

**GRENFELL TOWER  
PUBLIC INQUIRY**

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**Witness Statement of  
Sam Mackover**

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I, SAM MACKOVER, WILL SAY:

1. I make this witness statement further to receipt of the Rule 9 letter from the Public Inquiry dated 12<sup>th</sup> July 2018 and to provide assistance to the Public Inquiry.
2. The matters contained in this statement are either known to me or are ones which I believe (in which case I have specifically said so) or are derived from records including computer records maintained by the Royal Borough of Kensington and Chelsea ('the Council', 'RBKC'), and to which I have access and with which I am familiar and which I believe to be accurate.
3. I was elected as a Councillor for RBKC on 9<sup>th</sup> June 2011 and I remained in this position until I retired from the Council on 3<sup>rd</sup> May 2018. Throughout my time as a Councillor I represented Queen's Gate Ward and had a responsibility to my ward residents. I was also responsible for performing my duties as a member of any committee I served on, as governed by the Constitution.
4. In respect of Grenfell Tower prior to the fire, my involvement was solely through my membership and subsequent chairmanship of the Housing and Property Scrutiny Committee ('HPSC').
5. I attach to this witness statement an index of the exhibits to which I refer in the following paragraphs of my statement.

6. I feel deeply for the pain and suffering of the former residents, neighbours and families of Grenfell Tower caused by this tragedy and hope this Inquiry and the work of the authorities will help rebuild and strengthen the whole community over time.

### **Governance / Management**

7. I was appointed to the HPSC in 2011, a short time after my election. I joined as a regular member. The committee was made up of a Chairman, Vice-Chairman and around eight other members. I was a Conservative Councillor and the HPSC had cross-party membership. All members were “backbenchers” (i.e. not part of the Cabinet / Leadership team). All members of the HPSC were equal and had an equal voice.
8. The purpose of the HPSC was set out in Article 6 of the Constitution (February 2016) (SM/1). It had no power or authority to make decisions. It could not order something to be done or stop anything from happening.
9. The HPSC met between 4 and 6 times a year and had no research or support staff. Papers were generally provided by the Executive and the Housing and Property teams. The Governance team distributed the Agenda and took the minutes. At around two and a half hours per meeting, there was a strict practical limit to what the HPSC could do. Members did not receive any documents other than those provided in the pack of papers for each meeting. Members would receive these a week in advance to read and form the source of scrutiny questions.
10. Each Agenda pack contained a number of regular Borough-wide update reports such as reviews of charges and rents for the year and reports on the housing budget. Members also received regular Cabinet Member update reports and Council Director update reports for Housing and for Property.
11. Members of the public could attend HPSC meetings. On occasion a matter / paper could be decided by officers to be confidential (for example, terms of a commercial property letting). In those circumstances, the meeting would be split into two parts. Part A would be held in public and its agendas and minutes would be available on the RBKC website.

For Part B matters, members of the public were not permitted to attend. Part B agendas and minutes were not publicly available.

12. Decisions of the Cabinet were alerted to HPSC members in a Forward Plan, which formed part of the standing agenda. 'Key Decisions' were defined in Article 7 (SM/2), 7.10 of the Constitution as follows:

*"A key decision will be any executive side matter that is not already delegated to officers which:*

- (i) involves income or expenditure of £100,000 or more; and/or*
- (ii) is likely to have a significant impact on the community in one or more electoral wards."*

13. They were ascribed "diamond ratings" as set out in the Appendix to Paper A15 for the 13<sup>th</sup> July 2016 HPSC Meeting (SM/3):

*"♦♦♦ High impact/high public interest*

*♦♦ High impact/low public interest*

*♦ Routine/low public interest"*

14. Three-diamond key decisions were typically brought to the HPSC for discussion prior to Cabinet decision. Members could ask the Chairman if they wanted any lower rated key decision to be discussed. Any member of the Council could ask a scrutiny committee to look at an issue relevant to that committee. I cannot recall an example where Cabinet changed a decision as a result of scrutiny feedback from the HPSC.

15. Decisions made by officers under delegated powers, or ward / case work questions were not in scope for scrutiny. The individual ward councillor would send the question to the relevant officer for a response. The HSPC typically was concerned with borough-wide performance issues but Members could raise any issue for discussion in case it was indicative of a possible systemic failure. Under Article 6 (SM/1), 6.08 of the Constitution Scrutiny Committees must not scrutinise any matter relating to a planning or licensing decision.



16. During the time that I was a member of the HPSC, Cllr Blakeman was the ward councillor for Notting Dale Ward (which included Grenfell Tower). She was an HPSC member, assiduous in raising matters particularly in relation to her ward.

