

To: The First Tier Tribunal – Property Chamber (Residential Property)

Case Reference: LON/00BJ/LSC/2018/0286

Applicant: The London Borough of Wandsworth

Respondents: Various Leaseholders

# Introduction

Date Sunday 17th Feb, 2019

1. This is a Submission to
  - 1.1. “Application for Stay of Proceedings” until after the Grenfell report part 2 is published
  - 1.2. Failing a Stay to request an Application for Extension of Time
2. It has been prepared by Paddy Keane (Battersea High Street RA) pursuant to the Directions of the First-tier Tribunal (“the Tribunal”) dated 5<sup>th</sup> November 2018 as a response to the Council’s full statement of case.
3. This Submission explains in detail the basis as to why the Council’s Application to install sprinklers is unreasonable.
4. Cllr Malcolm Grimston has produced a statement which is supplementary/complementary to this statement so I will defer where possible to his. Cllr Claire Gilbert has produced a letter with great support with the same requests.
5. This submission has been made personally. I have no legal training so hopefully some leeway can be made in its format, legal comprehension and spelling.

# Structure of this Submission

## Background

*“A decision could only be found to be not reasonable if it was inconsistent with the contractual purpose or was made irrationally. A decision is irrational in the public law sense if it is:*

- *Not made in good faith*
- *One that no reasonable person could have come to*
- *Made ignoring obviously relevant factors; or*
- *Made having regard to irrelevant factors”*

6. This Submission is divided into 6 sections. I will argue that the councils’ scheme is:

(A) ***Inconsistent with contractual purpose***

- i. Of the security clause in the lease.
- ii. Being made irrationally due to what the obligations of the council actually are.
- iii. That WBC has changing its statement of case since the FTT case management hearing.

(B) ***Not made in good faith***

- i. Due to an incorrect projection of what would give residents reassurances while also completely disregarding those same residents’ views.
- ii. In ignoring LFB advice of installing sprinklers in 18m (6+ storeys) rather than 30m (10+ storeys) is nefariously trying to prevent more residents being involved in the case and expressing their objections.
- iii. Intentionally avoiding explaining its stance on insurance issues
- iv. Disparaging views of residents making WBC avoid garnering important information from residents as part of its decision-making process.
- v. That WBC has suffered from a term called “unconscious bias” in its decision-making process.

(C) ***No reasonable person signing the lease could have assumed these obligations***

- i. That no one signing the lease could assume, at the time it was construed, it could mean the impositions of sprinklers

(D) ***Made ignoring obviously relevant factors***

- i. That the council has failed to cogitate relevant factors of the Grenfell enquiry and all other factors in Cllrs Grimston statement.
- ii. Has failed to take into consideration the Fire Safety record and engineering of our buildings:
  1. Variations of ability to get a mortgage
  2. Concrete buildings and fire spread
  3. Concrete balconies

(E) *Made having regard to irrelevant factors*

- i. That it based its decision on a report (Appendix 26) which contains irrelevant factors, is factually inaccurate and also highly biased.
  1. Biased comments on the genesis of misting systems
  2. Unvalidated assumptions on sprinkler installations & flat designs
  3. Water Supply
  4. Incorrect Costings
  5. Irrelevant and incorrect statements on Misting Systems
  6. Incorrect statements on Ventilation
  7. Fudged statements on Project specificity
  8. Incorrect statements on Suitability
  9. LFB AFSS Position Statement is agnostic
  10. Maintenance
  11. Sprinkler water is dirty & stinks
  12. Failures in Procurement
  13. AFSS Conclusion

(F) *Conclusion*

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## (A) Inconsistent with contractual purpose

Please refer to Cllr Grimston's statement in regard to this. I will add.

### i) Comprehension of the term "Security"

'Security'. Point 62 of council's statement of case says; "The word '*security*' means '*safety*' or '*freedom from threat or danger*'".

Safety means safety, security means security. The council can't swap out the single specific word it is relying on to enforce this scheme. The term 'Safety' is the overarching term, 'Security' is a sub aspect or sibling to it. Following through the council's arguments, they may as well shut down the London Fire Brigade and get the Police, who have the security remit, to put out fires. Building security is not all encompassing of fire safety. In fact, there are tensions between the two.

