

## **GRENFELL TOWER INQUIRY**

### **PHASE 1 CLOSING STATEMENT ON BEHALF OF RBKC**

#### Introduction

1. The Council reiterates its commitment to full co-operation with the Inquiry and its commitment to assist the Inquiry in its search for the truth.
2. The Council is deeply sorry that its residents suffered the terrible tragedy of the Grenfell Tower fire.
3. The Inquiry's website currently states the following about the contents of the Chairman's Phase 1 report:

*“Due to the urgent public safety issues to be examined by the Inquiry and the Chairman's obligation to produce an interim report as quickly as possible, Phase 1 will focus on the factual narrative of the events of the night of 14 June 2017. This Phase will not examine the reasons why things happened as they did or what should have happened, nor will it assess any arrangements, decisions, regulations or policies. Phase 1 is a purely fact-finding phase.*

*This means that the focus of Phase 1 will be the events of the night of 14 June 2017 and, in particular:*

- *The existing fire safety and prevention measures at Grenfell Tower;*
- *where and how the fire started;*
- *the development of the fire and smoke;*
- *how the fire and smoke spread from its original seat to other parts of the building;*
- *the chain of events before the decision was made that there was no further savable life in the building; and*
- *the evacuation of residents.*

*Phase 1 will also examine what the emergency services did by way of response, and when. The question of why they did what they did, and the adequacy of the*

*emergency services' response, including the appropriateness of the "stay put" policy, and the lessons to be learned, will be considered in Phase 2.*

*Phase 2 will address the remainder of the List of Issues to be investigated."*

4. In Phase 1 we have heard detailed evidence, much of it harrowing in nature, about the events of the night of the fire and the movements and actions of residents and firefighters. We have also heard detailed expert evidence about the state of the building on the night of the fire and the means by which fire and smoke spread.
5. We are confident that, in analysing the events of the night of the fire, the Inquiry will be assisted by detailed submissions from the legal teams representing the BSRs and the LFB and by the work of its own team members.
6. The aim of these submissions is to provide assistance to the Inquiry rather than to duplicate the work of others. Therefore we do not seek in these submissions to address every topic which falls within the ambit of the Phase 1 Report.
7. Our submissions are divided into the following topics.

(1) The state of the building on the night of the fire;

(2) The involvement of officials from RBKC who were at the scene in the early hours of 14 June 2017;

(3) Miscellaneous matters relating to the events of the night of the fire and/or the building.

The state of the building on the night of the fire

8. In the paragraphs below, we seek to set out a non-exhaustive analysis of some of the key features of the building including the extent to which the Inquiry should comment on compliance issues in its Phase 1 report and the extent to which the Inquiry should comment on the causative effect of non-compliance in its Phase 1 report. Where we

submit that matters are more appropriately addressed in the Phase 2 report we have kept our analysis correspondingly brief.

9. When considering the Phase 1 / Phase 2 split the following general matters are worth bearing in mind. The Inquiry has not heard evidence from persons who might be responsible for the state of the building and the Inquiry's experts have said that they will be addressing such matters in Phase 2. Dr Lane did not, in Phase 1, seek to address the effect of the non-worsening provision in the Building Regulations but said that she would do so in Phase 2. Mr Todd did not give oral evidence in Phase 1.

### ***The cladding system***

10. In our Opening Statement on 6 June, we said that it was clear that the cladding system, as installed in the refurbishment, did not satisfy the functional requirement of Schedule 1, Part B4 of the Building Regulations and that it was likely that a number of specific failures to comply with the provisions of Approved Document B would be identified by the Inquiry.
11. As is now well documented, the deficiencies with the cladding system at Grenfell Tower appear to be symptomatic of a wider national problem. The latest monthly data released by MHCLG on 8 November indicates that as at 31 October there were 457 high-rise buildings in England which had been identified as having cladding systems unlikely to meet current Building Regulations guidance: 159 of these were social sector residential buildings; 9 were hospitals and schools; 289 were private sector buildings.
12. Subject to new evidence emerging in Phase 2, the following conclusions can be drawn about the cladding system at Grenfell Tower.
13. There is no evidence of a holistic fire engineering solution.
14. The cladding system did not meet the performance criteria given in the BRE Report *Fire performance of external thermal insulation for walls of multi storey buildings* (BR 135). There was no full scale BS 8414 test of the cladding system that was installed. There was no desktop assessment of the cladding system that was installed. Accordingly, the

cladding system installed at Grenfell Tower was required by ADB paragraph 12.5 to satisfy the guidance given in paragraphs 12.6 to 12.9 of ADB 2013.

15. The effect of Diagram 40 was that the external surfaces of the cladding system above 18m were required to be Class 0 (national class) or class B-s3, d2 or better (European class). The external surfaces of the cladding system were not Class 0 and were not class B-s3, d2 or better. Therefore the cladding system did not satisfy the requirements of paragraph 12.6 of ADB 2013 and Diagram 40.
16. The insulation materials / products used in the cladding system were not of limited combustibility. Therefore the cladding system did not satisfy the requirements of paragraph 12.7 of ADB 2013.
17. The failure of the cladding system to comply with the B4 functional requirement and to satisfy the requirements of Approved Document B was clearly one of the most important, if not the most important, causes of the severity of the Grenfell Tower fire.
18. In Phase 2 the Inquiry will address a number of very important questions, in particular: which organisations and persons bear responsibility for this state of affairs; who designed the cladding system; whether there were deficiencies in how products / components were tested and how the results of such tests were communicated and interpreted; what steps were taken by Building Control in respect of the cladding system before the Completion Certificate was issued; and what consideration was given to the fire safety of the cladding system. Phase 2 will be the proper time for those questions to be asked and for the relevant individuals to give oral evidence, answer those questions and explain their thought processes. As previously indicated in our written and oral Opening Statements, in considering those questions it will be important to bear in mind that the officials who work in Building Control and grant Building Control approvals are not, and do not become, designers of the projects that they approve. It is well understood in the construction industry that the fact that local authorities have a Building Control function does not remove the duties on those paid to design buildings.



