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INTRODUCTION:

BEFORE GRENFELL: DEREGULATION, ‘ORGANISED STATE ABANDONMENT’ AND ‘THINKING WITH HISTORY’

Families were evacuated and others trapped in smoke-filled flats when fire broke out on the eighth floor of a 20 storey Notting Hill tower block. Now, Grenfell Tower on the Lancaster West Estate has been labelled a “death trap” by a local ward councillor ... “People couldn’t get out of the place because the design is so bad ... People could have died last night and I lay the blame at the feet of the designer of the building. This place is a death trap”.¹

This report of a fire without serious casualties at Grenfell Tower in June 1979, taken from the *West London Observer*, assumes an entirely new and frightening meaning in the context of the tragic events of 14 June 2017, when an horrific cladding fire at the Tower caused the deaths of seventy-two people. Tucked into a folder of newspaper cuttings in the archives of the Royal Borough of Kensington and Chelsea Local Studies Library, the article flags up issues of significance for our understanding of the Grenfell disaster: the need for good design, building control and management of higher risk residential buildings (HRRBs); the responsibility of politicians, architects and emergency services in protecting communities vulnerable to fire; and the resilience of residents in being able to carve out normal lives in an environment described as a ‘death trap’ by one of the borough’s councillors.

The Kensington and Chelsea Royal Borough Council had received criticism for its ‘indifference’ towards the safety and welfare of its residents during the initial planning consultation on the estate in the 1960s, and there is little evidence to suggest that this attitude improved markedly following its completion a decade later.² Indeed, the RBKC’s archives record multiple problems with the estate’s design and management from the mid-1970s to the 2010s – these include anti-social behaviour, environmental defects, including asbestos and

¹ Royal Borough of Kensington and Chelsea Archives (RBKCA), *West London Observer*, 28 June 1979.

² *Ibid.*, Acc/2001/002/Box 14, Kensington Society Conference on Town Planning & Housing in North Kensington, 9 October 1965, p.8.

damp, and poor cleanliness, which led to the arrival of unwelcome guests such as cockroaches and rodents – all reported by residents upset by the conditions in which they were expected to live. As one resident angrily complained in a letter to the local paper, ‘If only the Kensington and Chelsea Tory Councillors could live on this estate as they seem to think it is so brilliant. They would not spend one night here.’³ These problems – not least the complaint that the Council did not listen to residents’ legitimate concerns about living in multi-storey estates – resonate with the findings of historians writing about experiences in HRRBs elsewhere in the country.⁴

The RBKC’s archives record few complaints about fire precautions, although we know that residents’ concerns about structural safety were recorded by campaign organisations. In 1990, a spot fire survey of five local authorities in England by Sam Webb, the architectural adviser to the National Tower Blocks Network, revealed a catalogue of structural defects concerning the blocks’ resistance to fire and means of escape. Webb called for certification of tower blocks to protect residents by subjecting blocks to regular inspection by the local fire brigade and requiring landlords to comply with their instructions, although this has never been seriously entertained by central government.⁵ We also know that local tenants’ associations, including Lancaster West’s, issued warnings to residents as far back as the 1970s not to tamper with malfunctioning storage heaters without first seeking expert advice. This was to prevent injury from scalding, but also to reduce the risk of fire from occurring, which indicates a heightened awareness amongst residents towards what Lynn Abrams *et al* call the ‘micro-politics of residential space’ – safety was the collective responsibility of everyone and it often fell upon residents to offer neighbourly advice rather than wait for the council or private landlord to intervene.⁶

³ Ibid., *Kensington News & Post*, 13 May 1977.

⁴ For example, Barry Hazley, Lynn Abrams, Ade Kearns and Valerie Wright, ‘Place, Memory and the British High Rise Experience: Negotiating Social Change on the Wyndford Estate, 1962-2015’, *Contemporary British History*, 35:1 (2021), pp.72-99; Lynsey Hanley, *Estates: An Intimate History* (London: Granta Books, 2012).

⁵ Sam Webb, *Annual Spot Safety Survey* (London: National Tower Blocks Network, 1990).

⁶ Lynn Abrams, Ade Kearns, Barry Hazley and Valerie Wright, *Glasgow: High-Rise Homes, Estates and Communities in the Post-War Period* (London: Taylor & Francis, 2020), p.98;

Grenfell Tower was developed in the wake of an earlier building disaster at the recently-completed 22-storey Ronan Point tower block in the East London borough of Newham in 1968. An explosion involving a gas cooker in a flat on the south-eastern corner of the 18th floor at a quarter-to-six in the morning of 16 May blew out the kitchen and living-room walls, seriously injuring its resident, Ivy Hodge. The explosion in turn led to the progressive collapse of the floors above and below Hodge's flat, killing four residents and injuring 17 more as living rooms collapsed on top of one another in a vertical domino effect. A fifth resident later died in hospital from her injuries.⁷ As one of a number of high-rise pre-cast concrete heavy panel system-style blocks built by the construction firm Taylor Woodrow-Anglian under licence from the Danish firm Larsen-Nielsen, Ronan Point brought Newham residents' concerns about HRRBs into sharp focus. The subsequent media attention and public inquiry revealed a 'dangerously casual approach to construction standards and structural safety' across the country, which pre-empted a national programme of strengthening of industrialised system-built tower blocks as well as government-funded research into progressive collapse.⁸ The explosion directly led to improvements to England and Wales's Building Regulations in order to protect against extreme shocks to a building such as gas explosion or fire. Introduced in the early 1970s, these regulations, more prescriptive than those in place since the mid-1980s, formed the basis for the subsequent development of Grenfell Tower, which explains why the structure did not collapse under the intense heat in 2017 (the Lancaster West estate's architect had even stated, a year before the fire, that the tower 'could last another 100 years'⁹).

The cause of the 2017 fire, including the circumstances preceding it, is the focus of an extant public inquiry and is not the subject of this book. The inquiry, headed by Sir Martin Moore-Bick, a retired judge, was announced by the Prime Minister, Theresa May, the day

RBKC Archives Acc/2001/003/Box 24, 'Newssheet [sic] of the Lancaster West Tenants' Association', No. 2 (November 1976), p.5.

⁷ For more on this disaster and its ramifications for our understanding of HRRBs, see Holly Smith, 'The Ronan Point Scandal, 1968-1993', University of Cambridge M.Phil., 2020.

⁸ Simon Pepper, 'High-Rise Housing in London c.1940 to c.1970', in Peter Guillery and David Kroll (eds.), *Mobilising Housing Histories* (London: RIBA Publishing, 2017), p.137.

⁹ Quoted in Stuart Hodgkinson, *Safe as Houses: Private Greed, Political Negligence and Housing Policy After Grenfell* (Manchester: Manchester University Press, 2019), p.2.

after the fire. Formally set up in August 2017 following tense public meetings between Moore-Bick and the local community, representatives of whom were justly demanding greater transparency to the formal proceedings, hearings started in May 2018 and, as of writing, remain in session; proceedings are not expected to end before late 2022, with the final report appearing in 2023.¹⁰ We do know, from the Phase One report, that the tower had been disastrously refurbished from 2012-16: the over-cladding of the building with a new insulation and rainscreen cladding system effectively added a new external wall onto the tower comprised of outer aluminium composite material (ACM) rainscreen panels with plastic (polyethylene) cores and foam insulation boards behind.¹¹ It had earlier been revealed in documents leaked to the media that a more expensive non-combustible cladding, comprising zinc panels with a mineral-rich fire-retardant core, was replaced with the cheaper but flammable alternative, producing savings to Kensington and Chelsea's refurbishment budget of almost £300,000.¹²

Originating in a faulty fridge-freezer in a fourth-floor flat, the fire ignited the external cladding system and spread up the east face of the tower within fifteen minutes. The 24-storey block was enveloped in a frightening sheet of flame, with horrific images screened live on rolling 24-hour news channels and social media. The official fire safety advice for residents to 'stay put' in their homes proved to be defective as the building's passive defences failed, resulting in fire and smoke penetrating the tower, entering flats and spreading internally following the loss of compartmentation. Many of those who survived the fire did so by ignoring the 'stay put' advice and evacuating the building before its catastrophic failure. Subsequent government-funded tests found that the cladding materials, which were supposed to provide forty minutes resistance to fire in order to allow firefighters to access the building and, if necessary, evacuate it, failed within nine minutes of ignition, which indicated that the external walls of the building failed to comply with building regulations. In all, it took the

¹⁰ The proceedings of the inquiry are available from

<https://www.grenfelltowerinquiry.org.uk/>.

¹¹ The refurbishment programme is detailed in Sir Martin Moore-Bick, *Grenfell Tower Inquiry: Phase 1 Report - Volume 1* (London: HMSO, 2019), pp.33-51.

¹² *The Guardian*, 30 June 2017, <https://www.theguardian.com/uk-news/2017/jun/30/grenfell-cladding-was-changed-to-cheaper-version-reports-say>.

combined efforts of 250 firefighters and 70 fire engines roughly 60 hours to extinguish the fire.¹³

Whilst this book is not chiefly concerned with the causes of the Grenfell ‘atrocities’, as it has been described, it is interested in mapping out the historic circumstances leading up to and surrounding the fire.¹⁴ Described as a ‘tragedy’ in Moore-Bick’s initial report, the fire was less a bolt from the blue than the outcome of an accumulation of decisions, non-decisions, faults, errors and failures built up and incubated over an extended period of time. As with the Ronan Point explosion, the Grenfell fire was the result of a dangerously casual approach towards construction standards and structural safety. As environmental historians have repeatedly shown, disasters unravel slowly over time due to erroneous assumptions, misinformation and misunderstandings within responsible organisations, as well as failures of governance and regulation, the consequences of which take time to percolate. The cumulative effect of decisions taken for economic, social and political reasons, disasters sometimes take decades to occur, unravelling ‘gradually and out of sight’ before exploding in dramatic and tragic fashion.¹⁵ Brenda Bhandar has gone so far as to reasonably argue that the fire was the culmination of ‘organised abandonment’ by the state in its provision of ‘basic levels of safety and security’ to all its citizens.¹⁶

This ‘organised state abandonment’ is most evident in criticisms of the UK’s Building Regulations. Within the first year following the Grenfell fire, a succession of investigations

¹³ Sir Martin Moore-Bick, *Grenfell Tower Inquiry: Phase 1 Report Overview* (2019), pp.4-6, 18-19, 23-4. The full 800+ page report provides a detailed minute-by-minute narrative of events: <https://www.grenfelltowerinquiry.org.uk/phase-1-report>.

¹⁴ Dan Bulley, Jenny Edkins and Nadine El-Enany, eds., *After Grenfell: Violence, Resistance and Response* (London: Pluto Press, 2019).

¹⁵ Rob Nixon, *Slow Violence and the Environmentalism of the Poor* (Cambridge, Mass and London: Harvard University Press, 2011), p.2; Scott Gabriel Knowles, ‘Learning from Disaster? The history of technology and the future of disaster research’, *Technology and Culture*, 55:4 (2014), pp.773-84.

¹⁶ Brenda Bhandar, ‘Organised State Abandonment: The Meaning of Grenfell’, *The Sociological Review Blog*, 19 September 2018, <https://criticallegalthinking.com/2018/09/21/organised-state-abandonment-the-meaning-of-grenfell/>.

by journalists and building safety experts, as well as an Independent Review of Building Regulations and Fire Safety headed by Dame Judith Hackitt, a former chair of the Health and Safety Executive, identified systemic faults and regulatory failures in the operation and oversight of building safety.¹⁷ In early 2018, *Inside Housing* magazine published an in-depth review of regulatory failures dating back to the 1990s, whilst Andrew O’Hagan cited ‘a concatenation of failures at the level of industry regulation and building controls’ in his controversial 2018 feature article for the *London Review of Books*.¹⁸ For scholars working in the specialist fields of engineering and the built environment, many of the issues facing HRRBs over-clad in combustible materials presented several ‘obvious problems’ to public safety: materials deemed to satisfy regulations which ignited easily; the rapid spread of fire vertically, laterally and through the building indicated a lack of fire-breaks and effective compartmentation; and the fire was difficult to extinguish. All of these problems had been foretold by a number of earlier fires, some with multiple fatalities, since the 1990s in Britain and overseas.¹⁹

A deregulated system of building control was actively fostered by state actors. Central government withdrew from its historic role in maintaining minimum standards of public health and safety, leaving the object of regulation – the building and construction products industries – to become the main vehicle for regulating their own products and practices. Too few of these studies, however, have been concerned with examining the historic evolution of a national system of Building Regulations and fewer still with the politics of their reform

¹⁷ Dame Judith Hackitt, *Building a Safer Future. Independent Review of Building Regulations and Fire Safety: Final Report*, Cm. 9607 (London: HMSO, 2018). For an overview, Steve Phillips and Jim Martin, *Grenfell and Construction Industry Reform: A Guide for the Construction Professional* (London and New York: Routledge, 2022).

¹⁸ Peter Apps, Luke Barratt and Sophie Barnes, ‘The Paper Trail: the Failure of Building Regulations’, *Inside Housing*, 23 March 2018, <https://www.insidehousing.co.uk/news/news/the-paper-trail-the-failure-of-building-regulations-55445>; Andrew O’Hagan, ‘The Tower’, *London Review of Books*, 7 June 2018, <https://www.lrb.co.uk/v40/n11/andrew-ohagan/the-tower>.

¹⁹ Christopher Gorse and John Sturges, ‘Not what anyone wanted: Observations on Regulations, Standards, Quality and Experience in the Wake of Grenfell’, *Construction Research and Innovation*, 8:3 (2017), pp.72-5, at 72.

during the second-half of the twentieth century. In Chapter one I argue that a longer-term picture of the evolution of building rules in England and Wales – shifting from a discretionary system of model bye-laws introduced in the second-half of the nineteenth century, to prescriptive national regulations by the mid-1960s, which were later ‘recast’ as functional regulations two decades later, is important in explaining the ‘bewildering and sometimes apparently contradictory directions provided by building regulations’ in operation by the twenty-first century, creating a culture of competition and self-regulation that so disastrously culminated in the 2017 fire.²⁰

In addition to the ‘organised state abandonment’ of building control, scholars and stakeholders have cited a raft of evidence to illustrate the ‘benign neglect’ of fire safety since at least the turn of the twenty-first century. Whereas once fire precautions were subject to inspection and enforcement by experienced firefighters in a number of sectors, this was no longer the case following major reforms to the fire and rescue service. Alongside this, responsibility for risk assessment and mitigation was outsourced to individuals – the designated ‘responsible person’ – in the 2000s, who could be someone with the minimum level of training rather than a public servant experienced in the prevention of fires. Many of the proposals to reduce the powers of inspection, certification and enforcement by fire brigades, and introduce greater individual responsibility for safety, originated in the 1980s and 1990s and were often expressed in terms of the necessity to reduce ‘burdens on business’ by freeing the individual from the bureaucracy of inspections and form-filling. These criticisms of fire precautions, which were first introduced in the early 1970s to strengthen the standard of safety in a number of sectors (particularly the hotel and boarding-house industry), and their subsequent curtailment and dismantling, form the focus of Chapter 2. The justification for the swingeing cuts to the funding and resourcing of the fire and rescue service in the five years leading up to 2015 – these included reducing both the numbers of fire prevention staff and safety inspections – are traceable back to the New Labour Government’s fire service reform agenda of the early 2000s as well as being a consequence of the ‘austerity’ programme introduced by the Conservative-Liberal Democrat Coalition Government in 2010. Although safety regulations have, as we shall see, demonstrably saved

²⁰ Ibid., p.72.

lives, they have regularly been cited as examples of ‘red tape’ that interfere with personal freedoms and stymie economic growth by successive governments.²¹

This book, then, is a history of deregulation that situates the horrific events of 14 June 2017 into their longer-term political and social context. I take deregulation as referring to a coordinated series of policies and strategies that have sought to relax or remove existing regulatory controls over the private sector and leave the market responsible for its own regulation; that is, the object of regulation becomes the *de facto* regulator of itself. Deregulation also involved shifting from a prescriptive to a more discretionary set of functional controls as well as devolving greater responsibility for safety onto the individual (that is, through self-regulation). This is based on the understanding, entrenched within neoliberal thinking, that the duty holder is better placed to know its obligations to the safety of those for whom it is responsible rather than waiting for the state to tell it what to do and how to do it. Deregulation was part of a raft of methods used by neoliberal governments from the late 1970s through to the 2010s in order to weaken the public sector and reduce the state’s control over everyday life in preference for empowering the free market to regulate its own affairs. These included, as we shall see in Chapter 3, the privatisation of public services, including building and fire safety research. For a large part of the post-war period, the responsibility for providing the infrastructure and funding for scientific research into fire safety rested jointly with the state as well as the insurance industry, with public safety accepted as the core priority of the work undertaken by the Building Research Establishment (BRE) and its predecessors. After its sale in 1997, however, BRE lost sight of its historic public safety role, becoming a highly competitive organisation geared towards fulfilling its contractual obligations to its customers, many of whom came from the building and construction products industries. The privatisation of fire safety deprioritised the significance of public safety by adopting the dubious maxim that commercial testing information was

²¹ Sian Moore, Tessa Wright and Philip Taylor, *Fighting Fire: One Hundred Years of the Fire Brigades Union* (Oxford: New Internationalist, 2018), pp.44-5; Tony Prosser and Mark Taylor, *The Grenfell Tower Fire: Benign Neglect and the Road to an Avoidable Tragedy* (Shoreham by Sea: Pavilion Publishing, 2020); Steve Tombs, ‘Home as a Site of State-Corporate Violence: Grenfell Tower, Aetiologies and Aftermaths’, *The Howard Journal*, 59:2 (2020), p.137.

confidential and it is interesting to note that a few lone voices have called for BRE's return to public ownership in the wake of the Grenfell fire.

Historians of twentieth century Britain have increasingly turned their lens onto the changing relationship between the state and its social obligations since the 1980s and, in some instances, earlier. Both Hilary Cooper and Simon Szreter and Paul Almond and Mike Esbester have described a raft of policies – including monetarism, privatisation and the growing use of ‘light touch’ discretionary powers – as marking a decisive shift from a relatively narrow conception of mid-twentieth-century governance that centred on employers, organised labour and regulators to a larger, more diffuse coalition of corporate and financial interests, third sector organisations and individuals at the turn of the present century.²² At its core, deregulation has served as a loosely coordinated set of policies by which successive governments since the 1970s have governed. Notwithstanding the political differences between governments, the broad outcome has seen the emergence of a ‘neoliberal age’ in which the values and interests of free trade economics and private financial institutions are given priority as the main determinants of progress in society, as a recent edited collection has charted.²³ This has been at the expense of what Sam Wetherell calls the ‘developmental and social aims’ that guided mid-twentieth century Conservative and Labour governments in building a socially progressive and more equal society through the visible hand of the state.²⁴

Deregulation is most closely associated with the ‘Big Bang’ of 1986, which involved a reduction in state controls over the governance of banks and other financial institutions, chiefly as a means to boost the competitiveness of British financial services with competitors

²² Hilary Cooper and Simon Szreter, *After the Virus: Lessons from the Past for a Better Future* (Cambridge: Cambridge University Press, 2021), pp.70-1; Paul Almond and Mike Esbester, ‘Legitimate risks? Occupational health and safety and the public in Britain, c. 1960-2015’, in Tom Crook and Mike Esbester (eds.), *Governing Risks in Modern Britain: Danger, Safety and Accidents c. 1800-2000* (London: Palgrave Macmillan, 2016), p.280.

²³ Aled Davies, Ben Jackson and Florence Sutcliffe-Braithwaite (eds.), *The Neoliberal Age? Britain since the 1970s* (London: UCL Press, 2021).

²⁴ Sam Wetherell, *Foundations: How the Built Environment Made Twentieth-Century Britain* (Princeton and Oxford: Princeton University Press, 2020), pp.11-12.

overseas.²⁵ Florence Sutcliffe-Braithwaite has traced how this new way of thinking was used to unravel the post-war system of state-led, paternalistic schemes of welfare provision in preference for a family-centred, moralistic individualism with the ascendancy of Thatcherism from the late 1970s.²⁶ Similar tactics were used in housing policy to deregulate the private rental market in the late 1980s and, as we shall see, in building regulations and fire safety at various stages between the 1980s and 2000s. Deregulation was a preferred strategy for governments of different political shades and not just during Thatcher's premiership (1979-90). Nor did deregulation originate with the election of the Thatcher government in 1979, important thought that moment undoubtedly was in heralding the acceleration of the 'market-driven politics' of the 1980s and 1990s.²⁷ For instance, James Vernon has shown how both Conservative and Labour governments of the 1960s and 1970s introduced forms of economic liberalisation such as the deregulation and outsourcing of security two decades before Heathrow Airport was privatised in 1986.²⁸ Nevertheless, these examples collectively illustrate a desire by the neoliberal state to free the economy from controls, dismantle the model of state-oriented welfare capitalism and establish a stronger connection between individual responsibility and freedom. As Stephen Brooke has argued, deregulation helped speed up the scale and pace of change to everyday life in late twentieth-century Britain.²⁹

Paradoxically, deregulation did not mean an end to all regulation and could even involve the creation of new or additional regulations. The state, William Davies reminds us, 'must be an active force' in putting neoliberal ideas and values into practice; it 'cannot

²⁵ Aled Davies, 'The Roots of Britain's Financialised Political Economy', in Davies, Jackson and Sutcliffe-Braithwaite (eds.), *Neoliberal Age*, pp.299-318.

²⁶ Florence Sutcliffe-Braithwaite, 'Neo-Liberalism and Morality in the Making of Thatcherite Social Policy', *Historical Journal*, 55:2 (2012), pp.497-520.

²⁷ Colin Leys, *Market-Driven Politics: Neoliberal Democracy and the Public Interest* (London: Verso, 2001).

²⁸ James Vernon, 'Heathrow and the Making of Neoliberal Britain', *Past & Present*, 252 (2021), pp.213-47.

²⁹ Stephen Brooke, 'Living in 'New Times': Historicizing 1980s Britain', *History Compass*, 12:1 (2014), p.24.

simply rely on ‘market forces’.³⁰ As Giandomenico Majone has argued, the 1980s was the decade when regulation became ‘the new battleground of ideas on industrial and social policy,’ and, whilst writers have generally seen Margaret Thatcher’s Conservative governments of 1979-90 as presiding over a substantial reduction in controls over public services, it should be noted that her governments also extended certain statutory regulations.³¹ This was the case, as we shall see, with fire precautions, in which successive governments took a path of least intervention, either by creating new statutory regulations as discretionary powers or by proceeding on a ‘regulate to deregulate’ basis³²; that is, in cases where a new regulation was introduced to strengthen the governance of fire safety in notoriously high-risk premises – invariably following mass-fatality disasters such as those at Bradford City’s Valley Parade stadium in 1985 and King’s Cross Underground station two years later – this was offset by the relaxation of existing regulations as applied to lower-risk premises. We also see this in government’s persistent refusal to introduce licensing of houses in multiple occupation (HMOs) throughout the 1980s and much of the 1990s on the basis that existing discretionary powers allowed local authorities to effectively regulate the private rental housing sector despite the high number of fatalities in fires in bedsits, lodging houses and hostels. Chapters 2 and 4 will explore the historic connections between the impulse to deregulate with the necessity for governments to be seen to regulate in the interests of public safety as they applied to different ‘at risk’ premises, including hotels, care homes and hostels.

What can a historical approach contribute to our understanding of the Grenfell disaster and ‘to ensure another Grenfell never happens again’?³³ First of all, *Before Grenfell* offers a longer-term perspective on issues that do not form an integral part of the inquiry’s

³⁰ William Davies, ‘Neoliberalism: A Bibliographic Review’, *Theory, Culture & Society*, 1:7/8 (2014), p.310.

³¹ Giandomenico Majone, ‘Paradoxes of Privatization and Deregulation’, *Journal of European Public Policy*, 1:1 (1994), pp.53-69, at 54; Philip Booth, *Thatcher: The Myth of Deregulation*, IEA Discussion Paper No. 60 (London: Institute of Economic Affairs, 2015).

³² On ‘regulate to deregulate’, see Ng Sek Hong and Chris Rowley, ‘Globalization and Hong Kong’s labour market: the deregulation paradox’, *Asia Pacific Business Review*, 6:3-4 (2000), pp.174-92.

³³ Grenfell United’s statement supporting its #DemandCharges campaign, 16 December 2021, <https://grenfellunited.org.uk/latest/demandcharges>, accessed 31 January 2022.

remit. Whilst Sir Martin Moore-Bick references earlier milestones in building regulation, ‘stay put’ and mass-fatality tower block fires (notably in a section titled ‘Before Grenfell’, in which he briefly examines the fire at Lakanal House, in South London, in 2009, causing the deaths of six residents including three young children), these are included as background details in his Phase One Report and were only followed up in early 2022. Even then the proceedings and evidence trail tend not to go back much before the present century, which is unsurprising given the skill and patience required in piecing together records from an earlier, pre-digital age.³⁴ By tracing the waves of building regulation, fire precautions and scientific testing of materials over the past century or longer, we are able to begin the process of situating Grenfell in its historic context and recognise its significance as an unintended but not unanticipated outcome of the state’s deregulation of public safety.

Secondly, in *Why History Matters*, John Tosh argues that ‘thinking with history’ performs a vital role in supporting the function of democratic society, by illuminating and deepening current issues. As a way of thinking and a discrete academic discipline, history is also important in demonstrating how the present is both connected to, and a product of, the past. The historian’s role is less to teach specific lessons drawn from the past than to provide the evidence and interpretative framework through which readers can make their own informed judgments about the issues of the day.³⁵ This applies as much to policymakers, whose principal consideration for decision making is previous policy, as it does to those communities who are directly affected by the decisions taken on their behalf. *Before Grenfell* offers a critical historical account of the evolution of fire safety research and practice across the twentieth century, but with a particular focus on the period between the 1970s and the present century, to help the reader make sense of the complexity of the current issues and their multiple points of view. Following Alix Green’s cue expressed in *History, Policy and Public Purpose*, I have sought in this book to write ‘history with public purpose’, and my argument and approach here has been shaped by two decades of researching, writing and speaking about the British fire and rescue service to a variety of audiences, including civil servants, trade unionists and other stakeholders.³⁶

³⁴ Moore-Bick, *Grenfell Tower Inquiry: Phase 1 Report*, pp.73-5.

³⁵ John Tosh, *Why History Matters* (Basingstoke: Palgrave Macmillan, 2008), pp.120-1.

³⁶ Alix R. Green, *History, Policy and Public Purpose: Historians and Historical Thinking in Government* (London: Palgrave Macmillan, 2016), p.42.

This builds towards, thirdly, plugging what Green calls the ‘history gap’ that exists in contemporary policymaking. Historians have noted that the British government repeatedly fails to learn from past policy successes and failures due to its lack of institutional memory and its inability to use history as either a ‘way of thinking’ or a resource for ‘good’ policymaking.³⁷ This is no less evident in the fields of fire service and housing policy, which have been subject to multiple ‘machinery of government’ changes since the 1990s, leading to a significant hollowing out of civil servants’ skills. Fire and rescue service policy has resided with four different government departments since 1997³⁸, whilst, as of March 2022, there have been 20 housing ministers in post over the same period, serving an average length of term of just over one year.³⁹ These startling, if unsurprising, revelations reflect the low priority given to housing and fire policy by successive governments if not their outright abandonment. They also reveal a discontinuity in policymaking, which has caused more harm than good to those who are most at-risk and vulnerable to injury or death, as monstrously illustrated on the 14 June 2017. It is my contention that responsible policies will only emerge following serious engagement with the tools and skills prevalent within the historical discipline; policymaking necessitates learning *with* history as well as learning *from* history. Until that happens, governments will continue to play with fire and we will all nervously sleep with one eye open.

³⁷ Ibid., pp.43, 48; Lucy Delap, Simon Szreter and Fiona Holland, ‘History as a resource for the future: building Civil Service skills’, *History & Policy*, 17 March 2015, <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Public%20Administration/Civil%20Service%20Skills/written/11188.html>.

³⁸ These were the Home Office, Department of Transport and the Regions, Office of the Deputy Prime Minister and the Department of Communities and Local Government, before returning to the stewardship of the Home Office in 2016.

³⁹ *Inside Housing*, 13 February 2020, <https://www.insidehousing.co.uk/insight/insight/a-timeline-of-the-18-housing-ministers-since-1997-65065>.

CHAPTER 1:
FROM BYE-LAWS TO BUILDING REGULATIONS: RECASTING BUILDING
CONTROL IN BRITAIN SINCE THE NINETEENTH CENTURY

In a talk to the Royal Society of Arts in March 1945, the Liverpool city surveyor George Pierce Clingan was one of the first construction professionals to publicly foresee the creation of a national code of building regulations:

That eventually the numerous local planning schemes will be merged into one national scheme seems inevitable; and, as a corollary to this, there should surely be a national code of building regulations. It goes without saying ... that the code should be specifically framed to encourage that natural diversity in both design and materials which springs from individual taste, local traditions and the desire to use local building materials.⁴⁰

The speech aroused interest at a time that bold solutions were being publicised for addressing the severe housing shortages caused by wartime destruction and natural wastage, as well as planning bottlenecks that delayed the process of physical reconstruction. A national code, Clingan conceived, would also act as a check on poor construction by enforcing a uniform standard of control through ‘the appointment of thoroughly qualified’ and ‘wholly independent’ surveyors across the whole country, and not just in the larger urban areas, which were generally better served than in rural districts.⁴¹

Clingan, a respected fellow of the Incorporated Association of Architects and Surveyors and member of the Institute of Structural Engineers (ISE), did not speak on behalf of the profession as a whole, however.⁴² *The Surveyor and Municipal and County Engineer*, whilst endorsing his general proposal for national standards, rejected the suggestion that a separate ministry be formed within central government to oversee building. Instead, it

⁴⁰ George Pierce Clingan, ‘National Building Regulations’, *Journal of the Royal Society of Arts*, 93:4688 (1945), p.207.