17. The management of the Council's housing stock was delegated to Kensington and Chelsea Tenant Management Organisation ('the TMO'). My understanding of this arrangement is based on TMO Performance Review reports submitted by the Director of Housing to the HPSC. Paper A12 for the 13<sup>th</sup> July 2016 HPSC meeting (SM/4), paragraph 1.1 stated:

*"The management of the Council's housing stock is delegated to KCTMO through the Modular Management Agreement. The activities undertaken through this delegated authority are monitored by the Housing Department on an ongoing basis through a performance management framework. The framework looks at the activity and achievements of KCTMO through a suite of performance indicators (PIs) and programme of audits, and a higher level overview of projects and initiatives based on annual, medium and longer term basis which meet both organisation's corporate priorities, government policy and residents' wishes."*

18. As an external organisation with its own structure and management board, the TMO did not report to the HPSC and the HPSC had no control over its activities. HPSC (through Governance) could request a representative of the TMO to attend to comment on a particular activity or to review the Performance Agreement. Paper A12 for the 13<sup>th</sup> July 2016 HPSC meeting (SM/4), paragraph 1.3 stated:

*"The Performance Agreement for 2016/2017, which the Council will use to monitor KCTMO's performance, has been agreed with KCTMO. Monitoring of the Agreement will take place quarterly and will be reported to regular meetings with the Director of Housing and KCTMO Chief Executive. Progress against the Performance Agreement will be reported at the end of quarter two to the Cabinet Member for Housing and Property and to Scrutiny Committee."*



19. I held my first meeting as Vice-Chairman of the HPSC on 10<sup>th</sup> July 2014. The only responsibility of the Vice-Chairman was to continue running the agenda if the Chairman had to step out of the meeting.
20. I held my first meeting as Chairman on 13<sup>th</sup> July 2016, after the works to Grenfell Tower had been completed. I acted as Chairman for 10 HPSC meetings in total. Prior to my third meeting as Chairman on 16<sup>th</sup> November 2016, I asked the governance officer responsible for Scrutiny at the Council, Jacqueline Hird, to provide guidance to HPSC members on their role. She did so in the form of a Chairman's briefing note (SM/5) on which I believe she provided training to the HPSC at or before that meeting.
21. The role of the chairman was to manage progress through the agenda, ensure the orderly running of the meeting and enable all members to say and ask whatever they wished. In preparation, the chairman would see the draft agenda and documents prior to its circulation to the other HPSC members. This was to check that the matters on the agenda were suitably ordered and achievable in the allocated time.
22. The Council's Governance department would supply the chairman with the draft agenda and pack of papers for each meeting. The chairman did not decide the content of the meeting. Many matters were pre-set in an annual cycle, i.e. at certain times of the year the HPSC would be given certain matters, e.g. budgets, monitoring reports, to review.

### **Refurbishment of Grenfell Tower**

23. HPSC members received several updates on the progress of the improvements programme and hidden homes project at Grenfell Tower, usually in a section of the main report of the cabinet member or the director of housing, but on occasion in a separate paper.
24. Updates to the HPSC noted the TMO consultation process. Paper A11 for the 10<sup>th</sup> July 2014 HPSC meeting (SM/6), paragraph 2.6 stated:

*"Consultation with residents in March 2012 produced overwhelming support for the proposals"*

25. The same paper (SM/6), paragraph 2.8 stated:

*“Resident consultation was undertaken regarding the revised proposals which, carried on throughout the process as timescales have changed and specifications have become more certain against budget.”*

26. I saw no evidence to suggest that any of the works were not required or that different works were required instead.

27. The TMO was contractually responsible for the refurbishment works. No technical issues were submitted to the HPSC, as they would be considered under contractual arrangements by the professional consultants and project managers reporting to the TMO. Planning matters were specifically excluded from HPSC scrutiny by the Constitution.

28. Paper A11 for the 10<sup>th</sup> July 2014 HPSC Meeting (SM/6) covered a proposed key decision to increase the budget for funds requested by the TMO for the Grenfell Tower Project. Paragraphs 2.3 – 2.5 stated:

*“In December 2011 KCTMO were asked to carry out an exercise to identify where major investment was needed on the housing estate...”*

*“Grenfell Tower was identified and a report approved by Cabinet on 2 May 2012. Cabinet agreed to allocate £6 million towards the scheme. This is being met from the net capital receipts arising from the Elm Park Gardens scheme. The proposed scope of works at this time included replacement windows, external cladding, provision of additional flats (hidden homes) and the upgrade of the nursery and boxing club.*

*Subsequently KCTMO worked up a proposal to upgrade the communal mechanical and electrical services, including the renewal of the communal heating system. On July 2013, Cabinet agreed a revised budget for the whole Grenfell Tower project of £9.7 million.”*

29. The report stated that the TMO Board had agreed the selection of Rydon as the preferred contractor. The recommendation that was being put to Cabinet was an increase in the

budget to £10.3m, to be funded from a draw down from the Housing Revenue Account ('HRA'). Paragraph 3.2 stated:

*"While the agreed tender means that the works can be done within the agreed budget of £9.7m, that leaves absolutely no contingency. On any complicated refurbishment project like this, with works being done around tenants remaining in situ, it would be prudent to include a contingency of at least 5%; however, with the additional risks to budget outlined in para 3.1, it would be prudent to include a contingency of at least 6% in this case. It was therefore recommended to Cabinet that the budget for this scheme is increased to £10.3 million to include a sum for contingency of 6%."*

30. I do not believe any member objected to the budget increase. The TMO said it was necessary, and the officer report expressed no concern about the use of the additional HRA funding. The report noted the reasons for the proposed cost increase.