### *Stair doors*

19. Smoke spread from the lobbies to the stairwell through the stair doors. The experts were clear that the primary cause of this was stair doors being opened or held open<sup>1</sup>.
20. We agree with Dr Lane about the need for a location by location approach to the issue of stair doors<sup>2</sup>. The evidence suggests that all 20 stair doors on levels 4-23 were the original doors from the early 1970s<sup>3</sup>. Dr Lane intends to investigate in Phase 2 whether, and if so which, original doors were upgraded by the installation of smoke seals and/or intumescent strips and, if so, to what extent<sup>4</sup>.
21. The physical evidence currently indicates that the doors withstood the fire well. There is also considerable witness testimony to the effect that the doors kept out smoke from the lobbies. Dr Lane told the Inquiry that she had not observed a failure or collapse of a stair door<sup>5</sup>. We agree with Dr Lane that evidence of actual performance location by location is very important and hope that this can be obtained and analysed in Phase 2<sup>6</sup>. Such an analysis will need to factor in the likely conditions in the lobbies over time and bear in mind Professor Torero's point that the temperature in the lobby would already have had to be at about 800°C for the doors to fail<sup>7</sup>.
22. The following matters should also be further investigated in the course of Phase 2:
  - (i) The extent of smoke leakage through closed stair doors;
  - (ii) The effect of the non-worsening provision – Dr Lane made it clear that she was not giving any view on non-worsening at the moment<sup>8</sup>;
  - (iii) The extent, if any, to which smoke leakage through closed stair doors was attributable to any “non-compliance”.

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<sup>1</sup> Dr Lane, Transcript 26.11.18 page 41 lines 4-7. Professor Torero, Transcript 20.11.18 page 199 line 9 – page 200 line 1

<sup>2</sup> Transcript 26.11.18 page 66 line 20 – page 67 line 11

<sup>3</sup> Dr Lane, Transcript 26.11.18 page 43 lines 14-16

<sup>4</sup> Transcript 26.11.18 page 58 line 24 – page 60 line 25

<sup>5</sup> Dr Lane, Transcript 26.11.18 page 45 lines 7-22

<sup>6</sup> Transcript 26.11.18 page 67 lines 8-11

<sup>7</sup> Transcript 20.11.18 page 199 lines 21-24

<sup>8</sup> Transcript 26.11.18 page 64 line 25

***Flat entrance doors***

23. We agree with the Inquiry's experts that flat entrance doors are likely to have been an important route for smoke spread within the building. As a matter of logic, such smoke spread could have occurred because: a door was open; a door was closed but experienced smoke leakage; a door was closed but its integrity failed as a result of it being exposed to fire; or a door was broken down by firefighters (the number of instances of this in the early stages of the fire appears to be low).
24. 106 flat entrance doors were replaced in 2011. The remaining 14 doors (on levels 4-23) were all destroyed in the fire and it is not possible to draw any conclusions about their performance.
25. The full details of the 2011 door replacement programme will need to be explored in Phase 2 but all 106 replacement doors were intended to have self-closers. We acknowledge that, in the Phase 1 oral evidence, a very different picture has emerged. There has been considerable evidence of self-closers being broken or having been removed. We fully agree with the experts that this is a very important issue. It will require detailed exploration in Phase 2. The amount of smoke passing through an open door is likely greatly to exceed that passing through a closed door even if the closed door does not meet current standards. The absence of self-closers on Flat 6 doors which were opened at an early stage in the fire is likely to be of particular significance.
26. It seems clear that many of the doors installed in 2011, including all the glazed doors, did not meet the standards current at the time. The extent of this deficiency, the reasons for it and the significance of it are matters which should be investigated in detail in Phase 2.
27. We agree with Dr Lane that:
- (i) Even compliant doors would only have had 30 minutes integrity<sup>9</sup>;
  - (ii) It is not appropriate simply to say that all doors failed and all had the same contribution<sup>10</sup>;
  - (iii) There needs to be a location by location review<sup>11</sup> - i.e. floor by floor and flat by flat.

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<sup>9</sup> Transcript 26.11.18 page 32 line 22 – page 33 line 1

<sup>10</sup> Transcript 26.11.18 page 34 lines 14-16

***Dry riser***

28. The fact that a wet riser was not installed at the time of construction in the early 1970s meant that, in this respect, Grenfell Tower was not compliant with CP3 1971.
29. Whether the dry riser should have been replaced by a wet riser at some point in time after construction is a matter which should be addressed in the Phase 2 report rather than the Phase 1 report.
30. As to whether the absence of a wet riser caused any delay in firefighting, Dr Lane agreed that it was necessary to analyse the factual evidence of firefighters to see whether in fact they had to wait for water when they were otherwise ready to commence firefighting; this was not something she had analysed at all<sup>12</sup>. The evidence on this issue in relation to firefighting in Flat 16 was as follows. FF O’Beirne did not remember having to wait for the water<sup>13</sup>. FF Dorgu also did not think it took especially long for water to become available<sup>14</sup>.
31. Dr Lane made it clear that the design of a wet riser is premised on it being used to supply no more than two hoses<sup>15</sup>. She accepted that once more than 2 hoses were used, the absence of a wet riser may not have made a material difference<sup>16</sup>.
32. FF Abell was part of the first BA team to enter Flat 26 using the third hose. His evidence was that the hose was available when he arrived at the 5<sup>th</sup> Floor and was plugged into the 5<sup>th</sup> floor outlet<sup>17</sup>. FF Abell went under air at 01:21<sup>18</sup>. The ORR gives the time of his and FF Archer’s first attempts to enter Flat 26 at 01:24:00<sup>19</sup>. On this basis, the third hose would have been plugged in by 01:24.
33. Further, there is evidence that, at least initially, water pressure was good. WM Dowden did not remember any difficulties with water pressure<sup>20</sup>. DAC Goulbourne gave evidence that during the incident they managed to get 4 jets of water operational off the dry riser

