



Richard Brittain
Assistant Coroner for Inner London North
London Borough of Camden
Regulatory Services
Camley Street
N1C 4PP

27 August 2021

Dear Richard,

Regulation 28: Report to prevent future deaths

I refer to your report (dated 2 July 2021) provided in accordance with your duty under paragraph 7, Schedule 5 of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013, following your inquest into the very sad death of Mr Henry Boddy.

I must offer my sincerest condolences to the family and friends of Mr Boddy. I understand that the inquest concluded that Mr Boddy died from a fire at his own home, which was later found to have been caused by either unsafe use of candles for lighting or unsafe use or disposal of smoking materials. Your report also raises concerns regarding the fire risks as a consequence of hoarding in Mr Boddy's home and about a potential gap in enforcement powers with regards to the risks of a fire load arising from hoarding behaviour

The Regulatory Reform (Fire Safety) Order 2005 (the "Fire Safety Order" (FSO)) covers fire safety in workplaces and other non-domestic premises. In residential buildings, the FSO applies to communal areas (the "common parts") but not individual homes or flats themselves (although Prohibition Notices can restrict or prohibit access to domestic premises of more than one dwelling where use poses serious risk to relevant persons.)

The FSO imposes duties on the responsible person. The responsible person is defined as a person in control of the premises, which could include the employer, the trade or business occupier, the building owner or managing agent. The responsible person's duties include:

- Carrying out a fire risk assessment of the premises and reviewing it regularly
- Taking general fire precautions to ensure safety

Article 5(3) of the FSO provides that any duties imposed on the responsible person under the FSO, or by regulations made under the Order, shall also be imposed on every other person who has to any extent control of relevant premises so far as the requirements relate to matters within their control. This includes:

- A person with obligations of any extent under a contract or tenancy in relation to maintenance or repair of premises or the safety of any premises (depending on the circumstances, a tenant could breach their obligations through hoarding behaviour), and
- Such a person is to be treated as a person having control of the premises to the extent of the obligation.

Local Fire and Rescue Authorities (FRAs) are the enforcing authority for the majority of buildings to which the FSO applies, including for the common parts of residential buildings. FRAs are operationally independent to Government and decisions on compliance and enforcement of the FSO rests with them.

FRAs exercise their discretion when exercising their powers to take enforcement action. When undertaking an inspection and becoming aware of hoarding behaviour an FRA could foreseeably decide that such behaviour by a resident posed serious fire safety risk to them and other residents including their means of escape in the event of a fire.

Similarly, hoarding of dangerous or non-dangerous material could present a serious fire hazard. If an FRA considers that such behaviour poses such a risk they can issue a prohibition notice on a responsible person (or any other person mentioned in article 5(3)), if the fire risk is so serious that the use of the premises needs to be prohibited or restricted due to the risks posed by hoarding behaviour.

FRAs need to consider if a prohibition notice is the most appropriate and proportionate approach to address the risk identified. For example, individuals with hoarding behaviour could be vulnerable and may have mental health issues. If FRAs were to restrict access to their homes, this could have a significant impact on vulnerable individuals - not limited to those with hoarding behaviour. This could disproportionately impact those with a disability under the Equality Act 2010 and potentially cause greater harm to vulnerable individuals.

Therefore, enforcement under the FSO might not be the most appropriate and proportionate action to address fire safety risks caused by hoarding, but this would depend on the circumstances.

However, Safe and Well Visits are carried out by FRAs in accordance with section 6(1)(b) of the Fire and Rescue Services Act 2004 with regards to giving advice on request on how to prevent fires and restrict their spread and means of escape from buildings and other property in case of a fire. Safe and Well visits comprise of FRAs visiting people in their own homes to provide them with tailored fire safety and risk reduction advice. Where risks are identified, which cannot be dealt with by FRAs, we expect them to work closely with other local public services through existing local arrangements -such as multi-agency safeguarding hubs - to ensure appropriate action can be taken to protect vulnerable individuals as well as other residents.

Therefore, a more appropriate and proportionate approach for addressing fire safety risks as a result of hoarding could be a multi-agency approach working towards a long-term solution, rather than enforcement. This could include, for example, local authorities, FRAs and social services work collaboratively to ensure that individuals with hoarding behaviour have the right level of support and ensure that the fire safety risks are reduced.

FRAs may also raise safeguarding referrals following a Safe and Well visit, where they believe a resident is at risk from neglect or abuse in line with the Care Act 2014. This includes referrals for self-neglect following significant changes to the Care Act 2014 which now include self-neglect under the legal definition of abuse or neglect relevant to individuals with care and support needs.

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

Lord Greenhalgh
Minister of State for Building Safety, Fire and Communities at
Ministry of Housing, Communities & Local Government and Home Office