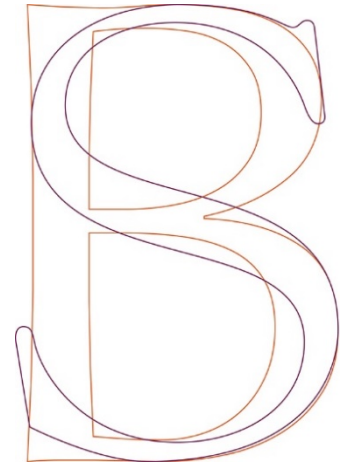


APPENDIX 1

SAMUEL GARSIDE FIRE

AN INDEPENDENT
REVIEW BY
SIR STEVE BULLOCK
AND
DIARMAID WARD



SAMUEL GARSIDE FIRE INDEPENDENT REVIEW

COMMISSIONED BY THE LONDON BOROUGH OF
BARKING AND DAGENHAM

UNDERTAKEN BY SIR STEVE BULLOCK AND
DIARMAID WARD

1 FOREWORD

- 1.1 On a Sunday afternoon in June 2019 a fire broke out at Samuel Garside House, Barking Riverside. The quick thinking and bravery of the residents meant that there was no loss of life but eight homes were severely damaged and 39 could not be occupied until significant internal or external works were completed. In the immediate aftermath many of those residents found themselves homeless with only the clothes they were wearing.

We will never recover from what happened and that our flat was completely destroyed by the fire and the fear that we could have lost our lives will haunt us always.

Samuel Garside House Resident

- 1.2 The shadow of the Grenfell Tower looms large over this city and every Londoner will have thought about the place where they live and wondered about its safety. Many will have asked questions and made enquiries and perhaps found some reassurance. Equally, as the scale of the problems that Grenfell has exposed became clearer, that reassurance has become harder to gain. To then see your own home burn will have impacted on the residents of Samuel Garside House in ways the rest of us can only imagine.
- 1.3 A huge amount of work remains to be done across the country to ensure that all buildings are safe and that it is those who built them that bear the cost not those who bought them in good faith. At Samuel Garside House, as the weeks passed and work began to repair the building, it would have been easy to forget that the trauma suffered by the residents on that day in June was being renewed each day as they had to contemplate a return to the building.
- 1.4 In the days immediately following the fire, individuals and organisations stepped in to help those residents but as the weeks became months many still remained in temporary accommodation and the local authority continued to work on their behalf pressing the building owners, leaseholder and sub leaseholders to resolve matters.
- 1.5 It is the voice of the residents that needs to be heard most clearly. Their expectations and fears can only be properly understood in the context set out above and we therefore needed to give weight to their hopes and their fears as they were expressed to us. Large organisations, both public and private, sometimes struggle to reconcile what they consider to be appropriate responses with the expressed needs of individuals and this is particularly so in dealing with sudden but continuing emergency situations. Our mindset has been on how lessons can be learned which will lead to things being done differently in the future, not to apportion blame.
- 1.6 We were asked to set out an account of the key events associated with the fire, identify lessons learned and propose recommendations for action or change. We were not asked to carry out a technical assessment of issues concerned or changes to building safety but were invited to comment if we felt it to be appropriate in light of the experience at Samuel Garside House.
- 1.7 We heard directly and received written submissions from those who lived in Samuel Garside House and those who in different ways were involved in dealing with the aftermath or had been involved in the building and its management.
- 1.8 We were neither asked nor resourced to carry out an investigation, rather, we were asked simply to review what had taken place and it was inevitable that differences of opinion would come to our attention. It would have been impossible to tell the story of what happened let alone fulfil our brief without taking a view on some of those differences and so, while we have

endeavoured not to assume any sort of judicial role, we fully expect some of those differences to emerge in response to the publication of our report.

- 1.9 It did quickly become clear to us that what people felt and how they reacted to the pressures they faced heavily influenced the course of events and we have sought to understand that rather than look at the rights and wrongs of what was done or not done at any particular point. Particularly for residents how they perceived a situation over which they had little or no control had very real impact.
- 1.10 We want to thank everyone who has assisted us with this review. The conclusions and recommendations we have produced are ours and ours alone and it is now for others to decide to what extent they agree or disagree with our conclusions and consider how they wish to take them forward.

Sir Steve Bullock

Diarmaid Ward

8 January 2021

CONTENTS

1	FOREWORD	2
2	SUMMARY AND CONCLUSIONS	5
3	RECOMMENDATIONS	8
4	INTRODUCTION.....	10
5	SAMUEL GARSIDE HOUSE.....	12
6	THE LEGAL AND REGULATORY CONTEXT.....	13
7	THE LOCAL AUTHORITY ROLE IN DEALING WITH CIVIL EMERGENCIES	19
8	9 JUNE 2019 – THE FIRE AND IMMEDIATE AFTERMATH	21
9	RETURNING HOME	31
10	THE KEY ISSUES	35
11	APPENDICES.....	39
	12 REVIEW BRIEF	39
	13 INDIVIDUALS AND ORGANISATIONS WHO PROVIDED VERBAL OR WRITTEN COMMENTS.....	40
	14 THE WORCESTER PARK FIRE, LONDON BOROUGH OF SUTTON.....	42
	15 HOUSING HEALTH AND SAFETY RATING SYSTEM: SAMUEL GARSIDE HOUSE SUMMARY REPORT – OCTOBER 2019.....	47

2 SUMMARY AND CONCLUSIONS

- 2.1 The brief for this review made clear that it was about what happened from the day of the fire and thereafter. However, the context both locally and nationally at the time of the fire was an important factor and explains to a significant extent the communications difficulties, misunderstandings and resulting tensions which arose involving residents, the local authority and the private sector organisations.
- 2.2 It became clear to us that to make sense of what happened after the fire, and in the weeks and months since June, it is important to recognise that context. Anyone would be terrified to see their homes go up in flames as quickly as Samuel Garside House did but for this to happen in the same city that two years earlier had seen Grenfell Tower burn and kill so many of its residents increased the impact many times over. The lived experience of those Londoners prior to the fire was one where the safety of residential buildings was something, they heard about daily in broadcast news, social media and newspapers.
- 2.3 That context included not only the Grenfell fire itself but the subsequent inquiry and the ongoing changes to legislation on both fire and building safety. The fact that Samuel Garside House is less than 18 metres in height is of no relevance to those whose homes were there. This was a building that caught fire and that fire spread quickly because of the external treatment of the building. Residents saw it happen and day after day since then they have read and heard news coverage of other matters relating to building safety and the tragedy of Grenfell Tower itself. Those who followed all of that coverage would have read about the responsibilities given to local authorities to address cladding issues not only in their own blocks but to gather information about privately owned blocks too. They might, not unreasonably, have concluded that their council would play a significant role in the aftermath of the fire notwithstanding the fact that this was a privately owned block.
- 2.4 The fact that there was regular reporting about the detail of what happened at Grenfell will inevitably have influenced their thoughts and emotions and, by itself, made it very difficult for many to return to their homes and feel safe again.
- 2.5 There were also issues specific to Samuel Garside House, in addition to more general difficulties about roles and responsibilities, that exacerbated the situation. Residents are rightly expected to behave towards their fellow residents with consideration and care. There are provisions in the leases which they have accepted and to which they should adhere. But those who live in buildings with multiple occupants are not fire safety experts.
- 2.6 At the time of the fire a “Waking Watch” arrangement was in place at SGH. Work had taken place earlier in the year to address some issues concerning fire stopping in the building and these works were awaiting audit and certification. There is no suggestion that the concerns which led to the works, or the works themselves, contributed to the fire or its spread in any way. However, for the ordinary man or woman in the street, fire safety works followed by a very serious fire would inevitably make a return to the building a matter of considerable trepidation.
- 2.7 This combination of factors meant that, for the residents of Samuel Garside House, the levels of concern and anxiety were extremely high and likely to remain so. In such circumstances it is clear with hindsight that for any of the parties involved there was a likelihood that approaches which had been considered appropriate in the past might now prove problematic.

- 2.8 We believe this was exacerbated by the complex ownership of Samuel Garside House and the individual units within it. We have been able to establish what these are but in doing so it became clear that individual residents could find it difficult, particularly in the aftermath of the fire, to work out to whom they needed to address their questions and concerns.
- 2.9 We recognise that in emergency situations it will always be difficult to manage communications effectively and, in reaching the conclusion that poor communications were a significant issue here, it is not the intention to lay blame at any individual or organisation's door. Rather it is to recognise how problematic this was not only in creating misunderstandings but also in undermining trust. Neither is it to say that there is a perfect way of communicating but some of the recommendations framed in this review seek to address this problem by suggesting ways in which groundwork could be laid that could in future avoid some of the difficulties which occurred here.
- 2.10 It is the responsibility of the local authority to set up the emergency response arrangements in circumstances such as a serious fire and this was done very quickly and well in our view. However, the multiplicity of other organisations involved with the building quickly became a concern and continued to cause some problems in the following weeks. In the first few days communication was a particular problem, with residents becoming frustrated about their inability to get answers to their questions. The council was the only organisation able to provide overall coordination and leadership even where this went beyond their statutory role.
- 2.11 It is clear that the responsibilities which each party, including residents themselves, would have in the event of a serious incident had not been clearly explained. As a result, what residents considered to be reasonable expectations were not met from their perspective.
- 2.12 From that resident's perspective, perhaps the greatest concern has been the difficulty of resolving issues around helping them to get back into permanent accommodation. We have sought as best we can to identify why these have occurred and to suggest what might be done differently to minimise such difficulties in the future.
- 2.13 This has been a recurring problem where, for whatever reason, residents have had to be evacuated. In this case the complex ownership arrangements appear to have been a contributing factor and residents highlighted their concerns around the performance of the insurers. The council also expressed concerns and at one point the Council Leader felt it necessary to seek ministerial help to get the insurers to act with appropriate speed.
- 2.14 The council found itself taking a leading role in the recovery and also having to represent residents. It did not seek this responsibility but, alongside its statutory role, it was the one source of expertise and support that residents could call upon. There was no residents' forum in the building and therefore no clear channel for engagement other than with residents as a whole. We consider that for the future it should be a priority for all landlords to set out to engage with and listen to residents proactively.
- 2.15 Many individuals and organisations went beyond what they were obliged to do and helped in different ways. The response by the wider community, both individuals and groups, in the immediate aftermath was impressive and heart-warming. Council staff and those of other organisations responded quickly and worked long hours. Councillors themselves were present at the Emergency Control Centre.
- 2.16 For some organisations there were both positive and negative comments from residents. Southern Housing responded quickly and effectively at the outset but some residents were

unhappy about being asked to return earlier than they felt comfortable to do so.

- 2.17 The willingness of London and Quadrant to make temporary housing available was important in helping to deal with the extraordinary pressures being faced.
- 2.18 The difficulties and delays which occurred with the removal and replacement of wooden balconies should not obscure the fact that the decision by Bellway Homes to undertake that work was taken quickly and willingly in response to the fire. As concerns have arisen about building after building in the aftermath of the fire at Grenfell, that approach has sometimes been conspicuous by its absence elsewhere.
- 2.19 Carrying out this review has highlighted a number of things which we believe should be addressed:
- The context in which any housing emergency situation is dealt with has changed and in future residents must be better informed and more engaged with what happens in the building where their homes are located
 - Complex ownership arrangements have become more common and this puts a premium on giving all residents clarity about roles and responsibilities, including what happens in an emergency
 - Local authorities are well placed to provide leadership in an emergency situation but need the resources and powers to meet the expectations of their residents
 - Making distinctions based on arbitrary height limits about the rules and regulations relevant to particular buildings may be a short-term necessity but, for the peace of mind of those who live in buildings with multiple self-contained housing units, a common approach is needed as soon as possible.

3 RECOMMENDATIONS

- 3.1 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.
- 3.2 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.
- 3.3 ¹Freeholders 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.
- 3.4 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:
 - a Contacts, day-to-day and emergency, for both internal issues in the case of renters and external issues for all
 - b 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
 - c 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
 - d 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.
 - e The obligation to provide this statement should lie with the landlord in the case of renters and the freeholder in the case of leaseholders
- 3.5 Planning authorities should include a requirement to carry out the provision of 3 and 4 above as part of the S106 agreement for all new multi-unit developments.
- 3.6 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.
- 3.7 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

¹ Recommendations 3 and 4 will need to be reviewed in the light of the final shape of the Building Safety Bill

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.