Residents are not allowed to install iron gates over their front door, which would add extra security, due to it compromising fire safety and the ability for LFB to access the property in an emergency. Security and fire safety work in balance and need to be in harmony to be mutually beneficial. They are discrete topics with a symbiotic relationship. The terms should not be interchanged at will as the council is attempting to do. By failing to appreciate this balance they are being inconsistent with the contractual purpose of the wording in our lease.

The fuller clause in our lease around security say:

*“To do such things as the council may decide are necessary to ensure the efficient maintenance administration or security of the block including but without prejudice to the generality of the foregoing installing door entry systems employing caretakers’ porters and other staff...”*

Although it says, ‘without prejudice’ there is some clarity that the topic of security is geared around the security of the building from outside persons entering and not fire safety. It’s my contention that ‘without prejudice’ is in relation to giving the council leeway to install other measures of building security (i.e. communal CCTV).

“Freedom from threat or danger”. In this regard, if security is to in compass fire safety, it is only the council’s obligation of fire spread and not fires in general. It is highly commendable to wish to save lives. But the council doesn’t owe a duty of care to accidents in my flat. If I cut myself on a knife while cooking, they can’t ban me from cooking or owning a knife. In terms of the risk of fire, their obligation to save lives is only to prevent fire spreading. Considering they have not demonstrated that our building has had its compartmentalization breached by any examples of high rise fires they mention, while also noting severe historic fires in our block that were contained within one dwelling (in 2009), demonstrating the excellent fire engineering of our building, we can be considered to have satisfactory cover from the threat of fire spread (in terms of WBC’s sprinkler scheme having an effect on it - there may well be other actions that WBC could take to improve threat of fire spread)

## ii) Obligations of the council in regard to Fire Safety and necessity

The plan fact is that the term ‘fire safety’ is simply not mentioned in our leases in respect of giving the council rights to install sprinklers. Fire Safety is a discrete topic in and of itself with rules and regulations. It needs specific consideration in the lease for the council to enforce sprinklers - it does not. The reason fire safety isn’t mentioned in our lease is because it was assumed as a given that the building had fire safety engineered into its design through ‘compartmentalization’. To enforce aspects of compartmentalization the lease mentioned specifics that could cause issues. i.e. **not to store gas canisters in flats**. The fact that this is mentioned in the lease clearly shows that fire safety was thought about when the lease was written and deemed not necessary to make further obligations on to leaseholders.

## iii) Changing to WBC statement of case

In WBC’s original statement it claimed it has rights of access under the terms of installing/maintaining watercourses and pipework. I note that they no longer refer to this in their full statement of case. It is clear that sprinklers are not watercourses. A sprinkler head is a device that is attached to a water supply, similar to a CCTV camera being dependent on electrical wiring. I assume WBC has realized that it will struggle to win this argument. However, in making their decision, this was one of the clauses they originally relied on and wanted the FTT to clarify. In changing their case to the “Wednesbury rule” since the case management meeting where we (the

leaseholders) highlighted Lord Neuberger's judgment shows yet further proof, that at the time of the decision they had not been satisfactorily aware of this judgement and are now post-rationalizing the original decision, omitting relevant factors that led them to their decision (i.e. that they could rely on the clauses in the leases pertaining to watercourses - which they patently cannot)

## (B) Not made in good faith

### i) Incorrect projection of what would give residents reassurances

There's another definition of security that the council has not highlighted.

*"The state of feeling safe, stable, and free from fear or anxiety."*

Point 90. 15 *"It is clear that the installation of water sprinklers would give a level of re-assurance to tenants and leaseholders"*

One of the council's stated aims in introducing this scheme was to make residents feel safe (albeit without actually asking). This is supposition and plainly wrong based on the response to the FTT. What's clear is that residents would have reassurance through consultation and understanding of their buildings fire risk assessment – not a knee-jerk reaction, 14 days after Grenfell, to enforce sprinklers. Though its heavy handed approach and in the specifics of the scheme in installing a device into people's homes that they have no control over (together with the constant, daily, fear they it may flood their homes, due to fault or even due to a small fire that can be dealt with by a fire blanket or extinguishers), WBC is having exactly the opposite effect: they are making people feel less secure in their homes.

