



This matter is being dealt
with by: Hazel Mackel
Ext: 561 1042
Direct Line: 0191 561 1042
Your Ref:
Our Ref:
Date: 6 November 2019

Dear Councillor

You are summoned to attend the Meeting of the Authority to be held in the Main Authority Room, Fire and Rescue Headquarters, Barmston Mere on **Monday 18 November 2019** at **10.30am** when it is proposed to transact the business set out below.

Yours sincerely

Chris Lowther
Chief Fire Officer and Chief Executive
Clerk to the Authority

Service Headquarters Nissan Way Barmston Mere Sunderland SR5 3QY
Telephone 0191 444 1500 Fax 0191 444 1512



INVESTOR IN PEOPLE




Sunderland
City Council

A G E N D A

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PART II

Local Government (Access to Information) (Variation) Order 2006

The reports contained in Part II of the Agenda are not for publication as they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) (Local Government Act 1972 - Schedule 12A, Part 1 Paragraph 3). The public interest in maintaining this exemption outweighs the public interest in disclosing the information.

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Item No. 3

Minutes of the Meeting of the
TYNE AND WEAR FIRE AND
RESCUE AUTHORITY held in the
Fire and Rescue Service
Headquarters, Barmston Mere on
MONDAY 14 OCTOBER 2019 at
10.30am.

Present:

Councillor Taylor in the Chair

Councillors Butler, Dodds, Duggan, Forbes, Flynn, Haley, Kilgour, Oliver, Pickard,
Purvis, Samuels and Stephenson

Part I

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors
Burdis, Hunter and Woodwark together with Ms C.K. McGuinness (PCC).

Declarations of Interest

The following interests were declared and the parties listed below advised that they
would withdraw from the meeting prior to consideration of the report detailed:-

Item 8 – The Impeller Group – Update
Report

Councillor Taylor and the Chief Fire
Officer declared an interest as directors
of TWFRS Ltd.

ACO Baines declared an interest as a
director and Chair of Impeller
Assurance & Resilience Ltd

Minutes

31. RESOLVED that:-

- (i) the minutes of the meeting of the Authority held on 16 September 2019, Part I, be confirmed and signed as a correct record subject to the amendment to replace Councillor Purvis with Councillor Samuels on the Appointments Committee; and
- (ii) the minutes of the meeting of the Human Resources Committee held on 22 July 2019 be noted for information.

Procedure for Review of Members' Allowances Scheme

The Chief Fire Officer/Chief Executive (Clerk to the Authority), the Deputy Clerk and the Strategic Finance Manager submitted a joint report setting out the legal background to the adoption of schemes of allowances, outlining the result of enquiries of other authorities as to their practice and proposed options for consideration by the Authority.

The Deputy Clerk reminded Authority Members that at its meeting in March 2019, the Authority had agreed that the Chief Fire Officer would undertake a review of the current arrangements. She highlighted that the provisions for approval of allowances schemes by authorities was set out in the Local Authorities (Members' Allowances) (England) (Regulations) 2003 and guidance issued by the HMRC and former Office of the Deputy Prime Minister.

The Deputy Clerk reported that the Regulations did not apply identical requirements to all the different types of authorities to which they applied. She advised that while joint authorities established under Part IV of the Local Government 1985 (of which the Tyne and Wear Fire and Rescue Authority was one) were required to adopt an allowances scheme before 1 April each year, unlike other types of authority, they were not required to establish an Independent Remuneration Panel (IRP). Instead they were to have regard to the recommendations of the panels of the authorities by which its members were nominated. She explained that the Authority had sought recommendations from the IRP for Sunderland Council in the past, however the Authority could decide not to continue that practice.

The Deputy Clerk advised that as part of the review a request for information regarding the process followed at other joint or combined authorities was made through the Fire Lawyers Network and only a few responses had been obtained. In addition, the websites of other authorities were viewed to see if information could be obtained in relation to their processes. She drew attention to the variety of approaches undertaken by other authorities which included an IRP being drawn from members of IRPs of constituent authorities, using the IRP of the lead authority, commissioning a consultant and building in index linked increases.

The Deputy Clerk commented that while there was no requirement for the Authority to use an IRP, she requested Members to consider whether there would be merit in having some form of external review and if so, to consider how frequently they would wish to undertake detailed reviews. She drew attention to the following possible options:-

- (a) Continuing to use the IRP from Sunderland City Council, or
- (b) Authorising the Strategic Finance Manager and Deputy Clerk to appoint a pool of members, drawn from members of the IRPs of constituent authorities who were willing to participate in reviews of the Fire Authority scheme, from which the officers would convene a panel of no less than 3 members to undertake reviews and make recommendations to the Fire Authority, or
- (c) Authorising the Strategic Finance Manager and Deputy Clerk to appoint an external consultant to review the Scheme and make recommendations, or
- (d) Not obtaining any external view on the Scheme at this stage and reviewing the position should any changes be considered appropriate in future. If this was the preferred option, it might be considered appropriate to agree to undertake a detailed review, with some form of external input, at intervals of no more than four years, even if no specific proposals for change were contemplated. Should there be any changes proposed to the Authorities' governance arrangements and/or allowances scheme in the meantime, this would prompt an earlier review or
- (e) Adopting an annual increase (by CPI) in allowances each year with a review being carried out only in exceptional circumstances when any member role changes.

The Deputy Clerk requested Members to consider how a consultant or panel would be remunerated. She advised that an external consultant should be remunerated on a commercial basis and if a Panel, Members should consider what remuneration would be appropriate for Panel members. She explained that the approach taken by different authorities varied significantly, with some paying expenses only and others paying a daily or annual rate. She suggested that if the Authority decided to continue to utilise a Panel, it might be appropriate to authorise payment of up to £400 plus reasonable travel and subsistence expenses for the undertaking of a full review and for the Strategic Finance Manager, in consultation with the Chief Fire Officer, to be authorised to pay such lower sum as was considered appropriate in respect of any "light touch" reviews.

Councillor Forbes reflected that over the period of austerity of the last ten years, the Authority had shown real leadership by freezing the scheme of allowances. He advised that the process of setting a scheme of allowances should be a review process. He proposed that the Authority should continue to use the IRP from Sunderland City Council with the additional request that the Panel consider linking any increase in the allowances with the percentage pay award of firefighters. He also requested that an annual engagement process be undertaken with the Authority Chair and interested Members, ahead of their recommendations, to enable members to give some shape to the Panel considerations. .

Councillor Duggan concurred with Councillor Forbes and added that the Authority should also consider cutting allowances.

Councillor Oliver commented that any consultation with Members should be with each individual Councillor and not just with Group Leaders. He advised that the recommendations from an IRP were only recommendations to the Fire Authority and a cut in allowances should be considered. He reported that Sunderland Council, the lead authority to the Fire Authority, would be considering a reduction in allowances in November.

Councillor Flynn also concurred that any increase in allowances should be in line with the firefighters' pay award and any recommendations from the IRP could be accepted or rejected by the Fire Authority.

Councillor Forbes reported that Authority could agree that the scheme of allowances could not be increased above any recommendations of the IRP. He enquired if there was anything in place to allow a Member to reject all or part of an allowance.

The Deputy Clerk confirmed that a Member could choose to reject all or part of their allowance. She reiterated that the Authority was not required to consult an IRP and could change the scheme of allowances without consultation. She reminded Members that the purpose of the report today was to consider how to deal with the scheme of allowances in the future and not to set the rates for the following year. She added that if the Authority decided to proceed with an annual engagement, all Members would be invited to make written representations over and above those Members invited for interview by the IRP.

Councillor Haley referred to a review of allowances undertaken two years ago, and he reminded Members that they were all invited to make representations.

Consideration having been given to the report and the options, it was:-

32. RESOLVED that:-

- (i) the Authority continue to use the IRP from Sunderland City Council, with reviews being undertaken on an annual basis, and the Strategic Finance Manager and the Deputy Clerk be authorised to undertake all associated action to implement the Authority's decision; and
- (ii) payment of up to £400 plus reasonable travel and subsistence expenses be authorised for the undertaking of a full review and that the Strategic Finance Manager, in consultation with the Chief Fire Officer, be authorised to pay such lower sum as considered appropriate in respect of any "light touch" reviews.

Firefighter Recruitment

The Chief Fire Officer/Chief Executive (Clerk to the Authority), the Strategic Finance Manager and the Personnel Advisor to the Authority submitted a joint report on the current position relating to Trainee Firefighters and to provide a forward look at forthcoming Firefighter recruitment.

ACFO Baines highlighted that the recruitment of trainee firefighters was critical to balance operational deployment within the current challenging financial environment and to support the delivery of the Strategic Community Safety Plan. He reported that there had been a recruitment freeze from 2010 to 2018 and the Authority was currently under establishment. He advised that added to that, the Service faced a challenge to ensure inclusivity and diversity of its workforce.

The attention of Members was drawn to the recruitment campaign which was undertaken in 2018 in collaboration with County Durham and Darlington and Northumberland Fire and Rescue Services. It had resulted in 23 Trainee Firefighters successfully completing the course and they would be deployed to station with effect from February 2019. An additional course of Trainee Firefighters commenced their training course in September 2019 and it was anticipated that those successful would be deployed to station in December 2019.

ACFO Baines reported that current vacancies would be filled by two strands of Firefighter Recruitment, Inter Service transfers and Wholetime Firefighter Recruitment Campaigns. He advised that to date, approximately thirty applications had been received and it was anticipated that the successful individuals would be posted in late December 2019.

The Authority was advised that the Wholetime Recruitment Campaign was again working in collaboration with County Durham and Darlington Fire and Rescue Service and Northumberland Fire and Rescue Service and included a number of phases with an inclusive workforce initiative to promote diversity and inclusion prior to applications being invited. As part of the inclusive workforce initiative, taster sessions for applicants are scheduled throughout October 2019, with 1,000 places available for candidates to attend across the three services. The advert for applications would open in early November 2019.

Councillor Dodds referred to the report on Firefighter Recruitment considered at a recent Human Resources Committee and enquired why two of the trainee Firefighters had subsequently dropped out of the course. ACFO Baines advised that he would advise of the circumstances outside of the meeting.

Councillor Haley welcomed the report and the efforts to ensure inclusivity and diversity within the workforce. He agreed that it was a challenge to have a fully diverse workforce and whilst they might not have the protected characteristics, the individuals would have diverse life stories. ACFO Baines agreed that the recruits had great life experience and skills that contributed to the diverse workforce.

Councillor Kilgour enquired whether the Fire Service was achieving national targets for inclusivity and diversity particularly in relation to recruiting women and individuals from a BME background to reflect the local population. ACFO Baines reported that the Government had not set any targets during the last recruitment programme. He advised that communications through radio and social media at a moderate cost had enabled the recruitment programme to target certain profiles. He explained that it had been reported at the National Fire Chiefs' Council that other Fire Authorities had resumed recruitment two to three years ago and had been more successful in achieving inclusivity and diversity in the workforce. He expected that the Tyne and Wear Fire Service would be equally as successful in the coming years.

Consideration having been given to the report, it was:-

33. RESOLVED that:-

- (i) the contents of the report be noted; and
- (ii) further reports be submitted to the Authority as appropriate.

IRMP Response Review Update

The Chief Fire Officer/Chief Executive (Clerk to the Authority), the Strategic Finance Manager and the Personnel Advisor to the Authority submitted a joint report on an update on the 2017-2020 IRMP review of how the Authority responds relative to risk and to requests the Authority to consider the decision whether to proceed.

ACFO Robson reminded Members that at the Authority meeting in February 2018, proposal 1 of the IRMP Response Review was approved and the Chief Fire Officer was authorised to carry out the necessary work to allow the Authority to fully consider the implications of implementing proposals 2 and 3 if future Central Government funding was not forthcoming and requested further reports on these matters.

ACFO Robson reported that following a period of financial uncertainty, the Chancellor of the Exchequer had announced the end of austerity and all government departments would see at least an inflationary increase to their existing funding. The Chancellor also confirmed that a more detailed Spending Review would be carried out in the summer of 2020 to allocate public sector resources into the medium term. He advised that according to the Chancellor the improved outlook for the economy was sustainable and if this was confirmed would mean that the resources available to the Authority could improve compared to the assumptions currently reflected in the MTFS which was predicated on the Fire and Rescue Service continuing to receive cuts to government funding year on year.

ACFO Robson cautioned that however there were still elements of uncertainty surrounding Brexit and the Government's planned changes to how local government resources would be distributed. He advised that added to this, was the impact caused by being required to consider potential changes the Day Crewing (Close Call) ("DC (CC)") staffing model at Birtley and Rainton Bridge community fire stations, therefore reconsidering the deferral of a decision on proposals 2 and 3 (outlined in the report) had become more of a reality for the Authority.

Councillor Forbes commented that the period of austerity was paused rather than over as it was likely that there would be difficult times ahead. He reported that the Chancellor's announcement was more of a pre-election spending spree that would have little impact over the long term. He advised that as public safety was paramount it would be best to reconsider the position in the New Year once the comprehensive spending assessment had been announced.

Councillor Oliver having enquired when the Authority would be required to start its financial planning, was advised by ACFO Robson that it all depended on the financial settlement. ACFO Robson remained cautious over implementing proposals 2 and 3 in case there was an upturn. He added that during the period of the one-year settlement a review of the implementation proposals could be undertaken, to include the attendance times for day crew and close calls, to enable the Authority to make an informed decision.

Councillor Pickard concurred with that proposal and added that in February 2019, the Authority had made the correct decision on operational and financial grounds to put the implementation proposals 2 and 3 on hold.

Consideration having been given to the report, it was:-

34. RESOLVED that:-

- (i) the contents of the report be endorsed;
- (ii) consideration of the implementation of the IRMP proposals 2 and 3 be deferred pending notification of Central Government funding settlement and the detailed Spending Review in the summer of 2020 to allocate public sector resources into the medium term in order that the Authority can make an informed decision;
- (iii) the Chief Fire Officer be authorised to action the Authority's decision regarding ii) above;
- (iv) further reports be submitted to the Authority as appropriate.

Local Government (Access to Information) (Variation Order) 2006

35. RESOLVED that in accordance with the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during consideration of the remaining business as it was considered to involve a likely disclosure of information relating to any individual or which is likely to reveal the identity of an individual or to the financial or business affairs of any particular person (including the Authority holding that information) (Local Government Act 1972, Schedule 12A, Part I, Paragraphs 1, 2 and 3). The public interest in maintaining this exemption outweighs the public interest in disclosing the information.

(Signed) T. TAYLOR,
Chair

Note:

The above minutes comprise those relating to items of business during which the meeting was open to the public.

Additional minutes in respect of other items are included in Part II.

TYNE AND WEAR FIRE AND RESCUE AUTHORITY

Item No. 4

MEETING: 18 NOVEMBER 2019

**SUBJECT: MERITORIOUS CONDUCT – FIRE AND RESCUE AUTHORITY
AWARD**

**REPORT OF THE CHIEF FIRE OFFICER/CHIEF EXECUTIVE (THE CLERK TO THE
AUTHORITY)**

1 INTRODUCTION

- 1.1 The Bravery and Meritorious Conduct Awards Scheme provides for Members of the Authority to recognise individuals who perform commendable acts of bravery, gallantry or community actions.
- 1.2 The purpose of this report is for the Authority to recognise the brave and meritorious actions taken by Mr Paul Stainthorpe during a member of the public's attempt to take their own life.

2 BACKGROUND

- 2.1 At the commencement of today's meeting, the Chairman of the Authority, Councillor Tony Taylor, will present an Award for brave and meritorious conduct to Mr Stainthorpe in recognition of his actions in rescuing a member of the public from the River Tyne, Newcastle. If not for the actions of Mr Stainthorpe there could well have been a tragic end to the incident.
- 2.2 On 27 August 2019 a member of the public entered the River Tyne from the Tyne Bridge, Newcastle. Mr Stainthorpe having witnessed this whilst running along the quayside, without any due consideration for his own safety, entered the water and performed a swimming rescue.
- 2.3 Mr Stainthorpe then assisted the casualty to swim to the riverside where he safely and securely held them both to the ladders on the quayside until the arrival of the emergency services.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications in respect of this report.

5 EQUALITY AND FAIRNESS IMPLICATIONS

- 5.1 There are no equality and fairness implications in respect of this report.

6 HEALTH AND SAFETY IMPLICATIONS

6.1 There are no health and safety implications in respect of this report.

7 RECOMMENDATIONS

7.1 The Authority is recommended to:

- a) Endorse the Award for Meritorious Action; and
- b) Congratulate and thank Mr Stainthorpe for his actions.

BACKGROUND PAPERS

The under mentioned Background Papers refer to the subject matter of the above report:

- Bravery and Meritorious Conduct Policy

TYNE AND WEAR FIRE AND RESCUE AUTHORITY

Item No. 5

MEETING: 18 NOVEMBER 2019

SUBJECT: APPOINTMENT OF INDEPENDENT PERSON

**JOINT REPORT OF THE CHIEF FIRE OFFICER/CHIEF EXECUTIVE (CLERK TO
THE AUTHORITY) AND DEPUTY CLERK TO THE AUTHORITY**

1 INTRODUCTION

- 1.1 Under the Localism Act 2011, the Authority is required to appoint an Independent Person (IP), whose views are sought and taken into account in connection with complaints about members' conduct. The IP receives an annual allowance of £200 and reasonable travel and subsistence expenses are reimbursed.
- 2.2 At its meeting on 11 December 2017, the Authority appointed Mr Dennis Hall to the post for a period of two years, with provision for the Authority to extend the appointment on two subsequent occasions (i.e. 6 years in total).
- 2.3 Mr Hall is a retired local government solicitor and former monitoring officer, with extensive knowledge and experience of local government. He is also the Independent Person for Sunderland City Council and while there have been no complaints about members of the Tyne and Wear Fire and Rescue Authority to consider, Mr Hall has provided valuable input and support to the complaints process in Sunderland, which has extended his appointment for a further two year term. It is therefore recommended that his period of office also be extended by this Authority.

