

**GRENFELL TOWER
PUBLIC INQUIRY**

**Witness Statement of
Nicholas Holgate
(Phase II)**

I, Nicholas Holgate, WILL SAY:

1. I make this Witness Statement further to receipt of the Rule 9 letter from the Public Inquiry dated 12 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 Borough', 'RBKC'), to which I have had access, with which I am familiar and which I believe to be accurate.
3. I provided assistance to the Inquiry in a statement dated 27 September 2018 regarding my involvement in the immediate aftermath of the fire. I would like to re-iterate my deepest sympathies to those who have suffered so much due to the fire.
4. I attach to my Witness Statement an Index of the Exhibits to which I refer in the following paragraphs of my statement.

Background

5. Having joined RBKC in 2008, I became its interim chief executive in October 2013 and Town Clerk in 2014. I also held the role of Finance Director until April 2017. In my role as Town Clerk to the Borough, I was responsible to the Leader of the Council and his Cabinet for the development and implementation of their policies as well as to all

Councillors. I was also responsible for the overall stewardship and good governance of the Borough both as ends in themselves and to ensure the high quality of services provided to its residents. My role further included recruitment and management of senior staff.

6. The borough's recurrent budget in 2017-18 was £409 million. The 'Budget Proposals' document tabled at Council on 8 March 2017 sets out the Council's performance against ten Cabinet commitments; and an allocation of funds across the Council's main services.
7. They comprise:
 - children's services (both support to the Borough's schools and children's social services). The department had been rated 'outstanding' in 2016 by the Office for Standards in Education;
 - adult social care: the Borough offers support to the vulnerable elderly at a lower threshold of need than almost any other Council;
 - environment, leisure and residents' services – a group that ranged from parks and two sports centres to domestic and commercial waste collection;
 - housing services, which included the re-housing of those who could no longer afford to rent privately in the Borough;
 - six libraries;
 - planning and borough development;
 - public health – transferred back to local government from the National Health Service in 2013;
 - transportation and highways;
 - environmental health; and
 - corporate services including the customer services centre at Kensington Town Hall.
8. As part of playing my role in upholding service standards across this range of activities, I met the Leader nearly every week, mainly so we could keep each other up-to-date with issues and events. I recorded the points of discussion and action from these meetings (a representative example is attached as Exhibit NH/1). I attended meetings of both the Borough's Cabinet (which met about ten or eleven times a year) and Leader's Group (likewise). The latter was an informal sounding board for Cabinet members and senior officers on policy options and forthcoming decisions.

9. I attended most meetings of the Cabinet and Corporate Services Scrutiny Committee; and all or nearly all meetings of the Borough's Audit Committee. I also met the Cabinet Member for Finance; and my direct reports (Executive Directors and Directors) monthly but recorded only actions arising: frequently these meetings were in the nature of keeping in touch so I made no record.
10. Managing stable or growing demands for Council services on an ever-reducing recurrent budget has been the dominant concern of those leading local authorities since 2010. In 2010, in response to reductions in central Government funding, the three Council Leaders and three Chief Executives of RBKC, Hammersmith & Fulham and the City of Westminster agreed to share services to protect the quality of those services by spreading senior management costs and achieving procurement savings in outsourced services.
11. Whether a particular service was tri-borough (managed by one management team across all three boroughs), bi-borough (across RBKC and Hammersmith & Fulham) or RBKC alone, much depended on the working relationship between the Cabinet Member and the Executive Director or Director. The Borough maintained good relations between Councillors and officers. Because of its high reputation for service standards as judged by both external inspectors and residents' surveys such as the Annual Survey of Londoners, good cooperation across services in making savings each year and evident delegation to those with the knowledge and skills to deliver of their best, the Borough had been able to recruit and retain senior managers of very high calibre. For illustrative purposes, I have attached a copy of the 2016 Annual Survey of Londoners as exhibit NH/2

Relationship between RBKC and TMO

12. RBKC and Kensington and Chelsea Tenant Management Organisation first entered into a Modular Management Agreement on 28 February 1996 under which RBKC appointed the TMO to carry out certain housing management functions. The TMO was a separate legal entity, a company limited by guarantee, and was managed by its own Board. Out of a total of 15 Board members, RBKC appointees had to be in the minority and I believe that the Borough appointed up to 4 Board members. The Board had direct involvement in monitoring and overseeing performance of the TMO.

