



Grenfell Tower Inquiry  
Royal Courts of Justice  
Strand  
London WC2A 2LL

By email: [contact@grenfelltowerinquiry.org.uk](mailto:contact@grenfelltowerinquiry.org.uk)

31 July 2017

Dear Judge

Thank you for inviting views on the Terms of Reference for the Grenfell Tower Inquiry. We agree with the approach of undertaking an interim report, to be published quickly, and then a second stage report.

### **Who we are**

The Housing Team at Garden Court Chambers is one of the largest specialist housing law teams in the country (26 barristers) and has a reputation for excellence in this area. We cover all aspects of housing law including security of tenure, unlawful eviction, homelessness, allocation of social housing, disrepair and housing benefit. We are particularly committed to representing tenants, other occupiers and homeless people. We regularly appear in all levels of courts, from the County Court to the Supreme Court.

Our work isn't confined to the courtroom. We also spend time training, advising and writing on housing issues. We were the first chambers to serve as a Legal Services Commission Specialist Support Service provider in housing law, and from 2004-2008 we offered specialist support and training under contract direct from the LSC. We write, or co-write, a number of the leading practitioner textbooks on housing law.

More information can be found about Garden Court Chambers and all of our barristers at [www.gardencourtchambers.co.uk](http://www.gardencourtchambers.co.uk).

### **The interim report**

We believe that the interim stage of the inquiry should investigate the causes of the fire, and the immediate response of the various agencies involved, and make urgent recommendations for the future safety of other high-rise buildings.

Issues that should be investigated include:

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- The immediate cause of the fire;
- Why the fire was not contained but was able to spread so rapidly;
- What escape routes were in place and whether one staircase was a sufficient means of escape;
- Whether internal fire safety measures, such as the installation of sprinklers, would have assisted;
- What fire safety instructions were given to the residents and why they were not adequate;
- Were firefighters hampered by any physical features of surroundings of the tower preventing access, such as gates or bollards?
- Did the policy of the LFB not to carry long ladders on fire engines which first arrive at a fire obstruct rescue efforts?
- Whether the works carried out to the block in 2013 and 2014 were compliant with Building Regulations and if not did this contribute towards the fire and why were regulations not adhered to;
- on what basis was the cladding considered safe and appropriate to install at Grenfell Tower.

#### Recommendations at the interim stage

- What recommendations should be made for immediate steps to be taken to ensure the safety from fire of social housing tenants in high rise tower blocks, including whether urgent legislation on fire safety standards is needed.

#### The second stage of the inquiry

We believe that the second stage of the inquiry should consider a number of distinct topics.

The emergency response: what plans should local councils have in place to respond to large-scale disasters, such as this fire? How did the emergency responses – particularly the response by Kensington & Chelsea Council – measure up to what local residents are reasonably entitled to expect of their public services in an emergency?

The Council's immediate response to the needs of the residents affected by the fire: was the Council's immediate accommodation response adequate? Has its subsequent policy of offering longer-term temporary accommodation and permanent accommodation within a year been appropriate? Did the Council and other public authorities work together to provide the appropriate bereavement, counselling, physical and mental health services, urgent financial support and social services support?

The building works carried in 2013 – 2014: what was the purpose behind the refurbishments? Was there any material improvement to the building and/or to the quality of life of the residents?

Were there lessons not learned or warnings missed?: should the council have considered the Coroner's recommendations from the Lakanal House inquest? Were there other precedents which were relevant and which may have been disregarded or where warnings were missed concerning fire safety in multi-occupied buildings?

The make-up and number of bodies involved in the refurbishment works: how many different organisations were involved in commissioning, carrying out and approving the refurbishment works? Would the works have been done to a higher standard if fewer agencies had been involved? Was the agency which finally signed off the quality of the works publicly accountable? Were the organisations involved sufficiently equipped for the role and responsibilities they were expected to undertake?

National housing standards and their enforcement: are current legal requirements on housing standards sufficient to ensure that such a large-scale fire can never be repeated? If not, what changes need to be made to our current standards? The current legal framework governing housing standards is extremely complicated. Should there be one codified legal instrument governing housing standards? How should those standards be enforced? Currently local housing authorities enforce the standards contained in the Housing Act 2004, but they cannot enforce against themselves. What system of regulation should oversee buildings owned by local housing authorities? Besides enforcement by a public authority, should there be a system whereby tenants and residents can enforce housing standards against their landlords? And if such a system were to be recommended, should an individual seeking advice or seeking to take legal steps as to enforcement of housing standards directly affecting him or her be funded by legal aid?

Consultation and a meaningful voice for tenants and residents in relation to social housing standards: The inquiry will be considering whether and the extent to which warnings, in 2013 and 2014, said to have been raised by the Grenfell Action Group about highly combustible materials were not addressed by the council or the Tenants' Management Organisation. What measures should be put in place so that residents are meaningfully consulted or have a meaningful voice as to the standard of works to be undertaken and as to the quality of the installations before a contract has been signed off as completed? What legal rights should residents in multi-occupied buildings have to raise safety issues so that there is a legal obligation on the landlord to listen and respond to concerns? Should residents' groups receive funding for legal representation or advice so that their concerns can be articulated in a specific forum?

A culture of valuing and investing in high standard social housing: it is our experience as barristers specialising in social housing law that funding for social housing has been a low political priority for many years. A political culture has developed in which social housing is regarded as merely a last resort for those who have failed in the private housing market. This view of social housing fails to recognise it as an extremely valuable source of secure long term housing for many people. In our daily work we see the value and importance of social housing whereas recent government policies have tended to look towards the private sector, and to appear not to value social housing.

We think it is pertinent that the inquiry should address whether its findings on the circumstances surrounding the fire suggest a need for a change of culture as to the value that society places on social housing, and the importance of investing in high quality social housing.

### The views of residents

We would also add that the wishes of the tenants and residents of the building are very significant in the decision as to the remit of the inquiry.

### Structure and make up of the inquiry

We consider it imperative that core participants to the inquiry can receive public funding for legal representation. We suggest that the core participants include:

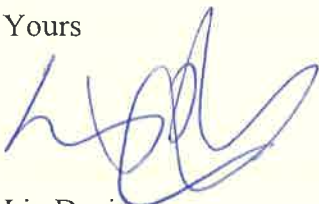
Residents Groups of Grenfell Tower existing at the time of the fire;  
Support groups providing assistance on the ground since the fire;  
The emergency services;  
Individual residents who might not be represented collectively;  
Organisations representing tenants and/or council leaseholders.

We would anticipate that the inquiry will be taking evidence at least from experts in fire safety, building construction, environmental health, housing standards law and finance of social housing.

We would also hope that the Judge conducting the inquiry is assisted by a panel of non-lawyer members.

We urge the government to commit to addressing the inquiry's recommendations on an urgent basis and to prioritising the passage through Parliament of new legislation that is needed in the light of the interim and second stage report.

Yours



Liz Davies  
Co-convenor Housing Team