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<sup>11</sup> Transcript 26.11.18 page 37 lines 23-24

<sup>12</sup> Transcript 26.11.18 page 96 lines 7-21

<sup>13</sup> Transcript 02.07.18 page 136 lines 15-22

<sup>14</sup> Transcript 09.07.18 page 106 lines 4-6

<sup>15</sup> Transcript 26.11.18 page 99 line 23 – page 100 line 3

<sup>16</sup> Transcript 26.11.18 page 101 lines 4-8

<sup>17</sup> Transcript 02.07.18 page 59 line 23 – page 60, line 15

<sup>18</sup> Transcript 02.07.18 page 53 lines 17 – 25

<sup>19</sup> LFB00024348\_0041

<sup>20</sup> Transcript 26.06.18 page 50 lines 22-24

from the 3<sup>rd</sup> and 4<sup>th</sup> Floor outlets and an additional jet on the 9<sup>th</sup> Floor was established later in the incident<sup>21</sup>.

34. On a separate but related point, the absence of a wet riser made no difference to the attempts to fight the fire from the exterior of the building because those efforts were dependent on the water pressure available through the fire hydrants rather than from the dry riser.

### *Lifts*

35. The lifts were renovated in 2005. The renovated lifts did not comply with the standards current at the time as set out in ADB 2000 and BS5588-5:1991. They were not firefighting lifts.
36. The experts have been unable to express a final view on the installation, programming and maintenance of the fireman's control switch on the Ground Floor. However, the evidence is that CM Secrett was unable to take control of either of the lifts on the night of the fire using the fireman's control switch.
37. The fact that the LFB were unable to take control of both lifts on the night of the fire meant that residents were able to continue using them, including Ali Yawar Jafari who sadly died.
38. As it happened, the fire started on one of the lower floors in the tower. In the result, the fact that the LFB were unable to take control of the lifts did not have a significant negative impact on the firefighting tactics employed by the LFB. This is because it was LFB policy that lifts should not be used above the bridgehead in a high-rise incident<sup>22</sup>. LFB policy was that the bridgehead is set up 2 floors below the fire floor. The fire started on the 4<sup>th</sup> floor so policy required the bridgehead to be set up, as it was, on the 2<sup>nd</sup> floor. WM Dowden's evidence was that the fact that they could not control the lift could have resulted in a small delay but the travel distance from ground to 2<sup>nd</sup> floor was minimal<sup>23</sup>.

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<sup>21</sup> Transcript 12.9.18 page 119 lines 16-19, page 124 lines 18-21, page 192 lines 21-23

<sup>22</sup> See LFB Policy 633: LFB00001256\_0010 @ paras 7.12 – 7.18 and Appendix 3

<sup>23</sup> Transcript 26.06.18 page 59 lines 3-8

Dr Lane's oral evidence was that any delay to the initial firefighting response does not seem to have been significant<sup>24</sup>.

39. Dr Lane concludes Appendix L of her supplemental report by stating<sup>25</sup>:

*"Given the potential significance of the lift deficiencies at Grenfell Tower, I recommend the adequacy and compliance of the lifts is investigated in further detail at Phase 2 by an expert with specific expertise in lift design, construction and maintenance."*

40. We support the instruction of such an expert. In the circumstances, issues relating to the design, construction, installation, inspection, maintenance and compliance of the lifts are better dealt with in Phase 2 than Phase 1.

#### ***Smoke Ventilation System***

41. This raises complex issues in terms of both compliance and causation. Dr Lane made it clear in her oral evidence that she has not formed any final views in relation to compliance<sup>26</sup> and that there is much work that she still wishes to do in relation to the operation of the system on the night of the fire<sup>27</sup>. In the circumstances, this is not an issue in respect of which any conclusions on compliance or causation should be expressed in the Phase 1 report.

#### **The involvement of RBKC officials on the night of the fire**

42. The submissions in this section are intended to assist the Inquiry by: identifying when RBKC were first requested to assist the LFB in certain specific ways on the night of the fire (the provision of plans, the attendance of a Dangerous Structures Engineer, the provision of lists of residents); the steps taken by RBKC after those requests were made; and the causal significance of any perceived delay in responding to those requests. The purpose of these submissions is to assist the Inquiry to set out the facts accurately in its

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<sup>24</sup> Transcript 26.11.18 page 125 lines 10-16

<sup>25</sup> Dr Lane supplemental report para L6.1.17

<sup>26</sup> Transcript 26.11.18 page 160 lines 2-9 and BLAS0000031\_0006, para J.1.1.13

<sup>27</sup> See Dr Lane supplemental report section J11



Phase 1 report including, where necessary, resolving factual issues where recollections differ.

