

**WITNESS STATEMENT**

Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5b

Statement of: FEILDING-MELLEN, ROCK

Age if under 18: (if over 18 insert 'over 18')

Occupation: FORMER DEPUTY LEADER, RBKC COUNCIL

This statement (consisting of 9 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: R FEILDING-MELLEN

Date: 26/07/2018

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am providing this statement in relation to my former position as an elected councillor within the Royal Borough of Kensington and Chelsea (RBKC). I will explain my role and responsibilities and describe my involvement in and knowledge of the refurbishment of Grenfell Tower.

I acted as a councillor and fulfilled my responsibilities at RBKC on a part-time basis, typically 2 ½ days, or around 30 hours, a week, much of which was in the evenings. I was not an employee of, or salaried by the council, although I did receive an allowance as councillor and a further allowance as a cabinet member. I also have a separate and unconnected job in my role as a director [REDACTED] in a strategic land promotion company which operates outside London.

I was first elected as a councillor for St Charles Ward in May 2006. I served in this role for four years until May 2010. During that time I was a back-bench councillor and sat on the planning committee and on the public realm scrutiny committee. I lost that seat in the May 2010 election, but became a candidate in the by-election for the Holland Ward in the summer of 2010. I was subsequently elected as councillor for that ward. Neither of the wards I have represented cover the area in which Grenfell Tower is located.

I was first appointed to the RBKC Cabinet as the cabinet member for civil society by the then leader, Councillor Merrick COCKELL in April or May 2011. In this role I oversaw the work of the council in relation to: community safety, community engagement, and the voluntary sector. I stayed in this role for around 2 years until Cllr COCKELL stood down and was replaced as leader by Nick PAGET-BROWN in May 2013. I was then appointed by Nick PAGET-BROWN as deputy leader and cabinet member for

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housing, property and regeneration. I replaced Councillor Timothy COLERIDGE in this cabinet role and held this position from May 2013 until June 2017.

As an elected councillor there are three main potential roles of responsibility. The first of these is the day to day representation of the residents of one's ward. This involves addressing casework generated by residents, which may encompass issues such as local planning objections, housing issues, concerns about street cleanliness, policing and any other local issues that cause concern for residents. As a ward councillor my responsibility was to raise complaints or concerns of local residents to the executive director of the relevant department. The executive director will then explore these complaints and respond with the official position of the council and explain what, if anything, is to be done to address the query raised. I then communicate these findings to the resident and must judge whether the response is adequate or needs further following-up.

Another responsibility as an elected councillor can take the form of membership of committees, for example scrutiny committees. As a ward councillor you will develop a good understanding of what is going on within the borough. This can then help as a backbencher sitting on scrutiny committees. Scrutiny committees are made up of a panel of councillors and are tasked with considering the effectiveness of both the decisions of the cabinet and monitoring how those decisions or policies are then implemented by the council's officers. In the period from 2006 to 2011 I sat on a number of these committees. From 2011 onwards, as a cabinet member, I was a part of one of the groups whose decisions were actually being scrutinised so no longer sat on a scrutiny committee.

An area in which back-bench councillors play a part in decision making on behalf of the council is within planning committees. This is a significant role, which I undertook until around 2013 and is an area of council business in which councillors can take a key part. I would add that whilst a councillor's role may impact upon the Planning Department in terms of approval or rejection of certain applications in committee, the same cannot be said for the council's building control function. Whilst this function sits within the department for Planning and Borough Development the technical nature of this function means that it is not an area in which councillors typically get involved.

The role of cabinet member is the third potential responsibility of an elected councillor. At the time when I was the cabinet member for housing and property there were ten members of the cabinet, each member having their own portfolio or area of responsibility. Cabinet members are appointed directly by the leader of the council. My particular role was to provide the political lead representing the cabinet in overseeing the work of the council's housing and property departments.

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The cabinet forms the political executive, which provides strategic direction to the council as an organisation. The cabinet will set policies, priorities and objectives and approves major projects and budgets. As councillors we are part-timers and act following advice received from the professional officers who manage the council on a day to day basis. So whilst we set the direction of travel we don't manage the nitty gritty of how the council's services are delivered.