3.0 RECOMMENDATION

- 3.1 The Authority is recommended to extend the period of appointment of Mr Dennis Hall as Independent Person as set out in the report, for an additional period of two years from 1 December 2019.

TYNE AND WEAR FIRE AND RESCUE AUTHORITY

Item No. 6

MEETING: 18 NOVEMBER 2019

APPOINTMENT TO DISCIPLINARY APPEALS COMMITTEE 2019/2020
REPORT OF THE DEPUTY CLERK TO THE AUTHORITY

BACKGROUND

1. As Members will recall, at the Meetings of the Authority held in June and September 2019, appointments to the various committees were approved in accordance with the political balance of the Authority.

POLITICAL BALANCE AND APPOINTMENT OF COMMITTEES

2. The political balance as at September 2019, is attached at Appendix 1, for information purposes only.
3. A copy of the 2019/20 composition of the Authority's Committees and Sub-Committees together with a list of the Authority's spokespersons for 2019/20, as approved at the Annual Meeting of the Authority and which incorporates the subsequent changes made at the September Authority meeting, is appended at Appendix 2 for information only.
4. Members will recall that a vacancy for an ungrouped Member remains on the Disciplinary Appeals Committee and is required to be filled in the event a meeting is to be called.

RECOMMENDATIONS

5. The Authority is recommended to consider the appointment of an ungrouped Member to the Disciplinary Appeals Committee.

BACKGROUND PAPERS

6. The undermentioned Background Papers refer to the subject matter of the above report:

No papers.

TYNE AND WEAR FIRE AND RESCUE AUTHORITY

APPENDIX 1

Allocation of Committee Seats – September 2019

						<i>Un-Grouped members</i> (Conservative) 1	<i>totals check</i> 17
Authority Composition		<i>Labour</i> 14		<i>Liberal Dem</i> 2			
Committee	total seats	<i>decimal</i>	<i>seats</i>	<i>decimal</i>	<i>seats</i>	<i>spare seats</i>	
Governance#	6	4.9412	5	0.7059	1		5.6471 6
Policy and Performance	6	4.9412	5	0.7059	1		5.6471 6
Human Resources	8	6.5882	7	0.9412	1		7.5294 8
Appointments	7	5.7647	6	0.8235	1		6.5882 7
Disciplinary Appeals	5	4.1176	4	0.5882	0	1	5.7059 5
Personnel Appeals*	6	4.9412	5	0.7059	0	1	6.6471 6
Emergency	3	2.4706	2	0.3529	1		2.8235 3
Totals	41	33.7647	34	4.8235	5	2	40.5882 41 40.5882

#Also has 3 Independent Members

*Should not be Members of Human Resources Committee

TYNE AND WEAR FIRE AND RESCUE AUTHORITY

COMMITTEE AND SUB-COMMITTEE MEMBERSHIP 2019/2020

(A) Authority Committees and Sub Committees

(i) Governance Committee (6 seats – balance 5:1:0)

Independent Chairman	(Mr. G. Cook)
Independent Member	(Mr. M. Knowles)
Independent Member	(Ms. G. Goodwill)
Councillor Burdis	(Lab.)
Councillor Dodds	(Lab.)
Councillor Flynn	(Lab.)
Councillor Hunter	(Lab.)
Councillor Kilgour	(Lab.)
Councillor Woodwark	(Lib. Dem.)

(ii) Policy and Performance Committee (6 seats – balance 5:1:0)

Councillor Dodds	(Lab.)
Councillor Forbes	(Lab.)
Councillor Pickard	(Lab.)
Councillor Purvis	(Lab.)
Councillor Samuels	(Lab.)
Councillor Duggan	(Lib. Dem.)

Chair – Councillor Forbes
Vice Chair – Councillor Dodds

(iii) Human Resources Committee (8 seats – balance 7:1:0)

Councillor Butler	(Lab.)
Councillor Dodds	(Lab.)
Councillor Flynn	(Lab.)
Councillor Haley	(Lab.)
Councillor Pickard	(Lab.)
Councillor Stephenson	(Lab.)
Councillor Taylor	(Lab.)
Councillor Woodwark	(Lib. Dem.)

Chair – Councillor Haley
Vice Chair – Councillor Pickard

(iv) Appointments Committee (7 seats – balance 6:1:0)

Councillor Forbes	(Lab.)
Councillor Haley	(Lab.)
Councillor Pickard	(Lab.)
Councillor Purvis	(Lab.)
Councillor Stephenson	(Lab.)
Councillor Taylor	(Lab.)
Councillor Woodwark	(Lib Dem.)

Chair – Councillor Taylor
Vice Chair – Councillor Forbes

(v) Disciplinary Appeals Committee (5 seats – balance 4:0:1)

Chair of the Authority	(Councillor Taylor)
Vice-Chair of the Authority	(Councillor Forbes)
Chair of Human Resources Committee	(Councillor Haley)
Labour Member	(Councillor Hunter)*
Ungrouped Member	Vacancy

Chair – Councillor Taylor
Vice Chair – Councillor Forbes

*with effect from 20 June 2019

(vi) Personnel Appeals Committee (6 seats – balance 5:0:1)
(N.B. Should not be Members of Human Resources Committee)

Councillor Burdis	(Lab.)
Councillor Forbes	(Lab.)
Councillor Kilgour	(Lab.)
Councillor Purvis	(Lab.)
Councillor Samuels	(Lab.)
Councillor Oliver	

Chair – Councillor Forbes
Vice Chair – Councillor Burdis

(vii) Emergency Committee (3 seats – balance 2:1:0)

Chair of the Authority	(Councillor Taylor)
Vice-Chair	(Councillor Forbes)
Liberal Democrat Member	(Councillor Woodwark)

Chair – Councillor Taylor
Vice Chair – Councillor Forbes

(ix) Pension Board of Tyne and Wear Fire Authority

Employer Representatives

Two Principal Officers or appropriate Grey Book Managers – Alan Robson and Tony Markwell
Councillor Flynn (substitute Councillor Purvis)

Member Representatives

Three Member representatives will be nominated by the relevant representative body or organised employee group and appointed by the Authority – Russ King, Chris Moore and Vacancy

(B) Appointment of Spokespersons

Nominations for spokesmen are required for the purpose of answering questions from Members of the Constituent Councils on the discharge of the Authority's functions: -

Gateshead	-	Councillor Haley
Newcastle	-	Councillor Forbes
North Tyneside	-	Councillor Burdis
South Tyneside	-	Councillor Flynn
Sunderland	-	Councillor Taylor

(C) Lead Member Roles

Nominations are required for Lead Members and Support Members:

(i) Community Engagement and Partnerships

Lead Member	-	Councillor Burdis
Support Member	-	Councillor Kilgour

(ii) Diversity and Equality

Lead Member	-	Councillor Haley
Support Member	-	Councillor Stephenson

(iii) Performance Management

Lead Member	-	Councillor Taylor
Support Member	-	Councillor Forbes

(D) Local Government Association

Councillor Taylor
Councillor Dodds

(E) Association of Metropolitan Fire and Rescue Authorities (AMFRA)

Councillor Taylor

Councillor Dodds

Substitute Member – Councillor Haley

TYNE AND WEAR FIRE AND RESCUE AUTHORITY

MEETING: 18 NOVEMBER 2019

Item No. 7

SUBJECT: CAPITAL PROGRAMME 2019/2020 - SECOND QUARTERLY REVIEW

JOINT REPORT OF THE CHIEF FIRE OFFICER AND CHIEF EXECUTIVE (CLERK TO THE AUTHORITY) AND THE STRATEGIC FINANCE MANAGER

1. INTRODUCTION

- 1.1 The original Capital Programme for 2019/2020 was approved by the Authority on 18th February 2019.
- 1.2 The purpose of this report is to review the current year's Programme and reflect any further changes necessary to those that were presented to the Authority as a consequence of the First Capital Programme Review on 10th June 2019.

2. CAPITAL PROGRAMME 2019/2020 – SECOND REVIEW

- 2.1 The position for 2019/2020 is set out at Appendix A, and is summarised below:

	First Review	Second Review
	Revised Estimate (June) £	Revised Estimate (November) £
Expenditure - Continuing Projects 2018/2019	7,666,538	8,380,115
- Projects Commencing 2019/2020	223,650	460,447
- Vehicle Replacement Programme	3,294,000	1,624,000
	11,184,188	10,464,562
Resources - Capital Receipts Applied	2,416,289	2,454,615
- Home Office Section 31 Grant	788,448	1,785,988
- Capital Reserve	7,206,125	5,950,633
- Capital Receipt	7,460	7,460
- Command and Control	15,866	15,866
Earmarked Funding		
- Revenue Contribution to Capital	750,000	250,000
	11,184,188	10,464,562

- 2.2 The Capital Programme is showing a decrease in total of £719,626, from £11,184,188 at the First Review stage to £10,464,562.

- 2.3 Regular monitoring of the Capital Programme continues to take place and at the Second Quarterly Review stage the following issues are brought to Members' attention for information:

Estates (- £323)

- 2.4 The stock condition survey has revealed that fire alarms are required at three locations across the estate. Economies of scale mean that it is better value for money for the service to purchase and install all three in the current year. This will result in an overspend of £9,039 on the stock condition survey works. This will be funded partly from underspend against the Estates Capital Programme and the remainder from capital reserves.
- 2.5 Additional works are required to complete installation of the new laundry and washer facilities at the Training Centre. This will cost an additional £8,763. It has also been identified that to ensure gender equality for BTC instructors, female instructor shower and changing facilities are required in the Training Centre. This work will cost an additional £16,000. The additional BTC costs will be funded from capital reserves.
- 2.6 Replacement of the heating system at West Denton is now complete with an underspend of £34,125. This will be required to fund the new estates project to replace derv tanks (para 2.17) and partly fund the overspend on the stock condition survey reported in paragraph 2.4.
- 2.7 The Programme has been amended to reflect these changes.
- 2.8 The Authority continues to explore opportunities to dispose of surplus land and buildings, and good progress is being made in this regard. The net Capital receipts arising from this activity must be used to fund the Capital Programme in accordance with Government legislation.

ICT (+ £8,500)

- 2.9 The recruitment module of the Integrated Data System (IDS) project is now live and progress is being made on the Core Talent and Learning modules. During the implementation process of phase two it has become evident that additional capability to record and manage safety critical competency events, risk critical equipment and the related policies and procedures, is required. An alternative solution has been sought in a bespoke system using the same platform as the Staffing Module which will allow seamless transfer of risk critical data. This will cost £30,000 but it is anticipated that there will be an underspend of £21,500 on the rest of the project, so will be a net additional cost implication of £8,500. This will be funded from capital reserves.

Operations (- £12,453)

- 2.10 The needs within the Operational Replacement Programme have been reassessed alongside the requirements for the new fire appliances and there are a number of items that are no longer deemed essential to acquire or replace in this year. The Programme is projected to underspend in the current

year and the value will be reported once the programme for 2019/2020 is complete. Any underspend will be used to finance the purchase of the gas detectors (para 2.21).

- 2.11 The body worn cameras are now being used within the Service. Additional equipment is required but there will be an underspend of £12,453 once the project is complete. This will be used towards financing the Site Specific Risk Information project (para 2.20). The Programme has been amended to reflect this position.

Community Safety (+ £20,000)

- 2.12 Due to a change in the Home Safety Check targeting strategy in April 2019, there has been an increase in smoke alarm installations across all districts. This increase is expected to continue over the three years of the agreed strategy and it is anticipated that the project will overspend by £20,000 in the current year. The Programme has been amended for 2019/2020, 2020/2021 and 2021/2022.

Control/Mobilising Project (+ £636,705 reprofiled)

- 2.13 The national government led Emergency Services Mobile Communications Project (ESMCP) was delayed last financial year, pending a revised business case which was due early 2019/2020. This is still yet to be received and is now expected in March 2020. Until this time, the project has been re-profiled over the next two years with the current information available and the Programme has been updated accordingly. However, the timing of progress and expenditure on the project still remains uncertain until the business case is received. As the project is fully funded from specific grant, this can be slipped as required.

TSC – Non Vehicle Replacement Programme Items (+ £2,570)

- 2.14 The cost to replace the breathing apparatus cylinder valves was based on a 70% failure rate. On testing, this has been far less than expected and an underspend is projected at the end of the financial year. The detail of this will be reported once the project is complete.
- 2.15 The balance remaining on the Appliance Closed Circuit Television was withheld at the end of 2018/2019 due to some outstanding issues which have now been resolved and full payment made. A further vehicle has required the equipment fitted costing an additional £2,570. The Programme has been amended to reflect this.

Additional Projects (+ £295,375)

- 2.16 A condition survey has recommended that the derv tank at South Shields and four delivery pumps – one each at Birtley, Gosforth, Wallsend and South Shields are replaced. Failure to do so may impact on resilience in terms of the fleet being unable to respond to incidents due to the unavailability/shortage of fuels. The total cost is expected to be £31,000 and can be funded from the

underspend on the heating and ventilation project at West Denton reported at paragraph 2.6.

- 2.17 The existing door entry security system (Genous System) was initially installed over 20 years ago. The system is no longer supported and can be prone to malfunctions and failure. Replacement is estimated to cost £350,000, £100,000 in 2019/2020 and £250,000 in 2020/2021.
- 2.18 The Security Working Group has reported a number of areas across the estate that require enhancement. The works include remodelling SHQ front reception, automated entrance gates and fencing at West Denton, Gosforth, Birtley, Chopwell and the Technical Service Centre, as well as a number of service wide security improvements. The estimated total cost is £100,000 in 2019/2020 and £242,000 in 2020/2021.
- 2.19 To ensure the service is equipped with modern, reliable and resilient Breathing Apparatus compressors, a rolling replacement programme is required. The current units have been assessed and it is estimated that the programme will cost £41,000 over the next five years. £12,000 will be required in 2019/2020 and will be funded from capital reserves.
- 2.20 The inspection by HMICFRS identified the Site Specific Risk Information (SSRI) records as an Area for Improvement (AFI). To improve the accuracy and quality of the information held by the Service, an add-on to the current system is required which will cost £19,475. This is deemed essential and will be partly funded from the underspend on the Body Worn Cameras reported at paragraph 2.11 and the remainder from capital reserves.
- 2.21 To improve the detection of harmful contaminants from products of combustion, gas detectors are required that will monitor for Hydrogen Cyanide and Carbon Monoxide. Currently gas detection at incidents is limited to special appliances. It will become the minimum standard for all frontline appliances to be able to monitor potential exposure to these harmful gases. The cost of this will be £21,000 and will be met from underspends expected on the Operational Equipment Replacement Programme.
- 2.22 To aid resilience and support availability of operational vehicles, intelligent charges are required in nominated parking bays throughout the Service to house Reserve appliances. This is estimated to cost £11,900 and will be funded from capital reserves.
- 2.23 The Programme and funding have been amended to reflect the items reported in paragraphs 2.16 to 2.22.

3. VEHICLE REPLACEMENT PROGRAMME (-£1,670,000 REPROFILED)

- 3.1 A review group has been set up to consider options for replacement of the fireboat. It has been decided to buy out the lease on the current boat and Sunderland City Council has negotiated a buy-out cost of £15,000 with the lease company. Owning the boat will give the service the flexibility to carry out the works needed to ensure it can continue to meet the requirements of the

Service. Funds spent on repairs to the boat will be recouped on disposal at the end of its useful life. This will give the Service a number of years to consider their long term requirements. The Capital Programme will be amended and reprofiled as required.

- 3.2 Work is currently ongoing to review the current small fleet and consider options for replacement. In the meantime, two large cars and two vans that have been deemed essential have been purchased. Further details on the remaining programme will be reported once decisions on the review are finalised.
- 3.3 Replacement of the Fire Appliances is on target to have four delivered by the end of 2019/2020. As the project was delayed last year, £1,080,000 was slipped from 2018/2019. The project has been re-profiled to move the allocation of £1,670,000 in the original 2019/2020 Programme in to future years to coincide with the revised timescale set for replacement of all the appliances.

4. CAPITAL PROGRAMME FUNDING

- 4.1 The Capital Programme was set in February with a general Revenue Contribution to Capital Outlay (RCCO) of £750,000. During the Revenue Budget Review reported to Members later on the Agenda, this was reduced to £250,000.
- 4.2 The remainder of the funding for the Capital Programme has been adjusted to reflect the changes to the programme outlined in section 2 of the report with the results shown in the table at paragraph 2.1 and in Appendix A.

5. PRUDENTIAL INDICATORS

- 5.1 The Prudential Indicators for the financial year 2019/2020 were approved by the Authority on 18th February 2019. These indicators are regularly reviewed to ensure that:
 - The Authority remains within its Authorised Limit for External Debt and any warning signals are highlighted where there is a danger that capital investment plans are not affordable, prudent, and sustainable;
 - Treasury Management decisions are taken in accordance with professional good practice; and
 - The capital expenditure control framework operated locally is consistent with, and supportive of, local strategic planning, local asset management planning, and proper option appraisal.
- 5.2 Internal monitoring procedures have been established to track performance against the various Prudential Indicators agreed by the Authority. These are managed on a day to day basis by the Strategic Finance Manager. At this stage the Authority is operating within its Authorised Borrowing Limit, which is a statutory limit determined under Section 3 (1) of the Local Government Act 2003. There are no areas for concern or any issues which require any review

of the indicators as originally approved. A further review of the indicators will be reported at the Capital Programme Third Quarterly Review stage.