31. Papers provided to the HPSC were the sole source of information I had about the programme of work to be undertaken at Grenfell Tower. Paper A11 for 10<sup>th</sup> July 2014 (SM/6), paragraph 2.10 stated:

*"The schedule of works will be:*

- Replacement of heating and hot water system for all properties within the Tower.*
- Replacement of windows with double glazed units.*
- Thermal cladding of the building.*
- Re-provision of premises for the nursery.*
- Re-provision of premises for the boxing club.*
- Re-provision of office space for the Lancaster West Housing Team.*
- Smoke/fire safety and ventilation works*
- Redecoration of the communal areas of the building.*
- Demolition of specific ramps and staircases to improve access through the site.*
- Associated environmental works*
- Delivery of seven new hidden homes in the lower areas of the building comprising of; 1 x 1 bedroom, 2 x 2 bedroom , 1 x 3 bedroom (wheelchair unit) and 3 x 4 bedroom flats."*



32. At the HPSC meeting on 10<sup>th</sup> July 2014, members were told about plans for resident liaison, a respite flat and newsletters. Members heard that people living in Grenfell Tower wanted to control the temperature of the heating system in their own homes. Cllr Blakeman asked for consideration to be given to some other improvements.

33. The HPSC Meeting Minutes for 10 July 2014 (SM/7) record at A11:

*“Mr Maddison in response to Councillor Blakeman’s suggestion said that small improvements such as security in stairwells could be looked at. He advised Councillor Pascall the new heating system would be controllable by residents of each flat and individually charged for”.*

34. HPSC members received an update in Paper A4 for the 13<sup>th</sup> May 2015 meeting (SM/8) regarding hot water pipes and the location of the heating units within the flats. There was a seven-week set back to the completion date linked to the installation of new windows.

35. HPSC members received an update in Paper A7 for the 5<sup>th</sup> November 2015 meeting (SM/9) which noted the completion date had been revised due to the liquidation of two subcontractors responsible for the new entrance area steelwork and the external cladding. The update noted that Rydon had been proactive in getting an alternative supply chain in place.

36. HPSC members received an update in Paper A4 for the 9<sup>th</sup> March 2016 meeting (SM/10) which noted that works inside residents’ flats were completed before Christmas and post work quality inspections were being carried out to check that minor snagging items were identified and addressed.

37. By July 2016, the works at Grenfell Tower were almost complete and Paper A12 for the 13<sup>th</sup> July 2016 HPSC meeting (SM/4), paragraph 3.4.2 of Appendix 1 stated:

*“The regeneration of Grenfell Tower is complete except for the final piece of environmental work around the block. The work has delivered:*

- *New controllable communal heating to 120 flats (with individual control)*

- *New double glazed windows*
- *Thermal overcladding*
- *New entrance*
- *9 New Hidden Homes at an average cost of £100,000 per unit.*
- *Community Room*
- *Boxing Club*
- *Nursery”*

38. The only mention of Grenfell Tower within the HPSC Meeting Minutes for 13<sup>th</sup> July 2016 (SM/11) was at A12:

*“Cllr Blakeman asked that it be minuted that the Council should thank the residents of Grenfell Tower for what they had been through over the previous four years of construction work”*

39. By this stage of practical completion, no outstanding issues relating to the building works had been alerted to HPSC members.

### **Fire Safety**

40. RBKC borough wide scrutiny of Fire Safety falls under Community Safety and Emergency Planning. The Constitution, Article 6 (SM/1) 6.05 provides that this was within the remit of the Cabinet and Corporate Services Scrutiny Committee. I understand that the Borough Fire Commander participated at the meetings of that scrutiny committee.

41. HPSC members received information on fire safety across the TMO estate from reports and updates provided by the Director of Housing, a TMO representative and in the cabinet member’s report. I recall that various updates were provided at HPSC meetings from 2014 onwards on installing flat entrance doors compliant with fire safety standards.

42. At the HPSC meeting of 13<sup>th</sup> March 2013, members were updated on the issue in Paper A5 (SM/12), Section 1.1 – 1.2 – TMO Fire Entrance Doors:

*"In January 2014 it was reported to Scrutiny that there were 37 doors that had been assessed as non-compliant. There were also 14 doors that had not been assessed as we had been unable to contact the leaseholder, or gain access to the property.*

*"Our Fire Consultant has now assessed all but one of the previously un-assessed doors, with 13 found to be compliant."*

In further points, the paper updated the steps being taken to contact households and what enforcement action would be taken.

