

GRENFELL TOWER INQUIRY

MODULE 5 ADDENDUM OPENING WRITTEN STATEMENT ON BEHALF OF BSR REPRESENTED BY BHATT MURPHY, BINDMANS, HICKMAN & ROSE AND HODGE JONES & ALLEN SOLICITORS

WATER SUPPLY¹

[A.] OVERVIEW: AN ADDITIONAL KEY DEFICIENCY

1. The in-depth analysis of Dr Ivan Stoianov on *The provision of water for fighting the fire at Grenfell Tower on 14 June 2017*,² exposes an additional key deficiency in the LFB response to the fire that has not previously been appreciated. The available ground monitor situated on Grenfell Walk was capable of reaching the 15th floor and the available aerial pumps were capable of reaching the top of the building. Both of these things did not happen because of a fundamental misunderstanding of the technical features of water supply and a consequential failure to alter incident strategies to secure greater water flow. This is an extraordinary revelation over four years after the fire. Until this point, it was thought that the non-availability of the taller 42 metre ladders was the critical absent equipment on the night of fire, whereas, in fact, there was equipment present that might have made a difference, but for the lack of institutional knowledge on how to secure optimum water flow in order to use it to capacity. While the BSR must wait to consider the response of the LFB and others to the report, it is also troubling that the Inquiry's expert evidence is the first time that the issue is apparently being ventilated. This, along with the evidence given by LFB witnesses during Phase 1, suggests that within the LFB there has been no, or at least insufficient, appreciation of the issue.

[B.] LEGAL AND REGULATORY FRAMEWORK

2. The provision of water at a fire is a bare basic firefighting tool. Section 38(1) of the Fire and Rescue Services Act 2004 ('FRSA') states that a "*fire and rescue authority must take all reasonable measures for securing that an adequate supply of water will be available*

¹ This an Addendum to the main opening statement on behalf of the Team 1 BSR dated 6 August 2021 {BSR00000076}

² Stoianov {ISTRP00000001 to ISTRP00000011} dated 20 July 2021

for the authority's use in the event of fire". Section 7(2)(d) requires "effective arrangements" for obtaining information which it needs to carry out its functions, which may include "availability of and access to water supplies".³ The national operational guidance identifies liaison between individual Fire and Rescue Services and Water Companies as being of "vital importance because it is at this level that operational effectiveness rests".⁴

3. While the requirements are emphatic and almost trite given the importance of water to the function of firefighting, the national regulation suffers from want of detail and clarity about what adequate water supply should entail, as well as failing to differentiate between different sizes of buildings, materials used and presence of other passive and active systems. Dr Stoianov considers, "England and Wales has currently fallen behind other international standards and codes in Europe and the USA", which specify minimum supply pressure for firefighting, taking into account variations in building materials, and require the periodic inspection of flow rates from hydrants.⁵

[C.] SHORTCOMINGS OF WATER SUPPLY MANAGEMENT DURING THE GRENFELL TOWER FIRE

4. The identified shortcomings of water supply management by the LFB now read like a micro drama of the deficiencies at play in other aspects of the disaster.

First, in terms of fundamental flaws in governance and training, the LFB and presumably other FRSs, have operated with lesser water supply than necessary, because they have failed to train staff in how to optimise hydrant use, or to pre-test hydrants, and if necessary compel water suppliers to evolve their service to ensure necessary supply is available.

Second, all the available water hydrants were not marked on the ORD, or otherwise inspected, as they should have been as a result of properly conducted s. 7(2)(d) visits and there was no requirement under UK law, unlike other countries, to periodically test the hydrants to establish what level of water they could produce; both per minute and per second.⁶

³ McGuirk {SMC0000046/12 §14} and Explanatory notes to Section 7(2)(d) FRSA {<https://www.legislation.gov.uk/ukpga/2004/21/notes/division/5/2/1/2>}

⁴ National guidance document on the provision of water for firefighting (LGA & Water UK. 2007){THA0000006/9} and McGuirk {SMC0000046/62 §165}

⁵ Stoianov {ISTRP00000002/16} {ISTRP00000005/22 §4.2} {ISTRP00000005/44-45 §4.2.3}

⁶ Stoianov {ISTRP00000002/22 §§38-39}{ISTRP00000008/101-104}, Torero {JTO00000005/27/881-888}

The new expert evidence on water adds a potential additional reason as to why Flat 113 stands as the paradigm of preventable death.²⁸

[D.] CONCLUSION

12. The findings of Dr Stoianov clearly support Mr. McGuirk’s criticism as to the “*absence of any substantial or effective water strategy*” at the incident.²⁹ But they describe a much more deep rooted problem concerning the competency of both the LFB and the water supplier. In Modules 5 and 6, the issue of the supply and use of water at Grenfell Tower should therefore be investigated as regards: (1) the adequacy of the statutory and regulatory requirements on the provision of water, (2) whether or to what extent the LFB’s institutional response to facilitate water supply and use in London was appropriate or effective, (3) the skills, knowledge and training of firefighters pertaining to water, (4) the further shortcoming in the s. 7(2)(d) system as regards identifying and testing hydrants, as well as considering potential difficulties with water supply at the building(s) in question and deploying plans (contingency or otherwise) to mitigate those difficulties, (5) the coordination between the LFB and Thames Water for the provision of water for firefighting and (6) the potential operational consequences that the proper supply and use of water might have achieved during the course of the fire.

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²⁸ Phase 1 Closing statement on behalf of the G4 firms 6 December 2018 {INQ00000569/47 §4.7}

²⁹ McGuirk {SMC00000046/62 §167}