

# **GRENFELL TOWER INQUIRY**

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## **CLOSING SUBMISSION AT THE CONCLUSION OF PHASE 1 ON BEHALF OF THE MAYOR OF LONDON**

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### ***INTRODUCTION***

1. The hearings of Phase 1 conclude just as those directly affected by the Grenfell fire commemorate 18 months since the tragedy. It is appropriate that those involved in this process should pause and reflect on how much more needs to be achieved to ensure that this cannot ever happen again in our country.
2. The Mayor intends to divide his closing remarks into two parts – the first looking back and reflecting upon what work and investigation has been completed in Phase 1 of the Inquiry and then secondly looking forward to Phase 2 and the change in emphasis from response to the tragedy of the night itself to an examination of who or what organisations should bear responsibility and be held accountable for the catastrophic events of 14<sup>th</sup> June 2017.

### ***PHASE 1***

3. In some respects the Inquiry's division of its work into Phase 1 and Phase 2 while pragmatic, has been artificial, and at times more than a little frustrating for a number of the Core Participants including the Bereaved, Survivors and Residents.

4. Phase 1 has focused, as it was intended to do, on the events of the night and the immediate aftermath and it will no doubt conclude that there are lessons to be learned about what occurred on the night and perhaps what might have been done differently. As the Mayor said in opening, it is incumbent upon each and every one of us with a role at the Inquiry to ensure we learn every lesson we can, even the difficult ones, with an aim to achieve the central objective which is to ensure that such an event never happens again in London or elsewhere in the United Kingdom.
5. Phase 1 has highlighted the actions of very many individuals present on the night who disregarded their own safety in order to ensure the safety and survival of others. The Inquiry has heard accounts from survivors and from individual fire fighters who put their own personal trauma to one side to provide evidence orally and in writing illustrating for the Inquiry and the public, the many who put their own lives at very great risk. The Mayor was privileged to attend the Inquiry in person to hear some of this moving testimony. It would be wrong to single out individual accounts but many of us present or following the Inquiry more remotely, were and should be humbled by those testimonies and the illustration of human courage that has been portrayed.
6. However what has been wholly absent from this phase of the Inquiry has been any explanation for the seeming divergence of views between the TMO and Rydon on the one hand, whose Newsletter indicated that after the replacement of the flat doors, Grenfell Tower was designed according to “rigorous safety standards<sup>1</sup>”, and Dr Lane on the other who gave evidence that “if the material used [on the outside of the building] had been known, the building should not have been occupied because the

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<sup>1</sup> Evidence of Marcio Gomes Day 71 49/4 referring to ART00002606

Fire Brigade would then also have known what was facing them.<sup>29</sup> And further in her oral evidence Dr Lane told the Inquiry that:

*“Approved Document B, it makes clear there's a fire in one flat, so the probability of fire and smoke spread is low, no reliance on external rescue, and so a total evacuation is highly unlikely to be necessary, I think it is because a building with this form of external wall could never provide the high degree of compartmentation required to support stay put, from my perspective, at handover of that building, with the external wall in the condition it was, a stay-put evacuation strategy should not have formed the fire safety strategy basis of the building anymore, and the only evacuation strategy possible in that context was a total evacuation. So I'm saying that from what I call a building design condition. So at handover, the high degree of compartmentation cannot be maintained, and so, as the statutory guidance document says, therefore a total evacuation is highly probable to be needed, highly likely to be needed.”<sup>30</sup>*

7. If Dr Lane's conclusions are correct, then Grenfell Tower was unsuitable for occupation and absolutely unsuitable for occupation with a stay put policy in place. She has given evidence that Flat 16 could not maintain the required high degree of compartmentation due to the failure of the building envelope to adequately resist the spread of fire. Her wider evidence of non-compliance was damning.
8. Obviously we acknowledge that this is going to be the subject of detailed analysis in Phase 2 when the Inquiry will hear more by way of explanation from the corporate Core Participants as to why it was that they considered the design and renovation of Grenfell Tower rendered it suitable for that stay put policy to be maintained but until then, the Mayor would invite the Chair to consider any criticisms that he may make of the first responders in

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<sup>29</sup> Evidence of Barbara Lane Day 79 170/12

<sup>30</sup> Evidence of Barbara Lane Day 79 177/21

the light of the oral and written evidence of Dr Lane. In particular, the Inquiry is asked to note that Dr Lane did not consider it reasonable that in the event of the installation of a combustible rainscreen system on a high rise residential building, the fire brigade should be expected to fully mitigate any resulting fire event.<sup>4</sup>

9. Although Phase 1 has heard some evidence relating to the training and organisation of the LFB, this was limited to a discussion of issues directly relevant to the LFB attendance at Grenfell Tower fire in the location of Inner West London. The Mayor notes that further evidence on these matters, including the expert evidence of Mr Steve McGuirk, will be considered in Phase 2. The Inquiry will be aware that the organisation and structure of LFB, while not unique in the United Kingdom, is organised in such a way as to take into account the demography and geography of London. Therefore, recommendations that might work in London may be less workable elsewhere in the United Kingdom. The Mayor would suggest that the Inquiry needs to exercise great care before making any recommendations on fire and rescue service organisation, training or operation at this stage in the absence of any evidence in relation to the national position or other relevant factors in London.