⁴¹ *Ibid.*, p.208; *Liverpool Evening Express*, 31 January 1945, p.3; *Liverpool Daily Post*, 1 February 1945, p.2; *The Times*, 31 January 1945, p.5; *The Municipal Journal & Local Government Administrator (MJ)*, 53:2716, 16 February 1945, p.339.

⁴² *Liverpool Echo*, 25 February 1937, p.12; *Liverpool Evening Express*, 1 September 1943, p.2

proposed the formation of an independent body comprised of local authorities, surveyors, architects and building trades organisations, who ‘should have some degree of responsibility’ to raise the standard of construction across the board.⁴³

For others, the scale of the task ahead could only be met with a simplified system of building control – including fewer controls over the use of new materials at a time of shortages in traditional materials (brick, timber and plasterboard especially) and skilled workers. This would free firms from the public constraints imposed upon them to build quickly in order to meet housing demand. Conservative MP Arthur Bossom, himself an experienced architect, asserted that ‘any useless and out-of-date regulations should be scrapped. Others should be simplified. All of them should be standardised and full use of the latest and most scientific knowledge should be allowed throughout the country.’ Many of the solutions to Britain’s building crisis – particularly prefabricated houses and the greater use of steel and concrete – would reduce costs whilst speeding up construction if only the regulations would permit industry the freedom and flexibility to build.⁴⁴

For Clingan, the solution was not to scrap existing regulations, but to strengthen them: ‘... we appear to have accepted the fact that the old-time individual freedom in building enterprise must cease.’ Instead, he and others in the profession advocated codification of building byelaws on a national footing in order to avoid the diversity of practice that existed across the country. In particular, he cited his preference for a national code ‘on the lines of the present London regulations,’ which he considered to produce a better standard of house to those built under the Model Bye-laws that operated in provincial Britain. London had been governed by an advanced system of building regulations since its Great Fire of 1666, whereas a uniform scheme of provincial bye-laws, with a greater degree of flexibility than those that operated in London, had only been rolled out from the mid-nineteenth century. Much like what had occurred in seventeenth-century London, where conflagration triggered the modernisation of the capital’s built fabric, the levelling of wartime Britain presented an opportunity to rebuild on a national scale. ‘Catastrophic devastation has been wrought for us not in five days but during more than five long war-years,’ spoke Clingan, ‘and not in London only, but throughout the land; and schemes galore - national and local - testify to the

⁴³ *The Surveyor and Municipal and County Engineer*, 9 February 1945, pp.73-4, 84.

⁴⁴ See Alfred Bossom’s introduction to Clingan, ‘National Building Regulations’, pp.204-5.

fact that building regulations on a national scale are inevitable if the situation is to be saved.’⁴⁵

Clingan’s views coincided with two seismic changes in mid-century political thinking: first, the pressing need for greater state planning and control in order to improve standards of construction; and, secondly, a growing mistrust of local authorities to deliver this without stronger oversight from Whitehall. Only with national standards of construction, uniformly enforced by surveyors no longer beholden to the whims of their paymasters, could a socially progressive post-war nation be built. Improved standards would form the foundation for the building of what Sam Wetherell calls a ‘developmental social infrastructure’ of discrete and recognisable spatial forms ranging from the housing estate to the shopping centre.⁴⁶ And although national building regulations were not introduced until the mid-1960s – post-war governments had other priorities, not least an urgent housing crisis and welfare reform – the fact that it was being openly discussed for the first time indicates the emerging consensus that uniform regulations produced good quality buildings and, consequently, improved the quality of life for tens of millions of British people.

Yet it was Bossom’s call for a simplified regulatory system rather than Clingan’s measured argument in support of greater controls which echoed across the country and reshaped the built environment in the longer-term. Building regulations were repeatedly criticised from the late 1960s as ‘extremely complex’ and ‘unwieldy, inflexible, unduly restrictive and confusing’ by many in the construction industry.⁴⁷ A populist discourse of anti-red-tapeism was recognisable within right-wing newspapers from at least the mid-1970s, coinciding with an ideological shift in the Conservative Party leadership in favour of greater competition and choice in the provision of public services and a diminished role for the state. As a number of historians have shown, this monetarist approach manifested itself most strongly during the 1980s with public expenditure restrictions accompanied by a co-ordinated programme of privatisation and deregulation, selling off state assets whilst limiting the

⁴⁵ Clingan, ‘National Building Regulations’, p.206.

⁴⁶ Wetherell, *Foundations*, pp.3, 7.

⁴⁷ W.S. Wright and Vincent Powell-Smith, *The Building Regulations Explained and Illustrated for Residential Buildings: A Guide for Students and Others* (London: Crosby Lockwood & Son, 1967), p.iii; 5th edition, 1978, p.vii; A. J. Elder, *Guide to the Building Regulations 1985*, 2nd edition (London: Butterworth Architecture, 1986), p.2.

capacity of state regulation through a curtailment of legislative controls, especially amongst local authorities. Central government set out to rebuild the built environment according to a neoliberal consensus that prioritised the virtues of the marketplace over its social responsibilities towards its citizens.⁴⁸ Building regulations were ‘recast’ in the mid-1980s, and further revised in the 1990s and 2000s, introducing greater flexibility as well as competition within the compliance framework. The goal of neoliberal governments, according to the political scientist Giandomenico Majone, was to introduce ‘less restrictive or rigid regulation, rather than no regulation,’ which in Britain led to what Steve Tombs calls the institutionalisation of ‘regulation without enforcement’ in a variety of policy areas ranging from environmental and food protections to building safety.⁴⁹

Taking its cue from Judith Clifton, Pierre Lanthier and Harm Schröter’s study of the ‘waves’ of regulatory frameworks governing public utilities over the nineteenth and twentieth centuries, this chapter will trace three successive eras of building regulation in England and Wales.⁵⁰ Whilst these eras overlapped one another, each was governed by a predominant regulatory framework. Each era inherited built forms according to pre-existing regulations, so they cannot be seen as marking a clear break from past practice, but rather evolved gradually, subject to pressures to reform from within, often drawn from different ideological, professional and political backgrounds. The first era involved the framing and codification of rules governing building in order to tackle the debilitating health effects of urbanisation and industrialisation between roughly the 1840s and 1920s, but the antecedents of this can be

⁴⁸ For example, Daniel Stedman Jones, *Masters of the Universe: Hayek, Friedman, and the Birth of Neoliberal Politics* (Princeton, NJ: Princeton University Press, 2014); Ben Jackson, ‘The Think Tank Archipelago: Thatcherism and Neo-Liberalism’, in Ben Jackson and Robert Saunders (eds.), *Making Thatcher’s Britain* (Cambridge: Cambridge University Press, 2012), pp.43-61.

⁴⁹ Majone, ‘Paradoxes of Privatisation and Deregulation’, p.54; Steve Tombs, *Social Protection After the Crisis: Regulation Without Enforcement* (Bristol: Policy Press, 2017).

⁵⁰ Judith Clifton, Pierre Lanthier and Harm Schröter, ‘Regulating and deregulating the public utilities 1830–2010’, *Business History*, 53:5 (2011), pp.659-72. Whilst the experience of building control in Scotland and Northern Ireland clearly fell within these waves, they were subject to their own specific legislative regimes and regulatory bodies, which it is not possible to cover here.

traced back to the seventeenth century. This regulatory era was noted for its diverse practices in enforcement and compliance, with larger metropolitan areas taking a lead in developing a more rigorous *local* system of building control. The second era, straddling the period from the 1930s to the 1970s, saw building control take on *national* significance. The phased introduction of uniform regulations based on prescriptive ‘deemed to satisfy’ criteria aimed to improve standards of construction as well as the health and safety of building users.

The third era, that of deregulation, began in the late 1970s and symbolically culminated with the fire at Grenfell Tower in 2017. This fire tragically exposed considerable failings within the regulatory regime. As an Independent Review of Building Regulations and Fire Safety subsequently revealed, these roughly four decades heralded a shift in responsibility for building compliance away from the state and onto the individual, otherwise known as the ‘responsible person’. In this sense, the third and first eras share similarities in terms of the flexibility of controls in permitting varying standards and types of building construction, as well as in enabling arms-length regulation by central government, but remain distinct because the third era embedded greater choice into the regulatory regime. The second era, on the other hand, established stronger regulatory control by central and local government, with clearer options for enforcement by local authority building control and fire brigades. Each era is thus marked by different emphases on the degree of participation of the state and the market in the governance of safety.

The era of public health regulation

In September 1666 fire raged across London, devouring property in the City. King Charles II’s subsequent proclamation paved the way for the introduction of byelaws, ‘our first building regulations of national significance.’⁵¹ The fire’s greatness was defined as much by the post-disaster response from architects, builders and insurance companies as it was the devastation of property. The byelaws transformed the City’s built form in two ways: first, by stipulating the use of brick or stone for rebuilding houses, with fixed thickness and height of walls; and second, by widening streets with greater distances between frontages in order to limit fire spread. From 1774, faced with the challenge of housing a growing population, the first statutory surveyors were appointed with powers to enforce compliance with London’s

⁵¹ Clingan, ‘National Building Regulations’, p.206.

bye-laws. Moreover, a standard schedule of rates was created for insurance purposes, which established a model for provincial towns to adopt around the turn of the nineteenth century just as an industrial society was emerging.⁵²

Between 1800 and 1845 almost 400 local improvement acts dealing with building and sanitary control were approved in England and Wales. However, despite the statistical evidence confirming the link between mortality, sanitation and housing conditions in industrial towns, calls for a national building act went unheeded. Opponents, many of whom were landlords, objected to the argument that national legislation would benefit communities on the grounds that it interfered with prevailing *laissez-faire* thinking, threatened property rights and increased housing costs, which they threatened to pass onto renters, establishing a longstanding precedent.⁵³ Subsequent legislation retained the principle that building control would remain permissive and be administered primarily at local level, which meant that improvements to the quality of building remained patchy. Although the 1848 Public Health Act introduced oversight from central government, boroughs jealously guarded their powers to self-govern.⁵⁴

The principle had thus been established that regulatory reform would be piecemeal, discretionary and consolidatory. A centralised public health regime, created during the 1870s, established the first comprehensive administrative system, with accompanying building codes, incorporating wider areas of control designed to improve the public's health. The creation of the Local Government Board (LGB) in 1871 helped to standardise control and raised the status of surveyors within local government. The landmark 1875 Public Health Act consolidated previous legislation and gave powers to local authorities to frame bye-laws for promoting public health and preventing fires. Two years later, following consultation with the Royal Institute of British Architects (RIBA), the LGB issued 'Model By-laws' to encourage local authorities to raise the standard of house-building; London was again excluded from

⁵² C. C. Knowles and P. H. Pitt, *The History of Building Regulation in London 1189-1972* (London: Architectural Press), pp.30-5, 49-54.

⁵³ Roger Harper, *Victorian Building Regulations* (London: Mansell, 1985), p.pxiii-xiv; S. Martin Gaskell, *Building Control: National Legislation and the Introduction of Local Bye-Laws in Victorian England* (London: Bedford Square Press, 1983), pp.6-12.

⁵⁴ Royston Lambert, 'Central and local relations in mid-Victorian England: The Local Government Act Office, 1858-71', *Victorian Studies*, 6:2 (1962), pp.121-50.

these provisions: by 1882, over 1,500 sets of bye-laws had been approved, albeit retaining significant local variations.⁵⁵

London continued to be governed by its own building codes, administered from 1855 by the Metropolitan Board of Works (MBW) and, from 1889, the London County Council (LCC). One of the LCC's first tasks was to secure an updated Building Act to establish controls over the growing fashion for taller buildings, which it did in 1894 with the support of professional bodies like RIBA. The Act also introduced a greater range of clauses regulating building height, which was set at 80 feet to reflect the maximum length to which the Metropolitan Fire Brigade's escape ladders could extend.⁵⁶

The regulatory system was subjected to increasing pressure to standardise in the aftermath of the First World War. In 1918, the report of a Departmental Committee on Building Byelaws recommended that the government introduce a national code to expire every ten years, thereby requiring local authorities to adopt up-to-date model bye-laws.⁵⁷ The case for stronger controls was overridden by the urgent demand for new housing, however, especially in the light of Prime Minister David Lloyd George's 'homes fit for heroes' speech in 1918. With shortages of materials and skilled builders, government instead advocated the continuation of the existing system of byelaws. The Housing and Town Planning Act, 1919, established a greater role for the state in subsidising builders to construct model byelaw housing. Any major reform of building control was put on hold for much of the inter-war period until the system was brought onto a national footing on the eve of war. It also incorporated the definitions of a 1932 British Standard for 'fire resistance', stipulating that roofs, walls and floors 'shall possess a degree of fire-resistance appropriate to the purpose for which the building is intended to be used.'⁵⁸ From 1939 local authorities were required to make their own byelaws for all new buildings, based on the model series overseen by the Ministry of Health, although policymakers remained sensitive to accusations of over-

⁵⁵ Gaskell, *Building Control*, pp.42-8; Harper, *Victorian Building*, pp.xix-xx, xxii.

⁵⁶ Knowles and Pitt, *Building Regulation in London*, pp.73-7, 86-94.

⁵⁷ Anthony James Ley, 'Building Control: its development and application 1840-1936', Open University MPhil, 1990, pp.156-63.

⁵⁸ G. Eric Mitchell, *Model Building Byelaws Illustrated*, 2nd edition (London: B.T. Batsford, 1947), p.34.

regulation. But a consensus had been reached within Whitehall that a discretionary system produced insufficient and inconsistent checks and balances.

The era of national regulation

The conditions were ripe for creating national building regulations in the years that followed the end of the Second World War. A 1952 revision of byelaws introduced two advances. Firstly, ‘deemed to satisfy’ provisions were combined with ‘standards of performance’ to allow ‘the utmost possible freedom in building methods provided the functional requirements are satisfied.’⁵⁹ Greater flexibility was designated ‘in the national interest on account of the housing shortage and in order to stay apace of the needs of modern industry.’⁶⁰ George Clingan had been proven correct in his prediction, two years before his retirement after 52 years’ public service.⁶¹

Secondly, the 1952 byelaws contained more precise assessment of fire risk by specifying fire resistance periods in relation to building type and size, based on the findings of the wartime government’s fire grading committee (see Chapter 3). This established the significance of creating fire-resistant compartments within large buildings with shared access routes. Compartmentation consisted of integrating approved walls, floors, doors and windows into a building’s passive defence in order to protect against flame and smoke, providing for the safe exit of occupants where required while assisting firefighters in their work. It also led to the adoption of a British Standard Code of Practice in 1962, which established the ‘stay put’ fire service strategy for HRRBs.⁶² These changes, alongside the relaxation of rules concerning maximum building height, incentivised the construction industry to embrace new

⁵⁹ Ministry of Housing and Local Government, *Model Bye-Laws, Series IV: Buildings* (London: HMSO, 1952), p.3.

⁶⁰ Patrick Dunleavy, *The Politics of Mass Housing in Britain, 1945-1975: A Study of Corporate Power and Professional Influence in the Welfare State* (Oxford: Clarendon Press, 1981), p.60.

⁶¹ *Liverpool Echo*, 1 September 1954, p.12.

⁶² *British Standard Code of Practice CP 3: Chapter IV: Precautions Against Fire. Part 1: Flats and Maisonettes (in blocks over two storeys)* (London: British Standards Institution, 1978), p.5.

industrialised building systems, including high-rise flats, as part of the state's housing boom of the 1950s and 1960s. The greater expense of construction materials and state subsidy would be offset by lower site and labour costs; additional savings were offered in the provision that only stipulated a single internal staircase for means of escape in case of fire in all tall buildings that exceeded the fire brigade's rescue height.⁶³

National regulation had thus been adopted within central government as an administrative instrument for enforcing improved standards in construction by the 1960s. The 1961 Public Health Act offered the opportunity to extend executive responsibility, removing from local authorities powers to make their own byelaws and centralising them within the Ministry of Housing and Local Government (MHLG). In its spirit, then, the Act represented the culmination of a longer-term shift in building control, relegating local authorities to the status of agents of central government policy in all cities with the exception of London where the LCC retained discretionary powers.⁶⁴

To ensure that statutory requirements kept pace with technical advances, the 1961 Act appointed an advisory body of professionals working across the construction industries and the fire service. Whilst the higher civil service had long drawn on the expertise of scientists and engineers, the 1960s heralded a 'technocratic moment' for British social and political life in which specialists were consulted by governments to benefit daily life in a variety of mundane but essential ways, as we shall explore in the next chapter.⁶⁵ First meeting in 1962, the Building Regulations Advisory Committee (BRAC) kept the regulations under constant review. Initially located within the MHLG, it was transferred to the Ministry of Public Buildings and Works (MPBW) in 1964, before returning to the MHLG three years later,

⁶³ TNA HLG/51/1117, Means of Escape from Flats and Maisonettes, July 1954; Miles Glendinning and Stefan Muthesius, *Tower Block: Modern Public Housing in England, Scotland, Wales and Northern Ireland* (New Haven and London: Yale University Press, 1994), p.62; Peter Scott, 'Friends in high places: Government-industry relations in public sector house-building during Britain's tower block era', *Business History*, 62:4 (2020), pp.545-65.

⁶⁴ John A. Chandler, *Explaining Local Government: Local Government in Britain since 1800* (Manchester: Manchester University Press, 2007), pp.187-93.

⁶⁵ David Edgerton, *The Rise and Fall of the British Nation: A Twentieth-Century History* (London: Penguin, 2019), pp.400-1.

eventually settling in the Department of the Environment (DoE) in 1970. Multiple ‘machinery of government’ changes – a theme we shall return to later – reveal the tensions between ministerial interest in matters of building control and the heavy administrative burden imposed over civil servants and their advisory bodies to keep up-to-date with specialist professional practice.

BRAC’s method of ‘group working’ was informed by government thinking which stressed the need to bring together ‘all the professions as a team, working together to achieve the same corporate purpose’.⁶⁶ BRAC’s task was to advise the Government on the content of the first set of national regulations. It sent out draft regulations for consultation to 127 interested organisations in May 1962 and, of nearly 3,000 comments received by February 1963, a third concerned structural fire safety. In its report, BRAC drew attention to the need for a comprehensive approach towards studying the fire behaviour of composite structures and the framing of prescriptive ‘deemed to satisfy’ regulations. These were approved by the Conservative government, with construction industry approval, in 1964 before their confirmation by its Labour successor.⁶⁷

The Building Regulations came into operation in 1966.⁶⁸ Their principal objective was to extend the model bye-laws across England and Wales, with the exception of the area of London under the administration of the new Greater London Council.⁶⁹ As with the Victorian public health reforms, the introduction of national regulations was never intended to be the end point in the story. In the twenty years following their introduction, they were consolidated twice and amended 14 times, before they were ‘recast’ in 1985. Whilst the amendments were predominantly of an administrative nature, they also reflected the changed priorities of government towards the modernisation of social infrastructure as well as its wider commitment to protecting the safety of British people. The 1970s, far from being as a

⁶⁶ *The Reorganization of the Ministry of Public Building and Works* Cmnd. 2233 (London: HMSO, 1963), pp.5, 9-10.

⁶⁷ Building Regulations Advisory Committee, First Report, Cmnd. 2279 (London: HMSO, 1964), pp.21, 35; Hansard (Commons), 27 February 1964, 690, c.119.

⁶⁸ The regulations followed Scotland’s example, which had been put on a national footing in 1959; Northern Ireland followed suit in 1972.

⁶⁹ London was incorporated into the Regulations in 1986 following the GLC’s abolition.

decade of political inertia as they are commonly described, were a decade of continued refinement and improvement to public safety, as recent histories have revealed.⁷⁰

Three main amendments were introduced at the start of the decade. First, metric regulations were approved in 1972, in readiness for Britain's entry into the Common Market the following year.⁷¹ Second, an amendment in 1970 introduced new rules for controlling the design of buildings over five storeys high in order to give structural protection against accidental loads. This was in response to the Ronan Point gas explosion in May 1968. The Tribunal of Inquiry rebuked the Government for failing to update the Regulations to reflect new industrialised systems and called for the block's strengthening.⁷² Thirdly, the 1965 regulations had not specified means of escape in its precautions. This omission was corrected with the 1971 Fire Precautions Act, which forms the focus of the next chapter, and a 1973 amendment stipulated the provision of exits and escape routes in larger multi-storey buildings.

The 1973 amendment was a response to the Summerland leisure centre disaster earlier that year on the Isle of Man. Multiple children were amongst the fifty deaths and 80 serious injuries at Summerland, which revealed systematic failures in building control and oversight from the Manx authorities and sent shock waves reverberating across Britain. Even before the Commission of Inquiry had been tasked with investigating the tragedy, newspapers asked questions of the Douglas Corporation, which had approved the architect's application to allow the approximately 50,000 square foot frontage to be clad in Oroglas, a combustible acrylic glass sheeting which had never been subjected to testing. The fire, which was accidentally started by three boys smoking in a disused kiosk on the miniature golf course, soon ignited the eastern end of the main building, itself clad in another flammable material called Galbestos, made from plastic-coated steel sheeting. The flames quickly engulfed the Galbestos sheeting and, spreading through poorly fireproofed vents, ignited the acrylic roof, sending burning chunks of molten plastic falling onto holidaymakers as they evacuated. A

⁷⁰ Crook and Esbester (eds.), *Governing Risks in Modern Britain*; Lawrence Black, Hugh Pemberton and Pat Thane (eds.), *Reassessing 1970s Britain* (Manchester: Manchester University Press, 2013).

⁷¹ W.S. Whyte and Vincent Powell-Smith, *The Building Regulations Explained & Illustrated for Residential Buildings*, 4th edition (London: Crosby, Lockwood & Son, 1972), vii.

⁷² Smith, 'Ronan Point scandal', pp.23-7.

three-and-a-half acre ‘dream complex’, marketed as ‘Britain’s first forget-the-weather family fun centre’, was reduced ‘so swiftly and so hopelessly into a blazing death trap’ and the centre’s designers, builders and regulators were all implicated in its failure.⁷³ A scathing front-page editorial in the *Daily Mirror*, which echoes similar pieces published in the days following the Grenfell Tower fire, blasted those who had failed to protect holidaying families: ‘New types of plastic material are constantly being put on the market. They may be safe. They may not. They may be safe under some conditions. But not under others. The responsibility lies heavily on the Government, on every local authority, on every architect, on every builder to ensure that no material is used that has not been independently tested ... In the year 1973 it should be possible to guarantee that no fire will spread with the terrifying speed of the one that engulfed Summerland.’⁷⁴ Yet the borough council waived its byelaws in order to allow the use of Galbestos and Oroglas to reduce costs and create an artificial sunshine palace. Aesthetic and financial considerations were prioritised at the expense of safety in the most flagrant abuse of regulations since their introduction.⁷⁵

Whilst fire industry experts reassured tourists in England and Wales that the ‘construction of such a building as the Summerland holiday complex would be unlikely to be allowed in this country,’ alarm bells inevitably rang loudly, particularly in light of several fires at domestic holiday camps, including Butlins’ complex at Pwllheli a few days later. Anxiety was heightened as fire industry organisations voiced their concerns at the omission of means of escape provisions from the regulations: ‘When will the British accept the urgent need for adequate fire risk control?’, asked the usually moderate *Financial Times*.⁷⁶ No time soon, it would appear, as the government rejected recommendations to beef up existing laws, insisting that local authorities already had sufficient powers to consult with the local fire brigade when issuing licenses. Instead, Home Office officials drew up a voluntary code of

⁷³ *Daily Mail*, 4 August 1973, p.1; *The Guardian*, 9 August 1973, p.6.

⁷⁴ *Daily Mirror*, 4 August 1973, p.1.

⁷⁵ The fire and its aftermath is detailed in Ian Phillips, ‘The Summerland Fire Disaster’ (2020), available at <https://www.summerlandfiredisaster.co.uk/>, last accessed 4 August 2020.

⁷⁶ *Financial Times*, 10 August 1973, p.11; 4 August 1973, p.24.

guidance for the 1975 holiday season.⁷⁷ The Summerland Fire Commission agreed, concluding from its investigations that the disaster was ‘the result of a series of human errors and inadequacies’, a finding which spawned an entire sub-field of enquiry into the sociology of organisational failure.⁷⁸ As for the leisure centre’s architect, he was exonerated from accusations of professional misconduct and retired to live on his yacht off Corfu.⁷⁹

These disasters, and the subsequent regulatory changes they triggered, occurred at a crucial moment in the state’s provision of health and safety. Whereas governments had responded to accidents at work with more prescriptive regulations since the 1950s, there had been no subsequent diminishing of danger. In fact, the number of workplace deaths and injuries increased during the 1950s and 1960s, which pointed to the failure of a reactive system of regulation. Rather than restricting worker freedoms, it was thought, the state would be better off empowering employees to accept greater responsibility for their individual safety in order to get a grip on the problem. In 1970 a committee of inquiry, chaired by Lord Robbens, was appointed to review health and safety provision in the workplace. Robbens’ report, and the resultant legislation, forwarded the notion that occupational safety was the responsibility of employees and employers as well as the state. Workplace health and safety would be managed by a series of ‘functional regulations’ that specified the desired objective rather than the means to get there. This heralded a new era of self-regulation within a statutory framework comprised of voluntary codes of practice developed within industry and by individual bodies. From now on, the state would regulate from afar, with responsibility passing onto the individual.⁸⁰

The 1974 Health and Safety at Work etc. Act was at odds with the ‘deemed to satisfy’ provisions contained in the Building Regulations. Criticism of the heavy-handed regulations was ramped up in the context of the light touch approach preferred by Lord Robbens.

⁷⁷ Hansard (Commons), 883, c.504; TNA AY21/24/CP74/74, Report on the spread of fire at Summerland, Douglas, Isle of Man, 2 August 1973; *Report of Her Majesty’s Chief Inspector of Fire Services for the Year 1974*, Cmnd. 6145, p.23.

⁷⁸ Barry A. Turner, ‘The organizational and interorganizational development of disasters’, *Administrative Science Quarterly*, 21:3 (1976), 387.

⁷⁹ *Daily Telegraph*, 31 July 1979, p.15.

⁸⁰ Paul Almond and Mike Esbester, *Health and Safety in Contemporary Britain: Society, Legitimacy, and Change since 1960* (London: Palgrave Macmillan, 2019).

Political support for greater self-regulation echoed a discourse of anti-red-tapeism within the popular media, which had intensified over the previous decade. Some of this criticism was clearly politicised. Writing in 1964, Peter Whalley, the *Daily Mail*'s property writer, welcomed the 1959-64 Conservative Government's draft regulations on the grounds that they promised to cut the cost of building the average home as well as encourage the construction of schools and hospitals.⁸¹ Yet within two years, Whalley was bemoaning the same regulations for failing to improve standards and innovation, for which he blamed the Labour Government's failure to reign in surveyors. Only by separating building inspection from local government and regulating it through industry bodies would standards be improved, according to Whalley.⁸²

Following Margaret Thatcher's election as Leader of the Conservative Party in 1975, media criticism became more trenchant. Stedman Jones has noted the important role played by newspaper journalists in espousing neoliberal ideas such as monetarism and free trade during the 1970s, and the same can be said about support for the deregulation of building control, with polemical writers citing bureaucratic bottlenecks and excessive costs as inhibiting the rights of homeowners to change their homes without repeatedly clashing with fussy inspectors armed with clip-boards and prohibition notices.⁸³ The *Daily Mail*, the most hostile newspaper, regularly published 'puff pieces' about the ease and convenience of home extensions, loft conversions and the installation of new heating systems, under such headlines as 'You don't have to move to own a larger house' and 'When staying put could be your best move...'. Whilst such pieces identify various loopholes in the existing law, they also warn the reader to check with the local authority to avoid being 'tied down by red tape', as one middle-aged couple found with their plans for a 'dream home' at Mundon in Essex. The couple's plans for a farm conversion were repeatedly blocked by planners working for the district council who 'object to every little detail - even the size of the windows.' Four years on, the family were still living in a caravan on the property, their plans on hold.⁸⁴

⁸¹ *Daily Mail*, 28 February 1964, p.11.

⁸² *Ibid.*, 7 March 1966, p.8.

⁸³ Stedman Jones, *Masters of the Universe*, pp.233-5.

⁸⁴ *Daily Mail*, 10 February 1973, p.25; 26 May 1973, p.20; 25 August. 1973, p.22; 15 May 1976, p.14.

The era of deregulation

In 1979 a Conservative government led by Margaret Thatcher was elected on a pledge to introduce greater choice for the individual by undoing many of the reforms of the post-war period. With the goal to cut public expenditure and reduce economic controls, government set out to shrink the state, rather than continue the post-war trend for expanding responsibilities in the inter-related fields of welfare, health and safety provision. This marks the emergence of the third wave of building regulation, the era of deregulation, within which the fire at Grenfell Tower occurred. This era is marked by a diminished role for the state and an increased role for the private sector and property developers to self-regulate in the absence of what newspapers and populist politicians increasingly derided as unnecessary regulations. As we shall also see in the next chapter, this era of deregulation also saw the erosion of the law on fire precautions, with responsibility for safety passing from the state to the individual.