As the cabinet member for housing and property I worked closely with the Director of Housing, Laura JOHNSON, and with the Director of Property, Michael CLARK until 2016 and then with his successor, Richard EGAN. We typically held weekly meetings and the majority of information I received was from these directors or their members of staff. I was updated on live issues and they would seek a political opinion on some key issues. I would check reports that were prepared for cabinet by them and would share with them my opinions as to whether the cabinet was likely to approve particular proposals or not. Reports were presented to the cabinet by the relevant officer and the relevant cabinet member could give a politician's steer to their cabinet colleagues as to why the recommendations were worthy of approval (or not).

All the significant decisions had to be approved by the cabinet as a whole, and so those decisions would be based on the combination of the professional advice received from relevant officers, the needs and requirements of the different council departments represented by the different cabinet members, and also each cabinet member's take on whatever consultation responses from the local community might have been provided as part of the report recommending a particular decision. But once cabinet approval had been given, the actual implementation and day-to-day expenditure related to any such decision was the responsibility of the relevant officers. The cabinet approved budgets for specific projects or policies, but the expenditure of those budgets was managed by professional officers.

The Housing Revenue Account (HRA) within RBKC and, to my knowledge, every local authority in the UK, is a ring-fenced account that contains all the Council-owned social housing assets and other properties, such as shops or garages, within the Council estates as well as all the rents therefrom. It is separate from the General Fund account, which contains all the funds and properties for non-social housing related services. I was always told that the Council was not allowed to transfer funds between the HRA and the General Fund. That is to say that neither the HRA nor the General Fund could cross-subsidise the other; so, for example, the Council could not use the rents from our social housing to pay for social services or public parks, but nor could it use receipts from Council Tax to pay for maintaining its housing estates. It was my understanding that this situation was governed by statute.

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In the case of Grenfell Tower and of all RBKC social housing, the day to day management and maintenance of all buildings and ongoing tenancies was delegated to the Tenants Management Organisation (TMO). The cabinet would provide approval for housing related proposals brought to us by the council officers and the council officers would then delegate these actual undertakings to the TMO. Specifically regarding Grenfell Tower, the council had obtained some surplus capital to bolster the HRA via the sale of basement properties in Elm Park Gardens. After consultation with the TMO about which assets were in greatest need of investment, this surplus capital receipt was then earmarked for the refurbishment of Grenfell Tower. RBKC housing department sought approval from the cabinet for the project and for subsequent budget increases, but the execution of the refurbishment was then specified and managed by the TMO and its consultants and contractors.

The TMO would report to the housing and property scrutiny committee perhaps quarterly or twice yearly and provide information as to their overall performance, including on specific projects like the Grenfell Tower refurbishment. They would normally update me as cabinet member prior to their attendance at the scrutiny committee. The TMO was, to the best of my knowledge, its own legal entity, separate from the council with a specific function to manage RBKC's social housing stock.

My specific involvement in the Grenfell Tower refurbishment came about as part of my role as the cabinet member for housing, property and regeneration. The project had been approved by the cabinet in, I think, 2012. I was not the cabinet member for housing at that time (Cllr Timothy COLERIDGE had this role then), although I was a member of the cabinet that took the initial decision to invest in the refurbishment of the tower. I took over as the cabinet member for housing during the period when the project was being undertaken and was still in that role at the time of the fire in June 2017.

I was involved as a member of the cabinet which initially approved the proposal to refurbish Grenfell Tower and authorised the original budget, which I recall as being in the sum of £6.9 million in 2012. I remember that the report to cabinet provided details of an intention to improve the heating systems within the tower providing individual flats with the facility to control their own heating, to improve the thermal insulation of the building by cladding its exterior with insulation and replacing the windows, and to create "hidden homes" within underused space inside the building. The purpose of this work was to improve the quality of the accommodation inside the tower, in response to complaints that had been received from residents of the tower. It was not done in order to improve its outward appearance at the behest of nearby residents.

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Following the initial approval to undertake this project and once I had become the cabinet member for housing, a further request to increase the project budget to £9.7 million was approved by the cabinet in 2013. Then in 2014, there was another request to increase the budget so as to allow for sufficient contingency for a project of this size and complexity, and the cabinet approved an increase up to £10.3 million. Each of these decisions were made with the agreement of the whole cabinet, based upon a report from Laura JOHNSON or her staff. Each proposal formed part of a published agenda produced for consideration at the cabinet meeting, the full details of which should be available on RBKC's website. As far as I am aware, the Council was not asked for any further increases to the project's budget.

