OPUS₂

Grenfell Tower Inquiry

Day 133

May 19, 2021

Opus 2 - Official Court Reporters

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1	Wednesday, 19 May 2021	1	Α.	No, I wouldn't, I would have been —— I would have
2	(10.00 am)	2		expected to have been informed about any significant
3	SIR MARTIN MOORE—BICK: Good morning, everyone. Welcome to	3		fire, and I was.
4	today's hearing. Today we're going to continue hearing	4	Q.	Right.
5	evidence from Mr Nicholas Paget—Brown, formerly leader	5		But not the detail of the follow—up and the notices, no,
6	of the council.	6		I didn't receive those.
7	So would you ask Mr Paget—Brown to come back in,	7	Q.	What about enforcement notices, does the same apply to
8	please.	8		those?
9	MR NICHOLAS PAGET—BROWN (continued)	9	A.	Yes, in general terms, I wouldn't have seen enforcement
10	SIR MARTIN MOORE—BICK: Good morning, Mr Paget—Brown.	10		notices, they would have been dealt with elsewhere in
11	THE WITNESS: Good morning, sir.	11		the council.
12	SIR MARTIN MOORE—BICK: All right, all ready to carry on	12	Q.	To your knowledge, was there a policy in place dealing
13	ready?	13		with how notices from the LFEPA such as this deficiency
14	THE WITNESS: Indeed.	14		notice or enforcement notices would be escalated within
15	SIR MARTIN MOORE-BICK: Good, thank you very much.	15		RBKC?
16	Yes, Mr Millett.	16	A.	I don't know that, I would have expected it to have been
17	Questions from COUNSEL TO THE INQUIRY (continued)	17		escalated within the Tenant Management Organisation, and
18	MR MILLETT: Yes, Mr Chairman, good morning. Good morning,	18		the council to have received reports and updates through
19	members of the panel.	19		the housing and property scrutiny committee or the
20	Good morning, Mr Paget—Brown.	20		director of housing. I wouldn't necessarily have
21	Before I pick up the threads of where we were	21		expected it to cross my desk.
22	yesterday, I'd like to revisit one point with you, if	22	Q.	You wouldn't?
23	I may.	23	A.	No.
24	Can I ask first, please, for you to be shown	24	Q.	Right.
25	$\{TMO10017254\}$. That's the deficiency notice served on	25		Can we look at $\{RBK00001655\}$, please. This is the
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1	the TMO on 17 November 2016 in respect of	1		first page of RBKC's fire safety policy, this one dated
2	Grenfell Tower. We looked at that together yesterday,	2		January 2014, and it's the Bi Borough Corporate
3	at page 201 of the transcript {Day132/201}.	3		Fire Safety Policy for both Hammersmith and Fulham and
4	Can I please have up at the same time, please, if	4		RBKC, as you can see at the foot of your screen.
5	it's possible —— and if not, it doesn't matter ——	5		It's quite a striking first page; is it something
6	{Day132/203}, the transcript for yesterday. We can do	6		you think you might have seen before?
7	that. In fact, we probably want the bottom of page 202	7	A.	I think I have seen this in some shape or form. I think
8	as a little bit of a run—up.	8		maybe when it was produced I was given a copy and
9	You say at line 22 at the bottom of page 202	9		I might have flicked through it, but not very much more
10	{Day132/202:22}:	10		than that.
11	" I'm not familiar with this."	11	Q.	Let's look at page 2 {RBK00001655/2}, please. It says,
12	Question at line 24:	12		under "Statement of intention":
13	"Question: Are you surprised that you hadn't seen	13		"The Royal Borough of Kensington and Chelsea (RBKC)
14	it before or hadn't seen it at the time?	14		and The London Borough of Hammersmith and Fulham
15	"Answer: Well, I always received reports where	15		recognise and accept their duty as the 'responsible
16	there had been a fire. I'm surprised somebody didn't	16		person' and landlord to provide and maintain a work
17	mention this to me, I have to say, I would have thought	17		environment that reasonably protects all relevant
18	it would have been mentioned, and I'd have obviously	18		persons from risks to them in case of fire ."
19	raised it with Robert Black or with Nicholas Holgate or	19		You see that?
20	perhaps with Laura Johnson. But, no, I hadn't seen	20	A.	Yes.
21	that, but I"	21	Q.	Were you aware that that was what this document was
22	Then your answer tails off.	22		supposed to do?
23	Just to be clear, during your time as leader, would	23	A.	Yes. This is about the corporate work environment for
24	you have expected to have been informed about deficiency	24		council staff officers , and what processes are in place
25	notices such as this?	25		were there to be a fire on council property. That's my

- understanding of the work environment and the ... yes,
 the work environment.
 Q. That's how you understood A. Yes.
- 6 A. Yes.

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7 Q. Let's look a little bit further at it.

Q. -- this document, is it?

Can we look at "Introduction", please, on page 3 $\{RBK00001655/3\}.$ It says:

"This Policy sets out the strategic fire safety vision and objectives of Elected Members and the Executive Joint Management Team. It describes the way in which we effectively manage fire safety based upon British Standard Publication Pas 7: Fire risk management system — specification."

Then there is an organogram with "Plan", "Do", "Check", "Act", underneath it, and you can see that there is a circle in the middle with what that all means.

Underneath that, it says at the bottom of your screen:

"This policy must be brought to the attention of all employees, so that they are encouraged to co—operate and communicate any necessary information on fire safety matters throughout the organisation in order to

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- 1 discharge their duties."
- 2 A. Yes
- Q. Then if you look at the next page, page 4
 {RBK00001655/4}, it says under paragraph 2.2, "Scope of Policy":

"This Policy will apply to all premises where the Council has a duty as the employer and/or as the 'responsible person' as defined in the Regulatory Reform (Fire Safety) Order 2005.

"This Policy will also apply to any premises where by virtue of a contract or tenancy agreement other parties have duties as the responsible person but where the Council retains landlord responsibilities.

"A local Fire Policy for residential housing based on the housing stock risk profile will be put in place by the Housing and Regeneration Department."

Now, were you aware that that was, as I've read to you, the scope of the policy?

A. Well, I'm not sure I knew that particular phrase of "responsible person", I would have defined that as meaning the landlord function, being the TMO, and the council perhaps being the funder of any work that was necessary, and where it says "A local Fire Policy for residential housing based on the housing stock risk profile", that was what I understood had been going on,

- particularly since Lakanal, with the assessments of medium, high and low—risk properties, and yes, the
- 3 housing and regeneration department was doing that.
- Q. As drafted, this scope of policy suggests that it would
 apply to housing stock managed by the TMO, wouldn't it?
- 6 A. Yes.
- $7 \qquad {\sf Q}. \ \ {\sf Yes, \ whether \ as \ a \ responsible \ person \ or \ as \ a \ landlord}\,;$
- 8 yes?
- 9 A. Yes.
- 10 Q. Yes
- Whose responsibility was it within RBKC to ensure that the TMO understood and adhered to this policy?
- A. Well, that would be the director of housing, the housing
 department, the cabinet member for housing and
 regeneration, and they would be keen to ensure that all
 the fire risk measures, which I think were largely
 coming onstream after Lakanal as I hinted yesterday,
 were being complied with and assessments were being
- 19 carried out and doors replaced.
- 20 Q. Yes

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- $21\,$ $\,$ A. And I think they were aware of that, and I think
- 22 the council, as it says here, the responsible person,
- would be expected to negotiate the funding with the ——
 through the housing revenue account to do those works.
- and where it clearly was a council property, a work
 - . .

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- property, the council would have to fund it from its own resources.
- 3 Q. Whose responsibility was it to ensure proper scrutiny of the TMO's performance of its role under this policy?
- 5 A. Well, I still think the scrutiny would come from the
- $\,\,$ housing and property scrutiny committee to make sure the
- 7 TMO was complying with fire risk assessments and fire 8 risk requirements.
- 9 Q. If you look at page 5 {RBK00001655/5}, please, you can 10 see, just below halfway down the screen in front of you 11 on that page, it says:

"The Corporate Health and Safety team will ensure that there are appropriate processes in place to ensure our partner organisations have suitable and sufficient fire safety management systems in place as part of the due diligence procedures and will develop suitable protocols with partners so as to ensure fire safety compliance is assured."

Did you know at the time that that was part of this fire policy, that that assurance was part of this policy?

- A. Well, I knew that corporate health and safety would be casting a wide eye over all the council's fire risk management systems or fire safety management systems, as
- it says there, so that would include the TMO, and

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- I would expect the corporate health and safety team to liaise with the TMO in the normal way and to look at what they were doing to meet all compliance requirements.
- Q. Who was it in the corporate health and safety team
 within RBKC who was obliged to ensure that there were
 appropriate processes in place as is prescribed there?
- A. Well, I think that would be —— and I would have to go
 back and look at structures and things, but I think that
 would be the director of environmental health,
- ${11} \qquad \quad {\rm bi-borough\ director\ of\ environmental\ health,\ Mr\ Austin.}$
- 12 Q. Right, not Laura Johnson, then?
- A. No, I think Mr Austin would have liaised with the TMO
 and probably Laura Johnson and the housing department to
 ensure that those parts of this document for which he
 was responsible and supposed to be working in
 partnership were being delivered.
- 18 Q. I see
- A. But this I would have seen as a sort of central
 environmental health document. I suspect it goes beyond
 fire risk into other aspects of health and safety, both
 for employees and premises.
- Q. Why was it the corporate health and safety team who was
 obliged to ensure what is prescribed there rather than
 housing or the subordinate parts of the housing

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- 1 department?
- 2 A. I think in the overall structure the housing department 3 fits into a wider picture that the council, the -- some of which was by this stage bi or even tri-borough, the 5 three boroughs trying to work together to save costs, you know, in the context of reductions to Government 6 grant. The corporate team is sitting centrally looking at what is happening within the town hall, within the 8 9 housing directorate, perhaps within care homes or within 10 schools, and it needs to be able to liaise effectively 11 with all those different parts of the council. So 12 housing is obviously very important, residential 13 accommodation, but so are schools and so are workplaces 14 for staff, and I suspect somebody sitting at the middle 15 is in a good place to liaise with everybody.
- Q. Can we please go to page 13 of this document
 {RBK00001655/13}, and let's look together at
 paragraph 4.1 on that page. This is under "Check", and
 you will remember "Check" was one of the four central
 elements in the organogram.

Under 4.1, which is entitled "Measuring Performance", the third paragraph says:

"All incidents should be reported using the on—line system. Incidents should be investigated by the manager. Consideration should be given to any system

solutions to avoid future recurrence. Corporate Health and Safety will investigate serious incidents where enforcing bodies such as the LFEPA are or may be involved."

5 Were you aware of that aspect of this policy?

- A. No, not consciously, but it wouldn't surprise me at all.
 It seems quite sensible that they do take a position on
 any incident that's happened.
- 9 Q. Yes. Do you accept and if you knew at the time, did
 10 you know at the time that it applied to deficiency or
 11 enforcement notices against the TMO issued by the LFEPA?
- 12 A. I didn't know that, but it doesn't surprise me. It seems sensible.
- 14 Q. Right. So the answer is: if you didn't know it, it wouldn't surprise you if it had done?
- 16 A. Yes.
- 17 Q. Should it have done?
- 18 A. Yes, I'm sure corporate health and safety should know of any incidents where there was a fire or a risk or
- $20\,$ something had happened, and they should also know about
- $21\,$ $\,$ it . So, yes, the department concerned, as I say, it
- 22 could be education, could be housing, could be adult
- social care, but it's right that somebody centrally is
- 24 looking at this and looking at notices served and
- saying, you know, have you done the work, or are we

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- doing the work, and how long have you got to do that
 work in, and making sure that something's happening.
 It's a sort of corporate —— it's an extra —— what do you
 call it? —— a long—stop, an extra safety net, really.
- 5 Q. Yes

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Can we then pick up the threads of where we had left off yesterday, and I want to turn to the question of communication with residents.

Now, if we go to your first witness statement, please, at page 8 {RBK00035001/8}, I would like to look at paragraph 33. You say there:

"As Leader I met weekly with the Town Clerk to discuss relevant issues and would also discuss items raised in my 'mailbag' or picked up on visits around the Borough. The 'mailbag' consisted of any written correspondence, emails or calls to the Leaders' office over the preceding week, and ensured that these were recorded and properly followed up. I regularly asked the Town Clerk to follow up particular points raised with me with the relevant officer and department. Occasionally I would raise matters I had picked up at London—wide meetings of Council Leaders, with the Borough's MPs, at Central London Forward meetings or with Ministers."

In your second witness statement, paragraph 26,

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page 8 {RBK00054428/8} — we don't need to go to it — you refer to your correspondence log, and you produce a summary of entries on the log which relate to Grenfell Tower. We've actually now got that on the screen, I'm grateful.

Let's look at the log, {RBK00054425}, please. This is the log you produce, "2013-2017 and Meetings with Town Clerk where Grenfell is an issue - or relevant".

Would your correspondence log have recorded all the complaints that you received in your mailbag during that period, 2013 to 2017?

A. Well, that's an interesting question. I don't think where I was copied in, in a long list, and there were some sort of quite lengthy emails copied to almost every councillor, I'm not sure, unless it was addressed to me directly, I would have logged that, because the person to whom it was addressed, I would assume, was dealing with it

And, as I say, I compiled this list to help with this Inquiry and with this process, but there may be things I've overlooked or missed or where I was copied but, you know, didn't keep it or haven't written it down here. So this is a help, but I wouldn't say it was absolutely 100% watertight.

25 Q. Yes, I see.

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Apart from the items in your mailbag, were you aware otherwise that residents of Grenfell Tower had also made complaints to officers of RBKC and other councillors, such as Councillor Lasharie, Councillor Atkinson, Councillor Blakeman?

- A. I certainly knew that Councillor Blakeman had received complaints and had been written to and was taking a close interest in the refurbishment and the issues around it, because occasionally we spoke about it. I'm not so sure about Councillor Lasharie, and I don't remember Councillor Atkinson raising anything with me. I think it would mostly have been Councillor Blakeman.
- 13 Q. You say you occasionally spoke to Councillor Blakeman 14 about Grenfell Tower complaints; is that -
 - about Grentell Tower complaints; is that ——

 A. Well, no, I think rather more broadly. I think
 I mentioned yesterday she'd been quite keen to lobby me for making sure that when the tower was refurbished the nursery was put back, and I think she'd also spoken to me about the boxing club. I think she'd spoken to me about, you know, there were tenant complaints about the work, and I have to say, that wouldn't necessarily surprise me. I think anybody who's had any work done at home, where you try and remain working while work goes on around you, even if it's a new bathroom or something,

it is immensely disruptive. So it didn't surprise me if

a ward councillor said, you know, "Some of my tenants are getting pretty fed up with the dust, the noise, the dirt, the lift not working", whatever it was, and you know, these would be informal asides, maybe when I met her at something.