The Thatcher Government's approach towards 'recasting' the Building Regulations can be understood in the context of two broad developments; first, the late twentieth-century shift from social democracy to market liberalism, which saw her appeal to a growing popular individualism amongst voters; second, her party's longstanding support for a 'property-owning democracy'. This led to 'the largest transfer of property from the state to the individual' in the country's history as 'a new type of citizen', the working-class homeowner who was more likely to be aligned with traditional Conservative voters, emerged as a key voter. Thatcher's government was elected on a promise to roll back 'the frontiers of the state' by selling-off state assets and reducing public debt whilst also offering greater choice to those who wanted to own their own homes or benefit from shared ownership schemes in privatised industries. Publicly-owned utilities were seen as an obstacle to efficiency, removing the incentive to innovate and deliver improved services at a lower price to the 'consumer'. As a result, policymakers advocated that public services should be subject to competition from the market to encourage them to operate more economically and efficiently.⁸⁵ The 'Right to Buy'

⁸⁵ Matthew Francis, "'A Crusade to Enfranchise the Many": Thatcherism and the Property-Owning Democracy', *Twentieth Century British History*, 23:2 (2012), pp.275-97; Sutcliffe-Braithwaite, 'Neo-liberalism and morality'; Guy Ortolano, *Thatcher's Progress: From Social*

programme, introduced in 1980, gave council house tenants who had rented for three years or more the right to buy their homes at a significant discount of the market value; eventually this became ‘the largest single privatisation of public goods’ at an estimated value of £2 billion by 1997.⁸⁶

Just as supporters of ‘Right to Buy’ repeatedly cited the importance of ‘choice’ for tenants to own their own homes, so too did these arguments dominate the building control sector. The new Secretary of State for the Environment, Michael Heseltine, promised to ‘reduce the nannying and overseeing’ of local authorities by Whitehall. Whilst this pleased those professional associations exasperated by ‘the nightmare of bureaucratic control’, for Heseltine, sweeping away ‘expensive and time-consuming’ controls translated into diminished responsibilities for local authorities and greater levels of competition. Indeed, ‘far from giving local government more freedom there may, in fact, be worse to come’, noted the respected *Municipal Journal*, which warned that local authorities were entering a new decade shackled ‘in chains’ amidst threats to cut public expenditure and introduce rate capping.⁸⁷ In December 1979, Heseltine pledged to take ‘a hard look’ at the system of building control in a speech to the National House-Building Council (NHBC), a private consumer watchdog for the housebuilding industry. ‘I am not in the business of just tinkering with the problem’, he insisted, but was committed to creating a simplified system, the main thrust of which would involve reducing the role of local authorities and granting greater responsibility to private providers with the ultimate aim of making building control self-financing and self-regulating: ‘There are strong arguments for a system of control which embodies the principle that anyone who carries out work, or causes it to be carried out, should be responsible for the outcome.’ Whilst simplifying the language of the Building Regulations was welcomed across the sector, Heseltine’s proposal for greater self-regulation by the construction industry were met with disapproval from professional associations, many of which, including the Institution of Municipal Engineers (IME), recognised the need for ‘suitably qualified practitioners’ to

Democracy to Market Liberalism through an English New Town (Cambridge: Cambridge University Press, 2019).

⁸⁶ Francis, “A Crusade”, p.295.

⁸⁷ *MJ*, 87:18, 4 May 1979, p.451; 87:20, 18 May 1979, p.503, 87:21, 25 May 1979, p.543; 87:50, 21 December 1979, p.1339.

ensure that the primary objective remains ‘the effective protection of the health and safety of the public’ and not the reduction of controls.⁸⁸

A consultation document, published in 1980, outlined a number of options for simplifying the system and reducing its burden on the taxpayer. These included ‘recasting’ regulation as a minimum number of functional requirements only; exempting local authorities and other public bodies from control; and introducing certification by approved private persons as an alternative to local authority control. A white paper consequently proposed a combination of all three options by widening exemptions and introducing certification that provided for greater self-regulation by construction professionals.⁸⁹ Unsurprisingly, the NHBC, which had been lobbying for powers to act as a certifying authority, welcomed the proposals, seeing them as beneficial for home-owners. RIBA also welcomed the reforms as freeing its members from the costs of building control. The Institute of Building Control and the local authority associations expressed concern at the intended fragmentation of responsibility and loss of revenue, whilst also warning that private firms would poach ‘competent persons’ from local authorities with the offer of competitive rates of pay. Minimum self-regulation ‘would obviously lower standards,’ warned one surveyor, who noted that mass-fatality building disasters occurred in buildings outside the scope of regulatory control, as we have seen in the case of the Summerland fire. Other commercial bodies, including the Royal Institution of Chartered Surveyors (RICS), predicted that the proposals could lead to a sharp increase in the cost of insurance needed by building owners and landlords, with many passing these onto tenants or leaseholders, which has indeed been witnessed in the wake of the unfolding cladding crisis following the 2017 Grenfell fire.⁹⁰

Proposals for the simplification of the regulations were issued in 1982. The main proposal – to shift from ‘deemed to satisfy’ clauses to open-ended functional regulations – was warmly welcomed by housing providers and industry bodies. In general, local authority groups opposed the proposals, concerned at the loss of responsibility and revenue. Serious

⁸⁸ *Financial Times*, 4 December 1979, p.7; 11 December 1979, p.6; *MJ*, 87:49, 14 December 1979, p.1303, 1305; *Chartered Municipal Engineer (CME)*, 107:3, March 1980, p.64.

⁸⁹ *White Paper on the Future of Building Control in England and Wales*, Cmnd. 8179 (London: HMSO, 1981).

⁹⁰ *Financial Times*, 6 October 1980, p.42; *MJ*, 88:2, 11 January 1980, pp.27-8; 88:32, 8 August 1980, pp.994-5; *CME*, 107:9, September 1980, pp.209, 214-16.

reservations were raised by fire safety organisations. In a warning that later bore fruit, the Institution of Fire Engineers (IFE) warned that the new form ‘will give Architects much greater freedom and enforcing authorities much less control and much greater difficulty in enforcing “Safe” performance standards.’ In particular, the IFE warned that ‘the expertise and experience of the Fire Authority in matters relating to fire is recognised and should not be lost,’ indicating that no building control authority should approve plans until they received from the fire authority a safety certificate, yet this is precisely what the government introduced.⁹¹

Undeterred by the criticism, and bolstered by a larger majority following the 1983 general election, the Government’s Housing and Building Control Bill was passed the following year. In addition to extending the provisions of its ‘Right to Buy’ programme, the act introduced competition into building oversight. The government’s pro-market sentiments continued in its subsequent attack on ‘red tape’, deploying the language popularised by newspapers by pledging to ‘lift the burden’ on small firms through the removal of a raft of regulations. In a 1985 report, ‘Burdens of Business’, by the Secretary of State for Trade and Industry, Lord Young (or ‘Lord Scissors’ as he became known amongst journalists), building regulations were cited as one of the top 10 ‘burdens’ placed upon small firms.⁹² The subsequent white paper committed government to deregulation in order to achieve two aims: firstly, ‘freeing markets and increasing the opportunities for competition’ and, secondly, ‘lifting administrative and legislative burdens which take time, energy and resources from fundamental business activity.’ This would be achieved in two stages: by ‘simplifying’ existing regulations so that they afford greater ‘freedom’ and ‘flexibility’ to the building process, before establishing ‘how far they can be reduced or dropped altogether’ in order to reduce regulations ‘to the minimum required to secure their essential function, which is the preservation of public health and safety.’⁹³

⁹¹ TNA AT/49/161, Building Regulations Reform, Summaries of Responses to Consultation, 30 March 1983.

⁹² Department of Trade and Industry, *Burdens on Business: Report of a Scrutiny of Administrative and Legislative Requirements* (London: HMSO, 1985); *Financial Times*, 30 April 1985, p.11.

⁹³ Minister without Portfolio, *Lifting the Burden*, Cmnd. 9571, July 1985, pp.15-16.

Right-wing newspapers welcomed Young's proposals, with Robin Oakley in the *Daily Mail* gleefully reporting that '[m]asses of red tape and pettifogging regulations which hamper small firms are to be slashed away.' Similarly, Peter Hitchens, writing in the *Daily Express*, reported that government had gone to 'war on red tape', praising proposals to free businesses from 'needlessly elaborate regulations on safety and fire.'⁹⁴ More muted voices warned that cutting red tape could lead to more dangerous working conditions. *The Guardian* quoted Labour's Treasury spokesman, a young Tony Blair, who described the white paper as a 'shabby and irrelevant document ... whose ideology is unable to solve the problems of the economy,' before seeking guarantees that the plans 'will not lead to loss of safety and fire regulations or environmental protection.'⁹⁵

The recast Building Regulations, introduced in mid-1985, have been accurately described as 'the most radical shake-up of the building control system since the ... establishment of the system of building bye-laws' in the Victorian period.⁹⁶ Other than for means of escape in case of fire, functional requirements were introduced, which stated the aim of the regulation rather than the means of achieving the requirement. Even then, government was committed to 'reducing the level of regulation in these areas, where this would not lead to increased risk to personal safety.' Critics of the regulations had increasingly bemoaned the length of the published regulations, which they complained had been allowed to 'breed like rabbits' by successive governments. As one author noted:

In the bad, dangerous past of pre-1965 we had 78 pages of regulations. The year of 1965, when regulations were nationalised, these became 168 pages. The take-off point started in 1972. There are now over 350 pages, and even more are breeding in the department's hutches.⁹⁷

Thatcher's government added to the number of regulations it inherited; it took intervention in order to deregulate. In 1980 a scale of fees were introduced for building control in order to bring about public expenditure savings of £40 million whilst reducing, in the words of the

⁹⁴ *Daily Mail*, 17 July 1985, p.9; *Daily Express*, 17 July 1985, p.7.

⁹⁵ *The Guardian*, 17 July 1985, p.1; *Daily Mirror*, 17 July 1985, p.2.

⁹⁶ Anthony James Ley, *A History of Building Control in England and Wales 1840-1990* (Coventry: RICS Books, 2000), p.141.

⁹⁷ *Daily Telegraph*, 30 January 1980, p.11.

Chartered Municipal Engineer, the number of ‘half-hearted or ‘trying it on’ applications’ from ‘jerry builders’. There were also warnings that such arbitrary fees would ‘do nothing to ease the present climate of dissatisfaction with which building control officers have to cope,’ and would contribute to enhanced client expectations for building approval.⁹⁸ Moreover, whilst later controls were introduced to ensure adequate access for disabled persons, these were not seen to deflect attention away from the more radical changes of providing for private certification and removing ‘unnecessary regulations’. Indeed, Thatcher’s government slavishly culled its own breeding programme, reducing 310 pages of specific regulations supported by 12 detailed schedules to 24 pages comprising 20 functional regulations and three schedules.⁹⁹ Yet the detail did not disappear, as 12 booklets of advisory guidance, known as Approved Documents, were introduced, including one booklet - Approved Document B – dealing entirely with structural fire safety; ‘so much for cutting red tape,’ noted the authors of a recent history.¹⁰⁰

This published guidance went through several revisions from 1992 under Conservative and New Labour governments alike. Whilst the 1991 and 1992 revisions updated fire safety features, they opened up more areas of building control to private operators, including inspections and the issuing of completion certificates. This inevitably led to greater fragmentation of regulatory control.¹⁰¹ Further revisions, introduced in 2000, endorsed large-scale fire testing of external cladding systems alongside greater choice for construction product manufacturers in satisfying the regulations, especially as they pertained to taller buildings. To cope with the growing workload of testing, the New Labour Government later permitted the widespread use of ‘full-scale test data’.¹⁰² In practice, this meant that use of combustible materials was permitted under certain conditions, in particular

⁹⁸ *CME*, 107:3, March 1980, pp.61, 65; *MJ*, 88:13, 26 March 1980, p.371; 88:15, 11 April 1980, pp.454-5.

⁹⁹ *Lifting the Burden*, pp.15-16.

¹⁰⁰ Prosser and Taylor, *Grenfell Tower Fire*, p.101. Approved Document B has gone through multiple revisions, the most recent of which at the time of writing was in 2019 with amendments in 2020: <https://www.gov.uk/government/publications/fire-safety-approved-document-b>.

¹⁰¹ *MJ*, 3, 17-23 January 1992, pp.16-17.

¹⁰² Prosser and Taylor, *Grenfell Tower Fire*, pp.102-3.

for insulating buildings with exterior wall cladding, while an ever shrinking pool of fire prevention officers meant that enforcement was patchy at best. The neoliberal ascendancy had established the right of developers to prioritise the costs of development over and above those of the safety of a building's occupants. So much for learning lessons; successive 'machinery of government' changes since the 1990s meant that responsible ministries like the DOE and its successors had forgotten the horrors of earlier cladding fires such as Summerland.

Matters came to a head following the Grenfell Tower fire with the formation of an Independent Review of Building Regulations and Fire Safety, headed by the former chair of the Health and Safety Executive (HSE), Judith Hackitt. Issuing her final report in 2018, Hackitt concluded that the regulatory system was 'not fit for purpose' and called for 'a radical rethink' of the whole system, including the creation of a regulatory framework and a building safety regulator (BSR), managed by the HSE, with responsibility to oversee the safety and performance of higher risk residential buildings (HRRBs). The construction industry had failed to reflect and learn for itself, nor had it looked to other sectors for guidance. What is required, Hackitt and other commentators write, is a culture change in the industry from top to bottom. Whilst Hackitt's report and the government's subsequent response has signalled a return to the collaborative approach championed in earlier eras of regulation, it nominally goes further in advocating a stronger voice for residents, which has since been adopted by the HSE in the Regulator's governance. It remains to be seen how far residents' concerns will be taken seriously, which has led to a number of campaigners calling upon the government and its regulatory bodies 'to ensure the voices of those with less power are both heard and count.'¹⁰³

Conclusion

¹⁰³ Judith Hackitt, *Building a Safer Future. Independent Review of Building Regulations and Fire Safety: Final Report*, Cm. 9607 (May 2018), pp.5, 12; Phillips and Martin, *Grenfell and Construction Industry Reform*; Gill Kernick, *Catastrophe and Systematic Change: Learning from the Grenfell Tower Fire and Other Disasters* (London: London Publishing Partnership, 2021), pp.147, 159.

The long road to the Building Regulations radically switched direction from the 1980s, returning to a Victorian model of discretionary powers and greater freedoms for property developers and construction product manufacturers to act in their own interests rather than their social responsibility. We can only speculate on what a surveyor like George Pierce Clingan, who spent more than four decades working within local government, would have made of this policy reversal after decades of effective regulation. In this we are assisted by the written responses from professional bodies to the consultation on the recasting of the regulations in 1983. Whereas elements of the proposals were welcomed – not least the simplification and clarity given to their wording – warnings echoed from across the associations at the importance of providing training to building control officers to cope with the anticipated changes to site inspection and the introduction of Approved Documents (one body recommended the award of a ‘certificate of competence’ to building surveyors not dissimilar to RICS’ call following the introduction of controversial EWS1 surveys for HRRBs in 2019¹⁰⁴). Moreover, several bodies – including the IME and IAAS¹⁰⁵ – reminded the DOE of the importance of ensuring that every residential building, including temporary accommodation provided at hotels, boarding houses and hostels, should have at least one means of escape in the event of fire in order to assist the work of the fire service as well as evacuation in instances where ‘stay put’ was inadvisable. Only with the retention of existing laws governing the provision of exits and entrances, as well as ‘unequivocal wording’ in the accompanying guidance, would the safety of residents and guests be subject to appropriate controls.¹⁰⁶ It is to the thorny issue of hotel precautions, as a window onto the wider theme of the deregulation of fire safety, that we now turn.

¹⁰⁴ See <https://www.rics.org/uk/news-insight/latest-news/fire-safety/cladding-qa/>, last accessed 15 March 2022.

¹⁰⁵ The IAAS was renamed the Association of Building Engineers in 1993, later becoming the Chartered Association of Building Engineers. The IME merged with the Institution of Civil Engineers in 1984.

¹⁰⁶ TNA AT/49/161, Building Regulations Reform, Summaries of Responses, 30 March 1983.

CHAPTER 2:

“I DON’T KNOW WHY WE BOTHER; WE SHOULD LET YOU ALL BURN.” THE VALUE OF FIRE PRECAUTIONS IN BRITAIN SINCE THE 1970S

The popular 1970s BBC sitcom *Fawlty Towers*, written by John Cleese and Connie Booth, is part of the national cultural imagination, well-known for its satirising of the xenophobic little Englander and wartime nostalgia. Cleese’s character, Basil Fawlty, the bumbling and unfriendly proprietor of the hotel, has even been described as a ‘pre-Thatcherite’ conservative.¹⁰⁷ My favourite scene, in the controversial episode ‘The Germans’, involves Basil dismally attempting to organise a scheduled fire drill. Through a series of mishaps involving a chip pan, his dim-witted waiter, Manuel (played by Andrew Sachs), sets his jacket alight and runs into the lobby yelling “Is fire! Is fire!” Basil is incapable of operating the fire extinguisher, which explodes in his face, and it is left to Polly (played by Booth), the cool-headed chamber-maid, to save Manuel. Basil is taken to hospital with concussion where he sets off on a typical rant, with a stinging reference to Harold Wilson, the Labour Prime Minister: “It exploded in my face. I mean, what is the point of a fire extinguisher? It sits there for months, and when you actually have a fire, when you actually need the bloody thing, it blows your head off! I mean, what is happening to this country? It’s bloody Wilson.”¹⁰⁸

To Basil, holding a fire drill is an unwelcome burden foisted upon him by an interfering state (“That should keep the fire department happy for another six months”). A fictionalised caricature of an eccentric hotel-owner Cleese encountered during his stay at a Torquay hotel in 1970, Basil loses his patience with his guests, who wait for the drill in the lobby after confusing the sound of the safe’s alarm with the fire alarm, declaring “I don’t know why we bother; we should let you all burn.”¹⁰⁹

Basil was obliged to conduct regular drills of his staff and guests in order to satisfy his legal responsibility as a hotelier. Under the 1971 Fire Precautions Act, Basil and his real-life counterparts were to ensure adequate means of escape in case of fire were provided; exits

¹⁰⁷ Rama Mäkhä, ‘Basil Fawlty as a ‘pre-Thatcherite’ conservative in *Fawlty Towers*’, *Journal of European Popular Culture*, 8:2, pp.109-23.

¹⁰⁸ John Cleese and Connie Booth, ‘The Germans’, *Fawlty Towers*, Series 1, Episode 6 (BBC, first broadcast 24 October 1975).

¹⁰⁹ Graham McCann, *Fawlty Towers* (London: Hodder & Stoughton, 2007), pp.9-20.

well-lit by emergency lighting and unobstructed; proper fire alarms installed; staff trained in fire drill; and any proposed changes to the layout or use of the property (for example, with the calamitous bricking up of an internal door in an earlier episode) did not interfere with means of escape.¹¹⁰ As a proprietors' guide put it bluntly:

Fire in this hotel could spell DISASTER ... Injury to your colleagues, to our guests. Perhaps even death. Damage to the building, to furniture and equipment. Partial or even total destruction of the hotel. A 'closed for business' notice on the front door. Loss of trade. Loss of jobs.¹¹¹

Fire safety experts insisted that bedroom doors should be self-closing to reduce the risk of fire spread and the number of casualties at night. In fact, an adult was ten times more likely to be caught in a fire at a hotel than at home, even if the risk of death was roughly equal.¹¹² A fire authority could therefore use the threat of withholding its award of certification to compel a proprietor to make improvements to the safety of the premises.

The mocking of the fire drill in 'The Germans' is revealing of contradictory cultural attitudes towards fire safety at the time. Whereas Basil fails to grasp the seriousness of the fire drill and of maintaining precautionary equipment, his staff (with the exception of Manuel) are well-trained in the use of extinguishers, and his guests are prepared to disrupt their holidays to take part in the drill, albeit on their own terms. As an everyday occurrence that takes place in hotels, shops, offices and other workplaces across the country, the fire drill has been used as a comedic device in situation comedies since the 1970s, which indicates the general lack of seriousness with which it is treated by many people until they experience a serious fire first-hand. Yet the fire drill is now a longstanding practice in hotel management, alongside the provision of other precautions, including clear signage, emergency lighting, self-closing doors, smoke alarms and information notices prominently displayed in rooms and public spaces. Together, these micro instances of state regulation shape our movement around a building in small but significant ways and bring familiarity to our experience when staying away from home for work or leisure. Whilst the costs of installation and maintenance could

¹¹⁰ John Cleese and Connie Booth, 'The Builders', *Fawlty Towers*, Series 1, Episode 2 (BBC, first broadcast 26 September 1975); Home Office, *Guide to the Fire Precautions Act 1971. 1 Hotels and Boarding Houses* (London: HMSO, 1972).

¹¹¹ *Act Quickly! Seconds Count!* (Wembley: Hotel and Catering Industry Board, 1984).

¹¹² S.E. Chandler, 'Fires in Hotels', *Fire Research Note* (London: HMSO, 1969), pp.1-3.

be expensive for small guest houses, and regarded by some (real and fictional) proprietors as unwelcome government intrusion into private affairs, these everyday precautions were integral for the protection of guests and staff following a number of multi-fatality fires in hotels during the 1960s and early 1970s. New laws introduced powers of inspection, certification and enforcement by local fire authorities in order to reduce the risk of mass casualty fires in hotels and similar establishments, and, as we shall see, were successful in this aim.

This chapter will examine the context surrounding the introduction of the Fire Precautions Act in 1971 and its impact in reducing the risk to life in hotels. It shows the growing significance of fire prevention to the practice of everyday life and reveals the importance of acting upon the lessons learned from mass casualty fires in such premises. It also, following on from the previous chapter, traces the emerging anti-regulatory landscape within British government from the mid-1970s, which included resisting proposals to extend the law on fire precautions to other sectors, including old people's homes and hospitals, following multi-fatality fires. A neoliberal approach towards fire precautions, which increasingly placed responsibility for health and safety onto the individual rather than the state gained momentum during the 1970s and intensified during the 1980s and 1990s under successive governments. Ministers regarded fire precautions, like building regulations, as burdens on business. Yet, as we shall see, this approach was shaped and constrained by the continued occurrence of mass-fatality fires, which resulted in the law on fire precautions being modified in order to extend cover to sporting stadia and public transport premises during the 1980s. As Giandomenico Majone has shown, the growing impetus towards the deregulation of public services in the 1980s and 1990s lead in actuality to 'less restrictive or rigid regulation, rather than no regulation.'¹¹³ The subsequent decision taken by the New Labour Government to reform the law in 2005, by introducing the 'responsible person' for managing fire safety and diluting the powers of fire authorities to enforce compliance, marked the final triumph of the deregulation of fire safety started during the 1980s. Failures of regulatory oversight in growing numbers and varieties of multi-occupancy buildings can, thus, be traced back to decisions taken to erode the state's responsibility for fire safety as well as a lack of political will to extend the law on fire precautions by successive governments.

The beginnings of proactive regulation

¹¹³ Majone, 'Paradoxes of privatization and deregulation', p.53.

A fire precautions act capable of being applied to multiple social and economic risks was first mooted in 1962 when the Home Office established an inter-departmental committee ‘to consider the principles on which fire prevention legislation should be based and the objects to which it should be directed.’ Its report, issued at the end of the year, criticised the inflexibility of existing legislation, which managed risks on a narrow sectoral basis. Legislation, recently passed, affected factories and licensed premises, whilst officials had drafted similar legislation governing offices, shops and railway premises. Each site was inspected by the fire brigade, and a certificate issued, which contained details, marked on approved plans, of the available means of escape and the number of persons allowed on the premises at any given time to allow for safe evacuation. Such legislation responded to multi-fatality fires in workplaces (e.g. at a Keighley mill in 1956, in which 8 workers died), department stores (with prominent fires in Glasgow and Liverpool high street stores in 1949 and 1960, causing 13 and 11 deaths respectively) and places of public amusement (as with a Bolton nightclub fire in 1961, with 19 deaths). These fatalities temporarily brought the issues to the forefront of the political agenda due to the media interest they generated.¹¹⁴

A consolidatory bill was promoted – and withdrawn due to lack of Parliamentary time – on three occasions during the 1960s. Eventually, it was brought to the House during the final throes of Wilson’s first Labour Government and reached the statute books under Edward Heath’s Conservative successor. Officially, governments were awaiting the publication of the report of the Departmental Committee on the Fire Service, which had been appointed in 1967 to inquire into the organisation of the service. When that finally appeared in May 1970, the idea of consolidating existing fire prevention legislation into a single comprehensive act was rejected.¹¹⁵

In truth, the legislation had already been drafted and governments were playing for time, rarely regarding fire safety as a priority. The decision to begin with hotels was again a response to several mass-fatality fires in the sector in the late 1960s and the result of joint pressure from government advisers and industry bodies to better protect the safety of staff

¹¹⁴ TNA HO/346/98, ‘Fire Prevention Legislation: Memorandum’, January 1965; Shane Ewen, *Fighting Fires: Creating the British Fire Service, c.1800-1978* (Basingstoke: Palgrave, 2010), pp.157-8.

¹¹⁵ TNA HO/346/97-99; *Report of the Departmental Committee on the Fire Service*, Cmnd. 4371 (London: HMSO, 1970), pp.163-4.

and guests alike. This included a fire at a hotel in Stornoway, on the Outer Hebrides, a chain of islands off the west coast of mainland Scotland, in 1966, caused by a carelessly discarded cigarette. The hotel's outdated alarm system consisted of a bell which was not audible throughout the whole premises; five guests lost their lives. A further five fatalities occurred at a fire in a hotel in Church Stretton, Shropshire, in 1968, where bedroom notices advised guests 'In case of fire shout "FIRE"'. A third fire at the Rose & Crown coaching inn in Saffron Walden, Essex, on Boxing Day in 1969, caused eleven deaths when a faulty television set caught alight overnight. All three fires occurred in pre-1900 buildings, with combustible timber floors and staircases, which blocked escape and access points. Experts estimated that the average age of hotels was 50-100 years, with some coaching inns over 200 years old, built before modern regulations were introduced, but full of historic charm, as hotel publicity described them to tourists. The Rose & Crown, for instance, was a sixteenth-century coaching inn with 'old-world atmosphere', but, lacking suitable precautions, firefighters found that fire-resisting doors failed during Christmas festivities.¹¹⁶

Shortly before the fire at the Rose & Crown, the Fire Protection Association (FPA), an industry body formed in 1946 by fire insurance companies, issued a stark warning about inadequate precautions in hotels, citing failings with the construction, equipment and training of staff in many of the estimated 200,000 premises across Britain. The British Hotels and Restaurants Association, a lobby group for the hospitality industry, dismissed the report as 'unnecessarily alarmist'.¹¹⁷ That so few hotels contained up-to-date fire precautions was ridiculed by *Fire* magazine, 'the voice of firefighting,' which mocked up a fake advertisement for a hotel offering 'Bed, Breakfast and Fire Risk' for its readers:

HOTEL, facing beach. Excellent cuisine. All mod. con., comfortable beds. Children welcome. Highly combustible. Unenclosed staircases, limited means of escape.¹¹⁸

The use of gallows humour, a well-established trope in the service, added fuel to the growing body of evidence. To remind Parliament of the importance of legislating change, a fire, causing the deaths of eight guests, occurred at the New Langham hotel in London's Kensington Gardens in May 1971. Moving the second reading of the Fire Precautions Bill, Minister of State Richard Sharples argued that it was 'a fact that all too often in the past

¹¹⁶ *The Times*, 3 April 1968, p.1; *Daily Mirror*, 27 December 1969, pp.1-2.

¹¹⁷ *Fire Protection Association Journal*, 83 (August 1969), pp.325-31.

¹¹⁸ *Fire*, 67:828 (June 1974), p.7.

before action has been taken, it has needed some major catastrophe to focus attention' on lawmakers; the new bill offered the chance to deal proactively with hazards as they appeared or evolved.¹¹⁹

The bill, then, was based on years of applied learning but it took the trigger of the Rose & Crown blaze to overcome delays with its drafting. An internal inquiry by the Chief Inspector of Fire Services, Henry Smith, revealed multiple defects in the hotel and criticised the owners, Trust House Hotels, for failing to invite the local brigade to make a goodwill inspection of the premises. Given that Trust House Ltd. was in the process of merging with Forte Holdings to create the country's largest hotel group, Smith recognised the urgency to impose a clear duty upon 'hotel managements in ensuring that fire precautions are strictly observed', as well as upon staff and guests in 'avoiding thoughtless actions such as the failure to extinguish smoking materials properly or to close fire and smoke doors on landings or in passages.' What had once been deemed acceptable risks within the hotel industry – not least permitting smoking in bedrooms as well as public areas – had given way to a view that guest and staff safety was as much a priority as the provision of amenities for comfort.¹²⁰

Towards a fire service-led approach

Despite cross-sectoral support, the 1972 Designation Order attracted fierce criticism from hoteliers, trade bodies and MPs that too many fire prevention officers (FPOs) were inflexible in their interpretation of the law, which is certainly hinted at in Basil Fawltly's protest at having to hold a fire drill to satisfy the local brigade. Robert Adley, a Dorset Conservative MP and industry lobbyist (he was European Marketing Director for Commonwealth Holiday Inns) bemoaned the 'too tough firemen' whose over-zealous attitudes towards safety were 'cutting away at the grass roots of the industry' by 'hitting very hard' small hotels struggling to fund expensive and unnecessary improvements. One such 'small hotel' of 21 bedrooms, owned by Exeter Tory MP John Hannam, had been sent an 'improvement notice' containing works totalling £8,000 (approximately £120,000 in 2022). Meanwhile an editorial in the *Caterer and Hotelkeeper* magazine dismissed the regulations as 'administratively mad' and

¹¹⁹ Quoted in *Firefighter*, 10:5 (November/December 1970), p.1.

