

Coroner's Rule 43 Letter Shirley Towers, Hampshire

Report of the Chief Fire Officer

For further information about this report please contact Paul Raymond, Chief Fire Officer, on 01743 260201 or Andy Perry, Head of People Development and Safety, on 01743 260182.

1 Purpose of Report

This report sets out the recommendations made in the Coroner's Rule 43 Letter relating to a fire at Shirley Towers, Hampshire.

2 Recommendations

The Fire Authority is asked to note the contents of the report.

3 Background

Under the provisions of Rule 43 of the Coroner's Rules, "a Coroner who believes that actions should be taken to prevent the recurrence of fatalities similar to that in respect of which the Inquest is being held, may announce at the Inquest that he is reporting the matter in writing to the person or authority who may have power to take such action and he may report the matter accordingly".

Following an inquest into the tragic deaths of two firefighters on the 6 April 2010, when fighting a fire in a high-rise block of flats in Southampton, the Coroner K St J Wiseman wrote a Rule 43 Letter to Sir Ken Knight, Chief Fire and Rescue Advisers Unit, Department for Communities and Local Government. A copy of that Letter is attached at Appendix A to this report.

4 Action Taken

Having obtained a copy of the Coroner's Rule 43 Letter, officers of this Service examined existing procedures in the light of the recommendations and are taking steps, where necessary, to implement improvements.

Peter Holland, successor to Sir Ken Knight, Chief Fire and Rescue Service Adviser, subsequently issued a response to the Coroner, a copy of which is attached at Appendix B.

5 Financial Implications

Any costs of additional equipment or training required are minimal and can be met from within existing budgets.

6 Legal Comment

The statutory duty to respond to Rule 43 reports rests with those organisations receiving the report. As the Fire Authority was not a direct recipient of the Rule 43 report, it is not required to provide a response to the Coroner. It is, however, good practice to consider the issues raised and address any concerns, as far as is practicable.

The Authority is under a duty of care as employer, under the Health & Safety at Work etc Act 1974, in respect of the health and safety of its employees.

Any national guidance issued will be considered by officers on receipt.

7 Risk Monitoring

When writing this report officers have reviewed Brigade Order 3 Part 2 Risk Management Protocol and have determined that there are no risk implications associated with it, as it is merely setting out the recommendations of the Coroner and the response, given by the Chief Fire and Rescue Service Adviser.

8 Equality Impact Assessment

Officers have considered the Service's Brigade Order on Equality Impact Assessments (Personnel 5 Part 2) and have determined that there are no discriminatory practices or differential impacts upon specific groups arising from this report. An Initial Equality Impact Assessment has not, therefore, been completed.

9 Appendices

Appendix A

Coroner's Rule 43 Letter

Appendix B

Response letter from the Peter Holland,
Chief Fire and Rescue Service Adviser

10 Background Papers

There are no background papers associated with this report.



K. St. J. Wiseman
H.M. CORONER for the Southampton
City and New Forest District

Sir Ken Knight
Chief Fire and Rescue Advisers Unit
Department for Communities and Local Government
Eland House
Bressenden Place
LONDON
SW1E 5DU

Date: 04 February 2013

Dear Sirs

INQUEST INTO THE DEATHS OF ALAN BANNON AND JAMES SHEARS

I am writing to you concerning the Inquest into the tragic deaths of Firefighters Alan Bannon and James Shears.

Both men died on the 6th of April 2010 when fighting a fire in a high-rise block of flats in Southampton. The Jury brought a narrative verdict as follows:

Death by misadventure in each case in conjunction with the following narrative:

“Firefighters Alan Bannon and James Shears died from sudden exposure to initially intense heat from 20.38 to 20.41 and thereafter to excessive heat while dealing with a fire in a flat on the 9th floor of the high-rise tower block Shirley Towers. Obvious precautions to prevent the fire occurring were not taken in addition, operating conditions for all firefighters involved became extremely difficult and dangerous and this significantly contributed to the deaths of Firefighters Alan Bannon and James Shears. Numerous factors have been identified as being relevant in the chain of causation which could have affected the eventual outcome and which, where appropriate, will form the basis of recommendations to improve safety in the future.”