I'm aware of people seeking counselling due to the stress and anxiety they are under entirely due to this scheme; others saying they are overwhelmed by it all; pensioners and people unable to work due to health conditions beside themselves with worry that they will lose their homes due being unable to pay – not to mention the other concerns from people who see no need for the scheme.

### ii) Not Taking Advice of LFB

As noted by Cllr Grimston, the LFB advice is to install sprinklers in blocks over 18m (or 6+ storeys) not 30 metres (10+ storeys). The council has not explained why they are not following the LFB advice. It must therefore be taken into consideration that the reason why the council isn't trying to enforce sprinklers on 6+ storeys is to avoid increasing the opposition to the scheme by including more residents. This is a process called 'Chunking', They hope to win this case with as small an opposition as possible and then be in a much stronger position to move the goalposts and put the imposition of sprinklers onto more residents in lower storey blocks. I consider this to be devious and taken with all the points above not in good faith.

### iii) Intentionally avoiding explaining its stance on insurance issues

The installation of sprinklers also affects the liabilities placed on residents.

Appendix 26 states:

*“When undertaking a sprinkler/mist system installation the council should also consider responsibility of residents if the system is ever triggered in the event of a fire, accidentally or maliciously resulting in water damage to residents’ personal effects. Are the council going to bear all costs regardless of the reason the system is activated, or will residents be informed that it is up to them to obtain insurance cover for all water damage resulting from activation”*

In or lease Third Schedule, 9 states:

*If the flat has a balcony ... .. not to allow any water to percolate from the balcony or roof garden to any parts of the Block underneath.*

Insurance and a sprinkler activation putting us in breach of our own leases are a highly relevant point to residents. It is not part of the elements to be considered in the report (appendix 26). The council has made no clear statement on this in their submission. I consider this one of the fundamental factors the FTT needs to consider to be able to determine the reasonableness of the decision. It is therefore unreasonable of the council not to have made clear their intention in this regard.

Far from helping, this scheme is demonstrably increasing people’s fear, anxiety and sense of security in a negative, adverse way.

## iv) Disparaging views of residents

Point 25. **“It is only by working collaboratively with residents and the landlords of individual dwellings in the building that the duty holder will be able to effectively manage the building safety risks”**

It takes two to corporate. In the council’s first port of call, choosing to take this case to the FTT rather than consult with residents, they have shown how poor they are in working collaboratively. Mr Reilly, in charge of this scheme, refer to residents with views on this topic as “The Opposition”. That’s all you need to know about the council’s attitude to collaboration or their regard towards residents. This surfaces bad faith in the decision making of the council. I’ve never considered myself ‘The Opposition’ only a resident who has been researching AFSS systems for 9 years and with a point of view worthy of the council’s consideration and of importance in their decision-making process.

## v) Unconscious bias

It is a well known fact that our brains are conditioned with unconscious bias including:

- **Law of small numbers:** We bias towards anecdotal examples rather than statistically significant data. So, we may generalize one incident to an entire population.
- **Confirmation bias:** We may be too quick to seize on limited evidence that confirms our existing perspective. And we may be too quick to dismiss contradictory evidence for the same reason.
- **Recency bias:** We bias towards recent events when we make judgments and decisions.

In making this decision 14 days after Grenfell tragedy it’s my contention that the Council was

suffering from Recency bias in making its decision. It has not based its decisions on an evidence-based approach as laid out by Cllr Grimston. It has attributed the singularity of the Grenfell tragedy to the entire population of its high-rise stock.



## (C) No reasonable person signing the lease could have assumed these obligations

i)

Point 22 (5) of Lord Neuberger's summary of relevant factors states

- (5) [21] The fifth point concerns the facts known to the parties. When interpreting a contractual provision, **one can only take into account facts or circumstances which existed at the time that the contract was made, and which were known or reasonably available to both parties...**;

This means that at the time the contract was written a reasonable person could assume the clause 'Security' could relate to sprinklers being enforced on them. At the time the contract was construed there was no market sector dealing with residential sprinklers. The council notes that sprinklers laws at the time related to commercial premises and even now, in the present day, the council is concerned there's not a large enough sector or expertise to build and install their scheme.