¹²⁰ TNA HO/346/97, 'Fire at Rose and Crown Hotel, Saffron Walden', 29 December 1969; *Report of Her Majesty's Chief Inspector of Fire Services for the Year 1969*, Cmnd. 4397 (London: HMSO, 1970), p.11.

‘fiscally stupid’.¹²¹ Complaints were twofold: first, that modern hotels were built to agreed international standards of safety that minimised the risk of fire. Second, that the costs of modifying small hotels outweighed the risks as well as the benefits of keeping them open, but legislators had already recognised this by exempting premises that catered for fewer than six guests. Sir Fitzroy Maclean, Tory MP for Bute and Northern Ayrshire, who co-owned The Creggans Inn on the idyllic shore of Loch Fyne, claimed that the cost of updating safety in historic premises threatened to drive ‘run-of-the-mill’ hotels such as his out of business. More seriously, historian John Walton notes that many landladies in seaside resorts like Blackpool converted their guest houses into flatlets partly to avoid the cost of installing fire precautions as well as a response to the changing pattern of demand from tourists; this would return to haunt them a decade later as we shall see in Chapter 4.¹²²

Mass-fatality fires in hotels continued to occur then in the face of resistance to change. In April 1972, two women died in a fire that destroyed a 1920s Cambridge hotel with no audible alarm system; its management had failed to act on a list of requirements identified during a recent inspection.¹²³ In July 1973, ten holidaymakers were killed in a devastating fire at the Esplanade Hotel in the Scottish resort town of Oban, started by a carelessly discarded cigarette. A fire brigade inspection the previous year had recommended improvements including smoke-stopping doors and an external escape. The hotel owner was aware of the risks but had postponed the remedial work due to a combination of costs and time, citing the excuse ‘I just didn’t get round to it.’ Neither had he bothered to train his seasonal staff in fire evacuation because ‘[t]hey were here for six months only and were mostly girls.’¹²⁴ In their coverage of the fire, newspapers demanded unsafe hotels be forced to close until they completed approved work, whilst industry groups and Conservative politicians called upon government to offer low-interest loans to support remedial work.¹²⁵ As many as half of Britain’s hotels and boarding houses could be ‘potential death traps’ according to an investigation by the *Daily Mirror*, which claimed that up to a quarter of all

¹²¹ *Fire*, 67:829 (1974), p.72; Hansard (Commons), 883, 17 December 1974, cc.1503-41.

¹²² Hansard (Commons), 851, 20 February 1973, cc.429-30; John K. Walton, *The Blackpool Landlady: A Social History* (Manchester: Manchester University Press, 1978), pp.198-9.

¹²³ *Daily Mail*, 25 April 1972, p.9.

¹²⁴ *Ibid*, 25 July 1973, pp.1, 16.

¹²⁵ Hansard (Lords), 357, 25 February 1975, c.644.

proprietors were flouting the law by not applying for fire certificates. Even then, fire brigades faced a considerable backlog in inspecting and re-inspecting premises: in Blackpool, for instance, only ten per cent of the 4,000 applications for certificates submitted to the local brigade had been completed by mid-1973.¹²⁶

The main problem with the application of the Act, then, concerned workload and resourcing, particularly in tourist areas with a denser concentration of hotels. On the eve of the Act, there were 1,248 full-time FPOs in post, performing between them some 650,000 surveys and inspections nationally. Duties ranged from routine surveys to on-site inspections, which varied from a few minutes for a low-risk premise like a public toilet to three days for large risks such as hospitals; a hotel survey could take anywhere between half-a-day and a full day, absorbing more man-hours per inspection than other types of visit.¹²⁷

Civil servants calculated that, even with a phased introduction of the act, it would still take a decade to roll out to roughly 442,000 premises regarded as 'high risk'. In the short term, this would involve inspecting and certifying approximately 30,000 hotels and boarding houses. To do so, the fire service would require 350 additional staff, whose role would be limited to fire prevention work. At a total annual cost of nearly £1 million (equivalent to £14 million in 2020) falling onto the taxpayer, the proposals were fiercely resisted by some local authority associations, but welcomed by the Fire Brigades Union (FBU) and Trades Union Congress (TUC), which favoured the greater opportunities for career advancement that the act promised firefighters.¹²⁸

Implementation was inevitably piecemeal, but certainly not without success. By the close of 1974, fire authorities across England and Wales had issued certificates for 3,302 hotels and boarding houses. A further 13,200 premises had been issued with improvement notices, while 24,985 were awaiting inspection. An estimated 14,000 premises had yet to submit applications. Three years later, 20,000 premises had been certified, with 10,000 more outstanding applications or appeals in the system. Progress was slow but welcomed by many in the service, not least the Chief Inspector of Fire Services, Kenneth Holland, who, in addressing industry management in his annual reports, sensibly argued that fire precautions

¹²⁶ *Daily Mirror*, 25 July 1973, pp.1-2.

¹²⁷ *Report of Her Majesty's Chief Inspector of Fire Services for the Year 1970*, Cmnd. 4700 (London: HMSO, 1971), p.12.

¹²⁸ TNA HO/3/46/98, Home Office Note; *Firefighter*, 11:3 (1971), p.1.

‘are an investment in keeping a business going.’¹²⁹ Despite the backlog, a survey by the FPA in 1978 concluded that the number of hotel fires involving fatalities had fallen significantly in the six years since the Order’s designation.¹³⁰ According to government data, proactive regulation was proven to save lives. In 1974 there were 31 deaths and 81 non-fatal casualties in hotel fires in Britain; six years later, 19 fatalities were recorded in hotels, hostels and boarding houses (of which ten were accounted for in a single blaze at a London hostel – see chapter 4) and 139 casualties. There was now a higher proportion of fire-related deaths in the home, and at nightclubs, public houses and restaurants, none of which were designated premises.¹³¹ Casualty rates in hotels and boarding-houses continued to fall during the 1980s, despite the number of fires remaining fairly constant, fluctuating between 1,600 and 1,800 from 1972-87.¹³² Inspection, certification and enforcement had been proven to succeed in raising awareness amongst staff and guests as well as in improving hotel management and housekeeping. By the end of the 1970s, consumer groups had even declared British hotels to be safer than many of their European counterparts and the Fire Precautions Act was adopted as a model of good practice by other countries.¹³³

The deregulatory impulse

The success of the 1972 Designation Order in raising standards of safety within hotels inevitably led to calls from stakeholder groups to extend its provisions to undesignated sectors. Successive home secretaries faced demands to issue designation orders governing public sector premises including psychiatric hospitals, nursing homes, hostels, student halls

¹²⁹ *Report of Her Majesty’s Chief Inspector of Fire Services for the Year 1973*, Cmnd. 5674 (London: HMSO, 1974), p.34; A. R. Everton and Gordon Cooke, ‘The Legislation’, in Jane Taylor and Gordon Cooke, eds., *The Fire Precautions Act in Practice* (London: Architectural Press, 1978), p.28.

¹³⁰ Fire Protection Association, ‘Fire Problems in Hotels’, in Taylor and Cooke, eds., *Fire Precautions Act*, p.29.

¹³¹ *UK Fire Statistics 1974* (London: HMSO, 1975), pp.24-5; *Fire Statistics United Kingdom 1980* (London: HMSO, 1981), p.19.

¹³³ Holiday Which?, *Fire in Hotels: An Investigation* (London: Consumers’ Association, 1979).

of residence and schools, and the reformist voices grew louder in the wake of fatal fires in premises where ‘at risk’ people were cared for. Two mass-fatality fires stand out. First, in July 1972 a devastating fire at the Coldharbour Hospital in Dorset, used as a home for people with learning disabilities, killed thirty residents. The committee of inquiry’s investigation found under-staffing, whilst serious safety defects were discovered following a renovation. When the contractors proposed to use fire-resistant plasterboard partitions in wards, they were advised against this by the consulting architect on the grounds that plasterboard ‘might be vulnerable to kicking and other behaviour from the patients’; subsequently, contractors installed a more flammable hardboard which gave it the highest fire risk rating possible. Keith Joseph, the government’s Social Services Secretary and the recognised architect of Thatcherism, dismissed the calamitous decision as ‘misguided enthusiasm’ and committed government to strengthening the enforcing powers of fire authorities over hospitals, but little was agreed.¹³⁴

Two years later, in December 1974, 18 residents, aged between 67 and 91 years, died in a fire at an old people’s home in Nottinghamshire, caused by a resident smoking in bed. Staff shortages were again cited as a failure in evacuating residents. The home, a prefabricated single-storey building comprising houses connected to a dining hall, was designed by the architect Donald Gibson and was part of the Consortium of Local Authorities Programme (CLASP) system of industrialised building. Initially bringing together local authorities to meet the problem of building schools on land subject to mining subsidence, using bulk purchasing methods as well as on-site assembly of factory-made parts, CLASP was used to construct residential accommodation, hospitals and universities during the 1960s.¹³⁵ Concerns were repeatedly raised about the safety of such buildings, specifically in their use of false ceilings, which created a flue with the wooden and felt roofs, and a spate of fires in CLASP schools during the 1970s caused experts to dismiss the system as unsafe.¹³⁶

¹³⁴ *Report of the Committee of Inquiry into the fire at Coldharbour Hospital, Sherborne on 5 July 1972*, Cmnd. 5170, pp.8-9, 41-2; *Daily Telegraph*, 11 January 1973, p.19.

¹³⁵ *Report of the Committee of Inquiry into the Fire at Fairfield Home, Edwalton, Nottinghamshire, on 15 December 1974*, Cmnd. 6149, July 1975; Andrew Saint, *Towards a Social Architecture: The Role of School Building in Post-war England* (New Haven: Yale University Press, 1987).

¹³⁶ For example, *Daily Mail*, 17 December 1974, p.11.

Although a 1971 amendment to the Building Regulations included a stipulation that fireproof partitions should be inserted behind ceiling panels, fire investigators found that remediation work had yet to begin. Following a campaign by the National Corporation for the Care of Old People, the newly-elected Labour Government promised to extend regulations to residential homes. Draft regulations were drawn up to strengthen precautions, but due to a change in government in 1979 these were never issued.¹³⁷

The failure to extend the provisions of the 1971 Act to protect ‘at risk’ groups reveals a hardening attitude within government towards the value of regulation. Whilst advisory bodies attempted to shape a more proactive approach to policymaking, ministers largely interpreted their responsibility for protecting public safety as an administrative exercise rather than as a moral one. Prosser and Taylor note a lack of willingness on the part of the fire service to take a hard line on transgressors, but in truth central government preferred local authorities to pursue a conciliatory approach towards regulation, only using threat of prosecution as a last resort after persuasion or administrative sanctions had failed. In those cases which did reach trial, often brought by larger urban authorities, defendants pleaded leniency on the grounds that they were better judges of safety for their premises rather than officials out of touch with the economic realities of the time.¹³⁸

The limitations to the regulatory approach should be understood in the context of an escalating economic crisis and popular discourse surrounding national decline during the 1970s, as well as growing distrust of local authorities from within central government.¹³⁹ Labour ministers regularly cited public expenditure restrictions as obstacles to enforcement, whilst industry bodies resisted proposals to extend regulatory provisions to the hospitality sector, citing a large proportion of its membership ‘struggling for survival in the face of the present economic depression’.¹⁴⁰ Successive governments were therefore committed to

¹³⁷ *Report of Her Majesty’s Chief Inspector of Fire Services for the year 1978*, Cmnd. 7605, p.22; National Corporation for the Care of Old People, *Fire Precautions in Old People’s Homes* (London: National Corporation for the Care of Old People, 1976), p.1.

¹³⁸ Prosser and Taylor, *Grenfell Tower Fire*, pp.73-4.

¹³⁹ Jim Tomlinson, *The Politics of Decline: Understanding Post-war Britain* (Harlow: London, 2001).

¹⁴⁰ Hansard (Commons), 901, 27 November 1975, c.1035.

permitting a greater degree of self-compliance within business in assessing their own workplace hazards free from state restrictions.

The influence of neoliberal ideas over the limits of the regulatory state became more strident from 1979 with the election of a Conservative government openly committed to diminishing the role of the state, cutting public expenditure, slashing regulations, curbing trade union powers and restricting interference in individual enterprise. The model of inspection and certification established by the Fire Precautions Act was regarded as out of kilter with the Thatcher Government's embrace of a 'neoliberal revolution'.¹⁴¹ Yet the continued occurrence of fires – including one at an old people's home outside Hull, which killed six residents and injured another 21 in 1977 – amplified warnings for stricter regulation of care homes.¹⁴² Although Labour's draft regulations designating residential accommodation were at an advanced stage of preparation by April 1979, they attracted considerable resistance from within the care sector. In particular, concerns about inflexibility and costs of compliance were raised by the Personal Social Services Council (PSSC), a non-governmental advisory body established in 1971. The PSSC issued a report arguing that 'the quality of life in residential homes suffers as a result of fire precautions,' citing difficulties caused to resident mobility by self-closing doors as well as the likely impact of the costs of remedial work resulting in 'a cut-back' in care. Rather than a one-size-fits-all certification process, the PSSC recommended a compromise approach 'more carefully tailored to the needs of individual homes.'¹⁴³

Seizing on the criticism, the regulations were kicked into the long grass with the Conservative's election victory, before the PSSC was itself disbanded as a victim of public spending cuts.¹⁴⁴ Moreover, rather than advocating a flexible approach towards fire precautions, the new government tightened restrictions on expenditure, which compelled

¹⁴¹ Jeremy Green, 'Anglo-American development, the Euromarkets, and the deeper origins of neoliberal deregulation', *Review of International Studies*, 42 (2016), p.443.

¹⁴² Hansard (Commons), 923, 14 January 1977, cc.603-4.

¹⁴³ Diana Seabright, *Fire and Care: An Enquiry into Fire Precautions in Residential Homes* (London: Personal Social Services Council, 1979).

¹⁴⁴ TNA MH/154/834, 28 April 1979, 15 June 1981.

local authorities to make cuts to social care and fire-fighting.¹⁴⁵ Mandatory fire precautions were viewed suspiciously by ministers who preferred to issue advisory guidance to service providers rather than insist upon ‘excessive expenditure’ and ‘stringent requirements’ at a time of ‘scarce public, private and charitable funds.’¹⁴⁶ As the Home Secretary, Leon Brittan, put it in response to a Commons motion about care homes, ‘In many cases in both public and private sectors there is no doubt that steps have already been taken to achieve an acceptable standard of fire precautions’ without resorting to enforcement. ‘This is what is desired, whether it is done by certification or without certification.’ The Home Office thus rejected proposals from its own advisory body, the Central Fire Brigades Advisory Council (CFBAC), to phase in the designation of old people’s homes, preferring to encourage care providers to take advantage of the available voluntary guidance.¹⁴⁷

Politicians and civil servants repeatedly cited the Fire Precautions Act as an example of excessive regulation in a political atmosphere that was keen to redefine the boundaries between the public and private sectors. In 1980, the Home Office published a green paper criticising both the escalating costs of enforcing the legislation (at approximately £16.25 million a year) and the costs of compliance for designated premises, which it estimated at about £70 million per year (around £300 million in 2022). Stopping short of recommending the dismantling of the existing regulatory framework, the authors proposed ‘a modified system’, awarding powers to fire authorities to selectively focus on Class A risks (premises in larger industrial and commercial cities) rather than ‘premises presenting a low risk.’¹⁴⁸ Greater flexibility resonates with what Michael Moran calls the ‘hyper-innovative approach’ towards the operation of the British regulatory state that had emerged by the 1980s, under which government accepted a general duty to provide a reasonable standard of safety but left it to others to establish what this meant in practice. Whereas the Fire Precautions Act had ushered in a new era of standardised control within government, this discernible shift towards

¹⁴⁵ Hansard (Lords), 402, 24 October 1979, cc.91-2.

¹⁴⁶ Hansard (Commons), 977, 28 January 1980, c.1094.

¹⁴⁷ *Ibid.*, c.1096.

¹⁴⁸ *Future Fire Policy: A Consultative Document* (London: Home Office, 1980), pp.7, 27-8.

greater selectivity was designed to disrupt and disperse its own regulatory powers whilst enabling more independent enterprise.¹⁴⁹

In 1985, a second review of fire precautions advocated even greater selectivity in the law's application. Whilst this was influenced by the growing number of European Council directives concerning health and safety, which extended the principle of employer self-compliance beyond the limits permitted under British legislation, it was ostensibly driven by the Government's crusade against 'burdens on business', as explored in the previous chapter.¹⁵⁰ The deregulation of administrative and legislative regulations imposed upon business had emerged as a flagship element in British economic policy by the mid-1980s and was part of a wider transnational 'deregulatory moment' in western societies; the state was committed to 'rolling back' on its micro-management of the economy through a variety of methods including privatising public utilities and cutting 'red tape', as business regulations were derogatorily described by ministers.¹⁵¹ Fire precautions were identified as one of the most 'complicated' and inconsistently applied requirements for firms to adhere to in Lord Young's *Burdens of Business* report, published in the same year. 'Fire precautions should be made more flexible for premises with a minimal fire risk,' argued Young, recommending 'a new system of control', with greater flexibility in order to avoid 'unnecessarily severe requirements on low risk premises but consistently catching and improving high risk premises.'¹⁵²

In their jointly-authored foreword to the Home Office's review, Leon Britten and Lord Young cited the recent fire at Bradford City's Valley Parade Stadium, which fatally burned 56 supporters in 'horrific scenes' that 'brought home to everyone the devastating

¹⁴⁹ Michael Moran, *The British Regulatory State: High Modernism and Hyper-Inflation* (Oxford: Oxford University Press).

¹⁵⁰ *A Review of the Fire Precautions Act 1971: A Consultative Document* (London: Home Office, 1985).

¹⁵¹ Knud Andresen and Stefan Müller (eds.), *Contesting Deregulation: Debates, Practices and Development in the West since the 1970s* (New York: Berghahn, 2017).

¹⁵² Minister Without Portfolio, *Lifting the Burden*, Cmnd. 9571 (London: HMSO, 1985), pp.27-8.

effects of fire and the need for adequate fire precautions.’¹⁵³ The review used the opportunity to advocate the stricter regulation of sporting stadia, which was one of the chief recommendations of the accompanying public inquiry. The 1987 Fire Safety and Safety of Places of Sport Act required fire authorities to take a more interventionist approach in certifying outdoor stadiums as well as indoor sporting premises. To offset the increased workload this entailed, the 1971 act was amended, granting local authorities powers to exempt low-risk premises from certification. Government was proactively deregulating fire safety in designated premises whilst extending its regulation of new sites.¹⁵⁴ This hierarchy of risks was further refined following the devastating fire at London King’s Cross Underground Station in November 1987, which killed 31 members of the public, with the Government designating sub-surface railway stations as class A risks and relaxing the rules for certification in other premises. ‘This is the speediest means to introduce enforceable standards without uncertainty,’ claimed home secretary Douglas Hurd, recognising that there were occasions where tougher regulation was called for in the public interest.¹⁵⁵

‘Rolling back the state’ and deregulation continued as twin pillars of government policy into the 1990s and beyond and, in the relative absence of high profile fires, they met with greater success. Michael Heseltine’s Deregulation and Contracting Out Bill in 1994 promised ‘the biggest bonfire of controls that has taken place in modern times in this country,’ although it failed to deliver the forecasted savings, whilst, from 1997, New Labour promised to accelerate the removal of ‘unnecessarily burdensome’ regulations, with fire precautions identified as ‘a priority target’ for its Better Regulation Task Force.¹⁵⁶ A variety of voices – in particular newspapers and policy ‘think tanks’ – spoke out against fire precautions and health and safety rules using negative rhetorical tropes such as ‘red tape’, and advocated relaxing policy around risk regulation.¹⁵⁷ This coincided with the emergence of a managerialist approach within government, which saw deregulation enabling greater private

¹⁵³ Home Office, *A Review of the Fire Precautions Act 1971*, foreword.

¹⁵⁴ Shane Ewen and Aaron Andrews, ‘The media, affect, and community in a decade of disasters: reporting the 1985 Bradford City stadium fire’, *Contemporary British History*, 35:2 (2021), pp.258-83.

¹⁵⁵ *The Times*, 10 November 1988, p.16.

¹⁵⁶ *Financial Times*, 7 December 2000, p.5.

¹⁵⁷ *Financial Times*, 1 July 1992, p.9; Almond and Esbester, ‘Legitimate risks?’, pp.277-8.

and voluntary sector involvement in the provision of public services through multi-agency partnerships. The state was shifting from a traditional service delivery role to one where it contracted out public services to private or voluntary bodies. Just like public utilities or building control, fire precautions were no longer regarded as natural monopolies of the state, but would be passed back to the individual to determine the appropriateness of controls. From 1997, fire risk assessments were introduced into workplaces to satisfy European Commission directives. Two years later, amended regulations set a requirement for premises designated under the 1971 act to also conduct fire risk assessments; this applied to all workplaces, including hotels, boarding houses and care homes. The duplication of administrative effort strengthened criticism that the European Commission unnecessarily tied British firms up in red tape and reinforced an increasingly hostile media attitude towards ‘Brussels bureaucrats’.¹⁵⁸

Eventually and perhaps inevitably, an overhaul of the law came at the turn of the twenty-first century, thereby establishing the regulatory regime under which the fire at Grenfell Tower occurred. From 1997-2007, the New Labour Government, with Tony Blair as Prime Minister, was in thrall to similar neoliberal ideas that had shaped Thatcher’s thinking, whilst also championing the modernisation of public services. In practice, this meant greater hollowing out of the public sector and a more active role for private enterprise in delivering services. Blair’s ‘modernisation agenda’ was intended to distance “New” from “Old” Labour by demonstrating the party’s ability to govern after years in opposition. It was justified as a means to de-align the Labour party from its core supporters and open up public services to a wider variety of influences.¹⁵⁹ The fire service and the law on fire precautions were not immune to this as seen in the recommendations made by an independent review chaired by the university administrator George Bain in 2002 and a white paper issued the following year. Deaths and injuries from fire had declined during the second-half of the 1990s, yet the number of fires had risen since 1998, which led the review to recommend the service take a risk-based approach towards safety, focusing on the ‘most vulnerable’ people in society – lower socio-economic groups, single parent households, people with disabilities, the elderly, renters in houses in multiple occupation (HMOs) and households with heavy smokers and/or drinkers – who suffered disproportionately from fire and its effects. Bain contended that the

¹⁵⁸ Prosser and Taylor, *Grenfell Tower Fire*, p.75.

¹⁵⁹ Alan Finlayson, *Making Sense of New Labour* (London: Lawrence & Wishart, 2003).

fire service's advisory bodies were resistant to modernisation and overly focused on 'stakeholder business to the detriment of progressing national strategic issues,' reportedly blocking reforms.¹⁶⁰ The Home Office had, according to some insiders, actively treated the fire service with 'benign neglect' compared to its core matters of crime and immigration. New Labour transferred responsibility for fire service policy to the Department for Transport, Local Government and the Regions in 2001 and, from 2002, to the Office of the Deputy Prime Minister (ODPM), believing that 'new sets of eyes' would bring 'new perspectives' and help to elevate the service's low status within government.¹⁶¹

The Bain Review exacerbated deteriorating industrial relations within the service, witnessed in a national firefighters' strike in 2002 and the FBU's disaffiliation from the Labour Party in 2004. Unperturbed by criticism of its 'lack of vision and ... contempt of Britain's Fire Service,' the ODPM, headed by John Prescott, a former official in the National Union of Seamen, pushed ahead with radical reforms to the service, introduced in 2004 and 2005.¹⁶² As minister for local government, Nick Raynsford, described it, 'The Bain Report was a clarion call for reform in a service that had been left in a time warp, approaching its duties and conducting its industrial relations in ways that smacked of the attitudes of a bygone era.'¹⁶³ Much historic legislation was rescinded, abandoning national standards of fire cover introduced after the Second World War in favour of local Integrated Risk Management Plans (IRMPs), reducing limits on the number of operational firefighters required to crew appliances, and abolishing the CFBAC, rashly ending nearly six decades of collaborative policymaking. Less contentious was the logical decision to rename the service the Fire and Rescue Service to reflect firefighters' increasing role in non-fire emergency work, which included responding to terrorism, flooding, chemical spillages and road traffic collisions,

¹⁶⁰ The Independent Review of the Fire Service, *The Future of the Fire Service: Reducing Risk, Saving Lives* (London: Office of the Deputy Prime Minister, 2002), pp.12-15, 36, 46; Office of the Deputy Prime Minister, *Our Fire and Rescue Service*, Cmnd. 5808 (London: HMSO, 2003).

¹⁶¹ Nick Raynsford, *Substance Not Spin: An Insider's View of Success and Failure in Government* (Bristol: Policy Press, 2016), pp.145-6, 151.

¹⁶² *Fire*, 95:1170 (December 2002), p.7.

¹⁶³ Raynsford, *Substance Not Spin*, p.153.

though successive governments have since shown unwillingness to properly fund these new responsibilities.¹⁶⁴

The 2005 Regulatory Reform (Fire Safety) Order repealed over 70 separate pieces of legislation including the Fire Precautions Act, introducing a single fire safety regime that applied to all workplaces and non-domestic premises from 2006 in England, Wales and Scotland (from 2010 in Northern Ireland). It also covered premises where the main use is to provide sleeping accommodation, such as hotels, boarding houses, hostels, holiday accommodation and the common areas of HRRBs and HMOs. The Order requires every premise to employ a ‘responsible person’ to undertake a fire risk assessment (FRA) and decide how to address the risks. It thus signalled a move from a prescriptive regime to a risk-assessment-based approach, removing the responsibility for certification from fire and rescue authorities. This led some commentators to question whether the changes were being driven by ‘economic factors than a need to maintain the current levels of public and employee safety from fire beyond their homes.’¹⁶⁵

In the years that followed, the number of FRAs undertaken by operational staff fell considerably and fire authorities cut the numbers of FPOs until the Grenfell Tower fire triggered a reversal in the policy. Decades of accumulated knowledge of building risks by operational crews had been degraded; the era of regulation by the fire service had ended. The ODPM issued eleven guidance documents containing practical advice for ‘responsible persons’ about how to comply with the legislation, although a 2006 poll found that 35 per cent of businesses in England and Wales were unaware of how the legal changes affected them while almost half of respondents were uncertain as to whether they even complied.¹⁶⁶ Given the relatively low level of compliance, experts were sceptical of the benefits of the change to public safety, especially given the existence of ‘a vocal minority’ of businesses ‘who will do absolutely nothing at all unless threatened with legal action.’¹⁶⁷ As Phil Heath, the Technical Manager for Kingspan Insulation Limited – the firm that provided rainscreen boards used in the refurbishment of Grenfell Tower, which were catastrophically revealed to

¹⁶⁴ *Ibid*, pp.152-6.

¹⁶⁵ *Fire*, 97:1197, March 2005, p.19.

¹⁶⁶ *Financial Times*, 10 June 2006, 20.

¹⁶⁷ *Fire*, 97:1197, March 2005, pp.19-20.

be combustible – described it in an early assessment of the order’s effectiveness at dealing with building insulation products and cladding, ‘[l]ack of understanding about any material’s true performance in a fire situation could at best prove expensive and at worst fatal.’ Firefighters and the residents of tower blocks would find out this fact for themselves soon enough, whilst Heath’s shocking testimony to the Grenfell Tower Inquiry (in which, after having the safety of the rainscreen cladding questioned by builders, was alleged to have replied that they should “go f*ck themselves”) exposed serious defects in the system of self-compliance that successive governments had actively encouraged since the 1980s.¹⁶⁸

Conclusion

This chapter has traced the shifting attitude and approach of the state towards fire precautions in hotels and other premises. With the exception of the privately-owned home, where responsibility for fire safety has been left to the home-owner or landlord, central government begrudgingly accepted its responsibility for regulating fire precautions from 1970. This heel-dragging attitude towards safety manifested itself in a variety of approaches, ranging from reluctant acceptance of the requirement to regulate a greater number and variety of premises during the 1970s to outright hostility to the imposition of ‘red tape’ on private enterprise during the 1980s. Where regulations were rolled out successfully, these were historically reactive to large mass-fatality fires, which briefly opened a policy window for reform. Scope for more widespread systematic reform was more possible during the Thatcher and Blair eras, where there was greater policy continuity across three terms (albeit subject to considerable ‘machinery of government’ changes). Even then the deregulatory impulses of both governments co-existed alongside the requirement for new regulations that were triggered by crises; in the first instance, by a ‘decade of disasters’ in the 1980s and, in the second, the firefighters’ pay dispute and strike of 2002-03, which presented, according to one of the government ministers involved, ‘an opportunity’ to achieve ‘real change’ in modernising the service.¹⁶⁹

¹⁶⁸ *RICS Building Control Journal*, October 2007, pp.22-3; *Inside Housing*, 30 November 2020, <https://www.insidehousing.co.uk/news/news/kingspan-manager-said-professionals-raising-fire-concerns-could-go-fck-themselves-grenfell-inquiry-hears-68801>.

