actions have been noted as undertaken or resolved, however, it is unclear whether “resolved” means they have been passed to a contractor or whether it means they have been completed and checked as adequately undertaken. It is suspected that “resolved” means passed to a contractor; there appears to be no system of checking work that contractors undertake.

The fire risk assessments for Marie Curie House, when considered collectively, identify that different assessors had different levels of knowledge. Their level of understanding of what the generic questions related to differed substantially. In addition, the extent of the assessment differs substantially between assessors, as did the comprehensiveness of the report.

12 REVIEW OF COMPARTMENTATION INVESTIGATIONS UNDERTAKEN AT MARIE CURIE HOUSE SINCE NOVEMBER 2020

A compartment survey was undertaken in November 2020 by PC and CD and a report produced. The survey was carried out as a result of the incidents that occurred with residents finding smoke in their flats early that month. The survey was carried out on number 76 Marie Curie House only, which was a void flat. The report highlights a significant number of compartmentation issues, including issues relating to flat entrance doors and escape doors into the communal corridor, breaches of riser shafts at service penetrations, lack of adequate compartmentation to riser walls within flat, issues relating to the communal ventilation ductwork Appendix 1 of the report contains the DCUK sign off sheet for a visit by S Austen on 19 November 2020 at 15:43. The inspection confirmed "The extract ductwork that feeds the bathroom is not a shunt system as you are able to see from the post images below".

In December 2020, Phoenix Green UK Ltd carried out a site survey of Marie Curie House in relation to compartmentation. This is presumed to have been instigated following the incidents that occurred in November 2020. The survey highlighted that flat entrance doors, panels above flat entrance doors, fire doors to bathroom, bedroom and kitchen and doors to the escape route under the stairs were non-compliant. The report also highlighted issues with walls inside the flat, the raised timber floors, service risers, the maisonette stairwell, services running through floor slabs, pipework running through compartment walls, openings in concrete walls and to under-window panels to the external walkways.

CD visited Lakanal House on 23 November 2021 and was able to gain access to one flat. He identified that bathroom ventilation was drawn from outside via ductwork through bedroom 2 and that this differed from the communal ventilation system still in place in the bathrooms of Marie Curie House. Council Officers were able to confirm that that compartmentation issues with the communal ventilation ductwork were addressed as part of the Lakanal House works in 2014/2015.

As part of the independent review, a fire safety inspection of Marie Curie House was undertaken on 23 November 2021. Access during the site visit was provided only to the communal areas of the building, although not to all communal areas. No access was available to individual flats, service cupboards, concealed voids and some plant rooms, or to the TRA hall. As such, access was gained to the communal stairwell, lift lobbies, internal residential corridors, ceiling voids within the residential corridors and the ground level bin store. Entrance doors to 4 flats also appear to have been inspected and assessed. The report states that very limited documentation was available – a Type 1 Fire Risk Assessment dated 11 May 2021 and the London Fire Brigade Notification of Deficiencies of 18 December 2020. "No fire strategy documentation or external wall inspection reports were provided for review. It is also understood that an intrusive fire risk assessment was carried out in March 2021, as well as a void dwelling survey in December 2020, however these too were not provided for review". The report considers fire safety aspects in relation to Building Regulations B1 to B5, highlighting identified areas of deficiency or concern, based on the limited site visit and review of limited documentation. Issues identified include deficiencies in relation to flat entrance doors and their frames, the smoke control strategy within the communal corridors and communal staircase, compartmentation (based on the London Fire Brigade Notification of Deficiencies and on inspections above the false ceilings in the communal corridors) including panels above flat front doors and negated cavity barriers in the false ceilings which had been penetrated by additional services. The report also highlighted conclusions from a recent external wall survey regarding the external panels, despite stating that the report had not been made available.

13 REVIEW OF RESIDENT ENGAGEMENT ON FIRE SAFETY WITHIN MARIE CURIE HOUSE

The following 3 points relating to fire safety were noted in minutes of the Lakanal House Refurbishment residents' meetings:

- Fire safety packs are referred to in minutes of 11 December 2013: "There followed some discussions on the draft fire safety packs which had been presented to the T&RA the previous week by Southwark Council's Fire Safety team. Feedback from the residents was positive".
- At a meeting on 10 February 2014: "Concern was expressed with regards to the fire rating of the safety panels on the fire access balconies as well as the panels below the kitchen windows"…."Questions were raised with regards to how the Council would manage the fire safety precautionary measures in Lakanal House once it was inhabited. Also of concern was how the changes to the flats, such as the removal of internal walls or fire doors, by leaseholders would be monitored".
- At a meeting on 28 July 2014: "It was confirmed that the fire precautionary works proposed for Lakanal are the same as works recently undertaken to Marie Curie".

In an interview on 3 March 2022, the Strategic Director for Housing and Modernisation advised that Southwark had done "lots of communications with residents" of Marie Curie House around the issues identified in November 2020, whilst accepting that this has been in writing since the Covid pandemic had prevented any meetings. He advised that residents had understandably been both upset and angry.

At a meeting with tenants and residents on 25 March 2022, the view expressed was that they collectively did not feel they have been kept informed of what's happening regarding the issues identified in November 2020.

They advised that "The T&RA have been told that there are building flaws, that date back to the construction of Marie Curie & Lakanal in 1959/60. At the time we were advised that it would be necessary to decant Marie Curie, when asked why this was also not to cover Lakanal, we were told that 'these issues were addressed when Lakanal was refurbished in 2013/14'".

Residents therefore wished to question whether this is a correct statement from the Council. Residents state that no news of any flaws was communicated to Marie Curie residents or the T&RA when the refurbishment of Lakanal was taking place in 2014. They question why details of "flaws" have never been supplied when residents & the TRA have requested more details.

14 INTERVIEWS WITH COUNCIL OFFICERS AND THE TENANT & RESIDENTS ASSOCIATION

Interviews with individuals highlighted the following positive and negative points which are considered relevant to this review:

- Acceptance by MS that focus has been on operational aspects rather than strategic aspects, but that there is a greater focus on higher-risk buildings, namely the 171 high rise and 25 complex buildings in the Borough. For these, he advised, the frequency of fire risk assessments is higher.
- Up until last year there were around 18,000 outstanding fire safety tasks across the portfolio as a whole.
- Limited up-to-date written policies, strategies and procedures with respect to fire safety currently in place. No Council-wide list of policies or review process in place for policies. No audit of policies currently being carried out.
- MS accepted that competence has been discussed a number of times.
- Currently no Fire Safety Manager and no Head of Compliance are in place at the Council.
- Residents' expectations (regarding fire safety) include that Southwark Council:
    - Deliver a minimum standard of fire safety provision
    - Act as a responsible landlord
    - Provide a safe place to live
    - Take care of things in a proactive manner
    - Abide by the law (both building regulations and fire safety legislation)
    - Ensure staff are up to date with legislative changes
    - Is appropriate resourced and acts proactively in terms of fire risk assessment actions
    - Employs suitably qualified fire safety staff who understand the building stock
    - Operate a compliance process or internal policing (audit) system
    - Retain relevant information on their buildings
- There are currently 10 fire safety surveyors and 1 Senior Fire Safety Surveyor – 3 of these individuals have a Level 4 fire safety qualification, at least 4 have no fire safety qualifications and others appear to have a Level 3 qualification.
- There is currently no expectation that fire safety professionals within the Council will be third-party accredited.
- Currently SY is liaising with an ex-colleague who now has an independent training company regarding provision of fire safety training. No competence framework at present – this will be developed with the training provider. SY believes that a Level 4 qualification alone is the appropriate standard for a fire safety surveyor. Pre-Grenfell, Southwark Council expected fire safety surveyors to have the NEBOSH Fire Safety Certificate – this is a Level 3 qualification and does not cover sleeping or residential building risks.
- Council decision was to have an in-house fire safety team rather than outsource the function.
- Skills matrix drawn up for Fire Safety Team but not fully populated. Gap analysis in progress – no deadline for completion. Expectation that new fire safety team staff will learn from existing staff.
- Currently no system of upskilling or improving technical knowledge within fire safety team, although corporate membership of the Institution of Fire Engineers is being purchased which will enable access to their CPD hub of learning information.
- Limited continuing professional development (CPD) training provided to the fire safety team and no oversight and accountability of this. In contrast, the Council's Health & Safety team members are expected to complete a stipulated amount of CPD each year based on their skills matrix, with some courses (including more substantial courses) funded.
- All Major Works projects now involve a Type 4 fire risk assessment as part of the programme.
- Fire Safety Surveyors do not have access to technical knowledge for queries. Where they have queries, it was advised that they discuss amongst themselves currently.
- Interviews with Council Officers revealed that there are various meetings that occur on a regular basis relating to fire safety. There is a quarterly meeting with up to 3 members of London Fire Brigade regarding incidents and formal and informal Notices received. This meeting is attended by Council Officers MS, DH, SH and DV, as well as Marie Livingston. There also appears to be a separate meeting which monitors performance of the fire safety team. KPIs which are measured appear to be the percentage of fire risk assessments completed against those

due (based on review frequency) and the percentage of assessments with a substantial and above risk rating that have a contractor on site to action within 72 hours. There also seem to be monthly review meetings between Housing, Fire Safety team, Repairs and Major Works, although further details of these could not be established.

- Fire Safety Surveyors do not have written procedure of how to conduct a fire risk assessment but have been verbally advised as to their remit. Protocol does not appear to include looking above false ceilings in communal areas or considering communal risers, flat entrance doors, pipework or ductwork where these are located within flats.
- As part of Building Safety programme (for blocks over 18m in height) Type 4 fire risk assessments are now being organised – this is for 170 buildings out of the approximately 2,500 blocks of flats owned by Southwark Council. Type 4's will be carried out by contractors; pilot project has recently been completed.
- For major works, contractor is required to engage a fire engineer. Southwark Council then employ an independent fire engineer to peer review contractor's fire engineer.
- High turnover of fire safety team staff including those in Fire Safety Manager role with 13 postholders over a 10 year period. Lack of Fire Safety Manager in post means no-one for M&E team to liaise with.
- Historically, there have been issues with service penetrations and lack of fire stopping. M&E team and their main contractors are now all aware of need to reinstate compartmentation.
- M&E Team carry out random checks to confirm penetrations made are fire stopped but nothing done retrospectively by M&E Team regarding existing penetrations.
- Low staff turnover in M&E department – this is helpful in terms of knowledge retention. Compartmentation team was established within M&E team, headed up by Gavin Duncan, Commercial Manager.
- Annual property checks undertaken by Council of all tenanted dwellings – It was not established who undertakes these. There also appear to be CRTO Estate Inspections undertaken monthly – these are undertaken by the Resident Services Officers in conjunction with Technical Surveyors and include inspecting completed fire safety repairs.
- There is a need for any major works to be discussed with M&E team to ensure future accessibility to services for maintenance and repair, for example by fitting doors to risers rather than boarding up.
- Current fire safety policy is dated October 2017. Policy states that it will be reviewed every 2 years. No evidence that it has been reviewed.
- Fire safety policy refers to departmental fire strategy on page 2 – this document could not be provided. No evidence of auditing undertaken.
- Acceptance that fire risk assessment template needs reviewing. No changes made following publication of PAS 79-2.
- Low risk buildings have a fire risk assessment every 2 to 3 years. Higher risk buildings are scheduled more frequently.
- No fire strategies written for existing buildings; only for buildings built in the last 2-4 years. These are considered by fire safety surveyors as very varied in quality.

15 OBSERVATIONS, DISCUSSION AND ANALYSIS

The fire safety works completed at Marie Curie House after the Lakanal House fire were extensive. However, undertaking compartmentation works to an adequate standard would have been challenging whilst the block remained occupied. It remains unclear why the bathroom extraction ventilation works, as identified in the 2009 fire risk assessment by Turner & Townsend, were removed from the works scope in 2009. The quality of the works undertaken is questioned, given that the fanlights over the flat front doors and escape doors (and therefore the door frames) do not appear to have been upgraded in these works, remaining as plywood panel fanlights still today. The plywood offers minimal fire resistance, rather than the required 60 minutes of fire resistance. It is possible that those specifying or installing the fire resistance of the false ceiling in the communal corridors believed that this would provide adequate fire separation. This is incorrect since it provided no fire separation between flats within the ceiling void.

Encapsulation of the "scissor" section of each internal stair which protruded into the communal corridor is appropriate. However, it appears that boxing in of the area underneath the internal stair within each flat was carried out as part of the Warm Dry Safe works in 2012. It is not understood why this work and the upgrade of the internal bedroom doors was carried out. The existence of a fire strategy for the building would greatly aid understanding of the fire safety measures and the reasoning behind their implementation.

At Lakanal House, fire safety works were carried out after the Inquest concluded, in 2015/16. The works were carried out whilst the building was empty – this would have made construction works much easier to carry out. The scope of these works was extensive. However, without an accompanying fire strategy it is difficult to understand what some of the works comprised. What can be seen is that fire stopping was extensive. It can also be seen that most of the measures mirror the fire safety works carried out at Marie Curie House. However, since this independent review did not include a visit to Lakanal House, it is not possible to physically compare the measures that exist today.

A notable difference is that the bathroom ventilation was rerouted at Lakanal House, with the communal system sealed off. Whilst this was initially included in the fire safety works scope for Marie Curie House, it was then omitted. No details are available as to why this was omitted. As at Marie Curie House, there are aspects of the Lakanal House works that give rise to questions in terms of the reasoning behind their implementation.

A fire safety Enforcement Notice was issued by London Fire Brigade on Marie Curie House on 11 August 2009, as a result of the Lakanal House fire. A copy of the original Notice has not been made available and therefore it is difficult to comment on its contents. The timeline of events (provided as Appendix D) confirms that London Fire Brigade signed off the works as compliant in around March 2010. Given the use of Perko closers and the lack of fire resistance to the fanlights above the flat entrance doors and the escape doors, this appears inadequate. Also of concern is the lack of mention of bathroom ventilation in the details available regarding the Enforcement Notice.

The points raised in London Fire Brigade's Notification of Fire Safety Deficiencies for Marie Curie House, dated 18 December 2020, appear reasonable and appropriate based on a review of available documentation, discussions with individuals involved and following a tour of the building.

It is clear that Southwark Council has undertaken resident engagement in relation to the issues identified in November 2020 at Marie Curie. The Council's view is that this has been extensive, however, residents' opinions dispute this. Whilst accepting the impact of the Covid pandemic, residents feel that they have not been kept informed of what's happening regarding the issues identified in November 2020. Neither do they feel that their questions have been adequately answered in relation to why similar issues are not present at Lakanal House.

No fire risk assessment had been undertaken at Marie Curie House at the time of the Lakanal House fire in July 2009, nearly 3 years after legislation had come in requiring such assessments be carried out. However, since then, fire risk assessments have been carried out at Marie Curie House on a roughly annual basis.

The review of the fire risk assessments undertaken between 2009 and 2021 outlined in this report, highlights distinct differences in both scope and in veracity.

The fire risk assessments of 2009 and 2010 undertaken by Turner & Townsend at Marie Curie House identified poor compartmentation and that "mechanical ventilation" could pose a significant risk. The reports ask for compartmentation between dwellings to be checked and (in the 2009 report) for the scissor section of flat stairs (which cuts into communal corridors) to be protected to a 60-minute standard.

The scissor section of the flat stairs was encapsulated as part of the fire safety works carried out at Marie Curie House in August 2009. But the Gantt Chart for the works programme shows that the "fresh air vent in bathroom wall" was originally included in the scope of the works and then omitted.

The 2013 fire risk assessment for Marie Curie House does not mention the bathroom ventilation issues raised in the previous report. It states that "the fire stopping qualities of dampers and ducts within the flats was not part of this assessment". An assessment in 2015 recommended a smoke test of the ventilation ductwork and highlights issues with the Perko self-closers as being inadequate. These actions were reiterated in 2016, 2017, 2018 and 2019 (all carried out by one member of the fire safety team) and represent a number of missed opportunities to rectify the issues in Marie Curie House now identified as requiring remediation. The evidence suggests that Southwark Council had a substantial number of fire risk assessment actions and that there was no adequate mechanism to identify those most necessary of action. No evidence was found of in-house understanding of fire safety immediately following the Lakanal House fire.

It is clear that the fire risk assessments undertaken have been based on very limited documentation; generally only the previous fire risk assessment and test records. In some cases, actions raised in the previous fire risk assessment have been omitted from the next report, despite not being resolved. It is unclear whether this is due to a lack of understanding, incorrect interpretation of the scope of the assessment or another reason.

