



Legal update vis-à-vis recent life-loss fires

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INTRODUCTION

Overview

- A look at previous life loss fires and key legal developments
- An overview of the legal framework currently in place in relation to fire safety
- The Grenfell Tower fire – the review of Building Regulations and fire safety and possible further developments in legislation and guidance



The Development of fire safety legislation

- Stable door legislation
- Developed in response to needs and requirements of specific industries and types of buildings
- 2005 - Consolidation and de-regulation
 - Shifting responsibility away from enforcement bodies and on to those in control of premises
 - Who is the “Responsible Person”?
 - Competency and fire risk assessments
 - Quality of available guidance



Historic LIFE LOSS FIRES

Bradford City

- 11th May 1985
- 56 people died, 265 were injured
- The cause of the fire was a cigarette which was dropped between wooden floorboards of a stand onto rubbish which had accumulated below the stand
- The Popplewell Inquiry into Crowd Safety at Sports Grounds
 - Interim Report July 1985, Final Report 1986
 - New wooden grandstands
 - Immediate closure of other wooden stands deemed unsafe
 - Smoking banned in wooden stands



historic LIFE LOSS FIRES

Kings Cross Underground

- 18 November 1987
- 31 people died, 100 injured
- The cause of the fire was a lit match which was a lit match which fell through a gap on a wooden escalator and set fire the rubbish and grease which had accumulated beneath the steps
- Public Inquiry into the King's Cross Underground fire
 - February to June 1988
 - Report published October 1988



historic LIFE LOSS FIRES

Kings Cross Underground

- 157 recommendations, including:
 - Replacing wooden escalators
 - Extending a ban on smoking to all station areas
 - Heat detectors and sprinklers to be fitted beneath escalators
 - Radio equipment used by the BTP to be compatible with that used by firefighters
 - Improvements in firefighters' PPE
 - Staff emergency training to be improved

Fire Precautions (Sub-surface Railway Stations) Regulations 1989



historic LIFE LOSS FIRES



Piper Alpha

- 6th July 1988
- 167 people died
- Explosion and resulting oil and gas fires at a oil production platform in the North Sea
- Cullen Inquiry
 - November 1988
 - Report published 1990
 - 106 recommendations for changes to safety procedures for offshore installations

Offshore Installations (Safety Case) Regulations 1992

RECENT LIFE LOSS FIRES

Lakanal House

- 3rd July 2009
- 6 people died, approximately 20 injured
- Fire in a 14 storey tower block caused by a faulty television in a flat on the 9th floor. Rapid fire spread laterally and vertically.
- All those who died were located on the 11th floor
- The building had exterior cladding panels on it and had been identified as at risk of enabling a fire to spread should a fire break out in one of the flats.
- No public inquiry



RECENT LIFE LOSS FIRES

Lakanal House

- Inquests – 2013
 - Concluded that the fire was largely caused by “botched and unsafe renovation work” and the council’s failure to inspect the building
- The Coroner made extensive recommendations
- Southwark Council was prosecuted for breaches of health and safety legislation
 - failure to carry out a suitable and sufficient risk assessment
 - failure to take general fire precautions - including in relation to safety of employees
 - failure to ensure that premises were subject to a suitable system of maintenance
 - Fined £270,000 plus £300,000 in costs



Significant fires outside the UK

- **Mermoz, Roubaix 2012**
- **Lacrosse Building, Melbourne 2014**
- **Torch Tower, Dubai 2017**
- **Neo200 Building, Melbourne 2019**
- All feature cladding materials as a factor in the spread of the fire



Overview of the legal framework

- **The Regulatory Reform (Fire Safety) Order 2005**
- **'Responsible Person'** – employer, owner, occupier or anyone with control of the premises.
- Fire Risk Assessment
- **Fire Safety Measures:** Fire Extinguishers, Alarms, Signs
- **Escape Plans**
- **Training**
- **Offence:** causing risk of death or serious injury in case of fire.
- **Penalty:** fine/imprisonment – enforcement notices
- **HSWA 1974** considerations as well.

BREACH OF
COMPARTMENTALISATION

72 VICTIMS

24 FLOORS

40 FIRE ENGINES



200
FIREFIGHTERS

BUILT IN 1974

REFURBISHED IN 2016



FLAT 16

GRENFELL
ACTION GROUP
WARNINGS

SINGLE
CENTRAL
STAIRCASE

GRENFELL TOWER FIRE 14TH JUNE 2017

CLADDING

HORIZONTAL AND VERTICAL FIRE SPREAD

HOTPOINT FRIDGE
FREEZER

350 RESIDENTS

FIRE SPREAD THROUGHOUT THE NIGHT OF THE FIRE



The Grenfell tower public inquiry

- **List of Issues includes**

- What were the fire resistance, prevention, mitigation, evacuation and other fire safety measures (“fire safety measures”) in place at the time of the fire?
- Were the fire safety measures compliant with relevant building regulations, fire regulations, British Standards, other legislation, guidance and industry practice?
- What fire risk assessments had been made in relation to Grenfell Tower in the period January 2012-June 2017, including specifically at all times during the most recent modifications?
- What factors or motives influenced the decisions about the fire resistance, prevention, mitigation and safety measures?
- What if any assessments were carried out to balance such factors or motives with the safety of the residents?
- If such assessments were carried out, who carried them out, when and what did they conclude?
- What advice was given to those responsible for fire safety in Grenfell Tower and how did they respond to that advice?



