

Grenfell Tower Inquiry

2 December 2019

Mr Robin Cahalarn
c/o Danny McShee
Kennedys Law LLP
25 Fenchurch Avenue
London EC3M 5AD
By email only

Dear Mr Cahalarn

Kensington and Chelsea Tenant Management Organisation- Phase 2 of the Grenfell Tower Inquiry ("the Inquiry")
Request for evidence under Rule 9 of the Inquiry Rules 2006 ("the Rules")

In his Opening Statement, the Chairman indicated that he would conduct the Inquiry in two phases. In the first phase, the Inquiry investigated the development of the fire itself, where and how it started, how it spread from its original seat to other parts of the building and the chain of events that unfolded during the course of the hours before it was finally extinguished.

Phase 2 of the Inquiry will be concerned with the balance of issues identified in the List of Issues, a copy of which is available on the Inquiry's website. The current List of Issues on our website is an updated version of the provisional List which was first published by the Inquiry on 13 September 2017. This List will continue to be updated as the Inquiry's investigation proceeds.

Request for evidence

In order to progress the Inquiry's investigation of the Phase 2 issues, I am now writing on behalf of the Chairman with a formal request under rule 9 of the Rules for you to provide a written witness statement which addresses (a) the particular issues identified below and (b) any other issues in relation to which you consider that you have evidence which will be relevant to the Inquiry's investigation (a "Rule 9 Statement").

The deadline for provision of your Rule 9 Statement is **20 December 2019**.

De Vere Holborn Bars, 138-142 Holborn, London EC1N 2SW
0800 1214282

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Legal enquiries: solicitor@grenfelltowerinquiry.org.uk

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[References to “lifts guidance” within this Rule 9 letter relate to the documents listed in the Annex 1 to this letter. When answering questions, please refer to particular documents within Annex 1 (identifying the version of the document and the paragraph/section being referred to) where appropriate].

Issues to be addressed by a Rule 9 Statement

Please address or include the following in your Rule 9 Statement:

General

1. Describe any training, experience and qualifications you have relating to lifts and the lifts industry. Include details of any previous employment you have undertaken in the lifts industry.
2. Describe your role within KCTMO, including when you started working at KCTMO, in what role(s), when (if relevant) you finished working at KCTMO, and what training you undertook at KCTMO.
3. Describe in detail the nature of your duties at KCTMO, particularly in respect of lifts.
4. In general, as part of your role at KCTMO, were you required to monitor compliance of the lifts with Building Regulations, British Standards and/or associated lifts guidance?

The design and installation of two new lifts at Grenfell Tower (2004-2007) ('Project 1')

5. Please describe the nature of your involvement with Project 1. In particular, please address the issues set out in the following questions.
6. Identify any party/parties with whom KCTMO entered into relationships in order to carry out its role, describing the purpose of those relationships. Please also set out which organisations and individuals KCTMO had contact with in respect of design, construction, inspection or maintenance activities.
7. Please describe the process which led to the specification and/or Employer's Requirements which was provided to Butler and Young Lift Consultants.
8. Whether you, on behalf of KCTMO, devised, or helped to devise, a specification and/or Employer's Requirements for the lifts which was provided to Butler and Young Lift Consultants Ltd.

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9. Which other KCTMO staff assisted in drafting and/or devising the KCTMO specification provided to Butler and Young Lift Consultants Ltd?
10. Did the KCTMO specification require compliance with any Building Regulations, British Standards and associated guidance in force at the time and, if so, which?
11. Did the KCTMO specification require the lifts to be designed and/or installed as 'firefighting lifts' as required by lifts guidance (including section 7.2.1 of BS5588 Part 5:2004 and the equivalent part of BS5588:1991)?
 - a. If not, why?
 - b. Were structural constraints considered to prevent the installation of 'firefighting lifts'? If yes, explain in detail including which particular elements of a 'firefighting lift' could not be installed due to structural constraints.
 - c. If yes, was this communicated to Butler and Young Lift Consultants Ltd? If yes, by who?
12. What, if any, communications were had between yourself, other staff of KCTMO, Butler and Young Lift Consultants Ltd and/or Apex regarding compliance of the new lifts with lifts guidance and specifically whether they should be designed and installed as 'firefighting lifts'?
13. What, if any, consideration was given to the provision of a fire-fighting/protected lift lobby. If its inclusion was not considered to be practicable, why not and how was this recorded/communicated?
14. Whether you approved the specification document *The Refurbishment of Two Electric Passenger Lifts and Replacement of One Hydraulic Passenger Lift at Grenfell Tower* (April 2004) produced by Butler and Young Lift Consultants Ltd. If you did not approve this document, can you identify who within KCTMO reviewed/approved it?
15. Was the specification document entitled *The Refurbishment of Two Electric Passenger Lifts and Replacement of One Hydraulic Passenger Lift at Grenfell Tower* (April 2004) approved by KCTMO in the knowledge that it did not provide for full 'firefighting lifts'?
16. If you understood the proposed design for non-firefighting lifts to diverge from the requirements set out in Building Regulations, British Standards and/or associated lifts

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guidance in force at the relevant time, what steps did you take to highlight and address this divergence?

17. Whether you considered the works to H090 and H091 as part of Project 1 to be a lift refurbishment or replacement (i.e. whether the lifts were 'new lifts' or not?)

