

Grenfell Tower Inquiry
Royal Courts of Justice
Strand
London
WC2A 2LL

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By email: contact@grenfelltowerinquiry.org.uk

Dear Sir Martin Moore-Bick,

Grenfell Tower Public Inquiry Terms of Reference

Thank you for the opportunity to contribute to and shape the terms of reference of the Grenfell Tower Public Inquiry.

At the outset, I would like to restate my personal and Hackney Council's deepest sympathies and thoughts for all of those directly and indirectly affected by the fire and its aftermath, and in particular those who have suffered a bereavement as a result of the fire.

I believe that the Public Inquiry into the cause, context and wider circumstances that gave rise to the Grenfell Tower Fire, as well the consideration of future preventative action to avoid another terrible tragedy must be rigorous, far reaching, forensic and be prepared to doggedly raise and pursue relentlessly (where necessary) difficult issues in a fearless way at the highest level.

The Council believes that complete transparency and accountability is key throughout the work of the Inquiry and in this vein, not only must tenants and local residents' views be heard and accorded respect, but they must be acted on as much as possible. Lack of transparency, accountability and rigour will only serve to undermine the work and ultimately the findings that will emerge from the Inquiry, risking the need for further Inquiries in the future if we don't get this right from the very start.

While it's too early to comment on the possible causes of the fire, fire safety is of critical importance in Hackney and we along with hundreds of other social landlords are urgently awaiting measured, practical and appropriate guidance, in order to put in place the most effective fire safety measures. We also know that, like people across the country, residents in Hackney want and expect to receive assurance that an issue of this gravity and scope is being dealt with by the Inquiry with the expert rigour, thoroughness and urgency it deserves. Consistency and confidence on this issue is fundamental in reassuring Hackney residents who live in high rise blocks that exploring new national standards and guidance will be an early priority.

Hackney has taken a range of measures since the Grenfell Tower fire to promote fire safety including:-

- Checking and testing all retro-fitted cladding on Council blocks within 48 hours of the fire.
- Independently testing and examining the type, the installation and the overall safety of all cladding on Council blocks
- Training and deploying a 20 strong fire safety team to provide rapid reassurance to residents in approximately 110 high rise blocks (10 storeys or higher), blocks with cladding and blocks with complex internal structure, by checking fire doors, dry risers, and other critical fire safety issues.
- Setting up a Council-wide Fire Safety Response Group, meeting weekly, which includes in its membership the Fire Brigade borough commander and the Council's independent fire safety adviser
- Keeping residents informed through:
 - Regular letters
 - Meetings
 - A new fire safety web page on the Council's website alongside updated FAQs and guidance
 - Individual visits
 - Guidance provided to all households living in Hackney through 'Hackney Today'.
- Writing to, and meeting with all Housing Associations in Hackney
- Working closely with the London Fire Brigade to improve access to our estates in the event of fire.
- A commitment to publish all new Fire Risk Assessments on the Council's website, these are now being uploaded in weekly batches.
- Additional steps have been taken to ensure that our contractors are complying with all fire safety requirements when they are carrying out work for us.

We would expect the DCLG to undertake immediate action on the following

- Full and transparent disclosure of all DCLG/BRE test results with respect to cladding, cladding related products and windows.
- Full and transparent disclosure of all building material fire testing safety data, this would include releasing data that has previously been blocked on the basis of business confidentiality.
- Immediate removal of the 1% rent reduction to contribute towards fire related safety work.
- Immediate removal of the restrictions placed on local authority HRA borrowing to provide additional funding for fire safety works.
- An immediate commitment that the current system of housing regulation, including of Registered Providers, will be reviewed with the objective of improving its overall rigor and the promotion of a more customer focussed regime and not solely light touch economic regulation.

The Council will expect the Inquiry's deliberations to be conducted in such a way, as outlined below

- Fully funded access and legal support for Grenfell tenants and that support from an independent tenant and leaseholder's advisor is available.
- Independent research is commissioned where appropriate, to ensure appropriate 'challenge' with the opportunity to commission independent expert views outside of the established group of 'experts' from England and Wales.
- Regular three-monthly updates to be freely available on an independent website with translations available for those who do not speak English as a first language
- A presumption that documents will be provided by the government (and appropriate agencies) without any redaction.
- A presumption that Ministers and Officials will provide oral evidence in public and not in camera.
- A presumption that the final report of the Inquiry will not be unduly delayed by the seeking the views (and amendments) of current and previous Ministers and Officials before publication.
- Appropriate specialist academic advice is funded and made available to residents and others so as to effectively counter existing professional and industry witnesses and interpretations of the building regulations, planning legislation and British Standards.
- A recognition of the wider funding environment that local authorities have been operating in since 2010 and the secondary impact of 'austerity'.

