

[REDACTED]

Your ref:

My ref: AC-7

Date: 28th May 2025

[REDACTED]

[REDACTED]

Middx. [REDACTED]

Tel: [REDACTED]

[REDACTED]@outlook.com

Ms [REDACTED]

[REDACTED]

[REDACTED]

LONDON

[REDACTED]

Dear [REDACTED],

### **Freedom of Information Requests**

- 1 I have now gone through the Freedom of Information requests. Much of it is rather muddled and some important questions have not been asked. The Council's replies are fair but not particularly helpful.
- 2 The FOI requests contain muddled references to legislation. The "Building Regulations Act 1984" must mean the Building Act 1984. This is a piece of primary legislation that, amongst other things, enables the Building Regulations. It is still in force but with amendments from the Building Safety Act 2022, which was passed in light of the Grenfell Tower fire. The Building Safety Act 2022 is a dense piece of legislation but refers mainly to high-rise dwellings. It affects the way that building control is exerted but does not replace the Building Regulations. The Fire Safety (England) Regulations 2022 introduce duties for "responsible persons" in multi-occupancy and high-rise residential buildings: this legislation is not relevant to two-storey terraced housing. The Housing Act 2004 is the legislation giving Barnet Council the powers to conduct HHSRS surveys and deal with life safety risks in housing in their area.
- 3 The safety of buildings in respect of life hazard is regulated by The Building Regulations 2010, as amended 2022. Approved Document B, volume 1, 2019, as amended 2025 (with some provisions to come into force later) gives advice on how to comply with the current Building Regulations in respect of fire safety in dwellings. It should be noted that Table 10.1 of the latest version of ADB vol 1 still permits the use of timber cladding on low-rise housing.
- 4 Turning now to the FOI requests. As regards requests 1, 2 and 3, my only comments are that 32 Stewards Holte Walk is a Type 4 archetype with uPVC cladding and a flat roof. I do not know exactly what is meant by "Euroclass 3" but the proposed re-cladding probably comprised timber or uPVC. Other cladding systems of limited combustibility could have been used instead of render.
- 5 Request 4. The first "question" of this request is: "*Please provide the evidence report from London Fire Brigade investigators stating the absolute cause of the fire spread was down to the wall cladding*". This goes to the heart of the matter. Barnet replied that the LFB "*have not provided a report that states the absolute cause of the fire spread was down the wall cladding*".

Continued

- 6 It is not clear what, if any, evidence Barnet has that:
  - (a) the fire spread rapidly; and
  - (b) fire spread across the surface of the cladding.
- 7 The London Fire Brigade (LFB) summary report does not say whether there was rapid fire-spread but does state that the “*material mainly responsible for development of fire*” was “*plastic – raw material only*”. It is not clear what the LFB investigator means but, in my opinion, if he thought that the uPVC cladding played an important role in rapid fire growth, or rapid fire-spread from house to house (which is not necessarily the same thing), he would have used the word “cladding”. The LFB summary report makes no mention of timber wall frames or cavities, or fire-spread within cavities.
- 8 Barnet Council could have requested that the LFB produce a full fire investigation report on the Moss Hill Grove fire but apparently chose not to do so. In my opinion, Barnet should also have instructed an experienced fire investigator to assist them in interpreting the evidence. Such an investigator should also have carried out a site visit, interviewed both fire-fighters and eye-witnesses and advised Barnet as to the life hazards and what further actions, if any, should be taken. Instead, Barnet seems to have leapt to the conclusion that the severity of the fire was due to a combination of combustible cladding and timber frames with cavities.
- 9 Barnet instructed Capital PCC to survey the burnt houses at Moss Hall Grove and prepare a report. Capital PCC did not speak to the LFB investigator to ask what he had found and what his views were as regards the spread of the fire. Furthermore, Capital did not interview the tenant to ask what was happening before the fire, nor did they speak to the occupants or any other eye-witnesses. It seems they did not attempt to interview fire-fighters to ask them how the fire was spreading and how long it was before they sprayed water onto the rear elevation of the terrace. (The first fire-fighters on the scene were almost certainly at the front of the terrace and their priority would have been to ensure that all persons were safe.)
- 10 Capital did not determine the origin and cause of the fire or what items were burning initially, nor did they present any timescale. Instead, they merely stated: “*It is understood that the fire originated and took hold at the rear of No.11 and rapidly spread to the adjacent buildings either side ...*” (paragraph 1.4 of their Fire Spread Investigation Report which is alternatively titled “Report into External Fire Spread”). They make no mention of the involvement of a motorbike and petrol. They did not take samples of the cladding to determine its relative combustibility. Furthermore, Capital did not provide any actual evidence that the cladding, timber frames and eaves cavities had been factors in the spread of fire. Instead, they stated in paragraph 3.6.1 that, because the cladding continued across the line of the party walls, it “*creates a route for the spread of flame and fire ... between properties at the front and rear external walls ... and presents a significant risk as evident in this case*”. My view is that the spread of fire to houses 9 and 13 was as a result of ignition by flames and heat from the very large external fire. House 15 was damaged by fire spreading via gaps at the top of its party wall - a common problem.
- 11 Despite having no real evidence, Barnet embarked on a “crusade” to replace combustible cladding, both in their borough and nationally, at huge cost. Initially they considered that both uPVC and timber cladding were hazardous, despite the fact that they react very differently in a fire, PVC quickly falling away but timber staying in place. Subsequently, they dropped their insistence on replacing timber cladding, instead offering “option 2” which