I am writing to you under the provisions of Rule 43 of the Coroner's Rules which reads "a Coroner who believes that actions should be taken to prevent the recurrence of fatalities similar to that in respect of which the Inquest is being held, may announce at the Inquest that he is reporting the matter in writing to the person or authority who may have power to take such action and he may report the matter accordingly".

I received a number of very helpful reports that assisted me at the Inquest and at its conclusion I have agreed with all the advocates representing those entitled to be heard that I should make the following recommendations under Rule 43 to these primary recipients:

- a) Sir Ken Knight, Chief Fire and Rescue Advisers Unit (CFRAU) with responsibility for disseminating these recommendations to every Fire and Rescue Service (FRS) in the UK
- b) Eric Pickles MP, the Secretary of State for the Department for Communities and Local Government, with responsibility for considering any legislative changes required to implement any of these recommendations,
- c) Brandon Lewis MP, Parliamentary Under Secretary of State for the Fire & Rescue Service, with responsibility for disseminating these recommendations to every FRS
- d) Mark Prisk MP, the Minister of State for Housing (and Local Government), with responsibility for disseminating these recommendations to every social housing provider in the UK.

All these primary recipients listed above should disseminate these recommendations to every FRS and social housing provider in the UK so that they shall promptly consider these recommendations in relation to high-rise buildings within their locality, decide what to do about them and inform the primary recipient of such decisions.

Rule 43 Recommendations for Consideration in relation particularly to the risk of fire in High-Rise Buildings

- 1 Guidance and clarification is required with regard to search procedures as set out in Technical Bulletin 1/97 (Breathing Apparatus Command and Control Procedures), to ensure that:
 - e) Thermal imaging cameras (TIC) are used to search for fire in smoky conditions
 - f) Fire-fighters understand the importance of fully extinguishing fires before proceeding past or above the fire scene
 - g) Methodical search patterns are undertaken e.g. area by area, room by room or floor by floor.
 - h) Search patterns are standardised across every FRS in the UK so that there is common understanding and procedure when fire-fighters from different FRSs are engaged in joint working.
- 2 It is recommended that a review is undertaken to ensure that the teaching and training of those fire-fighting techniques used to contain and cool compartment fires, on the one hand, fully complement techniques designed to attack and extinguish fires, on the other.

A review should be undertaken into the training provided in relation to the circumstances and manner in which each technique should be used. For example, a pulse spray technique should not be used in a fully ventilated compartment fire, the severity of which will not be controllable by pulse spraying and gas cooling approach.

- 3 It is recommended that a review is undertaken to ensure the adequacy of teaching and training of tactical ventilation procedures in compartment fires to highlight the effect ad-hoc ventilation can have on fire development and to confirm the associated dangers.
- 4 It is recommended that all FRSs should consider the implementation of measures to reduce the risks associated with fallen cables. In particular consideration should be given to:
 - a) Providing insulated wire cutters, or other means of severing cables, to all breathing apparatus teams;
 - b) Modifying breathing apparatus sets to reduce the risk of cables becoming caught between the wearer's back and the cylinder (as introduced by Hampshire Fire and Rescue Service – please contact HFRS for more details);
 - c) Training all breathing apparatus wearers in the risks presented by fallen cables and how to reduce those risks.
- 5 It is recommended that all FRSs and social housing providers consider the Rule 43 recommendations made by HM Coroner for Hertfordshire Mr Edward Thomas¹ following the inquest into fire-fighter fatalities at Harrow Court in particular Recommendation 8 made by the FBU which is here repeated for ease of reference:

“8. That SBC should remove all the surface mounted plastic trunking/conduit used to protect and support the Fire Alarm and Automatic Fire Detection System in the Common Areas of all their premises, and replace them with a method of cable support which as a minimum conforms to BS 5839- Part 1 : 2002; clause 26.2 (f);

Methods of cable support should be such that circuit integrity will not be reduced below that afforded by the cable used, and should withstand a similar temperature and duration to that of the cable, while maintaining adequate support.

Note 7. In effect, this recommendation precludes the use of plastic cable clips, cable ties or trunking, where these products are the sole means of cable support.”

- 6 It is recommended that Building Regulations are amended to ensure that all cables, not just fire alarm cables, are supported by fire-resistant cable supports. This could be achieved by an amendment to BS 7671 (2008) Institute of Electrical Engineers Wiring Regulations.