4 INTRODUCTION

- 4.1 The council wished to understand better what happened at Samuel Garside House in the aftermath of the fire. They engaged myself, supported by Diarmaid Ward, to help them do this and were clear that we were being asked to undertake a review not an inquiry. We began with a desktop review of the available information and then identified those groups and individuals that we felt would have useful things to tell us. It was our choice who we contacted and we did not issue a call for evidence in the way that a formal inquiry would. We did not have independent experts advising us.
- 4.2 Our aim has been to produce a report which meets the terms set out by the council and offers suggestions, in the form of recommendations, that can serve as the basis for a discussion about how some of the issues identified can be better dealt with in the future. Our brief did not include any consideration of the cause of the fire and the speed of its spread. However, in order to fully explain the context of the fire it has been necessary to touch on some aspects of these issues. A copy of the full brief is at [Appendix 12](#).
- 4.3 Our work was just getting underway when the COVID-19 lockdown came into force. This denied us the opportunity of face-to-face meetings with residents and others with an interest but we were able to engage through other methods.
- 4.4 Those we spoke to or received information from included council officers, local councillors, emergency services, the building's owners and their agents, and others with an interest in the building. However, it was the residents of the building from whom we were most concerned to hear as they have borne the greatest impact of the fire and continue to live with its consequences. A list of those to whom we spoke or received information from is included at [Appendix 13](#). We have not appended the submissions or transcripts of conversations as it would not have been possible to do this for every input that was made. Where we refer to what we learned in the text we attribute this appropriately.
- 4.5 Our account is based on what we have heard from those individuals and organisations, together with our consideration of the available information. We have described the background to the best of our ability and provided a narrative of what happened in the immediate aftermath of the fire and since. We were asked to look at the information available to us and do three things:
- First to set out the key events of the fire, focusing in particular on the key agencies and those with responsibilities for the building and its residents during both the immediate response and the aftermath
 - Second to identify what went well and where things fell short of what the people affected should have been able to expect
 - And finally, to propose recommendations for action or change, based on our experience and lessons learned.
- 4.6 It has not been our intention to write a technical report or to frame very detailed recommendations, rather we have sought to prepare something that can provide a basis for discussion about how things could work better in the future and that is accessible to anyone with an interest in both what happened at Samuel Garside House and more generally on how buildings containing large numbers of separate households can be kept safe.

- 4.7 The complex ownership arrangements for the building mirrors many blocks across the country. This in itself caused some confusion about where responsibility lay for the recovery effort in the weeks and months following the fire. The London Borough of Barking and Dagenham incurred costs including those for a specialised inspection survey as well as hundreds of hours of staff time on this, despite having a limited statutory role in the aftermath of the fire. They want to understand why the vacuum they filled existed and begin a wider discussion about what should change to avoid this happening again either in Barking and Dagenham or elsewhere.
- 4.8 While this report was being written, the Building Safety Bill was published setting out arrangements for a new system of building regulations intended to put right those failings which contributed to the Grenfell Tower disaster. Those proposals are relevant to parts of our review. In its current form the Bill when enacted would only apply to buildings of 18 metres and higher, while Samuel Garside House is 16 metres high. However, we understand that the Bill may be framed in such a way to permit its provisions to be extended to lower building heights in the future.
- 4.9 There have been other fires recently which appeared to share some of the characteristics of the fire at Samuel Garside House. Each of these involved different local circumstances and not all are of direct relevance to this review. However, in the aftermath of the fire at Richmond House, Worcester Park in the London Borough of Sutton some residents experienced difficulties which mirrored the experience of some residents of Samuel Garside House. We invited the London Borough of Sutton to provide any information they considered relevant. We are grateful to have received an account from both the council and from residents themselves and these are included at [Appendix 14](#). The residents shared a number of recommendations they are making based on their own experiences and it was helpful to see these. In some cases, they cover similar ground to those we are making, while others are of potentially wider significance or are rooted in the particular circumstances of Richmond House as ours are rooted in the circumstances of Samuel Garside House. It would not be appropriate for us to comment on the specifics of that fire and its aftermath but it was helpful in carrying out our review to be able to draw on the experience at Richmond House.
- 4.10 In the chapters which follow we have sought to share the key points from what we have been told by those with direct involvement and set this in context by including both relevant general information and some specifics relating to Samuel Garside House.
- 4.11 Finally, we attempt to present our answers in summary form to the questions asked of us, accompanied by recommendations.

5 SAMUEL GARSIDE HOUSE

This section describes the building and its history

- 5.1 Samuel Garside House (SGH) consists of four connected blocks (A–D) of varying height from five to seven storeys (including a sub-level car park and ground-floor entrance lobbies leading up to the upper ground-level flats). The maximum storey height of the building is the seventh floor Block D which is estimated at approximately 16 metres from the upper balcony floor to ground level. In total, there are 79 purpose-built residential flats of mixed tenure in the building. These flats were built with timber balconies.
- 5.2 It is built on land owned by Barking Riverside Ltd (BRL). In 2010 the land was let to Bellway Homes on a 999-year lease. At that time BRL was owned 51% by Bellway Homes and 49% by the Homes and Communities Agency (HCA). The HCA share was transferred to the Greater London Authority (GLA) Land and Property on 31 March 2012 when that Agency ceased to operate in London and in 2016 London and Quadrant New Homes Ltd acquired Bellway's stake.
- 5.3 The building was named in honour of Captain Samuel Garside of the Royal Engineers who was awarded the George Medal after safely detonating a 500kg UXB bomb at McNeils Wharf, Barking, on September 24, 1940.
- 5.4 Construction took place during 2013/14 and on completion 32 of the flats were sold to Southern Housing which has continued to manage those flats and rent them. The remaining units were sold on the open market by Bellway Homes. The head lease was later transferred to Adriatic Land which at that time was owned by Bellway but was later sold on. The management of this asset was undertaken on behalf of Adriatic Land by HomeGround as part of its core business of looking after the portfolios of major institutional UK investors. HomeGround initially appointed Pinnacle to carry out the day-to-day management of SGH. More latterly, and shortly before the fire, Pinnacle were replaced by HomeGround with Residential Management Group (RMG).
- 5.5 Immediately on appointment RMG took on responsibility for dealing with an issue relating to fire stopping in the communal areas which had been identified. HomeGround were also addressing this directly with Bellway Homes.
- 5.6 Following a Fire Audit and an internal survey Bellway Homes agreed to carry out remedial work at their expense and fund a 'Waking Watch' until the works had been completed and then certified following an independent audit. These works commenced in October 2018 and residents were informed about this and the introduction of the "Waking Watch" in a letter delivered by hand.
- 5.7 At SGH the work had been completed but not audited and certified at the point that the fire took place and the "Waking Watch" was still in operation.

In the aftermath of the fire and in response to concerns raised by residents in August 2019 the council commissioned a Health and Safety Rating System Assessment (HHSRS) the report of which is at [Appendix 15](#).

6 THE LEGAL AND REGULATORY CONTEXT

Fire safety is covered by a broad legal and regulatory framework, one that transcends legislation and building control regulations. However, there is a lack of clarity on the relationship between health and safety legislation and building control regulations. Furthermore, this framework does not cover all aspects of the aftermath of an emergency.

BUILDING CONTROL

- 6.1 The Building Regulations 2010 are designed to ensure health and safety in and around buildings through requirements on design and construction. These regulations cover both new build construction of residential buildings and extensions.
- 6.2 Developers can apply for building control consent from their local council or from a private approved inspector.

LEGISLATION

- 6.3 The safety requirements of the Housing Act 2004 for purpose-built residential buildings cover both the internal areas of a flat and the common areas. It gives local authorities enforcement powers through a system called the Housing Health and Safety Rating System (HHSRS). This is a means to assess hazards and the subsequent risk. A total of 29 hazards must be assessed, including fire risk, with regard to each individual home. Government operating guidance on HHSRS inspections states that:

The assessment of all hazards is made once the inspection has been completed and details collected of any deficiencies. Also, there are some deficiencies which can only be determined after inspecting the whole of the dwelling. These are matters which relate to the overall size, design or layout of the dwelling. For example, the means of escape in case of fire can only be properly assessed considering the dwelling as a whole.

- 6.4 This emphasis on considering the building as a whole can lead to problems for local councils, particularly in taking enforcement action on individual safety issues within a building.
- 6.5 The Regulatory Reform (Fire Safety) Order 2005 covers only the common areas of a block of flats and places duties on the block's 'responsible person' to carry out a risk assessment and make the appropriate fire safety arrangements. The responsible person is defined in Article 3 of the Order as:
 - In relation to the workplace, the employer (if the workplace is to any extent under his or her control)
 - The person who has control of the premises (if not a workplace) in connection with the carrying-on by him/her of a trade, business or other undertaking (for profit or not)
 - The owner, where the person in control of the premises does not have control in connection with the carrying-on by that person of a trade, business or other undertaking.
- 6.6 These same duties are also placed on 'every person other than the responsible person... who has, to any extent, control of the premises...'

- 6.7 In both cases, this responsibility in a block of flats will typically be that of the building's managing agents.

FORTHCOMING LEGISLATION

- 6.8 Significant legislative changes are planned around fire safety.
- 6.9 The Fire Safety Bill 2019–2021 is at Committee Stage in the House of Lords at the time of writing. In the Queen's Speech in December 2019, it was stated that the government would put beyond doubt that the Fire Safety Order will require building owners and managers of multi-occupied residential premises of any height to fully consider and mitigate the risks of any external wall systems and fire doors.
- 6.10 The Bill confirms that for any building containing two or more homes, the Regulatory Reform (Fire Safety) Order 2005 applies to the building's structure and external walls, as well as any common parts, including front doors.
- 6.11 A draft of the Building Safety Bill 2019–21 has also been published. The draft Bill contains the following provisions:

A NEW BUILDING SAFETY REGULATOR

- 6.12 The main purpose of the Bill is to establish a new Building Safety Regulator. The regulator will establish a system 'duty holders' who will be held to account for health and safety within buildings. The regulator will oversee the safety of all buildings and enforce a tighter regulatory framework for 'higher risk' buildings (a minimum of six storeys or 18 metres in height).

REFORM OF THE BUILDING CONTROL AND THE APPROVED INSPECTOR SYSTEM

- 6.13 The Building Safety Regulator will be the building control authority for higher risk buildings, which means that neither local authority building control departments nor private approved inspectors will be able to deal with building control applications for higher risk buildings.
- 6.14 The Building Safety Regulator will also be in charge of the regulation of building control professionals, including both those working in local authorities and approved inspectors.

THE 'ACCOUNTABLE PERSON' AND 'BUILDING SAFETY MANAGER'

- 6.15 In the Bill, the Accountable Person is the ultimate duty holder whilst the building is occupied. The Accountable Person will be the freehold owner or any other leaseholder, tenant or managing agent.
- 6.16 The Accountable Person needs to
- register the building with the Building Safety Regulator before it is occupied
 - assess building safety risks and prepare a Safety Case Report
 - take all reasonable steps to prevent major incidents occurring
 - apply for a Building Assurance Certificate.
- 6.17 The Accountable Person must also appoint a Building Safety Manager who will assist with the day-to-day management of safety issues.
- 6.18 The Accountable Person will also be responsible for a Resident Engagement Strategy to ensure

that residents' voices are heard. The Engagement Strategy needs to have a complaints procedure and, ultimately, residents can complain to the Building Safety Regulator.

OTHER PROVISIONS

- 6.19 The Bill also includes a new 'building safety charge' designed to make it easier for leaseholders to see how much they are paying towards safety issues in the building.
- 6.20 Lastly, there is the addition of a New Homes Ombudsman which homebuyers can turn to and who may hold developers to account.

PLANNING

- 6.21 Local councils administer the planning system and are responsible for deciding on planning applications and enforcement against unauthorised development. However, the Secretary of State for Housing, Communities and Local Government oversees the planning system. The Planning Inspectorate is responsible for adjudicating on planning appeals on behalf of the Secretary of State. Local planning policies must not be in conflict with the National Planning Framework. In particular, the National Planning Framework includes a 'presumption in favour of sustainable development' which makes clear that applications that will deliver sustainable development should generally be allowed. This means that local councils' powers to stop a development from taking place are often rather limited.

LEGAL DUTIES AFTER A FIRE

- 6.22 There is no statute, regulation or other legal duty that requires a landlord to rehouse a tenant after a home is rendered uninhabitable by fire or other catastrophic event.
- 6.23 A local authority does have an interim duty to provide accommodation under s188 and 189 of the Housing Act 1996. If a person is homeless as a result of an emergency such as flood, fire or other disaster, they are deemed to be in priority need and should be accommodated pending a decision as to whether the local authority has a further duty.
- 6.24 Beyond this, the duties of the parties involved in the ownership of a block of flats will depend upon legal agreements and relevant insurance policies.

THE CIVIL CONTINGENCIES ACT 2004

- 6.25 The outbreak of Foot and Mouth Disease in 2001, together with the severe flooding and fuel crisis of the previous year, led the government to review emergency planning arrangements. This culminated in the Civil Contingencies Act 2004 (the Act).
- 6.26 The Act defines an emergency as:
 - An event or situation which threatens serious damage to human welfare in a place in the United Kingdom
 - An event or situation which threatens serious damage to the environment of a place in the United Kingdom
 - War, or terrorism, which threatens serious damage to the security of the United Kingdom.
- 6.27 It goes on to define an event or situation which threatens damage to human welfare as one that causes or may cause

- loss of human life
 - human illness or injury
 - homelessness
 - damage to property
 - disruption of a supply of money, food, water, energy or fuel
 - disruption of a system of communication
 - disruption of facilities for transport, or
 - disruption of services relating to health.
- 6.28 Local Authorities are ‘Category One Responders’ under the Act with responsibility to both assess the risk of emergencies occurring and put in place emergency plans. Further government guidance also outlines a local authority’s enabling and coordinating role during the recovery phase.
- 6.29 Of course, not all instances involving one of the circumstances above will constitute an emergency under the Act. A road closure due to a traffic accident (‘disruption of facilities for transport’), a burst mains water pipe affecting the supply to a block of flats (disruption of a supply of water), or broadband outage in a particular street (‘disruption of a system of communication’) are all situations with which local authorities concern themselves with on a daily basis. Such examples often require a degree of local authority liaison or coordination. Indeed, each if these instances also have the potential to greatly disrupt the lives of local residents. Most residential fires may require some liaison between the fire service and the respective local authority, and may give rise to a homelessness or safeguarding duty.
- 6.30 Although the Act was not drafted to specifically to apply to a fire in a privately owned residential building, the Samuel Garside House fire constituted an emergency under the Act, particularly given that all of the residents of the building were evacuated. As outlined in detail in the next Chapter, the council set up a Borough Emergency Control Centre (BECC) within three hours of the incident, which remained in place for 12 days. In this case by so doing the council discharged its duty under the act.
- 6.31 However, the Act was not intended to create a system whereby the legal and financial responsibility of the private owners and managers of a building after the immediate emergency are transferred to a public authority. A routine expectation for local authorities to step in to coordinate repair work, organise the long-term temporary accommodation operation and the eventual return of residents to their homes, as well as communication with residents throughout this process, would have very serious resource implications for local authorities.

