



Grenfell Tower Inquiry

Day 131

May 17, 2021

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Monday, 17 May 2021

(10.00 am)

SIR MARTIN MOORE—BICK: Good morning, everyone. Welcome to today's hearing.

I'm very pleased to say that, with effect from today, we're able to welcome back a limited number of members of the public to observe the proceedings, which is a very welcome development. I hope that as time goes on, it won't be very long before we can welcome a larger number, but for the time being we have to limit numbers until we see how matters develop with the pandemic. But it's a good development for us, and I hope for them, to be able to come and see and hear what's going on.

Today we're going to continue hearing evidence from Amanda Johnson, so I'd ask, please, for Ms Johnson to be brought in.

MS AMANDA JOHNSON (continued)

SIR MARTIN MOORE—BICK: Good morning, Ms Johnson.

THE WITNESS: Good morning.

SIR MARTIN MOORE—BICK: Ready to carry on with the questioning?

THE WITNESS: Yes.

SIR MARTIN MOORE—BICK: Good, thank you very much.

Yes, Mr Kinnier.

Questions from COUNSEL TO THE INQUIRY (continued)

1

MR KINNIER: Thank you, sir.

Good morning, Ms Johnson.

Last Thursday we were discussing the various provisions in the MMA that dealt with the management of projects, and I took you to an email chain between you, Celia Caliskan and Jane Tretheway from 17 July 2012. In that correspondence, you raised a concern about whether the MMA covered such projects as Grenfell, and its sufficiency for those purposes.

Now, I asked you a question as to why you had those concerns, and you replied in this way, and it can be found at {Day130/164:12–23}:

"It might not have been the MMA in retrospect, it might have been the schedules which set out the operational procedures. So we didn't have one around resident engagement side in terms of comms on major works, and also we didn't have — whilst we delegated all the capital programme management to the TMO, we didn't have a specific reporting mechanism in the schedules. So I think it was a mixture of the schedules needed to be updated as well as looking at the MMA itself."

Now, could we go back to look at the 2006 MMA, which can be found at {RBK00019006/163}.

Now, as you can see, this is in volume 2, chapter 2,

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and is schedule 3 of the MMA and is entitled, "Principles for management of major works schemes".

First of all, are you familiar with that schedule?

A. Yes.

Q. Now, if we can go to paragraph 2.1, which can be found at page 165 {RBK00019006/165}, which is internal page 34, we can see there that it provides for the setting up of a client review group and its role is defined, that's some six lines down, in the sentence that starts "The role of this group", and it says:

"The role of this group will be to act as client for the project, review progress in implementing the scheme and focus on those issues which directly concern residents. Where it is decided not to establish a Client Review Group, the Residents Association will be asked to nominate a representative to join the project team."

Were you aware of that provision at the time?

A. I cannot recall that.

Q. Can we now turn to page 167 {RBK00019006/167}, paragraph 5.2. Now, that provides that the

residents' association will be involved in the selection of consultants, including architects. Were you aware of that provision?

A. Yes.

3

Q. What steps did you take to ensure that the requirements of that provision were satisfied?

A. I believe that there was a resident involved in the initial procurement. I believe that that did happen.

Q. Did you check to see whether there had been resident engagement and involvement in the selection of all the consultants and specialists involved in the project?

A. At that time, I wasn't responsible for that part of the work. That was dealt with by the regeneration team, so I wasn't actively involved in those kind of pre-site work arrangements.

Q. If we can go to paragraph 15.3, which is I think at page 175 {RBK00019006/175}, we see it at the very top of the page, that provides for resident association representatives to attend site meetings. Were you aware of that provision as well?

A. Yes, yes.

Q. What did you do to ensure that that requirement was satisfied?

A. We did a protocol around resident engagement with the TMO at the pre-works phase. We had regular meetings with the TMO. They — we agreed that they would lead on the consultation with residents. There was an established residents' association there. They took a number of steps to consult with residents and they

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1 consulted with residents about how residents wanted to
2 be involved.
3 Q. And you essentially left it to them to make the
4 necessary arrangements; would that be fair?
5 A. It was agreed with the TMO that they would lead on
6 resident consultation, yes.
7 Q. Now, could I ask you to turn to page 177
8 {RBK00019006/177}, paragraph 22.1, which says that:
9 "All schemes will be subject to a post-project
10 review. After completion of the project or on sectional
11 completion, residents will be asked for their views on
12 the way the work was carried out and what they like or
13 dislike about the improvements to their homes. The
14 survey will also seek to collect b.m.e data."
15 Were you aware of that provision?
16 A. Yes.
17 Q. What steps did you take to ensure that those
18 requirements were satisfied?
19 A. I think things got overtaken because, not long after the
20 works were finished, we got the petition from residents.
21 So the scrutiny committee initiated that the TMO board
22 should review the outcome of the project.
23 We also did do a survey of residents about how
24 they'd experienced the works and what the impact was for
25 them, but we got a very low response rate on that.

5

1 Q. Do you agree that at least the 2006 MMA did contain
2 provisions dealing with resident engagement on projects
3 such as Grenfell?
4 A. Yes.
5 Q. This version of the MMA would, I think, have been in
6 force throughout a significant proportion of the
7 Grenfell project; would you accept that?
8 A. Yes, yes.
9 Q. Did you have any formal arrangements for monitoring the
10 TMO's compliance with the sections that I've taken you
11 through?
12 A. That would have been on the main highlight report, there
13 was a section on communication with residents, and at
14 the asset management meetings we would go through the
15 highlight report and talk about resident involvement.
16 There were quite a few issues with resident
17 involvement towards the latter stage of the project
18 because of residents concerned around the location of
19 the boilers, so we were very aware about the steps that
20 the TMO were taking to talk to residents.
21 Q. Now, can we turn to the projects protocol, which is
22 embedded in schedule 9 of the 2015 MMA. That can be
23 found at {RBK00002368/14}. There we go.
24 If we can go to schedule 3, which can be found in
25 the same document but at page 6 {RBK00002368/6}, it's

6

1 said that that schedule was "To be reviewed".
2 Can you help us, what was the status of schedule 3
3 after the MMA was signed on 26 November 2015?
4 A. I cannot recall that.
5 Q. Do you know anyone who would be able to assist us with
6 the answer to that question?
7 A. Celia Caliskan.
8 Q. Thank you.
9 Now, in relation to the phrase "To be reviewed", was
10 there an intention that the asset management projects
11 protocol would replace schedule 3?
12 A. I suspect so.
13 Q. What's the basis of your suspicion in that respect?
14 A. Just that we needed to — there wasn't enough — there
15 wasn't sufficient documentation in the schedules around
16 the management and major works, particularly in terms of
17 the resident engagement, so I suspect that that's what
18 that was.
19 Q. Can you remember now who may have been responsible for
20 deciding that the asset management projects protocol
21 would replace schedule 3?
22 A. That would be between me and Celia liaising with the TMO
23 company secretary.
24 Q. Can you now remember whether a formal decision was made
25 in that regard?

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1 A. I cannot recall, sorry.
2 Q. Now, could we look at the asset management projects
3 process itself and in particular section 4.
4 If we go to {RBK00050409/2}, and if we go to the
5 heading "Resident Consultation" at the bottom of the
6 page, I'll just let you refresh your memory of that.
7 (Pause)
8 Do you agree that there is no reference there to
9 a client review group?
10 A. No, there isn't.
11 Q. Would you agree that there is no reference either to
12 residents being involved in the selection of
13 consultants?
14 A. Not in sufficient detail, no.
15 Q. Was there an intention, therefore, in 2015 to alter and
16 minimise the degree of resident consultation required
17 under the MMA?
18 A. Absolutely not.
19 Q. Given there had been a removal of the client review
20 group, and given there was insufficient detail regarding
21 the selection of consultants, how can you deny so
22 adamantly that there was an intention to minimise the
23 degree of resident involvement?
24 A. I just think that when we drafted this, we did not align
25 it with the other documentation appropriately. There

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1 was no direct omission.
 2 Q. Can I now turn to a diary entry in one of
 3 Laura Johnson's daybooks dated 23 July 2014. If I could
 4 ask you to go to {RBK00059574/125}. We can see in the
 5 top left —hand corner, "1.1 AJ", and then underneath the
 6 date, 23 July 2014.
 7 Now, to the extent you can answer this question,
 8 would that have been a note from a one—to—one meeting
 9 you had with Laura Johnson?
 10 A. Yes.
 11 Q. Now, you will see the second arrow down is next to the
 12 words underlined "Grenfell Tower", and it seems to say:
 13 "Grenfell Tower: met with team @ TMO to discuss,
 14 managing Eddie Daffarn & resident liaison.
 15 "Major capital projects — look @ MMA for level of
 16 monitoring required.
 17 "Roger & Amanda meeting Vernon, going for a site
 18 visit."
 19 Do you remember that meeting?
 20 A. I don't recall that specific meeting, no.
 21 Q. Do you recall being asked by Laura Johnson to review the
 22 provisions of the MMA in relation to monitoring required
 23 on such projects?
 24 A. I don't think Laura specifically asked me to review the
 25 MMA, that was something that myself and Celia had

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1 already embarked on.
 2 Q. For the purposes of complying with Laura Johnson's
 3 direction, did you review schedule 3 of the MMA?
 4 A. I cannot recall doing that. I think we did additional
 5 documentation to fill in the gaps in the MMA.
 6 Q. Now, in relation to Grenfell, did you ever raise with
 7 the TMO that, first of all, there was no client review
 8 group?
 9 A. No, I didn't. I felt that they were on top of the
 10 consultation with residents.
 11 Q. And in that regard, did you ask the TMO why there had
 12 been no residents' associations involved in the
 13 selection of contractors?
 14 A. No, I didn't.
 15 Q. Did you ask the TMO why there had been no resident
 16 association present at site meetings?
 17 A. My understanding is that the TMO started with open
 18 meetings which were open to all residents, including the
 19 residents' association. They then subsequently
 20 consulted with the residents and my understanding is the
 21 preference was for one—to—one drop—ins, one—to—one
 22 consultation. So I understood that that was residents'
 23 preference.
 24 Q. Now can we move on to a separate topic, which is the
 25 oversight of fire risk assessments.

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1 If I could ask you to go to your first witness
 2 statement, which is at {RBK00033719/8}, and
 3 paragraph 45, where you say this:
 4 "The TMO then began commissioning fire risk
 5 assessments of all the properties: a large tranche of
 6 these assessments had to be done for the first time as
 7 the new regime [the Regulatory Reform (Fire Safety)
 8 Order] was implemented for the first time. Thereafter
 9 fire risk assessments became planned as part of
 10 a rolling program of updates. This would have entailed
 11 significant spend and had to be planned as part of the
 12 budget."
 13 What control did RBKC exercise over the budget for
 14 fire risk assessments?
 15 A. We would meet on a regular basis with the TMO to look at
 16 the HRA business plan. I would work on that with
 17 Steve Mellor, who was our finance lead. We would ask
 18 the TMO to put forward their priorities for spend in
 19 terms of the capital programme, and then we would build
 20 that into the business plan.
 21 Q. What oversight would you or your department exercise
 22 over the expenditure of that budget on FRAs?
 23 A. We wouldn't get — necessarily get into the specific
 24 detail about the individual budget, that would be
 25 something that finance colleagues would pick up with

11

1 their counterparts in the TMO.
 2 Q. Did the TMO ever ask for further resources in order to
 3 enable them to carry out and complete the rolling
 4 programme of FRAs?
 5 A. Initially, when the reform order came in, we did agree
 6 additional resources. We also agreed additional
 7 resources for the door—closers after the Adair fire.
 8 Q. Dealing with FRAs after the 2005 Order came in, after
 9 that initial increase in resource, were any further
 10 requests made for additional resources for FRAs?
 11 A. Not to the best of my recollection.
 12 Q. Was it as a response to a TMO request that additional
 13 funds were given in respect of door—closers?
 14 A. Yes, yes.
 15 Q. Were you aware of the process the TMO undertook to
 16 procure fire risk assessments?
 17 A. They followed the procurement regulations. One of my
 18 staff, Ann Muchmore, was involved in that in 2010.
 19 I think that procurement started just before I took
 20 responsibility for the client side. So one of my staff
 21 was actually involved in the procurement of the fire
 22 risk assessor.
 23 Q. To what extent did the housing commissioning team have
 24 any oversight function in relation to the substance of
 25 the FRAs?

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1 A. That was all delegated to the TMO. They carried out
2 operational responsibility for completing the FRAs.
3 Q. Could I ask you to turn to Janice Wray's first witness
4 statement, which can be found at {TMO00000890/35}. If
5 I could ask you to turn to paragraph 157 at the bottom
6 of the page, where she said this:
7 "The FRAs themselves were shared as required within
8 the organisation. The RBKC did not receive copies as
9 routine although the minutes of the Health and Safety
10 Committee meetings were copied to the Corporate Health &
11 Safety Manager. Furthermore, progress in relation to
12 outstanding FRAs and FRA actions was included in the
13 mid-year and year-end reports on the TMO's performance,
14 which were presented to the RBKC Scrutiny Committee and
15 in the annual TMO Health and Safety Report which was
16 shared with the corporate Health and Safety Manager.
17 Extracts were also included in his Annual Report which
18 was sent to the RBKC's Health and Safety Committee."
19 Did you see the reports from the TMO's health and
20 safety committee?
21 A. No, not routinely, no.
22 Q. Is it right that you wouldn't receive the individual
23 FRAs in relation to the TMO housing stock?
24 A. Yes.
25 Q. Did you ever ask to see any FRAs, for example after the

13

1 Adair Tower fire or after service of any enforcement
2 notices by the LFEPA?
3 A. No.
4 Q. Can we look at paragraph 3.6 of the 2015/16 TMO
5 performance agreement, and that can be found at
6 {RBK00000589/29}. That refers there to:
7 "... programme of [FRAs] & reviews to continue and
8 more work to ensure actions and recommendations from
9 these are consistently completed in a timely manner."
10 Who would have drafted — and it's the third bullet
11 point — that section of the review?
12 A. Janice Wray.
13 Q. Were you provided with any other information about what
14 was being done about actions to close out FRA actions?
15 A. No.
16 Q. What information over and above the statement here were
17 you provided with when reviewing this review document?
18 A. The main oversight would be through meetings that we had
19 with the TMO, the KPIs, which did not include fire risk
20 assessments, through regular liaison with Janice, that
21 would be how we would know.
22 Q. We did deal with this in some detail on Thursday, but
23 looking at this particular review document, which was
24 from 2015/16, what was the extent of your awareness that
25 actions and recommendations arising from FRAs had not

14

1 been closed out as timeously as they should have been?
2 A. I didn't know that.
3 Q. Now, can we turn to the enforcement notices served in
4 relation to Adair Tower.
5 Now, we know there was a fire at Adair Tower on
6 31 October 2015, and on 23 December 2015 the LFB issued
7 an enforcement notice addressed both to the council and
8 the TMO following that fire. Now, if we could turn to
9 that notice, which is at {RBK00029298}.
10 Do you remember whether you saw that enforcement
11 notice after it was issued?
12 A. Yes, I did see it.
13 Q. Who gave it to you?
14 A. It probably would have gone to Laura, who would have
15 copied me in to it.
16 Q. Given that you had been told there was a rolling
17 programme of FRAs, and that, as far as you were aware,
18 there were no problems with that programme, were you
19 surprised to receive this notice?
20 A. After the fire, I would have expected the Fire Brigade
21 to carry out a review of what was in place. After the
22 fire, I met with Barbara Matthews, who managed
23 Janice Wray, and also met with Carl Stokes, the fire
24 risk assessor, to review what had happened.
25 Q. What were the questions that you asked, first of all,

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1 Barbara Matthews arising out of the service of this
2 notice?
3 A. I think there were some concerns at the time about how
4 the fire had been fought, in terms of the Fire Brigade.
5 We then had another two meetings where we talked through
6 the door-closer situation, and agreed an additional
7 budget, and we also talked through the inspection regime
8 that was being suggested at that time.
9 Q. Now, you focus there on what the LFB had done on the
10 night; did the enforcement notice lead you to
11 investigate or indeed to challenge the TMO about the
12 adequacy of their fire risk assessments or what they had
13 done?
14 A. No, not specifically the fire risk assessment. I met
15 with Carl Stokes, the fire risk assessor, and he took us
16 through what had happened, and I was satisfied with
17 that.
18 Q. Now, if we can turn to page 4 of this notice
19 {RBK00029298/4}, you see there the table of failures
20 identified by the LFEPA.
21 If we see at the bottom, in respect of Article 10,
22 at the bottom left-hand paragraph, it says this:
23 "It was found that risk critical items had not been
24 properly addressed within the Fire Risk Assessment in
25 relation to the fitting of self closing devices to flat

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1 entry doors and openable windows within the protected
2 staircase."

3 Did it not concern you that something so
4 fundamental, something described here as risk critical,
5 had not been identified or addressed in the fire risk
6 assessments?

7 A. My understanding at the time was that there was
8 an ongoing programme of fire risk assessments, and that
9 was picking up on issues relating to the fire doors.

10 Q. Put differently, did you ever ask Carl Stokes in your
11 discussions with him after the Adair Tower fire why risk
12 critical items had not been properly addressed?

13 A. I cannot recall having that specific conversation with
14 him.

15 Q. Is it likely that it didn't happen, therefore, if you
16 cannot recall it? Can you give the panel more
17 assistance on that point?

18 A. Erm ... yes. If I cannot recall it, then I don't think
19 I had that conversation, because I think I would
20 remember it.

21 Q. Beyond discussions with Barbara Matthews and
22 Carl Stokes, what proactive steps did you yourself take
23 in responding to the enforcement notice?

24 A. There were regular meetings with the TMO. They came
25 back with a schedule for the works to take place.

17

1 I liaised with Janice Wray on a regular basis to get
2 updates on the works, and also we conducted the scenario
3 testing for the emergency planning.

4 Q. Did you understand at the time that further enforcement
5 action could be taken against both the council and the
6 TMO if the enforcement notice had not been complied
7 with?

8 A. Yes.

9 Q. If we can turn to TMO executive team meeting minutes on
10 11 February 2016, which can be found at {TMO00840502/2}.

11 If we go to point 3, which deals with "Adair Tower &
12 Enforcement Notice Update", and it says in the second
13 paragraph:

14 "Fola saying that the board will want reassurance
15 from RBKC. Seen by Laura & Nicholas Holgate and the
16 Fire Brigade. Happy with everything. Protected roof is
17 the smoke test. Robert and Barbara want clarity from
18 the strategic part of the Fire Brigade. RBKC don't want
19 to do this work if not required. Fola reputation of
20 RBKC and TMO.

21 "Everything to be addressed. Board may say a lot in
22 the press about fires. Our fire risk assessments are
23 all ok.

24 "RBKC a key partner and we do what they want. Paper
25 at the next board meeting will be in the open section."

18

1 Can you help us understand in more detail what was
2 meant by the phrase "RBKC don't want to do this work if
3 not required"?

4 A. I suspect it refers to the inspection programme.
5 Laura Johnson had asked that they go back and get legal
6 advice and find out what was happening across London.
7 I know that Janice was concerned around getting
8 different levels of advice from the strategic side of
9 the Fire Brigade and the operational side of the
10 Fire Brigade, so we wanted to know what was happening.
11 She would attend pan-London meetings with other officers
12 that dealt with fire safety, and there didn't seem to be
13 a consistent approach in terms of the inspection regime
14 and door-closers.

15 Q. Did cost play an element in her consideration, put
16 bluntly, that RBKC didn't want to pay for the inspection
17 programme?

18 A. If we'd have needed to pay for it, we'd have paid for
19 it. I have no doubt that we would have found that
20 money.

21 Q. Did you agree with Laura Johnson's view of this matter?

22 A. I think there was an inconsistency in advice from the
23 Fire Brigade and that needed to be clarified, and that
24 was my experience with the leaseholder fire doors as
25 well.

19

1 Q. Was that a consistent or unanimous view held in
2 the council about this point?

3 A. I can't say that it was unanimous, but it certainly was
4 a view that Laura held and myself held.

5 Q. Was it correct to say that the TMO did what RBKC wanted,
6 as it recorded in these minutes?

7 A. We commissioned — we essentially commissioned them to
8 deliver a service, so we would specify what that service
9 would look like. In the years that I worked with them,
10 they never refused to do anything that I asked of them.

11 Q. Could we turn to the deficiency notice that was served
12 in relation to Grenfell.

13 Were you aware that, on 17 November 2016, the LFB
14 issued a notification of fire safety deficiencies in
15 relation to Grenfell?

16 A. I do not recall being aware of that.

17 Q. If we can just go to it, so you can see it in front of
18 you, {TMO10015313}. I'll just let you briefly refresh
19 your memory.

20 (Pause)

21 If you would like to go further through the letter,
22 please do shout, but having refreshed your memory, is
23 your evidence still that you don't recall being notified
24 about this particular —

25 A. I don't recall being notified.

20

1 Q. Would you routinely be notified if the TMO had received
2 a deficiency notice or any other regulatory intervention
3 from the LFEPA?

4 A. I think the notifications were hit and miss, sometimes
5 they would go to Laura, sometimes they wouldn't.
6 I don't think we bottomed out a firm enough process in
7 regard to this matter.

8 MR KINNIER: Could we turn —

9 SIR MARTIN MOORE—BICK: Can I just ask you this. I don't
10 know, you may say it's not a question which you can
11 really answer, but you accepted a moment ago that RBKC
12 would receive enforcement notices if they were issued in
13 relation to a particular premises; as far as you know,
14 did RBKC ever analyse for itself the effect of the
15 Regulatory Reform Order to understand what it meant for
16 the council as opposed to the TMO, do you know?

17 A. That came in before I became responsible for the client
18 side monitoring. What I would say with hindsight is we
19 did not review the MMA with reference to that order, and
20 that was a mistake.

21 SIR MARTIN MOORE—BICK: Yes, I see. Well, that's helpful.
22 But I wasn't just thinking of reviewing the MMA, because
23 I think your acceptance that the enforcement notice
24 would come to the council as well as the TMO involves
25 a recognition that the council had duties under the RRO.

21

1 A. Yeah.

2 SIR MARTIN MOORE—BICK: Did anyone, as far as you know, look
3 at the RRO to ask the question: what does this mean for
4 the council, as opposed to the TMO?

5 A. I don't think we did in sufficient detail, no.

6 SIR MARTIN MOORE—BICK: All right. Thank you very much.

7 Sorry to interrupt you, Mr Kinnier.

8 MR KINNIER: Thank you, sir.

9 Could we turn to page 6 in this document
10 {TMO10015313/6}. This set out a number of deficiencies
11 that had been identified by the LFEPA. We see,
12 for example, at the bottom, Article 15(1):
13 "At the time of the audit your procedures to be
14 followed in the event of serious and imminent danger
15 were inadequate. It was found that Fire Action Notices
16 were not displayed in your common parts."

17 Were you aware of that particular deficiency? Was
18 it discussed or raised by Janice Wray with you at all at
19 any time?

20 A. I know that after this notice plans were put in place to
21 install the fire action notices, so it was acknowledged
22 that that needed to be done.

23 Q. Were you told that that was as a result of this
24 notification or was it put to you in more general terms?

25 A. No, I believed it was due to notifications — wider

22

1 notifications, not just this notice.

2 Q. And as a result of that, did you ask for Janice Wray to
3 send you a complete suite of the notifications that the
4 LFEPA had sent to the TMO so that you were aware of the
5 full span of the issues?

6 A. No, no, I was aware that they were looking at the fire
7 notice issues.

8 Q. Okay. Can you help us as to why you didn't ask
9 Janice Wray for such a full suite of notifications from
10 the LFEPA?

11 A. I should have asked her.

12 Q. Can we now go to a joint management meeting in
13 March 2017 and the minutes, which can be found at
14 {RBK00031110}. We can see there that you attended,
15 you're the second identified on the list.

16 The LFB had issued enforcement notices in respect of
17 Adair and Hazlewood in December 2015, and if we
18 de-amplify the document, and we go to page 2
19 {RBK00031110/2}, you will see at point 5, "Installation
20 of Self—Closing Doors and Annual Inspection".

21 Were you concerned at that stage that in March 2017
22 there were still continuing issues regarding
23 self—closing doors?

24 A. We still needed to get clarity on the inspection
25 process. That needed to be bottomed out.

23

1 Q. We see there:

2 "Will be a huge cost if want to do this.

3 "Nobody has an inspection process at present as it's
4 not a legal requirement to have yearly checks.

5 "Could be an option to include in the fire strategy.

6 "Need to develop a programme and take to Scrutiny.

7 "Liability if the doors are broken would be with the
8 TMO.

9 "Laura agreed to hold off recommending inspections
10 programme at present."

11 Is it correct that it was decided at this meeting
12 that the proposed installation of self—closing devices
13 was to be a five—year and not a three—year programme?

14 A. I don't think it was this meeting, I think it was
15 a specific meeting to discuss the Adair Tower fire.

16 Q. So earlier than March 2017, you think?

17 A. I think so, yes.

18 Q. Now, the last sentence there says:

19 "Laura agreed to hold off recommending
20 inspections ..."

21 What was your view on the proposal to carry out
22 annual inspections?

23 A. I think there were some practical difficulties with it
24 that needed to be clarified and we needed to get
25 consistent advice from the Fire Brigade.

24

1 Q. Would you have taken this decision as a decision not to
 2 proceed with an inspection programme?
 3 A. No. I think it was: let's find out what we need to do
 4 and then make a decision.
 5 Q. Now, following the meeting, Barbara Matthews emailed
 6 Laura Johnson on 3 March 2017, confirming the discussion
 7 at the meeting, if we could go to {RBK00001979}.
 8 Now, you're not copied in to the initial email, but
 9 you are copied in to Laura Johnson's reply, which is at
 10 the top of the page.
 11 If we can look at the bottom email, which was the
 12 trigger email from Barbara Matthews, it says:
 13 "Laura
 14 "Just to confirm our discussion and agreement at the
 15 Joint Management Team meeting on Wednesday.
 16 "We agreed that we would have a programme of fitting
 17 of self-closers on existing flat doors (if not already
 18 fitted) and refit/repair self-closers if already fitted.
 19 This programme would not be over 1 year but proposed as
 20 3 to 5 years. Our recommendation is that the LFB are
 21 unlikely to accept as adequate a programme longer than
 22 3 years (although this has yet to be proposed to them).
 23 The estimated cost for the total programme (regardless
 24 of period) is £619k.
 25 "In respect of a proposed annual inspection to

25

1 check/repair/replace the self-closers, you requested
 2 that we delay starting this until we have obtained
 3 further legal advice on what action we can or can't take
 4 against no access by either tenants or leaseholders.
 5 "Flat door self-closers.
 6 "Please let me know if I have incorrectly captured
 7 anything. In addition please confirm that we can include
 8 in our updated [fire] strategy, a 3 year programme for
 9 fitting of self-closers on all flat entry door."
 10 If we go to the top of this page, we see
 11 Laura Johnson's response, and she says:
 12 "I can confirm that this is an accurate record of
 13 our discussion.
 14 "I would like to push the installation of door
 15 closers to a 5 year programme it will make funding the
 16 programme more manageable. Therefore in the fire
 17 strategy I would like it to say 5 years rather than 3.
 18 "I am not convinced of the need for an inspection
 19 programme, if we started one then there is every
 20 likelihood it would have to be ongoing and therefore an
 21 additional expense to the HRA indefinitely, without any
 22 identifiable evidence that it impacted positively upon
 23 the fire safety of residents. I understand that the
 24 conversation is not always straight forward with the LFB
 25 and they may well push for this, but if they want to

26

1 then they need to introduce it as a London wide standard
 2 that they will enforce against rather than on a borough
 3 by borough basis and we would make representation to the
 4 GLA accordingly. I look forward to the legal advice."
 5 Now, were you involved at all in the decision that
 6 the installation of self-closing devices should be
 7 implemented over a five-year not a three-year period?
 8 A. I didn't make that decision. I heard the decision being
 9 made, but that was very much Laura's decision.
 10 Q. Do you recall if any advice was taken from RBKC's health
 11 and safety adviser regarding the fire safety aspects of
 12 a proposal to extend the programme for five as opposed
 13 to three years?
 14 A. I cannot recall that happening.
 15 Q. Would it have been done in such matters where
 16 examination was being applied to practicability of
 17 a fire safety measure?
 18 A. I think we would have taken that advice, yes. The key
 19 point there was to get the legal advice and see what was
 20 happening across London.
 21 Q. Can you remember whether any of the council's own fire
 22 risk assessors were consulted on the point?
 23 A. I presume that we procured those fire risk assessments
 24 externally. That would have been in the environmental
 25 health department.