### **LOOKING FORWARD TO PHASE 2**

10. Phase 2 must be about responsibility and accountability. That will obviously include the adequacy of the response but the immediate focus for Phase 2 must be the design, construction, modification and renovation of Grenfell Tower from its original construction in 1974 until its decimation by fire on 14<sup>th</sup> June 2017.

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<sup>4</sup> Barbara Lane BLAS0000002 para 2.10.1

11. By letter dated 11<sup>th</sup> May 2018, the Prime Minister indicated that for the hearings in Phase 2 the Chairman will be sitting with two additional panel members. The Prime Minister's letter confirmed that the Chairman would be assisted by two panel members in order to provide "the necessary breadth of skills and diversity of expertise." The Prime Minister went on to say:

*I hope this decision will provide reassurance to victims and survivors of the fire, the local community and members of Grenfell United, who have been clear with me and the Minister for Grenfell Victims, Nick Hurd, that you are the right person to lead this Inquiry but who also believe that, in Phase 2, it would be beneficial to have additional panel members recognising the scale and breadth of issues to be considered."*

12. In the particular circumstances of these appointments, the Inquiries Act 2005 requires that the Chairman gives his consent. The Mayor would invite the Chairman to prioritise diversity when considering his consent to the appointment of panel members. The Chairman has already appointed experts to assist him as his advisory panel, the panel members for Phase 2 should bring a different element to the proceedings. Diversity is not just about appearance. Phase 2 will require an examination of a number of issues relating to "how" and "why" Grenfell Tower rapidly became a serious danger to life on the night of the fire, but it will also look at the governance and management of the Tower, the communication with residents, the fire advice and the actions taken by the various authorities in the aftermath. In respect of all of these issues the Chairman will be hugely assisted by panel members with relevant life experience and not merely relevant professional qualifications. While it is of course a matter for the Prime Minister, the Mayor would also welcome and encourage any measure of consultation with Core Participants prior to these appointments.
13. Once again the Mayor supports the Bereaved, Survivors and Residents' plea for a more practical venue for Phase 2 which is able to

accommodate more of their number in more appropriate surroundings and in particular nearer the location of the Grenfell Tower. This Inquiry should prioritise public participation and be particularly concerned about the inability of a large number of Core Participants who resided in the Tower or adjacent to it to actively participate in the process. Very many of those important people are currently unable to do so due to the location at Holborn Bars. This is not about numbers and the venue being full, it is about the convenience of Core Participants with competing daily commitments in their locality being able to participate without having to travel an hour either way to do so. We again urge the Inquiry to relocate for Phase 2. In the interests of transparency, the Mayor has previously invited the Inquiry team to publish details of all venues already examined and rejected, although this request has been refused on grounds of commercial sensitivity. In the event that it is unable to relocate for Phase 2, the Mayor repeats his request and invites the Inquiry to publish or provide to Core Participants information on the steps that have been taken and the premises that have been contacted to reassure Core Participants that the Inquiry Team have used their best endeavours to make efforts to relocate but have been unsuccessful in their efforts.

14. We are appreciative of the scale of anticipated disclosure for Phase 2 but nonetheless remain concerned that Phase 2 disclosure has yet to commence, despite the Inquiry's letter dated 18<sup>th</sup> October 2018 expressing the hope that the first tranche would be disclosed by the end of October or as soon as possible thereafter. It is essential that the Core Participants have a realistic working timetable including the timetable for rolling disclosure as soon as possible to prevent further delays in the Inquiry's work. But public safety demands that this Inquiry proceeds as quickly as possible and the Inquiry team must ensure that slippage on dates does not derail the starting date of Phase 2.

15. The Inquiry must ensure that in Phase 2 of the Inquiry, the Bereaved, Survivors and Residents remain central. In Phase 1 their voices have been heard both in the touching memorials and in the evidence that they gave in relation to their experience of the fire itself. The Inquiry's experts have also expressed how valuable this evidence has been in assisting with their work. In Phase 2 also, their evidence needs to be placed right at the heart of the Inquiry's work to provide justice for the dead and accountability for the living.

**ANNE STUDD QC**

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**6th December 2018**