THE SAMUEL GARSIDE HOUSE FIRE IN THE CONTEXT OF THE LEGAL AND REGULATORY FRAMEWORK

THE BUILDING OWNER’S RESPONSIBILITIES TOWARDS RESIDENTS AFTER THE FIRE

- 6.32 Many of the residents we spoke to expressed anger and frustration that there did not appear

to be any one organisation that took responsibility for the building. As one resident we spoke to succinctly put it:

The layers of building management make it so difficult for residents to get in touch with someone who is actually responsible for the safety of residents. Many residents felt strongly that there should have been a means of contacting Adriatic, as the owner of the building, particularly when RMG as the managing agent were unable to answer residents' queries.

6.33 Land Registry records indicate that there is a head lease relating to Samuel Garside House dated 18 April 2011 for a term of 999 years. This was made between Barking Riverside Limited and Bellway Homes Limited. The lease requires Bellway to arrange insurance for the property and to arrange for the property to be 'rebuilt, repaired or reinstated' in the event of its destruction.

6.34 However, Bellway Homes Limited state that they no longer have any legal interest in the property. They state that this head lease was transferred to a company called Adriatic. Land Registry records confirm that the proprietor of the property's head lease has been Adriatic Land 3 (GR1) Limited (Co. Regn. No. 6869764) since 25 April 2019. The logical conclusion is that 'GR' stands for ground rent and that company exists as a separate legal entity for the purpose of collecting the ground rent owed on the property. This lease was originally granted to Bellway Homes Limited. The company now known as Adriatic Land 3 (GR1) Limited was previously called:

- Bellway XI Limited (4 April 2009 – 10 April 2013)
- Seaton GR SPV 3 Limited (10 April 2013 – 5 February 2015).

6.35 In their submission to the authors of this review, Adriatic have stated that:

Adriatic is a property-owning company ultimately controlled by major UK institutional pension funds, that acquire ground rent portfolios for investment income to benefit the pension holders invested in these funds.

6.36 Bellway stated that, whilst they had no legal duty to carry out repairs and reinstate the building after the fire, they did have a business relationship with Adriatic and wanted to assist in the circumstances.

6.37 The lease does not contain any provision for the welfare, maintenance or rehousing of residents in the event of a catastrophic fire. However, we were informed by HomeGround that the buildings insurance policy included cover for the cost of alternative accommodation with associated costs and was a primary source of support for the residents displaced by the fire over considerable periods.

THE BUILDING OWNER'S FIRE SAFETY DUTIES

6.38 As part of our review, we interviewed Pat Hayes, the Managing Director of Be First. Be First are a wholly owned company that provide planning and building control services to the London Borough of Barking and Dagenham. They advise on planning decisions and receive an income through planning and building control fees.

6.39 Mr Hayes expressed concern about the lack of clarity in the relationship between building control regulations and more general fire safety legislation.

- 6.40 Samuel Garside House's building control certificate was signed off by a private approved inspector. Many of the residents that we spoke to were under the mistaken impression that building control could only be approved by a local authority. There are widespread concerns that sign off by a private approved inspector has become akin to a service to a developer, in much the same way as the developer would instruct a solicitor. The emphasis is on finding a legal way of getting the building approved even if it is 'very close to the line'.

7 THE LOCAL AUTHORITY ROLE IN DEALING WITH CIVIL EMERGENCIES

This section looks at what is expected of local authorities and the powers they have to respond

- 7.1 When something goes wrong communities expect first responders to deal with the immediate problem but quickly turn to their local authority to deal with the wider aspects of the emergency. Authorities plan for this and usually employ specialist staff whose job is to prepare those plans and, when something does happen, put them into practice. Many council staff will have roles to play in those plans, sometimes relating to their day-to-day jobs, but others provide specific roles depending on the nature of the emergency.
- 7.2 Where an emergency is on such a scale that a single council will struggle to deal with the consequences there are arrangements in place for mutual aid to be provided from other local authorities and in extreme cases central government. In exceptional cases additional central funding may be made available.
- 7.3 Local authorities have a range of legal duties and powers which can be relevant when dealing with an emergency situation. In the main these are framed in the context of taking short-term action rather than ongoing involvement. The relevant [legal and regulatory framework](#) is considered in the previous chapter.
- 7.4 However local authorities and their elected members have other expectations which are placed on them by their residents. They are expected to support and give voice to their residents' concerns and when it is beyond their powers to act themselves, they are expected to press others to do so and, where necessary, raise those concerns with other tiers of government. This role is shared with other elected persons, particularly MPs, but the capacity of local authorities to obtain professional advice often puts them at the heart of active campaigns by their residents to put right things about which they are unhappy.
- 7.5 These distinct roles can, at times, create tensions and even conflicts for local authority officers and members as they seek to discharge their legal duties while responding as the democratic voice of local residents. Where matters continue to be problematic for an extended period this is exacerbated and, unless there is outstandingly good communication and a willingness by all parties to recognise the pressures that the others are seeking to deal with, there is potential for significant differences of opinion.
- 7.6 The expectations placed on local authorities extends beyond residents and includes organisations and agencies that may have some involvement in the emergency that has occurred. Those bodies often have a very clear understanding of the legal duties which local authorities have and how these interact with their own responsibilities.
- 7.7 The local authority duty to provide accommodation under the Housing Act 1996 is well understood by building owners and their managing agents as illustrated by the RMG's response [referred to below in chapter 8](#).
- 7.8 In the case of the fire at Samuel Garside House it is clear that the response by the local authority began almost as soon as the first responders had arrived on site. The response is considered in detail later in this report and it is clear that, despite the challenging circumstances, the majority of residents felt that the council had looked after them well.

- 7.9 The council incurred expenditure in excess of £100,000 and a very considerable cost in terms of staff time. None of this is recoverable under current arrangements.
- 7.10 Local authorities do not have the capacity to do everything in such situations and therefore the contribution of voluntary, community and charity organisations is vital. This was the case here where local organisations were quick to respond with practical help and the Red Cross played a significant role.
- 7.11 There is also an expectation that residents' questions will be answered and it was in this context that difficulties began to emerge. In the immediate aftermath of the fire, residents were, understandably, asking questions both about the cause of the fire and their own situations. This is also looked at in some detail earlier but it put the council in the position of being unable to provide answers or to get the answers from the other organisations involved. This left elected members with no choice other than to speak out in support of the residents and back their attempts to get answers to their questions.
- 7.12 As the extent of the damage at Samuel Garside House was established it became clear that there would be no immediate return to the building and, for some residents, it would be many months before they could go back. The council stepped up its work to support residents as the Borough Emergency Control Centre itself was being stood down.
- 7.13 There is clarity about the need for the local authority to take the lead in dealing with the immediate impact of an emergency but views differ markedly about responsibilities during the recovery phase. This raises further questions about how emergencies are defined and when an emergency is over even if considerable work remains to be done. It was suggested to us that the Civil Contingencies Act, 2004 required the local authority to carry out all the work that it undertook in this case. However, our view is that this Act was intended to address the recovery phase of significantly greater and more widespread situations than was the case at Samuel Garside House. This is addressed in the earlier section dealing with the [legal and regulatory framework](#).
- 7.14 The experience here appears to indicate that, in the absence of clearly understood responsibilities of the different parties involved and less than perfect communications between those parties, a situation can quickly develop where the local authority by default becomes the lead body during the recovery process but with limited resources and powers to do what is expected of them. In this case the council nevertheless, at considerable cost, prioritised this role despite the many other pressures it faced.
- 7.15 For the future we believe that some of these difficulties can be avoided if there was at least an outline agreement in place about how emergencies will be dealt with in buildings with multiple owners. In broader terms, legislation setting out the primary role of local authorities in leading recovery from civil emergencies would be helpful.

8 9 JUNE 2019 – THE FIRE AND IMMEDIATE AFTERMATH

This section of our report tells the story of the emergency relief operation in the aftermath of the fire, from the point of view of the Samuel Garside House residents and those who were involved in the efforts to help. It draws on interviews and survey responses from Samuel Garside House residents, interviews with staff and emergency planning reports from the London Borough of Barking and Dagenham (the council), as well as interviews with staff from Southern Housing and submissions by Adriatic and HomeGround, and the Residential Management Group (RMG).

THE FIRE

- 8.1 The fire at Samuel Garside House broke out at 3.30pm on 9 June 2019.
- 8.2 The London Fire Brigade (LFB) arrived at 3.36pm and ultimately 15 pumps were on hand to tackle the blaze. The fire was under control by 6pm. All residents were evacuated from the building. There were no fatalities. Sadly, there were some pets that did not survive.
- 8.3 The 32 Southern Housing flats were unaffected by fire but were evacuated on safety grounds. The remaining 47 flats were in the section of the block affected by the fire: 8 fire-damaged flats required reconstruction; 12 flats were affected by water ingress or damage to front doors and required some work; 27 flats were not damaged but could not be occupied until communal works were completed.

THE EMERGENCY RESPONSE FROM LONDON BOROUGH OF BARKING AND DAGENHAM (THE COUNCIL)

- 8.4 A member of staff from the London Borough of Barking and Dagenham (the council) was on the scene from 3.55pm. He described seeing lots of residents outside the building. In fact, 'it seemed as if the whole area was out on the street'.
- 8.5 At 5.45pm, the council set up a Borough Emergency Control Centre (BECC) in line with local authority procedure. At this stage, all that was known was that the fire was alleged to have started from a barbeque on a balcony, that all flats had been evacuated and that there were no fatalities. One person was rescued from the fourth floor. The London Fire Brigade had commenced a systematic search of the block.
- 8.6 One of the first issues to be dealt with was to establish who lived in the block and who had responsibility for the building. As the BECC began to take the lead on booking hotel rooms for evacuated residents, it emerged that many different organisations were involved in the building's ownership and management: Barking Riverside Ltd were the freeholders; it was owned by a company called Adriatic; HomeGround were the building's managing agents but they, in turn, had appointed RMG to act on their behalf.
- 8.7 As Council Leader, Darren Rodwell, commented after the incident:

One of the fundamental challenges which comes with living in a modern-day block of flats is the sheer number of parties that run and own it. In the case of Samuel Garside, it's at least half a dozen different parties, including, Bellway (the developer), Adriatic (the owner); HomeGround (the managing agent),

who appointed RMG; and NHBC (building control), and Southern Housing Association.

- 8.8 A rest centre for residents was quickly opened at Thames View Community Centre and Transport for London buses were commandeered to bring residents to it. As the days passed, Thames View gradually transformed into a more general Community Assistance Centre.
- 8.9 17 hotel rooms were booked for residents who needed them.
- 8.10 The BECC was at first extremely busy with people coming and going, and it was clear more staff were required. On the morning of 10 June, staff of the council who were already on site were supplemented by additional staff.

THE COMMUNITY SOLUTIONS TEAM

- 8.11 The BECC liaised with the council's Community Solutions Team (Community Solutions is a directorate made up of 16 former council departments including housing, homelessness, estate management, youth services, homes and money, adult education and libraries) to identify any residents with additional needs. Food, nappies, clothing (including underwear) and other provisions were supplied to the rest centre to assist residents. Donations were sent in by many local residents, as well as Asda and Tesco.
- 8.12 The Community Solutions Team also started working on a detailed assessment of what help was needed, including:
 - Who lived at what flat?
 - How many homes were destroyed?
 - How many homes had nominal damage?
- 8.13 Ultimately, Community Solutions introduced coloured wristbands for residents based on need, this meant that a triage system could be used.
- 8.14 Many of the residents we spoke to praised the council's response, particularly the help with essential items and accommodation.
- 8.15 Some residents felt that the different categories of people affected should have been employed at an earlier stage but responses to our survey and interviews also identified that the council ended up taking on this role because of what was perceived to be a lack of action from the building owners or managing agents.

POLICY AND PARTICIPATION TEAM

- 8.16 Meanwhile, the work of the council's Policy and Participation Team kicked in, liaising with partner agencies to create a crowdfunding campaign for the residents.
- 8.17 Local charity Barking Renew set up a Crowdfunder and the council immediately contributed £10,000 so that essential items could be supplied to residents who could not return to their homes. This was up and running by 3pm on Monday 10 June.
- 8.18 Council officers commented that their very good relationships with the voluntary and faith sectors in the borough had made a huge impact on their ability to respond effectively.
- 8.19 Beyond meeting the immediate needs of the residents, the responsibility for making good the

losses residents had incurred quickly became an issue. Residents felt that they had lost their possessions through no fault of their own and looked to those responsible for the building to make good their losses. However, Adriatic and HomeGround told us that one of their key challenges in the aftermath of the fire was:

Meeting unrealistic expectations of residents who had lost contents of their apartments, which was not covered under the buildings insurance policy. It quickly became apparent that a number of affected residents had not arranged their own contents insurance, but still expected their losses to be made good by the building insurers or another third party

- 8.20 For the future it is important for those responsible for such buildings to make clear to residents what the buildings insurance does and does not cover and that they should consider taking out contents' insurance against losses not only from fire but other risks.