It is considered unrealistic for an assessor to undertake a fire risk assessment of a complex structure without a fire strategy for the building unless they have a very high level of skill. Assessors would also require time to research the fire safety standard to which the building has been constructed and would need to access locations such as ceiling voids and sample flats to check aspects such as compartmentation. To carry out a suitable and sufficient fire risk assessment takes both time and expertise.

Whilst some actions can be seen to be resolved following each assessment, it is unclear how these are prioritised. It is also unclear at what point resolution is determined to have occurred and it is queried whether this was at the point that a contractor was requested to undertake the work. There appears to have been no system for ensuring that the works were done or ensuring that they were done correctly.

<u>Wider Issues (Management, Audit and Review)</u>

A tour of Marie Curie House on 25 March 2022 involved consideration of the doors, the frames and the panels above, all of which (documentation and accounts suggest) were replaced in 2009. The self-closers installed were a Perko type and would not have been considered adequate for a fire door in 2009. In addition, the wooden panels above the flat entrance doors (which separate the flat from the void above the communal corridor's false ceiling) are a thin piece of plywood – this is not fire resisting and would not have been adequate in 2009. The competence of the specifier, the installer and anyone who checked these replacement doors, frames and panels after installation is therefore questioned.

A number of fire risk assessments and compartmentation surveys carried out at Marie Curie House in recent years by Council staff and by contractors have been reviewed during this process. Whilst the technical comments of most of the contents of the reports considered are agreed with, the veracity or technical accuracy of several of the comments made in a significant number of the fire risk assessments and fire safety reports written are disagreed

with. As such, there is a strong need for assessment review and to ensure that Fire Safety Surveyors have access to additional training and competent advice and support.

The current version of Southwark Council's Fire Safety Policy sets out that the Council accepts its responsibilities under the Regulatory Reform (Fire Safety) Order, 2005, the Health and Safety at Work Act etc, 1974, and the Housing Act, 2004. It is signed by Eleanor Kelly, Chief Executive, and dated October 2017. It is surmised that this policy was either written or revised following the Grenfell Tower tragedy in the same year.

Also on page 2 of Southwark Council's Fire Safety Policy, the document sets out compliance aspects: Corporate Facilities Management "will review and audit current and ongoing fire safety compliance, procure and manage required compliance works on behalf of the departments for properties that fall within the Corporate Compliance Programme and maintain and manage fire safety data as a corporate record". The Fire Safety Team does not undertake a technical review of fire risk assessments undertaken except for new members of staff and for actions queried by the Co-ordinators. There was no evidence of an audit procedure and from the interviews and discussions undertaken, it is evident that those overseeing the fire safety function had a commonly-held belief that Type 1 fire risk assessment were the only legal requirement.

There appears to be no method of ensuring that policies and other documents are periodically reviewed or reviewed in line with the proposed frequency. There is no central list of current or withdrawn Council documents.

Two Key Performance Indicators (KPIs) appear to be in place – one relating to the number of fire risk assessments undertaken against the number scheduled to be completed and the other measuring the time taken for identified actions to be allocated to a contractor. Whilst these are relatively easy KPIs to measure and there could be merit to their use, both KPIs focus on throughput (i.e. numbers of assessment completed against those scheduled) rather than on the quality of the assessments or whether the actions identified are valid, reasonable and appropriate. These KPIs coupled with a lack of audit and review and a lack of available competent advice appear likely to encourage quantity of assessments undertaken to be the priority rather than competent assessment. It appears that actions may be considered to be resolved when they have been assigned to a contractor, rather than when the works have been undertaken or when they have been deemed to be completed to an acceptable standard.

A fire engineer is necessary on Major Works projects – going forward, it is understood that this will be part of the requirements of the main contractor. Southwark Council will then contract their own fire engineering consultant to peer review. It is also understood that Major Works projects will now include a Type 4 fire risk assessment, undertaken by a contractor. In addition, in preparation for the Building Safety Act coming into force, all 170 blocks over 18m in height will also have a Type 4 fire risk assessment undertaken by a contractor – a pilot project has recently been undertaken for this.

There appears to be great need for internal fire engineering expertise to act as competent advisor for the Fire Safety Surveyors and to ensure that contractors are competent to carry out the works that they are contracted to do.

Most interviewees did not know what other departments did or the projects they were currently working on, even when this work directly impacted them. Whilst the magnitude of the task is appreciated, it appears that there is a need for better communication within the organisation.

The Director of Strategy for Modernisation and Housing commissioned this independent review, being keen to learn what didn't happen, what should've happened at Marie Curie House and what needs to happen now. This is to be commended.

At a meeting on 28 July 2014: "It was confirmed that the fire precautionary works proposed for Lakanal are the same as works recently undertaken to Marie Curie". This does not appear to have been wholly correct; for example, the communal ventilation system was changed as part of the 2013/2014 post-fire Lakanal House works but was never done at Marie Curie House.

16 CONCLUSIONS

Since the Lakanal House fire in 2009, the Council has shown a willingness to rectify and manage fire safety issues at Marie Curie House. An in-house fire safety team has been created, fire risk assessments have been conducted on roughly an annual basis at Marie Curie House and significant sums have been spent on upgrading and remediating fire safety measures in the building.

However, the quality of the fire safety advice provided to the council has varied considerably. There appears to be limited checks on the level of knowledge of contractors providing advice and the qualifications required of both contractors and in-house staff in order to be deemed competent are not always adequate for the tasks they undertake. This has resulted in both inadequate assessments in some respects and over-provision in other aspects of fire safety.

Fire risk assessments have been undertaken based solely on the previous fire risk assessment and a tour of the building. The tour in many instances involved only the common areas and not a sample of flats. There was no fire strategy or other Regulation 38 information available to inform the fire risk assessment and explain the fire safety Standard used in the building or the reasons for fire safety measures. A lack of review process resulted in fire risk assessments that relied solely on the knowledge of the assessor and in this way actions recommended have not been adequately scrutinised before carrying out the works.

It is unclear why the bathroom ventilation works were initially specified to be part of the 2009/10 fire safety works and were then omitted, as well as being removed as an action within fire risk assessments undertaken. The omission of these works was a substantial error. It is disappointing that the Council's Rule 43 response asked Government for clarification regarding common areas and access into flats when guidance had been published a year prior specifically on this issue within the 'Fire Safety in purpose-built Blocks of Flats' guide. When similar works to the bathroom ventilation system were carried out several years later at Lakanal House, there appears to have been no mechanism to relate the issue back to Marie Curie House and revisit the issue which remained there.

Similarly, it appears that some of the compartmentation works carried out as part of the 2009/10 fire safety works were incorrectly carried out or not carried out. This resulted in inadequate compartmentation remaining in place above flat entrance doors and escape doors into the communal corridors. Again, there appears to have been a lack of adequate scrutiny of these works before they were signed off as acceptable.

17 RECOMMENDATIONS

Recommendations based on the findings of this report are set out in the two tables below. Table 1 relates to issues pertaining specifically to Marie Curie House, and Table 2 raises the wider issues advised to assist Southwark Council developing their fire safety management as a whole.

From the interviews with Council Officers, it is apparent that a draft Building Safety Policy was written in November 2021. It appears that a new Building Safety team is in the process of being established in response to the new Building Safety Act. This is a legislative response to the Grenfell Tower fire in 2017. It is recommended that this report informs how the new Building Safety department is staffed, set up, operated and overseen.

Table 1 – Issues relating to Marie Curie House

1	A suitably competent person should review the fire risk assessments and compartmentation surveys for Marie Curie House and write a fire strategy for the building.
2	Fire safety works to Marie Curie House should be undertaken in line with the fire strategy written.
3	Third-party accredited contractors should be used to carry out the fire safety works at Marie Curie House noted in the fire strategy.
4	Adequate oversight of the fire safety works at Marie Curie House should be in place.
5	Going forward, the fire strategy should be available to anyone undertaking works to Marie Curie House that may affect fire safety measures.
6	Future works at Marie Curie House should include fire safety considerations, provided by a suitably competent person and informed by the fire strategy.
7	Future fire risk assessments at Marie Curie House should be undertaken by a suitably competent individual and informed by the fire strategy. The scope of the fire risk assessments should include fire safety measures within flats where they can be expected to affect occupants of other flats. Future fire risk assessments should also include inspection of all communal areas of the building, including ceiling voids.

Table 2- Issues relating to Southwark Council

1	Implement the requirements of the Fire Safety Policy, including a strategy for the department, protocols for the tasks carried out and an audit system.
2	Implement a fire risk management system within the Council; consider BS 9997 or a similar system
3	Review the fire risk assessment template, with a view to having a central document which contains building information, thereby simplifying the fire risk assessment report. The template should be relevant to the type of premises being assessed.
4	Complete the skills matrix for the Fire Safety Team and ensure that there is a clear skills gap analysis undertaken by someone suitably competent to do so – this should then be used to create a training plan.
5	Fire risk assessors should have access to more expert advice from a fire engineer. Identify how the Fire Safety Team will access sufficiently competent advice to assist them with queries and to review assessments. Given the current levels of competence (recommendation is for 100% of assessments).
6	Review the job specification for the roles of Fire Safety Surveyor, Senior Fire Safety Surveyor and Fire Safety Manager, particularly in terms of skill levels, qualifications and third party accreditations. Our recommendation is that a Level 4 qualification would be a minimum for Surveyors, with additional specific knowledge required dependent on the type of building (e.g., purpose-built block of flats, converted house etc).
7	Refocus the management KPIs away from throughput towards skills levels of staff, quality of assessments and adherence to Fire Safety policy. Audits will need to be undertaken by someone with suitable technical competencies.
8	Ensure that competent technical advice is involved in assessing whether contractors are competent to undertake particular types of fire safety work.
9	Ensure that a suitably competent Engineer has technical strategic oversight over fire safety within the buildings assessed by the Fire Safety Team. Ensure that there is similar in-house Engineer involvement in Major Works projects and with the new Building Safety Team. Review where this individual sits within the organisation and to whom they should report.
10	Create a more robust platform for the Council and tenants and residents to communicate more effectively.
11	The Council's Fire Safety Policy was independently reviewed by FRMS in February 2022. Going forward, Southwark Council are reminded to continue to undertake this process on a regular, ongoing basis. (Note: Included here as a reminder only).
12	The Brief for this project was somewhat limited in its scope, which restricted the depth into which the reasons for underlying root causes for approaches could be investigated. Southwark Council may wish to consider a further investigation with an extended scope to facilitate the following; - Analysis of the decision making processes undertaken by Fire Authority personnel in the period following the Lakanal Fire - Wider remit to interview additional stakeholders to include Council Board members involved in the commissioning of remediation at Marie Curie House - Consideration of formal / informal legal advice provided to Southwark Council by appointed Legal representatives during and after the Lakanal Inquest.

18 APPENDICES

Appendix A - Incident Report from November 2020

Incident Record/Handover Report

Address/location	**Date**
54 & 56 Marie Curie, Sceaux Gardens, SE5	07/11/2020 & 08/11/2020

Nature of incident

Attended site following report from resident at 54 Marie Curie of smoke present in the bathroom, that was continuously causing the fire alarm to activate.

LFB Incident No: 143089
LFB Commander on 07/11/2020: Phil Davies
LFB Commander on 08/11/2020: Stuart Puttock

Households affected (inc. contact details if possible, temporary accommodation provided)

54 & 56 Marie Curie, Sceaux Gardens, SE5.

TA placement to be confirmed and will be passed on to RSO/RSM.

Action taken to address issue

Attended site on 07/11/2020 afternoon with an SBS carpenter to remove bath panel in 54 as resident suspected possible pump issue that could be causing the smoke. Bathroom was thoroughly checked and no immediate issues were found. I carried out some door knocking to find out if the issue was reoccurring in multiple properties and at the time found that the smoke could be found in 39 Marie Curie as well as the reported property. However the properties on the 1st and 3rd floor did not report any issues.

I proceeded to call LFB to inform them of the situation, LFB attended site immediately and carried out some investigations with the thermal imaging camera. The result was inconclusive however LFB suggested that we carry out an electrical check on 39 and 54.

SBS Electrician attended and found no issues with the electrical work in both properties. Electrician suggested that we arrange for Smyth & Byford to attend and check the communal heating system for any issues – again they concluded that there were no heating issues.

At 22:50 the call centre informed me that LFB were in attendance again at Marie Curie following an emergency call from flat 54. Myself and Peter Hopper re-attended site and met with the commander and responding officers. We again carried out some door knocking to attempt to investigate the report of smoke. LFB found that Flat 56 Marie Curie had also experienced the same issue with smoke in her property. The control was handed back to Southwark with recommendations that we carry out further exploratory works starting from Sunday morning (08/11/2020).

I contacted SBS on the morning of 08/11/2020 and arranged for a Carpenter and Electrician to attend site and meet me at 11am.
When all on site the carpenter removed panelling enclosing the duct in the storage cupboard/ secondary means of escape to 56 Marie Curie. Once panelling was removed the smell of smoke became more evident however there was no obvious source of smoke.

I then asked for the electrician to go into 56 and isolate one of the light switches at the top of the staircase. When trying to isolate the switch the electrician found that the fuses within the consumer unit did not isolate the targeted lights. It would appear that the light fitting has been wired to the communal supply. There is also extensive electrical works required to be carried out ideally by the leaseholder in order to rectify the health and safety issues within the property. This is to include a full test and check of the property before the main fuse in the Ryefield board can be reinstated. This will need to be carried out before the LH's residents return to the property.

The communal ventilation contractors, Ductclean, attended site to assist with our investigation. They informed us that at present they suspect that there may still be 11 properties with existing/original electric motors operating the bathroom extractor fans via the ductwork. One of the properties being Flat 42 which is immediately below 56 is one of the 11 properties.

We tried to gain access to 42 on multiple occasions throughout the day however we have had no response. On this occasion I advised Ductclean that we would require their assistance tomorrow morning (09/11/2020) in order to gain access to the 11 properties where suspected fan motors are located.
I have informed the RSM on call (Sharron Smith) of the situation and she has arranged a letter drop to be carried out in order to inform residents that access is required urgently.

Ductclean operatives will be on site all day Monday 9th November in order to carry out the removals where we can gain access.

The teams in attendance, contributing to the investigation were as follows:

Lauren Stedman (EHO), Peter (Emergency OOH Manager), Chris Davis (Specialist Fire Surveyor), SBS Carpenter and Electrician, Stuart Thomas (PRB Estates), Dan Downley (PRB Estates), Spokesmead Engineer and Ductclean Engineer.

Lastly, we have tried to make contact with the Leaseholder of 56 Marie Curie with no answer. Peter Hopper has authorised Temporary Accommodation for the residents currently living at 56.

I have also offered TA to the tenants at 54 Marie Curie, however this was declined.

Further action required (delete as applicable)

- Letter drop to the 11 properties mentioned above.
- Ductclean to attend site as detailed above to carry out relevant follow on works.
- Arrangements to be clarified for the required fire safety works.

Next steps required (e.g. additional works, follow up with utility company, communication/letter drop to residents)

1. RSM/RSO to make contact with resident of Flat 56 who is in temporary accommodation and may require further accommodation due to electrical issues.

2. Fire Safety works to be assessed as soon as possible to mitigate existing risk.

Handed over to (if more than one team/person then clarify the lead officer

Hand over complete:

1. Michael O'Driscoll
2. Keith Kiernan (Specialist Services Contract Manager)
3. Mick Duncan – Repairs Contract Manager (North & South)
4. RSO – Sonia Forrest
5. RSM – Jacqueline Beecham

Officer Name
Lauren Stedman (Emergency Housing Officer)

Appendix B – Notification of Deficiencies for Marie Curie House December 2020

LONDON FIRE BRIGADE

Fire Safety Regulation, South East 4 Team
169 Union Street London SE1 0LL
T 020 8555 1200 x89171
Minicom 020 7960 3629
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The Chief Executive
London Borough of Southwark
160 Tooley Street
London
SE1 2QH

The London Fire Commissioner is the fire and rescue authority for London

Date 18th December 2020
Our Ref 91/003109/HE

Dear Sir/Madam

REGULATORY REFORM (FIRE SAFETY) ORDER 2005: NOTIFICATION OF FIRE SAFETY DEFICIENCIES

Premises: Marie Curie, Sceaux Gardens, London, SE5 7DG

The London Fire Commissioner (the Commissioner) is the fire and rescue authority for London. The Commissioner is responsible for enforcing the Regulatory Reform (Fire Safety) Order 2005 (The Order) in London.

The Commissioner's Inspectors have recently carried out an inspection of the above-mentioned premises. During the inspection, it was noted that some fire safety matters require attention to reduce the risk of fire and/or reasonably ensure the safety of people using the premises. These matters need to be addressed in order to comply with Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order).

The matters that need to be addressed, together with the Commissioner's recommendations about the actions you should take are explained in the attached schedule. We recommend that action should be taken by **29th January 2021**.

