

<p>1 Tuesday, 11 December 2018</p> <p>2 (10.00 am)</p> <p>3 SIR MARTIN MOORE-BICK: Good morning, everyone. Welcome to</p> <p>4 today's hearing.</p> <p>5 We are going to continue hearing closing statements</p> <p>6 from various core participants, beginning with Mr Menon,</p> <p>7 who represents Mr Kebede.</p> <p>8 Yes, Mr Menon.</p> <p>9 Closing submissions on behalf of Mr Kebede by MR MENON</p> <p>10 MR MENON: Good morning.</p> <p>11 Truth, justice and accountability -- those have been</p> <p>12 the demands of the bereaved and the survivors of the</p> <p>13 Grenfell Tower atrocity from day 1. But what do they</p> <p>14 mean in the context of a public inquiry? And,</p> <p>15 specifically, what do they mean as far as the Phase 1</p> <p>16 terms of reference and list of issues are concerned,</p> <p>17 noting the distinction you have made, Mr Chairman,</p> <p>18 between what happened, to be considered in Phase 1, and</p> <p>19 why it happened, to be considered in Phase 2?</p> <p>20 After six months of evidence, it is clear that this</p> <p>21 distinction between what and why is easier said than</p> <p>22 done.</p> <p>23 You were right to acknowledge at an early stage that</p> <p>24 you intended to retain a significant degree of</p> <p>25 flexibility in relation to the scope of the inquiry's</p> <p>Page 1</p>	<p>1 the submissions you've already heard, and will be the</p> <p>2 case in the submissions you hear after me.</p> <p>3 So, having said that, let's start at the beginning,</p> <p>4 namely the cause and origin of the fire.</p> <p>5 We made a number of assertions about this in our</p> <p>6 opening statement.</p> <p>7 1. After Behailu Kebede heard the kitchen smoke</p> <p>8 alarm, opened his kitchen door and saw smoke coming from</p> <p>9 behind his Hotpoint fridge freezer, he did the right</p> <p>10 thing from start to finish. He shut the kitchen door,</p> <p>11 woke up his flatmates, woke up his neighbours on the</p> <p>12 4th floor, turned off the main electrical switch in his</p> <p>13 flat, shut the front door of his flat, telephoned the</p> <p>14 Fire Brigade on 999, used the stairs to exit the</p> <p>15 building, waited outside, spoke to the firefighters when</p> <p>16 they arrived, filmed the fire from outside on his mobile</p> <p>17 telephone and, just a few hours later, went to the</p> <p>18 police station and gave a full account about what</p> <p>19 happened.</p> <p>20 2. Whatever the precise cause or origin of the fire</p> <p>21 in his kitchen, it was entirely accidental.</p> <p>22 3. Having heard the evidence, the inquiry must set</p> <p>23 the record straight and unequivocally declare that</p> <p>24 Mr Kebede bears no responsibility, directly or</p> <p>25 indirectly, for the outbreak of the fire in his kitchen,</p> <p>Page 3</p>
<p>1 two phases. Indeed, you have already heard much</p> <p>2 evidence that goes to the of why, and you still await</p> <p>3 much evidence that goes to the question of what. But</p> <p>4 none of this should delay, in our submission, your</p> <p>5 Phase 1 findings and recommendations.</p> <p>6 We stress this because the inquiry is already way</p> <p>7 behind schedule. Your initial hope was to complete your</p> <p>8 Phase 1 report by Easter of this year. Given you still</p> <p>9 have to consider interim recommendations, hearings for</p> <p>10 which have recently been postponed and may or may not be</p> <p>11 rescheduled, and hold individual article 2 compliant</p> <p>12 inquests into the deaths of each of those who died as</p> <p>13 a result of the fire before Phase 2, it is unlikely that</p> <p>14 Phase 2 will commence before the autumn of next year at</p> <p>15 the earliest, and possibly not until 2020.</p> <p>16 In short, your Phase 1 report is urgent. The</p> <p>17 bereaved and the survivors and the public at large need</p> <p>18 you to make the most robust and decisive factual</p> <p>19 findings and recommendations that you can on the</p> <p>20 evidence, so that the criminal and civil liability of</p> <p>21 those responsible for the Grenfell Tower atrocity can be</p> <p>22 determined by others as soon as possible. Nothing less,</p> <p>23 with respect, will do.</p> <p>24 Now, some of what I say today will inevitably touch</p> <p>25 on the why as well as the what, as has been the case in</p> <p>Page 2</p>	<p>1 its spread and its fatal consequences.</p> <p>2 Since then, a considerable amount of eyewitness,</p> <p>3 audio, video and expert evidence has been adduced, and</p> <p>4 all of it, without exception, confirms the honesty and</p> <p>5 reliability of what Mr Kebede has always said, and</p> <p>6 confirms that he was indeed blameless for what happened.</p> <p>7 There is the evidence of Mr Kebede himself, and his</p> <p>8 flatmates, Elsa Afeworki and Almaz Kinfu. There is the</p> <p>9 evidence of their 4th floor neighbours. There is</p> <p>10 Mr Kebede's 999 call. There is the evidence of the</p> <p>11 first responders, Charlie Batterbee, Daniel Brown,</p> <p>12 John O'Hanlon and Nicholas Barton. There is the first</p> <p>13 responders' thermal imaging camera footage. There is</p> <p>14 Mr Kebede's mobile telephone video footage. There are</p> <p>15 the photographs of the kitchen and its contents taken</p> <p>16 after the fire by the investigators. Finally, there is</p> <p>17 the expert evidence of Dr Glover and</p> <p>18 Professor Nic Daeid.</p> <p>19 Two things that Mr Kebede did on the night deserve</p> <p>20 special mention.</p> <p>21 1. Turning off the main electrical switch in his</p> <p>22 flat before leaving. If Mr Kebede had not done this,</p> <p>23 much of Dr Glover's analysis would've been difficult, if</p> <p>24 not impossible. If Mr Kebede had not done this, the</p> <p>25 fire could have tripped many, possibly all, of the</p> <p>Page 4</p>

<p>1 circuit breakers in his flat. Dr Glover would then have 2 been unable to link the abnormal electrical event that 3 caused the fire to circuit breaker number 7 4 specifically. In short, Mr Kebede's quick thinking made 5 Dr Glover's task as an electrical engineer considerably 6 easier.</p> <p>7 2. Filming the fire in his kitchen as it spread to 8 the external facade. This footage was taken by 9 Mr Kebede on his mobile phone whilst he was standing 10 outside Grenfell Tower at ground level, looking up. It 11 was given to the police just hours later. It was 12 heavily relied upon by the inquiry's experts, most 13 notably Professor Torero, Professor Bisby and Dr Lane. 14 Without it, they and you, Mr Chairman, would've been 15 deprived of crucial video evidence of this most critical 16 stage of the fire's development.</p> <p>17 Consequently, we trust that you will specifically 18 recognise in your Phase 1 report the importance of what 19 Mr Kebede did on the night and make the following 20 factual findings on cause and origin:</p> <p>21 1. The Grenfell Tower fire began in the south-east 22 area of the flat 16 kitchen.</p> <p>23 2. The fire was electrical in nature.</p> <p>24 3. The origin of the fire was in the Hotpoint 25 FF175BP fridge freezer.</p> <p style="text-align: center;">Page 5</p>	<p>1 6. Potentially significant evidence may have been 2 shovelled from the kitchen, into the hallway and down 3 the lift shaft during the original fire scene 4 investigation.</p> <p>5 7. Unknown materials in the south-east corner of 6 the kitchen remain unidentified and unexamined.</p> <p>7 8. Burn patterns to the laminate flooring would 8 have been identical if the fridge freezer had been 9 attacked by fire and, therefore, do not assist in 10 determining the origin or seat of the fire.</p> <p>11 9. The fire may have started not electronically, by 12 somebody throwing something, perhaps a burning 13 cigarette, into the kitchen through the open window that 14 ignited unknown combustible materials in the corner.</p> <p>15 Now, our response to Whirlpool's submissions is as 16 follows:</p> <p>17 1. Assertion by Whirlpool in its closing 18 submissions is not evidence. As far as we are aware, 19 Whirlpool has neither served any expert evidence to 20 counter the evidence and opinions of Dr Glover and 21 Professor Nic Daeid, nor applied to the inquiry for 22 permission to serve such evidence. Whirlpool did serve 23 a preliminary report prepared by a company called 24 Exponent in January 2018, long before Dr Glover was 25 instructed. But that report says little and takes</p> <p style="text-align: center;">Page 7</p>
<p>1 4. The cause of the fire was accidental.</p> <p>2 We say that none of these factual findings are 3 controversial. There is no evidence suggesting anything 4 to the contrary. Moreover, until Whirlpool's closing 5 submissions were circulated on Thursday last week, we 6 were unaware that any core participant was arguing 7 anything to the contrary.</p> <p>8 So what exactly is Whirlpool now saying?</p> <p>9 1. Although the inquiry can conclude that the fire 10 began in or around the area of the Hotpoint fridge 11 freezer in the south-east corner of the kitchen, and was 12 caused accidentally, it cannot conclude that the fire 13 was electrical in nature or that it originated from the 14 fridge freezer.</p> <p>15 2. As Professor Nic Daeid said in her final report, 16 the cause of the fire remains undetermined.</p> <p>17 3. Dr Glover's addendum report on the precise cause 18 of the fire is flawed and based on incorrect 19 assumptions.</p> <p>20 4. The exemplar fridge freezer that Dr Glover 21 compared with Mr Kebede's fridge freezer had some 22 different component parts. Therefore, Dr Glover was not 23 comparing like with like.</p> <p>24 5. There is no evidence that points uniquely to the 25 fridge freezer.</p> <p style="text-align: center;">Page 6</p>	<p>1 matters no further, and nothing since then.</p> <p>2 2. The most important factual finding on cause and 3 origin that Mr Kebede wants you to make is that the 4 cause of the fire was accidental. On that narrow issue, 5 there is no conflict between Mr Kebede and Whirlpool.</p> <p>6 3. However, one of the primary objectives of the 7 inquiry is ensuring that a similar catastrophe never 8 happens again. If the fire at Grenfell Tower that 9 killed 72 people did in fact start in a faulty fridge 10 freezer, then you must find accordingly, so that as 11 a society we can try to regulate in the interest of 12 public safety and prevent similar fires in the future.</p> <p>13 4. According to Home Office statistics, there were 14 over 27,000 accidental dwelling fires in England between 15 April 2016 and March 2017. About 16 per cent of those 16 fires -- in other words, over 4,360 fires -- were caused 17 by faulty electrical appliances and leads. Between 2010 18 and 2016, there were over 300 domestic fires in England 19 annually that were caused by faulty fridges and 20 freezers. All this information is in the public domain. 21 Whirlpool itself has received five prior reports of fire 22 involving the Hotpoint FF175BP model, one of which 23 involved a fridge freezer manufactured in the same month 24 and year as Mr Kebede's fridge freezer.</p> <p>25 5. An issue of growing public concern is the</p> <p style="text-align: center;">Page 8</p>

2 (Pages 5 to 8)

<p>1 plastic rear casing on many of the United Kingdom's most 2 popular fridges and freezers. Mr Kebede's Hotpoint 3 fridge freezer had such a plastic rear casing. The 4 London Fire Brigade has been raising concern about this 5 issue for years, as has the consumer rights group 6 Which?. Unfortunately, the government has thus far 7 failed to regulate to ensure that all fridges and 8 freezers have protective metal rear casings. Dr Glover 9 told you, Mr Chairman, that in the United States the 10 rear casings of fridges and freezers must be made of 11 metallic steel. This is a matter to which we will 12 return in due course when you consider interim 13 recommendations arising from Phase 1.</p> <p>14 6. Although Professor Nic Daeid did state in her 15 final report that the cause of the fire remains 16 undetermined, she clearly changed her mind by the time 17 she gave evidence, having heard Dr Glover's evidence the 18 day before. Specifically, she agreed with Dr Glover 19 that the fire was electrical in nature and originated in 20 the Hotpoint fridge freezer.</p> <p>21 7. Although potentially significant evidence may 22 have been lost during the original fire scene 23 investigation, there is not a shred of evidence that the 24 fire was caused by a non-electrical event involving, for 25 example, a cigarette or a candle or incense or oil.</p> <p>Page 9</p>	<p>1 the identical component parts? As far as we are aware 2 Whirlpool has provided no explanation for this anomaly.</p> <p>3 12. As far as the theory of the fire having started 4 as a result of something thrown through the open window 5 is concerned, this is pure speculation, and desperate, 6 to put it politely. There is no evidence in support. 7 It would've been impossible for a cigarette or some 8 other mystery item to have been launched from ground 9 level, four floors down, and it is equally impossible to 10 imagine how a cigarette or some other mystery item 11 discarded from a flat above could've miraculously 12 entered the kitchen through the open window, let alone 13 set anything in the vicinity alight.</p> <p>14 13. I'm afraid, Mr Chairman, that Whirlpool's 15 closing submissions are a transparent attempt, by 16 a multinational corporation with billions in assets, to 17 try to avoid liability and minimise reputational damage 18 and financial loss. It is the same strategy that 19 Whirlpool used during the inquests in 2012 into the 20 deaths of five members of the Kua family that 21 I mentioned during my opening statement, to try and 22 deflect attention away in that tragic case from 23 a Whirlpool freezer that failed electronically and 24 caught fire. You may like to know, Mr Chairman, that 25 the coroner in that case roundly rejected Whirlpool's</p> <p>Page 11</p>
<p>1 8. Whirlpool in its closing submissions has 2 completely ignored the evidence in respect of circuit 3 breaker number 7 tripping. This is clear evidence 4 pointing to an electrical fire and, specifically, to the 5 Hotpoint fridge freezer.</p> <p>6 9. Burn patterns to the laminate flooring would not 7 have been identical if the fire had begun elsewhere in 8 the south-east corner of the kitchen and then attacked 9 the fridge freezer. The area under the fridge freezer 10 was clearly subjected to much more heat than the 11 surrounding areas of laminate flooring were, hence the 12 very different burn patterns.</p> <p>13 10. Whirlpool in its closing submissions has 14 completely ignored the evidence that all the other 15 electrical appliances in both the south-east and 16 north-east areas of the kitchen can be discounted as 17 being seats of origin, namely the cooker, the broken 18 freezer, the small fridge and the Ethiopian hot plate. 19 The latter three were not even plugged in.</p> <p>20 11. It is hardly Dr Glover's fault that the 21 exemplar fridge freezer provided to the Metropolitan 22 Police Service had different component parts to 23 Mr Kebede's fridge freezer; it was Whirlpool that 24 provided the exemplar. Why didn't Whirlpool provide the 25 Metropolitan Police Service with an exemplar that had</p> <p>Page 10</p>	<p>1 submissions.</p> <p>2 In short, there is more than sufficient evidence for 3 you to conclude that the fire was electrical in nature 4 and originated in Mr Kebede's Hotpoint fridge freezer, 5 in addition to concluding that the cause of the fire was 6 accidental.</p> <p>7 As far as the precise cause of the electrical fault 8 that ignited the fire is concerned, we accept that is 9 more complicated. In his addendum report, Dr Glover 10 concludes that the probable cause was a poor crimp 11 connection that caused overheating and arc damage to the 12 run capacitor wires, a short circuit to circuit breaker 13 number 7 and a subsequent short circuit to the residual 14 current circuit breaker. Professor Nic Daeid, whilst 15 conceding that she is not an electrical expert, was not 16 in full agreement as to the precise cause, but she did 17 not clarify the matter any further.</p> <p>18 It's a matter for you, Mr Chairman, whether or not 19 you make a factual finding as to the precise cause. 20 Suffice to say that you do have the necessary evidence 21 if you wish to make such a finding. Ultimately you may 22 think that the precise cause is of less importance from 23 the perspective of the public interest and public safety 24 than the question of how an ordinary domestic fire, that 25 happens every day in the United Kingdom and is entirely</p> <p>Page 12</p>

<p>1 foreseeable, managed to penetrate the exterior facade of</p> <p>2 the building and spread with such ease, speed and</p> <p>3 ferocity.</p> <p>4 Turning, then, to the more general matters about</p> <p>5 what happened beyond the confines of flat 16, the extent</p> <p>6 to which Grenfell Tower complied with the requirements</p> <p>7 of the relevant legislation and the response of the</p> <p>8 firefighters. Unsurprisingly, some of these matters are</p> <p>9 simple and straightforward and others are far more</p> <p>10 complex and nuanced.</p> <p>11 Other counsel for the bereaved and the survivors</p> <p>12 have addressed you on flame and smoke spread once the</p> <p>13 cladding and insulation caught fire, and the how the</p> <p>14 cladding, the insulation, the architectural crown at the</p> <p>15 top of the building, the window installations, the doors</p> <p>16 and the ventilation system all played their part in</p> <p>17 flame and smoke spread. I don't wish to be repetitious</p> <p>18 and, consequently, have nothing to add.</p> <p>19 On compliance I'll be brief as well, as this, too,</p> <p>20 has been addressed by others at length.</p> <p>21 Grenfell Tower, as refurbished, was non-compliant in</p> <p>22 multiple respects with the Building Regulations and</p> <p>23 Approved Document B, regardless of how unfit for purpose</p> <p>24 and impenetrable those regulations might be.</p> <p>25 There is simply no rational basis for concluding</p> <p style="text-align: center;">Page 13</p>	<p>1 adduced in the relative comfort of Holborn Bars --</p> <p>2 I appreciate that is a controversial statement to</p> <p>3 some -- for lawyers and judges, who have almost</p> <p>4 certainly never been in a towering inferno, to pass</p> <p>5 sweeping, oversimplistic judgments about what the</p> <p>6 firefighters working under the most extreme conditions</p> <p>7 did or did not do on the night.</p> <p>8 What we need, Mr Chairman, from you is a fair,</p> <p>9 balanced and reasoned assessment that recognises just</p> <p>10 how difficult it is to predict with any degree of</p> <p>11 certainty or precision what might have happened in one</p> <p>12 hypothetical situation or another on the night if</p> <p>13 different decisions had been made and different actions</p> <p>14 had been taken. For example, if there had been better</p> <p>15 contingency planning, as there undoubtedly should have</p> <p>16 been, or if stay put had been abandoned earlier, as it</p> <p>17 undoubtedly should have been.</p> <p>18 We are acutely conscious that the issue of the</p> <p>19 firefighters is a contentious one amongst the bereaved</p> <p>20 and survivors. You would have gleaned from their</p> <p>21 evidence that, whereas there is unity on other matters,</p> <p>22 there are a variety of differing views as to the</p> <p>23 response of the firefighters on the night. Some believe</p> <p>24 the firefighters are heroes who did everything they</p> <p>25 possibly could in an impossible situation, some believe</p> <p style="text-align: center;">Page 15</p>
<p>1 there was compliance. This is not a borderline case.</p> <p>2 This is a case of flagrant and extensive non-compliance.</p> <p>3 The evidence of Professor Torero, Professor Bisby and,</p> <p>4 most importantly, Dr Lane is unequivocal on this.</p> <p>5 Specifically, there is no evidence whatsoever to counter</p> <p>6 Dr Lane's important conclusion that Grenfell Tower</p> <p>7 should never have been handed over to its residents and</p> <p>8 occupied with such a combustible rainscreen cladding</p> <p>9 system given the stay-put policy.</p> <p>10 Consequently, it is unthinkable, Mr Chairman, that</p> <p>11 you will conclude Grenfell Tower was anything other than</p> <p>12 non-compliant. It is equally unthinkable that you will</p> <p>13 conclude you need to delay until the end of Phase 2</p> <p>14 before making definitive findings on non-compliance.</p> <p>15 This fundamental issue needs to be decided as soon</p> <p>16 as possible so that we can start to get to the bottom of</p> <p>17 why and how this was ever allowed to happen.</p> <p>18 What about the response of the firefighters?</p> <p>19 Having read and heard the closing submissions of</p> <p>20 other core participants, I'm afraid I do wish to speak</p> <p>21 to this issue at some length, as it is, in our</p> <p>22 submission, far more complex and far more nuanced than</p> <p>23 some are suggesting.</p> <p>24 It is very easy, with the benefit of hindsight,</p> <p>25 gained from all the evidence served in Phase 1 and</p> <p style="text-align: center;">Page 14</p>	<p>1 that fundamental errors were made that contributed to</p> <p>2 the lives of some being lost, and some are on the</p> <p>3 spectrum somewhere in between.</p> <p>4 So this is troubled water to navigate, but navigate</p> <p>5 it we must, with great care and fairness.</p> <p>6 Were mistakes made on the night? Yes, of course</p> <p>7 mistakes were made on the night. How could mistakes not</p> <p>8 have been made, given the nature of the building and the</p> <p>9 fire?</p> <p>10 Should lessons be learned from those mistakes? Yes,</p> <p>11 of course lessons must be learned from those mistakes.</p> <p>12 It was most unfortunate that Dany Cotton, the</p> <p>13 commissioner, when praising the firefighters for all</p> <p>14 their efforts -- which she was absolutely right to do,</p> <p>15 by the way -- added that she would not go back and</p> <p>16 change anything the London Fire Brigade did on the</p> <p>17 night. That was not only deeply insulting to the</p> <p>18 bereaved and survivors, but also indicative of</p> <p>19 an inability on her part, and perhaps on the part of the</p> <p>20 London Fire Brigade as an institution, to appreciate,</p> <p>21 even with the benefit of hindsight, the London Fire</p> <p>22 Brigade's institutional failings and deficiencies</p> <p>23 pre-Grenfell, as identified by the Fire Brigades Union</p> <p>24 and others in their closing submissions.</p> <p>25 However, Mr Chairman, if the primary focus of your</p> <p style="text-align: center;">Page 16</p>