THE COMMUNICATIONS TEAM

- 8.21 Communications were a huge challenge. The council felt that it had to strike a balance between helping and showing they cared but also emphasising that Samuel Garside House was not the council's building.
- 8.22 The Communications Team very quickly set up an FAQ site on the council website, in particular clarifying:
- Who managed the building – both the private and social rent flats?
 - Who owned it?
- 8.23 Lots of questions were emerging about why the timber balconies on the outside of the building had not been treated with fire retardant material despite residents repeatedly chasing Bellway to do this.
- 8.24 A residents' meeting was held on the evening of 10 June. The representative in attendance from Bellway was not a communications specialist and did not seem to be fully aware of the details of the incident. He stated that the timber was fire retardant, something that residents felt made no sense in the light of what had happened to the building during the fire.
- 8.25 At the residents' meeting there was a panel at the front but, in the end, Council Leader, Darren Rodwell, sat in the audience and asked questions – he wanted to be an advocate for the residents. Mark Fowler, the Director of Community Solutions for the council, chaired the meeting but this was only done in the absence of leadership from any of the other parties. None of the other stakeholders took responsibility to manage the meeting.
- 8.26 Both the council's Communications Team and many residents said that what was missing was one source of information, one accountable body. One resident went as far as to say that there should have been more presence and help from Bellway, RMG and HomeGround and that each were:
- Unhelpful and not at all sympathetic, they didn't care at all, very defensive and argumentative as well.*
- 8.27 The Communications Team felt that the council became the de facto source of information with those involved in the ownership or management of the building taking 'two steps back'.

8.28 By 11 June, the mood at the rest centre was tense and residents were ‘turning on the council’ due to a lack of available information.

8.29 Indeed, one resident we spoke to said:

It would also have been good if Bellway or RMG had started sending out consistent communications about what was happening. Everyone was having to contact them to find out information, only to be told different things. There should have been clear communication at set times every few days to keep residents informed. The lack of consistent and clear information only raised the stress levels of everybody. I believe the reason we had such bad communication was because no one in any group involved was willing to step up and speak to people knowing that it might not always be what we wanted to hear.

8.30 RMG sent fourteen text messages to residents from 11 June, as well as an information pack, insurance FAQs and a joint HomeGround/RMG communication on safety measures. HomeGround’s insurance team telephoned and emailed all eight leaseholders whose apartments suffered catastrophic damage and the 12 leaseholders with medium damage to their apartments on 14 June. Others residents were telephoned by the insurance brokers, Gallagher, during the first week following the fire.

8.31 However, it is clear to the Review Team that residents nevertheless felt confused and unsupported. This is reflected in the two letters sent to residents by the council, on 13 June and 20 June. As well as providing a list of useful telephone numbers, these letters covered lots of different aspects of the recovery operation including –

- Housing support
- The Rest Centre
- Welfare Support and Benefits
- Medical Advice and Counselling Services
- Post and official documents
- Clothing and Equipment
- Food and Drink
- Creche and Play facilities
- Donations

8.32 Indeed, in the letter of the 13 June, the council make clear that they have concerns about the way that the parties involved in the building’s management have handled the recovery operation.

Having been at the scene and the rest centre daily since the fire, we have spoken to lots of residents involved and are listening to your concerns. We want to reassure you that the council will not be stepping away from this incident until we are satisfied that the organisations involved are supporting you fully.

8.33 In their submission to this review, Adriatic and HomeGround referred to their limited ability to

assist in the emergency operation after the fire in the following terms:

To put expectations regarding the financial and other resource-focused response on the part of HomeGround into context, the only income the landlord receives from the leaseholders at SGH is the annual ground rent payable by the 47 private leaseholders, currently totalling just over £13,150 annually. At the time of the SGH fire each private leaseholder's ground rent amounted to £200 or £250 annually, depending upon the size of their apartment.

THE EMERGENCY RESPONSE FROM RMG

- 8.34 Two members of staff from RMG attended the rest centre on the evening of the fire. Following this, as the operation moved from emergency to recovery phase, there was only one staff member from RMG present.
- 8.35 By Tuesday 11 June, the council felt that this RMG staff member was struggling and needed support. The council's Director of Law and Governance spent much of the day speaking to RMG on the telephone, requesting that they send additional staff.
- 8.36 Some of the leaseholders at the rest centre were raising questions about the future of their homes but were not getting answers from RMG. In the end the council stepped in to clarify some of the things that RMG were saying.
- 8.37 Some additional RMG staff members arrived on Tuesday afternoon.
- 8.38 The question of the role of the insurers arose quickly in the days after the fire. Leaseholders have since described that the layers of management around the building made it difficult to get any information about long-term plans and returning to their homes, especially regarding insurance issues. Leaseholders have also described how the council fronted the response after the fire but there was no sign of RMG. One leaseholder commented that:

It appeared as if RMG were waiting to agree matters with their insurers before taking any action that would have supported us.

- 8.39 RMG have since confirmed that the insurance for the building was arranged by HomeGround, on behalf of Adriatic, and that they were not involved. However, it is clear that there was some confusion about this and that residents did not feel that they were getting the answers that they needed from the parties that owned and managed the building.
- 8.40 RMG submit that after a fire in a residential building:

Usually there is no specific role for the managing agent until the property has been reinstated and re-occupied.

- 8.41 They state that their role was:

To assist Adriatic to perform its contractual repair and maintenance obligations...Typically this includes cleaning, day to day maintenance, and appointment of necessary third-party contractors.

- 8.42 With regard to the emergency operation, they assert that:

The recovery effort is usually led by the property insurers...Further, in complying with its obligations under the Housing Legislation, RMG would

expect the council to be the first port of call when it comes to, for example, providing temporary accommodation for residents and the like.

RESPONSE FROM SOUTHERN HOUSING

- 8.43 Residents and council officers reported Southern Housing were at the rest centre from the beginning and were very efficient.
- 8.44 On the evening of 9 June, 11 members of Southern Housing staff attended the rest centre. All Southern Housing's tenants were rehoused that same evening, except for one household who were on holiday and another who chose to stay with relatives. They also made sure residents had what they needed, including essential items such as clothing and personal toiletries. They had laptops set up with details of who was living in each of their properties. They left the site at around 1am.

THE COMMUNITY ASSISTANCE CENTRE

- 8.45 On Monday 10 June 2019, the BECC arranged for the 17 hotel room bookings from the previous night to be extended and booked an additional six rooms. These were at Dagenham Premier Inn, Barking Premier Inn and Dagenham Travelodge, initially for three nights until Thursday 13 June 2019.
- 8.46 The Red Cross were also on site at the rest centre to provide support with first aid and general assistance.
- 8.47 On 11 June, five Southern Housing tenant households were able to return home, supported by the Red Cross. 11 Southern Housing tenant households had the option to return home but were still fearful about returning and continued to be accommodated temporarily by Southern Housing.
- 8.48 A further six families who were Southern Housing tenants returned to their homes on 12 June. The remaining 20 Southern Housing tenant households now all had the option to return to their homes. However, they did not feel they could, because they felt scared to do so.
- 8.49 It was not just basic things such as electricity or insurance that needed to be addressed. The council had to liaise with Royal Mail to ensure the post was redirected and access was granted for any resident to retrieve personal items that had survived the fire. Residents also had to regain access to their cars from their garages in the basement of the block before a semblance of normal life could return. Even these simple, basic things which everyone takes for granted in normal times required coordination by the council.
- 8.50 It was clear the fire had made what can only be described as a deep human impact on the residents. North East London NHS Foundation Trust (NELFT) provided psychological support for residents at the council's Sue Bramley Children's Centre. NELFT also prepared a leaflet about their services.
- 8.51 On the evening of 13 June, a residents meeting was held solely on the subject of the safety of the buildings in the Barking Riverside estate. This meeting was led by Bellway Homes and RMG as the builder and managing agents. In the meantime, the council continued to provide humanitarian assistance.
- 8.52 The council's emergency planning records note:

Whilst the primary housing responsibilities are with the managing agents

RMG and Bellway working with Barking Riverside Ltd the council is continuing to work with all partners to provide residents with reassurance and assist them in moving back; in the meantime, any family who doesn't want to return will be accommodated elsewhere.

In that context we will nevertheless continue to provide thorough support to all residents around their accommodation and support needs. ComSol (Community Solutions) continue to identify any additional needs and requirements and the BECC are ensuring that those needs are met.

- 8.53 On 14 June, the Community Assistance Centre was moved to the Rivergate Centre. The Community Solutions Team established a management rota for the centre and all other organisations involved provided their own rotas of people who would be staffing the centre. The Salvation Army and other community organisations took over the food supply operation at the new centre.
- 8.54 Barking Riverside Ltd set up a cabin in the nearby Rivergate Square for Bellway Homes and RMG to offer specific advice about the future plans and to address residents' concerns, ensuring that this service was separate from the humanitarian support provided at the Community Assistance Centre.
- 8.55 A letter was sent by the Leader of the Council to residents of De Pass Gardens and a website link was texted to all directly affected residents. A second letter was delivered to residents in the area generally, along with a leaflet produced by the Red Cross. The council appointed a Humanitarian Assistance Lead Officer (HALO) to oversee the management of the centre and future recovery phases.
- 8.56 On 17 June 2019, a total of 29 families visited the Rivergate Centre. Queries included whether Council Tax would be suspended for residents of the building unable to return to their homes, benefits enquiries, whether nursery provision was available for a displaced family and the availability of laundry facilities.
- 8.57 Residents commented that the process of getting accommodation approved through the Insurance Claims Accommodation Bureau (ICAB) and the insurers was very long and complicated.
- 8.58 On 21 June 2019 at 6pm, 12 days after the fire, the BECC was 'stood down' by the council. 67 households were still in temporary accommodation. Of these, 64 households were staying in hotels, one household was staying in a procured flat and two were staying with friends or family.
- 8.59 The Rivergate Community Assistance Centre continued to operate.
- 8.60 Only 12 households from the 32 Southern Housing managed flats had felt able to return to their homes, despite them all being considered as safe by the LFB. Southern Housing conducted one-to-one visits with residents who had returned home and those still in temporary accommodation.
- 8.61 Of the remaining 47 flats, it was anticipated that the residents of the 27 flats with no damage could return within four weeks, following works in the communal areas.
- 8.62 It was anticipated that the 12 flats suffering medium damage, principally water damage and broken front doors, could return within eight weeks.

- 8.63 The residents of the eight flats that suffered catastrophic damage were advised they would be able to return within 24 weeks.
- 8.64 However, on the first anniversary of the fire, some residents had still not been able to return to their homes due to ongoing work to replace the balconies.

PROBLEMS WITH ORGANISING MORE SUITABLE LONGER TERM TEMPORARY ACCOMMODATION

- 8.65 When the council heard that families were being forced to stay in hotels longer than initially anticipated, the Leader of the Council convened a meeting of local housing providers who agreed to provide alternative accommodation locally. This took a huge effort of coordination, including an appeal to the Secretary of State for Housing, Communities and Local Government, before the insurers agreed to extend the cover of the cost of temporary housing until Samuel Garside was in a fit state to return. Without the council's intervention residents faced an uncertain future in hotels dispersed around London with few personal belongings, miles from their local schools and GPs, and paid for at their own expense. At the same time, they were not prepared to return to Samuel Garside House until they felt reassured it was safe – this, once again, fell to the council who provided that reassurance.
- 8.66 In their submission, Adriatic and HomeGround made clear that they did not share this assessment of what happened:

In some cases, it became clear that a number of stakeholders involved in the aftermath of the SGH fire were unduly focused on seeking to fix blame and making uninformed comments about the ongoing safety in the aftermath of the fire, without waiting for the results of investigations commissioned by the LFB or other safety assessments undertaken. This led to an increased atmosphere of distrust and division... This atmosphere made it increasingly difficult to persuade the insurers to continue to fund ongoing costs, such as alternative accommodation for some residents, where there was no clear evidence of any ongoing issue preventing safe occupation of a number of apartments, and where a number of other affected residents had already moved back to their apartments.

PROBLEMS WITH THE EMERGENCY OPERATION

- 8.67 Many of the council officers that we spoke to made the point that in emergency situations the local authority has a coordinating role and should act as a facilitator. But in this case, the council became the lead body for every aspect of the operation in the aftermath of the fire. This included:
- Booking accommodation
 - Running the Community Assistance Centre
 - Working out which residents lived in which flat and how badly damaged each flat had been
 - Establishing a triage system to expediently assist those residents most in need
 - Enlisting the help of community partners to coordinate donations of food, clothes and other essentials
 - Setting up a crowdfunding platform to raise money to help residents

- Coordinating all communications with residents
- Arranging for residents to get access to their possessions, have their post redirected and get access to vehicles stored in the building's garages.

THE LASTING EFFECTS ON THE LIVES OF THE SAMUEL GARSIDE HOUSE RESIDENTS

We are still feeling the aftermath of the fire and this will never go away. We lost our home and everything in it and will never get anything back, nothing what we built for four years we lived there. We had to start building life from scratch after being homeless for over a month and living out of bags with clothes that were not ours. We will never recover from what happened and that our flat was completely destroyed by the fire and the fear that we could have lost our lives will haunt us always. – Samuel Garside House Resident

- 8.68 It is clear from our conversations that the fire has had long lasting effects on the lives of the residents of Samuel Garside House. One resident commented that:

As someone with mental health issues and not having access to my medication with a young child to look after and no explanation with the prospect of homelessness it was a very confusing and upsetting time.