27

1 Q. So it's unlikely they would have been consulted?
 2 A. Yes, I think so.
 3 Q. Do you know whether anyone in your department or you
 4 yourself took advice from anyone as to whether the
 5 effectiveness of the fire safety measures within
 6 Grenfell or TMO stock more generally might be impaired
 7 by extending the duration of the programme from three to
 8 five years?
 9 A. No.
 10 Q. If you needed a grant of additional money, whom at RBKC
 11 would you have sought the money from?
 12 A. We would have dealt with that within the department
 13 initially. We would have looked at the HRA, working
 14 balance, and then Laura — we would put forward a key
 15 decision if it was a significant amount of funding, and
 16 then we would make that a priority.
 17 Q. Can you remember at the time whether there was any
 18 discussion to seek further funds to allow the programme
 19 to be completed in three years as opposed to five?
 20 A. No, I don't believe there was.
 21 Q. Can you help us why not?
 22 A. This is March 2017 ... I think events just took over us.
 23 The fire was about two months later, and I think events
 24 just took over us.
 25 Q. Were you aware that, as a result of this email,

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1 Barbara Matthews amended the fire strategy to include
 2 a five-year, not a three-year —
 3 A. I believe she did, yes.
 4 Q. Do you remember what steps you or Celia Caliskan took to
 5 consider the impact of a delay to the programme of
 6 five years as opposed to three, particularly in relation
 7 to the possibility of having failing self-closing door
 8 devices?
 9 A. I think in reality I thought we would need to go with
 10 three and that the Fire Brigade would not agree to five,
 11 so I felt that that was the direction of travel.
 12 Q. Would you agree that Laura Johnson fairly summarised the
 13 thrust of the meeting, or at least the thrust of her
 14 views expressed at the meeting?
 15 A. Yes, yes.
 16 Q. Would you characterise Laura Johnson's attitude to the
 17 LFB as combative, given her concerns regarding the
 18 inconsistency in strategic advice given by the LFB on
 19 this issue?
 20 A. I would say frustration.
 21 Q. Did you question or challenge Laura Johnson's decision
 22 on this at any stage?
 23 A. No.
 24 Q. Can you recall whether the meeting and this decision was
 25 reported to the housing and property scrutiny committee?

29

1 (Pause)
 2 A. I cannot recall.
 3 Q. Is it likely, probable, unlikely, improbable?
 4 A. I would have expected Laura to have discussed this with
 5 Councillor Feilding-Mellen, and we did keep him
 6 regularly updated about the outcomes from the Adair
 7 fire.
 8 Q. Now, if we could go back to your first witness
 9 statement, which can be found at {RBK00033719/32}, and
 10 paragraph 158, you said this:
 11 "Inspections of self-closers was very difficult. We
 12 were told by the TMO that residents were removing or
 13 disabling the self-closers, possibly because they were
 14 annoyed by them. It was almost impossible to monitor or
 15 inspect this regularly ... Tenants might have
 16 disconnected or re-connected the closers between visits,
 17 so this could not be continuously monitored and would
 18 have been very resource-intensive."
 19 Do you agree that, while it was not possible
 20 continuously to monitor, there was an obligation on RBKC
 21 to carry out regular inspections, or at least to use
 22 reasonable endeavours to carry out regular inspections?
 23 A. Yes.
 24 Q. Ultimately, looking at what you said here, is the
 25 reality that it was the cost of an inspection programme

30

1 as opposed to anything else that was the fundamental
 2 concern here?
 3 A. I think it was the practicalities of getting access.
 4 Q. But bearing in mind Laura Johnson's comments about the
 5 indefinite burden on the HRA account, cost was certainly
 6 a factor, wasn't it, at the very least?
 7 A. Laura would ... it was an issue, but we would never not
 8 do something because it cost too much if it was about
 9 residents' safety.
 10 Q. Could we turn to a separate topic now, which is audits.
 11 If we could stay within this statement but go to
 12 paragraph 50 on page 9 {RBK00033719/9}, you say there:
 13 "The Annual Performance Agreement provided for
 14 a list of audits which took place annually. The results
 15 would give a summary of the audit findings and the
 16 scoring every year. Audits were carried out by our
 17 internal audit department, which was part of Corporate
 18 rather than Housing."
 19 Why were audits carried out by corporate rather than
 20 housing?
 21 A. Because I think it was seen as being independent.
 22 That's the way it had always been established since I'd
 23 worked at the council. I don't think it was ever
 24 questioned.
 25 Q. But you'd always receive the audit reports?

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1 A. Absolutely, yes.
 2 Q. Could I ask you to go to {RBK00030149}. Now, this is
 3 the report on TMO performance for 2011/2012.
 4 The performance agreement is at appendix 2, and can
 5 be found at page 21 {RBK00030149/21}. There we go.
 6 If we could go over the page to paragraph 3.4
 7 {RBK00030149/22}, where we have the title "Audits", and
 8 there is a table setting out the draft audit programme.
 9 Was that a list of internal TMO audits or audits to
 10 be performed by RBKC?
 11 A. Yes, it was internal TMO audits that would be performed
 12 by the audit department.
 13 Q. Now, we can see towards the bottom end of this table the
 14 heading "HR and Organisational Development", and that
 15 contained a second box which was entitled "Fire Risk
 16 Assessments".
 17 Were you aware of any audit in relation to FRAs ever
 18 taking place?
 19 A. I would have been aware of that at the time.
 20 Q. We can't find anything. I was wondering whether you
 21 could shed any light on whether the audit ever took
 22 place.
 23 A. Sometimes audits slipped and moved into the — into
 24 another year. I cannot recall this specifically. I'm
 25 sorry.

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1 Q. Let's see, if we go on further through the reports, we
2 may get clarity.
3 If we could go to the fire risk management system
4 for 2013 and the audit that RBKC carried out. If we
5 look at {RBK00000313}. There you go, the RBKC final
6 audit report, TMO health and safety, dated April 2013.
7 The title page stated that the final version was
8 circulated to Laura Johnson and Robert Black. Did you
9 receive this document?
10 A. Yes.
11 Q. What did you understand the purpose of the audit to be?
12 A. To look into the operating procedures of the TMO, and
13 the audit would look at how the policies and procedures
14 were being implemented, would look at compliance issues.
15 In this case it got limited assurance, so it was a poor
16 audit.
17 Q. And we will go on to the underlying reasons for that,
18 but if we could turn to page 4 in this document
19 {RBK00000313/4}, did you note when reading it that it
20 identified in the third bullet point of paragraph 9 as
21 a high priority that:
22 "All portable fire fighting equipment should be
23 regularly inspected by the appointed contractor and any
24 faulty equipment identified replaced on a prompt basis."
25 A. Yes, I can recall that. There had been a problem with

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1 the checking on the fire extinguishers.
2 Q. Turning next to paragraph 10 and the fifth bullet point
3 there, a medium priority was that:
4 "Appropriate public realm indicators relating to
5 health and safety inspections should be developed by
6 management."
7 Presumably you noted that as well?
8 A. Yes, and they did develop them for their internal use.
9 Q. Just flowing from the answer you gave earlier on, we see
10 at paragraph 11 that the audit gave a limited assurance.
11 A. Yes.
12 Q. Did it concern you at the time that that was the result
13 of this audit?
14 A. Yes. I saw the action plan follow-up in September of
15 that year and I could see that action was being taken to
16 address those areas. A lot of it was to do with
17 documentation in terms of recording compliance on the
18 Keystone system.
19 Q. Did you discuss your concerns and the reasons why
20 a limited assurance had been given with anyone at the
21 TMO?
22 A. I cannot recall at that particular time. We would have
23 picked it up through the performance review.
24 Q. If we can go to section 8 in this document, which is at
25 page 18, and that deals specifically with fire safety,

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1 and if we go to paragraph 8.3 on page 19
2 {RBK00000313/19}, the report says:
3 "Audit examined three fire risk assessment reports
4 as follows:
5 " ■ Dacre House ...
6 " ■ 31 Danvers Street ...
7 " ■ Downing House ..."
8 Were you aware that, in reviewing just three fire
9 risk assessments, the audit wasn't a comprehensive
10 review of the TMO's FRA arrangements?
11 A. I would agree with hindsight, yes.
12 Q. Were you aware of that at the time, can you remember?
13 A. I cannot recall, sorry.
14 Q. Did you ever ask for there to be a comprehensive review
15 of the TMO's fire risk assessment arrangements?
16 A. We did work with them in the -- around 2009/2010 to look
17 at their arrangements, which led to the procurement of
18 an external fire risk assessor.
19 Q. Now, can we turn to section 9 of this report, which is
20 over the page on page 20 {RBK00000313/20}, and it's
21 concerned with management information and budgetary
22 control.
23 If we can turn over the page {RBK00000313/21} to
24 paragraph 9.4, where the recommendation is emboldened:
25 "Appropriate performance indicators relating to

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1 health and safety inspections should be developed by
2 management. This ensures that inspections can be
3 monitored and any performance issues identified for
4 appropriate corrective action to be taken where
5 performance does not meet expectations."
6 What steps did you take to ensure that the
7 recommendation had been implemented by management of the
8 TMO?
9 A. I saw through the action plan follow-up that they'd
10 implemented those KPIs. I would also have expected the
11 audit department to check up on the following actions.
12 Q. Looking at the substance of the management response, did
13 you endorse management's acceptance of the need for KPIs
14 specifically monitoring fire risk assessments,
15 enforcement/deficiency notices received, fires,
16 percentage of compliance on maintenance of fire
17 equipment?
18 A. Yes, I think the problem was that we didn't collect
19 enough compliance performance indicators at a high level
20 when monitoring the TMO.
21 Q. Were you aware that a suite of performance indicators
22 including fire safety specifically were not introduced
23 by the TMO until January 2016?
24 A. I cannot recall that. I understood that they'd done
25 that earlier.

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1 Q. What was the basis of your understanding that they'd
2 done that earlier?
3 A. Just through feedback on the performance agreement and
4 through feedback on the audit action plan.
5 Q. Those were the matters upon which you relied in reaching
6 that view?
7 A. Mm—hm.
8 Q. Now, a follow-up audit was conducted in December 2013,
9 which can be found at {RBK00000320}.
10 Based on what you have just said, were you aware
11 that a follow-up audit had been conducted in
12 December 2013?
13 A. Yes, I thought it had been conducted in September.
14 Probably this is the date of the report.
15 Q. Did you read this follow-up audit report?
16 A. If it had come to me, then I would have read it.
17 I cannot recall specifically reading it.
18 Q. Do you recall that the overall assurance level had
19 increased by one to satisfactory?
20 A. Yes, I know that they'd made improvements.
21 Q. Now, we can go to it if needs be, but I don't think we
22 need to, satisfactory assurance is defined as:
23 "Whilst there is a basically sound system, there are
24 some weaknesses and/or omissions which put some of the
25 system/unit/process/etc. objective at risk."

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1 Were you yourself satisfied that the TMO's health
2 and safety arrangements were now satisfactory?
3 A. I thought they were making progress to address the
4 recommendations from the audit plan.
5 Q. That's not necessarily an answer to the question
6 I asked. Were you satisfied as a result of this
7 follow-up audit that the TMO's health and safety
8 arrangements were satisfactory?
9 A. I cannot recall specifically.
10 Q. Do you recall any ongoing concerns following this report
11 about the adequacy of the arrangements the TMO had in
12 place for the management of health and safety?
13 A. No.
14 Q. Did you follow up any of the specific points set out in
15 this report?
16 A. I know that I looked at the follow-up action plan and
17 that tasks were being taken forward.
18 Q. Can we now turn to a separate and distinct topic, which
19 is that of vulnerable residents and personal emergency
20 evacuation plans.
21 Did you know whether the TMO had a system for
22 recording the vulnerabilities of residents, and
23 disabilities as well?
24 A. I met with the TMO and the London Fire Brigade about
25 PEEPs, and we agreed — that was when a letter came out

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1 from the Fire Brigade around PEEPs in care homes and
2 sheltered housing, and it was agreed with the
3 Fire Brigade that we would concentrate on doing the
4 PEEPs for people living in sheltered housing, and that
5 was in 2016.
6 Q. Were you a participant in those discussions?
7 A. Yes, I was.
8 Q. Who represented the LFB?
9 A. I cannot recall. It was the policy side of the LFB.
10 Q. Was it someone from LFB headquarters or was it someone
11 from the borough commanders division?
12 A. I think it would have been from the borough commanders
13 division.
14 Q. Was the result of that conclusion recorded in writing,
15 whether in a minute or in correspondence?
16 A. I cannot — I've looked and I cannot find anything.
17 Q. Did you know whether the TMO had a system to devise
18 PEEPs for disabled and vulnerable residents to evacuate
19 high-rise —
20 A. They did for sheltered housing, yes.
21 Q. Did you ever ask why there were no such arrangements for
22 general needs housing?
23 A. It was very difficult to kind of clarify who had
24 vulnerabilities in our housing. People might have moved
25 in 20 years ago and their needs may have changed. The

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1 TMO — we did a tenancy audit back in 2005, I believe,
2 and the TMO were in the process of doing another tenancy
3 audit where they would try and pick up on that
4 information.
5 Q. Were you satisfied as to the adequacy of those measures
6 to ensure the TMO captured as up-to-date information
7 regarding disabilities and vulnerabilities as was
8 reasonably practicable?
9 A. I think they were trying their best. I think it was
10 a challenge for them.
11 Q. Whose role was it at RBKC to monitor or scrutinise the
12 adequacy of provision for evacuation of vulnerable and
13 disabled in the event of a fire?
14 A. It was no one's specific responsibility.
15 Q. Did anyone in your team take proactive steps to satisfy
16 themselves or to assess the adequacy of the provision to
17 meet the needs of the disabled and vulnerable residents
18 in the event of a fire?
19 A. No.
20 Q. Can you help us as to why not?
21 A. I think, having met with the Fire Brigade, my
22 understanding is that we'd concentrate on the sheltered
23 housing, and if anyone came across as vulnerable then
24 Janice would be notified and then she was — do a PEEP.
25 We hadn't agreed to kind — to wholesale programme, and

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1 I knew that they were doing the tenancy audit to try and
2 capture the information.
3 Q. Now, in relation to that meeting with the LFB that you
4 have gone back to, was that decision reached as a result
5 of a proposal to limit PEEPs to sheltered housing made
6 by you or the TMO?
7 A. It was linked to a letter which said PEEPs in relation
8 to care homes and sheltered housing. So it didn't talk
9 about general needs stock, it talked about specialised
10 housing.
11 Q. Did you ask for the LFB's views as to the need for and
12 the practicabilities of preparing PEEPs for general
13 needs housing?
14 A. I don't think we focused on that in the discussion,
15 I think it was around the sheltered.
16 Q. Now, if the prompt for that meeting was confined to
17 sheltered housing only, that isn't of itself
18 a justification for not considering PEEPs in general
19 housing, is it?
20 A. No.
21 Q. Did consideration of PEEPs in relation to sheltered
22 housing prompt in any way any consideration of the need
23 for PEEPs for general needs housing?
24 A. We needed to understand the profile of our residents, so
25 that was linked in to the tenancy audit that the TMO

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1 were doing, and then I would expect them to come forward
2 with recommendations.
3 Q. Did they ever do so?
4 A. Not by the time of the fire, no.
5 Q. And you said this meeting was in 2016?
6 A. Yes.
7 Q. Can you remember when in 2016?
8 A. I think it was halfway through the year.
9 Q. So your evidence is after a year, the TMO still hadn't
10 come back to you with proposals for PEEPs for sheltered
11 housing?
12 A. No, they did — they agreed they would do PEEPs for
13 sheltered housing. The discussion had not been on
14 general needs.
15 Q. Can we go to {RBK00053614}, which is an email chain
16 between Jean Daintith, Robert Black, Laura Johnson and
17 yourself.
18 If we can go to page 2 of that chain
19 {RBK00053614/2}, where you can see at the bottom
20 Jean Daintith forwarded an article at 14.42 on
21 28 September 2010 to Robert Black and Brian Deans, who
22 is from the LFB.
23 Robert Black responded at 12.20 on 30 September,
24 which is at the bottom of page 1 {RBK00053614/1}. He
25 says in the second substantive paragraph:

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1 "I feel it is worth reiterating that as we have now
2 completed the fire risk assessments on all of our
3 potentially high risk — which includes all of our
4 high-rise — blocks and in each case the evacuation
5 strategy has been confirmed as being 'stay put — defend
6 in place'."
7 Were you familiar with the concept of stay put?
8 A. Yes.
9 Q. Did you ever question the assertion that stay put was
10 the appropriate strategy for the TMO housing stock?
11 A. No.
12 Q. Now, the email continues in a third paragraph thus:
13 "However, with regard to emergency procedures for
14 disabled residents we are aiming to produce [PEEPs] ..."
15 Were you familiar at that time, so September 2010,
16 with the concept of PEEPs?
17 A. I don't think I was. I'd just returned back to work and
18 taken on responsibility for the TMO clienting around
19 that time.
20 Q. Can you help us, given your lack of familiarity, what
21 research you carried out so that you understood more
22 about PEEPs and the circumstances in which they were
23 required?
24 A. I was familiar with the concept. I'd worked in
25 supported housing for many years, where we kept lists of

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1 vulnerable people, if — in the event of an evacuation.
2 So I was quite clear about the concept.
3 Q. In your previous employments, had PEEPs been confined to
4 those in sheltered housing or were they provided for
5 both sheltered and general needs?
6 A. I worked in specialist housing, so hostels, supported
7 housing, refuges, so it wasn't a particular complex —
8 it would just be a list of vulnerable residents. So it
9 was specialist housing.
10 Q. Now, if we can stay on this page but go up, because
11 Laura Johnson forwarded this email correspondence to you
12 at 16.40 on 30 September 2010, and she said this:
13 "When the TMO have put this into action it would be
14 good if we could get Janice Wray at the TMO to inform
15 other RSLs [registered social landlords] at the Homes
16 and Housing Group of what must be best practice in
17 assessing the needs of disabled residents and planning
18 with them what to do in the event of a fire."
19 You forwarded the email to Celia Caliskan at 9.46 on
20 12 October, saying "Fyi".
21 A. I —
22 Q. Did — sorry.
23 A. I would have expected Celia to put it forward on the
24 agenda for the homes and housing group.
25 Q. Following this email chain in the last quarter of 2010,

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1 did you ever check whether the TMO had put in place the
2 suggested approach to vulnerable residents?
3 A. I cannot recall.
4 Q. Do you remember chasing Celia Caliskan about it?
5 A. I cannot — I cannot remember.
6 Q. Did you speak to Janice Wray about the proposal that was
7 described as best practice?
8 A. My memory is gone on this one, I'm afraid. If there's
9 no follow-up in an email from me, then I suspect not.
10 Q. If it wasn't followed up, would you accept that that was
11 a failure of oversight on the part of RBKC?
12 A. Yes.
13 Q. Now, if we could go to {RBK00053712}, this is an email
14 from Claire Wise to you and Celia Caliskan on
15 26 September 2012, entitled "Meeting with the London
16 Fire Brigade HQ". Now, Claire Wise explained that she
17 and Janice Wray met the LFB that morning.
18 I'll just let you briefly refresh your memory of
19 that email, and then I'll ask the question: do you
20 remember receiving it?
21 A. I remember there was a specific issue where the
22 Fire Brigade came to the council and requested that all
23 sheltered housing, so not just council stock, had
24 arrangements in place to evacuate the buildings. It
25 wasn't just council stock, it was all sheltered housing

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1 in the borough.
2 Q. If we could go to the fourth paragraph of this email,
3 which starts with the words "They believe", it's further
4 down the page, it says this:
5 "They believe that it is the person/organisation who
6 manages the building that has a duty to develop a plan
7 with actions to be taken in the event of a fire and
8 collect information on residents with additional needs.
9 I.e. it is the responsibility of the landlord/building
10 manager to establish the needs of residents though it is
11 acknowledged that residents are able to decline to
12 disclose this information if they choose."
13 Did receiving this email lead you to make any
14 further enquiries into how the TMO collected data on
15 vulnerable residents?
16 A. I cannot recall at that time. It was an ongoing
17 conversation with the Fire Brigade about all sheltered
18 housing in the borough. I don't think it actually was
19 concluded with a firm decision.
20 Q. Can you remember whether you made any enquiries of
21 Janice Wray, to whom this email was copied?
22 A. I cannot recall, sorry.
23 Q. Did you conclude after considering this email that the
24 question of PEEPs was a matter that ought to be the
25 subject of close scrutiny by RBKC, given LFB's interest?

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1 A. I think the fact that we couldn't get clarity from the
2 Fire Brigade meant that we didn't take this forward.
3 Q. Well, looking at the paragraph I've just quoted to you,
4 the one which starts "They believe", what is uncertain
5 about the message summarised in that paragraph?
6 A. I think, again, it was not just around our stock, it was
7 around all housing association stock in the borough, and
8 I think people thought that this wasn't practical to
9 manage, and this conversation kind of didn't really go
10 anywhere after this initial meeting.
11 Q. Given your evidence that you considered the message to
12 be inconsistent or in some way unclear, did you ever
13 email anyone at RBKC or the LFB saying, "The message is
14 unclear", and setting out the practical issues about
15 which you had concerns?
16 A. I cannot recall doing that. Claire was very much
17 involved in those discussions.
18 Q. Now, can we turn to {RBK00046334}, which is another
19 email chain, this time between you, Laura Johnson and
20 Janice Wray, 11 April 2016. Laura Johnson forwarded
21 a letter from the LFB to you and suggested that you
22 should arrange a meeting with Janice Wray regarding its
23 concerns.
24 Now, if we can go to that letter, it's
25 {RBK00046333}. Now, the letter is dated 5 April 2015,

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1 ie a year before the email under which it was forwarded
2 to you, and it's entitled:
3 "Care Homes and Specialised Housing: Tenants and
4 service users with vulnerabilities or dependencies —
5 protection from fire and prevention of future deaths."
6 If we go to the second page {RBK00046333/2}, you
7 will see there the heading "Evacuation strategy and
8 compartmentation/separation", and it says this:
9 "The LFB has experienced a number of fires where
10 breaches in fire compartments have resulted in the
11 rapid, and unexpected, spread of fire throughout
12 buildings which has compromised the evacuation strategy.
13 Often this has been via hidden voids, utility and
14 ductwork penetration, and above false ceilings. When
15 this happens there is obviously an increased risk for
16 those within the premises, especially for the considered
17 to be more vulnerable. The integrity of
18 compartmentation and separation within your premises is
19 therefore critical to the evacuation strategy."
20 Now, that letter expressly concerns care homes and
21 sheltered housing; however, did its receipt prompt you
22 to consider the question of how the TMO was taking into
23 account vulnerabilities in general needs housing —
24 A. No.
25 Q. — in April 2016?

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1 A. No, this is the letter —
 2 Q. I was about to ask you, is this the letter that
 3 prompted —
 4 A. This is the letter that prompted us to meet with the
 5 Fire Brigade.
 6 Q. Did you consult Janice Wray about the contents of this
 7 letter before you met the LFB?
 8 A. Yes.
 9 Q. Did you press her and seek further information on the
 10 substance of the arrangements the TMO had for
 11 ascertaining sufficient information on vulnerable
 12 residents?
 13 A. When we met with the Fire Brigade, we agreed that we
 14 would complete PEEPs. Hash Chamchoun was there, that's
 15 responsible for supported housing, who would have
 16 overseen that process, working with Janice.
 17 Q. Now, can we turn to another email chain,
 18 {TMO00853468/2}, which is an email of 23 March 2017 from
 19 Christine Cummings to you concerning various issues
 20 raised in relation to flats 6 and 7 at Grenfell Tower.
 21 The issues are escalated to you as a number of emails
 22 had been sent to officers of the TMO without any action
 23 being taken. The email notes:
 24 "Nearly every time Kathy has attended the property
 25 either one or both lifts have been out of order.

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1 "The doors to both these properties are too heavy
 2 and outside the recommended range. The fire door is too
 3 heavy. And the doors do not close properly."
 4 There we go. I'll just let you refresh your memory,
 5 Ms Johnson.
 6 A. I can remember this.
 7 Q. That's the answer to my first question: you remember
 8 this?
 9 A. Yes.
 10 Q. Can you remember what action you took in response?
 11 A. I went to Sacha Jevans, who was the exec director for
 12 housing, to see if the matter could be resolved.
 13 Q. Did this complaint prompt any concerns in your mind
 14 about how the TMO were managing the risks that were
 15 particular to vulnerable residents in the event of
 16 a fire?
 17 A. I know that heavy fire doors can be an issue in housing,
 18 and that you need to strike a balance between making
 19 sure the fire door is safe and secure and the needs of
 20 the residents. So I'm familiar with it being a problem.
 21 Sacha went — I asked Sacha to intervene because we
 22 weren't getting anywhere with the managers. I cannot
 23 recall what the outcome was, but I do remember this
 24 issue.
 25 Q. Now, could I ask you, before we leave the topic of

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1 PEEPs, to go to {TMO00840583/18}, which is the 2016
 2 health and safety report, the last paragraph of 15.2:
 3 "Whilst this will continue to be an area of
 4 potential risk for the KCTMO and residents we are
 5 committed to close liaison with the LFB and RBKC to
 6 implement initiatives which will enhance resident safety
 7 swiftly and effectively. Additionally, it is important
 8 that we continue to provide residents with fire safety
 9 information/advice/guidance, publicise fire procedures
 10 (on the website, in the Residents Handbook, articles in
 11 The Link etc) and identify residents with special needs
 12 and where necessary work with them to draft a specific
 13 ... (PEEP) to ensure their safety is protected."
 14 Do you recall receiving this report and reading it?
 15 A. I cannot recall it specifically, but I know that the TMO
 16 were working towards doing PEEPs where they'd identified
 17 vulnerable residents.
 18 Q. Would you agree that here the work on PEEPs is not
 19 limited to sheltered housing but appears to be across
 20 the estate?
 21 A. When we met with the Fire Brigade, we agreed that if any
 22 vulnerable residents were identified to the TMO then
 23 they would do a PEEP.
 24 Q. Now, if we can turn to a separate topic, which is
 25 complaints, and in particular complaints KPIs.