***Notification of RBKC***

43. The autodialler within Grenfell Tower had sent a signal to Tunstall by 00:55<sup>28</sup>. Tunstall subsequently called LFB at 00:57:44<sup>29</sup>. This was the second 999 call LFB received in relation to the incident<sup>30</sup>.

44. RBKC was first notified of the fire at 02:10:02 by the Metropolitan Police Service<sup>31</sup>.

45. RBKC was first notified of the fire by the LFB by a call from the LFB Control Room at 02:42:38. As can be seen from the transcript of that call, RBKC was not asked for anything by the LFB at that stage<sup>32</sup>:

*“Caller: Oh hello I’m calling from the London Fire Brigade and just to inform you we’ve got a major incident declared. It’s a 40-pump fire with persons(?) reported. We’ve got multiple persons trapped in flats.*

*Annette: Right, is there anything that you’re wanting at the moment?*

*Caller: Well it’s just to notify. I’ve got to inform your Duty Officer, London Borough Duty Officer.”*

46. At 02:47<sup>33</sup>, Nickolas Layton, RBKC’s Local Authority Liaison Officer (“LALO”) arrived at CU8. His evidence was that whilst he was at the incident, he was “mainly situated” at CU8, although he did leave on occasions for 5 to 10 minutes at a time<sup>34</sup>.

47. The LFB Control Room contacted RBKC again at 03:17:21. A LALO and a Dangerous Structures Engineer (“DSE”) were requested. During that call, the RBKC Operator confirmed that the LALO had been requested and processed the request for a DSE<sup>35</sup>.

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<sup>28</sup> BLAS0000002\_0069 para 2.23.48

<sup>29</sup> LFB00000470

<sup>30</sup> LFB00004790\_0006

<sup>31</sup> MET00023294\_0011

<sup>32</sup> INQ00000188

<sup>33</sup> INQ00000524

<sup>34</sup> Transcript 15.11.18 page 30 line 14 - page 31 line 6

48. In fact, by the time of LFB's request for a LALO, Nickolas Layton was on site and about to attend the first Tactical Coordination Group Meeting ("TCM").

*Plans of Grenfell Tower*

49. The request for, and provision of, plans of Grenfell Tower is an area where there are some differences of recollection. This is not surprising considering the magnitude of the event that those witnesses were dealing with on the night of the fire.

50. Nevertheless, the contemporaneous evidence of the request for plans as it was made of RBKC is clear. The first contemporaneous record of a direct request being made of RBKC for plans of Grenfell Tower was at 06:13<sup>36</sup>. The record of the request states that it was made of John Allen who had attended site as a DSE.

51. This evidence is supported by Inspector Thatcher's Body Worn Video ("BWV") footage of the three TCMs which took place prior to 06:13<sup>37</sup>. That footage is the best evidence of the requests that were made of RBKC, and other agencies, at those TCMs. The footage does not show a request for plans of Grenfell Tower having been made at any of those meetings.

52. We are not aware of any other contemporaneous evidence of a request being made of RBKC for plans of Grenfell Tower prior to 06:13.

53. The TCMs prior to 06:13 were attended by Nickolas Layton on behalf of RBKC. His written evidence, which he maintained in oral evidence despite probing questions asked by Counsel to the Inquiry<sup>38</sup>, was that:

*"at no point prior to me leaving the site had I ever been asked about the layout of Grenfell Tower or been asked to obtain any plans for the Tower"*<sup>39</sup>.

54. We acknowledge that there is a record of a request having been made in the 03:20 TCM in AC Roe's own notes of the incident<sup>40</sup>, however those notes were compiled in the days after the fire and on this matter differ from the contemporaneous notes made by his

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<sup>35</sup> INQ00000211

<sup>36</sup> MET00005404\_0003, see also the handwritten notes kept on the night LFB00010910\_0013

<sup>37</sup> INQ00000156, INQ00000160 and INQ00000162

<sup>38</sup> Transcript 15.11.11 page 73 line 7 to page 75 line 20

<sup>39</sup> RBK00029034\_0010 para 35

<sup>40</sup> MET00005405\_0004

loggist, SM McConochie<sup>41</sup>. SM McConochie had been specifically tasked with keeping a contemporaneous record of AC Roe's actions and decisions on the night.

55. Further, the BWV footage of the 0320 TCM<sup>42</sup> is the best evidence of the requests that were made of RBKC, and others, at that first TCM. RBKC was not asked to provide plans of Grenfell Tower at that meeting, or any other meeting prior to 07:10.

56. Michael Rumble, who was the other RBKC LALO present at the incident ground before 06:13, gave evidence that the first discussion he had with staff from the TMO was in the 20 minutes before the 07:10 TCM<sup>43</sup> and he accepted that it was possible they had discussed plans of the building at that time<sup>44</sup>. However, he was clear that the 07:10 TCM was the first time he had personally been asked for plans by the LFB in his capacity as LALO<sup>45</sup>.

57. In the circumstances, the Inquiry is invited to find that RBKC were not asked for plans of Grenfell Tower by the LFB before 06:13.

58. There is evidence of the provision of plans by RBKC following the 06:13 request. John Allen returned to Kensington Town Hall and brought a copy of the plans to the incident<sup>46</sup>. He left Kensington Town Hall to return to Grenfell Tower sometime after 07:30<sup>47</sup>. AC Roe confirmed that plans had been received at the 08:45 TCM<sup>48</sup> and plans of Grenfell Tower can be seen in MET00018729.

