

IN THE MATTER OF THE GRENFELL TOWER INQUIRY

BEFORE SIR MARTIN MOORE-BICK

OPENING STATEMENT

ON BEHALF OF G10

INTRODUCTION

1. On the very morning of June 14th 2017, while Grenfell Tower was still slow-burning, an exclusive, government-backed group of senior high profile grandees from the world of politics and business, had arranged a meeting of experts to discuss the subject of *"cladding."*
2. This group was known as RTI – or the *"Red Tape Initiative."* They had convened a few months earlier in April 2017. The group's objectives were clear: to dismantle EU regulations that were considered a hindrance to profit-making.
3. On May 10th 2017, RTI produced a document entitled *"The EU's impact on the UK housing and construction industry."* The group zeroed in on the Construction Products Regulation (EU305/2011): regulation intended to harmonise the quality of construction materials, including external cladding across the EU, to ensure safety. This was regulation designed to limit the generation and spread of fire and smoke - regulation that has direct relevance for fires such as the one at Grenfell Tower.
4. Such was the thinking of the dominant power brokers, during the dying embers of Grenfell Tower. In this atmosphere, safety regulation was sneered at as *"red tape folly,"* and dismissed as *"expensive"* and *"burdensome."* Put simply, the prevailing orthodoxy was one of profit before safety.

5. As dawn broke on June 14th 2017, the horror of the fire's devastation gripped the nation and the world at large. There was universal shock and bewilderment. How could this fire have occurred in one of London's wealthiest boroughs in the UK in 2017?
6. Amongst the multitude of tributes and memorials posted on the walls and fences in the streets around Grenfell Tower immediately after the fire, was this inscription – from the UN Declaration of Human Rights (UDHR):

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

7. This post was a timely, poignant reminder of a universal truth. But the fire stood as a dramatic demonstration that there is work left to be done, to make this truth everyone's reality.
8. We will have heard the stories of those who perished in that fire, through pen portraits. The residents of Grenfell Tower embodied the rich diversity of London – a mix of races, nationalities and backgrounds.
9. Among the dead was 81 year old Ali Yawar Jafarii, a retired jeweller of Afghani descent, who lived on the 10th floor. Ali's family said this about him:

"He was a loving man. He used to love all the people around him. It didn't matter if they weren't family. He always told us to respect everyone. To do the right thing."[Guardian portraits 15 May 2018 p16]

10. This inquiry – made necessary from the most bitterly tragic circumstances – is foremost about the people who lived in Grenfell Tower, rather than the building itself. Only in the most technical sense, is it about the malfunction of a household refrigerator.
11. The fundamental questions of *"what happened"* on June 14th are about the treatment of people who lived in social housing, in a tower block. It's an inquiry into the utterly

foreseeable outcome when safety is regarded as a hindrance; when warnings are not heeded; and the result of failure of the powerful to listen to those less so. In short, it's about the unconscionable behavior of those in power - and their failure to treat those whom they serve with dignity and respect.

PHASE ONE

12. This inquiry has already promised that evidence will not be pursued in a rigid way, given the division of themes for investigation into phases 1 and 2. As we stand to look at the factual narrative of how the fire developed for phase 1, it will be important to explore in meaningful ways, some "phase 2" matters. We envisage that the issues to be explored are as follows:

- i) The "*what happened*" question: What was present and caused the fire? Or, what elements contributed to its origin and development?
- ii) The "*how*" question: What was not present which might have prevented the start of the fire and its development?
- iii) The "*why*" question: Why was it possible for the fire to have spread so quickly?

13. Alongside any discussion of what measures existed or not at the time of fire – and how effective they may have been to prevent the tragedy – is the urgent need for immediate incorporation of appropriate recommendations into current fire safety regimes. This cannot be deferred until completion of phase 2. Potential remedies, insofar as they are identified, should be immediately made into recommendations.

14. Currently, there are residential blocks above 18m high, which are clad in aluminum composite panels that have failed government fire tests. Out of the estimated 306 blocks, some in London (e.g. Battersea and Greenwich), 54 are social housing. During the last monthly anniversary gathering on the 14th of May, Grenfell survivors, highlighted exactly this point. Karim Mussilhy, whose uncle died in the fire said:

"They should ban cladding full stop. We still have death traps out there in London. Let's make these changes now and give people the assurance they

are safe in their homes. Sprinklers need to be added and the cladding removed."

This underscores the importance of immediate action.

FORESEEABILITY

15. The issue of foreseeability of the Grenfell disaster must be canvassed in phase 1. We strongly submit that what happened at Grenfell Tower was both *predictable* and *preventable*.

