

CABINET

19 January 2021

Title: Independent Review of the Fire at Samuel Garside House, Barking	
Report of the Cabinet Member for Regeneration and Social Housing	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
Report Author: Ross Graham, Strategy & Commissioning Officer – Inclusive Growth	Contact Details: E-mail: ross.graham@lbbd.gov.uk
Accountable Strategic Leadership Director: Graeme Cooke, Inclusive Growth	
Summary	
<p>In February 2020, the Council commissioned Sir Steve Bullock to lead an independent review of the events and aftermath of the fire at Samuel Garside House, Barking Riverside, in June 2019. This report has now been completed and is attached at Appendix 1.</p>	
<p>The recommendations are included in full at paragraph 2.3 of this report and section 3 of Appendix 1. Key recommendations for building safety include:</p>	
<ul style="list-style-type: none">• Local Authorities should have the power to declare a ‘Local Housing Emergency’ situation for an initial 30 days during which they can take all necessary actions, including to reclaim costs incurred from the responsible building owners;• Freeholders of residential buildings should lodge a ‘Statement of Ownership’ with the Land Registry setting out the organisations which hold leases and subleases down to, but not including, leases for individual properties and indicating the ultimate ownership of those organisations;• Subject to the final provisions of the Building Safety Bill when enacted, local authorities should have enhanced enforcement powers for buildings below 18 metres which match those of the Building Safety Regulator for buildings over 18 metres;• All residents should receive an annual statement of responsibilities for their home and the building of which it is part.	
<p>Should Cabinet endorse the findings and recommendations of the report, the Leader and Cabinet Members will work alongside the report authors in lobbying Government to implement these recommendations.</p>	
<p>At January Assembly, Members will consider a related issue. A motion will be brought from the Cabinet Member for Regeneration and Social Housing proposing that the Council signs up to the End our Cladding Scandal Campaign, a grassroots campaign asking Government to fund remediation works for buildings found to have unsafe cladding and other safety defects.</p>	

Recommendation(s)

Cabinet is recommended to:

- (i) Note the full independent review report at Appendix 1 to the report; and
- (ii) Endorse the recommendations for Government and the private sector as set out in paragraph 2.3 of the report and section 3 of the full independent review report.

Reason(s)

Endorsing this review report contributes to the Council's ambitions for Inclusive Growth by supporting recommendations to Government and the wider housing sector which could improve building safety, increase transparency and recognise the key role of local government in emergency response.

1. Introduction and Background

- 1.1 In February 2020, the Council commissioned Sir Steve Bullock to lead an independent review of the events and aftermath of the fire at Samuel Garside House, Barking Riverside, in June 2019.
- 1.2 The quick thinking and bravery of residents and emergency services meant that there was no loss of life in the fire, but 8 homes were severely damaged and a further 39 could not be occupied until repairs were completed. Many residents found themselves homeless in the immediate aftermath, and sadly some family pets died.
- 1.3 Barking & Dagenham are keen to learn the lessons of this incident, including the response and how the ownership and management of the building impacted on the response.
- 1.4 Since March 2020, Sir Steve Bullock, supported by Diarmaid Ward have been interviewing residents, Members, LBBB Council Officers, London Fire Brigade, the local VCS and the agencies involved in the ownership and management of the building. They have been supported by Inclusive Growth officers.
- 1.5 Much of this work was conducted virtually, during the national coronavirus lockdown. For the resident engagement, a survey was designed by the review team with the support of LBBB communications. The survey was texted to residents who resided in Samuel Garside House at the time of the fire. Of the 79 residents, the survey received 33 responses. Following this, 15 households agreed to have more detailed, qualitative discussions.
- 1.6 Agencies involved in the ownership and management of the building were invited to have a discussion or submit a written statement. The key parties involved were Bellway (developer), Adriatic land (building owner) Homeground and RMG (management), Southern Housing (owner of 32 homes), and Barking Riverside.
- 1.7 The review team have also engaged with other local authorities who have had similar fires in recent years and have received a written submission from Sutton

Council regarding the lessons they learned following the Worcester Park Fire in September 2019.

- 1.8 A full draft of the report was reviewed at Corporate Strategy Group in October 2020, and the draft recommendations were endorsed.
- 1.9 In December 2020, the authors of the report presented to an expert industry group convened by New London Architecture, to test the conclusions and recommendations.
- 1.10 Earlier this month, residents who contributed to the review were offered the opportunity to take part in a virtual meeting with Diarmaid Ward to hear about the progress of the review and their findings and recommendations.
- 1.11 The full review has now been completed by Sir Steve Bullock. Cabinet are asked to note the report's content and endorse the recommendations for Government and the housing sector.
- 1.12 At Council Assembly in January, Members will consider a related issue. A motion will be brought from the Cabinet Member for Regeneration and Social Housing proposing that the Council signs up to the End our Cladding Scandal Campaign, a grassroots campaign asking Government to fund remediation works for buildings found to have unsafe cladding and other safety defects.