- 8.69 Unfortunately, it appears that the stress and anxiety clearly felt by many residents was compounded by the lack of effective communications from either the owners of the building or the managing agents. Residents complained of having to make phone calls every day to ensure that they could continue living in their temporary accommodation and that trying to get all of the necessary information on the state of building and when they could move back in sometimes felt like having a second job. One resident said that this process left them on the cusp of a nervous breakdown. There was a prevalent sense among residents that the owners and managing agents simply were not listening. A resident who was pregnant at the time strongly felt that the lack of facilities for preparing hot food in her temporary hotel accommodation, and need to live on takeaway food for so long, had had an effect on her health.

- 8.70 Adriatic and HomeGround acknowledge that:

In some cases, communications could have been clearer and more responsive. This is a matter we have been reviewing with RMG throughout, in order to improve procedures in the event of a similar incident response being required in the future.

- 8.71 It is clear to us that in addition to the initial and perhaps inevitable difficulties with communications there was a significant gap between what was expected and what was offered. Resident expectations were based on their immediate needs and concerns and later by their need for accommodation. The owners and their agents had a clear understanding of their legal responsibilities and drew on their established procedures to move forward.
- 8.72 Bellway homes did not have a communication team at that time but have since told us that following their own internal review of what happened they have created a new Group Communications role “to provide a single point of contact to help drive and coordinate information in the future.”
- 8.73 The council staff who worked the comprehensive emergency operation in the absence of

action or leadership from the building's owners or managing agents also experienced the fear, anxiety and frustration felt by the residents. The specific circumstances of Samuel Garside House in the wider context of concerns about fire safety led to those fears increasing and a gap in expectations continued to grow.

9 RETURNING HOME

The long-term issues with residents returning to their homes

The handling after the fire for me was much worse, the constant fear of having nowhere to live, the contradictory communications, being asked to go back and forth to the site for no reason in the middle of work days. Being told our flat would not be fixed even though it was covered in ash, smoke and water. Living day-to-day not knowing if we would have somewhere to stay was so stressful and constant errors were made which resulted in us having to pay for our own accommodation in the end which cost us £900. Honestly, there were times when I felt like I was on the cusp of a nervous breakdown and just cried because I was so frustrated and no one was listening or doing their jobs properly.

Samuel Garside House resident

- 9.1 It is clear from our conversations with residents that many families were not able to return home until at least six months after the fire. Several families returned to their homes between September 2019 and December 2019. However, others were not able to return home until March 2020, nine months after the fire while for some it took more than a year.
- 9.2 We have identified three primary issues of concern:
- 1 A lack of clarity about the scope of the building safety works, particularly the removal of wooden panels from the building
 - 2 A lack of information about a timetable for the remedial works to the building and when households would be able to return home
 - 3 A lack of assistance in finding alternative accommodation beyond emergency hotel accommodation
- 9.3 In this section we examine each of these issues in turn from the point of view of Samuel Garside House residents.

BUILDING SAFETY WORKS

- 9.4 Residents living in both leasehold flats and Southern Housing-owned flats have expressed concern that when they returned to their homes, the building still had balconies with wooden panelling.
- 9.5 One resident explained that after being evacuated from her flat on the day of the fire, she made clear to Southern Housing that she did not feel comfortable returning. In her view, it was not safe. Southern Housing wanted her to move back in two or three days after the fire and a member of Southern Housing staff accompanied her to her flat. She insisted that she was only there to collect her belongings and was not prepared to stay. Ultimately, she instructed a solicitor, who was offering pro bono help to Samuel Garside House residents, to tell Southern Housing that she would not be returning to the flat. She did not wish to do so whilst safety matters, particularly the removal of wooden panels from balconies, had not been completed. She subsequently spent four months at a Travelodge in Dagenham and two to three months at a Premier Inn in Barking before, in September 2019, moving to a temporary apartment that was a five-minute bus ride from Samuel Garside House. She stayed in this

apartment up until 20 July 2020 when she returned to Samuel Garside House. Even at this point, she was reluctant to return home because all of the wooden panelling had not been removed from the building. The panelling had been removed from the balcony of her flat but she stated that she was still not comfortable about there being wooden balconies at the back of the building.

- 9.6 Another Southern Housing tenant confirmed that she was displaced from her home from 9 June to 14 August. She also refused to return due to fears about wooden panels at the back of the building and the fact that the alarm system seemed inadequate. A third Southern Housing tenant returned home after three weeks but then had to leave again because her children were scared. She stated that children are still scared and, to this day, her son cannot get into a lift due to his fears.
- 9.7 Another Southern Housing tenant said she felt forced to return to the property despite not feeling safe. She was offered another property but the rent was higher and it was a long way from her children's school. She states that she could not afford the increase in rent and therefore felt she had no choice but to move back into Samuel Garside House as requested.

LACK OF INFORMATION ON THE TIMETABLE FOR THE REMEDIAL WORKS TO THE BUILDING

- 9.8 We have not found any evidence that residents were ever provided with a proper timetable for the remediation and building safety work and there does not appear to have been any coordinated plan to keep residents informed as the work progressed.
- 9.9 A household that was able to return home at the end of October said that multiple residents, including themselves, felt that the work done to their homes was of a low standard and that there had been additional damage to their property while the work was being completed, which was not rectified by Bellway. They suggested that all of the work that was going to be completed should have been fully outlined, either in an email or letter, to each resident.
- 9.10 Another household who were only able to return home in the second week of March 2020, just before the beginning of the UK's Covid-19 lockdown, said they felt 'lost and alone in almost every sense'. They added that 'the amount of chasing calls I had to make to find out any bit of information was absolutely ridiculous, nobody would take responsibility for anything, and their answer was just to pass you from one company to another or them calling you back a week later with a very vague response'.
- 9.11 A third household was concerned that Bellway had promised that they were going to put roofs on the highest balconies to protect them from rainwater from the roof of the building but this did not happen. They were later told that this was not covered by the planning permission for rectifications and therefore it was not possible. They also felt that Bellway had not considered that the building work was very disruptive to residents. They questioned why a decision had been taken to move residents back in without properly considering this. The work caused a lot of dirt and dust, to the point that this household could not even open a door or a window.

LACK OF ASSISTANCE WITH FINDING ALTERNATIVE ACCOMMODATION BEYOND EMERGENCY HOTEL ACCOMMODATION

- 9.12 In the days after the fire, the council began speaking to Barking Riverside Ltd (BRL) and L&Q Housing Association (part-owners of BRL) about providing an accommodation offer beyond emergency hotel accommodation. BRL and L&Q agreed to work alongside Reside (the

council's own housing company) to make alternative accommodation available from their collective stock of properties for anyone who would prefer a temporary flat, rather than a hotel room, while Samuel Garside House was being repaired. Bellway Homes and the insurance company agreed with the council's recommendation to make a property available for any household who wished to leave hotel accommodation.

- 9.13 However, residents told us that the Insurance Claims Accommodation Bureau (ICAB), working on behalf of HomeGround and the building's insurers, often offered a poor service and could be dismissive of residents' concerns. Residents reported that they were left to find their own accommodation, before then having to get it approved by ICAB, which was not a straightforward process.
- 9.14 One resident said that after spending a few days in hotels and needing something more permanent, the Insurance Claims Accommodation Bureau (ICAB) told them they should start looking for accommodation themselves. When we spoke to them in June 2020 this household was in long-term accommodation in Canning Town, which they sourced before getting it approved by ICAB and had still not been told when they could go back to Samuel Garside House. They also raised the point that they have continued to pay service charges since the fire even though they have not been able to go back to their home.
- 9.15 Another household said that they also started looking for long-term accommodation as ICAB were slow and had told them 'you might want to start looking yourself'. The process of finding a property was long and cumbersome. It was necessary to ask ICAB to approve it and then for ICAB to ask the insurance company to approve it before a decision was eventually relayed to the resident. Often, by the end of this process three or four days later, the property in question would no longer be available.
- 9.16 One private tenant stated that very little guidance was available from the building's managing agents about what private tenants should do. She was able to meet with her letting agent two days after the fire. In her words:

There was uncertainty as to where we would be living and what we would do next, only having the clothes on my back. The week after, still not anywhere forward, I was now placed in a Travelodge in Gants Hill with no facilities for hot food and no microwave. I was living off takeaways and this did not help with my pregnancy.

- 9.17 She was eventually able to return to her flat in October 2019. Even though she has now been able to return home, she added that:

The community feels let down and unsure as to when remedial work will be done to make Samuel Garside safe.

- 9.18 Another private tenant, who had not been able to return to their flat, was offered alternative accommodation by their landlord but it was too expensive, so they instead approached Reside who were helpful. The household has now moved into new accommodation.

OVERVIEW

- 9.19 Our conversations with residents indicate that Southern Housing acted very professionally and helpfully in the immediate aftermath of the fire. They promptly arranged hotel accommodation when the fire brigade took the decision to evacuate the entire building. But it was felt that Southern Housing's longer-term response should have been much better.

Tenants felt that they were pressured into returning to their homes despite the fact that the issue of the alarm system had not been addressed nor the continued presence of wooden panels on the building. However, it should be stated that Southern Housing did not have direct control over either of these matters.

- 9.20 Earlier in this report we identified problems with the building's managing agents' and owners' emergency response on the day of the fire and the days that followed. In the longer term, there was a lack of clarity about the timetable for the remediation and building safety work and there does not seem to have been a coordinated plan to keep residents informed. Of equal concern to residents was the perceived limited assistance with finding suitable temporary accommodation.

10 THE KEY ISSUES

These are the major concerns that came to our attention during the review. We are clear that we did not have the resources necessary to examine technical matters in detail nor were we asked to do. However, there is a considerable amount of information including some of a technical nature which is in the public domain and at least some residents were aware of this information. In order to understand what happened in the aftermath of the fire we needed to put the reactions of those who lived in SGH into context and therefore needed to acknowledge the impact of this information. What follows is informed by both what we heard from residents and what we have been told by both the council and those organisations charged with the management of the building and also Bellway Homes.

OWNERSHIP

- 10.1 The history of the ownership of this building was complex. This has become increasingly common and makes it difficult for the leaseholders of individual flats to be clear about where responsibility for issues affecting common areas and the building as a whole lie. In this case the head lease was granted by Barking Riverside limited to the developer who sold it on after construction. The new owner sought to discharge its responsibilities via a subsidiary which in turn let a contract for the management of the building. This is further complicated by a lack of clarity about the ultimate ownership of the different companies involved. We believe that this could be made simpler in the future by requiring the freeholder to lodge a 'Statement of Ownership' with the Land Registry setting out the organisations or individuals that hold leases and subleases down to, but not including, leases for individual properties and indicating the ultimate ownership of those organisations. This would need to be updated whenever a lease was transferred.

INFORMATION FOR RESIDENTS

- 10.2 The initial experiences described to us by residents were different for those in the flats owned by Southern Housing and those in privately owned flats. The tenants of Southern Housing were clear who was responsible for the maintenance of their flat and that any concerns about common areas or the building as a whole should also be referred to Southern Housing. Equally Southern Housing were clear that from the point of the evacuation they had ongoing responsibilities for those residents. Other residents reported varying degrees of difficulty in establishing who they needed to talk to and what help they would receive. This is looked at in more detail in [Chapter 8](#). In our view in future, it would be of significant help to all residents of buildings with multiple units if they were provided annually with a statement of responsibilities for their home and the building of which it is a part. This would include contacts for both internal issues in the case of renters and external issues for all. It should also include a clear statement of the responsibilities of the residents both for the maintenance of their own homes and in relation to common areas as set out in the relevant leases.
- 10.3 In so far as any new buildings are concerned planning authorities should consider including provisions in S106 agreements for multi-unit buildings which require owners and leaseholders to provide such statements of ownership and responsibilities.

DIFFERENTIAL TREATMENT OF BUILDINGS BELOW 18 METRES

- 10.4 At the time of writing, the Building Safety Bill is before Parliament. This seeks to address many of the concerns that have emerged in relation to the tragic fire at Grenfell Tower. It is proposing to create a new Building Safety Regulator which will be responsible for all residential buildings over 18 metres. The regulator will take over a range of powers that currently lie with local authorities in relation to building control. However, Samuel Garside House at 16 metres would not be covered.
- 10.5 If the local authority role in relation to higher buildings disappears, for some authorities there will be a question of whether the capacity and necessary expertise to do similar work on lower height buildings can be sustained. As the Bill proposes to include more significant sanctions for breaches of building regulations there is also the possibility of a two-tier system developing. For example, two buildings in the same development, one of six storeys and one of eight, could be subject to different requirements and have to deal with different sets of officials. However, it is understood that the Bill will be drafted in such a way as to facilitate changes to the height limit in future.
- 10.6 Subject to the final provisions of the Building Safety Bill we consider that it would be helpful to give local authorities additional enforcement powers for building below 18 metres which match those of the Building Safety Regulator for buildings over 18 metres.