16. There are compelling examples that demonstrate the foreseeability of this tragedy. They include the following:

- i) Combustible cladding was a known risk;
- ii) The Shepherd's Court fire on the August 19th 2016 in Shepherd's Bush, West London was not far from Grenfell Tower;
- iii) A well-publicised high rise fire exhibiting similar risks and features occurred on June 3rd 2009 at Lakanal House in Camberwell, London; and
- iv) The concerns and warning expressed by the residents of Grenfell Tower themselves.

A) Combustible cladding

17. The particular risks to high rise buildings presented by cladding, especially if they are wrapped in a plastic envelope, had been flagged by experts well before the tragedy. They were highlighted in the following situations as follows:

- i) Mr. Sam Webb, an architect and expert at the Lakanal fire inquest: observed that a survey of high rise buildings in 1990s provided to the Home Office showed that over half failed to meet basic safety standards;
- ii) Mr. Arnold Tarling, a chartered surveyor and fire safety expert at the 2014 British Standards Institute 7th Annual Fire Safety conference observed: cladding [of the type used at Grenfell Tower] will lead to major fire with large number of deaths;
- iii) Dr J Glocking, technical director of the Fire Protection Association, who

has campaigned for years to improve fire safety standards: *"We are forgetting the lessons of the past ... I think the inexcusable element here is that with cladding or insulation there are choices. There will be a perfectly good non-combustible choice that can be made, but somebody is not making those calls."* (June 14, 2017 15.51 BST Guardian)

It has recently been reported that a costed proposal to fit Grenfell Tower with non-flammable aluminum panels was not taken up (May 8 2018 14.20 BST Guardian).

B) Shepherds Court fire

18. Shepherd's Court is an 18 storey, 1970s tower block. The fire started in the kitchen, from a faulty tumble dryer on the 7th floor. It spread over 5 floors. One person was treated for smoke inhalation and fifty residents were moved out. This incident was well publicised in the press.
19. Letters were sent to 33 councils by LFB in April 2017 warning of the danger involved in external cladding. The message was that such cladding was susceptible to intense heat when the polystyrene foam filler melts allowing the metal and wood surrounds to fall away, which accelerates the rapid spread of fire.
20. Assistant Commissioner of Fire Safety Regulation Dan Daly wrote about Shepherd's Court in this way:

"I am drawing this fire to your attention to highlight the external spread of the fire that occurred. My predecessor Asst Cmsnr Steve Turek wrote to housing providers in March 2009 about a variety of matters....One of those was replacement double glazing and the associated replacement of spandrel and filler panels on the external faces of blocks of flats with floors above 18 metres in height. In this case we believe such panels were a contributory factor to the external fire spread."

AC Daly further expressed concerns about non-compliance of the panels and their composition with building regulations and concluded as follows:

"In the light of fires that have occurred I would urge you to consider carefully your arrangements for specifying, monitoring and improving all aspects of future replacement and improvement to building facades.....Contracts for the provision and installation of replacement elements of building facades including insulation, replacement double glazing and associated spandrel and infill panels must ensure compliance with ALL parts of Part B if they are to secure safety..." [LFB 00000085_0001-2]

C) Lakanal fire.

21. This fire occurred at Lakanal House, Sceaux Gardens Camberwell, London on July 3rd 2009.

It was then described as the UK's worst tower block fire. There were a number of fatalities.

22. There are numerous elements which bear a striking similarity with the Grenfell Tower disaster. The safety lessons were clearly written by the jury with the guidance of Assistant Deputy Coroner HH Frances Kirkham in March 2013. Some of these similarities and lessons include the following:

- i) Exterior cladding panels burnt through in 4 ½ minutes with suddenness and ferocity, terrifying the residents. Within half an hour of the first 999 call, the fire had spread to several other floors, moving upwards and downwards;
- ii) Dramatic images on television of smoke spreading on the outside of the building;
- iii) Fire origin was an electrical fault in a television inside a ninth floor Flat (65) bedroom. The block was 14 storeys high, built in 1958 and there were a number of fatalities;
- iv) The detailed narrative verdict delivered by the jury determined that the fire spread up into flat 79 through the panels under the bedroom windows of flat 79, the aluminum frames having been distorted by flames from flat 65 creating gaps. These gaps permitted smoke to be pushed back into flat 79. This led to rapid and extensive smoke logging. The composite panels were replacements carried out during refurbishment;

- v) The Coroner completed a rule 43 report for the Secretary of State for Communities and Local Government, Eric Pickles MP. She highlighted a number of safety concerns pertinent to high rise Buildings recommending a review of Generic Risk Assessment 3.2 ' High Rise Firefighting ' which included these specific topics: -

Awareness that fire can spread downwards and laterally, and above and adjacent to a fire flat, and that insecure compartmentation can permit transfer of smoke and fire between a flat and common parts putting the lives of residents and others at risk.