<p>1 Phase 1 report degenerates into a wholesale attack on 2 the response of the firefighters, institutionally or 3 individually, that in any way weakens or detracts from 4 your all-important condemnation of the transformation of 5 Grenfell Tower during its refurbishment into 6 a combustible, non-compliant deathtrap unsafe for human 7 occupation, then that would be perverse, and would play 8 straight into the hands of those statutory and corporate 9 core participants who in reality bear full 10 responsibility for the spread of the fire, the failure 11 of the building and the dreadful consequences that 12 followed. That would not be, and I quote, "a fearless 13 reckoning with what went wrong and what must be 14 different in future".</p> <p>15 The firefighters on the ground at Grenfell Tower 16 were part of the solution, not part of the problem, 17 whatever mistakes they made. They must not be 18 scapegoated for not knowing on the night what the 19 inquiry's experts have concluded after they and teams of 20 scientists and engineers have spent literally months 21 studying the remains of the building and its contents, 22 conducting experiments and tests, reading the evidence 23 of the firefighters, the bereaved and the survivors, and 24 investigating what exactly happened at Grenfell Tower on 25 the night of the fire. If the firefighters on the</p> <p style="text-align: center;">Page 17</p>	<p>1 This is madness. We are one of the richest 2 countries in the world. As a society, there is no point 3 in producing endless reports unless we reverse fire 4 safety deregulation by reregulating, and unless we 5 reverse cuts by substantially investing in the fire and 6 rescue services and ensuring that they have the very 7 best resources and equipment they need to fight fire and 8 save life in the 21st century.</p> <p>9 As a society, we must prioritise people and safety 10 over profit. We have the money; the question is how we 11 decide to spend it.</p> <p>12 The second issue is this:</p> <p>13 When assessing the performance of the firefighters 14 on the night, Mr Chairman, you need to make a clear 15 distinction between the institution of the London Fire 16 Brigade and those in senior management positions on the 17 one hand, and the rank and file firefighters on the 18 other.</p> <p>19 The rank and file, including watch managers like 20 Mike Dowden, are not responsible for the inadequacy of 21 their training on high-rise fires, combustible cladding, 22 compartmentation breach, stay put and evacuation. The 23 rank and file are not responsible for the inadequacy of 24 contingency planning. The rank and file are not 25 responsible for the non-existence of a high-rise</p> <p style="text-align: center;">Page 19</p>
<p>1 ground at Grenfell Tower are unfairly scapegoated, the 2 only beneficiaries will be the aforementioned statutory 3 and corporate core participants. That is neither 4 justice nor accountability.</p> <p>5 Now, there are seven specific issues we wish to 6 discuss about firefighting in general and the response 7 of the firefighters on the night.</p> <p>8 The first is this:</p> <p>9 You cannot ignore, Mr Chairman, the wider context 10 that allowed the Grenfell fire to happen; namely, the 11 systematic deregulation of fire safety in this country 12 under successive governments since the Thatcher era, or 13 the draconian cuts of over 30 per cent to central 14 funding of fire and rescue services under austerity. 15 Laws and regulations have been weakened in the name of 16 cutting red tape, all for the benefit of the 17 construction industry, government-funded fire research 18 has virtually ceased, fire safety standards have 19 dropped, and the lessons of countless inquiries, 20 inquests and investigations have been ignored by the 21 state.</p> <p>22 As far as cuts are concerned, in London alone since 23 2010, 10 fire stations have been closed, 27 fire engines 24 have been scrapped, and over 600 firefighters have lost 25 their jobs.</p> <p style="text-align: center;">Page 18</p>	<p>1 evacuation strategy. The rank and file are not 2 responsible for poor quality equipment, in particular 3 unreliable communication equipment.</p> <p>4 The third issue is this:</p> <p>5 Counsel to the inquiry put to a number of senior 6 officers that firefighters should always expect the 7 unexpected. A fair point; they should. Though what 8 does the unexpected mean? What does it encompass? 9 Surely the unexpected must be reasonably foreseeable, or 10 should the firefighters expect the unforeseeable too?</p> <p>11 Forget Dany Cotton's absurd example of a space 12 shuttle landing on the Shard. Let's consider a real 13 example. Should the New York firefighters have expected 14 two aeroplanes to fly into the World Trade Center on 15 9/11 and had a specific contingency plan for such 16 an event? Well, that cannot be right. That cannot be 17 proportionate. The need to plan specifically for 18 a major disaster of a kind that has happened before and 19 is, therefore, foreseeable, is one thing; the need to 20 plan specifically for an unforeseeable event that no 21 firefighter in London has experienced or contemplated is 22 another thing all together.</p> <p>23 So what was reasonably foreseeable in terms of 24 a high-rise residential fire in London in June 2017? 25 Well, cladding fire was reasonably foreseeable to</p> <p style="text-align: center;">Page 20</p>

<p>1 firefighters. It had happened before, notably at</p> <p>2 Knowsley Heights in Liverpool in April 1991, the first</p> <p>3 high-rise cladding fire in the UK, where the fire spread</p> <p>4 upward and vertically; at Garnock Court in Irvine,</p> <p>5 Scotland in June 1999, where the fire also spread upward</p> <p>6 and vertically; and, of course, at Lakanal House in</p> <p>7 south London in July 2009, where there was both cladding</p> <p>8 fire spread and internal fire spread through combustible</p> <p>9 false ceilings in between floors that undermined</p> <p>10 compartmentation.</p> <p>11 What else?</p> <p>12 Well, compartmentation breach was also reasonably</p> <p>13 foreseeable to firefighters. It, too, had happened</p> <p>14 before, notably at Garnock Court, at Lakanal House and</p> <p>15 most recently at Shepherds Court in Shepherd's Bush</p> <p>16 in August 2016, where the fire was extinguished.</p> <p>17 Fire behaving unusually was also reasonably</p> <p>18 foreseeable to firefighters.</p> <p>19 What about lateral fire spread and downward fire</p> <p>20 spread to the external cladding?</p> <p>21 Well, Professor Torero's evidence is significant on</p> <p>22 this point. He stated that lateral fire spread and</p> <p>23 downward fire spread are rare in high-rise cladding</p> <p>24 fires. Usually the fire spreads upwards and vertically</p> <p>25 then proceeds to decay and eventually extinguish once it</p> <p style="text-align: center;">Page 21</p>	<p>1 Dubai in February 2015; and The Address Downtown Hotel</p> <p>2 fire in Dubai in December 2015.</p> <p>3 There is some information online to suggest that</p> <p>4 there may have been high-rise fires in China, Iran and</p> <p>5 Azerbaijan that resulted in total building failure. But</p> <p>6 as Professor Torero stated, there is very little</p> <p>7 detailed, publicly available information about most</p> <p>8 international fires. Even a leading internationally</p> <p>9 renowned fire expert like Professor Torero does not</p> <p>10 apparently have access to the necessary information.</p> <p>11 In short, despite the undoubted similarities between</p> <p>12 the Grenfell Tower fire and previous high-rise fires in</p> <p>13 the UK and around the world, and the undoubted lessons</p> <p>14 that could and should have been learnt from those</p> <p>15 previous fires, the Grenfell Tower fire was</p> <p>16 unprecedented in the sense that it involved total</p> <p>17 building failure, whereas none of the other high-rise</p> <p>18 fires did. Consequently, it is hardly surprising that</p> <p>19 many prominent and experienced fire investigators have</p> <p>20 publicly stated that they have never seen a high-rise</p> <p>21 building completely consumed by fire like Grenfell Tower</p> <p>22 was.</p> <p>23 It is important to recognise that total building</p> <p>24 failure is not simply a question of scale. A large</p> <p>25 cladding fire that causes a significant number of</p> <p style="text-align: center;">Page 23</p>
<p>1 reaches the top of the building. Grenfell Tower was</p> <p>2 clearly different, in large part because of the design</p> <p>3 and combustibility of its unique architectural crown.</p> <p>4 What about total building failure?</p> <p>5 Well, total building failure was certainly not</p> <p>6 reasonably foreseeable to the rank and file firefighters</p> <p>7 pre-Grenfell Tower. It played no part at all in any</p> <p>8 training they'd received about high-rise firefighting.</p> <p>9 What about the London Fire Brigade as an institution</p> <p>10 pre-Grenfell?</p> <p>11 That is a tough one. Even if it was a foreseeable</p> <p>12 event for the London Fire Brigade, it was clearly not in</p> <p>13 fact foreseen on the night.</p> <p>14 Now, when considering that issue -- in other words,</p> <p>15 the reasonable foreseeability of total building failure</p> <p>16 to the London Fire Brigade as an institution -- you may</p> <p>17 wish to bearing in mind, Mr Chairman, that none of the</p> <p>18 high-rise fires in the UK that I've already mentioned or</p> <p>19 others that were mentioned in the course of the evidence</p> <p>20 resulted in total building failure. Not one of them.</p> <p>21 Furthermore, none of the recent, well-known</p> <p>22 international high-rise fires resulted in total building</p> <p>23 failure. For example, the Mermoz fire in Roubaix,</p> <p>24 France, in May 2012; the Lacrosse fire in Melbourne,</p> <p>25 Australia, in November 2014; the Marina Torch fire in</p> <p style="text-align: center;">Page 22</p>	<p>1 compartmentation breaches and behaves unusually is not</p> <p>2 tantamount to total building failure. Total building</p> <p>3 failure involves the failure of all or most of the fire</p> <p>4 safety features in the building such that a fire becomes</p> <p>5 unextinguishable. At Grenfell Tower, everything failed</p> <p>6 with the exception of the concrete core structure of the</p> <p>7 building.</p> <p>8 For the sake of completeness, I should mention the</p> <p>9 one fire that did involve total building failure --</p> <p>10 although the building in question was neither high-rise</p> <p>11 nor residential, and the walls and roof were made of</p> <p>12 plastic as opposed to aluminium with a polyethylene</p> <p>13 core -- namely the fire at the Summerland leisure centre</p> <p>14 on the Isle of Man in August 1973. You know about this,</p> <p>15 I'm sure, Mr Chairman. Summerland was a huge indoor</p> <p>16 holiday park wrapped in a combustible acrylic material</p> <p>17 without any sprinkler system. When it caught fire from</p> <p>18 a discarded cigarette, the flame spread quickly. Once</p> <p>19 the flames became visible to the approximately 3,000</p> <p>20 people inside the building at the time, there was mass</p> <p>21 panic, crushing and trampling as the crowds headed for</p> <p>22 the exits. But the fire was too ferocious; it killed 50</p> <p>23 and seriously injured another 80. Although it led in</p> <p>24 the short-term to the strengthening of outdated Building</p> <p>25 Regulations in the UK, the lessons were not learnt by</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 the powers that be. By the early 1980s, the 2 deregulation of fire safety was in full swing. 3 The fourth issue is a brief one, namely the 4 familiarisation visits. 5 Others have already addressed you on section 7(2)(d) 6 as far as Grenfell is concerned. The familiarisation 7 visits were clearly deficient. However -- and it's only 8 a small point, but I do think it's important to make -- 9 we shouldn't exaggerate what a firefighter conducting 10 a perfect familiarisation visit would've been able to 11 discover. Even if a scientist or an engineer like 12 Professor Torero or Dr Lane had visited Grenfell Tower 13 on 13 June 2017 and spent a few hours familiarising 14 themselves with the building, they would not have known 15 that it was a deathtrap wrapped in highly combustible 16 cladding, or that it had a number of other dangerous 17 design characteristics that accelerated the speed of 18 fire spread. 19 They would've seen the cladding, but would not have 20 known, without research and testing, how combustible it 21 was. They would've noted the ventilation system, the 22 doors, the window installations, the single stairs, the 23 absence of sprinklers and the absence of a central 24 tannoy or alarm system, but would not have known the 25 impact of any of these features in the event of a fire.</p> <p>Page 25</p>	<p>1 localised and there was no need for the firefighters to 2 think the fire could not potentially be mitigated. 3 However, once it continued to climb, and in 4 particular went beyond the 11th floor and then 5 eventually reached the top of the building by about 6 1.26 am, the building design condition for stay put had 7 failed substantially. In others words, at or around 8 1.26 am, stay put should've been abandoned and 9 an evacuation of the building organised. 10 We agree. By about 1.26 am, notwithstanding the 11 fire had yet to spread laterally, Mike Dowden should've 12 realised there was a real risk of multiple 13 compartmentation breaches across multiple floors, 14 whatever he heard or didn't hear on his radio, from what 15 he himself could see happening to the east face of the 16 building. Or at the very least, he should have made 17 inquiries with the bridgehead over the radio as to what 18 firefighters and residents inside the building were 19 saying about internal fire and smoke spread. 20 However, given Dr Lane's cogent reasoning, we do not 21 believe you should make a factual finding that stay put 22 should've been abandoned earlier than 1.26 am, as others 23 have suggested. 24 The fact that Mike Dowden deployed a covering jet 25 externally and ordered a more aggressive hydraulic pump</p> <p>Page 27</p>
<p>1 They would've obtained general insights about the 2 building, but the extent to which such insights would've 3 assisted in fighting a fire of the nature and magnitude 4 of the Grenfell Tower fire is highly debatable. 5 The fifth issue is stay put at Grenfell. 6 The starting point is, of course, that there never 7 should have been a stay-put policy at Grenfell Tower in 8 the first place, given the cladding system and the fact 9 that the refurbished building should not even have been 10 occupied. But this is the fault of those who 11 refurbished the building, not the London Fire Brigade. 12 However, given there was a stay-put policy, when 13 should it have been abandoned, without the benefit of 14 hindsight? 15 Now, Dr Lane was extremely fair about this, 16 recognising the dangers of attributing what we now know 17 to what the firefighters could actually see at different 18 times on the night, and what Mike Dowden, the initial 19 incident commander, actually knew at different times, 20 standing outside the building. 21 Consequently, even though the fire had spread from 22 inside the flat 16 kitchen to the external facade by 23 about 1.08 am, begun to climb vertically by about 24 1.13 am and breached compartmentation by about 1.15 am, 25 Dr Lane was of the view that the fire was still</p> <p>Page 26</p>	<p>1 by about 1.15 am does not mean that he had already 2 concluded that defend in place, on which stay put 3 depends, was no longer viable throughout the building. 4 The mere fact that he recognised that he was fighting 5 an external fire of substance does not mean he should've 6 ordered the immediate evacuation of the building. 7 Nobody amongst the experts are suggesting that. 8 One final note on this issue. 9 This may not be popular with some, but I have 10 a great deal of sympathy for Mike Dowden. It's not his 11 fault that the building behaved as it did after the fire 12 spread beyond its compartment of origin. It's not his 13 fault that he was inadequately trained to be an incident 14 commander for a fire of this nature or magnitude. It's 15 not his fault that the London Fire Brigade failed to 16 replace him with a more senior and experienced incident 17 commander much sooner than they in fact did. It's not 18 his fault there was no London Fire Brigade evacuation 19 strategy in the event of stay put no longer being 20 viable. As Mike Dowden acknowledged when he gave 21 evidence, he was overwhelmed on the night. I trust, 22 Mr Chairman, you will not make him the sacrificial lamb. 23 The sixth issue is evacuation. 24 I don't want to spend too long on evacuation, 25 because the evidence as to how a mass evacuation of the</p> <p>Page 28</p>

<p>1 building at or about 1.26 am would have been organised 2 and implemented, how long it would have taken and what 3 practical difficulties and environmental complications 4 would likely have arisen, is thin indeed at present. 5 I trust you agree that it would be wrong to speculate 6 and make factual findings as to what might have happened 7 without the most careful consideration of all the 8 evidence and all the likely variables that might have 9 affected a mass evacuation of the building. 10 As yet, you have no sophisticated computer modelling 11 on how a hypothetical evacuation would've worked in 12 practice. I assume that the inquiry's expert 13 Professor Galea, from whom we are yet to hear, will be 14 doing an in-depth report on evacuation modelling for 15 Phase 2. All you have at the moment is the evidence of 16 Professor Purser, the inquiry's expert on toxicology, 17 who estimated that the ideal nominal evacuation time of 18 all 293 occupants of the building to the lobby was 19 7 minutes if they all suddenly went into the stairs 20 simultaneously, which obviously wouldn't have happened. 21 In his report, he qualifies that estimate by adding 22 that, given the presence of slower, more elderly 23 occupants and young children, and the need to assist 24 those with limited mobility, a better estimate was about 25 15 minutes.</p> <p>Page 29</p>	<p>1 afraid, but to defer your assessment in respect of this 2 hypothetical evacuation until Phase 2. 3 The seventh and final issue is the future of stay 4 put. 5 In a sense, this is a largely academic issue. The 6 reality is that the next time there is a fire in 7 a high-rise residential building in the UK -- and, 8 sadly, there will be a next time, sooner rather than 9 later, given the sheer number of tower blocks with 10 similar cladding -- most residents will evacuate as soon 11 as they find out about the fire, regardless of whether 12 the building has a stay-put policy and regardless of the 13 extent of any compartmentation breach or external fire 14 spread. For the foreseeable future, the memory of what 15 happened at Grenfell will drive residents to get out and 16 stay out. 17 Nevertheless, given your remit includes making 18 recommendations so that a similar catastrophe never 19 happens again, you're going to have to engage with stay 20 put more generally. 21 So, should stay put be consigned to the dustbin of 22 history? Should it be replaced in all high-rise 23 residential buildings with a policy of get out and stay 24 out whenever there is a fire of any nature? 25 I don't want to labour the point, Mr Chairman, but</p> <p>Page 31</p>
<p>1 Now, to be fair to Professor Purser, he never 2 suggested that his calculations were particularly 3 scientific, and they clearly were not. They were based 4 on the fact that it took him 3.5 minutes to descend the 5 stairs from top to bottom when he visited the site, the 6 dimensions of the stairs and his opinion as to the 7 likely standing density per square metre on the stairs. 8 He was frank that his figures required a scenario that 9 was in fact impossible at Grenfell Tower; namely 10 alerting all those present in the building to evacuate 11 simultaneously by means of a general alarm system in the 12 common areas. 13 Furthermore, he did not consider a number of other 14 obvious variables that would've slowed down any 15 hypothetical evacuation, such as the inevitable presence 16 of firefighters under BA ascending the stairs in large 17 numbers to assist with the evacuation, and the 18 inevitable impact of fear, panic, noise, disorientation 19 and smoke inhalation on those evacuating. 20 In the circumstances, you cannot possibly at 21 present, Mr Chairman, put a figure on how long 22 a hypothetical evacuation would've taken, or reach any 23 non-speculative conclusions as to how many of those who 24 died in the fire might have survived if stay put had 25 been abandoned earlier. There is no alternative, I'm</p> <p>Page 30</p>	<p>1 in a safe, compliant high-rise building, stay put has 2 an inherent logic, however counter-intuitive it may be. 3 It works, it saves lives, and it has been doing so for 4 decades, not just in this country but internationally. 5 In the vast majority of high-rise fires, there is either 6 no compartmentation breach, or very limited 7 compartmentation breach confined to a localised sector 8 of the building. To evacuate the entire building in 9 such circumstances is not only unnecessary, but can also 10 carry its own dangers in terms of promoting panic and 11 chaos and exposing residents to smoke inhalation and 12 injury that they would not otherwise face. 13 Consequently, getting rid of stay put altogether, 14 because it should never have been in force at Grenfell 15 post-refurbishment, would, in our view, be throwing the 16 baby out with the bath water, so to speak. What we need 17 is a more reasoned approach, involving a proper review 18 and risk assessment of every tower block, its fire 19 safety features and the viability of a stay-put policy 20 given the building's design, carried out by a suitably 21 qualified person. 22 Despite stay put being a principle of building 23 construction, firefighters have to be properly trained 24 in how stay put applies, how to identify when it is no 25 longer viable and how to facilitate the evacuation of</p> <p>Page 32</p>