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1 Could I ask you to turn back to the TMO performance
 2 report 2011/12, and in particular appendix A. This can
 3 be found at {RBK00030149/16}. It's called the PI,
 4 performance indicator, table, and we see that there
 5 appears to be no KPI in relation to complaints. Is that
 6 a fair observation?
 7 A. Yes.
 8 Q. Can we turn to the performance report for 2012/2013,
 9 which is at {TMO10039245/18}.
 10 Again, would you agree that there appears to be in
 11 KPI in relation to complaints?
 12 A. No.
 13 Q. Can you help us as to why there were no KPIs for
 14 complaints in these years?
 15 A. We should have had a complaints KPI. I'm — it
 16 shouldn't have been excluded.
 17 Q. Can you help us as to why complaints weren't addressed,
 18 though?
 19 A. I cannot recall. We had complaints as a regular agenda
 20 item at the HRA meeting, I know we discussed complaints
 21 with — Jonathan Morcom, who reported to me at the time,
 22 would liaise with the TMO on complaints. This is
 23 an omission that shouldn't have happened.
 24 Q. And you can't explain, given that degree of
 25 consideration, why it didn't transform itself into a

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1 KPI?

2 A. I cannot recall why this was excluded.

3 Q. Now, can we stay in this document but go down to page 22

4 {TMO10039245/22}, and you will see there in 3.1, new

5 KPIs. There is a new KPI in relation to complaints, you

6 see that's the first bullet point on the right-hand

7 side.

8 A. Yeah.

9 Q. If we go to page 29 {TMO10039245/29}, we can see this

10 has included HS12, there we go:

11 "Complaints — No. of TMO Stage One complaints

12 answered within target."

13 Now, at paragraph 46 of your first statement

14 {RBK00033719/8} — and we don't need to go to it unless

15 you'd like me to take you there — you refer to a year

16 in which the number of complaints being handled by the

17 TMO increased.

18 Was the complaints KPI introduced as a result of

19 that increase?

20 A. No, I think it was just introduced in order to collect

21 that information.

22 Q. Now, do you agree that the KPI relates solely to

23 stage 1?

24 A. Yes.

25 Q. And do you agree that the KPI would have told RBKC

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1 nothing about the adequacy of the response to the

2 complaint?

3 A. Yes.

4 Q. Equally, it would tell RBKC nothing about the resident's

5 satisfaction with the response?

6 A. Yes.

7 Q. Why did the KPI not relate to stages 2 and 3?

8 A. We should have looked at that. We should have looked at

9 complaints KPIs in more detail.

10 Q. And if that detail had been provided, it would have

11 given RBKC more detailed and hopefully better knowledge

12 of the effectiveness of the complaints system the TMO

13 was operating?

14 A. Yes, it would have.

15 Q. Could we now go to {TMO10009486}.

16 Now, this is a report on Kensington and Chelsea

17 Tenant Management Organisation's performance review

18 2014/15 and performance agreement 2015/16.

19 If we go to page 7 {TMO10009486/7}, and if that

20 could be expanded, we see HS12 there, just below HS7,

21 and it says "Target met", and a green traffic light

22 given.

23 If we go, bearing that in mind, down now to page 19

24 {TMO10009486/19}, if that could be amplified, and HS12

25 has been removed.

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1 Can you help us as to why HS12 was removed?

2 A. I can't. I've thought about this a lot and I can't

3 recall why it was removed, it shouldn't have been

4 removed.

5 Q. But you accept it was?

6 A. Yes.

7 Q. Did you ever identify that point at the time and say

8 there ought to be a KPI concerned with complaints and

9 covered in more detail?

10 A. I should have done.

11 Q. But you didn't?

12 A. (Witness nods).

13 Q. Did anyone?

14 A. No, no, it wasn't raised as an issue.

15 Q. Can you help the panel, what was the degree of oversight

16 that your department had over the ways and means in

17 which the TMO collected and recorded data regarding

18 complaints?

19 A. They had their own systems that were separate to

20 the council.

21 Q. In your time, did RBKC ever inspect or indeed audit the

22 TMO's complaints process?

23 A. I believe the audit department audited the complaints

24 process.

25 Q. And that would have included a review of the records,

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1 would it?

2 A. It should have, yes.

3 Q. Were you aware of the fact that complaints made through

4 a councillor were often recorded as member enquiries —

5 A. Yes.

6 Q. — so didn't feature in complaints data?

7 A. Yes.

8 Q. Did you ask for information as to how many member

9 enquiries had been made and the substance of them?

10 A. Jon Morcom would do an annual report where he would set

11 out the number of member enquiries and what they related

12 to, as well as complaints.

13 Q. Would that report draw out the themes, if any, emerging

14 from the complaints information?

15 A. Yes, it would.

16 Q. Did you ever ask for details on the TMO's classification

17 of complaints and concerns?

18 A. No.

19 Q. Can you help us as to why not?

20 A. A lot of the complaints were around repairs, failure to

21 attend appointments. There was nothing that kind of

22 stuck out as unexpected in terms of the complaints.

23 Q. Now —

24 A. They would come to me on complaints by exception —

25 Q. Okay.

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1 A. — if there was a particular problem.
 2 Q. Just one final question before I ask the panel to rise
 3 for the morning break.
 4 Could I ask you to go to {RBK00046165/2}, which is
 5 an email chain from January 2015 between you,
 6 Peter Maddison, Roger Keane and the GTLA.
 7 Now, that email chain begins with the GTLA sending
 8 a complaint in relation to the improvement works on the
 9 extraction and ventilation system and following up on
 10 an email sent to Councillor Rock Feilding—Mellen, and
 11 you forward this to Peter Maddison, and you say:
 12 "Peter when we received this type of emails before
 13 we channelled them through the TMO's complaints process
 14 as a means of managing this and suggest we do so again?"
 15 Peter Maddison then proposed that the GTLA's email
 16 be treated as a member's enquiry rather than under the
 17 TMO complaints procedure, if we go back to page 1
 18 {TMO100046165/1}, at the top, you say, "Happy with this
 19 approach".
 20 What did you understand at the time to be the
 21 distinction to be made between a member's enquiry and
 22 a complaint?
 23 A. There was a formal complaints process that the TMO had
 24 in place, where you would go to the complaints team and
 25 make your complaint and then there would be a formal

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1 investigation. Members, councillors, would often email
 2 officers directly, and that would include officers at
 3 the TMO, with enquiries, and often they got treated as
 4 a member's enquiry rather than a complaint.
 5 I had some concerns with this because there was
 6 repeat emails from Tunde about concerns, so I think at
 7 one point they did put it through the complaints
 8 process.
 9 Q. That was going to be my next question: at the time, on
 10 what basis were you satisfied that the member's enquiry
 11 approach was the appropriate one as opposed to
 12 channelling it via the complaints process?
 13 A. Because Peter was often in direct contact with
 14 Councillor Blakeman and would email her directly, and
 15 you would also get a quicker response, rather than go
 16 through the complaints process, which was a 15-day
 17 turnaround time.
 18 Q. Was it ever a cause of concern, either on your part or
 19 anyone else at RBKC, that the member's enquiry route and
 20 using that route may have resulted in under-reporting of
 21 the volume of complaints being made by residents?
 22 A. I think we didn't capture the information
 23 systematically, so especially where it was officers
 24 responding to councillors directly.
 25 Q. In your view, do you think the data would result in

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1 an under-reporting of complaints?
 2 A. The data — it could have done. Jon certainly would
 3 have kept — Jon may not have known about all the
 4 members' enquiries, he may not have been party to all of
 5 those, so I think there was a lack of systematic
 6 reporting, yes.
 7 Q. Do you think there was a lack of systematic reporting
 8 specifically in relation to Grenfell?
 9 A. No.
 10 Q. Why do you say that?
 11 A. Because I would — whenever an email came in, I would
 12 always check that it had been responded to.
 13 MR KINNIER: Thank you.
 14 Sir, I somewhat peremptorily suggested when the time
 15 for the mid-morning break might be, but this would be
 16 a convenient time.
 17 SIR MARTIN MOORE—BICK: If it's convenient to you, I think
 18 it's a good time to take it, yes.
 19 We will have a break now, Ms Johnson. We will come
 20 back at 11.35, please, and again, please don't talk to
 21 anyone about your evidence while you're out of the room.
 22 (Pause)
 23 Right, 11.35, please.
 24 MR KINNIER: Thank you, sir.
 25 SIR MARTIN MOORE—BICK: Thank you.

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1 (11.22 am)
 2 (A short break)
 3 (11.35 am)
 4 SIR MARTIN MOORE—BICK: All right, Ms Johnson, ready to
 5 carry on?
 6 THE WITNESS: Yes.
 7 SIR MARTIN MOORE—BICK: Good.
 8 Yes, Mr Kinnier.
 9 MR KINNIER: Thank you, sir.
 10 Could we turn to paragraph 181 of your first witness
 11 statement, which is at {RBK00033719/36}. You say in the
 12 last sentence at the bottom of that page:
 13 "I remember seeing an upturn in the number of
 14 complaints coming forward via the TMO, however were told
 15 this was because the complaints process had been
 16 'relaunched' and the TMO were reaching out to more
 17 residents ..."
 18 Who told you that the complaints process had been
 19 "relaunched"?
 20 A. Yvonne Birch.
 21 Q. Did you seek further details from the TMO as to how they
 22 were "reaching out" to more residents and the success of
 23 that initiative?
 24 A. They'd published the complaints procedure — I think
 25 they'd reviewed the procedure and they'd published it,

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1 and obviously it would go in the Link magazine and
 2 things like that.
 3 Q. Do you think it was linked to the publication by the TMO
 4 of a new complaints policy in September 2015?
 5 A. I believe it was.
 6 Q. If we could look at that updated complaints policy,
 7 which can be found at {TMO00837246}. Do you recognise
 8 that document? We can go on to the next page if —
 9 A. Yes.
 10 Q. Were you ever given a copy?
 11 A. I don't know that I was — I had a copy of it,
 12 definitely I had a copy of it.
 13 Q. Did you ask Yvonne Birch or indeed anyone else what the
 14 major changes were in this new version of the policy
 15 published in September 2015?
 16 A. I cannot recall.
 17 Q. Did you seek a detailed explanation from Yvonne Birch or
 18 indeed anyone else at the TMO as to how and why the
 19 relaunch had resulted in a greater number of complaints?
 20 A. My understanding was they just promoted it more
 21 publicly. I think at the time as well there had also
 22 been issues with the customer service centre and there
 23 had been some retraining of staff, and that had sparked
 24 an increase in complaints as well.
 25 Q. Did you or indeed anyone else at RBKC to your knowledge

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1 seek any information about the nature of the complaints
 2 being made in order to verify whether there were any
 3 trends or patterns which might give rise to TMO
 4 operations?
 5 A. We didn't look at that granular detail, which was
 6 a mistake.
 7 Q. Would it be fair to say, therefore, that you took at
 8 face value the assurance that it was the relaunch that
 9 had produced the —
 10 A. Yes.
 11 Q. — uptick in complaints?
 12 A. Yes.
 13 MR KINNIER: Now can I turn to the question of board review,
 14 and if we could go back to your first witness statement
 15 at {RBK00033719/38}, paragraph 190.
 16 SIR MARTIN MOORE—BICK: Mr Kinnier, I'm sorry to interrupt
 17 you, but my transcript is not scrolling, and I don't
 18 know whether other people's transcripts are scrolling or
 19 not.
 20 MR KINNIER: Mine is. Nods from round the body of the
 21 hearing.
 22 SIR MARTIN MOORE—BICK: I thought I had been singled out for
 23 special treatment, but Ms Istephan's is not either.
 24 We will carry on and see how we get on.
 25 MR KINNIER: Sir, thank you.

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1 Looking at paragraph 190, you say there that you
 2 recalled a petition from Grenfell residents being
 3 presented to the scrutiny committee and that resulted in
 4 a review by the TMO board.
 5 If I can go now to {TMO10011591}, as you see, these
 6 are minutes of a joint meeting between the council and
 7 the TMO. We can see from the very top that you
 8 attended.
 9 If we could go to page 2 of these minutes
 10 {TMO10011591/2}, and in particular the bottom section,
 11 and in that very final paragraph which starts with the
 12 words:
 13 "Cllr. Blakeman has also presented a petition with
 14 60 signatures about our management at Grenfell and
 15 compensation for residents. Amanda Johnson feels that
 16 it is a conflict of interest for Cllr. Blakeman as she
 17 is a Council Appointed TMO Board Member. Fola ...
 18 suggested that Amanda Johnson speaks to Laverne about
 19 this as it needs to be urgently addressed."
 20 First of all, what was the conflict of interest that
 21 you identified?
 22 A. It wasn't just me that had identified it, it was Fola,
 23 the company secretary, as well. Councillor Blakeman was
 24 a member of the TMO board but also a member of the
 25 housing and scrutiny committee, so that's where the

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1 conflict of interest came from. So I agreed to go and
 2 get some advice, and I got that advice and there was no
 3 conflict of interest.
 4 Q. Would you accept that there could have been no conflict
 5 of interest for Councillor Blakeman to represent the
 6 interests of the residents if the TMO existed to
 7 serve —
 8 A. Yes.
 9 Q. — the interests of those residents?
 10 A. Yes.
 11 MR KINNIER: Thank you.
 12 Now, Ms Johnson, that concludes my prepared
 13 questions for now.
 14 Sir, might I have a break of, say, 10/15 minutes?
 15 SIR MARTIN MOORE—BICK: Shall we say until midday?
 16 MR KINNIER: Thank you, sir.
 17 SIR MARTIN MOORE—BICK: And then we will see where you
 18 stand.
 19 MR KINNIER: I'm grateful.
 20 SIR MARTIN MOORE—BICK: Ms Johnson, at this stage, when
 21 counsel says he has finished asking the questions he's
 22 prepared, we have to have a break just to make sure
 23 nothing has been overlooked and to allow questions from
 24 others who are not in the room to be considered.
 25 THE WITNESS: Yes.

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1 SIR MARTIN MOORE—BICK: So we will break now until
 2 12 o'clock, and then when you come back we will see if
 3 there are more questions for you. All right?
 4 THE WITNESS: Okay, thank you.
 5 SIR MARTIN MOORE—BICK: Please don't talk to anyone about
 6 your evidence while you're out of the room, and if you
 7 would like to go with the usher, that will be fine.
 8 THE WITNESS: Okay, thank you.
 9 (Pause)
 10 SIR MARTIN MOORE—BICK: Right. Midday, then. Thank you so
 11 much.
 12 MR KINNIER: Thank you, sir.
 13 (11.45 am)
 14 (A short break)
 15 (12.00 pm)
 16 SIR MARTIN MOORE—BICK: Right, Ms Johnson, we will see if
 17 there are any more questions for you.
 18 Yes, Mr Kinnier.
 19 MR KINNIER: Just a few, sir.
 20 In your evidence this morning, you emphasised the
 21 difficulties of collecting information regarding the
 22 vulnerabilities of residents.
 23 At the beginning of a tenancy, what system was in
 24 place for RBKC's housing department to share information
 25 with a new tenant about their vulnerabilities?

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1 A. If they've made a homeless application we would have
 2 information about vulnerabilities on the IBS system.
 3 That could be shared with the TMO.
 4 Q. Was it shared with the TMO?
 5 A. It should have been shared with the TMO, yes.
 6 Q. What procedure was in place for adult social care to
 7 alert RBKC and/or the TMO of a resident receiving a new
 8 care package or their care package changing because of
 9 a change in need?
 10 A. There was no mechanism.
 11 Q. Do you know why?
 12 A. I think there would have been personal data issues. We
 13 would have needed an information sharing agreement with
 14 the TMO. I don't think that was ever put in place.
 15 Q. Was it ever considered, Ms Johnson, an information
 16 sharing agreement?
 17 A. Yes. Yes, we've considered this.
 18 Q. Was it under regular consideration during your time, or
 19 can you give the panel particular dates or a date when
 20 it was considered?
 21 A. I can't recall a particular day. I mean, as well
 22 I would act as a conduit between the council and the
 23 TMO, so people would come to me if they had concerns
 24 about a resident and then I could initiate something
 25 with the TMO.

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1 Q. Was the information sharing agreement not pursued
 2 because of the data protection issues that you have
 3 referred to earlier on?
 4 A. I think it was an obstacle that got in the way.
 5 Q. If a resident applied to RBKC for a transfer as a result
 6 of a change in need, would RBKC inform the TMO?
 7 A. Yes, we'd have to.
 8 Q. And in the context of PEEPs, what did you yourself
 9 consider to amount to a vulnerability? Was there
 10 a working, shared definition applied by both RBKC and
 11 TMO?
 12 A. I don't think there's a strict definition. It could be
 13 anything from physical disability to mental health
 14 issues to mobility issues. It could be any one of those
 15 things.
 16 Q. Was there ever a shared definition with the TMO? Would
 17 you sing from the same hymn sheet?
 18 A. I think we would recognise vulnerable people in the same
 19 way, yes.
 20 Q. Is that saying that you didn't have a shared —
 21 A. No, not a definition, no.
 22 Q. Finally, could I ask you to go to {RBK00030145}. Just
 23 a brief question in relation to this. I'll let you
 24 refresh your memory.
 25 (Pause)

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1 SIR MARTIN MOORE—BICK: Can you just tell us what this
 2 document is?
 3 A. I think it's from the regeneration team.
 4 MR KINNIER: Are you familiar with it?
 5 A. I don't recall it.
 6 Q. No. Do you know who would have written it?
 7 A. I would be guessing, but I think it's a regeneration
 8 document.
 9 Q. Laura Johnson, when we asked her about it, she didn't
 10 recall who wrote it.
 11 It obviously refers to Silchester garages and the
 12 Trellick consultation. Does that help you as to who
 13 might have written it and for what purpose? You will
 14 see in the "Concerns of using KCTMO", the two bullet
 15 points there, decanting of garages at Silchester and
 16 consultation at Trellick. Does that help you?
 17 A. It would be either Ruth Angel, I think, or
 18 Kitty Mortimer.
 19 Q. Were they in regeneration?
 20 A. Yes.
 21 Q. Thank you.
 22 Ms Johnson, I have no further questions for you,
 23 save to ask: is there anything else which you haven't
 24 said which you would like to say to the panel?
 25 A. I'd like to say I fully recognise that we should have

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1 had more scrutiny and more technical skills in my team
 2 to oversee compliance, and I fully accept that.
 3 I grew up in council housing, and I've seen its
 4 demise since the 1980s, when Right to Buy was brought
 5 in. There's been deregulation in the sector, there's
 6 a lack of investment going into council housing, and
 7 I hope that you will look at this in a wider context.
 8 The Government reduced rents for three consecutive
 9 years, which reduced funding, sale of high-value voids,
 10 which is no longer happening, and we couldn't borrow
 11 more money to invest in our stock until after the fire.
 12 So I think that there are wider issues here, through
 13 successive governments, Tory, Labour, and the coalition.
 14 Council housing is a really important community asset
 15 that should be valued.
 16 MR KINNIER: Ms Johnson, thank you very much for coming to
 17 give evidence.
 18 A. And can I just say, I'm so sorry. I'd do anything for
 19 it not to have happened. There isn't an hour that goes
 20 by that I don't think about it.
 21 SIR MARTIN MOORE-BICK: Well, Ms Johnson, we are all very
 22 grateful to you for coming to give your evidence. I'd
 23 like you to know that we've all found it very helpful to
 24 hear from you, and it really has been of benefit to us.
 25 THE WITNESS: Thank you.

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1 SIR MARTIN MOORE-BICK: So we are very grateful indeed.
 2 THE WITNESS: Thank you.
 3 SIR MARTIN MOORE-BICK: All right, thank you very much.
 4 Would you like to go with the usher, then, now, please.
 5 (The witness withdrew)
 6 SIR MARTIN MOORE-BICK: Yes, Mr Kinnier, thank you very
 7 much. We have another witness waiting, I believe. Is
 8 that right?
 9 MR KINNIER: You do, sir. The next witness is
 10 Rock Feilding-Mellen, who will be examined by
 11 Mr Millett.
 12 SIR MARTIN MOORE-BICK: Yes.
 13 MR KINNIER: We would ask you to rise, however, momentarily
 14 to allow the usual —
 15 SIR MARTIN MOORE-BICK: The usual arrangements to be made?
 16 MR KINNIER: Yes, please, sir.
 17 SIR MARTIN MOORE-BICK: I quite understand that.
 18 We will rise now and you can ask the usher to come
 19 and get us when the arrangements have been made.
 20 MR KINNIER: Will do, sir.
 21 SIR MARTIN MOORE-BICK: Thank you very much.
 22 (12.08 pm)
 23 (A short break)
 24 (12.15 pm)
 25 SIR MARTIN MOORE-BICK: Yes, Mr Millett.

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1 MR MILLETT: Good afternoon, Mr Chairman. Good afternoon,
 2 members of the panel.
 3 I now call Mr Rock Feilding-Mellen, please.
 4 MR ROCK FEILDING-MELLEN (affirmed)
 5 SIR MARTIN MOORE-BICK: Thank you very much.
 6 Now, do sit down and make yourself comfortable.
 7 Questions from COUNSEL TO THE INQUIRY
 8 SIR MARTIN MOORE-BICK: Thank you.
 9 When you're ready, Mr Millett.
 10 MR MILLETT: Thank you very much, Mr Chairman.
 11 Mr Feilding-Mellen, can I start by thanking you very
 12 much for coming to the Inquiry and assisting us with our
 13 investigations. We are very grateful to you.
 14 A. Of course.
 15 Q. If you have any difficulty understanding any of my
 16 questions, I can put the question in a different way or
 17 I can repeat the question, just say.
 18 If you feel you need a break at any time, we can
 19 take a break. We will be taking scheduled breaks during
 20 your evidence. The first one will be during the course
 21 of the afternoon after lunch.
 22 The other thing I would ask you to do, please, is to
 23 keep your voice up, so that the transcriber, who sits to
 24 your right, can get down accurately what you're saying.
 25 Try not to nod or shake your head; say "yes" or "no" as

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1 the case may be.
 2 A. Okay.
 3 Q. Silent gestures don't go on to the transcript.
 4 You have made two witness statements to the Inquiry,
 5 plus a statement to the Metropolitan Police. The
 6 questions I'm going to ask you are based on your Inquiry
 7 statements, which I will put to you first, please,
 8 formally.
 9 The first one is {RBK00033403}. It's dated
 10 18 October 2018. That's its first page.
 11 Is that your first witness statement?
 12 A. Yes.
 13 Q. If you go to page 41, please, you will see the date and
 14 a signature. Is that your signature?
 15 A. It is.
 16 Q. I will call that your first witness statement.
 17 Can I show you {RBK00054433}, your second statement,
 18 please. Is that the first page of your second
 19 statement?
 20 A. Yes.
 21 Q. Could we go to page 8, please. We can see a signature
 22 there. Is that your signature above the date
 23 26 September 2019?
 24 A. Yes.
 25 Q. Have you read each of these statements recently?

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1 A. Yes.
 2 Q. Can I ask you to go to your first statement, please,
 3 page 5 {RBK00033403/5}, and I'd like to look with you,
 4 please, at paragraph 18, where you say this:
 5 "During my time on the Council, I performed
 6 a variety of these roles. As a backbencher, I sat on
 7 the Public Realm Scrutiny Committee between 2006–10, and
 8 then on the Housing and Property Scrutiny Committee
 9 between 2010–11, and I sat on the Planning Committee
 10 between 2006–11."
 11 In fact, I think it's right that the second
 12 statement there, that you sat on the housing and
 13 property scrutiny committee between 2010 and 2011, is
 14 wrong. Is that the case?
 15 A. That is the case. I did spot that, and informed my
 16 lawyer that that should have been the cabinet and
 17 corporate services scrutiny committee, that I sat on
 18 during those dates.
 19 Q. Right.
 20 Is it correct that in your role as cabinet member
 21 for housing, property and regeneration, you would attend
 22 meetings of the housing and property scrutiny committee?
 23 A. Yes. I was invited by the committee to attend. I was
 24 not a member, but I did attend, between 2013 and 2017,
 25 when I was in that cabinet position.

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1 Q. Did you attend the housing and property scrutiny
 2 committee before 2013?
 3 A. Not that I remember doing so, no.
 4 Q. Are you able to assist us with how that error crept into
 5 paragraph 18 of your statement?
 6 A. I think it's because I was writing and thinking about
 7 the housing and property scrutiny committee so much
 8 during the writing of this statement that I just made
 9 that mistake.
 10 Q. Right. You first realised that in April, I think, this
 11 year?
 12 A. When I started re-reading the statement in preparation
 13 for this, yes.
 14 Q. Apart from the correction that you've just made to your
 15 first statement, are the contents of your first and
 16 second statements true?
 17 A. I have re-read them, especially in the light of spotting
 18 that mistake, and as far as I am aware now, they are
 19 true.
 20 Q. Thank you.
 21 Have you discussed your statements or your evidence
 22 that you're going to give today with anybody before
 23 coming here?
 24 A. I've discussed my statement with the — with my lawyers,
 25 with the council's lawyers.

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1 Q. I see.
 2 Now, I'm going to begin substantive questions to you
 3 by asking you some questions about your background and
 4 a bit about your training.
 5 You became a councillor at RBKC in 2006, didn't you?
 6 A. Yes.
 7 Q. That was in the St Charles ward?
 8 A. Correct.
 9 Q. Then from July 2010, you were councillor in the Holland
 10 ward, I believe; is that correct?
 11 A. That's correct, yes.
 12 Q. In each case, was that as a Conservative councillor?
 13 A. Yes.
 14 Q. In May 2006, is it right that you had just turned
 15 27 years of age?
 16 A. That is correct.
 17 Q. What was your career and background before 2006?
 18 A. I had — I went — after I finished doing a Master's at
 19 LSE, I started my own business in property investment.
 20 Q. What was the subject matter of your Master's at the LSE?
 21 A. It was international political economy.
 22 Q. Is it right that from 2009 you were and I think remain
 23 the director of a company called Socially Conscious
 24 Capital Ltd?
 25 A. That's correct.

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1 Q. Is that a property development and investment company?
 2 A. It is in the property industry. It is what they call
 3 a strategic land promoter, whereby we seek to get
 4 planning permission on greenfield sites around towns and
 5 villages in the UK.
 6 Q. And so you're involved and have been since that time
 7 involved in major regeneration or perhaps minor
 8 regeneration projects?
 9 A. They are — it's all to do with the planning. We don't
 10 do any building work, just getting the planning
 11 permissions.
 12 Q. And is that specifically in social housing or —
 13 A. No, it's mainly residential but mixed tenure.
 14 Q. Mixed tenure.
 15 Were you involved in that business in parallel to
 16 your carrying out your responsibilities as councillor at
 17 RBKC?
 18 A. Yes.
 19 Q. In the period from 2010 to 2017, what other business or
 20 other interests or activities did you pursue in parallel
 21 with your activities as a councillor at RBKC?
 22 A. Socially Conscious Capital was my primary other
 23 business.
 24 Q. Right.
 25 What proportion did you generally devote to council

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1 business or work as opposed to your own private
2 interests?

3 A. Probably about half my time. We did at one stage do
4 a kind of over a month try to measure how much time one
5 spends in one's council capacity — this was asked of us
6 by the council — and on average I was spending around
7 30 hours a week on my council business.

8 Q. Have you ever had any training or any professional
9 development to assist you in carrying out your role as
10 a director of Socially Conscious Capital?

11 A. No.

12 Q. Have you ever had any training, once you became
13 councillor, as councillor in health and safety matters?

14 A. No.

15 Q. Fire safety?

16 A. No.

17 Q. Social housing management?

18 A. No.

19 Q. The rules or guidance surrounding the subject of
20 consultation with residents?

21 A. No.

22 Q. Equality and diversity?

23 A. No formal training, no.

24 Q. Was there any mandatory training for councillors that
25 existed at RBKC before the fire at Grenfell Tower in

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1 June 2017?