RESPONSIBILITY FOR DISPLACED RESIDENTS

- 10.7 Residents in Samuel Garside House, both renters and owner occupiers, found themselves being evacuated from their homes at very short notice and while Southern Housing immediately took responsibility for its tenants, on the day of the fire it was the council which addressed the needs for assistance of other residents who had been rendered homeless through no fault of their own.
- 10.8 The council fulfilled its responsibilities in dealing with an emergency but also responded as the democratic body to which residents looked for help and support. As the building's owners, through their agents, took on their responsibilities tensions and concerns arose for residents who in turn looked to the council for assistance which the council endeavoured to provide despite their limited powers and resources.
- 10.9 During our work on this review, it has become clear that beyond the perhaps inevitable difficulties in the days immediately following the fire there are differences of view about where responsibility lies and how that changes as the situation develops. We think this should be addressed with some urgency. We suggest in our recommendations an annual Statement of Responsibilities that should include reference to what will happen in emergency situations.
- 10.10 We further suggest that a suitable opportunity be sought to make a legislative change to enable councils to declare a situation as an emergency and reclaim any expenditure incurred during the ensuing 30 days from whosoever had legal responsibility for the building concerned.
- 10.11 Councils have specific though limited powers in relation to the safety of buildings, including the ability to issue notices and, in the event of noncompliance, enter buildings and take action themselves up to and including demolition. They have clear responsibilities in respect to the immediate response to emergency situations. There is, however, significantly less clarity

about responsibility once that immediate situation has been addressed. Councils lack a clear power to act to fully support displaced residents and recover costs. They also do not have the power to require building owners to undertake the most significant (Type 4) building surveys which can lead to residents raising concerns and having to accept the owners' assurances rather than seeing any independent assessment.

- 10.12 We think it would be helpful to address this and suggest that consideration be given to creating a power to declare a "Local Housing Emergency" for 30 days during which a council can take what it considers to be the necessary actions and also reclaim costs incurred by it from the responsible organisations. Such a power should be renewable for a further 30 days if necessary. It should be exercised directly by the council unless prior to the event occurring the council has expressly delegated its exercise to another organisation.

THE PERFORMANCE OF THE BUILDING

- 10.13 It is beyond the remit of this review to examine the cause of the fire or comment on how fire safety issues had been addressed. Nevertheless, there were related concerns which impacted greatly on the residents and provide significant context to the events following the fire.
- 10.14 It appears that the timber balconies did not perform as expected and the fire spread rapidly. Bellway Homes, who built the block, undertook to replace the balconies at Samuel Garside House and at the neighbouring Ernest Websdale House. The original balconies had conformed with the regulations then in place but the replacements were constructed of steel. This company no longer had any direct legal or operational involvement with the building but, following the fire, responded immediately to assist RMG and Southern Housing and support residents.
- 10.15 Residents told us that they had previously raised concerns about a number of issues but in respect of the balconies had been given assurances about how the timber would perform in the event of a fire, which proved to be inaccurate.
- 10.16 In the aftermath of the fire issues arose about the condition of the building and when it would be safe for residents, whose homes had not been damaged, to return. Responsibility for building safety lies with the building owners but residents approached the council and asked them for assistance. Like most local authorities Barking and Dagenham is no longer in a position to directly employ staff with the necessary qualifications to carry out such work and the council therefore commissioned a consultant surveyor to carry out a Housing Health and Safety Rating System (HHSRS) Inspection which reported in October 2019.
- 10.17 We have attached, as an appendix, the summary report of that inspection which sets out its findings and also give a helpful explanation of how the inspection system works.
- 10.18 The report of the inspection in this case raised issues which were reported to the council including some which were considered to constitute Category 2 hazards. This enabled the council to consider taking enforcement action in its role as the statutory Local Housing Authority. In this case the council informed the managing agents for the building of their concern and indicated that if action was not taken within 48 hours enforcement would commence.
- 10.19 At the time of the fire Bellway had no proprietary interest in the building and no role in its management but through its intervention found itself in an unprecedented position which requires further explanation. A written submission was received from Bellway Homes which

clarified a number of points

- 10.20 They drew to our attention the view of the London Fire Brigade that the fire occurred as a result of a naked flame igniting flammable materials on a balcony. The instructions for safe use of balconies make clear that there should be no naked flames on balconies. They told us that:

The main fabric of the building itself performed properly in resisting fire penetration and fire spread. The fire stopping and fire compartmentation elements had been properly installed and worked as intended. The fire doors between individual apartments and communal areas were all properly installed and fitted, allowing the building to be safely evacuated while the fire was put out.

- 10.21 Notwithstanding their wish to assist they were not the organisation with legal responsibility to intervene and take action without the agreement of those that did have that responsibility. In practice working closely with all the other parties they undertook significant works, including the removal of timber from remaining balconies, at their own cost without waiting for insurers to instruct the work because they wanted to support the residents who wanted to get back to their homes quickly.

11 APPENDICES

12 REVIEW BRIEF

REVIEW OF THE SAMUEL GARSIDE HOUSE FIRE IN BARKING AND DAGENHAM

- 12.1 In the aftermath of the fire at Samuel Garside House in June 2019, the London Borough of Barking and Dagenham is commissioning a review to provide a clear account of what happened during and following the fire – and the lessons learned locally, as well as in the sector more widely.

PURPOSE AND SCOPE

- 12.2 The purpose of this review is to:
- 1 Set out the key events associated with the fire, focusing in particular on the response and aftermath of the key agencies and those with responsibilities for the people affected
 - 2 Establish the main lessons learned; identifying what went well and where things fell short of what the people affected should have been able to expect (from the key agencies and those with responsibilities for the people affected)
 - 3 Propose recommendations for action or change, based on our experience and lessons learned (in particular relating to the emergency response and aftermath, but also in relation to questions around building regulations and fire safety).
- 12.3 The review will focus on the response to the fire, not the cause of the fire itself.
- 12.4 The review will not be a detailed or technical assessment of building safety regulation, which is a matter for the government. However, it will pose questions relevant to the future of such regulation, rooted in our experience in Barking and Dagenham.
- 12.5 The review will be concerned with the events and issues surrounding the fire at Samuel Garside House. However, we are well aware that there have been other similar incidents in blocks of flats in London in the recent months and years (most tragically the disaster at Grenfell Tower). Therefore, the review will draw on insights and experiences from elsewhere (e.g. Sutton).
- 12.6 The review will report to the Leader of the Council, Cllr Darren Rodwell.

13 INDIVIDUALS AND ORGANISATIONS WHO PROVIDED VERBAL OR WRITTEN COMMENTS

RESIDENTS AND THE COMMUNITY

- 13.1 29 Samuel Garside House residents
- 13.2 Matt Scott, Thames Ward Community Project
- 13.3 Serena Madvani, Assistant Headteacher, Riverside Primary School

LONDON BOROUGH OF BARKING AND DAGENHAM COUNCILLORS

- 13.4 Cllr Darren Rodwell
- 13.5 Cllr Cameron Geddes
- 13.6 Cllr Josie Channer
- 13.7 Cllr Bill Turner

STAFF

- 13.8 Jim Dixon, Operational Service Manager, Highways and Incident Response Unit
- 13.9 Fiona Taylor, Director of Law and Governance
- 13.10 Andy Opie, Director of Enforcement Services
- 13.11 Gary Jones, Head of Regulatory Services
- 13.12 Katherine Gilchrest Head of Support – Community Solutions
- 13.13 Monica Needs – Head of Participation and Engagement (Policy and Participation)
- 13.14 Nicki Lane – Resident Engagement Manager
- 13.15 Emily Blackshaw – Head of Communications and Policy
- 13.16 Jonathan Boyle, Regeneration Projects Lawyer

BE FIRST

- 13.17 Pat Hayes, Managing Director

ORGANISATIONS INVOLVED IN THE CONSTRUCTION, OWNERSHIP AND MANAGEMENT OF SAMUEL GARSIDE HOUSE

- 13.18 Chris Harris and Suzanne Horsley – Southern Housing
- 13.19 Steven Saville – Bellway
- 13.20 Written Submissions from RMG and Adriatic/HomeGround

ORGANISATIONS INVOLVED IN THE WIDER REGENERATION OF THE AREA

- 13.21 Matthew Carpen – Barking Riverside

EXTERNAL ORGANISATIONS

- 13.22 Catherine Staniland – New London Architecture
- 13.23 Clare Williams, Fire Safety Manager – London Borough of Hackney
- 13.24 Simon Latham, Interim Strategic Director, Environment, Housing and Regeneration – London Borough of Sutton
- 13.25 Deputy Assistant Commissioner Stephen Norman – London Fire Brigade

OTHER SOURCES OF INFORMATION

- 13.26 The Land Registry

14 THE WORCESTER PARK FIRE, LONDON BOROUGH OF SUTTON

- 14.1 Sutton Council has been invited to add its comments to the independent review of the recent fire at Samuel Garside House in the borough of Barking and Dagenham in light of its experience of the fire at Richmond House, part of The Hamptons development in Worcester Park, that occurred in September 2019. The comments set out below cover a number of issues and learning points both in relation to the council's involvement with the Richmond House fire and in respect of the proposals set out in the recently published draft Building Safety Bill.
- 14.2 A major issue that arose out of the fire at Richmond House, which comprised 23 shared ownership units, was the uncertainty around roles and responsibilities of the agencies involved and the consequent inherent difficulty in coordinating a coherent response, one which had residents at its focus. This has, rightly, been the subject of much criticism by the residents at Richmond House who a year on are still awaiting compensation and remain in temporary accommodation.
- 14.3 The residents have also raised concerns, which the council supports, around certain provisions in the draft Building Safety Bill. The first is that the proposed 'two gateway' approach to the approval of building safety measures risks undermining fire safety. We agree that it would be better to ensure that all necessary measures are in place and signed off at the planning stage rather than later on in the development process. We are also concerned that the expansion of permitted development rights, in particular in relation to the Planning For the Future August 2023 White Paper, potentially undermines the proposed gateway approach and there is the need to ensure that loopholes do not exist that allow developers and contractors to prioritise cost-cutting considerations over building and resident safety.
- 14.4 The council also shares the concern that the Bill's proposed safety requirements are limited to buildings over 18 metres. Both Richmond House and Samuel Garside House were under this limit yet clearly suffered from catastrophic failure to maintain fire safety. We would argue that all flatted blocks above two storeys should be in scope of the Building Safety Regulator given the potential risk to residents in communal living settings. However, the council believes that the over 18 metres limitation is inadequate and a blunt instrument. The impact of fire on the residents in a building depends on many different factors other than the height, including the potential vulnerability of the occupants and the construction of the property. For example, Richmond House was of timber frame construction. The full range of issues that make the potential impact on residents of a greater or lesser risk should be part of the consideration of which buildings are in scope.
- 14.5 Building ownership can often be complex and fluid, particularly in the private sector, with various management arrangements and shared responsibilities, which can be confusing to residents, whether they be leaseholders or tenants. Accordingly, the council would support the suggestion that there should be a legally required Statement of Ownership with the Land Registry and believes that there should be a mandatory requirement on building freeholders to provide annually updated statements of responsibility, with these made readily available to all residents. The council feels that this is critical in ensuring greater transparency and accountability.
- 14.6 Another key criticism of the residents at Richmond House was the response on the part of both the social landlord and the developer to deal with certain aspects of the fallout from the fire. This included issues of communication, accountability and transparency. Whilst the relationship with the registered provider (RP) improved over time, the response in the

aftermath often left residents feeling bewildered and lost. Having a human response to a human tragedy is a key part of responding to an emergency. At the heart of this should be looking after the health and welfare of residents. All efforts should focus on this so that the people affected can be helped to move on, in their time, to make new lives and new homes. Two specific examples are personal belongings and access to counselling and support. The council feels that getting these right and acting with urgency will help the process of recovery. This didn't happen with Richmond House. If there is not timely intervention and support around the impact on people's lives, their mental health and their well-being is more likely to become protracted with the cost being counted in both human and financial terms.

- 14.7 In essence the council immediately stepped in to support the residents from day one, such as helping the move of a small number of residents into temporary accommodation and sourcing counselling and other support. However, it soon became clear that there needed to be much greater clarity in what the respective roles of the local authority and the building owner should be in such circumstances. We strongly feel that building owners' responsibilities must be enforceable in law (e.g. through a requirement to cooperate with councils where they have declared an emergency). We support the suggestion that the local authority should be able to act in default and claim back costs.
- 14.8 Residents found of particular value the independent, 'honest broker' role the council played in the aftermath and months that followed the Richmond House fire. They welcomed the council's ability to help residents navigate through the post-fire bureaucracy and to unblock obstacles and make things happen more responsively. Whilst it's difficult to encapsulate this into suggestions for concrete changes, it's important to acknowledge that it was this practical, caring approach where the council stood by the side of residents, that made a big difference to them. Whilst the council could have a landlord role (if a fire happened on a council site) it should nevertheless not lose this wider responsibility in such an emergency.
- 14.9 Where flatted blocks are in the ownership of an RP the council believes that the Regulator for Social Housing (RSH) should take a stronger role in relation to the potential for serious detriment towards the RP's residents. At present the RSH does not appear to take an active role in considering whether an RP has breached the regulatory code following emergency incidents. The council's experience is that the emergency planning and response approach and capacity within RPs needs to be strengthened so that they are better prepared throughout the sector in handling both the immediate aftermath and the follow-up. The council believes that a stronger emphasis on this issue from the RSH would create a welcomed heightened focus on this issue with RPs. It's notable that the Home Standard does not directly reference handling building emergencies.
- 14.10 Regarding penalties on RPs who fail to support their residents after an emergency, at the moment there isn't anything to incentivise RPs as the requirements are all preventative (fire risk, building safety) rather than response/recovery orientated after the event (longer term welfare, supporting the replacement of contents, trauma/bereavement support, etc.). As a result, local agencies have to pick up the pieces for the people who have gone through huge amounts of trauma.
- 14.11 In summary, the council believes that any response to an emergency such as that at Richmond House must centre on the impacted residents and their welfare, assisting them to get their lives back to some form of stability where they feel they can move on. This applies not just to those most directly affected by their home becoming uninhabitable but also neighbours where the impact may be less obvious but can also be very profound. The council's concern is

that the interests of developers, landlords and other interested parties tend to focus on reputational damage limitation and minimising costs. There should be a clear responsibility for all interested parties to cooperate with two overriding aims: looking after the residents affected and learning lessons to prevent and better respond to future incidents.