Aside from clearly identifying all of the direct contributory material and design issues leading to and perpetuating the fire, with respect to the questions you have asked the Council would make the following observations. We believe the Inquiry's focus of work should address the following twelve areas of interest including:-

- Ministerial leadership
- The wider regulatory context
- Building control and technical standards
- The resources and capacity issues with respect to the DCLG
- Resources available to local government
- The impact of the deregulation
- The role of policy
- Regulation of housing
- Ownership and responsibility for fire safety issues

- The role of arms-length management organisations in social housing, with respect to issues of accountability of landlords to their tenants
- Design issues
- Organisational issues

Ministerial leadership

- The role of the DCLG Ministerial team in taking forward previous recommendations and issues raised with respect to fire safety work particularly with respect to Lakanal House, Shirley Towers, Shepard Bush and other fires of note since 2010.
- The level of rigour and effectiveness of Ministerial oversight of building regulations and fire safety particularly following the Lakanal House Inquiry.
- The scope of support and direction provided by the DCLG Ministerial team to local authorities to take forward successive recommendations from the All Party Parliamentary Fire Safety & Rescue Group.
- The extent that past and recent Ministerial decision making cultures promoted fire safety policy and legislation
- The efficacy, scope and appropriateness of Ministerial risk assessments concerning future fire safety measures

Wider regulatory context

- If there has been any impact as a result of the privatisation of the BRE, on the overall quality of building regulations and the separation of regulatory and inspection roles.
- The effectiveness of the overall governance regime, training and accreditation and oversight of approved building inspectors
- The independence of approved building inspectors and their relationship to the building industry and building industry priorities.
- Explore and assess the extent to which existing public sector procurement rules enable transparent information sharing between local authorities and other partners on potential issues of concern relating to fire safety, and the extent of changes that might be necessary in order to allow contractors and their sub-contractors to be held successfully to account on such matters.

Building control and technical standards

- The extent that building regulation technical standards and the building control system provides the most effective regulatory approach to keep people safe when construction work is undertaken.
- Consider the effectiveness of the existing enforcement regime and technical standards currently in place to protect residents from fire risks and the impact dispersion of these responsible between housing legislation and the regulatory reform (fire safety) order has on effective implementation.

- Assess the extent that systemic industry wide staffing issues concerning building control officers, including difficulties in recruiting qualified staff and an ageing workforce, that were raised by the All Party Parliamentary Group (APPG) for Excellence in the Built Environment have been addressed.

Resources and capacity issues with respects to the DCLG

- The role of and the extent that DCLG/BRE fire tests have contributed to public concern over fire safety

Resources available to local government

- The impact that the 1% rent reduction has had on the ability of Council HRA budgets to fund fire related safety work in the past and in the future.
- The restrictions placed on local authority HRA borrowing and the extent this impacts on their scope to improve and build new homes with appropriate fire safety
- A consideration of the wider funding environment Councils operate within and the extent that HM Treasury inflexibility to allow Councils to use their own resources to improve homes on fire safety work and the impact this has on Councils' scope to put in place remedial fire works

The impact of deregulation

- Review how a deregulated market approach to building safety and in particular the building control industry has adversely impacted on addressing fire safety issues and whether there is a role for a fully funded and enhanced local authority building control inspection and enforcement role.
- Review the scope of existing building regulations with respect to ensuring fire safety and the role of, appropriateness and effectiveness of fitting retrofitting sprinklers
- Review the quality, professionalism and effectiveness of the current FRA regime and associated market.

The role of policy

- Explore the interrelationship between planning and building regulations, British Standards and other regulations in promoting fire safety.
- Review the extent that the permitted development regime and in particular the permissive office to residential regime has advanced the case for fire safety or not.

Regulation of housing

- Investigate the role and impact that current permissive housing regulatory environment has had on the effective and meaningful engagement of tenants and residents.
- Investigate the role and impact that solely economic regulation has had on social landlords having the freedom to maximise their expenditure (where appropriate and required) on fire safety.