6. RISK MANAGEMENT

- 6.1 A risk assessment has been undertaken to ensure that the risk to the Authority has been minimised as far as practicable. The assessment has considered an appropriate balance between risk and control, the realisation of efficiencies, the most appropriate use of limited resources and a comprehensive evaluation of the benefits. The risk to the authority has been assessed as low utilising the standard risk matrix based on control measures being in place.

7. FINANCIAL IMPLICATIONS

- 7.1 The financial implications are set out in the report.

8. EQUALITY AND FAIRNESS IMPLICATIONS

- 8.1 There are no equality and fairness implications in respect of this report.

9. HEALTH AND SAFETY IMPLICATIONS

- 9.1 There are no health and safety implications in respect of this report.

10. RECOMMENDATIONS

- 10.1 Members are requested to note the reported variations since the First Quarterly Review, the addition of the new projects, and approve the revised Capital Programme for 2019/2020, as set out at Appendix A.

TYNE AND WEAR FIRE AND RESCUE AUTHORITY

CAPITAL PROGRAMME 2019/2020 TO 2022/2023

SUMMARY

Project Description	Gross Cost £	Expenditure to 31.03.2019 £	Slippage from 2018/19 £				
				2019/20 £	2020/21 £	2021/22 £	2022/23 £
FIRE SERVICE							
Continuing Projects	16,539,660	6,207,535	5,922,591	8,380,115	1,011,890	483,120	457,000
New Projects	1,852,447	0	0	460,447	492,000	100,000	800,000
	18,392,107	6,207,535	5,922,591	8,840,562	1,503,890	583,120	1,257,000
VEHICLE REPLACEMENT PROGRAMME	7,332,000	0	1,314,000	1,624,000	2,756,000	1,965,000	987,000
TOTAL CAPITAL EXPENDITURE	25,724,107	6,207,535	7,236,591	10,464,562	4,259,890	2,548,120	2,244,000

Project Description	Gross Cost £	Expenditure to 31.03.2019 £	Slippage from 2018/19 £				
				2019/20 £	2020/21 £	2021/22 £	2022/23 £
Continuing Projects							
Estates							
Works arising from Stock Condition Survey	1,270,182	861,143	0	109,039	100,000	100,000	100,000
BTC Condition Survey Works	400,534	255,771	0	54,763	30,000	30,000	30,000
Fulwell CFS - Disposal Works	31,810	24,350	7,460	7,460	0	0	0
IT							
Integrated Data System (IDS)	292,645	200,966	83,179	91,679	0	0	0
New and Replacement Hardware - General	1,034,383	681,248	115,135	234,135	119,000	0	0
New and Replacement Hardware - Miquet	119,336	63,336	0	56,000	0	0	0
Operational Equipment							
Operational Equipment Replacement Programme	1,374,931	819,931	35,000	175,000	140,000	120,000	120,000
Rope Rescue & Confined Space Equipment	133,478	63,978	0	12,000	27,500	16,000	14,000
Foam and Firefighting Equipment	38,899	29,779	0	0	0	9,120	0
Community Safety							
Smoke Detectors	893,508	433,508	0	120,000	120,000	120,000	100,000
TSC - Non Vehicle Replacement Programme Items							
PPE Replacement Programme	658,254	311,254	0	83,000	88,000	88,000	88,000
Replace BA Compressors	38,354	9,354	0	12,000	12,000	0	5,000
Breathing Apparatus Valves	54,314	25,784	0	28,530	0	0	0
Appliance Closed Circuit Television	65,090	59,915	2,605	5,175	0	0	0
Control/Mobilising Project							
Command and Control System	2,446,471	2,241,125	205,346	205,346	0	0	0
Emergency Services Mobile Communications Project (ESMCP)	2,287,471	126,093	1,073,866	1,785,988	375,390	0	0
Estates Development Works							
Hebburn Station	5,250,000	0	4,250,000	5,250,000	0	0	0
Learning and Organisational Development							
Fit for Life	150,000	0	150,000	150,000	0	0	0
Total Continuing Projects	16,539,660	6,207,535	5,922,591	8,380,115	1,011,890	483,120	457,000
Projects Commencing 2019/2020							
Estates							
West Denton CFS - Heating and Ventilation	105,875	0	0	105,875	0	0	0
Derv Tank and Pump Replacements	31,000	0	0	31,000	0	0	0
Genous Security System	350,000	0	0	100,000	250,000	0	0
Security Upgrade Programme	342,000	0	0	100,000	242,000	0	0
Operational Equipment							
Body Worn Video Cameras	71,197	0	0	71,197	0	0	0
Risk Information (SSRI)	19,475	0	0	19,475	0	0	0
Gas Detectors	21,000	0	0	21,000	0	0	0
TSC - Non Vehicle Replacement Programme Items							
Intelligent Chargers	11,900			11,900	0	0	0
Projects Commencing 2021/2022							
IT							

MOBS Firewall Replacement	100,000	0	0	0	0	100,000	0
Projects Commencing 2022/2023							
Operational Equipment							
Breathing Apparatus Replacement	800,000	0	0	0	0	0	800,000
Total Projects Commencing 2019/20 onwards	1,852,447	0	0	460,447	492,000	100,000	800,000
Total	18,392,107	6,207,535	5,922,591	8,840,562	1,503,890	583,120	1,257,000

Project Description	Gross Cost	Expenditure to 31.03.2019	Slippage from 2018/19				
	£	£	£	2019/20	2020/21	2021/22	2022/23
				£	£	£	£
VEHICLE REPLACEMENT PROGRAMME							
Specialist Vehicles							
Fire Boat Rigid and Transporter	250,000	0	0	250,000	0	0	0
Fire Boat Inflatable and Motor	20,000	0	0	0	0	20,000	0
Small Fleet							
Small Car	165,000	0	66,000	66,000	22,000	0	77,000
Large Car	78,000	0	78,000	78,000	0	0	0
Small Van	14,000	0	0	0	14,000	0	0
Large Van	250,000	0	90,000	150,000	20,000	0	80,000
Specialist Car	75,000	0	0	0	0	55,000	20,000
Appliances	6,480,000	0	1,080,000	1,080,000	2,700,000	1,890,000	810,000
Total vehicle replacement programme	7,332,000	0	1,314,000	1,624,000	2,756,000	1,965,000	987,000
TOTAL CAPITAL PROGRAMME	25,724,107	6,207,535	7,236,591	10,464,562	4,259,890	2,548,120	2,244,000

CAPITAL PROGRAMME FINANCING

Command and Control earmarked funding	15,866	0	0	0
Home Office Section 31 Grant (Emergency Services Network ESN)	1,785,988	375,390	0	0
Revenue Contribution to Capital (RCCO)	250,000	250,000	250,000	250,000
Capital Receipt	7,460	0	0	0
Capital Receipts Applied	2,454,615	0	0	0
Reserve	4,326,633	878,500	333,120	1,007,000
	8,840,562	1,503,890	583,120	1,257,000

Vehicle Replacement Programme

Reserve	1,624,000	2,756,000	1,965,000	987,000
	1,624,000	2,756,000	1,965,000	987,000

TYNE AND WEAR FIRE AND RESCUE AUTHORITY

Item No. 8

MEETING: 18TH NOVEMBER 2019

SUBJECT: REVENUE BUDGET 2019/2020 - SECOND QUARTERLY REVIEW

JOINT REPORT OF THE CHIEF FIRE OFFICER AND CHIEF EXECUTIVE (CLERK TO THE AUTHORITY) AND THE STRATEGIC FINANCE MANAGER

1. Introduction

- 1.1 This report advises Members of issues relating to the 2019/2020 Revenue Budget position at the half way point of the financial year.
- 1.2 Members will recall that at the Fire Authority meeting on 18th February the IRMP action to dynamically adjust the distribution and availability of appliances based on risk and demand was approved for implementation by the Chief Fire Officer. This action was implemented with effect from 2nd April 2019, resulting in an in year saving of £0.746m on employee costs.
- 1.3 In addition, a mid-year review of contingencies has been carried out to streamline the resource for this and future years to make the revenue budget more sustainable. From this, a net in year saving of £0.880m has been identified. Although this brings some financial risk, there is deemed to be adequate cover in reserves to deal with future situations on a one off basis and the position will be kept under review.
- 1.4 The Capital Programme was set in February with a revenue contribution to capital of £0.750m. This has been reduced by £0.500m, also generating an in year saving. This will be monitored during the rest of the year.
- 1.5 The Revenue Budget for 2019/2020 was agreed on the basis that temporary use of reserves of £0.842m would be utilised until further budget savings could be found. It is now considered appropriate to report that the actions outlined in paragraphs 1.2, 1.3 and 1.4 combined can more than address this funding gap, with the result that funds will be appropriated into Reserves. This will allow resources to be redirected to service needs and demands.

2. Budgetary Control Report 2019/2020

- 2.1 Regular monitoring of the Revenue Budget takes place and, at this half way stage in the financial year, variances have been identified which project an underspend at outturn of £0.888m.
- 2.2 A summary of the updated position is set out at Appendix A which shows the projected costs compared to both the revised and original budget positions for the main budget headings. The main variances are set out in detail below for information.

Employee Costs

- 2.3 At this stage in the financial year a net underspend of £0.928m is projected on the overall employees budget. This is largely due to the Firefighter establishment currently being significantly under budget and more Firefighters in the development stage than budgeted for, resulting in a reduction in expenditure on salaries and oncosts. Along with this, savings are being made on employer pension costs, arising from the impact of temporary staffing arrangements, transitional movements between pension schemes, and employees opting out of the pension scheme.
- 2.4 Overtime costs continue to be a significant budget pressure, particularly working with a reduced establishment. The savings in salaries and pensions are comfortably absorbing the increased costs. Overtime continues to be very closely monitored, with actions considered and taken as appropriate.

Premises

- 2.5 An overspend of £11,000 is projected on premises costs due to a new electricity contract with a higher unit cost than budgeted.

Transport

- 2.6 The transport budget is projected to underspend by a net £52,000. A large part of this is due to a reduced demand for transport repairs and maintenance from Northumberland Fire and Rescue Service (NFRS) through the Service Level Agreement. This will be matched off by reduced income from NFRS, resulting in a neutral impact on the overall budget position.
- 2.7 In addition, savings continue to be achieved in reduced travelling expenses. Despite these savings in transport, an overspend of £70,000 is projected on fuel due to increasing fuel costs and a strategic decision to front load supplies.

Supplies and Services

- 2.8 An overspend of £18,000 is projected across supplies and services. This is largely due to higher than budgeted costs for protective clothing and uniform, specifically gloves, leather boots and goggles, as well as increased postage costs. This is partly offset by lower subsistence costs from revised policies and practices.

Contingencies

- 2.9 As set out in section 1.3, the contingencies budget has been reduced to reflect changes within the service. The remaining budget will continue to be monitored and reviewed for any further savings that can be made.

Support Services and Recharges

- 2.10 An in year saving of £47,000 is projected on the Service Level Agreement with the Lead Authority due to changes made after the budget was finalised.

Income

- 2.11 There is a projected net under achievement of income of £110,000. This is due to a combination of the following factors:
- Under-recovery of income of £150,000 expected from NFRS due to reduced demand on the service level agreement (see section 2.6);
 - One-off income of £19,000 from Trauma Support;
 - Over-recovery of £7,000 on the sale of vehicles and equipment;
 - Additional income of £8,000 for Hazmat courses; and
 - Miscellaneous income of £6,000.

Reserve Appropriations

- 2.12 The actions set out in paragraphs 1.2, 1.3 and 1.4 will allow the Authority to make a transfer into reserves at the end of the financial year.

3. Statement of Balances

- 3.1 The balance of the general fund is expected to remain at £3.943 million on the basis that this is viewed as an appropriate level of General Fund Balance for the size and risks faced by the Authority.

4. Risk Management

- 4.1 A risk assessment has been undertaken to ensure that the risk to the Authority has been minimised as far as practicable. The assessment has considered an appropriate balance between risk and control, the realisation of efficiencies, the most appropriate use of limited resources and a comprehensive evaluation of the benefits. The risk to the authority has been assessed as low utilising the standard risk matrix based on control measures being in place.

5. Financial Implications

- 5.1 The financial implications are set out in Appendix A of the report.

6. Equality and Fairness Implications

- 6.1 There are no equality and fairness implications in respect of this report.

7. Health and Safety Implications

- 7.1 There are no health and safety implications in respect of this report.

8. Recommendation

- 8.1 Members are requested to note the position with regard to the Revenue Budget for 2019/2020 as set out in this report and summarised at Appendix A.

REVENUE BUDGET 2019/2020 SECOND REVIEW

Appendix A

	Original Budget For Information	Revised Budget	Projected Outturn as at Second Quarterly Review	Variance Out-turn to Revised Budget
	£'000	£'000	£'000	£'000
Expenditure				
Employees	42,304	42,920	41,992	928
Premises	2,442	2,442	2,453	-11
Transport	1,163	1,166	1,114	52
Supplies and Services	8,414	8,506	8,524	-18
Contingencies	2,001	238	238	0
Support Services	14,653	14,653	14,606	47
Capital Financing	1,757	1,257	1,257	0
Total Expenditure	72,734	71,182	70,184	998
Income				
Grants and Contributions	-7,588	-7,915	-7,915	0
Receipts	-117	-119	-119	0
Fees and Charges	-1,191	-1,296	-1,186	-110
Interest Earned	-135	-135	-135	0
Recharge Income	-14,282	-14,303	-14,303	0
Reserve appropriations	35	2,042	2,042	0
Total Income	-23,278	-21,726	-21,616	-110
TOTAL BUDGET	49,456	49,456	48,568	888

TYNE AND WEAR FIRE AND RESCUE AUTHORITY

Item No. 9

MEETING: 18 NOVEMBER 2019

SUBJECT: BUDGET PLANNING FRAMEWORK 2020/2021

JOINT REPORT OF THE CHIEF FIRE OFFICER AND CHIEF EXECUTIVE (CLERK TO THE AUTHORITY) AND THE STRATEGIC FINANCE MANAGER

1 Purpose of Report

- 1.1 This report sets out the main considerations in drafting the Revenue Budget 2020/2021 and longer term financial planning for the Authority which includes:
- Identifying the key factors influencing the development of the Authority's financial plans into the medium term and sets out specifically the Budget Planning Framework for 2020/2021;
 - Providing an update on the current Medium Term Financial Strategy (MTFS) and sets out the headlines and context for the MTFS 2020/2021 to 2023/2024 which will be formally considered later in the budget cycle; and
 - Setting out additional budget savings for 2019/2020 to assist in meeting the cumulative budget gap.

2 Medium Term Financial Strategy 2019/2020 to 2022/2023

- 2.1 The Medium Term Financial Strategy 2019/2020 to 2022/2023 was approved by Authority in February 2019 as part of the budget setting process. This is summarised in the table below:

	2019/20 £m	2020/21 £m	2021/22 £m	2022/23 £m
Government Cuts	0.581	2.370	0.318	0.279
Spending Pressures	1.817	1.658	1.295	1.306
Total	2.398	4.028	1.613	1.585
Less IRMP estimated savings	(0.110)	0	0	0
Less Council Tax and Business Rate growth*	(1.100)	(2.287)	(0.804)	(0.827)
Less budget efficiencies	(0.346)	(0.051)	0	(0.011)
Funding Gap in year	0.842	1.690	0.809	0.747
Cumulative Funding Gap	0.842	2.532	3.341	4.088

**Assumptions in table at this stage include a 1.99% increase in the precept in 2020/21 and thereafter and an additional 1% growth in each year for both council tax and business rates*

- 2.2 The Authority was projecting to face a cumulative funding shortfall of £4.088m by the end of 2022/2023. The plan is continually updated to reflect changing circumstances and latest known information.
- 2.3 As set out in the Revenue Budget Second Quarterly report on the agenda today, implementation of the IRMP action to dynamically adjust the distribution and availability of appliances based on risk and demand, which members approved in the February Authority and was implemented on 2nd April 2019, has resulted in a saving of £0.746m in 2019/2020. In addition, a mid-year detailed review of the contingencies budget has been completed in order to streamline the resource implications for this and future years to make the revenue budget more sustainable, which has resulted in a saving of £0.880m in 2019/2020. However, it must be recognised that some of the financial risks previously covered in contingencies will now have to be managed from reserves instead. These two actions remove the budget gap in 2019/2020 and mean the need for the Authority to use reserves has been removed in the current year.
- 2.4 The spending pressures within the current MTFS have also been updated and revised to present the revised MTFS set out below. This review, coupled with the two actions detailed in paragraph 2.3 above, show that the Authority will now make a contribution to reserves at the end of 2019/2020 and that the cumulative funding shortfall over the four year period reduces to £1.461m. This is an improved position to that presented in February (Table at 2.1). However there remains a vast range of financial uncertainties at this time, which could impact both negatively and positively on this revised position. These factors are all set out in the following sections of this report.

