1. Background information

1.1. Following the terrible and tragic events that happened at Grenfell tower in the London Borough of Kensington and Chelsea on the night of the 14th June 2017[1], many questions have been asked as to why it happened and what can be done to prevent this from ever happening again.

1.2. There are a number of investigations underway to try and provide answers to these questions, they are:

1.3. the police investigation

Around 200 officers, drawn from across the Met, are working full-time on the Grenfell Tower investigation in a variety of roles including family liaison, search teams, statement-takers and exhibits officers.

The investigation is focussing on the construction, refurbishment and management of Grenfell Tower as well as the emergency services' response. The types of offences that may be discovered could range from fraud, misconduct, health and safety breaches, breaches of fire safety regulations or manslaughter on a corporate and/or an individual level.

So far the investigation has identified 2,400 different people to speak to, including residents, firefighters, police officers and other witnesses. More than 1,000 statements have been taken.

A total of 670 firefighters that were involved in the rescue effort have been identified, 340 police officers and a similar number of ambulance staff. They will all have statements taken. From those police officers, 340 Body Worn Video clips have been downloaded and they have all been viewed.

More than 2,500 exhibits have been seized so far, many from within the tower.

Officers previously said they had identified 60 companies that had been involved in the construction, refurbishment or management of Grenfell. That number has now grown to 336 different organisations. Each is being contacted to establish exactly what their role was.

Where their role is considered relevant, digital downloads of all business records are being recovered. So far, in excess of 31 million documents have been recovered and it is anticipated that number will increase. Specialist software will be used to enable officers to process and search those millions of documents in order to find any relevant material that may be used evidentially at a later stage.

The forensic examination of the tower is ongoing and will continue into the New Year. This includes photographing and documenting every room on every floor, paying particular attention to fire safety provisions such as fire doors, the standards of construction work, the routing of pipework and smoke extraction systems. After that, there will be a series of further forensic tests including reconstructions. Only

[1] https://www.theguardian.com/uk-news/2017/jun/14/what-we-know-so-far-about-the-london-tower-block-fire

after that work is compete will officers be in a position to fully understand what happened, what went wrong and what questions need to be answered. [2]

1.4. the coroner's report

1. Westminster coroner Dr Fiona Wilcox was appointed. As of 16th November 2017 a list of names of victims who have been formally identified in agreement with the Coroner, Dr Fiona Wilcox was published[3], with a total of 32 other people have been formally identified but have not been named at the request of their families. The final figure of 71 that died as a result of Grenfell Tower has now been disclosed.

2.

1.5. the public inquiry

4. On 15 August 2017 the Prime Minister set the **terms of reference for the Inquiry**. At the formal opening of the Inquiry on 14 September 2017, Sir Martin set out a **list of issues to be investigated**[4] which included:

1) Grenfell Tower's original design, construction, composition (completed 1974)

2) Subsequent modifications prior to the most recent

3) Modifications to the interior of the building 2012-2016

4) Modifications to the exterior of the building 2012-2016 (including cladding and insulation)

5) The fire and safety measures within the building at the time of the fire

6) Inspections

7) Governance/Management

8) Communications with residents

9) Fire advice to residents 2012 to 14 June 2017

10) Response to Recommendations

11) The fire

12) The response of the emergency services

13) The aftermath

The inquiry's latest update[5] explains that:

Progress of the Inquiry
Following the formal establishment of the Inquiry in August, the Inquiry's initial focus has been the designation of Core Participants (CP), the securing of necessary expert involvement and the gathering of documentary evidence.

The Inquiry received an unprecedented number of CP applications. The Inquiry has also **appointed a number of leading experts** in the field of forensic fire analysis

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[2] http://news.met.police.uk/news/latest-grenfell-tower-fire-investigation-250453
[3] http://news.met.police.uk/news/family-tributes-to-victims-of-grenfell-tower-fire-247006
[4] https://www.grenfelltowerinquiry.org.uk/wp-content/uploads/2017/08/List-of-issues-to-be-investigated.pdf
[5] https://www.grenfelltowerinquiry.org.uk/news/update-from-the-inquiry/

and fire engineering. Analysis has begun of over 200,000 documents received to date, with more to follow.

