

IN THE MATTER OF THE GRENFELL TOWER PUBLIC INQUIRY

OPENING STATEMENT

of

CS STOKES & ASSOCIATES LIMITED

INTRODUCTION

- 1 In the first instance, CS Stokes & Associates Limited (“CS Stokes”) would like to express its deepest sympathies and condolences to the survivors, the bereaved, the relatives of the deceased, the residents and all those otherwise directly affected by the Grenfell Tower fire.
- 2 CS Stokes is committed to assisting the Grenfell Tower Public Inquiry (“the Public Inquiry”) as best it can and particularly in relation the Regulatory Reform (Fire Safety) Order 2005 (the “FSO”) and Fire Risk Assessments (“FRAs”) carried out under that legislation.
- 3 CS Stokes regards this Opening Statement as the opportunity to assist the Public Inquiry with issues that the Grenfell Tower fire and disclosure so far seem to have identified with particular relevance to the FSO and FRAs in general.
- 4 CS Stokes is the company through which Carl Stokes trades and has traded in the business of fire safety since 2009, although prior to that date (and since 2007) he carried out independent FRAs. In common with many others engaged in carrying out FRAs on buildings pursuant to the FSO, he operated and continues to operate as a sole practitioner through CS Stokes.
- 5 Carl Stokes started his Fire Service career at Royal Berkshire Fire and Rescue Service in September 1986. During the course of his duties at Berkshire, and subsequently Oxfordshire Fire and Rescue Service, he had 23 years’ service as a Fire Officer which

included 19 years fire safety experience dealing with enforcement and audit, and has a number of qualifications relevant to fire safety in general.

- 6 On the 10 December 2007, he was awarded the Fire Risk Assessment Certificate by the Northern Ireland Fire Safety Panel and CS Todd Associates Ltd in recognition of his demonstrated proficiency (verified by examination) as considered necessary within a framework of competency, to enable him to carry out or audit suitable and sufficient FRAs under the FSO.
- 7 CS Stokes recognises that there is no specific regulatory frame work for competence with regard to those carrying out FRAs and can see merit in that issue being considered by the Public Inquiry with a view to making recommendations in that regard.

FIRST INVOLVEMENT WITH GRENFELL TOWER

- 8 CS Stokes' first involvement with Grenfell Tower ("Tower") was in 2009, when CS Stokes was sub-contracted by Salvus Consulting Limited ("Salvus") to carry out a FRA at the Tower ("2009 FRA"). CS Stokes did not enter into a written contract with Salvus. CS Stokes carried out the FRA and this was provided by Salvus to the Kensington and Chelsea Tenant Management Organisation ("KCTMO").
- 9 In 2010, the KCTMO put its FRA work for its portfolio of properties out to tender, and CS Stokes was invited by the KCTMO's Janice Wray to tender in its own right, rather than as a subcontractor to Salvus.
- 10 Ms Wray was, and remained throughout CS Stokes' involvement with the Tower, CS Stokes' primary point of contact with the KCTMO and instructions were primarily received from her, although CS Stokes also corresponded from time to time with others at the KCTMO.
- 11 In 2010, CS Stokes tendered for the KCTMO's FRA work, and was in the first instance successful in obtaining the work for 'medium' risk buildings. CS Stokes was subsequently awarded the work for 'low' risk buildings in 2011. When CS Stokes tendered for the KCTMO's work, Salvus was already instructed to carry out FRAs on the KCTMO's 'high' risk buildings, which included the Tower. As noted above, in

2009, CS Stokes had been sub-contracted to Salvus for the purposes of carrying out the 2009 FRA for the Tower.