	2019/20 £m	2020/21 £m	2021/22 £m	2022/23 £m
Government Cuts	0.581	2.370	0.318	0.279
Spending Pressures	0.649	1.436	1.051	1.059
Total	1.230	3.806	1.369	1.338
Less IRMP estimated savings	(0.854)	(0.002)	0	0
Less Council Tax and Business Rate growth*	(1.100)	(2.287)	(0.804)	(0.827)
Less budget efficiencies	(0.346)	(0.051)	0	(0.011)
Funding Gap in year	(1.070)	1.466	0.565	0.500
Cumulative Funding Gap	(1.070)	0.396	0.961	1.461

**Assumptions in table at this stage include a 1.99% increase in the precept in 2020/21 and thereafter and an additional 1% growth in each year for both council tax and business rates.*

3 National Economic Context to the 2020/2021 Budget

- 3.1 The Chancellor delivered his spring statement on 13th March 2019, setting out a growth forecast of 1.2% for 2019, rising to 1.4% in 2020 and 1.6% in 2021, 2022 and 2023. The Office of Budget Responsibility (OBR) confirmed that the government was on course to meet its current key fiscal rules, namely that borrowing would be no higher than 2% of GDP and that debt as a percentage of

GDP would continue to fall. The OBR did comment that the government's overall objective for the public finances of reaching a budget surplus by the middle of the 2020's appeared challenging.

- 3.2 At the time of the Spring Statement, and based on the growth forecasts, the Chancellor had "headroom" against the borrowing target that could be used to support the economy, including a 'No Deal' Brexit scenario.
- 3.3 This Brexit uncertainty, together with wider geopolitical events and rhetoric around global free trade, has had a negative impact on economic growth in 2019, not just in the UK, but also Europe and beyond. Whilst the OBR has not issued any revised growth forecasts, it is clear that economic growth has slowed during the year. As such, many economic forecasters believe that the fiscal headroom referred to in the Spring Statement has diminished.
- 3.4 The fact that a General Election has been called for 12th December 2019 also adds another layer of uncertainty to the economy and also to the prospective level of public sector resources.

4 Government Core Funding

- 4.1 The financial year 2019/2020 is the final year of the four-year funding settlement offer made as part of the Comprehensive Spending Review 2015 (CSR15). Originally, funding for 2020/2021 was to be dependent on the anticipated Spending Review in 2019 to determine the quantum of money Local Government would receive from the government, as well as the introduction of both the Fair Funding Review and the proposed 75% Business Rates retention scheme from 1st April 2020. However, whilst progress has been made by government in all of these important areas of local authority finance, the timescales have been pushed back because of Brexit which is currently causing significant financial uncertainty and lack of clarity for the Authority's funding position for 2020/2021 and beyond.
- 4.2 In September, the Chancellor of the Exchequer Sajid Javid MP presented a one-year Spending Round for public sector spending for 2020/2021 to help public sector authorities plan ahead, whilst acknowledging delays to the planned Comprehensive Spending Review and that the local government funding system and review would also be delayed until 1st April 2021. This was announced ahead of the Provisional Local Government Finance Settlement which he confirmed would set out the detailed 2020/21 funding position for all local authorities. The Chancellor also announced that 'austerity was over' and that all government departments would see at least an inflationary increase to their existing 2019/2020 funding.
- 4.3 A full multi-year Comprehensive Spending Review will be conducted in the summer of 2020. Until this time, future funding continues to remain uncertain, although the Spending Round for 2020/2021 has given an indication of funding levels which will help the Authority to plan its budget for the next financial year. However, specific grant funding allocations for the fire service were not

announced as part of the Spending Round so these will not be known until the Provisional Local Government Finance Settlement is published later in December. This position could however change depending on the outcome of the General Election.

4.4 Key Funding pre-election announcements for Local Government include:

- Revenue Support Grant (RSG) – This was expected to reduce significantly in 2020/2021 and be replaced by higher business rates as part of the move to the revised 75% business rates retention scheme. Pending implementation of the scheme (now from 1st April 2021), RSG is being retained in 2020/2021 with an inflationary increase. The Authority's exact allocation remains to be confirmed but 2% has been used for planning purposes in the interim.
- Other Government Grants will not be confirmed until the Provisional Local Government Settlement is announced. For planning purposes, the Authority has retained all grants at the same level as for 2019/2020. This poses a further degree of risk, especially as the new Fire Pension Grant awarded last year to help address 90% of the additional cost of the firefighter pension funding shortfall due to changes to the pension discount rate and other factors, is worth almost £2.6m to the Authority in the current year. A loss or reduction in this grant would have a material impact on the Revenue Budget for 2020/21 and beyond.

4.5 According to the Chancellor, the improved financial outlook for the economy is sustainable. This would mean resources available to the Authority could improve to those reflected in the current MTFS which is predicated on the fire service continuing to receive cuts to government funding year on year into the medium term. However, until the provisional finance settlement is announced in December which will confirm actual grant funding for 2020/21, and the multi-year settlement (CSR 2020) is issued next Autumn, the Authority can only continue to speculate what level of resources it is likely to receive in the medium term, at this stage and whether the outcome of the general election has any further impact.

5 Local Income

5.1 Council Tax

The Localism Act provides for the staging of referendums to veto excessive council tax (precept) increases. This effectively places a limit on council tax increases and if authorities exceed the government limits, the public will be able to vote to agree or veto any increase considered 'excessive'. For 2019/2020 a referendum requirement applied for proposed increases in Council Tax above 2.99%.

Decisions by government on the council tax precept for 2020/2021 are currently subject to consultation. The current MTFS has therefore assumed a 1.99% increase in its precept for 2020/2021 based on current government guidelines

until further information is provided. A decision on the level of the council tax within government parameters will need to be made as part of the budget planning process, once all other funding factors are understood from the Finance Settlement. Should the Authority be granted additional flexibility around the level of council tax (precept) increase, options will need to be considered to maximise income from this funding stream.

Members will however continue to be fully consulted and decisions will only be made as the budget process develops.

The Local Council Tax Support Scheme was introduced from April 2013 and is in its seventh year of operation. The Authority's Council Tax income could be affected by the individual schemes agreed by each of its district councils and therefore any proposed changes to the current schemes in operation will need to be assessed for any impact on Council Tax income for 2020/2021, along with any adverse impacts from the introduction of Universal Credit across the region.

5.2 Business Rates

Under the current 50% Business Rates Retention Scheme, which is to remain unchanged for 2020/21, the Authority is allocated locally 2% of the increased business rates income arising from growth in the Local Business Rates base from its constituent authorities (however equally it shares the risk of any under achievement of income targets).

Inherent within the scheme is growth arising from annual inflationary increases to Business Rates. However, there is continuing uncertainty, specifically around appeals and avoidance tactics, which can significantly impact on the level of income collected each year. The position will be kept under review and changes to Business Rates income will be reflected in the Budget Planning Framework as appropriate.

5.3 Reserves and Balances

The Local Government Finance Act 1992 requires local authorities to have regard to the level of reserves needed for meeting estimated future expenditure when calculating its budget requirement each year.

In accordance with the approach adopted to date, all earmarked reserves will be revisited and fully reviewed as part of the budget process to ensure they still accord with the Authority's priorities and overall funding position. A revised outlook will form part of the Revenue Budget position reported to members in February 2020.

6 Other Funding Issues

6.1 Changes to Retained Business Rates

At this stage the Government's plans for Business Rates retention remain unclear. The Government had proposed to introduce 75% retention of business

rates in 2020/2021 but as indicated the Chancellor has now delayed this further to 1st April 2021.

In parallel, the government is reviewing the needs based element of the funding formula and this change can be implemented without the need for primary legislation. Both MHCLG and Local Government continue to work on a 'fairer funding' regime, although no detail or impacts assessment have been released.

The delays to both of these key components of local authority funding create uncertainty and make financial planning beyond 2020/2021 extremely difficult. In the absence of detailed information in respect of the impact of the fair funding review, 75% retained business rates system changes and the outcome of the CSR20, it is assumed for budget planning purposes at this stage that the Government will take action to ensure a 'status quo' impact on the funding position for each Authority through the top ups and tariff system, to ensure no detrimental impact on their overall funding position in the initial year of 2021/2022 and it has been further assumed that a flat rate plus inflation increase will be applied to fire service funding into the medium term at this stage.

6.2 Brexit

At the time of writing this report the possible impacts of the further delay in Brexit on the economy is unclear although the Chancellor remains of the opinion that austerity has ended despite the continued uncertainty around Brexit. It remains to be seen what implications Brexit will have on the economy and the effect this may have on public sector spending levels to be announced in the Autumn of next year. This is another layer of uncertainty that makes financial planning particularly difficult, especially into the medium term. Members should note that all MTFS projections, especially those beyond 2020/2021, are provided using the best information available and could change significantly over the next 12 months as resources are clarified.

7 Spending Pressures and Commitments

In addition to planning for funding changes, the Authority must also plan for a range of spending pressures and commitments that are not funded by Government. It is proposed to take into account the following spending commitments in the Budget Planning Framework for 2020/2021, noting that in a number of cases specific cost details cannot be finalised at this stage and will be subject to further review and refinement throughout the budget setting process:

7.1 Pay and Pensions

At this stage no formal pay offer has been made for 2020/2021 or future years. Pending a formal offer and on the presumption that austerity is over, a prudent provision of 2.5% has been factored into the budget planning for both uniformed and non-uniformed pay. The position will be kept under review throughout the budget process. Any pay award in excess of these estimated levels will become

a spending pressure for the Authority to manage and depending on outcomes could be significant.

7.1.1 National Living Wage

The government implemented the national living wage of £7.20 with effect from April 2016. This has increased annually and latest forecasts from the Office of Budget Responsibility suggest an increase to £8.63 in 2020, rising each year to £9.49 by April 2023. This represents an additional cost pressure for the Authority both through its own staffing costs and from external contract suppliers passing the costs on through increased contract prices. Provision has been factored into the budget planning.

7.1.2 Pensions

Local Government Pension Scheme

The Triennial Actuarial review of the Local Government Pension Scheme is currently being undertaken and will be concluded by March 2020 to take effect from 1st April 2020. Indicative outcomes of the emerging position are anticipated during the Autumn. Prudent provision is included within the MTFS for the potential impact and no increase in the pension deficiency payment is assumed.

Firefighters Pension Scheme

The latest actuarial valuation of the Firefighters Pension Scheme was completed for 2019/2020. The output of this valuation was an updated employer contribution rate to apply from April 2019 to March 2023 with the average employer contribution rate of 17.6% increasing to 30.2%. The average for Tyne and Wear is 31%. A specific grant of £2.6m was allocated for 2019/2020 to fund the increased rate, but the future of this grant funding is unknown until the outcome of the Spending Review 2020. Provision has been made in the budget and the MTFS for future years but, should this grant not continue, the Authority would then face a significant additional budget pressure of £2.6m.

7.1.3 Apprenticeship Levy

The Apprenticeship Levy, introduced in April 2017 for large employers (over 250 employees) has been reflected in the base budget since 2017/2018. For Tyne and Wear Fire and Rescue Authority the cost in 2020/2021 is expected to be in the region of £0.125m. The Authority is in the process of identifying how it can best utilise government levy funds available to the Authority. The outcomes will be reflected in the 2020/2021 budget as plans are developed with a chosen provider.

7.2 Energy Prices

Energy and vehicle fuel prices continue to be volatile. It is therefore proposed that prudent provision be included for continued annual increases in charges for gas, electricity and vehicle fuel for the medium term. However, it is also important to note that increases continue to be lower than anticipated because

of the Authority's proactive approach and actions it has taken in respect of maintaining focus on reducing carbon emissions.

7.3 Capital Financing

No prudential borrowing has been included within the medium term financial position at this stage, but the position will be continuously reviewed to ensure that the future use of resources reflects best value and can be adapted to enable strategic priorities of the Authority to proceed in the future as required.

However the current position of using reserves to fund the Authority's Capital Programme in the longer term is not sustainable and borrowing will need to be considered as appropriate.

8 Efficiency Plan

8.1 The Efficiency Plan 2016/2017 to 2019/2020 has now expired and no alternative arrangement has been indicated in the current Spending Round. This may be a feature in the next Comprehensive Spending Review but we will have to continue to keep a watching brief on this area to ensure we meet any future government requirements.

8.2 In the meantime the IRMP actions agreed and being implemented will be used as an efficiency tool to allow the Authority to redirect resources as required should this become necessary.

9 Proposed Budget Planning Framework for 2020/2021

9.1 It is proposed the budget planning framework as set out below is adopted:

- Budget planning to be based on the high level position outlined at section 4 and updated in light of the Chancellor's Budget due in November 2019 and the Local Government Finance Settlement expected in December 2019;
- Provision for spending commitments to be included at this stage on the basis set out at section 7 and kept under review;
- Budgets to be prepared on the basis that all spending pressures not specifically identified above as commitments be accommodated within existing budgets;
- The position regarding the Council Tax Precept increase will need to be kept under review and if there is a relaxation of the referendum limit, any increased flexibility will need to be fully considered by members as part of the budget setting process, with confirmation of these proposals being sought as soon as practicably possible;
- Commitments against general balances and earmarked reserves to be reviewed and updated as necessary throughout the budget process; and
- The fact that the government has indicated austerity has ended means there could be increased risk of higher pay expectations beyond those planned at this stage and this could also have a further inflationary impact on the Revenue Budget;
- Any 'Invest to Save' schemes.

10 Summary Resources, Pressures and Commitments Position

10.1 The total of changes in resources and spending pressures represents the estimated gross funding gap. However, at this stage there remains a number of significant uncertainties:

- The implications of the Chancellor's Autumn Budget Statement;
- The implications of the outcome of the General Election;
- The outcome and implications of Brexit;
- The Local Government Finance Settlement for 2020/2021 to confirm the Authority's actual allocations, which will not be available until December and will not be finalised until end of January 2020;
- Specific Fire Revenue Grant announcements and their future especially the Fire Pension Grant;
- The Government plans in relation to Fair Funding, Business Rates and the departmental spending review all impacting on 2021/2022 and beyond;
- The general economic position and public sector finances including any potential impact of Brexit negotiations;
- Impact of further roll out of Universal Credits on Council Tax income;
- The Districts' Collection Fund positions for both Council Tax and Business Rates for 2019/2020;
- Confirmation and update on IRMP savings assumptions;
- Additional budget pressures which may arise throughout the remainder of the budget process;
- Any remedy to local authority (including Firefighter) pension schemes regarding McCloud / Sergeant that could impact on the Authority's finances.

11 Updated Projected Budget Position

11.1 Based on the current information available as set out in the report, applying a 2% inflationary increase to the assumed government funding for 2020/2021, a flat rate position for all specific grants and a 1.99% increase in Council Tax, the Authority is still facing a funding gap of £0.660m in 2020/2021.

11.2 As documented in this report, financial planning beyond 2020/2021 is very difficult because of the complexity and number of uncertainties that exist.

The Authority however must still produce its financial plans in order for the fire service to be planned and provided to the public. The revised MTFS set out below therefore is based on a number of key assumptions. These include:

- Overall revised government grant funding increases by inflation of 2% each year;
- Council Tax increases by 1.99% per annum with growth in the tax base of 1% each year;
- All specific grants have been rolled forward on a flat rate basis each year until more information is known; and,
- Assumptions on budgetary pressures are based on the known costs facing the Authority.

Using all of this information shows an improved MTFS position with the Authority having a sustainable budget position over the medium term (cumulative surplus of £0.730m at 2022/2023). However, it must be stressed that this is a very provisional position in that there are currently so many factors that could materially change this outcome. An updated position will be provided in February.

Revised MTFS based on the assumptions in the report are set out below:

	2019/20 £m	2020/21 £m	2021/22 £m	2022/23 £m
Government Changes	0.581	(0.402)	1.576	(0.398)
Spending Pressures	0.649	1.436	1.051	1.059
Total	1.230	1.034	2.627	0.661
Less IRMP estimated savings	(0.854)	(0.002)	0	0
Less Council Tax and Business Rate growth*	(1.100)	(0.321)	(2.770)	(0.827)
Less budget efficiencies	(0.346)	(0.051)	0	(0.011)
Funding Gap in year	(1.070)	0.660	(0.143)	(0.177)
Cumulative Funding Gap	(1.070)	(0.410)	(0.553)	(0.730)

12 Risk Management Implications

- 12.1 Risk implications have been considered in drafting the necessary guidance which is an essential early part of the Authority's robust revenue budget planning arrangements. The approach is reasonable and there are no real concerns or risks that have not been included within the report at this stage.

13 Financial Implications

- 13.1 The Budget Planning Framework provides the necessary guidance and information on the key financial aspects that will need to be considered by the Authority in drafting the 2020/2021 Revenue Budget to be approved by members in February 2020.

14 Health and Safety Implications

- 14.1 There are no Health and Safety implications from this report.

15 Equality and Fairness Implications

- 15.1 There are no equality and fairness implications in respect of this report.

16 Recommendations

- 16.1 Members are recommended:
- To note the contents of the report and the estimated 'fluid' funding gap based on the most up to date information;

- b. To agree the proposed Budget Planning Framework summarised at Section 9 of the report which will guide the preparation of the Revenue Budget for 2020/2021; and
- c. To note the updated current MTFS and that the full MTFS 2020/2021 to 2023/2024 will be presented to Authority in February 2020.