If you are in any doubt about what you need to do to comply with the Fire Safety Order; or if there is anything in the schedule that you do not understand or need further explanation of then please contact the Inspector named at the end of this letter. If you are dissatisfied in any way with the response given please ask to speak to the Team Leader quoting the above reference.

You may also wish to know that fire safety guidance for businesses can be found on the Commissioner's web-site at www.london-fire.gov.uk under the heading 'Fire safety at work'. Additionally, guidance on general fire precautions and how to comply with the Fire Safety Order can be found at www.Gov.uk under the heading 'Fire safety law and guidance documents for business'.

When undertaking fire safety works at your premises you may need to seek approval for what you are going to do. Examples of this would include:

- any building works for which you are obliged to notify or seek the approval of Building Control;
- if your premises have a listed heritage status, approval from the local authority conservation officer; or
- if your premises are licenced then you may need to consult the relevant licensing or approvals authority.
- It is your responsibility to consult the relevant bodies and obtain any necessary approvals.

I would ask you to note that as well as placing people at risk, operating premises without having adequate general fire precaution in place to remove or reduce fire risk and to ensure people can safely escape if a fire does occurs can result in a criminal offence being committed. This letter and its associated schedule are consequently issued without prejudice to any legal action the Commissioner may subsequently take regarding failures to comply with the Fire Safety Order.

Yours faithfully,

PP H. Egan

for Assistant Commissioner (Fire Safety)
Directorate of Operations
FSR-AdminSupport@london-fire.gov.uk

Reply To Inspecting Officer Paul Judson
Direct T 02085001200 Ext. 89170

Enc: Form FS03_01b Legislation Extracts
Form FS03_06 Definitions of standard terms

Notes to accompany the Notification of Deficiencies schedule.

Important information to consider before taking remedial steps:

1. Certain terms written in BLOCK CAPITALS in the attached schedule are standard terms defined in "Definitions of standard terms used in means of escape requirements" which form part of this schedule.
2. Officers of the Commissioner may visit your premises again to check on the action you have taken.
3. **Notwithstanding any consultation undertaken by the Commissioner, before you make any alterations to the premises, *you* must apply for local authority building control department approval (and/or the approval of any other bodies having a statutory interest in the premises) if their permission is required for those alterations to be made.**
4. There may be suitable alternative safety measures to those detailed in this schedule, which would meet the requirements of the Order. If you wish to propose or discuss any alternative measures you should get in touch with the person named as the contact above, before you take any action, to ensure that your proposed measures are deemed satisfactory by the Commissioner.
5. Remedial steps must be undertaken by a competent person who has sufficient training, experience, knowledge or other qualities to enable him or her to properly undertake them.
6. We recommend that remedial steps are undertaken in accordance with the appropriate British or European Standards, or recognised industry guidance.

THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005

Your rights when Fire Safety Inspecting Officers take action.

The Commissioner has a duty to enforce the Regulatory Reform (Fire Safety) Order 2005.

If an Inspector:

tells you to do something - you have a right to a verbal and written explanation of what needs to be done and why.

Intends to take immediate action - for example by issuing an enforcement notice this will include a written explanation either forming part of the notice or by separate letter.

Issues a formal notice - you will be told in writing about your right to appeal to a magistrates' court. You will be told:

- how to appeal;
- where and within what period an appeal may be brought; and
- that action required by a prohibition/restriction notice is not suspended while an appeal is pending unless the court so directs.
- that action required by an enforcement notice is suspended while an appeal is pending.

Issues a Notification of Fire Safety Deficiencies - full discussion should have taken place and agreed improvements to bring the premises up to minimal standards should be formulated. A Notification of Fire Safety Deficiencies carries no statutory force but may result in formal action being considered if the agreed improvements do not take place.

The procedures and rights above provide ways for you to have your views heard. If you are not happy with the inspecting officer's action you should contact the Team Leader on the telephone number shown at the head of the covering letter in the first instance.

ENVIRONMENT AND SAFETY INFORMATION ACT 1988
SECTION 4 - PROTECTION OF TRADE SECRETS

The above Act requires the London Fire Commissioner to maintain public registers of notices issued under Article 30 of the Regulatory Reform (Fire Safety) Order 2005, (other than those which impose requirements or prohibitions solely for the protection of persons at work) and Sections 21 and 22 of the Health and Safety at Work etc, Act 1974.

Provisions are made within the Act for persons on whom the above notices are served to appeal against any proposed entry in the register which may disclose "trade secrets" or "secret manufacturing processes".

Entries in the register are required to be made after the period for appeal against the notice expires or after any appeal is disposed of.

If you feel that any such entry would disclose information about a trade secret or secret manufacturing process you may write to the Commissioner within a period of 14 days following the service of the notice, requesting exclusion of these details (see Section 4 of the 1988 Act).

SCHEDULE

PREMISES: Marie Curie, Sceaux Gardens, London, SE5 7DG

FILE NUMBER: 91/003109

This schedule should be read in conjunction with the Commissioner's letter dated **18th December 2020**.

The condition(s) specified in the Regulatory Reform (Fire Safety) Order 2005, were being contravened and the following step(s) need(s) to be taken in order to comply with the above legislation:

Article	Area of Concern	Steps Considered necessary to remedy the contravention.
Article 11	At the time of the audit your preventative and protective measures had not been planned, organised, controlled, monitored or reviewed where required. It was found that though temporary fire action notices had been installed within the lift lobbies, within the FED lobby and means of escape corridors, there were still fire action notices detailing a 'Stay Put' strategy.	Arrangements identified as not suitably addressed must be effectively planned, organised, controlled, monitored or reviewed.
Article 14	At the time of the audit the emergency routes or exits were inadequate. It was found that the self closing devices on the flat entry doors and escape doors into the protected corridor were of single Perko type and not considered to meet the standard required.	Ensure adequate emergency routes and exits, for use by relevant persons in the premises, are available and can be safely and effectively used at all relevant times. This can be achieved by installing self closing devices to all doors from the maisonettes leading into the protected corridor which conform to BS EN 1154 standard.
Article 15	At the time of the audit your procedures to be followed in the event of serious and imminent danger were inadequate. It was found that though there were fire action notices detailing the simultaneous evacuation strategy which is now in place, there were also fire action notices within the FED means of escape corridors detailing the previous 'Stay Put' strategy.	Adequate procedures for serious and imminent danger and for danger areas should be established and followed. This can be achieved by replacing the old 'Stay Put' fire action notices with new notices detailing the simultaneous evacuation and ensuring that all residents have been made aware of the change in evacuation strategy.

Article 8	At the time of the audit the FIRE RESISTING separation in your premises was inadequate. It was found that the FIRE RESISTING separation between the individual residential units/maisonettes was not adequate.	Provide suitable FIRE RESISTING separation by carrying out a programme of works to ensure that the FIRE RESISTING separation between the residential units is adequately carried out by a competent person.

*****RECOMMENDATIONS NOT FORMING REQUIREMENTS OF THE SCHEDULE*****

The Commissioner would strongly urge that you consider the presence of combustible façade cladding materials as part of the risk assessment process for these premises. All relevant information about any replacement window and facade schemes should be made fully available to fire risk assessors. Where no reliable information is available for a given property, a strategy to assess the risk and where necessary implement short, medium and long term actions to address the risk should be implemented.

Where remedial measures are to be undertaken to which consultation requirements under Section 20 of the Landlord and Tenant Act 1985 will apply, the Commissioner would urge you to consider application of the disapplication provisions under Section 20ZA of that Act.

LONDON FIRE BRIGADE

Extracts From Fire Safety Legislation

REGULATORY REFORM (FIRE SAFETY) ORDER 2005

Article 8 - Duty to take general fire precautions

(1) The responsible person must—

(a) take such general fire precautions as will ensure, so far as is reasonably practicable, the safety of any of his employees; and
(b) in relation to relevant persons who are not his employees, take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe.

Article 9 - Risk assessment

(1) The responsible person must make a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions he needs to take to comply with the requirements and prohibitions imposed on him by or under this Order.

(2) Where a dangerous substance is or is liable to be present in or on the premises, the risk assessment must include consideration of the matters set out in Part 1 of Schedule 1 (of the Regulatory Reform (Fire Safety) Order 2005).

(3) Any such assessment must be reviewed by the responsible person regularly so as to keep it up to date and particularly if—

(a) there is reason to suspect that it is no longer valid; or
(b) there has been a significant change in the matters to which it relates including when the premises, special, technical and organisational measures, or organisation of the work undergo significant changes, extensions, or conversions,

and where changes to an assessment are required as a result of any such review, the responsible person must make them.

(4) The responsible person must not employ a young person unless he has, in relation to risks to young persons, made or reviewed an assessment in accordance with paragraphs (1) and (5).

(5) In making or reviewing the assessment, the responsible person who employs or is to employ a young person must take particular account of the matters set out in Part 2 of Schedule 1 (of the Regulatory Reform (Fire Safety) Order 2005).

(6) As soon as practicable after the assessment is made or reviewed, the responsible person must record the information prescribed by paragraph (7) where—

(a) he employs five or more employees;
(b) a licence under an enactment is in force in relation to the premises; or
(c) an alterations notice requiring this is in force in relation to the premises.

(7) The prescribed information is—

(a) the significant findings of the assessment, including the measures which have been or will be taken by the responsible person pursuant to this Order; and
(b) any group of persons identified by the assessment as being especially at risk.

(8) No new work activity involving a dangerous substance may commence unless—

(a) the risk assessment has been made; and
(b) the measures required by or under this Order have been implemented.

Article 10 - Principles of prevention to be applied

Where the responsible person implements any preventive and protective measures he must do so on the basis of the principles specified in Part 3 of Schedule 1 (of the Regulatory Reform (Fire Safety) Order 2005).

Article 11 - Fire safety arrangements

(1) The responsible person must make and give effect to such arrangements as are appropriate, having regard to the size of his undertaking and the nature of its activities, for the effective planning, organisation, control, monitoring and review of the preventive and protective measures.

(2) The responsible person must record the arrangements referred to in paragraph (1) where—

(a) he employs five or more employees;
(b) a licence under an enactment is in force in relation to the premises; or
(c) an alterations notice requiring a record to be made of those arrangements is in force in relation to the premises.

Article 12 - Elimination or reduction of risks from dangerous substances

(1) Where a dangerous substance is present in or on the premises, the responsible person must ensure that risk to relevant persons related to the presence of the substance is either eliminated or reduced so far as is reasonably practicable.

(2) In complying with his duty under paragraph (1), the responsible person must, so far as is reasonably practicable, replace a dangerous substance, or the use of a dangerous substance, with a substance or process which either eliminates or reduces the risk to relevant persons.

(3) Where it is not reasonably practicable to eliminate risk pursuant to paragraphs (1) and (2), the responsible person must, so far as is reasonably practicable, apply measures consistent with the risk assessment and appropriate to the nature of the activity or operation, including the measures specified in Part 4 of Schedule 1 to this Order to—

(a) control the risk, and
(b) mitigate the detrimental effects of a fire.

(4) The responsible person must—

(a) arrange for the safe handling, storage and transport of dangerous substances and waste containing dangerous substances; and
(b) ensure that any conditions necessary pursuant to this Order for ensuring the elimination or reduction of risk are maintained.

Article 13 - Fire-fighting and fire detection

(1) Where necessary (whether due to the features of the premises, the activity carried on there, any hazard present or any other relevant circumstances) in order to safeguard the safety of relevant persons, the responsible person must ensure that—

(a) the premises are, to the extent that it is appropriate, equipped with appropriate fire-fighting equipment and with fire detectors and alarms; and
(b) any non-automatic fire-fighting equipment so provided is easily accessible, simple to use and indicated by signs.

(2) For the purposes of paragraph (1) what is appropriate is to be determined having regard to the dimensions and use of the premises, the equipment contained on the premises, the physical and chemical properties of the substances likely to be present and the maximum number of persons who may be present at any one time.

(3) The responsible person must, where necessary—

(a) take measures for fire-fighting in the premises, adapted to the nature of the activities carried on there and the size of the undertaking and of the premises concerned;

(b) nominate competent persons to implement those measures and ensure that the number of such persons, their training and the equipment available to them are adequate, taking into account the size of, and the specific hazards involved in, the premises concerned; and
(c) arrange any necessary contacts with external emergency services, particularly as regards fire-fighting, rescue work, first-aid and emergency medical care.

(4) A person is to be regarded as competent for the purposes of paragraph (3)(b) where he has sufficient training and experience or knowledge and other qualities to enable him properly to implement the measures referred to in that paragraph.

Article 14 - Emergency routes and exits

(1) Where necessary in order to safeguard the safety of relevant persons, the responsible person must ensure that routes to emergency exits from premises and the exits themselves are kept clear at all times.

(2) The following requirements must be complied with in respect of premises where necessary (whether due to the features of the premises, the activity carried on there, any hazard present or any other relevant circumstances) in order to safeguard the safety of relevant persons—

(a) emergency routes and exits must lead as directly as possible to a place of safety;
(b) in the event of danger, it must be possible for persons to evacuate the premises as quickly and as safely as possible;
(c) the number, distribution and dimensions of emergency routes and exits must be adequate having regard to the use, equipment and dimensions of the premises and the maximum number of persons who may be present there at any one time;
(d) emergency doors must open in the direction of escape;
(e) sliding or revolving doors must not be used for exits specifically intended as emergency exits;
(f) emergency doors must not be so locked or fastened that they cannot be easily and immediately opened by any person who may require to use them in an emergency;
(g) emergency routes and exits must be indicated by signs; and
(h) emergency routes and exits requiring illumination must be provided with emergency lighting of adequate intensity in the case of failure of their normal lighting.

Article 15 - Procedures for serious and imminent danger and for danger areas

(1) The responsible person must—

(a) establish and, where necessary, give effect to appropriate procedures, including safety drills, to be followed in the event of serious and imminent danger to relevant persons;
(b) nominate a sufficient number of competent persons to implement those procedures in so far as they relate to the evacuation of relevant persons from the premises; and
(c) ensure that no relevant person has access to any area to which it is necessary to restrict access on grounds of safety, unless the person concerned has received adequate safety instruction.

(2) Without prejudice to the generality of paragraph (1)(a), the procedures referred to in that sub-paragraph must—

(a) so far as is practicable, require any relevant persons who are exposed to serious and imminent danger to be informed of the nature of the hazard and of the steps taken or to be taken to protect them from it;
(b) enable the persons concerned (if necessary by taking appropriate steps in the absence of guidance or instruction and in the light of their knowledge and the technical means at their disposal) to stop work and immediately proceed to a place of safety in the event of their being exposed to serious, imminent and unavoidable danger; and
(c) save in exceptional cases for reasons duly substantiated (which cases and reasons must be specified in those procedures), require the persons concerned to be prevented from resuming work in any situation where there is still a serious and imminent danger.

(3) A person is to be regarded as competent for the purposes of paragraph (1) where he has sufficient training and experience or knowledge and other qualities to enable him properly to implement the evacuation procedures referred to in that paragraph.

Article 16 - Additional emergency measures in respect of dangerous substances

(1) Subject to paragraph (4), in order to safeguard the safety of relevant persons arising from an accident, incident or emergency related to the presence of a dangerous substance in or on the premises, the responsible person must ensure that—

(a) information on emergency arrangements is available, including—
  (i) details of relevant work hazards and hazard identification arrangements; and
  (ii) specific hazards likely to arise at the time of an accident, incident or emergency;
(b) suitable warning and other communication systems are established to enable an appropriate response, including remedial actions and rescue operations, to be made immediately when such an event occurs;
(c) where necessary, before any explosion conditions are reached, visual or audible warnings are given and relevant persons withdrawn; and
(d) where the risk assessment indicates it is necessary, escape facilities are provided and maintained to ensure that, in the event of danger, relevant persons can leave endangered places promptly and safely.

(2) Subject to paragraph (4), the responsible person must ensure that the information required by article 15(1)(a) and paragraph (1)(a) of this article, together with information on the matters referred to in paragraph (1)(b) and (d) is—

(a) made available to relevant accident and emergency services to enable those services, whether internal or external to the premises, to prepare their own response procedures and precautionary measures; and
(b) displayed at the premises, unless the results of the risk assessment make this unnecessary.

(3) Subject to paragraph (4), in the event of a fire arising from an accident, incident or emergency related to the presence of a dangerous substance in or on the premises, the responsible person must ensure that—

(a) immediate steps are taken to—
  (i) mitigate the effects of the fire;
  (ii) restore the situation to normal; and
  (iii) inform those relevant persons who may be affected; and
(b) only those persons who are essential for the carrying out of repairs and other necessary work are permitted in the affected area and they are provided with—
  (i) appropriate personal protective equipment and protective clothing; and
  (ii) any necessary specialised safety equipment and plant,

which must be used until the situation is restored to normal.