There was a separate recommendation that providers of housing in high rise residential buildings containing multiple domestic premises consider the retro-fitting of sprinkler systems.

- vi) It is understood that the London Fire Brigade provided new advice for training in light of this fire (presently not disclosed)

D) Residents' concerns

23. Through complaints of gas explosion or leaks, building defects and of course, matters of fire safety, Grenfell residents warned of impending disaster. They worried that only a disaster would get attention.

24. In an eerily prescient blog post written November 20th 2016 – just over 6 months before this tragedy – the Grenfell Action Group wrote on its website as follows:

"It is a truly terrifying thought but [we] firmly believe that only a catastrophic event will expose the ineptitude and incompetence of our landlord the KCTMO and bring an end to the dangerous living conditions and neglect of health and safety legislation that they inflict upon their tenants and leaseholders "

<https://grenfellactiongroup.wordpress.com/2016/11/20/kctmo-playing-with-fire/>::

25. The inquiry must record this history of indifference to the resident's complaints. It is critically important in understanding the circumstances in which such a fire could have

been possible.

EVACUATION

26. We know that the fire actually started in the kitchen of flat 16 on level 4: and that through the implication of the rain-screen cladding, the fire developed into multiple pathways and spread to different floor levels - 7 storeys in 7 minutes; and 19 storeys within 12 minutes.
27. It will be important for the responses of the fire-fighters to be viewed in the context of why this fire was able to spread in such an exceptionally rapid manner. This is essential for understanding what judgments they made; the manner in which the firefighting intervention was configured and the support they presumed that they needed (at least, initially).
28. Our clients want to get a deeper understanding of what opportunities existed for successful evacuation of residents. Why did it take until 2:47am – almost 2 hours after the fire was first reported from flat 16 – before the Stay Put Policy was abandoned? At what point, if at all, was the all-consuming objective to simply save lives?
29. This inquiry will need to review the application of the Stay Put policy. In the 70's and 80's, public service announcements advised by way of a catchy jingle, that in the event of fire, "GET OUT/STAY OUT/GET THE FIRE BRIGADE OUT". That is the advice on the websites of Staffordshire Fire and Rescue Service, Cheshire Fire and Rescue and South Yorkshire Fire and Rescue. Should there be a reversal of the Stay Put policy so that it becomes the exception rather than the rule?
30. The clarity of messages played a huge role in self-evacuation on June 14th 2017. There is evidence of mixed messages from individual phone calls to various residents within Grenfell Tower. Is there scope for a more centralised and unitary means of communication, so that there is greater clarity of evacuation messaging?
31. Discussions about what difference could better functional fire resistant measures have made, are of high importance to our clients. These include:

- i) whether fire ladders should have been extended to the upper floors;
- ii) whether aerial support from helicopters for roof escape was possible;
- iii) whether smoke extraction and alarm systems could have made a difference;
- iv) whether high rise packs including breathing masks and torches should be necessary for high rises;
- v) whether there should have been soft landing inflatables at the base of the block; and
- vi) accessibility of the block for fire appliances and availability of up-to-date plans of layout and numbering of flats for fire-service.

FINAL OBSERVATIONS

32. The families that we represent, invite the Chairman to explore evidence in this inquiry with a view to making the following specific recommendations:

- i) A ban on the use of combustible materials in the construction, renovation and maintenance of RHR;
- ii) The provision of a range of fire protection measures within the building - especially the higher floors – including HR packs, dedicated exits, extinguishers, sprinklers, hoses/wet risers, automatic smoke extraction, smoke detectors/alarms and intercom;
- iii) Revision of the Stay Put Policy alongside a review of the internal firefighting policy - and the scope for judgments that may be made about their respective applicability;
- iv) Fire protection measures that encompass the deployment of apparatus capable of external firefighting to a higher level; and
- v) Far stronger, clear and well-defined fire safety regulatory system and enforcement.

33. Establishing the truth and identifying clear areas of accountability are the priority for our clients. Like the Prime Minister exhorted at the commencement of this inquiry, they demand that “*no stones are left unturned*” in uncovering the truth of what happened. Only after the truth has been established, can there be any move to the next stage of ensuring that there is accountability for what happened.

34. It is hoped that this inquiry will serve to engender a cultural shift towards respect and dignity towards residents of social housing. For any such change to become embedded, there must be a shift in mindset of landlords, reflected in their attitude towards their tenants. One obvious point to address is responsiveness to complaints, especially those in relation to matters of health and safety.
35. Upon the appointment of the two new panel members for phase 2, we ask that consideration be given to their attendance as soon as practicable during phase 1 given the areas of overlap.

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