13. I was not aware in detail of how RBKC worked with the TMO although I met Robert Black, the chief executive of the TMO, from time to time to discuss performance and was in occasional email contact. My view was that the TMO was a separate organisation with its own governance and Board; and its performance had improved significantly since I joined the Borough in 2008. For instance, a note to the Housing and Property Scrutiny Committee on 7 November 2013 was reassuring (see Exhibit NH/3): this was one of a series of reports which I would have seen each year.
14. It was a matter of convention that at least some papers sent to Councillors' committees were sent in my name, as the Town Clerk. This did not necessarily mean that I would have seen or reviewed all of them before they were submitted.
15. From the performance reviews I saw and the feedback from my direct reports and Councillors, I was, and remain, of the view that the TMO generally performed well in its functions and had improved over the years. Any issues of performance would have been picked up in accordance with the MMA.
16. I have recently been shown a stage 3 complaints letter that I sent on 26 April 2017, regarding a complaint relating to the Council's scrutiny of the TMO's performance. At the time the complaint came to me I would have reviewed the complaints themselves as well as the stage 1 and stage 2 responses. My views on the matter were then expressed within the letter I sent. (See exhibits NH/4 – Stage 1 response; NH/5 – Stage 2 response and NH/6 – Stage 3 response)
17. The TMO worked well with the Housing department. Laura Johnson was a highly capable Director of Housing, recognised as such by her peers in other boroughs and her colleagues in RBKC and did not need me to check closely her work with the TMO.
18. It was and remains my firm belief that the relationship between the TMO and the Borough's Housing department functioned well. This is based on the information and feedback I received.

Funding of Grenfell Tower refurbishment

19. The Council's revenue funding does not include the Housing Revenue Account and thus the recurrent costs of the borough's social housing. Instead it covers the very wide range of services listed above. . Between 2010 and 2017, the Council's recurrent income had fallen by 22 per cent in real terms. (Although this is a very large reduction compared with any other period of retrenchment since say the 1960s, some other Councils will have seen significantly greater pressures.)
20. In contrast, the Council's capital spending was under no similar constraint. This was because the Council had managed to run a surplus for much of the previous decade and added to its reserves for the sake of future capital spending. Further, its spending reductions over the current decade, assisted by bi-borough and tri-borough working, ran slightly ahead of its reductions in income; and it achieved further economies and gains as a result of managing its properties more actively. For example, a sale of land to the south of Holland Park School had paid for the complete re-building of the school and some additional social housing.
21. RBKC is the freeholder of about 10,000 properties within its housing stock. Grenfell Tower was one of the properties within the stock. The purpose of the refurbishment was to benefit the residents of Grenfell Tower by such things as upgrading the communal heating system, installing new windows and improving external thermal efficiency. The refurbishment was not to make it more aesthetically pleasing – this was, at most, a minor consideration in the context of the Council's planning function where aesthetics is a material planning consideration.
22. The refurbishment of Grenfell Tower was funded by the Council from the proceeds of sale of properties at Elm Park Gardens. Such receipts could only be spent on the Borough's housing stock.
23. To the best of my recollection, there was no disagreement or dispute among Cabinet members that these funds should be put toward the refurbishment of Grenfell Tower. There had been a major improvement project in north Kensington comprising an entirely

new secondary school (Kensington Aldridge Academy) and a wholly rebuilt Leisure Centre. The residents of Grenfell Tower had endured the noise and nuisance of these two big projects. This reinforced a case for a refurbishment which would, for example, enable residents to control their own heating.