(4) Paragraphs (1) to (3) do not apply where—

(a) the results of the risk assessment show that, because of the quantity of each dangerous substance in or on the premises, there is only a slight risk to relevant persons; and
(b) the measures taken by the responsible person to comply with his duty under article 12 are sufficient to control that risk.

Article 17 – Maintenance

(1) Where necessary in order to safeguard the safety of relevant persons the responsible person must ensure that the premises and any facilities, equipment and devices provided in respect of the premises under this Order or, subject to paragraph (6), under any other enactment, including any enactment repealed or revoked by this Order, are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.

(2) Where the premises form part of a building, the responsible person may make arrangements with the occupier of any other premises forming part of the building for the purpose of ensuring that the requirements of paragraph (1) are met.

(3) Paragraph (2) applies even if the other premises are not premises to which this Order applies.

(4) The occupier of the other premises must co-operate with the responsible person for the purposes of paragraph (2).

(5) Where the occupier of the other premises is not also the owner of those premises, the references to the occupier in paragraphs (2) and (4) are to be taken to be references to both the occupier and the owner.

(6) Paragraph (1) only applies to facilities, equipment and devices provided under other enactments where they are

provided in connection with general fire precautions.

Article 18 - Safety assistance

(1) The responsible person must, subject to paragraphs (6) and (7), appoint one or more competent persons to assist him in undertaking the preventive and protective measures.

(2) Where the responsible person appoints persons in accordance with paragraph (1), he must make arrangements for ensuring adequate co-operation between them.

(3) The responsible person must ensure that the number of persons appointed under paragraph (1), the time available for them to fulfil their functions and the means at their disposal are adequate having regard to the size of the premises, the risks to which relevant persons are exposed and the distribution of those risks throughout the premises.

(4) The responsible person must ensure that—

(a) any person appointed by him in accordance with paragraph (1) who is not in his employment—
  (i) is informed of the factors known by him to affect, or suspected by him of affecting, the safety of any other person who may be affected by the conduct of his undertaking; and
  (ii) has access to the information referred to in article 19(3); and
(b) any person appointed by him in accordance with paragraph (1) is given such information about any person working in his undertaking who is—
  (i) employed by him under a fixed-term contract of employment, or
  (ii) employed in an employment business,

as is necessary to enable that person properly to carry out the function specified in that paragraph.

(5) A person is to be regarded as competent for the purposes of this article where he has sufficient training and experience or knowledge and other qualities to enable him properly to assist in undertaking the preventive and protective measures.

(6) Paragraph (1) does not apply to a self-employed employer who is not in partnership with any other person, where he has sufficient training and experience or knowledge and other qualities properly to assist in undertaking the preventive and protective measures.

(7) Paragraph (1) does not apply to individuals who are employers and who are together carrying on business in partnership, where at least one of the individuals concerned has sufficient training and experience or knowledge and other qualities—

(a) properly to undertake the preventive and protective measures; and
(b) properly to assist his fellow partners in undertaking those measures.

(8) Where there is a competent person in the responsible person's employment, that person must be appointed for the purposes of paragraph (1) in preference to a competent person not in his employment.

Article 19 - Provision of information to employees

(1) The responsible person must provide his employees with comprehensible and relevant information on—

(a) the risks to them identified by the risk assessment;
(b) the preventive and protective measures;
(c) the procedures and the measures referred to in article 15(1)(a);
(d) the identities of those persons nominated by him in accordance with article 13(3)(b) or appointed in accordance with article 15(1)(b) ; and
(e) the risks notified to him in accordance with article 22(1)(c).

(2) The responsible person must, before employing a child, provide a parent of the child with comprehensible and relevant information on—

(a) the risks to that child identified by the risk assessment;
(b) the preventive and protective measures; and
(c) the risks notified to him in accordance with article 22(1)(c),

and for the purposes of this paragraph, "parent of the child" includes a person who has parental responsibility, within the meaning of section 3 of the Children Act 1989, for the child.

(3) Where a dangerous substance is present in or on the premises, the responsible person must, in addition to the information provided under paragraph (1) provide his employees with —

(a) the details of any such substance including—
  (i) the name of the substance and the risk which it presents;
  (ii) access to any relevant safety data sheet; and
  (iii) legislative provisions (concerning the hazardous properties of any such substance) which apply to the substance; and
(b) the significant findings of the risk assessment.

(4) The information required by paragraph (3) must be—

(a) adapted to take account of significant changes in the activity carried out or methods or work used by the responsible person; and
(b) provided in a manner appropriate to the risk identified by the risk assessment.

Article 20 - Provision of information to employers and the self-employed from outside undertakings

(1) The responsible person must ensure that the employer of any employees from an outside undertaking who are working in or on the premises is provided with comprehensible and relevant information on—

(a) the risks to those employees; and
(b) the preventive and protective measures taken by the responsible person.

(2) The responsible person must ensure that any person working in his undertaking who is not his employee is provided with appropriate instructions and comprehensible and relevant information regarding any risks to that person.

(3) The responsible person must—

(a) ensure that the employer of any employees from an outside undertaking who are working in or on the premises is provided with sufficient information to enable that employer to identify any person nominated by the responsible person in accordance with article 15 (1)(b) to implement evacuation procedures as far as those employees are concerned; and
(b) take all reasonable steps to ensure that any person from an outside undertaking who is working in or on the premises receives sufficient information to enable that person to identify any person nominated by the responsible person in accordance with article 15 (1)(b) to implement evacuation procedures as far as they are concerned.

Article 21 – Training

(1) The responsible person must ensure that his employees are provided with adequate safety training—

(a) at the time when they are first employed; and
(b) on their being exposed to new or increased risks because of—
  (i) their being transferred or given a change of responsibilities within the responsible person's undertaking;
  (ii) the introduction of new work equipment into, or a change respecting work equipment already in use within, the responsible person's undertaking;
  (iii) the introduction of new technology into the responsible person's undertaking; or
  (iv) the introduction of a new system of work into, or a change respecting a system of work already in use within, the responsible person's undertaking.

(2) The training referred to in paragraph (1) must—

(a) include suitable and sufficient instruction and training on the appropriate precautions and actions to be taken by the employee in order to safeguard himself and other relevant persons on the premises;
(b) be repeated periodically where appropriate;
(c) be adapted to take account of any new or changed risks to the safety of the employees concerned;
(d) be provided in a manner appropriate to the risk identified by the risk assessment; and

(e) take place during working hours.

Article 22 - Co-operation and co-ordination

(1) Where two or more responsible persons share, or have duties in respect of, premises (whether on a temporary or a permanent basis) each such person must—

(a) co-operate with the other responsible person concerned so far as is necessary to enable them to comply with the requirements and prohibitions imposed on them by or under this Order;
(b) (taking into account the nature of his activities) take all reasonable steps to co-ordinate the measures he takes to comply with the requirements and prohibitions imposed on him by or under this Order with the measures the other responsible persons are taking to comply with the requirements and prohibitions imposed on them by or under this Order; and
(c) take all reasonable steps to inform the other responsible persons concerned of the risks to relevant persons arising out of or in connection with the conduct by him of his undertaking.

(2) Where two or more responsible persons share premises (whether on a temporary or a permanent basis) where an explosive atmosphere may occur, the responsible person who has overall responsibility for the premises must co-ordinate the implementation of all the measures required by this Part to be taken to protect relevant persons from any risk from the explosive atmosphere.

Article 23 - General duties of employees at work

(1) Every employee must, while at work—

(a) take reasonable care for the safety of himself and of other relevant persons who may be affected by his acts or omissions at work;
(b) as regards any duty or requirement imposed on his employer by or under any provision of this Order, co-operate with him so far as is necessary to enable that duty or requirement to be performed or complied with; and
(c) inform his employer or any other employee with specific responsibility for the safety of his fellow employees—
  (i) of any work situation which a person with the first-mentioned employee's training and instruction would reasonably consider represented a serious and immediate danger to safety; and
  (ii) of any matter which a person with the first-mentioned employee's training and instruction would reasonably consider represented a shortcoming in the employer's protection arrangements for safety,

in so far as that situation or matter either affects the safety of that first-mentioned employee or arises out of or in connection with his own activities at work, and has not previously been reported to his employer or to any other employee of that employer in accordance with this sub-paragraph.

Article 38 - Maintenance of measures provided for protection of fire-fighters

(1) Where necessary in order to safeguard the safety of fire-fighters in the event of a fire, the responsible person must ensure that the premises and any facilities, equipment and devices provided in respect of the premises for the use by or protection of fire-fighters under this Order or under any other enactment, including any enactment repealed or revoked by this Order, are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.

(2) Where the premises form part of a building, the responsible person may make arrangements with the occupier of any premises forming part of the building for the purpose of ensuring that the requirements of paragraph (1) are met.

(3) Paragraph (2) applies even if the other premises are not premises to which this Order applies.

(4) The occupier of the other premises must co-operate with the responsible person for the purposes of paragraph (2).

(5) Where the occupier of the other premises is not also the owner of those premises, the reference to the occupier in paragraphs (2) and (4) are to be taken to be references to both the occupier and the owner.

LONDON FIRE BRIGADE

Definitions of standard terms used in means of escape requirements

The London Fire Commissioner (the Commissioner) is the fire and rescue authority for London. The Commissioner is responsible for enforcing the Regulatory Reform (Fire Safety) Order 2005 (The Order) in London.

Fire Resisting

1. FIRE RESISTING means construction capable of resisting the action of fire for not less than thirty minutes under the prescribed conditions of test appropriate to such construction in accordance with the provisions of the current British Standard 476 and that:

a) whatsoever is so designated gives effective separation between those parts of the premises on each side of it;

b) where the word 'enclosed' is used in connection with this term, the room, escape route or other space so described is completely enclosed with walls, ceilings and floors of FIRE RESISTING construction except for that part of the enclosure consisting of a roof, external wall, or the lowest floor of a building;

c) where the construction consists of or incorporates a door, the door together with its frame complies with Table A below; and the door

i) is effectively self closing by means of an automatic self closing device and the device is to conform to BS EN 1154. As an alternative, where the door is to a duct, shaft or cupboard, it may be locked shut and provided with a notice to this effect:

ii) is free from any means of holding the door in an open position except, where permitted an electro-magnetic or electro-mechanical door holder device. BS 7273-4 is the applicable document with regard to these devices.

iii) is close fitting to both the frame and, where there are two leaves, between the leaves;

iv) is hung on hinges no part of which is made either of combustible material or of non-combustible material having a melting point less that 800°C;

v) is permanently marked 'Fire door keep shut' in a conspicuous position except whether the door is to a bedroom or to or within a dwelling (including a flat or maisonette);

vi) is imperforate except for the minimum perforations necessary for the fitting of locks and door furniture;

d) where the construction incorporates glazing, in addition to comply with this definition, the glazing is in a frame fixed shut.

2. Where existing ceilings, soffits, walls, partitions, floors and doorsets are not already FIRE RESISTING and are required to be made FIRE RESISTING the following constructions will be accepted as complying with the definition:

a) CEILINGS AND SOFFITS
The ceilings and soffits covered with lath and plaster in good condition, or with plasterboard or FIRE PROTECTIVE BOARDING with sheets closely butted together and securely nailed or screwed to joints/nogging pieces, as appropriate.

b) WALLS AND PARTITIONS
All perforations and gaps sealed with FIRE RESISTING construction. Partitions made flush with timber or FIRE PROTECTIVE BOARDING and covered with plasterboard, or FIRE PROTECTIVE BOARDING butted together, securely nailed or screwed in position.

c) DOORSETS
See Table B below.

Notes:

i) Protection to partitions, ceilings and doors shall be on the risk side, e.g. on the side remote from an escape route, or, in the case of a screen separating an escape route from the lower part of the building, , on the side exposed to the lower part of the building. Where a lobby or screen is not carried up to the main ceiling and a false ceiling is proved to complete the separation, it may be necessary to protect the upper surface of the ceiling construction.

ii) Where the risk is on both sides, the construction shall be protected on both sides.

LONDON FIRE BRIGADE

Fire Protective Boarding

3. Attention is drawn to the desirability of effectively sealing the exposed surface of FIRE PROTECTIVE BOARDING by paint or other suitable methods and protecting exposed edges against damage.

Non Combustible Material

4. NON COMBUSTIBLE MATERIAL means material which satisfies the test for non combustibility prescribed in the current British Standard 476: Part 4 and is deemed to include plasterboard.

Protected Route

5. PROTECTED ROUTE means a route enclosed with FIRE RESISTING construction and which complies with the following conditions.

a) service, ventilating and other similar ducts or shafts which pass into or out of the enclosure are FIRE RESISTING within the enclosure;

b) cupboards are enclosed with FIRE RESISTING construction (except where premises are provided with a single staircase only, in which case cupboards are not accepted and must be taken out of use and sealed with FIRE RESISTING construction on the inside);

c) no combustible storage is allowed other than in cupboards described in (b) above;

d) stairs and landings are provided with handrails and are adequately guarded on any open side;

e) sufficient and suitable artificial lighting is provided for the purpose of means of escape; and

f) the linings have a surface spread of flame classification not inferior to 'Class 0' when tested in accordance with the provisions of the current British Standard 476: Part 7.

Note:
Lavatories and sanitary accommodation which are neither cloakrooms nor contain gas or portable heating appliances other than water heaters and incinerators may be contained within a PROTECTED ROUTE.

Inherently Non-Flammable Material

6. INHERENTLY NON-FLAMMABLE MATERIAL means material which, although non non-combustible and not submitted to a flame-proofing process nor provided with a flame resistant finish is, in fact, non-flammable throughout is thickness.

The standard for fabrics is 'flameproof' when tested in accordance with the provisions of the current British Standard.

The standard for material other than fabrics is 'Class 1' surface spread of flame when tested in accordance with the provisions of the current British Standard 476: Part 7.

Durably Flame Proofed Fabric

7. DURABLY FLAME PROOFED FABRIC means flame-proofed fabric which after being submitted to a washing treatment remains flame-proof as determined by the method of test prescribed in the current British Standard.

Table A - Minimum requires for Construction and materials of doorsets capable of resisting the action of fire for a period of thirty minutes

1. Doors, including frames, are to be tested and installed in accordance with the current British Standard 476: Part 22 (and BS 476: Section 31.1 where the 'S' specification requires smoke stopping) or BS EN 1634 and are to be certified as being capable of resisting the action of fire for a period of not less than thirty minutes as regards the passage of flame (integrity). There are no requirements as to stability or insulation for doorsets. Doors which met the requirements for resisting the action of fire in the British Standard in force at the time the door was manufactured may be accepted.

2. Doors which open into a corridor or lobby with enclosures capable of resisting the action of fire for a period of not less than thirty minutes may open in two directions provided a maximum clearance of 3mm is achieved at the meeting edges.

Any door capable of being opened in both directions shall be fitted with a vision panel of clear fire resisting glazing.

3. Glazing fixed shut may be incorporated in a door if it is capable of resisting the action of fire in accordance with the current British Standard 476: Part 22. Glazing should be fixed either;

a) in timber frames with wood or metal beads or with a glazing compound in conjunction with springs or clips in panels not exceeding 0.4m² in area; or

b) in metal frames with metal beads in panels not exceeding 1.2m² in area, all metal having a melting point not lower than 900ºC;

The area of glazing shall also satisfy the provisions of any requirements in the accompanying schedule.

Table B - Upgrading existing doorsets to achieve a fire resisting standard of thirty minutes

1. In general, the upgrading of existing doorsets to achieve a standard of fire resistance of thirty minutes is not recommended except in the case of historic buildings. It is preferable that new doorsets are installed.

2. If a doorset is to be upgraded, a test report will be required confirming that the door and frame are capable of resisting the action of fire for not less than thirty minutes when tested in accordance with the current British Standard 476: Part 22 (and BS 476: Section 31.1 when the 'S' specification requires smoke stopping).

Cupboard doors required to be fire resisting

3. Cupboard doors of standard size shall be replaced with new doors capable of resisting the action of fire for not less than thirty minutes when tested in accordance with the current British Standard 476: Part 22 (and BS 476: Section 31.1 when the 'S' specification requires smoke stopping).

4. For cupboard doors of less than standard size, a suitable fire resisting door shall be cut to size and fitted with an intumescent strip channelled into the top, hinge and closing edges to resist fire when tested in accordance with the current British Standard 476: Part 22.

Appendix C – Fire Safety Works to Marie Curie House in 2009/2010

REFURBISHMENT PROJECTS IN MARIE CURIE SINCE LAKANAL FIRE ON 3 JULY 2009

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1. Boxing-in and sealing work in the area above the communal corridor suspended ceilings on odd-numbered floors. Primarily boxing in the underside of the internal staircase when this cuts into that area. Sealing the area around and service piping and wiring entering individual dwellings.