Inquiry progress

- Chaired by Sir Martin Moore-Bick the Public Inquiry into the fire at Grenfell Tower has been running for some months now and Phase 2 preparations are well underway.
- 532 core participants (504 individuals) (28 organisations)
- **Phase 1:** focusses on the night of the fire.
- **Phase 2:** focusses on the construction of the building and the refurbishment.
- Awaiting interim recommendations.
- Inquests/Criminal proceedings on hold until the outcome of the Inquiry.



The Independent Review of Building Regulations and Fire Safety

Dame Judith Hackitt



Building a Safer Future

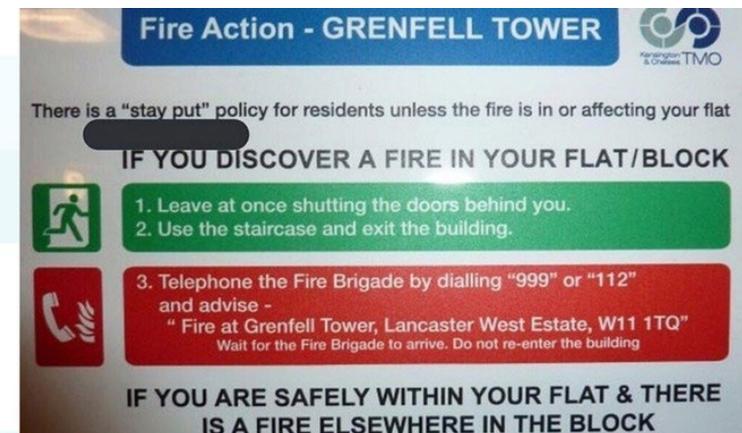
Independent Review of Building
Regulations and Fire Safety:
Final Report

Building a safer future..

- In the wake of the Grenfell Tower fire last year, former Head of the HSE, Dame Judith Hackitt was tasked with undertaking a review of fire safety and building regulations in the UK.
- Noted a number of issues and made a number of recommendations.
- **Issues included:** lack of engagement with the guidance and legislation, lack of regulatory oversight, lack of real enforcement threat/penalties, race to the bottom on fees.
- **Recommendations included:** new regulatory framework (clarifying roles and responsibilities), new joint regulator and working on giving residents more of a voice.

Stay put Policy

- One of the most widely publicised issues about the fire.
- **Delay** between policy changing on the night and the control room staff being notified severely criticised.
- Now a number of studies have revealed that tenants in similar residential blocks would **ignore stay put advice** in the event of a fire now.
- Some **28%** of tenants polled said they *couldn't understand* the rationale behind 'stay put' advice and **61%** said they would rather take matters into their own hands.
- In the last year, only **25%** of tenants have been reassured or had discussions with their landlord about fire safety in their building.



Cladding materials

- The use of **combustible materials** for all new high-rise residential buildings taller than 18 metres is to be banned.
- Also, proposing to ban the use of the cladding **in new hospitals, registered care homes and student accommodation.**
- A step in the right direction...
- “Put simply, combustible material does not belong on high-risk buildings housing the **most vulnerable in society,**”
- Calls for the ban to be **widened.**



Lfb reaction

- **Commissioner Dany Cotton:**
- "This is like nothing I've ever seen, it's like **something from a film**. My first thought was this can never happen to a building in England."
- "I would not change anything we did on the night."
- "I wouldn't develop a training package for a space shuttle to land in front of the Shard."
- "We would respond to it and deal with it in the same manner we do an incident of that scale. "I wouldn't expect us to be developing training or a response to something that simply shouldn't happen."
- Calls for **mandatory sprinklers**.
- The LFB says the failure of so many developers to heed its advice to fit sprinklers on new residential developments proves the industry "**cannot self regulate**" and that developers are "**consistently ignoring**" advice.
- "Sprinklers save lives, they're not a luxury,"

THE ROLE of FIRE SAFETY OFFICERS and Consultants

- Legal duties and **potential personal liability**
- Scope and adequacy of Fire Risk Assessments
 - What about external building walls/cladding (materials and construction) ?
- **Competency** of those carrying out Fire Risk Assessments
- Additional safety checks following Grenfell Tower



Fire doors

- The **failure of fire doors** at Grenfell Tower
 - Door furniture
 - Self-closers
- Doors installed differed from those tested by the manufacturer
- Existing **building regulations guidance** on new fire door installations
- An industry wide problem?
- Government expert panel
- Interaction between The Ministry of Housing, Communities and Local Government and manufacturers
- Wider **issue of testing specifications, standards and evidence** provided by companies that products meet certain standards



Wider construction community reaction

- **RIBA DEVELOPMENTS**

- RIBA has called for at least two staircases in new residential buildings, where the top floor is more than **11m above ground level or more than three storeys high**.
- RIBA has also expressed concern that the technical guidance in **Approved Document B** has been developed assuming that measures to resist the spread of fire will be 100% effective and the “stay put” policy can be relied on.
- Also introducing a **new test** for architects, which will be launched next year, will cover roles, responsibilities and legislation; Design Risk Management; and personal health and safety when working away from the office.

Gnm guidelines

- **New sentencing guidelines** have proposed jail terms of up to 18 years for gross negligence manslaughter.
- Offence being considered by investigators into the Grenfell fire and the Hillsborough disaster.
- Sentencing Council: *“Manslaughter offences vary hugely – some cases are not far from being an accident, while others may be just short of murder. While no sentence can make up for the loss of life, this guideline will help ensure sentencing that properly reflects the culpability of the offender and the unique facts of each case.”*
- **Sentences set to increase.**

Sentencing
Council

Manslaughter
Definitive Guideline

DEFINITIVE GUIDELINE

ANY questions?





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