43. The HPSC Meeting Minutes for 10<sup>th</sup> July 2014 (SM/7), paragraph A8 record:

*"Ms Johnson reported on further action against the three outstanding TMO leaseholders who had still not engaged with the Council over inadequate fire resistant entrance doors. Councillor Pascall thanked the officers for their continued efforts over many months to resolve this issue."*

44. Paper A6 for the 24<sup>th</sup> September 2014 HPSC meeting, (SM/13), paragraph 6.1 stated:

*"In July we reported that the number of non-compliant leaseholder flat entrance doors had decreased from 37 to 11. This figure has reduced to 3 non-compliant doors, the remainder being confirmed compliant."*

45. On 2<sup>nd</sup> May 2015 I sent an email to Anne Wright in the Governance Department. I assume I had looked at the forthcoming HPSC papers and wondered whether it would make sense for the TMO / Council to pay for replacement of the leaseholder fire doors rather than proceeding with enforcement action. The e-mail (SM/14) stated:

*"Interesting reports, thanks. It might be interesting to have to hand the cost of a fire door vs cost of legal enforcement action" ...*

46. At the HPSC meeting on 13<sup>th</sup> May 2015 a summary of the Fire Risk Assessment process in relation to flat entrance doors was given in Paper A5 (SM/15) as well as an update on progress to replace non-compliant doors. Section 1 stated:



*"Work is continuing in relation to the issue of leaseholder flat entrance doors which are not compliant with fire safety standards..."*

*KCTMO's programme of Fire Risk Assessments (FRA) is ongoing and continues to consider the compliance of flat entrance doors as they form an integral part of the means of escape from the block. The FRA highlights any flat doors which are potentially non-compliant.*

*Where clarification is required about the standard of a tenant's door the Fire Consultant is instructed to attend, carry out an assessment and produce a report confirming what action is required. Where replacement is required a repair order is raised for the installation of a suitably fire-rated, self-closing door.*

*Where a leaseholder's door is highlighted, the Home Ownership Team write to the lessee seeking documentation confirming their door's compliance and offering an assessment if they are unable to provide this. The lessee is provided with a copy of the report and where the door is deemed to be non-compliant to date we have worked with the leaseholder to persuade them to prioritise its removal."*

47. The HPSC Meeting Minutes for 13<sup>th</sup> May 2015 (SM/16) at A5 record:

*"Ms Johnson introduced the report and invited questions from the Committee.*

*In response to Councillor Bakhtiar, Ms Johnson advised that TMO tenant doors were checked for fire safety compliance as part of an annual programme and replaced if non compliant. She agreed to provide an update to the Committee on the exact number of non compliant TMO doors."*

48. I recall that HPSC members carefully reviewed fire door updates as an ongoing matter of concern. If there was any other non-compliant fire or safety issue we would have expected the TMO or officers to have included details in these reports and discussions.

49. Paper A7 for the 15<sup>th</sup> September 2015 HPSC meeting (SM/17), Section 5, informed the HPSC that the TMO was working on the final two doors and provided details of the efforts being made.

50. On 31<sup>st</sup> October 2015 there was a fire at Adair Tower. HPSC members were told verbally of this fire at the HPSC meeting on 5<sup>th</sup> November 2015. The Chief Executive of the TMO, Robert Black, commented on the fire. The Meeting Minutes for 5<sup>th</sup> November 2015 (SM/18) record at A7:

*“Mr Black provided an update on the major fire at Adair Tower which had occurred on Saturday 31 October on the third floor. He reported that the investigation was ongoing but the emergency planning in place had worked and the fire doors had also worked well. He explained the timelines for tenants re-gaining access to their flats and the re-housing of those unable to return...”*

*Cllr Blakeman asked why tenants were led out of smoke-filled stairways and consequently had to be treated for smoke inhalation. Mr Black explained that the policy was to stay in your flat and wait to be rescued by [sic] the natural reaction of people was to flee. He said that there was no main alarm system but the fire brigade had arrived within 2-3 minutes.”*

51. Also at the HPSC meeting on 5<sup>th</sup> November 2015 members were provided with the Mid Year review on TMO performance. Paper A6 (SM/19) Section 8.1 covered Health and Safety:

*“A Health & Safety Action Plan facilitates monitoring of compliance with health & safety legislation and best practice. This is updated and presented to the KCTMO Health & Safety Committee on a bi-monthly basis...”*

#### *Fire Safety*

*The Fire Risk Assessment (FRA) programme, required by fire safety legislation, is ongoing and continues to adhere to best practice guidelines and comply with London Fire Brigade (LFB) requirements*

*Bi-monthly meetings with LFB Officers continue. This has fostered a closer working relationship and led to increased LFB familiarisation visits to major works projects such as Grenfell Tower and other blocks (particularly high-rise) throughout the stock, closer cooperation on fire investigation & post fire audits, better interrogation of false fire alarm activations...*

*Eight fires were reported and attended by the LFB in this period. No-one was injured in any of these incidents. Six of these fires were considered by the LFB to be relatively minor with little or no damage to property. In the remaining two cases there was significant property damage.*

*Electrical inspection and testing programme progressing – within communal areas and also within dwellings. Inspections within dwellings incorporate the installation of a hard wired (with battery back-up) automatic fire detection system..."*

52. Paper A13 for the 6<sup>th</sup> January 2016 HPSC meeting (SM/20) provided an update on the Adair Tower fire at Section 4. Members were informed that the fire was due to arson. Paragraphs 4.5 – 4.7 stated:

*"Following the fire the TMO undertook fire risk assessments of both Adair Tower and Hazelwood Tower and the resulting actions in the majority have been completed with the exception of the major refurbishment works required on the third floor lobby area and the two water damaged flats in Adair Tower which have commenced but are yet to complete.*