2. Replacement of the suspended ceilings themselves. Wood laminate fascia and wood support structure was replaced by laminate metal panels and a metal support structure.

3. Redecoration of all walls in communal areas on each floor with fire retardant paint.

4. Replacement of all dwelling external doors (two upstairs level, two downstairs level).

5. Boxing in of the areas beneath the internal staircase to discourage residents from using as a storage area.

6. Installing smoke alarms in each room. Kitchen and sitting room alarms directly powered, rather that battery powered. Battery powered in bedrooms/entrance hall.

7. Replacement of all external windows to dwellings and communal areas. Renewal of under-window paneling in bedrooms.

8. Replacement of vents to ventilation shaft in bathrooms and sitting rooms.

9. Replacement of paneling around ventilation shaft at top of stairs.

10. Rewiring of electricity supply to dwellings and communal areas. Renewal of kitchen & bathroom light fittings

11. Gas supply renewed with external piping to exterior of block. Supply pipes to dwellings run along ceilings of fire escape balconies.

12. Installation of lighting to fire escape balconies and signage showing exit route.

13. Replacement of all communal fire doors to all floors with integrated heavy-wearing closer mechanisms.

14. New signage indicating exit route on all internal communal corridors.

15. Replacement of all internal glazing above doors to bathroom & bedrooms.

16. Installation of intumescent strips to bedroom doors.

17. Renewal of entry phone system to block.

18.Renewal & upgrade of fire alarms in dwellings and installing direct-powered in bedrooms.
Installing heat sensors to entrance hall of dwelling and internal communal corridors.
Installing a communal alarm throughout the block.

END.

Appendix D – Marie Curie House and Lakanal House timeline

Lakanal House and Marie Curie Timeline of Events – July 2009 to March 2017

The table below compares events at Lakanal House and Marie Curie between July 2009 and March 2017. The table has dates and key events, accompanied by comments for both Lakanal and Marie Curie.

Where possible, the relevant documentation can be accessed via links within the text. Where this was not possible, the documentation has been shared and labelled. The list of these documents is located within Appendix B.

Going forward, Brian Clifton (Brian.Clifton@southwark.gov.uk - Quality Assurance Manager, Building Safety Team) will be the point of contact for this work. He will liaise with other colleagues as required.

Date	Event	Comments for Lakanal	Comments for Marie Curie
3 July 2009	Fire at Lakanal House.	Lakanal did not have an FRA when the fire happened (Source: Council Website) Lakanal is decanted and put under Police Control until the Inquest can be concluded	There was not an FRA for Marie Curie when the fire at Lakanal happened – the LFB enforcement notice (discussed further below) stated that the building did not have an appropriate FRA when the fire happened at Lakanal. There is an FRA from 20 July 2009. This was conducted by Turner and Townsend. The Council engaged them after Lakanal to conduct FRAs. This has been shared and is called "Document 1 – Marie Curie FRA 200709"
July 2009	FRA works were drawn up for Marie Curie	Police site no schedule of works at this point	These FRA works came from LFB investigations and the work of the Council. This is reflected by a quote from a Council spokesperson – "following the Lakanal fire we worked with the fire brigade and on our own to look at the works needed on high rise blocks." (Source – IFSEC)

			The programme of works also stated that LBS would give the specifications for the FRA works. This document has been shared and it is called “Document 2 – Programme of Works for Marie Curie 20092010” These were not planned works. These works were a response to specific Fire Safety Concerns – these were raised by the LFB through discussions with the Council and by the FRA from 20 July 2009, as discussed above.
July 2009	Fire Safety Works commence at Marie Curie.		Contractors used were Shellens, Morrisons, All Fired Up, Silk and Mackman, Spokemead, M Wicker. These are listed within the Programme of Works (Document 2).
11 August 2009	LFB serve Enforcement Notices for other High Rise Scissor Blocks, including Marie Curie.		We not been able to locate the notices at this stage. We have requested them from Legal Services. The LFB has a public record of notices, but it begins from January 2010. LFB and the Council had discussed the problems from the notice – both after the LFB inspections which followed the fire and at a meeting on 7 August 2009 (Source: Inside Housing) As per the comments of a spokesperson, the Council was addressing these problems (Source – IFSEC)

March 2010	Fire Safety Works are completed at Marie Curie		The Council Website states that the LFB signed these off as being compliant with the FSO (Source: Council Website) The sign off from Building Control has been requested. Relevant certificates have been requested from the Investment Team, Repairs Service and Engineering Service.
November 2010	FRA completed at Marie Curie		This FRA stated that the risk rating for the building was tolerable. This was completed by Turner and Townsend. This document has been shared and it is called “Document 3 – FRA for Marie Curie 1110”
January 2012	FRA completed at Marie Curie		This FRA stated that the risk rating for the building was tolerable. This was completed LBS. This document has been shared and it is called “Document 4 – FRA for Marie Curie 0112”
April 2012	Planned Major Works (Warm Dry and Safe) works commence at Marie Curie		Paper taken to Strategic Director for approval of contractor at Sceaux Gardens (part of Marie Curie) for the planned works there. This included works at Marie Curie. The report stated that the Council may change the scope of works for Marie Curie, if the Inquest showed that there were matters that need to be addressed.

			This document has been shared and it is called “Document 5 – Sceaux Gardens Approval Report 0412” The Council was the consultant for this scheme of works (major works).
April 2012 to June 2012	Fire Safety Investigations happen at Marie Curie		Fire Safety Investigation Report by Sharpfibre LTD raised concerns – this was from 30 April 2012. We do not have access to this report at this stage, but we have requested it from Sharpfibre LTD. After the Sharpfibre report, the Council did its own assessment. This states that “notwithstanding some minor issues (mentioned below and expanded upon in the main body of the report) that are to be further investigated, in terms of fire safety, Marie Curie House is considered to be of comparatively ‘Low Risk’ for this type of building”. This report is dated 24 May 2012. The recommendations from this report were used to determine the Fire Safety works for the Warm, Dry and Safe (WDS) Scheme. This document has been shared and it is called “Document 6 – Response to Sharpfibre Report at Marie Curie 260522” An LBS Decent Homes report states that Turner and Townsend Ltd drew up a schedule of FRA works for Marie Curie’s

			WDS works. This document has been shared and it is called “Document 7 – Decent Homes Report Marie Curie 0412 to 0612”
14 January 2013	The Lakanal House Inquest commences		
28 March 2013	The Lakanal House Inquest concludes		
23 May 2013	Rule 43 Letter sent by Chief Executive of the Council – this can be accessed via the Lambeth Council website.		The response to the Rule 43 letter discussed a feasibility study regarding sprinklers. This study concluded that sprinklers would be added to the Council’s sheltered housing, but would not be added to other homes. This was discussed by a Cabinet report from December 2013. The report can be accessed via the Council’s website.
June 2013		June 2013 - Lakanal had been handed back to Southwark, so the next steps could be discussed. An Order 1 was issued to Keepmoat in June 2013 to carry out an options appraisal on Lakanal. NB - Options appraisal was designed to look at the way the works would be funded, not the scope of works.	
July 2013		In July 2013 Calford Seaden were appointed to provide all consultancy services for the pre-construction phase of the scheme following a tendering/quotation exercise. Detailed design work was undertaken to develop the scheme and produce a Task Order Price (TOP)/Schedule of Works.	

		The decisions during this process went through the appropriate teams within the Council. During the design phase, there was not an FRA because the building was not occupied and major works were due to take place whilst property was decanted.	
6 October 2013	Warm, Dry and Safe works at Marie are completed		The Certificate of Completion for these works has been shared and it is called “Document 8 – Certificate of Completion for WDS works at Marie Curie 1013 to 1113”
5 February 2014	Conditional approval for the works at Lakanal House received from Building Control	See Document 7	
14 November 2014	Planning approval received for the works at Lakanal House	See Document 7	
January 2015	Pre-construction and enabling works commenced at Lakanal House	Keepmoat were the contractors for the refurbishment works.	
September 2015	Refurbishment works begin at Lakanal House		
10 March 2017	Refurbishment works are concluded (Practical Completion) at Lakanal House	The Certificate of Completion for these works has been shared and it is called “Document 9 – Certificate of Completion for Lakanal Refurbishment 100317”	

APPEDNIX A – SCOPES OF WORK

Marie Curie Scope of Fire Safety Works for 2009-2010 (Source: Engie Presentation)

- Front Entrance doors
- Common part fire doors
- Internal Flat bedroom door only renewal
- Ceiling to common parts
- Fire stopping to risers
- Signage

Marie Curie Scope of Works for Warm, Dry Safe 2012 (Source: Engie Presentation)

- Renewal of windows
- Redecoration to communal areas and envelope
- Landlord Electrics upgrade
- Dwelling rewire
- Removal of warm air heating system
- Upgrade of bedroom door frames
- Renewal of balustrade panels and redecoration of frames
- External under croft lighting

Lakanal Refurbishment Scope of Works from 2015/16 (Source: Members Briefing from October 2017).

The works undertaken/being undertaken in terms of fire safety as part of the block refurbishment are:

- Class O coatings to common areas and escape routes.
- Class O materials to panels under existing bedroom windows.
- Class O panel to balcony balustrade.
- 1 hour fire rated panels to escape routes.
- 1 hour fire rated partitions between all rooms in properties

- 1 hour fire rated ceiling in all communal corridors and fire breaks above.
- 1 hour Fire rated access hatches to communal ceiling.
- Fire stopping throughout including between properties and common parts, under door thresholds in properties, shaft walls, penetrations, etc
- 1 hour fire protection to timber stairs to each property where protrudes into communal corridor.
- 1 hour fire rated emergency escape communal doors on escape routes. Stair doors and bin chute area doors
- Fire rated means of escape with properties, under stairs and between bedrooms. Under stairs 1 hour & door between bedroom half hour.
- 1 hour fire doors to service areas.
- Replace emergency escape door from half landing balcony to escape stairs. Non rated external metal doors (albeit door is 1 hour).
- 2 hour fire rated lift access hatch.
- Half hour fire doors within properties. (albeit no door closers fitted)
- 1 hour fire doors to common parts
- Signage.
- LD2 enhanced smoke detection in to properties.
- Emergency lighting to common parts and escape balconies.
- Metal cable clips to cables/ trunking.
- Improvements to dry riser as requested by LBF.
- Smoke ventilation to stair case.
- Fire rated refuse chute hatches and hoppers.
- Half hour FR Front entrance doors to flats
- Half hour kitchen door and living room door onto balconies
- Alternative ventilation to bathrooms. Sealing off of communal system and installation of individual systems vented through adjacent bedroom window.
- Permanent heat connection
- Heating to properties (HIU commission)
- Upgrading of insulation
- Completion of carpet laying
- Internal snagging.
- Communal snagging

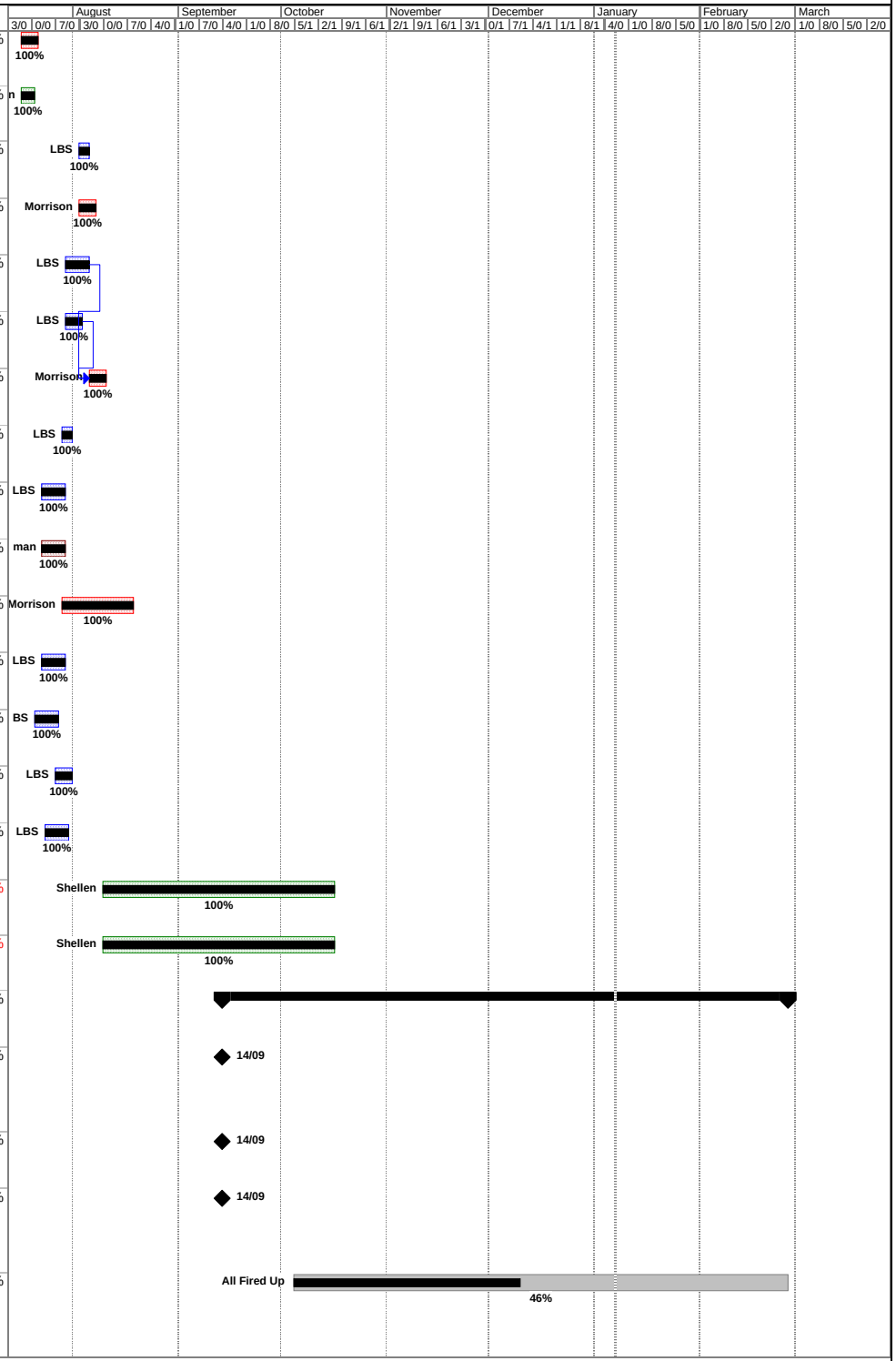
- Lift motor room hatch renewal to Fire Rated
- Electrical containment to half landings
- Temporary connection for door entry system.
- Completion of signage
- Half leaf doors in communal areas
- Bin Chutes
- Re test and schedule of all Fire Doors