<p>1 different types of tower blocks depending on their 2 design and fire safety features.</p> <p>3 In conclusion, Mr Chairman, Friday is the 18-month 4 anniversary of the fire. So far, there have been no 5 prosecutions and no bans. There has been a lot of talk 6 and very little action.</p> <p>7 Throughout, the bereaved and the survivors, 8 including Behailu Kebede, who I represent, have shown 9 great patience, great integrity and great courage, 10 despite all the trauma, despite all the undoubted rage 11 and despite the hardship.</p> <p>12 Now they need you, Mr Chairman, to be bold and brave 13 too. Are you going to challenge vested interests? Are 14 you going to expose corporate wrongdoing? Are you going 15 to recognise how austerity destroys lives? Are you 16 going to demand the reregulation of fire safety? Are 17 you going to speak truth to real power in this country? 18 Or are you going to blame the working men and women who 19 risk their lives every day and did their every best on 20 the night, but were unable to fight a fire that could 21 not be fought?</p> <p>22 The time has come. Please, Mr Chairman, use your 23 power wisely and do the right thing.</p> <p>24 Thank you.</p> <p>25 SIR MARTIN MOORE-BICK: Thank you very much, Mr Menon.</p> <p style="text-align: center;">Page 33</p>	<p>1 beaches, crystal clear waters, and it's located on the 2 South China Sea in the northern province of the 3 Philippines. It's about 441 kilograms from Manila. Its 4 main commodity is garlic; hence its known as the garlic 5 centre of the north. Its inhabitants are known for 6 their building skills in shipping.</p> <p>7 The other interesting thing about Sinait is that it 8 houses the Miraculous Statue of the Black Nazarene, or 9 El Santo Cristo Milagroso, locally known as Apo Lakay.</p> <p>10 In the year 1620, local fishermen from Sinait and 11 another nearby village called Badoc found a black box 12 floating in the sea with two statues: one of the Blessed 13 Virgin Mary, the other of the Black Nazarene. According 14 to legend, sir, the fishermen from Sinait were 15 mysteriously unable to move the statue of the 16 Blessed Mary, whereas the fishermen from Badoc were 17 unable to move the statue of the Black Nazarene. So 18 each group of fishermen carried the respective statues 19 that they were able to carry back to their local 20 villages. The Black Nazarene became the patron saint of 21 Sinait.</p> <p>22 Apparently, in 1656, an epidemic was raging through 23 Sinait, and it was said that, through the devotion of 24 the faithful, many people got cured.</p> <p>25 Sir, just over 72 years ago, three weeks ago, on</p> <p style="text-align: center;">Page 35</p>
<p>1 Well, the next statement is coming from 2 a representative of the group known as G11.</p> <p>3 I think it might be sensible to have a short break 4 at this point so we can rearrange things and then we'll 5 continue, I'm going to say at 11.05, please.</p> <p>6 Thank you very much.</p> <p>7 (10.55 am)</p> <p>8 (A short break)</p> <p>9 (11.05 am)</p> <p>10 Closing submissions on behalf of G11 by MR THOMAS</p> <p>11 SIR MARTIN MOORE-BICK: Now, Mr Thomas, you're going to 12 address us next, I think.</p> <p>13 MR THOMAS: I am.</p> <p>14 Mr Chairman, the one thing that you and I can 15 probably agree on is that you haven't heard of Sinait?</p> <p>16 SIR MARTIN MOORE-BICK: I'm sorry, I didn't hear what you 17 said.</p> <p>18 MR THOMAS: Sinait.</p> <p>19 SIR MARTIN MOORE-BICK: How do you spell it?</p> <p>20 MR THOMAS: S-I-N-A-I-T.</p> <p>21 SIR MARTIN MOORE-BICK: No.</p> <p>22 MR THOMAS: Okay. Well, let me tell you about Sinait.</p> <p>23 In 2015, the local population of Sinait from 24 a census indicated the population was 25,000. Sinait is 25 a small, picturesque fishing village, with white sand</p> <p style="text-align: center;">Page 34</p>	<p>1 24 November 1946, my client, Mr Elpido Bonifacio, was 2 born in Sinait. At the time, the population was 13,000.</p> <p>3 On 14 June 2017, Mr Bonifacio was the last person taken 4 out of the Grenfell Tower at 8.08 am.</p> <p>5 Mr Bonifacio resided in flat 83, which is on the 6 11th floor -- before the refurbishment, it was the 8th 7 floor -- where he lived with his wife, Rosita, for 8 36 years. Rosita is here today.</p> <p>9 Because of disability, he was unable to 10 self-evacuate. That night, his daughter-in-law made 11 four frantic 999 calls on his behalf. Throughout the 12 night, into daylight, he moved backwards and forth from 13 the windows of one of the bedrooms, waving a towel, 14 waiting to be seen and to be rescued. With flames 15 engulfing the entire building in the early hours of 16 14 June, Mr Bonifacio prepared to die, like many of the 17 other residents in Grenfell. His personal chronology of 18 waiting to die is harrowing. He believed his fate was 19 sealed.</p> <p>20 The image of Mr Bonifacio waving out the window was 21 picked up by heli-tele footage and, indeed, news 22 footage, in which he appears to be a poignant figure in 23 desperation, trapped inside Grenfell as dawn was 24 breaking.</p> <p>25 Sir, Mr Bonifacio's oral testimony would have</p> <p style="text-align: center;">Page 36</p>

<p>1 provided this inquiry with a unique, powerful and</p> <p>2 invaluable perspective.</p> <p>3 What is unique about Mr Bonifacio's survival and</p> <p>4 what I have not yet revealed is that Mr Bonifacio was</p> <p>5 not only elderly, not only did he have frailties, but</p> <p>6 Mr Bonifacio is blind. Yet this blind, frail, elderly</p> <p>7 resident trapped in Grenfell survived and was the last</p> <p>8 man out.</p> <p>9 Now, I don't know whether the Black Nazarene, also</p> <p>10 known as El Santo Cristo Milagroso, or locally known as</p> <p>11 Apo Lakay, was looking down on this blind, frail,</p> <p>12 elderly son of that fishing village known as Sinait, but</p> <p>13 he survived apparently against all the odds. He was</p> <p>14 finally rescued by firefighters from flat 83 on the</p> <p>15 11th floor at 8.08 am.</p> <p>16 Sir, here is the thing: Mr Bonifacio wanted to</p> <p>17 assist you with this inquiry and personally give his</p> <p>18 account, and yet he was not permitted. He wanted to</p> <p>19 give you an oral account of his experience during the</p> <p>20 fire and the efforts it took to rescue him. Indeed, his</p> <p>21 legal team compiled footage of the fire, showing the</p> <p>22 fire spread around flat 83, the impact of the ground</p> <p>23 monitoring in order to prevent the fire spread around</p> <p>24 his flat, and effectively preventing the fire spreading</p> <p>25 to flat 83, which we would have wished to present during</p> <p style="text-align: center;">Page 37</p>	<p>1 of the 1970s, he was part of the Gemini Sound System.</p> <p>2 Sir, a sound system is a system that comprises of</p> <p>3 a group of young DJs with their portable decks, powerful</p> <p>4 speakers and amplifiers, who travel back and forth to</p> <p>5 play records that can be transported from venue to</p> <p>6 venue.</p> <p>7 Raymond was in a long-term relationship with his</p> <p>8 partner and companion, Karen, and they shared a dog</p> <p>9 named Marley, apparently a King Charles spaniel. Both</p> <p>10 Raymond and Karen loved Marley as if he were their only</p> <p>11 child.</p> <p>12 Raymond suffered with ill-health, severe arthritis,</p> <p>13 thus making his escape from the 21st floor of Grenfell</p> <p>14 impossible without assistance and a properly functioning</p> <p>15 in lift.</p> <p>16 Sir, neither Raymond or Marley made it out of</p> <p>17 Grenfell.</p> <p>18 Mr Bonifacio and Mr Bernard were good friends.</p> <p>19 Mr Bonifacio, Raymond and Marley would often go to the</p> <p>20 bookies together or to the local pub. Mr Bonifacio, who</p> <p>21 survived, misses his friend Moses.</p> <p>22 Sir, unfortunately, Grenfell Tower is now synonymous</p> <p>23 with lost lives, lost loves, lost opportunities.</p> <p>24 So to the task at hand.</p> <p>25 Sir, many of our clients have spent the last</p> <p style="text-align: center;">Page 39</p>
<p>1 Mr Bonifacio's evidence as part of the record. To date,</p> <p>2 this has not happened.</p> <p>3 We trust and can only hope that this evidence will</p> <p>4 form part of the record of evidence relating to that</p> <p>5 night in due course.</p> <p>6 Sir, do you know where Penal is?</p> <p>7 SIR MARTIN MOORE-BICK: This is becoming a panel game!</p> <p>8 MR THOMAS: Let me tell you.</p> <p>9 Penal is a small village in the south of Trinidad,</p> <p>10 on that twin Caribbean island state known as Trinidad</p> <p>11 and Tobago. It lies south of San Fernando and north of</p> <p>12 the town of Siparia. It was originally a rice and</p> <p>13 cocoa-producing area.</p> <p>14 Raymond Herbert Bernard was born in Penal. Raymond,</p> <p>15 or Moses as he was known to close friends and family,</p> <p>16 was one of seven children born to Rose Bernard, her</p> <p>17 third child born on 22 May 1954. He had four sisters,</p> <p>18 two brothers, and he was a father of three, an uncle to</p> <p>19 many and admired by many.</p> <p>20 Raymond, who arrived in the UK in 1969 -- one of the</p> <p>21 later Windrush generation -- attended Isaac Newton Boys'</p> <p>22 School in Ladbrooke Grove, and went on to do his</p> <p>23 apprenticeship and become an electrical engineer when he</p> <p>24 was 16, and worked at the House of Lords.</p> <p>25 Raymond loved reggae and soul, and in the early part</p> <p style="text-align: center;">Page 38</p>	<p>1 18 months in temporary accommodation, battling with the</p> <p>2 authorities that have failed them. Nonetheless, they</p> <p>3 remain stoic and resolute in their quest for truth,</p> <p>4 justice and accountability.</p> <p>5 Sir, as you retire to contemplate the next stage of</p> <p>6 these proceedings, there are many heart-wrenching</p> <p>7 stories of that night. For example, Nabil and</p> <p>8 Malak Choucair, who lost six of their family members,</p> <p>9 mother, sister, three nieces, Malak's brother, who was</p> <p>10 married to Nabil's sister, all trapped in the upper</p> <p>11 floors of that tower.</p> <p>12 It's difficult to remain unmoved by Nabil's sheer</p> <p>13 desperation and bravery that night. He begged, he</p> <p>14 pleaded, in desperate attempts to get inside</p> <p>15 Grenfell Tower on the morning of 14 June, to get past</p> <p>16 the police cordon, to make contact with his family</p> <p>17 trapped inside that tower. He, too, was not offered the</p> <p>18 opportunity to give oral testimony before this inquiry,</p> <p>19 which is a pity, because that would've been cathartic.</p> <p>20 He was not placed at the heart of this inquiry. He</p> <p>21 really wanted to give oral evidence, yet his evidence</p> <p>22 was not called.</p> <p>23 Yes, sir, there are many personal stories of that</p> <p>24 fateful night, all painful, all raw, all heartbreaking.</p> <p>25 It's also important to note this, and recognise that</p> <p style="text-align: center;">Page 40</p>

<p>1 those of us who represent the bereaved, survivors and 2 relatives are not necessarily a homogeneous group who 3 engage with the process in the same way. Many engage in 4 this process in many different ways, sir. Also, at 5 times, they seek different outcomes.</p> <p>6 Our client, Mr Choucair, who sits in front of you 7 today, his position is -- and I say this on his 8 behalf -- that the following factors were responsible 9 for the death of his family members. He wishes to state 10 that the government failed to safeguard the residents 11 after major fires, including Lakanal, with more robust 12 Building Regulations. He wishes to state decisions made 13 in relation to the insulation and the flammable cladding 14 is responsible. He wishes to state decisions made in 15 relation to budget cuts in emergency services, fire 16 services, the police, the ambulance. He wishes to state 17 decisions made in relation to the refurbishment works, 18 the decisions made in relation to rescue and evacuation, 19 the decision made to stop miscommunications and 20 information about rescue.</p> <p>21 I am merely his voice to you, sir.</p> <p>22 Let me continue.</p> <p>23 Sir, although this inquiry has admitted the 24 statements from the Metropolitan Police Service and the 25 London Ambulance Service, witnesses who attended the</p> <p style="text-align: center;">Page 41</p>	<p>1 initial assessment.</p> <p>2 Likewise, sir, the evidence of the helicopter pilots 3 is critical to our clients' understanding of the 4 response of the emergency responders and how their loved 5 ones died.</p> <p>6 The evidence is particularly important to the 7 Choucair family, the family of Raymond Bernard and the 8 family of Gloria Trevisan. It is imperative that the 9 Metropolitan Police control room operators who advised 10 Zainab Deen to wave at helicopters is called to answer 11 questions relating to that advice given.</p> <p>12 Our clients are genuinely concerned that other 13 residents who travelled from the floor to the roof were 14 advised to do so by members of the emergency services in 15 order to be rescued by helicopters. This concern is 16 corroborated by Farhad Neda's evidence that 17 Mrs Afrasiabi, one of the Iranian ladies on the 18th 18 floor, mentioned that they had been told that 19 helicopters would rescue them from the top.</p> <p>20 Farhad also recorded discussion about them going 21 onto the roof to be rescued by helicopters. Although 22 Farhad didn't know the source of that information, it 23 was apparent that that information had been received 24 apparently in a phone call. Mrs Neda was also unclear 25 whether the advice to wait to be rescued by helicopters</p> <p style="text-align: center;">Page 43</p>
<p>1 Grenfell Tower as part of the blue-light emergency 2 response, into evidence, many of our clients have 3 questions of these witnesses that can only properly be 4 answered through oral evidence, which we detailed in our 5 written submissions to you on the emergency responders. 6 I trust in the next phase you'll take the opportunity to 7 consider those.</p> <p>8 In particular, we had urged and continue to urge the 9 inquiry to call the Metropolitan Police responders, 10 PC Sangha and PC Rees, to give oral evidence during the 11 remaining section of Phase 1. Their unique perspective 12 is that of another emergency service with perhaps 13 a different culture than the London Fire Brigade. Their 14 assessment of the incident shortly after arrival -- in 15 particular, Sangha's assessment of the need for 16 evacuation of the building at 01.28 -- was a critical 17 time when more lives could've been saved.</p> <p>18 We're mindful of Dr Barbara Lane's assessment that 19 stay put should have been abandoned at 01.26, and that 20 safe evacuation of those physically able was possible up 21 until 01.40 or later, depending on variables such as the 22 floor. It is therefore essential to know what 23 discussions PC Rees had with the incident commander, if 24 at all, and whether there was a discussion about 25 evacuation given the Metropolitan Police Service's</p> <p style="text-align: center;">Page 42</p>	<p>1 from the roof had come from firefighters.</p> <p>2 Sir, our clients' own suspicions are that the 3 presence of the helicopters gave residents, particularly 4 those on the upper floors, a false hope that they would 5 indeed be rescued, and that was shared by Farhad and 6 other firefighters, as we've heard from Firefighter 7 Alan Moore.</p> <p>8 These concerns, sir, can only properly be allayed 9 from the testimony of the Metropolitan Police control 10 staff who took the calls from residents in the tower, 11 and disclosure of the MPS's call handling guidance 12 protocols.</p> <p>13 In addition to providing our clients with the 14 answers to these questions concerning their loved ones 15 who died, this evidence is also necessary to identify 16 the advice given by the Metropolitan Police Service call 17 handlers to callers trapped in order to ensure that 18 lessons are learned from the Grenfell Tower fire.</p> <p>19 Society is well used to and trusting of advice given 20 over the telephone and, looking forward, online in our 21 interconnected world. To not properly examine this in 22 the light of the events on 14 June fails to take 23 an opportunity that may never come again, sir, and we 24 ask you to consider that.</p> <p>25 Martin Luther King Junior said this:</p> <p style="text-align: center;">Page 44</p>

<p>1 "Never, never be afraid to do what's right. 2 Society's punishments are small compared to the wounds 3 we inflict on our own souls when we look the other way." 4 Sir, we hope you do not look the other way. 5 On 6 June, in my opening statement, I said on behalf 6 of G11: 7 "There has in the openings of others been criticisms 8 of the Fire Fighters' capabilities and their reactions 9 on the night, that is something that will undoubtedly be 10 considered. However, we must not lose sight of the 11 primary issues." 12 I repeat that: let's not lose sight of the primary 13 issues. 14 Refurbishments, the works. 15 I also said on a previous occasion that when 72 16 souls were lost in the most horrendous and awful way, 17 those responsible should hang their heads in collective 18 shame. Having heard six months of evidence, there is 19 nothing to make me alter my view about those sentiments. 20 The fact that mass fatalities, mass personal both 21 physical and psychological injury and mass homelessness 22 of innocent residential dwellers is, quite frankly, 23 outrageous. The fact that it was caused in this way is 24 just shocking. Those scars are wounds which are just as 25 raw today.</p> <p style="text-align: center;">Page 45</p>	<p>1 We say at this stage, sir, you can answer those 2 questions. 3 When my corporate colleagues get to their feet to 4 address you after those of us representing the bereaved, 5 survivors and relatives sit down, sir, please be aware 6 of this: be wary of attempts to distract, divert, 7 re-write history or blame others in an attempt to 8 conceal the truth. 9 Remember, sir, that although we have not yet heard 10 all the evidence -- and we still have yet to hear the 11 evidence of Mr Ahmed, who sits before you, who was the 12 chair of the Leaseholders' Association -- remember, he 13 asked Kensington and Chelsea to conduct a full health 14 and safety audit of Grenfell Tower. He delivered the 15 dossier to Kensington and Chelsea two weeks before that 16 fire, and yet those steps were not taken. Don't forget 17 he repeatedly told the TMO to provide and carry out 18 a fire drill, queried the absence of any fire safety 19 advice for the residents of Grenfell. 20 This disaster happened because ordinary people were 21 ignored. It is a direct consequence of that failing. 22 Sir, we've now had the pleasure of your company for 23 the best part of, what, nearly seven months? And having 24 seen the way that this hearing has been conducted, how 25 your inquiry team have operated and how the other core</p> <p style="text-align: center;">Page 47</p>
<p>1 Previously, we said that there are many important 2 questions that needed to be asked. Sir, some of those 3 questions have been answered. But there are still many 4 more questions which will be left for the next phase of 5 your inquiry. 6 The fact remains that -- and this cannot be avoided, 7 sir -- once a reasonably safe block was turned into 8 a deathtrap -- and I echo but do not repeat the 9 submissions made by some of my other colleagues who have 10 come before me -- sir, I previously said that whilst 11 those responsible for the refurbishment may dispute just 12 how unsafe they made Grenfell Tower, it is 13 incontrovertible that the tower was intentionally 14 rendered significantly less safe by the introduction of 15 highly flammable material to its structure and exterior. 16 We stand by those remarks. 17 It is clear now that this fact wasn't communicated 18 to the London Fire Brigade. The fire safety of several 19 hundred people deliberately compromised in their own 20 homes, and yet public servants ultimately responsible 21 for protecting them in the event of a fire were simply 22 never told, still less consulted. 23 Sir, key questions in Grenfell. 24 How on earth did this happen? What went so 25 tragically wrong? Why is it that so many people died?</p> <p style="text-align: center;">Page 46</p>	<p>1 participants have conducted themselves, what we can 2 agree on, as night must surely follow day, is you're not 3 going to please everyone. There simply has not been 4 consistency in the demands made of you. 5 It is clear from the written submissions of the core 6 participants that you cannot take a sword of Solomon 7 approach to this tragedy that engulfed this residential 8 block back in June 2017, split it down the middle and 9 dispense justice to satisfy all. It ain't going to 10 happen in that way. In fact, the evidence simply does 11 not permit you to do that. It simply does not fall in 12 that way. 13 Sir, as I got to my feet, you probably thought, 14 "What's that Leslie Thomas going to say today? What's 15 he going to complain about this time on behalf of G11?" 16 It is true that, during this inquiry, there have 17 been certain themes to the requests that I have made of 18 my clients. But, in fairness to me, I have to do my 19 best to hold this inquiry to account and I have to do it 20 fearlessly. 21 Sir, you know and you appreciate that those demands 22 have only been made with good intention, trying to 23 assist you and your team in this traumatic process for 24 those I represent, and I honestly hope that the requests 25 were made with respect, politely and with the right tone</p> <p style="text-align: center;">Page 48</p>