The advice from our team of experts is that understanding the conditions within the Tower, including the generation and movement of fire and smoke, is of paramount importance. To enable the experts to reach firm conclusions, they need evidence of conditions at different levels within the building as the fire and smoke developed, as well as evidence of the development of flames on the outside of the building.

Obtaining accounts from both the former residents of Grenfell Tower and from the firefighters who responded is key to this. About 225 residents managed to escape from the building and approximately 260 firefighters attended the fire. There are therefore about 500 witnesses to interview, together with other people who have accounts which must be heard. Taking statements from such a large number of people, many of whom have been traumatised by their experience, is a time-consuming, but essential, process which has yet to be completed.

The pace of this process has been unavoidably affected by the existence of the concurrent police investigation, since it is vital that the work of the Inquiry must not undermine any future prosecution. This means that, in many instances, the police need to take statements from potential witnesses before statements can be taken for the Inquiry. This is to ensure that the integrity of the evidence given to the police cannot be called into question at any future criminal trial.

Once the process of obtaining relevant statements from former residents and firefighters is complete, a number of steps will need to be taken before evidential hearings can begin. These include: analysing the evidence that has been shared by witnesses; making it available to Core Participants for them to prepare their representations; obtaining reports from the experts instructed by the Inquiry and disclosing them to Core Participants; and deciding who should be called to give oral evidence, giving them adequate preparation time and preparing the Phase 1 evidence bundles.

Consequently, the Inquiry has advised Core Participants that the Inquiry will consider the structure and timetable for progressing the Inquiry at a procedural hearing on 11 and 12 December 2017.

The inquiry has appointed a panel of industry experts to work as ‘expert witnesses’ in the field of fire engineering and forensic fire analysis to assist and advise on the inquiry[6], they are:
Dr Barbara Lane, FREng, Chartered Fire Engineer, Leader of Fire Safety Engineering at Arup
Colin Todd, Fire Safety Consultant, CS Todd & Associates Ltd
Professor Edwin Galea, CAA Professor of Mathematical Modelling, Director Fire Safety Engineering Group, University of Greenwich
Professor José L. Torero, John L. Bryan Chair and Director of the Center for Disaster Resilience, University of Maryland, USA

[6] https://www.grenfelltowerinquiry.org.uk/wp-content/uploads/2017/08/Grenfell-Tower-Inquiry-expert-witnesses.pdf

Professor Luke Bisby, Professor of Fire and Structures and Head of Research Institute, School of Engineering, University of Edinburgh Professor Niamh Nic Daeid, Director of Research, Centre for Anatomy and Human Identification, School of Science and Engineering, University of Dundee
Steve McGuirk, former Chief Fire Officer Greater Manchester, Cheshire and South Yorkshire, former President of the Chief Fire Officers Association, Board Member and Fellow of the Institution of Fire Engineers and former Lead Adviser to the Local Government Association

2.6 Independent review of the Building Regulations and fire safety (the Hackett review)

On 30 August 2017 the Government published the terms of reference[7] for the independent Review of Building Regulations and Fire Safety[8] that was commissioned following the Grenfell Tower fire tragedy.

This Review will urgently assess the effectiveness of current building and fire safety regulations and related compliance and enforcement issues, with a focus on multi occupancy high rise residential buildings. This will include addressing whether the government's large-scale cladding system testing programme identified any potential systemic failures.

The Review's 2 key priorities are to develop a more robust regulatory system for the future and provide further assurance to residents that the buildings they live in are safe and remain safe. While the Review will cover the regulatory system for all buildings, it will have a specific focus on multi occupancy high rise residential buildings.

The review published a call for evidence on 12th September 2017, which closed mid October, with the review team currently collating the responses received.

Although no formal update has been published, an interim report is expected to be published before Christmas 2017, with the final report due Spring 2018.