### **Appendix 26 - 14.0 Procurement states:**

*"From our investigations the majority of sprinklers installers operating in this market are fairly small. The larger companies at present focus on commercial/industrial markets"*

How then, given there were no or next to no residential sprinkler installers at the time the lease was construed as well as it only being a requirement for a fully approved sprinkler system to be installed in commercial buildings, could a reasonable person consider the lease they signed, and in relation to the term security, might include this scheme?

## (D) Made ignoring obviously relevant factors

### i) Ignored relevant factors of the Grenfell enquiry

The FTT gave an instruction to explain why this scheme was a global scheme, as opposed to the necessity of block by block work to understand safety risks of individual blocks or block types. Cllr Grimston covers this, I will add.

### ii) Fire Safety record and engineering of our buildings

#### 1. Variations of ability to get a mortgage

There are some blocks in the scheme that banks will lend to for a mortgage and others they won't. This is due to the detail analysis that banks have done on the buildings. They have looked at all the safety issues and building materials allowing them to deal with each block type individually. Why is the council incapable of doing this? I consider this unreasonable and ignoring relevant factors of the building types in the scheme

#### 2. Concrete buildings and fire spread

Point 100.

***“the assumption that blocks of a concrete construction are always safe and that fires only spread in cladded blocks is not correct. “***

There has never been an assumption that ALL concrete constructed blocks are ALWAYS safe. Any building has a threat of fire. We merely say that of the 100 blocks currently in the scheme, they will sit on a spectrum from low risk to higher (to some degree) and that the single attribute of building height isn't enough of a reason to enforce this scheme, particularly when we have buildings that share none of the features that the council uses as examples of fire spread. No cladding, no partial clad panels, no wooden balconies, no internal corridors/communal areas.



<https://www.insidehousing.co.uk/news/news/window-panels-burnt-in-belfast-fire-says-expert-53313>

It's not rocket science to know concrete doesn't burn. Not only is there not a single example of a fire spreading in a building similar to ours, there **is evidence that fire doesn't spread** in our building from severe historic fires. Therefore the council, with all its examples of high-rise fires as a basis for this decision, is using irrelevant factors in regard to fire safety of our block as there are no features our build shares which has caused fire to spread.

**Building height, in and of itself, is not a cause of fire spread (though it may have implications to the outcome if fire does spread).**

### 3. Concrete Balconies

Our building has further protections to prevent fire-spreading that are not being taken into consideration.

*“Without the presence of a balcony, fire projecting from a window tends to travel vertically, unobstructed along the wall. However, the presence of the balcony can deflect a flame outward, away from the wall, thus impeding the vertical fire spread and reducing radiation to the floors above”*

*“In general balconies will slow external fire spread. They reduce the impact of the Coanda effect and effectively create extended vertical and horizontal Spandrel distances.”*

This design is of major significance in helping prevent vertical fire spread, by pushing the fire away from the building's facade, thereby keeping heat away for the building. In 2009 there was a very severe fire that gutted a flat below me. The fire was contained and did not spread. I don't know what more proof is needed that our building has its compartmentalization intact due to the careful fire engineering of its design? If the council has inadvertently breached this compartmentalization since then through its major works scheme or in allowing other work to take place the onus should be on them to fix it rather than making residents liable and to pay for an extra layer of protection that may not even address some scenarios of fire spread.

Note, our building of 11 stories, has **no internal corridors**, has **balconies on both sides** and 2 stairwells/fire escapes for the top 3 floors. Mitigating many concerns of fatalities due to fire spread and smoke buildup. There are many other buildings of a similar low risk category to ours.