<p>1 and sense of humour.</p> <p>2 Sir, from the perspective of the people who have</p> <p>3 been ignored for so long at their personal cost, that</p> <p>4 they feel the need to make complaints -- and, yes, they</p> <p>5 haven't been happy with all aspects of this process.</p> <p>6 Just by way of example, the way that some of the</p> <p>7 questions have been put, the lack of opportunity to put</p> <p>8 questions through their own counsel, having sufficient</p> <p>9 time to take instructions in between the questioning of</p> <p>10 witnesses. Sir, as we move from this phase to Phase 1B</p> <p>11 and Phase 2, we submit that it is necessary that our</p> <p>12 clients' questions are asked as questions through their</p> <p>13 own counsel.</p> <p>14 As you and your council will well appreciate, your</p> <p>15 team will have to take a very neutral role in the next</p> <p>16 phases of this hearing. Some may argue -- we certainly</p> <p>17 do argue -- that they're not properly or best placed to</p> <p>18 ask the searching and robust questionings that our</p> <p>19 clients need to be asked.</p> <p>20 The venue and its lack of suitability.</p> <p>21 You may not know this, sir, but one of my clients,</p> <p>22 Cordelia Disson, the widow of Anthony Disson, Tony</p> <p>23 Disson, and other members of the Disson family are among</p> <p>24 the clients who would have wished to attend these</p> <p>25 hearings more frequently. But, unfortunately, they've</p> <p style="text-align: center;">Page 49</p>	<p>1 best efforts to fit in with your timetabling around</p> <p>2 their daily commitments -- school runs, childcare</p> <p>3 arrangements, hospital appointments -- and, sir, all we</p> <p>4 ask is, if you can, more advance notice of time changes,</p> <p>5 that would be greatly appreciated.</p> <p>6 Disclosure, or sometimes the lack of it, or</p> <p>7 sometimes the fact that it comes late.</p> <p>8 An example of late disclosure would be the</p> <p>9 helicopter footage which represented the visual image of</p> <p>10 the fire spread which actually located people on various</p> <p>11 floors. One example, sir, there were images of persons</p> <p>12 in flat 193, the Choucrair family home, which were seen</p> <p>13 in the footage between 2.00 am and 3.00 am.</p> <p>14 Sir, as a result of that late disclosure of that</p> <p>15 helicopter footage, received on 21 September, and the</p> <p>16 NPAS pilot statements received on 28 September, our</p> <p>17 clients were unable to ask critical questions of</p> <p>18 witnesses from the control room. Just to give you three</p> <p>19 examples, the control room operators Sharon Darby, who</p> <p>20 gave evidence on 1 and 2 August; Peter Duddy, who gave</p> <p>21 evidence on 13 September; and the control room manager,</p> <p>22 Jo Smith, who recommended the abandonment of stay put.</p> <p>23 Additionally, sir, our clients wanted to ask the</p> <p>24 CROs and the senior fire officers in the control room</p> <p>25 questions about the advice given and the change of the</p> <p style="text-align: center;">Page 51</p>
<p>1 been unable to travel to central London. Mrs Disson</p> <p>2 suffers from panic attacks and has difficulty travelling</p> <p>3 on public transport. In addition, sir, we have several</p> <p>4 clients who have been diagnosed with PTSD as a result of</p> <p>5 this incident, which makes travelling to this inquiry</p> <p>6 extremely difficult, particularly in rush hour.</p> <p>7 Like many other clients, Mrs Disson considers the</p> <p>8 layout of this courtroom ill-suited for their needs.</p> <p>9 Sir, you will remember days when particular witnesses --</p> <p>10 for example, Dany Cotton when she was giving her</p> <p>11 evidence -- this room was filled to capacity and, at</p> <p>12 times, during breaks people had to swap places.</p> <p>13 Start times.</p> <p>14 A small request as we move forward. Sir, can we</p> <p>15 please stick to the agreed start times? I know it's</p> <p>16 difficult, but we have said and we did announce</p> <p>17 10 o'clock, and we did say that we would aim to finish</p> <p>18 by 4 o'clock. We've counted them: on 23 occasions, sir,</p> <p>19 we've started at 9.30.</p> <p>20 Now, don't get me wrong, we fully understand that</p> <p>21 there are times, because of the pressure on the</p> <p>22 evidence, we need to get through the evidence. We get</p> <p>23 that, we understand that. Whilst we as lawyers</p> <p>24 understand that and fully appreciate the inquiry's case</p> <p>25 management duties, our clients are trying to make the</p> <p style="text-align: center;">Page 50</p>	<p>1 stay put with the use of images. These images would've</p> <p>2 been relevant to questions asked of Mr Dowden. It was</p> <p>3 a missed opportunity.</p> <p>4 Sir, I now come to the issue of diversity -- or</p> <p>5 I should say lack of it.</p> <p>6 Sir, when is the diversity panel going to be in</p> <p>7 place? It's now almost some seven months since the</p> <p>8 Prime Minister's decision on 10 May 2018 for the</p> <p>9 appointment of a panel to sit with you. We've</p> <p>10 repeatedly called for the urgent appointment of</p> <p>11 a diverse panel and expected -- those expectations may</p> <p>12 have been false -- that that panel would've been</p> <p>13 appointed before the autumn to hear the evidence of the</p> <p>14 bereaved, survivors and relatives and the experts.</p> <p>15 Well, that didn't happen.</p> <p>16 Sir, we respectfully ask you to urgently appoint</p> <p>17 that diverse panel before the end of 2018 or, at the</p> <p>18 very latest, the start of 2019.</p> <p>19 We say that for the following reasons.</p> <p>20 We would ask that the remit of the panel includes</p> <p>21 the review of the evidence already heard and received</p> <p>22 into the record, and that you sit with the panel for the</p> <p>23 remaining of the evidence of Phase 1 relating to those</p> <p>24 who died and who had near death experiences in the</p> <p>25 discharge of the article 2 function. This is a matter</p> <p style="text-align: center;">Page 52</p>

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<p>1 of concern for our clients and, indeed, the general 2 public. 3 Having a voice in this inquiry. 4 There has been struggle at times for our clients to 5 be heard in this inquiry. In the face of great 6 adversity and the challenges of our clients, some of 7 whom are grief-stricken with the personal loss of their 8 loved ones, they continue to suffer mental anguish and 9 post-traumatic stress, yet many of them struggle to get 10 here. 11 As you move onto the next phase, can we make another 12 small ask, and it's this: a sickness protocol for 13 absentee witnesses. What we mean by that is this: sir, 14 as you move into Phase 1B and Phase 2, dealing with the 15 movements of those who died or had near death 16 experiences, we would ask you to create or adopt 17 a protocol in relation to witnesses not being called on 18 medical grounds. We raise this and use two examples, 19 Peter May and Graham Winch, both witnesses who were 20 excused on medical grounds. The inquiry excused 21 Mr Winch for medical reasons, and we felt initially that 22 that was done without providing sufficient detail. 23 I'm sure there was good reason. But, sir, it's just 24 the question of involving all so we know. We, as our 25 clients, are concerned that in the absence of a proper</p> <p style="text-align: center;">Page 53</p>	<p>1 Non-compliance with Building Regulations. 2 What we say, respectfully, you need to be careful 3 of, and now, is the fact that there may well be attempts 4 to divert and distract the reaching of necessary 5 conclusions to the end of Phase 1; namely, clear and 6 unambiguous evidence given by the experts which has been 7 so vividly backed up by the survivors and firefighters. 8 We say, sir, that this tragedy was caused because 9 the tower failed, and that failure was massive and 10 systemic. We know that because, in clear and stark 11 terms, your experts have said so. 12 The tower failed for the following reasons, and, 13 sir, I'm not going to repeat in any great detail what 14 you've heard already, I'm just going to highlight some 15 bullet points for you. 16 Firstly, overarching of all the failures was the 17 decision to wrap this building in flammable material, 18 the cladding system, including the repositioning and 19 insulating of the windows. It was so dangerous it meant 20 that a multiple compartment fire became inevitable. 21 You have our written submissions and you have the 22 written submissions of the other CPs as to why it is so 23 incontrovertible that works to install the cladding did 24 not comply with Building Regulations. 25 Sir, we say -- and we say that you're empowered to</p> <p style="text-align: center;">Page 55</p>
<p>1 protocol requiring clear medical evidence where 2 a witness is to be excused on medical grounds, our 3 clients are concerned -- and these are not unfounded 4 concerns -- that there may be a risk that witnesses may 5 try to rely on illness as a way of avoiding giving 6 evidence. What you need to do, sir, is allay those 7 concerns, and those concerns can be allayed with 8 a protocol that everybody understands. 9 Sir, now, the good news. 10 Sir, I'm not here to remind you of any of those 11 matters that I just mentioned. You may be wondering why 12 I'm on my feet. Well, let's put aside those asks. I'm 13 not here to complain about process today. What I am 14 here to say to you is -- and you may well be thinking, 15 "Has Mr Thomas suddenly been disabled with that dreaded 16 Michaelmas 'festivetightus goodwillus'?", that commonly 17 known Latin disease that hits people at this time of the 18 year -- I know you and your team have a lot of work to 19 do, and you're probably going to have a very short break 20 before you start that work, because there is much work 21 for you and your team to do at this stage of the 22 proceedings. 23 No, today is a day not to complain. Today is a day 24 to let you know our thoughts on how you go forward, and 25 that's what I propose to do now.</p> <p style="text-align: center;">Page 54</p>	<p>1 do this -- that the cladding system was the primary 2 cause of the fire that spread so significantly that it 3 meant that, in Grenfell, stay put was no longer viable. 4 Secondly, the works to install the cladding system 5 undoubtedly made the tower less safe than it was 6 beforehand. 7 Sir, as Dr Lane said, this tower should not have 8 been occupied at all. Worse still, it seems that no one 9 grappled with that fact at the time. Just as they are 10 doing now, all the people involved seemed to be 11 convincing themselves that it was somebody else's job to 12 put safety before profit. We say, sir: don't accept 13 that excuse, that defence, "Not me, guv, someone else." 14 Sir, never has there been a truer saying than: more 15 people would learn from their mistakes if they weren't 16 so busy denying them. 17 The facts in front of our eyes are stark and 18 obvious, and we know that this inquiry will not shirk 19 from them. Nothing less than a clear finding of 20 non-compliance with the Building Regulations will do. 21 And, sir, we know you know that. 22 Let me move on, sir. 23 Sir, the responsible parties have had ample 24 opportunity, yet none of them have sought to advance 25 a positive case as to why the work to install the</p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

<p>1 cladding system was compliant. Indeed, some appear to 2 accept that such a view would be untenable. Others are 3 content to explain why others, not them, are 4 responsible. This is why the cries of unfairness by 5 some of the corporate participants are misguided and are 6 not analogous to the ones made by my clients in Phase 1. 7 Because in Phase 1, sir, we're not looking at blame. 8 This is not about blame at this stage. But it's about 9 the experiences my clients have had, which is central to 10 the story as to what happened on the night, and which is 11 why we say there's a distinction between their right to 12 participate, and that right is properly protected. 13 So, sir, we will argue about who was responsible for 14 that state of affairs in Phase 2. That will come. But 15 let's not detract from the knowledge that somebody must 16 be responsible for this terrible state of affairs in 17 violation of the law. That much demands the immediate 18 recognition by this inquiry. The time for action is 19 now, not in a year or in two years time. 20 So, sir, the reasons are set out in detail in our 21 written submissions. I urge you to look at the 22 submissions of G11, along with G4 and G3 to assist, to 23 declare that the refurbishment works done to 24 Grenfell Tower were not compliant. 25 Can I just touch upon a few other failures of the</p> <p style="text-align: right;">Page 57</p>	<p>1 standards of the time of construction and non-compliant 2 with the current standards. 3 The smoke control system failed or was inadequately 4 designed, and there was no sprinkler system, reducing 5 the ability to improve both escape and firefighting 6 conditions. 7 These matters, sir, are secondary to the cladding 8 system in terms of causes of the fire, but they each 9 contributed in significant ways to making the job of 10 firefighting very much harder, and the ability of the 11 occupants to self-evacuate fatally undermined. 12 Sir, that brings me to the issue of firefighting. 13 These are our two main points: 14 This is an issue we have made written submissions 15 on. Of course, events should've unfolded differently. 16 Yes, serious mistakes were made. Lessons must be 17 learned. Critically, however, it must be understood and 18 repeatedly asserted that a compliant building would not 19 have rendered the safety of so many of its occupants 20 reliant on the decisions of the Fire Brigade. As 21 Dr Lane states, that is the foundation of an effective, 22 safe stay-put policy. 23 The point being here that whilst criticisms will be 24 made of the Fire Brigade and the advice they gave to 25 occupants, if the building had not been made so</p> <p style="text-align: right;">Page 59</p>
<p>1 building and I hope to do so very quickly. 2 Importantly, Dr Lane confirmed that, in her opinion, 3 the building should not have been occupied even if all 4 active and passive fire protection measures in the tower 5 were fully compliant and in working order. In other 6 words, the cladding system made the design incompatible 7 with stay put and unlawful. 8 Even if, for example, the fire doors and smoke 9 extractor system were compliant, the fire lift worked 10 and the wet riser present, in her view it was simply not 11 possible to mitigate the type of fire that those 12 materials would cause. Of course, unfortunately, those 13 other fire safety measures were not there or working on 14 the night, and so the cladding was not the only reason 15 why the tower was a deathtrap. 16 The facts are, sir, that the fire doors to the 17 entrances of 120 flats had been replaced in 2011 and did 18 not comply with fire safety standards. 19 There's only one stairwell. This was the only 20 escape route, which was smoke-filled as a result of the 21 fire. 22 The lifts failed to perform effectively, hindering 23 the transportation of firefighting equipment, creating 24 an unnecessary risk. 25 The tower's dry riser was non-compliant with the</p> <p style="text-align: right;">Page 58</p>	<p>1 dangerous and stay put was still working, they would not 2 have had to rely on the Fire Brigade at all, save for, 3 sir, putting the fire out in flat 16. As Dr Lane 4 confirmed, that is the foundation of a stay-put policy. 5 Although Dr Lane does not go so far as to state that 6 the internal firefighting was fundamentally incompatible 7 with simultaneous evacuation in the tower, it is clear 8 that the spread of fire and smoke would have posed 9 serious threats to the health and safety of residents 10 and significant obstacles to effective firefighting in 11 any event. For example, it is telling that Dr Lane 12 believes stair doors being kept open during firefighting 13 activities was the most likely cause of the "hot zone" 14 on the mid-floors, which so obstructed escape and 15 rescue. 16 So the point here is that the fire service were 17 damned if they did and damned if they didn't. 18 The Civil Contingencies Act. 19 Sir, we have set out in our written submissions the 20 failings of category 1 responders to adopt 21 a co-ordinated approach and response to the 22 Grenfell Tower in the fulfilment of their statutory 23 duties under the Civil Contingencies Act, and others 24 have developed the point. The Metropolitan Police 25 didn't communicate their assessment of the need to</p> <p style="text-align: right;">Page 60</p>

<p>1 evacuate the building at 1.26 am and did not communicate</p> <p>2 its declaration of a major incident. The LAS were slow</p> <p>3 in their co-ordination of their response and</p> <p>4 communication with the London Fire Brigade incident</p> <p>5 commander. And the Royal Borough of Kensington and</p> <p>6 Chelsea -- well, they really never got off the mark.</p> <p>7 The plans of the building didn't arrive until after</p> <p>8 7.30, after repeated pleas by Andy Roe. And, again,</p> <p>9 it's incontrovertible that there wasn't really real</p> <p>10 co-ordination of responses, certainly in the first two</p> <p>11 hours.</p> <p>12 Where we pick up the baton, still untouched on this</p> <p>13 issue, are the lessons to be learned to ensure that the</p> <p>14 provisions of the Civil Contingencies Act are complied</p> <p>15 with by blue-light responders to a major incident.</p> <p>16 Training.</p> <p>17 It is palpably clear, sir, from the evidence of</p> <p>18 Thatcher that he had received limited training on the</p> <p>19 application of JESIP, and of course the natural</p> <p>20 conclusion affected his and the other MPS response.</p> <p>21 Although we've not explored the impact which the</p> <p>22 inadequate training had on the provisions of the Civil</p> <p>23 Contingencies Act or JESIP, we say it contributed to the</p> <p>24 inadequacy and lack of co-ordination of the response of</p> <p>25 the emergency services in Phase 1. It is clearly</p> <p style="text-align: center;">Page 61</p>	<p>1 I think we're going to hear from Mr Mansfield next</p> <p>2 but, again, I think it might be convenient to have</p> <p>3 a short break to reorganise things. So I'll rise and</p> <p>4 we'll start again at 12.05, please.</p> <p>5 Thank you.</p> <p>6 (12.00 pm)</p> <p>7 (A short break)</p> <p>8 (12.05 pm)</p> <p>9 Closing submissions on behalf of G11 by MR MANSFIELD</p> <p>10 SIR MARTIN MOORE-BICK: Now, Mr Mansfield, you're going to</p> <p>11 make a statement on behalf of the G11 group of BSRs.</p> <p>12 MR MANSFIELD: Yes, thank you and good morning.</p> <p>13 Coming last, as I do, this is an interesting and</p> <p>14 reflective moment, because I made it clear in writing</p> <p>15 that, although we've made written submissions, and they</p> <p>16 will be no doubt placed on the website at some point, if</p> <p>17 not already, you will have read them, and I don't intend</p> <p>18 to read them out, what I would like to do is to use</p> <p>19 a moment of reflection about initially the variety of</p> <p>20 approaches within the group that we all represent. In</p> <p>21 other words, we would want to disabuse anyone of</p> <p>22 thinking that we're homogeneous and that, therefore, you</p> <p>23 can expect the same reactions from everybody. They</p> <p>24 lived on different floors, they came from different</p> <p>25 backgrounds and, just like any community, they have</p> <p style="text-align: center;">Page 63</p>
<p>1 relevant, sir, to the response of the emergency</p> <p>2 services, and we would therefore invite this inquiry to</p> <p>3 examine that issue in Phase 2.</p> <p>4 Sir, when the Prime Minister announced you as chair</p> <p>5 of this inquiry on 29 June 2017, she expressed</p> <p>6 a commitment to unearthing the truth and leaving no</p> <p>7 stone unturned. She vowed that there would be justice</p> <p>8 for all the victims of this terrible tragedy and for</p> <p>9 their families who have suffered so terribly.</p> <p>10 The Grenfell community, though, is still coming to</p> <p>11 terms with their painful loss. They've engaged in this</p> <p>12 consultation, they've attended community meetings,</p> <p>13 they've made submissions on the scope and terms of this</p> <p>14 inquiry and they've become many core participants.</p> <p>15 So what does it mean that there will be justice for</p> <p>16 all the victims?</p> <p>17 It can mean one thing and one thing only: that you</p> <p>18 and your team will do the right thing. And the question</p> <p>19 is: when? When will you do the right thing?</p> <p>20 Well, I say the time is at this stage because, as</p> <p>21 Martin Luther King would say, "It is always the right</p> <p>22 time to do the right thing."</p> <p>23 Thank you, sir.</p> <p>24 SIR MARTIN MOORE-BICK: Well, thank you very much,</p> <p>25 Mr Thomas.</p> <p style="text-align: center;">Page 62</p>	<p>1 different responses. And I have no doubt at all that</p> <p>2 that will remain.</p> <p>3 There are some very common responses, and I am going</p> <p>4 to concentrate on some of the common ones because there</p> <p>5 is -- really picking up a theme upon which the last</p> <p>6 statement ended, Leslie Thomas talking about time, and</p> <p>7 I want to develop that because that is something that</p> <p>8 you will have seen running through the bereaved</p> <p>9 themselves, the witnesses.</p> <p>10 Just under three weeks ago, there was a report</p> <p>11 published, 23 November this year, and I'm aware that</p> <p>12 people who read it, no one has disputed its accuracy.</p> <p>13 It was in fact commissioned by the Labour Party, but it</p> <p>14 matters not who commissioned it. The actual facts that</p> <p>15 they revealed are startling and stark, and there is</p> <p>16 a lesson within that very report which you may derive</p> <p>17 some substance from in relation to how matters proceed</p> <p>18 from today. That report revealed that, out of 837</p> <p>19 high-rise -- according to the definition, above</p> <p>20 30 metres and 10 storeys -- 137 of such blocks in</p> <p>21 London, only 32, roughly 4 per cent, have sprinklers.</p> <p>22 Now, I began in my opening with a very simple</p> <p>23 back-to-basics provision. I'll return to it briefly in</p> <p>24 a moment, but I'm starting with another one: sprinklers.</p> <p>25 Before Grenfell, there were only nine, so they've</p> <p style="text-align: center;">Page 64</p>

<p>1 increased a bit. So put another way, 96 per cent of 2 high-rise, council-owned blocks in London don't have 3 sprinklers. 4 Now, in 2007, the guidance was changed a bit. 5 Somebody, somewhere, actually woke up to their efficacy. 6 In fact, may I say, no one is disputing their efficacy. 7 Not that they would put out the fire here in this case, 8 that would never be the suggestion, but that they make 9 a major contribution. 10 The commissioner, who has been described on many 11 occasions in different ways, and I'm not going to add to 12 it, other than the fact that she lent her support as 13 a key feature in fire suppression, and that is the 14 provision of sprinklers. 15 Now, I'm not going to labour just that because it 16 has a much bigger context, and this is what I suspect 17 you and the families will be saying, and it's a context 18 which interestingly the BBC and Mr Menon himself this 19 morning -- it may be this is the source of the example 20 he gives -- the BBC, barely a month before that report, 21 had a film which we would urge people to watch at some 22 point: The Fires that Foretold Grenfell. There were 23 five fires spread over 45 years. I want to mention 24 them -- not in great detail, they can be researched. 25 The first one Mr Menon mentioned was Summerland in</p> <p>Page 65</p>	<p>1 relevant to that fire. 2 That's the first one. 3 The second one won't surprise you either. It is the 4 one I've just touched on. In 2018, only 4 per cent of 5 buildings -- sprinklers would have made a difference. 6 Of course, the third one: stay put. 7 So when one looks at these five fires and the themes 8 that repeatedly come up, it's not just that there were 9 themes that were identified, but that there were 10 investigations, there were inquiries, there were 11 recommendations on all those topics, that large 12 buildings should not be clad in inflammable materials. 13 It's almost -- well, it is -- common sense. 14 Oh yes, there's expense, oh yes, there are ways of 15 getting around it, and no doubt those who wish to do 16 that will continue. Another topic. But there it is, 17 writ large from the beginning: large buildings should 18 not have cladding that is inflammable. 19 There will be disputes over what's inflammable, but 20 I leave that for the moment. 21 It was recommended that sprinklers be installed in 22 all large buildings and, finally, that the policy of 23 stay put should be reviewed. 24 So here we are, 45 years later, waiting, in relation 25 to those three things and a large number of others. We</p> <p>Page 67</p>
<p>1 1973, 45 years ago-odd. It was followed by 2 Knowsley Heights in Merseyside, Garnock Court in Irvine, 3 Harrow Court, Lakanal was the last one they took -- 4 Lakanal is very familiar -- and, of course, there have 5 been others. 6 What is interesting about the film, in a sense, 7 besides the detail, is that anyone who has watched it 8 will recognise there are discernible themes. The 9 discernible themes throughout, starting with Summerland, 10 are the three themes I'm going to suggest that are 11 perhaps closest -- there are others -- to the hearts of 12 possibly everyone who sits in this room who is concerned 13 with what I call the prism of safety, that what has to 14 be placed here is not the prism of profit but the prism 15 of safety if we are to move forward. 16 Now, the three themes -- I suspect by now everyone 17 in the room could guess what the three themes are. The 18 three themes were, firstly, given the nature of the fire 19 in 1973, where 3,000 holidaymakers were trapped in this 20 building, burning globules of acrylic rained down on 21 them, spreading the flames. 51 people died. It was, in 22 fact, at that stage, the worse disaster since the Blitz, 23 which I can't say I remember, but certainly there are 24 distant memories of what happened then. So inflammable 25 cladding or, if you like, envelope was extremely</p> <p>Page 66</p>	<p>1 say the importance, therefore, of reflection on what the 2 various people on the various floors who have been lucky 3 enough to get here and have survived have to say on 4 these topics is important, because there is a risk, 5 unless that is listened to -- and I think the words were 6 just used "it's time now" -- the question is: when is 7 now? And what is now? 8 I will come to that, but before I do, it's 9 instructive to remind ourselves of the force of those 10 who we all represent in this inquiry. 11 I've only asked for a couple, but I think it eases 12 your burden and possibly those in the public if this 13 particular section could be put on screen. I have, as 14 it were, had a conversation with Ralph and he's aware. 15 This is the first one, and it relates to a gentleman 16 called Nick Burton. You have it in your own ... 17 A small part of what he had to say has already been 18 referred to, but I do wish to read this, and it can be 19 followed, because one sees in the context I've just 20 spelt out of 45 years of talk, and very little or no 21 action, it's hardly surprising once you get to Grenfell 22 that you have Mr Burton saying the words that he does. 23 It begins on page 89 -- it's Day 68 for anybody 24 wanting to look it up -- and it starts with these words: 25 "... I will just keep it sweet -- this is</p> <p>Page 68</p>