Q. Could we look at your second witness statement at page 8 {RBK00054428/8}, please. On that page you can see paragraph 27. You say there:

"I did become aware of the residents' concerns in relation to the refurbishment works in December 2015 when a petition was presented to the Council about the daily living conditions experienced by residents during the works. As outlined in paragraph 51 of my original statement, I was not present at this meeting ... I understand that the petition was referred to the Housing and Property Scrutiny Committee to be discussed at its meeting on 06 January 2016."

Before that date, December 2015, had you heard nothing about the residents' concerns?

A. Well, I think I mentioned yesterday I'd had a letter
from Mr Daffarn at some point which was to me, and
I think it was about how he made a complaint about the
planning department, about something to do with the
windows, so I was aware of that.

But otherwise, no, I don't think anybody had written

 $\begin{array}{lll} 1 & & \text{to me directly.} & \text{As I say, I picked up the odd comment,} \\ 2 & & \text{and I wouldn't} -- \text{that wouldn't necessarily have} \\ 3 & & \text{surprised me.} \end{array}$

- Q. Did you take any action yourself personally in relationto the petition that you referred to here?
 - A. No, there's a formal process for petitions, and I think the idea is that the petitioners come to the full council meeting, they read out the prayer of their petition, make any points they want to to the full council about the issues that they have, they then get an immediate response from the cabinet member responsible, who will try and answer some of the points in the prayer of the petition and deal with points that it raises, and then normally it's referred to a scrutiny committee, the petition is referred to the scrutiny committee, so it can be further discussed and debated and any outcome from that agreed perhaps with the cabinet member. So this struck me as perfectly normal

I wasn't actually there at that council meeting, unusually, but I understood that that's what happened, and ...

Q. Did the concerns raised by the residents in the petition
 lead you to question the efficacy of the TMO's
 complaints procedure?

A. Well, I did wonder, and perhaps I've wondered this since the fire rather than before, but when you are doing a massive refurbishment which is immensely disruptive to people, is it right that you have the same complaints procedure as you would have, say, if your hot water suddenly stopped working or the handle of your window had come off? Is the complaints procedure that runs in the normal, routine, day-to-day concern of managing nearly 9,000 properties the same as the sort of complaints you get when people are thoroughly frustrated when you're working all around them and their homes are being disrupted? So I wonder whether the complaints procedure for a big project like Grenfell perhaps ought to be ringfenced

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I thought actually it was, and that tenants could go and talk to the construction company and talk to Rydons and talk to the TMO about problems they were having, and that seemed to me ... I think trying to elide the existing complaints system with that perhaps isn't quite right. I mean, you can count the complaints, but it doesn't help you deal with them.

- 2.2 Q. No, and you said you weren't sure whether that was 2.3 a thought you had at the time or after the fire?
- 2.4 A. I think I've had it after the fire, that actually any 25 big project, not just Grenfell, is immensely disruptive

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- 1 to people that live around it or have to live within it
- while it's going on, and you perhaps need a different 2
- 3 complaints procedure, or you need to have somebody you
- can go and talk to, the site foreman or whatever, and
- 5 say, "Why has the lift been out of action all
- 6 afternoon?" or "Why is there dust all over my carpet?",
- 7 whatever, and that's slightly different from the
- 8 day-to-day routine complaints that any property manager 9 is likely to get.
- 10 Q. Right. But you don't remember at the time thinking that 11 there ought to be a change in structure such as to 12 enable complaints in relation to refurbishments to be 13 channelled separately and differently from those
- 14 complaints relating to day-to-day experiences? 15 A. No, I don't think I did think that at the time, I think
- 17 Q. Now, I would like to ask you some questions about your 18 interaction with the Grenfell Action Group, or GAG, and 19 Mr Daffarn.
 - On page 2 of your documents log, if we can please go back to that, {RBK00054425/2}, you can see that on page 2 you note a meeting on 7 July 2015.
- 23 A. Sorry ...

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- 24 Q. Do you see that?
- A. Sorry, whereabouts? What's the date? 2.5

I've thought it since.

1 Q. About halfway down your screen, 7 July 2015, "Meeting 2 with West London Citizens".

3 A. Oh, yes

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4 Q. And it savs:

> "Meeting with West London Citizens on Housing at Kensington Aldridge Academy. Over 100 people attended. RFM and NPB. Talked about a Regeneration Charter and consultation. E Daffarn present and harangued NPB before the meeting about social cleansing. No reference to GT '

11 Now, first, just to be clear, and building on what 12 you said this morning, this document is a document you 13 put together after the fire?

- 14 A. Yes
- 15 Q. Did you put it together in preparation to assist the 16 Inquiry?
- 17 A. Yes
- 18 Q. Right.

19 The text that I've just read to you for the meeting 20 on 7 July 2015, did that come straight from your memory 21 or did you refresh your memory from a document?

22 A. I would have refreshed my memory when I was compiling this from my weekly calendars which were produced for me 23 2.4 by my office when I was leader and they set out what I'd 25 be doing the following week, meetings I'd been having,

- 1 and clearly I looked through those to see what I had
- been doing, and this meeting was quite an important 2
- 3 meeting, because it was a -- what we were trying to do,
 - Councillor Feilding-Mellen and I, was to talk to
- 5 residents who might be affected by long-term council
- 6 regeneration plans, and I wanted to be able to speak to
- 7 them directly, and West London Citizens were brokering
- 8 this sort of interaction between the council or council
- 9 members and members of the public, residents living in
- 10 our blocks, and it seemed to me that was a good way of
- 11 speaking to them on neutral ground, chaired by
- 12 West London Citizens, and Rock and I could give a short
- 13 presentation as to what we were doing, answer any
- 14 questions, and deal with some of the sort of mythology
- 15 that's around refurbishment of council property.
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- 17 Q. Yes, sorry, forgive me, my question is a slightly more 18 functional one.
- 19 A. Sorry.
- 2.0 Q. What were you looking at, if anything --
- 2.1 Mv diarv. Α.
- 2.2 Yes. Did your diary contain the data, the details of
- 23 the facts we have here, for example over 100 people
- 2.4 attended?
- 25 A. No, but I recall that it was a very, very crowded

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- 1 meeting. There were at least 100 people there.
- 2 Q. Right, and is everything else in this text here
- 3 something that you recall unaided by a contemporaneous 4 document?
- 5 A. Yes, this is my note. Yeah, this is my note, my words.
- 6 Q. Your note, your words, but just to be absolutely clear,
- it comes straight from your recollection rather than
- 8 a recollection refreshed by looking again at
- 9 a contemporaneous document?
- 10 A. No, the only document would have been my weekly
- 11 calendar, and I would have looked at it and saw the date 12 and that would have jogged my memory. It wasn't so --
- 13 Q. Right. And your calendar would not have said, I take
- it, "E Daffarn present and harangued NPB before the 14
- 15 meeting about social cleansing"?
- 16 A No Ladded that
- 17 Q. You added that?
- A. Yes. 18
- Q. Did you add that because that's how you recall it? 19
- 20
- 21 Q. When you say, "E Daffarn present and harangued NPB
- 22 before the meeting about social cleansing", what do you
- 2.3 recall of that?
- 2.4 A. Well, the meeting was held at the Kensington Aldridge
- Academy, and I arrived and I was quite keen to sort of

- 1 go in a few minutes early and just talk to residents who
- 2 were there, I always think that might be a good
- 3 opportunity, and Edward Daffarn was in the hallway and
- sort of stopped me, and as always the conversation
- became quite pointed and heated. He was telling me,
- you know, this was the council planning to socially 6
- cleanse the north of residents, and this was, you know, our plan to destroy the neighbourhood, and I thought, 8
- 9 you know, I'm wasting a lot of time going over this with
- 10 somebody who is determined to misrepresent what we're
- 11 doing and I'd really rather be in the room talking to
- 12 people who actually might like to know what the council
- 13 is planning to do.
- Q. You put, "No reference to GT". Is that a recollection 14
- 15 of the content of what Mr Daffarn said?
- 16 A. No. that doesn't refer to Mr Daffarn, it just means --
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- 18 A. -- there was a meeting with 100 or more people present
- 19 and they were asking all sorts of questions about what

said. vou know. "We've got concerns about

- the council was doing, but nobody put their hand up and
- 2.2 Grenfell Tower" or anything like that, so --
- 23 Q. In this meeting or pre-meeting or encounter, perhaps is
- 2.4 a better word, with Mr Daffarn before this meeting, were
- 25 any questions relating to Grenfell Tower specifically

- referred to by either of you?
- 2 A. That I don't remember, but I don't think it was -- if he
- 3 did raise anything, it wasn't the main thrust. The main
- 4 thrust was the social cleansing that we were apparently 5
- planning to do.
- Q. Right. 6

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- 7 Did you have any interaction with the residents 8 groups associated with Grenfell Tower, either at this
 - time or before that?
 - A. No, only ... no, I don't think I did. Only the -- as
- 11 I said I think at the top of this document, I had a very
- 12 early meeting with Mr Daffarn in the finger blocks, the 13
 - rest of the Lancaster West Estate outside
- 14 Grenfell Tower, to discuss the conditions there, and
- 15 that was an early meeting with Mr Daffarn and one or two
- 16 other residents of the Lancaster West finger block
- 17 estates. But I don't think anybody particularly raised
- 18 Grenfell, other than I think at that point the work
- 19 hadn't started and people were getting concerned that it
- 20
- 2.1 Q. Right. We'll come to that very shortly, but this early
- 22 meeting, can you give a year at least for that?
- 2.3 A. I think it was soon after I became leader. I think he
- 2.4 wrote to me and asked if I would go and see him and
- 25 I did. I think that was 2013.

- Q. Yes. Well, let's look at the correspondence between
- Mr Daffarn and RBKC during the summer of that year. 2
- 3 Can we start with {RBK00003722}, please. Now, this
- is email correspondence between Mr Daffarn and
- 5 Councillor Rock Feilding-Mellen and others on 6 27 and 28 June 2013.
- 7
- What you have got on your screen is later in the 8 year, so we need to start at the beginning on page 12
- 9 $\{RBK00003722/12\}$. We will come back to page 1 as we 10 track through this.
- 11 On page 12, we can see how it starts, where
- 12 Mr Daffarn writes to Councillor Feilding-Mellen on
- 13 behalf of the Grenfell Action Group, the Grenfell Tower Leaseholders' Association and the Lancaster West 14
- 15 Residents' Association:
- 16 "... to request an urgent meeting to discuss with 17
- you the reasons for the delays to the Grenfell Tower 18 refurbishment project. We seek this meeting with you in
- 19 your capacity as Cabinet Member for Housing, Property
- 2.0 and Regeneration as we feel that we are unable to get 21
- the answers to the questions we want to ask elsewhere. 2.2 You should be aware that there is growing
- 23 dissatisfaction among residents of Grenfell Tower and 2.4 the wider Estate that the original promises made to our
- 25 community appear to have been broken and we are now

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1	seeking clarification about when and, with how much	1	3.30pm on the afternoon of 11th September.
2	available funding, will the refurbishment of our homes	2	"Tunde from the Leaseholders, Christine from the RA
3	be taking place?"	3	and myself from GAG will definitely be in attendance and
4	Now, we can see that on page 11 {RBK00003722/11},	4	I shall advise you if we will be joined by any others.
5	Rock Feilding—Mellen writes back to him on the next day,	5	"I will try and send an agenda prior to the meeting,
6	and he says:	6	but if this is not possible, we basically want to talk
7	"I think it would be useful to have such a meeting	7	about the 'managed decline' of Lancaster West and how
8	and to discuss these various issues.	8	the Council can allow us to live in near slum like
9	"I have cc'ed Kerry Thomas, who will liaise with you	9	conditions while spending £30 million on paving stones
10	to arrange a convenient time for this meeting.	10	for Exhibition Road and indulging in the £1 million
11	"Kerry — please also try to make sure Peter Maddison	11	subsidy of opera in Holland Park?
12	and Laura Johnson can attend.	12	"We would wish to talk about how we are treated by
13	"Mr Daffarn — can you please confirm who would be	13	our landlord, the TMO, and also about the future threat
14	attending from your side."	14	of 'social cleansing' to our community.
15	Then he says at the top of page 12:	15	"I will be back in touch nearer the time to help
16	"I would also like to come on a tour of the estate	16	finalise arrangements."
17	with you. However, I must also make it clear that the	17	Then we scroll up to another email of 9 September,
18	Council has no plans to do anything that could even	18	bottom of page 1, over on to page 2 $\{RBK00003722/2\}$,
19	vaguely be referred to as 'social cleansing', and	19	where Mr Daffarn writes again:
20	I would urge you to make that clear to your fellow	20	"Dear Lesley,
21	residents ."	21	"Just to confirm our meeting with the Leader of
22	And that was a response to one of the points made	22	the Council on Wednesday 11th September at 3.30pm.
23	lower down on page 12 in Mr Daffarn's original email.	23	"In order to keep the meeting as focused as possible
24	Then if we go to page 7 of the email thread	24	we have restricted the number of local stakeholders
25	$\{RBK00003722/7\}$, we can see that on 22 July 2013,	25	attending the meeting to Tunde Awoderu from the
	0.5		0.7
	25		27
1	Lesley Coyle writes to Mr Daffarn and says:	1	Lancaster West Leaseholders, Christine Richer from the
2	"I am getting in touch at the request of	2	Lancaster West Residents Association and myself from the
3	Cllr Paget—Brown and further to your email exchange with	3	Grenfell Action Group.
4	Kerry Thomas (below) [which I've skipped over].	4	"We would offer to meet with Councillor Paget Brown
5	"Cllr Paget—Brown is agreeable to your request to	5	in the RA rooms"
6		6	
7	meet and would like to arrange something before the end	7	And then says: "We will wish to discuss the following matters:
	of July? There is availability in the diary on		
8	Wednesday and Thursday afternoon this week at 2.30pm.	8	"Why are the Council overseeing and controlling the
9	Cllr Barbara Campbell will accompany the Leader on his	9	'managed decline' of Lancaster West Estate through the
10	visit with you.	10	total lack of investment or care in our community.
11	"Would you be kind enough to let me know if either	11	"Why should we be forced to live in slum like
12	of these timeslots might be convenient for you?"	12	conditions in the richest Borough in the UK (where there
13	Then if you scroll up, we can see that in fact what	13	is £30 million spare to spend on paving stones in
14	happens, cutting a long story of diaries short, the	14	Exhibition Road) but no money for essential housing
15	meeting is eventually set up for 11 September.	15	needs in the North of the Borough?
16	If we go up to page 3 $\{RBK00003722/3\}$, we see, after	16	"Why have the Council developed a fascist 'decant
17	the toing and froing about the date, an email from	17	policy' that will lead to the 'social cleansing' of our
18	Mr Daffarn to Lesley Coyle in the middle of that page,	18	community once the inevitability of regeneration takes
19	where he says this:	19	place.
20	"Dear Lesley,	20	"Why have the Council removed the guarantee to
21			
	"Thank you for bearing with me I spoke to other	21	re—house residents back into their communities as stated
22	"Thank you for bearing with me I spoke to other stakeholders with regards to Nick Paget Brown's visit to	21 22	re—house residents back into their communities as stated in the Borough's Core Strategy and that was originally
22	stakeholders with regards to Nick Paget Brown's visit to	22	in the Borough's Core Strategy and that was originally

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"Why have the Council and it's Scrutiny Committee

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invite the Leader to meet with us on the Estate at $$26$\,$

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been involved in a 'cover up' by totally ignoring the extreme fire risk and danger to residents safety as a result of power surges that occurred in Grenfell Tower in May.