The way in which all these cabinet decisions were made was via consensus. This did not involve a formal voting system. Instead, proposals were discussed in an open forum and decisions reached by mutual agreement. Prior to the cabinet meeting councillors were able to read the published reports. When the cabinet meetings took place we then had an opportunity to ask any questions of the relevant officers. In terms of financial approval, the cabinet was asked to approve specific amounts that it was advised were necessary for specific projects; the cabinet would not arbitrarily specify what budget it thought might be appropriate for any given project, but would approve (or not) the budget that had been costed and proposed by the relevant officers, who in turn may have taken advice from others, such as the TMO in the case of Grenfell Tower. The cabinet did not become involved in attempts at "value engineering" as the project progressed. To my knowledge, there was never any suggestion that the safety of the building would be undermined in order to save money. This was not RBKC's way. We had committed to spend a lot of the HRA's money on this project and we expected the job to be done well without corners being cut.

The decisions relating to the refurbishment works at Grenfell were each approved by the whole cabinet, and I do not remember there being any dissenters. It was generally agreed to be a worthwhile project. It required a significant expenditure, but we were informed it was affordable within the HRA budget. Our expectation as cabinet members was that the refurbishment would provide tangible benefits to the residents of the tower. We relied upon the expertise of professionals within the TMO together with their professional consultants and their main contractor, Rydon, to deliver the project safely and effectively. As the project was being undertaken the cabinet, the scrutiny committee, and I, as cabinet member for housing, were provided with updates on how the works were progressing with regards to both schedule and budget. It is possible that some such reports to the scrutiny committee were presented in my name, but I believe any such information would have been relayed to me from the TMO via Housing officers.

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Any updates we received would have been fairly generic and would not provide specific details of technical issues or day to day management or construction decisions. There was no mechanism or perceived need for us to actively influence how the work was being carried out. This was in the hands of professionals within the TMO, whose competence I had been assured of. Issues such as any changes in materials, for example the use of aluminium instead of zinc was something that I only remember becoming aware of after the fire. I do not remember being aware at that time of the specification of items such as this, or the windows that were filled or how they were installed. Equally, for example, I do not know the specification of the boilers used. This was simply not an area where we, as councillors, would get involved.

My role as cabinet member for housing did mean that I was aware of, or involved in the following occasions when the project was the subject of further discussion:

The first occasion took the form of my attendance at a meeting, which to the best of my recollection took place in Summer 2013 before work had begun and was with Laura JOHNSON, the local councillor Judith BLAKEMAN, and a small number of leaseholders at Grenfell Tower, I think possibly two or three, the spokesperson for whom was a gentleman by the name of Tunde ADOWERU. The focus of this meeting was to address the concerns expressed by these leaseholders that the refurbishment of Grenfell Tower was not going to take place at all, or would be subject to long delays. The position of the council, which we tried to express to the leaseholders, was that the project was going ahead, that the council and TMO were committed to achieving it and that the process of design, planning approval and commissioning, whilst an unavoidably protracted one, was progressing steadily. At no time in this meeting do I recall anyone raising concerns about what the intention of the project was, or any reference to safety issues relating to the refurbishment, but simply the seeking of an assurance that the project would take place and in a timely fashion. This meeting was not a formal process and as such was not officially minuted, nor its details published. I may have exchanged e-mails with councillor BLAKEMAN and others regarding the meeting, which would have been via my official RBKC e-mail account, as would all other communication which I undertook relating to my role for RBKC.

Some time after this meeting, was the only point at which I expressed a personal opinion on any of the specifics of the project. This was in relation to the planning application process. I remember being informed, either at a weekly meeting or via e mail, that planning approval for the refurbishment was at an impasse as a result of a planning officer's opinion that the battleship grey cladding proposed by the architects was less preferable to a champagne colour favoured by that officer, whose name I do not recall.