¹⁶⁹ Ewen and Andrews, ‘The media’, pp.259-60; Raynsford, *Substance Not Spin*, pp.153-4.

Where regulations were properly introduced, they reduced the number of casualties from fire by improving the provision of fire precautions and raising individual and public awareness of safety, as seen most clearly in the case of hotels and boarding-houses. Collaboration between the state, industry and service stakeholders, as well as individual proprietors and guests – in familiarising themselves with the location of fire exits, not obstructing corridors, and acting promptly when the fire alarm is activated – reduced the number of fatalities in hotel fires between the 1970s and 1990s and independent studies consequently highlighted the relative safety of British hotels compared to European counterparts. Yet the number and severity of hotel fires rose in England and Wales between 2011 and 2019, with a proportionately greater number of people killed or injured in hotel fires than in flats and apartments over the same period.¹⁷⁰ Even then, the greater life risk has continued to reside in institutional buildings such as hospitals, prisons, hostels and care homes where there are specific challenges with evacuation caused by residents with restricted mobility, cognitive disabilities and other social and medical problems.¹⁷¹ These worrying facts raise serious questions about the effectiveness of deregulated fire precautions. The inspection and certification of hotels and other public buildings may have been a cumbersome job for under-resourced fire brigades, but it was effective in improving public safety. Moreover, as recent studies have suggested, there are conflicting interpretations over who should be recognised as ‘the responsible person’ in hotel chains, which has been exposed by the widespread installation of combustible cladding on the frontages of tall buildings across the country. A 2019 cladding fire, fortunately with no fatalities, at the Brentford branch of Travelodge – at which I have stayed whilst researching for this book – reveals the tension between the deregulatory impulses of the state and micro-level regulatory

¹⁷⁰ Ian Weinfass, ‘Hotels uncovered: contractors locked in multi-million-pound cladding disputes’, *Construction News*, 18 May 2020,

<https://www.constructionnews.co.uk/agenda/hotels-uncovered-the-contractors-locked-in-multi-million-pound-cladding-disputes-18-05-2020/>.

¹⁷¹ Stuart Hodgkinson and Phil Murphy, ‘The fire risks of purpose-built blocks of flats: an exploration of official fire incident data in England: interim research findings’, July 2021, <https://www.bafsa.org.uk/wp-content/uploads/bsk-pdf-manager/2021/07/Fire-Risks-of-Purpose-Built-Blocks-of-Flats-An-exploration-of-Official-Fire-Incident-Data-in-England.pdf>, last accessed 15 March 2022.

practices to protect public safety. In his incident report, London Fire Brigade's Assistant Commissioner Graham Ellis reported that the incident was 'an excellent example of multi-agencies working together to bring a challenging incident under control with no injuries,' yet it also reveals how much we entrust our personal safety to the responsibility of people who put profit above individual safety. As one fire safety expert puts it, "You know your home and your way around it, but in a hotel, you probably used the lift, and don't even know where the stairs are," which demands extra care to take responsibility for the safety of ourselves and our families.¹⁷²

Far from being stale, the regulatory system established in the 1960s and early 1970s improved safety standards in designated premises and demonstrably saved lives. The failure to extend the law to unregulated sectors was the result of political apathy and instability within successive governments, as well as a conscious attempt to deregulate fire precautions from 1979; political and media interest in matters of safety – which were frequently derided as unwelcome and burdensome within public discourse, by right-wing politicians, journalists and fictionalised hotel proprietors alike – only really piqued following high-profile mass-fatality fires. Local authorities were actively encouraged to avoid a prescriptive approach towards enforcement, using persuasion or administrative sanctions in the majority of cases. The 'paradox of regulation', as Majone describes it, has meant that the deregulation of public services in the 1980s and 1990s involved a cultural shift from a relatively rigid but effective fire service-led approach to a more or less self-regulated regime subject to 'less burdensome methods' such as goodwill safety inspections and the issuing of improvement notices.¹⁷³ One can only hope that, to return to our opening example, Basil Fawlty's wife, Sybil, would have taken it upon herself to be 'the responsible person', rather than leave matters to her incompetent husband, otherwise Fawlty Towers would probably have long burned to the ground.

¹⁷² 'Hotel fire – Brentford', <https://www.london-fire.gov.uk/incidents/2019/december/hotel-fire-brentford/>, accessed 11 December 2020.

¹⁷³ Majone, 'Paradoxes', p.53.

CHAPTER 3:
THE MIXED ECONOMY OF ‘SCIENTIFIC GOVERNANCE’ IN TWENTIETH-
CENTURY BRITAIN

In 1979, a short survey of fires in high-rise buildings in Britain and overseas was published by the Building Research Establishment (BRE), the government’s national building research agency. Written by R.E.H. Reid, an experienced writer on structural fire safety and a senior officer in the scientific civil service, the survey was commissioned in the wake of multiple high-rise building fires overseas as well as several extraordinary fires in Britain. This included the 1973 fire at the Summerland leisure centre on the Isle of Man, which exposed the unanticipated speed with which cladding fires could take hold of large premises.¹⁷⁴ Summerland was a fine example of the ‘cheerful and colourful commercial modernism’ of the 1960s and 1970s, but its burning was also a brutal reminder of the construction industry’s failure to regulate itself.¹⁷⁵ Whilst Reid concluded that Britain’s high-rise buildings did not pose ‘a special fire hazard’, especially ‘when correctly designed and incorporating the right standards,’ he identified several defects to guard against. These included the threat of external fire spread through poorly-fitted windows or internally through air-conditioning systems and service ducts, as well as the closing of ventilation openings, all of which were demonstrably proven to be catastrophic at Summerland. Reid concluded his report with the warning, ‘[a]s with all types of building, the problems of fire in high-rise situations not only depend upon good design and construction but perhaps to a greater extent on good management.’ Poor design, ignorance and indifferent management by property developers and housing providers could quickly transform a low-risk scenario into a life-threatening emergency, as revealed by several fires in HRRBs in the following decades, examined later in this chapter, which demonstrate that the Grenfell Tower fire was a disaster foretold.¹⁷⁶

¹⁷⁴ R.E.H. Reid, ‘Fire Risks in High-Rise Buildings’, *Building Research Establishment Information Paper* (1979), p.1.

¹⁷⁵ Otto Saumarez Smith, ‘The Lost World of the British Leisure Centre’, *History Workshop Journal*, 88 (2019), p.192.

¹⁷⁶ Reid, ‘Fire Risks’, pp.1, 3.

Read's report reflected a curiosity amongst the scientific civil service in advancing their understanding of fire by studying past experiences, thereby strengthening the protection of vulnerable communities against burning. Until its privatisation in 1997, the BRE defined its role in terms of the benefit its research accrued for the general public rather than the construction industry. Formed in 1972 through a merger of the government's building and fire research agencies, the BRE's roots lay in the emergence of 'scientific governance' following the First World War. As Don Leggett and Charlotte Sleight have shown, 'scientific governance' has been taken to refer to both 'the governance *of* science' and 'governance *by* science,' with the majority of studies focused on the former's world of professional structures and affiliate institutions.¹⁷⁷ An emerging strand within the historiography traces how governments made use of the knowledge of scientific and technocratic experts when making decisions concerning matters of public policy. Historical interest has spanned the fields of national defence, reconstruction planning, healthcare and environmental policy, revealing how the British state has never governed in a vacuum but has drawn upon the expertise and resources of a variety of actors – across the public, private, military and voluntary sectors – in advancing the understanding and regulation of science and its benefits throughout the twentieth century, but especially since the end of the Second World War.¹⁷⁸

The BRE and its predecessor institutions pursued a 'mixed economy' approach towards 'scientific governance', drawing upon existing knowledge and partnerships between public, private and voluntary bodies with an interest in research and its application to daily life. Indeed, joint working across the public and private sectors was at the heart of the scientific governance of fire safety from the early twentieth century. This chapter, in taking its cue from Sam Wetherell's call for closer examination of the role played by research laboratories in building 'developmental social infrastructure' in twentieth-century Britain,

¹⁷⁷ Don Leggett and Charlotte Sleight, 'Scientific Governance: An Introduction', in idem, eds., *Scientific Governance in Britain, 1914-79* (Manchester University Press, 2016), pp.2-3.

¹⁷⁸ Sabine Clarke, 'Pure Science with a Practical Aim: The Meanings of Fundamental Research in Britain, circa 1916–1950', *Isis*, 101:2 (2010), pp.285-311; Edgerton, *Rise and Fall*; Kieron Flanagan et al, *Lessons from the History of UK Science Policy* (London: British Academy, 2019); Abigail Woods, *A Manufactured Plague: The History of Foot-and-mouth Disease in Britain* (London: Routledge, 2004).

traces the evolution of this ‘mixed economy’ approach towards fire research.¹⁷⁹ The earliest phase of scientific testing, originating at the turn of the twentieth century and extending into the inter-war period, was largely confined to voluntary and commercial organisations, with limited state involvement following the First World War. The second phase, from the mid-1930s until the 1970s, was the high watershed of government-funded ‘scientific governance’ and is an era marked by joint working between the state and commercial bodies. During this phase, ‘governing by science’ necessitated viewing daily life through a scientific lens and attempting to eradicate the problem of fire through continuous refinement in laboratory testing as well as the systematic grading of materials according to their flame resistance.

The third phase, that of ‘scientific self-governance’, began in the 1970s with the de-prioritisation of routine fire testing by government. Organisations like BRE were subject to growing commercial pressures and an opening up of competition for testing from independent (aka ‘for profit’) laboratories. But the Thatcher Government and its successors did not simply abandon their commitment to funding scientific research into fire prevention, particularly given the large number of calamitous mass-fatality fires during the 1980s. Rather, government restricted its involvement to special investigations, including supporting research into the fire behaviour of cladding systems as part of a wider investigation into the structural integrity of tower blocks following several fires in HRRBs during the 1990s. By the present century, housing activists and safety campaigners had exposed major defects in the fire protection of HRRBs but were unable to convince central government of the need to reverse its deregulation of controls. Instead, corporate interests exerted ever-greater influence over the standards and rules for compliance. By the late 1990s, where this chapter ends, government support for fire research had all but disappeared and the remnants of its scientific civil service privatised. BRE had become, describes Stuart Hodkinson, ‘a highly commercial organisation embedded in the private building and materials industry’ rather than a public body that defined its work as central to the national interest.¹⁸⁰ When it came to fire safety, successive governments were less interested in governing by scientific expertise, but rather governed in spite of it.

¹⁷⁹ Wetherell, *Foundations*, p.5.

¹⁸⁰ Hodkinson, *Safe as Houses*, p.41.

The emergence of fire testing

The earliest improvements to standards of fire resistance drew together organisations from across the public and private sectors at the turn of the twentieth century. Various attempts were made by private and commercial bodies to generate public interest in fire safety and to increase standards of protection. Notable examples included the British Fire Prevention Committee (BFPC), a subscription association established in 1897, and the Fire Offices Committee (FOC), founded in 1868 to represent the insurance industry. They conducted investigations independently of each other – the BFPC at its London testing station and the FOC at premises in Manchester – and lobbied for greater synchronicity in standards of fire prevention at a time that their work was of growing national significance. This was especially true towards the end of the First World War when the Ministry of Reconstruction, headed by Dr Christopher Addison, advocated directing additional resources towards reducing national fire losses, which he estimated at £10 million annually. Addison was particularly anxious about the government’s emergency housing programme, commissioning the BFPC to run fire endurance tests involving concrete slabs, the results of which underpinned housing policy well into the 1920s.¹⁸¹

Of greatest significance in the emerging state patronage of scientific governance was the Department for Scientific and Industrial Research (DSIR), formed in 1916. The DSIR provided infrastructural support and funding for programmes of ‘public science’ recognised as being in the national interest and falling outside the purview of the armed services. Staffed by scientific civil servants, the DSIR’s chief focus for the bulk of its existence was to ensure an adequate supply of resources for industry and to coordinate the efficient expenditure of money, time and effort on what Sabine Clarke labels ‘fundamental research’; that is, research into issues of society and the economy which affected ‘a range of interests wider than a single trade’ while also having a ‘direct bearing on the health, well-being, or the safety of the whole population.’ Fire was inevitably included in this remit, initially as part of the DSIR’s Building

¹⁸¹ TNA HO/45/15071, Ministry of Reconstruction, 26 April 1918; TNA DSIR/36/4267, Progress Reports, January 1919.

Research Station (BRS), which was formed in 1921 to lead research into construction and materials.¹⁸²

A coordinated approach to fire research developed from the mid-1920s with the opening of new testing stations, with capacity for conducting large-scale tests according to agreed standards. The BRS, which started its work at a small premises bequeathed by the Ministry of Health in West London, soon moved to larger premises at Garston, outside London, to reflect its growing responsibilities. The FOC opened negotiations with the DSIR in 1933 to relocate to Garston so as to benefit from government support and avoid the unnecessary expense of converting its Manchester premises to conform to the British Standard on Fire Resistance (BS 476/1932), published in 1932, which specified rigorous measures that placed British testing on a par with that of leading foreign laboratories. Calls for greater uniformity and rigour were demanded by a number of bodies, including the LCC. Later amended, BS 476/1932 was a foundational document in the evolution of British fire engineering because it established the principles of functionality and classification that dominated the next half century and more. Materials would only be accepted as fire resistant if their use permitted the structure as a whole to continue functioning for a specified period whilst on fire. In practice this meant that a room had to withstand flames to allow its occupants to exit safely and for the fire brigade to access the building. To enable this, BS 476/1932 appended tests for structures and materials as well as a sliding scale of fire resistance, ranging from Grade A, which provided protection for six hours, to E, which only provided thirty minutes' protection. From 1935, a station, jointly funded by the FOC and DSIR, was opened in the up-and-coming town of Borehamwood in outer-north London, emblematic of the growing significance of the south-east to the country's economic prosperity. Testing would henceforth occur in purpose-built temperature-controlled furnaces in order to ascertain the fire behaviour of life-size replica models of buildings, and was based

¹⁸² Andrew Hull, 'War of Words: The Public Science of the British Scientific Community and the Origins of the Department of Scientific and Industrial Research, 1914-16', *British Journal for the History of Science*, 32:4 (1999), pp.461-81; Clarke, 'Pure Science with a Practical Aim', p.301.

on models developed in North America and Scandinavia, demonstrating the growing internationalisation of fire research and the British government's lag.¹⁸³

The ascendancy of jointly-funded fire research

Wartime fire research passed to the Ministry of Home Security after it was learned that the main threat to Britain's defence came from incendiary bombs dropped from the air.¹⁸⁴ Much was learned from the Blitz about radiant heat and the residual strength of structures damaged by fire, while the DSIR's Chemical Research Laboratory developed foams for fighting deadly oil fires. The Fire Grading Committee's (FGC) research into structural fire resistance, which started in 1935 but was suspended in 1939, resumed in 1942 to prepare for the mammoth task of post-war reconstruction.¹⁸⁵

Reflecting its newfound significance to the nation and the urgency of developing cross-government fire policy, the FGC recruited its members from multiple departments. Its 1946 report recommended a radical departure from existing practice in determining the fire risks of different types of building structures and materials. This achieved two broad outcomes: firstly, greater precision in assessing structural risk; secondly, in laying the groundwork for greater standardisation in building across the country (as seen in chapter 1). In its appendix, the FGC also published a new test for measuring the speed of flame spread across a surface, after recognising the threat posed by the growing use of combustible wall and ceiling linings, which were being used in the government's emergency housing programme to bypass shortages in skilled plasterers and plasterboard.¹⁸⁶

The new test, an updated version of BS 476/1932, specified that materials were to be placed at right angles to a purpose-built furnace in order to simulate conditions in a corridor

¹⁸³ *British Standard Definitions for Fire Resistance, Incombustibility, and Noninflammability of Building Materials and Structures, Including Methods of Test, No. 476* (London: British Standards Institution, 1932).

¹⁸⁴ Ewen, *Fighting Fires*, pp.131-2.

¹⁸⁵ *A Description of the Work of the Department of Scientific and Industrial Research* (London: HMSO), p.35.

¹⁸⁶ *Department of Industrial and Scientific Research Report for the Year 1947-48, Cmd. 7761* (London: HMSO, 1949), p.68.

or staircase. They were then exposed to heat from a gas burner, with measurements recorded until the flame spread across the whole surface. Materials were thereby classified into four groups according to the distance of flame travel: class I included materials with lowest flame spread, while class IV covered those with the greatest spread in the shortest period of time. Whilst class III materials could be used in living rooms and bedrooms under certain conditions, they were never to be permitted for use in staircases or corridors; class IV materials – which included all untreated timbers and building-boards – were subject to stricter limits and required treating with flame-retardant paints before use.¹⁸⁷

The FGC thus established the principle that the most important part of a building's passive defence was the corridor and staircase, and that compartmentation was crucial in minimising the risk of flame spread; this principle governed the subsequent development of HRRBs across Britain from the mid-1950s, which were commonly fitted with a single staircase. To supplement this, fire alarms, extinguishers and dry risers would be fitted in public areas. This eventually evolved into the 'stay put' policy, published as a British Standard Code of Practice in 1962 and revised in 1971 following the collapse of Ronan Point. The code of practice, which was agreed by a committee comprised of experienced stakeholders from across the public and private sectors, deemed it safer for the occupants (other than those directly affected by fire, heat or smoke) to remain in their flats, with windows and doors closed, while the fire was contained within the compartment. As the official advice stressed, 'the assumption should no longer be made that entire buildings, whole floors, or even adjoining dwellings need to be evacuated if a fire occurs. Owing to the high degree of compartmentation provided in dwellings in modern blocks, the spread of fire and smoke from one dwellings to another and the need to evacuate the occupants of adjoining dwellings are unusual.'¹⁸⁸

Securing a balance between safety and cost was left to the Joint Fire Research Organisation (JFRO), funded jointly by the DSIR and FOC. As 'a novel experiment in administration', JFRO had two goals: to devise a national programme of research into fire defence and collect and publish statistics of fires attended by fire brigades on behalf of the

¹⁸⁷ Joint Committee of the Building Research Board, *Fire Grading of Buildings Part I: General Principles and Structural Precautions* (London: HMSO, 1946).

¹⁸⁸ *British Standard Code of Practice CP 3: Chapter IV: Precautions Against Fire. Part 1: Flats and Maisonettes* (London: BSI, 1978), p.5.

Home Office. JFRO was designed from the outset to pool the available expertise in managing public science, with a board comprised of architects, physicists, chemists and fire officers. Day-to-day management of its Fire Research Station (FRS) was devolved to a director of research, who was required to combine technical expertise with administrative acumen. Successive directors, all male, were considered to be safe pairs of hands with experience in line managing staff within the scientific civil service; as members of the scientific class they were highly qualified graduates, with ‘the right sort of active, enquiring and constructive mind,’ and the ability to direct innovative projects.¹⁸⁹

The station’s inaugural director was S. H. Clarke, who arrived from the Ministry of Home Security along with the first chairman of the board, Viscount Falmouth. Clarke developed the FRS’s testing facilities before leaving a decade later to manage the DSIR’s fuel laboratory. His successor, Dennis Lawson, lectured in physics at Woolwich Polytechnic before his appointment in 1948 as a principal scientific officer. As director, Lawson oversaw the continued expansion and diversification of the FRS’s research, particularly into consumer protection, and co-authored forty technical papers published between 1953-72. During its first twenty-five years, the FRS’s most senior research staff shaped the nascent discipline of fire engineering and solidified the elastic links between the public and private sectors. Examples include Dr. David Rasbash, who, having first joined the station in 1948, was appointed Professor of Fire Engineering at the University of Edinburgh in 1973, and Margaret Law, a graduate in physics and mathematics who joined the FRS in 1952 and became a specialist in fire dynamics. Law later moved into consultancy work for Ove Arup Partnership in 1974 where she played an instrumental role in bringing fire science into the everyday practice of the design engineer and inspiring other female scientists like Dr. Barbara Lane, who gave expert testimony to the Grenfell Tower Inquiry, to enter the field. That Law features on the cover of the FRS’s 1952 annual report indicates the novelty of appointing a female scientist a few years after the civil service had removed the marriage bar.¹⁹⁰

¹⁸⁹ Department for Scientific and Industrial Research, *Report for the Year 1947-8*, Cmnd. 7761 (London: HMSO, 1949), pp.36-7; Harry Melville, *The Department of Scientific and Industrial Research* (London: George Allen & Unwin, 1962), pp.60, 158-61.

¹⁹⁰ Dougal Drysdale and Jack Watts, ‘David Rasbash and the Department of Fire Engineering’, *Fire Safety Science News*, 35 (2013), pp.14-15; Peter Johnson and Barbara Lane, ‘In Memoriam: Professor Margaret Law’, *Fire Technology*, 53 (2017), pp.2041-3. On

The contested nature of fire research

The FRS's annual reports reveal both its growing workload during the 1950s and 1960s as well as its tangible contribution to society. Its scientists contributed materially to improved public health and graded the combustibility of non-traditional as well as conventional building materials. They also investigated the conditions in which a growing variety of domestic consumer goods (including space heaters, kitchen appliances and television sets) were operated, occasionally with disastrous effects, thereby acting as a precursor for the emergence of consumer protection. Its physicists also modelled the likely fire damage caused to British cities by an atomic bomb, which influenced emergency preparedness planning into the late 1960s.

In 1964 the FRS was transferred to the new Ministry of Technology, following the election of a Labour government committed to harnessing 'the white heat' of a 'scientific revolution'. Whilst Harold Wilson was sensitive to complaints that his government restricted innovation through building controls, he famously warned in an earlier speech of the danger of 'an unregulated private enterprise economy', which would lead Britain to become 'a stagnant backwater, pitied and condemned by the rest of the world.' A highly educated workforce was a flagship element of his government's industrial policy, whilst an expanded scientific civil service was 'part of our national planning' in balancing innovation and wealth creation with greater equality of opportunity and improved health and safety. Fire research was a small but not insignificant feature of Wilson's vision for greater precision and skill in building a stronger economy. Investment in university-trained physicists, chemists and statisticians was important if record fire losses, which exceeded £66 million in 1963 (approximately £1.4 billion in 2022) and were predicted to rise in 1964, were to be brought under greater control. Estimated losses for January 1964 alone were nearly £7.75 million, one

pioneering women in the civil service, see Helen Glew, *Gender, Rhetoric and Regulation: Women's Work in the Civil Service and the London County Council, 1900-55* (Manchester: Manchester University Press, 2016).

of the highest monthly totals since records began. As one insurance official described it, fire damage was ‘a grossly expensive bonfire and one the nation cannot afford for long.’¹⁹¹

Although scientists would tackle the fire problem by subjecting it to greater precision and measurement, scientific governance remained a contested arena throughout the post-war period, especially where it was seen to challenge commercial interests. Criticism was most trenchant from manufacturers, commonly centring on the costs of compliance. The FRS, they complained, took a narrow view on fire safety, defining it through a narrow scientific lens at the expense of its economic costs, which stifled product innovation. This was a particular complaint, as we saw in chapter 1, in the building industry where ‘deemed to satisfy’ regulations specified restrictions on the use of certain flammable materials in certain parts of buildings. But given fire research was managed by a joint board of public and private sector actors acting in the national interest, it is difficult to agree with industry complaints.

There were heated criticisms from construction product manufacturers of the surface-spread-of-flame test. Whilst it remained the most reliable testing method into the 1960s, it produced an incomplete measure of the effect of a single material on the growth of fire. Problems were first encountered in the 1940s with the poor fire performance of internal lining materials, specifically wooden fibre building-boards. These materials had emerged as a cheap mass-produced alternative to plaster and, with low thermal conductivity and high sound absorption, were widely used for lining post-war council houses, schools and factories. Marian Bowley recorded an ‘extraordinarily rapid’ growth of fibreboard in building in the decade after 1945, with rates of growth ranging between 48 per cent and 175 per cent. However, alarm bells sounded as early as 1947 following several fires in council-built bungalows lined with combustible building-boards, which caused problems for tenants to escape. One such fire, involving the death of an infant, culminated with the coroner

¹⁹¹ Harold Wilson, ‘Labour’s Plan for Science’, 1 October 1963, <http://nottspolitics.org/wp-content/uploads/2013/06/Labours-Plan-for-science.pdf>; *Financial Times*, 28 February 1964, p.12.

complaining that he had ‘never been in any building in my life which has had the appearance of being more ready to be burned than this.’¹⁹²

The FRS responded by conducting surface-flame tests and, in 1949, large-scale fire-endurance experiments involving houses of post-war design, one of which was lined with exposed fibreboard while the other contained fibreboard plastered over. The results revealed wide disparities in the flash-over times: in the house with exposed linings a safe exit was impossible within six-and-a-half minutes of the fire starting, whilst this extended to more than 26 minutes in the plasterboard-lined house. Regulations stipulated that internal partitions separating rooms from the stairs, landings and floors should give 30-minutes protection against fire. Low-density fibre-building boards were subsequently rated as class IV, one of the worst performing materials, and excluded from the list of materials suitable for use in council housing.¹⁹³

The building board industry, which had hitherto shown little interest in improving the safety of its products, mobilized in defence of what had become a multi-million-pound industry since the end of the war. The Fibre Building Board Development Organisation (FIDOR) counteracted the FRS’s data through publicity and lobbying. Sympathetic articles appeared in newspapers emphasising the industry’s contribution to economic recovery and stressing that the industry was not complacent in improving its products, whilst MPs were paid to lobby within Westminster.¹⁹⁴ FIDOR also criticised government’s supposed over-reaction on the basis that unprotected fibre-board was rarely used in houses, but was normally plastered over to cover the joints and reduce the fire risk to the same level as ‘many other materials which have hitherto been considered to be ‘safer’’.¹⁹⁵ This does not appear to have been universally the case, however, as serious fires in Bristol’s council houses in the 1960s, involving untreated wooden board partitions, caused ‘extremely severe and abnormal’ levels of damage and led to council workmen plastering over boards in 680 council houses at a cost

¹⁹² Marian Bowley, *Innovations in Building Materials: An Economic Study* (London: Gerald Duckworth, 1960), p.346; *Daily Mail*, 25 January 1947, p.3; 14 February 1947, p.1; 13 March 1948, p.3.

¹⁹³ *Report of the Fire Research Board for the Year 1950* (London: HMSO, 1951), pp.1-2, 24-8.

¹⁹⁴ *Financial Times*, 4 February 1954, p.8.

¹⁹⁵ *The Builder*, 4 September 1964, pp.497-8.

exceeding £82,000. With the introduction of building regulations, for Scotland in 1963 and England and Wales two years later, restrictions on the use of combustible internal linings were further tightened.¹⁹⁶

Whilst their motives may have differed, industry bodies and scientists agreed that greater precision was required to accurately measure the contribution made by materials to a fire's growth. Trials, part-funded by FIDOR, eventually led to the creation of a flame propagation test in 1968. This test involved exposing a specimen sample to gas burners and radiant electric bars contained in a combustion chamber for up to twenty minutes; test performance was expressed as a numerical index with low values indicating a low rate of heat release. The propagation test had two consequences: first, it was easily replicated by commercial testing stations rather than having to rely on the larger furnaces of the FRS. This consequently reduced the costs of testing whilst re-distributing them from the taxpayer to the market. Secondly, by ascertaining the rate of heat transfer, the test enabled the finer grading of materials as class 0, thereby permitting their use when treated with fire-retardant chemicals. BS 476-6:1968 proved to be especially useful when measuring flame spread between different storeys within a building, which meant it was later adopted in routine tests involving multi-storey buildings, the majority of which were performed by private testing laboratories in Cheshire (by Warrington Research Centre) and Buckinghamshire (by the Timber Research Development Association, later renamed Chiltern International Fire) from the 1970s. The precedent had been established that the private sector should play a greater role in product testing and approval; fire research was entering a new era of scientific self-governance and it is unsurprising to see senior scientific civil servants being head-hunted by industry, at a higher salary than they could command in the public sector, during the 1970s and 1980s.¹⁹⁷

Consumer safety

Whilst the FRS's early work focused on building materials, from the late 1950s onwards it diversified into consumer safety. The widespread availability of labour-saving devices such

¹⁹⁶ *Times*, 31 December 1963, p.6; *Financial Times*, 23 November 1965, p.15.

¹⁹⁷ B.F.W. Rogowski, 'The Fire Propagation Test: Its Development and Application', *FR Note No. 739* (1970).

as cookers and electric irons has been recognised by historians as a cornerstone of the new consumerist society, firstly in 1930s middle-class homes, followed by working-class households from the 1950s. The revolution in electrical appliances brought science into domestic life and transformed the mid-twentieth-century home into a controlled space engineered for safety as much as comfort and convenience. Post-war council houses and flats were designed with functionality and modernity in mind, with kitchens positioned as ‘central to healthier, more hygienic and less labour-intensive forms of living.’¹⁹⁸ Firms and the state increasingly drew upon the skills of the scientist and the engineer to design safety into new products which was the consequence of heightened ‘consumer consciousness’ and a demand for a more open, participatory form of consumer politics.¹⁹⁹

The wider social benefits of fire science were best exemplified in the example of space heaters, which attracted considerable public attention during the late 1950s following several mass-fatality fires involving young children. Scientific interest was piqued by statistical evidence which showed that the number of fires involving paraffin heaters was increasing at a greater rate than the domestic consumption of paraffin. In 1950 there were 300 fires nationally in which oil heaters were the probable cause. By 1957 this figure had risen to 1,300. Of these, 1,075 involved portable appliances. The following year, 1958, saw the figures rise to a startling 4,464 fires, of which 23 per cent were accounted for by portable drip-feed oil heaters flaring or overheating.²⁰⁰ Firefighters and trade unions repeatedly raised the ubiquity of cheap mass-produced heaters in homes as a concern. Aimed at working-class households, drip-feed heaters inexpensively warmed homes during the winter, but at a risk, not least from the fact that households would keep a supply of paraffin tucked away at home. Invoking wartime rhetoric, the Fire Brigades Union quoted calls for safeguards to prevent draughts from ‘turning apparently innocent oil stoves into incendiary bombs.’²⁰¹

¹⁹⁸ Catriona Beaumont, *Housewives and Citizens: Domesticity and the Women’s Movement in England, 1928-64* (Manchester: Manchester University Press, 2013), pp.189-214; Sean Nixon, ‘Life in the kitchen: Television advertising, the housewife and domestic modernity in Britain, 1955–1969’, *Contemporary British History*, 31:1 (2017), p.70.