59. In respect of the need for the request of plans from RBKC on the night, it is of note that LFB Policy 800, Appendix 4 provides details of the information that should have been recorded on the LFB's Operational Risk Database ("ORD") entry for Grenfell Tower. That information should have included plans of the building<sup>49</sup>. Despite SM Nick Davies having requested that plans of Grenfell Tower be added to the ORD on 15.05.16<sup>50</sup>, and at least one further 7(2)(d) visit having occurred prior to the fire<sup>51</sup>, the Officers at North

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<sup>41</sup> MET00005404\_0001 – 0002, see also the handwritten notes kept on the night LFB00010910\_0002 – 0003

<sup>42</sup> INQ00000156 02:20:00 – 02:33:30

<sup>43</sup> Transcript 15.11.18 page 109 line 1 – 19

<sup>44</sup> Transcript 15.11.18 page 117 line 15 – page 119 line 16

<sup>45</sup> Transcript 15.11.18 page 117 line 7 – 14

<sup>46</sup> RBK00018512, line 1 - DangerousStructures01

<sup>47</sup> RBK00014117

<sup>48</sup> INQ00000164 07:55:50

<sup>49</sup> LFB00000705\_0024

<sup>50</sup> LFB00003116\_0001

<sup>51</sup> LFB00003111

Kensington Fire Station had not added plans of Grenfell Tower to the ORD prior to the incident with the result that no such plans were available on LFB appliances on the night of the fire.

60. It is clear from LFB Policy 800 that simple plans, rather than architectural plans, are preferred by the LFB for operational use. The policy states:

*“Any plans should be submitted as simple line drawing and avoid submitting complex drawings such as architect plans that are not suitable for viewing on the MDT or contain irrelevant information.”*<sup>52</sup>

61. In the event, there is evidence from firefighters who were operating within the tower on the night that the layout of the 4<sup>th</sup> Floor and therefore all floors above the 4<sup>th</sup> was understood and had been accurately drawn on the wall at the 2<sup>nd</sup> Floor by 02:17. CM Matthew Sephton’s evidence is that he drew the plan<sup>53</sup> after his first BA wear<sup>54</sup> which ended at 01:57<sup>55</sup>. CM Batcheldor recalled being briefed using a floor plan prior to his first BA wear. He tallied out at 02:17<sup>56</sup>. In addition, there was a metal plate listing floor and flat numbers on the ground floor of the tower. WM Kentfield removed the metal plate from the tower and took it to CU8. It was then moved to CU7 and can be seen in photographs taken in CU7 on the night of the fire<sup>57</sup>. It may be that AC Roe was not aware of the extent to which firefighters under his command had accurately worked out the layout of the building<sup>58</sup>.

62. The plan which was drawn on the wall at the 2<sup>nd</sup> Floor was a simple line drawing which is likely to have provided more assistance to the firefighters during search and rescue operations on the night than full architectural plans.

63. Grenfell Tower did not have a premise information box (“PIB”) containing plans of the building. Whilst there was no requirement for a PIB to be installed, and AC Roe’s evidence was that a high-rise would not normally have a PIB<sup>59</sup>, RBKC acknowledges that it would have been desirable for one to have been installed before the fire. As outlined in

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<sup>52</sup> LFB00000705\_0024

<sup>53</sup> MET00016948

<sup>54</sup> MET00010895\_0005

<sup>55</sup> LFB00023326, BA Timeline (2) line 4

<sup>56</sup> Transcript 02.08.18 page 107 line 22 - page 108 line 7 and page 117 lines 11 – 18

<sup>57</sup> MET00008731

<sup>58</sup> Transcript 26.9.18 page 103 line 13 – page 104 line 18

<sup>59</sup> Transcript 26.9.18 page 91 lines 23-24



RBKC's Position Paper dated 26.10.18, since the Grenfell Tower fire, RBKC has installed PIBs at 18 RBKC tower blocks of 10 floors or more<sup>60</sup>.

***The attendance of a Dangerous Structures Engineer***

64. At the time of the Grenfell Tower fire, RBKC operated a rota system for DSEs. On the night of the fire, Amir Fardouee was on call as DSE<sup>61</sup>.
65. The contemporaneous evidence shows that RBKC was first asked for a DSE by the LFB at 03:17<sup>62</sup>. In the course of that telephone call from LFB Control, it was confirmed that the request for a DSE had been processed.
66. Insofar as the Short Incident Log shows requests being made for a DSE at 02:17:36, 02:31:21 and 03:15:32<sup>63</sup>, it is clear that those requests were made of LFB Control by CU8 and not of RBKC directly.
67. In the course of the 03:20 TCM, the fact that the LFB had requested a DSE was mentioned by AC Roe<sup>64</sup>. In oral evidence, Nickolas Layton said that he did not recall this but accepted on the basis of the footage that it had been mentioned<sup>65</sup>. The footage of the meeting which is the best evidence of what occurred at that meeting shows that AC Roe did not make a direct request of Nickolas Layton for a DSE at that time and considered the risks to the building, including partial and total collapse were "blatantly obvious". Further, no such direct request was recorded in the contemporaneous notes of that meeting.
68. The second direct request of RBKC for a DSE was at 03:40:43<sup>66</sup>. The transcript of the call shows that the LFB Control operator stated that the attendance of the DSE was urgent. The RBKC operator confirmed she understood the scale of the fire and that the DSE would attend as soon as they could. She was unable to give the LFB Control Operator a direct contact number for the DSE.