It is a fundamentally different design to some of the other building that are part of the scheme. Some are 18 floors without balconies and with internal corridors & communal areas. There may well be blocks that have a higher risk threshold where an AFSS system may be justified. But that doesn't justify the decision for our block or many others

The Governments own uncertainty on the use of sprinklers undermines the councils' position.  
<https://twitter.com/FitzMP/status/1093827136081879041>

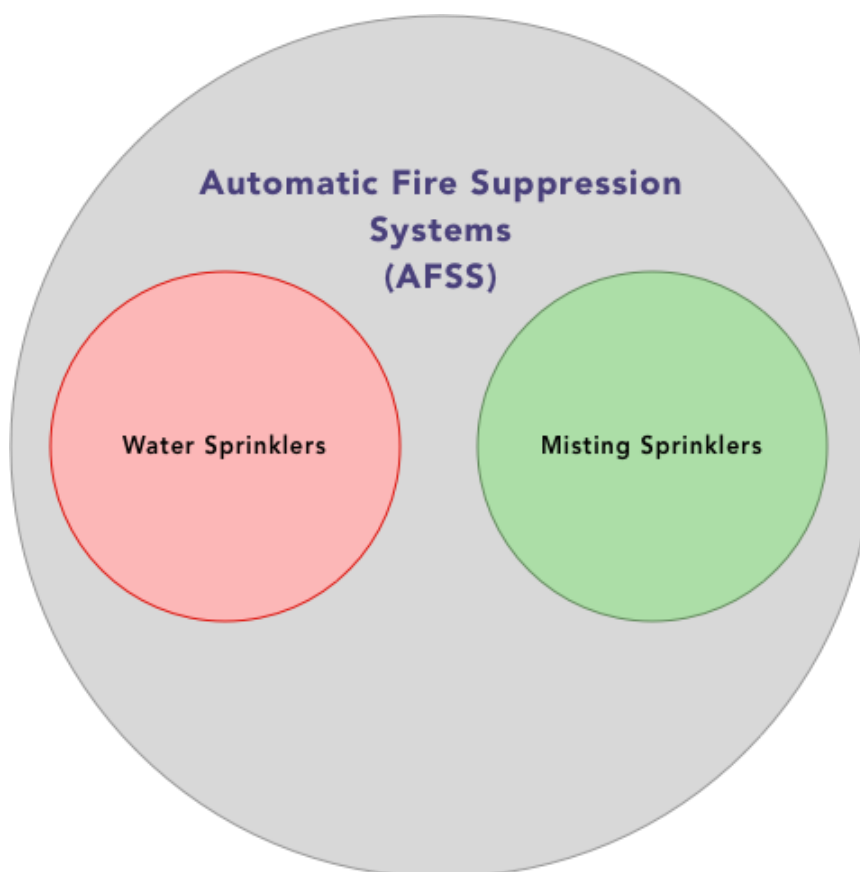
**(E) Made having regard to irrelevant factors**

## i) Unreasonable for the council to rule out mist systems

### Background

When reading the council's full statement of case it's vital to note that in the majority of references where it mentions 'sprinklers' it is in fact referring "AFSS" systems in general (Automated Fire Suppression Systems). AFSS systems include mist systems. It is important that a clear distinction is drawn between the two systems as they have fundamental differences. Unfortunately, the statement of case is construed in such a way to constantly refer to 'sprinklers' in reference to AFSS systems in general as well as in reference to a specific type of AFSS system which the council has made a decision to install. No doubt this will add confusion when understanding the statement, for example in regard to comments made by LFB in relation to AFSS systems in general as opposed the specific sprinkler scheme of the councils.

The council has put in small print, in a footnote <sup>1</sup> Sprinkler systems are also referred to as Automated Fire Suppression Systems ("AFSS"). But rather than continue to use the correct terminology in the



statement to clarify the differences it discombobulates.

**The council has based its decision to dismiss misting systems based on report Appendix 26**

I consider it unreasonable to rule out misting systems based on a report without residents' consultation or point of view. While also using this report as a bases for their decision which contains inaccuracies and biases.

## 1. Biased comments on the genesis of misting systems

The report states that misting systems were born out of the maritime industry, putting this in a negative light. The council seems to think that technology **forged in extreme environments** with some of **the best engineers** is in some way not applicable elsewhere. No-one complains that a lot of the technology in our phones comes from the Space industry; lightness, miniaturization, energy efficacy...

It notes that one of the attributes of a misting system is to prevent flooding a boat with a lot of water. This is construed in the report along with other supposed negative reasoning. Preventing a tower block from flooding multiple properties is clearly a highly desirable thing!