<p>1 an historic event. The consciousness of the nation is</p> <p>2 looking at all of us, you know, how this inquiry, how</p> <p>3 the police investigation is going.</p> <p>4 "But this is so important that it has to stop here.</p> <p>5 We've seen failings and failings -- I've been failed so</p> <p>6 many times -- you know, failings and failings and</p> <p>7 failings with other fires and other lessons not learnt.</p> <p>8 "So Grenfell has to stand for something, and it's to</p> <p>9 stop here about how people are treated and how the</p> <p>10 loopholes in the system need to be closed, you know.</p> <p>11 "We as the survivors and everything, we're dealing</p> <p>12 with multi-billion-pound corporations. We're fighting</p> <p>13 against a system that is broken, and they know it's</p> <p>14 broken, but, you know, they usually put a sticking</p> <p>15 plaster over it and move on.</p> <p>16 "No disrespect with inquiries, but I think that's</p> <p>17 just a system initially to save the government of the</p> <p>18 day any embarrassment: oh, we're going to have</p> <p>19 an inquiry to find out the truth, and then time lapses,</p> <p>20 we do get hopefully to the bottom of this and to find</p> <p>21 out the truth, but it's over a long period of time.</p> <p>22 "We've spent times with the Hillsborough families,</p> <p>23 we've spent time with other people, Doreen Lawrence.</p> <p>24 I've been going around the country myself, going up to</p> <p>25 Manchester, Plymouth and Portsmouth, talking to people,</p> <p style="text-align: center;">Page 69</p>	<p>1 another consultational process to go through things."</p> <p>2 It has to stop here with Grenfell.</p> <p>3 "And Grenfell I believe will mean something, you</p> <p>4 know, changes in regulations, changes in attitudes,</p> <p>5 social housing, all these big things that previous</p> <p>6 governments have been just, you know, wiping away</p> <p>7 because it's not their concern at the moment, and that's</p> <p>8 why lives are lost.</p> <p>9 "So the lessons have to be learnt here and now, and</p> <p>10 stop here, I think." [Day 68, 6 November 2018, pages 89</p> <p>11 to 92]</p> <p>12 And you then acknowledge him and thank him. We</p> <p>13 noted that you did that regularly, and we also noted</p> <p>14 that your counsel, Mr Millett, also -- I think it was</p> <p>15 rather late on a Friday, possibly a Thursday, but late</p> <p>16 in the day -- that's not meant to be any kind of</p> <p>17 criticism -- paid a very real tribute at the end of all</p> <p>18 those we represent, in coming here and giving evidence,</p> <p>19 a tribute to their courage. In a sense, that tribute</p> <p>20 now needs to be translated. We appreciate, all of us,</p> <p>21 how do you translate it? How do you translate it now?</p> <p>22 I do want to address that particular point, because</p> <p>23 the history shows we've waited too long. We want no</p> <p>24 more Grenfells. That's the theme, the repetitive theme</p> <p>25 which needs to be writ large and on our hearts as we</p> <p style="text-align: center;">Page 71</p>
<p>1 and they are absolutely scared of living in tower blocks</p> <p>2 with that cladding still on. So the system is not</p> <p>3 working.</p> <p>4 "We meet up with, I mean, the Prime Minister</p> <p>5 downwards, you know, all the housing ministers. They</p> <p>6 talk the talk, but, you know, this has to be the one</p> <p>7 where it stops.</p> <p>8 "Justice for me is that, you know, this never</p> <p>9 happens again, you know, we have a fair system. We've</p> <p>10 got a lot to deal with, especially in this environment</p> <p>11 at the moment, but it has to stop here. It can't go on</p> <p>12 and then we'll be talking about another major incident</p> <p>13 where there is a fire and a loss of life and then we're</p> <p>14 talking about: did we learn any lessons from Grenfell?</p> <p>15 Did we learn anything from Hillsborough? Did we learn</p> <p>16 anything from anything? It has to mean serious stuff.</p> <p>17 "I mean, we've all been through a lot. I mean,</p> <p>18 we've got families here now, you know, that have lost</p> <p>19 multiple people, and it's been very, very challenging.</p> <p>20 "So, you know, the weight of responsibility is</p> <p>21 yourself, you know, to make recommendations ..."</p> <p>22 May I emphasise the word he's put "now":</p> <p>23 "... now and put them into place now, not just wait</p> <p>24 for a report and then the government say, "Yes, we've</p> <p>25 got the report and now we're going to think about</p> <p style="text-align: center;">Page 70</p>	<p>1 move forward.</p> <p>2 And there is a way forward now that will give</p> <p>3 confidence to the public and to, particularly, the</p> <p>4 families who have suffered so much. If the process of</p> <p>5 in fact shifting what has been the manoeuvrings, the</p> <p>6 machinations -- I opened, I think, those will remember,</p> <p>7 14 June, the very same day of the fire, those who were</p> <p>8 meeting in private, the construction industry and</p> <p>9 government representatives, to see how they could</p> <p>10 dismantle more of the regulations. No one should ever</p> <p>11 forget that happened on the very same day. Haven't</p> <p>12 heard much of it since. But that is what has to be</p> <p>13 shifted.</p> <p>14 Now, in order to, as it were, displace that force</p> <p>15 which underlies, if you like, the austerity cuts point</p> <p>16 that has been made, in order to displace that and</p> <p>17 restore the confidence of people who are so scared they</p> <p>18 won't live in these blocks, it's a form of arrogance,</p> <p>19 it's a form of complacency that runs throughout and no</p> <p>20 doubt will rear its head in Phase 2 when some of the</p> <p>21 responsibility can be more clearly identified than it</p> <p>22 has already.</p> <p>23 But there is an institutional lethargy. 45 years.</p> <p>24 There's always a reason why you can't do something now.</p> <p>25 That should always be overridden by necessity, necessity</p> <p style="text-align: center;">Page 72</p>

<p>1 to ensure safety.</p> <p>2 Of course, they'll say for sprinklers, "Oh, we don't</p> <p>3 know we've got enough water." Well, perhaps it hardly</p> <p>4 bears examining.</p> <p>5 Then it's the cost, so, "We can't do it now but</p> <p>6 we'll do it" -- when one looks at and compares the</p> <p>7 resources that are spent on -- not that I understand</p> <p>8 it -- quantitative easing, and a lot of other examples</p> <p>9 where billions are spent, it's where there's a will,</p> <p>10 there's a way, and that's where, if you are able to, you</p> <p>11 can bring the influence of the position in which you've</p> <p>12 been placed -- as Mr Burton said, the weight is upon</p> <p>13 your shoulders. It's one I'm sure will be borne with</p> <p>14 great dignity and with thoroughness. So everyone in</p> <p>15 a sense depends on that being carried through.</p> <p>16 In fact, it's displacing something that was</p> <p>17 described by Bishop Jones when he did the review</p> <p>18 post-Hillsborough. It hasn't actually been given</p> <p>19 a title, but it has a title and it's an apposite title</p> <p>20 and it's really the task ahead here. The title he gave</p> <p>21 it: "The patronising disposition of unaccountable</p> <p>22 power", that was how he was describing what had been</p> <p>23 happening before.</p> <p>24 In a sense, that is what we're now facing.</p> <p>25 Accountability comes next, disposition we've already</p> <p style="text-align: center;">Page 73</p>	<p>1 from the outside, which, of course, is why sprinklers</p> <p>2 might just be relevant to that.</p> <p>3 And we're now told you can't expect the London Fire</p> <p>4 Brigade to be fighting fires simultaneously on multiple</p> <p>5 floors because we believe in compartmentation. So the</p> <p>6 same people in those upper floors aren't going to get</p> <p>7 much help as far as firefighting is concerned.</p> <p>8 Please understand, this is not intended as</p> <p>9 a criticism of the London Fire Brigade; it is</p> <p>10 a criticism of a system that is dependent on</p> <p>11 a predication which I want to question about</p> <p>12 compartmentation.</p> <p>13 But it does mean that were you able, in the ensuing</p> <p>14 months, and hopefully weeks, able to consider</p> <p>15 a sprinkler, retrofitted, outside and inside these</p> <p>16 buildings in London -- of course, there are many, many</p> <p>17 more in the rest of the United Kingdom, so I'm not</p> <p>18 wishing to be exclusive in the way I approach it.</p> <p>19 If I can bring forward something I was going to</p> <p>20 leave to the end, but it fits in here.</p> <p>21 The reason why that example -- and it is only</p> <p>22 an example, there are many others -- hark back to</p> <p>23 something that happened in the summer when you very</p> <p>24 kindly allowed me to make a statement here which was</p> <p>25 not -- well, it was forewarned but not exactly the</p> <p style="text-align: center;">Page 75</p>
<p>1 seen a bit of. Therefore, just going back to sprinklers</p> <p>2 for one second, one of the things -- but there are</p> <p>3 others I'll come to -- that could be considered right</p> <p>4 now -- it is being considered elsewhere, but as always,</p> <p>5 the action has yet to follow -- retrofitting of</p> <p>6 sprinklers on those existing buildings I've already</p> <p>7 mentioned, so we get not 96 per cent without, but</p> <p>8 96 per cent or more with sprinklers.</p> <p>9 Really, when you look at it, it's an incredibly</p> <p>10 modest suggestion. I'm not saying I go all the way with</p> <p>11 the suggestion; the suggestion is it is only going to</p> <p>12 apply to high-rise, over 30 metres, 10-storey.</p> <p>13 If I can just stand back for a moment, what we've</p> <p>14 heard -- well, yesterday sort of completed the picture</p> <p>15 from the London Fire Brigade -- the reason why it's</p> <p>16 modest in this sense is that if one focuses on that, (1)</p> <p>17 sprinklers are not controversial in terms of efficacy,</p> <p>18 and we're dealing with blocks where people above the</p> <p>19 10th floor actually can't expect security from fire,</p> <p>20 because the Fire Brigade haven't got the appliances --</p> <p>21 and perhaps they don't exist -- to go above 30 metres.</p> <p>22 No doubt if they did, the ladders themselves would be</p> <p>23 unstable. There may be the odd exception to that, but</p> <p>24 not as a general provision. So if you're living over</p> <p>25 the 10th floor, you're not going to get a fire fought</p> <p style="text-align: center;">Page 74</p>	<p>1 content, and it was a plea to which you responded. The</p> <p>2 plea then before we broke for the summer was interim</p> <p>3 recommendations should, we say -- and we still do say --</p> <p>4 be split into those that do not require any more</p> <p>5 consideration after 45 years, ones that are not</p> <p>6 essentially controversial, and ones that are, even on</p> <p>7 the established view, actually when you install them,</p> <p>8 going to save money but, more importantly, contribute to</p> <p>9 the saving of lives.</p> <p>10 The worry that the families have -- and it's</p> <p>11 perfectly understood that the burden you carry involves</p> <p>12 a hinterland of documentation, a hinterland of</p> <p>13 witnesses, a hinterland of issues, and nobody here</p> <p>14 expects that you will go away tonight and write up the</p> <p>15 whole thing. It's impossible. Everybody recognises the</p> <p>16 impossibility, in a sense, of the task of really doing</p> <p>17 it quickly. It might seem unseemly. So you can't do</p> <p>18 that route either.</p> <p>19 But there is a middle route here which would achieve</p> <p>20 confidence; in other words, you can be, if I can put it</p> <p>21 that way, the first public inquiry ever to be able to do</p> <p>22 something unusual, and that is to say, "Well, we've</p> <p>23 heard enough already on certain issues" -- I can name</p> <p>24 some of the others, sprinklers is one of them -- "to</p> <p>25 actually make these recommendations now so that action</p> <p style="text-align: center;">Page 76</p>

<p>1 can be taken and I as chair here, plus two others" --</p> <p>2 panel by then -- "will monitor what's going on." And by</p> <p>3 the end of the inquiry -- and I think no one doubts that</p> <p>4 the likely end is certainly not next year but possibly</p> <p>5 the year after, but even that, I don't pre-empt whatever</p> <p>6 is in store here. I'm only trying to pre-empt the need</p> <p>7 so eloquently expressed by Mr Burton. That need has to</p> <p>8 be satisfied now, is the word that's been used. Of</p> <p>9 course, how you satisfy it is really the important</p> <p>10 thing.</p> <p>11 So, that's one of the three themes: sprinklers.</p> <p>12 I want to move a little closer to the substance of</p> <p>13 those matters you've heard. As you've heard so much</p> <p>14 from others, I'm not repeating what they've said, other</p> <p>15 than to, as it were, cull from what they've said matters</p> <p>16 which I think, different though the families may be,</p> <p>17 there are certain areas where there will be agreement.</p> <p>18 I am going to take it in a sense logically because</p> <p>19 you're here at this stage looking at the cause of the</p> <p>20 fire itself as well as the emergency response.</p> <p>21 May I endorse -- and I don't repeat -- everything</p> <p>22 that Mr Menon said this morning about Mr Kebede and the</p> <p>23 electrical origin of the fire, and everything he said</p> <p>24 about, again, the manoeuvrings of those responsible for</p> <p>25 the manufacture of the item concerned. And he gave the</p> <p style="text-align: center;">Page 77</p>	<p>1 off, only in the kitchen, not in the hallway. He goes</p> <p>2 into the kitchen, he sees smoke, I think he said</p> <p>3 two-thirds of the height of the fridge freezer, coming</p> <p>4 from the fridge freezer, behind it. That's the stage at</p> <p>5 which, were there materials available to him -- it's no</p> <p>6 criticism of him and those who represent him should not</p> <p>7 imagine that this is remotely intended as a criticism of</p> <p>8 him -- of course it isn't. What we're really saying</p> <p>9 is -- and it's interesting, because you've heard it from</p> <p>10 witnesses in this phase -- before the refurbishment,</p> <p>11 there were fire extinguishers in the premises. Not on</p> <p>12 every floor, some people seem to remember they were only</p> <p>13 on the ground floor, where there happened to be, of</p> <p>14 course, at one stage, a caretaker, concierge or</p> <p>15 whatever, so that if there is a worry that the</p> <p>16 individual member of the public might not know how to</p> <p>17 use the fire extinguisher, the caretaker would.</p> <p>18 I mention all of that because, moving from</p> <p>19 sprinklers, that's the next one: consideration being</p> <p>20 given, as it is in most public buildings, even this one,</p> <p>21 to accessories that can help stop the fire in the first</p> <p>22 place.</p> <p>23 But, of course, there's a bigger issue than this, so</p> <p>24 I move from that.</p> <p>25 So that's the seat. We say you can make a very</p> <p style="text-align: center;">Page 79</p>
<p>1 figures. I don't repeat those either, but they're also</p> <p>2 illustrative of the kind of background I've already</p> <p>3 indicated more generally about other issues.</p> <p>4 And, of course, just to, as it were, remind you of</p> <p>5 what has been said by one of your experts, the domestic</p> <p>6 fire is a certainty. It's inevitable. I dare say</p> <p>7 everybody in the room at some stage or another has</p> <p>8 experienced it.</p> <p>9 Now, I'm not trying to be facetious about this, but</p> <p>10 every time we have a toaster on fire or the frying pan</p> <p>11 on fire, I don't think the local fire brigade would be</p> <p>12 too happy to be called out to deal with it, and that</p> <p>13 really would be a waste of resources. Because, again,</p> <p>14 the same expert went on to say, all the big fires start</p> <p>15 with small ones, and the small ones nearly always are,</p> <p>16 as Mr Menon was describing, and the expert, starting in</p> <p>17 a very small way, usually and almost inevitably</p> <p>18 accidentally in all these cases. And this one is the</p> <p>19 same. So accidental, small fires, have to be</p> <p>20 countenanced when you're dealing with safety.</p> <p>21 Now, I've mentioned this issue and I now have been</p> <p>22 identified with it perhaps too closely, but I'm not</p> <p>23 going to elaborate on it. This fire originally was</p> <p>24 extinguishable. It wasn't actually, at that stage,</p> <p>25 a fire. Mr Kebede woke up, the smoke alarm was going</p> <p style="text-align: center;">Page 78</p>	<p>1 clear finding of where it started, a very clear, as it</p> <p>2 were, finding as to the next stage, namely that it</p> <p>3 basically gets out of this kitchen and ignites the</p> <p>4 cladding, however comprised, whatever you call it,</p> <p>5 a system or a number of components.</p> <p>6 Arconic in their own statement have made it very</p> <p>7 clear, all the components pretty well. They're not</p> <p>8 responsible for all of them, but that matters not; they</p> <p>9 accept that they were all inflammable and that they knew</p> <p>10 they were. So what they say is, "Oh, well, so did the</p> <p>11 people using it know that" -- so what have we got here?</p> <p>12 A hornet's nest of people who know they're using</p> <p>13 flammable material. "Oh, but we've used it for years."</p> <p>14 Exactly, the 45 years we've been waiting for something</p> <p>15 to happen to the regulations and so on.</p> <p>16 So we say -- this is another thing, so I've moved</p> <p>17 from sprinklers to extinguishing materials, now to the</p> <p>18 basic situation of inflammable materials on the exterior</p> <p>19 of the building, going back to Summerland.</p> <p>20 Enough has been said about it. All I would ask is</p> <p>21 that you give consideration now to doing what the</p> <p>22 government has begun to do. I'm not going to elaborate</p> <p>23 how far it should go. At the moment it's restricted,</p> <p>24 there are certain buildings excluded and local</p> <p>25 authorities are being empowered to remove it from</p> <p style="text-align: center;">Page 80</p>

<p>1 buildings that exist.</p> <p>2 So a statement from you, sir, having heard intimate</p> <p>3 details in Phase 1, is going to carry more weight than</p> <p>4 the housing minister or anyone else at the moment, and</p> <p>5 would lend force to the suggestion that there has to be</p> <p>6 a ban.</p> <p>7 But we use a different word at this point, and I am</p> <p>8 trespassing into the next stage, but I only do that</p> <p>9 because it provides you with an avenue of the now,</p> <p>10 answering: what can I do now without prejudicing</p> <p>11 everything else?</p> <p>12 Because the evidence in this particular aspect is so</p> <p>13 overwhelming -- the word "massive", "flagrant", they've</p> <p>14 all been used -- and you have got, of course, basically</p> <p>15 a building that wasn't fit for habitation, there's not</p> <p>16 much more that you need, really, other than to say that</p> <p>17 the reason, the basis for the unfitness has been well</p> <p>18 established. Therefore, the word we want to use is</p> <p>19 a moratorium now.</p> <p>20 Now, it may be a fruitless exercise at this point to</p> <p>21 make the finer distinctions about a moratorium. There</p> <p>22 is a body of opinion that thinks at this stage, until</p> <p>23 it's finally tested, that it should be restricted, in</p> <p>24 other words nothing less than A1, not even the top</p> <p>25 grades, s1 d0, of A2.</p> <p style="text-align: right;">Page 81</p>	<p>1 time, there wouldn't be a single building in the</p> <p>2 United Kingdom, publicly or privately owned, which would</p> <p>3 have the materials similar -- which are far, far less,</p> <p>4 obviously, than A1/A2, the grades I've mentioned, would</p> <p>5 not be on a building anywhere. And yet it is.</p> <p>6 So it needs a push, it needs a bit of initiative, if</p> <p>7 you like, a bit of elbowing, and a nudging, which would</p> <p>8 not be out of place and would actually earn -- I'm not</p> <p>9 suggesting you need to earn respect, but the inquiry</p> <p>10 needs to reassure the public that it really has got</p> <p>11 safety at its heart.</p> <p>12 So the cladding issue is important. It also bears</p> <p>13 upon something else, which would come at the other end,</p> <p>14 would come at the interim recommendations, but</p> <p>15 I incorporate it here.</p> <p>16 Because the interesting thing is, of course, that</p> <p>17 the cladding and the associated materials were</p> <p>18 non-compliant. Everybody said it. No one's denied it.</p> <p>19 So how come? How come they did that?</p> <p>20 It leads to what has been floated -- and I raise it</p> <p>21 again now, I did put it in my opening and I put it here</p> <p>22 again, just as a theme that needs to be popping up so</p> <p>23 one has to have regard to it -- that is the need, now,</p> <p>24 for people to work on -- I don't suggest you'd be able</p> <p>25 to come back after Christmas or early in the New Year</p> <p style="text-align: right;">Page 83</p>
<p>1 It may well be they'll come to be exactly the same.</p> <p>2 It may well be they'll be equivalent and have the</p> <p>3 European approach. But until -- and this is the point.</p> <p>4 In fact, I think Mr Walsh in a sense said it yesterday,</p> <p>5 you know, should we be approaching everything on the</p> <p>6 basis that it's all going to collapse? Well, I don't go</p> <p>7 that far, but I think it would improve matters if the</p> <p>8 approach was taken that we cannot afford -- I mean</p> <p>9 economically and personally and socially -- another,</p> <p>10 everybody says it, so we've got to be seen to be taking</p> <p>11 the steps, which means to everyone that we mean business</p> <p>12 here, and it isn't a talking shop, as so many people</p> <p>13 have referred to previous inquiries and so on.</p> <p>14 And a moratorium satisfies that because it's not</p> <p>15 actually saying it's the final decision, it's</p> <p>16 saying: just for the moment, until we know finally that</p> <p>17 A2 top grade is the same, then that can be let into the</p> <p>18 club, as it were, but maybe not for the moment.</p> <p>19 I don't spend a lot of time on that distinction</p> <p>20 because more importantly is your willingness to go that</p> <p>21 extra stage, and it's important because it affects the</p> <p>22 removal point that I've already touched on. There are</p> <p>23 157 buildings in London that still have cladding, and</p> <p>24 those buildings, although there are attempts being made</p> <p>25 to take it down, you would think, after this lapse of</p> <p style="text-align: right;">Page 82</p>	<p>1 with answers to this one, this does require more</p> <p>2 thought, but you would by now have thought there must be</p> <p>3 quite a lot of frameworks there. Well, there is one;</p> <p>4 dame Judith Hackitt came up with one. She called it</p> <p>5 a joint competent authority, a regulatory authority.</p> <p>6 The problem with her suggestion is that it constitutes</p> <p>7 most of the usual suspects, so it's not truly</p> <p>8 independent.</p> <p>9 But what we are suggesting needs to be</p> <p>10 established -- and unless the thinking is going on now,</p> <p>11 we'll have another ten years while it goes away, as it's</p> <p>12 put by Nick Burton, for another set of consultations.</p> <p>13 So one needs to get, as it were, the brain cells of</p> <p>14 those who are working in this field as to the</p> <p>15 establishment of the authority, who runs it, their</p> <p>16 ability to investigate and have an inspectorate.</p> <p>17 Because obviously the idea that another building can cut</p> <p>18 corners because, as it were, the corporates involved in</p> <p>19 provision and the local authority and more, have not, as</p> <p>20 it were, themselves considered complying with the law,</p> <p>21 that has to be overtaken.</p> <p>22 The public have to be aware, and so does industry,</p> <p>23 that we can't have any more red-tape meetings,</p> <p>24 deregulation and so on; it's got to be reregulation such</p> <p>25 that the inspectorate itself is able to identify what is</p> <p style="text-align: right;">Page 84</p>

