

## Grenfell Tower Inquiry update

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**Local Government analysis: What will change as a result of Grenfell? Andy Lane, a barrister at Cornerstone Barristers, examines the current state of play with the Grenfell Tower Inquiry and considers the likely reforms that will follow.**

### Original news

Grenfell Tower inquiry—update issued [[LNB News 16/11/2017 75](#)]

*An update on the current status of the Grenfell Tower Inquiry includes information on the progress of the Inquiry, community engagement activity, core participants (CPs) and evidence from residents. Following the formal establishment of the inquiry in August, its initial focus has been the designation of CPs, the securing of necessary expert involvement and the gathering of documentary evidence. The Inquiry received an unprecedented number of CP applications—545 applications were made and 393 applications have been granted. The Inquiry has also appointed a number of experts in the field of forensic fire analysis and fire engineering.*

### Do you think Grenfell has changed anything already in terms of accountability of local authorities to their communities?

The awful tragedy at Grenfell Tower on 14 June 2017 certainly attracted significant attention and comment, and immediately led to reviews and inspections of the fire safety aspect of other residential and, indeed, commercial blocks.

The role of the local press, or rather lack of it, was highlighted early on, not least by the Grenfell Action Group via its blog, as indicative of the apparent ignoring of many prior complaints and concerns. On the more direct question of change, Jenny Osbourne, chief executive of the Tenant Participation Advisory Service, is reported in *The Guardian* (20 September 2017) as saying:

‘We’re seeing a shift—the voices of tenants are finally being listened to, particularly in matters of safety and regulation. I am hopeful that landlords will reassess their relationships with their tenants and the wider community.’

Alok Sharma MP, the Minister of State for Housing and Planning, has also been touring the country in the wake of Grenfell speaking to social tenants in a deliberate engagement process.

Whether the eventual fall-out will find its way into greater and clearer levels of accountability of social landlords to the communities they serve is less clear. It is certainly ‘on the agenda’ and many private registered providers have put tenant input at the heart of their operations. On 9 November 2017, for example, *Inside Housing* magazine reported Richard Peacock, chief executive of Soha Housing, as calling for housing associations to fund an independent tenant pressure group.

### Is the Inquiry likely to recommend any change?

The simple answer to this is yes. The Inquiry’s terms of reference, for example, include the examination of ‘the scope and adequacy of building regulations, fire regulations and other legislation, guidance and industry practice relating to the design, construction, equipping and management of high-rise residential buildings’, and it is hard to believe that this will simply result in a determination that current legislation and guidance is sufficient (and note the fire safety review referred to below).

As the chair of the Inquiry, Sir Martin Moore-Bick said back in September when confirming that there was an ‘urgent need’ to conduct phase one to find out what parts of the tower’s design and construction played a role in allowing the disaster to happen:

‘That’s important because if there are similar defects in other high-rise buildings, steps must be taken quickly to ensure those who live in them are kept safe.’

Wider policy issues, outside the remit of the Inquiry, have been given to the Department for Communities and Local Government to investigate and consider, the engagement exercise undertaken recently by Alok Sharma MP being indicative of the role given to the department.

## Do you think any change to social housing policy is likely?

The focus of the social housing sector at present is very much on the need to provide greater units of truly affordable housing, whilst also battling with policies such as universal credit and HRA borrowing caps which are causing genuine difficulties to many of their tenants and would-be tenants.

In terms of housing standards, almost two years before Grenfell Karen Buck MP's Private Members Bill—Homes (Fitness for Human Habitation) Bill 2015-16—which concerned issues of enforcement of housing standards and a duty to make tenancies up to 7 years fit for human habitation, was talked out (and efforts to amend the then Housing and Planning Bill in 2016 to similar effect were rejected). The Bill is now re-introduced in similar form—Homes (Fitness for Human Habitation and Liability for Housing Standards) Bill 2017-19—and is due its 2nd reading on 19 January 2018.

On the wider issue, there has recently been excellent research published by the Universities of Bristol and Kent, commissioned by Shelter, entitled 'Closing the Gaps: Health and Safety at Home', seeking to set out the gaps in the current law which may make housing less safe and to prevent households from remedying problems; to set out where lack of enforcement undermines existing legal protections and to identify legal remedies to strengthen protection for tenants. This concluded, inter alia:

'The fire at Grenfell Tower demonstrated firstly the need for a major culture change in the regulation of health and safety in people's homes and secondly, that the law requires consolidating, updating and reforming. New and innovative remedies are required which enable occupiers to hold the state to account for breaches of housing standards, building regulation and fire safety requirements. To achieve this end, we recommend a new Housing Act—the Housing (Health and Safety in the Home) Act—which not only brings the various tentacles of the law together and fills the gaps but would affect the necessary cultural change.'

Change is therefore on the table but whether it will happen, or will be sufficient if it does, remains unclear.

## Are we likely to see more social housing provision for London?

Not as a result of Grenfell, no. It is clear from even the Autumn Budget of 2017 that the need for more housing is a debate won, though the nature of such provision, the need for it to be affordable and the obsession with home ownership persists in central government.

The Mayor of London meanwhile is consulting on his housing strategy at present, and this commits to building truly affordable homes.

## What do you think is the likely outcome of the fire safety regulation review?

There seems to be an accepted view in the fire safety industry that greater regulation and enforcement is required. The independent Review of Building Regulations and Fire Safety, announced on 28 July 2017, is being led by Dame Judith Hackitt and will assess the effectiveness of current building and fire safety regulations and related compliance and enforcement issues, with a focus on multi-occupancy high rise residential buildings (including whether the government's large-scale cladding system testing programme identified any potential systemic failures).

To give one example of proposed recommendations, the Fire Sector Federation has said that the review should:

- revise the scope of the regulations to include building resilience
- revise the wording of the guidance to reduce ambiguity and improve clarity
- review certain technical aspects including product testing and the applicability of the Regulations to refurbishment projects
- evaluate the systems in place for achieving compliance and enforcing the Regulations
- consider competency and the impact of the Regulatory Reform (Fire Safety) Order and its relationship with the Building Regulations
- look forward in terms of how design and materials are advancing in the built environment to ensure the framework of controls, regimes, research, competencies and knowledge remain relevant to satisfy the risk benefit equation for our society

The final report of the review should be published by Spring 2018 and whilst it will of course come up with recommendations and suggested reforms, it remains to be seen to what extent these are implemented.

## Will the tragedy force the government to implement the specific recommendations?

Only time will tell, though as so often the question of funding may ultimately prove the sticking point for both the Inquiry and the review.

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Andy Lane specialises in social housing and public law. He is the editor of the Cornerstone Housing Newsletter, and author of the soon-to-be published book Cornerstone on Social Housing Fraud.

*Interviewed by Kate Beaumont.*

*The views expressed by our Legal Analysis interviewees are not necessarily those of the proprietor.*

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