The report makes incorrect assumptions about ventilation, state of windows and the effect of wind on a misting system. (We all have brand new ventilated double glazed windows, minimizing the need to have them open). Does the council think it's not windy at sea? Misting systems have been tested and passed under draft conditions. It's also highly doubtful that windows would be open when the strength of wind needed to affect a misting system is present.

*"Given the size of Wandsworth Council's installation program all sprinkler systems should be fully compliant to standardized installations across the borough"*

Why? We are dealing with 100 building of vastly different designs. Surely AFSS systems should be specific to the building and the fire engineering of that building. I appreciate it's a nice to have that there's a standardized system but in practice it may not even be possible due to specific features of buildings and flats.

*"The sprinkler system specification should be designed and installed in accordance with BS9251:2014..."*

Why is this being decided now. Give that the installation may not start till 2022 this spec will be 8 years out of date. Irrespective of that, misting systems have standards equivalent to this standard - <https://plumis.co.uk/bs9251.html>

Misting systems can be superior to sprinklers as they use 90% less water, a single pump can control up to 6 sprinkler heads without the need of a tank.

## 2. Unvalidated assumptions on Sprinkler installations & Flat Designs

*"Pipework would enter the property at a high level either above or alongside the flat entrance door... ... It is inevitable that some decorations will be damaged during installation & these will need to be made good..."*

The council hasn't validated this. My flat has floor to ceiling cupboards and shelving that would prevent pipe work coming in the hallway without redesigning the flat. They mention that decoration will be damaged. However, in mine, and many other cases we'd have furniture, shelving



and complete redesigns of flats needed to accommodate the pipework and sprinklers. This hasn't been adequately or reasonably assessed by the council.

*"Supply pipework from the tank would be galvanized pipe... .. in the worst case run surface mounted externally up the face of the building"*

Our building, and many others, we'd likely fall into the worst case. What the council has failed to stipulate is if the pipework would be wet or dry? Pipe work that has the potential to freeze should be dry (pipes filled with high pressure gas). If we have wet pipes it increases the risk of pipes freezing and bursting. These are the kind of details that the council needs to present to the FTT in order for it to make a decision as it can't rule in the abstract.

Types of sprinkler systems Wet/Dry: <https://www.bafsa.org.uk/sprinkler-systems/types-of-sprinkler/>

*"Where pipes run between concrete floors these will need to be core drilled..."*

This could do significant damage to the structure of the building unnecessarily. The council has failed to take into consideration the relevant factor that a misting system would not require this work. It's important for the FTT to understand how invasive and disruptive this is. A core drill is not your average drill



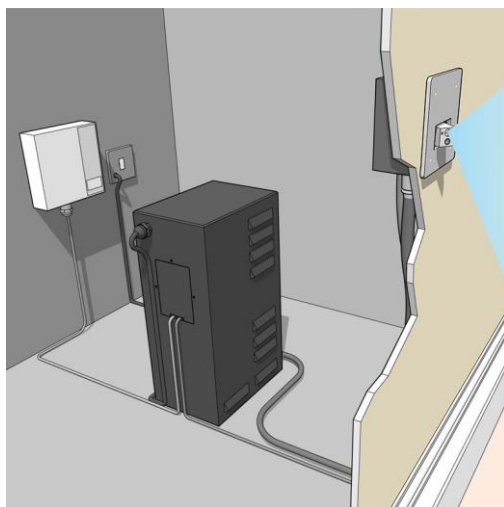
Our building is filled with legacy, deactivated pipe work and service areas that can't be reused due to asbestos concerns. The council plans to install more unupgradable pipe work. A significant advantage to the misting systems is the ease in which they can be upgraded without leaving redundant structures in place. This has not been considered. In fact it's mentioned as a negative that the misting technology is constantly evolving. This is a good thing, taking advantage of the technology and investing in a system that is improving over time with innovations helps future proof the scheme, compared to a legacy static system, this is highly desirable.

### 3. Water Supply

The council's scheme means that extra water tanks will need to be purchased, installed and maintained. Due to misting systems using 90% less water, extra tanks are not necessary. Reducing costs and maintain charges further. This is part of the elements to be considered yet the report doesn't mention the significant advantages of a mist system in address this topic.