"How can the Council/TMO justify the decision to deny liability for the destruction of residents electrical appliances and refuse to pay us compensation? Why are residents being treated like dirt through no fault of their own?

"Why the Grenfell Tower improvement project has been delayed for over one year now and why residents will now have to undergo three years of disruption instead of having all the construction work taking place at one time? How the funding gap will be bridged between the £11 million Leadbitter have stated the works will cost and the £9.6 so far available?

"A commitment from Councillor Paget Brown that he will take a personal interest in this project to make sure that ongoing delays are resolved."

Then in the next paragraph, in the second sentence:

"Please can Councillor Paget Brown give our community a guarantee that the Council will do all they can to help the EMB become a functioning organisation again with the ability to hold the TMO properly to account."

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1 Then there are other matters as well underneath 2 that.

Now, I've read that at length to you.

4 First of all, did you see this email? It went to

5 Lesley Coyle?

6 A. Yes, I did.

7 Q. I'm assuming you did.

8 A. Yes.

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9 Q. Is that the first time all these questions had been 10 raised with you?

11 A. Yes, I think so. I think I'd had some dealings with 12 Mr Daffarn previously over the power surges, which 13 happened very much as I was just taking over from my 14 predecessor as leader, but this is the first time I'd 15 seen all these issues laid out, and it won't surprise 16 you to know that I thought there were a number of 17 misconceptions and misunderstandings in the letter, and 18 I thought it would be good to go and meet Mr Daffarn and 19 his colleagues to try to put their mind at rest.

2.0 Q. Right. Did you normally give personal access to 21 individual residents in the way that you're offering 2.2 here?

23 A. Well, I was very recently leader, I'd only just become 2.4 leader, and I'd said to the office that I'd quite like 25

to meet as many residents as possible, and there was no

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reason why I shouldn't meet Mr Daffarn, and here was a letter full of, you know, accusations which I thought were wildly inaccurate and there may be something I needed to know.

I was quite keen to go, actually, and have a look at Lancaster West, because I hadn't been there since I'd been the chairman of housing some 20 years before, so it was an opportunity to do that, to meet some other residents. I did know the Estate Management Board was failing, but actually the role of the Estate Management Board, if you like, is a smaller TMO, it was a mini TMO just for Lancaster West, and it seemed to have been failing for some time and I thought perhaps we could have a discussion about that.

I also wanted to know whether there might be an opportunity for Mr Daffarn or anybody else in the finger blocks on Lancaster West to talk to residents about the long-term regeneration opportunities of the estate, and perhaps should we be refurbishing the flats if they were slums, and I wanted to see if they were, or should we be demolishing the estate and rebuilding it in a different way, perhaps in a better way, and I thought we could have a discussion about that, and maybe he could go and talk to some residents and perhaps do a survey and that would all help in our -- you know, we

1 were very new at this and we were planning some quite 2 extensive regeneration.

3 Q. Now, in fact, it's right that the meeting did go ahead,

4 didn't it --

5 A. Yes

6 Q. $\,--$ on 11 September as eventually diarised?

7 A Yes

8 Q. Do you accept that, from that time at least,

9 11 September 2013, you were aware that there was 10 dissatisfaction, if I can use a neutral word, from among 11 the residents or some of the residents of Grenfell Tower 12 with the project and with living conditions generally?

13 A. Well, I didn't quite read it like that. I think I've

indicated I can understand why people were concerned 14 15 that Grenfell hadn't started and Mr Daffarn was 16

a leaseholder within the tower, but this was a meeting 17 I had sort of in my mind seen as discussing what happens

18 with -- you know, Grenfell is going ahead. Okay, it 19 hasn't started yet, but it will start soon. We've got

2.0 these three finger blocks. We've got a failing Estate

21 Management Board. It would be useful to have a look and 2.2 decide what does need to happen here longer term, and

23 maybe this would be a good thing to do. 2.4 So that's -- I wasn't really thinking of this as

2.5 a meeting to discuss problems at Grenfell, other than

- 1 the fact that perhaps the work was running late.
- 2 Q. Despite the language and tone in which the concerns had 3 been expressed by Mr Daffarn in the emails I've read to
- you, do you accept that it was incumbent on the council 5 to take them seriously?
- A. Yes. 6

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7 Q. Yes, and Mr Daffarn invited you in the email I've read 8 to you to make a commitment, a personal commitment as 9 leader, to take a personal interest in the project.

10 Did you make such a commitment to Mr Daffarn?

11 A. No, I didn't. I suggested — well, not in so many 12 words, not precisely like that, but I said I wanted to 13 have another discussion, an ongoing discussion. 14 I wanted to go and see a flat on the estate, which he 15 wasn't overenthusiastic about me doing, but a lady there 16 said, "Come and see my flat", and I went in and had

a look, and I certainly didn't think it was a slum.

It's quite a strange estate because it has these very big internal courtyards covered with steps up, and then you have a walkway round and the flat doors go off the walkway, so there's an awful lot of wasted space, and I remember 20 years before there had been security and protection, you know, people concerned about people coming into the Lancaster West finger blocks and there had been quite a lot of extensive work done on security

- 1 arrangements, and I looked in the lady's flat and she
- 2 showed me her kitchen and bathroom and I sort of had 3 a chat with her about it, and I wasn't going to
- extrapolate from one visit, but at least it reassured me 5
- she wasn't living in a slum. 6 Q. We've seen that Mr Daffarn suggested that the 7 scrutiny committee had ignored what he describes as
- 9 A. Yes.

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10 Q. -- related to the power surges --

an extreme fire risk --

- 11 A. Yes.
- 12 Q. $\,--$ in May 2013, so the same month you became leader, 13 I think
- A. Yes 14
- 15 Q. Did that put you on notice to pay particular attention 16 to the issue of fire safety either during or as a result 17 of the refurbishment project at Grenfell Tower?
- 18 A. Yes, I was very exercised by the reports of the power 19 surge, and I raised it promptly with the then town 2.0 clerk, Sir Derek Myers, and asked him to make as 21 a priority to investigate what had happened.

This wasn't a problem with some council work, this was one of the utilities, and I believe there was a cable and there had been some arcing of the cable which had caused a surge, but I needed to be reassured that this wasn't a fire risk and there wasn't some

- 2 hazard, and a report was produced, which I saw, and
- 3 I think that report was referred to the housing and
- 4 property scrutiny committee. I think either -- I'm not
- 5 sure now, but I think a letter was sent to residents, or
- even a meeting was held with residents, and I felt 6
- 7 reassured that, actually, no, this wasn't a fire risk,
- 8 this wasn't something that was going to get into the
- 9 tower or whatever, but there was a problem with it and
- 10 it needed to be sorted out and it had been sorted out.
- 11 Q. Did the question of who was going to pay for the damage 12 done to the electrical equipment in individual
- 13 residents' flats cross your desk?
- I think it did, yes. 14

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- 15 Q. What was the upshot of that?
- 16 A. It seemed to me very, very small beer. We're talking
 - about -- there had been a -- it's like a fuse blowing
- 18 and a toaster or a kettle no longer working, and I think
- 19 my view was they should be replaced and the TMO or
- 2.0 whatever might have a fund that they could replace, but
- 21 I didn't think it was something the leader of
- 22 the council should be fretting over. It seemed quite
- 2.3 small scale. My concern was the safety, and I was
- 2.4 reassured that the safety had not been compromised.
- 2.5 Q. Did you suggest to the TMO that they should set up

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- 1 a fund to assist in reimbursing the residents?
- A. Do you know, I don't remember. 2.
- 3 Q. Right.
- A. I don't think I would have spent very much time on it.
- 5 I might have made a throwaway remark to somebody, but it
- seemed to me very -- it wouldn't have been a very big 6
- 7 sum of money.
- 8 Q. No.

2.4

- 9 A. But it was the safety that I was worried about, not the 10 loss of the toaster.
- Did you get into the question of the TMO's legal 11
- 12 responsibility for compensating residents for the damage
- 13 to their equipment as a result of the power surge?
- 14 A. I didn't. I think that's a technical matter for
- 15 the council's legal team, insurance team, the TMO, and
- 16 I don't think I need to get involved in that.
- 17 Q. Now, at the meeting, do you remember asking any
- 18 questions about the consultation process that was then
- 19 ongoing in relation to the project?
- 2.0 A. Do you mean the Grenfell Tower project or do you mean --
- 2.1 Q. Yes, the Grenfell Tower project.
- 2.2 No, I don't think I asked any questions about the
- 23 Grenfell Tower project, but I think I did ask Mr Daffarn
 - about whether there might be an opportunity for him to
- 25 consult, as, you know, a leading resident, with

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- 1 members -- I think there were 400 or 500 households and 2 I thought he could speak to them.
- 3 Q. Let me try the question a slightly different way: did 4 the fact that Mr Daffarn was bringing to you, among other things, the question, "Why has the Grenfell Tower 5 improvement project been delayed for over a year?", lead 6 7 you to think that the consultation process in relation 8 to the refurbishment had gone awry?
- 9 A. No, I don't think it did. I think my understanding was 10 there was a re—tendering going on and I think the 11 original anticipation that it might be done by one 12 contractor wasn't going to be the case and there was 13 a delay, but I think the consultation had taken place 14 much earlier on what might be done and tenants had been 15 carefully consulted, I think, at Grenfell about the 16 works and what would happen, and the new heating units 17 and the new windows and the external cladding. I think 18 they'd consulted
- 19 Q. Did this thought cross your mind: why has the TMO not 20 provided this answer to Mr Daffarn instead of him coming 2.1 to me to ask the question?
- 2.2 A. No, not at that time. I ... when I came in, as I said, I thought it would be useful to meet as many people as 2.3 2.4 possible, and I knew Mr Daffarn had had issues around 25 the power surges and now issues around the

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Lancaster West Estate, the non-Grenfell part of it, and I thought, you know, it would be good to go and see him directly and talk, and once you — sometimes as leader, you don't need to be sitting in a big committee meeting with formal notes and officers and everybody taking positions, you can just go and talk to people and find out actually what is happening and come to your own view as well, you don't have to accept what everybody's telling you. So I was at that stage here, and this was very much an informal visit to look at Lancaster West, to talk to him, to see if I could find out whether the EMB might come back in some shape or form or not, and what might happen there longer term, or maybe nothing would happen, you know, I needed to know whether it was a slum

I mean, that's what had -- and then I thought I could perhaps put him right on one or two things like the decant policy, which we were very, very careful $\,--\,$ I'd insisted, you know, right from the beginning, if we were going to do refurbishments or renovations of estates, which we were going to have to do, there must be a right for all tenants and leaseholders to return to the newly refurbished -- and there was no way we would proceed unless that happened, otherwise there would be social cleansing, which we were very strongly opposed

1 to. 2 Q. Yes.

3 Having made the decision to meet Mr Daffarn one on 4 one, as you have described, were you struck by the depth 5 of feeling that he'd expressed in his emails?

- A. Well, I thought they were articulate in one sense, but 6 7 they were overhyped and inaccurate in others, but that's 8 quite often what happens. If you're a councillor, you 9 get a lot of letters which are -- people are very cross 10 about something and they perhaps overstate a case or 11 they only state one side of the argument not two, and 12 that does happen. So you've seen quite a few emails 13 a bit like this and you need to try and get to the 14 bottom of what's actually happening.
- 15 Q. Did you ask yourself why there was, as appears, such bad in particular?
- blood between the TMO and these groups, and Mr Daffarn 16 17 18 A. No. you know, people have had long-standing antagonisms 19 and I thought this was an opportunity to perhaps cut
- 20 through them and, you know, I wasn't going with any 21 other purpose, no hidden agenda, just wanted to find out 22 why he'd written these things, try and put some of them 2.3 right, have a look at the estate and talk to him about 2.4
- the long-term prospects. 2.5 Q. Can we look at {RBK00046008}, please. This is an email

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from you to Councillor Feilding – Mellen which you sent on 27 September 2013, and you send him a draft letter which you were proposing to send to Mr Daffarn, "Grateful for any comments/amendments/additions", you say, and then there is the text of it below.

In the text you embed a list of issues, and you say in the second paragraph:

"I thought it would be helpful to put together a list of the issues which came up and which need to be addressed. We can re-visit these when we meet again at the end of November and I will ask Rock to join us so that we can agree a common agenda and a way forward."

Then you set out a long bullet list of issues to consider.

Now, even though this was a draft, and in fact the letter was sent out in pretty much this form, does it fairly reflect the issues discussed?