*The TMO has been advised by the London Fire Brigade that the Council/TMO will be served with two Enforcement Notices as a result of the fire risk assessments the Brigade undertook following the fire at Adair Tower. One Enforcement Notice will cover Adair Tower and one will cover Hazelwood Tower. The two towers were built to the same design having two separate staircases, one for accommodation access, the main staircase and one for emergency, the escape staircase.*

*The TMO has yet to receive the actual notices but has been advised that the key matters of concern relate to the design of the main staircase ventilation system and the lack of self closers on the individual flat front doors (it should be noted that the TMO has agreed*



*with the Council to fit self closers to all flat front doors within both Adair and Hazelwood Towers and the fitting programme has now commenced). It is expected that the notices should be received in the next week or so."*

53. Paper A9 for the 13<sup>th</sup> July 2016 HPSC meeting (my first as chairman) (SM/21) provided an update on the works to comply with the enforcement notices from the LFB at Adair and Hazlewood Towers. The works included ensuring the flat entrance doors are sufficiently fire rated and fitted with self-closing devices and the engagement of a specialist consultancy to review ventilation concerns. The LFB were being updated on progress at the regular TMO/LFB Liaison meetings.

54. The HPSC Meeting Minutes for 13<sup>th</sup> July 2016 (SM/11) record at A9:

*"Referring to London Fire Brigade (LFB) enforcement notices, Cllr Nicholls asked whether the Council complies at other locations. Mrs Johnson confirmed that this was so but said that all blocks were different, although door-closers were uniformly fitted. She added that the Council would ensure that the required works to Adair and Hazlewood Towers were carried out. The Council would robustly defend itself against any LFB action as it had done all it could in the circumstances."*

55. Also at the HPSC meeting on 13<sup>th</sup> July 2016, Paper A12 covered the TMO Performance Review 2015/2016 and Performance Agreement 2016/2017 (SM/4). Paragraph 3.11.2 of Appendix 1 referred to an internal Health and Safety audit:

*"RBKC undertook an internal audit of KCTMO health and safety and the result was a rating of "Substantial Assurance". This is a significant improvement from the "Limited Assurance" rating in 2012/13 and "Satisfactory" in 2013/14".*

56. In the same Paper (SM/4), paragraph 3.11.2 of Appendix 1 provided an update on fire safety including the ongoing FRA programme complying with LFB requirements, the bi-monthly TMO/LFB Liaison meetings and block familiarisation visits and progress with electrical inspection and testing with the communal programme at 100% compliancy rate.

57. In the same Paper (SM/4), paragraph 3.6 of Appendix 2 stated:

*“The Health & Safety Action Plan will be reviewed and extended to incorporate any new areas where monitoring of compliance with legislation and good practice is required. Specifically –*

- Annual H&S report to be produced*
- Compliance with LFB Enforcement notices issued in respect of Adair Tower and Hazlewood Tower and completion of the identified works*
- The programme of Fire Risk Assessments & reviews to continue and more work to ensure actions and recommendations from these are consistently completed in a timely manner*
- Regular LFB liaison meetings. Extend fire safety approach adopted at Grenfell Tower to all major works projects - proactive involvement of LFB etc.*
- Work with LFB to ensure remaining high rise blocks are prioritised for familiarisation visits and where possible Home Fire Safety Visits are offered*
- Ongoing publicity etc. to ensure leaseholders continue to ensure any door replacement is with compliant door*
- Aim to complete installation programme of hard-wired automatic smoke alarms in tenanted dwellings”*

58. Paper A5 for the 14<sup>th</sup> September 2016 HPSC meeting (SM/22), Section 4, provided an update on remedial works to Adair and Hazlewood Towers. 12 entrance doors had yet to be completed, pending access and the TMO had made significant progress with the remaining work to comply with the LFB deadline.

59. I felt that the HPSC was being given comprehensive information about fire safety and that both the Council and the TMO took fire safety issues seriously.

60. On 16<sup>th</sup> November 2016, Cllr Blakeman emailed Ms Johnson, Director of Housing (copied to me) regarding the gas supply at Grenfell Tower (SM/23):

*“Would it be possible to include under your paper a brief report on why the National Grid has cut off the gas supply to Grenfell Tower? Could you clarify whether this is because of safety fears following the refurbishment of the Tower - and possibly as a*

*consequence of those works? Also, it would be useful to know what plans the TMO has to provide gas-dependent residents with alternative cooking facilities in the likely event that the supply is not restored until the New Year.”*

61. Ms Johnson would have replied to Cllr Blakeman, in line with regular practice. I do not recall this issue being raised at the subsequent HPSC meeting. This was an operational issue relating to one property rather than the entire estate and as such was dealt with directly by officers.

62. Paper A12 for the 16<sup>th</sup> November 2016 HPSC meeting (SM/24) confirmed that all of the works required by the enforcement notices at Adair and Hazlewood Towers had been completed and the Fire Risk Assessments comprehensively reviewed.