Bear in mind a misting system only needs a pump slightly bigger than a shoe box to run up to 6

sprinkler heads running off normal water supply without the need for extra tanks. <https://plumis.co.uk/smartscan.html>



## 4. Costs

The report states a misting system would be £4,426 vs a sprinkler cost of £4,622 a flat. However, they base this cost without taking into account the £34,000 discount they were offered. I myself have has quotes of £4,200, which would be further reduced at scale. In costings for the misting system they mention a charge of additional water tanks at £25,000. Misting systems don't have to require extra water tanks: it's the council's sprinkler spec that needs them. This erroneous cost has been attributed to the misting system and not the sprinklers. Misting systems would be cheaper, easier and more flexible to install. It is unreasonable of the council not to take cost into significant consideration. Although the report mentions cost, it does not state it as an element to be considered. I consider that to be unreasonable

## 5. Irrelevant and incorrect statements on Misting Systems

The report states

*“Misting systems largely come about as a result of the maritime industry. Ships by their very nature are usually **divided into many separate compartments**. Given this fact, it allows a mist system to operate far more effectively than in an **open domestic or commercial environment**”*

Wandsworth high rise blocks are predominately made up of one- and 2-bedroom flats. These are small dwellings. In fact, the overall schema of a high rise building is also a division into many separate compartments, similar to a ship, making a misting system an ideal candidate.

A) Why mention issues with **open domestic** spaces when the housing stock is small compartmental units.

B) Why mention **commercial environments** at all? It's that's totally irrelevant. The council is relying on irrelevant facts in making its decision.



## 6. Incorrect statements on Ventilation

The report states

*“Mist systems do not operate effectively in well ventilated areas such as older flats ... if a mist system has any wind entering the flat via an open window it could quite easily blow the mist away from the seat of the fire....”*

In fact, part of the misting tests and spec state

*“A situation with having the window open and having a draft is part of the test of BS:8458, this proved that it made no change to the operation of the system.”*

We, and many others, have recently forked out thousands of pounds for new, double glazing windows with vents built in - limiting the need to open windows.

## 7. Fudged statements on Project specificity

The council has wishful thinking if it thinks it will not need to design sprinkler schemes specific to blocks and individual flats. It says misting systems need to be ‘project specific’, while also mentioning that under their sprinkler’s proposal that “inevitably some variations will need to occur given the layout of individual flats.” In effect acknowledging that both systems will need to be project specific. It’s the misting system that has more flexibility in this regard and hence would be the better system.

## 8. Incorrect statements on Suitability

The report states:

“Misting systems are more suited to new build properties”. This is incorrect. They have been specifically designed to cater for retrofitting. It may interest the FTT that Runnymede Council retrofitting water-mist fire sprinklers to high rise flats

<https://plumis.co.uk/portfolio30.html>

## 9. LFB AFSS Position Statement is agnostic

The report states:

*“The overriding outcome of this meeting was that London Fire Brigade welcomes the installation of either a mist or sprinkler system...”*

Given the fact LFB would be happy with either system it is unreasonable of the council to have ruled out a misting system which would be far more preferable to residents (if they had to choose) without taking their views into account.

*“From our discussion with London Fire Brigade their preference would be for a fully compliant sprinkler system...”*

Where are the minutes of these discussions? Appendix 11 of the “LFB AFSS position Statement” states no such preference and says they would be happy with either.

Unlike the council’s statement which will confuse people between AFSS systems in general and sprinklers specifically this appendix clearly uses the correct terminology. I consider it to be in bad faith that the council hasn’t likewise distinguished this in their statement, only using small print in a single footnote. There is a risk that it will bias residents and the FTT who may not have so much knowledge of the subject.

**Sir Ken Knight CBE QFSM DL Former Chief Fire & Rescue Advisor & commissioner of LFB**  
*The importance of a product being ‘fit for purpose’ rather than following a regimented standard.*

<https://www.youtube.com/watch?v=dNsQlWy5Zho>

## 10. Maintenance

The report states

*“misting systems would be easier to fit but less robust, more susceptible to interference & potentially have a greater future maintenance cost given they require both water & an electrical supply to operate.”*

“Less robust, more susceptible to interference”? What does the council consider to be more susceptible to interference - a sprinkler system that a resident does not want or trust, or one that they are ok with? A misting system is perfectly robust for the needs of this scheme “potentially have a greater future maintenance cost”. What evidence does build control base this on? Considering a misting system doesn’t require extra tanks and pipework costs could be similar or cheaper. Either way I’m sure negligible.