(Pause)

- 19 A. Yes, I think that does reflect the issues, yes.
- 2.0 $\ensuremath{\mathsf{Q}}.\ \ \ensuremath{\mathsf{I}}$ mean, taking away all the tone and language, were you 21 left with the impression that the residents of 2.2 Grenfell Tower had genuine concerns about each of these
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2.4 No. This is really much more about the finger blocks on 25 the rest of the estate. These are the low-rise blocks

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- 1 alongside Grenfell Tower. So I wasn't getting involved 2 in the -- in a re-run of the consultation on 3 Grenfell Tower. I wasn't aware of all the details as to when work was going to start. That, to me, was 4 5 a separate project about which there had been a lot of discussion. This was about my meeting with 6 Edward Daffarn and other residents to discuss the other part of the estate and some of the wider issues about 8 9 the Estate Management Board, and I think I've got here 10 when the work on Grenfell will start, but my reference 11 to, "Do residents want to see a refurbishment or 12 a re-building of all or part of the estate?", that was 13 the fundamental question I had about the finger blocks, 14 not Grenfell 15 Q. That was your question, was it?
- A. Yeah, these are all $\,$ my questions, that I $\,$ picked $\,$ up from 16 17 the meeting and I thought we needed to work through. If 18 we had a meeting -- if we had a follow-up meeting, 19 I thought maybe Rock and I and Edward Daffarn and 2.0 anybody else could discuss these things and try to 2.1 answer these points and explain what was happening.
- 2.2 Q. Yes

2.3 Do you remember what Mr Daffarn said about the EMB?

2.4 A. Erm ... I don't, really, other than I think he probably 25 echoed the fact that, you know, it very rarely met, it

- 1 wasn't quorate, it wasn't a functioning body, and 2 I think the council's view -- I can't remember the 3 chronology of events here -- was that probably the EMB needed to go and it needed to all be put back in with 5 the TMO, and maybe he didn't want that, I don't know. 6 But I think I'm reading too much into that, I \dots
- 7 Q. And you suggested meeting again, I think --
- 8 A. Yes.
- 9 Q. -- at the end of November.
- 10 A. Yes.
- 11 Q. And was that to take things further forward?
- 12
- Q. What did you tell him about the delays to the 13 14 Grenfell Tower refurbishment project, which was the 15 first question he'd started this off with?
- 16 A. I don't remember in detail what I now said, other than 17 that probably it was because they were having to go out 18 to re-tender because there were issues about the initial 19 contractor. I think the idea that the contractor could 2.0 do all three buildings, the academy, the leisure centre 21
- 2.2 Q. Right.
- 23 A. And the TMO was going out to re-tender, and that 2.4 inevitably involves delay, and very frustrating for

and the tower, had fallen apart.

25 everybody involved but, you know, that's better than 1 having a bad contractor.

- 2 Q. Yes. Did you say anything about the budget?
- 3 A. Erm -
- 4 Q. Was there any discussion about budgetary considerations
- 5 in relation to the re-tendering?
- A. No, I don't think we did discuss that, and I can't now 6
- 7 remember the chronology back to when the cabinet was
- 8 increasing the budget for the Grenfell project to $--\mbox{ was}$ 9 it $\,9.7\,$ and then $\,10.3,$ and I can't remember where this
- 10 fits into that. Maybe this was a bit before that,
- 11 I can't --
- 12 Q. This I think was after the first increase to 9.7.
- 13
- 14 Q. So I think the budget had been increased in the summer 15 of 2013 -
- 16 A. Right.
- 17 Q. -- to 9.7 from the initial 6, that's the chronology.
- 18 A. Yes

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- Q. Could we look at {RBK00046009}, please, and we can take 19 20 this, I think, quickly
- 2.1 This is Councillor Feilding-Mellen's response to you 22 on 27 September, same day, second email on page 1, as 2.3 you can see, at 17.28, and he responds with some 2.4 amendments
- 25 Then at the top of the screen, if you go up to that,

please, top of the page, you thank him for the amendments — this is your email of 3 October 2013 and you say in the second full paragraph:

"Although we can meet with officers, I tend to find that such meetings become rather defensive and entrenched."

7 Which officers were you referring to there, TMO or 8 RBKC?

9 A. No, that was a general remark about officers, it wasn't 10 any particular officers from any particular department.

11 It was that occasionally elected members, elected to

12 represent residents, can have a dialogue without

13 officers, and that sometimes more comes out of that than

14 everybody coming along and talking about budgets and

15 timetables and some of the rather more formal things.

16 which certainly do have to be discussed, I'm not

17 suggesting they aren't, but I wanted to just have this

18 informal discussion to find out whether he was truly 19

representative of wider views, which I think is quite 2.0

important when you're a councillor, is this person

21 speaking for everybody or is this person speaking with

2.2 a loud voice on their own behalf; is this person

23 genuinely representative or is this person not. And

2.4 I think you have to sort of -- if you're in a political

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2.5 role, that's part of what you have to do.

- 1 Q. You say, "I tend to find that such meetings become 2 rather defensive and entrenched".
- 3
- 4 Q. Had you had any experience of meetings between officers,
- whether TMO or RBKC, and the residents of the 5
- Lancaster West Estate where defensiveness and entrenched 6 7 positions were a feature?
- A. No, I've had no experience of meetings with residents of 8 9 Lancaster West Estate other than this meeting that I was 10
- having, so -- $\ensuremath{\mathsf{Q}}.$ So when you say, "I tend to find that such meetings 11
- 12 become rather" --13 A. That was me speaking as a councillor with, you know,
- many years of experience of residents coming in and 14
- 15 meeting officers, and the residents overstating the case
- 16 and the officers being very defensive and, you know --
- 17
- 18 A. And you don't really get very far. Everybody walks out 19 and doesn't feel much has happened.
- 20 Q. Just to be clear, then, it wasn't your impression that 2.1 officers of the TMO had not been able to engage with
- 22 Grenfell Tower residents at meetings because of 2.3 defensive or entrenched positions?
- 2.4 A. No, as far as I understood it -- and I didn't understand
- it in any great detail -- but there had been extensive

- 1 consultation with residents of Grenfell Tower about what
- 2 was going to be done and whether they wanted it to be
- 3 done and what their concerns were about the estate, and
- ... so that had happened and been banked, as it were,
- 5 and we were now waiting for the works to start. The
- works, when they were done, were going to reflect what 6
- 7 residents wanted to see, as far as I was aware, and
- 8 certainly at this meeting.
- 9 Q. Let's look at the letter that was sent. {MET00042240}. 10 This is the final letter that was sent to Mr Daffarn as 11 a result of the meetings and the drafting process we've
- 12 just seen. It's on your headed notepaper. It's
- 13 a formal letter
- A. Yeah 14
- 15 Q. 3 October 2013, so the same day that you got the draft 16 back from Mr Feilding-Mellen. It runs over two pages,
- and it essentially sets out the issues to consider and 17 18
- the walkabout issues. If you go scroll down page 1 and 19 then scroll into page 2, that's the letter.
- 2.0 Did Mr Daffarn respond to this letter?
- 2.1
- 2.2 Q. Or any of the representatives of the other groups?
- 23 A. Well, there was a lot of correspondence, I think, from
- 2.4 Mr Daffarn sort of going to all sorts of people over
- 25 the council and I can't now distinguish whether he wrote

- back to this. I think the idea was we had a follow-up
 - meeting and we would discuss these issues, and he may
- 3 have written back saying, "Yes, I look forward to
- 4 meeting you", or whatever, and we did have a follow-up 5 meeting.
- Q. You did have a follow-up meeting, yes, we'll come to 6 7 that.
- Just before we do that, I just want to show you one 8
- 9 or two intervening things. 10 First , please, $\{IWS00002298\},$ which is a Grenfell
- Action Group blog from 28 October 2013, so about three 11 12 and a half weeks after your letter.
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- Q. Posted on 28 October 2013, and there is a striking 14 15 picture below it. There is a cartoon of King Canute 16 with a rubber duck on his lap, and a text below it:
 - "The Leader of the Council, Councillor
- 18 Nick Paget-Brown was kind and gracious enough to come to
 - Lancaster West in September and meet with
- 2.0 representatives of the [Grenfell] Action Group, the
- 21 Grenfell Tower Leaseholders Association and the
- 22 Lancaster West Residents Association. He wrote to us on
- 3rd October briefly setting out his recollection and 23
- 2.4 understanding of the issues raised. This was indeed
- 2.5 welcome and appears to have been a clear indication of

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- 1 Councillor Paget-Brown's genuine and ongoing interest in 2 the problems besetting this community.'
- 3 Did you read this blog? I'm showing it to you in 4 a bit of detail to try and trigger a recollection, but
- 5 do you remember seeing this at the time?
- 6 A. No, I didn't read blogs generally when I was leader.
- Very occasionally the press office would bring something 8 to my attention from a blog that was circulating in the
- 9 borough, this one and others, but I have read the blog
- 10 quite extensively since July -- since June 2017, but
- 11 I didn't read this and I don't recall seeing this
- 12 certainly at the time, and ...
- 13 Q. Right.

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- 14 A. But it just reflects what was happening, you know, I was
- 15 trying to enter into a dialogue and have some
- 16 discussions, and so that all sounds quite good at this
- 17
- 18 Q. Yes. Reading down, though, it says, if you look at the 19 next paragraph:
- 2.0 "Unfortunately, some of the points in his letter
- 21 were, in our view, somewhat inaccurate, and seemed to
- 2.2 betray a failure on his part to fully understand the
- 23 issues we had brought to his attention, or at least to
- 2.4 fully grasp our perspective and our particular
- 25 concerns."

Then it goes over on to the next page at some length in relation to that, and at the end, if I can show you page 3 $\{IWS00002298/3\}$, in the last four lines of the first paragraph, it says:

"As already stated, he gave the impression that he was listening and that he was genuinely concerned about the issues at Lancaster West. We can only hope that he will therefore fully investigate these matters to ensure that he fully understands the issues. We should wait, therefore, to see what he will do."

Then in bold:

"He certainly knows how to talk the talk.

"Let's just wait and see now whether he can walk the

"We are expecting to meet with Councillor $\mathsf{Paget}\!-\!\mathsf{Brown}$ again shortly when he will be hosting us at his house. We can hardly wait."

Then there is some link to another blog. Nobody brought this to your attention at the time; is that right?

2.1 A. No, I don't think so. I'm sure I wouldn't have been 2.2 hosting a meeting at my house.

2.3 Q. No.

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2.4 Did anybody from these three organisations, or 25 Mr Daffarn in particular, write back to you in response

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1 to your letter and inform you that you had misunderstood 2 the points that were being made at the meeting?

A. I can't remember. He might have done.

Q. Right.

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If we then go, please, on in time to {RBK00046017/5}, this is an email chain between you, Mr Daffarn, and others, and it starts with an email from you to Mr Daffarn on 8 November 2013, so after the King Canute blog post of 28 October 2013. You are writing to him thanking him for his email of 25 October, and you say:

"As Ms Coyle advised you would happen Ms Parker, the Chief Solicitor and Monitoring Officer, has looked into this matter. I am satisfied that there has been no 'cover up' about the Grenfell Tower power surge nor any attempt to be obstructive. It does appear, however, that there has been some confusion around your email to Ms Johnson of 10 September for which I apologise."

Then he discusses some legal questions about whether or not an earlier email of his, which we haven't looked at, of 10 September 2013, was an FOI request or a request sent pursuant to a pre-action protocol.

Do you remember that issue, the issue of whether or not a request from Mr Daffarn should be treated as an FOI or as a pre-action protocol request?

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1 A. I don't remember that. That ... we often got sort of issues of definitions of whether things were FOI or 3 whether they were other categories of complaint, and 4 I did leave senior officers to deal with that. I really 5 didn't think that was one for me.

Q. Right.

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If we go to page 3 {RBK00046017/3}, we can see his response on 11 November 2013, bottom of the page:

"Dear Councillor Paget—Brown

10 "Thank you for taking the time to write to me 11 personally ...

> "I do not accept your assertion that the RBKC have not attempted to be obstructive with regards this matter that reeks of Council legalese and time-wasting."

Then he sets out something from Amanda Johnson in the body of the email, and then goes on, on page 4 $\{RBK00046017/4\}$, to draw to your attention in the third paragraph, although it's not indented —— well, it's not

"If you are familiar with the Coroner's Report from the Lakanal House fire (that killed six tower block residents in South London in 2009) then you will know that that fire was started by an electrical fault in a television set. Please bear this in mind while you read the rest of this correspondence."

1 Then it continues on the subject of what happened as 2 a result of the power surge, smoke and sparks, 3 television sets breaking, et cetera

At this point, were you familiar with the 5 Lakanal House fire?

6 A. Yes

7 Q. And with the coroner's recommendations which arose from 8 the inquests?

9 A. Not directly, unless they'd been in a council paper that 10 had -- that I'd seen or had come to the cabinet before 11 I became leader, but I don't remember reading them 12 directly myself, but they may have been incorporated 13 into a council paper.

14 Q. Were you prompted to go away and look at the coroner's 15 report as a result of Mr Daffarn's reference to it in 16 this email?

A. No, I wasn't, no. 17

18 Q. Why is that?

19 A. Well, I felt that the issue that he'd been concerned 2.0 about had been dealt with by the utility company who had 21 provided the repair and dealt with it, and that there

2.2 had been some fusing of equipment, but maybe this here

23 is overstated, and I wasn't quite sure what he was

2.4 expecting me to do. This fault had been put right by

25 the utility, it was a utility fault, and the council had

- 1 reported on what had been done, circulated that to the 2 tenants, to the housing and property scrutiny committee, 3 I'd asked for it to be looked into as a great matter of 4 urgency, and I $\, {\sf felt} \; , \; {\sf again} \; , \; {\sf this} \; \, {\sf was} \; {\sf beginning} \; {\sf to} \;$ 5 overstate — having seen other letters and concerns, that, you know, some of his letters did not actually 6 7 reflect the reality on the ground. 8
- Q. If you scroll down a little bit further into the same 9 page, lower down the same page, you can see that there 10 is a reference just below halfway down your screen to 11 this. It says:

"We are also aware ..."

13 Can you see? If we just have that pointed for you.

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15 Q. "We are also aware that Mr Black from the TMO made 16 allegations that the Grenfell Action Group and other 17 local stakeholders had made misleading statements on our 18 blog and in round robin emails.

> "When we challenged Mr Black to substantiate these allegations (by informing us what statements he believed that we gave that contained misleading information) he could not explain himself. Despite several opportunities Mr Black has failed to provide any evidence for the statements that he made to the Scrutiny Committee."