12 Broadly speaking, the difference between ‘high’, ‘medium’ and ‘low’ risk buildings, was as follows:

12.1 High risk – buildings over 8 storeys, and (regardless of the number of storeys) any sheltered or temporary accommodation;

12.2 Medium risk – buildings between 3 and 8 storeys; and

12.3 Low risk – buildings below 3 storeys.

13 As part of CS Stokes’ tender, CS Stokes was asked to propose pricing based on the following categories, which were differentiated by number of dwellings, rather than by risk category:

13.1 Very small – up to 10 dwellings;

13.2 Small – 11-50 dwellings;

13.3 Medium – 51-100 dwellings;

13.4 Large – 101-150 dwellings; and

13.5 Extra-large – over 150 dwellings.

14 In this way, the risk categories were a different matrix to the size categories on which pricing was based, and as such, the pricing structure sat across the risk categories (albeit that there tended to be some correlation, as a ‘high’ risk building would tend to have a greater number of dwellings).

CONTRACT WITH THE KCTMO

15 In recognition of the risk categories which CS Stokes was successful in tendering for, CS Stokes entered into the following written contracts:

15.1 Contract for ‘medium’ risk buildings signed on 21 October 2010; and

15.2 Contract for 'low' risk buildings signed on 24 August 2011.

collectively (the "Contracts").

- 16 The Contracts related to all of the KCTMO's buildings within the respective risk categories. Both of the Contracts included the same general terms and conditions.
- 17 In 2010 (after the contract for 'medium' risk building FRAs had been awarded to CS Stokes as set out above), the KCTMO additionally asked CS Stokes to carry out a FRA on the Tower (and CS Stokes did so in December 2010), notwithstanding that the Tower was a 'high' risk building ("2010 FRA"). The KCTMO also asked CS Stokes to carry out FRAs on its other 'high' risk buildings from 2010 onwards. As set out above, however, CS Stokes had previously undertaken the 2009 FRA on the Tower as a sub-contractor for Salvus and had also undertaken FRAs for other 'high' risk KCTMO buildings during that time.
- 18 No written contract was ever entered into for 'high' risk buildings. When CS Stokes was asked to carry out a FRA by the KCTMO for a specific building not covered by the Contracts, an oral agreement to do so existed, as far as CS Stokes was concerned, on the same terms. CS Stokes charged for its work on the basis originally provided for in the Contracts.
- 19 Initially, in the November of each calendar year, the KCTMO would send CS Stokes a list of properties to inspect in the next calendar year: the higher the risk category, the more frequently the building would be assessed. Following receipt of the list for the following year, CS Stokes would then carry out FRAs on the identified buildings throughout the following year, liaising with Ms Wray with regards the practicalities of so doing (arranging access to the building, provision of relevant documents etc.)
- 20 In relation to 'high' risk buildings initially, if CS Stokes carried out a FRA in a given year for a particular 'high' risk building, it would tend to be reviewed in-house by the KCTMO the following year, and a fresh FRA undertaken by CS Stokes would follow in the year after that. In 2015, the KCTMO decided that FRAs should be carried out on 'high' risk buildings every 3 years, with FRAs on 'medium' and 'low' risk buildings to

be carried out at least every 4 years. Reviews would then be carried out in-house by the KCTMO annually in those years when a FRA was not undertaken.

21 As set out below, however, because of the refurbishment of the Tower, FRAs in relation to the same were in fact carried out more regularly. After the 2010 FRA, CS Stokes was asked to carry out further FRAs on the following occasions:

21.1 November 2012;

21.2 October 2014;

21.3 April 2016 (prior to the handover of the Tower to the KCTMO following the refurbishment); and

21.4 June 2016 (after the handover of the Tower to the KCTMO following the refurbishment).

22 Between 2010 and 2017, during which time CS Stokes carried out FRAs for the KCTMO across their portfolio of properties, CS Stokes was at various points sporadically requested to:

22.1 to return to buildings where it had carried out FRAs (including but not limited to the Tower), in order to check whether matters raised by CS Stokes in the FRAs as needing attention, had in fact been attended to; and

22.2 usually by way of email correspondence, to provide comment on individual issues without returning to the relevant properties.

23 This work was in addition to the work which CS Stokes was contracted to undertake, and as such, CS Stokes was paid on a *pro rata* basis for these checks and/or comments (with brief visits or simple clarification being provided free of charge). CS Stokes was not contracted, retained or appointed (in relation to the Tower or any other KCTMO property) to physically check, unless separately requested to do so, that all or any actions in a FRA had been undertaken after the FRA had been submitted.