TYNE AND WEAR FIRE AND RESCUE AUTHORITY

Item No.10

MEETING: 18 NOVEMBER 2019

SUBJECT: GRENFELL TOWER INQUIRY: PHASE 1 REPORT

JOINT REPORT OF THE CHIEF FIRE OFFICER/CHIEF EXECUTIVE (THE CLERK TO THE AUTHORITY) THE STRATEGIC FINANCE OFFICER AND THE PERSONNEL ADVISOR TO THE AUTHORITY

1 INTRODUCTION

- 1.1 The purpose of this paper is to provide an overview to members of the Grenfell Tower Inquiry Phase 1 Report, published on the 30 October 2019.
- 1.2 It is important to note that at the point of writing, a full and detailed assessment of the report and its recommendations and the potential implications these will have on the Authority has not been undertaken. These implications and associated actions will be the subject of a more detailed future report to Authority.

2 BACKGROUND

- 2.1 The Inquiry is based around the events that took place on the 17 June 2017, when sadly 72 people lost their lives due to an unprecedented fire which engulfed the Grenfell Tower high rise residential building in Kensington, London.
- 2.2 The Inquiry is investigating a range of issues that have been separated into two phases. Phase one focuses on the factual narrative of the events on the evening, the emergency response, and the process of the recent refurbishment that had been carried out on the Tower.
- 2.3 Phase two will focus on the decisions made with regards to the refurbishment of the tower, the impact of the refurbishment on the fire and the relationship between the residents of Grenfell Tower, the Council and the Tenant Management Organisation ("TMO").

3 PHASE ONE REPORT

- 3.1 The phase one report encompasses the following six areas:
- The building itself and the organisation of the London Fire Brigade ("LFB");
 - A detailed narrative of the fire and the steps taken in response;
 - The inquiry's conclusions about the origin of the fire and analysis of the response to it by LFB and other emergency services;

- Tributes paid by those who lost their lives in the fire;
- Recommendations on the findings of the inquiry, and;
- An introduction to phase two of the inquiry.

4 HEADLINE FINDINGS

- 4.1 The Inquiry concluded that fire originated from an electrical fault in flat 16, located on the fourth floor of the tower. The fire entered the external cladding before firefighters first entered the flat to tackle the kitchen fire. The fire within the kitchen was foreseeable.
- 4.2 The fire progressed rapidly up the Aluminium Composite Material (“ACM”) cladding on the east side of the tower, before spreading to other sides of the building at the top. The presence of insulation boards beneath the ACM panels contributed to the rate at which the fire spread.
- 4.3 A number of key fire protection measures inside the tower failed and as a result the fire successfully entered other flats inside the building.
- 4.4 The external walls of the building failed to comply with building regulations and actively promoted the spread of fire. The report notes that phase two of the inquiry will look at responsibility for the redesign of the building.
- 4.5 LFB’s preparation and planning for a tower fire such as Grenfell was ‘gravely inadequate’. Experienced officers had received no training in combustible cladding and officers failed to recognise the need for an evacuation and how to organise one.
- 4.6 LFB’s reliance on the ‘stay put’ advice should have been questioned after the extent of the fire became clear. An earlier decision to evacuate could have resulted in fewer fatalities.

5 RECOMMENDATIONS OF AREAS FOR CHANGE

- 5.1 The chairman of the Inquiry, Sir Martin Moore-Bick has made a series of recommendations for change in the phase one report that are summarised below, the executive summary of the Inquiry report is provided in Appendix A, for further detail.
- 5.2 **Use of combustible materials**
 - 5.2.1 Sir Martin said the original fire in the kitchen was no more than an ordinary kitchen fire that spread to the cladding because of ‘the proximity of combustible materials to the kitchen windows’.
 - 5.2.2 He said this is a matter that ‘it would be sensible’ for owners of other high-rise buildings to check.

- 5.2.3 He stated he would ‘add his voice’ to those who have expressed concern about the slow pace of removal work for more than 400 other tall buildings in England with aluminium composite material cladding.
- 5.2.4 A total of 97 buildings in the social housing sector and 168 in the private sector have not yet seen the work complete. Sir Martin said the work must be completed ‘as vigorously as possible’.
- 5.2.5 He said particular attention should be paid to decorative features, given the crucial role played by the architectural crown at Grenfell in spreading the fire around the building.
- 5.2.6 Given the decision to ban combustible materials on new buildings last year, he did not call for further restrictions on their use.

5.3 Testing and certification of materials

- 5.3.1 Sir Martin said this is an issue that will be investigated ‘early in phase two’, along with an assessment of ‘whether the current guidance on how to comply with the building regulations is sufficiently clear and reliable’.
- 5.3.2 He added the inquiry would investigate whether a ‘prescriptive’ regime of regulation was necessary. However, as these issues have not yet been examined by the inquiry he did not make any recommendations.

5.4 Fire service: knowledge and understanding of materials in high-rise buildings

- 5.4.1 Sir Martin raised concern that ‘more junior’ firefighters were not aware of the danger of cladding fires, and that LFB was unaware of the combustible materials used to refurbish Grenfell Tower. He therefore recommended:
- That the owner and manager of every high-rise residential building is required by law to provide details of external walls and the materials used to the local fire and rescue service, and inform them of any changes;
 - To ensure that all fire and rescue service personnel at all levels understand the risk of cladding fires and how to recognise when they occur.

5.5 Section 7(2)(d) of the Fire and Rescue Services Act 2004 (“FRSA”)

- 5.5.1 Sir Martin was concerned that inspections of the tower by the fire and rescue service prior to the fire were not enough to meet their responsibilities under the FRSA. He recommended:
- A revision of the guidance for the LFB, and training for all officers above the rank of crew manager in inspecting high-rise buildings.

5.6 Plans

5.6.1 Sir Martin highlighted that a lack of plans did not 'unduly hamper' fire services at Grenfell, as each floor was laid out in the same way. However, he warned that another building with a more complex layout could pose problems. He recommended:

- That owners and managers of high-rise residential buildings are required by law to provide paper and electronic versions of building plans of all high-rises to local fire services, and;
- To ensure the building contains a premises information box, including a copy of floor plans and information about firefighting lifts.
- All fire and rescue services are able to receive and store electronic plans and that they are made available to incident commanders and control room managers.

5.7 Communication between the control room and the incident commander

5.7.1 While guidance calls for a 'free flow' of information between a fire service control room and the commanding officer on the ground, that often does not happen. Sir Martin therefore recommended:

- A review of policies by the LFB on this matter, including training for all officers who could serve as incident commanders and senior control room officers;
- A dedicated communications link between the senior officer and the incident commander.

5.8 Lifts

5.8.1 Firefighters were unable to use a mechanism that allows them to take control of the lifts on the night of the fire, hampering their progress and meaning residents could still use the lifts, 'in some cases with fatal consequences'.

5.8.2 Sir Martin therefore recommended:

- That the owner and manager of every high-rise residential building be required by law to carry out regular inspections of any lift required for use by firefighters and the mechanism that allows them to take control of it.

5.9 Emergency calls

5.10 Even allowing for the pressure of the night, Sir Martin said that fire survival guidance calls were not handled in an 'appropriate or effective way'. He therefore recommended:

- Amending of policies and training for control room officers;
- That all fire services develop policies for multiple fire survival guidance calls;
- Electronic systems to record and display calls;
- A policy for managing a transition from 'stay put' to 'get out' and training for call handlers in delivering this change of advice.

5.11 **Command and control**

5.12 Sir Martin said firefighters too frequently 'acted on their own initiative', resulting in a duplication of effort. He called for better policies to ensure:

- Better control of training and deployment;
- Information is obtained from crews after they have deployed.

5.13 **Equipment**

5.13.1 Sir Martin made recommendations for improvements to fire service equipment, including radios and the command support system, namely:

- That the LFB urgently take steps to obtain equipment that enables firefighters wearing helmets and breathing apparatus to communicate with the bridgehead effectively, including when operating in high-rise buildings;
- That urgent steps be taken to ensure that the command support system is fully operative on all command units and that crews are trained in its use.

5.14 **Evacuation**

5.14.1 The Inquiry concluded that there were no plans to evacuate Grenfell Tower available. Sir Martin recommended:

- The development of national guidelines for carrying out partial or total evacuations of high-rise residential buildings, including protecting fire access routes and procedures for evacuating people who require assistance;
- All fire and rescue services develop policies for partial or total evacuation of high rise residential buildings;
- Owners and managers be required to draw up and keep under review evacuation plans, with copies provided to local fire and rescue services and placed in an information box on the premises;
- All high-rise residential buildings be equipped with facilities to enable the sending of an evacuation signal to the whole or a selected part of the building;

- Owners and managers be required by law to prepare a personal emergency evacuation plan (“PEEP”) for residents who may struggle to do so personally, with information about them stored in the premise’s information box;
- All fire and rescue services be equipped with smoke hoods to help evacuate residents down smoke-filled stairs.

5.15 Personal fire protection

5.15.1 Sir Martin decided not to issue a recommendation that individual flats be provided with fire extinguishers or fire blankets, noting concerns that this could encourage residents to fight fires rather than escape and call the emergency services.

5.16 Sprinkler Systems

5.16.1 Noting the recommendation from the coroner investigating the Lakanal House fire that the use of sprinklers be encouraged, Sir Martin said that some of his experts had ‘urged me to go a step further and to recommend such systems be installed in all existing high-rise buildings’. He added that sprinklers have ‘a very effective part to play’ in an overall scheme of fire safety, but that he had not yet heard evidence about their use. He said that he could make not recommendations at this stage, but that he would consider the matter in phase two.

5.17 Internal signage

5.17.1 Floor numbers in the tower were not clearly marked and markings were not updated when the floor numbers changed following the refurbishment. Sir Martin said that all high-rise residential buildings should have floors clearly marked in a prominent place, which would be visible in low light or smoky conditions. Given that not all residents of Grenfell could read fire information signs, he said this should now be provided in a means that all residents can understand.

5.18 Fire doors

5.18.1 The Inquiry concluded that it is apparent that ‘ineffective fire doors allowed smoke and toxic gases to spread through the building more quickly than should have been possible’, and that missing self-closers played an important role.

5.18.2 The Inquiry recommended:

- An urgent inspection of fire doors in all buildings containing separate dwellings, whether or not they are high rises;
- A legal requirement on the owner or manager of these buildings to check doors at least every three months to ensure self-closing devices are working effectively

5.19 Co-operation between emergency services

5.19.1 There was a lack of communication between each emergency service at Grenfell, with each declaring a major incident at different times without telling each other. Sir Martin recommended several changes to ensure better communication in the future, namely:

- That each emergency service must communicate the declaration of a Major Incident to all other Category 1 Responders as soon as possible;
- That on the declaration of a Major Incident clear lines of communication must be established as soon as possible between the control rooms of the individual emergency services;
- That a single point of contact should be designated within each control room to facilitate such communication;
- That a 'METHANE' message should be sent as soon as possible by the emergency service declaring a Major Incident.

6 RISK MANAGEMENT

6.1 After the Grenfell Tower fire, the Authority completed a programme of work which involved working with all high-rise residential property owners, managers and residents across the Authority area. Since the incident, this activity has resulted in corrective actions similar to many of the recommendations being undertaken or already in progress.

6.2 However, in light of the publication of the Inquiry recommendations, further work will be required, including working with partners and local authorities, to ensure that this risk remains as low as reasonably practicable. This activity is being coordinated by the internal Operational Assurance Group that will provide further updates of the position once the full impact of the recommendations has been assessed and the corrective actions progress.

7 FINANCIAL IMPLICATIONS

7.1 There are likely to be significant financial implications in respect of implementing the recommendations of the Inquiry. A further update of the position will be reported once the full impact of the recommendations has been assessed.

8 EQUALITY AND FAIRNESS IMPLICATIONS

8.1 There are likely to be equality and fairness implications in respect of the recommendations including engagement of residents and their respective housing management organisations. These implications will be subject to a full equality impact assessment and reported to Authority when fully understood.

9 HEALTH AND SAFETY IMPLICATIONS

- 9.1 As some recommendations have the potential to impact directly on a range of service delivery aspects, the full impact in terms of health and safety are being carefully assessed. A further update of the position will be reported once the full impact of the recommendations is known.

10 RECOMMENDATIONS

- 10.1 The Authority is recommended to:

- a) Acknowledge the contents of this report
- b) Receive further reports as appropriate.

BACKGROUND PAPERS

The under mentioned Background Papers refer to the subject matter of the above report:

Grenfell Tower Inquiry: Phase 1 Report Overview
Grenfell Tower Inquiry: Phase 1 Full Report

Grenfell Tower Inquiry

GRENFELL TOWER INQUIRY: PHASE 1 REPORT OVERVIEW

REPORT of the PUBLIC INQUIRY into the
FIRE at GRENFELL TOWER
on 14 JUNE 2017

Chairman: The Rt Hon Sir Martin Moore-Bick
October 2019

Grenfell Tower Inquiry

GRENFELL TOWER INQUIRY: PHASE 1 REPORT OVERVIEW

REPORT of the PUBLIC INQUIRY into the
FIRE at GRENFELL TOWER
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Executive Summary

Overview

- 2.1 This first report of the Grenfell Tower Inquiry is divided into six parts. **Part I** contains a broad introduction to the events that took place during the early hours of 14 June 2017. It contains a description of Grenfell Tower itself and of the organisation of the London Fire Brigade (LFB) and sets the scene for **Part II**, which contains a detailed narrative account of the fire and the steps taken in response to it. **Part III** contains my conclusions about the origin and development of the fire and my analysis of the response of the LFB and the other emergency services which attended the incident. The hearings commemorating those who died constituted an important part of the Inquiry's proceedings. A summary of the tributes paid to their loved ones by their families and friends is contained in **Part IV**. **Part V** contains recommendations arising out of the findings made earlier in the report and **Part VI** looks ahead to identify some matters of particular importance on which the Inquiry will concentrate its attention in Phase 2.
- 2.2 I am grateful to all those who gave evidence, both those called to give evidence in person and those who provided written statements but were not called. I am very conscious that many of those who gave evidence found it a challenging and emotional experience.

Part I: Background matters

- 2.3 **Chapter 1** of the report contains a general introduction to the Inquiry. In it I explain why I decided to conduct the Inquiry in two phases and how the Phase 1 hearings were organised, beginning with commemorations of those who lost their lives in the disaster. I draw attention to the fact that the Inquiry is being conducted in parallel to investigations being carried out by the Metropolitan Police Service (MPS) and Her Majesty's Coroner for Inner London (West), Professor Fiona Wilcox.
- 2.4 **Chapter 3** describes Grenfell Tower itself, completed in 1974, and the changes that were subsequently made to the building and its immediate surroundings, culminating in the tower's most recent refurbishment, which was completed in 2016. It explains the mix of rental and leasehold properties in the tower, the community which lived there, and the different functions of the Royal Borough of Kensington and Chelsea (RBKC) as owner of the building and the RBKC Tenant Management Organisation (TMO) as its manager.
- 2.5 In **Chapter 4** there is an explanation of the principles underpinning fire safety in high-rise residential buildings, such as Grenfell Tower, which have led to the adoption of the "stay put" strategy in response to fires occurring within individual flats.
- 2.6 A summary of the primary and secondary legislation relevant to the original construction and the later refurbishment of Grenfell Tower is to be found in **Chapter 5**, together with a reference to certain aspects of the relevant guidance on methods of complying with the legislative requirements.

- 2.7 **Chapter 6** provides an overview of the refurbishment. It contains a description of the new cladding system, associated changes to the windows and their surrounds, and the addition of an architectural crown, as well as other features of the building that were intended to promote safety in the event of a fire.
- 2.8 The structure and organisation of the LFB, including its statutory responsibilities, the principles which govern its operations (particularly in relation to fighting fires in high-rise buildings) and the equipment at its disposal, are described in **Chapter 7**. That chapter also contains a description of the control room and its method of working. The chapter concludes with a description of some of the equipment used by the LFB to which reference is made in subsequent chapters.
- 2.9 **Chapter 8** refers to the Lakanal House fire, which represents an important aspect of the background to the Grenfell Tower fire. On 3 July 2009 a fire broke out on floor 9 of Lakanal House, a 14-floor building in Southwark. The fire spread rapidly to other floors and smoke affected large parts of the building. Six people died. The coroner made a number of recommendations for change following the fire, some of which were directed at the LFB. The LFB undertook a detailed internal review of its practices and policies relating to 999 call-handling in general and to those calls requiring potentially life-saving fire survival guidance (FSG calls) in particular. The review questioned whether the control room should assume that fire crews would reach FSG callers quickly and whether in general it correctly balanced the risk of staying put against the risk of attempting to escape. Despite changes in policy, similar shortcomings were displayed by the control room when responding to callers from Grenfell Tower.

Part II: The events of 14 June 2017

- 2.10 **Chapters 9 – 20**, which make up **Part II** of the report, contain a detailed narrative of the events organised into 11 separate periods between 00.54, shortly before the control room received the first call concerning a fire at Grenfell Tower, and 08.10, when the last survivor left the tower. The account relies on the evidence of survivors and firefighters, source material such as records of 999 calls, and the evidence of expert witnesses called to assist the Inquiry. Each period covers the behaviour of the fire, the events at the incident ground and in the control room, the conditions in the tower itself, the movement of the occupants, and the actions of the MPS, the London Ambulance Service (LAS), RBKC and the TMO. Annex A to Part II contains a list of those who were present in the tower as at 00.54 and the times at which they left the building.
- 2.11 The following key events form the backbone of the Narrative:
- 00.54** Behailu Kebede calls 999 to report a fire in Flat 16, floor 4 Grenfell Tower.
 - 00.59** First firefighters reach the tower.
 - 01.09** Fire breaks out of Flat 16 into exterior cladding and starts to climb the east facade rapidly.
 - 01.14** Firefighters enter the kitchen of Flat 16 for the first time.
 - 01.21** First 999 call to the control room from an occupant in the tower (Naomi Li, Flat 195, floor 22).
 - 01.25** First 999 call to report smoke coming into flat from lobby (Denis Murphy, Flat 111, floor 14).