2 A. When I was elected in 2006, there was no mandatory
3 training, as far as I remember. I do think that the
4 induction process for new councillors was improved in
5 ensuing years, and I think councillors elected in 2014
6 were given more thorough induction training than when
7 I was first elected.

8 Q. What did that more thorough induction training involve?

9 A. I can't give you the details because I wasn't one of the
10 councillors who went through it, I'm afraid.

11 Q. I'm going to ask you some questions now about your role,
12 and particularly oversight that was provided to the TMO.

13 Now, first, I want to ask you some questions about
14 the housing and property scrutiny committee.

15 Can I begin with {IWS00001462}, please. This is
16 a report of an investigation, and it's entitled
17 "Investigation report on long-standing complaints of the
18 Kensington and Chelsea TMO" by Local Governance Limited,
19 and specifically Maria Memoli, who conducted that
20 investigation.

21 First, is this a document that you have ever seen
22 before?

23 A. Not that I remember.

24 Q. Right. Does that tell us that at no time during your
25 tenure as councillor, and particularly as cabinet member

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1 and deputy leader, you never saw this document?

2 A. Right now, it does not ring any bells. I don't know
3 what date it was produced.

4 Q. April 2009.

5 Let's just look a little further into it and see if
6 I can ring a bell for you with it.

7 Can we go, please, to page 3 {IWS00001462/3}, where
8 you can see the executive summary, and it starts:

9 "There are a number of tenants, leaseholders and
10 freeholders within the Borough of Kensington and Chelsea
11 who feel aggrieved that their problems have not been
12 resolved by the TMO despite several years of
13 complaining."

14 Just pausing there, this is 2009; did you know that
15 this subject was the subject of a report?

16 A. I did not. I was not in the cabinet then and I was not
17 on the housing and property scrutiny committee at that
18 time.

19 Q. No, and in fact I think you have told us you have never
20 been on the housing and property scrutiny committee.

21 A. No, but I didn't even attend it, obviously, at that
22 time.

23 Q. No.

24 Let's look a little further down the page, then.
25 The third paragraph:

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1 "The residents' main concerns are around ..."

2 And you have the list there: major works, management
3 charges, service charges, et cetera, communications and
4 performance and monitoring, trust and confidence are
5 some of those listed.

6 In the next paragraph but one, further down, the
7 longer one, you can see in the last sentence:

8 "The new Board needs to win the hearts and minds of
9 those disgruntled residents who have had grievances
10 going back several years. The Board must understand its
11 constitutional and legal role and take collective
12 responsibility to spearhead the TMO in its improvement
13 plan."

14 Then at the foot of page 3 and over to page 4, you
15 can see a list of main recommendations. Just in heading
16 terms, customer care relations at the foot of page 3, on
17 to page 4 {IWS00001462/4}, customer services and
18 complaints, repairs, major works and service charges,
19 and then on to page 5 {IWS00001462/5} you can see
20 governance issues, corporate policy, financial issues,
21 et cetera. I don't think I need to read any further
22 into this document.

23 Looking at that, was there ever a time when this was
24 ever mentioned to you or discussed in front of you or
25 even shown to you?

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1 A. So what I do remember is I think the councillors
 2 generally being told that there were issues that
 3 the council had with the TMO. I remember being made
 4 aware that — I can't remember the name of — anyway,
 5 there was a problem with the chief exec — it was
 6 problematic. I knew that there were problems in the TMO
 7 and that the council were — did they serve
 8 an improvement plan on the TMO or ... anyway, they were
 9 trying to get the TMO's executive function better.

10 Q. Yes, I see. So you knew about the improvement plan,
 11 which was 2010, the year after this report, did you?

12 A. I was aware of it. I wouldn't — I didn't know the
 13 details of it.

14 Q. Right.

15 Go back a page {IWS00001462/4}, please, to the
 16 heading "Repairs, Major Works and Service Charges",
 17 which we glanced at a moment ago, and see the
 18 recommendation under that. You can see the first bullet
 19 point is this:

20 "The Council should take a more robust role to
 21 ensure TMO technical services are capable of delivering
 22 an effective major works programme and Cyclical
 23 repairs."

24 Did you know at any time that that had been the
 25 subject of an independent recommendation?

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1 A. No.

2 Q. Right.

3 Do you know whether the TMO ever acted on
 4 recommendations such as this before it embarked on
 5 undertaking the Grenfell Tower project?

6 A. What I remember being told is that after the improvement
 7 plan, there was a new chief executive, Robert Black,
 8 brought in, and there were considerable efforts made to
 9 strengthen the effectiveness of the board and, indeed,
 10 the executive team, and I do remember during my time as
 11 the cabinet member that, for example, the TMO were
 12 working on new procurement frameworks and that side of
 13 things. But I don't remember this specifically or what
 14 happened between this time in 2009 —

15 Q. To be clear, you say the cabinet member; was that in
 16 respect of corporate or in respect of housing and
 17 regeneration?

18 A. So do you mean when I was cabinet member for civil
 19 society, not — when you say corporate —

20 Q. I'm just seeking to understand your question. You say,
 21 "During my time as cabinet member" —

22 A. I meant cabinet member for housing.

23 Q. Right. Can you just give us the years, please?

24 A. From 2013 to 2017.

25 Q. Very well.

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1 So upon becoming cabinet member for housing in 2013,
 2 first of all, tell me if this is wrong, but I take it
 3 that you didn't see this report?

4 A. No.

5 Q. Did you discuss whether these recommendations had been
 6 carried into effect or the stage at which these
 7 recommendations —

8 A. I did not know about these recommendations, so I didn't
 9 discuss them.

10 Q. Do you know what the role of the HPSC was in overseeing
 11 the implementation of these recommendations?

12 A. No, I do not.

13 Q. And presumably the same would apply to your own role as
 14 cabinet member for housing?

15 A. Sorry, what's your question?

16 Q. My question is: I'm assuming you personally, in any
 17 role, did not know what the role of any of those
 18 committees was in overseeing the implementation of these
 19 recommendations?

20 A. Not these specific — I did not know about these
 21 specific recommendations or this report until just now.

22 Q. Right.

23 Can we then look at another document, please, which
 24 is {INQ00014671}. What I'm showing you is the Chartered
 25 Institute of Public Finance and Accountancy's 2016

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1 document called "delivering good governance". It's
 2 quite a striking looking document; is this a document
 3 you have seen before or not?

4 A. I don't remember it.

5 Q. You don't remember it.

6 If we just look at page 90 in it {INQ00014671/90},
 7 and look at paragraph 6.9, it sits within the part of
 8 this report about scrutiny, and it says, "Principles of
 9 good scrutiny", and it says within that:

10 "The Centre for Public Scrutiny has established four
 11 core principles of good scrutiny:

12 " ■ Provides critical friend challenge to executive
 13 policy makers and decision takers.

14 " ■ Enables the voice and concerns of the public.

15 " ■ Is carried out by independent-minded councillors
 16 who lead and own the process.

17 " ■ Drives improvement in public services."

18 Were you aware of those principles?

19 A. Broadly speaking, those are the principles that
 20 I thought scrutiny committee was meant to do, yes.

21 Q. How did you come to that understanding?

22 A. Do you know, I think it was largely through — when
 23 I became a councillor, as I've said, it didn't have very
 24 formal training and induction for new councillors, it
 25 was more a rather old-fashioned view of learning through

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1 experience and almost a process of osmosis, learning
 2 from the more experienced councillors.
 3 Q. I see. So you would say that you absorbed these
 4 principles through experience and hands-on application
 5 rather than being taught them?
 6 A. That's — exactly.
 7 Q. From what you could observe, were others around you,
 8 other members, for example, of the HPSC, the housing and
 9 property scrutiny committee, aware of these principles?
 10 A. I would say there was certainly — I wouldn't want to
 11 speak for all members, but I would be confident that
 12 there were members on the housing and property scrutiny
 13 committee, at least when I attended, who would have been
 14 trying to do all of those things.
 15 Q. Right. But can we take it from your evidence so far
 16 that this document wasn't shown to or circulated to
 17 members of cabinet or other councillors in 2016 or
 18 after?
 19 A. I don't remember it being sent to me, and if it was sent
 20 to me, I don't remember reading it in any detail.
 21 Q. Can we next go, please, to {RBK00063764}. This is
 22 a document which is appended to the June 2012 RBKC
 23 constitution under part five: D, and it's called the
 24 "Local Code of Corporate Governance".
 25 Just looking at that page on the screen, is that

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1 familiar to you?
 2 A. It's not something that I have a detailed recollection
 3 of.
 4 Q. All right. You don't remember when you might have seen
 5 it before?
 6 A. No.
 7 Q. Right. Is it possible that you never have in fact seen
 8 this document?
 9 A. If it was attached to the constitution, from time to
 10 time, as I felt it necessary, I would have looked up
 11 parts of the constitution.
 12 Q. Yes.
 13 A. But it was not a document which I read from cover to
 14 cover at a regular — regular intervals.
 15 Q. No, I understand that. Can I take it, then, that it
 16 wasn't a document that was ever circulated to
 17 councillors with an instruction to familiarise
 18 themselves with its text?
 19 A. Not that I remember, no.
 20 Q. Can we look at page 4 {RBK00063764/4}, please,
 21 principle 4, and principle 4 is:
 22 "Taking informed and transparent decisions which are
 23 subject to effective scrutiny and managing risk."
 24 Looking at the first bullet point, it says this:
 25 "The Royal Borough:

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1 " ■ Develops and maintains an effective scrutiny
 2 function which encourages constructive challenge and
 3 enhances the authority's performance overall and that of
 4 any organisation for which it is responsible."
 5 Were you familiar with that as a principle?
 6 A. I would say that is a principle that, yes, councillors
 7 who were on scrutiny committees were aware of and
 8 familiar with.
 9 Q. Did you understand that principle to have applied to
 10 scrutiny of the TMO's activities?
 11 A. I don't know whether I would have thought of the TMO as
 12 an organisation — it depends what one means by which
 13 the council is responsible for, but my experience from
 14 attending housing and property scrutiny committee was
 15 that the committee members did indeed ask questions and
 16 challenge the performance of the TMO.
 17 Q. If we look at the fifth bullet point down, it says:
 18 "Ensures that effective, transparent and accessible
 19 arrangements are in place for dealing with complaints."
 20 Were you aware of that principle?
 21 A. I knew that both the council and the TMO had a well set
 22 out complaints process.
 23 Q. Did you understand that that applied to the TMO as well
 24 as to RBKC?
 25 A. I was aware that the TMO had a three-stage complaint

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1 process, as I've said in my witness statement.
 2 Q. Yes, and just below that, it says:
 3 "Ensures that those making decisions whether for the
 4 authority or the partnership are provided with
 5 information that is founded on good quality data and fit
 6 for the purpose — relevant, timely and gives clear
 7 explanations of technical issues and their
 8 implications."
 9 Again, can we take it that you were aware of that as
 10 a governing corporate governance principle?
 11 A. Yes, definitely. We — the decision-makers, ie
 12 councillors who were on the cabinet, relied on and also
 13 challenged the advice that was provided to us by the
 14 professional officers.
 15 Q. Right, and two bullet points below that:
 16 "Ensures that risk management is embedded into the
 17 culture of the authority, with members and managers at
 18 all levels recognising that risk management is part of
 19 their job."
 20 Again, were you familiar with that principle?
 21 A. I think broadly speaking.
 22 Q. Broadly. Did you understand that specifically to apply
 23 to fire safety risks?
 24 A. Well, inasmuch as — I wouldn't necessarily look at that
 25 as being specific to fire safety, but risks relating to

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1 fire safety would have fallen under that general
 2 umbrella principle .
 3 Q. Yes.
 4 Now, can we then go, please, to another part of the
 5 Constitution, {RBK00035012}. I'm going to show you
 6 Article 6. This is entitled "Scrutiny committees", and
 7 it sits within part 2 of the constitution .
 8 At 6.01, it's entitled :
 9 "General Remit.
 10 "(a) General Duties of Scrutiny Committees.
 11 "Scrutiny committees are empowered to:
 12 "1. reviews and scrutinise decisions made or actions
 13 taken in connection with the discharge of any of the
 14 Council's functions;
 15 "2. recommend and report to the full Council
 16 (including committees of the Council) or the Executive
 17 (including advisory groups) in connection with the
 18 discharge of any of the Council's functions;
 19 "3. consider any matter affecting the Royal Borough
 20 or its inhabitants;
 21 "4. exercise the right to call—in for
 22 reconsideration decisions made but not yet implemented
 23 by the Executive; and
 24 "5. hold an inquiry into a matter which has been the
 25 subject of a report from the Monitoring Officer or the

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1 Chief Finance Officer."
 2 If we please turn to page 2 {RBK00035012/2}, and at
 3 the very foot of that page we look at Article 6.03,
 4 "Housing and Property Scrutiny Committee":
 5 "(a) Membership.
 6 "Eleven members.
 7 "(b) Terms of Reference.
 8 "To scrutinise ..."
 9 And then over the page {RBK00035012/3}:
 10 "1. the provision, planning, management and
 11 performance of all housing services;
 12 "2. any partnerships associated with the delivery of
 13 housing;
 14 "3. social housing regeneration and the Housing
 15 Regeneration Programme;
 16 "4. Supporting People services;
 17 "5. the Tenant Management Organisation;
 18 "6. Housing strategy, housing stock finance and
 19 development;
 20 "7. Corporate asset management."
 21 Just looking at that, is it right that the
 22 committee's role included review and scrutiny of
 23 decisions, first of all, made in connection with the
 24 discharge of any of RBKC's functions to do with the
 25 provision of housing?

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1 A. Yes.
 2 Q. Is it correct that the committee's role included review
 3 and scrutiny of consideration of any matter affecting
 4 RBKC or its inhabitants?
 5 A. That's what it says.
 6 Q. And provision, planning, management and performance of
 7 all housing services?
 8 A. Yes.
 9 Q. And also the TMO, as you can see; yes?
 10 A. Yes.
 11 Q. Would all of that have included the safety, and
 12 particularly the fire safety, of residents in buildings
 13 managed by the TMO?
 14 A. Yes.
 15 Q. Yes.
 16 Now, is it right that the committee itself had no
 17 decision-making powers, but could enquire, discuss and
 18 question actions of RBKC cabinet, RBKC officers, and the
 19 TMO?
 20 A. Correct.
 21 Q. Is it right that a necessary limitation on that function
 22 was that the committee could only enquire, discuss and
 23 question based on information that it was given?
 24 A. Yes, or asked for —
 25 Q. Yes.

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1 A. — and then given.
 2 Q. Either asked for or not asked for, but nonetheless
 3 given?
 4 A. Yes.
 5 Q. It couldn't act without information?
 6 A. Correct.
 7 Q. It may seem obvious as a question, but do you accept
 8 that?
 9 A. I do.
 10 Q. Yes.
 11 Was the housing and property scrutiny committee
 12 empowered to overturn an executive decision that related
 13 to housing?
 14 A. No, as it just said, it could call in a decision which
 15 had not yet been implemented and ask for the cabinet or
 16 decision-maker to reconsider that decision.
 17 Q. Did the HPSC ever exercise its powers to refer back to
 18 cabinet any decision concerning particularly the
 19 Grenfell Tower project?
 20 A. Not that I remember while I was cabinet member for
 21 housing.
 22 Q. As far as you're aware, did the HPSC ever raise any
 23 issues with cabinet relating to the Grenfell Tower
 24 project?
 25 A. Well, not in terms of the decisions that cabinet made

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1 about Grenfell Tower, but those decisions, as I say in
 2 my witness statement, were really limited to agreeing
 3 the budget originally and then the two increases in
 4 budget.
 5 Q. Yes. So I think the answer to my question is no, HPSC
 6 never raised any issues with cabinet?
 7 A. Not with cabinet that I recall, no.
 8 Q. As far as you're aware, did the HPSC ever raise any
 9 issue concerning fire safety specifically with you as
 10 the cabinet member for housing, property and
 11 regeneration, whether in relation to Grenfell Tower or
 12 any property in the TMO stock?
 13 A. They did frequently, during my time as cabinet member,
 14 ask questions about fire safety, especially there was
 15 an issue which repeatedly went to the scrutiny committee
 16 about having the fire doors across the HRA stock, and
 17 there was an issue around — I think it was confirmed
 18 quite early on in my time as cabinet member that all the
 19 tenanted properties had had their doors replaced and
 20 they were compliant, but there was an ongoing issue
 21 about some leaseholder doors.
 22 Q. Yes. So that controversy, if I can put it like that,
 23 that was raised by HPSC with you as cabinet member?
 24 A. While I was the cabinet member. I wouldn't necessarily
 25 say it was raised with me, but it was raised by the

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1 scrutiny committee while I was the cabinet member.
 2 Q. Yes.
 3 Can we then look, please, at the statement of
 4 Councillor Sam Mackover. This is {RBK00029923}. I'll
 5 show you what this document is. It's his witness
 6 statement to the Inquiry.
 7 At page 9 {RBK00029923/9}, if we can turn to that,
 8 he says this at paragraph 40, under the heading
 9 "Fire Safety":
 10 "RBKC borough wide scrutiny of Fire Safety falls
 11 under Community Safety and Emergency Planning. The
 12 Constitution, Article 6 ... 6.05 provides that this was
 13 within the remit of the Cabinet and Corporate Services
 14 Scrutiny Committee. I understand that the Borough Fire
 15 Commander participated at the meetings of that
 16 scrutiny committee."
 17 Do you agree with him that borough-wide scrutiny of
 18 fire safety was within the remit of the cabinet and
 19 corporate services scrutiny committee?
 20 A. I think that is probably correct.
 21 Q. Was that always the case so far as you can recollect
 22 during your time as councillor?
 23 A. So what I do — when I was the cabinet member for civil
 24 society, community safety fell under the remit of that
 25 cabinet position, and that community safety did include

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1 liaising with the London Fire Brigade and LFEPA, and
 2 I would have attended the cabinet and corporate services
 3 scrutiny committee at that time. So I do remember,
 4 for example, in those two years there were issues around
 5 potential closures of fire stations in the borough which
 6 I wrote to LFEPA about and tried lobbying against. So
 7 in that regard, it would have fallen under the cabinet
 8 and corporate services scrutiny committee.
 9 Q. I see.
 10 A. But I don't think that means that the housing and
 11 property scrutiny committee were not — it wasn't within
 12 their remit to be able to ask questions about
 13 fire safety within the HRA stock.
 14 Q. Right. You said when you were acting as cabinet member
 15 for civil society; what were those years?
 16 A. 2011 to 2013.
 17 Q. And just so that we're clear, you were a member of the
 18 cabinet and corporate services committee, that was 2010
 19 and 2011?
 20 A. Yes.
 21 Q. So —
 22 A. So I was not — so that —
 23 Q. They didn't overlap?
 24 A. They didn't overlap. You couldn't be a member of the
 25 cabinet and sit on a scrutiny committee.

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1 Q. No, well, quite. Okay. I understand it. So you were
 2 on two — I follow. You were not, I think, a member of
 3 the cabinet and corporate services scrutiny committee?
 4 A. Not while I was on the cabinet.
 5 Q. No.
 6 A. So I was up until April 2011, and then I was appointed
 7 a member of the cabinet as cabinet member for civil
 8 society and I stopped being a member of the cabinet and
 9 corporate services scrutiny committee at that time.
 10 Q. Correct, I understand that.
 11 Were there any councillors who sat on both
 12 scrutiny committees simultaneously, cabinet and
 13 corporate services scrutiny committee and the HPSC?
 14 A. There could have been. I can't remember if there were.
 15 Q. Looking then, please, at that part of the constitution
 16 to which Councillor Mackover refers, this is
 17 {RBK00035012/4}, Article 6.05. If you look —
 18 A. Sorry, can I just look above to see —
 19 Q. Yes, look at page 3 {RBK00035012/3}, then, to see where
 20 it starts.
 21 A. Thank you.
 22 Q. Under "Terms of Reference":
 23 "1. business handled by the full Cabinet which does
 24 not fall within the remit of another
 25 Scrutiny Committee."

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1 Then if we turn to page 4 {RBK00035012/4}, under
 2 sub—article 4, if you look at (xiv), you can see:
 3 "Drugs, community safety and emergency planning."
 4 So did fire safety fall within the ambit of that
 5 committee? It looks like it did.
 6 A. Yes. I'd agree, it looks like it did.
 7 Q. Yes.
 8 Do you recall the HPSC ever raising an issue with
 9 you concerning fire safety in RBKC's stock, apart,
 10 I suppose, from the leaseholder fire doors question?
 11 A. Well, I remember fire safety across the HRA was
 12 something that was reported to the HPSC at least once,
 13 if not twice, a year in the annual and mid—year reviews
 14 that the housing department presented to
 15 scrutiny committee.
 16 Q. Right.
 17 A. And there were standing items within those reports on
 18 fire safety across the HRA stock as managed by the TMO.
 19 Q. What about within the cabinet and corporate services
 20 scrutiny committee, was there a similar reporting
 21 system?
 22 A. Not with regards, I don't believe, the council—owned
 23 stock in the HRA.
 24 Q. I see.
 25 Can we go to your first witness statement, please,

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1 at page 7 {RBK00033403/7} and look at paragraph 30
 2 together. You say there that, in the third line:
 3 "In relation to the TMO's performance against its
 4 duties and responsibilities as the Council's managing
 5 agent, we relied primarily on Housing officers, as
 6 professionals in their field, who monitored the TMO
 7 against the requirements of the MMA, to check and keep
 8 the Cabinet and Scrutiny Committee informed of any
 9 potential problems or shortcomings. In return,
 10 councillors were able to question officers about their
 11 findings. We did not rely exclusively on reports
 12 directly from the TMO because any such direct
 13 information was supplemented with the assessment and
 14 advice of the Council's Housing department."
 15 Do you know which officers drafted reports for
 16 committee meetings?
 17 A. Well, they would normally go out in the name of
 18 Laura Johnson, as the director of housing, so I assumed
 19 that she — I don't know whether she actually drafted
 20 them all, but she was, I'm sure, confident that they
 21 were correct and was willing to put her name to them.
 22 Q. How often were reports of housing officers, such as
 23 those which bore Ms Johnson's name at the bottom,
 24 questioned by members of the committee, the HPSC I mean?
 25 A. I think they would be regularly questioned.

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1 Q. Were the annual and mid—year TMO performance reports
 2 which were sent up to committee ever questioned by the
 3 HPSC?
 4 A. I'm pretty sure they were. I don't remember exactly
 5 now, but they would have been — yes, on —
 6 Q. Can you think of a specific example when that took place
 7 during your time as council member for housing, property
 8 and regeneration?
 9 A. It's very hard for me now to try and remember specific
 10 discussions around specific agenda items from meetings
 11 which happened however many years ago it is now.
 12 I'm afraid I can't give a specific example of that
 13 specific — a question on that specific agenda item from
 14 one of those specific meetings.
 15 Q. No. Do you remember any occasion on which you would
 16 ever call for an examination of or a spot check of any
 17 underlying data on which those reports were based?
 18 A. Personally, I took the view that I was relying on the
 19 report produced by the director of housing, because
 20 I was confident that she and her department were
 21 checking the information that was being provided to them
 22 by the TMO.
 23 Q. So what were you scrutinising, or what was being
 24 scrutinised?
 25 A. Sorry, can ...

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1 Q. Well, the role of the scrutiny committee is to
 2 scrutinise. If you're not asking just to spot check the
 3 underlying data to make sure that it adds up to the
 4 conclusions which are being reported to you, what were
 5 you actually scrutinising?
 6 A. Remember, I was not on the scrutiny committee.
 7 Q. No, that's why I rephrased my question. What was the
 8 scrutiny committee scrutinising?
 9 A. The scrutiny — I mean, they did ask questions, I can't
 10 remember of that specific item on the agenda, but they
 11 frequently asked questions of the TMO and the housing
 12 department, for example, wanting updates on the fire
 13 doors, wanting to know what's happening — what happens
 14 if a leaseholder refuses to upgrade it, who's
 15 responsible for enforcing that. There was, I remember,
 16 some sort of disagreement whether it was the
 17 London Fire Brigade or the council who had to do it,
 18 trying to get to the bottom of those sorts of questions.
 19 Q. Can we look at {RBK00033744}. Let's have a look at
 20 page 1 of this to start with. This is the first page of
 21 Councillor Marshall's witness statement to the Inquiry,
 22 and I'll just show you page 2 {RBK00033744/2} at the
 23 bottom at paragraph 11. He says this:
 24 "If the Committee disagreed with a cabinet Member or
 25 officers, it could not take further action other than to

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1 continue to raise the matter in public at its meetings.
 2 The scrutiny process could be frustrating because we
 3 were often given information or told about something
 4 after the event. We were reliant on officers giving us
 5 comprehensive information on the activities in their
 6 departments and had almost no independent support. Our
 7 ability to scrutinise was also constrained by the large
 8 number of matters within our purview, which had to be
 9 covered in six meetings a year, typically of two hours
 10 length each. This high-level approach is apparent in
 11 the minutes."

12 First of all, do you agree with what
 13 Councillor Marshall says there?

14 A. He's better placed to make those judgements, having been
 15 chairman of the scrutiny committee, than I am, and
 16 I wouldn't want to challenge particularly that view.

17 Q. Right. That's very fair.

18 Can we look and see how Councillor Mackover puts it.
 19 Can we go back to his witness statement, please, at
 20 page 2 and go to paragraph 9. He says there —

21 A. Sorry, my screen hasn't caught up.

22 Q. Page 2, at paragraph 9.

23 A. I'm still on Councillor Marshall's.

24 Q. Yes, {RBK00029923/2}.

25 It says:

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1 "The HPSC met between 4 and 6 times a year and had
 2 no research or support staff. Papers were generally
 3 provided by the Executive and the Housing and Property
 4 teams. The Governance team distributed the Agenda and
 5 took the minutes. At around two and a half hours per
 6 meeting, there was a strict practical limit to what the
 7 HPSC could do. Members did not receive any documents
 8 other than those provided in the pack of papers for each
 9 meeting. Members would receive these a week in advance
 10 to read and form the source of scrutiny questions."

11 Do you agree with what he says there? This is
 12 Councillor Mackover.

13 A. Yes. I would just — again, I wasn't a chairman of
 14 a scrutiny committee, so — but I thought that
 15 the chairmen of scrutiny committees — there was
 16 a scrutiny steering group which consisted of
 17 the chairmen of the different scrutiny committees, and
 18 there was some resource available there and it was
 19 possible for them to ask for more officer resource if
 20 they needed it. But generally I think those are fair
 21 points.

22 Q. Right.

23 Were these limitations to your knowledge ever the
 24 subject of discussion or complaint among the members of
 25 the HPSC?

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1 A. Councillor Marshall, as the chairman of the HPSC,
 2 I remember thinking he was a very good and effective
 3 chairman of a scrutiny committee because he cared and
 4 took a lot of time to read papers, question them. He
 5 made a point in my capacity as cabinet member of the
 6 corporate property team, which had an awful lot of
 7 decisions going to the scrutiny committee, and when they
 8 were put on the forward plan, he asked the relevant
 9 officers in that department to kind of send more
 10 detailed explanations of what these key decisions were
 11 so that he could better review them before they go on
 12 the forward plan.

13 So I think he was, you know, effective and
 14 proactive. But, you know, if he feels he still didn't
 15 have sufficient resources or time to do as much as he'd
 16 have liked to have done, then again, I wouldn't
 17 challenge that.

18 Q. Yes. I mean, for example, let's just focus on one part
 19 of what he says, this is Councillor Mackover. He says
 20 that the HPSC had no research or support staff. First
 21 of all, is he right about that?