3.1 **Leeds City Council Building Controls involvement in the Hackett Review**

Through LABC Building Control attended a meeting with Andrew Patterson and Ben State who are working on the Hackett report. This was to enable them to listen to the thoughts and views of key players in Local Authority Building Control. The also updated us on progress of the review.

They are reviewing the whole system of Building Control and fire certification.

Looking at the Local Authorities dual role, which is different from Private Building Control Bodies, who have no enforcement powers.

Documentation and accountability of existing stock, no details of existing there is no central data base of information on buildings. DCLG have recently set up a database of private residential towers over 18m. LCC Building Control has sourced and supplied this information to them.

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[7] https://www.gov.uk/government/publications/independent-review-of-building-regulations-and-fire-safety-terms-of-reference

[8] https://www.gov.uk/government/news/independent-review-of-building-regulations-and-fire-safety-publication-of-terms-of-reference

The current Building Control system is not working very well and it is not giving the outcome of providing safe and compliant buildings.
There is choice in the market place, but it isn't a level playing field between providers.

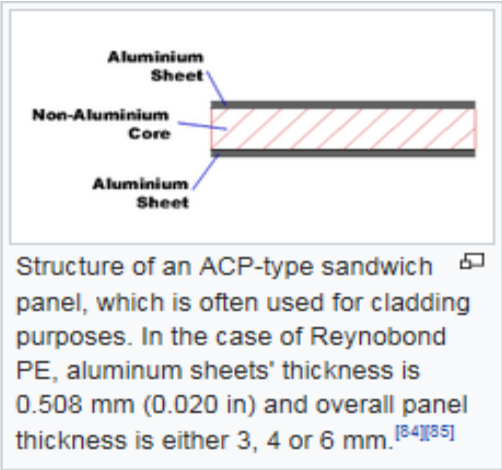
There is the ability for people to shop around with their scheme untill they find someone who is prepared to except it. We are all working to the same Approved Documents, but the guidance is open to different interpretations.
There have been occasions where a client has changed between Building Control bodies because they didn't like the interpretation they were getting, this is clearly not right.

All Building Control bodies are required to consult with the Fire and a Rescue Service on commercial schemes. But their recommendations only need to be passed on to the client. At LCC we work with WYFR to come to a joint decision do other Building Control bodies do this?
There is no involvement from the Fire and Rescue Service once the plan has been approved. This didn't use to be the case, joint completion inspection were carried out, where all fire safety systems were checked. This is no longer possible due to cuts in staff and increased workloads.

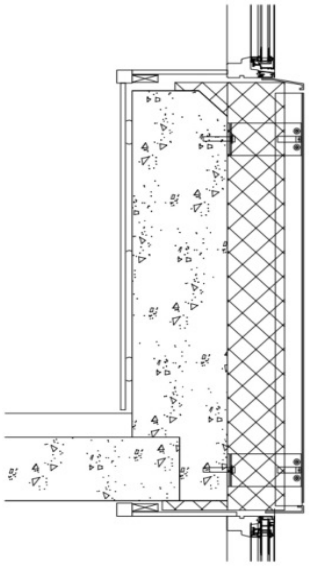
What we know about Grenfell, it was a residential tower built in the 70s completed in 1974, concrete frame 23 storeys high single stair with central core.
There is nothing unusual about a single stair residential tower, the Building Regulations allows you to build a tower of any height with a single stair. Under current guidance anything newly constructed over 30 metres tall has to have sprinklers installed. This came in in the 2006 Part B which came in force April 2007

3.2 The Building Regulation Part B and the guidance on external cladding.
The Approved Document that deals with fire safety is Part B of the Building Regulations. The current Edition is the 2006 Part B that came in force in April 2007, prior to this was 2000 Part B.

ACM Panel Cladding Detail Grenfell Tower



Structure of an ACP-type sandwich panel, which is often used for cladding purposes. In the case of Reynobond PE, aluminum sheets' thickness is 0.508 mm (0.020 in) and overall panel thickness is either 3, 4 or 6 mm.[B4][B5]



The Building Regulation B4 that relates to external fire spread. This is the regulation, the rest of the Approved Document is guidance. This is to prevent fire spreading from one building to another. No consideration is given to fire re-entering via windows. Other than hospitals.