<p>1 being called the duty holder in these circumstances who</p> <p>2 is going to be responsible for security against fire in</p> <p>3 these situations.</p> <p>4 We have to do that because you can't trust,</p> <p>5 unfortunately, as it's been put in that heading, the</p> <p>6 unaccountability of power. So it has to be brought</p> <p>7 about there.</p> <p>8 Of course, the people who are, as it were, part of</p> <p>9 that authority themselves, have to be clearly</p> <p>10 independent of the industry. They need to have</p> <p>11 a knowledge of it but they should not be part of it.</p> <p>12 That's not to say the industry should not have some</p> <p>13 representation.</p> <p>14 So one sees straight away there's a raft of areas</p> <p>15 where you might be able to tread now, fearlessly,</p> <p>16 robustly, in order to engage not only the public, but</p> <p>17 the government of the day, whichever that happens to be,</p> <p>18 by then.</p> <p>19 So, that's the start of the fire, the spread of the</p> <p>20 fire and the measures that should be considered, and I'm</p> <p>21 going to obviously link it to the fire service, which</p> <p>22 I'm coming to now, and the emergency response to the</p> <p>23 cause of the fire.</p> <p>24 Plainly there will be differences, and one shouldn't</p> <p>25 shy away from it, of how the firemen are approached and</p> <p style="text-align: center;">Page 85</p>	<p>1 all there in the one document.</p> <p>2 What is important here is not so much what else</p> <p>3 could the Fire Brigade have done on the night, an</p> <p>4 impossible fire, out of control -- we know that. We</p> <p>5 realise that they were faced with an inferno. Whether</p> <p>6 it should've been anticipated, I leave for the moment.</p> <p>7 I really want to go back a step.</p> <p>8 That's what this document really does. Appendix 1</p> <p>9 7(2)(d).</p> <p>10 Again, not expecting, as perhaps Mr Menon thought,</p> <p>11 that every fire officer who goes there can do</p> <p>12 everything. No, that's not the point. The point is</p> <p>13 creating a different approach to safety, a different</p> <p>14 culture to safety, so that fire officers do not have to</p> <p>15 face the difficulties they do once you obviously</p> <p>16 overcome the cladding, the sprinklers, the doors, the</p> <p>17 windows and all the other features, active and passive,</p> <p>18 some of which I'll come to, perhaps after lunch. But</p> <p>19 this document needs to be read and read again.</p> <p>20 Because it's very clear -- and I pause on this</p> <p>21 because there have been various indications of how this</p> <p>22 is being followed up. The question I pose is: why has</p> <p>23 it taken Grenfell before somebody noticed that this</p> <p>24 material required here, set out in these many points,</p> <p>25 hadn't been accumulated, wasn't being put onto mobile</p> <p style="text-align: center;">Page 87</p>
<p>1 so on. Really using the word "heroes" is not</p> <p>2 necessarily the word they would want used.</p> <p>3 The fact is that it wasn't caused by the Fire</p> <p>4 Brigade. The majority go there with a genuine intent,</p> <p>5 desperate intent, to help. The majority. There are</p> <p>6 obviously exceptions, as there is in any institution.</p> <p>7 That doesn't absolve us from looking at, and for</p> <p>8 them too, how matters might be improved for the future.</p> <p>9 It might not have cracked this one, but it's again going</p> <p>10 back to things that were already in place. So we're not</p> <p>11 talking about anything particularly revolutionary or</p> <p>12 which hasn't been thought of before, knee-jerk</p> <p>13 reaction -- no.</p> <p>14 If one looks at -- I take one sheet, you have it in</p> <p>15 the various things, I'm going to ask for it to be put on</p> <p>16 the screen, and that is appendix 1, relating to the Act,</p> <p>17 the Fire and Rescue Services Act. [Document: Policy 633,</p> <p>18 LFB00001256]</p> <p>19 I know it has been mentioned many, many times and</p> <p>20 it's also mentioned in our written submissions, but also</p> <p>21 we've done a series of tables. I'm not going through</p> <p>22 them all.</p> <p>23 Table 1 of the seven tables that we've provided you</p> <p>24 actually sets out in detail, if you like, fire safety</p> <p>25 policy and all the documents you've heard about. It's</p> <p style="text-align: center;">Page 86</p>	<p>1 data terminals. How often did we hear, "We had one but</p> <p>2 it didn't work, we turned it on but we couldn't get any</p> <p>3 information"?</p> <p>4 That's been conceded, very fairly, by Mr Walsh</p> <p>5 yesterday, or it's in his written arguments, that the</p> <p>6 collation, recording of information that is vital --</p> <p>7 and, of course, they can't do every building. We know</p> <p>8 that. They ought to be able to, but, of course, it's</p> <p>9 all got privatised again, so it's palmed out to somebody</p> <p>10 else and, actually, the job doesn't get done. But the</p> <p>11 job was specified here. If you just go through some of</p> <p>12 them, it begins to ring so many bells you go, "Oh my</p> <p>13 goodness".</p> <p>14 Starting right at the top:</p> <p>15 "• Means of access and egress from the site ..."</p> <p>16 Well, that's a major problem in the Grenfell Tower.</p> <p>17 Had anybody worked that out? Had anybody marked it up</p> <p>18 on a plan so they knew where to go and where to park?</p> <p>19 They were having to look around for parking spaces when</p> <p>20 they got there, the various attendances. I appreciate</p> <p>21 more were called than would necessarily be just the odd</p> <p>22 one or two.</p> <p>23 However, just because each fire in the five fires</p> <p>24 that are in that film are all different -- so what do we</p> <p>25 do? We stand back and we say, "We can't tell until it</p> <p style="text-align: center;">Page 88</p>

<p>1 happens, then we'll do something"? No, sorry. You know</p> <p>2 the elements that cause the trouble in these fires and</p> <p>3 that they can be unexpected. So, therefore, this is the</p> <p>4 prism of safety here. In a sense, this one document</p> <p>5 spells it out. The prism of safety, which fire officers</p> <p>6 on the ground and management should be trained to deal</p> <p>7 with -- and training, as you know, also privatised and,</p> <p>8 therefore, we say, not properly accorded its place.</p> <p>9 Then we come to the second item:</p> <p>10 "• Location and accuracy of information available on</p> <p>11 site."</p> <p>12 Well, I think we've all remembered the CCTV and the</p> <p>13 problems of trying to get information, and, of course,</p> <p>14 there wasn't anybody on site as there was before the</p> <p>15 refurbishment.</p> <p>16 "• Location and availability of water supplies."</p> <p>17 Well, that was another issue, water pressure and</p> <p>18 hydrants and so on. In fact, it's already been referred</p> <p>19 to that this wasn't compliant either, that's the dry</p> <p>20 riser, but you've got a series of points all dealing</p> <p>21 with rising main, inlets, outlets, drain valves,</p> <p>22 isolation valves, hydrant locations, size of main,</p> <p>23 parking for pumping appliances within 18 metres of the</p> <p>24 rising main.</p> <p>25 What is the point of all this? Is it for somebody's</p> <p style="text-align: center;">Page 89</p>	<p>1 who obviously have the safety of their firemen very much</p> <p>2 at the forefront of their minds as well as the public,</p> <p>3 this is also to ensure that the people who owned the</p> <p>4 building or run the building, the management, are told</p> <p>5 by the Fire Brigade or whoever they've unfortunately</p> <p>6 delegated the task to, they come back after a visit and</p> <p>7 they say to the owners or the management, "Look here,</p> <p>8 we've been there, we can't get a fire engine anywhere</p> <p>9 near, the hydrant's more than 18 metres away, the water</p> <p>10 pressure is low, the lifts are not working and, anyway,</p> <p>11 where's the drop key?" and all the rest of it. In other</p> <p>12 words, they've got a picture here. They have to</p> <p>13 contribute to the collective responsibility they have,</p> <p>14 along with many others, to ensure the safety of the</p> <p>15 people who are living in the actual building itself.</p> <p>16 Then, interestingly, the next item:</p> <p>17 "• The likelihood and impact of any fire spread</p> <p>18 beyond the compartment of origin and the potential for</p> <p>19 multiple rescues."</p> <p>20 Well, that wasn't put there out of fantasy.</p> <p>21 Somebody had realised that there's a possibility that</p> <p>22 there will be fire spread and that it breaches</p> <p>23 compartmentation, and, therefore, there's a potential</p> <p>24 for multiple rescues and possibly, obviously -- although</p> <p>25 it's not written there -- multiple firefighting.</p> <p style="text-align: center;">Page 91</p>
<p>1 amusement? Is it supposed to mean that the firemen nip</p> <p>2 round there for a cup of tea and then come back,</p> <p>3 somebody fills in one of these and they say, "We've done</p> <p>4 the job for the day"?</p> <p>5 I'm afraid that is a criticism. I'm afraid this was</p> <p>6 treated almost as an unfortunate irritant, and that</p> <p>7 occasionally some of it was written up but most of it</p> <p>8 wasn't, and it certainly never got distributed in the</p> <p>9 way that was originally intended onto the mobile data</p> <p>10 terminal, so that each fire attender going to the scene</p> <p>11 from Camden, Kent or wherever can press a button and</p> <p>12 find out. But, of course, it doesn't work.</p> <p>13 It's another reason, when I come to stay put, you</p> <p>14 cannot depend, I'm afraid, on the human situation and</p> <p>15 the technology. It doesn't always work. That is why</p> <p>16 you do have to make the effort to locate and assemble</p> <p>17 all this information that is suggested.</p> <p>18 "• Location of fire control room if provided.</p> <p>19 "• Firefighting shafts, and protected lobby areas.</p> <p>20 "• Location and function of firefighting lifts ..."</p> <p>21 Very important in this case. Again, I'm not</p> <p>22 suggesting, had they done it, necessarily more people</p> <p>23 would've been saved, but you don't know unless, in fact,</p> <p>24 somebody had done a proper review of this building,</p> <p>25 because the point also is not just so the Fire Brigade,</p> <p style="text-align: center;">Page 90</p>	<p>1 So it's not all entirely unexpected. Of course</p> <p>2 nobody thought you'd ever get a whole building, as it</p> <p>3 were, not satisfying everything. So what do we do? We</p> <p>4 back off and say, "Don't touch that"? No, sorry, you do</p> <p>5 have to pay attention to buildings where information of</p> <p>6 this kind would have made a difference to the approach,</p> <p>7 perhaps not the result on this occasion, but maybe the</p> <p>8 result wouldn't have been in the way it was if somebody</p> <p>9 had alerted the authorities to the way in which this</p> <p>10 building didn't satisfy and should not have been signed</p> <p>11 off.</p> <p>12 Next:</p> <p>13 "• Occupancy and use profile (by time of day and day</p> <p>14 of week)."</p> <p>15 Occupancy is important in this case. There's</p> <p>16 another table, I don't read it out. We've put a table,</p> <p>17 table 5, we've set out there -- Anthony Disson's name is</p> <p>18 on the first page, but his name has been mentioned quite</p> <p>19 a lot in this case. But there are others here, a large</p> <p>20 number of people who have a disability of a kind, or</p> <p>21 they're elderly, or they have young children, or they're</p> <p>22 pregnant, or whatever.</p> <p>23 Now, one doesn't expect a register to be kept up to</p> <p>24 date week-by-week, or that you will necessarily know who</p> <p>25 happens to be visiting that night. But to have</p> <p style="text-align: center;">Page 92</p>

<p>1 a picture of people who have been there for many years 2 and who cannot easily move, Mr Disson being one of them, 3 is absolutely vital, a profile. 4 Next: 5 "• Floor layouts and any building construction 6 features which may promote rapid or abnormal fire 7 spread, such as sandwich panels ..." 8 So, what, "It doesn't say aluminium, PE, so we 9 didn't think about it"? Sorry, again, I hope one is not 10 being too picky here, one is just saying somebody, 11 for once, managed to get into an Act of Parliament the 12 criteria which would help all of us if somebody had 13 managed to do it. It's all there. One has to go back 14 to it every time and say: this cannot happen again that 15 this gets ignored. 16 That's something else you could say now, that where 17 there are policies or regulations, even now, before we 18 get round to tightening them up, Phase 2 or whatever, or 19 the more detailed recommendations, for goodness' sake, 20 let's have better attention. To some extent, the 21 problem here is that the Fire Brigade response is, 22 "Well, we've got projects and reviews in hand". Well, 23 we're very happy to hear about that, but it actually 24 needs to be a recognition, not that nothing needs to be 25 changed -- I'm not suggesting Mr Walsh was saying that,</p> <p style="text-align: center;">Page 93</p>	<p>1 Then we get security measures, grilles, multilock 2 doors -- well, as you know, there was certainly 3 a locked -- well, there were problems about getting into 4 the tower and access, that should've been sorted or 5 worked out in advance. Secondly, on the top floor, 6 there was that locked gate onto the roof. 7 Again, these are details that need to be known in 8 case somebody says, oh, they've gone on the roof and you 9 can't get the door open. 10 So, again, details of importance. 11 We move: 12 "• Plans for automatic fire alarm/fire suppression 13 systems and means of locating the head(s)." 14 I pause there. I'm suggesting sprinklers now in 15 existing buildings, and if you want to limit it to above 16 10 storeys, all right, just for the moment, just to the 17 get it off the ground. But, of course, as they rightly 18 point out here, an automatic system that allows for the 19 sprinklers to be activated. It is said by those who 20 come after me that there was a smoke alarm but it was 21 silent and activated, in fact, the vents which we're 22 coming to. 23 What we are suggesting -- and obviously it can be 24 developed more and if you need to hear more, that might 25 be one that rests in the wings for the moment -- you</p> <p style="text-align: center;">Page 95</p>
<p>1 someone else was -- but the project and the reviews in 2 hand with special units -- you don't need all that. 3 What you need is a watch manager and a station manager 4 actually to look at this and say, "Oh my goodness, we've 5 got a job here, better start tomorrow", and you actually 6 depute the firemen on the spot, in that station, and you 7 say, "Next week, you go and do Grenfell Tower, or you go 8 and do the first half of the list". 9 It's not difficult for anyone. It's not, as it 10 were, so technical that it can't be done. It can be 11 done. 12 So floor layouts and construction features. 13 "• Plans to show flats ..." 14 Oh, the fight they had that night to try and get the 15 plans which should be on site and there should be 16 a plate and all the rest of it available. 17 Then we go to: 18 "• Plans to show flat and maisonette numbers, by 19 floor ..." 20 Well, there's another problem. This all must have 21 been seen by somebody from the local fire station, 22 either on their behalf or from the station itself, so 23 that they were aware, "We are running into problems 24 here, we don't even know the numbers of -- they've all 25 been renumbered."</p> <p style="text-align: center;">Page 94</p>	<p>1 need an integrated system that alerts the sprinklers, 2 the vents and all the rest of it once there is smoke 3 detected and which is sounded, because you've heard 4 evidence that people actually didn't move because they 5 didn't hear an alarm going off in some cases. That's 6 the general one. 7 So just coming to the next one -- it's 1.05, I think 8 it's rather -- I'm also aware from various hands going 9 up and down that it's getting rather hot in here. 10 SIR MARTIN MOORE-BICK: Well, it is, but I'm quite content 11 to sit a bit beyond the usual time if it would allow you 12 to finish, but if it won't -- 13 MR MANSFIELD: No, it won't, I'm afraid. I'm doing rather 14 well because, in fact, I'm supposed to be 2.00 until 15 3.00. 16 SIR MARTIN MOORE-BICK: Well, you have to remember that your 17 G11 slot started nearly an hour early. 18 MR MANSFIELD: Yes, well, I'm very grateful! 19 SIR MARTIN MOORE-BICK: I think perhaps we should aim at 20 allowing Mr Beer to stand up at 2.30. 21 MR MANSFIELD: Oh, yes, certainly. I'll finish by then. 22 SIR MARTIN MOORE-BICK: You're currently on a point. Can 23 you finish this point reasonably quickly, in which 24 case -- 25 MR MANSFIELD: Yes, I can do ventilation quickly.</p> <p style="text-align: center;">Page 96</p>

<p>1 The point that we want to make here -- and it is</p> <p>2 a major point, really, concerned with this particular</p> <p>3 fire and a lot of others, including going back to</p> <p>4 Summerland -- that is toxic smoke or smoke or thick,</p> <p>5 black smoke. This is a real problem because, for the</p> <p>6 individuals living there, besides being subjected to it,</p> <p>7 it makes it very difficult for them to make a decision</p> <p>8 about whether to go down the stairs or not go down the</p> <p>9 stairs.</p> <p>10 So it's absolutely vital, where you have a building</p> <p>11 where fires can't be fought on the outside or the inside</p> <p>12 above the 10th floor, to have a ventilation system that</p> <p>13 doesn't blow the smoke into the building, but sucks it</p> <p>14 out, and that's obviously not what was happening. It</p> <p>15 wasn't working. The furthest we can go at the moment</p> <p>16 is, according to Barbara Lane anyway, that the design</p> <p>17 was non-compliant.</p> <p>18 Well, there are some questions to be further asked</p> <p>19 on that, but you can make a finding, at least at that:</p> <p>20 it's a non-compliant design for a ventilation system for</p> <p>21 those living above, as I say, the 10th floor. This is</p> <p>22 not a happy situation.</p> <p>23 So I won't say more about ventilation at the moment</p> <p>24 than that, because that's a summary of the situation,</p> <p>25 and we say there should've been an effective ventilation</p> <p style="text-align: center;">Page 97</p>	<p>1 fault, with the AOVs, the automatic opening vents, that</p> <p>2 they weren't operating, in particular not opening. That</p> <p>3 was followed up with a series of letters.</p> <p>4 It was just before the fire -- 6, 8, 12 June, two on</p> <p>5 the 12th -- where there was conversation, effectively,</p> <p>6 about who has the maintenance contract, but nothing was</p> <p>7 actually done.</p> <p>8 Therefore, may I pass from a non-effective</p> <p>9 ventilation system to the next item on the 7(2)(d).</p> <p>10 May I make it clear, I'm not suggesting it's</p> <p>11 a statutory provision, but it is referred to in the</p> <p>12 statute, so it's really guidance which we say</p> <p>13 effectively has that status.</p> <p>14 Evacuation arrangements. I'm not going to take time</p> <p>15 on it because you've heard there weren't any. There was</p> <p>16 no plan for evacuation, there was no training for</p> <p>17 evacuation, and fire officer after fire officer really</p> <p>18 knew nothing about it.</p> <p>19 However, linked to that one, is the question of stay</p> <p>20 put. I do want to address you in the final moments of</p> <p>21 what I have to say on that topic, because we are</p> <p>22 suggesting a reversal of that policy. In other words,</p> <p>23 that the emphasis is put on get out and stay out, which</p> <p>24 used to be the cry from many fire brigades across the</p> <p>25 United Kingdom, and was the policy at the tower before</p> <p style="text-align: center;">Page 99</p>
<p>1 system. If you look at -- I think it's PSB, I can give</p> <p>2 you the precise reference after lunch -- it's quite</p> <p>3 clear it's conceded that this ventilation system had</p> <p>4 faults in the weeks before. I'll give you the</p> <p>5 references at 2.05.</p> <p>6 SIR MARTIN MOORE-BICK: Is that a convenient point?</p> <p>7 MR MANSFIELD: Yes, it is.</p> <p>8 SIR MARTIN MOORE-BICK: Well, we'll break there and resume</p> <p>9 at 2.05, please. Thank you very much.</p> <p>10 (1.05 pm)</p> <p>11 (The short adjournment)</p> <p>12 (2.05 pm)</p> <p>13 SIR MARTIN MOORE-BICK: Yes, Mr Mansfield, are you ready to</p> <p>14 carry on?</p> <p>15 MR MANSFIELD: Yes, sir, thank you.</p> <p>16 The references -- if the list could be put up again,</p> <p>17 I'm sorry, I should have said, Ralph, the list in</p> <p>18 7(2)(d), appendix 1.</p> <p>19 We have got down the list to the element of</p> <p>20 ventilation, two-thirds of the way down. There's only</p> <p>21 one point after this I want to address you about.</p> <p>22 The reference to the ventilation problem comes in</p> <p>23 the position statement by PSB earlier this year, and</p> <p>24 it's page 19, paragraphs 71 through to 76.</p> <p>25 Basically, Rydon had reported a fault, potential</p> <p style="text-align: center;">Page 98</p>	<p>1 the refurbishment.</p> <p>2 Could we have, Ralph, the next document</p> <p>3 [IWS00000500]. I think you have a slightly different</p> <p>4 reference.</p> <p>5 Sir, you have seen this before. Mr Millett has put</p> <p>6 it to witnesses.</p> <p>7 SIR MARTIN MOORE-BICK: Yes.</p> <p>8 MR MANSFIELD: It's a notice to residents. This one I'm</p> <p>9 using is attached to Mr Shahid Ahmed's statement. He</p> <p>10 has been referred to more than once and Mr Leslie Thomas</p> <p>11 did as well. He recorded a great deal of material, this</p> <p>12 being one of them.</p> <p>13 "In case of fire."</p> <p>14 This comes from the RBKC essentially:</p> <p>15 "Use nearest telephone and call Fire Brigade.</p> <p>16 "Dial 999 and ask for ..."</p> <p>17 That's gone blank:</p> <p>18 "State clearly the ..."</p> <p>19 Presumably where the fire is:</p> <p>20 "Inform the porter."</p> <p>21 I already mentioned there wasn't one after</p> <p>22 refurbishment:</p> <p>23 "Do not use the lifts.</p> <p>24 "Leave the building using the staircase.</p> <p>25 "Close all doors.</p> <p style="text-align: center;">Page 100</p>