22 A. If he says that, I'm sure he is.

23 Q. Right, and was that ever the subject of discussion or
 24 complaint, from what you could observe, among the
 25 members of the HPSC?

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1 A. I don't remember that being the case, and I think that
 2 if the scrutiny steering group, the group of councillors
 3 chairing scrutiny committees, had requested some
 4 specific resource, I think that either was available or
 5 would have been made available.

6 Q. Can you tell us which scrutiny committee was
 7 responsible, just going back on a point from before, for
 8 scrutinising health and safety matters?

9 A. Erm ... I wouldn't want to claim any expertise on
 10 answering that question, but from what you have shown
 11 me, health and safety more generally across
 12 the council's functions I would have thought would be
 13 scrutinised by the cabinet and corporate services
 14 scrutiny committee.

15 Q. Yes?

16 A. But health and safety, as it specifically concerned
 17 council-owned properties, could have been scrutinised by
 18 the housing and property scrutiny committee.

19 Q. You say could have been —

20 A. I personally would have thought it would fall more
 21 within the remit of HPSC than cabinet and corporate
 22 services.

23 Q. Right.

24 To your recollection, was there a clear allocation
 25 of scrutiny responsibility for TMO stock so far as

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1 health and safety was concerned as between the HPSC and
2 the cabinet and corporate services scrutiny committee?
3 A. I think that on the whole there were quite clear
4 distinctions between the remits of the different
5 scrutiny committees. I think the one which did
6 sometimes cause — whether confusion is the right word,
7 or a lack of clarity, was the cabinet and corporate
8 services scrutiny committee, because it had potentially
9 such — you know, it was scrutinising the cabinet, so it
10 could claim to be scrutinising any decision that goes to
11 cabinet, and the corporate services is such a broad
12 remit, so I think there could be a lack of clarity
13 there.

14 But, again, my view was that the housing and
15 property scrutiny committee was responsible for not just
16 the council homes under the HRA, but also the council
17 property assets more broadly.

18 MR MILLETT: Yes, thank you.

19 Mr Chairman, is that a convenient moment?

20 SIR MARTIN MOORE—BICK: If that suits you, I think it is,
21 yes.

22 Well, Mr Feilding—Mellen, we're going to have
23 a break now so we can all get some lunch. We will
24 resume, please, at 2 o'clock.

25 I have to ask you, as I have asked all witnesses,

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1 please don't talk to anyone else about your evidence or
2 anything relating to it over the break. All right?
3 THE WITNESS: Okay.
4 SIR MARTIN MOORE—BICK: Thank you very much. Would you go
5 with the usher, then, please.

6 (Pause)

7 Thank you. 2 o'clock, then, please.

8 (1.02 pm)

9 (The short adjournment)

10 (2.00 pm)

11 SIR MARTIN MOORE—BICK: All right, Mr Feilding—Mellen, ready
12 to carry on?

13 THE WITNESS: Yes, thank you.

14 SIR MARTIN MOORE—BICK: Good, thank you very much.
15 Yes, Mr Millett.

16 MR MILLETT: Yes, Mr Chairman, thank you.

17 Mr Feilding—Mellen, it's right to think that in
18 May 2013 you were appointed as the deputy leader of
19 the council?

20 A. Yes.

21 Q. And as cabinet member for housing, property and
22 regeneration; yes?

23 A. Correct.

24 Q. What was your understanding of the reasons why you were
25 appointed to that role?

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1 A. Well, the leader, the new leader of the council,
2 Nicholas Paget—Brown, obviously thought that I could do
3 those jobs well.

4 Q. Yes, clearly he did, and what was your perception of why
5 he did? Do you know?

6 A. Well, I — in the leadership election for the council,
7 I had been one of the councillors who stood for the
8 leadership, amongst the Conservative group, and during
9 that process, Nick and I realised that we shared many
10 objectives and priorities, and he decided to make me the
11 deputy leader.

12 Q. Right. Now, you were aged 34 at that point, I think?

13 A. That's correct.

14 Q. Yes, your birthday falls in April —

15 A. That's correct.

16 Q. — of each year, doesn't it, and you were born in 1979.

17 Was that quite a young age for such a post compared with
18 past holders?

19 A. Within Kensington and Chelsea, it was quite young. It
20 had a tradition of expecting — well, there were many,
21 many councillors in Kensington and Chelsea who had been
22 on the council for decades.

23 Within other councils across London and, I suspect,
24 across the country, it was much more usual for younger
25 councillors with — well, by that stage I'd had

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1 seven years on the council and two years on the cabinet,
2 so it wasn't unusual by other council standards. By
3 Kensington and Chelsea's own standards, it was quite
4 unusual.

5 Q. Now, from what you have just said, and from
6 Mr Paget—Brown's reasons so far as you perceived them,
7 I suspect there wasn't an open competition for the role?

8 A. Sorry, for the role of?

9 Q. Was there an open competition for the role of deputy
10 leader of the council?

11 A. No, the leader appoints all members of the cabinet in
12 Kensington and Chelsea.

13 Q. Yes. What special skills did you think at the time that
14 you brought to the role of cabinet member for housing,
15 property and regeneration?

16 A. I would not say that I had relevant professional skills,
17 particularly. I had interest and experience and
18 political experience which I thought was relevant and
19 Nicholas Paget—Brown thought was relevant and sufficient
20 for me to do that role.

21 Q. I see. So you were given the role not because of any
22 professional experience, but because of your political
23 alignment, aspirations?

24 A. As is generally the case within — I think within
25 politics, it's my understanding of politics, and I don't

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1 profess to be a great expert, but in our democracy,
 2 elected politicians are often given jobs, whether in
 3 local government or national government, which they
 4 don't necessarily have the professional qualifications
 5 to do but they have the interest and the dedication to
 6 try and pursue those political objectives.
 7 Q. Yes.
 8 Can we go to {RBK00035007}. Now, this is part 3 of
 9 RBKC's constitution, which provides the responsibility
 10 for functions, as you can see, and it says at the top:
 11 "A. EXECUTIVE FUNCTIONS
 12 "1.1. The Leader of the Council is
 13 Nicholas Paget—Brown. Details of those Members he has
 14 appointed to his Cabinet are published on the Council
 15 website and are available also by calling Governance
 16 Services on ..."
 17 Then there is a telephone number.
 18 Then underneath that, you can see there's
 19 "Responsibility for functions — the Cabinet", and if you
 20 go to page 5 in this document {RBK00035007/5}, you can
 21 see that there is the post of deputy leader and cabinet
 22 member for housing, property and regeneration.
 23 Was it customary for those two roles to be tied?
 24 A. Do you mean the role of deputy leader and cabinet member
 25 for housing?

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1 Q. I do.
 2 A. Not necessarily, no.
 3 Q. No. Was this specially drafted into the constitution
 4 when Nicholas Paget—Brown became leader?
 5 A. From my recollection, it was normal for the deputy
 6 leader to have another cabinet portfolio.
 7 Q. Yes.
 8 A. The previous deputy leader had indeed been, I think,
 9 Nicholas Paget—Brown under Councillor Cockell, and he
 10 was cabinet member for — I think it was environment and
 11 transport, and before that it had been Daniel Moylan,
 12 who had been deputy leader and cabinet member for
 13 planning. So it was quite common for the deputy leader
 14 to have another cabinet role, and when I was made deputy
 15 leader and also cabinet member for housing, property and
 16 regeneration, that was Nicholas Paget—Brown's decision.
 17 Q. I see.
 18 Did it work this way: Nicholas Paget—Brown
 19 essentially chose you as his deputy leader, but because
 20 of your experience thus far in housing, property and
 21 regeneration, he also made you cabinet member with that
 22 portfolio?
 23 A. Yes, I would say it was more because he and I both
 24 shared an ambition to increase the quantity and quality
 25 of affordable housing in the borough, which is why he

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1 made me cabinet member for housing, property and
 2 regeneration.
 3 Q. Sorry, my question was: did it work this way: he picked
 4 you as deputy leader, but because of your position or
 5 experience or alignment, it doesn't matter which, in
 6 relation to housing, property and regeneration, that was
 7 the cabinet portfolio you got as cabinet member?
 8 A. Yes.
 9 Q. Yes, thank you.
 10 If we look on in the list underneath the italics,
 11 which defines the portfolio, and is identified as
 12 a single portfolio, as you will notice, it says:
 13 "In relation to housing matters ..."
 14 Under Article 1.8, if you go down to (i):
 15 "All social housing regeneration projects."
 16 Yes?
 17 A. Mm—hm.
 18 Q. Then at (viii):
 19 "The Tenant Management Organisation management
 20 agreement and regulation."
 21 Did those items there mean that you were responsible
 22 for oversight of the Grenfell Tower project? That fell
 23 within your portfolio?
 24 A. It fell within my portfolio as a cabinet member, yes.
 25 Q. Yes. And did that also mean that fire safety within the

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1 TMO stock more generally fell within your portfolio?
 2 A. Yes.
 3 Q. And specifically fire safety in relation to or under the
 4 TMO management agreement, the MMA, and its regulation?
 5 A. Yes.
 6 Q. Yes.
 7 Now, as part of your role as cabinet member, is it
 8 right that you attended a number of what they called or
 9 what you might have called policy board meetings?
 10 A. Yes.
 11 Q. Was fire safety ever discussed at policy board meetings,
 12 do you recall?
 13 A. Yes.
 14 Q. Now, you say in your first witness statement — I don't
 15 think we need to go to it, it's page 7 {RBK00033403/7},
 16 paragraph 30 — that you relied on the reports of
 17 housing officers, and you mentioned this morning
 18 Laura Johnson. Was she primarily the person you relied
 19 on in relation to reports from housing officers?
 20 A. I would say, yes, she was the primary officer. There
 21 were other officers who attended housing policy boards,
 22 many of whom also, you know, advised and updated me on
 23 HRA and TMO—related matters, but my primary point of
 24 contact and primary source of advice was the director of
 25 housing, Laura Johnson.

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1 Q. I see.
 2 You say she was your primary source of advice and
 3 your primary point of contact; did she report to you
 4 simply one-to-one or did she report through a committee
 5 or through a board of some kind?
 6 A. Well, I mean, I think actually in terms of — her
 7 line manager was the chief executive, but in terms of
 8 the political —
 9 Q. Pausing there, that's Nicholas Holgate, the town clerk?
 10 A. Nicholas Holgate, yes. So in terms of, you know, line
 11 management, she didn't report to me, but I was the
 12 politician with the relevant portfolio who she reported
 13 to.
 14 Q. I see.
 15 Let me ask you some more questions, then, about the
 16 role of cabinet.
 17 We know, I think — and correct me if I'm wrong,
 18 Mr Feilding—Mellen — that there are two routes by which
 19 decisions can be made; is this right: there's the key
 20 decision process and then there's cabinet?
 21 A. That's correct.
 22 Q. Right.
 23 Which decisions had to be made by cabinet and which
 24 decisions could go through the key decision process?
 25 A. You would need to — I relied on the governance

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1 department within the council to make sure that was done
 2 correctly. From memory, there were thresholds in terms
 3 of the value, ie the monetary value of any decision that
 4 could be taken through a key decision, and if it was
 5 over a certain amount it would have to go to cabinet,
 6 and then there was also an element of judgement on the
 7 part of the relevant cabinet member or the leader
 8 whereby issues that were considered particularly
 9 important or potentially contentious would be taken
 10 through cabinet, even if, from a financial
 11 qualification, they were under the threshold.
 12 Q. Right. And who would be the decision-makers when making
 13 a key decision?
 14 A. If it was a key decision it would be the relevant
 15 cabinet member.
 16 Q. I see. Solely, unilaterally?
 17 A. Yes.
 18 Q. I see.
 19 So let me be clear about it: a cabinet member could
 20 make a decision, but if it was over a certain monetary
 21 amount or was, as you call it, particularly contentious,
 22 perhaps, or —
 23 A. Or —
 24 Q. — politically important, then it would go to full
 25 cabinet?

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1 A. Yes.
 2 Q. I see.
 3 A. I'd like to be clear, there was, you know, a set out
 4 written kind of framework for how to delegate decisions
 5 from cabinet to key decisions, so I don't want to claim
 6 that I'm giving you the definitive breakdown.
 7 Q. Very good.
 8 Is it right that the cabinet member when making key
 9 decisions or the cabinet itself would rely on reports by
 10 the housing officers, such as Laura Johnson?
 11 A. If it was to do with housing, yes.
 12 Q. If it was to do with housing, clearly.
 13 A. Yes.
 14 Q. Do you remember whether fire safety in RBKC housing,
 15 either TMO stock or more generally, was ever raised at
 16 cabinet? Fire safety.
 17 (Pause)
 18 A. I can't think of a particular decision which revolved
 19 around fire safety that ... so I can't recall
 20 a particular instance where that was a subject of
 21 a decision by cabinet.
 22 Q. Right.
 23 In your role as deputy leader and cabinet member for
 24 housing, property and regeneration, did you ever have or
 25 did you customarily have direct dealings with officers

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1 of the TMO?
 2 A. By — they would come to my housing policy boards from
 3 time to time.
 4 Q. Right. I see. So it would be ad hoc attendance at the
 5 policy board?
 6 A. Yes, and, as I've said in my witness statement, there
 7 were also occasions where I would engage in email
 8 communication about particular matters.
 9 Q. Indeed, and we'll come to those perhaps later on.
 10 But in relation to any general line of communication
 11 with the TMO, it was through policy board, was it?
 12 A. Yes, and then also sometimes through the housing and
 13 property scrutiny committee, which they would attend.
 14 Q. Yes, but you weren't on that.
 15 A. I attended it.
 16 Q. Yes, okay. So you would communicate, perhaps — is this
 17 right? — informally as an observer or attendee at HPSC
 18 meetings, and perhaps more formally or more directly
 19 through policy board meetings?
 20 A. Yes. I wouldn't necessarily say it was informal — at
 21 a housing and property scrutiny committee, if there was
 22 an issue being discussed, I would feel free and I think
 23 there are minutes of those meetings which show that
 24 I raised either questions or tried answering questions
 25 or would pose challenges.

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1 Q. Can we go back to {RBK00035007/2}, please. This is
 2 another part of the RBKC constitution, which is still
 3 within part 3, and let's look at Article 1.6 at the foot
 4 of the screen, under the heading "Responsibilities of
 5 all cabinet members". It says under 1.6:
 6 "Each Cabinet Member is responsible for:
 7 "i. the proper administration of the Council's
 8 services."
 9 Do you see that?
 10 A. Yes.
 11 Q. Have you ever studied this part of the constitution
 12 before?
 13 A. I have read this part before.
 14 Q. Yes. Do you agree that your responsibilities as
 15 a cabinet member extended to ensuring that the housing
 16 department was properly administered?
 17 A. Yes, I think in a qualified sense, which is my —
 18 I viewed myself as being responsible for seeking
 19 reassurance that the professional full-time employees
 20 were administering the services well.
 21 Q. And how would you do that?
 22 A. By asking questions, challenging answers, and
 23 specifically asking for reassurances.
 24 Q. By attendance at HPSC meetings and through the policy
 25 board?

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1 A. And by emails to Laura Johnson or relevant housing
 2 officers.
 3 Q. I see.
 4 Do you agree that it was your —
 5 A. And also at cabinet meetings.
 6 Q. I'm so sorry.
 7 A. So, yes, also at cabinet meetings. You didn't list
 8 cabinet meetings.
 9 Q. Yes.
 10 Do you agree that it was your responsibility to
 11 ensure that there was adequate staffing, premises and
 12 other resources to secure agreed standards and target
 13 outcomes in the housing department?
 14 A. I did not understand my responsibilities to be the
 15 line management of housing officers; rather, I would,
 16 through the director of housing — my understanding of
 17 how it worked was that the chief executive was I think
 18 what they called the section 151 officer who was
 19 responsible for all the professional, salaried employees
 20 of the council. We, as councillors and as members of
 21 the cabinet, approved the budgets and, you know, had to
 22 be satisfied or dissatisfied with the senior officers,
 23 either the chief executive or indeed the executive
 24 directors, of the relevant departments.
 25 In terms of making sure that there were sufficient

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1 officers within the different groups within the
 2 different departments, I considered that to be the
 3 responsibility of the senior management team on the
 4 officer level, and they would then, if they needed — if
 5 they thought they needed more resources, I would have
 6 expected them to come to the chief executive and also
 7 their cabinet member to bring some political pressure to
 8 bear to increase the resources available.
 9 Q. Right. You say political pressure. Let's just see how
 10 we go.
 11 Can we turn the page on that, please, to page 3
 12 {RBK00035007/3} and look at (ix), not forgetting that
 13 this article starts with the words "Each Cabinet Member
 14 is responsible for", and then you can see (ix):
 15 "Ensuring adequate staffing, premises and other
 16 resources to secure agreed standards and target outcomes
 17 in the area of each portfolio."
 18 So do you agree that it was your responsibility as
 19 a cabinet member to ensure those matters as set out in
 20 that sub-article?
 21 A. I actually don't agree. As I've just said, as a cabinet
 22 member I —
 23 Q. You don't agree?
 24 A. I do not. I could not employ staff or fire staff.
 25 I could not hire premises or not hire premises. What we

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1 could do was approve or not recommendations brought to
 2 us. I was not able to — I was not in charge of the
 3 human resources.
 4 Q. No. Just to be clear, the constitution requires each
 5 cabinet minister — and we can start at the beginning,
 6 if you like, on page 2 — to be responsible for, that's
 7 what it requires, and then if we go to the next page,
 8 page 3, I'll show it to you again:
 9 "Ensuring adequate staffing, premises and other
 10 resources to secure agreed standards and target outcomes
 11 in the area of each portfolio."
 12 First of all, did you actually ever understand that
 13 that was your responsibility as a cabinet member?
 14 A. So I can ... I would rely on the advice of the
 15 professional directors to tell me whether or not — if
 16 there was insufficient or inadequate staffing and
 17 premises, and if I was told that there was inadequate
 18 resources, I then would use my best capacities to try
 19 and persuade other members of the cabinet that that
 20 particular function within the council needed more
 21 resources.
 22 Q. Yes, I understand that. My question is really whether
 23 you were aware that your responsibility involved or
 24 included ensuring the matters set out in that
 25 sub-article? Were you aware?

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1 A. Well, I was aware to the extent that I've just
2 explained.
3 Q. Right. It sounds from what you've just explained that
4 the way you thought you would go about discharging that
5 obligation was by reacting to any requests that came to
6 you. Is that your evidence? Is that how you saw it?
7 A. Number 1, reacting. I would certainly react if it was
8 brought to me that there were insufficiencies or
9 inadequacies highlighted to me.
10 Equally, if during my time when I was challenging
11 officers, seeking reassurances, questioning them, it
12 felt to me that there were weaknesses and inadequacies,
13 then I would have raised those concerns with the
14 relevant director, and maybe through that process we
15 could have done more.
16 But back then, based on the information that I had
17 and the reassurances I was given and the answers to the
18 many questions I asked, I generally felt assured that
19 things were being done adequately.
20 Q. Were you aware that the TMO was the only borough-wide
21 TMO in the whole of the country?
22 A. I was.
23 Q. Is it fair to describe the responsibility which was
24 taken on by the TMO as a huge amount of responsibility?
25 That is Amanda Johnson's evidence in her witness

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1 statement at paragraph 113 {RBK00033719/23}. She
2 described it as a "huge amount of responsibility to
3 delegate to another organisation". Would you agree with
4 that?
5 A. I don't remember being told by officers or other
6 councillors who had had more experience and knew more
7 about the TMO than I that this was a particularly
8 unusual amount of responsibility for an ALMO to have or
9 a housing association to have. It wasn't one of the
10 largest housing associations by any stretch of the
11 imagination. There were, as far as I understand, quite
12 a lot of, you know, independent registered providers, as
13 they became known, that looked after more than 10,000
14 homes.
15 Q. Were you aware that Celia Caliskan was the only officer
16 in housing commissioning specifically tasked to report
17 on general needs housing, which was the function
18 delegated —
19 A. Until I read the council's opening statement to this
20 module, I was not aware of that.
21 Q. Right.
22 A. As I've said, I think, before, I had many different
23 housing officers reporting to me about the TMO. I can
24 think off the top of my head of at least five or six
25 different officers who would come to policy board

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1 talking about the TMO. I did not realise that
2 Celia Caliskan was the only officer responsible for
3 that.
4 Q. If, as the article suggests, the constitution suggests,
5 you as a cabinet minister were responsible for ensuring
6 adequate staffing, are you able to explain why you
7 weren't aware until recently that Celia Caliskan was the
8 only officer responsible for general needs housing, or
9 specifically tasked to report on it?
10 A. Because, as I said, the line management of officers
11 within a particular department was the job of the senior
12 management team, not of the cabinet member. That's as
13 I saw it, and as I had — as I — again, perhaps
14 I should have spent more time reading the detail of the
15 constitution and unpicking exactly what those
16 responsibilities meant. I — you know, maybe if I'd had
17 more training when I first became a councillor, I would
18 have, but my understanding of the role of a cabinet
19 member was political oversight, strategic direction,
20 making the decisions that were presented to either the
21 cabinet or the cabinet member, and checking and
22 challenging the advice and implementation of those
23 policies, not the line management of individual
24 departments.
25 There are 100-plus officers, I knew, in the housing

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1 department. I knew that it was broadly broken down into
2 four different groups. In terms of going down how many
3 individual officers were doing each different task
4 within the housing department, I did not see that as the
5 cabinet member's role, and maybe that was a mistake on
6 my part.
7 Q. Right.
8 Did you or any other cabinet member or cabinet
9 generally ever do a benchmarking exercise to compare the
10 number of properties managed by the TMO and the
11 resources being used to do that with other ALMOs or TMOs
12 of similar size.
13 A. I did not.
14 Q. Did anybody else, do you know?
15 A. Not that I know of.
16 Q. Can we then turn to the topic of TMO performance
17 reviews.
18 Can I ask you, please, to go to your first witness
19 statement at page 18 {RBK00033403/18}, and let's look
20 together at paragraph 67.
21 I should direct your attention to the heading, "The
22 Fire and Safety measures within the building at the time
23 of the fire".
24 At paragraph 67 you say this:
25 "I can only speak to the assurances given to the

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1 Council by the TMO, which were either made in emails or
2 were included in reports presented to the Housing and
3 Property Scrutiny Committee from time to time. The TMO
4 kept the Council informed and updated on fire safety
5 issues across the housing stock. The Council sought and
6 received regular reassurance that the TMO was performing
7 these fire safety related responsibilities
8 satisfactorily."

9 Who gave you that regular reassurance, do you
10 remember?

11 A. Primarily it was through reports which were authored by
12 Laura Johnson, but also, as I say, through emails, which
13 were either forwarded to me by Laura Johnson or from
14 other officers from time to time, I think Amanda Johnson
15 sometimes, and maybe directly sometimes from people in
16 the TMO.

17 Q. When you say reports, are you referring to the
18 performance review reports which you covered at
19 paragraphs 69 to 73?

20 A. Primarily, yes.

21 Q. Primarily. Are there any other reports? Leave aside
22 email exchanges between you —

23 A. Yes.

24 Q. — and Laura Johnson for the moment. When you say
25 reports —

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1 A. There were the annual and mid-year reviews as well.

2 Q. Right.

3 What was your understanding of how those reports —
4 and when I say "those reports", I mean the performance
5 review reports specifically — were produced?

6 A. I don't have a detailed understanding of how they were
7 produced. My understanding was that — my assumption
8 was that the basic information and data would be
9 provided by the housing department — by the TMO. The
10 housing department — that housing commissioning group
11 would review it, test it, turn that into a report, which
12 they then presented to me and to the housing and
13 property scrutiny committee.

14 Q. I see. So was it your understanding, building on that
15 last answer and exploring it, that the housing
16 commissioning group would test the raw data provided by
17 the TMO?

18 A. That was probably an assumption that I made.

19 Q. Yes. Assumption, understanding. Nobody told you that,
20 did they?

21 A. Well, the report was in the name of Laura Johnson, and
22 often had, I think, the name of either Amanda Johnson or
23 Celia Caliskan underneath it, so that was why I thought
24 that.

25 Q. Right, okay. Let's just break that up a little bit.

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1 You have said in your answer a moment ago that your
2 understanding or your assumption — it doesn't matter
3 which for the moment — was that the basic information
4 and data would be provided by the housing department, by
5 the TMO; the housing commissioning group would review
6 it, test it and turn it into a report.

7 What I'm seeking to understand is: what was the
8 basis of your understanding or assumption that the
9 housing commissioning group would test the data provided
10 by the TMO?

11 A. Well, because they gave — in those reports, they would
12 tend to give a judgement on how the TMO is performing.

13 Q. I see. You say they would give a judgement —

14 A. So the report would say, "It has been another successful
15 year for the TMO, the TMO has done this and that", and
16 therefore I assumed that that was a judgement based on
17 some degree of challenge.

18 Q. Right. How would you have known whether or not the
19 housing commissioning group was challenging the data by
20 spot checks or scrutinising it, for example —

21 A. There were examples of meetings —

22 Q. Sorry, may I just finish my —

23 A. Sorry, I thought — sorry, go on.

24 Q. Let me put it slightly differently.

25 You could see that a judgement had been made by the

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1 housing commissioning group, Celia Caliskan,
2 Laura Johnson, director of housing, in the report; why
3 did that lead you to believe that they themselves or
4 anybody at RBKC had actually tested the underlying data?

5 A. Well, there were instances where I remember
6 Laura Johnson at a policy board actually raising issues
7 which had been areas of underperformance and
8 challenging — because I think normally members of the
9 TMO would come to the policy board to present these
10 reports before they went to scrutiny committee, and I've
11 seen minutes of such meetings where Laura Johnson has
12 raised areas of concern and asked the TMO what they're
13 going to do to improve that, and it was that sort of
14 questioning which reassured me that the housing
15 department were indeed testing.

16 Q. Right.

17 Just to get the process clear, is this right: the
18 TMO would present a report to the policy board, you
19 would be at the policy board, so you would observe the
20 interaction with the TMO there; yes?

21 A. Between the housing officers and the TMO?

22 Q. Yes.

23 A. Yes.

24 Q. Then, is this right, the report would then go to the
25 scrutiny committee, so there would be a further

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1 scrutiny of the report?

2 A. That's my recollection of the process, yes.

3 Q. I see.

4 Did you consider the information provided in the

5 reports you saw, particularly regarding fire safety, to

6 be sufficiently detailed so as to be able to enable

7 informed scrutiny by councillors or by cabinet members

8 such as you?

9 A. Given the fact that I myself and, as far as I knew, not

10 many other councillors had technical expertise with

11 regard to fire safety and regulations and such, I was

12 satisfied that the standing item in those reports which

13 specifically dealt with health and safety, the fact that

14 I saw examples of where the council's internal audit had

15 done full reviews of the TMO's health and safety

16 function and given it a substantial rating, we were

17 constantly being told that they had, you know, fire risk

18 assessors doing it all in accordance with best practice,

19 meeting with the LFB regularly, that this seemed to be

20 something that was high up on the TMO's list of to-dos,

21 and I personally did get satisfaction that they were

22 doing what one would hope was necessary.

23 Q. One would hope was necessary? What do you mean?

24 A. That's what I said, yes.

25 Q. Yes, I know. What do you mean by that?

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1 A. Well, I suppose I say hope because, based on what we

2 know happened, it turned out to be hope rather than

3 knowledge.