EXTERNAL FIRE SPREAD **B4**

The Requirement

This Approved Document deals with the following Requirement from Part B of Schedule 1 to the Building Regulations 2000.

Requirement	*Limits on application*
External fire spread	
B4. (1) The external walls of the building shall adequately resist the spread of fire over the walls and from one building to another, having regard to the height, use and position of the building.	
(2) The roof of the building shall adequately resist the spread of fire over the roof and from one building to another, having regard to the use and position of the building.	

The guidance in the 2000 Part B for buildings over 18m is that the external and internal face of the cladding is to be Class 0, the cavities to have cavity barriers installed and any Insulation in the cavity to be of limited combustibility.

External surfaces

13.5 The external surfaces of walls should meet the provisions in Diagram 40. However, the total amount of combustible material may be limited in practice by the provisions for space separation in Section 14 (see paragraph 14.7 *et seq*). Where a mixed use building includes Assembly and Recreation Purpose Group accommodation, the external surfaces of walls should meet the provisions in Diagram 40c.

Note: One alternative to meeting the provisions in Diagram 40 could be BRE Fire Note 9 *Assessing the fire performance of external cladding systems: a test method* (BRE, 1999).

13.6 In the case of the outer cladding of a wall of 'rainscreen' construction (with a drained and ventilated cavity), the surface of the outer cladding which faces the cavity should also meet the provisions of Diagram 40.

External wall construction

13.7 The external envelope of a building should not provide a medium for fire spread if it is likely to be a risk to health or safety. The use of combustible materials for cladding framework, or of combustible thermal insulation as an overcladding or in ventilated cavities, may present such a risk in tall buildings even though the provisions for external surfaces in Diagram 40 may have been satisfied.

In a building with a storey 18m or more above ground level, insulation material used in ventilated cavities in the external wall construction should be of limited combustibility (see Appendix A). This restriction does not apply to masonry cavity wall construction which complies with Diagram 32 in Section 10.

Advice on the use of thermal insulation material is given in the BRE Report *Fire performance of external thermal insulation for walls of multi-storey buildings* (BR 135, 1988).

In the 2006 Edition of Part B (from April 2007) this guidance changed a little. This change was not highlighted as one of the main changes.

External wall construction

12.5 The external envelope of a building should not provide a medium for fire spread if it is likely to be a risk to health or safety. The use of combustible materials in the cladding system and extensive cavities may present such a risk in tall buildings.

Externall walls should either meet the guidance given in paragraphs 12.6 to 12.9 or meet the performance criteria given in the BRE Report *Fire performance of external thermal insulation for walls of multi storey buildings* (BR 135) for cladding systems using full scale test data from BS 8414-1:2002 or BS 8414-2:2005.

The total amount of combustible material may also be limited in practice by the provisions for space separation in Section 13 (see paragraph 13.7 onwards).

External surfaces

12.6 The external surfaces of walls should meet the provisions in Diagram 40. Where a mixed use building includes Assembly and Recreation Purpose Group(s) accommodation, the external surfaces of walls should meet the provisions in Diagram 40c.

Insulation Materials/Products

12.7 In a building with a storey 18m or more above ground level any insulation product, filler material (not including gaskets, sealants and similar) etc. used in the external wall construction should be of limited combustibility (see Appendix A). This restriction does not apply to masonry cavity wall construction which complies with Diagram 34 in Section 9.

In a letter from DCLG dated 22nd June, this clarification was given, this had not been highlighted as a change to the 2006 Part B. It was not included in any training that we attended, we attended training on the new 2006 Part B given by Anthony Burd from DCLG.