¹⁹⁹ Matthew Hilton, ‘The Death of a Consumer Society’, *Transactions of the Royal Historical Society*, 18 (2008), p.218.

²⁰⁰ Hansard (Commons), 15 March 1960, 619, c.1124.

²⁰¹ *Firefighter*, December 1959, p. 22.

Government finally acted following a particularly gruesome fire in a council house in Ware, another growing town in outer London, involving the deaths of five children aged between two and nine years. Dennis Lawson, newly-appointed director of the FRS, attended the coroner's inquest where he reported that tests on drip-feed heaters revealed how quickly flames spread with a small draught. In this case, the father of the children had briefly left the front door ajar whilst buying provisions from the grocery van, which caused the heater to topple and the flames to spread instantaneously, cutting his children off from rescue.²⁰²

Having heard the evidence, the jury returned a verdict of accidental death, adding a rider urging manufacturers to take all measures to remove dangers and issue public warnings. The coroner recommended government to urgently consider legislating before further deaths occurred. Indicating the public interest in the fire, daily newspapers reported at length from the inquest, albeit using different tropes in their coverage. While a broadsheet paper like *The Times* reported verbatim the proceedings of the inquest, the *Daily Express*, until recently Britain's most popular newspaper, published a pictorial report on the tests to stress the urgency of the peril facing homes equipped with oil-heaters. The accompanying article emphasized the risk posed to its readers ('Why this matters to YOU'), deploying typically gendered language: 'in 90 seconds, a reasonable time for a housewife to have her front door open while she pays the milkman, the heater blew up.' As historians have shown, popular daily newspapers increasingly championed domestic consumption from the 1950s, particularly targeting female readers. Managing a safe but comfortable home remained the responsibility of the dutiful housewife, even if, in this case, the father had caused the accident.²⁰³

In the months that followed the inquest, Lawson oversaw further tests. His report concluded that drip-feed heaters 'are capable of starting a fire very quickly if exposed to a draught such as caused by an open door.' He calculated that a wind speed as low as 3.3 miles per hour was sufficient to cause these heaters to 'go up into a sheet of flame several feet high,' and even flare sideways and downwards, 'so that a fire in an ordinary room becomes nearly inescapable.' Support emanated from the government's backbenches, with

²⁰² *The Times*, 14 November 1959, p.6.

²⁰³ *Ibid.*, 3 December 1959, p.8; *Daily Express*, 9 March 1960, p.5; Adrian Bingham and Martin Conboy, *Tabloid Century: The Popular Press in Britain, 1896 to the Present* (Oxford: Peter Lang, 2015), pp.184-5.

Conservative MP Gerald Nabarro noting that ‘A speed of 3.3 m.p.h. is slower than the speed at which I walk through the Lobby’. Not only was the eccentric Nabarro able to set an impressive pace on foot, but he also promoted a Private Member’s Bill, under Parliament’s Ten Minute Rule, introducing minimum standards of safety in domestic oil-burning appliances. MPs from across the House united over their shock at the events in the Ware case and a copycat blaze which caused fatal injuries to two children in Nottingham in early 1960. The outcome, the Oil Burners (Standards) Act, was a rare instance of a Private Bill passing into law with cross-party support and proved that positive change could be effected where a political will existed. Regulations were quickly issued by the Home Secretary, which led to a slowing in the rate of fires and injuries caused by upturned heaters.²⁰⁴ Some local authorities and charities continued to caution against using oil heaters in council houses, especially in blocks of flats where central heating systems were provided, as was the case with guidance issued by the Royal Borough of Kensington and Chelsea for residents of the Lancaster West Estate in the mid-1970s. The local tenants’ association warned residents not to tamper with the heaters without expert advice, noting that some people received hospital treatment for scalds from doing so.²⁰⁵ This combination of expert and lay voices coalesced to pressure central government into action to protect those least able to protect themselves. The era of scientific governance accepted the merits of government intervention when it was underpinned by up-to-date scientific research that stood up to public scrutiny. The FRS had materially contributed to public safety, which makes the later dilution of its responsibilities all the more disappointing.

The era of scientific self-governance

The ascendancy of the FRS was short-lived because it was an easy target for funding cuts and privatisation during the 1970s and 1980s. With starting capital costs of £100,000 and running costs of only £50,000 in the late 1940s, by the mid-1950s its budget had been modestly increased to £125,000. Fire research contributed a small proportion of the DSIR’s overall

²⁰⁴ *The Times*, 8 March 1960, p.12; 9 March 1960, p.5; Hansard (Commons), 15 March 1960, 619, c.1124.

²⁰⁵ RBKCA Acc/2001/003/Box 24, ‘Newssheet of the Lancaster West Tenants’ Association’, No. 2 (November 1976), p.5.

expenditure on research, with sums of 5-6 times more spent on building and roads. Given its unique funding arrangement, JFRO was relaxed in allowing manufacturing associations to part finance testing. By 1970, following a significant expansion in its remit over the previous decade, the FRS, now spending approximately £540,000 each year, had a steadily increasing income of £74,000 from consultancy work.²⁰⁶

By the 1970s, however, the FOC's contributions had fallen to one-third of running costs. This growing disparity fuelled proposals to reduce government support for routine testing. In 1972 the FRS was merged with the BRS and the Forest Products Research Laboratory to create the Building Research Establishment (BRE), and placed under the control of the new bureaucratic monolith, the Department of the Environment (DOE), which started negotiations to transfer routine testing to the private sector.²⁰⁷ There was some logic to merging building and fire research and the FRS's scientists continued to contribute to the mitigation of fire losses during the 1970s and 1980s. Whilst only approximately 40 per cent of the total number of fires occurred in buildings, they were responsible for over 85 per cent of casualties and more than 95 per cent of damage. According to figures published by the British Insurance Association, national fire losses amounted to £120.4 million in 1969 and £176 million four years later (rising to more than £2 billion according to 2022 calculations). With greater emphasis placed on the economics of fire safety, the FRS developed a cost-benefit model that underpinned successive governments' resourcing of the fire service. The costs of fire protection were assessed alongside the value of property and life at risk in order to determine the best allocation of public resources to early detection as well as prevention and protection. This included determining the cost of enforcing fire precautions legislation, which was estimated at £37 million per annum in the mid-1970s; this sum was used to justify the introduction of competition in building control and reduction in fire service enforcement powers during the 1980s.²⁰⁸

Following the introduction of the customer/contractor principle across government, the FRS was also required to subject its work to greater financial scrutiny, recruiting customers from industry as well as government. Many of its projects were commissioned in

²⁰⁶ Figures are taken from the DSIR's annual reports.

²⁰⁷ *BRE Annual Report* (London: HMSO, 1972), p.43.

²⁰⁸ *BRE Report* (London: HMSO, 1975), pp.53-5; *Fire Prevention*, 86, April 1970, p.5; 101, January 1974, p.5.

the wake of multi-fatality fires.²⁰⁹ Its first project as a contractor, commissioned by the Department for Health and Social Security (DHSS), followed the Coldharbour Hospital fire in 1972 and involved site visits to determine its cause. In the wake of the tragedy, a new type of hospital furniture and cubicle partitioning incorporating modern safety measures was tested before officials.²¹⁰

The Coldharbour fire established a precedent for site investigations following mass-fatality fires, with the results submitted as evidence to public inquiries. Lessons were learned and the results filtered into decision-making in a political system that continued to value scientific governance for non-routine work. But still the FRS had to increase its revenue from such work, especially where it involved research on behalf of customers, as was the case following the Summerland fire in 1973, and a fire at Woolworths in Manchester in 1979, which killed eleven people due to toxic smoke released by burning furniture stuffed with polyurethane foam. In 1981, following a fire at the Stardust nightclub in Dublin, in which 48 people died, Ireland's government sponsored several laboratories, the FRS included, to assist its Tribunal of Inquiry in ascertaining the cause and spread of the blaze. The FRS ran a series of *ad hoc* tests to reproduce the early stages of the fire, combining experiments on simulations of parts of the original building, before culminating with a full-scale experiment on a model replica of the club.²¹¹

If the FRS continued to play a key role in understanding mass-fatality fires, the impetus towards a greater level of scientific self-governance continued with the routine testing of materials, goods and fire protection equipment. Some of the changes pre-dated the 1979 general election, which resonates with James Vernon's findings about the outsourcing of services at Heathrow Airport from the late 1960s; clearly it is insufficient to equate deregulation and privatisation solely with the Thatcher governments of 1979-90.²¹² Privatisation accelerated in 1976 following the dissolution of the JFRO, with the transfer of all routine testing and a number of FRS staff to the FOC's Fire Insurers' Research and Testing Organisation (FIRTO). Laboratories like Warrington Research Centre undertook

²⁰⁹ *BRE Annual Report* (London: HMSO, 1973), p.v.

²¹⁰ *BRE Annual Report* (London: HMSO, 1973), p.36.

²¹¹ *Report of the Tribunal of Inquiry on the Fire at the Stardust, Artane, Dublin on the 14th February, 1981* (Dublin: Stationery Office, 1982).

²¹² Vernon, 'Heathrow'.

responsibility for routine tests, with the results hidden from public view due to commercial confidentiality.²¹³ Fire science was therefore one of the first parts of the post-war social infrastructure to be dismantled, creating a culture of secrecy and mistrust between the privatised fire sector and public fire service, which intensified in the decades that followed.

This era of scientific self-governance took place against a backdrop of squeezed public sector finances and the marketisation of public services. As industry was encouraged to manage its own affairs, it is unsurprising to see the fire protection industry assume greater responsibility for determining risk across the sector. The BRE was now required to demonstrate value for money, which meant cutting staff: whereas in 1976 BRE employed 1,349 staff, with 227 based at the FRS, by the end of 1980, staffing had been cut to 975 and 159 respectively. Redundancies were accompanied by a consequent narrowing in the scope of research, with the FRS concentrating on pure research and site investigations; the Home Office took responsibility for the production of fire statistics from 1976, with the statisticians transferring to its staff in 1984. By the end of the decade, the BRE's staff numbers had fallen to 654, with 101 working at the FRS.²¹⁴

Alongside staffing changes, initiatives were introduced to make the BRE more 'businesslike' by adopting private sector management techniques. By the end of 1982-83, the FRS earned over £120,000 in income from industry for sponsored research and advisory services. A Technical Consultancy was created in 1988 to attract industry funding. Its new Director, Roger Courtney, boasted of the BRE's growing commercial potential in 'preparing for a future in which its clients, in both Government and industry, will be using BRE not only for its technical excellence, but because it offers the best value for money' to overseas markets.²¹⁵

One of the Technical Consultancy's first commissions was to assess the smoke control design proposed for redeveloping Battersea Power Station into a leisure park. An innovative computer modelling programme called JASMINE ('[J] analysis of smoke

²¹³ *Fire Prevention*, 116, November 1976, p.6.

²¹⁴ Figures taken from Hansard (Commons), 981, 21 March 1980, c.366; 17 June 1981, 6, c.384; 8 December 1982, 33, c.564; 14 January 1987, 108, c.183.

²¹⁵ Hansard (Commons), 27 April 1983, 41, c.333; BRE, *Annual Report* (London: HMSO, 1988), p.3; BRE, *Annual Review* (Garston: BRE, 1991), p.3.

movement in enclosures’) predicted the effects of fire on buildings without having to resort to burning full-scale replicas. The development of electronic computers stimulated a refinement in the modelling of fire, drawing together researchers from across the public and private sectors to predict fire behaviour in prescribed situations. This had far-reaching implications for building control, as the FRS recognised following controversial reforms to the Building Regulations in 1985.²¹⁶ The financial and time savings promised by computer modelling attracted policymakers. From the mid-2000s, ‘full-scale test data’ was permitted to predict fire performance, which was interpreted by many in the construction industries to mean that desktop studies were allowed in place of full tests (and which raised eyebrows amongst safety campaigners following revelations at the Grenfell Tower Inquiry in 2021²¹⁷). For many in the New Labour Government, picking up the mantle of its predecessors since 1979, flexibility was the preferred way of ensuring regulatory compliance, which reveals a gradual but perceptible shift from the laboratory to the computer suite in determining fire behaviour and assessing acceptable risks to human life.

The development of computer modelling did not fully replace full-scale fire tests overnight, however. Indeed, it cohabited alongside conventional methods, including physical testing and field investigation and data analysis, particularly with the emerging problem of multi-storey building fires. Public concerns about the safety of HRRBs were first raised following the Ronan Point explosion in 1968. The FRS investigated the incidence of fires in post-war multi-storey flats in London, finding ‘no evidence that occupants of the flats are more likely to be trapped than those in other dwellings,’ which justified the continued use of the ‘stay put’ policy by fire brigades.²¹⁸ Fears dramatically escalated in the 1970s following several overseas fires involving large loss of life. Even then, the overwhelming consensus was that the residents of Britain’s tower-blocks were safer owing to a combination of good design and regulatory compliance. Yet problems persisted, not least in the discrepancy

²¹⁶ BRE, *Annual Review* (London: HMSO, 1989), p.19.

²¹⁷ Peter Apps, ‘Kingspan used BRE report on failed test as basis for 29 desktop studies, Grenfell Tower Inquiry reveals’, *Inside Housing*, 25 February 2021, <https://www.insidehousing.co.uk/news/news/kingspan-used-bre-report-on-failed-test-as-basis-for-29-desktop-studies-grenfell-inquiry-reveals-69751>.

²¹⁸ J.F. Fry, ‘Fires in Post-War Multi-Storey Flats in London, 1966’, *FR Note*, 751 (London: HMSO, 1971), p.73.

between the growing vogue for high-rise living and the contradictory messages around evacuation. In one case, a fire at a block of flats in Brent, north-west London, in 1975 led to the death of a thirty-year-old male after London Fire Brigade's ladders were too short to rescue him from his thirteenth-floor balcony flat. This fire led to the revision of official advice on 'stay put' by a working group for the Central Fire Brigades Advisory Council (CFBAC), warning against using balconies 'unless they form part of an escape route'. Clearly lessons were still being learned and acted upon to avoid ambiguous messaging and help save lives; in this sense it helped that national bodies like CFBAC, which were comprised of representatives from across the fire service, including frontline firefighters, were able to influence the finer details of policy.²¹⁹

The high-rise fire risk became more prominent during the 1980s with the vogue for over-cladding. Problems posed by damp and rain penetration in local authority Large Panel System (LPS) housing created the need for improved thermal insulation by over-cladding masonry walls with a variety of materials ranging from rock or glass fibre to combustible thermoplastics. One such building, the 24-storey block of council-owned flats at Royston Hill in Glasgow, built in the late 1960s, suffered a fire without casualties in 1988. Post-fire investigations revealed not only that the refurbishment had compromised the building's structural resistance but also, in a move that resonates with the experiences of Grenfell Tower's residents, that tenants had been repeatedly ignored when they raised legitimate concerns with the council's housing department. Two years before the fire, warnings had been issued that the flats failed to meet structural regulations to withstand a main gas explosion introduced following the Ronan Point explosion; they were subsequently demolished.²²⁰

A few years later, in 1991, a fire in a bin storage area on the ground-floor level spread rapidly up newly-installed rainscreen (a form of sheet-boarding to provide weather protection) over-cladding on the 11-storey Knowsley Heights in Liverpool. Fortunately the

²¹⁹ Read, 'Fire Risks', p.3; *The Times*, 5 February 1975, p.2; *British Standard Code of Practice CP 3*, p.34.

²²⁰ F.W. Rogowski, R. Ramaprasad and J.R. Southern, *Fire Performance of External Thermal Insulation for Walls of Multi-Storey Buildings* (Garston: BRE, 1988). On the failures of housing providers to listen to residents, Daniel Renwick, 'Organising on Mute', in Bulley, Edkins and El-Enany, *After Grenfell*, pp.19-22.

fire did not extend into the interior of the building and all residents were safely evacuated. The FRS's investigation revealed that, whilst the refurbishment materials met building approval, no fire breaks had been installed in the gap between the cladding and the walls, allowing the fire to spread unchecked upwards. The BRE had previously appraised the risks of bin storage fires, warning of the potentially destructive nature of such fires where they were allowed to go undetected and spread during 'silent hours'.²²¹ Similarly, in 1990 a fire at Merry Hill Court in Smethwick claimed the life of a resident and highlighted a litany of defects in the tower block's protection, including fire stops filled with old newspapers, no fire-proofing of internal gas pipes or ducting, and defective dry risers which hampered fire-fighting efforts. Housing campaigners, led by the National Tower Blocks Network (NTBN), called upon government to take fire safety more seriously, including funding urgent research into the fire performance of over-cladding systems, whilst urging residents to organise in support of a national fire safety charter for flats. The NTBN (since renamed Tower Blocks UK) started out in the 1980s as a tenants' campaign group in Newham led by tenants and safety experts pushing for the demolition of Ronan Point and other blocks after they were discovered to be suffering from severe structural faults. Residents and housing activists would no longer trust government and other official bodies to dictate the pace of change within the sector.²²²

Early research into cladding revealed how much of the FRS's work was not best left to the private sector. As the BRE's Chief Executive, Roger Courtney, described the FRS's work in a 1995 interview, 'The maintenance of the knowledge base is fundamentally a non-commercial operation ... We can't have people thinking we are pursuing some commercial agenda of our own.' Yet the BRE's future as a public body faced ever greater scrutiny from John Major's Conservative Government in its programme to extend deregulation in the name of improving national competitiveness. In 1994 legislation paved the way for the further removal of 'burdens on trade', while an Efficiency Unit was tasked with recommending

²²¹ *BRE News of Fire Research* (January 1988), p.1, BRE, *Annual Review 1992* (Garston: BRE, 1993), p.12.

²²² National Tower Blocks Network, *Fire Safety Information Pack*. On the Newham Tower Blocks Campaign's success in campaigning for the demolition of Ronan Point, see Smith, 'Ronan Point Scandal'.

proposals for removing government controls; its research establishments were one such area earmarked for privatisation.²²³

Eventually, in February 1997 government sold the BRE to a management bid team. A registered charity, the Foundation for the Built Environment (later renamed The BRE Trust to avoid confusion with the Prince of Wales's educational charity) took ownership, with the board, chaired by Courtney, recruiting its members from the fire and construction sectors. It is noteworthy that none of the members of the construction industry who responded to the DOE's own scrutiny report supported privatisation, whilst the Labour Opposition raised questions about the unfair advantage of the in-house bid team. Yet still the decision was approved a few weeks before Parliament's dissolution ahead of the general election and was justified by the outgoing minister, John Gummer, as evidence of his department's commitment to 'press forward with deregulation where appropriate and sensible.'²²⁴

The problem was that the decision was neither appropriate nor sensible but was a blunt political instrument. Freed from the supposed shackles of state control, BRE was '[n]ow in a position to exploit its world-class capabilities both in the UK and internationally.' Its first move was to expand its international business and make 115 of its 677 staff redundant.²²⁵ In other words, whilst it had been many decades in the making, the era of state-funded fire research had come to an end, with the British government a customer of BRE much like any other organisation. Whereas once the fire-fighting and research communities had been joined together through their membership of centralised policy organs – notably the CFBAC, which was disbanded in 2005 – privatisation created an irrevocable split between the fire research industry and the public fire service.

Conclusion

Left largely unsupervised, with a conscious curtailment of the enforcement powers of public fire brigades, the construction industry was able to set its own parameters for fire research

²²³ *The Times*, 26 January 1995, p.20(S).

²²⁴ Hansard (Commons), 27 February 1997, 291, cc.454-5; *Department of the Environment Annual Report 1997*, Cmd. 3607, p.iv.

²²⁵ *The Times*, 5 June 1997, p.22(S); *Construction News*, 6 February 1997,

<https://www.constructionnews.co.uk/archive/bre-sale-to-cost-115-jobs-06-02-1997/>.

and testing from the turn of the present century. Moreover, BRE's failure to provide oversight in the testing and certification process for a variety of products – including flammable cladding panels and combustible foam insulation products used in the refurbishment of Grenfell Tower in the mid-2010s – was revealed during Phase 2 of the Grenfell Tower Inquiry in 2020-21 and subsequently described by housing journalist Peter Apps as 'one of the great corporate scandals of our time'.²²⁶ Simply put, by privatising fire research, successive governments since the 1970s have diminished the level of public scrutiny that was so beneficial to public safety during the three decades that followed the Second World War and, as a result, abandoned the state's responsibility for protecting its most vulnerable civilians from fire.

²²⁶ Peter Apps, 'The Grenfell Tower inquiry is uncovering a major corporate scandal', *The Spectator*, 6 December 2020, <https://www.insidehousing.co.uk/news/news/kingspan-used-bre-report-on-failed-test-as-basis-for-29-desktop-studies-grenfell-inquiry-reveals-69751>.

CHAPTER 4:

THE PATH OF LEAST INTERVENTION IN THE ‘GREAT UNSWEPT CORNER OF ENGLISH HOUSING POLICY’: MASS-FATALITY FIRES IN HOUSES IN MULTIPLE OCCUPATION IN THE 1980S AND 1990S

Mohammed was twenty years-old on arriving in Britain from Pakistan in 1985 with his younger brothers Idrees and Ikram. His goal was to finish his studies, get a good job and support his family in Islamabad. On the night of 18 November 1987, on his way home from his part-time job, Mohammed died in the disaster at King’s Cross Underground when an escalator fire ripped through the station along with thirty other people. The King’s Cross fire is one of the most iconic and high-profile tragedies of the 1980s and came to have a significant bearing on everyday life in late twentieth and early twenty-first century Britain – from the banning of smoking on public transport and replacement of wooden escalators in stations to the development of plastic surgery for treating burns injuries.²²⁷ It is not therefore the focus of this final chapter, which is concerned with the many examples of forgotten mass-fatality fires from the same era, described by contemporaries as ‘the decade of disasters’.²²⁸ We begin with Mohammed because of what happened to his family afterwards.

In an article published two years later in *Roof*, the magazine of the housing charity Shelter, Idrees describes his brother’s death as ‘a disaster for the family’ as it split them in two, with their father returning to Islamabad to care for their younger siblings. Idrees recounts how the two remaining brothers and their mother were temporarily homeless before they were housed by Haringey Council in privately-owned ‘bed and breakfast’ accommodation, otherwise known as a bedsit, with more than 100 residents sharing two kitchens and bathrooms. Their two bedrooms were ‘very small and dirty and the carpets full of fleas’; despite complaining that the appalling conditions made their mother sick, the owners ‘did nothing’ to help. Idrees also describes how the fire bell in the property ‘was always going off’, which would send his mum ‘into a terrible panic’ as it brought back

²²⁷ For an overview of the King’s Cross fire and the changes it triggered across the Underground network and the fire service, see <https://www.london-fire.gov.uk/museum/history-and-stories/historical-fires-and-incidents/the-kings-cross-fire-1987/>, accessed 16 March 2022.

²²⁸ Ewen and Andrews, ‘The media’, pp.259-60.

painful memories of Mohammed's death. After children set fire to bedrooms in the house, the family asked to be rehoused; they were offered a basement room in which the windows were nailed shut – hardly reassuring for a grieving family struggling to come to terms with their traumatic loss. Despite living in such conditions, Idrees describes them as one of the 'luckier' homeless families in London as they were eventually moved into a self-contained, furnished flat run by a housing association whilst waiting 'for something more permanent.'²²⁹

Whilst the circumstances surrounding Idrees and his family's housing situation were extra-ordinary, it was common for the most vulnerable people in the country – low-paid migrants, students, the elderly, survivors of domestic abuse and homeless families with young children – to live in cheap, poor quality and unsafe accommodation during the 1980s. They also, as we will repeatedly see in this chapter, lived in a state of perpetual anxiety, waiting to be moved into better housing by a state that was unwilling or unable to help. As a consequence of government housing policies – including the sale of council housing and deregulation of the private rental market – coupled with squeezed budgets for urban local authorities, the market in 'bed and breakfasts' – which often involved sub-dividing older properties into small single-room apartments with shared amenities – was booming in Central London as well as inner-cities across the country throughout the decade. Many private sector landlords built lucrative 'buy to let' businesses profiting from the growing demand for housing and local authorities' increasing inability to supply it. As Chiara Briganti and Kathy Mezei have shown, 'living with strangers' in communal housing had a long history from at least the mid-nineteenth century, but its heyday was the decades following the end of the Second World War.²³⁰

A succession of reports during this period consistently identified the dangerous conditions of bedsit-style housing, which became known as 'houses in multiple occupation' (HMOs) from the mid-1980s. Residents, environmental health officers, firefighters and housing charities repeatedly cited unsafe fire precautions as the main threat to human safety in HMOs: unenclosed staircases providing the sole means of escape, combustible partition walls, a rabbit warren of corridors with poorly-fitted smoke-stopping doors, defective or non-existent fire-warning and extinguishing equipment, and a lack of guidance for tenants. As

²²⁹ *Roof*, 14:4, July 1989, p.44.

²³⁰ Chiara Briganti and Kathy Mezei (eds.), *Living with Strangers: Bedsits and Boarding Houses in Modern English Life, Literature and Film* (London: Bloomsbury, 2018).

was learned in the wake of the Grenfell fire, which occurred despite concerns being consistently voiced by residents with the local council over a number of years, residents' concerns are rarely taken seriously by housing providers or governments, and the same can be said for those living in unlicensed HMOs during the 1980s and 1990s. Yet residents found a sympathetic ear in the form of voluntary organisations – charities, law centres, tenants and consumer groups – who spoke out on behalf of the millions of people like Idrees and his mother living in unsafe housing. It is to this 'third sector' – as the voluntary and community sector became known during the present century²³¹ – that this chapter turns. National charities like Shelter and umbrella organisations such as the Campaign for the Homeless and Roofless (CHAR) and the Campaign for Bedsit Rights (CBR), as well as local community groups and law centres, worked tirelessly to convince government to improve safety in bedsits, bed and breakfast 'hotels', lodging houses and other premises where the residual poor lived.

The efforts of voluntary sector organisations coincided with the era of privatisation and deregulation. Successive governments rejected the notion, spelled out in the Conservative Party's 1983 general election manifesto, that 'the State can and should do everything' and placed a renewed emphasis on the role of volunteers and community groups in tackling the so-called 'dependency culture' that existed at the start of the decade.²³² The Thatcher governments and their successors increasingly relied on the market as the main agent of economic and social change and provider of welfare services.²³³ Housing policy was viewed within central government as the natural preserve of market forces and a succession of acts passed during the 1980s and early 1990s deregulated the housing sector by removing government controls over the provision, cost and regulation of housing and allowing for an enhanced role by private and voluntary providers. Eighteen years of Conservative rule, argue Peter Malpass and Peter Murie, produced 'a more fragmented housing system with more

²³¹ Pete Alcock, 'Voluntary action, New Labour and the 'third sector'', in Matthew Hilton and James McKay (eds.), *The Ages of Voluntarism: How we got to the Big Society* (Oxford: Oxford University Press, 2011), pp.158-79.

²³² N. J. Crowson, 'Introduction: The Voluntary Sector in 1980s Britain', *Contemporary British History*, 25:4 (2011), pp.491-2.

²³³ N. J. Crowson, Matthew Hilton, James McKay and Herjeet Marway, 'Witness Seminar: The Voluntary Sector in 1980s Britain', *Contemporary British History*, 25:4 (2011), p.499.

dramatic differences between tenures, between urban and rural areas, between estates and between communities.’²³⁴

Despite the centralising trend in housing policy, and the general mistrust of ministers towards local government throughout the period, central government also failed to tackle systemic defects in HMOs until the turn of the present century. Successive fires – many but certainly not all occurring in London, which faced a growing ‘crisis’ in the private rental market²³⁵ – exposed the contradictions of central government policy in insisting that local authorities had sufficient discretionary powers to enforce minimum safety whilst failing to provide the resources to enable them to do so. This further reveals the challenges faced by the third sector in influencing policy change at the national level, as well as in exposing the neglect of local authorities towards those it had a duty of care to protect. Repeated calls by professional and voluntary bodies for state intervention within the private rental housing market were at odds with government policy, which favoured a deregulated approach prioritising the interests of home-owners, landlords and mortgagees. In the end, when government occasionally acted it did so by following the path of least intervention. Landlords and building owners were expected to take responsibility for their own properties with the responsible local authority stepping in to enforce the law as a last resort, which in nearly every case followed a mass-fatality fire.

Mass-fatality fires in HMOs

In the early hours of 18 March 1980 neighbours were woken by screams from a burning hostel on Salusbury Road in Kilburn, North London, which was run by the Catholic Order of the Missionaries of Charity, headed by Mother Theresa of Calcutta. Neighbours rushed to help the residents, all women, to safety from the three-storey terraced house. Firefighters eventually discovered the bodies of eight women on the top floor; two more later succumbed to their injuries. A month before the fire London Fire Brigade had inspected the premises and

²³⁴ Peter Malpass and Alan Murie, *Housing Policy and Practice*, 5th edition (London: Macmillan, 1999), p.78.