4 Q. Right.

5 Turning to Grenfell specifically in this context,

6 can we look at your first witness statement at page 7

7 {RBK00033403/7}, please, paragraph 29. You say there

8 that:

9 "The Council continued to control the HRA on

10 a strategic level. Based on the advice of Council

11 officers, the Cabinet would approve the HRA business

12 plans and large projects and it would make decisions

13 about future strategic plans for the HRA as a whole or

14 for specific estates or blocks. But once the Cabinet

15 had approved the HRA's business plan or the budget for

16 a specific project, the actual implementation of such

17 a plan and housing management of the entire HRA housing

18 stock (including the discharge of fire safety

19 responsibilities) was delegated to the TMO, as were

20 major capital works projects like the Grenfell Tower

21 refurbishment."

22 Did you consider that the scale and cost of the

23 Grenfell Tower project per se called for particularly

24 close scrutiny from RBKC?

25 A. I would say that the Grenfell Tower refurbishment

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1 project certainly got closer scrutiny from RBKC than

2 nearly any other of the major capital projects that the

3 TMO worked on that I can remember.

4 Q. Did you specifically do anything as deputy leader or,

5 more specifically, as cabinet member for housing,

6 property and regeneration from May 2013, I think, to

7 ensure that for that project there were adequate

8 monitoring and oversight arrangements in place?

9 A. Can you — monitoring and oversight arrangements of —

10 can you be a bit more specific, please?

11 Q. Yes. Monitoring and oversight arrangements in respect

12 of the handling by the TMO of the project as client.

13 (Pause)

14 A. Sorry, I'm trying to ... did I do anything in

15 particular? I mean, I asked many questions, I responded

16 to many emails, I —

17 Q. No, let me try again. That's not the question. You're

18 answering a different question. Let me try again.

19 Did you yourself take any steps in your capacity as

20 cabinet member for housing, property and regeneration to

21 make sure that for the Grenfell Tower project there was

22 adequate monitoring and oversight arrangements in place

23 in respect of the TMO's role as client on the project?

24 A. The TMO wasn't the client. You're saying ... I'm sorry,

25 I'm just not understanding exactly what —

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1 SIR MARTIN MOORE-BICK: Try putting the question another

2 way, Mr Millett.

3 MR MILLETT: Yes, all right.

4 SIR MARTIN MOORE-BICK: You're obviously not making yourself

5 clear enough.

6 MR MILLETT: Okay, let me try it this way: what did you

7 understand the TMO's role to be in respect of the

8 Grenfell Tower project?

9 A. Sorry, now I understand what you're saying. So they

10 were the client of Rydon and the professional team,

11 sorry. I thought you were talking about them as

12 managing agent to the Kensington and Chelsea Council.

13 Q. No.

14 A. Sorry.

15 Q. My fault.

16 A. Sorry.

17 Q. Now I've made that clearer to you, did —

18 A. So did I take specific —

19 Q. Yes.

20 A. — actions to make sure that the TMO ... no, I didn't,

21 because the TMO was its own legal entity with its own

22 independent board, which ... I had been given the sense

23 and the reassurance that since the times which we

24 referred to earlier on when the TMO had been given

25 an improvement project, which was before I was on the

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1 cabinet, I had been given the sense that the new
2 executive team, the new board, the TMO was functioning
3 much more effectively, that they'd brought in
4 Peter Maddison, who had, I was told, relevant skills to
5 do these sorts of larger capital projects, and all the
6 evidence that I was shown at that time, such as the test
7 of opinion and the regular performance reports, gave me
8 the impression that the TMO was capable of doing that
9 job and that it was doing that job well.

10 Now, it's a different story. But back then, based
11 on the information I had, that was the impression I was
12 under.

13 Q. When you assumed the responsibility as cabinet member
14 for housing, property and regeneration in May 2013, what
15 prior experience did you think or see that the TMO had
16 as client, in the way I've explained it, in respect of
17 such a major capital project?

18 A. I don't remember particularly being told or asking —
19 what you have to remember is when I was made cabinet
20 member, I inherited that project, it wasn't — it was
21 something which had been initiated or initially approved
22 by my predecessor, and it was not really, I didn't
23 think, up to me to start unravelling anything that he
24 had already decided.

25 Q. Right. Let's try and break that down a little bit more,

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1 if we can.

2 Do you agree that when you took on that
3 responsibility in May 2013, from what you could tell,
4 the TMO had never done a project of that size or that
5 significance?

6 A. I'm afraid I don't remember asking that question and
7 therefore not knowing it was the case whether or not
8 they had.

9 Q. So you didn't know one way or the other?

10 A. I don't remember that, no.

11 Q. Nonetheless, you were content to rely on what you could
12 see as the track record of the TMO going back to 2010?

13 A. I thought — I didn't — I suppose if I'm trying to
14 think about it at the time, it was a large project for
15 the HRA, it was something which was unusual for the HRA
16 to be able to afford to spend that much money because of
17 this kind of unusual receipts that had been received
18 through the Elm Park Gardens sales, and it was unusual
19 to be able to undertake a project of that scale. So —
20 but the TMO was — as far as I understood it, that was
21 the mechanism that was in place. The tenants had voted
22 under the right to manage to set up a TMO. The TMO was
23 an organisation that was tenant-led, it was non-profit.
24 It had gone through difficulties, but I was assured that
25 it had an executive team and a new board that was making

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1 great progress, and had appointed a professional like
2 Peter Maddison who had the relevant experience to
3 undertake this sort of project.

4 Q. And are we to take it that your perception of those
5 matters as you've just described them was the reason why
6 you, at least, didn't think it was necessary to set up
7 specific monitoring and oversight arrangements in
8 respect of the Grenfell Tower project?

9 A. So specific extra oversights by the council of the TMO
10 in addition to the oversights that I thought the council
11 already had in place?

12 Q. Yes.

13 A. Yes.

14 Q. Thank you.

15 Let's move, then, to the actual refurbishment itself
16 and the decision to do it and its budget.

17 In your second witness statement, let's look at it,
18 it's at {RBK00054433/2}, you say at paragraph 5 — it's
19 a long paragraph — in the fourth line:

20 "I became aware of the potential refurbishment at
21 Grenfell Tower through an informal discussion with
22 Councillor Coleridge in March 2012. Because of my
23 interest in regeneration generally and because I was
24 aware the Council had previously commissioned a study on
25 potential regeneration of the Lancaster West estate, of

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1 which Grenfell Tower formed a part, by Urban

2 Initiatives, I remember asking Councillor Coleridge
3 whether the refurbishment would hinder or obstruct any
4 future potential regeneration of the whole
5 Lancaster West Estate. He suggested that we meet with
6 Laura Johnson to discuss this question."

7 Now, just on that reference there to an earlier
8 study, were you referring to a study entitled
9 "Notting Barns South, Draft Final Masterplan Report"
10 from 2009?

11 A. I don't remember the title. Was that done by
12 Urban Initiatives?

13 Q. Well, let's look at it rather than me reading out
14 a lengthy title. {IWS00002090}. This is the first page
15 of the Urban Initiatives plan.

16 A. Yes, I think that's what I was referring to.

17 Q. Right.

18 Are you aware that that was presented to an RBKC
19 cabinet working group in September 2009, and they were
20 asked to note it? Do you know anything about that?

21 A. I'm afraid I cannot remember a specific working — I do
22 remember this piece of work being done.

23 Q. Did you know that Jonathan Bore, who was executive
24 director of planning and borough development from
25 March 2010, had previously worked at Urban Initiatives

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1 as their director of planning?

2 A. Do you know what, now that you mention it, maybe I did

3 know that.

4 Q. Right. You did.

5 Do you remember having any conversations with

6 Jonathan Bore about the Latimer master plan, by which

7 I mean this document, or plans similar to it?

8 A. I don't specifically, but I easily could have done.

9 Q. Can we look at page 19 of this document

10 {IWS00002090/19}, please. This is under part 5,

11 "Options Development", "Housing Options", and if you

12 look at the right-hand column, you can see that there

13 are a number of bullet points halfway down. It says:

14 "Although the plan has been developed to be flexible

15 enough to retain many of the buildings if future

16 assessments take alternative views, the following

17 buildings merit a particular discussion."

18 You can see the second bullet point down there:

19 "Grenfell Tower: We considered that the appearance

20 of this building and the way in which it meets the

21 ground blights much of the area east of Latimer Road

22 Station. It also provides no outdoor space for

23 residents and is likely to be of a type of construction

24 that is hard to adapt. It does contain 120 homes. On

25 balance our preferred approach is to assume demolition."

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1 There are other references in this document to

2 demolition of Grenfell Tower, for example pages 25 and

3 26, and on page 38 in respect of phase 2 of this plan.

4 Were you aware of that? Were you aware that this

5 document spoke of the preference for demolition of

6 Grenfell Tower?

7 A. I don't remember the detail of this document at all.

8 I do remember that that must have been something that

9 I thought could have been a possibility because that was

10 one of the reasons that I asked for that meeting —

11 well, that I was talking to Councillor Coleridge about

12 it.

13 Q. Yes.

14 A. And when — yes, so ...

15 Q. Right. We know that in the end, of course, the decision

16 was taken not to demolish Grenfell Tower, but to

17 refurbish it.

18 A. Yes.

19 Q. Are you able to tell us briefly why that was?

20 A. So my recollection of that discussion and then what was

21 discussed at cabinet was that this was an incredibly

22 draft, high-level overview of what might one day be

23 possible, but Councillor Coleridge and Laura Johnson,

24 who were at the coalface, as it were, and understood the

25 situation on the ground as it was then in 2012, were

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1 very mindful of the fact that Grenfell Tower hadn't had

2 serious capital investment for many, many years, that

3 there were all sorts of problems with the windows, the

4 communal heating, draughts, that residents in the tower

5 felt that they had not been listened to and looked

6 after, and that they wanted their properties invested

7 in, and that any such long-term solution that might be

8 offered by an estate regeneration project like this

9 would take years and years and years and years to even

10 possibly get off the ground, and therefore it was

11 necessary to take the decision to invest in

12 Grenfell Tower more immediately, and Laura Johnson's

13 reassurance to me was that the investment in

14 refurbishing Grenfell Tower would not necessarily

15 preclude the possibility of a wider estate regeneration

16 if the council one day wanted to do that in the future.

17 Q. Now, that reassurance to you, did that take place at the

18 meeting that you had with Laura Johnson on 25 April 2012

19 that you refer to in your statement?

20 A. With Laura Johnson and Timothy Coleridge, yes.

21 Q. And Councillor Coleridge.

22 Now, you cover that lower down in the same paragraph

23 of your second witness statement, paragraph 5

24 {RBK00054433/2}, and I don't need to take you back to

25 that.

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1 Let's look at the email that you sent to Ms Johnson

2 after that meeting, which I think you produce as RFM/2.

3 It's at {RBK00028392}. It's the email at the bottom of

4 the page and over on to page 2. As you can see,

5 25 April 2012, subject "Thank you":

6 "Dear Miss Johnson,

7 "Thank you for that meeting we just had — I always

8 enjoy our discussions ...!

9 "I acknowledge all the points you make and am glad

10 to hear you are keeping the bigger, longer-term

11 potential in mind.

12 "Could you please get me a copy of that Urban

13 Initiatives study as I'd like to refresh my memory of

14 what they came up with.

15 "Thanks again."

16 Then she responds to you higher up page 1:

17 "Will do, I'll pop a copy in your [pigeon] hole."

18 Then you respond to her on 30 April, just below the

19 top:

20 "By the way, if you are getting architects to look

21 at recladding Grenfell Tower, may I suggest you look at

22 the estate that is currently being renovated/reclad on

23 Du Cane Road just opposite the Hammersmith Hospital?

24 "I think that they've done a much better job there

25 than on the big towers off St Ann's villas."

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1 By "better job" there, what did you mean?
 2 A. I thought it looked better.
 3 Q. Was anybody else at this meeting apart from you and
 4 Ms Johnson?
 5 A. Timothy Coleridge.
 6 Q. Yes. No one else?
 7 A. No.
 8 Q. No one there from the TMO?
 9 A. No.
 10 Q. In what capacity were you meeting Laura Johnson?
 11 A. I was another cabinet member who was interested, and
 12 this report was going to be going to cabinet, and I was
 13 asking questions, and I think Councillor Coleridge
 14 wanted me to be able to ask those questions and get
 15 reassurances before the cabinet meeting.
 16 Q. But at this stage you were cabinet member for civil
 17 society.
 18 A. Yes, but this decision would have been made by the full
 19 cabinet — was made by the full cabinet, so I would have
 20 had a say in that decision, which I did, and after
 21 speaking to Timothy Coleridge and Laura Johnson, I, like
 22 the rest of the cabinet, approved the decision to go
 23 ahead with the refurbishment.
 24 Q. Why would this discussion fall within your portfolio as
 25 cabinet member for civil society?

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1 A. It didn't fall within my portfolio, but it was going to
 2 cabinet and those decisions were taken collectively. So
 3 every cabinet member had a role in this — making those
 4 decisions.
 5 Q. But not every cabinet member went to the meeting, so why
 6 did you go specifically?
 7 A. Because I had specifically expressed — or asked some
 8 questions.
 9 Q. Right. I see. So you were there because (1) you were
 10 a cabinet member and (2) you were interested?
 11 A. I mean, councillors could request meetings with senior
 12 officers.
 13 Q. Yes, I'm not being critical, I just want to know why you
 14 were there, that's all, and that's why. All right.
 15 Is it right that you were the one who asked for this
 16 meeting with Laura Johnson?
 17 A. Well, actually, Timothy Coleridge asked for it,
 18 because — so the cabinet members shared an office in
 19 the town hall, and my recollection is that Tim and
 20 I were chatting, he was talking about this upcoming
 21 decision that he was going to take to cabinet and
 22 I started asking the questions which we've just been
 23 discussing, and he said, "Why don't we have a meeting
 24 with Laura Johnson?"
 25 Q. Yes, I see.

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1 In your statement, I think you say you asked for
 2 this meeting.
 3 A. I think I say he asked for it.
 4 Q. Well, let's go back, then, rather than quibble, to
 5 paragraph 5 of your second statement {RBK00054433/2} and
 6 see exactly what you did say, so I don't misquote you.
 7 You say:
 8 " ... I remember asking ..."
 9 A. I remember asking him and he suggested that we meet with
 10 Laura Johnson.
 11 Q. Yes:
 12 " ... I remember asking Councillor Coleridge whether
 13 the refurbishment would hinder or obstruct any future
 14 potential regeneration of the whole Lancaster West
 15 estate. He suggested that we meet with Laura Johnson to
 16 discuss this question."
 17 Then you refer to an earlier email, and then you go
 18 on to explain what happened at the meeting.
 19 You were, I think, interested, though, in going to
 20 the meeting because of your interest in regeneration
 21 generally?
 22 A. Is that a question?
 23 Q. Yes.
 24 A. Yes.
 25 Q. Yes. And is that interest in regeneration generally,

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1 was that a political interest or a personal interest
 2 or — explain the nature of that interest.
 3 A. It was a political interest.
 4 Q. Right.
 5 A. In that I thought — I knew that there was a severe
 6 shortage of afford — there was much more demand for
 7 affordable housing in Kensington and Chelsea than there
 8 was supply, and there was a shortage of land on which to
 9 built more affordable housing, and I had the notion that
 10 the regeneration of council estates was one of the ways
 11 in which the council could play its part in trying to
 12 increase the amount of affordable housing.
 13 Q. Lower down that paragraph, six lines from the bottom:
 14 "My recollection is that Laura Johnson explained the
 15 pressing need for the Grenfell Tower refurbishment
 16 project."
 17 Do you remember why she viewed the refurbishment of
 18 Grenfell Tower as a pressing need?
 19 A. I think I mentioned the reasons earlier, and they're
 20 effectively the reasons which are set out in the cabinet
 21 report.
 22 Q. So windows, heating, draughts?
 23 A. There's quite a long list in that report, I think.
 24 Q. Now, the KALC project was ongoing at the time of this
 25 meeting. Did Laura Johnson mention anything about the

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1 potential effect of the Grenfell Tower refurbishment on
2 KALC?
3 A. Not that I remember.
4 Q. We've looked at your follow-up email and your reference
5 to the Du Cane Road renovation.
6 Do you remember whether during the meeting
7 Laura Johnson had particularly focused on the cladding
8 aspect of the refurbishment of Grenfell Tower?
9 A. I don't remember that being a particular area of focus.
10 Q. Do you remember it being mentioned at all?
11 A. I guess it probably was mentioned.
12 Q. At that meeting, do you remember whether there was any
13 discussion of the thermal performance of Grenfell Tower?
14 A. I don't remember whether it was at that meeting. I know
15 that that was one of the reasons given in the cabinet
16 report.
17 Q. Which we will come to, I think, but do you remember
18 whether there was any discussion at that meeting about
19 the reasons for the cladding?
20 A. I don't remember.
21 Q. Were there any discussions about the potential
22 improvements to the interior of Grenfell Tower discussed
23 during that meeting, do you remember?
24 A. I'm afraid I really can't remember the details of what
25 was — I remember the basic point was that it was felt

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1 by both Laura Johnson and Councillor Coleridge that
2 there was a very good case for immediate investment in
3 Grenfell Tower, and that the residents in the tower
4 couldn't be expected to wait for as long as it would
5 take, which would have been many, many, many years, for
6 a potential estate regeneration project which may or may
7 never have happened.
8 Q. Did you come away with the impression that the primary
9 purpose of the refurbishment was to improve the
10 aesthetics of Grenfell Tower?
11 A. No.
12 Q. Was there any discussion about how the look of
13 Grenfell Tower would match or integrate with KALC?
14 A. Not that I remember.
15 Q. Was there any discussion about who the architects should
16 be for the Grenfell Tower project?
17 A. At that meeting?
18 Q. Yes.
19 A. I don't think so, no.
20 Q. Let's look on further into the year. Can we go to
21 {RBK00003323}, please. This is an email from you on
22 2 May 2012, it's halfway down your screen, to
23 Quentin Marshall and Jonathon Read:
24 "Q & J,
25 "Have you seen this evening's Cabinet paper A6 about

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1 committing £6m to the refurbishment of Grenfell Tower?
2 Did Tim C bring this proposal to your Scrutiny
3 Committee? If so, what was your take on the proposal?"
4 You can see the response above that from, it looks
5 like, Jonathon Read. He was a councillor, wasn't he —
6 A. He was.
7 Q. — at the Earls Court ward, as you can see, and he says
8 this:
9 "I am sure that — ignoring the wider context and the
10 inconvenience of financial constraints — this is
11 a 'terribly nice' thing to do, and that is why it has
12 been proposed."
13 Did you share Councillor Read's view that the
14 project had been proposed as a "terribly nice" thing to
15 do?
16 A. No, I wouldn't have — no.
17 Q. What did you think he meant?
18 A. I'm not sure.
19 Q. Did you get the impression at the time that
20 Councillor Read was against allocating funds to this
21 project?
22 A. No, I didn't. I was interested in — they were two
23 councillors who I liked and respected who were on the
24 housing and property scrutiny committee, and I was
25 interested in knowing whether it had gone to

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1 scrutiny and, if so, what scrutiny's views on the
2 decision were before I was asked to make a decision at
3 cabinet about it.
4 Q. Right.
5 In the next paragraph he says:
6 "The TMO tell me that they have big problems here.
7 Apparently, there is a communal heating system and hot
8 water and heating are not separable. Consequently,
9 having hot water in summer requires sweltering hot
10 rooms, and people cannot open the windows. The sum of
11 6MM cannot be met from the TMO's usual 8MM or so
12 maintenance budget without compromising all other work —
13 they claim, at least.
14 "However, I think this is just a symptom of the fact
15 that we do not collect enough rent on TMO properties to
16 maintain them, let alone do major works. Therefore, we
17 have to dip into the cookie jar and take snacks from
18 other parts of the community, as we are doing here.
19 This is not sustainable."
20 Then he talks about the speed of rent increases in
21 the final paragraph.
22 Did you agree with what he was saying there about
23 the problem about funding being —
24 A. So what I took away from this email was that he was
25 actually backing up what Timothy Coleridge and

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1 Laura Johnson had told me, which was there was a great
 2 need for investment in Grenfell Tower because of the
 3 problems to do with the heating, hot water and other
 4 lack of — you know, problems with the fact that it
 5 hadn't had investment over the years.
 6 He was also backing up the fact that, under the
 7 TMO's funding and HRA's funding regime at that time,
 8 the — it would have been impossible to have done this
 9 project without using the money coming from
 10 Elm Park Gardens.
 11 Q. So you agree with him that you needed to —
 12 A. Well —
 13 Q. — take a capital sum rather than relying on the
 14 maintenance budget?
 15 A. I don't think there's ever been any question about that.
 16 Q. No. So the answer is yes?
 17 A. I agreed with — not just of Jonathon Read, but of the
 18 director of housing and the cabinet member for housing
 19 at the time, who were suggesting that we needed to use
 20 the funds from Elm Park Gardens capital receipts to
 21 invest in this tower because there were great needs for
 22 investment.
 23 Q. Is that what you understood by his reference to dipping
 24 into the cookie jar and taking snacks from other parts
 25 of the —

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1 A. I — to be honest, that — I don't — that didn't really
 2 ring a bell with me. My understanding — but it was ...
 3 I think it's very — I now know, I think, that the whole
 4 funding and ringfencing of the HRA is maybe more
 5 complicated than I understood. At the time, my
 6 understanding was the garages and basement flats that
 7 had been sold in Elm Park Gardens were on an HRA estate,
 8 they were capital receipts from the sale of HRA
 9 property, and we had to use those capital receipts on
 10 regeneration projects within the HRA.
 11 So I didn't — my understanding was one could not
 12 use funds, capital funds, from the general fund to
 13 cross-subsidise the HRA, so that's what would have been,
 14 in his terminology, taking snacks from other parts.
 15 That was not allowed. We had to use money that was
 16 inside the ringfenced HRA, and my understanding was that
 17 the Elm Park Gardens sale receipts were just that.
 18 Q. I see. So you didn't agree with him about dipping into
 19 the cookie jar? Perhaps you didn't express it, but you
 20 wouldn't have agreed with —
 21 A. I don't think I replied to this email.
 22 Q. No, that's right, but if you had, then you wouldn't have
 23 agreed with him about that?
 24 A. No.
 25 Q. Now, we know that cabinet in the end did approve

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1 a budget for the project initially of some £6.9 million;
 2 yes?
 3 A. Yes.
 4 Q. Yes. Was the decision of the cabinet unanimous in that
 5 respect, do you think?
 6 A. I believe it was.
 7 Q. Can we assume that you were personally supportive of the
 8 refurbishment works at Grenfell Tower?
 9 A. You don't need to assume that, I'm telling you.
 10 Q. Right.
 11 Do you remember whether any member of the cabinet
 12 expressed any opposition to allocating that sum to
 13 Grenfell Tower?
 14 A. I do not remember that.
 15 Q. Was there any objection taken to the size of the sum
 16 requested?
 17 A. Not that I recall.
 18 Q. Was there any discussion about reverting to the
 19 demolition as part of the 2009 master plan study?
 20 A. Not that I recall.
 21 Q. Did you think or were you told that the figure being put
 22 forward for approval was very much an outline estimate
 23 based on some very headline numbers and not a properly
 24 costed budget?
 25 A. I cannot remember specifically being told that, whether

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1 we were or we weren't, but it was not uncommon within
 2 the council for these sorts of initial budgets to be
 3 high level, because my understanding of how it worked
 4 was that the relevant council departments, or in this
 5 case the TMO, couldn't start spending significant
 6 amounts of money on consultants if there was no budget
 7 approved. So it happened quite regularly, more so,
 8 for example, in the corporate property team, where there
 9 would be a high-level budget agreed by the cabinet, so
 10 that went on to the budget in the capital programme,
 11 which enabled officers, or in this case the TMO, to do
 12 much more detailed work, and then there would be
 13 a revision to that budget in the future.
 14 Q. I see. Do I take it from that that although there was
 15 this approval initially on that initial number,
 16 everybody realised that it was going to go up at some
 17 point, or was likely to be revised?
 18 A. I would say none of us would have been particularly
 19 surprised when it came back to be revised.
 20 Q. Right. In fact, can we go further: you would have been
 21 surprised if it hadn't?
 22 A. I wouldn't go further, but — no.
 23 Q. All right.
 24 Now, we know that in July 2013 cabinet approved
 25 an increase in the budget to £7.9 million.

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1 A. 9.7, I think.
 2 Q. You are quite right, £9.7 million, I misread my note.
 3 That was on Laura Johnson's recommendation, wasn't
 4 it?
 5 A. It was.
 6 Q. Can we look at {RBK00003316}, please. This is the
 7 housing policy board minute for 4 July 2013, and we can
 8 see that you are in attendance, together with
 9 Councillor Husband, and Laura Johnson is also there.
 10 Now, is it right you were attending the housing
 11 policy board because — is this right? — you are now
 12 cabinet member with responsibility for property, housing
 13 and regeneration?
 14 A. Correct.
 15 Q. Yes. This meeting occurred — is this right? — before
 16 the cabinet meeting at which the increase to
 17 £9.7 million was approved; yes?
 18 A. I can't remember the exact date of the cabinet meeting,
 19 but if you have seen that, then yes.
 20 Q. It would be normal, wouldn't it, for the housing policy
 21 board to meet before —
 22 A. Well, the housing policy board met every week.
 23 Q. All right.
 24 Let's go to page 3 {RBK00003316/3}. You can see,
 25 just below the top of the screen:

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1 "Cllr Feilding—Mellen queried increasing the budget
 2 provision for improving Grenfell Tower to £9.7m.
 3 Laura Johnson said the Council has not spent any money
 4 on maintaining the building in over 30 years and the
 5 capital receipt from Elm Park Gardens has been set aside
 6 to undertake the works."
 7 Why did you query the increase?
 8 A. I think it would have been remiss of me not to ask why
 9 it was going to go to cabinet asking for an increase of
 10 over 50%. It's public money. Indeed, it's money within
 11 the HRA, which is ringfenced, and I would certainly want
 12 to have an explanation from the director of housing
 13 before going and supporting such a request to my
 14 colleagues on the cabinet.
 15 Q. Yes. That's an answer to one part of the question,
 16 I suppose. Let me try it again: were you querying the
 17 increase because it was such a large increase, or were
 18 you querying the increase because the initial figure was
 19 so low?
 20 A. I think I was wanting to understand what — why the
 21 increase was necessary and what was going to be
 22 delivered with that increased budget.
 23 Q. Yes.
 24 Were you surprised when Laura Johnson told you that
 25 the council had not spent any money on maintaining that

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1 building in 30 years?
 2 A. I wasn't surprised then because she had told me that in
 3 2012.
 4 Q. Yes, and she repeated it. Did that satisfy you? Given
 5 that she had already given you the answer —
 6 A. I think my guess is that the note in this minute is
 7 a pretty abbreviated version of that discussion.
 8 Q. Yes, I don't think it's — this isn't your note, is it?
 9 A. I didn't take these notes, no.
 10 Q. No, so I don't think it's fair to assume that
 11 responsibility.
 12 You can see what she says there:
 13 "Laura Johnson said the Council has not spent any
 14 money on maintaining the building ..."
 15 A. If that was the only explanation she gave, I would not
 16 have been satisfied. I'm very confident that she would
 17 have gone into more detail explaining why the budget was
 18 going up from 6 to 9.7.
 19 Q. Yes, and what was it? What was her explanation?
 20 A. Off the top of my head, I can't remember exactly, but
 21 I think for example they'd increased the number of —
 22 there would have been some suggestion that the initial
 23 £6 million was a very high—level guesstimate, and then
 24 I also believe that there was an increase in the number
 25 of Hidden Homes.