- 24 CS Stokes was therefore contracted to offer (in the case of ‘low’ and ‘medium’ risk Buildings) and considered itself contracted to offer (in the case of ‘high’ risk buildings) when requested, fire safety help, advice and support to KCTMO managers and employees, as and when requested.

REFURBISHMENT OF THE TOWER

- 25 At no point was CS Stokes contracted, retained or appointed to undertake any on-going consultancy and/or supervisory role in relation to the refurbishment of the Tower. CS Stokes’ role remained to carry out FRAs when they fell due and as set out in paragraph 24 above.

- 26 CS Stokes was, however, asked to carry out discrete tasks during the period of refurbishment, including:

26.1 CS Stokes was, on occasion, asked by the KCTMO to respond to certain queries from contractors;

26.2 CS Stokes was, on occasion, forwarded chains of emails by the KCTMO ‘FYI’ and sometimes asked for comment;

26.3 CS Stokes was, on occasion, asked by the KCTMO to attend the Tower to inspect a specific matter or matters. When so requested, CS Stokes would usually attend the Tower and then send a letter to the KCTMO recording its observations; and

26.4 As noted at paragraph 21 above, CS Stokes was asked to carry out FRAs at the Tower, including both before and after the refurbished Tower was handed over to the KCTMO.

KEY DOCUMENTS

- 27 Apart from the FSO and specific British Standards where relevant, CS Stokes invites the Public Inquiry to consider in particular the following documents that provide guidance relevant to Fire Risk Assessment:
- 27.1 Department for Communities and Local Government 2006 – ‘Fire Safety Risk Assessment – Sleeping Accommodation’ (the “Sleeping Accommodation Guide”);
 - 27.2 Local Government Association ‘Fire Safety in purpose-built blocks of flats’ July 2011 (‘LGA Guidance’) – Colin Todd exhibit (CTAR00000033);
 - 27.3 Building Regulations 2010, Fire Safety Approved Document B Volume 2 2006 Edition, Incorporating 2010 and 2013 Amendments; and
 - 27.4 PAS (Publicly Available Specification) 79 (2012) – not so far produced by Colin Todd – this document addresses the steps to be taken in relation to Fire Risk Assessment.

ISSUES FOR THE PUBLIC INQUIRY TO CONSIDER

- 28 CS Stokes recognises that Fire Safety and the FSO in its entirety as well as the FRA regime may be replaced by a completely different system but on the assumption that it does not and/or that it needs amending in the interim as a matter of urgency, the following may be of assistance:
- 28.1 Should the FSO (when it relates to residential buildings), and/or the requirement to conduct a FRA as currently set out in the FSO, cover external building walls/cladding (materials and construction) and, if so, does the FSO and/or existing guidance (LGA Guidance and/or PAS 79) require amendment?
 - 28.2 If the FSO (when it relates to residential buildings) is to cover external building walls/cladding (materials and construction), should those issues also be addressed specifically in a FRA and if so, how, to what extent and by whom?
 - 28.3 Does the LGA guidance July 2011 and/or the Sleeping Accommodation Guide need amending?
 - 28.4 Should Approved Document B Section 8 Compartmentation at paragraph 8.13 (Flats) and/or 8.20 and/or 8.26 and/or 8.34 be amended to include reference to the external wall of a building being relevant to compartmentation being considered for the purpose of fire safety measures?
 - 28.5 Does Approved Document B make it sufficiently clear that external surface fire spread may compromise fire safety to the extent of rendering a Stay Put policy and/or other fire protection measures (based on compartmentation construction) inoperable if fire does spread via an external surface?
 - 28.6 What is the practice with regard to Building Control approving or otherwise external cladding materials and/or fixings?

28.7 If the FSO/FRA regime remains in place, is there scope for a formal Regulated Qualification for Fire Risk Assessors and if so, what should that be and how should it be administered?

29 That concludes the Opening Statement on behalf of CS Stokes.