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In response to this I e-mailed Jonathan Bore, the then Executive Director of Planning, and questioned the extent to which the subjective opinion of a junior planning officer was going to be allowed to delay progress of a major refurbishment, which many residents already felt had been delayed too long. I seem to remember expressing my own opinion that the colour proposed by the architects was preferable to the champagne colour apparently favoured by the planning officer. I am not sure what, if any, effect my observations may have had on causing the planning process to progress or on the approval of the colour of the cladding eventually used. I think that there were also other issues being considered at that time, about which I held no knowledge and ventured no particular opinion. In expressing my views regarding the colour of the cladding I did not have any knowledge of, or opinion regarding the type of material which was proposed, or eventually used. I simply expressed my view about the colour, which, as it related solely to a subjective aesthetic issue, did not require any technical expertise.

As the project was in development I became aware that Rydon had been selected by the TMO as the main contractor. This was a decision which neither I, the Cabinet, nor (to the best of my knowledge) Housing officers took any role in. My understanding is that responsibility for the management of how the work was to be undertaken and which professionals were contracted to carry it out was solely in the hands of the TMO. I remember that at the outset of the project, there existed an expectation that Leadbitter, the contractor who was building the Kensington Academy and Leisure Centre (KALC) in Lancaster West, would undertake the refurbishment of Grenfell Tower. I then remember being informed that the price that Leadbitter had quoted was significantly higher than that thought reasonable by quantity surveyors employed by the TMO for the project. I think the TMO thought that Leadbitter were seeking to exploit what they may have seen as a special position. As a result the TMO decided that the project should go out to tender, rather than proceed as a non- competitive contract with Leadbitter. I suspect that the early initial figure of £6.9M for which cabinet approval was sought was an internal estimate by the TMO. The subsequent figure of £9.7M was, most probably, generated following input from quantity surveyors and architects at the time when the contract was put out for competitive tender. I do not remember ever being party to and have no recollection of any discussions which raised any concerns about the affordability or safety of the project when based upon the final figures agreed by cabinet. All reports and minutes of cabinet discussions regarding the funding of the project are published online and should still be available. Later, in early 2016, I became aware that some concerns had been raised about interactions during the project between the contractors, the TMO and some residents. These concerns were brought before the Housing and Property Scrutiny Committee in a meeting that was attended by, amongst others, Edward

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DAFFARN. The main thrust of this discussion related to issues raised by some residents of Grenfell Tower regarding the way in which the refurbishment had been carried out. To my recollection they were not questioning the work that was done, but raising concerns about the treatment of some residents during the project. There were allegations of harassment and bullying and concerns about noise. These complaints were taken to the Housing and Property Scrutiny Committee where Mr DAFFARN presented on behalf of the concerned residents. I was not a member of this scrutiny committee and was not present on that occasion, although I did often attend their meetings. I was unable to go to this one.

I remember that the TMO board appeared to have looked into these complaints. They set up a separate sub-committee to investigate the complaints, which was, I believe, chaired by one of their independent board members. I remember seeing the report from the TMO, which sought to determine what may have gone wrong and made certain recommendations for future projects. I was advised at the time that this was the responsible thing for the TMO board to have done. They looked at what recommendations they could put into place for future projects and these findings were addressed in their report.

The report was not, to my recollection, produced for me, or at my request, although I had sight of it in my role as cabinet member for Housing. I don't think that the council officers demanded this report either. My understanding is that the TMO Board itself decided to commission this investigation and report because of the complaints it had received. Nevertheless, I was obviously interested in this report as the TMO was the Council's managing agent; I wanted to be reassured that they were taking due notice of such complaints and following through with appropriate investigation.

The report itself was a multi-page document and I am no longer able to remember the specifics of its contents. The general impression that I retain of it is that they didn't identify any evidence to support allegations of harassment or bullying, but that the TMO did take on board some areas where there was scope for improvement, although I cannot accurately remember the substance of those issues. I would say that the sense within both the Scrutiny Committee and within the Housing Department was that the TMO was taking these concerns seriously and were implementing appropriate recommendations for future improvement. I remember that I felt reassured by the report.