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<sup>60</sup> RBK00029952\_0009 para 41

<sup>61</sup> RBK00029035\_0027

<sup>62</sup> INQ00000211

<sup>63</sup> MET00013820\_0022, 0023, 0024

<sup>64</sup> INQ00000530

<sup>65</sup> Transcript 15.11.18 page 49 lines 18 – 23

<sup>66</sup> INQ00000210



69. RBKC received a further request for a DSE from LFB Control at 03:48:57. The transcript of this call shows that the RBKC operator was having difficulty contacting the DSE<sup>67</sup>.
70. At, or around 04:15, Nickolas Layton was directly asked to arrange the attendance of a DSE by the LFB whilst he was standing outside CU8<sup>68</sup>. This was prior to the second TCM. His evidence, which is supported by David Kerry's "Emergency Event Log Sheet"<sup>69</sup> is that on receipt of that request he called David Kerry to request that a DSE attend<sup>70</sup>.
71. The Emergency Event Log Sheet indicates that by 04:30, Amir Fardouee was at the cordon. This is supported by the BWV footage of PC Alice Jacobs<sup>71</sup> in which MPS radio traffic at 04:48 confirms that the DSE had been on site for approximately 15 minutes and was unable to pass through a cordon.
72. At the second TCM, Commissioner Cotton and AC Roe made it clear to Nickolas Layton that the attendance of a DSE was urgent<sup>72</sup>.
73. In the event, the LFB log of AC Roe's decisions states at 04:51<sup>73</sup>, which was one minute after the 2<sup>nd</sup> TCM ended:
- "structural surveyor in attendance at lesuire (sic) centre and is to make decision on integrity of building."*
74. Amir Fardouee was introduced to GM Dave O'Neill by DAC Keeley Foster<sup>74</sup>. GM O'Neill's evidence was that he would not have expected the DSE to have arrived any earlier than he did<sup>75</sup>. During that first meeting, Amir Fardouee was able to telephone the then RBKC Building Control Manager, John Allen<sup>76</sup>. GM O'Neill's evidence, which is supported by the contemporaneous record of his later conversation with AC Roe at

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<sup>67</sup> INQ00000212

<sup>68</sup> Transcript 15.11.18 page 51 lines 6 - 14

<sup>69</sup> RBK00028849\_0005

<sup>70</sup> Transcript 15.11.18 page 51 line 16 - page 52 line 6

<sup>71</sup> PC Alice Jacob's BWV footage 03:48:48 – 03:50:06

<sup>72</sup> INQ00000531

<sup>73</sup> MET00005404\_0004

<sup>74</sup> MET00013963\_0010

<sup>75</sup> Transcript 02.10.18 page 17 lines 13 – 19

<sup>76</sup> Transcript 02.10.18 page 47 line 5 – 8

05:32<sup>77</sup>, was that John Allen advised him: *“that there was two to four hours’ fire protection on that building, as in fact had the first gentleman [Amir]”*

75. The contemporaneous evidence suggests that Mr Allen arrived on site sometime between 05:32 when he was logged as “inbound”<sup>78</sup> and 06:13 by which time he had been into the Tower<sup>79</sup>. This is supported by John Allen’s later entry on the RBKC system in respect of the fire<sup>80</sup>. On arrival and having been into the tower, he confirmed that the building was unlikely to suffer total collapse<sup>81</sup>. GM O’Neill’s evidence was that there was also an understanding that if a column was displaced on any of the corners there might be a *“corner partial collapse”*<sup>82</sup> and this was confirmed in the 07:13 TCM<sup>83</sup>.
76. In the face of early obvious risks of debris falling from the building and continuing and worsening risks of partial collapse of the building, the LFB continued to commit crews into the building throughout the night. There can be no question that the firefighters and officers who entered the building showed exceptional bravery in what were clearly dangerous circumstances. The utility of the earlier arrival of a DSE in those circumstances was, in our submission, very appropriately and plainly summarised by AC Roe in his evidence to the Inquiry on 26 September 2018 when he said, in response to a question from Counsel to the Inquiry about whether delayed arrival of a DSE affected his plan or knowledge regarding the stability of the building:

*“No, it didn’t, and the reason for that is because whilst we have a DSE system which is useful in some aspects, my experience at more extreme incidents is even the best dangerous structures engineers are coming from a building control and building construction background, and therefore no reasonable dangerous structures engineer is going to tell me it is all right to put people into that building. They simply won’t make that call. It always reverts to our professional judgment on the basis of our own understanding of the building construction. They are likely to offer some specifics about how long a material structure might last, what the possible effect of fire on it*

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<sup>77</sup> MET00005404\_0004

<sup>78</sup> MET00005404\_0004

<sup>79</sup> MET00005404\_0004 and Transcript 02.10.18 page 50 lines 11 – 19

<sup>80</sup> RBK00018512 line 1 - DangerousStructures01

<sup>81</sup> MET00005404\_0005

<sup>82</sup> Transcript 02.10.18 page 49 lines 15 - 21

<sup>83</sup> MET00005404\_0006

*might be. Although, I have to say, my experience of dangerous structures engineers at incidents is inconsistent...*<sup>84</sup>

AC Roe went on to explain that it was ultimately his decision to continue to commit crews and that was a decision he took on the night based on his experience and the advice he received from GM O'Neill<sup>85</sup>.