[1] For the avoidance of doubt; the core (filler) within an Aluminium Composite Material (ACM) is an "insulation material/product", "insulation product", and/or "filler material" as referred to in Paragraph 12.7 ("Insulation Materials/Products") in Section 12 "Construction of external walls" of Approved Document B (Fire safety) Volume 2 Buildings other than dwelling houses. (The important point to note is that Paragraph 12.7 does not just apply to thermal insulation within the wall construction, but applies to any element of the cladding system, including, therefore, the core of the ACM).

Until this clarification there was not a requirement for the core of an ACM panel to be of limited combustability.

3.3 **Leeds City Council reporting**
LCC Building Control have been leading on data collection for the 144 high rise private residential towers in Leeds, no database existed, prior to us undertaking this piece of work. This information was used by the Towers Caseworker Team at DCLG.
I attended a meeting on the 12th October as lead officer for Leeds City Council, this was a meeting of the top 7 LA's with privately owned towers. Leeds was lead authority at the meeting, we much further on in the process of collecting information. Following the meeting Leeds shared our expertise with other local authorities.
Building Control continues to liaise with Mark Lambert Relationship Manager at the Casework Team DCLG.
The Building Control team have input all the data for Leeds, into DCLG's Delta system this was done within 2 working days, meeting the deadline. Access to the system had been delayed due to problems with the system at DCLG.
The data originally collected showed there were 72 towers in Leeds over 18m that were clad with some form of cladding, these were placed on the Amber list for further investigation.
All the owners of the 72 towers were e-mailed and written to.
Following on from a request from DCLG, 31 of the towers that claimed they had no ACM were asked to complete a form to give further confirmation details of this claim, we are still waiting for a number of these to be returned.
The other 72 towers were not clad and were put on our green list.
After lots of investigation work by Building Control of the 144 towers in private ownership. There were found to be 12 towers that had ACM that had failed the BRE testing.
9 of these were residential towers. Building Control worked closely with WYFR on these buildings, measures were put in place by to allow these to still operate.

The 12 Building's in Leeds Identified as having ACM cladding.
- The Cube, 125 Albion Street
- Basilica, 92 Albion Street
- Clarence Dock - Mackenzie House, Magellan,
- Riverside West
- Quay One
- 1 Brewery Wharf
- 20:20 Block B Skinner Lane
- City Island 2 (Waterside Apartments) Aruba and Montaque
- Waterloo Court - measures removed
- Park Plaza Hotel
- Sky Plaza
- Welcome Trust Bremerton Building, St James Hospital

3.4 Leeds City Council building control
Leeds Building Control.
We currently have approx 65% market share in Leeds of all Building Regulations application, we have to compete on price as well as the quality of our service.
Our fee income is approx £1.5m with a potential loss of £800k to our competitors.

Unlike our competitors carry out enforcement and many other statutory functions. This has to be paid for out of the Building Control fee account. We used to get £400k to carry out these Statutory roles, we now are cost neutral and are on course to show a £150k surplus.

3.5 The role of planning

On the 13th July 2017, London Assembly member **Len Duvall asked the Mayor of London Sadiq Khan:**

How will your London Plan respond to the Grenfell Tower fire?

Answer

The Mayor

My team are currently exploring the role the planning system can play in improving safety. I am aiming to include policy in the new London Plan which seeks to ensure developments are designed to minimise potential risks from fire and other hazards. I am also investigating the potential to introduce policy into the London Plan which ensures that developments are designed to incorporate appropriate safe emergency evacuation for all building users, including disabled people, for example via the use of fire evacuation lifts. Leeds City Council could look at the Mayor of London's new policies covering fire safety in the new London Plan which will be published on 29th November 2017, and explore whether a similar approach, to improve the level of fire safety in new build developments could also be adopted in Leeds?

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4.5. Legal implications, access to information, and call-in

Public Sector Equality Duty of the Equality Act applies to Leeds City Council as a public body and it requires:

In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are sometimes referred to as the three aims or arms of the general equality duty. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others. Leeds City Council is aware of and looking into issues of fire safety and how they impact on specific groups within the diversity of the population of Leeds, including (but not limited to); disabled people, older people, facilities with young children.