¹ The Rule 43 Recommendations from HMC Thomas' Inquest into the Harrow Court fatalities can be obtained from the Office of the Lord Chancellor.

- 7 Social housing providers should be encouraged to consider the retro-fitting of sprinklers in all existing high rise buildings in excess of 30 metres in height, particularly those identified by Fire and Rescue Services as having complex designs that make fire-fighting more hazardous and/or difficult. It is noted that current legislation requires that all newly built high rise buildings in excess of 30 metres in height must be fitted with sprinkler systems.
- 8 It is recommended that a review of training given to control staff is undertaken by all FRSs in UK in light of the guidance given in recent GRAs including GRA 3.2 of September 2008.

All FRS should further consider the implementation of measures to ensure that control staff are properly supervised when taking calls and are trained to capture and relay relevant information likely to assist operational firefighters.

- 9 It is recommended that there should be an obligation to:
 - a) provide signage to indicate floor levels both in stairwells and lift lobbies in high rise premises, to assist the emergency services;
 - b) ensure that signage indicating flat numbers and emergency exits in high rise premises are placed at a low level to increase visibility in smoke conditions.

This could potentially be achieved by amending Article 38 of the Regulatory Reform (Fire Safety) Order 2005, which relates to maintenance of measures provided for the protection of fire-fighters. Alternatively new legislation may be required.

I am sure that due consideration will be given to all these recommendations and policies formulated to ensure the safety of firefighters and the minimalisation of risks to the occupiers of high-rise flats.

Many thanks for your anticipated attention to this matter. Rule 43A requires that you give a written response within 56 days of the day the report is sent. If you are unable to respond within that time, you may apply to me for an extension. The response is to contain details of any action that has been taken or which it is proposed will be taken whether in response to this report or otherwise, or an explanation as to why no action is proposed.

Yours faithfully

K St J Wiseman
HM Coroner for Southampton &
New Forest



CHIEF FIRE & RESCUE ADVISER

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K St J Wiseman
HM Coroner for the
Southampton City and
New Forest District
Coroner's Office
12-18 Hulse Road
Southampton
SO15 2JX

2nd April, 2013

Dear Coroner,

Thank you for your letter of 4 February, addressed to my predecessor Sir Ken Knight, the Secretary of State, and the Ministers responsible for fire and housing. As you have made recommendations in relation to the Building Regulations the response also covers those issues.

I recognise that this letter was written under Rule 43 of the Coroners Rules 1984 concerning the inquest into the deaths of Alan Bannon and James Shears, both of whom died tragically on 6 April 2010 fighting a fire at Shirley Towers, Southampton.

As I mentioned in our telephone conversation last month the Department for Communities and Local Government has no remit or policy locus in relation to the devolved administrations. However as promised I have sent my counterpart in each a copy of your letter of 4 February for their information together with this letter.

I will ensure that all English fire and rescue authorities are aware of these recommendations. Similarly, officials in the Housing Directorate of this Department will draw your recommendations to the attention of social housing providers in England. We will not, however, seek reports from either fire and rescue authorities or from social housing providers on the outcome of any consideration given to these recommendations. The extent to which these organisations may wish to consider and act on your recommendations is entirely a matter for their judgment.

The responsibility for operational effectiveness, together with training and operational response in each of the 46 fire and rescue services in England lies with each respective fire and rescue authority. As the employer, fire and rescue authorities also have the duty of care in relation to matters of safety, including the statutory responsibilities set out in the Health and Safety at Work etc Act 1974.

However, whilst each fire and rescue authority has this responsibility in respect of the fire and rescue service it provides, in 2012 the Local Government Association and the Chief Fire Officers' Association established an Operational Guidance Strategy Board. It has responsibility for developing common national operational guidance for all fire and rescue authorities. I have therefore also copied in the Chairman of that Board who is representing the Chief Fire Officers Association. As Chief Fire and Rescue Adviser I sit on that Board. Prior to the current arrangements my office was responsible for publishing all national operational guidance until last year. There are a few legacy documents which are still the responsibility of my office to publish and they include revisions to the two operational guidance documents on breathing apparatus TB 1/97 and high rise building fires GRA 3.2 which you refer to in your letter. They are at final draft stage prior to being issued to fire and rescue authorities. I am ensuring that all your comments are given due consideration prior to them being published.