APPENDIX B – LIST OF DOCUMENTATION

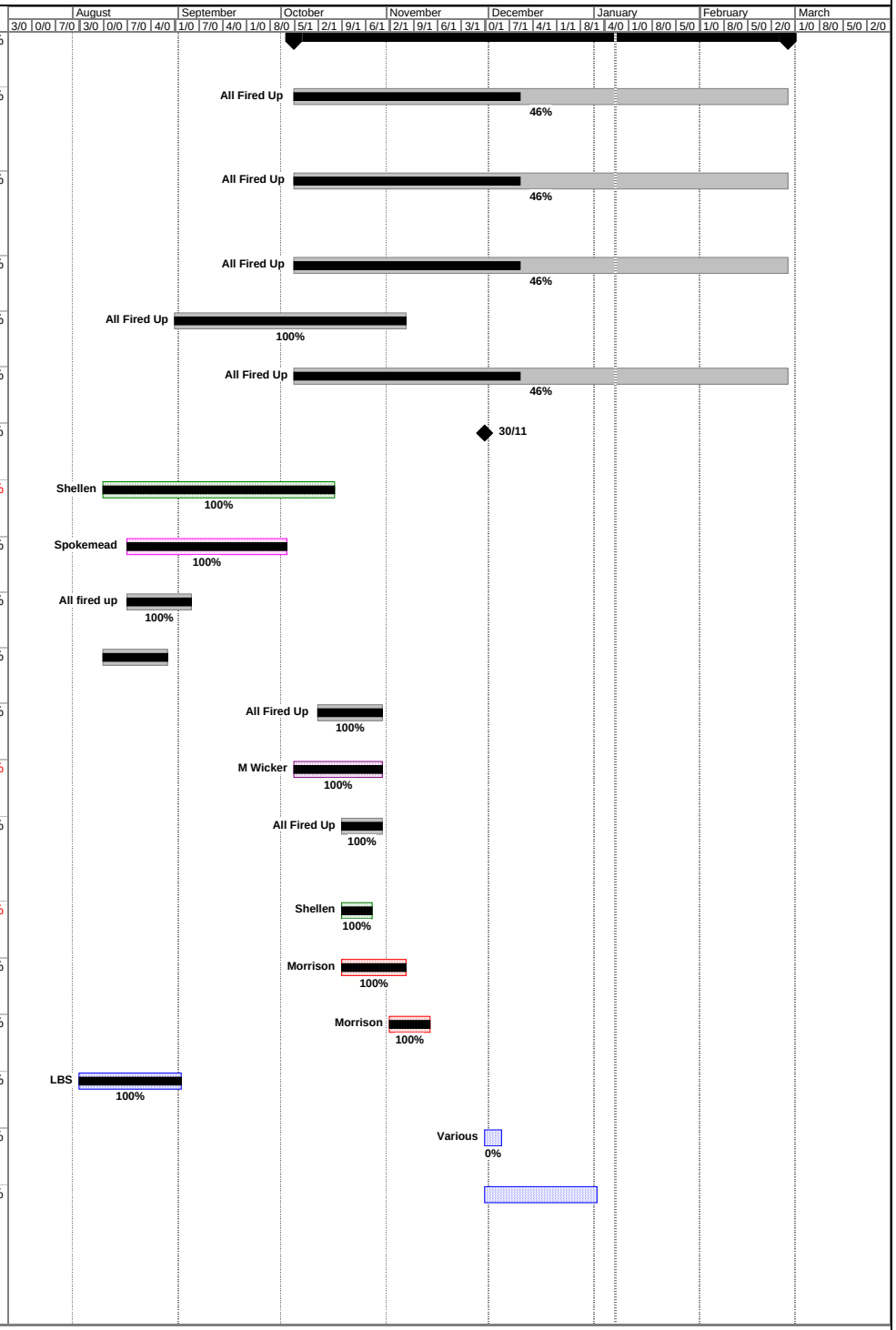
- Document 1 - Marie Curie FRA 200709
- Document 2 - Programme of Works for Marie Curie 20092010
- Document 3 – FRA for Marie Curie 1110
- Document 4 – FRA for Marie Curie 0112
- Document 5 – Sceaux Gardens Approval Report 0412
- Document 6 – Response to the Sharpfibre LTD report at Marie Curie 260522
- Document 7 – Decent Homes Report Marie Curie 0412 to 0612
- Document 8 – Certificate of Completion for WDS works at Marie Curie 1013 to 1113
- Document 9 – Certificate of Completion for Lakanal Refurbishment 100317

Appendix E – Gantt chart for Marie Curie Fire and Safety Works 2009/2010

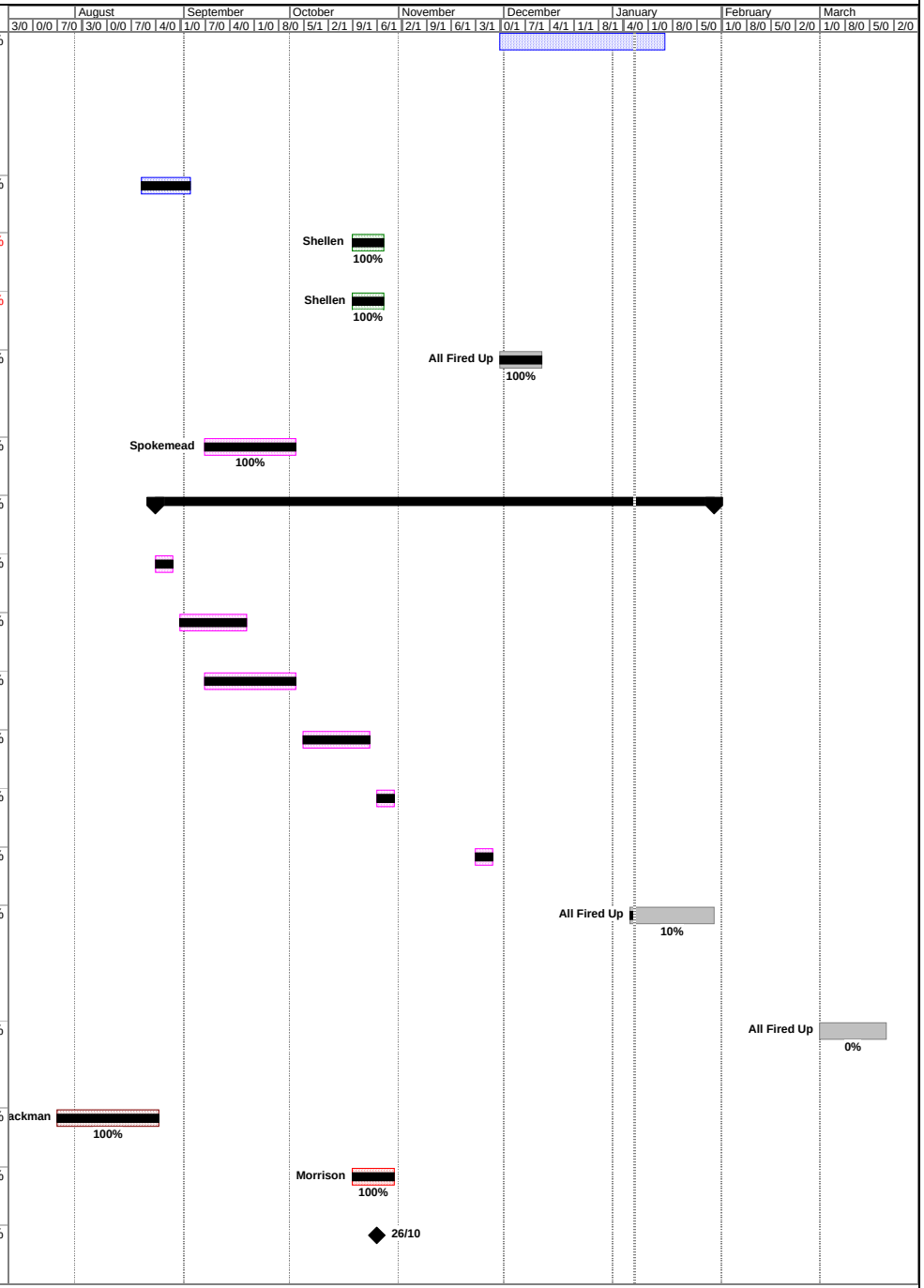
ID	Task Name	Contract Notes	Contractor	Duration	Start	Finish	% Comp
1	Remove Ceilings from Access corridors		Morrison	3 days	Fri 17/07/09	Tue 21/07/09	100%
2	Install Doors to Pilot Flt		Shellen	2 days	Fri 17/07/09	Mon 20/07/09	100%
3	Liaise with TRA for use of offices		LBS	3 days	Mon 03/08/09	Wed 05/08/09	100%
4	Set up site compound		Morrison	5 days	Mon 03/08/09	Fri 07/08/09	100%
5	CDM Plan to be developed		LBS	5 days	Thu 30/07/09	Wed 05/08/09	100%
6	Designers risk asessement to be delivered		LBS	3 days	Thu 30/07/09	Mon 03/08/09	100%
7	Construction Phase H&S Plan to be completed		Morrison	3 days	Thu 06/08/09	Mon 10/08/09	100%
8	Continue wih surveys and findings		LBS	3 days	Wed 29/07/09	Fri 31/07/09	100%
9	Specification to be approved for stair soffitts encasement		LBS	5 days	Thu 23/07/09	Wed 29/07/09	100%
10	Cable trays to be installed		Silk and Mackman	5 days	Thu 23/07/09	Wed 29/07/09	100%
11	Studwork to be removed from corridors		Morrison	15 days	Wed 29/07/09	Tue 18/08/09	100%
12	Specificsation to be provided for additional fire safety works to lobbies and stairwells		LBS	5 days	Thu 23/07/09	Wed 29/07/09	100%
13	Specification to be supplied for ceiling systemn to corridors and lobbies		LBS	5 days	Tue 21/07/09	Mon 27/07/09	100%
14	Services to be labelled to corridors		LBS	5 days	Mon 27/07/09	Fri 31/07/09	100%
15	Specificsation to be provided for additional fire safety works to Maisonettes		LBS	5 days	Fri 24/07/09	Thu 30/07/09	100%
16	Front Entrance Door		Shellen	50 days	Mon 10/08/09	Fri 16/10/09	100%
17	Emergency escape route door		Shellen	50 days	Mon 10/08/09	Fri 16/10/09	100%
18	Main Bedroom Wall separating staircase		Morrison	120 days	Mon 14/09/09	Fri 26/02/10	46%
19	Make good small areas of plaster damage to wall between exit and entrance doors. Item	Item Removed	Morrison	0 days	Mon 14/09/09	Mon 14/09/09	100%
20	Supply & fit skirting mounted door-stop for entrance door. Item	Item Removed	Morrison	0 days	Mon 14/09/09	Mon 14/09/09	100%
21	Plasterboard wall replace skirtings and architraves	Item Removed	Morrison	0 days	Mon 14/09/09	Mon 14/09/09	100%
22	Seal pipe runs / collars at floor and ceiling levels with intumescent mastic. Allow 2 x 4 pipes in duct		All Fired Up	105 days	Mon 05/10/09	Fri 26/02/10	46%



ID	Task Name	Contract Notes	Contractor	Duration	Start	Finish	% Comp
23	Works to service ducts in Maisonette		All Fired Up	105 days	Mon 05/10/09	Fri 26/02/10	46%
24	Open up main service duct (remove panels at top and bottom of both floor levels) and clean out debris.		All Fired Up	105 days	Mon 05/10/09	Fri 26/02/10	46%
25	Seal pipe runs / collars at floor and ceiling levels with intumescent mastic. Allow 4 locations x 4 pipes in duct		All Fired Up	105 days	Mon 05/10/09	Fri 26/02/10	46%
26	Close up duct on completion.		All Fired Up	105 days	Mon 05/10/09	Fri 26/02/10	46%
27	Air vent in wall to flat		All Fired Up	50 days	Mon 31/08/09	Fri 06/11/09	100%
28	Maisonette lower level Replace bedroom doors and upgrade frames where necessary		All Fired Up	105 days	Mon 05/10/09	Fri 26/02/10	46%
29	Fresh Air vent in bathroom wall	Ommitted	Morrison	0 days	Mon 30/11/09	Mon 30/11/09	0%
30	Maisonette upper level Replace final escape doors		Shellen	50 days	Mon 10/08/09	Fri 16/10/09	100%
31	Smoke alarms/heat detectors		Spokemead	35 days	Mon 17/08/09	Fri 02/10/09	100%
32	Encapsulate stair soffit	Completed 26.8.09	All fired up	15 days	Mon 17/08/09	Fri 04/09/09	100%
33	Strap existing Asbestolux	Completed 19.8.09	All Fired Up	15 days	Mon 10/08/09	Fri 28/08/09	100%
34	Fire break in void		All Fired Up	15 days	Mon 12/10/09	Fri 30/10/09	100%
35	Ceiling Replace with Glassroc board including access hatches	Specification received 2.10.09	M Wicker	20 days	Mon 05/10/09	Fri 30/10/09	100%
36	Replace Riser service ducts covers providing fire stopping and cushions allowing for cabling	To be replaced with MDF	All Fired Up	10 days	Mon 19/10/09	Fri 30/10/09	100%
37	Access to Escape Staircase Replace doors and Frames	Ammended Date	Shellen	7 days	Mon 19/10/09	Tue 27/10/09	100%
38	Generally inspect corridors and complete repairs as required		Morrison	15 days	Mon 19/10/09	Fri 06/11/09	100%
39	Escape Balcony Level Overhaul single door onto crush lobby		Morrison	10 days	Mon 02/11/09	Fri 13/11/09	100%
40	Balcony signs		LBS	22 days	Mon 03/08/09	Tue 01/09/09	100%
41	Other works to balconies		Various	5 days	Mon 30/11/09	Fri 04/12/09	0%
42	Re-route Satelite and tv cables	Awaiting Price from nominated contractor may be covered by R&M Contract	LBS	25 days	Mon 30/11/09	Fri 01/01/10	0%



ID	Task Name	Contract Notes	Contractor	Duration	Start	Finish	% Comp
43	Remove reedundant cables and clear from site	Awaiting Price from nominated contractor may be covered by R&M Contract	LBS	35 days	Mon 30/11/09	Fri 15/01/10	0%
44	Enviromental clean of balcony surfaces	Completed 25.8.09	Cleansafe	10 days	Thu 20/08/09	Wed 02/09/09	100%
45	Escape Lobbies to Escape Staircase Replace doors and frames	Ammended Date	Shellen	7 days	Mon 19/10/09	Tue 27/10/09	100%
46	Refuse chute area to Escape Staircase Replace Doors and Frames	Ammended Date	Shellen	7 days	Mon 19/10/09	Tue 27/10/09	100%
47	Refuse chute Rodding Accesses Replace existing metal door ets to Chute Rodding Access		All Fired Up	10 days	Mon 30/11/09	Fri 11/12/09	100%
48	New Emergency Lighting System		Spokemead	20 days	Mon 07/09/09	Fri 02/10/09	100%
49	Replace lateral mains and risers.		Spokemead	115 days	Mon 24/08/09	Fri 29/01/10	80%
50	Diamond Drilling		Spokemead	5 days	Mon 24/08/09	Fri 28/08/09	100%
51	1st Fixing Cable Trays & Conduit`		Spokemead	15 days	Mon 31/08/09	Fri 18/09/09	100%
52	Installing Laterals		Spokemead	20 days	Mon 07/09/09	Fri 02/10/09	100%
53	Installing Ryefield Boards & Rising mains		Spokemead	15 days	Mon 05/10/09	Fri 23/10/09	100%
54	Testing and commisioning		Spokemead	5 days	Mon 26/10/09	Fri 30/10/09	100%
55	Electrical Intake		Spokemead	5 days	Mon 23/11/09	Fri 27/11/09	100%
56	Break open duct in escape and lift lobbies, fireproof base and cover opening with MDF and fit intumescent /smoke seals		All Fired Up	18 days	Wed 06/01/10	Fri 29/01/10	10%
57	Clear undercarrige and seal all openings with itumescent mastic and / or board		All Fired Up	15 days	Mon 01/03/10	Fri 19/03/10	0%
58	Works to loose cables in ceiling void		Silk and Mackman	21 days	Mon 27/07/09	Mon 24/08/09	100%
59	Communal Heating Pipe insulation (Strip Existing plastic covers)		Morrison	10 days	Mon 19/10/09	Fri 30/10/09	100%
60	Commence finishes to Corridors	Removed from Spec	Morrison	0 days	Mon 26/10/09	Mon 26/10/09	0%



Appendix F - Rule 43 letter following Lakanal House Fire Inquest

Inner Southern District of Greater London

The Coroner's Court
1 Tennis Street
London SE1 1YD

Her Honour Frances Kirkham CBE
Assistant Deputy Coroner

28 March 2013

The Mayor and Burgesses of The London Borough of Southwark
160 Tooley Street
London
SE1 2QH

Dear Mayor

Lakanal House fire 3 July 2009

I write concerning the inquests into the tragic deaths of Catherine Hickman, Dayana Francisquini, Thais Francisquini, Felipe Francisquini Cervi, Helen Udoaka and Michelle Udoaka who all died in a fire at Lakanal House, Camberwell, on 3 July 2009. The jury brought in Narrative Verdicts in respect of each of the deceased.

I write to you pursuant to Rule 43 of the Coroners Rules (as amended) which provides:

"(1) Where

> (a) a coroner is holding an inquest into a person's death,
> (b) the evidence gives rise to a concern that circumstances creating a risk of other deaths will occur, or will continue to exist, in the future; and
> (c) in the coroner's opinion, action should be taken to prevent the occurrence or continuation of such circumstances, or to eliminate or reduce the risk of death created by such circumstances,

the coroner may report the circumstances to a person who the coroner believes may have power to take such action."

I announced at the end of the inquests that I would be sending a report to you as evidence adduced at the inquests gave rise to concern of the type identified in Rule 43. I believe that your authority has power to take action as set out in this report.

It has been drawn to my attention that your authority has taken some steps to address fire safety in relation to high rise residential buildings. I understand (1) that fire risk assessments have been undertaken in relation to all high rise residential buildings within the Borough, and it was your intention that any fire safety work be completed by March 2012; and (2) that fire safety information and advice have been given to residents of such buildings. I therefore make no recommendations in relation to such matters. I do however make the following recommendations.