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1 I think that doing — re—doing the boxing club and
 2 the nursery were also new components of the project.
 3 I don't remember them being in the 2012 cabinet report.
 4 Q. Do you remember going through a breakdown of the
 5 elements of the increase?
 6 A. I don't remember now, but I'm — what I'm confident of,
 7 because it was my typical way of working, was that
 8 I would have wanted assurance that it wasn't a very —
 9 that there was good reasoning for that increase.
 10 Q. Now, this is a draft minute, as you can see. Was it
 11 your custom or practice to receive the finalised minutes
 12 of these policy board meetings?
 13 A. I did normally get the draft minutes. Because these
 14 were informal meetings, they were more for keeping
 15 actions, noting things. I would have skimmed through
 16 this draft minute before the next meeting, and sometimes
 17 the following week's minute would note that I — I'd
 18 normally only flag something if I considered the action
 19 to have been mistaken, rather than a not perfectly
 20 worded verbatim description of the discussion.
 21 Q. Right. I mean, when or if you saw this document and had
 22 seen the response recorded there, did you not ask for
 23 the full response and full reasons given by
 24 Laura Johnson to be recorded?
 25 A. No.

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1 Q. Why is that?
 2 A. Because, as I've said, this was an informal note of
 3 a meeting. I was satisfied with the reasons that
 4 Laura Johnson had given, I felt confident that, when it
 5 went to cabinet, I could support Laura Johnson's
 6 reasoning for the request to increase it, and I was
 7 confident that she would have answers to any questions
 8 that other cabinet members might pose at that cabinet
 9 meeting. I didn't feel it was necessary to make them —
 10 this informal minute a verbatim record of what was
 11 discussed.
 12 Q. No. The question you asked her was quite an important
 13 one, though, wasn't it?
 14 A. It was, and I felt that I had an answer.
 15 Q. And given that the answer that we see on the page, you
 16 say, wouldn't have satisfied you, my question is: why
 17 did you not insist on a record of what she did tell you
 18 which did satisfy you?
 19 A. I think I've explained, and I don't have much more to
 20 say.
 21 Q. Right.
 22 When the budget increase was discussed in cabinet
 23 later in that month, again, was that decision unanimous
 24 in approving the increase?
 25 A. My understanding is that, had it not been unanimous, the

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1 cabinet member who disagreed would have been noted in
 2 the minutes, and that was not the case, so I believe it
 3 was unanimous.
 4 Q. Do you remember whether any member of the cabinet asked
 5 for a breakdown of the figures making up the increase to
 6 £9.7 million?
 7 A. I do not remember, and — I don't remember, no.
 8 Q. All right.
 9 Do you remember whether any member of the cabinet
 10 asked for an explanation about how the initial budget
 11 number of £6 million—odd could have been so wildly
 12 adrift?
 13 A. I don't remember. That means — that does not mean that
 14 no one did, but I don't remember.
 15 Q. Now, we know, as I say, that there was the increase.
 16 Do you remember that there was a further increase in
 17 the budget for the Grenfell Tower refurbishment in
 18 June 2014?
 19 A. I do remember.
 20 Q. To be precise, the 19th.
 21 A. I do remember.
 22 Q. And do you remember that that went up from £9.7 million
 23 to, in the end, £10.3 million?
 24 A. I do remember.
 25 Q. If we go, please, to {RBK00003688}, we can see the

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1 discussion of this increase at the housing and economic
 2 development policy board, 5 June 2014. You're in
 3 attendance, and among the officers again we see
 4 Laura Johnson.
 5 What was the housing and economic development policy
 6 board? Was that a different policy board?
 7 A. No. It was slightly — economic development was a small
 8 team within the council that sat within my portfolio
 9 under the regeneration bit, and they would sometimes
 10 come to my policy boards, so I presume the minute-taker
 11 here, maybe there was a — the angle co-working —
 12 anyway, I can't remember. I presume there was an agenda
 13 item which was from the economic development team, so
 14 that was Tony Redpath, Richard Miller and Graham Hart.
 15 Q. Right. I see.
 16 At this meeting, what was your assessment, do you
 17 remember, of the request for the increase?
 18 A. Can you — just to make sure I'm remembering the right
 19 document, I'm looking at the moment at the attendees.
 20 Q. Yes, that's right. I'm asking you whether you remember
 21 the meeting.
 22 A. Is this the meeting at which we discussed whether to ask
 23 the cabinet for an increase and whether it should be
 24 10.1 or 10.3?
 25 Q. Let's go to page 2 {RBK00003688/2}, please, noting the

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1 date. This is item 6, "Grenfell Tower":
 2 "Policy Board discussed the draft report.
 3 Cllr Feilding—Mellen stated that the report needed to
 4 explain the increased budget allocation and justify the
 5 difference. Policy Board discussed the contingency, not
 6 currently provided for — increasing the budget from
 7 £9.7m to £10.3m.
 8 "Cllr Feilding—Mellen also asked that officers
 9 outline the list of items that would be lost from the
 10 scheme should approval to award the increased budget not
 11 be given by Cabinet."
 12 That was the note of that.
 13 My question was: do you remember what your own
 14 assessment of the TMO's request for that budget increase
 15 was?
 16 A. Yes. I agreed to recommend to my colleagues on the
 17 council that we increase the budget to 10.3.
 18 Q. And we can see the question that you asked, which is
 19 that the report needed to explain the increased budget
 20 and justify the difference; what was the justification
 21 for the difference?
 22 A. So, as I think I say in one of my witness statements,
 23 it's not written on — I remember having a policy board
 24 meeting at which Peter Maddison from the TMO came and
 25 spoke to us about the need for a new contingency, and

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1 suggested that £600,000 — I can't remember what
 2 percentage — that's kind of 6% —
 3 Q. It was 400,000, I think.
 4 A. No, but at this meeting, he originally — the original
 5 draft report that came to my policy board asked for
 6 an increase of £400,000.
 7 Q. Yes.
 8 A. And at that meeting, he explained that £400,000 would
 9 probably be okay, but on a project of this complexity
 10 a £600,000 contingency, ie more like 6%, would be
 11 a safer option, and therefore I was asked if I would
 12 agree to recommend an increase to 10.3 instead of 10.1.
 13 Now, as I've said in my witness statement, I think
 14 he was at this meeting, but he's not listed on the
 15 attendees, so I can't be sure.
 16 Q. So we've got this exactly right, can we go to your
 17 second statement, please, page 4 {RBK00054433/4},
 18 paragraph 11. You deal with the discussion here, and
 19 you say, six lines down:
 20 "We were told that the TMO had negotiated a tender
 21 price of £9.7m with Rydon, but that would leave the
 22 project without any contingency budget, and so they were
 23 asking for an increase in the budget to ensure there was
 24 at least £400,000 contingency for the project. During
 25 the discussion, I remember being given the impression

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1 that £400,000 was a relatively tight contingency for
 2 a project of this scale and complexity, and so when it
 3 was suggested that a more generous contingency would be
 4 £600,000 (bringing the total project budget up to
 5 £10.3m), I agreed that the final report to Cabinet
 6 should recommend a bigger increase up to that amount."
 7 My question was — and I think you may have answered
 8 it, but just let's be clear — do you remember who it
 9 was who actually suggested the increase in the
 10 contingency at that meeting?
 11 A. My memory is that it was Peter Maddison.
 12 Q. Right. And again, when the budget increase went to
 13 cabinet for a decision, was the decision of cabinet
 14 unanimous in approving that budget increase?
 15 A. I believe so.
 16 Q. Do you remember whether any member of the cabinet
 17 expressed any opposition to that increase?
 18 A. I do not think so. I can't remember them doing so.
 19 Q. Now, that was the last budget increase for the project.
 20 At the time, do you remember, did you think that
 21 that figure was the final number for the Grenfell Tower
 22 project, beyond which no more funding would be
 23 available, come what may, or did you think at the time
 24 there might be room for further increases if a sound
 25 case could be made for it, or them?

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1 A. I'm very confident that, had a sound case been made for
 2 another increase, cabinet would have approved one.
 3 MR MILLETT: Mr Chairman, I'm going to turn to a different
 4 topic altogether.
 5 SIR MARTIN MOORE-BICK: Well, that might be a good point,
 6 mightn't it?
 7 MR MILLETT: It is.
 8 SIR MARTIN MOORE-BICK: Yes.
 9 We are going to have a short break now,
 10 Mr Feilding-Mellen. We will come back at 3.35, please,
 11 and once again, please don't talk to anyone about your
 12 evidence while you're out of the room. All right?
 13 Thank you so much. You go with the usher, please.
 14 (Pause)
 15 All right, 3.35, then, please.
 16 (3.18 pm)
 17 (A short break)
 18 (3.35 pm)
 19 SIR MARTIN MOORE-BICK: Right, Mr Feilding-Mellen, ready to
 20 carry on?
 21 THE WITNESS: I am.
 22 SIR MARTIN MOORE-BICK: Good, thank you.
 23 Yes, Mr Millett.
 24 MR MILLETT: Yes, Mr Chairman.
 25 Mr Feilding-Mellen, I'm going to ask you some

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1 questions about cladding now, and particularly about
 2 a discussion that you became involved with in July 2014
 3 between the TMO and the RBKC planning department.
 4 Now, in your first statement you refer to a number
 5 of complaints that you had received around that time
 6 from Grenfell Tower residents about delays in the
 7 project; yes?
 8 A. Correct.
 9 Q. Yes.
 10 Can we go, please, to {RBK00003722/11}, in that long
 11 exhibit or run of emails. This is an email, at page 11,
 12 from Mr Daffarn to you, at the top of the page, dated
 13 28 June 2013, and there is a bit of a run-up to it lower
 14 down the page which I don't think I need to show you —
 15 if I do, I will — and it has the subject line "Meeting
 16 to discuss Grenfell Tower refurbishment delays", and
 17 it's all about requesting a meeting with Mr Paget-Brown.
 18 In the second paragraph you can see that Mr Daffarn
 19 says that he imagines that Mr O'Connor and he will
 20 attend the planned meeting representing the Grenfell
 21 Action Group, and Mr Awoderu would represent the
 22 Grenfell Tower Leaseholders' Association, and somebody
 23 there also for the Lancaster West Residents'
 24 Association. You see that.
 25 If we go to page 7 of this {RBK00003722/7}, you can

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1 see that on 22 July 2013, Lesley Coyle writes to
 2 Mr Daffarn, do you see that, and offers a meeting before
 3 the end of July 2013?
 4 Now, is it right, Lesley Coyle was Mr Paget-Brown's
 5 PA?
 6 A. Yes.
 7 Q. Yes.
 8 Now, do you remember — this cuts a very long story
 9 short — that the meeting, after some to-ing and
 10 fro-ing, was put off and set up in the end for
 11 11 September 2013?
 12 A. The meeting between Mr Daffarn and
 13 Councillor Paget-Brown, rather than the meeting between
 14 me and Mr Daffarn?
 15 Q. Yes.
 16 A. Yeah, I'm not familiar with the ins and outs of this.
 17 Q. Fair enough.
 18 Let's scroll up to page 2 {RBK00003722/2}. On
 19 page 2, this is an email of 9 September. I think we
 20 need to go to the bottom of page 1 to see the first half
 21 of the heading, which identifies the date, and it goes
 22 to Lesley Coyle from Edward Daffarn, 9 September. In
 23 it, if you go to page 2, he sets out a number of issues
 24 to be discussed.
 25 Perhaps I should start with the first paragraph,

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1 just to set the scene. He says:
 2 "Just to confirm our meeting with the Leader of
 3 the Council on Wednesday 11th September at 3.30 pm.
 4 "In order to keep the meeting as focused as possible
 5 we have restricted the number of local stakeholders
 6 attending the meeting to Tunde Awoderu from the
 7 Lancaster West Leaseholders, Christine Richer from the
 8 Lancaster West Residents Association and myself from the
 9 Grenfell Action Group.
 10 "We would offer to meet with Councillor Paget Brown
 11 in the RA rooms that can be found adjacent to the base
 12 of Grenfell Tower next to the Caretakers Office ...
 13 "We will wish to discuss the following matters ..."
 14 And then there is a long list of those.
 15 If you go to the third paragraph in, do you see the
 16 paragraph that starts:
 17 "Why have the Council and it's Scrutiny Committee
 18 been involved in a 'cover up' by totally ignoring the
 19 extreme fire risk and danger to residents safety as
 20 a result of power surges that occurred in Grenfell Tower
 21 in May.
 22 "How can the Council/TMO justify the decision to
 23 deny liability for the destruction of residents
 24 electrical appliances and refuse to pay us compensation?
 25 Why are residents being treated like dirt through no

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1 fault of their own?"
 2 Then he goes on underneath that to say:
 3 "Why the Grenfell Tower improvement project has been
 4 delayed for over one year now and why residents will now
 5 have to undergo three years of disruption instead of
 6 having all the construction work taking place at one
 7 time? How the funding gap will be bridged between the
 8 £11 million Leadbitter have stated the works will cost
 9 and the £9.6 so far available?
 10 "A commitment from Councillor Paget Brown that he
 11 will take a personal interest in this project to make
 12 sure that ongoing delays are resolved."
 13 Just on what I've read to you — and there's other
 14 material in here — do you accept that in fact you were
 15 aware from this time at least that there was
 16 dissatisfaction among the residents of Grenfell Tower
 17 about the project?
 18 A. I actually don't remember this email, but there are
 19 other emails that I do remember and that are in my
 20 witness statement from this same time which made me
 21 aware of their concerns and dissatisfaction with how
 22 long it was taking.
 23 Q. Yes. Did you understand that there were concerns about
 24 what Mr Daffarn describe as "an extreme fire risk" at
 25 Grenfell Tower?

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1 A. I don't remember being told about that particular
 2 phrase. I do remember the power surges and the worries
 3 that they were a health and safety risk and a fire risk,
 4 and again in my statement I've gone into that in quite
 5 some detail.
 6 Q. Yes. Now, if we go to page 1 {RBK00003722/1}, we can
 7 see that Lesley Coyle sends this on, I think, to
 8 Laura Johnson, and you can see that. She says:
 9 "Dear Laura
 10 "Some while back, the Leader agreed to meet with
 11 Mr Edward Daffarn of the Grenfell Tower Action Group and
 12 this has been set up for Weds 11th September at 3.30pm.
 13 "I believe the Leader's initial intention was for a
 14 low key, personal meeting out of good will. However,
 15 things seem to have escalated and Mr Daffarn has sent
 16 the email below this morning. Sir Malcolm Rifkind's
 17 office have also sent us a selection of mail from
 18 Mr Daffarn to their office and asked to be kept informed
 19 of the outcome of Wednesday's meeting.
 20 "I believe the Deputy Leader is largely dealing with
 21 matters relating to Mr Daffarn/Grenfell Tower as they
 22 fall within his portfolio but the Leader was keen to
 23 meet with Mr Daffarn himself.
 24 "In the light of the email below and correspondence
 25 from Sir Malcolm's office, the Leader has now asked for

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1 a briefing note. Would you be kind enough to let us
 2 have something for him prior to Wednesday? I do
 3 apologise for the short notice but we hadn't previously
 4 thought it would be required. If you've produced
 5 anything for Cllr Feilding—Mellen on this in the past
 6 that might be of help?"

7 Laura Johnson responds to Lesley Coyle and says:
 8 "Lesley.
 9 "No problem, this is all very familiar territory and
 10 queries that have all been answered before we shall pull
 11 together a brief."

12 My question on this, and I know you didn't see this
 13 run of emails, we know what's in your statement, but
 14 just to be clear, were you aware that Laura Johnson had
 15 sent that response?

16 A. Well, I was copied in, and I do remember that I wrote to
 17 Councillor Paget—Brown with my thoughts on some of the
 18 issues that were raised. So maybe I had seen —

19 Q. Yes.
 20 A. — that email.
 21 Q. So in fact, by being copied in, as you're right to point
 22 out, would you have looked at the entirety of the email
 23 chain?
 24 A. I think I would have done, and as I say, now I do
 25 remember that I did write to the leader with what

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1 I considered important points as a briefing .
 2 Q. Yes.
 3 Did you yourself view Mr Daffarn's complaints as
 4 what Laura Johnson referred to as "familiar territory"?

5 A. They were not familiar to me then, because I'd only been
 6 in post for a few months, but I knew that there were
 7 numerous residents of the tower who were worried, both
 8 about the delays and about the power surges.

9 Q. Let's go to {RBK00046008}, please. Noting the date of
 10 this, the Laura Johnson email is 9 September, what I'm
 11 going to show you is an email from Mr Paget—Brown to you
 12 of 27 September 2013, so this is after the meeting.

13 You can see that it's, as I say, to you and it's
 14 copied to Councillor Campbell, and the subject is
 15 "Lancaster West — [Eddie] Daffarn".

16 "Dear Rock
 17 "Here is a draft letter I propose to send to Eddie
 18 Daffarn. Grateful for any
 19 comments/amendments/additions.
 20 "Regards Nick."

21 A. I think I replied to that.
 22 Q. I'm sorry?
 23 A. I think I replied to it.
 24 Q. Yes, can we just look at this, please.
 25 The draft says:

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1 "Dear Edward
 2 "I was very pleased to come with Barbara Campbell to
 3 see you and other residents at Lancaster West on 11th
 4 September. My apologies for the delay in replying and
 5 please would you thank your colleague for allowing
 6 Barbara and I to visit her flat .
 7 "I thought it would be helpful to put together
 8 a list of the issues which came up and which need to be
 9 addressed. We can re—visit these when we meet again at
 10 the end of November and I will ask Rock to join us so
 11 that we can agree a common agenda and a way forward."

12 Then he sets out a list of issues to consider, and
 13 there are a large number of them. I'll just highlight
 14 some. Second bullet point:
 15 " ■ Do residents want to see a refurbishment or
 16 a re—building of all or part of the estate?
 17 " ■ Is there a perception that the Council is trying
 18 to get rid of tenants? Why?"

19 Then three bullet points on:
 20 " ■ Is the Estate Management Board any good and will
 21 sufficient numbers of residents serve on it to make it
 22 work?
 23 " ■ If EMB is no good what would be a better way of
 24 running the estate?
 25 " ■ What relationship is required with the TMO?

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1 " ■ What caused the power surges. Why not claim
 2 against the insurance?
 3 " ■ When will the work on Grenfell Tower start?"

4 Then there are also walkabout issues and you can see
 5 what those are.
 6 As I've shown you, Mr Paget—Brown mentions in this
 7 draft email that he plans to meet Mr Daffarn again at
 8 the end of November. Do you know whether that meeting
 9 went ahead?

10 A. I remember having a meeting with Councillor Paget—Brown
 11 and Mr Daffarn and some others at around that time. It
 12 may have been this meeting at the end of November,
 13 I can't remember the date.

14 Q. Having seen — and we will come to your response in
 15 a moment — this draft letter, were you clear or did you
 16 have a clear impression, perhaps, that the
 17 Grenfell Tower residents or at least those people that
 18 you had met had real concerns about the issues that
 19 Mr Paget—Brown had listed in his draft?

20 A. I knew that there were residents in Grenfell Tower who
 21 were concerned about those things, yes.
 22 Q. Yes.
 23 Let's go, then, to {RBK00046009}, please, which is
 24 your response to Councillor Paget—Brown of the same
 25 date, 27 September 2013. You say in the second email

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1 down on page 1:
 2 "Dear Nick,
 3 "I've made some amendments as follows ..."
 4 But if you scroll down, you can see, I think, that
 5 the amendments are not particularly substantial. Is
 6 that fair?
 7 A. Yes.
 8 Q. Yes.
 9 Then on page 2 {RBK00046009/2}, you say, and I'll
 10 just show you this, at the very bottom of the screen,
 11 after the "Npb", I think this comes back to your text:
 12 "However, I must admit that many of the questions
 13 are the same questions he's been asking for a long time
 14 and has received answers to already — for example, we
 15 still cannot be 100% sure about what caused the power
 16 surges, and the reason tenants can't claim against
 17 RBKC/TMO insurance is because the power surges were not
 18 the result of negligence by the TMO, but were an
 19 accident, and so if people don't have contents insurance
 20 they are not covered. Do we really want to leave that
 21 issue open again, when our own Insurance department has
 22 answered these questions before? Similarly, I have
 23 already explained the situation about the Grenfell Tower
 24 improvement works and why it is taking this long, and
 25 I don't think there's much more to add."

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1 And it goes on.
 2 Just on that, were you satisfied at the time, did
 3 you think, that the residents of Grenfell Tower had
 4 really understood and had properly explained to them the
 5 reasons why neither the council nor the TMO would
 6 reimburse them for their lost electrical equipment
 7 because of the power surges?
 8 A. I had seen fairly extensive correspondence sent by the
 9 TMO and, indeed, I think, by the council's insurance
 10 department explaining it. I think there was
 11 a residents' meeting, I've seen a note of a residents'
 12 meeting between the TMO and residents, I think that was
 13 explained. So my understanding was that the explanation
 14 had been given. I understood that there were residents
 15 who didn't agree with the explanation, but I didn't know
 16 what more Nicholas Paget—Brown or I could do about that.
 17 Q. Then if you look at the last paragraph on page 3
 18 {RBK00046009/3}, top of the screen, it says:
 19 "I would have thought we should keep the discussion
 20 focused on the future, and about what changes are
 21 necessary/desirable on the whole Lanc West estate. It
 22 would be useful to talk about what's wrong with the
 23 estate, what's needed to make it better, what options
 24 might be available, what residents would like to see,
 25 and maybe a bit about how the estate should be managed."

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1 We could also usefully discuss the subject of tenants
 2 right to return and any potential decant policies, etc
 3 and why some tenants accuse us of 'social cleansing'.
 4 "What do you think? Shall we try slimming down the
 5 agenda accordingly, or do you want to keep it as is?"
 6 Then if we look at Councillor Paget—Brown's response
 7 to you at the top of page 1 {RBK00046009/1},
 8 3 October 2013, he, in the third paragraph there, says:
 9 "Although we can meet with officers, I tend to find
 10 that such meetings become rather defensive and
 11 entrenched."
 12 Did you understand Mr Paget—Brown there to be
 13 referring to officers of the TMO or officers of RBKC?
 14 A. Erm ... I don't know. I actually haven't — I can't
 15 remember what I thought at the time. I'd have to ...
 16 I would have imagined us having someone like
 17 Laura Johnson at that meeting.
 18 Q. Right. Was it your impression that officers of the TMO,
 19 for example, were or became defensive and entrenched
 20 when these matters, the subject of Mr Daffarn's email,
 21 for example, were raised?
 22 A. I don't — my interpretation of what
 23 Councillor Paget—Brown wrote there is that the meeting
 24 becomes rather defensive and entrenched, rather than one
 25 particular group of attendees. I don't think he was

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1 talking just about the officers becoming defensive and
 2 entrenched, I think he was saying — I think he was
 3 expressing a hope that by just being members with
 4 residents, we might get over some of the issues and
 5 hurdles that kind of when we've left it to housing
 6 officers, TMO and residents, they both just dig in.
 7 Q. Yes.
 8 Just two things to add to the record, then, before
 9 we move on.
 10 First, you referred to the minutes of the residents'
 11 meeting with the TMO about the power surges; you may
 12 recall that was mid—August, 15 August 2013. Do you have
 13 a —
 14 A. I —
 15 Q. Would that be about right?
 16 A. That sounds right.
 17 Q. Yes. The reference to that is {TMO10049930}.
 18 And it's correct, isn't it, that in fact your draft
 19 of Mr Paget—Brown's letter went to Mr Daffarn in exactly
 20 the same terms as the suggested response with your
 21 amendments; are you aware of that?
 22 A. I can't say I am, but —
 23 Q. It's a matter of record.
 24 A. I'm sure that's true.
 25 Q. And the record is {MET00042240}.

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1 Now, let's go, please, to {RBK00003381}. This takes
 2 us into June 2014, and it's an email exchange between
 3 you and Tunde Awoderu on behalf of the Grenfell Tower
 4 Leaseholders' Association, and you can see that on
 5 page 1 is your response to him, copying in the same
 6 number of copyees that he had copied.
 7 If you go, please, to page 2 {RBK00003381/2}, and
 8 the start of his email, you can see that there he was
 9 referring to comments made by the local councillor
 10 Judith Blakeman, and he says in the third line:
 11 "You made a commitment to me as Vice Chairman of the
 12 Grenfell Tower Leaseholder's Association that the work
 13 would begin early 2014. This was witnessed by
 14 Cllr. Judith Blakeman (Ward councillor), Edward Daffarn
 15 (Grenfell Action Group), Laura Johnson (RBKC),
 16 Peter Maddison (TMO) and Christine Richer (LWRA). Now
 17 we are in June 2014 and there is no sign of any
 18 improvement work whatsoever at Grenfell Tower apart from
 19 some sign board of Rydon here and there."
 20 Do you remember making this promise to Mr Awoderu?
 21 A. I am fairly certain that I did not make a promise as to
 22 exactly when the works would commence. I was very
 23 conscious of not giving a firm date, and my recollection
 24 is that there were also minutes of that meeting in
 25 July 2013 produced by Laura Johnson, which I think

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1 I exhibit in my witness statement.
 2 Q. Did you share the residents' frustration that work on
 3 the Grenfell Tower refurbishment had not yet commenced?
 4 A. I understood their frustration, and was keen to try and
 5 do what I could to expedite things and get it going, and
 6 at least help them understand why it was taking that
 7 long.
 8 Q. If we go to your response on page 1 {RBK00003381/1},
 9 please, you say towards the foot of page 1:
 10 "Dear Tunde
 11 "I write to you in response to your email dated
 12 8th June 2014."
 13 Then you explain in the longish paragraph at the
 14 bottom of that page that, in the fourth line:
 15 "... as has previously been explained to you, it
 16 became apparent during negotiations with the KALC
 17 contractor that this would not be possible. A decision
 18 was then made to appoint a separate contractor for
 19 Grenfell Tower through a separate competitive tendering
 20 process to ensure value for money and to maximise the
 21 benefits to the block from the Cabinet approved budget.
 22 In all previous meetings and discussions with you I have
 23 made sure not to give firm commitments as to when the
 24 works would start or finish, but have instead told you
 25 when we hoped to start on site, as I have known, and

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1 explained to you, that in such a large and complex
 2 scheme there are always a number of variables beyond our
 3 control.
 4 "Whilst there doesn't appear to have been much
 5 happening on the ground there has been a lot of activity
 6 taking place behind the scenes to get ready to start on
 7 site this month. Rydon's are currently carrying out
 8 preparatory activities including finalising materials
 9 and other planning conditions with RBKC's Planners."
 10 I've shown you a lot of that for a very short
 11 question: were you confident at this stage, or as
 12 confident as you could be, that work was going to start
 13 in June 2014?
 14 A. My recollection is that I had asked Laura Johnson to
 15 draft a response to Tunde's email, and I think this is
 16 a draft which she prepared and I read and was happy with
 17 and then sent. And I believed what I was being told,
 18 which is that work was due to start soon.
 19 Q. Now, you arranged then, I think, to visit the site at
 20 Grenfell Tower the following month, 15 July 2014. Do
 21 you remember?
 22 A. Yes.
 23 Q. You deal with that at paragraph 14 of your second
 24 statement. We can look at that if you like. It's on
 25 page 6 {RBK00054433/6}. Let's go to that. You say

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1 there in the second line:
 2 "I met with Peter Maddison and Claire Williams from
 3 the TMO and Bruce Soules from Studio E, on the morning
 4 of 15th July 2014 at Grenfell Tower to discuss the
 5 outstanding planning issues and to view samples of the
 6 cladding. The TMO then met with Sarah Scannell from
 7 RBKC Planning on the morning of the 17th July, but I was
 8 unable to attend. As far as I can recall, the meeting
 9 on 15th July 2014 was the only meeting I attended that
 10 arose from the email exchanges I had about the cladding
 11 at the time."
 12 So that's what you say.
 13 Do you remember what the purpose of the meeting was?
 14 A. It was to do with this issue of the colour of the
 15 cladding and the fixing method of the cladding, which
 16 were the two issues that I had been told were still in
 17 disagreement with the planning officers and was one of
 18 the main causes of the ongoing delay.
 19 Q. Right. So you went to the meeting in order to try to
 20 help resolve those issues, did you?
 21 A. To understand and see if I can try and help
 22 a resolution, yes.
 23 Q. The two issues you have identified are the fixing
 24 method, so face—fixed as opposed to cassette — yes?
 25 A. Yes.