### ***Lists of residents***

77. There is a relevant distinction to be drawn in this regard between (i) a list of the names and addresses of survivors who were in rest centres on the night and (ii) a list of the residents of Grenfell Tower as at 13 June 2017.
78. RBKC was first asked for a list of the names and addresses of survivors who were in rest centres on the night at the 05:50 TCM. The BWV footage of the 05:50 TCM<sup>86</sup>, which is the best evidence of that meeting, shows that Nickolas Layton was asked for the flat numbers and numbers of people from each flat that were in the rest centres. This footage corresponds with Nickolas Layton's note of that meeting which states: "*numbers all rest centres, names and addresses*"<sup>87</sup>. As is evident from the footage of the earlier TCMs, Nickolas Layton was not asked for this information at those meetings.
79. There were difficulties in collating this information, not least because a number of residents had self-evacuated and left the vicinity, others had been taken to hospital and the community was providing further assistance to accommodate people in various unofficial rest centres. Theresa Brown's evidence was that her team was trying its best to collect information about the survivors who were in the rest centres and pass it onto the LFB<sup>88</sup>. We understand that the establishment and operation of rest centres and RBKC's role in that regard will be the subject of further evidence and examination at Phase 2.
80. However, Nickolas Layton clearly recalled that he had been unable to provide the requested information to the LFB prior to his departure from the incident at or around

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<sup>84</sup> Transcript 26.09.18 page 194 line 16 – page 195 line 5

<sup>85</sup> Transcript 26.09.18 page 197 lines 13 – 20

<sup>86</sup> INQ00000162

<sup>87</sup> MET00018301\_0002

<sup>88</sup> Transcript 16.11.18 page 38 lines 7 – 16

07:00<sup>89</sup>. Whilst Michael Rumble was able to provide an update on numbers in certain rest centres at the 07:10 TCM, he was unable to provide information on names and addresses of survivors who were in the rest centres at that time<sup>90</sup>. The theme of Theresa Brown's evidence was that she was providing the officers in CU7 with this information once she was able to do so.

81. As to a request for a general list of residents, the first recorded request for such a list in the contemporaneous evidence is a request for a copy of the electoral role which was made of Michael Rumble at the 07:10 TCM<sup>91</sup>. This request is recorded in a number of contemporaneous notes.

82. Michael Rumble recalled a physical printed copy of the list of residents being provided to him by the TMO and then passed onto the LFB before 11:00<sup>92</sup>. It appears from an email sent by Robert Black to the LFB that a digital copy of the list of residents had been provided by 07:57<sup>93</sup> although Michael Rumble may not have been aware of this.

83. However, Nickolas Layton's evidence was that it was possible he had been asked for a list of residents outside of the formal TCM process<sup>94</sup> and that the request had been prior to the 05:50 TCM because he recalled knowing he was going to have to attend that meeting and the 07:10 TCM without the requested information<sup>95</sup>.

84. Nickolas Layton's clear recollection was that on receipt of the request from LFB, he asked Robert Black to provide the information<sup>96</sup> and followed up the request prior to the 05:50 TCM<sup>97</sup>, again after the 05:50 TCM<sup>98</sup> and a fourth time before he left the incident at 07:00<sup>99</sup>. On each occasion, Nickolas Layton recalled being told Robert Black did not have the information.

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<sup>89</sup> Transcript 15.11.18 page 76 lines 1 – 12

<sup>90</sup> MET00005404\_0007

<sup>91</sup> INQ00000163, MET00005404\_0007, RBK00028838\_0005

<sup>92</sup> Transcript 15.11.18 page 127 line 17 – page 128 line 22

<sup>93</sup> LFB00024370

<sup>94</sup> Transcript 15.11.18 page 64 line 3

<sup>95</sup> Transcript 15.11.18 page 63 lines 18 - 24

<sup>96</sup> Transcript 15.11.18 page 64 lines 14 – 21

<sup>97</sup> Transcript 15.11.18 page 65 lines 10 – 25

<sup>98</sup> Transcript 15.11.18 page 69 lines 3 – 6

<sup>99</sup> Transcript 15.11.18 page 71 lines 6 – 18



85. Insofar as Nickolas Layton was directing his requests to the TMO, rather than to RBKC colleagues, his evidence was that he believed the TMO would have the information as managing agent and that such information would have only been held by the TMO<sup>100</sup>.
86. As is now apparent from the evidence before the Inquiry, which Nickolas Layton would not have been aware of on the night, Robert Black was sent a digital copy of a list of the residents of Grenfell Tower some time before Nickolas Layton's departure from the scene<sup>101</sup>. We are unable to assist with the circumstances which resulted in that list not having been provided to the LFB any earlier than 07:57.
87. It was confirmed in the notes of the 08:45 TCM that the list that had been requested at the previous meeting had been passed to the FSG Sector which is supported by the LFB email chain timed at 07:57<sup>102</sup>.
88. We have seen no evidence that there was a specific request for a list of vulnerable residents on the night of the fire.
89. The balance of the evidence indicates that the unprecedented number of FSG calls on the night meant that Incident Commanders, and other senior officers within the LFB, did not adopt a strategy of seeking to rank FSG callers in order of priority for rescue by reference to whether they were "vulnerable", were children, had mobility problems or had any other particular difficulties with escaping. DAC O'Loughlin stated that the priority calls were FSG calls and at that point in time there was not the time or opportunity to break them down into one being more important than another<sup>103</sup>. AC Roe did not discuss prioritising elderly people, children or people with mobility problems with GM Goodall because he "felt we were well beyond that stage at the incident"<sup>104</sup>. Commissioner Cotton was not aware of any system of sub-prioritising elderly people, children or people with mobility problems and said that "it's quite difficult to make a judgement call on whose life is more

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<sup>100</sup> Transcript 15.11.18 page 69 lines 4 – 6 and 14 – 16

<sup>101</sup> LFB00024370

<sup>102</sup> MET00005404\_0008 which is supported by the BWV footage of this meeting INQ00000165 07:55:20 – 07:56:30

<sup>103</sup> Transcript 25.9.18 page 69 lines 12-16. See also his other evidence on this issue at Transcript 24.9.18 page 118 line 2 – page 121 line 18 and Transcript 25.9.18 pages 65-69 and pages 86-96.