63. At the same HPSC meeting, Paper A16, the TMO Mid Year Review of Performance (SM/25) Section 3.6 of Appendix 1, reported that the RBKC Internal Audit of KCTMO Health & Safety was awarded Substantial Assurance. The report then noted on Fire Safety:

*“Grenfell Tower refurbishment – close liaison with LFB and Fire Risk Assessor throughout the duration of the project. At the conclusion of the work some of the operational firefighters from the local Fire Station attended an onsite briefing where the contractor demonstrated the fire safety features of the building.*

*There is ongoing work with LFB to ensure remaining high rise blocks are prioritised for familiarisation visits and where possible Home Fire Safety Visits are offered.*

*We have provided a range of ongoing publicity to residents, particularly in relation to:*

- the “stay put” fire strategy and procedures residents should follow in event of a fire in their flat or elsewhere in their block, and;*
- informing leaseholders about the fire safety standards required of their flat entrance doors (existing and any planned replacement)*



*Further progress has been made with the installation programme of hard-wired automatic smoke alarms in tenanted dwellings.”*

64. The TMO Mid Year Review (SM/25) paragraph 3.6, stated:

*“...In the wake of the serious fire at Adair Tower, KCTMO has reviewed the out of hours arrangements (cascade, roles and responsibilities of employees involved with the KCTMO Emergency Plan and how this links to RBKC’s Emergency Plan and Emergency Planning Team) and had confirmed that these KCTMO arrangements had worked well and should remain in place. However, the need for closer communication with RBKC’s Housing and Emergency Planning Teams in the event of a future emergency had been highlighted. Several liaison meetings have now taken place and progress has been made in this area. We are, therefore, now embarking on a joint exercise at one of our sheltered blocks to test the effectiveness of the emergency planning arrangements and to identify and incorporate any further improvements”*

65. I believe this was the last report from TMO management before the Grenfell Tower fire. This report provided assurance to HPSC members that the TMO was working with the relevant authorities and specialists to manage fire safety across the estate. I was not aware of any outstanding issues or concerns at any TMO property.

66. At the meeting of the HPSC on 4<sup>th</sup> May 2017, the Director of Housing presented Paper A8 (SM/26), an overview of a fire at Trelick Tower. Paragraph 6.1 noted the fire procedures such as the “stay put” fire strategy, and the fire action notices displayed in the lift lobbies. Paragraph 7.1 stated:

*“In conclusion, whilst it is always a concern to have had a fire, what is clear in the review of the incident to date is that all the work undertaken by the TMO to ensure adequate fire procedures and fire safety systems at this block worked well on the day. Additionally, partnership working with RBKC and the London Fire Brigade had a positive impact on minimising the disruption to residents enabling them to return to their homes within two hours of the fire. Work to support the displaced resident is ongoing and further liaison with the LFB is also ongoing”.*

67. It is my recollection that HPSC expressed frustration that the fire door issue across the estate had not been completely resolved. The HPSC Meeting Minutes for 4<sup>th</sup> May 2017 (SM/27) at A8 record:

*“The Committee queried progress on the programme to install fire doors between flats and corridors and asked if all leaseholder doors have now been changed? In response, Ms Wray said that all 1200 tenanted properties have had fire doors installed, but some leaseholders were refusing to engage. She went on to state that the Fire Bridge were hoping for Case Law to make leaseholders install fire doors.*

*The Committee request a paper providing an update on the Fire Door Installation Programme on the Council’s housing estates and sent a firm message that as landlords we needed to make every reasonable effort possible to have all leaseholder doors replaced...”*

This request is recorded in an action tracker (SM/28) and was due to be actioned as part of the TMO performance report in July 2017.

### **Communication with Residents**

68. As a councillor I received correspondence relating to a variety of issues. I was trained by two experienced ward councillors who told me that councillors should only deal with correspondence related to their own ward: correspondence dealing with a matter in a different ward should be forwarded to the relevant ward councillor.

69. There is a distinction between being sent an e-mail as the addressee and being copied into an e-mail. When I was copied into an e-mail sent by someone not in my ward, I cannot recall that I reviewed those emails in great detail, particularly if I was copied in with many other people. I aimed to note the sense of such content should it be relevant in a future discussion.

70. Prior to the works at Grenfell Tower, I recall being copied, along with around 70 other recipients, into emails from the Grenfell Tower Leaseholders Association (‘GTLA’)

regarding the heating system, power surges and other matters, calling on the works to commence.

71. Complaints from residents could be made to the TMO, to the relevant ward councillor or to the Director of Housing. The HPSC did not have a complaints function. An email sent by Mr Maddison on 17<sup>th</sup> December 2015 (SM/29) stated:

*... "There are processes for residents to report any specific issues that they want addressed over the duration of the work and there is a complaints procedure if any resident wants to escalate an issue" ...*

72. A petition regarding Grenfell Tower was tabled at the full Council meeting on 2<sup>nd</sup> December 2015. A resident spoke at this meeting concerning the disruption the refurbishment works were causing. I recalled that the HPSC had received updates on the progress of the works but there had been no reference to residents' complaints. There was no reference made in the Petition to fire safety. Residents asked for the HPSC to review their experiences and for lessons learned to be applied in any future estate refurbishments.