- 01.26** MPS declares a Major Incident.
- 01.27** Fire reaches the roof and starts to spread horizontally.
- 01.29** WM Michael Dowden, the LFB incident commander, makes pumps 20 (having made up from 4 to 6, to 8, to 10 and to 15 between 01.13 and 01.28).
- 01.30** First 999 call reporting fire penetrating a flat (Mariem Elgwahry, Flat 196, floor 22).
- 01.31** WM Dowden makes pumps 25. By this time 110 out of 297 occupants have escaped; the fire starts to spread to the north elevation of the tower.
- 01.42** The LAS declares a Significant Incident.
- 01.45** First NPAS (police) helicopter arrives at the scene.
- 01.50** WM Dowden hands over incident command to SM Andrew Walton. By this time 168 of 297 occupants had escaped.
- 01.58** SM Walton hands over incident command to DAC Andrew O’Loughlin.
- 02.00** Flames travel across the north and east elevations of the tower, and start to spread around the crown and diagonally across the face of the building, affecting flats in the south-east and north-west corners.
- 02.04** GM Richard Welch declares himself incident commander, not knowing that DAC O’Loughlin has already assumed command.

GM Welch makes pumps 40.
- 02.06** GM Welch declares a Major Incident.
- 02.11** DAC O’Loughlin takes handover from GM Welch.
- 02.15** SOM Joanne Smith arrives at the control room.
- 02.17** Bridgehead moves from floor 2 up to floor 3.
- 02.20** Flames start to spread to south elevation.
- 02.26** The LAS declares a Major Incident
- 02.35** Control room decides to revoke the “stay put” advice and tell all occupants calling 999 to leave the tower.
- 02.44** AC Andrew Roe takes over incident command from DAC O’Loughlin.
- 02.47** AC Roe revokes the “stay put” advice.
- 02.50** Fire spreads horizontally across the south elevation at the crown.

Commissioner Dany Cotton arrives at Grenfell Tower.
- 03.00** Fire starts to spread across the west elevation of tower, from north to south.
- 03.08** Bridgehead relocates to ground floor lobby.
- 03.20** First Tactical Co-ordination Group (TCG) meeting.
- 03.30** Flames continue to spread across the south and west elevations of the tower.

04.02 Fires on the south and west elevations start to converge at the top of the southern corner of the west face.

08.07 Elpidio Bonifacio, the last survivor to leave the tower, is evacuated.

Part III: Conclusions

The cause and origin of the fire and its escape from Flat 16

2.12 In **Chapter 21** I consider the cause and origin of the fire and find that it was started by an electrical fault in a large fridge-freezer in the kitchen of Flat 16, for which Behailu Kebede bears no blame. I have not been able to establish the precise nature of the fault in the fridge-freezer, but consider that to be of less importance than establishing how the failure of a common domestic appliance could have had such disastrous consequences. That question is pursued in **Chapter 22**, in which I find that:

- a. The fire is most likely to have entered the cladding as a result of hot smoke impinging on the uPVC window jamb, causing it to deform and collapse and thereby provide an opening into the cavity between the insulation and the ACM cladding panels through which flames and hot gases could pass. It is, however, possible (but less likely) that flames from the fire in the fridge-freezer passed through the open kitchen window and impinged on the ACM cladding panels above.
- b. The fire had entered the cladding before firefighters opened the kitchen door in Flat 16 for the first time at 01.14.
- c. A kitchen fire of that relatively modest size was perfectly foreseeable.

The subsequent development of the fire

2.13 The progress of the fire after it had entered the cladding is considered in **Chapter 23**. Once the fire had escaped from Flat 16, it spread rapidly up the east face of the tower. It then spread around the top of the building in both directions and down the sides until the advancing flame fronts converged on the west face near the south-west corner, enveloping the entire building in under three hours. I find that:

- a. The principal reason why the flames spread so rapidly up, down and around the building was the presence of the aluminium composite material (ACM) rainscreen panels with polyethylene cores, which acted as a source of fuel. The principal mechanism for the spread of the fire horizontally and downwards was the melting and dripping of burning polyethylene from the crown and from the spandrel and column panels, which ignited fires lower down the building. Those fires then travelled back up the building, thereby allowing the flame front to progress diagonally across each face of the tower.
- b. The presence of polyisocyanurate (PIR) and phenolic foam insulation boards behind the ACM panels, and perhaps components of the window surrounds, contributed to the rate and extent of vertical flame spread.
- c. The crown was primarily responsible for the spread of the fire horizontally, and the columns were a principal route of downwards fire spread.

The loss of compartmentation and the spread of fire through the tower

- 2.14 In **Chapter 24** I consider the evidence relating to the penetration of the building by fire and smoke and the rapid loss of compartmentation. The fire on the outside of the building quickly entered many flats and smoke spread rapidly through the interior of the building. As a result, effective compartmentation was lost at an early stage. Compartmentation failed because:
- The intensity of the heat was such that the glass in the windows inevitably failed, allowing the fire to penetrate flats.
 - Extractor fan units in the kitchens had a propensity to deform and become dislodged, providing a point of entry.
 - A number of key fire protection measures inside the tower failed. Although some fire doors held back the smoke, others did not. Some were left open and failed to close because they lacked effective self-closing devices; others were broken down by firefighters or wedged open with firefighting equipment.
- 2.15 The spread of fire and smoke within the tower is described in **Chapter 25**. Many lobbies had started to fill with smoke by around 01.20 and some were significantly smoke-logged by 01.40. By 02.00 a significant number were heavily smoke-logged. Until around 01.50 there was less smoke in the stairs; by then 168 people had been able to escape. After that time the stairs started to fill with smoke, particularly at lower levels. At some levels the smoke was thick and the heat considerable. By 02.20 the smoke in the stairs did pose a risk to life, but the stairs were not absolutely impassable to all even after that time.

Compliance with the Building Regulations

- 2.16 It was not my original intention to include in Phase 1 of the Inquiry an investigation into the extent to which the building complied with the requirements of the Building Regulations. However, as I have explained in **Chapter 26**, there was compelling evidence that the external walls of the building failed to comply with Requirement B4(1) of Schedule 1 to the Building Regulations 2010, in that they did not adequately resist the spread of fire having regard to the height, use and position of the building. On the contrary, they actively promoted it. It will be necessary in Phase 2 to examine why those who were responsible for the design of the refurbishment considered that the tower would meet that essential requirement.

The LFB: planning and preparation

- 2.17 Planning and preparation by the LFB for fires in high-rise buildings is examined in **Chapter 27**. National guidance requires fire and rescue services to draw up contingency evacuation plans for dealing with fires in high-rise buildings that spread beyond the compartment of origin causing a “stay put” strategy to become untenable. They should understand, for any given high-rise building in their area, when a partial or full evacuation might become necessary and provide appropriate training to incident commanders.
- 2.18 The LFB’s policy for fighting fires in high-rise buildings, PN633, envisages that evacuation of a high-rise residential building may be necessary and suggests that during familiarisation visits officers consider evacuation arrangements. However, the LFB’s preparation and planning for a fire such as that at Grenfell Tower was gravely inadequate. In particular:
- The otherwise experienced incident commanders and senior officers attending the fire had received no training in the particular dangers associated with combustible cladding, even though some senior officers were aware of similar fires that had occurred in other

- countries, and of the fact that construction materials and methods of construction were being used in high-rise building facades with a limited understanding of their behaviour and performance in a fire.
- b. LFB incident commanders had received no training in how to recognise the need for an evacuation or how to organise one.
 - c. There was no contingency plan for the evacuation of Grenfell Tower.
 - d. Although the LFB purports to maintain an operational risk database (ORD) for buildings in London and has a risk assessment policy (PN800) accessible by all operational firefighters at an incident, the entry on the ORD for Grenfell Tower contained almost no information of any use to an incident commander called to a fire. Such information as was contained in the ORD was many years out of date and did not reflect the changes made by the refurbishment.
 - e. In some cases, basic information relating to the tower held by the LFB was wrong and in others it was missing altogether.

The LFB: at the incident ground

- 2.19 My findings about operations on the incident ground are to be found in **Chapter 28**. The firefighters who attended the tower displayed extraordinary courage and selfless devotion to duty, but the first incident commanders, although experienced, were of relatively junior rank. They were faced with a situation for which they had not been properly prepared. In particular:
- a. None of them seem to have been able to conceive of the possibility of a general failure of compartmentation or of a need for mass evacuation; they neither truly seized control of the situation nor were able to change strategy.
 - b. Once it was clear that the fire was out of control and that compartmentation had failed, a decision should have been taken to organise the evacuation of the tower while that remained possible. That decision could and should have been made between 01.30 and 01.50 and would be likely to have resulted in fewer fatalities. The best part of an hour was lost before AC Roe revoked the “stay put” advice.
 - c. The LFB continued to rely on the “stay put” strategy in place for Grenfell Tower which was not questioned, notwithstanding all the early indications that the building had suffered a total failure of compartmentation.
 - d. No systematic arrangements were made for information about the number and source of FSG calls to be communicated to the incident commanders. Similarly, information about the internal spread of the fire and the results of rescue operations was not effectively shared with incident commanders; pictures from the police helicopter were not available to them.
 - e. There were serious deficiencies in command and control. Although additional resources arrived swiftly, some senior officers failed to give sufficient practical support or inform themselves quickly enough of conditions and operations within the building.
 - f. Many of the physical or electronic communication systems did not work properly, such as the command support system (CSS) on the command units.

The LFB: in the control room

- 2.20 **Chapter 29** contains my findings about the operation of the control room. The control room staff faced an unprecedented number of 999 calls relating to the fire which posed a challenge wholly outside their long experience and training. Control room staff undoubtedly saved lives, but a close examination of the control room's operations has revealed shortcomings in practice, policy and training. In particular:
- a. LFB policy on handling FSG calls requires control room operators (CROs) to stay on the line with callers until they are rescued or can otherwise leave the building, but the number of FSG calls received during the fire far exceeded the number of CROs available, putting them in an invidious position.
 - b. Neither the application of the "stay put" policy nor the specific requirements that have to be followed if an FSG caller is to escape from a burning building are properly set out in the LFB policy documents.
 - c. CROs did not always obtain necessary information from callers, such as flat numbers, the number of people present, or whether people were disabled; nor did they always assess conditions at the callers' locations and hence the possibility of their escape.
 - d. CROs had not been trained to handle numerous simultaneous FSG calls, on the implications of a decision to evacuate, or on the circumstances in which a caller should be advised to leave the building or stay put. They were not aware of the danger of assuming that crews would always reach callers, which was one of the important lessons that should have been learnt from the Lakanal House fire. As a result, they gave assurances which were not well founded.
 - e. When the "stay put" advice was revoked and occupants were to be told to leave the building, the CROs did not all understand that they had to give that advice in unequivocal terms so that the caller would know that they had no choice but to leave the building.
 - f. Channels of communication between the control room and the incident ground were improvised, uncertain and prone to error. CROs did not therefore know enough about conditions in the tower or the progress of responses to individual FSG calls, so they lacked a sound basis for telling callers whether help was on its way.
 - g. Those on the incident ground did not have access to valuable information from the control room. The very fact that CROs had to terminate FSG calls in order to answer new calls ought to have alerted more senior control room officers to the fact that it had become impractical to give proper FSG advice.
 - h. There was no organised means of sharing information obtained from callers among the CROs, and little access to information from other sources. As a result, CROs had no overall picture of the speed or pattern of fire spread. Early on in the incident CROs told occupants that the fire was still confined to floor 4 when in fact it had reached the top of the tower.
 - i. Although the LFB has arrangements in place for handling a large number of 999 calls, routing them to other fire and rescue services, they do not provide for sharing information about conditions at the incident itself. Differing advice was given at important moments.
 - j. There were weaknesses in the supervision of control room staff. Supervisors were under the most enormous pressure, but the LFB had not provided its senior control room staff

with appropriate training on how to manage a large-scale incident with a large number of FSG calls.

- k. Mistakes made in responding to the Lakanal House fire were repeated.

The response of the other emergency services, RBKC and the TMO

2.21 The response of the other emergency services, RBKC and the TMO is considered in **Chapter 30**, which describes the standing arrangements and protocols for joint operations between London's emergency services. It is clear that although in some respects they were implemented successfully (for example, the management of the security cordon by the MPS), the response was unsatisfactory in other respects. The evidence does not show that any death or injury resulted from these failures but they contain important lessons for future major disasters in London. In particular:

- a. The MPS declared a Major Incident at 01.26 without telling the LFB or the LAS. The LFB declared a Major Incident at 02.06 without telling the MPS or the LAS; and the LAS declared a Major Incident at 02.26 without telling the LFB or the MPS. RBKC was not told about any of these declarations until 02.42. This lack of communication was a serious failure to comply with the joint working arrangements and protocols designed for major emergencies in London.
- b. The consequence of failing to share the declarations of a Major Incident meant that the need for a properly co-ordinated joint response between the emergency services was not appreciated early enough. That in turn led to a lack of shared understanding of the nature and effect of the fire. The conversations that should have taken place between the supervisors of the different control rooms did not happen.
- c. Communication between the emergency services on the night of the fire, both remotely and on the incident ground itself, did not meet the standards required by the protocols. A single point of contact in each control room and direct communication between control room supervisors should have been established.
- d. The heli-tele downlink (the communication link with the police helicopter overhead) failed to function, which adversely affected LFB operations.

2.22 RBKC is subject to certain obligations under the Civil Contingencies Act 2004 and had a formal "Contingency Management Plan" setting out what needed to be done in the event of an emergency. The TMO had no obligations under that plan. It had its own emergency plan, but it was not activated and was in any case fifteen years out of date. As RBKC's response to the fire relied on key information held by the TMO, its plan was in certain respects ineffective. One particular cause for concern is the delay in obtaining the attendance of a Dangerous Structures Engineer (DSE), despite numerous requests from the LFB; another is the delay in obtaining plans of the building, which were not on site, not on the LFB's ORD and not available to the LFB until around 08.00.

Shutting off the supply of gas to the tower

2.23 **Chapter 31** describes the steps taken to isolate the tower from the main gas supply. Gas was supplied to the tower by Cadent Gas Ltd (Cadent). Cadent had a legal obligation to help the LFB, and had reported to the incident ground before 05.00. Fortunately, a key Cadent engineer, Jason Allday, who knew the area well, subsequently arrived unprompted, took charge, and stayed for 24 hours. Shutting off the gas to the tower ultimately involved Cadent's

cutting and capping off three substantial pipes under nearby streets supplying gas to the whole area. The work was completed by 23.40 and the remaining flames in the tower died down almost immediately.

Part IV: Remembering those who died

- 2.24 **Chapter 32** contains a summary of the tributes paid to those who died in the fire at the commemoration hearings with which the Inquiry opened. The Inquiry started its Phase 1 hearings at the Millennium Gloucester Hotel in Kensington with commemorations of all those who died and a celebration of their lives. This part of the report names each of those who died and, drawing on the evidence given by loved ones and friends, provides a brief summary of their lives.

Part V: Recommendations

- 2.25 Although Phase 1 of the Inquiry has been limited to investigating the course of events during the night of 14 June 2017 and much work remains to be done, it has already become clear that some important steps need to be taken to improve fire safety, including the response of the LFB and other fire and rescue services to major disasters, including fires in high-rise residential buildings. **Chapter 33** therefore contains recommendations arising out of the evidence heard in Phase 1 and the findings of fact based on it. It would not be appropriate to make recommendations at this stage in relation to matters that have not been the subject of investigation, such as the regime surrounding the testing and certification of building materials, even though there are grounds for thinking that changes may need to be made.
- 2.26 Chapter 33 does not lend itself to being summarised. It should be read in full, because it sets out my recommendations in detail and explains the basis on which they are being made (or in some cases why certain recommendations are not being made). In summary, however, I make recommendations for change in relation to the following matters:
- a. The information made available to fire and rescue services about the materials and methods of construction used in the external walls of high-rise residential buildings.
 - b. The arrangements made by the LFB to discharge its duties under section 7(2)(d) of the Fire and Rescue Services Act 2004.
 - c. The availability of plans of high-rise residential buildings to local fire and rescue services and the provision of premises information boxes in high-rise residential buildings.
 - d. The regular inspection and testing of lifts designed for use by firefighters.
 - e. Communication between the LFB control room and the incident commander.
 - f. The way in which fire and rescue services handle emergency calls.
 - g. The LFB's command and control procedures and use of resources, in particular the capture of information from crews returning from deployments and the sharing of information between the LFB control room, the incident commander and the bridgehead.
 - h. The communication equipment available to the LFB for use by crews deployed in firefighting and rescue operations in high-rise buildings.
 - i. The evacuation of high-rise residential buildings, including the provision of equipment enabling firefighters to send an evacuation signal to the whole or a selected part of the building.

- j. The provision of fire safety information to residents of high-rise residential buildings and the marking of floor levels in lobbies and staircase landings.
- k. The inspection of fire doors and self-closing devices.
- l. Aspects of co-operation between the emergency services.