²³⁵ For example, SHAC, *Housing in London: The Continuing Crisis* (London: London Housing Aid Centre, 1977); Paul Harrison, *Inside the Inner City: Life Under the Cutting Edge* (London: Penguin, 1983).

recommended various improvements, including enclosing the single staircase used for exit in the event of a fire. An internal review by Brent Borough Council revealed that the nuns had been awarded a license for ten beds the previous year, but firefighters found twenty-one occupied beds.²³⁶

With one exception, the victims were residents and aged between 30 and 70.²³⁷ All were single, though some still used marital names; being part of a transient community to which a great deal of stigma was attached, some gave pseudonyms such as ‘Peggy’ or ‘Rose’.²³⁸ Most of the victims were described by members of Brent Women’s Aid Group as ‘battered women’; that is, survivors of domestic violence who had been forced into emergency accommodation and were awaiting permanent rehousing.²³⁹ One of the residents was later arrested for starting the fire as a grudge against the nuns. At the trial, her lawyer unsympathetically told the court that the hostel catered for ‘inadequate alcoholics and those who were mentally disturbed’ and considered that ‘any one of these women could have started the fire’. The defendant was acquitted of all charges.²⁴⁰

The victims were part of the ‘hidden homeless’, marginalized by a society and government that ignored those without a fixed abode despite the 1977 Housing (Homeless Persons) Act prioritising vulnerable women such as these for re-housing. But local authorities acted inconsistently, and sometimes indiscriminately, in prioritising families at the expense of single persons.²⁴¹ They also suffered from cuts in government subsidy which forced cash-strapped boroughs like Brent to close their housing priority lists due to over-subscription. Single older women thus faced limited housing options and many were forced into direct-access hostels even though these were disliked: ‘I couldn’t bear to live in one of those places

²³⁶ *The Times*, 19 March 1980, p.1; *Willesden and Brent Chronicle (WBC)*, 21 March 1980, p.16.

²³⁷ One of the victims was a voluntary assistant working her first shift.

²³⁸ *Daily Express*, 19 March 1980, pp.1, 3.

²³⁹ *WBC*, 28 March 1980, pp.2, 18.

²⁴⁰ *The Times*, 18 December 1980, p.3.

²⁴¹ Val Binney, Gina Harkell and Judy Nixon, *Leaving Violent Men: A Study of Refuges and Housing for Battered Women* (London: Women’s Aid Federation, 1982); Nicholas J. Crowson, ‘Revisiting the 1977 Housing (Homeless Persons) Act: Westminster, Whitehall, and the Homelessness Lobby’, *Twentieth Century British History*, 24:3 (2012), pp.424-47.

– it would make me feel I'd reached the end of the road, with nowhere further to go,' claimed one woman interviewed for an academic study.²⁴² A spokesperson for Brent Women's Centre reported that public expenditure restrictions made it 'much more difficult for women and children to escape from violent homes by finding a place of their own.'²⁴³

The Salusbury Road fire horrifically exposed the need for Government action in what had become a crisis in the safety of emergency accommodation for society's most vulnerable citizens. It was the latest in a growing number of fires since the late 1970s: in 1978 alone, thirteen people died in hostel blazes in Birmingham, Leeds and Clacton.²⁴⁴ The night after the Salusbury Road fire, seven people were rescued from a fire in a mission hostel in East London. A spokesperson for CHAR, a parliamentary lobby coalition, said, 'It is appalling that there are second-class standards for people regarded as second-class citizens.'²⁴⁵

These fires occurred against a backdrop of major changes to housing policy from the recently-elected Conservative government. By giving council house tenants the 'Right to Buy' their homes, Margaret Thatcher's flagship housing bill revived the party's longstanding commitment to building a property-owning democracy through introducing greater choice in housing ownership and limiting the responsibilities of the state. Whilst benefiting those in a position to purchase their home on generous terms, the proposed change was not lost on Brent councillors that such a move would do nothing to help those who dreamt of living in a council house; in fact, by limiting the supply of houses, government narrowed the already slim options open to the most vulnerable people living in one of London's 'worst areas of housing deprivation', according to a report published later that year.²⁴⁶ In mid-1980, Brent Council housed 220 families in bed-and-breakfast accommodation in neighbouring boroughs, at a cost of over £100 each per week.²⁴⁷ Moreover, 'drastic cuts' to its budget meant that the council was unable to improve its existing housing stock, with the leader of the local Labour

²⁴² Sophie Watson and Helen Austerberry, *Housing and Homelessness: A Feminist Perspective* (London: Routledge, 1986), p.160.

²⁴³ *WBC*, 4 January 1980, p.3; 28 November 1980, p.7.

²⁴⁴ *CHAR Report 1981/82* (London: Campaign for the Homeless and Roofless, 1982), pp.17-18.

²⁴⁵ *Daily Mirror*, 20 March 1980, p.11.

²⁴⁶ *WBC*, 17 October 1980, p.1; 24 October 1980, p.14.

²⁴⁷ *Ibid.*, 22 August 1980, p.3.

Party blaming central government: ‘We even made a special plea to Government to allow us extra money to at least carry out fire precaution works ... but no help was forthcoming.’²⁴⁸

The council’s review recommended bringing the regulation of hostels in line with the law on hotels and boarding houses, introducing enforcement powers to close down premises ‘where there is excessive risk to persons.’²⁴⁹

For a fleeting moment, the ‘hidden homeless’ became visible to a government whose own housing minister had described hostels as ‘the great unswept corner of English housing policy.’²⁵⁰ Spurred into action by pressure from religious leaders and homeless charities, the Government agreed to amend its bill to strengthen local authority powers for dealing with large HMOs.²⁵¹ But it rejected extending the Fire Precautions Act to cover hostels, with the Home Secretary, William Whitelaw, explaining that they ‘do not represent a risk to life serious enough to justify the burden which would be imposed on owners, occupiers and fire authorities.’²⁵² The government’s own evidence did not support this hard line since official statistics collected by the Home Office revealed the risk of a fire in a HMO to be 3 or 4 times higher than in a single occupancy house, whilst the risk of serious injury or death was 9-10 times greater.²⁵³

A few months later, the jury for the inquest into the deaths of the Salusbury Road victims returned a verdict of unlawful killing and called for urgent clarification of the law on means of escape. Noting the brief period in which a policy window opens following mass-fatality fires, the coroner Dr. David Paul complained that ‘the spur and urgency of this newsworthy tragedy lost its impetus’ amidst the cumbersome procedure of government review and obfuscation.²⁵⁴ The fact that few newspapers even bothered to report on the inquest substantiates his point and shows how little media interest was shown, outside of the local community, in the lives of ‘battered women’.

²⁴⁸ *Ibid.*, 24 October 1980, p.3.

²⁴⁹ *Ibid.*, 25 April 1980, pp.1, 18.

²⁵⁰ Quoted in Hansard (Commons), 25 February 1983, Vol. 37, col.1142.

²⁵¹ Hansard (Commons), 6 August 1980, Vol. 990, cols.684-7.

²⁵² *WBC*, 26 December 1980, p.3.

²⁵³ TNA AT/49/116, Application of Building Regulations to Houses in Multiple Occupation.

²⁵⁴ *WBC*, 30 January 1981, p.4.

Ignoring the coroner's criticism, government opted to take the path of least intervention. A duty was placed on local housing authorities requiring means of escape from fire in large HMOs of three storeys or more and with a combined floor space exceeding 500 square metres.²⁵⁵ Guidance would clarify the law on means of escape in other HMOs, eventually being published several years later.²⁵⁶ The decision to devolve responsibility to housing authorities seems to have been influenced by party political antagonisms in London where the Labour Party had recently taken control of the GLC, which had responsibility for the London Fire Brigade, as well as a general resistance to arming fire brigades with additional powers given they were regarded as being tougher in enforcing fire precautions. Whilst the Order was welcomed by campaigners as 'a long overdue safeguard', it was also noted that less than two per cent of all HMOs were covered by the law and that only one per cent of all improvement grants went towards the provision of fire escapes. With a gross floor space of only 226 square metres, the Salusbury Road hostel was too small to be included, making 'a mockery of the new duty', claimed the director of CHAR Nicholas Beacock, who predicted 'further tragedies' before the law was properly updated.²⁵⁷

And so it proved. In December 1981, fire gutted a large property on Clanricarde Gardens in West London, killing eight residents and injuring many more. Notting Hill Gate was an area notorious for cheap, low quality housing and illegal landlord practices: the 'slumlord' Peter Rachman had operated in the neighbourhood during the 1960s and little had seemingly improved based on this latest tragedy. The properties comprised of 56 bedsits across three converted Victorian terraced houses. The figures on occupancy ranged widely: whereas the landlord claimed that only 53 tenants resided on the premises, first responders estimated between 150 and 200 persons in occupancy on the night of the fire. The housekeeper, who lived on the ground floor, later confirmed the figure to be 93 residents, the majority of whom were low paid migrant workers and the elderly. By lunchtime, all the

²⁵⁵ The Housing (Means of Escape from Fire in Houses in Multiple Occupation) Order 1981. S.I. 1981/1576.

²⁵⁶ Hansard (Commons), 17 December 1980, Vol. 996, col.174W; 4 February 1981, V.ol. 998, col.114W.

²⁵⁷ *CHAR Report 1980/81* (London: Campaign for the Homeless and Roofless, 1981), pp.18-19; TNA AT/49/116, The Houses in Multiple Occupation Group, Briefing Paper, 24 October 1983.

refugees from the fire, some dressed in their nightclothes with their belongings wrapped in bedsheets, were given shelter, with food and clothing donated by market traders. The local authority, Kensington and Chelsea London Borough Council (KCLBC), provided temporary accommodation in hotels, from where its staff interviewed survivors to determine which families should be given priority for rehousing before Christmas. The bleak prospects for rehousing led to 25 tenants accepting accommodation owned by the same landlord, with some even moving into the house next to the burnt out shell that remained.²⁵⁸

In the aftermath of the fire, the attention of voluntary and community groups turned to the poor standard of safety within the property and the fears of residents living in similar accommodation across the borough. Kensington and Chelsea was described as having ‘some of the poorest housing conditions in the country’ with HMOs comprising between a quarter and a third of its housing stock. A survey by a local race and housing action group revealed that the borough also had the highest rents amongst its council housing stock and the lowest average rate of pay in the city.²⁵⁹ It was also claimed that KCLBC had not acted upon residents’ complaints about safety six months before the fire. One report, compiled by an environmental health consultant on behalf of Shelter and the North Kensington Law Centre (NKLC), concluded that ‘the arrangements to limit the spread of fire and secure the safe evacuation of occupants are inadequate.’ After it was further revealed that the council maintained no register of HMOs within the borough, the leader of the Labour Opposition demanded an internal inquiry into ‘what went wrong’. KCLBC was later found guilty of maladministration by the local government ombudsman and in direct contravention of race relations legislation having ‘failed to follow up complaints over a number of years.’²⁶⁰

Fire investigation officers discovered a litany of safety defects, including combustible partition walls, unprotected staircases and an excessively high electrical loading. At the inquest at Westminster Coroners Court, an ‘independent’ expert, Keith Gugan, who was acting on behalf of the insurers and landlord, claimed that the fire had been maliciously started by a tenant, which attracted greater media interest than the identities of the victims.²⁶¹ Gugan’s findings were challenged by experts appearing on behalf of both London Fire

²⁵⁸ *Kensington News & Post (KNP)*, 18 December 1981, pp.1, 3; 25 December 1981, p.1.

²⁵⁹ *Roof*, March 1989, p.10.

²⁶⁰ *KNP*, 25 December 1981, p.3; 29 January 1982, p.3.

²⁶¹ *Daily Express*, 19 December 1981, p.5; *Daily Mirror*, 3 March 1982, p.15.

Brigade and the Metropolitan Police and the coroner, Dr. Paul Knapman, rebuked him for failing to produce forensic evidence to substantiate his claim. The landlord was called to give evidence but refused to answer questions.²⁶²

The main issue, according to counsel acting for the bereaved families, was that the fire had broken out in ‘slums without the most elementary fire protection’, which demonstrated ‘reckless’ negligence by the landlord and warranted a verdict of unlawful killing. Knapman replied that the job of an inquest was ‘to find out where, when and how a person met their death – not to apportion blame.’²⁶³ After nine days, the jury returned a verdict of death by misadventure, finding no evidence of negligence. Furthermore, Knapman declined to add recommendations on safety to the verdict, claiming that the need to reconcile cheap accommodation for homeless people with ‘expensive’ fire precautions was an ‘insoluble problem.’ This decision angered campaigners. Michael O’Dwyer, who represented bereaved families for the NKLC, called the decision an ‘outrage’ and criticised the coroner for failing the victims, before adding: ‘We will go on pressing for more resources, for better fire precautions to be introduced into houses in multiple occupation and for landlords to own up to their responsibilities – we will not stop until we reach that.’ Survivors were still pursuing a claim for damages several years later.²⁶⁴

This case illustrates the limited opportunities facing survivors and the bereaved in having their voices heard in formal judicial settings. As the first neighbourhood law centre in the country, opened in 1970 in a former butcher’s shop, NKLC operated on the premise that lawyers failed to act in the interests of those communities in greatest need of help. NKLC provided free legal advice and representation to those who could not otherwise afford it for a range of issues including immigration law and housing rights; they also assisted with claims for compensation following fire inquests. Law centres thus amplified the voices of those communities most directly affected by mass-fatality fires, allowing them to seek justice and obtain some closure to a horrific chapter in their lives. But the law centres were also in a parlous situation as Kate Bradley has shown: they experienced problems with securing a regular income, struggled with under-staffing and were often accused of being politically

²⁶² *KNP*, 5 March 1982, p.1; 12 March 1982, pp.1-3.

²⁶³ *KNP*, 12 March 1982, p.3.

²⁶⁴ *KNP*, 19 March 1982, p.8.

motivated in their casework. Some were threatened with losing their main funding stream when they openly criticised council policies.²⁶⁵

Following the Clanricarde Gardens verdict, the Government declined to strengthen the law or give serious consideration to practical solutions. When the Institute of Environmental Health Officers (IEHO) and CHAR submitted a proposal for national licensing, the under-secretary of state for the environment, George Young, expressed ‘serious reservations about the cost implications of such proposals at a time when the Government is concerned to see restraint in local authority expenditure.’ Whilst the proposal was costed to be self-financing, it would have entailed transferring funds from the Department for Health and Social Security budget to local authority housing departments, which was contrary to policy to ‘trim’ local government spending. Moreover, Young warned that licensing ‘would add unnecessarily to landlord’s cost (*sic*), and discourage them from making accommodation available’, which prompted some to question whether many Conservative MPs were themselves owners of HMOs: ‘there could be some very red faces at Westminster,’ suggested one journalist writing for *The Surveyor*, though such lines of enquiry never appeared in the popular press.²⁶⁶

Although housing charities found themselves frozen out of decision-making by a government that was critical of single-issue campaigning, they found support amongst opposition parties as well as the Tory backbenches. Frustrated by government’s ‘neglect and inaction’, in 1983 Labour MP Jim Marshall’s private bill proposed to introduce a duty on local authorities to ensure proper means of escape in all HMOs. Brandon Rhys-Williams, Conservative MP for North Kensington, the constituency in which the fire at Clanricarde Gardens occurred, warmly supported the bill and warned that it was incumbent on Parliament to not allow ‘that horror to be repeated.’ His warnings were echoed by John Wheeler, Conservative MP for neighbouring Paddington: ‘It is a scandal that people should lose their lives for the lack of a determination in the House [of Commons] to ensure that the law provides the protection that they need.’ Only with effective and enforceable regulations would lives be saved in future, claimed Labour MP for Swansea East Donald Anderson, who

²⁶⁵ Kate Bradley, *Lawyers for the Poor: Legal Advice, Voluntary Action and Citizenship in England, 1890–1990* (Manchester: Manchester University Press), pp.162-8.

²⁶⁶ *The Surveyor*, 11 October 1984, p.27.

added that this would be ‘the best memorial that the House could give to those who died at Clanricarde Gardens’.²⁶⁷

Despite passing its second reading in February 1983, the bill was dropped after Parliament’s dissolution ahead of the general election and it was not adopted as part of the new government’s legislative agenda. Low rates of house-building for rent, coupled with the acceleration of the sale of council homes, led to an increase in homelessness in the mid-1980s in metropolitan areas. Homeless people had little option but to live in substandard accommodation, while local authorities struggled to provide a satisfactory alternative for single-person households. Chris Holmes, the director of CHAR and one of the drafters of the bill, calculated that the number of claimants in bed-and-breakfast accommodation in England and Wales increased fourfold from 25,000 to 100,000 between 1979 and 1984. Research showed that 81 per cent of those living in HMOs were single, 35 per cent of whom were women and 65 per cent under the age of 35. The ‘worsening crisis of single homelessness’, Holmes argued, demanded three urgent and interlinked actions by the state in order to provide ‘a safe, secure and satisfactory home for every member of the community’: additional social rented housing, security of tenure and the enforcement of minimum standards of safety, amenities and management of HMOs.²⁶⁸

In 1985, a consolidating act made tentative steps towards improving standards, but disappointed campaigners. This followed the death of a Bangladeshi mother and her children in a five-storey bed-and-breakfast fire in Gloucester Place, Westminster, which finally prompted Dr. Knapman to write to ministers urging that ‘action be taken to prevent the occurrence of similar fatalities’.²⁶⁹ This fire exposed the racial inequalities in London’s rental housing market, with this particular ‘halfway house’ grossly overcrowded with Asian families who should have been priority cases for rehousing; the deceased family had lived in a single room at the top of an unenclosed staircase for the past nine months, while firefighters found as many as seven people sleeping to a room and rescued a baby sleeping in a cot in a

²⁶⁷ Hansard (Commons), 25 February 1983, Vol. 37, cols. 1175-85; 5 May 1983, Vol. 42, col. 532.

²⁶⁸ Malpass and Murie, *Housing Policy and Practice*, p.243; Chris Holmes, ‘The Worsening Crisis of Single Homelessness’, in Peter Malpass (ed.), *The Housing Crisis* (London: Croom Helm, 1986), pp.200-14.

²⁶⁹ *Roof*, 12:1, January 1987, p.6.

bathroom.²⁷⁰ The inquest again revealed ‘totally and hopelessly inadequate’ fire precautions, including a wooden ladder used in lieu of an escape, but the landlord – who had received £356,000 in rent to house homeless families from neighbouring Camden – simply ignored warnings from frightened tenants. One resident observed that he had tried to fight the fire but all the extinguishers in the house were empty.²⁷¹

Survivors from the fire decided that direct action was the route to escaping the squalor of halfway houses. Assisted by the Camden Committee for Community Relations, a local pressure group funded by the council, up to seventy homeless people, many with young children, organised a three-week occupation of Camden Town Hall until the Labour Group agreed to permanently rehouse them in council houses. Two heavily-pregnant women slept on the chamber floor for over a week, deeming it preferable to staying in their death-trap bedsits.²⁷² Whilst local press coverage was consistently detailed, national media interest was virtually non-existent, with few newspapers reporting on the fire or occupation. Eventually, the novelist Salman Rushdie wrote an excoriating piece for *The Guardian* in which he argued that Black and Asian families, who made up between a third and half of all families living in London’s halfway houses, were being victimised by racist slumlords and councillors. With evidence emerging that the fire was started deliberately, Rushdie likened it to the 1981 New Cross Massacre, in which thirteen young black men, women and children died in a suspected racist attack on a house party, but in neither case did the Metropolitan Police pursue the cases seriously. ‘Presumably not enough people have been burned to death yet,’ Rushdie wrote before demanding that ‘it is time people stopped having to die to prove to local authorities that they live in hideously unsatisfactory conditions.’²⁷³

Despite the best efforts of campaigners to raise the plight of homeless families, ministers did the bare minimum. Firstly, a house in multiple occupation was defined as ‘a house which is occupied by persons who do not form a single household,’ creating more legal ambiguities than it solved. Secondly, local authorities were awarded discretionary powers to

²⁷⁰ *The Standard*, 21 November 1984, p.2.

²⁷¹ *Camden New Journal*, 27 June 1985, pp.1, 13, 18.

²⁷² *Camden New Journal*, 29 November - 20 December 1984.

²⁷³ *The Guardian*, 3 December 1984, p.12; Aaron Andrews, ‘Truth, Justice, and Expertise in 1980s Britain: The Cultural Politics of the New Cross Massacre’, *History Workshop Journal*, 91:1 (2021), pp.182-209.

establish registration schemes in their area. Thirdly, a ‘fitness’ test was drawn up for governing HMOs, which provided for regulations to render premises fit for occupants, covering areas ranging from lighting and ventilation to space heating appliances.²⁷⁴ Despite calls to establish means of escape as a condition of fitness, this was not originally included despite a government-commissioned survey unearthing ‘disturbing’ evidence that 81 per cent of HMOs lacked satisfactory means of escape; the figure rose above 90 per cent for privately-owned properties. In Greater London, where 43 per cent of all HMOs in England and Wales were located, over 80 per cent had defective means of escape, while ‘a substantial minority’ of larger HMOs continued to lack precautions. This ‘hidden housing problem’ was now so visible to policy-makers that it could no longer be ignored by ministers.²⁷⁵ But ignore it they did. Whilst the recast Building Regulations specified mandatory rules for means of escape in case of fire for dwellings and flats of three or more storeys, these did not originally extend to HMOs, though guidance on fire safety was issued in 1986, four years after it was initially promised, and an advisory standard was adopted two years later.²⁷⁶

In the intervening period, a revised private members’ bill was promoted by Donald Anderson, including prescriptive measures to tackle what had become ‘a national scandal’. Its timing was bad, being promoted during the period of ‘high Thatcherism’ when central government curbed the powers of local authorities through rate capping and the abolition of the GLC and metropolitan councils. Indeed, the Government, having failed to block the bill’s debate, disrespectfully sent its Minister for Sport, Richard Tracey, to present the case that legislation was not required and the bill was timed out through filibustering by backbench Tory MPs.²⁷⁷

Despite their understandable frustration at the Government’s intransigence towards housing provision for the poor, homeless charities learned a great deal about campaigning

²⁷⁴ Housing Act, 1985, sections 345, 352, 365.

²⁷⁵ Andrew Thomas and A. Hedges, *The 1985 Physical and Social Survey of Houses in Multiple Occupation in England and Wales* (London: HMSO, 1986), pp.23-4.

²⁷⁶ *The Building Regulations: Mandatory Rules for Means of Escape in Case of Fire* (London: HMSO, 1985); *Guide to Means of Escape and Related Fire Safety Measures in Certain Existing Houses in Multiple Occupation* (London: HMSO, 1988).

²⁷⁷ Hansard (Commons), 13 February 1987, Vol. 110, cols.610-38; Ben Jackson and Robert Saunders, ‘Varieties of Thatcherism’, in *idem* (eds.), *Making Thatcher’s Britain*, p.7.

during the 1980s. One such group was the Campaign for Bedsit Rights (CBR), founded by Nick Beacock following the fire at Clanricarde Gardens (it was initially called The Houses in Multiple Occupation Group).²⁷⁸ As a former director of CHAR who had been active in the passing of homelessness legislation in the 1970s, Beacock enjoyed good contacts across Parliament and with sympathetic newspapers, using these to advocate for an evidence-based approach to policy-making. As Hilton et al have shown, the importance of a professional media strategy was increasingly apparent to non-governmental organisations by the 1980s in order to react swiftly to any item in the news and to offer journalists an alternative interpretation on policies.²⁷⁹ Beacock was no stranger to this approach: the CBR's small staff were regular correspondents with broadsheet newspapers and repeatedly quoted in press coverage of bedsit fires and related topics.²⁸⁰ Although the Campaign team's efforts to secure media coverage met resistance from some popular daily newspapers – in 1990 the *Evening Standard* and *Daily Mail* both cited the CBR as a recipient of 'daft donations' by 'loony left' councils – they operated a sustained campaign on a shoestring budget, receiving grants from the London Boroughs Grants Committee as well as member subscriptions.²⁸¹

In addition to its media campaigning, the CBR also published handbooks aimed at tenants and landlords in an attempt to directly improve the standard of housing in HMOs. These handbooks contained advice and useful contacts about tenants' legal rights and landlords' duty of care, as well as fire safety hints and tips. Owing to the CBR's parlous financial arrangements, these publications were generously supported by other voluntary and professional bodies such as the Law Society, Crisis, the National Association of Citizens

²⁷⁸ The CBR became a specialist unit within Shelter in 1997.

²⁷⁹ Matthew Hilton, James McKay, Nicholas Crowson and Jean-François Mouhot, *The Politics of Expertise: How NGOs Shaped Modern Britain* (Oxford: Oxford University Press, 2013), pp.154-7.

²⁸⁰ See, for example, *The Standard*, 22 January 1985, p.16; *The Guardian*, 11 April 1988, p.18; *Evening Standard*, 20 August 1993, p.14.

²⁸¹ *Evening Standard*, 20 March 1990, p.2; *Daily Mail*, 25 April 1990, p.9.

Advice Bureaux, Fire Brigades Union (FBU) and the Housing Associations Charitable Trust, which helped to lend them a more authoritative voice.²⁸²

At a time that single-issue groups struggled to exert influence within central government, the CBR raised standards of safety locally through a dense network of tenants' groups, local councils, student unions, law centres and other organisations. Grassroots campaigning enjoyed success in cities with progressive councils, such as Birmingham, Bristol and Southampton, using a mixture of strategies to improve housing conditions.²⁸³ In Wales, a cross-sectoral approach was agreed following the death of a man in a fire at a Pontypridd hostel in 1986, while the all-party Welsh Affairs Committee unanimously supported urgent legislation.²⁸⁴ Direct action demonstrated that the best route to positive change was from below. Private tenants' organisations such as the Brent Private Tenants Rights Group, Kensington & Chelsea Private Tenants Rights Project, and the Camden Federation of Private Tenants – the latter formed in the aftermath of the successful occupation of Camden Town Hall – built on deep rooted grassroots activism that dated from the late 1960s, whilst the effectiveness of the Welsh campaign pointed to what might be done with a progressive government in England.²⁸⁵

Licensing HMOs

Whilst the Thatcher Government stubbornly refused to intervene to protect the safety of those who most needed protecting, the fatalities continued to occur. In the five years to 1991, an average of 168 people a year died and 3,294 were injured in HMO fires according to the government's own statistics. One fire in 1988, in a hostel near Blackpool's North Promenade,

²⁸² *Bedsit Rights: A Handbook for People Who Live in Bedsits* (London: Campaign for Bedsit Rights, 1989); Roger Critchley, *Fire Safety Guide* (London: Campaign for Bedsit Rights, 1991).

²⁸³ *Bedsit Briefing*, No. 2, August 1987, pp.4, 7; No. 3, November 1987, p.2-3; *Roof*, January 1995, pp.34-5.

²⁸⁴ *Bedsit Rights*, No. 1, Spring 1987; No. 2, August 1987, p.5; *Bedsit Briefing*, No. 1, June 1987, p.5.

²⁸⁵ Peter Shapely, 'Tenants arise! Consumerism, tenants and the challenge to council authority in Manchester, 1968–92', *Social History*, 31:1 (2006), pp.60-78.

resulted in the deaths of three children and two adults from the same family. The premises were used by the Department of Social Security (DSS) to house unemployed families and were divided into self-contained flatlets. Newspapers reported that children smashed windows and climbed onto ledges to escape the choking smoke.²⁸⁶ Shortly afterwards, a flimsy ten-page consultation paper rejected licensing and even had the temerity to recommend redefining HMOs, which would have halved the number protected by existing safeguards. Even the Tory-controlled Association of District Councils, a staunch advocate of a tougher stance on local authority finances, criticised the report for contradicting its own evidence.²⁸⁷

Instead, the Government passed the 1989 Housing and Local Government Act, which aimed to revive the private rental sector through deregulation whilst continuing the erosion of council provision through new financial arrangements for housing associations. The introduction of shorthold tenancies gave landlords greater controls over properties, including powers to gain possession through eviction notices, either to re-let them on new high rent assured tenancies or to convert them for sale.²⁸⁸ The promise of a large profit from a quick sale – property speculation was rife in Kensington and Chelsea in the late 1980s, for instance, with a pair of vacant properties on Clanricarde Gardens valued at £1.4 million (nearly £4 million according to 2020 prices) – was a powerful incentive for landlords to ‘persuade’ tenants to leave through low level harassment at the same time that many local authorities cut their housing support services.²⁸⁹

Fire by fire, the campaigners chipped away at policymakers. In 1991, a damning report issued by the National Consumer Council (NCC) described HMOs as ‘deathtrap housing’ and repeated calls for mandatory licensing. Given the ‘Right to Buy’ programme had been framed in terms of giving greater choice to consumer-citizens, so too should the same rights of consumer protection be extended to badly housed renters. In her foreword to the report, Lady Wilcox, the NCC chair, wrote, ‘Most of us associate deathtrap housing with

²⁸⁶ *Daily Mirror*, 6 April 1988, p.2; *The Times*, 6 April 1988, pp.1, 20.

²⁸⁷ Department of the Environment, ‘Consultation Paper on Houses in Multiple Occupation’, July 1988; *The Challenges of Multiple Occupancy: A Fresh Look at HMOs* (London: Association of District Councils, 1988).