## 11. Sprinkler water is dirty & stinks

It’s a little known fact that sprinkler water isn’t some clear, Evian mineral waterfall. The water is often **dirty** and **stinks** from being stagnant for a long-time making cleaning up after an activation harder, destroying residents’ possessions. Having your possessions destroyed by either fire or water is hardly a satisfactory set of options (a misting system can plug straight into the mains and does not have this concern). This has not been considered.

<http://www.piperfire.com/why-does-fire-sprinklers-water-smell-and-is-the-odor-hazardous/>

<https://www.youtube.com/watch?v=zSFIDvr8H1g>

## 12. Failures in Procurement

It is somewhat ironic that Wandsworth is actually host to a local misting company that has multiple international awards. Yet the council hasn't even picked up the phone to talk to them. (I have given WBC the company details multiple times). I consider that to be unreasonable and a dereliction of their duty.

## 13. AFSS Conclusion

If the Council is granted permission to enforce an AFSS system, then it is clear that a misting system is far more preferential when looking at the matrix of issues and risks:

A misting system is:

- Cheaper to purchase
- Easier to fit (and hence further reducing costs)
- Designed with retro-fitting in mind
- Accommodating of individual interior design of flats
- Causes less damage to the structure of the building when installation
- Cause less damage to the internals of the flat and is more discrete
- Causes less damage when activated
- Uses 90% less water
- Solves some insurance issues
- Is as easy or easier to maintain
- Is easier to upgrade
- Is modular so installation could be staggered as well as grant people who don't want them the option not to have it should they be deemed optional

## (F) Conclusion

I want the FTT to understand that although I'm adamantly opposed to council's sprinklers scheme and attitude to residents. And although I'm perfectly comfortable living without an AFSS system I could be persuaded to have a misting system installed if I could afford it. I already had plans drawn up to have one installed pre-Grenfell. I haven't gone ahead predominately due to costs (ironically this case is preventing me installing one should I find the necessary finances). Whether or not any of my neighbours choose to have an AFSS system installed is of no concern to me as an AFSS system is predominantly for the safety of myself and my family, not fire spread. I don't consider my security to be in jeopardy should others not have one installed. If only the council could sincerely collaborate with residents in designing a system that meets their needs and campaign with residents to get the government to reduce costs (i.e. reductions in VAT by adding AFSS to this list <https://www.gov.uk/guidance/protective-equipment-and-vat-notice-70123>) they would have a lot more success. When I speak to residents who are also determined to prevent sprinklers being installed, and I educate them about mist systems, a few of them have said - "Well I wouldn't mind one of those". My own **Red lines** are:

- I will only accept a misting system
- One I can afford (significantly less to the current estimate)
- A system I have control over. i.e. one I can deactivate should it trigger unnecessarily.

Due to all the points outlined I wish to make a motion for a stay in proceedings as it does not meet the "Wednesbury rule" that they rely on. I would have been keen to make a submission to the upper tier or for a stike out. However the costs and times involved are prohibitive, and considering any judgments made by the FTT may be superseded by the Grenfell report it does not feel like a good use of resources for any of us; the Council, the FTT or residents. A Stay in proceedings feels like a good middle ground to give time for the council to regroup, take on board residents views & debate the findings of the Grenfell report.

Failing the FTT agreeing to a "stay", we would like to request an extension of 6 months to prepare a formal submission for a stikeout. This is due in part, amongst a host of other reasons, to the group who have legal representation struggling to broaden it out to more residents due to technicalities with legal fees. Due to the structure of the FTT process it would be inconsiderate for me to put in a request for a strike out, with no legal training, that could prejudice others down the line. An extension would allow us to look at using the free services the FTT has recently directed us to while also seeing if it is possible to retain other legal services. Should the legal group make a motion to strike out without an extension I'd hope this submission could be used in support, alongside theirs.