73. At the same Council meeting Cllr Blakeman moved a motion to ask the Cabinet to consider increased compensation for residents of Grenfell Tower. I had been asked to second an amendment to this motion (SM/30) which I did. The amended motion was set out at Paper 11A for the Council Meeting on 2<sup>nd</sup> December 2015 (SM/31).

74. I had been asked to Chair the Tenants' Consultative Meeting ('TCM') on 5<sup>th</sup> January 2016 and there was a HPSC meeting on 6<sup>th</sup> January 2016. In preparation for the TCM, I emailed the Mayor on 7<sup>th</sup> December 2015 asking if I could examine the petition. On 9<sup>th</sup> December 2015 I emailed the Mayor asking if there was someone I could contact regarding the petition. On 10<sup>th</sup> December 2015 I received a response stating that the petition had been referred to Ms Johnson and that Cllr Marshall had agreed for the item to be discussed at the next HPSC on 6<sup>th</sup> January 2016. I replied on 11<sup>th</sup> December 2015 asking to examine the petition prior to the TCM (SM/32). I also asked for the names and addresses of those who had signed the petition (SM/33) so that I was prepared should I meet any of the residents at the forthcoming TCM.



75. On 14<sup>th</sup> December 2015, in preparation for those meetings, I sent an e-mail to Mr Maddison of the TMO (SM/34) stating:

*“...In the final line of the petition there is a request for a survey. Do you have a template or a previous example of any surveys which you have already used at Grenfell or elsewhere? The scrutiny committee may wish to send out a survey and would take suggestions on possible survey content...”*

76. Mr Maddison responded on 17<sup>th</sup> December 2015 and provided me with information regarding my question on surveys. He confirmed he would be at the TCM and stated that he would provide me with an update regarding Grenfell Tower before then. He said that Grenfell Tower residents did not tend to go to the TCM meetings (SM/34).

77. Further to my requests, on 24<sup>th</sup> December 2015, I was e-mailed a briefing note by Mr Maddison (SM/35) dealing with the petition and resident satisfaction. We exchanged a series of e-mails between 24<sup>th</sup> December 2015 and 5<sup>th</sup> January 2016 in which I asked Mr Maddison to comment on the specific concerns raised at full Council, in preparation for the TCM (SM/36). No Grenfell Tower issue was raised at the TCM.

78. On the morning of 6<sup>th</sup> January 2016, Cllr Blakeman e-mailed members of the HPSC (SM/37) and stated:

*“I have been working with residents of Grenfell Tower, along with my ward colleagues and Victoria Borwick MP, on many of their concerns about how the refurbishment project has been managed.*

*We have identified some learning points that perhaps could be translated across to other refurbishment programmes with residents in occupation that the TMO may run on behalf of the Council. The aim is to ensure that other residents do not face some of the difficulties that Grenfell Tower residents feel they have encountered. There does seem to be a bit of a mis-match between the arrangements the TMO put in place to address these difficulties and residents’ understanding of how to utilise those arrangements. They feel*

*as though they have been the “guinea pigs” for future projects and would like the learning from their experiences to benefit other residents of Council/TMO estates...*

*...I am just not sure that Grenfell residents would accept TMO Board members as being sufficiently independent of the TMO to meet their request for an independent investigation of the project.”*

79. At the HPSC meeting on 6<sup>th</sup> January 2016 a resident read a speech, a typed copy of which (SM/38) was provided for the minutes. Members discussed the issues raised by the residents at length. I noted the level of dissatisfaction and wanted to try and understand the scale of the complaints. This was the first time the HPSC had heard specific complaints about the works themselves. It was a surprise as the issues had not been raised at any of the updates provided to the HPSC. The residents wanted their specific issues investigated so that lessons could be learned and applied to any future estate refurbishments, as well as £1,500 compensation per flat. There was no mention of fire safety during the whole discussion.

80. It was explained at the meeting that the HPSC could not act as a complaints department, but I formed the view that there was plainly a problem with the complaints process in relation to Grenfell Tower. There was no evidence that similar issues occurred anywhere else across the TMO estate. Residents’ requested an independent review of the TMO’s actions. Members felt that the TMO should have the opportunity to investigate and to respond in detail to the complaints at a future HPSC meeting before deciding on the appropriate course of action.

81. Cllr Blakeman said that the complaints procedure was unclear and that there was no mechanism for collective complaints.

82. Following the meeting on 6<sup>th</sup> January 2016 I received an email from Cllr Blakeman (SM/39) thanking me for listening, stating:

*“...Thank you so much for your response this evening to the petition. I feel that at long last I have stopped banging my head against a brick wall...”*

83. After the January 2016 HPSC meeting, I visited Grenfell Tower with Cllr Marshall and other Councillors. We understood from Cllr Blakeman that the Grenfell Tower Residents Association ('GTRA') wanted to meet us at the building. We reminded Cllr Blakeman that we had discussed the issues with residents at length at the HPSC meeting and prior to that at full Council, and that this visit was to see the current state of the works.