I offer, in Annex A, some detailed and contextualised comment on each of the specific recommendations set out in your letter.

I trust you find this helpful. I am copying this letter to the Chairs and Chief Fire Officers of all the English fire and rescue authorities as well as to the Chief Fire and Rescue Adviser in each of the devolved administrations.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Holland', written in a cursive style.

Peter Holland CBE QFSM FIFireE
Chief Fire and Rescue Adviser

DCLG response to Rule 43 recommendations following the inquest into the deaths of Alan Bannon and James Shears

1.Guidance and clarification is required with regard to search procedures as set out in Technical Bulletin 1/97 (Breathing Apparatus Command and Control Procedures) to ensure that:

- e) Thermal imaging cameras are used to search for fire in smoky conditions*
- f) Firefighters understand the importance of fully extinguishing fires before proceeding past or above the fire scene*
- g) Methodical search patterns are undertaken eg, area by area, room by room or floor by floor*
- n) Search patterns are standardised across every FS in the UK so that there is a common understanding and procedure when fire-fighters from different FRAs are engaged in joint working.*

This piece of operational guidance has just been reviewed by all relevant interested parties in relation to the fire and rescue service. It is about to be issued by the Department for Communities and Local Government. It will be reviewed again prior to being issued to ensure the above points are taken fully into account.

2.It is recommended that a review is undertaken to ensure that the teaching and training of those fire fighting techniques used to contain and cool compartment fires, on the one hand, fully complement techniques designed to attack and extinguish fires, on the other. A review should be undertaken into the training provided in relation to the circumstances and manner in which each technique should be used. For example, a pulse spray technique should not be used in a fully ventilated compartment fire, the severity of which will not be controlled by pulse spraying and gas cooling approach.

Individual Fire and Rescue Authorities have responsibility for standards of training and teaching against nationally agreed standards. The national Operational Guidance Strategy Board will be asked to consider the recommendations and make any changes they subsequently deem necessary.

3.It is recommended that a review is undertaken to ensure the adequacy of teaching and training of tactical ventilation procedures in compartment fires to highlight the effect ad-hoc ventilation can have on fire development and to confirm the associated dangers.

Individual Fire and Rescue Authorities have responsibility for standards of training and teaching against nationally agreed standards. This will also be passed to the national Operational Guidance Strategy Board who will be asked to consider the recommendations and make any changes they subsequently deem necessary.

4. It is recommended that all FRSs should consider the implementation of measures to reduce the risk associated with fallen cables. In particular consideration should be given to:

- a. providing insulated wire cutters, or other means of severing cables, to breathing apparatus teams;**
- b. modifying breathing apparatus sets to reduce the risk of cables becoming caught between the wearer's back and the cylinder (as introduced by Hampshire Fire and Rescue Service)**
- c. training all breathing apparatus wearers in the risks presented by fallen cables and how to reduce those risks.**

Individual Fire and Rescue Authorities have responsibility for standards of training and teaching against nationally agreed standards. This will also be passed to the national Operational Guidance Strategy Board who will be asked to consider the recommendations and make any changes they subsequently deem necessary.

5. It is recommended that all FRSs and social housing providers consider the Rule 43 recommendations made by HM Coroner for Hertfordshire Mr Edward Thomas following the inquest into fire-fighter fatalities at Harrow Court in particular Recommendation 8 made by the FBU which is repeated here for ease of reference:

That SBC should remove all the surface mounted plastic trunking/conduit used to protect and support Fire Alarm and Automatic Fire Detection System in the Common Areas of all their premises, and replace them with a method of cable support which as a minimum conforms to BS 5839-Part1: 2002: clause 26.2 (f)

Methods of safe cable support should be such that circuit integrity will not be reduced below that afforded by the cable used, and should withstand a similar temperature and duration to that of the cable, while maintaining adequate support.

Note 7: In effect, this recommendation precludes the use of plastic clips, cable ties or trunking, where these products are the sole means of cable support.

As this is a matter for Fire and Rescue Authorities and social housing providers it will be brought to their attention

6. It is recommended that Building Regulations are amended to ensure that all cables, not just fire alarm cables, are supported by fire-resistant cable supports. This could be achieved by an amendment to BS7671 (2008) Institute of Electrical Engineers Wiring Regulations.