> > 53

- 1 Did you take any steps yourself to investigate what Mr Black had told the scrutiny committee regarding the 2 3 Grenfell Action Group's blog posts?
- 4 A. No, I didn't.
- 5 Q. Why is that?
 - A. Well, nobody had, I don't think, mentioned it to me at the time. Mr Black was the chief executive of the TMO. He'd been asked to appear at the housing and property scrutiny committee and report on the power surge problem. I don't know what he said, I wasn't at that meeting. The director of housing would have been there, the cabinet member for housing would have been there, the chairman of the scrutiny committee would have been there, and I can't really say any more, other than the issue of the power surges had been dealt with and it appeared to have been dealt with satisfactorily, and some of these blogs and Mr Daffarn's statements, as we saw in the earlier letter to me, I thought were overstated and hugely inaccurate.
- $\ensuremath{\mathsf{Q}}.$ Did you raise this allegation with Mr Black in one of 2.0 21 your regular meetings with him?
- 2.2 A. I don't recall doing so.
- 23
- 24 A. I don't think it was sort of registering it was 25 a very ... I mean, I was trying to meet Mr Daffarn,

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- elicit what might be the way forward on the
 - Lancaster West finger block estate. He'd written some
- 3 quite -- what shall I say? -- colourfully worded letters
- 4 which I thought were inaccurate and wrong, and now
- there's this reference to the power surges where he 5
- doesn't seem satisfied with the report that's been sent 6
- 7 to the scrutiny committee, and I didn't know what
- 8 Mr Black might or might not have said and I thought
- 9 there were other people in a better position to deal
- 10 with it than me
- 11 Q. Did you meet Mr Daffarn —— I think you did —— at the end 12 of November 2013 as the follow-up meeting?
- 13 There was a follow-up meeting. I can't remember when.
- 14 Q. Right.
- 15 At that follow-up meeting, did you ask Mr Daffarn 16 what it was that Mr Black had said which he Mr Daffarn 17 said was false?
- 18 A. No, I don't think it was on my radar that Mr Black had 19 said false things, and I didn't feel, if that was the
- 20 allegation, it was one I had to sort out.
- 2.1 Q. Right.
- 22 Was the meeting at the end of November 2013 the last 23 occasion on which you met him?
- 2.4 No, I saw him at a number of events. I think
- 2.5 I mentioned the West London Citizens -

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- 1 Q. I'm sorry, when I say met him, I mean met him as part of 2 an agreed meeting, rather than an encounter.
- 3 A. Yes, yes, I think that was the last formal meeting he 4 and I had.
- 5 Q. Yes. Was it constructive, do you remember?
- 6 A. I fear it wasn't.

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7 Q. Let's look at $\{RBK00028420\}$, please. This is an email 8 sent by you to Mr Daffarn of 30 January 2014:

"Dear Edward

"Thank you for your further email and subsequent reminder. My apologies for the delay in replying.

I could read it all to you, but let me just ask you to look, please, at the third paragraph:

"Whenever I ask you whether residents favour refurbishment or re-construction of the estate you are not able to advise me, or even to reassure me that you are speaking for a reasonable number of residents. Instead, you resort to wild and inaccurate allegations about what the Council is planning to do. The Estate Management Board has clearly found it difficult to

- 21 attract residents to serve on it, so perhaps it has 2.2
- outlived its usefulness as a tool to manage the estate. 23 At our last meeting I also mentioned the TMO survey of
- 2.4 residents, which gives a different picture from that
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painted by you. Given your opposition to almost every

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suggestion that has come forward, I am at a loss to know how to proceed.

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"The power surges are a matter for the utility company and individual claims should be made against it. I understand that the TMO has also approved an ex-gratis payment to tenants who were affected.

"I am sorry that we appear to have exhausted constructive dialogue on how to improve the estate."

What aspects of Mr Daffarn's allegations against the council did you consider to be wild and inaccurate?

A. Well, I think I'd been worried when I'd got the original letter about the slum conditions and, as I say, I hadn't been there for a long time and I thought there was an opportunity to go and look, and when I went and looked, I didn't find slum conditions. So that, to me, was reassuring, and it was misleading in the letter.

I think he referred somewhere in one of those letters to a "fascist decant policy", and I thought that was immensely potentially damaging, because that was absolutely not the intention of the council. I tried to explain that at some point we passed a motion saying that any regeneration on any estates would enable all tenants and leaseholders who wished to do so to return. so I thought the idea that the council was running a fascist decant policy was ludicrous.

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1 I thought the Estate Management Board, it was clear 2 that it wasn't going to spring back into life, and 3 I think the claims about the equipment that was destroyed, I think, well, we covered that a few minutes 5 ago, but I think my view was, well, if something had been destroyed then the TMO could for goodwill pay for 6 7 it to be replaced, but these were small items and I was 8 reassured that there wasn't a fire risk.

- 9 Q. What was the source of your understanding that the TMO 10 had approved an ex gratia payment to tenants who were 11 affected, as you say there?
- 12 A. I can't remember now who told me that, but I notice I've 13 copied in Councillor Feilding-Mellen. He might have 14 told me, or somebody might have told me that ... really, 15 in the overall scheme of things, this was not huge. 16 This was -- somebody clearly had agreed an ex gratia 17 payment, I thought that was a good idea, and that, to my 18 mind, was the end of the matter.
- 19 Q. Did you engage with Mr Daffarn further, following this 2.0 email?
- 21
- 2.2 Q. Or was this the end of the chain?
- 23 A. I think it's the end of the chain. I don't know if he 2.4 replied to this.
- 25 Q. Now, moving further on, we can go to 2015.

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If you go to your second statement, please, page 6 2 {RBK00054428/6}, paragraph 22, you mentioned three 3 visits to Grenfell Tower on three occasions: 4 22 October 2015, 11 May 2016, and 13 May 2016. You can 5 see there --6 A. Yes.

 $Q. \ \ --$ where you say that. 8 Can we look at {RBK00005826}, please. If we go to 9 the foot of page 1, this is an email from Rita Dexter of 10 London Fire of 14 July 2014 to Nicholas Holgate, and she attaches two documents entitled "Councillor guide on 11 12 fire safety for use during estate visits" and 13 "Councillor guide on fire safety for use during council 14 meetings". She explains in her letter, as you can see 15 at the foot of the page there, that those guides had 16 been produced following the coroner's recommendations 17 into the tragic deaths of six people at Lakanal in 2009.

> Cutting a long story short, we know that Nicholas Holgate forwarded those guides to Mel Barrett and Laura Johnson, and Laura Johnson in turn forwarded those guides to Councillor Feilding-Mellen and Councillor Marshall.

2.3 Do you remember seeing those guides? 2.4 A. I honestly can't remember. I don't --

25 Q. I'll show you one.

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A. Can I look? 1

Q. Yes, {LFB00001294} and {LFB00001295}. Let's have them 2 up side by side, please. That's the one about estate

3 visits, and if we have 1295, please, at the same time,

5 there is a red one -- there it is -- and that's about 6 fire safety for use during council meetings.

7 Do they look familiar to you? They're striking 8 documents, as I think you'd agree.

9 A. They do look familiar, but that's all I can say, really.

10 I think I've seen these before, and I think I must have 11 seen them at the time, or soon after the time.

12 Q. Would you have read them at the time?

13 A. Glanced at them.

14 Q. Right.

15 Glancing at it, would you have seen, looking at the 16 blue one, first of all, the text on the right-hand side 17 under the tower block question mark:

"Confirming the emergency evacuation is in place."

19 Would you have seen that, read that?

2.0 A. Well, I probably did, but I would have assumed that that 21 was being dealt with by others.

2.2 Q. Right.

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A. When I -- yeah. Emergency evacuation plan, but also 2.4 stay-put principle, and that's what sort of had been 25 drummed into me for years, that if there was a fire,

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- 1 people should stay put, except the people in the flat 2 that was on fire, so ... 3 Q. You say it was drummed into you; did you glance at the 4 second page {LFB00001294/2}, left-hand column, and the bullet points there underneath the words "You can ask": 5 " • What emergency evacuation plan is in place for 6 7 this building? " • How have residents been informed about it? 8 9 " • Are fire escapes and other parts of the escape 10 route, such as corridors and stairwells checked 11 regularly for obstructions? 12 "• Is emergency lighting and signage ..." 13 Did you look at that, do you think?
- A. I probably did, yes. I mean, I can't say it's --14 15 you know, word for word I now remember looking at it, but I think I did -- you know, I would have noted the 16 17 thing about fire escapes and means of escape and 18 blockages in corridors and on staircases, and putting in 19 lighting on stairs, all this kind of thing. But I would 2.0 expect that to be dealt with by the TMO team responsible 21 for health and safety. I mean, this is useful for me to 22 know, but this is actually something that would be 2.3 checked on by the TMO.
- 2.4 Q. Yes.
- 25 You made three visits to Grenfell Tower on the dates

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- 1 we've looked at.
- 2. A. Yes
- 3 Q. And that's after the date on which you received this
- 5 Do you remember asking any of these questions in respect of Grenfell Tower during those visits? 6
- 7 A. I think in one of the visits there was an issue about 8 the numbering of the floors, and that was sort of under 9 discussion while I was sort of -- while I was there. 10
- 11 Q. Right.
- 12 A. Because they'd actually found some more property at the 13 bottom of the tower in previous rooms that I think had 14 been used for maintenance and plant, and they'd been 15 able to turn those into flats, but then they had 16 a numbering issue, how did you number them, and I think 17 at the time I visited, when work was still ongoing to
- 18 some extent, they were dealing with that issue. 19 Q. Was that issue resolved to your personal satisfaction,
- 2.0 do vou remember?

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- 2.1 A. I can't remember. I don't know. I don't know.
- 2.2 Q. You didn't follow up on it?
- 23 A. No
- 2.4 Q. No.
- 25 Could we look at the red version, please,

{LFB00001295}. This is the councillor guide on 2 fire safety for use during council meetings. If you go to page 2 {LFB00001295/2} in that, please,

3 4 you can see it says:

"What can councillors do?

"Do not make assumptions that fire safety is being actively or effectively managed in purpose-built blocks of flats and maisonettes in your borough. Councillors can make their boroughs safer by scrutinising how responsibilities for fire safety are met and ensuring that the fire safety in your borough is continuously being monitored and improved."

Did you read that?

- I probably did at the time, yes, but --14
- 15 Q. Did you understand it?
- 16 A. I understood it, and I would have assumed from what it 17 said there that the housing and property scrutiny
- 18 committee, and you mentioned earlier Laura Johnson
- 19 passing this to the chairman, that that would feature in
- 2.0 their scrutiny of the TMO and premises -- TMO premises 2.1
- in general. 22 Yes. By making that assumption, were you not doing
- 2.3 exactly what the LFB was advising you not to do?
- 2.4 Possibly. Possibly.
- 25 Q. Can you --

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- 1 A. But I thought there was a structure in place for dealing
- 2 with fire safety scrutiny, and that that was the housing
- 3 and property scrutiny committee. It was receiving
- reports, as I understood it, on fire risk assessments
- 5 after Lakanal. That had been supplemented by, I think,
- 6 additional reports on what was being done on $--\ \mbox{we}$
- 7 talked about it yesterday -- the closers and the $\ensuremath{\mathsf{new}}$
- 8 doors and that kind of thing, and I thought the $\,$
- 9 scrutiny committee was the point of focus in the council 10 where this would be happening.
- 11 Q. Did reading this text not prompt you to say to those
- 12 responsible on the officers' side, "I need to be assured
- 13 afresh that there is an adequate and effective system in
- 14 place whereby the scrutiny of the TMO's performance in 15 relation to fire safety is being properly performed"?
- 16 A. Well, I didn't ask that of the officers, but I probably
- didn't ask it because I felt that that was happening and 17
- 18 that the reports that the scrutiny committee got from
- 19 the TMO were incorporating details of what was being 2.0
- done on fire safety and minimising --
- 2.1 Q. Feeling that it's already happening is --
- 2.2 A. Well, it was happening.
- 23 Q. -- precisely what you're not supposed to do in response 2.4 to this notice. Would you accept that?
- 2.5 It says, "Do not make assumptions that fire safety

1	is being actively or effectively managed".	1		If you go to page 2, it's signed by Rita Dexter, the
2	A. No, I wasn't making an assumption, I was $$ the notice	2		deputy commissioner, you can see that there.
3	is saying you need to make sure that councillors are	3	A.	Yeah.
4	scrutinising what the fire risk arrangements for the TMO	4	Q.	If we go back to the first page, you can see that in
5	properties are, and I was comfortable that the housing	5		manuscript somebody has written $$ and I think it's
6	and property scrutiny committee was doing that and that	6		looks like your writing, as an amateur typographer. Is
7	therefore what this says was being met. So I don't	7		that yours, at the top, "Joanna FYI"?
8	think I would have thought about it any more.	8	A.	Yes, that is mine.
9	Q. So you didn't take a fresh look at the scrutiny	9	Q.	Who is Joanna?
10	arrangements?	10	A.	That was Councillor Joanna Gardner, who was the
11	A. No, I didn't.	11		cabinet member I think I referred to yesterday in my
12	Q. Particularly in relation to fire safety?	12		amended statement responsible for IT, corporate matters
13	A. No.	13		and community safety, which would include fire and
14	MR MILLETT: Mr Chairman, I'm noting the time.	14		police.
15	SIR MARTIN MOORE—BICK: Yes.	15	Q.	Right, I see. So this didn't go to
16	MR MILLETT: I'm not far off the end, but I won't finish	16		Councillor Feilding – Mellen, for example?
17	before an appropriate moment for a break.	17	A.	No, because I think it's an audit, a request for
18	SIR MARTIN MOORE-BICK: Well, that's the question. Do you	18		an audit.
19	think you have more than about 10 minutes of questions	19	Q.	Yes.
20	left ?	20	Α.	And I thought Joanna, because she would be having links
21	MR MILLETT: Yes, probably about 15 or 20, possibly. I'd	21		with the Fire Brigade, should know about it, should see
22	say 20 minutes to be safe.	22		this, and I notice at the very top of the document,
23	SIR MARTIN MOORE—BICK: I think in that case, we'll ——	23		which we can't now see, but I notice she has passed it
24	MR MILLETT: Yes.	24		to the planning department, which seems to me to be
25	SIR MARTIN MOORE-BICK: Mr Paget-Brown, I'm just feeling the	25		quite a sensible place to send it to.
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1	ground to see whether it might be possible to get to the	1	Q.	That's right, "Please pass this to Mr Bore".
2	end of your questions before we had a break, but I think	2	Α.	Yes. Because they would have the details that would
3	it would probably be wiser to have the break now.	3		enable the audit to be completed best, I think.
4	So we will stop now. We'll resume, please, at	4	Q.	You're right that it discusses an audit, and in fact
5	11.35, and then we'll carry on then.	5		from the third paragraph you can see that it encloses
6	Please don't talk to anyone about your evidence	6		an audit tool ——
7	while you're out of the room.	7	A.	Yes.
8	THE WITNESS: Thank you.	8	Q.	for the purposes referred to there. Did you think to
9	SIR MARTIN MOORE-BICK: All right? Thank you very much.	9		pass this to Laura Johnson?
10	(Pause)	10	A.	No.
11	Thank you, 11.35, please.	11	Q.	Why is that?
12	(11.21 am)	12	Α.	Because I thought Joanna Gardner would be better at
13	(A short break)	13		getting the audit completed because she would, as the
14	(11.35 am)	14		community safety person for the whole borough, do
15	SIR MARTIN MOORE—BICK: All right, Mr Paget—Brown, ready to	15		exactly what in fact she has done, which is to talk to
16	carry on?	16		the planners or get the planners probably in reality to
17	THE WITNESS: Yes, indeed, sir.	17		complete the survey because they would have plans of
18	SIR MARTIN MOORE—BICK: Good, thank you very much.	18		borough buildings.
19	Yes, Mr Millett.	19	Q.	I just wonder about that. If you look at the second
20	MR MILLETT: Yes, Mr Chairman, thank you.	20	٦.	paragraph, it says:
21	Mr Paget—Brown, can I ask you, please, to be shown	21		"In our experience buildings can and do become
22	{TMO10042979}.	22		compromised in fire safety terms as a result of
	,			
23	This is a letter addressed to you dated	23		refurbishment works. We are all aware of high profile

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examples."

cases, but the Brigade regularly comes across many other

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5 January 2015 from the LFB, and it's entitled

"Protecting fire safety \dots in refurbished buildings".