14.12 2 October 2020

LESSONS LEARNED FROM RICHMOND HOUSE, WORCESTER PARK – RESIDENT COMMENTS

THE PERFORMANCE OF THE BUILDING

- 14.13 The factors contributing to the spread of fire are addressed in the expert report by Probyn Miers and LFB’s fire investigation report. A further report is also expected from the BRE.
- 14.14 However, it is clear that some of the key issues seen in other serious fires were also present in Richmond House. The building had a timber frame and a key issue was defective or missing cavity barriers. There were combustible materials (including timber) on balconies and each set linked six adjoining apartments together, which helped the fire to spread.
- 14.15 Compartmentation failed on one side of the building and at roof level. Fire rapidly engulfed all floors, before the London Fire Brigade arrived. The building had a ‘Stay Put’ policy but did not have the minimum amount of fire resistance to support such a policy. The only reason there were no fatalities was because residents immediately helped each other to get out.
- 14.16 Previous fire risk assessments had not uncovered these major issues because only Type 1 FRAs had been carried out, which are too superficial to assess if the whole building is safe.
- 14.17 Building regulations are ultimately designed to protect life safety, not property. Even so, we do not believe it is acceptable to build poorly performing blocks which are ‘sacrificed’ in a fire, because of the impact on residents caused by the loss of their homes, belongings and pets.
- 14.18 Investigations after the fire also revealed safety issues in every other apartment block and some houses on the Hamptons estate, which are subject to 23 LFB Enforcement Notices.

OUR RECOMMENDATIONS:

- At national level, a wider scope of building safety issues needs to be addressed beyond cladding. For example, following a series of serious fires, timber frame requires an independent review. The Building Safety Fund should be extended to cover issues such as compartmentation
- Cavity barrier installation should be performed by specialist, approved installers as suggested in a 2016 BRE report – because poor workmanship is a widely reported issue
- The NFCC’s ‘Stay Put’ policy should be reviewed locally/nationally, for buildings where the construction type is known to be vulnerable to rapid fire spread, e.g. timber frame
- Building owners should be required to conduct intrusive Type 4 FRAs at regular intervals (e.g. every five years or following significant alteration to the building structure or use).

DIFFERENTIAL TREATMENT OF BUILDINGS BELOW 18 METRES

- 14.19 Richmond House was a mid-rise building of four storeys. Rescue or escape requires less time in a mid-rise building than a high-rise but we would argue that the threat to life and safety can still be significant. Every floor of Richmond House was engulfed in flames before the LFB arrived.
- 14.20 Government statistics also show that in the last year there were three times as many serious fires (spreading to more than two floors) in mid-rise than high-rise buildings.
- 14.21 Despite this, the upcoming Building Safety Regulator will not initially apply to buildings below 18 metres. Even non-structural requirements – such as having named duty holders who are responsible for safety or the right for residents to access critical safety information – will not apply below 18 metres. It's like being given a safety 'handicap' purely because the escape stair is shorter.
- 14.22 The government is currently considering lowering the threshold for the ban on combustible materials in the external wall to 11 metres. This will increase safety for many mid-rise buildings but the measurement relates to the height of the top floor, which is only 9.1 metres in Richmond House, therefore it will do nothing to protect buildings like ours.

OUR RECOMMENDATIONS:

- Building height is not the only risk factor, therefore government should prioritise buildings based on a risk matrix that considers multiple factors
- The ban on combustible materials in the external walls (including balconies) should be extended to all multi-occupancy buildings, not just those above 18 metres or 11 metres
- The remit of the Building Safety Regulator should be extended, e.g. the requirement for named duty holders responsible for safety should apply to buildings of every height.

BUILDING CONTROL

- 14.23 Richmond House was signed off as being compliant with building regulations, despite serious defects. The building control process should provide third party assurance to building owners and residents that homes are up to standard but it failed.
- 14.24 The approved inspector scheme effectively allows developers to choose their own regulator, which creates a potential conflict of interest and could undermine independence. However, we are also aware of numerous instances where local authority building control has failed.

OUR RECOMMENDATIONS:

- Similar to the model introduced by the Victoria/NSW State Governments in Australia, the new Building Safety Regulator should have the authority to carry out on-the-spot site inspections, withhold certification and order rectification for buildings of all heights.

INFORMATION FOR RESIDENTS – BUILDING SAFETY

- 14.25 Before the fire, there was a history of residents feeling ignored when they raised concerns about building maintenance and safety. This is being investigated by London Fire Brigade.
- 14.26 After the fire, the housing association met frequently with residents – more than 20 times – and answered many questions about the building. However, communication often lacked a

sense of urgency, seemed defensive and therefore lacked honesty, transparency and clarity. For example, the housing association would not share the building's fire risk assessment for almost three months after the fire, citing 'legal reasons' or that the information was too 'technical'.

- 14.27 An 'advice note' regarding balcony safety had been issued by MHCLG in June 2019, which was not shared with residents. Several months after the fire, this advice still hadn't been shared with residents in their other buildings.
- 14.28 The HA also published information which said the frequency of fire risk assessments had increased to yearly for all buildings and that an intrusive type of FRA was being introduced to 'all buildings with a Stay Put policy', which would have included Richmond House. But this information was not correct, so residents were less safe than was being claimed.

OUR RECOMMENDATIONS:

- Housing associations should work with their residents on a safety communications plan
- All building owners should proactively publish fire risk assessments to their residents
- All building owners should be required to make residents aware of critical safety information published by national or local authorities, including advice notes
- Alongside the introduction of a New Homes Ombudsman, there must be an effective and simple route to escalate building safety concerns for existing buildings. Local authorities should also be able to intervene under their duty of care to local residents.

LEADERSHIP IN AN EMERGENCY SITUATION

- 14.29 The housing association was legally the 'responsible person' for Richmond House. However, it was unclear who was liable for the building failure and there was a lack of trust. Residents felt strongly that an independent party should have led the recovery process and repeatedly asked Sutton Council to provide that role but they did not feel it was their responsibility.
- 14.30 However, we were grateful that the council remained involved throughout the process, providing a consistent, independent presence and acting as a liaison with other authorities.
- 14.31 At the suggestion of residents, independent advisors were appointed 10 weeks after the fire. The first 10 weeks was critical therefore this should have been instigated earlier. Their presence was useful but they fulfilled more of a facilitation/mediation role rather than providing project management, direction or leadership. Initially Sutton Council managed this contract, however, after six months the contract moved to the housing association; to some residents the change was very clear and they felt there was a conflict of interest.
- 14.32 Over time, relationships between residents and the housing association's resident liaison officers generally improved. However, the management team was not experienced at dealing with the aftermath of a crisis on this scale and we felt they should have sought support from experienced parties to manage the process.
- 14.33 For example, the HA engaged a specialist firm to remove personal belongings from the building a few days after the fire. They failed to agree a contract and made the decision to put belongings back inside an unsafe building; this was not disclosed to residents for several weeks, despite repeated questioning. This caused further damage to belongings and further damaged trust. A year on, many items have still not been returned. It was also made clear to

residents that cost took precedence over the principle of restoring personal belongings to their owners. This is one example why independent leadership was needed.

- 14.34 We were aware there was a ‘taskforce’ behind the scenes – but it did not include residents. Meanwhile residents had to become quasi-experts in construction and housing; and hire lawyers in order to claim damages. The overriding feeling was that ‘no one was on our side’.

OUR RECOMMENDATIONS:

- Following an emergency, and where there are questions of liability to be resolved, the local authority should be able to take independent leadership of the recovery process or have authority to invite experienced third parties to do so.

RESPONSIBILITY FOR DISPLACED RESIDENTS – RENTAL TENANTS

- 14.35 The Housing Association took responsibility for coordinating emergency accommodation for 22 households from day one, which was an entitlement under the buildings insurance policy.
- 14.36 However, they did not provide any emergency support to one household with renters, who had to declare themselves homeless. Sutton Council provided them with only one night of emergency accommodation.
- 14.37 Their landlord, the leaseholders, had been long-term residents in the building but were residing overseas for family reasons. As a direct result of the fire, they lost the rental income to cover their mortgage payments. They had to incur several months of financial losses until they were able to sell the property back to the housing association.
- 14.38 In similar post-fire emergency situations where there was a greater mix of renters and owner-occupiers (e.g., Holborough Lakes in 2017), we understand residents of ALL tenures were supported with emergency accommodation for at least one month.

OUR RECOMMENDATIONS:

- In an emergency situation, the local authority should be able to provide renters with accommodation support for up to one month, to prevent homelessness. Expenditure should be reclaimed from the organisation who has legal responsibility for the building
- Emergency financial support should be available for apartment landlords who have lost their property as a direct consequence of an emergency such as building failure in a fire.

RESIDENT WELFARE AND MENTAL HEALTH SUPPORT

- 14.39 Escaping a fire and losing your home and everything you own is a traumatic experience. Most residents – including many children – suffered psychological distress including shock, PTSD, anxiety, depression or other health issues.
- 14.40 The British Red Cross were on-site during the first two to three weeks and many residents found their presence very helpful but most of the health effects emerged later than this and ongoing support did not meet everyone’s needs.
- 14.41 No one party accepted responsibility for resident welfare and that lack of careful management led to some residents developing very acute need for support. Four months after the fire, the housing association liaised with the developer to request private counselling be available in a compensation package but one year on that remains in limbo.

- 14.42 Sutton Council liaised with the local NHS support service to ‘fast track’ referrals but in some cases the process still took a long time to access and then begin treatment (several weeks/months). It seemed particularly difficult to access the right care for children.
- 14.43 Some residents found the service helpful in dealing with the trauma – however typically eight to 12 sessions were not felt to be enough and the type of therapies available did not suit everyone’s needs, for example if the trauma was in addition to other existing issues before the fire. Many residents needed to access other services afterwards or pay for private care, or access alternative support through employers.
- 14.44 Other factors which restricted residents accessing help were: that the location was difficult to reach for many; it was less flexible than private services (e.g. a patient’s file can be closed if they decline two offered appointment times); it wasn’t suitable for those whose first language isn’t English; some residents wanted to be able to choose therapists with whom they already had prior experience; and unfortunately Covid-19 also shifted services to phone/online, while some residents only felt comfortable building a rapport face-to-face.
- 14.45 ‘Resident welfare’ is also not just about official health services. For example, it could be frustrating trying to get clear and honest information, which tended to increase feelings of hopelessness and powerlessness. The language used by senior management was of ‘equity buy-backs’ instead of sensitively acknowledging people’s homes were lost, lives were derailed and personal belongings that survived the fire were not handled with care.

OUR RECOMMENDATIONS:

- In the aftermath of an emergency, recovery of health and welfare should be high priority for adults and children. It must be clear who is the responsible party for coordinating and managing the overall response
- Public health services have a useful role to play but where they are not able to meet resident needs, it should be possible to supplement this with private counselling services where they are more timely, flexible and appropriate. Expenditure should be reclaimed from the organisation with legal responsibility for the building.

15 HOUSING HEALTH AND SAFETY RATING SYSTEM: SAMUEL GARSIDE HOUSE SUMMARY REPORT – OCTOBER 2019

HHSRS Assessment of the Common Parts at Samuel Garside House, Under the Direction of London Borough of Barking and Dagenham (LBBB)

Dated: 18 October 2019

Contents

Introduction	2
Background	2
Relevant statutory provisions	2
The Housing Health and Safety Rating System	2
Enforcement	3
Inspection of the common parts	3
Further assessment	4
HHSRS assessment results	4
Samuel Garside House ('the building')	4
Significant assessment findings	5
HHSRS hazard assessment: hazard of fire – common parts	5
Balcony construction	5
Storage of flammable materials and items	6
Waste management and storage	6
Fire doors to the common areas	7
Automatic fire detection and alarm system	7
Balcony doors	8
HHSRS hazard assessment: Hazard of structural collapse and falling elements	
- common areas (the building)	8

Introduction

Background

On 9 June 2019, there was a major block fire at Samuel Garside House (SGH) in the London Borough of Barking and Dagenham (LBBB). The building is comprised of purpose-built residential flats occupied by a mix of owner occupation, housing association and private rented tenancies. Independent HHSRS Assessors were instructed by LBBB to carry out Housing Health and Safety Rating System (HHSRS) assessments of selected purpose-built flats and the common areas.

The HHSRS assessment findings were evaluated and this report details the significant findings for the building with a particular focus on fire safety. The purpose of the assessments is to inform LBBB as the enforcing authority under the Housing Act 2004 about the conditions found so that it can determine the appropriate actions it should take.

Relevant statutory provisions

The assessments were carried out with reference to the Housing Act 2004:

- The Housing Health and Safety Rating System (HHSRS) (England) Regulations 2005
- The HHSRS Operating Guidance: housing inspections and assessment of hazards ('the Operating Guidance') and, where applicable, to
- The HHSRS Operating Guidance: Addendum for the profile for the hazard of fire and in relation to cladding systems on high-rise residential buildings: Guidance about inspections and assessment of hazards in housing given under section 9 of the Housing Act 2004 ('the Fire Addendum').

While the Fire Addendum deals specifically with high-rise residential buildings with cladding, some aspects will be relevant for other issues relating to the exterior of a building, or to other residential buildings containing flats or apartments.