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1 Q. And colour.
 2 A. And colour.
 3 Q. And the colour choices at that stage were champagne —
 4 A. There was a champagne colour which the planner
 5 preferred. There was, I think, a brushed aluminium, and
 6 there was what I refer to as a kind of battleship grey.
 7 I think there had been earlier more — how would one
 8 describe it? — adventurous or bold colour combinations
 9 put forward by the architects originally, which I had
 10 been told residents were not keen on, and so at that
 11 stage, yes, I believe it was the more muted options of
 12 brushed aluminium, champagne or battleship grey.
 13 Q. Now, you say you were there to see if you could try and
 14 help a resolution. How would you do that? What would
 15 you bring to the meeting which would assist in
 16 a resolution in those —
 17 A. I could raise the concerns I had about the delay this
 18 was causing with Jonathan Bore, the executive director
 19 of planning.
 20 Q. Was it your understanding that the choice of fixing and
 21 the choice of colour were either each or together
 22 creating or causing a delay?
 23 A. It was the inability to get planning to sign off on
 24 those conditions as part of the planning process, which
 25 meant that the TMO/Rydon could not commence work. That

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1 was my understanding.
 2 Q. You say you could raise the concerns you had about the
 3 delay with Jonathan Bore. How would that assist in the
 4 resolution of the specific questions that had to be
 5 decided by planning?
 6 A. Because I didn't know whether this was something which
 7 a relatively junior case officer in the planning
 8 department was just sticking her heels in about, about
 9 her preference of a colour, without realising the
 10 importance of this project overall, and I wanted to make
 11 sure that the director of planning understood the
 12 importance of this project and to help.
 13 Q. I see. I think I see. I think I'm getting a picture.
 14 So "her" is Sarah Scannell?
 15 A. That's what I was told, yes.
 16 Q. So you were there, as it were, to exercise a bit of —
 17 would this be fair — cabinet member influence?
 18 A. So the planning department took their independence very
 19 seriously indeed, but at the same time it was their
 20 responsibility to consult widely on these decisions and,
 21 as a cabinet member responsible for housing, and on
 22 a project which was a very, very major strategic
 23 investment for the HRA, which was going to affect
 24 120-odd households, I wanted him to know that, as a key
 25 stakeholder, the housing department was keen to get this

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1 resolved.
 2 Q. This was a decision about appearances?
 3 A. That's what planning — planning's function, as
 4 I understand it, is primarily around the uses of
 5 buildings and the appearance of buildings.
 6 Q. Yes. Indeed, absolutely. You were there — is this
 7 right? — to perhaps use your influence as a cabinet
 8 member to reinforce to those involved in making
 9 decisions about appearances in respect of this project?
 10 A. I was. I considered myself representative of a key
 11 stakeholder in this process, and I wanted to make sure
 12 that there were senior officers in planning who
 13 understood the import of the whole scheme of things, the
 14 pressure that the council was under, the TMO was under,
 15 from residents to get these improvement works started.
 16 Q. Had you gained the impression that something had gone
 17 wrong with the process which had led to the delay?
 18 A. I wouldn't say it was necessarily something going wrong,
 19 but I didn't — I personally didn't feel that the choice
 20 of colour between champagne or battleship grey was
 21 a very good reason for the planning department to be
 22 delaying this project, and I wanted the executive
 23 director to know that's what I thought.
 24 Q. I follow.
 25 Were you shown any samples of the cladding materials

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1 at that meeting?
 2 A. I think I was.
 3 Q. Do you remember which cladding materials you were shown?
 4 A. I don't. I presume I was shown the different colours.
 5 Q. Do you remember whether all the samples that you were
 6 shown, as far as you can recall, were ACM?
 7 A. I do not know that.
 8 Q. Had you heard of ACM?
 9 A. As I said in my witness statement, the only reference
 10 that I ever received was in one email from
 11 Peter Maddison as a passing comment which was talking
 12 about the possibility of replacing zinc with aluminium.
 13 I actually at the time didn't register that because to
 14 me, I didn't know the difference between aluminium or
 15 zinc, didn't mean much to me. I don't remember
 16 registering it or responding to that particular comment.
 17 But I have noted that after the event, after the fire.
 18 Q. Did you express any particular preference for any
 19 particular fixing, namely rivet or, as they call it,
 20 face-fixed perhaps, as against cassette?
 21 A. Again, I think as I — I think what I said was if the
 22 planners prefer — was it the cassette fixing that they
 23 preferred, I think, rather than the face fixing? They
 24 thought it would look better, and that was one of the
 25 reasons for a hold-up. I asked whether there was the

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1 budget already included for that. Peter Maddison said
 2 yes, it was. I was like, well, if we've got the budget
 3 and that's what the planners want, and they say it will
 4 look better, why not go with that?
 5 Q. You remember that discussion, do you?
 6 A. I've seen the emails.
 7 Q. But do you remember that discussion, in answer to my
 8 question?
 9 A. Well, I've seen the emails. I remember it now because
 10 I've read the emails.
 11 Q. Did anybody express any concerns about fire safety in
 12 respect of the choice of cladding?
 13 A. I was — it was never raised to me that there was any
 14 question of fire safety in this discussion.
 15 Q. Let's look at some emails from the time. These may not
 16 be the ones you're referring to.
 17 {RBK00003500}. This is a further exchange between
 18 you and Peter Maddison from 15 July 2014. You produce
 19 this as RFM/16.
 20 In this email exchange, you ask for the name of the
 21 planning officer, and Mr Maddison tells you it is
 22 Sarah Scannell and he gives you her email address.
 23 That's where we end up at the top of page 1.
 24 Do you remember sending this email — I'm so sorry,
 25 on the screen it's at the second half of page 1 — after

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1 the meeting?
 2 A. The one where I say, "Dear Mr Maddison — I am meeting
 3 Mr Bore"?
 4 Q. Yes, the one on the screen.
 5 A. I only remember it because I have read this recently.
 6 Q. I see.
 7 Do you remember speaking to Ms Scannell in person on
 8 15 July 2014 about the refurbishment project?
 9 A. I don't think I did speak to Ms Scannell. I don't
 10 remember speaking to Ms Scannell.
 11 Q. Did you speak to Mr Bore, Jonathan Bore, at all?
 12 A. I had an email exchange with Mr Bore about this.
 13 I don't remember actually speaking to him about it.
 14 Q. Yes, we will come to those emails shortly.
 15 Before we do, let's just try and stick with
 16 15 July 2014, because it says here, you see:
 17 "... I am meeting Mr Bore on other matters this
 18 afternoon ..."
 19 First of all, did you meet Jonathan Bore that
 20 afternoon?
 21 A. I don't remember. I think I remember the other issues
 22 from other emails I have seen, there was a planning
 23 application in my ward for a scheme called Duke's Lodge
 24 which was contentious because the developer was trying
 25 to get away without making any affordable housing

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1 contributions, and I was upset about that and wanted to
 2 speak to him about the council's approach to testing the
 3 developer's viability appraisal. I can't remember
 4 whether I did speak to him — meet him then. I have
 5 seen emails going backwards and forwards.
 6 Q. Yes, there are emails. My question is: do you remember
 7 meeting him on —
 8 A. I don't remember.
 9 Q. Right, thank you.
 10 Were you trying to intercede with Mr Bore, with the
 11 planning department, to encourage them to make their
 12 decision on the cladding swiftly so as to speed things
 13 up?
 14 A. I was trying to encourage Mr Bore to understand the
 15 importance of trying to resolve these outstanding
 16 planning issues more quickly rather than less quickly.
 17 Q. Yes.
 18 Now, sticking with 15 July 2014, can we go to
 19 {RBK0033412}. This is an email that you received from
 20 Bruce Soules on that day. He is the architect at
 21 Studio E. You produced this at RFM/17.
 22 In this email, you can see that he sends you a link
 23 to an album of pictures of a housing project in Kilburn,
 24 as you can see in the middle of the email, "Picasa web
 25 album", where cladding cassettes were used, and that is

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1 the point he makes at the beginning. He says:
 2 "Further to our site visit this morning please see
 3 link to an album of pictures of the Kilburn housing
 4 project we mentioned. It uses the same brushed
 5 aluminium material and finish proposed for
 6 Grenfell Tower, but folded into cladding cassettes which
 7 conceal almost all fixings."
 8 Then there is something about colour.
 9 Did you discuss cladding cassettes with Bruce Soules
 10 during your site visit on 15 July 2014?
 11 A. I cannot remember. He might — if there were samples of
 12 the different fixing methods on site as well, I imagine
 13 he would have shown me, but I don't remember,
 14 I'm afraid.
 15 Q. Was there any discussion, any questions asked, about
 16 anything to do with the cladding other than how it
 17 looked?
 18 A. How it looked, and there was the issue of the potential
 19 budgetary saving. The reason that the TMO was
 20 interested in the fixing, in the conversation that I had
 21 with them, was because there was a potential saving to
 22 be made by going with the face-fixing method rather than
 23 the cassette-fixing method.
 24 Q. Very well. So how it looked and how much the choices
 25 were?

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1 A. Yes.
 2 Q. Right.
 3 Did you ask about or discuss the history of the
 4 specification for the cladding material, such as who had
 5 specified this material and what it actually was? When
 6 I say "this material", I mean the Arconic Reynobond
 7 PE 55 ACM panels?
 8 A. No, I did not at that stage know — no.
 9 Q. In fact, I think it's right, just to look ahead a few
 10 days, you learnt about the choice, I think, between zinc
 11 and aluminium from Peter Maddison a few days after this
 12 meeting. We will come back to that.
 13 So at this stage, 15 July, you had no clue — is
 14 this right? — that the proposal for the rainscreen
 15 material for Grenfell Tower had begun life as a zinc
 16 panel with a metal honeycomb core, and then had become
 17 substituted for ACM with a polyethylene core?
 18 A. No, I did not.
 19 Q. Did you notice at the time of this site visit that the
 20 panels you were being shown had a thin black plastic
 21 core to them?
 22 A. No.
 23 Q. Now, at the end of Bruce Soune's email, we can see,
 24 still on the screen, that he refers to a second site
 25 visit. He says:

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1 "As discussed we will see you again on site on this
 2 Thursday 17/07 at 8:45am, with a view to meeting the
 3 Planning Officer."
 4 Now, you say in your second statement — and I don't
 5 think I need to take you to it unless you want to see
 6 it, page 6 {RBK00054433/6}, paragraph 14 — that you
 7 didn't attend on that date.
 8 Can we look, then, please, at {TMO00856720}. This
 9 is an email that you wouldn't have seen at the time from
 10 Claire Williams of the TMO to Chweecheen Lim at Artelia,
 11 copied to Rydon, Zak Maynard, "Grenfell — cladding
 12 costs":
 13 "Hi Chweecheen
 14 "This is just an urgent nudge email.
 15 "I have been reminded that we need good costs for
 16 Cllr Feilding—Mellen and the planner tomorrow at
 17 8.45 am!
 18 "We discussed:
 19 "1 fully cassette fixed cladding (columns and
 20 panels)
 21 "2 fully face fixed cladding (ditto)
 22 "3 hybrid version, ie cassette fixed columns, face
 23 fixed panels apart from the lower 4 floors which would
 24 be cassette fixed.
 25 "Please let me have something before 4pm."

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1 Now, I know you didn't receive this or weren't
 2 copied in on this email at the time, but can you explain
 3 why Claire Williams was seeking "good costs"
 4 specifically for you?
 5 A. I can't, really. I can only hazard a guess, which would
 6 be based on what we discussed earlier, which is if they
 7 were going to be talking to me about budget issues,
 8 I would normally ask questions about that, and so
 9 I imagine what she's meaning is she wants to be able to
 10 give a clear answer if I was to ask questions.
 11 Q. The "good costs", was that an expression that you either
 12 used or heard at that meeting?
 13 A. I never heard or used that expression until after the
 14 fire, when this email was widely published.
 15 Q. Now, you explained earlier that the question of the
 16 budget had come up at the meeting as well as
 17 appearances.
 18 Was the cost of the cladding material something that
 19 the planning department would be interested in or
 20 something that you and the cabinet would be interested
 21 in?
 22 A. Neither, it was something that the TMO was interested
 23 in, as is clear in the emails that Peter Maddison makes
 24 clear. I was interested in the reason for the delay.
 25 One of the issues was the fixing methodology, one was

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1 the colour. The colour had nothing to do with cost.
 2 The fixing methodology, the planners liked the
 3 appearance of the fully cassette—fixed cladding, that
 4 was the most expensive option. My understanding was the
 5 reason why the TMO were not just agreeing to that was
 6 because they were hoping to make a saving in the fixing
 7 methodology.
 8 Q. I see. So is this right: to your way of understanding,
 9 you, that is RBKC, were agnostic about the cost, because
 10 the budget had already been set, but you understood that
 11 the TMO wanted, for their own budgetary reasons, for you
 12 to, as it were, push for the cheaper version so as to
 13 keep it within their budget?
 14 A. I don't think they were asking me to push for the
 15 cheaper version, and indeed in the emails it's clear
 16 that I wasn't doing that.
 17 Q. So what was the relevance, then, of any discussion about
 18 budget at the meeting?
 19 A. I think they were just explaining to me why they were
 20 seeking an option, a methodology, a fixing methodology,
 21 which the — rather than just saying yes to the
 22 planners, which would help get the process through
 23 quickly, which was my main concern, they were explaining
 24 what the problem was, and there's one email from
 25 Peter Maddison where he says they were hoping to

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1 negotiate with the planners by offering up the champagne
2 colour in the hope that they could use the hybrid or the
3 cheaper fixing methodology. So that's — it was — that
4 was their point and they were explaining to me that
5 reasoning.
6 Q. I see.
7 A. My concern was programme, because that was the
8 residents' concern.
9 Q. Your concern was programme, you say, because that was
10 the residents' concern; was your concern not also
11 colour?
12 A. I think it's clear from the emails that I say at the end
13 of that long email chain, "Choose whatever colour we
14 need to get cracking".
15 Q. Do you remember why you didn't attend the 17 July
16 meeting?
17 A. I think I had wanted to attend, and I had asked for it
18 to be brought forward to 8.45 so I could attend briefly,
19 but I had another meeting at 9.30 in the town hall, and
20 my understanding is that Sarah Scannell could not meet
21 at 8.45.
22 Q. Yes, and we can see that from the document I'm going to
23 show you.
24 If we go to {RBK00003732}, this is your RFM/19.
25 This is the email you sent to Jonathan Bore on 16 July,

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1 the next day, and you say this:
2 "Dear Mr Bore,
3 "I met with the TMO and architects to look at the
4 cladding samples for Grenfell Tower the other day.
5 I had hoped that they'd be able to bring forward the
6 meeting tomorrow morning with Sarah [Scannell] to
7 8.45am, so that I could join them on site and hear her
8 thoughts before getting to my Policy Board meetings, but
9 sadly she is unable to get to site before 9.30am.
10 "As you know, this project is already behind
11 schedule and it is important that we finalise the choice
12 of materials ASAP. I think there are a couple of
13 samples that will be more than adequate, and I think
14 it's important that Planning are [constructive] in
15 helping the TMO get to the right choice, so I hope
16 Ms [Scannell] will assist in that process.
17 "The TMO will be updating me on their meeting
18 tomorrow, and I hope that we'll then be able to move
19 forward."
20 Were you hoping that your intervention in emailing
21 Mr Bore would expedite the planning application?
22 A. I think I've already said that.
23 Q. Yes, and is that evidence you gave earlier reflected in
24 this email, Mr Feilding-Mellen?
25 A. I think — yes.

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1 Q. Yes.
2 When you say in the second line of the second
3 paragraph, "I think there are a couple of samples that
4 will be more than adequate", what did you mean by "more
5 than adequate"?
6 A. I was talking about the colours, which should be
7 satisfactory, and I didn't think the choice of colours
8 in the samples that were there were a reason for
9 delaying the approval of that condition, so that the
10 project could be progressed.
11 Q. I see. So that I understand what you mean, are you
12 saying: you don't need more than a couple to get to your
13 choice quickly, please, rather than looking at lots of
14 different colours?
15 A. I think I meant I thought either the brushed aluminium
16 or the battleship grey, which were two of the samples
17 on site, were adequate.
18 Q. Right.
19 Now, I'm going to come back to — in fact, I'll deal
20 with it now, I'll take it slightly out of order.
21 Can I then take you to an email two days later at
22 {RBK00003682}. This is your exhibit RFM/22, and this is
23 an email from you to Bruce Sounes on 18 July. It's at
24 the foot of the page, over on to page 2. It responds to
25 his email to you of 15 July in which he had sent you the

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1 Kilburn photograph album, and you say at the bottom of
2 page 1:
3 "Dear Bruce
4 "Thank you for sending through those photos. I can
5 now appreciate the look that you are going for.
6 "What was the upshot from the meeting with the
7 planner yesterday morning?"
8 That was the one you couldn't go to, as you said,
9 and then you say:
10 "I'm still not 100% sure that I prefer the brushed
11 aluminium to the 'battle-ship grey' painted option, but
12 that is very subjective, and I am quite relaxed about
13 the choice in the end."
14 Is that what you were referring to a few minutes ago
15 when you said at the end of an email there is something
16 that says you didn't mind? I'm paraphrasing your oral
17 evidence.
18 A. I can't remember exactly but it makes sense.
19 Q. Right. Right, I see.
20 But is this fair: at the top of page 2
21 {RBK00003682/2} that we're looking at here, when you say
22 you prefer the brushed aluminium to the battleship grey
23 painted option —
24 A. No, I'm not 100% sure I prefer — my recollection is
25 that the brushed aluminium was the architect's

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1 preference, and I'm saying, "I'm still not 100% sure
2 that I prefer the brushed aluminium to the 'battle-ship
3 grey'".
4 Q. Yes. Is it fair to say that, in making that remark, you
5 were providing your own personal —
6 A. Subjective —
7 Q. — subjective view?
8 A. Yes, which I say in my witness statement.
9 Q. Yes. Why was it necessary to do that?
10 A. It wasn't necessary.
11 Q. Why did you do it?
12 A. As I say in my witness statement, because this was
13 a subjective judgement call, where I would say my view
14 was as valid as anyone else's, I was willing to proffer
15 my view.
16 Q. At page 1 {RBK00003682/1}, where you see an email from
17 Peter Maddison, who is of course copied in on the email
18 that you sent to Mr Sounes, he says to you:
19 "Dear Cllr Feilding—Mellen
20 "The feedback I have received from the site visit is
21 that the Planners were not sure about the brushed
22 aluminium finish and were indicating a preference for
23 the 'champagne' finish.
24 "They also preferred the 'cassette' fixed approach
25 over the 'face fixing'.

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1 "We have looked at the costs and think that face
2 fixing would save around £80k. The hybrid of face
3 fixing above Level 4 would save around £40k. I had
4 expected the cost difference to be greater.
5 "We have budgeted for the cassette fixing so that
6 matter is not critical to the delivery of the scheme.
7 However, any savings would be a benefit in terms of
8 value for money and risk management of the budget."
9 Do you know why Peter Maddison was providing
10 information to you about the cost of the cladding?
11 A. I think I've already explained why I think he was.
12 Q. Well, we will read your transcript, then, and look at
13 that.
14 You respond and you say:
15 "I really didn't like the 'champagne'. Let me know
16 if I need to speak to Planners."
17 Why did you say that?
18 A. Because the champagne was personally the least — the
19 one I liked least out of the more muted options that
20 I had been shown.
21 Q. Why was that relevant?
22 A. Because we were talking about colours.
23 Q. Yes. Why was your personal view about what colour you
24 preferred relevant?
25 A. It wasn't the most relevant —

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1 Q. Why did you say this?
2 A. Because we had been having a discussion about colours.
3 Q. Why didn't you ask any questions about other properties
4 of the cladding apart from colour?
5 A. Because the issue at hand which was causing delay was
6 a disagreement over the colour of the cladding.
7 Q. You see, it looks from this that you're bringing not
8 only your influence, but your personal tastes to bear in
9 the discussion. Would that be fair?
10 A. It does look like I was expressing my personal tastes,
11 and I was. But I think if you look at later emails, it
12 is clear that I do not try to impose my personal taste,
13 and I say the most important thing is to make progress.
14 Q. When you said, "I really didn't like the 'champagne'.
15 Let me know if I need to speak to Planners", speak to
16 planners about what?
17 A. About if they were going to insist on it being champagne
18 coloured, and carry on causing a delay. My recollection
19 is that the preference of the architect and the team was
20 also not the champagne colour.
21 Q. Now —
22 A. And there is a chain of emails, which I'm sure you've
23 seen, between me and Mr Bore where I do get maybe
24 slightly shirty about the question of whether
25 Ms Scannell's personal preference overrides and is

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1 justified in causing a delay.
2 Q. Yes, and I was hoping to get to those in the next few
3 minutes. There is a prior email I want to show you
4 before we do and we may not get to it until tomorrow
5 morning.
6 Sticking with 18 July 2014, {RBK00003632}, this
7 responds to Peter Maddison's concern about costs, and
8 you ask him the question:
9 "... does that mean we can afford to do cassette
10 fixings for the whole building? Is that within existing
11 budget, without having to dip into contingency? If so,
12 then we should proceed with that, as it will look
13 better.
14 "I think we should stick with brushed aluminium or
15 battleship grey — not champagne! — but ... offer the
16 Planners cassette fixings.
17 "What do you think?
18 "RFM."
19 Again, was this preference based on anything other
20 than your personal tastes?
21 A. It was my personal taste and, from my recollection, also
22 the aesthetic judgement of the architect.
23 Q. Yes. I mean, if you were interested in unblocking the
24 deadlock which had held the project up in response to
25 residents' concerns about the delay, why were you

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1 expressing your own preferences about the look of the
 2 cladding? Why were they relevant at all?
 3 A. We were talking about colours and choices of colours.
 4 I happened to agree more with the project architect's
 5 choice than with the planning officer's choice, and
 6 I thought it was not right for the planners to be
 7 holding up the scheme based on one planning officer's
 8 choice. But, as I've said, I go on to say, "Let's just
 9 get cracking".
 10 MR MILLETT: Yes.
 11 Mr Chairman, can I just show one more email on this,
 12 because it bears exactly on the answer we've just had?
 13 SIR MARTIN MOORE-BICK: Yes, very well. Just one then.
 14 MR MILLETT: All right. I mean, I'm happy to stop now and
 15 we can —
 16 SIR MARTIN MOORE-BICK: If it's closely related to the
 17 questions you have been asking, then show it to him.
 18 MR MILLETT: It is.
 19 Can we go to {RBK00033430}. This is your
 20 exhibit RFM/27, so it's attached to your witness
 21 statement, and it's a continuation of your conversation
 22 with Mr Bore over the course of that day, 18 July 2014.
 23 At the bottom of page 1, Mr Bore says to you:
 24 "Dear Cllr Feilding—Mellen
 25 "If the project architects have chosen well, then no

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1 doubt Ms Scannell will be satisfied. If not, we will be
 2 asking for better."
 3 What did you take from that rather cryptic response
 4 to your message to him?
 5 A. I found it not very helpful.
 6 Q. Well, indeed. I think I would agree with you on its
 7 face. What did you actually understand by it?
 8 A. That he — it sounded like he was going to carry on
 9 letting Ms Scannell decide whether or not this project
 10 can go ahead based on her personal subjective view of
 11 the colour choice.
 12 Q. Was it normal for councillors or even cabinet members to
 13 approach the planning office in this way?
 14 A. Cabinet — the planning office is approached by — yes,
 15 by residents, by councillors, by cabinet members.
 16 Everyone had a view about planning issues.
 17 Q. You respond to Mr Bore's email, and it's in the same
 18 document. In fact, if you look above on the screen, you
 19 say this:
 20 "Is Ms [Scannell] satisfied? If she is the great
 21 arbiter of what is a good choice, I would like to know
 22 her opinion.
 23 "And I would like to speak to you about Dukes Lodge
 24 please."
 25 Now, ignoring Duke's Lodge, when you say, "Is

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1 Ms [Scannell] satisfied? If she is the great arbiter of
 2 what is a good choice, I would like to know her
 3 opinion", what did you mean?
 4 A. Just that.
 5 Q. What, you thought she had poor taste in cladding
 6 colours?
 7 A. No, that's not what I say. I said —
 8 Q. What —
 9 A. I was implying: are you really going to say that she
 10 alone is the person who is qualified to decide this?
 11 Q. What did you mean by, "I would like to know her
 12 opinion"? What was that about?
 13 A. I would like to know, I suppose, why — I can't remember
 14 whether at this stage I knew that she preferred
 15 champagne or — so what her opinion was, what the
 16 problem was, or if I knew it was champagne, why she is
 17 so certain that champagne is better than the architect's
 18 preference.
 19 Q. Is it fair to say this is a battle between two
 20 subjective views about what looked nice?
 21 A. Yes, and I suppose there's a slight point of principle,
 22 which is whether this individual junior planning officer
 23 should be able to hold up such an important project
 24 because of her subjective aesthetic judgement.
 25 Q. I follow. As opposed to yours?

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1 A. As opposed to the project architect's.
 2 MR MILLETT: Right.
 3 Mr Chairman, we're not quite finished this line,
 4 but —
 5 SIR MARTIN MOORE-BICK: Well, I think we've reached
 6 a convenient point.
 7 MR MILLETT: I think we have. We have reached a moment,
 8 anyway.
 9 SIR MARTIN MOORE-BICK: Yes.
 10 We're going to break at this point,
 11 Mr Feilding—Mellen. I will have to ask you to come back
 12 again tomorrow for some more questions, I'm afraid, but
 13 I think you were expecting that, weren't you?
 14 THE WITNESS: I was.
 15 SIR MARTIN MOORE-BICK: Well, that's something.
 16 Mr Millett, can you give Mr Feilding—Mellen any idea
 17 of how long you might wish to be with him?
 18 MR MILLETT: Yes. Until about noon, probably.
 19 SIR MARTIN MOORE-BICK: Right. So you could hope to get
 20 away by lunchtime, perhaps.
 21 MR MILLETT: I think that's a fair and reasonable —
 22 SIR MARTIN MOORE-BICK: All witnesses like to know really
 23 whether they can make other arrangements for the later
 24 part of the day.
 25 MR MILLETT: Of course. Yes. He was scheduled to be until

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1 then and I see no reason why we won't would be able to
 2 do that.
 3 SIR MARTIN MOORE—BICK: No, no, that's fine. Good,
 4 thank you.
 5 Well, there we are. Please remember not to talk to
 6 anyone about your evidence or anything relating to it
 7 overnight, and we will see you at 10 o'clock tomorrow,
 8 please.
 9 THE WITNESS: Yes, sir. Thank you.
 10 SIR MARTIN MOORE—BICK: Thank you. Would you like to go
 11 with the usher.
 12 (Pause)
 13 Thank you very much. 10 o'clock tomorrow, then,
 14 please.
 15 (4.35 pm)
 16 (The hearing adjourned until 10 am
 17 on Tuesday, 18 May 2021)
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