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1 And she attaches some pen pictures and a death as 2 a consequence. 3

Then she says this:

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"We consider that refurbishment works that compromise fire safety pose a serious risk to the safety of residents and the general public, and that therefore Authorities need a strategy for assessing that risk and for taking appropriate remedial action."

Now, just pausing there, given that this was to do with refurbishment works, why not send this directly to those councillors who were more directly responsible for refurbishment works, whether as part of the TMO or other aspects of RBKC's property estate?

A. Well, there are 19 towers in the borough, and I think at any time in the future there may have been refurbishment works of other towers. That was being discussed, that was a possibility. It seemed to me Grenfell Tower -this was 2015, so work was I think by now well under way, and Grenfell Tower had hired fire safety consultants, and I didn't actually think this was --I didn't -- I actually felt this would be better going through the council and looking at all the council's high-rise buildings and -- because they might be refurbished in future, and Grenfell was taken care of by having a fire safety -- as far as I knew, fire safety

1 consultant advising on what was going to be done, and so I didn't think that we needed to worry about Grenfell, 2 3 that was being taken care of.

Q. Right. Two things flow from that.

First, you say, "As far as I knew, there was a fire safety consultant involved in the Grenfell Tower refurbishment". What was the basis of that understanding? How did you come to know that?

- A. I don't now remember, but I must at some point have seen a list of the various people, the contractors that were involved in doing different things at the tower, and I know one of them was fire safety, and I'm sure when the discussions took place with the architects and with Rydons, they would have wanted to have fire safety advice. So I felt that that was being taken -- I don't know quite how. I mean, you do pick up all sorts of things over the years, and I don't know how I knew it but I think I did know it.
- 19 Q. So was it because of that understanding, as you've just 2.0 explained it, that you didn't think it was necessary to 21 put this document into the hands of either the 2.2 councillors or officers of RBKC so as to ensure that the 23
- 2.4 A. Erm ... perhaps I should have done that. It could have 25 gone the other way, but I think then everybody would

have said, "Oh, it's about Grenfell and we've got --

you know, the fire safety at Grenfell is being

3 considered by the fire safety consultants", and then the

4 other 18 towers which might at some point have been 5 refurbished. I think this was asking for an audit.

you know, it seemed to me that this was a sensible place 6 7

to send it. But maybe in retrospect it wasn't. Q. In fact, it did come to David Gibson in February 2015,

9 or rather the audit tool did. Do you remember whether you tabled this letter as

10 11 a discussion topic in cabinet?

12 A. No. I'm sure I didn't discuss it in cabinet.

13 Q. Is it right that your role was simply to receive it and 14 then hand it on to Joanna Gardner?

15 A. Well, my role was to --

16 Q. I say your role, I mean what you did.

17 A. Yes, this letter arrived in the post bag. It's an audit

18 tool requiring certain technical pieces of information.

19 I thought Joanna Gardner might want to discuss it with

2.0 the borough fire commander or aspects of it. I didn't

21 think Grenfell Tower needed -- the works at

22 Grenfell Tower I felt were being taken care of

23 elsewhere, and work was under way, and she sent this to

2.4 the planners, which struck me as not a bad place to send

25 it. They would have details of buildings,

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1 refurbishment, they would have to grant planning 2 permission to any tower that was going to be refurbished 3 and they would have to attach conditions to the planning consent, and it seemed to me this wasn't a bad place for

5 it to have ended up 6

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I didn't necessarily think she would immediately pass it to the planners, but she did, and I certainly at the time wouldn't have had a quarrel with it.

9 Q. Did you look at the appendix to this letter on page 3 10 $\{TMO10042979/3\}$, do you think? We can see it there, 11 "Case studies of failure of fire protection measures", 12 as you can see at the top of the page there. Did you

13 look at that, do you think?

14 A. I don't remember whether I did or not. I really don't 15 remember

16 Q. Do you remember having any thoughts about challenges or 17 risks to the integrity of compartmentation in tower

18 blocks as a result of refurbishment, seeing this letter? 19 A. Well, I knew compartmentation was very important and

2.0 that planners would be looking to make sure that any

21 plan submitted would not compromise compartmentation.

2.2 So I thought that this was going to be discussed by the 23 cabinet member for community safety with the fire

2.4 commander for the borough, and that planners would look

25 to make sure that when plans did come forward, there

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- were conditions and care was taken. It seemed to me this was something that officers in that department should see and take account of.
- Q. Now, the letter attached an audit tool. Let's look at
 that. It's at {TMO10042956}. That's the first page of
 it. That's the introductory part. It describes what
 the audit tool does and has, namely three parts.

8 Do you remember looking at that?

- 9 A. No, I suspect I probably only read the covering letter 10 quite carefully . There's some technical detail here 11 which ... no, I don't recall looking at this .
- 12 Q. Right.

Perhaps just look at page 2 {TMO10042956/2} as

visual exercise and just see if this triggers

recollection . Did you look at the detail of this in

particular?

- A. Just going back to the first page for a moment, it does
 talk about cross—disciplinary working, which does
 suggest that several departments need to be involved in
 this.
- Q. Was that a thought that you had at the time of the
 document or a thought that's just occurred to you now,
 looking at it now?
- A. I think it's probably occurred to me now, but I can quite see that this could have ended up in, you know,

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- 1 various places. We were talking earlier about the 2 environmental health audit, the bi-borough environmental 3 health audit, but actually I think it was very sensible to send it to the planners, because the planning is the 5 gatekeeping when a planning application comes in, and 6 they will want to make sure that whatever plans there 7 are for refurbishing a tower don't compromise the compartmentation. So it seemed to me that was the right 8 9 place for it to go.
- 10 Sorry, I realise that's diverted you from what you 11 wanted to --
- 12 Q. No, not at all . My question was, if you go to page 2, 13 whether you actually looked at the details .
- 14 A. No, not at this, no, I didn't.
- 15 Q. No.
- Now, David Gibson told us in evidence and just
 for reference purposes, it's {Day53/201:20} to
 {Day53/202:7} that this tool was never used by the
 TMO to assess whether Grenfell Tower was compliant, even
 though it was plainly relevant to the Grenfell Tower
 refurbishment.
- Are you able to account for why the TMO senior management involved in that project did not think that it was relevant to apply to that project?

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A. Well, presumably when the planning application for

- 1 Grenfell Tower went forward, that preceded this document
- 2 by some considerable period of time, and it still seems
- 3 to me that for future refurbishments this document is
- 4 best completed by planning people, who can then make
- 5 sure the appropriate condition is attached to any future
- 6 planning application. I think this -- I think the
- $7 \hspace{1.5cm} \hbox{Grenfell application was much earlier than this} \\$
- 8 document.

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- 9 Q. Let's look back at your correspondence log again,
- 10 a slightly different topic, {RBK00054425/3}. We looked
 - at it earlier this morning, but if we go to page 3, we can see the entry for 22 October 2015, and that's in
- can see the entry for 22 October 2015, and that's i bold. the second item down from the top:
- 14 "NPB visit to Grenfell Tower works. See item 3 (i)
- of NPB Meeting with Town Clerk on 23.10.15 recording
 this Met at Rydon compound "
- 16 this. Met at Rydon compound."
- Do you remember what the purpose of your visit to Grenfell Tower was on that date?
- 19 A. I'm really not remembering it at all clearly . I think
- 20 it was what they call a hardhat tour and it would have
- $21\,$ been to see how the works were coming on. This is
- October 2015, so yes, I think the works would have been
- 23 well under way, probably in mid-progress.
- 24 Q. Yes
- 25 A. And I think it was what one might call a courtesy visit

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- $1 \hspace{10mm} \mbox{to see}$ what was happening and ... but I don't really --
- 2 in all honesty, I don't really remember it very much.
- 3 Q. Right.

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- Do you remember meeting with any residents during that visit?
- that visit?A. No, I don't think so. No, I think it was just the ...
- 7 some of the contractors and the ...
- 8 Q. Was there any discussion that you recall that took place
- 9 involving you or that you heard about fire safety during 10 that visit?
- 11 A. No, I really can't remember the visit and the
- 12 conversations I had very much at all, and I can't say
- 13 they would have included fire safety. I really can't
- 14 recall the visit very clearly.
- 15 Q. Right.
- $\begin{array}{ll} 16 & \qquad \text{If we stick with the same document but go to page 4} \\ 17 & \qquad \text{\{RBK00054425/4\}, please, you can see that there is} \\ 18 & \qquad \text{an entry at the top of the page from 11 May 2016 which} \\ \end{array}$
- 19 says:
 - "With officers, Robert Black and
- 21 Cllr [Feilding—Mellen] visit Grenfell Tower. Call in on 22 a resident. (was this Denis Murphy who died in the
- 23 fire?). NPB took photos."
- 24 Do you remember why you visited the tower that day?
- 25 A. Yes, I think the works were beginning to near the end

- 1 and I think the TMO wanted to show us what had been
- 2 done, and ... I think we had an initial look at the
- 3 boxing club, we looked at the club room downstairs,
- 4 I think work was under way at the nursery at the back,
- and then they arranged for us to go and meet a resident. 5
- Q. Do you remember why --6
- 7 A. Actually I do -- just one other thing while I'm talking
- 8 about that.
- 9 Q. Yes
- 10 A. I think I had picked up, maybe from Councillor Blakeman,
- 11 I'm not sure, that there was an issue with some
- 12 residents about the location of the new boilers being
- 13 put in the hall and not in the kitchen, and I think
- 14 I wanted to sort of see one of those and they arranged 15 for us to go and meet the resident, who I fear might
- 16 have been Mr Murphy.
- 17 Q. Right. You say that. Do you remember why you called on
- 18 Denis Murphy?
- 19 A. I think he'd been chosen as prepared to have a group of
- 20 people walk round his flat in the middle of a morning
- 2.1 and let us have a look at what had been done.
- 2.2 Q. Were you aware or did you become aware during that visit
- 2.3 that Denis Murphy was a vulnerable resident who suffered 2.4 from a serious respiratory illness?
- 25 A. Not unduly. I think I noted that he was elderly and

- 1 perhaps somewhat infirm, but not to the point of not
- 2 being able to move around the flat, and ...
- 3 Q. Did your meeting Mr Murphy or your visit to his flat
- lead you to ask any questions about what provision had
- 5 been made for the evacuation of vulnerable residents
- 6 such as him in the event of a fire?
- 7 A. No, I didn't ask that, because, again, my understanding
- would be that if there was a fire, it would be 8
- 9 contained. If it was in Mr Murphy's flat, he should
- 10 leave the fire $\,--\,$ sorry, leave the flat, which I thought
- 11 he was capable of doing, close the door, and I don't
- 12 think anybody could possibly have envisaged the
- circumstances of the 14 June fire, where the fire 13
- 14 engulfed the whole building simultaneously. It just
- 15 wasn't within our range of experience or knowledge, and
- 16 so I would have expected compartmentation to have meant
- 17 that Mr Murphy would have left the flat if there had
- 18 been a problem and that the Fire Brigade would have come
- 19 and they would have helped him out.
- 2.0 Q. Right. So was it your thought at the time that in the
- 21 event he had to evacuate from his flat. leave aside
- 2.2 a more general fire, he would be assisted out by the

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- 2.3 LFB?
- 2.4 A. Yes.

2.5

Q. Right.

Did you have any thoughts about whether there was 2

- any personal evacuation plan in place for him?
- 3 A. No, I thought that would be the personal evacuation 4 plan, that he would leave the flat and the Fire Brigade
- 5 would come quickly and they would help him out if he was
- vulnerable, and I think I understood there were two 6
- 7 lifts and one of them could be dedicated for fire.
- Q. Who told you that? 8
- 9 A. I don't remember, but I did know.
- 10 Q. Right.
- 11 Were you aware in general of a programme, in general
- 12 use, called PEEPs, or personal emergency evacuation
- 13 plans, to be used for vulnerable residents in high-rise
- 14 residential blocks?
- 15 A. No, I can't say that I was aware that they were in use.
- 16 Q. So does it follow from that that you weren't aware
- 17 whether or not the TMO had a programme in place for
- 18 completing PEEPs for individual vulnerable residents in
- 19 their housing stock?
- 20 A. No, I wasn't aware of that, but I was aware that the TMO
- 21 were putting together and designing I think what they
- 22 called a customer relations database, which would give
- them a picture of every property that the TMO was 23
- 2.4 responsible for managing and could see who lived there.
- 25 and on that database you could mark, you know,

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- 1 particular things that might be worthy of note, that
- 2 there was a vulnerable resident maybe, or indeed other
- 3 things, and that that was all linked to the repairs
- 4 programme.
- Q. Was the database called the CRM, do you remember? 5
- 6 A. I think it was, yes.
- 7 Q. Was the evacuation of vulnerable residents ever
- 8 discussed as a subject in cabinet?
- 9 A. I don't believe it was.
- 10 MR MILLETT: No. Thank you.
- 11 Mr Chairman, I've come to the end of my prepared
 - questions for Mr Paget-Brown.
- 13 SIR MARTIN MOORE-BICK: Yes.
- MR MILLETT: This might be a convenient moment to take the 14
- 15 customary final break.
- 16 SIR MARTIN MOORE-BICK: Yes, thank you.
- 17 Well, Mr Paget-Brown, as you may know, at this
- 18 stage, when counsel thinks he has reached the end of his
- 19 questions, we have to have a little break, first of all
- 2.0 to let him check that he has indeed reached the end of 21 his questions, but also to allow others who are not
- 2.2 present to suggest other questions we should perhaps ask
- 23 you. So we're going to break now.
- 2.4 12.10, Mr Millett, will that be all right?
- 25 MR MILLETT: I think so, yes. If I need longer, I can

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Q. Right.