<p>1 "Do not re-enter the building." 2 So that was done at a time when there was a single 3 staircase and so forth, and we say that should be 4 reconsidered as the way forward. 5 And we say it has to be reconsidered right now, 6 because there is real confusion about the situation now. 7 As Mr Walsh said yesterday, it's counter-intuitive to 8 stay in the building; you want to get out. As Mr Menon 9 said today, that is in fact what people are doing. The 10 fires on June 14 this year, two on the same day -- one 11 in Scotland, one in London, in fact -- people took no 12 notice of what they were being told to do, they did not 13 stay in, they got out, because the image of Grenfell is 14 far too great and we say, quite rightly, that it should 15 be in their minds. 16 Of course, if it were to be reversed -- there may be 17 exceptions -- it would make it much simpler to the 18 residents because the emphasis is on: get out. Of 19 course, it would also require a fire alarm that sounds 20 and communications within the building and all the rest 21 of it, because if you didn't know there was one, you 22 couldn't. So you have to be alerted to this, and it is 23 a premise that there will be a way of alerting everybody 24 in the block. Very important again if there are floors 25 beyond the 10th which cannot be served by the Fire</p> <p>Page 101</p>	<p>1 that way, in favour of getting out, then all the 2 difficulties, although they're still difficulties facing 3 people trying to get out, at least as Hanan herself said 4 to you, part of her evidence I want to read in a moment, 5 that she's riven by the death of her brother who she 6 overheard being told essentially not to get out. So 7 it's had a searing effect on the families that this 8 advice of staying put was being promulgated throughout 9 these calls, or most of them, anyway, there are one or 10 two exceptions. 11 Of course, it's premised on something we say is 12 flawed. In other words, the whole idea's built on 13 a building requirement of compartmentation, and that's 14 too big a risk. Not every building's going to go up in 15 the same way, obviously, but the variables that can go 16 wrong because there's a human hand here in the building, 17 the maintenance, and all the various other machinery 18 involved in this, therefore being able to say, "Well, 19 provided we have compartmentation that is sealed" -- who 20 knows that at the point of fire? The controller? No, 21 I don't think so. The Fire Brigade? They might assume 22 it, and those who live in it might assume it. The 23 problem is there are too many assumptions for the 24 stay-put policy to remain. 25 Therefore, the confusion, in a sense, is aptly</p> <p>Page 103</p>
<p>1 Brigade putting out fires on the outside or the inside, 2 particularly important for them. 3 It's easier for the controllers because, basically, 4 they have one line they're going to be putting: "Get out 5 is what we are saying as a matter of policy. Don't stay 6 in." 7 Also, it would obviate this need -- when the 8 controllers were answering questions -- I just, as it 9 were, ask that this be considered in parenthesis -- how 10 many times were controllers making an assessment which 11 was entirely false and disbelieving what the caller was 12 saying? Now that can't be right. They wouldn't need to 13 go into all that because the policy is get out. 14 Interestingly, I don't think the person who saw it 15 managed to get the registration number, otherwise 16 I think Mr Walsh or others would say, "Where is this 17 fire engine?", a London Fire Brigade fire engine was 18 noted very recently to have on its side, "If there's 19 a fire, get out." 20 So there are mixed messages being handed out at the 21 moment, never mind the intuition and never mind past 22 policy. It has to be addressed so that the public 23 facing, as everybody's admitted, there's likely to be, 24 as there has been this year, more fires unfortunately, 25 and we say that if there's a presumption, let me put it</p> <p>Page 102</p>	<p>1 illustrated, not just by the fire engine we mentioned, 2 nor by the previous notice, but we're obliged to the 3 Royal Borough of Kensington -- I don't ask for the 4 document to be put up, but you will find in their recent 5 response a letter dated 8 June [RBK00029940]. It comes 6 in a sort of an attachment to their statement. 7 May I just read one paragraph. What residents of 8 the Royal Borough of Kensington are now being told is 9 this -- or some, not all, so there's no consistency 10 about it. There may be very good reasons why they're 11 separating it out, but this is what it says: 12 "Fire Procedure for Campden Houses 13 "As part of the Council's ongoing commitment to 14 meeting the most stringent standards in fire safety we 15 are making sure that you are aware of a change to the 16 fire procedure for your block. 17 "If you are alerted to smoke or fire within your 18 block, you should immediately — 19 "• leave your flat, closing your front door behind 20 you and 21 "• exit the block via the main entrance door." 22 So we say you have an example there of what should 23 be now considered, and it's a bit, I suppose, like the 24 moratorium on combustible materials, certainly on 25 non-combustible, that you don't use them, that there's</p> <p>Page 104</p>

<p>1 in a sense a moratorium at this point. We're in</p> <p>2 a transitional phase while this inquiry is going on, and</p> <p>3 it would help if you were able to provide some guidance</p> <p>4 about how this should move forward, rather than, as it</p> <p>5 were, leaving it for a later period.</p> <p>6 Just on that topic, if I may, we appreciate the</p> <p>7 pressure on time for you and all the other things that</p> <p>8 you and your team have to deal with in the interim, and</p> <p>9 that once we're not sitting, it's not as though you're</p> <p>10 not addressing all the issues.</p> <p>11 However, the latest indication from you that you</p> <p>12 can't do the hearings into interim recommendations, one</p> <p>13 of which is going to be possibly the end of January or</p> <p>14 the other the beginning of February -- now, the problem</p> <p>15 with this is really rather obvious, that if we don't</p> <p>16 have the hearings fairly soon -- let us say March -- the</p> <p>17 hearings, that is, in relation to only interim</p> <p>18 recommendations, and then that's got to wait until --</p> <p>19 I'm obviously advocating something different, but if</p> <p>20 that has to wait for the Phase 1 report, which may or</p> <p>21 may not -- I'm not wishing to pre-empt how long it's</p> <p>22 going to take to actually put that into a format that</p> <p>23 can be received by the public, possibly June/July, maybe</p> <p>24 later, a matter which only you and your team may be able</p> <p>25 to assist upon -- one can see two years have gone by</p> <p style="text-align: center;">Page 105</p>	<p>1 line 21 on that.</p> <p>2 This witness you will remember clearly because of</p> <p>3 all the other circumstances surrounding her giving</p> <p>4 evidence and being able to give evidence, and you very</p> <p>5 kindly indicated that it was perceptive and powerful at</p> <p>6 the end.</p> <p>7 What she said towards the end is at the bottom of</p> <p>8 that page:</p> <p>9 "The impact it's had on our families and our</p> <p>10 community could have been prevented. We can't change</p> <p>11 that now, but we can change the lives of those we've</p> <p>12 lost to count, for their deaths not to have been in</p> <p>13 vain. There has to be change. We have to learn from</p> <p>14 this.</p> <p>15 "Life will never be the same for us. We may find</p> <p>16 a new place to live, but it won't be our home. Grenfell</p> <p>17 was our home. The people who were there were our</p> <p>18 family. The impact on me and my children, all of those</p> <p>19 impacted, will last a lifetime. And I want to know that</p> <p>20 we will be supported for the rest of our lives.</p> <p>21 "As a result of this inquiry, I want the truth to be</p> <p>22 found and for change to happen.</p> <p>23 "I finally want to thank all of those people,</p> <p>24 including the inquiry team, who have and continue to</p> <p>25 help us. It makes a huge difference and I can't express</p> <p style="text-align: center;">Page 107</p>
<p>1 since the fire.</p> <p>2 That is why we would say -- and I did say in August</p> <p>3 and I say again, and I'm not embarrassed by having to</p> <p>4 ask you to reconsider the possibility of identifying</p> <p>5 within the recommendations those that you can do</p> <p>6 something about now. We call them manifestly obvious.</p> <p>7 Now, I appreciate in your ruling earlier you made</p> <p>8 a very pertinent point, namely what's obvious to me may</p> <p>9 not be obvious to someone else. One appreciates there's</p> <p>10 always that. However, that's been the problem for</p> <p>11 45 years. People have been waiting for some kind of</p> <p>12 unanimity. There never will be complete consensus.</p> <p>13 Providing you're not proposing something that is</p> <p>14 completely mad -- and that is not, plainly, on the</p> <p>15 agenda -- if you're dealing with the kind of things I've</p> <p>16 suggested, you can identify those, hive them off and</p> <p>17 have, as it were, a fast track that allows the public to</p> <p>18 see we, as an inquiry, as a whole, as a collective, are</p> <p>19 in business and the business of safety.</p> <p>20 It's in that light, really, I'd ask if you kindly</p> <p>21 put up -- it's the last reference -- Hanan Wahabi's</p> <p>22 evidence, which is on Day 70, 8 November. It comes on</p> <p>23 pages 189 onwards.</p> <p>24 Could I have 188. I'm going to shorten it, instead</p> <p>25 of reading a lot of it. At the bottom of that page,</p> <p style="text-align: center;">Page 106</p>	<p>1 my gratitude enough.</p> <p>2 "Words will never be enough, but from my heart,</p> <p>3 thank you."</p> <p>4 It is really in that context that I urge you to</p> <p>5 reconsider, as it were, the fast track, something is</p> <p>6 done now, that can be seen, that is perfectly</p> <p>7 acceptable, reasonable, and will not require too much</p> <p>8 extra effort, but I think all of us here are quite</p> <p>9 prepared to lend our help to your team to ensure that</p> <p>10 that product can be achieved.</p> <p>11 Thank you.</p> <p>12 SIR MARTIN MOORE-BICK: Well, thank you very much,</p> <p>13 Mr Mansfield.</p> <p>14 Now, Mr Beer is going to make a statement on behalf</p> <p>15 of MHCLG. I'm not going to rise for a moment. I'll</p> <p>16 just sit here quietly while you make your way up,</p> <p>17 Mr Beer.</p> <p>18 Closing submissions on behalf of the Ministry of Housing,</p> <p>19 Communities & Local Government by MR BEER</p> <p>20 MR BEER: Sir, the department has been following the</p> <p>21 progress of the inquiry closely, and it reiterates,</p> <p>22 through me, its commitment to supporting the inquiry in</p> <p>23 its twin objectives: firstly, to get to the truth and,</p> <p>24 secondly, to ensure that lessons are learned so that</p> <p>25 a tragedy like Grenfell can never happen.</p> <p style="text-align: center;">Page 108</p>

<p>1 Dame Judith Hackitt's independent review of the</p> <p>2 Building Regulations and fire safety highlighted that</p> <p>3 the current system is "not fit for purpose".</p> <p>4 Nothing is more important than ensuring that people</p> <p>5 are safe in their homes. The department is determined</p> <p>6 to learn the lessons from Grenfell and to bring about</p> <p>7 a fundamental change in the building safety system.</p> <p>8 Accordingly, the government will set out how it</p> <p>9 intends to take forward the recommendations of her</p> <p>10 independent review of Building Regulations and fire</p> <p>11 safety by the end of this year.</p> <p>12 So that everyone is safe and feels safe in their</p> <p>13 homes, a comprehensive building safety programme was put</p> <p>14 in place within days of the Grenfell Tower fire.</p> <p>15 The government is taking action to speed up the</p> <p>16 refurbishment of unsafe cladding, like the type used at</p> <p>17 Grenfell Tower. The government is fully funding the</p> <p>18 replacement of unsafe ACM cladding on social sector</p> <p>19 buildings 18 metres or more in height.</p> <p>20 In the private sector, the government is supporting</p> <p>21 local authorities to take decisive enforcement action</p> <p>22 where remediation plans for high-rise buildings with</p> <p>23 unsafe cladding are unclear, and this includes providing</p> <p>24 additional guidance on the assessment of such buildings</p> <p>25 and the setting up of Local Government Association</p> <p>Page 109</p>	<p>1 components which are exempted, become part of</p> <p>2 an external wall of buildings 18 metres or more in</p> <p>3 height, and which contain one or more flats, a hospital,</p> <p>4 residential care premises, a dormitory and a boarding</p> <p>5 school or student accommodation.</p> <p>6 In the meantime, the government is not waiting for</p> <p>7 legislative change to begin fixing other parts of the</p> <p>8 system. It is supporting the remediation of other</p> <p>9 buildings with unsafe cladding, testing and improving</p> <p>10 the safety of fire doors and working with so-called</p> <p>11 early adopters to test new approaches and to achieve</p> <p>12 change on the ground as soon as is possible.</p> <p>13 We acknowledge that the inquiry has, of course,</p> <p>14 received written and oral expert evidence from a range</p> <p>15 of experts, and the department will address the issues</p> <p>16 raised by those experts in their subsequent evidence as</p> <p>17 appropriate during Phase 2 of your inquiry.</p> <p>18 Finally, the inquiry stands ready, in particular in</p> <p>19 Phase 2 of the inquiry, in any way that the inquiry sees</p> <p>20 fit, and will take account of all issues raised by the</p> <p>21 inquiry through its work as it, itself, takes forward</p> <p>22 the building safety programme.</p> <p>23 SIR MARTIN MOORE-BICK: Good, thank you very much.</p> <p>24 Thank you.</p> <p>25 Now, the next person I think to hear from is</p> <p>Page 111</p>
<p>1 hosted joint inspection teams.</p> <p>2 Local authorities are getting the government's full</p> <p>3 backing, including financial support where this is</p> <p>4 necessary, to enable them to carry out emergency</p> <p>5 remedial work on affected private residential buildings</p> <p>6 and unsafe ACM cladding. They will recover the costs</p> <p>7 from building owners in doing so.</p> <p>8 The department wishes to ensure that all core</p> <p>9 participants are aware, before the 14 December deadline</p> <p>10 that you have set for submitting submissions on proposed</p> <p>11 interim recommendations, that the department has acted</p> <p>12 to impose a clear ban on combustible cladding for</p> <p>13 high-rise and some other buildings.</p> <p>14 Whilst the department is clear, having taken advice</p> <p>15 from experts, that unmodified polythene-cored ACM</p> <p>16 cladding does not comply with the requirements of the</p> <p>17 Building Regulations as they stand, concerns have been</p> <p>18 expressed that combustible cladding is not explicitly</p> <p>19 banned under statute.</p> <p>20 Following detailed consultation earlier this year,</p> <p>21 which attracted over 400 responses, the department laid</p> <p>22 regulations on 29 November 2018. Under these new</p> <p>23 regulations, building work must be carried out so that</p> <p>24 only materials which meet classification A1 or A2 s1 d0</p> <p>25 under European standard EN 13501-1, other than certain</p> <p>Page 110</p>	<p>1 Ms Studd QC on behalf of the Mayor.</p> <p>2 Again, I'm not going to rise while we change over,</p> <p>3 but take your time, Ms Studd.</p> <p>4 Closing submissions on behalf of the Mayor of London</p> <p>5 by MS STUDD</p> <p>6 MS STUDD: Mr Chairman, it does not go unnoticed that the</p> <p>7 hearings of Phase 1 conclude just as those directly</p> <p>8 affected by the Grenfell fire commemorate 18 months</p> <p>9 since the tragedy. It's appropriate that all those</p> <p>10 involved in this process should pause and reflect upon</p> <p>11 how much more needs to be achieved to ensure that this</p> <p>12 cannot happen again.</p> <p>13 In this regard, we support the call for increased</p> <p>14 candour from the core participants as we move forward to</p> <p>15 Phase 2.</p> <p>16 The Mayor intends to divide his closing remarks into</p> <p>17 two parts, the first part looking back and reflecting</p> <p>18 upon the work and investigation that is being completed</p> <p>19 in Phase 1 of your inquiry, and then, secondly, looking</p> <p>20 forward to Phase 2, and the change in emphasis from</p> <p>21 response to the tragedy on the night itself, to</p> <p>22 an examination of who or what organisations should bear</p> <p>23 responsibility and be held accountable for the</p> <p>24 catastrophe of 14 June 2017.</p> <p>25 In some respects, the inquiry's division of its work</p> <p>Page 112</p>

<p>1 into Phase 1 and 2, while pragmatic, has been artificial</p> <p>2 and, at times, perhaps more than a little frustrating</p> <p>3 for a number of the core participants and perhaps even</p> <p>4 yourself, because it's not been in a position to answer</p> <p>5 some of the very obvious questions that have been raised</p> <p>6 relating to why.</p> <p>7 Phase 1 has focused, as it was intended to do, on</p> <p>8 the events of the night and the immediate aftermath, and</p> <p>9 it will no doubt conclude that there are lessons to be</p> <p>10 learned about what occurred on the night and, perhaps,</p> <p>11 what might have been done differently.</p> <p>12 As the Mayor said in opening, and he repeats, and</p> <p>13 it's been reiterated by other BSRs in their closings, it</p> <p>14 is incumbent upon each and every one of us with a role</p> <p>15 here to ensure that we learn every lesson, even the</p> <p>16 difficult ones and the unpalatable ones, with an aim to</p> <p>17 achieve the central objective, which is to ensure that</p> <p>18 such an event can never happen again. To quote others,</p> <p>19 that this is the beginning of the end.</p> <p>20 Phase 1 has highlighted the actions of very many</p> <p>21 individuals present on the night who disregarded their</p> <p>22 own safety in order to ensure the safety and survival of</p> <p>23 others. The inquiry has heard accounts from survivors</p> <p>24 and from individual firefighters who put their own</p> <p>25 personal trauma to one side to provide evidence orally</p> <p>Page 113</p>	<p>1 could not maintain the required high degree of</p> <p>2 compartmentation due to the failure of the building</p> <p>3 envelope to adequately resist the spread of fire. Her</p> <p>4 wider evidence of non-compliance was damning.</p> <p>5 Obviously, the Mayor acknowledges that this is going</p> <p>6 to be the subject of detailed analysis in Phase 2, when</p> <p>7 the inquiry will hear more by way of explanation from</p> <p>8 the corporate core participants as to why it was that</p> <p>9 they considered the design and renovation of</p> <p>10 Grenfell Tower rendered it suitable and safe for the</p> <p>11 stay-put policy to be maintained.</p> <p>12 It is, of course, a matter for you, sir, to consider</p> <p>13 how far you can go and how far you should go at this</p> <p>14 stage in fact-finding relating to the condition of the</p> <p>15 building on the night of the fire and prior to it.</p> <p>16 However, the Mayor would invite you to consider that</p> <p>17 any criticisms you make of the first responders must be</p> <p>18 made in the light of the oral and written evidence of</p> <p>19 Dr Lane. In particular, we would ask you to note that</p> <p>20 Dr Lane did not consider it reasonable that, in the</p> <p>21 event of the installation of a combustible rainscreen</p> <p>22 system on a high-rise residential building, the Fire</p> <p>23 Brigade should be expected to fully mitigate any</p> <p>24 resulting fire.</p> <p>25 Although Phase 1 has heard some evidence relating to</p> <p>Page 115</p>
<p>1 and in writing, illustrating for the inquiry and the</p> <p>2 public the very many who put their own lives at very</p> <p>3 great risk. The Mayor was privileged to attend the</p> <p>4 inquiry in person and hear some of that very moving</p> <p>5 testimony.</p> <p>6 It would be wrong to single out individual accounts,</p> <p>7 but many of us present or following the inquiry more</p> <p>8 remotely were and should be humbled by those testimonies</p> <p>9 and the illustration of human courage that has been</p> <p>10 portrayed.</p> <p>11 However, what has been wholly absent from this phase</p> <p>12 of the inquiry has been any explanation for the seeming</p> <p>13 divergence of views between the TMO and Rydon on the one</p> <p>14 hand, whose newsletter indicated that, after the</p> <p>15 replacement of the flat doors, Grenfell Tower was</p> <p>16 designed according to "rigorous safety standards", and</p> <p>17 Dr Lane on the other, who gave evidence that if the</p> <p>18 material used on the outside of the building had been</p> <p>19 known, the building should not have been occupied</p> <p>20 because the Fire Brigade would then also have known what</p> <p>21 was facing them.</p> <p>22 If Dr Lane's conclusions are correct, then the</p> <p>23 renovated Grenfell Tower was unsuitable for occupation,</p> <p>24 and absolutely unsuitable for occupation with a stay-put</p> <p>25 policy in place. She has given evidence that flat 16</p> <p>Page 114</p>	<p>1 the training and organisation of the London Fire</p> <p>2 Brigade, this was limited to the discussion of issues</p> <p>3 directly relevant to the Brigade's attendance at the</p> <p>4 Grenfell fire in its location in inner west London.</p> <p>5 The Mayor notes that further evidence on these</p> <p>6 matters, including the expert evidence of</p> <p>7 Mr Steve McGuirk, will be considered in Phase 2.</p> <p>8 The inquiry will be aware that the organisation and</p> <p>9 structure of the London Fire Brigade are not unique in</p> <p>10 the United Kingdom. It's organised in such a way as to</p> <p>11 take into account the demography and the geography of</p> <p>12 London. Therefore, recommendations that might work in</p> <p>13 London may be less workable elsewhere.</p> <p>14 Given the importance of your recommendations, and</p> <p>15 the fact that they are likely to be considered</p> <p>16 nationwide, the Mayor would urge you to exercise great</p> <p>17 care before making any recommendations on the fire and</p> <p>18 rescue service organisation training and operation at</p> <p>19 this stage, and in the absence of any evidence in</p> <p>20 relation to the national position.</p> <p>21 Let us now look forward to Phase 2.</p> <p>22 Phase 2 must be about responsibility and</p> <p>23 accountability. That will obviously include the</p> <p>24 adequacy of the response, but the immediate focus must</p> <p>25 be on the design, the construction, the modification and</p> <p>Page 116</p>