Part VI: Looking ahead to Phase 2

- 2.27 In Phase 2 the Inquiry will seek to answer the various questions set out in the List of Issues which appears on its website, but as a result of what has been learnt from the work done in Phase 1, some questions have assumed greater prominence than had previously been thought and others have receded in importance. Accordingly, in the final chapter of the report, **Chapter 34**, there is a pointer to those aspects of the Inquiry's investigations on which, in the light of Phase 1, particular attention will need to be focused in Phase 2.
- 2.28 The first matter concerns the deceased. An important element of Phase 2 will be to complete the investigation of the circumstances in which those who died in the fire met their deaths. Many of the findings that are required by the coroner have been made in this report, but there remains the need for an investigation into the wider circumstances that can only be satisfied by the evidence that will emerge during the proceedings in Phase 2. In due course there will be an opportunity for the bereaved to draw together the threads of the evidence relating to those who died in order to enable the necessary findings of fact to be made.
- 2.29 Other matters of particular concern include:
- a. The decisions relating to the design of the refurbishment and the choice of materials.
 - b. The regime for testing and certifying the reaction to fire of materials intended for use in construction.
 - c. The design and choice of materials.
 - d. The performance of fire doors in the tower, in particular, whether they complied with relevant regulations, their maintenance and the reasons why some of the self-closing devices do not appear to have worked.
 - e. The organisation and management of the LFB, in particular in relation to the formulation of policy in the light of experience, the arrangements for training firefighters and control room staff, and the arrangements for sharing information about the particular problems associated with fighting fires in high-rise buildings.
 - f. The warnings of potential fire hazards given by the local community.
 - g. The authorities' response to the disaster.
- 2.30 It has now become clear that some aspects of the building which were at one time thought to require careful investigation did not play a significant role in the disaster and will not therefore require further examination. They include:
- a. The width of the stairs.
 - b. The supply of gas.
 - c. The supply of electricity and the history of electrical surges.

Chapter 33

Recommendations

1 Introduction

- 33.1 Phase 1 of the Inquiry has been concerned with investigating the cause of the fire, its subsequent development and the steps taken by the LFB and the other emergency services in response to it. In the course of it I have touched on the training given to the firefighters and CROs in relation to responding to fires in high-rise buildings and other incidents of a kind that may generate a significant number of calls from people seeking advice and assistance. Phase 2 will involve a more detailed examination of certain aspects of the management of the LFB (in particular its understanding of modern methods of construction and of the way in which some of the materials currently in use behave when exposed to fire) and the steps that were taken to train its officers to respond to fires in high-rise buildings. However, the evidence put before me in Phase 1 is already sufficient to demonstrate that a number of improvements can be made both in the way in which high-rise residential buildings are designed, constructed, approved and managed and in the way in which fire and rescue services respond to fires in such buildings.
- 33.2 The core participants and the experts who gave evidence in Phase 1 have suggested many steps which in their view can and should be taken to improve the safety of those who live in high-rise buildings and should therefore form the subject of immediate recommendations. However, they exhibited a wide divergence of views. It is important that any recommendations I make at this, or indeed any other, stage should be based firmly on the facts that have emerged from the evidence obtained by the Inquiry in the course of its investigations. I also think it important that they command the support of those who have experience of the matters to which they relate. Recommendations that are not grounded in the facts are of no value and recommendations that do not command the support of those who are experts in the field are likely to be ignored and, if not ignored, risk giving rise to adverse unintended consequences.
- 33.3 The recommendations set out below are therefore based entirely on the evidence I have heard in relation to the particular issues that were investigated in Phase 1 and on the findings and conclusions I have been able to reach in this report. They do not attempt to anticipate the evidence to be called in Phase 2 or the conclusions that may be drawn from it, and when deciding what recommendations should be made at this stage I have had regard in particular to their capacity for making a significant contribution to the safety of those who live in high-rise buildings. I am grateful to those of the core participants who made submissions on this subject, all of which I have considered carefully before making my recommendations. I refer to some of them in more detail in later paragraphs.
- 33.4 In England and Wales, high-rise buildings have conventionally been defined for the purposes of fire safety as buildings over 18 metres in height. In Scotland, however, the regulations have recently been changed so that the requirements relating to high-rise buildings apply to buildings over 11 metres in height. It is for consideration whether the position in England should now also be changed and, if so, what height should be adopted for that purpose. However, that question was not the subject of examination in Phase 1 and it is therefore not possible for me to make a recommendation about it at this stage. It is, however, a matter which will be examined in Phase 2.

- 33.5 When considering steps that might be taken to improve safety in relation to high-rise buildings generally it is important not to lose sight of certain matters. The first is that, although not unprecedented, fires of the kind that occurred at Grenfell Tower are rare. The widespread use of combustible rainscreen cladding panels and insulation on the exterior of buildings and the introduction of new kinds of building materials in external walls may have increased the risk of similar fires, but improvements in the regulations relating to fire safety and the requirements for testing and certification of materials, which will be a particular focus of attention in Phase 2, should be capable of mitigating that risk in the future. Effective compartmentation is likely to remain at the heart of fire safety strategy and will probably continue to provide a safe basis for responding to the vast majority of fires in high-rise buildings. However, in the case of some high-rise buildings it will be necessary for building owners and fire and rescue services to provide a greater range of responses, including full or partial evacuation. Appropriate steps must therefore be taken to enable alternative evacuation strategies to be implemented effectively.

2 Use of combustible materials

- 33.6 It is clear that the use of combustible materials in the external wall of Grenfell Tower, principally in the form of the ACM rainscreen cladding, but also in the form of combustible insulation, was the reason why the fire spread so quickly to the whole of the building. Surveys undertaken since the fire have established that external wall materials similar to those used on Grenfell Tower have been used on over 400 other high-rise residential buildings around the country. From the evidence put before me in Phase 1, two very important matters have come to light: first, that in its origin the fire at Grenfell Tower was no more than a typical kitchen fire; second, that the fire was able to spread into the cladding as a result of the proximity of combustible materials to the kitchen windows. It is not possible to say whether the same or a similar combination of design and materials is to be found on any other buildings, but it would be sensible for those responsible for high-rise buildings with similar cladding systems, if they have not already done so, to check whether the same or a similar combination exists. However, even if they do not, fires can occur in a wide variety of circumstances and in cases where the exterior walls of the building include combustible materials of a similar kind, might gain access to it by a variety of different routes. It is not surprising, therefore, that people living in such buildings are concerned for their safety. It is unnecessary for me to recommend that panels with polyethylene cores on the exterior of high-rise buildings be removed as soon as possible and replaced with materials of limited combustibility because it is accepted that that must be done. It is essential that it be done as quickly as possible and concern has been voiced publicly, most recently by the House of Commons Communities and Local Government Select Committee, about the apparently slow rate of progress in carrying out the work.¹ In the light of what has been learnt in Phase 1 about the behaviour of ACM panels with polyethylene cores when exposed to fire, I wish to add my voice to that of the committee in expressing the view that the programme of remedial work should be pursued as vigorously as possible. In view of the part played by the architectural crown in the spread of the fire at Grenfell Tower, particular attention must be paid to decorative features composed of combustible materials.
- 33.7 It has been suggested by certain core participants that I should recommend that no materials be permitted for use in the external walls of high-rise buildings that are not of Euro class A1 (the highest classification of reaction to fire in accordance with BS EN 13501-1). That is a matter on which views differ, however, and following a consultation the government has already prohibited the use on certain types of new buildings of materials whose classification

¹ <https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/2546/254602.htm>

of reaction to fire is lower than A2s1, d0. Having regard to the outcome of that consultation, and in the absence of any examination of the competing views, I do not think it appropriate at this stage for me to recommend any change to the regulations in this respect. Nor, for similar reasons, do I think it appropriate for me to recommend an immediate moratorium on the use of materials of Euro class A2 pending the outcome of Phase 2 of the Inquiry, despite the submissions pressed upon me by some of the core participants.

3 Testing and certification of materials

- 33.8 The regulation of the use of materials and products by reference to their fire classification depends to a large extent on the efficacy of the testing requirements and how they are interpreted by professionals. Early in Phase 2, the Inquiry will investigate the methods of testing and certifying materials for use in high-rise buildings. It will also investigate whether a prescriptive regime is the most effective way in which to ensure the safety of those who live and work in high-rise buildings and whether the current guidance on how to comply with the Building Regulations is sufficiently clear and reliable. None of those questions have been examined in Phase 1 and at this stage, therefore, I am not in a position to make any recommendations about any of those matters.

4 Fire and rescue services: knowledge and understanding of materials used in high-rise buildings

- 33.9 Although some senior officers within the LFB were aware of the dangers of cladding fires in high-rise buildings, the majority, particularly at the more junior levels, were unaware of them and were not trained to recognise the nature of the fire that occurred at Grenfell Tower. Moreover, the LFB was unaware of the combustible nature of the materials used in the cladding of Grenfell Tower and was therefore not in a position to formulate a contingency plan for a fire of this kind.
- 33.10 A sound understanding of the materials used in the construction of any high-rise building is essential if the fire and rescue service is to be properly prepared to carry out its function in relation to that building. The risk of fire of the kind that occurred at Grenfell Tower may be low, but knowledge is the key to proper planning and effective training. **I therefore recommend:**
- d. that the owner and manager of every high-rise residential building be required by law to provide their local fire and rescue service with information about the design of its external walls together with details of the materials of which they are constructed and to inform the fire and rescue service of any material changes made to them;
 - e. that all fire and rescue services ensure that their personnel at all levels understand the risk of fire taking hold in the external walls of high-rise buildings and know how to recognise it when it occurs.

5 Section 7(2)(d) of the Fire and Rescue Services Act 2004

- 33.11 Section 7(2)(d) imposes a general duty on fire and rescue authorities to make arrangements for obtaining information needed for the purposes of extinguishing fires and protecting life and property. The LFB appears to have thought that it required nothing more than sending crews to inspect individual buildings in accordance with Appendix 1 to PN633. However,

this essential duty is not circumscribed in that way. Moreover, crews who visited Grenfell Tower during its refurbishment were not trained to carry out the inspections properly: see Chapter 27, paragraphs 24-27. **I therefore recommend:**

- a. that the LFB review, and revise as appropriate, Appendix 1 to PN633 to ensure that it fully reflects the principles in GRA 3.2;
- b. that the LFB ensure that all officers of the rank of Crew Manager and above are trained in carrying out the requirements of PN633 relating to the inspection of high-rise buildings.

6 Plans

33.12 No plans of the internal layout of the building were available to the LFB until the later stages of the fire. However, because each floor of the building above floor 3 was laid out in the same way, the LFB was not unduly hampered in its attempt to fight the fire and rescue occupants by the absence of those plans. In another case, however, the lack of floor plans might easily have far more serious consequences. It should be a simple matter for the owners or managers of high-rise buildings to provide their local fire and rescue services with current versions of such plans. **I therefore recommend** that the owner and manager of every high-rise residential building be required by law:

- a. to provide their local fire and rescue services with up-to-date plans in both paper and electronic form of every floor of the building identifying the location of key fire safety systems;
- b. to ensure that the building contains a premises information box, the contents of which must include a copy of the up-to-date floor plans and information about the nature of any lift intended for use by the fire and rescue services.

I also recommend, insofar as it is not already the case, that all fire and rescue services be equipped to receive and store electronic plans and to make them available to incident commanders and control room managers.

7 Lifts

33.13 When the firefighters attended the fire at Grenfell Tower they were unable to operate the mechanism that should have allowed them to take control of the lifts. Why that was so is not yet known, but it meant that they were unable to make use of the lifts in carrying out firefighting and search and rescue operations. It also meant that the occupants of the tower were able to make use of the lifts in trying to escape, in some cases with fatal consequences. The ability of fire and rescue services to take control of firefighting or fire lifts in a high-rise building is often key to successful operations. **I therefore recommend:**

- a. that the owner and manager of every high-rise residential building be required by law to carry out regular inspections of any lifts that are designed to be used by firefighters in an emergency and to report the results of such inspections to their local fire and rescue service at monthly intervals;
- b. that the owner and manager of every high-rise residential building be required by law to carry out regular tests of the mechanism which allows firefighters to take control of the lifts and to inform their local fire and rescue service at monthly intervals that they have done so.

8 Communication between the control room and the incident commander

- 33.14 The evidence shows that although both national policy and the LFB's policies call for a free flow of information between the control room and the incident commander, in practice that does not occur, at least when one or the other (or both) are operating under significant pressure. **I therefore recommend:**
- that the LFB review its policies on communications between the control room and the incident commander;
 - that all officers who may be expected to act as incident commanders (i.e. all those above the rank of Crew Manager) receive training directed to the specific requirements of communication with the control room;
 - that all CROs of Assistant Operations Manager rank and above receive training directed to the specific requirements of communication with the incident commander;
 - that a dedicated communication link be provided between the senior officer in the control room and the incident commander.

9 Emergency calls

- 33.15 Even allowing for the fact that the control room was operating under great pressure, it is clear that in many cases CROs failed to handle FSG calls in an appropriate or effective way. **I therefore recommend:**
- that the LFB's policies be amended to draw a clearer distinction between callers seeking advice and callers who believe they are trapped and need rescuing;
 - that the LFB provide regular and more effective refresher training to CROs at all levels, including supervisors;
 - that all fire and rescue services develop policies for handling a large number of FSG calls simultaneously;
 - that electronic systems be developed to record FSG information in the control room and display it simultaneously at the bridgehead and in any command units;
 - that policies be developed for managing a transition from "stay put" to "get out";
 - that control room staff receive training directed specifically to handling such a change of advice and conveying it effectively to callers.
- 33.16 The handling of emergency calls by other fire and rescue services was hampered by their lack of information about the nature of the incident and the way in which it had developed. Those who respond to emergency calls on behalf of the LFB need to have as much information as possible about the incident in order to be able to give appropriate advice. **I therefore recommend** that steps be taken to investigate methods by which assisting control rooms can obtain access to the information available to the host control room.

- 33.17 On occasions, MetCC operators and LAS CROs handled calls from people in the tower seeking FSG advice. Sometimes they gave advice that was not consistent with the advice that the LFB was giving or should have been giving in accordance with its policies. **I therefore recommend** that the LAS and the MPS review their protocols and policies to ensure that their operators can identify FSG calls (as defined by the LFB) and pass them to the LFB as soon as possible.

10 Command and control

- 33.18 The evidence of the way in which firefighters were deployed indicates that those in command exercised insufficient control over their actions to ensure that resources were used efficiently. Too often firefighters or junior officers acted on their own initiative, resulting in confusion and duplication of effort. In many cases instructions to crews deployed into the building were not carried out because firefighters came across people needing help and departed from their instructions in order to carry out what they regarded as a more important task. **I therefore recommend:**
- that the LFB develop policies and training to ensure better control of deployments and the use of resources;
 - that the LFB develop policies and training to ensure that better information is obtained from crews returning from deployments and that the information is recorded in a form that enables it to be made available immediately to the incident commander (and thereafter to the command units and the control room).
- 33.19 LFB policies recognise that regular communication between the control room and the incident commander and between the incident commander and the bridgehead are essential to successful firefighting and rescue operations, particularly when dealing with large-scale incidents. However, at Grenfell Tower there was no regular communication between the control room and the incident commander or between the incident commander and the bridgehead. **I therefore recommend** that the LFB develop a communication system to enable direct communication between the control room and the incident commander and improve the means of communication between the incident commander and the bridgehead.
- 33.20 The methods used for transmitting from the control room to the bridgehead information about people needing rescue were disorganised and the line of communication was too extended. The arrangements for receiving and recording that information at the bridgehead were prone to failure and there was little, if any, means of capturing and transmitting to the control room information about the results of deployments to specific flats. **I therefore recommend** that the LFB investigate the use of modern communication techniques to provide a direct line of communication between the control room and the bridgehead, allowing information to be transmitted directly between the control room and the bridgehead and providing an integrated system of recording FSG information and the results of deployments.

11 Equipment

- 33.21 Some of the equipment in use by the LFB, in particular the radio equipment, was unreliable or in some cases failed to work at all. **I therefore recommend:**
- that the LFB urgently take steps to obtain equipment that enables firefighters wearing helmets and breathing apparatus to communicate with the bridgehead effectively, including when operating in high-rise buildings;

- b. that urgent steps be taken to ensure that the command support system is fully operative on all command units and that crews are trained in its use.

12 Evacuation

33.22 There were no plans in place for evacuating Grenfell Tower should the need arise.

I therefore recommend:

- a. that the government develop national guidelines for carrying out partial or total evacuations of high-rise residential buildings, such guidelines to include the means of protecting fire exit routes and procedures for evacuating persons who are unable to use the stairs in an emergency, or who may require assistance (such as disabled people, older people and young children);
- b. that fire and rescue services develop policies for partial and total evacuation of high-rise residential buildings and training to support them;
- c. that the owner and manager of every high-rise residential building be required by law to draw up and keep under regular review evacuation plans, copies of which are to be provided in electronic and paper form to their local fire and rescue service and placed in an information box on the premises;
- d. that all high-rise residential buildings (both those already in existence and those built in the future) be equipped with facilities for use by the fire and rescue services enabling them to send an evacuation signal to the whole or a selected part of the building by means of sounders or similar devices;
- e. that the owner and manager of every high-rise residential building be required by law to prepare personal emergency evacuation plans (PEEPs) for all residents whose ability to self-evacuate may be compromised (such as persons with reduced mobility or cognition);
- f. that the owner and manager of every high-rise residential building be required by law to include up-to-date information about persons with reduced mobility and their associated PEEPs in the premises information box;
- g. that all fire and rescue services be equipped with smoke hoods to assist in the evacuation of occupants through smoke-filled exit routes.