²⁸⁸ Malpass and Murie, *Housing Policy and Practice*, pp.83-4.

²⁸⁹ *Roof*, 14:2, March 1989, p.10.

the squalid slums of our Dickensian past. But this report shows that even today millions of people are renting dangerous housing, often without knowing the dangers until things go wrong.²⁹⁰ With the widening of the campaign beyond the homeless charities, the campaign was finally reaching its desired audience as well as attracting sympathetic press attention: while charges for registration schemes had already been introduced earlier in the year, advisory guidance on standards of fitness followed a year later.²⁹¹ This left one significant obstacle for campaigners to overcome: deregulation.

In 1993, John Major's Conservative Government launched its Deregulation Task Force to review a raft of regulations dealing with health and safety legislation. The review of fire safety recommended repealing the 1971 Fire Precautions Act and transferring responsibility for oversight from the Home Office to the Health and Safety Executive. The goal was to engender a cultural shift within the fire service away from a prescriptive approach to a risk-based one where self-compliance predominated. An internal review supported repeal and also rejected licensing HMOs on the grounds that it would 'run counter to the Government's deregulation initiative'.²⁹² In its response, the FBU warned that repealing the 1971 Act would 'give entirely the wrong signals and could be misinterpreted as a move to lower standards of fire safety.' Instead, the FBU argued for its extension to cover HMOs and other higher risk premises.²⁹³ But the decision was a *fait accompli*: deregulation, claimed the Home Secretary, Michael Howard, would improve public safety by constituting 'an approach which places the responsibility for assessing risks, and dealing with them, on those who create the risks.'²⁹⁴ Government remained committed to a path of least

²⁹⁰ *Deathtrap Housing: Tackling Fire Hazards for Tenants of Houses in Multiple Occupation* (London: National Consumer Council, 1991).

²⁹¹ *Daily Mail*, 26 September 1991, p.12; *The Times*, 26 September 1991, p.2; *Houses in Multiple Occupation: Guidance to Local Housing Authorities on Standards of Fitness Under Section 352 of the Housing Act 1985*, Circular 12/92 (London: HMSO, 1992).

²⁹² P.R. Edmundson and G.I. Hubbard, *A Review of the Fire Precautions Act 1971* (London: Home Office, 1993), pp.48-9.

²⁹³ Fire Brigades Union, *Who Will Pick Up the Pieces? FBU Response to the Government's Interdepartmental Review of Fire Safety Legislation and Enforcement* (Surbiton: Fire Brigades Union, 1994), pp.39, 56.

²⁹⁴ Quoted in *Fire*, 87:1073, November 1994, p.22.

intervention having seemingly learned little from past failures to mitigate against mass-fatalities.

Failure to learn was brutally exposed in May 1994 when a woman and 20-month-year-old child died in another seaside fire, this time at a Scarborough hotel converted into a hostel for DSS claimants; it was subsequently discovered that the owner had failed to comply with an order to upgrade means of escape.²⁹⁵ Later that day, the Prime Minister committed his government to ‘investigating the feasibility of introducing a licensing system to control such establishments.’²⁹⁶ Whilst the consultation paper accepted that there were strong arguments in favour of licensing (76 per cent of respondents favoured mandatory registration), it also warned that, following the deregulation of the private rental market, ‘it would be introducing too high a degree of licensing’, which could lead to either tenants being charged higher rents to pay for the improvements or landlords withdrawing from the market.²⁹⁷ Government concluded that ‘a full-scale national and mandatory licensing system cannot be justified’ on the grounds that ‘it would lead to excessive cost and bureaucracy by forcing every local authority to follow a standard licensing approach.’²⁹⁸ The 1996 Housing Act thus imposed a broad duty of care on landlords in respect of safety and other amenity standards, whilst also allowing the Secretary of State to make model registration schemes for adoption by local authorities.²⁹⁹ Following almost two decades of campaigning, multiple reviews and consultations, legal confusion and hundreds of avoidable deaths, the country was on the verge of a national system of licensing if only a government had the interest to enact it.

According to Jane Lewis and Pete Alcock, a change in government in 1997 heralded a new era of voluntary action favouring ‘partnership working’ between the state and the third

²⁹⁵ *The Times*, 6 May 1994, p.3.

²⁹⁶ Hansard (Commons), 5 May 1994, Vol. 242, col. 841.

²⁹⁷ *Houses in Multiple Occupation: Consultation Paper on the Case for Licensing* (London: Department of the Environment, 1994), p.6.

²⁹⁸ *Improving Standards in Houses in Multiple Occupation* (London: Department of the Environment, 1995), p.3.

²⁹⁹ Nicholas J. Smith, ‘Bureaucracy or Death: Safeguarding Lives in Houses in Multiple Occupation’, in David Cowan (ed.), *Housing: Participation and Exclusion* (London: Routledge, 1998), pp.168-88.

sector.³⁰⁰ Taking its cue from the operation of successful local schemes, the incumbent New Labour Government pledged to resolve the fire safety problem through ‘a proper system of licensing for local authorities which will benefit tenants and responsible landlords alike.’³⁰¹ The following year, government research underpinned proposals for a new code of practice and recommended that the best approach to reducing fire deaths was education coupled with enforcement. As befitted the era, an emphasis was placed on collaborative working across the public, private and third sectors to mitigate the risks. Charities like Shelter and Crisis were consequently brought into the fold to help devise national policy.³⁰² Whilst New Labour completed its predecessor’s policy to increase self-compliance measures, it also recognised that HMOs were ‘a special case’ demanding ‘better regulation’.³⁰³

Taking a further six years to get onto the statute books, the 2004 Housing Act finally introduced compulsory licensing for HMOs, the definition of which was widened to include a house of three or more storeys occupied by five or more unrelated persons and sharing basic amenities. This brought a large number of unprotected premises under the law, including house shares of groups of students and young professionals. Landlords would be screened by housing officers, following consultation with fire authorities, to determine whether they were ‘a fit and proper person’ suitable for letting property. Welcomed by many in the third sector as an effective way of protecting public safety, critics resorted to tried and tested arguments that ‘buy-to-let’ investors were being ‘smothered in red tape’ and would result in ‘the better landlords’ deciding that ‘it is just not worth the hassle’ to continue in the rental market. ‘It’s such a hard life being a landlord,’ bemoaned one writer in a particularly egregious piece published by *The Times* on behalf of the National Landlords Association, which was more concerned at the impact that licensing could have on investors’ returns than the safety of

³⁰⁰ Jane Lewis, ‘New Labour’s Approach to the Voluntary Sector: Independence and the Meaning of Partnership’, *Social Policy & Society*, 4:2 (2005), pp.121-31; Alcock, ‘Voluntary action’, pp.173-7.

³⁰¹ *1997 Labour Party Manifesto*, <http://www.labour-party.org.uk/manifestos/1997/1997-labour-manifesto.shtml>, accessed 30 December 2021.

³⁰² Christopher Holmes, *A New Vision for Housing* (London: Routledge, 2006).

³⁰³ *Fire Safety Legislation for the Future: A Consultation Document* (London: Home Office, 1997), p.24; *Licensing of Houses in Multiple Occupation – England: A Consultation Paper* (London: Department of Environment, Trade and the Regions, 1999).

residents.³⁰⁴ If a reminder was needed that central government had intervened to protect the lives of those least able to protect themselves, this came in 2004 in the form of a hostel fire in Birmingham, which caused the deaths of four residents. This fire provided further proof of the importance of multi-agency partnerships to protect ‘vulnerable tenants’ against negligent landlords, many of whom openly ‘flout legislation’.³⁰⁵ The battle to sweep the great unswept corner of English housing policy was a long one and it would require periodic re-sweeping to deal with stubborn stains.

Conclusion

This chapter echoes Nicholas Crowson’s contention that the voluntary sector was at the heart of the ‘mixed economy’ of welfare reform during the 1980s and continued to play a central role as part of a widened ‘third sector’ during the 1990s and 2000s. Homelessness charities, law centres and community groups were a continuous thorn in the side of governments, holding them to account for their reluctance to regulate safety in the private rental housing sector. More importantly, in advocating on behalf of the groups most vulnerable to fire, including victims, survivors and bereaved and grief-stricken families, voluntary and community groups spoke on behalf of the people and communities who otherwise received scant representation within mainstream political, legal or media discourse around housing. They interposed themselves between an indifferent, occasionally hostile, executive on the one side and Parliament on the other, whilst also creating dense networks of grassroots activists who raised safety standards from the bottom-up, often in collaboration with environmental safety and fire prevention officers. What campaigners lacked in terms of direct influence over policymakers at the heart of government, who generally favoured a ‘top-down’ approach to policy ‘unencumbered by the constraints provided by interest groups,’ they more than made up for in perseverance and partnership-building at both the local and national levels of civil society.³⁰⁶

Returning to our opening example, the thirty-one victims of the 1987 King’s Cross fire are remembered through regular memorial services on significant anniversaries. These

³⁰⁴ *The Times*, 6 May 2005, ‘Bricks and Mortar’ Section, p.16.

³⁰⁵ *Fire*, April 2005, pp.22-3.

³⁰⁶ Crowson, ‘Introduction’, pp.491, 496.

have been held at St Pancras New Church (where a plaque was erected by the trustees of the disaster fund) as well as in the station concourse, where a memorial site comprising two plaques and a commemorative clock has evolved as part of its refurbishment.³⁰⁷ This site serves as a reminder of those who lost their lives to anyone who seeks it out, as I do whenever I travel to London. It also offers reassurance and comfort to many of the families affected by the tragedy, as Mohammed's younger sister, Anila, who was 13 at the time of the fire, described following the 30th anniversary memorial service in 2017: 'I feel like I am among my own family here ... Whenever I pass through the station I always stop at this spot and touch his name on the memorial, but today there is something special among being among the other families and supporting each other.'³⁰⁸ In addition to the memorial providing a space for remembrance, the legacy of the official independent inquiry, headed by the high court judge Desmond Fennelly Q.C., also served to underline that lessons were learned and acted upon by government. Statutorily improved standards of health and safety on the Underground network are a lasting memorial to the 31 victims that we all benefit from whenever we travel on the tube and whether we pause at the memorial or not as we go about our daily lives.

Unfortunately the same cannot be said about the many victims of fires in HMOs. To my knowledge, none of these fires has ever been commemorated with a formal plaque or a memorial service. As the properties have long since been redeveloped, and the surrounding areas gentrified and regenerated, few who remember these fires remain in the local area and there is unlikely to be little interest amongst home-owners or renters (least of all landlords) to be reminded of the horrific experiences that took place in their homes. Most fires in HMOs have therefore been long forgotten, only occasionally to be brought up as a reminder of the invisibility and expendability of marginal communities. When I was writing a blog post on the 40th anniversary of the Salusbury Road fire in early 2020, I was struck by how quickly the victims were stripped of their identities and reduced to simplistic, incorrect and insulting, descriptions (as 'elderly women', 'destitute women', and 'inadequate alcoholics'). In doing so, it renders these women – and the many other victims of the fires discussed here – as

³⁰⁷ BBC News, 17 November 2007, <http://news.bbc.co.uk/1/hi/england/london/7099677.stm>, accessed 13 January 2022.

³⁰⁸ *The Guardian*, 18 November 2017, <https://www.theguardian.com/uk-news/2017/nov/18/kings-cross-fire-victims-honoured-30-years-on>.

unimportant. It removes them from their individual lives. Ultimately, it allows those institutions who have failed them from feeling any guilt or responsibility towards them. The 'great unswept corner of housing policy' was yet another reminder of the human costs of deregulation and the failure of an inhumane state to care for those who most needed our care.

CONCLUSION: THE LESSONS FROM *BEFORE* GRENFELL

This book has traced the development of a precautionary approach towards fire safety and building control within mid-twentieth century Britain and its subsequent erosion from the late 1970s to the present century. Although commentators used the phrase ‘benign neglect’ to describe the state’s fire service policy since the 1980s, successive governments have actively and consciously sought to diminish fire and buildings safety through deregulation; that is, they have deliberately followed a coordinated set of policies and strategies in order to relax or remove existing regulatory controls over the private sector and leave the market responsible for its own regulation. In other words, the object of regulation has become the *de facto* regulator of itself, whilst professional stakeholder associations, third sector bodies and grassroots organisations have been repeatedly ignored or marginalised when it comes to reviewing policy.

Successive governments, as we have seen at crucial moments in this book, have preferred to take a ‘path of least intervention’ approach towards public safety, even in the aftermath of mass-fatality fires involving houses in multiple occupation (HMOs) and higher risk residential buildings (HRRBs). As a political decision, this diminution of public safety was so cruelly exposed in 2017 with the fire at Grenfell Tower, but the resultant Public Inquiry has revealed that this ‘path of least intervention’ was evident in the aftermath of earlier high-profile disasters, which can be traced back to the 1980s at least. The state, John Preston writes, has purposively neglected public safety in preference for protecting its own interests, and cites the disasters at Aberfan (1966) and Hillsborough (1989) as evidence of

this historic failure.³⁰⁹ As such, the main lesson learnt following iconic disasters such as these, and the many lesser-known fires examined here, is that the political establishment is incapable of guaranteeing basic safety and security for its more vulnerable communities and needs to be held accountable for this failure.³¹⁰

In the introduction I outlined three main contributions that a historical approach can offer our contemporary understanding of the events surrounding the Grenfell Tower fire of 2017 and returns to these here by way of drawing broad conclusions. Firstly, by tracing the evolution of government policy as it pertains to fire precautions and building control across the twentieth century, but paying particularly close attention to the period since the 1970s, this book provides a lens on the longer-term contextual causes of the fire, which have been absent from the public inquiry's terms of reference.

Secondly, this book also reveals that the usefulness of 'thinking with history' lies in tracing how past decisions taken by previous governments – at the level of local government as well as within Whitehall – created the conditions under which the 2017 fire occurred. The historian's role, I would argue, is less to teach specific lessons drawn from past encounters with mass-fatality fires – of which many have been included here – but to provide the evidence, case studies and interpretative framework through which readers – politicians, civil servants, journalists, grassroots campaigners, fire safety professionals, fellow historians – can form their opinions about the fire and the state's disinterest in preventing it from happening.

³⁰⁹ John Preston, *Grenfell Tower: Preparedness, Race and Disaster Capitalism* (Basingstoke: Palgrave, 2019).

³¹⁰ On Aberfan, see Iain McLean and Martin Johnes, *Aberfan: Government & Disasters* (Cardiff: Welsh Academic Press, 2000). On Hillsborough, Phil Scraton, 'Death on the terraces: the contexts and injustices of the 1989 Hillsborough disaster', *Soccer and Society*, 5:2 (2004), pp.183-200.

Whilst, then, I have provided here what I trust is ‘history with public purpose,’ I would strongly urge policymakers at all levels to develop policy that is informed and shaped by historical methodology and its detailed use of evidence.

Thirdly, Alix Green has persuasively argued that there exists a significant gap in historical knowledge and skills at the heart of Whitehall.³¹¹ Too many civil servants are driven by the populist whims of politicians looking for a quick fix to a problem, and there has been an absence of critical reflection by politicians and civil servants responsible for the fire safety and building control agenda, as the most recent phase of the public inquiry has proven. This has been exacerbated by countless ‘machinery of government’ changes since the 1990s, which has produced a discontinuity in policymaking and hollowed out any institutional memory of past decisions. Indeed, the sole constant in policymaking over the past four decades has been an ideological desire to reduce the so-called burden of regulation on the individual, but this has come at a high price as Grenfell tragically illustrates.

Many experts voiced their concerns before 14 June 2017, but the events that unfolded that night – and which have been revisited by survivors, bereaved families, firefighters and grassroots campaigners since then as part of Martin Moore-Bick’s inquiry – exposed the fact that deregulation has diminished public safety rather than strengthened it. Successive governments since 1979 have appropriated the language of ‘red tapeism’, so beloved by popular newspapers, to introduce programmes that have succeeded, in the words of the most senior civil servant responsible for building regulations, ‘to reduce the economic burden of regulation on industry as a way of stimulating the economy following the financial crisis’ of

³¹¹ Green, *History, Policy and Public Purpose*.

2008.³¹² Whilst it has been used by journalists and politicians as an umbrella term to launch a populist attack on all forms of regulation, ‘red tape’ has, as we have seen throughout this book, been closely associated with the dual system of building control and fire precautions introduced in the decades following the Second World War and consequently recast in the 1980s. Prescriptive regulations, enforced and monitored by local authorities and other public bodies, were repeatedly criticised for restricting individual choice, freedom and flexibility, often from the moment that they were introduced. They are an easy target for politicians keen to win favour from industry groups, not least because of the popular perception that pettifogging building inspectors and safety officers will generate more work and additional cost for firms to make their buildings safe for all users. Contemporary senior civil servants are even on record during the public inquiry as claiming that tougher fire precautions, designed to protect communities at risk from fire, are not in ‘the best interests of UK plc!’.³¹³ Over four decades or more, this ‘anti-red tapeism’ rhetoric has generated a deep-rooted culture within the heart of government that regards deregulation as the key to solving Britain’s economic and political problems.

Although this ‘anti-red tape’ culture predated the election of Margaret Thatcher’s Conservative government in 1979, deregulation emerged as flagship government policy

³¹² Grenfell Tower Inquiry RT, Day 252, 22 March 2022, Evidence of Brian Martin, p.124, <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%202022%20March%202022.pdf>, accessed 4 April 2022.

³¹³ Email correspondence between Brian Martin, Head of Technical Policy for the Building Regulation and Energy Performance Division of the Department for Communities and Local Government, and Ken Knight, the Chief Fire and Rescue Adviser, 25 October 2010, available at https://assets.grenfelltowerinquiry.org.uk/CLG00019136_Email%20correspondence%20between%20Brian%20Martin%20and%20Ken%20Knight%20re%20Building%20Regulations%200%28Review%29%20Bill%20-%20Lords%202nd%20Reading_1.pdf, accessed 4 April 2022.

during the 1980s before intensifying and accelerating in the decades that followed up to 2017. Thatcher's government, especially through its drive to 'roll back the state', started the process of attacking regulations as 'burdens on business', calling for their simplification in the name of private enterprise and to reduce public expenditure. Critics of regulation, ranging from architects to senior politicians, called for a 'bonfire of building controls', establishing a dangerous precedent that would continue for the best part of three decades.³¹⁴ Moreover, in cases where new regulations were required – invariably these followed mass-fatality fires which exposed major deficiencies in the existing law – these would only be permitted through the removal of other regulations to offset the need for greater oversight and manage stretched resources available for enforcement authorities like the fire service. This strategy of 'regulate to deregulate', as I have called it, resurfaced in the 1990s as it became formalised and codified within central government policymaking. It was adopted, first of all, as part of John Major's Conservative Government's 'Deregulation Initiative' in the early 1990s. By the end of the decade, with the election of a New Labour Government, this was renamed 'Better Regulation' but largely the same goal of cutting regulations remained.

'Regulate to deregulate' was reinvigorated, with a more trenchant anti-red-tape rhetoric, by the Conservative-Liberal Democratic Coalition Government headed by David Cameron in 2010. The 'Cutting Red Tape' initiative introduced in 2011 effectively turned 'regulate to deregulate' into a game with the introduction of a 'one in, one out' rule on all regulations; this was later amended to 'one in, two out' in 2013, and 'one in, three out' in 2016. In 2011, in a flagship speech to the Conservative party conference, the Prime Minister David Cameron promised to 'cut the red tape'; three years later, during a speech to the Federation of Small Businesses, he boasted of presiding over 'the first government in modern

³¹⁴ Quoted in *The Guardian*, 24 September 1984, p.12.

history that at the end of its parliamentary term has less regulation in place than there was at the beginning.’³¹⁵ The intent to cut safety regulations was evident from the very top of government. The present government’s proposals for ‘Best Regulation’, which include cutting red tape and minimising burdens as two its four main objectives, is hardly reassuring that much significant is likely to change when the Grenfell Inquiry submits its final report, probably in 2023.³¹⁶

Clearly, though, politicians and senior civil servants need to stop thinking in this negative way and embrace the view that it is in the interests of the nation and its economy to re-prioritize public safety. Their predecessors in the decades following the Second World War did this, recognising the terrible costs that fire damage was causing to the nation and its wellbeing, and the country’s current economic and political leaders have it within their reach, if only they have the will, to break with recent tradition and make bold and brave choices again. As Hilary Cooper and Simon Szreter have convincingly argued in their history of Covid-19, what is required is a new mindset within government that embraces ‘collectivist individualism’; that is, the idea that universal protections are a positive means of enhancing the personal freedoms of the whole of society, including those in the greatest need of help from the state: justice, equality, safety and security need to be enshrined as universal rights of the individual and celebrated as a source of national pride.³¹⁷

³¹⁵ David Cameron, Conservative conference speech, 5 October 2011, <https://www.bbc.co.uk/news/uk-politics-15189614>; David Cameron, ‘Supporting small businesses’, Speech to the Federation of Small Businesses, 27 January 2014, <https://www.gov.uk/government/speeches/supporting-small-businesses-david-camerons-qa-at-the-federation-of-small-businesses>, accessed 12 February 2022.

³¹⁶ H.M. Government, *The Benefits of Brexit: How the UK is taking advantage of leaving the EU* (London: HMSO, 2022).

³¹⁷ Cooper and Szreter, *After the Virus*, pp.251-85.

As I have shown in this book, regulations – especially where they have been carefully-framed, according to the evidence, monitored and enforced – are not burdens despite what many in government or the popular media would have us believe. In fact, history shows us that in instances where systems of checks and balances were driven by the need to both protect public safety and guarantee individual security, these can make a positive contribution towards sustaining a healthy and productive society; indeed, ‘red tape’ demonstrably saved lives. Properly framed and independently enforced precautions such as those introduced in the 1970s under the Fire Precautions Act were a proven method of reducing the number of casualties in designated sectors. Proactive precautions enshrine and protect the individual, sustaining a guaranteed minimum level of protection and providing a safe and secure environment that nurtures and empowers citizens rather than limiting their capacity for action. Were a ‘collectivist individualism’ mindset to be put at the heart of the fire safety regime – one that guaranteed freedom from insecurity and injustice from fire – this would be a positive step on the road to building a safer, equal and productive society. It would also allow individuals to sleep more soundly in their beds at night.

The Grenfell Inquiry has further revealed the dangerously casual approach taken by the construction industry to public safety, as well as the government’s unwillingness to properly enforce compliance. Clearly it is not enough to leave public safety to the whims of the state and industry. History has tragically exposed the failures of the free market to regulate itself, whilst the state has dramatically abandoned its historic responsibility for public safety. The state’s failure to make buildings safe is a gross violation of its responsibility towards individual citizens and is one of the key reasons for the collective loss of trust in the institutions of parliamentary democracy to act in the interests of public safety and security. Yet, as we have seen throughout this book, protecting public safety is a moral issue calling for strong and coordinated leadership from the state and it is not enough to

restrict regulators to narrow measures of enforcement in the form of administrative sanctions or small fines. Tony Prosser and Mark Taylor, two experienced fire safety writers, have shown that local authorities have been discouraged by central government from using sanctions in cases where housing providers and construction firms have violated building regulations or fire precautions.³¹⁸ If the present system of industry self-regulation is to largely remain in place, particularly at a time when the present government is calling for greater proportionality – that is, for ‘a less codified, common law-focused approach’ to regulation – there remains a need for strong rules and compliance measures to be put in place to ensure that regulators act decisively to avoid catastrophic failure.³¹⁹

It is not enough to maintain the present system of self-regulation without appropriate enforcement powers or with under-staffed regulatory bodies. As we have learned during the Grenfell Inquiry, premises have not been subject to the required level of building control, systems of inspections have been scaled back, and corners have been cut in building design and inspection. These have all been at the expense of public safety and are clearly not good for the economy either given the huge costs of remediation work attached to the ‘cladding crisis’ that has escalated since 2017. Industry has been exposed as failing to act in the interests of public safety when it is tasked with the duty of regulating its own products and practices. Moreover, discretionary powers are an insufficient solution because local

³¹⁸ Prosser and Taylor, *Grenfell Tower Fire*.

³¹⁹ Department for Business, Energy & Industrial Strategy, *Reforming the Framework for Better Regulation: Summary of Responses to the Consultation* (London: HMSO, 2022), <https://www.gov.uk/government/consultations/reforming-the-framework-for-better-regulation>, accessed 4 April 2022.

authorities do not act uniformly in the public interest, while private regulators prioritise a light touch approach to benefit their members.³²⁰

What is required is joint regulation from the multiple bodies interested in public safety – from the state, industry and third sector. A true partnership approach, rather than one that pays lip service to the obligations of state and industry, should re-centre health and safety as the priority of everyone. History reveals a precedent for joint working in the form of the Joint Fire Research Organisation (JFRO), discussed in Chapter 3, which drew together a variety of experts from across the public and private sectors to devise and lead on research and development within building and consumer fire safety in the decades following the end of war. Its joint fire and building research stations – later amalgamated into the Building Research Establishment – conducted world-leading research into structural and behavioural fire safety and made a material contribution to improved safety in the home as well as the workplace, especially between the 1960s and 1980s. Whilst there have been one or two lone voices calling for the re-nationalisation of building research in the wake of the Grenfell fire, it is surprising how little attention has been paid to the cultural shift in BRE which, having once regarded the improvement of public safety as its core concern, has prioritised the commercial interests of its paying clients since its privatisation in 1997.

Were a joint regulatory body to be given responsibility for building and fire safety, I would advocate adding representation on behalf of the third sector, including consumer and residents' bodies. A wider and more participatory approach towards building safety would constantly remind the testers of the need to prioritise public safety at all costs – as they did during the 1970s and 1980s, but in this instance their voices, rather than being marginalised,

³²⁰ Phillips and Martin, *Grenfell and Construction Industry Reform*.

would be integrated into the governance system. This would also introduce a much-needed layer of accountability to the regulatory system, which has been lacking for many decades.

Joint regulation would also help revitalise the relationship between citizens, state and the private and third sectors as acting in the moral interests of the nation. Lucy Easthope and Gill Kernick both remind us that learning from painful disasters requires a fuller range and diversity of views to be heard than is currently permitted, especially if such lessons are to be properly implemented rather than conveniently forgotten by those who govern. This need for greater democratic participation of citizens extends beyond the public inquiry process – not least because this always happens *after* the disastrous event – but should be embedded within the formal mechanisms that produce, review and monitor existing regulations. Learning from disaster must be necessary be painful, especially when it involves listening to bereaved communities and survivor groups. A more inclusive approach towards policy offers hope of a safer future for all communities, especially vulnerable ones.³²¹ It also empowers the state to unlock the potential of all its citizens by granting them a voice over their rights to a basic standard of health and safety. As we have seen in the previous chapter, residents’ associations, charities, law centres and other community groups repeatedly raised the safety concerns of residents in houses in multiple occupation with central and local government during the 1980s and 1990s, but these were not always heard and were rarely acted upon in a timely fashion. If the key decision-making authorities and advisory bodies included representation from communities as well as other public and consumer safety bodies, a ‘safety first’ approach towards policy could be developed that prioritised the security and protection of those it was designed to protect. Only with greater citizen participation and a more empathetic approach towards policymaking can we expect to build a safety culture that

³²¹ Lucy Easthope, *When the Dust Settles: Stories of Love, Loss and Hope from an Expert in Disaster*; Kernick, *Catastrophe and Systematic Change*.

seeks to prevent mass-fatality fires from occurring in the first place rather than retrospectively react to them.

In the 1950s and early 1960s, governments were fairly criticised for reacting too slowly to major disasters rather than proactively preparing for them and mitigating against their destructive capabilities. Policymakers started to address this imbalance into the 1970s with the development of a precautionary approach towards fire safety that relied as much on the professional experience of the fire-fighter as it did the commercial pressures of industry bodies; although precautionary approach proved to be an expensive one, its goal of preventing fires and reducing the number of fire casualties was a noble one with notable successes, especially in the hotel industry. Since the 1980s and 1990s, however, ministers have drifted ever further away from this consensual, experiential model of policymaking in favour of an adversarial style of politics that pays lip service to partnership but, in practice, regards specialist expertise as counter-productive to efficient and effective governance. Policy advisory bodies like the Central Fire Brigades Advisory Council (CFBAC), which invariably acted as a bulwark against bad policy, were abolished for political reasons, albeit these were publicly justified as exercises in modernisation or policy streamlining. These were replaced with weak stakeholder associations that have been criticised for not challenging bad policy, fearful of speaking out in case they went the same way as the CFBAC. Meanwhile, responsibility for fire safety was devolved from the state to the individual, which demanded a degree of responsibility from industry groups to act in the interests of public safety. Whilst some industry bodies have acted with care and attention, others, not least in the construction industry, have prioritised profits above public safety.

This decision to deregulate fire safety, aggressively pursued by successive governments since the 1980s, has been found wanting and recent fire disasters, including that at Grenfell, have exposed deregulation as a fatally flawed approach which only benefits the

disaster capitalists who profit from our collective misery. Radical change is required in the anti-regulatory culture that permeates Whitehall, both in terms of ministers' ideological aversion to red tape and to civil servants' failures to hold ministers to account for pro-business policies that diminish public safety. Yet these are not mutually exclusive issues – improved safety measures in the home and the workplace would bring benefits to employee productivity and citizen wellbeing, which can only be good for the wider public engagement with politics. But to do this demands a culture change at the top of government in positioning public safety and security for all as the state's core priority. This is surely in the best interests of everyone – from the individual to the nation – and would be the most fitting memorial to the 72 victims of the fire at Grenfell Tower.