It was following on from this and the complaints voiced to the Scrutiny Committee that I took part in a meeting with Laura JOHNSON, Judith BLAKEMAN and a gentleman, a private tenant in Grenfell Tower, who I believe was called Dave COLLINS. Mr COLLINS had produced a long list of recommendations which he thought that the TMO should implement for future projects. These "lessons

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learned” were his view of what went wrong on the refurbishment project. I remember going through the list with Laura JOHNSON and identifying a certain amount of cross-over, where his recommendations lined up with those that had already been identified by the TMO itself although there may have been others that went beyond that. I do remember saying to Mr COLLINS that it was not really within the remit of the council to impose changes upon the TMO and that whilst they acted on behalf of the council, they were their own separate entity with their own board. I remember that Laura JOHNSON and I agreed after this meeting that the TMO’s report and recommendations remained satisfactory.

There were two issues that I do remember being raised during my tenure at the council which, in my mind, had relevance to the fire safety of the building.

The first related to resident concerns, raised to the TMO early in my time as the cabinet member, about power surges experienced by those living within the Grenfell Tower. I remember being copied in to a number of e-mails relating to these power surges and the TMO’s responses. I do not recall exactly who these e-mails were between but possibly the Grenfell Leaseholders Association and/or the Grenfell Action Group and the TMO and maybe Laura JOHNSON and Judith BLAKEMAN. I do not believe that I took a personal role in dealing with this issue but I was sighted with regards to how it was addressed and it is possible that I e-mailed Laura JOHNSON to satisfy myself that it was being treated appropriately. Ultimately, I was content that it was being dealt with effectively by the TMO and the correct actions were being raised in terms of obtaining specialist support. I recall that this issue was probably raised before the refurbishment works at Grenfell Tower had actually started, possibly as early as 2013.

The second safety related issue that I remember being aware of was residents’ concerns that the National Grid were installing a replacement gas main in the tower, through the stairwell, which also provided the emergency means of escape from the building. This issue became apparent to me only a short time before the fire at Grenfell Tower. At the time this struck me as pretty shocking. I remember corresponding with Laura JOHNSON, questioning this activity and National Grid’s powers to conduct this work without consultation with the council, the TMO, or the residents of the tower. This was still a live issue at the time of the Grenfell Tower fire on 14<sup>th</sup> June 2017. I was aware, through Laura JOHNSON, that the TMO were actively trying to address the issue with the National Grid but that the National Grid had their own statutory powers to conduct activity. On this issue I was assured that the TMO was seeking to address the residents’, and my own, concerns.

I would describe Grenfell as an important project for the council in terms of the capital outlay committed by RBKC’s HRA. I was obviously interested in seeing the project completed well and on time but I did

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not seek or expect to have a “hands on” role. It represented a significant amount of the HRA budget, but was a housing management issue, which fell to the TMO. I saw it as a TMO project, which (to the best of my knowledge) was overseen by Peter MADDISON from the TMO.

Other issues ongoing within the borough at the time were more directly the responsibility of the Council as opposed to the TMO. Examples of these, on which I spent more of my time, were: dealing with temporary accommodation issues, addressing challenges raised by new legislation like the Housing and Planning Act, and looking at ways to build more and better affordable housing through the estate regeneration programme.

I can state that at no point prior to the fire at Grenfell Tower on 14<sup>th</sup> June 2017 do I remember being aware of any fire safety concerns relating to the refurbishment works undertaken. The only issues of fire safety that I remember were those I have mentioned regarding the placement of gas risers by National Grid and of previous power surges.

I believe that should any other specific issues of fire risk have been notified to me then these would have been treated with seriousness by me and by Laura JOHNSON of RBKC.

My perception at the time at which the project was being undertaken was that it had been placed in the hands of competent professionals. As a member of the cabinet, looking at RBKC’s activities from a strategic level I felt that the TMO was a professional organisation run by professional people. They had employed qualified architects, QS firms, project managers, CDM coordinators, clerks of works, and Rydon, a large, reputable company, had been procured as the main contractor. My assumption was that all those people, with their technical understanding would make sure that anything used on the building would meet the necessary regulations and that the building control process would check that this was the case.

Further to the statement I provided to police on 1 March 2018 the contents of which are above, in the interim I have become aware via an essay in the London Review of Books of an email from Peter MADDISON to me on 18 July 2014. Mr MADDISON suggested in the email that the TMO had been considering using aluminium instead of zinc cladding. This article prompted me to locate the original email and whilst I accept that I received this information, I do not recall at that time picking up on that particular issue or making any comment on it.

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