The Housing Health and Safety Rating System

The HHSRS is a health-based, risk assessment methodology for the evaluation of housing conditions. The system assesses the potential threat to the health and/or safety of actual or potential residential occupiers as a result of identified deficiencies. Where unavoidable and

potential hazards are found, these should be made as safe as possible. The HHSRS assessments are based on full and detailed inspection of the dwelling/s, and identified deficiencies are linked to associated hazard profiles. Each hazard considered to be worse than the national average is then rated (scored) where it is deemed that the likelihood of an 'occurrence' (as defined in the Operating Guidance) is greater than average. The assessments are carried out ignoring the current household (if any) and are based on the likelihood and outcomes of a hazardous occurrence suffered by a member of the age group most vulnerable to the hazard.

3

The hazard rating scores are banded from bands A to J. Those scores that fall within Bands A, B or C (a score of 1,000 or more) are deemed to be Category 1 hazards, while all scores

that fall within Band D and below are classed as Category 2 hazards. Where the local housing authority (LBBD in this case) consider that a Category 1 hazard exists on any residential premises, it must take the appropriate enforcement action in relation to the hazard. Where the local housing authority (LHA) considers that a Category 2 hazard exists on residential premises, it has the power to take enforcement action in relation to the hazard. Emergency measures cannot be used to deal with Category 2 hazards.

Enforcement

Once a significant hazard has been assessed and categorised, the LHA must decide on the most appropriate form of action to take with regard to the HHSRS Enforcement Guidance, Housing Act 2004, Part 1, Housing Conditions, and the LHA's enforcement policy in order to establish the most appropriate course of action.

The available options for action are as follows:

- Hazard awareness notice
- Improvement notice (which can be suspended)
- Prohibition order (which can be suspended)
- Emergency remedial action
- Emergency prohibition order
- Demolition order (Housing Act 1985 as amended)
- Clearance area (Housing Act 1985 as amended).

Prior to undertaking enforcement action where a prescribed fire hazard exists, the Local Housing Authority (HRA) must consult with the relevant fire and rescue authority for the area where the building is situated. Furthermore, there is a requirement under The Regulatory Reform (Fire Safety) Order 2005 ('the reform order') for the '**responsible person**' to carry out a fire risk assessment (FRA) to identify what fire hazards exist at the premises and what measures have been taken (or will be taken) to minimise the risk in the parts of buildings containing flats and maisonettes that are used in common.

Inspection of the common parts

The Housing Act 2004 permits the inspection and rating of the common parts. The summary report specifically considers the hazard assessments undertaken to the common parts of the building rather than individual dwellings or purpose-built flats. The assessment of the common parts includes the exterior of the building (as well as any cladding or other panels) and the internal common parts of each floor, including any corridors, hallways, stairways, facilities and amenities (such as refuse disposal and collection points).

4

Consideration is also given to private balcony areas and terraces, service risers and ducting. This is considered together with evidence (such as survey reports) that confirms relevant matters in relation to the building. Where survey reports are not available, they will be referred to as such and the assessment noted as a preliminary assessment.

Further assessment

For some hazards, further (possibly destructive) investigations may be necessary, or detailed measurements will need to be taken. A preliminary assessment or rating may be undertaken and revised, considering any subsequent information. The scope of the HHSRS assessment/s undertaken in this instance do not include anything in relation to sampling or testing (including ground or air). Also, the HHSRS is non-intrusive. Where further testing by specialists is required, for instance, structural, electrical or gas engineers, then the assessment will be a preliminary assessment pending further specialist reports or investigations.

HHSRS assessment results

Below is a summary of the HHSRS assessment findings for the common areas of the building. The hazard profile rating scores are based on the representations made by independent HHSRS assessors and reference Category 1 and 2 hazards for the purposes of the Housing Act 2004, Part 1.

The building: Samuel Garside House (common areas)

Fire (Hazard Profile 24):

- Hazard Rating Score: 641
- Hazard Band: D (Category 2 hazard)

Structural collapse and falling elements (Hazard Profile 29):

- Hazard Rating Score: 121
- Hazard Band F (Category 2 hazard)

Samuel Garside House ('the building')

Samuel Garside House was constructed in 2013/14. It consists of four connected blocks (A–D) of varying height from five to seven storeys (including a sub-level car park and ground-floor entrance lobbies leading up to the upper ground-level flats). The maximum storey height of the building is the seventh floor Block D, which was estimated at approximately 16 metres, from the upper balcony floor to ground level. In total, there are 79 purpose-built residential flats of mixed tenure in the building.

Following the block fire in June 2019, mitigating measures were implemented by the persons responsible for the building at SGH. The adopted mitigating measures were agreed with the London Fire Brigade (LFB) to allow re-occupation of residential flats following the fire. In summary, those measures included:

5

- A full waking watch established to patrol SGH, operating 24 hours a day, 7 days a week
- The review of the current FRA as a matter of urgency, taking into account the mitigating measures adopted
- Regular auditing of all balconies and instructions to residents on the banning of barbecues and smoking on or in the vicinity of the balconies
- Implementation of a comprehensive communication strategy with residents
- The installation of a temporary, audible fire alarm system, complying with British Standard 5839 Part 1 into the communal parts
- The construction of protective tunnels at all seven final exit doors, of robust construction, to give protection to the residents in the event of fire
- A full review of the timber on the external envelope of these and other buildings on the estate and an agreement on timeframes to complete any necessary work.

It is recommended that confirmation is obtained from LFB that they agree to, and are satisfied with, the mitigating measures in place at the building. This will be critical in determining whether the current on-site arrangements are safe for residents and members of the public whilst remediation works are undertaken on site.

Local arrangements are in place to ensure that overlaps between the enforcement of the Housing Act 2004 and the reform order are managed by the enforcing authorities namely LBBDD and LFB. These arrangements confirm liaison arrangements and lead authority positions in relation to SGH. This is to enable a consistent and coherent joint working arrangement by both enforcing authorities, including continued liaison for the duration of the remediation works at SGH.

It is recommended that LBBDD to continue to consult with the relevant fire and rescue authority (LFB) prior to taking any enforcement action in relation to a prescribed fire hazard (if one were to be found) in any common parts of a building containing one or more flats in accordance with Section 10 of the Housing Act 2004.

Significant assessment findings

HHSRS hazard assessment: hazard of fire – common parts

An assessment of the hazard of fire has been undertaken in relation to the building and associated common parts.

The fire hazard profile rating score, based on the representations made by independent HHSRS assessors, is a Hazard Band D, Category 2 hazard for the purposes of the Housing Act 2004, Part 1. The rating score was assessed in relation to the relevant matters detailed below and, where appropriate, specifications in relation to suggested remedial works are included.

Balcony construction

In relation to the external timber balconies and associated spandrels, no evidence has been provided to confirm that they are non-combustible. It is therefore assumed that the timbers are combustible and remain a significant risk to the spread of fire to the face of the external elevations of the building, despite removal of some non-essential elements.

6

Concern remains as to the conformity with current building regulation standards. The view endorsed by the government's advisory expert panel (following the Grenfell Tower fire) is that the provisions of the Building Regulations 2010 (as amended) in relation to external fire spread should apply to buildings, regardless of height, on a risk-based approach. Building owners need to ensure that any balconies do not compromise resident safety by providing a means of external fire spread.

- The removal and replacement of any combustibile material used in balcony construction is therefore the clearest way to prevent external horizontal and vertical fire spread from balconies. Combustibile material used in the external balcony structures should be removed or replaced to prevent horizontal and vertical fire spread, and this should be completed as soon as is practicable. Until such time as removal is practicable, it is recommended that the mitigating measures adopted remain, to the satisfaction of LFB.

Storage of flammable materials and items

Information received during the course of investigations confirms that leaseholders and occupiers have been instructed not to use barbecues on the balconies or store flammable items. However, there was evidence of storage, including flammable materials and furnishings, on balconies. There was also evidence of excessive storage of items in numerous flats, including excessive storage of combustibile items in cupboards housing electrical consumer units.

- Further information and instruction should be given to residents about the risks arising from storage on balconies and, indeed, generally within their properties, particularly where cupboards containing electrical equipment are also used for considerable storage. This information should make clear that smoking, the use of barbecues and storage of flammable property on balconies can increase that risk. Residents should be further instructed that they must not have any barbecues on any balcony, and that flammable and combustibile material must be avoided on balconies, as part of the mitigating measures.
- Where activities that could pose a fire risk or where storage of flammable materials is permitted under leasehold agreements, the provision of appropriate fire extinguisher and fire blanket on each of the balconies would be an appropriate mitigating measure.

Waste management and storage

Waste management within the building relies on four separate waste storerooms ventilated by large openings with metal gratings, located below the upper ground-floor (first-floor) balconies to the front (east) elevation of the building. The openings allow for the potential of fire to spread upwards from the waste storage area. In view of the proximity of the flat balconies to the car park, its ventilation openings, and the waste storerooms, refer to the specification for the automatic fire detection and alarm system (common areas) detailed below.

7

Fire doors to the common areas

There were concerns regarding several replacement temporary fire doors to un-occupied flats, these were fitted for the duration of reparations. The responsible persons confirmed that no flat will be occupied until any temporary fire door to the flat entrance is replaced by a suitable fire door and associated door-set. This practice should be managed by the persons responsible for management of the works and in liaison with the LFB.

A visual inspection of existing flat fire doors was undertaken based on those flats programmed for inspection under the direction of LBBB. Instances of disrepair of the fire doors serving flat entrances were noted. Disrepair included poorly functioning door threshold smoke seals, over-painted smoke seals, damaged door architraves, missing self-closers and damaged fire door and wall surrounds. Based on the sample of flats inspected, there is a concern about the condition of the fire doors serving flat entrances throughout the building and their ability to prevent smoke entry into escape corridors. To ensure the necessary fire protection is in place, a detailed examination of the fire doors serving the entrance to every flat is recommended by the enforcing authorities. Examination and remediation, where appropriate, should:

- Ensure all flat entrance fire doors and door sets opening onto the escape corridors and stairways are close-fitting and installed with intumescent smoke seals and strips. Door threshold smoke seals should be checked to ensure they are working effectively
- Ensure fire door self-closing devices are capable of closing the door securely into its frame from any open position, and that they will overcome the resistance of the door latch and edge seals
- Ensure that when temporary fire doors are replaced the entire door-set construction is renewed to overcome problems when fitting doors to frames of a different specification to the test construction
- Ensure that fire doors are being installed and maintained in accordance with BS 8214:1990.

Automatic fire detection and alarm system

An interlinked automatic fire detection and alarm system has been installed as part of the mitigating measures. The system includes interlinked smoke detectors and sounders to common areas; however, there is no link to the inner hallways of the flats, nor a sounder within the flat.

- The common fire alarm system installed as a mitigating measure to give a warning of fire throughout the building should be extended to include all flats as well as within the common parts. Due process is currently being followed in relation to the works required at the building and it is unclear how long the simultaneous evacuation strategy will be required. As such the common alarm system or automatic fire detection and alarm system supporting simultaneous evacuation should be interlinked to heat detectors in each of the residential flats

8

- Heat detectors should also be included in any other rooms, such as plant rooms and other ancillary facilities with windows or vents through which a fire could spread and ignite cladding, with specific reference to the waste storerooms and plant rooms located in the lower ground-floor car park. It is critical that the common alarm system installed in the premises does not have any adverse effect on the other fire safety provisions in the building. For example, the installation of a wired system must not create a route for fire and smoke to spread in fire-rated walls which were previously imperforate. If the system is an extension of the smoke detection system provided for a smoke control system, care must be taken to ensure that the operation of the smoke control system is not compromised by the communal system. Fire alarm systems installed in the common parts must be installed in accordance with BS 5839-1:2002.

Balcony doors

In almost all flats the external balcony glazed doors had dropped in places, leaving a gap between the top of the door and frame: these should be checked and adjusted in all flats to limit the spread of fire and smoke, either inwards or outwards.

- Where required and evidence of ill-fitting external doors onto the balconies (including the door frames and any openable lights) is noted, adjustment of the door, door sets and frames, ensuring they are close-fitting and of sound construction, is required.

HHSRS hazard assessment: Hazard of structural collapse and falling elements – common areas (the building)

An assessment of the hazard of structural collapse and falling elements for the building was deemed appropriate, based on the significant findings. The 'structural collapse and falling elements' hazard profile rating score, based on representations made by independent HHSRS assessors, is a Hazard Band F, Category 2 hazard for the purposes of the Housing Act 2004, Part 1. The rating score was assessed in relation to the relevant matters detailed below, including suggested additional measures.

Inspection of the sampled flats suggests localised displacement of the external cavity walls, evidenced by cracked mortar and brickwork. There was also evidence of cracked plaster at lintel level, which may be evidence of lintel displacement: this requires further investigation.

On inspection of the sampled flats to the rear elevation, the main areas affected by both external cracking to brickwork and internal plaster at lintel level above openings are the third, fourth and fifth floors, primarily in Blocks C and D to the rear elevation. This is similar in characteristic to the floor levels affected by fire to the front elevation where additional remedial measures to the cavity block and brick was required. It is recommended that the structural surveys undertaken to date are confirmed and reported to LBBDD to inform any decision on the need for additional investigations to the rear elevation at Blocks C and D.

Where the investigations undertaken to date by the persons responsible for the building at SGH does not include Block C and D rear elevations, then additional structural investigations are recommended to include the elevation described, by competent and suitably qualified structural engineers. The scoring and associated justifications made are a preliminary assessment, for the reasons described above.