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

Of those former residents of Lakanal House who gave evidence at the inquests, few recognised the extract from your authority's handbook containing advice about fire safety in the home and few knew about the fire safety features of the maisonettes.

It is recommended that, in relation to residents of high rise residential buildings, your authority:

- 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
- 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
- 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.

Signage in high rise residential buildings

It is recommended that your authority review 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
- provide clear information to residents to enable them to find escape routes
- use pictograms to assist those for whom English is not their first language
- 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.

It is also recommended that your authority liaise with London Fire Brigade regarding use of premises information plates and boxes.

Policies and procedures concerning fire risk assessment

The Regulatory Reform (Fire Safety) Order 2005 ("FSO") which came into force in October 2006, imposed obligations in relation to fire risk assessments in certain buildings.

It is recommended that your authority review its policies and procedures concerning fire risk assessments of high rise residential buildings.

- prioritising such buildings for regular rigorous review
- considering the skills and experience needed to undertake an assessment of higher risk residential buildings

- considering the training required for members of staff considered to be competent to carry out assessments
- identifying when individual flats or maisonettes should be inspected and how these should be selected for inspection
- 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.

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

It is recommended that your authority 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.

Access for emergency vehicles

It is recommended that your authority 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.

Retro fitting of sprinklers

Evidence adduced at the inquests indicated that retro fitting of sprinkler systems in high rise residential buildings might now be possible at lower cost than had previously been thought to be the case, and with modest disruption to residents.

It is recommended that your authority consider the question of retro fitting of sprinkler systems in high-rise residential buildings.

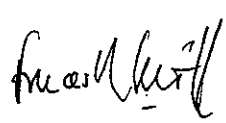
Response

Rule 43A of the Coroners Rules requires that you give a written response within 56 days beginning with the day on which the report is sent. If you are unable to respond within that time, you may apply to me for an extension. The response is to contain details of any action that has been taken or which it is proposed will be taken whether in response to this report or otherwise, or an explanation as to why no action has been taken.

As required by rule 43, I shall send a copy of this report to the Lord Chancellor.

At your request, I am copying this report to Ms Eleanor Kelly, Chief Executive.

Yours sincerely



Frances Kirkham

Appendix G – Rule 43 letter response from Southwark Council

Southwark Council

Her Honour Frances Kirkham CBE
Assistant Deputy Coroner
The Coroner's Court
1 Tennis Street
London
SE1 1YD

Chief Executive's Office
Direct Dial : 020 7525 7171

23 May 2013

Dear Ms Kirkham

Re: Lakanal House fire 3 July 2009 – response to Rule 43 letter

Thank you for your letter of 28 March 2013 pursuant to Rule 43 of the Coroner's Rules (as amended), concerning the inquests into the tragic deaths of Catherine Hickman, Dayana Francisquini, Thais Francisquini, Felipe Francisquini Cervi, Helen Udoaka and Michelle Udoaka at Lakanal House on 3 July 2009.

I would like to take this opportunity to thank you for your thorough review of the events relating to the Lakanal fire and also the jury for their patience and diligence in reviewing the evidence from over 100 witnesses and technical experts.

We welcome your recommendations, and while some have already been completed or are already progressing, I have set out below the council's responses to each of them. Your recommendations are in bold and the council's responses are in italics:

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

There is no set definition of 'high rise' so we will apply your recommendations to blocks above 30m, equating to those of 10 storey and above. This is supported by the guidance set out in BS 9991:2011 relating to the installation of sprinklers in new buildings, where it says "All buildings with a floor higher than 30m above ground should be fitted with sprinklers".

We will also apply your recommendations to any lower height but complex blocks, i.e. those with more than one means of escape, along with the council's sheltered housing schemes and temporary accomodation hostels which house our most vulnerable residents. In our responses below, references to "high rise" blocks will include these further types of accommodation.

It is recommended that, in relation to residents of high rise residential buildings, your authority:

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.

Initially the in-house fire safety team will undertake an assessment of all high rise and complex blocks to develop information and guidance packs in relation to escape routes. This will be undertaken on an area basis. Upon completion packs will be passed to the lettings teams in Operations (training will be provided by the fire safety team at the point of handover). The lettings team will incorporate this information into the 'welcome pack' and will go through the guidance and walk through the relevant features with new tenants at the point of sign up. Tenants will be asked to sign to confirm they have had and understand the advice. The signed sheet will be stored on the council's electronic document management system, Info@Work, to ensure we have a record.

In particularly complex buildings, we will consider making referrals to the fire safety team to provide demonstrations to residents.

The resident officer for the building visits each new tenant within the first 6 weeks after they take occupation. At this visit the resident officer will ask the new tenant to confirm they have had information and guidance in relation to fire and again a signature will confirm this. This record will also be stored on Info@Work.

Throughout this programme the fire safety team will provide fire safety support to the current lettings process by participating in the works carried out in empty properties prior to re-letting, viewings and sign-ups where appropriate.

We will also share these block specific literature/packs with all existing residents in the blocks and consider how best to provide demonstrations to existing residents where appropriate.

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.

Fire action notices (FANs) that advise residents and visitors what to do in a fire event are being installed in common areas as part of the current fire safety works (which take in all buildings of 5 storeys or above).

The council will revisit fire safety works done prior to the approval of the current FANs to bring these up to date, and we will increase the number of FANs installed to three per floor, where appropriate.

FAN information will also form part of the block's specific literature/pack referred to in recommendation 1.

Resident officers will also ensure as part of the annual tenancy check that residents understand the council's fire safety guidance and information and will make referrals to the fire safety team for further information or demonstration as required.

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.

The fixing of FANs to the inside of flats is not considered to be appropriate, particularly in light of actions to be undertaken in response to recommendation no. 2, and considering we cannot do so in dwellings sold under the right to buy (referred to by the council as "leasehold" dwellings) without the owner's consent. It is therefore intended to issue all residents in high rise blocks with an expanded version of the fire action notices and stay put principles in booklet form.

FAN information will also form part of the block's specific literature/pack referred to in the response to recommendation 1.

Signage in high rise residential buildings

It is 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.

Please see the response to recomendation no. 2.

Provide clear information to residents to enable them to find escape routes.

Directional signage was installed in the common areas of all high rise blocks during 2010 and is being checked and replaced where necessary as part of the current fire safety works.

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 Regulations require. Any new signage will meet the same requirements.

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 carry out a review of all existing high rise block signage and undertake to ensure that it all complies with this recommendation, and will include the location of each flat on its floor. The signage will be placed at a level low enough to ensure visibility in smoke conditions.

In addition to this, we have also set up a project team to progress the distribution of plans of our blocks to the London Fire Brigade (LFB). While some plans have already been issued it is intended to follow these up in three tranches:

1. *22 LFB priority blocks*
2. *Blocks of 10 storey and above*
3. *Blocks of 5 storey and above*

Although LFB have been issued with the council's special key suite that is used on areas not accessible to the general public, such as secondary escape routes, plant rooms and intake cupboards, we will also carry out a review of these areas and liaise with LFB to ensure they are easily accessible by LFB.

We will also ensure staff availibility at times of LFB familiarisation visits, when requested, to ensure that all parts of the buildings are accessible during such visits.

It is also recommended that your authority liaise with London Fire Brigade regarding use of premises information plates and boxes.

We have liaised with the London Fire Brigade regarding premises information plates and boxes and will be installing premises information plates at prioritised blocks once the LFB have provided their format requirements. The council also has premises information boxes in its 20 sheltered housing schemes.

Policies and procedures concerning fire risk assessment

It is recommended that your authority review its policies and procedures concerning high rise residential buildings.

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.

Prioritising such buildings for regular rigorous review.

This recommendation has already been completed and as part of the ongoing fire risk assessment process a suitable review is always specified and rigorously undertaken. All of the council's housing stock has been fire risk assessed and a programme has been put in place which defines the timescale of review for each block. The cycle of review for blocks is determined by the initial assessment of its risk. This can vary from 6 months to 2 years, dependant on the risk of the building.

Considering the skills and experience needed to undertake an assessment of higher risk residential buildings.

This recommendation has already been completed because the council has already centralised the responsibility to a specialist in-house fire safety team that is considered highly skilled and experienced, also offering a high degree of building design and construction knowledge.

Considering the training required for members of staff considered to be competent to carry out assessments.

The in-house fire safety team has undergone a wide range of specialist training across many disciplines, and we also provide for continuous professional

development. Further training is provided for any change in law, regulation, guidance or practice.

In addition we have also considered the "Competency Criteria for Fire Risk Assessors" published by the Fire Risk Assessment Competency Council, and consider that our in house assessors meet the requirements set out.

Identifying when individual flats or maisonettes should be inspected and how these should be selected for inspection.

Our current fire risk assessment process already identifies areas where further internal in-dwelling investigation might be required.

This is 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.

However the council is already rolling out an annual property check process, which as well as carrying out a tenancy check of the occupancy of the dwelling, includes the annual gas check for properties with gas appliances, and a check on the condition of the property, including whether any modifications have been made to the layout of the property. This would also identify any lifestyle issues that would impact on the fire safety of the individual property and the block.

This check however only applies to the council's tenanted properties and the council does not currently have a right of access to check the internal layout of leasehold properties without the owner's consent. This access issue is particularly important when the council is seeking to ensure the safety of all of its properties.

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.*

Clearly this issue is of national significance and subject to further exploration of the legal basis for inspection of all council properties and the response from the Department for Communities and Local Government, the council will continue with its current strategy.

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.

Prior to every fire risk assessment being undertaken, the surveyor will be provided with a comprehensive brief on the layout of the building, records of any recent major works and any other design features or characteristics relevant to the building and its fire safety.

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 electronic document management system, Info@Work, at the end of 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, as noted above the council also undertakes annual property checks to all tenanted dwellings whereby information can be obtained regarding any authorised and 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

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 to be 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 (NEBOSH - National Examination Board in Occupational Safety and Health) standard in relation to construction and fire safety.

In addition, the council has identified the need for its contractors, including consultants, engaged in major works to be suitably experienced and qualified in fire safety requirements. All of the council's lead designers and consultants will be required to attain NEBOSH accreditation, and all of the council's contractors engaged in major works and day to day maintenance will be required to regularly demonstrate sufficient knowledge, experience and qualification in fire safety issues and requirements in construction.

We also have an internal process by which the in-house fire safety team signs off major works and other works with fire safety implications.

In terms of Building Regulations and 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

Access for fire and other emergency vehicles is already a consideration within the fire risk assessment, to ensure that there is dedicated access space for emergency vehicles 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.

LBS has liaised with LFB and agreed a reporting and resolution process.

Retro fitting of sprinklers

It is recommended that your authority consider the question of retro fitting of sprinkler systems in high rise residential buildings.

The council has given this topic much consideration since receiving your recommendations. Since the inquest concluded, we have commissioned a survey of three of the council's typical high rise blocks. This initial research identified a number of issues for consideration which are set out below.

No right of access to leasehold properties

The council does not have an automatic right to access any leasehold dwelling to carry out retrofitting of sprinkler systems, and it is only with leaseholders' permission that they could be. This is an important issue because the effectiveness of a sprinkler system would be undermined if it was not installed to all individual properties in a block as it would leave parts of blocks unprotected, in some cases up to 50% of the block.

Any project to retrofit sprinklers would have to have the full cooperation and consent of all of the leaseholders in that block to enable the full application and continuity of works. The council would expect leaseholders to fund works benefiting their properties.

Fire safety precautions have hitherto been focused on communal areas, including front entrance doors, and we did not access flats and maisonettes to carry out internal surveys unless there was a clear need to. We are aware that there may be some instances where residents have made some modifications to the layout of the property which have not been notified to the council. We would require access to each property to ensure a comprehensive knowledge and understanding of the current room layouts and size of individual properties. A full internal stock condition survey would be required prior to retrofitting to ascertain if any of the original walls have been moved by residents. However because the council has no right of access to leasehold dwellings for this purpose, a full survey of all the dwellings in the blocks may not be possible. We therefore need to consider how to effectively carry out full stock condition surveys to all dwellings, including those sold leasehold.

Effect on amenity

Careful consideration would need to be given to the general routing of any pipework both within the communal areas and dwellings themselves ensuring that the piping is hidden behind fire proof coving or fire board partitions. In addition all residents would

need to be made aware that the painting of the sprinkler heads will render them ineffectual if a fire should occur. The industry standard CPVC IPS Blazemaster piping is coloured bright orange and is not particularly aesthetically pleasing but it is not recommended that it should be painted as some acrylic based paints will have a serious deleterious effect on the plastics causing them to fail.

The builders' works and electrical works required in support of any retrofit sprinkler programme would be disruptive as there would be a need for the coring/boring of holes through both ceilings and walls to facilitate the routing of both piping and fire signal cabling and the need for provision of a bespoke addressable fire alarm and pump power supplies by electrical contractors. There would also be required certified fire stopping, after all piping/cabling is complete, to all holes through the existing fire walls and floors.

It is also considered that asbestos would likely be disturbed and therefore would have to be carefully considered and managed. This could be costly and potentially disruptive to residents.

Need for full cost / benefit analysis

Based on the surveys carried out on the three blocks, the following works would be required:

- *Initial design/drawings for the sprinkler system*
- *Structural Engineering report and recommendations for water storage tank, diamond/core drilling for services*
- *The initial structural works that are required to install services, physical core drilling and destructive/exposure works to accommodate the sprinkler system*
- *The supply and installation of sprinkler services (pipe work) to all areas required*
- *The supply and installation of electrical services to pumps and dwelling monitoring units*
- *The supply and installation of water tank and pumps*
- *The supply and installation of sprinkler monitoring panel*
- *The supply and installation of plaster boarding/boxing/profiles to all new sprinkler services, communal and residential areas*
- *Certificated fire stopping for all breaches formed in construction during works*
- *The supply of materials and labour to decorate all areas affected, residential and communal*
- *The supply and installation of a 60 minute fire rated service hatch to each and every dwelling for service/monitoring and isolation purposes*

The social housing sector has looked to government for guidance on the retrofitting of sprinklers, but the response from the Department of Communities and Local Government (DCLG), to the Southampton Rule 43 letter suggests that, instead of taking a view on behalf of all social housing landlords, DCLG considers that decisions regarding the retrofitting or not of sprinkler systems to high rise building is for landlords to consider themselves.

There are differing opinions within the social housing sector and the fire industry as to whether compartmentation and other appropriate fire stopping (passive measures) and early warning systems (active measures), such as heat and smoke detection, are in themselves sufficient risk mitigation for high rise dwellings.

We are therefore of the view that the scale of the task and its full implications mean that further detailed consideration is required. The council will therefore undertake a full feasibility study which looks at the requirements for each of the blocks concerned, 145 in number, taking into account the complexities of the blocks, their design intent, and existing fire safety features and arrangements, as well as thorough research into best practice and guidance from the government and fire authorities.

We consider that a full feasibility study will be concluded within six months.

I trust that you find this response helpful and are assured that the council takes its fire safety responsibilities very seriously indeed.

Should you need any clarification or further information regarding this response please do not hesitate to contact me.

Yours sincerely

Eleanor Kelly
CHIEF EXECUTIVE

Chief Executive's Office, Southwark Council, PO Box 64529, London SE1P 5LX
Switchboard – 020 7525 5000 Website – www.southwark.gov.uk
Chief Executive – Eleanor Kelly

Appendix H – Council response to Sharpfibre report

Housing Services Department
Engineering & Compliance
PO Box 64529
London SE1P 5LX

Marie Curie House - Fire Safety Investigation Report

Title : **Response to 'Basic Fire Safety Protection Survey Report' by Sharpfibre Ltd. (Dated 30 April 2012) of Marie Curie House.**

Subject: Fire Safety condition at Marie Curie House, Havil Street, Sceaux Gardens Estate, Southwark, London, SE5 7DG.

Date: 24 May 2012

Author: Robert Barr - Fire Safety Surveyor on behalf of London Borough of Southwark.

Summary

In response to the concerns raised in the recent report by Sharpfibre Limited a thorough fire safety inspection of this property was carried out by the London Borough of Southwark Fire Safety Team.

The inspection shows that, notwithstanding some minor issues (mentioned below and expanded upon in the main body of the report) that are to be further investigated, in terms of fire safety, Marie Curie House is considered to be of comparatively 'Low Risk' for this type of building (i.e. when compared to 50's style high density, high rise residential housing).
This rating has been apportioned to the property due to the following conditions:

- Compartmentation is of an acceptable standard and service ducts and risers are generally free from significant breaches between compartments (providing suitable protection against internal fire and smoke spread between individual dwellings and common areas).

- Recent fire safety upgrade works have been completed that include provision of new fire rated door-sets to Front entrance doors and secondary escape corridor doors to dwellings and ditto to corridors, upgrading compartmentation, fire-stopping works, reduction of spread of flame, etc.