Fire control switches

18. What was the make and model of the fire control switch at Grenfell Tower and who supplied the switch? Please provide any other details about the fire control switch.
19. Please explain the intended functionality of the fire control switch?
20. What instructions were provided for use of the fire control switch?
21. Who wrote the instructions for use of the fire control switch?
22. A document entitled 'Grenfell Tower – Instructions for operation of Lifts Fire Control' at [CST00002037] was produced by KCTMO.
 - a. Did you provide information for these instructions and, if so, where did this information come from?
 - b. Who was the intended audience of this document?
 - c. What was the document used for?
23. What sort of key was used to operate the fire control switch?
 - a. Why was this type of key chosen?
 - b. Who took the decision to use this type of key?
 - c. Do you have any photographs of the key compatible for use with the fire control switch?
 - d. Who had access to this key?

Completion of Project 1

24. Following completion of Project 1, what handover process took place?

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25. Did KCTMO receive a copy of the Operations and Maintenance Manual? If yes, please exhibit it.

Definition of firefighting lift

26. In an email [CST00001269] dated 3 March 2010 Janice Wray wrote to Andrew Furness of Salvus Consulting, she referred to a discussion with yourself and had put together information relating to TMO lifts. The email lists a number of the requirements of firefighting lifts, but not all the requirements. The response to the email on the same day notes: *"TMO has confirmed that lifts servicing the block(over 18m in height) meet the requirements for fire fighting lifts as per specification provided by TMO senior lift engineer."* You were copied into both emails.

- a. Did the TMO adopt its own definition of a firefighting lift
- b. If yes, did this definition include some but not all of the requirements of a firefighting lift as set out in the applicable Building Regulations, British Standards and lift guidance?
- c. Were you aware that the lifts at Grenfell met some but not all the requirements of a firefighting lift? If yes, what action did you take to inform others of this? Who did you inform?
- d. Did you identify potential for confusion resulting from TMO adopting its own definition of a firefighting lift? Did you have and/or raise any concerns about this definition?

27. In an email dated 28 February 2011 [CST00001781] you wrote to Janice Wray at KCTMO and stated: *"As recently discussed ,standards on fire fighting /evacuation lifts ,which are not retrospect have become a lot clearer over the last year ,none of the TMO lifts are fire fighting or evacuation lifts . The TMO stock do have some of the requirements ,but the cost to meet the recommended standards would prevent us upgrading our lifts ."*

- a. What did you mean when you stated that standards on firefighting lifts have become clearer? What standards were you referring to?
- b. What did you mean when you stated that *"the cost to meet the recommended standards would prevent us upgrading our lifts"*? Was cost the only barrier to upgrading the lifts to meet the standards of a full firefighting lift?

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- c. What (if any) discussions were had between yourself, Janice Wray and/or Carl Stokes following this email? What was the conclusion of any discussions?
 - d. Were you concerned that the lifts at Grenfell Tower may not comply with the relevant standards on firefighting lifts? If yes, who did you raise those concerns with and how?
28. At a Fire Risk Assessment meeting on 30 March 2011 [TM010000871] the minutes state: *"JW to raise with R Cahalarn the issue of the different FB drop keys – to ensure that our locks are consistent and only the appropriate key is issued to staff and contractors alike."* JW refers to Janice Wray, as stated in the minutes.
- a. Do you recall a discussion with Janice Wray about drop keys?
 - b. Please detail the nature and content of the discussion in so far as you can remember it.
 - c. Was there an issue with incorrect drop keys being issued?

Project 2

29. What involvement, if any, did you have with Project 2?
30. In so far as you were involved in Project 2, was the issue of the lifts' compliance with the Building Regulations, British Standards and/or associated lifts guidance raised?
31. If so, by whom?

Overall

32. When, if at all, did you first become aware that the lifts at Grenfell Tower did not meet the criteria in the Building Regulations, British Standards and/or associated lifts guidance for a 'firefighting lift'?
33. Once you became aware of this, who, if anyone, did you inform?
34. Did you raise it on any subsequent occasion and, if so, when?
35. What was the response of the person you informed?
36. What action, if any, was taken?

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37. In your view, should the lifts at Grenfell Tower have been firefighting lifts as defined in the Building Regulations, British Standards and/or associated lifts guidance?

Format etc. of witness statements

The Inquiry has given detailed guidance on the style, format and content of witness statements. In this regard, you are referred to the Witness Statement Protocol, a copy of which can be found on the Inquiry's website (Documents/Key Documents/Protocols).

Your Rule 9 Statement should be prepared using the documents disclosed by KCTMO to the Inquiry. If you wish to refer to a document in your Rule 9 Statement, you should provide a cross-reference using the Inquiry's Relativity reference numbers. If you wish to refer to any documents that have not been provided to the Inquiry, these should be identified in your Rule 9 Statement, and a copy should be provided to the Inquiry with your Rule 9 Statement.

Disclosure of Phase 2 witness statements

Similar requests, under rule 9 of the Rules, have been made to various corporate and governmental bodies, and other individuals. Once your Rule 9 Statement has been provided in response to this request, the Chairman will consider when and to what extent it will be circulated to these individuals and if it will also be published on the Inquiry's website.

Next Steps

If you do not have legal representation, you may wish to seek legal advice in respect of the content of this letter. Once you have done that, please promptly advise the Inquiry of the identity of any legal advisors that are acting on your behalf.

Yours sincerely

Victoria O'Brien

Victoria O'Brien
Assistant Solicitor

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