13 Personal fire protection

33.23 It has been suggested by some core participants that every flat and every public space in a high-rise residential building should be equipped with a fire extinguisher and that a fire blanket should be present in every kitchen. It has also been suggested that hose reels and fire buckets containing water or sand should be kept in the public parts of all such buildings.

33.24 On the face of it there is much to be said in favour of householders obtaining fire blankets and fire extinguishers for their own use and if they live in high-rise buildings a strong argument can be made that such equipment, if appropriately used, may provide protection not only to the occupants of the flat in which a fire occurs but to the occupants of the building as a whole. However, the view of many is that people should not be encouraged to fight fires themselves but should leave the building as quickly as possible and call the fire and rescue service. None of the experts supported the provision of fire extinguishers, hose reels or fire

buckets, which, in my view, provide obvious potential for misuse. The government publishes advice on fire safety in the home and neither the evidence nor the scope of the investigations in Phase 1 provides a basis for the suggested recommendation.

14 Sprinkler systems

- 33.25 The coroner who conducted the inquests arising out of the Lakanal House fire heard evidence about the installation of sprinklers and recommended that the government encourage housing providers responsible for high-rise buildings containing multiple domestic premises to consider fitting them. It is not surprising, therefore, that some core participants have urged me to go a step further and to recommend that such systems be installed in all existing high-rise residential buildings.
- 33.26 Sprinkler systems no doubt have a very valuable part to play in the overall scheme of fire safety measures, but whether such a system would be likely to have suppressed the fire in Flat 16 or prevented it from escaping into the cladding before the firefighters could extinguish it is not something that was investigated in Phase 1. I have therefore heard no evidence about the use of sprinklers generally, their effectiveness under different conditions, or about the cost and disruption that would be caused by installing them in existing buildings. In those circumstances I cannot make any recommendation at this stage about the installation of sprinklers in existing buildings, although the government's response to previous recommendations will form an important part of the investigation to be carried out at Phase 2.

15 Internal signage

- 33.27 The landings in the staircase at Grenfell Tower were not clearly marked with the relevant floor number and where floor numbers were marked they did not reflect the additional floors created during the refurbishment. As a result, firefighters were unable to identify floors clearly when carrying out firefighting or search and rescue operations within the building. **I therefore recommend** that in all high-rise buildings floor numbers be clearly marked on each landing within the stairways and in a prominent place in all lobbies in such a way as to be visible both in normal conditions and in low lighting or smoky conditions.
- 33.28 The evidence put before me in Phase 1 indicates that many occupants of Grenfell Tower were unable to read or understand the fire safety instructions placed in the lobbies throughout the building. Such information is important because it helps to save lives. In the case of Grenfell Tower, fire safety advice was prominently displayed in the lobbies, but it was written only in English, despite the fact that many of the occupants were unable to read English easily or at all. These considerations apply to residential buildings of all kinds containing separate dwellings. **I therefore recommend** that the owner and manager of every residential building containing separate dwellings (whether or not it is a high-rise building) be required by law to provide fire safety instructions (including instructions for evacuation) in a form that the occupants of the building can reasonably be expected to understand, taking into account the nature of the building and their knowledge of the occupants.

16 Fire doors

- 33.29 In Phase 2, the Inquiry will investigate the extent to which at the time of the fire the entrance doors to the flats in Grenfell Tower complied with the relevant legislative requirements and, to the extent that they did not, will investigate the reasons for that failure. However, it has already become apparent from the evidence obtained in Phase 1 that ineffective fire doors allowed smoke and toxic gases to spread through the building more quickly than should have

been possible. One important reason why fire doors failed to perform their essential function was the absence of effective self-closing devices, some of which were broken or had been disabled or removed. Fire doors play an essential role in preventing or inhibiting the spread of smoke and toxic gases and in preserving effective compartmentation of buildings. In many cases they are critical to saving life. **I therefore recommend:**

- a. that the owner and manager of every residential building containing separate dwellings (whether or not they are high-rise buildings) carry out an urgent inspection of all fire doors to ensure that they comply with applicable legislative standards;
- b. that the owner and manager of every residential building containing separate dwellings (whether or not they are high-rise buildings) be required by law to carry out checks at not less than three-monthly intervals to ensure that all fire doors are fitted with effective self-closing devices in working order.

33.30 Effective fire doors are particularly important in those high-rise buildings that are exposed to an increased risk of fire because the external walls currently incorporate unsafe cladding. Among the experts, views differ about the desirability of requiring existing fire doors to be brought up to modern standards and if necessary be replaced with doors that comply with the requirements currently in force in relation to new buildings. However, the importance of fire doors in maintaining compartmentation and protecting parts of the building other than that in which a fire has occurred is plain and in my view justifies the expense that would inevitably be incurred. **I therefore recommend** that all those who have responsibility in whatever capacity for the condition of the entrance doors to individual flats in high-rise residential buildings, whose external walls incorporate unsafe cladding, be required by law to ensure that such doors comply with current standards.

17 Co-operation between emergency services

33.31 A point of concern that has emerged from the evidence heard in Phase 1 is that the emergency services failed to co-ordinate with each other and share information as intended, particularly during the early phases of the incident. Most seriously, each declared a Major Incident without immediately informing the others that it had done so. These failures represent weaknesses in the arrangements under which Category 1 Responders are to work together in response to a serious incident. **I therefore recommend** that the Joint Doctrine be amended to make it clear:

- a. that each emergency service must communicate the declaration of a Major Incident to all other Category 1 Responders as soon as possible;
- b. that on the declaration of a Major Incident clear lines of communication must be established as soon as possible between the control rooms of the individual emergency services;
- c. that a single point of contact should be designated within each control room to facilitate such communication;
- d. that a “METHANE” message should be sent as soon as possible by the emergency service declaring a Major Incident.

- 33.32 The MPS and the LAS have access to each other's CAD logs but neither was accessible to the LFB. Co-operation between the emergency services would be improved if the LFB had access to the CAD logs of the MPS and LAS. **I therefore recommend** that steps be taken to investigate the compatibility of the LFB systems with those of the MPS and the LAS with a view to enabling all three emergency services' systems to read each other's messages.
- 33.33 Although an NPAS helicopter was deployed to observe the development of the fire, the pictures it transmitted could not be viewed by the LFB because the encryption was incompatible with its receiving equipment. Incident commanders and CROs responding to emergency calls might have been assisted by seeing those pictures and in any event they should be available to fire and rescue services as a matter of routine. **I therefore recommend** that steps be taken to ensure that the airborne datalink system on every NPAS helicopter observing an incident which involves one of the other emergency services defaults to the National Emergency Service user encryption.
- 33.34 Many people had difficulty in establishing the whereabouts of friends and relatives who had been taken to hospital after escaping from the building. It is important that in the aftermath of a disaster people are able to ascertain as quickly as possible where their loved ones are and are able to make contact with them. **I therefore recommend** that the LFB, the MPS, the LAS and the London local authorities all investigate ways of improving the collection of information about survivors and making it available more rapidly to those wishing to make contact with them.

18 Other matters

- 33.35 Some of the core participants suggested that I should make recommendations on a range of other matters, including amendments to the Regulatory Reform (Fire Safety) Order 2005 to ensure that it applies to the external walls of residential buildings and the testing and certification of building materials. Although they are all matters of potential importance, none of them were examined in the course of Phase 1 and cannot therefore be the subject of recommendations in this report.

Chapter 34

Looking Ahead to Phase 2

1 Introduction

- 34.1 Having completed Phase 1 of the Inquiry it is useful to look ahead briefly to Phase 2 to identify some areas that will be of particular interest and importance and some that will not now call for investigation to the degree previously thought likely. Most of the questions on which attention will be focused closely relate to the building itself, but it is appropriate to begin with a reminder that important work remains to be done in order to complete the Inquiry's findings about the circumstances in which the deceased lost their lives.

2 The deceased

- 34.2 At the beginning of the Inquiry I expressed the hope that I would be able in due course to make sufficient findings about those who died and the circumstances in which they met their deaths to make it unnecessary for the coroner to resume the investigations which she opened in 2017. I had hoped to be able to make findings in this report in relation to all those matters, save for the wider circumstances that would in any event be the subject of investigation in Phase 2. However, although it has been possible for me to find many of the relevant facts, it has become clear that some aspects of the circumstances in which the deceased met their deaths require a more detailed examination of the evidence than has yet been possible. Within Phase 2 there will therefore be an examination of the evidence relating to the circumstances in which the deceased met their deaths generally with a view to making the findings which the coroner requires.

3 The remaining scope of Phase 2

- 34.3 I decided to begin the Inquiry with an investigation of the events which occurred during the night of the fire because only a detailed understanding of what had happened would enable me to identify effectively those aspects of the design, construction and management of the building that were primarily responsible for the disaster. As a result of the investigations carried out in Phase 1 it has become clear that some aspects of the building played a more significant role than others in bringing about the events which occurred on 14 June 2017.
- 34.4 Since the primary cause of the rapid spread of fire up, around and down the building was the use of ACM rainscreen panels with a polyethylene core, to which the use of combustible insulation contributed, the principal focus of Phase 2 will be on the decisions which led to the installation of a highly combustible cladding system on a high-rise residential building and the wider background against which they were taken. However, a number of other matters have emerged from the evidence gathered in Phase 1 which, although not yet fully explored (and therefore not capable of being the subject of findings at this stage), also give rise to significant concern and call for more detailed investigation. I identify below some of those that I consider particularly important, but must emphasise that it is not an exhaustive list.

4 Matters of particular concern

The London Fire Brigade

- 34.5 In the preceding chapters of this report I have referred to a number of respects in which the performance of the LFB fell below the standards set by its own policies or national guidance. In the case of the control room, there were signal failures to comply with policies that had been recently introduced or modified in response to criticisms of its performance in connection with the Lakanal House fire, giving rise to justified concern that the LFB as an institution had failed to learn or put into practice the lessons of that event. The need for regular active communication between the control room and the incident ground to exchange information about the development of the fire, although required by policies PN633 and PN790, appears to have been routinely ignored. There appears to have been a failure properly to understand the risk of cladding fires in high-rise buildings, despite the fact that by 2017 many buildings of a similar kind in other countries had suffered fires in cladding, some of which had been well publicised. Although some senior officers in the LFB had become aware of the risk, as appears from the *Tall Building Facades* presentation, there had been no attempt to disseminate the information to potential incident commanders and no attempt to equip them with the knowledge or skills needed to recognise and respond to such fires. Questions have also been raised about the LFB's understanding of the nature of the obligation imposed by section 7(2)(d) of the 2004 Act and its approach to discharging it. In that context, as in many others, there appears to have been a significant divergence between policy and practice.
- 34.6 These and other shortcomings described earlier in this report raise far-reaching questions about the LFB as an organisation. Some may question whether its training is adequate in the light of experience; others may question whether it is capable of learning from its mistakes. No conclusion can be reached on questions of that kind at this stage because there has been no examination of the way in which the LFB is managed and no opportunity to question those who are responsible at the highest level for its operations about these apparent shortcomings. However, they are matters of the greatest importance to all who live and work in the capital and will be an important aspect of Phase 2 of the investigation.

Testing and certification of materials

- 34.7 In the light of the expert evidence, in particular Dr Barbara Lane's supplemental report, there are already grounds for thinking that the current regime for testing the combustibility of materials and cladding systems, particularly those chosen for use in high-rise buildings, may be neither as rigorous nor as effectively enforced as it should be. Doubts have also arisen about the reliability of the certification of certain materials for use in high-rise buildings. Grave concern inevitably arises simply from the fact that it was possible for highly combustible materials to be used for the purposes of refurbishing and cladding a building like Grenfell Tower. How that was possible is a question that may be relevant to many aspects of the construction industry, including manufacturers of products currently widely available on the market. Pending further investigation it would clearly be sensible for anyone who is responsible for the fire safety of an existing building or who is considering the use of products on high-rise buildings to scrutinise the information about them provided by the manufacturers and exercise considerable care to ensure that they meet the required standards. These concerns extend to the adequacy of the regulations themselves, the quality of the official statutory and non-statutory guidance currently available, the effectiveness of the tests currently in use, the

arrangements for certifying the compliance of materials with combustibility criteria and the manner in which materials are marketed. They are questions that will lie at the heart of the Inquiry's investigations in Phase 2.

Design and choice of materials

- 34.8 A number of aspects of the design of the refurbishment and the choice of materials will need to be examined. The choice of ACM panels with a polyethylene core, the choice of combustible insulation and XPS window infill panels, a design which incorporated many vertical channels and the decision to incorporate an architectural crown composed of ACM fins, all of which made a major contribution to the extent of the fire, are just examples. An examination of the relevant building regulations and the guidance to the construction industry published by the government in support of them will form an important part of this aspect of the Inquiry's work.

Fire doors

- 34.9 In her supplemental report Dr Lane drew attention to serious questions that arise in relation to the fire doors throughout the tower, both the entrance doors to individual flats opening into the lobbies and the doors opening from the lobbies into the stairs. In Phase 2 it will be necessary to investigate whether those doors complied with the regulations and guidance applicable at the time they were installed, whether they were able to provide appropriate protection against the spread of fire and smoke and if not, why that was so. There is evidence that in many cases self-closing devices were broken or had been disconnected, rendering the doors useless if left open in an emergency. It will be necessary to investigate how that situation came about and why it was allowed to continue.

Window arrangements

- 34.10 As part of the refurbishment the windows were moved outwards so that they no longer sat flush with the original concrete wall but flush with the new cladding system. That alteration, together with the materials used in creating the window surrounds, created certain weaknesses to which Dr Lane and Professor José Torero drew attention. In particular, the use of uPVC in close proximity to combustible insulation and other materials of a combustible nature made it possible for the fire to escape into the cladding from its original location in the kitchen of Flat 16. The design of the window arrangements will therefore be another important focus of investigation in Phase 2.

Lifts

- 34.11 The lifts in Grenfell Tower appear to have been designed as "fire lifts" and lacked some of the protective features such as a secondary power supply, water ingress protection, or FD60 performance for the lift landing doors which would be present in "firefighting lifts".² They did, however, include a "fireman's switch", which should have enabled the firefighters to take control of them and prevent further use by the occupants of the building. In the event, the firefighters were unable to take control of the lifts, but they were able to use them in their normal mode of operation to take crew and equipment up to the bridgehead on floor 2.³ It does not appear, therefore, that their inability to take control of the lifts significantly affected their operations, but the lifts remained available for use by occupants, as described earlier, in

² Dr Lane explained the difference between a "firefighter lift" and a "fire lift" at p. 116 in her presentation on 18 June 2018. Refer also to [BLAS0000033] p. 7, 10 Figs. L1 and L2.

³ Dr Lane supplemental report [BLAS0000019] p. 25 19.5.71.

some cases with fatal consequences. Given the importance of such equipment to safety in a high-rise building, it is necessary in Phase 2 to investigate whether the lifts were appropriately maintained and, in particular, why the fireman's switch apparently did not work properly on this occasion.

Smoke extraction system

- 34.12 Suggestions have been made that the smoke extraction system failed to operate in accordance with its design and even contributed to the spread of smoke between different floors of the building. Systems of this kind are an integral part of the fire safety measures in most, if not all, high-rise buildings. Although the system at the tower was designed to operate on only one floor and was not intended to deal with smoke extraction on multiple floors at the same time, it is important to understand whether, in this case, it was capable of operating in accordance with its design and whether it did so. These questions will therefore form part of the investigation in Phase 2.

The warnings of the local community and the authorities' response to the disaster

- 34.13 From the outset members of the local community have said that they warned the TMO on many occasions about fire hazards, both those arising from the refurbishment and more generally. There is a strong feeling among them that their voices were ignored and that if attention had been paid to them the disaster could have been avoided. There is also a strong view in many quarters that in their response to the disaster the authorities failed the community by not providing adequate support in the days immediately following the fire. These are both important matters for further investigation in Phase 2, not least because they reflect what is said to be a general lack of concern on the part of the authorities for the residents of the tower and the wider community.

5 Matters no longer requiring investigation

Stairs

- 34.14 A question was raised about the width of the stairs, given that they provided the sole means of access to the upper floors of the tower for firefighters as well as the sole means of escape for the occupants. However, the stairs appear to have complied with requirements of the legislation in force at the time of their construction and the expert evidence supports the conclusion that they had sufficient capacity to enable all the occupants of the building to escape within a reasonable time. This aspect of the building will not, therefore, be the subject of further investigation in Phase 2.

Gas

- 34.15 It was thought at one time that the supply of gas to the tower might have played a significant part in the outbreak and development of the fire, but as a result of the investigation carried out in Phase 1 it has become clear that that was not the case. Although the supply of gas allowed fires within individual flats to continue to burn until it was shut off at 23.40 that day, its contribution to the fire which consumed the tower appears to have been minimal. However, some works associated with the installation of the new gas riser were incomplete and may have contributed to the spread of smoke. In those circumstances it will be necessary at Phase 2 to consider whether the installation of the gas services complied with the relevant regulatory regime, but the focus of those investigations can be relatively narrow.

Electricity

- 34.16 There was a widespread suspicion, based on events that were said to have occurred in 2013, that the fire had been caused by a surge in the supply of electrical power to the building. In the event, no evidence has emerged to support that suspicion and I am confident that the true cause of the initial outbreak of fire has been correctly identified in Chapter 21. As a result, I do not think it necessary to undertake any further investigation into that aspect of the matter.

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