24. Funds for the Grenfell Tower refurbishment were not in competition with other capital spending across the Borough. I refer to the minutes of the Cabinet Meeting on 19 June 2014 in which Cabinet agreed to increase the capital budget for this scheme to £10.3million. I exhibit the Cabinet minutes as Exhibit NH/7.
25. There were ambitions to replace some existing social housing where it was possible both to add more homes, including more social homes, and improve the quality of housing and connectivity within the borough. It was intended that these schemes would be self-funding, requiring a majority of additional homes to be sold or rented at market levels.

Issues 3 and 4 – Modifications to the building 2012-2016 (interior and exterior)

26. The Borough formally votes on and thus approves its capital programme for the coming financial year (in the light of plans for the next three years) at a meeting in early March. But the Cabinet retains the right to amend the programme over the rest of the year. The decision to allocate funding for the refurbishment of Grenfell Tower was approved at the Cabinet meeting in June 2014.
27. Where an agreed amount is allocated for a specific project, the Cabinet was able to adjust the programme between successive capital programme approvals. Accordingly, if deemed necessary, it could raise or decrease the allotted amount as required.
28. In respect of the refurbishment of Grenfell Tower, I believe the agreed figure started at £6 million and was increased twice to reach £10.3 million. The Borough's view of capital projects was that they should be done well – not least because it would be more cost-effective in the long run. It was also very willing to take external professional advice.

Key parties involved in refurbishment

29. It was and remains my understanding that, in accordance with the MMA, the TMO were to manage the refurbishment project. The TMO was effectively the 'customer' and appointed Rydon as project manager with responsibilities for design.
30. I had no involvement in the tendering process. (I was rarely directly involved with the selection of contractors for capital projects – even those for which the Council was the direct customer.) It was and remains my belief that the tendering process was led by the TMO, and I would expect that the Housing Department would have been kept in the loop.

My involvement in the refurbishment

31. As Town Clerk I was not involved in the refurbishment of Grenfell Tower. I had a monthly meeting with each of my direct reports, among them Laura Johnson, who would have updated me if there were any problems or issues that needed my attention. I do not recall any significant exchange about Grenfell Tower with anyone apart from at a meeting of the full Council on 2nd December 2015 when the minority party asked for monies to compensate the residents for disruption caused by contractors (see Exhibit NH/8). From an email of 19 May 2016 (which I produce as exhibit NH/9) I was aware that the TMO had made public a report of its findings into these complaints. The Borough's Housing and Property Scrutiny Committee had also taken an interest in these complaints and was satisfied that anyone with a specific grievance had had ample opportunity to have their complaint taken seriously. This is evident in the Annual Scrutiny Report submitted to the Council meeting on 29 June 2016, which I now produce as Exhibit NH/10.
32. I might have become involved had the project required a further increase in funding. I am not aware of any such request being made, nor was I aware of complaints about the quality of work for the refurbishment except in so far as some examples were given in

the margins of the debate over the inconvenience of the works to residents. I would have expected the contractors, under pressure from the TMO, to rectify these.

33. One other issue I recall was whether the childcare facility at the bottom of the tower should pay market rent for the space occupied or not. I said at the time that everyone should pay rent reflecting the value of the space they occupy, and, if appropriate, Children's Services should fund some part or all of this rent so that charges to customers were at a reasonable level.