closed off the cavities inside the wall frames along the line of the party wall. This could be done either by installing fire-stopping, with the original cladding then replaced, or by cutting away a vertical strip of cladding along the line of the party wall and replacing it with brickwork. Alternatively, Barnet offered option 3, suggesting that the installation of a misting system would be acceptable instead of fire-stopping wall cavities, replacing cladding or rectifying any defects in the fire-stopping to the party walls. (In my view, neither option would enhance safety to a worthwhile degree.) No evidence or reasoned argument has been presented to justify either the change in stance regarding cladding or the use of the alternative measures. I discussed Barnet's three remedial options in my letter of 29th January 2025, reference AC-6.

- 12 Request 4, question 2 was "*Please advise if the properties involve in the fire had regulation fire break walls in the loft space between the properties*". Barnet's reply that they were not allowed to enter the site following the fire is pathetic. They could have asked the Fire Brigade investigator how the fire had spread to no 15 – it was clearly not across the cladding - or they could have instructed an experienced fire investigator.
- 13 The photographs of the burnt terrace indicate that the party walls were constructed neatly up to the level of the roofing battens but there were un-fire-stopped gaps between the top of the wall and the underside of the tiles, through which fire could spread between adjacent loft spaces. Such defects are the result of roofers either being ignorant of the requirement for fire-stopping, or sloppy, rushed workmanship in the knowledge that the defects will be hidden from view when the roof is complete. The defects are contrary to both present and historic Building Regulations. The terrace was constructed as Council housing and the defects should have been spotted during construction both by site agents acting for the Council, and by the Building Control Department, whose primary duty is to ensure that buildings are constructed safely in accordance with the Building Regulations.
- 14 Request 4, question 3: "*Please advise the cause of the fire*". Barnet reply: "*The cause of the fire is subject to speculation. The exact cause is unknown*". However, Barnet Homes are being sparing in their response. The fire originated in one of their properties and their tenant reportedly told them that he had been working on a motorbike before leaving the house for a while. Whilst he was away the "*motorbike exploded and sent a fireball through the house*". For reasons that are not clear to me, the Fire Brigade summary report makes no mention of a motorbike or petrol. Instead, the material or item first ignited is given as "*not known*". The supposed cause is given as "*unable to determine*" but the fire was caused by "*person, age unknown*". I understand that there were two persons, described as young ladies, present in the house at the time of the fire. They seem to have escaped unscathed.
- 15 Request 4, question: "*Is the June 2023 fire the only event attributable to this works?*". (I assume "works" refers to cladding and/or potential defects in construction.) Barnet replied that they had no evidence of similar fires. This suggests to me that serious fires in Barnet's stock of housing with combustible cladding were not occurring so frequently as to raise any concern, contrary to the predictions of Barnet's HHSRS calculations.
- 16 I have no comments on the other questions raised under Request 4.
- 17 Request 5. This does not ask Barnet to specify or divulge their "research". This may be the Capital Fire Spread Investigation report. Request 5 is rather muddled.

- 18 Request 6 raises the point that Barnet failed to realise that their announcement of a potential safety issue could have a financial impact on house owners in respect of their insurance and mortgages. As regards the Building Regulations being amended over time, the section applying to cladding on low-rise housing has altered little in the past 60 years. The Grenfell Tower fire did not result in significant changes in Building Regulations or the Approved Document that are relevant to low-rise housing.

Please do not hesitate to contact me if you want to raise further points.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'D. M. A. S.', written in a cursive style.