

**IN THE FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case ref: LON/00BJ/LSC/0286**

In the Matter of: The Landlord and Tenant Act 1985; Section 27A

**B E T W E E N:**

**THE MAYOR AND BURGESSES OF THE  
LONDON BOROUGH OF WANDSWORTH**

Applicant/ Landlord

**and**

**VARIOUS LEASEHOLDERS OF  
100 HIGH-RISE RESIDENTIAL BLOCKS  
IN THE LONDON BOROUGH OF WANDSWORTH**

Respondents/ Leaseholders

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**APPENDIX [ 8 – Letter from HM Coroner to DCLG dated 04.02.13]**

**TO THE STATEMENT OF CASE  
ON BEHALF OF  
THE LONDON BROUGH OF WANDSWORTH**

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**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 6<sup>th</sup> 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 9<sup>th</sup> 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."

Coroner's Office  
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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 Thomas<sup>1</sup> 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.

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<sup>1</sup> 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**

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