1 apply. 2 SIR MARTIN MOORE-BICK: We will come back at 12.10, see if 3 there are any more questions at that point, and in the 4 meantime, please don't talk to anyone about your 5 evidence. All right? THE WITNESS: Thank you. 6 SIR MARTIN MOORE-BICK: Would you like to go with the usher, 7 8 then, please 9 THE WITNESS: Thank you. 10 (Pause) 11 SIR MARTIN MOORE-BICK: Right, 12.10, please. MR MILLETT: Thank you. 12 SIR MARTIN MOORE-BICK: Thank you. 13 14 (11.57 am) 15 (A short break) 16 (12.12 pm)17 SIR MARTIN MOORE-BICK: Right, Mr Paget-Brown, we will see 18 if there are more questions for you. 19 Yes. Mr Millett. 20 MR MILLETT: Yes, Mr Chairman. 2.1 Just one or two, Mr Paget-Brown. 22 The first is in relation to the power surges, and you said this morning that you felt reassured that the 2.3 2.4 power surges had not in fact presented a fire risk to the residents of Grenfell Tower. I'm summarising your

evidence, but that was the gist of it, I think.

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Let me show you a document, {ZUR00000025}, please. Now, this is a report by RGE Services Limited prepared for the insurers, Zurich, entitled "Flat Sub—Main Rising and Lateral Supplies Report, 29th May 2013", and it starts:

"The tenants above floor ten were reporting smoke issues, lights and power failing intermittently. On testing the incoming supplies sub—main cable voltages were shown as unusually high as indicated below."

Then there is some technical data set out there.

If you scroll down the screen, please, lower down on page 1, you can see the rest of that. It says, "We then carried out a more in—depth investigation", and more detail is set out.

On page 2 $\{ZUR00000025/2\}$, if we turn to that, please, you can see that it says:

"Further investigation found badly damaged enclosure and service cable in the lower ground floor riser cupboard where there is evidence of severe burn and arcing damage."

Then in the third paragraph it says:

"On inspection we found loose connections and the neutral cable had melted away from the clamp connections and could have caused a fire within the riser, please

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1 see attached photos on the following sheets."

Do you remember being told that the damage that they had found could have in fact caused a fire within the riser?

- A. I don't remember being told that. I do remember beingtold about the arcing.
- Q. What had given you the impression that there had been no
 fire risk when we can see from this report that there
 was a fire risk?
- to the housing and property scrutiny committee, and
- 13 I think it was that I did see, and it was that that gave
- $14 \qquad \qquad \text{me reassurance.} \ \ \textbf{I} \ \ \text{don't think I've seen this} \, .$
- Q. From your recollection, did this report not also go to the housing and property scrutiny committee?
- 17 A. I don't know, is the answer. It may have done, but
- 18 I don't recall having seen this report.
- 20 A. But I think I saw a covering report.
- 21 Q. If it had gone to the housing and property scrutiny
- committee, do you accept that you would not have been
- 23 labouring under the impression that there had been no
- 24 fire risk as a result of the damage to the electrical
- 25 cables identified here?

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- A. Well, clearly this sets out information I either didn't have or didn't take at the time, and clearly there is a risk in the riser, yes.
- 4 Q. Yes, thank you.

We also looked this morning at Mr Daffarn's allegations against the council, and I asked you which you considered to be wild and inaccurate. The slum conditions was one, and also what was referred to as the fascist decant policy, which you thought that if the council was running a fascist decant policy then that was, in your words, ludicrous.

Do you remember, just leaving aside the rhetoric for the moment and just getting to the core point, that Mr Daffarn's concern was that the core strategy had contained a guaranteed right of return in the event of regeneration, but the council's decant policy hadn't or didn't? Do you remember that?

- 18 A. All I remember is -- well, I think I remember the core strategy certainly having that.
- 20 Q. Yes
- 21 A. I didn't know that the revised decant policy didn't make 22 that clear, but I'm sure we would have wanted, between
- 23 Councillor Feilding Mellen and myself, to make it clear
- 24 that any decant policy must include a right to return,
- and that was full council policy, passed by the council,

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and that would have trumped any local document that might have existed saying otherwise. So the council was very clear that residents who lived in refurbished estates or estates that were to be refurbished should have the right to return to their flats or to a similar property in that development, and resident leaseholders, and that was the clear council policy, it was certainly my clear policy, and Councillor Feilding—Mellen's clear policy, so I'm not quite sure what the other decant policy —— I'm not quite sure where it deviates from that. I would have to go back and look at it.

Q. I'll show you.

Before I do, do you remember that the guaranteed right of return was originally included in the draft decant policy but did not make its way into the final decant policy? Do you remember that as a feature or fact at the time?

- 18 A. I don't now remember that. I'm not sure why it came
 out. It certainly wasn't taken out with my approval.
 I don't know, when were the dates of those —
- Q. Let's look at a document, {IWS00002075}.
 This is the first page of the decant policy, and if
 you look at page 2 {IWS00002075/2}, you can see what the
 purpose is, and you see that.

25 If you go to page $22 \{IWS00002075/22\} --$ this is the

final version -- you can see under paragraph 7.9, under "Right to return", it says:

"The council will seek to negotiate a Right to Return for as many affected eligible residents as possible. Right to Return means the right to return to the same area where the regeneration has taken place once the new properties have been built or redevelopment has taken place. This cannot be guaranteed and will depend on the particular circumstances of each individual regeneration scheme using this policy."

So that's not a guaranteed right of return; it's a qualified right of return, isn't it?

- A. Yes, something appears to have been inserted to make this less robust than the politicians would have intended. I don't quite know how that got in there, but it's certainly not our view. Our view was that the right to return was unconditional.
- 18 Q. Right. Looking at it now, do you accept that Mr Daffarn 19 might have had a point about --
- A. He might have had a point. I don't think this is
 a fascist decant policy, but it's loosely worded and it
 conflicts with the local plan and it conflicts with the
 views of members.
- 24 Q. Thank you very much. Thank you.

Finally, Mr Paget—Brown, we have been through quite

a lot of evidence over the last day or so, and I'm going to ask you the question that I ask a number of witnesses in senior positions who come and assist us.

Looking back on it, is there anything now that you would have done differently in your post as deputy leader or leader at the time?

A. Well, I do think about that an awful lot, as you can imagine, since 2017.

I think I would be very nervous now of high—rise developments in general and refurbishments in particular. There are clearly a number of issues which are difficult or potentially difficult. I think high—rise buildings anyway, quite apart from the architecture, the design, the refurbishment, are not always the happiest places to live, you can be very lonely, very isolated, there are all sorts of issues when you do live in a high—rise flat. So I don't think necessarily they're the best way forward for the future. I think now I would favour mansion blocks, which do exist in a large part of Kensington and Chelsea, and I think that that would be a better model for future housing.

I think also I would think hard about the phrase "arm's length management organisation". It does seem that the phrase "arm's length" itself is quite vague and

open to different interpretations, and it seemed to me the happy idea in the 1990s that you might devolve power hasn't really meant that. It really has meant that councils should be running housing directly, and maybe that's something else that needed to change.

I'm very sorry I didn't have more influence with the Government of the day at the time or just after the fire . We heard in one of the submissions to this -- the opening statements to this module that an email had been sent to the cabinet secretary saying this needed to be seen as a local failure , otherwise it would be seen as a systemic failure , and it seems to me from what I've heard and read and what we've seen that this is a systemic failure . This material is in widespread use everywhere.

I was very proud to be leader of Kensington and Chelsea. I'm desperately sorry for everybody who was in the tower on the morning of 14 June. I will never forget what I saw, it was utterly, utterly terrible. The memorial to those who lost their lives and lost everything and have had their lives ruined must be the work that this Inquiry is doing to find out what really happened, can never happen again, and that must be the memorial to those that lost their lives, and I'm so sorry for all of them.

1	MR MILLETT: Yes, thank you very much.	1		Thirdly and finally, please don't nod or shake your
2	Well, Mr Paget-Brown, it only remains for me to	2		head in response to a question, please say "yes" or "no"
3	thank you for coming here and assisting us with our	3		as the question demands, so the transcriber can
4	investigations . We are extremely grateful to you,	4		carefully record that for you.
5	thank you.	5		Now, you have provided three statements. The first
6	SIR MARTIN MOORE—BICK: Yes. It's right that I should	6		statement is dated 29 October 2018, {RBK00033744}, and
7	thank you as well, Mr Paget-Brown, on behalf of all the	7		that should come up on the screen.
8	members of the panel for your coming here to give your	8		There is a second statement provided to the
9	evidence. We always find it very helpful to hear from	9		Metropolitan Police dated 17 September 2019, which is at
10	those who were directly involved in these events, and	10		{MET00064987}.
11	there's no exception in your case. It's been very	11		Finally, you provided a second statement to
12	helpful to hear your evidence, so thank you very much	12		the Inquiry dated 27 September 2019, which is at
13	for coming to give it to us.	13		{RBK00054431}.
14	THE WITNESS: Thank you all very much.	14		Have you read each of those statements recently?
15	(The witness withdrew)	15	Α.	Yes.
16	SIR MARTIN MOORE-BICK: Now, Mr Millett, we have another	16	Q.	Can you confirm that the contents of each are true?
17	witness.	17	Α.	Yes.
18	MR MILLETT: We have another witness, another councillor,	18	Q.	And before coming to give evidence today, have you
19	and Mr Kinnier will be taking his evidence.	19		discussed your evidence with anyone?
20	SIR MARTIN MOORE—BICK: Right.	20	A.	No.
21	MR MILLETT: So we may need the normal short break.	21	Q.	Thank you.
22	SIR MARTIN MOORE-BICK: We will need a short break while	22		Now, the questioning today will focus on your role
23	arrangements are made.	23		as chairman of the housing and property scrutiny
24	MR MILLETT: Yes, thank you.	24		committee, and the first matters I would like to discuss
25	SIR MARTIN MOORE—BICK: Maybe you can ask the usher to come	25		with you are the principles of good scrutiny.
	89			91
1	and get us when they have been made.	1		Can we look at a document called "Delivering good
2	MR MILLETT: Certainly. Thank you very much.	2		governance in Local Government, Guidance Notes for
3	SIR MARTIN MOORE—BICK: Thank you very much.	3		English Authorities", published by the Chartered
4	(12.23 pm)	4		Institute of Public Finance and Accountancy, and that
5	(A short break)	5		can be found at $\{INQ00014671\}$. There is the
6	(12.30 pm)	6		frontispiece .
7	SIR MARTIN MOORE-BICK: Yes, Mr Kinnier. Now, you're going	7		If we could go to page 90 of that document
8	to call the next witness.	8		$\{INQ00014671/90\}$, and paragraph 6.9, which set out there
9	MR KINNIER: Sir, yes. Could I call Quentin Marshall.	9		the four core principles of good scrutiny, the first of
10	SIR MARTIN MOORE—BICK: Thank you very much.	10		which is:
11	MR QUENTIN MARSHALL (sworn)	11		"• Provides critical friend challenge to executive
12	SIR MARTIN MOORE-BICK: Thank you very much. Do sit down	12		policy makers and decision takers.
13	and make yourself comfortable.	13		" • Enables the voice and concerns of the public.
14	(Pause)	14		"• Is carried out by independent—minded councillors
15	Right. Yes, Mr Kinnier.	15		who lead and own the process.
16	Questions from COUNSEL TO THE INQUIRY	16		" • Drives improvement in public services."
17	MR KINNIER: Thank you, sir.	17		Would you agree with those four core principles?
18	First of all, would you please confirm your name for	18	Α.	Yes.
19	the record.	19	Q.	Would you say that you consistently exercised them
20	A. Quentin Marshall.	20		during your time on the housing and property scrutiny

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committee?

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As some preliminary notes, if at any time during

Secondly, would you please keep your voice up so

that the transcriber can capture everything you say.

 $\ensuremath{\mathsf{Q}}.$ Thank you for coming to give evidence today.

evidence you require a break, please say so.

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externally focused, and that's something that's changed

A. Yes, although I think in relation to the second one,

subsequently, which I think is a good thing.

during my time we were inwardly focused rather than

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- 1 Q. What do you mean by the phrase "inwardly focused" in 2 contrast to outwardly so?
- 3 A. Most of our time was spent talking to officers and other official bodies such as the TMO, rather than talking to 4 5 residents and citizens in the borough.
- Q. Was it the fire that prompted the change? 6
- A. Yes. I believe so.

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 $\ensuremath{\mathsf{Q}}.$ Now, can I first of all turn to HPSC procedure, and can 8 9 we begin by looking at the first document you exhibited 10 to your first witness statement, and that can be found 11 at {RBK00033748/2}.

> We see there Article 6.01 of the RBKC constitution, which sets out the general powers of the scrutiny committees, and it says there under the heading "General Duties":

"Scrutiny committees are empowered to:

"1. review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions:

"2. recommend and report to the full Council (including committees of the council) or the Executive (including advisory groups) in connection with the discharge of any of the Council's functions;

"3. consider any matter affecting the Royal Borough or its Inhabitants;

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"4. exercise the right to $\operatorname{call}-\operatorname{in}$ for 1 reconsideration decisions made but not yet implemented 2 3 by the Executive; and

> "5. hold an inquiry into a matter which has been the subject of a report from the Monitoring Officer or the Chief Finance Officer."