2. Report recommendations

- 2.1 The report outlines the events of the day, and the review team interpretation of the key issues. The report is clear on how the Council stepped up to the plate to deliver for residents in the midst of a confusing mix of responsibilities.
- 2.2 The review finds that much of this confusion was caused by the complex ownership and management arrangement of the building, creating disparate responsibilities and no visible body in charge for the resident.
- 2.3 Assessing these issues, the review team have developed the following recommendations (found at section 3 of the full review report):
 1. Organisations which provide housing for rent or own leases of residential units, together with those that manage residential buildings or provide ancillary services, in the context of the Grenfell Tower fire should **review their plans for dealing with emergencies to take into account the heightened concerns of residents** and the subsequent action in relation to the dangers arising from the use of certain types of cladding and action around fire safety more generally.
 2. Any organisation which has responsibility for the management and safety of a building which includes residential units should **review the way in which it communicates with residents and involves them in the management** and overseeing of issues including, but not limited to, the safety of the building.
 3. Subject to the final provisions of the Building Safety Bill when enacted, local authorities should have **enhanced enforcement powers for buildings below 18 metres** which match those of the Building Safety Regulator for buildings

over 18 metres.

4. Local Authorities should have the power to declare a **‘Local Housing Emergency’** situation for an initial 30 days during which they can take all necessary actions, including to reclaim costs incurred from the responsible building owners. Such powers to be exercised directly by the Local Authority or through another organisation appointed by the Local Authority to work on its behalf.
5. Freeholders should lodge a **‘Statement of Ownership’ with the Land Registry setting out the organisations which hold leases and subleases down to, but not including, leases for individual properties** and indicating the ultimate ownership of those organisations. This should be updated whenever a lease is transferred.
6. All residents should receive an **annual statement of responsibilities for their home and the building** of which it is part. This would include the following:
 - Contacts, day-to-day and emergency, for both internal issues in the case of renters and external issues for all.
 - Information about what will happen in the case of an emergency such as a fire requiring evacuation of the building for a significant period of time and knowing who will provide temporary accommodation and other support to any displaced residents. If this is to be provided by an insurance policy, contacts for the insurer should be included.
 - The responsibility of residents for the maintenance of their own homes and that responsibility in relation to common areas as set out in the relevant leases should be made clear.
 - Residents should be provided with guidance in relation to insurance cover, which makes clear that the building insurance does not cover loss of contents in any circumstances and therefore it is necessary for them to arrange for contents insurance themselves.
7. Planning authorities should include a requirement to carry out the provision of 5 and 6 above as part of the S106 agreement for all new multi-unit developments.

3. Next steps

- 3.1 Should Cabinet endorse the findings and recommendations of the report, the Leader and Cabinet Members will work alongside the report authors in lobbying Government to implement these recommendations.
- 3.2 Should the Assembly motion pledging support to the End Our Cladding Campaign Scandal also be approved, this campaign will also form part of Council lobbying on this issue.

4. Financial Implications

Implications completed by Katherine Heffernan, Head of Service Finance

- 4.1 There are no direct financial implications of this report.

5. Legal Implications

Implications completed by: Adam Rulewski, Barrister, Litigation and Prosecutions

- 5.1 The purpose of this report is to note the contents of the Independent Review, and to endorse the recommendations contained within.
- 5.2 Following the fire at Samuel Garside House, a number of deficiencies were exposed. This included, *inter alia*, the limits of the powers of a Local Authority to respond to a catastrophic fire event. The legal and regulatory context is set out at chapter 7 of the Independent Review.
- 5.3 The report provides that in broader terms, legislation setting out the primary role of local authorities in leading recovery from civil emergencies would be helpful. Legislative changes, as suggested, would empower Local Authorities to have the power and flexibility to respond as they see fit.
- 5.4 It is also proposed that subject to the final provisions of the Building Safety Bill when enacted, local authorities should have enhanced enforcement powers for buildings below 18 metres which match those of the Building Safety Regulator for buildings over 18 metres.
- 5.5 The ability to declare a Local Housing Emergency, as recommended, would need to be founded in legislation. It will propose to empower a Local Authority to take immediate steps as are necessary and ensure that the cost can be recovered in default from those legally responsible for the building.

6. Other Implications

- 6.1 **Risk Management** – Key risks associated with this report:

Risk	Mitigation
Some reputational risk if report recommendations endorsed are not responded to by Government or wider sector.	LBBD Cabinet Members and the report authors will be holding a virtual launch of the report in January 2021, commencing public affairs activity on the recommendations. From there, Members will continue to work to lobby Government and secure media coverage for the recommendations of the report.

- 6.2 **Corporate Policy and Equality Impact** - A full Equalities Impact Assessment is not required for this report, because Cabinet are asked to endorse recommendations, rather than take any direct action. The screener noted that the recommendations

contained in the report, if implemented, would have a positive impact on all residents across protected characteristics.

Public Background Papers Used in the Preparation of the Report: None.

List of appendices:

- Appendix 1: Samuel Garside House Fire Independent Review.
- Appendix 2: Equalities Impact Assessment Screening Tool.