Issue 5 – The fire and safety measures within the building at the time of the fire

34. It was and remains my belief that responsibility for fire safety was delegated to the TMO, who either had their own expertise or brought in experts to advise them.
35. I have recently learned that in the 20 November 2012 Fire Risk Assessment ('FRA') produced as exhibit NH/11 and the June 2016 Fire Risk Assessment, produced as exhibit NH/12 - both completed by Carl Stokes, the 'responsible person' is said to be the Chief Executive of RBKC. While I was not Chief Executive at the time of the 2012 FRA (I was appointed Chief Executive in October 2013), to the best of my knowledge, I do not recall having been shown a copy of these before the Grenfell Tower fire, nor was I informed that they stated that I was the responsible person. It is possible that they mentioned the Borough's Chief Executive as a formality. It is plain in both cases that in practice the intended recipient was the TMO.
36. I am aware of one direct exchange that I had with the London Fire Brigade (LFB), but even this exchange reflects the fact that the LFB wrote directly to the TMO and sent a copy to RBKC Housing. I was in turn receiving a side copy from the Borough Commander of the LFB. I followed this up in an email to Robert Black which I produce as exhibit NH/13 and was copied into Laura Johnson's reply of 5 February 2016 to Robert Davies at LFB, requesting a meeting with the LFB and TMO. I exhibit Laura Johnson's email as exhibit NH/14. Robert Black, Chief Executive of the TMO, sent me an email on 3 May 2016 attaching a note from Janice Wray setting out the actions being taken to address the notices. I produce this as exhibit NH/15. The LFB confirmed in a letter dated

January 2017 that there was substantial compliance by the Borough in relation to the Notices. I produce this letter as exhibit NH/16.

37. The LFB's commander in the Borough came before the Cabinet and Corporate Services Scrutiny Committee every six months, but this was more to do with the provision of LFB services within the Borough. I do not recall a discussion at any point of safety on the Borough's estate. I have attached as Exhibit NH/17 a copy of the Cabinet and Corporate Services Scrutiny Committee minutes for 19 October 2015 which confirms LFB's presence at the meeting and illustrates the nature of issues raised by the LFB.

Issue 7(d) – Lessons and recommendations from previous fires

38. Apart from what I have mentioned in paragraph 36 above, I do not recall having seen anything further in relation to investigations, reports or lesson-learning exercises from previous fires in the Borough. As the safety of our residents was something that this Council took very seriously, I would have had confidence that that any recommendations made by the LFB would have been implemented and any notices complied with in the same way I set out in paragraph 36. The Housing department would have led on this.
39. I have been shown a letter from the LFB dated April 17 and purportedly sent to all Local Authority Chief Executives, which I exhibit as NH/18. I do not recall having ever seen this prior to the fire. I have since been informed that a copy was sent directly to Laura Johnson (an entirely sensible procedure as such responsibilities were safely delegated to the Housing department) and I produce this as exhibit NH/19. Furthermore, although a letter may have been addressed to me, my PA was suitably experienced to divert it to a more appropriate recipient. I believe that any concerns regarding safety of residents or any specific issue of risk raised would have had the appropriate action.

Issue 8 – Communications with residents

40. The Borough used many means of communication with its residents. There was a 16-page publication three or four times a year delivered free to all residents. There was the Borough's website. There was normally extensive, specific consultation over changes to services that the Council ran. There was also feedback via Councillors and Borough

officers in direct contact with residents. Residents were also able to attend Borough meetings except when matters of commercial confidentiality were being discussed; notably in planning committee meetings, they would also be able to express their views.