<p>1 the renovation of Grenfell Tower from its original 2 construction in 1974 until its decimation by fire on 3 14 June 2017.</p> <p>4 In a letter dated 18 May 2018, the Prime Minister 5 indicated that for the hearings of Phase 2, you would be 6 sitting with two additional panel members. Her letter 7 confirmed that the two additional panel members would be 8 necessary in order to provide the necessary breadth of 9 skills and diversity of expertise, and she went on to 10 say this:</p> <p>11 "I hope this decision will provide reassurance to 12 victims and survivors of the fire, the local community, 13 and members of Grenfell United, who have been clear with 14 me and the Minister for Grenfell Victims, Nick Hurd, 15 that you are the right person to lead this Inquiry but 16 who also believe that, in Phase 2, it will be beneficial 17 to have additional panel members recognising the scale 18 and breadth of the issues to be considered."</p> <p>19 In the particular circumstances of these 20 appointments, the Inquiries Act requires that you give 21 your consent. The Mayor would invite you to prioritise 22 diversity when considering your consent to the 23 appointments of panel members.</p> <p>24 You have already appointed experts to assist you as 25 your advisory panel. The panel members for Phase 2</p> <p style="text-align: center;">Page 117</p>	<p>1 participation and be particularly concerned about the 2 inability of a large number of core participants who 3 resided in the tower or adjacent to it to actively 4 participate in this process. Very many of those 5 important people are currently unable to do so due to 6 the location of this inquiry at Holborn Bars.</p> <p>7 It is absolutely not enough for the inquiry to say 8 that the venue is satisfactory because it is rarely 9 full. This is not about numbers and the venue being 10 full; it is about the convenience for the core 11 participants when they have competing daily commitments 12 in their locality and community close to their home, and 13 concerns about their mental health which have evolved 14 directly as a result of the fire. They need to be able 15 to participate without having to travel an hour or more 16 either way to do so.</p> <p>17 We again urge the inquiry to relocate for Phase 2 18 and, in the interests of transparency, the Mayor has 19 previously invited the inquiry team to publish details 20 of all venues already examined and rejected, although 21 this request has been refused on the grounds of 22 commercial sensitivity.</p> <p>23 In the event that it is unable to relocate for 24 Phase 2, the Mayor repeats his request and invites the 25 inquiry to publish or provide to core participants the</p> <p style="text-align: center;">Page 119</p>
<p>1 should bring a different element to the proceedings. 2 Diversity is not just about appearance.</p> <p>3 Phase 2 will require an examination of a number of 4 issues relating to how and why Grenfell Tower rapidly 5 became the serious danger to life that it was on the 6 night of the fire, but it will also look at the 7 governance and management of the tower, the 8 communication with residents, the fire advice and the 9 actions taken by the various authorities in the 10 aftermath. In respect of all of these issues, you will 11 be hugely assisted by panel members with relevant life 12 experience, and not merely relevant professional 13 qualifications.</p> <p>14 While it is of course a matter for the 15 Prime Minister, the Mayor would also welcome and 16 encourage any measure of consultation permitted to the 17 core participants prior to these appointments.</p> <p>18 Without apology, Mr Chairman, I also revisit the 19 difficult issue of venue.</p> <p>20 Once again, the Mayor supports the bereaved, 21 survivors and residents' plea for a more practical venue 22 for Phase 2, which is able to accommodate more of their 23 number in more appropriate surroundings and, in 24 particular, nearer to the location of the 25 Grenfell Tower. This inquiry must prioritise public</p> <p style="text-align: center;">Page 118</p>	<p>1 information on what steps have been taken, the premises 2 that have been contacted, to reassure core participants 3 that the inquiry team have used their best endeavours to 4 make efforts to relocate, but they have been 5 unsuccessful in their efforts.</p> <p>6 We are appreciative of the scale of anticipated 7 disclosure for Phase 2 but, nonetheless, remain 8 concerned that it has yet to commence, despite the 9 inquiry's recent letter indicating that the first 10 tranche of disclosure will be made before Christmas. It 11 is essential that the core participants have a realistic 12 working timetable, including a timetable for rolling 13 disclosure, as soon as possible to prevent further 14 delays in the inquiry's work.</p> <p>15 Public safety demands that this inquiry proceeds as 16 quickly as possible, and the inquiry team must ensure 17 that slippage on dates does not derail the starting date 18 of Phase 2.</p> <p>19 Lastly, this: the inquiry must ensure that in 20 Phase 2, the bereaved, survivors and residents remain 21 central. In Phase 1, their voices have been heard, both 22 in the touching memorials and in the evidence they gave 23 in relation to their experience of the fire itself. The 24 inquiry's experts have also expressed how valuable this 25 evidence has been in assisting with their work.</p> <p style="text-align: center;">Page 120</p>

<p>1 In Phase 2 also, their evidence needs to be placed</p> <p>2 right at the heart of the inquiry's work, to provide</p> <p>3 justice for the dead and accountability for the living.</p> <p>4 SIR MARTIN MOORE-BICK: Thank you very much.</p> <p>5 Next, Mr Maxwell-Scott.</p> <p>6 Closing submissions on behalf of the Royal Borough of</p> <p>7 Kensington and Chelsea by MR MAXWELL-SCOTT</p> <p>8 MR MAXWELL-SCOTT: Thank you.</p> <p>9 Mr Chairman, when I made oral submissions at the</p> <p>10 first directions hearing in December last year,</p> <p>11 I emphasised the centrality to this inquiry of the</p> <p>12 bereaved, of the survivors and of the former residents.</p> <p>13 The council is and always will be deeply sorry that its</p> <p>14 residents suffered the terrible tragedy of the</p> <p>15 Grenfell Tower fire.</p> <p>16 At the first directions hearing, I referred to the</p> <p>17 resolution passed unanimously by the full council on</p> <p>18 6 December 2017, which committed the council to</p> <p>19 openness, candour and transparency. That resolution</p> <p>20 also stated the council's commitment to full</p> <p>21 co-operation with your inquiry and to assist the search</p> <p>22 for the truth.</p> <p>23 Over the last 12 months, we have sought to honour</p> <p>24 that commitment by assisting your inquiry as best we</p> <p>25 can. Your team will be aware of the ways in which we</p> <p>Page 121</p>	<p>1 As at the date of that further statement, which is</p> <p>2 20 November 2018, the council has disclosed a total of</p> <p>3 38,299 documents to the inquiry.</p> <p>4 So your team will be aware that our approach is to</p> <p>5 provide assistance to them and you, rather than to</p> <p>6 duplicate your work. We take the same approach to the</p> <p>7 Phase 1 closing statement.</p> <p>8 As I mentioned at the outset, the bereaved,</p> <p>9 survivors and residents are central. They are central</p> <p>10 to all aspects of the inquiry's work. They are central</p> <p>11 to Phase 1 and to Phase 2. Their experiences on the</p> <p>12 terrible night of the fire are obviously central to</p> <p>13 Phase 1.</p> <p>14 Over the past months, we have heard very moving</p> <p>15 evidence about the harrowing experiences of individuals</p> <p>16 on the night of the fire. Your team will be assisting</p> <p>17 you to analyse that evidence in order to enable you to</p> <p>18 write your Phase 1 report. Your team will also be</p> <p>19 assisting you to analyse the detailed evidence of the</p> <p>20 actions of the LFB on the night of the fire. In both of</p> <p>21 those tasks, you will be ably assisted by the written</p> <p>22 and oral closing statements from the legal teams</p> <p>23 representing the bereaved, survivors and residents, and</p> <p>24 the LFB's legal team. We do not intend to duplicate</p> <p>25 that work.</p> <p>Page 123</p>
<p>1 have assisted, but I will, if I may, mention some of</p> <p>2 them today.</p> <p>3 We have provided the inquiry with a chronology</p> <p>4 relating to the flat entrance doors within</p> <p>5 Grenfell Tower. This has since been disclosed by your</p> <p>6 team to all core participants.</p> <p>7 We have provided the inquiry with a building control</p> <p>8 chronology for the refurbishment.</p> <p>9 We have worked with your team to identify</p> <p>10 councillors and officers from the council from whom the</p> <p>11 inquiry might wish to request rule 9 witness statements.</p> <p>12 To date, 27 rule 9 witness statements have been provided</p> <p>13 from councillors and officers. More than 20 further</p> <p>14 witness statements addressing the council's response in</p> <p>15 the first week after the fire are due to be provided to</p> <p>16 the inquiry in January 2019.</p> <p>17 In October, we provided the inquiry with a position</p> <p>18 paper which summarised the fire safety related actions</p> <p>19 taken by the council since the fire and exhibited</p> <p>20 relevant supporting documents.</p> <p>21 We have worked with your team on disclosure issues,</p> <p>22 including electronic search terms, and provided the</p> <p>23 inquiry with a 17-page statement summarising the further</p> <p>24 steps taken to disclose relevant documents to the</p> <p>25 inquiry since November 2017.</p> <p>Page 122</p>	<p>1 Our written closing statement, as you will have</p> <p>2 noted, does not, therefore, seek to address every topic</p> <p>3 that falls within Phase 1. It aims to provide you with</p> <p>4 assistance.</p> <p>5 The issue of which topics to address in Phase 1 and</p> <p>6 which to address in Phase 2 has been discussed on</p> <p>7 a number of previous occasions. Sir, you have always</p> <p>8 emphasised the importance of flexibility in addressing</p> <p>9 this issue. In addition, we have always understood that</p> <p>10 the fact that evidence was received on a particular</p> <p>11 topic in the course of Phase 1 did not automatically</p> <p>12 mean that you would address it in your Phase 1 report.</p> <p>13 The way in which the evidence has unfolded in Phase 1</p> <p>14 indicates the wisdom of the flexible approach which you</p> <p>15 have favoured.</p> <p>16 As you know, the primary cause of fatalities was the</p> <p>17 spread of smoke within the building. Standing back from</p> <p>18 the detail of the Phase 1 evidence on this issue, the</p> <p>19 theme which emerges is that the chronology of smoke</p> <p>20 spread within the tower, and the respective</p> <p>21 contributions made by the potential causative factors,</p> <p>22 is more complex than many of us might have imagined.</p> <p>23 This complexity is perhaps best illustrated by the</p> <p>24 scale and range of further investigative work that your</p> <p>25 experts propose to undertake in relation to this topic</p> <p>Page 124</p>

<p>1 in Phase 2. To give just a few examples, the smoke 2 ventilation system requires substantial further 3 investigation. Dr Lane has recommended the instruction 4 of a specialist lifts expert. There needs to be 5 a location-by-location, floor-by-floor, flat-by-flat 6 analysis of smoke spread within the building, which 7 brings together the evidence of residents, the evidence 8 of firefighters, the 999 calls and the forensic evidence 9 in relation to individual flat entrance doors.</p> <p>10 Dr Lane captured the importance of not 11 oversimplifying topics well when giving oral evidence 12 about the flat entrance doors. She stressed the 13 important of location and said:</p> <p>14 "... I don't want to give any kind of overall 15 opinion on one measure. I think there's a really 16 important piece of analysis per flat, per lobby, 17 required to give a fair view on what those systems did." 18 [Day 81, 26 November 2018, page 35]</p> <p>19 The G5 submission for the March 2018 procedural 20 hearing invited you to seek to identify in your Phase 1 21 report ways in which the specified or actual design of 22 the building works were non-compliant. That remains 23 a laudable aim. However, what perhaps was not 24 anticipated back in March 2018 was the extent to which 25 the experts would describe their Phase 1 evidence as</p> <p style="text-align: right;">Page 125</p>	<p>1 refurbishment, did not satisfy the functional 2 requirement of schedule 1, part B4, of the Building 3 Regulations, and that it was likely that a number of 4 specific failures to comply with the provisions of 5 Approved Document B would be identified by the inquiry. 6 Questions about who bears responsibility for this state 7 of affairs can only be answered in Phase 2, not least 8 because the potentially relevant witnesses have not yet 9 given evidence to the inquiry.</p> <p>10 However, I believe that you can and should identify 11 in your Phase 1 report the fact that the cladding system 12 did not satisfy the B4 functional requirement, and did 13 not satisfy the requirements of Approved Document B.</p> <p>14 Stating this may be an important step for the 15 bereaved, survivors and residents who, by the time of 16 your report, will have waited over 18 months for that 17 authoritative judgement to be made, but it will also 18 have a wider significance. As is well known, 19 Grenfell Tower is far from the only building now 20 considered to have been over-clad with unsafe materials. 21 The latest monthly data released by MHCLG on 8 November 22 indicates that, as at 31 October, there were 457 23 high-rise buildings in England which had been identified 24 as having cladding systems unlikely to meet the current 25 Building Regulations guidance. 159 of these were social</p> <p style="text-align: right;">Page 127</p>
<p>1 provisional. And not provisional merely in the sense 2 that the experts would, as one would expect, be willing 3 to consider any new evidence that came to light in 4 Phase 2 before describing their views as final; 5 provisional in the sense that the experts themselves 6 have actively expressed the desire to carry out further 7 investigatory work, and identified in detail the 8 additional work that they wish to do.</p> <p>9 In our written closing statement, we have sought to 10 assist you by dividing topics into two categories: those 11 which we consider should be addressed in your Phase 2 12 report, rather than in your Phase 1 report, and those 13 which it would be appropriate and fair for you to 14 address in your Phase 1 report. We have then, for 15 understandable reasons, focused our submissions on the 16 second category.</p> <p>17 Mr Chairman, the spread of fire on the outside of 18 the tower is very different to the spread of smoke 19 inside the tower. Unlike the spread of smoke, this is 20 not a topic that requires a flat-by-flat approach. 21 Unlike the spread of smoke, the experts are not saying 22 that they need to carry out substantial further 23 investigations.</p> <p>24 In my opening statement on 6 June, I said that it 25 was clear that the cladding system, as installed in the</p> <p style="text-align: right;">Page 126</p>	<p>1 sector residential buildings, nine were hospitals and 2 schools, but the majority, 289 in total, were private 3 sector buildings.</p> <p>4 This inquiry represents an opportunity to change 5 many aspects of fire safety in a way which appears not 6 to have been done following previous fires. A finding 7 by you, sir, now, rather than in your Phase 2 report, is 8 likely to carry significant weight and to accelerate the 9 process of improving fire safety in our country for the 10 benefit of all of us.</p> <p>11 As I said in my opening statement, the ultimate 12 achievement of this inquiry will hopefully be to ensure 13 that when people design, construct and refurbish 14 buildings in future, a disaster like this never happens 15 again. The council is totally committed to that aim. 16 Making the finding now can only help to promote that 17 aim.</p> <p>18 SIR MARTIN MOORE-BICK: Thank you very much indeed. 19 Now, we are running well ahead of schedule. We were 20 due to hear tomorrow morning from the Tenant Management 21 Organisation, represented by Ms Jarrett. Is Ms Jarrett 22 here?</p> <p>23 Ms Jarrett, before you come up, are you ready to 24 make your statement this afternoon? 25 MS JARRATT: I am sir, yes.</p> <p style="text-align: right;">Page 128</p>

<p>1 SIR MARTIN MOORE-BICK: Well, you're down in the running</p> <p>2 order to be allowed about an hour. Does that sound</p> <p>3 enough for you?</p> <p>4 MS JARRATT: It certainly does, and I hope to be less than</p> <p>5 that.</p> <p>6 SIR MARTIN MOORE-BICK: Well, in that case I'll rise for</p> <p>7 10 minutes, gives you a chance to find your way out of</p> <p>8 the back of the room, and we'll sit again at 3.05 and</p> <p>9 hear you then. All right?</p> <p>10 3.05, please.</p> <p>11 (3.00 pm)</p> <p>12 (A short break)</p> <p>13 (3.05 pm)</p> <p>14 SIR MARTIN MOORE-BICK: Yes, Mr Millett.</p> <p>15 MR MILLETT: Mr Chairman, I wasn't expected to rise, but</p> <p>16 given the fact that we have made significantly better</p> <p>17 progress in terms of timing today than we had</p> <p>18 anticipated, we have come to Ms Jarrett's submissions</p> <p>19 not just earlier than we would've expected, but a day</p> <p>20 earlier than we would've expected.</p> <p>21 I've spoken to Ms Jarrett and it doesn't</p> <p>22 inconvenience her to do her submissions as slotted in</p> <p>23 tomorrow morning when all people were expecting that to</p> <p>24 be done. There is, I think, a view that it is right to</p> <p>25 stick to the timetable as published. People have made</p> <p style="text-align: right;">Page 129</p>	<p>1 (3.10 pm)</p> <p>2 (The hearing adjourned until Wednesday, 12 December 2018</p> <p>3 at 10.00 am)</p> <p>4</p> <p>5 I N D E X</p> <p>6 Closing submissions on behalf of1</p> <p style="padding-left: 40px;">Mr Kebede by MR MENON</p> <p>7</p> <p>8 Closing submissions on behalf of G1134</p> <p style="padding-left: 40px;">by MR THOMAS</p> <p>9 Closing submissions on behalf of G1163</p> <p style="padding-left: 40px;">by MR MANSFIELD</p> <p>10</p> <p>11 Closing submissions on behalf of the108</p> <p style="padding-left: 40px;">Ministry of Housing,</p> <p style="padding-left: 40px;">Communities & Local Government</p> <p style="padding-left: 40px;">by MR BEER</p> <p>12</p> <p>13 Closing submissions on behalf of the112</p> <p style="padding-left: 40px;">Mayor of London by MS STUDD</p> <p>14</p> <p>15 Closing submissions on behalf of the121</p> <p style="padding-left: 40px;">Royal Borough of Kensington</p> <p style="padding-left: 40px;">and Chelsea by MR</p> <p style="padding-left: 40px;">MAXWELL-SCOTT</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 131</p>
<p>1 personal arrangements to come tomorrow to hear</p> <p>2 Ms Jarrett and it's right that that should be respected.</p> <p>3 So I am going to invite her and you to defer her</p> <p>4 oral submissions until tomorrow morning in accordance</p> <p>5 with the published timetable.</p> <p>6 SIR MARTIN MOORE-BICK: Right, thank you very much.</p> <p>7 Well, Ms Jarrett, I'm grateful to you for being</p> <p>8 willing to carry on this afternoon, if I may say so, in</p> <p>9 the best traditions of the bar, being ready to make your</p> <p>10 statements when called on to do so.</p> <p>11 But I think, in the light of what Mr Millett has</p> <p>12 said, and in view of the fact that there are a lot of</p> <p>13 people here who have come to hear closing statements</p> <p>14 generally, and I think several who were looking forward</p> <p>15 to hearing you tomorrow may not be here today, with no</p> <p>16 disrespect to you, it would be better if, after all,</p> <p>17 I put you back until tomorrow.</p> <p>18 I hope that won't inconvenience you.</p> <p>19 MS JARRETT: Of course not, sir. I'm entirely in your</p> <p>20 hands.</p> <p>21 SIR MARTIN MOORE-BICK: So that's what we'll do. We'll</p> <p>22 break now for today and resume tomorrow at 10 o'clock,</p> <p>23 when we shall look forward to hearing your statement.</p> <p>24 Right. Thank you very much, 10 o'clock tomorrow,</p> <p>25 please.</p> <p style="text-align: right;">Page 130</p>	

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