- Further upgrade works are scheduled imminently for this building that will maintain and improve the building's current fire safety performance.

- Each apartment benefits from fire detection and early warning by way of mains wired smoke and heat detectors to each level of the apartment.

- Each apartment benefits from four escape routes (two for each level of the apartment).

However, the inspection has revealed some areas that warrant further consideration; these being:

- Investigation into the void space between bathrooms

- Possible extra fire protection to internal plywood panels to lower level service ducts in dwellings (where occurring).

- Consideration of upgrading external panels to escape balconies.

- Maintaining unobstructed emergency escape balconies.

It is noted that the Council has scheduled further improvement works to this property under its 'Warm Dry and Safe' programme. These works will facilitate the investigation and any necessary remedial works to address the issues listed above.

1. Introduction

The report to follow presents a technical response to fire safety issues raised in the inspection and 'Basic Fire Safety Protection Survey Report' dated 30 April 2012 (hereafter known as the Sharpfibre Report) carried out on behalf of the Sceaux Gardens Tenants and Residents Association by Sharpfibre Limited.

The Author of this report, being an experienced Building Surveyor and Fire Safety surveyor (currently on contract to Southwark Council) is in receipt of the above mentioned report and has been instructed by the London Borough of Southwark, Compliance Operations Manager to carry out an intrusive survey into a typical dwelling compartment of the property in question. A recently decanted dwelling was used for this inspection and is understood to be typical of the style and arrangement of other dwellings within the subject property. A brief, visual inspection was subsequently carried on two further dwellings in this block to confirm this.

This report has been structured to provide responses to the issues highlighted in the Sharpfibre Report in the order in which they were raised.

2. Authors Brief:

To carry out an intrusive fire safety inspection and subsequent report of the above named property that specifically considers the items and issues raised in the Sharpfibre Report and where practicable and necessary, investigates and report beyond the scope of the Sharpfibre Report in order to produce a comprehensive and satisfactory response.

3. The Building

Marie Curie House is a 15 storey residential social housing block situated in South East London and owned by The London Borough of Southwark Council.

The building was constructed in 1959 and consists of a concrete frame structure with internal walls of masonry and external infill panel walls of masonry, glazing and sheet material. The design and construction of the building incorporated the then current fire safety building regulations of the British Standard code of practice 'CP3 chapter IV part 1: precautions against fire', and Section 20 of the London Building Acts (Amendment) Act 1939.

The building consists of 98, two storey duplex style apartments arranged horizontally and vertically from first floor. The ground floor level contains entrance/exit lobby and lift lobby.

The building is served by one lift shaft and one protected staircase. Access to the lifts and staircase is from the lower floors of each apartment via protected corridors.

External windows to floors containing bedrooms are of timber construction frames incorporating glazing above cill level and polycarbonate type sheet panels below.

The External windows to the floors containing the living/kitchen areas are metal (Crittall type) frames set in timber sub-frames above masonry infill panels.

A typical apartment consists of a lower floor containing two bedrooms, Bathroom/Wc, hot water cylinder cupboard and entrance lobby containing staircase that leads to the upper floor consisting of a living room and kitchenette.

The building has undergone significant fire safety upgrade works in 2009. The main elements of these works are listed below:

- New 30 minute fire resisting doorsets to individual apartment entrances.
- Ditto to alternative escape exits on apartment lower floors.
- New 30 minute fire resisting doorsets to escape doors on upper level of apartments.
- New 30 minute fire resisting doors to apartment bedrooms where necessary.
- New 60 minute fire resisting doorsets to staircase and lobbies.
- Encapsulation of underside of private staircases.
- Provision of new fire resistant soffit lining to corridors and lobbies.
- Replacing access panels and provision of fire-stopping to various ductwork and voids.
- Removal of redundant cables and subsequent fire-stopping of penetrations where necessary.
- Upgrade to emergency lighting and escape signage.
- Various other fire and smoke stopping works to voids, gaps, penetrations, etc.

4. The inspection

Details of the inspection are as follows:

Dwelling Inspected : No 20, Marie Curie House (4th Floor)

Inspection carried out by: Robert Barr ACIOB

Date of inspection: 23 May 2012

Weather conditions: Dry, warm and sunny

Note: a brief, visual inspection was subsequently carried on two further dwellings in this block to establish consistency of design and fire safety issues observed in the subject flat.

Exclusions / Notes:

All ducts, risers and voids opened and inspected visually with the aid of torchlight, camera and flexible endoscope. Fixtures, fittings, panels, finishings and decorations were removed where necessary and practicable to facilitate the inspection, however destructive interference of the structure or fabric of the building is beyond the scope of this inspection.

The object of the inspection was to consider the buildings performance in a fire condition and in particular the spread of flame and smoke between common areas and dwellings and between individual dwellings.

In order to ascertain this fire performance compartmentation was observed with a view to identifying any possible breaches that may allow passage of flame and smoke between compartments. This included opening up and visual inspection of ducts and risers. Where appropriate photographs were taken and have been included in this report.

5. Fire Rating

The author of this report is unclear exactly what is meant by the term 'the fire rating of the building' in the Sharpfibre report due to the fact that differing building components and compartments have there own related fire rating, however, for the purpose of clarity the author has listed the original design fire ratings below:

- Structure : Concrete frame is expected to provide 2 hours fire resistance and often provides over 4 hours in certain fire conditions.
- Masonry envelope and partition walls : 2 hours fire resistance.
- Apartment entrance doors (leading to common areas) : 30 minutes.
- Protected escape staircase : 1 hour fire resistance.

The present day condition of the building has not compromised the ratings listed above.

Whilst it is impossible to guarantee the compliance with BS476 (where necessary) of all materials used in the repair and maintenance works over the 50+ year history of the building, recent fire safety upgrade works to ducts, linings and compartments have been carried out by approved fire safety installers using approved materials components and systems tested to BS476.

6. Communal Areas

The common areas comprise of enclosed corridors on every other floor from first floor. These corridors lead in an opposing direction from a central lift lobby along the entire length of the building and provide access to the apartment entrance doors. The central lift lobby is adjacent to the single escape staircase that runs full height of the building.

The doors to the escape staircase have benefited from a recent fire safety upgrade programme that has provided new certified 60 minute fire doorsets. These doorsets include a narrow side panel of 54mm thickness mechanically fixed within the frame. Also provided are certified 30minute fire door sets to the apartment entrances and emergency escape doors, both sited in the access corridor. The Council are able to provide certification of fire resistance to BS476 for this system.

The recent upgrade works have also provided a suspended ceiling system to the common corridors and lift lobby. Within the void above the ceiling are lateral mains cables, telecom cables and copper pipework (see photo 1).

The cables in the ceiling void are in good condition and well secured in new cable trays. The cable penetrations between corridors/lobbies and corridors/apartments appear to have been adequately fire-stopped.

The suspended ceiling system is provided in the common corridors as an aesthetic finish to cover the cabling above and by using class 0 (non-combustible) Gypsum boards and class 0 decorative finish below provides resistance to spread of flame along the ceiling. Compartmentation between corridors and floors above is provided by the concrete floor slab above the suspended ceiling.

There is also a small section of the underside of the private staircases serving the individual apartments visible in this ceiling void which has been 60 minute fire protected in the recent upgrade works programme.

The small electrical services ducts that drop from the cabling above the suspended ceiling and enter the properties has been adequately fire-stopped in accordance with good practice.

The redundant risers in the lift lobby are provided with access panels constructed of 25mm thick melamine board. The access panels were removed and inspection of the riser internally showed that fire-stopping works have recently been carried out and therefore prevent the risk of rapid fire and/or smoke spread between floors in this riser (see photo 2).

The other duct in the lift lobby containing the current telecom and electrical cables was also inspected and found to have satisfactory fire-stopping within (see photo 3).

During the inspection it was noted that the external emergency escape balcony visible to the author had several deposited obstructions along its route, namely a disconnected satellite dish and partially filled refuse sacks (see photo 4). It is recommended that the Council resolve this issue to prevent continuation and additional occurrences.

Photo 1 - void above suspended ceiling

Photo 2 - Common area redundant riser duct - Fire-stopping

Photo 3 - Common area riser duct - Fire-stopping

Photo 4 – Obstructions to emergency escape balcony.

7. Dwellings

7.1 Internal Doors

The internal doors of the dwelling inspected are hung in storey height frames constructed of timber and incorporate a borrowed light glazing panel of 6.5mm Georgian Wired glass above the door opening. The door leaves are of solid construction and 44mm thick. The doors are self closing within their frames by means of gravity action hinges. This arrangement provides a notional half hour fire resistance and is deemed satisfactory for this age and type of building. Further, it would not be prudent to upgrade the doors as in a domestic living arrangement the self-closing action of fire doors is often overridden by occupants. Furthermore, the inclusion of early detection and warning of fire, combined with the multiple escape exits should afford occupants of the dwelling acceptable means of escape from a fire within the dwelling.

7.2 Bathroom/WC

Within the Bathroom and WC area two areas were considered for inspection. Firstly, a possible breach of compartmentation behind the bath which was indicated in the Sharpfibre Report and secondly, air extraction ductwork adjacent to this.

The bath was removed to reveal the plywood panel in question (see photo 5). The plywood panel was removed to allow inspection of the duct/void behind and revealed as expected, a duct containing metal water supply and waste pipework running horizontally and branching off to the subject apartment and the metal air extraction ductwork which vents the bathroom at high level. (see Photo 6).

On the opposite side of the duct (neighbouring dwelling) there is a small section of metal partitioning supporting a robust sheet material covering. There is also some Gypsum fireboard fixed in place to close gaps within this opening. This partition is not original construction and it is not known if this material has a designated fire resistance. It is beyond the scope of this inspection to know the origin, extent and design consideration of this partition. (see Photo7).

There did not appear to be service pipes crossing from one flat to another at this point but it is likely that the service pipes do enter this common duct.

Although this arrangement does not necessarily present a significant risk to spread of flame or smoke in a fire condition, the author recommends that further investigation and possible fire protection works should be considered in this area.
It is understood by the author that the Council are scheduling a 'Warm, Dry and Safe' upgrade programme for this block that may include bathroom refurbishment. This would produce the ideal opportunity for any necessary upgrade works in this area.

Photo 5 - Plywood panel behind bath.

Photo 6 - Partition to adjoining property (bathroom services duct).

Photo 7 - Inside bathroom duct, showing partition.

The air extraction system vent positioned at high level on the bathroom wall was removed to allow inspection of the ductwork. The ductwork appeared to be in good condition and well fitting but was displaying a high build-up of dust internally (see photo 8). Ducts of this type should be periodically cleaned to prevent this condition.

It is understood that the Council has scheduled this block for an imminent clean of these ducts.

Photo 8 - Inside air extraction duct (note dust build-up).

7.3 Service duct (to both levels)

Within the apartment runs a services riser that runs the entire height of the building and consequently penetrates the concrete floor slabs. The front panels to this riser duct (which were 25mm thick melamine faced boards) were removed on the upper and lower floors to inspect for possible horizontal and vertical breaches in compartmentation between individual flats. Exposure of the duct revealed non-combustible contents of four metal pipes containing domestic supply and waste services and the steel ducting of the original build warm air space heating system that was decommissioned some years ago. The duct was also lined and divided with a sheet material that is believed to be an ACM (Asbestos Containing Material). (see photo 9 below).

The discovery of this presumed ACM should not cause concern to tenants as it is in good condition and adequately covered. However, if not already done so the Council should record the presence of this material and manage accordingly with the Control of Asbestos Regulations 2012.

On both floors the integrity of the vertical compartmentation between floors is intact by way of concrete surrounding the pipe penetrations and intumescent seals being clearly visible around the slab penetrations (see photos 10 & 11).

On the lower floor the duct runs inside a small cupboard below the staircase in the master bedroom. This section of duct was exposed and showed the horizontal service pipes with fibreglass wool insulation behind. Inspection showed good horizontal compartmentation between floors with intumescent padding to the concrete structure and the intumescent collars to service pipes (see photos 12 & 13). However, when the fibreglass insulation was removed a small opening in the concrete party wall was revealed that was in filled with a timber frame covered with robust plywood. (see photos 14).

It is not understood what the original design function of this opening/panel is and it clearly would not provide the same fire resistant panels as the concrete wall surrounding it. However, with the lack of ignition sources and combustible material within the duct and compartmentation from the dwelling and adjoining ducts the author does not consider this issue a significant risk in the spread of smoke or flame within the duct or between adjacent dwellings. If felt necessary to reduce the risk of possible fire/smoke penetration between compartments in this area, a fire retardant material could be applied to both sides of this plywood panel.

The fire rated vent on the front panel of the duct at high level is likely to be a replacement for the original warm air heating vent that is now redundant. Although there is no significant fire loading within the duct the upgrading of this vent to provide a level of fire and smoke sealing commensurate with the surrounding ducting is not without merit.

The external lining to this duct housed a non fire rated electrical light switch plate with metal patress. Current good practice would include for a fire rated patress and switch to partitions between compartments however, due to the reasonable level of compartmentation and fire-stopping in this duct it should not be necessary to upgrade the current fittings.

Due to the low fire loading and satisfactory fire-stopping within the duct, the duct outer linings being of securely fixed 25mm melamine board and plasterboard are reasonable. It is not known whether these panels are decorated with a fire retardant paint system that would further increase fire resistance of the duct.

Photo 9 - Riser duct in apartment with access panel removed.

Photo 10 - Top of upper level duct.

Photo 11 - bottom of upper level duct.

Photo 12 - Lower level duct exposed. Intumescent pads to concrete floor slab.

Photo 13 - Lower level duct – fire-stopping to floor slab.

Photo 14 - Lower level duct – plywood panel.

7.4 Escape Doors

The dwelling has 4 possible exits as described below

- 30 minute Fire Rated front entrance door on lower floor leading to internal access/egress corridor.
- 30 minute Fire Rated emergency escape door on lower floor (master bedroom) leading to internal access/egress corridor.
- 30 minute Fire Rated emergency escape door to upper floor (Kitchen) leading to external alternative escape balcony on front elevation.
- 30 minute Fire Rated emergency escape door to upper floor (Living room) leading to external alternative escape balcony on rear elevation.

The recently fitted fire rated doors to the upper level escape routes have come into question in the 'Sharpfire Report' due to their fire resisting performance being greater than that of the building envelope within which they are sited. This is a valid point as the envelope adjacent to the escape balconies is constructed of a variety of materials including brick, concrete, plywood panels, unidentified panels at low level and windows frames of metal and timber at glazing level. However, these doors have been fitted as the first phase of a two phase programme to upgrade the panelled areas of the fire escape balconies. The reason for these works is to reduce the risk of fire spread across the external envelope of the building.

7.5 Kitchens

To the external (front elevation) wall in the Kitchen there is internally a sheet material cover panel (assumed to be approx 10mm thick plywood) that runs full storey height beside the emergency escape door and is penetrated by service outlets at high level (see photo 15). This panel is mirrored externally by a separate, more substantial plywood panel (see photo 16). It was not possible to remove these panels for inspection without dismantling of the existing services therefore, it is not known if there is any fire protection within the space between the internal and external panels. Due to this arrangement providing a possible weakening of the compartmentation between the Kitchen and the emergency escape balcony and possibly contributing to external spread of flame, consideration should be given to further investigation of this issue and possible upgrade if found necessary. It is understood that this consideration has been adopted for the second phase of external fabric works.

Photo 15 – Plywood panel (behind escape Cupboard).

Photo 16 – Plywood panel on external emergency escape balcony.

8. Conclusion and recommendations

The inspection into the fire safety condition of this property and in particular the items highlighted in the 'Sharpfibre Report' has revealed that Marie Curie House is at a satisfactory level of fire safety risk.

As is common with buildings of this age and type alteration and repairs throughout its history can compromise the original design fire safety condition. However, with the recent and upcoming fire safety and 'Warm, Dry and safe' works afforded to this property any previous compromises that may have existed will have been eliminated. Additionally, these works will provide the property with a greater level of fire safety than that of the original design and a condition that is commensurate with current good practice and in compliance with the principle fire safety legislation, namely the Regulatory Reform (Fire Safety) Order 2005.

It is recommended that the Council carry out the following actions:

- Cleaning of extract ducts (now understood to be in progress)
- Investigation into the void space between bathrooms
- Possible extra fire protection to internal plywood panels to lower level service ducts in dwellings.
- Consideration of investigation and possible upgrading of external panels to escape balconies (which is understood to be considered for inclusion in the Council's 'Warm, Dry and Safe' initiative works).
- Regular inspection of emergency escape balconies and instruction/enforcement regarding tenant's obligations not to obstruct escape routes.

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