41. I was not aware of any complaints concerning fire safety from the residents of Grenfell Tower prior to the fire. Eddie Daffarn was the author of a number of complaints to the Council on a variety of issues, but I do not recall any that he directed to me regarding issues of fire safety. From the documentation I have reviewed I recall that I had direct correspondence with Mr Daffarn on a few occasions
42. In 2012, Mr Daffarn made a complaint that the Council has abused its position of power at a meeting on 29 May 2012 regarding the issue of noise and new facilities at Kensington Academy Leisure Centre ('KALC'). I sent a Stage 2 response to Mr Daffarn dated 3 August 2012, which I produce as Exhibit NH/20.
43. On 7 March 2016, Mr Daffarn raised an official complaint via email regarding the future of North Kensington library. After initially informing Mr Daffarn on 15 March 2016 that I would respond in full shortly, I then provided a detailed response on 17 March 2016 which I exhibit as NH/21. On 12 April 2016, Mr Daffarn emailed and confirmed that he did not accept my response and wished for the matter to be considered as a Stage 2 complaint. I responded to Mr Daffarn and advised him that as the initial response was from me, he would have to refer the matter to the Local Government Ombudsman if he was not happy with my response. I believe that Mr Daffarn did refer this matter to the Ombudsman and I produce as exhibit NH/22 a copy of the letter from the Ombudsman discontinuing the complaint and which conveys that no injustice was being suffered.
44. Mr Daffarn lodged a complaint with me that on 14 February 2017 asserting that the Grenfell Action Group had been excluded from library consultations. I replied in full on 21 February 2017 and produce this as exhibit NH/23.
45. There was also communication with Mr Daffarn in relation to the purchase of a site from Kensington and Chelsea College. Exhibit NH/24 shows an exchange with Councillor Feilding-Mellen.

46. I do not recall any direct correspondence about the quality of works at Grenfell Tower. I was however copied into a complaint that Cllr Fielding-Mellen addressed. I produce as exhibit NH/25 a copy of an email that Mr Daffarn sent to him dated 14 May 2016 following a visit to Grenfell Tower by Cllr Feilding-Mellen and Cllr Paget-Brown. Cllr Feilding-Mellen liaised with Mr Daffarn and the Grenfell Tower Residents Association and then sent a copy of the email to myself and others.
47. The TMO had its own complaints process and as the TMO had been delegated responsibility for managing the housing stock, residents should and, I believe, did raise any concerns via the TMO in the first instance and / or the TMO Board.
48. In relation to complaints to and about the Borough, there is a general complaints procedure and an annual review of complaints presented to the Borough's Cabinet.
49. If a complaint was made, officers would first try to resolve the problem informally. This dealt with most complaints. If this did not satisfy the complainant, s/he could contact the relevant manager; and if not resolved, then the next level up would be the Director of that department. If still unresolved then it would have come to me. If I was not able to resolve it, the complainant had recourse to the Local Government Ombudsman.
50. The Borough received relatively few complaints and were able to resolve most in the first instance. Only a small number reached me or the Ombudsman. It was rare that the Ombudsman had cause to uphold a complaint against the Borough. For illustrative purposes, I produce as exhibit NH/26 a copy of the Annual RBKC Complaints Report prepared for the Cabinet meeting. This also contains a copy of the annual report from the Local Government Ombudsman for 2015/2016 and 2016/2017.
51. I may well have been aware of concerns about power surges in May 2013, if only because of the record of the discussion at the Housing and Property Scrutiny Committee on 16 July 2013 – which I produce as Exhibit NH/27. I have no further knowledge about this issue and would not have expected to have got involved.
52. I have reviewed and been asked about the issues and sub-issues listed in the Rule 9 letter from the Public Inquiry. I am unable to provide any further information on any of these.


Why did Grenfell Tower not occupy more of my time?

53. I could quite understand readers of this statement being surprised that it appears that I had so little direct involvement in a substantial capital project, like Grenfell Tower, affecting 129 homes in the borough, so I would like to address this point directly.
54. Every London borough delivers the very wide range of services I listed above. Several involve the protection of human life including vulnerable children and the frail elderly. At any time, a fraction of these services may be undergoing major upheavals, either because of new legislation, or at the initiative of Councillors, or under the very great pressure throughout this decade to make savings in the face of declining grant from central Government. Maintaining or adjusting the quality of Council services occupied a very large part of my time and attention.
55. For reasons I have explained above, the Council's capital programme faced much less of a financial constraint. At £10.3 million, the refurbishment of Grenfell Tower did not form a large proportion of the Council's capital programme, which over 2014-15 to 2016-17 was planned to be £160 million (see exhibit NH/28). As a project that was intended to upgrade an existing building to improve living conditions, it attracted no controversy of which I was aware except for the disruption of the works to residents while the improvements were being carried out.
56. I would have taken a closer interest in the works themselves if I had had any inkling that the quality of works was suspect. Instead, I had full confidence in the role played by the Housing Department and the TMO. Whatever lessons there may be to learn from this dreadful tragedy, I would have been very confident that if any Councillor, Council officer or TMO officer had had reason to believe that unsafe materials were being used in the refurbishment or there was any threat to fire safety, they would have sought to draw attention to the problem and to put it right.
57. I believe that any Council would have found additional funding if required: Kensington and Chelsea had the means and the commitment to quality in its capital spending that there would have been no argument about it whatsoever.