<sup>104</sup> Transcript 25.9.18 page 250 lines 15-21



valid”<sup>105</sup>. DAC Goulbourne was not aware of any prioritising on the basis of the elderly, children or people with mobility problems<sup>106</sup>. GM Goodall stated that “there weren’t any definitive fixed priorities”<sup>107</sup>. WM Watson briefed BA crews on where to go within the tower immediately before they went to Entry Control. He did not have any information about children, elderly people, people with mobility problems or people with other disabilities<sup>108</sup>.

#### Miscellaneous matters

90. In our view, the provision of a drop key entry system for Grenfell Tower could be addressed in the Phase 1 report. Dr Lane has concluded that Grenfell Tower was provided with an electronic door entry system which included an Entrotec FS4 fire override switch<sup>109</sup>. According to the RJ Electrics “description of services” the override switches were intended to be programmed so as to open all internal lift lobby doors for a 2 minute period to allow LFB entry into the main lift core<sup>110</sup>.
91. This evidence is supported by the LFB ORD entry for Grenfell Tower which stated:  
*“entry via front door. If drop key is used, this will release the internal door between entrance lobby and lift lobby.”*<sup>111</sup>
92. In her report, Dr Lane states that she has not seen any evidence from the external CCTV as to whether the LFB attempted to use the drop key entry system on the night<sup>112</sup>. This suggests that Dr Lane may not have seen the CCTV stills of WM O’Keeffe and others entering the building at 01:14:44 – 01:14:49<sup>113</sup> which potentially show the drop key entry system being used. We consider that Dr Lane would be assisted by these images, and the corresponding CCTV footage, in drawing final conclusions on compliance of the system for Phase 2.

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<sup>105</sup> Transcript 26.9.18 page 193 line 24 – page 195 line 7

<sup>106</sup> Transcript 12.09.18 page 134 line 22 – page 135 line 9

<sup>107</sup> Transcript 03.09.18 page 116 lines 11 – 14

<sup>108</sup> Transcript 24.07.17 page 71 lines 9 – 20

<sup>109</sup> BLAS0000016\_0012 – 0013, para 16.4.14 to 16.4.15

<sup>110</sup> RYD00094130

<sup>111</sup> LFB00003116\_0001

<sup>112</sup> BLAS0000016\_0014, para 16.4.18

<sup>113</sup> INQ00000185 and INQ00000186

93. In the event, the evidence is that the first crews in attendance were able to ask Mrs Alves for assistance to enter the building and the lift lobby<sup>114</sup>. Golf 271 and Golf 272 arrived at the incident at 00:59:28 and 00:59:24 respectively<sup>115</sup>. CM Secrett entered Grenfell Tower at 01:00:52<sup>116</sup> and accessed the lift lobby at 01:01:29<sup>117</sup>. There is no evidence that the North Kensington crews attempted to use the drop key system to initially enter the building or open the internal door to the lift lobby.
94. We agree with Dr Lane that more information is required to form a view on the compliance of the emergency lighting system<sup>118</sup>. We note Dr Lane's evidence that at the time there was an absence of guidance on adequate lighting on floor number signs<sup>119</sup>. We acknowledge that there was mixed evidence about whether the floors were numbered correctly in the stairwell after the refurbishment<sup>120</sup> and hope that this issue can be resolved in Phase 2.
95. In our Opening Statement we suggested that it may well be that the absence of a full building fire alarm system and the absence of a sprinkler system are ultimately not regarded as matters that warrant criticism. In Dr Lane's opinion, there was no requirement to have a centralised alarm system<sup>121</sup>. There was no requirement for a sprinkler system to have been retro-fitted at the time of the fire<sup>122</sup>.

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<sup>114</sup> IWS00000443\_0003, para 13 and INQ00000136

<sup>115</sup> LFB00024348\_0010

<sup>116</sup> INQ0000131

<sup>117</sup> INQ0000137

<sup>118</sup> Transcript 26.11.18 page 88 line 13 – page 90 line 2

<sup>119</sup> Transcript 26.11.18 page 90 lines 16-23

<sup>120</sup> Nicholas Burton said that numbers were changed after the refurbishment (Transcript 6.11.18 page 10 line 8 – page 11 line 10). Hanan Wahabi said that after the refurbishment the numbering in the stairwell on her floor was changed from 6 to 9 (Transcript 8.11.18 page 133 lines 7-25). But we acknowledge there was other BSR evidence to the opposite effect and that Mr Burton's evidence about floors other than 19<sup>th</sup> floor was more equivocal.

<sup>121</sup> BLAS0000015 @ page 15; Transcript 26.11.18 pages 81 and 82

<sup>122</sup> JTOS0000001\_0021 lines 579-581

Final comments

96. We are conscious that in these closing submissions we have, on a number of occasions, expressed the view that certain matters should be addressed in the Phase 2 report rather than the Phase 1 report. Our submissions on those matters reflect: our interpretation of the state of the evidence at this stage; the extent to which the experts have described their views as provisional / preliminary; and the extent to which there appear to be important additional evidential avenues (both factual and expert) that need to be pursued.
97. We recognise, as always, the centrality of the Bereaved, the Survivors and the Residents and the need for them to obtain answers and justice as swiftly as possible. If the Chairman considers that some of the matters referred to above as matters for Phase 2 can safely be answered in his Phase 1 report, he should not hesitate to provide those answers now.

JAMES MAXWELL-SCOTT QC

KATHERINE SAGE

6 December 2018