BS 7671:2008 - *Requirements for electrical installations* (also known as the *IET Wiring Regulations, 17th Edition*) is published by the Institution of Engineering and Technology (the IET). Part P of the Building Regulations - *Electrical safety in dwellings* - calls for electrical work installation work in houses and blocks of flats to follow the rules in BS7671 or an equivalent standard.

Although the Department has no plans to make the use of heat resistant cable clips in electrical installations a requirement of the Building Regulations, officials have raised the matter with the joint IET/British Standards Institute BSI (JPEL/64) responsible for BS 7671:2008. JPEL/64 is currently considering the issue and will report back in due course. Should the committee decide a change to BS7671:2008 is warranted, all competent electricians would work to the amended standard as a matter of course and the Department could amend its guidance to Part P of the Building Regulations to bring it into line.

7.Social housing providers should be encouraged to consider the retro-fitting of sprinklers in all existing high rise buildings in excess of 30m in height, particularly those identified by Fire and Rescue Services as having complex designs that make fire-fighting more hazardous/difficult. It is noted that current legislation requires that all newly built high rise buildings in excess of 30m in height must be fitted with sprinkler systems.

This recommendation has been drawn to the attention of social housing providers as indicated in my letter.

It is, however, for each social landlord to comply with the Building Regulations and the Regulatory Reform (Fire Safety) Order 2005 and to consider the most effective way of managing fire safety in the buildings for which they are responsible. Clearly, the fire safety measures which may be need to be implemented or installed in any particular building will need to be determined primarily by a careful assessment of the life-risk to the residents and others in the building.

8.It is recommended that a review of training given to control staff is undertaken by all FRSs in UK in the light of the guidance given in recent Generic Risk Assessments including GRA 3.2 of September 2008.

Individual Fire and Rescue Authorities have responsibility for standards of training and teaching against nationally agreed standards. This will also be passed to the national Operational Guidance Strategy Board who will be asked to consider the recommendations and make any changes they subsequently deem necessary.

9.It is recommended that there should be an obligation to:

- a. provide signage to indicate floor levels both in stairwells and lift lobbies in high rise premises, to assist the emergency services;***
- b. ensure that signage indicating flat numbers and emergency exists in high rise premises are placed at a low level to increase visibility in smoke conditions.***

This could potentially be achieved by amending Article 38 of the Regulatory Reform (fire Safety) Order 2005, which relates to maintenance of measures provided for the protection of fire-fighters. Alternatively new legislation may be required.

The Government has no plans to amend the Regulatory Reform (Fire Safety) Order 2005 or introduce new legislation. It believes that the fire safety regulations offer importance public safety protection and are proportionate, putting responsibility for compliance where it belongs - with employers and buildings owners. We recognise that no two premises are likely to be the same in terms of risk, and we want building owners to have the flexibility to determine the fire safety precautions necessary in

the light of a suitable and sufficient assessment of the risk in each of the individual premises for which they are responsible.

Following the tragedy at Lakanal House in July 2009, those responsible for fire safety in purpose built flats reported that they would welcome additional and specific guidance on how to manage fire safety in these buildings. In response, the Department, with additional support from the Electrical Safety Council, provided a grant to the Local Government Association to develop, in partnership with the housing sector and enforcing authorities (represented by the Chief Fire Officers' Association and the Chartered Institute of Environmental Health Officers), detailed advice on the fire risk assessment process and issues to be considered to adequately assess the risk to residents in purpose built blocks of flats.

This guidance offers detailed advice on the issue of signage and is available on the Government's DCLG webpage:

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government/series/fire-safety-law-and-guidance-documents-for-business>

In addition, the Fire and Rescue Services Act 2004 section 7(2) (d) places a statutory duty on Fire and Rescue Authorities to obtain information for the purposes of fire fighting. There is comprehensive guidance which was issued by the Chief Fire and Rescue Adviser on how best this can be achieved. The guidance is entitled Fire and Rescue Service Operational Guidance -- Operational Risk Information and was issued in March 2012

Peter Holland CBE QFSM FIFireE
Chief Fire and Rescue Adviser