58. I have not been asked by the Police to provide a witness statement in relation to the criminal investigation.

Statement of Truth

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

Full name:	Nicholas Ian Holgate
Position or office held:	Town Clerk, RBKC
Signed:	 _____
Date:	<u>29 October</u> 2018

**GRENFELL TOWER
PUBLIC INQUIRY**

**Index to
Witness Statement of
Nicholas Holgate
(Phase II)**

Exhibit	Description	FORT	PI URN
NH/1	Notes from meeting between the Leader and Town Clerk dated 13 th May 2016	FORT01655736	Uploaded via Egress
NH/2	Annual Report of Londoners 2016	FORT01584439	Uploaded via Egress
NH/3	Note to Housing & Property Scrutiny Committee dated 7 th November 2013	FORT01256440	Uploaded via Egress
NH/4	Stage 1 response	FORT00238816	Uploaded via Egress
NH/5	Stage 2 response	FORT00349785	Uploaded via Egress
NH/6	Stage 3 response	FORT00984412	Uploaded via Egress
NH/7	Minutes of Cabinet meeting dated 19 th June 2014	FORT01657965	Uploaded via Egress
NH/8	Minutes of Council meeting on 2 nd December 2015		
NH/9	Email from Cllr Feilding-Mellen	FORT01067396	RBK00013966
NH/10	Annual Scrutiny Report dated 29 th June 2016		
NH/11	2012 Fire Risk Assessment	FORT00831859	Uploaded via Egress
NH/12	2016 Fire Risk Assessment	FORT02008465	RBK00013251
NH/13	Email to Robert Black regarding enforcement notices dated 4 th January 2016	FORT00568950	RBK00002272
NH/14	Email from Laura Johnson to Robert Davies dated 5 th February 2016	FORT00162281	RBK00000903
NH/15	Email from Robert Black dated 3 rd May 2016 attaching a briefing report drafted by Janice Wray	FORT01660043	RBK00005549
NH/16	Letter from LFB dated January 2017	FORT00175982	RBK00000964

NH/17	Cabinet & Corporate Services Scrutiny Minutes dated 19 th October 2015		
NH/18	Letter from LFB dated April 2017	FORT01849359	RBK00005826
NH/19	Letter from LFB to Laura Johnson dated April 2017	FORT01977740	Uploaded via Egress
NH/20	Stage 2 response to Mr Daffarn dated 3 rd August 2012	FORT00570502	RBK00002275
NH/21	Response to Mr Daffarn dated 17 th March 2016	FORT01297271	Uploaded via Egress
NH/22	Letter from Local Government Ombudsman re complaint from Mr Daffarn	FORT01729090	Uploaded via Egress
NH/23	Response to complaint	FORT01750086	RBK00028494
NH/24	Communication between Mr Daffarn and Cllr Feilding-Mellen	FORT01603764	Uploaded via Egress
NH/25	Copy of complaint handled by Cllr Feilding-Mellen	FORT01067396	RBK00013966
NH/26	Annual RBKC Complaints Report dated 2016/17 containing Annual LGO reports 2015/16 and 2016/17		
NH/27	Housing & Property Scrutiny Committee minutes dated 16 th July 2013	FORT00828468	Uploaded via Egress
NH/28	Minutes of Cabinet meeting dated 24 th February 2014		