84. I recall being shown around by the TMO project manager and seeing several flats where the works had been completed. We spoke to residents about their experiences. The visit did not take place with an expectation of resolving the issues raised. The feedback from the residents we met was in line with the TMO's survey results and generally supportive of the TMO, but this was unsurprising given that the TMO had chosen the flats we visited. We looked at the positioning of the heating units, which stood out by several inches.

85. On 17<sup>th</sup> April 2016, Cllr Marshall asked me if there was anything I wished to add to the agenda for the next HPSC meeting and I responded (SM/40), stating:

*"Maigraid wants to present the TMO Board Members report into Grenfell. I have not seen the report yet, but assume it is something we can table and discuss, IF there is enough time on the agenda. I recall that our Grenfell position was to read what TMO concluded and then consider what HPS should do. I would like to see the report first."*

86. Between 24<sup>th</sup> April 2016 and 3<sup>rd</sup> May 2016, Cllr Marshall and David Collins on behalf of the GTRA exchanged emails regarding a working group being set up. I had been copied in to several emails. I was forwarded a chain of emails on 3<sup>rd</sup> May 2016 by Cllr Marshall who stated that he did not propose to reply to the most recent e-mail from Mr Collins (SM/41). I responded stating:

*"To my recollection the position HPS took, having visited the site, was to review the findings of the Board's report when it was complete. This will be done 11 May. Then it is up to the HPS members to vote on whether there are any further "lessons learnt" to review."*



87. Cllr Marshall received the TMO's report, which was included in the Part B section of the papers on 3<sup>rd</sup> May 2016 and he forwarded it to me the same day. (SM/42).

88. Ahead of the HPSC meeting on 11<sup>th</sup> May 2016, Cllr Blakeman sent an email, to which I was copied in, about the TMO's report and her proposal about how matters could be dealt with moving forward (SM/43). She proposed better complaints advocacy for future regeneration projects, which I thought was reasonable. I found it difficult to reconcile conflicting results in satisfaction surveys undertaken by the TMO and the residents themselves for example:

*"10.4 The door knocking exercise sought to identify satisfaction with the completed works and the figures of 90% and 83% respectively are not disputed. However, a survey carried out by the Grenfell Tower Compact at the same time asked questions about satisfaction with the process and satisfaction with the resolution of residents' concerns. The results are significantly different. This will continue to fester until residents have the opportunity to speak freely to someone who is not their immediate landlord."*

89. The discussion of the TMO Board report at the HPSC on 11<sup>th</sup> May 2016 is noted in the Part B Meeting Minutes (SM/44). HPSC Members asked about the independence of the TMO members who undertook the review of the specific concerns expressed by residents. Mr Black explained that the Chair of the review, Paula Fance, was not an employee of the TMO but an RBKC appointed board member. I believed that she was an independent consultant who joined the TMO board in 2015 and had senior level experience with social housing, housing associations, regeneration and the (renamed) Homes and Communities Agency. From page 4 of the report I saw that four out of five of the other members of the review group were not names I was familiar with, but understood them to be TMO residents who had volunteered to join this review.

90. It is noted in the same Part B Meeting Minutes that I commented that the report contained good forward steps and further reviews. I was referring to the report's recommendations to the TMO Board on page 1, and the future review and resident satisfaction survey work mentioned on page 8.

91. I was copied into an e-mail chain on 30<sup>th</sup> June 2016 initiated by the GTRA (SM/45). The emails sought a meeting with the cabinet member and a ward councillor to continue the discussion started by the Petition. The first email dated 14<sup>th</sup> May 2016 stated:

*“The decision of the RBKC and TMO to hold the response to residents of Grenfell Tower concerns in secret at last Wednesday’s Scrutiny Committee further confirmed our suspicions that the Council and TMO are working in collusion to ensure that our aforementioned complaints are not addressed and mistakes not acknowledged and learnt from.”*

92. It was regrettable that the TMO report addressing the Grenfell Tower residents’ concerns was required by the TMO to be considered in Part B of the HPSC meeting, as the TMO deemed it to be confidential. The HPSC asked Mr Black why the report could not be discussed in public. He said it was a confidential TMO Board Report. The HPSC asked him to find out if TMO Board would be willing to disclose this report, but it was not a matter the HPSC could decide. The Part A HPSC Meeting Minutes for the 11<sup>th</sup> May 2016 (SM/46) noted that the TMO required their report was discussed in Part B, against the wishes of HPSC members. The confidentiality had been imposed by the TMO.

93. The Part B HPSC Meeting Minutes for 13<sup>th</sup> July 2016 (SM/47) note that the TMO report had since been made public. Regrettably, by this stage, the sense of the HPSC’s fairness in the eyes of the residents had diminished.

94. I have made a statement to the Police. I consent to my police statement being disclosed to the Public Inquiry for use in evidence.

### **Statement of Truth**

I believe that the facts stated in this witness statement are true.

I am willing for my statement to the Public Inquiry to form part of the evidence before the Inquiry and for it to be published on the Inquiry’s web site.

Full name: SAM MACKOVER  
Position or office held: RETIRED COUNCILOR  
Signed: S Mackover  
Date: 22 SEPT 2018