- Investigate the extent that residents have the power of veto over the use of specified building materials or practices where they have quantifiable and justifiable safety concerns

Ownership and responsibility

- Investigate the impact that (sometimes) confused and unclear ownership of the fire safety agenda between regulators, landlords and the building industry has resulted in no clear ownership of the housing fire safety issue.

The role of arms-length management organisations in social housing, with respect to issues of accountability of landlords to their tenants

- A full appreciation of the relationship, lines of accountability, overall governance, procurement and decision-making that existed with respect to Grenfell Tower (the ALMO/TMO and Council etc.) and the extent that this impeded a presumption towards maximising fire safety.
- An assessment as to the extent that an apparently complex organisational funding and accountability relationship between the respective organisations had management decisions and responsibility with respect to Grenfell tower
- Review the scope of landlords' fire safety enforcement powers particularly with respect to landlords assessing leaseholder homes where it understands that internal works have weakened a homes overall fire safety and in doing so presents a systemic fire risk for other occupants of a building
- Assess the impact that multi landlord block and estates have on a landlord's ability to enforce the highest quality fire safety measures.

Design issues

- The interrelationship between window design standards, cladding materials and the British Standards and assess the extent the interrelationship between these regimes actively promoted and ensured the best possible fire safety standards.

Organisational issues

- A full appreciation of the relationship between the Building Research Establishment, DCLG, DWP, Health and Safety executive, materials manufacturers and the construction industry and the way that this relationship and differing organisational priorities has influenced and impacted on the development of building materials and the level of fire safety of these materials.

The type of evidence it is essential for the Inquiry to obtain

- A clear appreciation and assessment of how social and quasi social housing organisations manage fire safety remedial works across Europe
- The number of fires in blocks of six stories or more over the past 20 years, and a stock take of how these were caused, the materials used, compliance with relevant building regulations and number and rigour of the building inspections that were undertaken.

- A clear appreciation of the building regulations and regulatory regimes across Europe, Japan and the USA and assessment of their relative effectiveness and weaknesses compared to the UK
- The level of resources Councils have been encouraged by Government to devote to the building control role and an assessment of the additional resources Council could have spent if funding obstacles were removed by Central Government.
- The number of times Ministers have met the building industry and developers privately and in public to discuss building regulations and in particular the reduction of the number of regulations and their overall scope.
- The number of non-mandatory regulations concerning fire safety that were amended or removed at the request of the building industry

What should the interim report cover, and how quickly should it be published

The Council believes that the Grenfell Tower survivors and other families who have been touched by this tragedy need reassurance on a wide range of issues as a matter of acute urgency. This needs to be done in weeks not months or years. An emergency directions of travel report is required outlining the scope and nature of the priority areas that will be investigated by the enquiry.

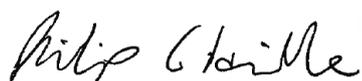
This emergency report should also address the immediate and longer-term funding issues that will have to be addressed by local authorities who own and manage stock. This report should be written to assist local authority decisions with respect to practical work to be undertaken as well as longer-term policy and funding decision. The report needs to be published by the end of September 2017 in order that Councils can put in place strategies to address longer term fire safety issues and in doing so provide advice and reassurance for tenants and leaseholders

A more detailed and considered interim report should be published by the end of the first week in December 2017. This report should cover:-

- Funding, support and increased flexibilities for local authorities to fund urgent remedial fire safety work
- Which building regulations will be reviewed and by when
- What areas of planning policy will be reviewed and by when
- What additional powers will Councils receive to ensure fire safety?
- What additional steps will be taken to enforce building regulations with developers?
- What steps will be taken and when to improve the clarity and overall quality of building regulations and guidance
- What funding freedoms and flexibilities should be extended to local authorities.
- What steps will be taken to improve the overall government oversight of building regulations
- What steps will be taken to review the effectiveness of the overall governance regime, training and accreditation and oversight of approved building inspectors

Finally, I would reiterate the Council's commitment to fire safety, transparency and working with residents, contractors and the Fire Brigade to minimise fire risk in the homes we own and directly manage. The Council is keen to work with the Government and the Inquiry to improve fire safety not only for Hackney residents but for all residents, so as to ensure we never see a preventable tragedy on the scale of Grenfell House again.

Yours sincerely,



Mayor Glanville
Mayor of Hackney



Cllr Clayeon McKenzie
Cabinet Member for Housing Services

cc: Sajid Javid MP