If I could ask us to go to 6.03, which is over the page $\{RBK00033748/3\}$, we see there:

"To scrutinise:

"1. the provision, planning, management and performance of all housing services;

"2. any partnerships associated with the delivery of housing;

"3. social housing regeneration and the Housing Regeneration Programme;

"4. Supporting People services;

"5. the Tenant Management Organisation;

"6. Housing strategy, housing stock finance and development;

"7. Corporate asset management."

Looking at those extracts of the constitution, would you agree that the committee's role included review and scrutiny of, first of all, decisions made in connection with the discharge of any of the council's functions?

A. Yes, to the extent that they were within the areas that

that committee had oversight over.

2 Q. So in relation to housing, it would also include

3 considering any matter affecting RBKC or its

4 inhabitants?

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Q. And ditto provision, planning, management and 6 7 performance of all housing services?

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Q. And the TMO? 9

10 A Yes

11 Q. And that review and scrutiny would have included the

12 safety and, in particular, the fire safety of RBKC

residents; would that be right?

14 Not explicitly, but implicitly, yes.

15 Q. TMO residents in particular?

16 A Yes

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17 Q. And the committee had no decision-making power but could

18 enquire, discuss and question actions of the cabinet?

19 A. That's correct.

20 Q. Officers?

2.1 A. Sorry, of the cabinet, there was some uncertainty,

22 because of the existence of a committee --

2.3 a scrutiny committee that had a role in relation to the

2.4 cabinet

25 Q. But in relation to housing matters?

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1 A. In relation to housing, yes, then the housing committee

2 would have scrutinised matters in relation to housing.

3 Q. And you could question RBKC officers in relation to

4 housing matters?

5 A. Yes, we could

6 Q. And the TMO as well?

7 A. Yes, although it was uncertain in retrospect what formal 8

power we had over the TMO. In practice, yes, we had the

9 power to scrutinise the TMO.

10 Q. And a necessary limitation on the exercise of that

11 function would be the adequacy of the information you're

12 provided with; would you agree with that?

13 A. Absolutely

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 $\ensuremath{\mathsf{Q}}.$ Now, if we can turn to paragraph 11 of your first 14

witness statement, which is at {RBK00033744/2}, we see 15

16 there at the bottom of the page you say this:

17 "If the Committee disagreed with a Cabinet Member or 18 officers, it could not take further action other than to

continue to raise the matter in public at its meetings.

2.0 The scrutiny process could be frustrating because we

21 were often given information or told about something

2.2 after the event. We were reliant on officers giving us

23 comprehensive information on the activities in their

2.4 departments and had almost no independent support. Our

2.5 ability to scrutinise was also constrained by the large

- number of matters within our purview, which had to be covered in six meetings a year, typically of two hours length each. This high—level approach is apparent in
- 5 You mentioned there the frustration you felt with 6 the process as you were often told things after the
- the process as you were often told things after the event.

 Was that a frustration you experienced throughout
- 8 Was that a frustration you experienced throughout 9 your time as chair of the committee?
- 10 A. Yes, although I would say towards the end it improved.
- Q. Was an element in causing that frustration the provision
 of inadequate or insufficient information by the TMO to
 you?
- 14 A. Not specifically the TMO, I'm more thinking about the
 15 officers through which information from the TMO came as
 16 well
- Q. So inadequacy/insufficiency of information provided bythe likes of Laura Johnson?
- 19 A. Yes.

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the minutes.'

- Q. What, if anything, did you do to improve the situationand to alleviate your frustration?
- A. I raised this frequently at the scrutiny steering group,
 and I also had frequent conversations with officers
- 25 Q. You have said towards the end it improved. Was that

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- 1 a result of the actions you have just outlined?
- 2 A. Yes.
- 3 Q. Did the frustrations you felt resonate with other 4 scrutiny chairs?
- A. To a lesser extent. I think I was more vociferous about
 this than others.
- 7 Q. Did you raise the concern about the adequacy of the
- 8 information you received with Ms Johnson herself 9 directly?
- 10 A. I'm just trying to think about adequacy of information.
 11 Probably, yes, but I can't think of a specific example.
- 12 Q. Did you raise it with any other member of the housing department directly?
- 14 A. No. All my communications would have been with
 15 Ms Johnson as head of the department, which was the
 16 protocol in force.
- Q. You refer to the scrutiny committee's ability to refer
 an issue to a working group at paragraph 18 of your
 witness statement, and for reference it's over the page
 at page 4 {RBK00033744/4}.
- 21 Can you help us with the circumstances in which 22 an issue would be referred to a working group for 23 consideration?
- 24 A. So typically each year we would select one, two or 25 possibly three matters for further investigation . We

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- 1 would invite -- I would invite committee members to
- suggest things that they thought were interesting which
- 3 they wanted to go and do some more work on. That would
- $4 \qquad \qquad \text{be discussed at full committee and agreed at full} \\$
- 5 committee.
- 6 Q. Can you assist the panel, first of all, on the type of issue that would be the subject of a working group, and
- $8\,$ then the level of detail into which you would examine
- 9 that particular issue?
- $10\,$ $\,$ A. It could be very varied, considering our brief covered
- 11 not just housing but also property. Typically we tried
- to do one on each side of our subject matter, so one on
- $13 \hspace{1cm} \hbox{a housing-related matter, one on a property-related} \\$
- 14 matter.
- 15 Q. Is that per year?
- $16\,$ $\,$ A. Per year, yes. Each working group might have had three,
- four or five members to it. Those members would meet as
- many times as they needed to, I would imagine typically
- $19 \hspace{1cm} \hbox{three or four times for an hour or two, and they would} \\$
- 20 be assisted by officers to pursue their lines of enquiry
- 21 on whatever the subject matter would have been.
- 22 Q. Now, in terms of the individuals who would appear before
- 23 you, would the cabinet member with the housing and
- 24 property portfolio attend before you?
- 25 A. To a working group or to the committee?

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- $1\quad \ \ Q.\ \ \, \text{The committee generally?}$
- 2 A. To the committee, normally, yes.
- $3\,$ $\,$ Q. And would you usually have the two lead RBKC officers,
- 4 so the lead for housing and the lead for property?
- 5 A. Yes, we would.
- 6 Q. So that meant that Laura Johnson would routinely attend 7 your meetings?
- 8 A. Yes, she would have done.
- 9 Q. Now, you say at paragraph 21 of your first statement.
- 10 page 5 {RBK00033744/5}, that you were uncertain -- and
- 11 this picks up a point you made some moments ago --
- whether TMO employees had a formal obligation to appear
- 13 before the scrutiny committee.
- 14 Looked at somewhat differently, did you ever
- 15 experience a problem with TMO employees attending to
- 16 answer your questions?
- 17 A. No, hence my thought that I don't know whether
- 18 explicitly they were required to do so, because they
- 19 always did.
- 20 Q. So it wasn't a practical problem?
- 21 A. It wasn't a practical problem.
- $22\,$ $\,$ Q. Now, if we look at paragraph 22 of your witness
- 23 statement, you say:
- 24 "As chairman, I would have meetings with senior
- 25 council officers in order to discuss the agenda for

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1 Committee meetings. As a result, I engaged with the 2 senior officers more than the average member. I would 3 discuss the practicalities of how a matter would be 4 addressed, who would address it, in which order and for 5 how long. Those meetings were informal; via telephone 6 or face-to-face."

Were those meetings minuted or in any way recorded?

8 A. I don't believe so.

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- Q. Would you set the agenda for these meetings or would 10 there invariably be no agenda?
- 11 A. The agenda would be setting the agenda for the committee 12 meeting. So the format of the meeting would normally be 13 that the officers would say, "These are the things that 14 are going on and these are the things that we think 15 should be on the agenda", and if there was anything else 16 that I thought needed to be added, I would suggest that, 17 and I would seek to understand a little bit about what 18 those issues —— the issues that they were suggesting 19 should appear are, so I was prepared.
- 20 Q. Now, can I turn to the FRA programme which you deal with 2.1 or start to deal with at paragraph 27 of the witness 22 statement in front of us, and that can be found at page 6 {RBK00033744/6}. 2.3

2.4 You say there at the bottom of that page this: "Whilst the HPSC had no direct involvement in

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fire safety, in undertaking its work, it took fire safety seriously. One of the issues that gained traction was enduring fire-regulation compliant leaseholder doors."

You say that the committee had no direct involvement in fire safety, but would you agree that the committee was charged with reviewing and scrutinising the approach taken by both the council and the TMO to fire safety in relation to housing?

- 10 A. Not specifically, but yes, in the sense that fire safety 11 was a very important feature of housing policy.
- 12 Q. Now, Mr Paget-Brown said in evidence this morning --13 page 8 of the transcript $\{Day133/8\}$ —— that it was for 14 the HPSC to make sure that the TMO was complying with 15 FRAs and fire risk assessments. Would you agree with 16 that summary?
- A. No, I wouldn't. I think it would have been for officers 17 18 to ensure that the TMO was complying, and it would be 19 for us to check that officers were doing that and that 2.0 the results of those were adequate. So we wouldn't have 21 had a direct responsibility to check it.
- 2.2 Q. Now, looking at paragraph 28 of your witness statement, 23 just over the page at page 7 {RBK00033744/7}, you refer 2.4 there to a progress report prepared for the committee 25 meeting on 20 January 2011. Now, that report was

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a follow-up to an earlier one provided in March 2010. Can we look, first, at the minutes of what appears

2 3 to have been the housing, environmental health and adult 4 social care scrutiny committee on 15 March 2010 5 {RBK00052573}.

6 Now, we can see there that you attended the meeting 7 Is that right?

- 8 A. That's correct
- 9 Q. If we could turn to page 2 of these minutes 10 {RBK00052573/2} and item A6 at the bottom of the page, 11 we see there under the heading "LGA Report" -- so that 12 would be Local Government Association -- "Extinguishing 13 the risk: A councillor's guide to fire safety", and 14 item A6 says this

"Ms Janice Wray (TMO Health and Safety Advisor) was present to amplify the main points of the report. With close liaison with the London Fire Brigade throughout and the assistance of a specialist fire risk assessment consultant, a Fire Risk Assessment Programme had been drawn up. The works to the high risk blocks were now virtually complete. Attention was now turning to medium risk assessments."

If we turn over the page {RBK00052573/3}: "The Chief Housing Officer confirmed that Registered Providers in the Royal Borough had been surveyed

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1 following the very serious fire in Southwark in July 2 2009. All the major Registered Providers had responded 3 and further details could be provided to Members on request. The Head of Service Residential Operations 5 (Mr Keay) confirmed that a robust inspection scheme 6 (with enforcement if necessary) covered private rental 7 properties in the Borough."

8 So would it be right to take it that you were first 9 made aware of the fire risk assessment programme at this 10 meeting in March 2010?

- 11 A. I believe so from reading this. I had been on the 12 committee prior to being the chairman, so I'm not 13 certain now whether there had been mention of this prior 14 to this date.
- 15 Q. Presumably in your capacity as a member and later chair 16 of the committee, you were aware of the Lakanal House 17
- 18 A. Yes, that had come up in the papers we received.
- 19 Q. Now, Janice Wray's report addresses guidance that had 2.0 been sent specifically to councillors to help them in 21 discharge of their fire safety duties.

2.2 Can we now turn to that guidance, which is at 23 {TMO10037396}. I'll just give you the opportunity just 2.4 to have a quick look at that to familiarise yourself 25 with it.

1 (Pause) 1 2 Have you seen that document before? 2 3 A. I don't recall seeing it. 3 4 Q At all? 4 A. At all . I don't recall seeing it . I might have done, 5 5 but as of today I can't remember it. 6 Q. Now, can we look at the first page and the top of the 7 8 8 right - hand column, which says this: 9 "This guide is for leading councillors, whether you 9 10 10 are a Leader or Deputy Leader, housing portfolio holder, 11 regulatory services portfolio holder, fire authority 11 12 12 member or county fire service portfolio holder. Overview 13 and Scrutiny Committee member or ALMO Board Member. It 13 14 will give you the information you need to be confident 14 15 that your authority is doing all it can to comply with 15 16 16 the law, enforce the law and safeguard people in their 17 17 own homes. If things were to go wrong you would need to 18 be able to show that your authority's systems can 18 19 withstand intense scrutiny." 19 2.0 2.0 Now, you were the vice chair of scrutiny in 21 March 2010, I think, and then chair from October 2010. 21 22 22 This guidance was clearly relevant to the exercise of 2.3 23 your duties as a scrutineering member. 2.4 A. Yes. no. I think that's correct. Q. Can we look on the second page {TMO10037396/2}, roughly

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one-third down the left-hand column and under the subtitle "Action", the text says this:

"Every multi-occupied building must have a risk assessment that identifies the things that might cause a fire, what risks a fire might present and to whom, the action you are going to take and the information you will give to people. One size will not fit all and you will need to make sure that the person doing the risk assessments on your behalf is competent; this is not the duty of the fire authority. The risk assessment is a live document and will need to be kept under review. Having an action plan will help you prioritise activity and resources and you will need to monitor the action plan."

Now, that guide suggests that councillors had a responsibility to check the following, and I want to see whether you agree with this: that fire risk assessments were being carried out; would you agree with that?

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2.0 A. Yes.

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21 Q. That the fire risk assessor was competent?

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23 Q. That action plans arising from risk assessments were 2.4 being monitored?

25 A. Yes, I agree. Q. Thank you.

Now, following that paragraph, there is further text which starts with the words, "There are three important issues to think about", and the text says this:

" $\hspace{-3pt}\bullet\hspace{-3pt}$ the state of fire precautions in your housing stock.

" • day-to-day management of communal areas.

"• keeping tenants and leaseholders informed.

"In a fire, people do not usually die from the fire itself but from toxic smoke, so keeping fire precautions such as fire doors and smoke alarms in good repair is essential. Your repairs policy should identify fire safety as a priority . Building works may affect fire precautions and, in some cases, the Building Regulations require contractors to tell you if the fire safety in the block has changed as a result of their work. You need to make sure this is happening with systems in place and responsibility clear for the different aspects of fire precautions in the building."

Now, that paragraph suggests that councillors should ensure the following: first, that the repairs policy identifies fire safety as a priority; would you agree with that proposition?

2.4 Yes, I do, but I'd like to add, I think there are 2.5 different layers between us ensuring that our officers

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1 were taking these issues seriously and us actually,

2 particularly as scrutiny members, being the people

3 implementing it, because that I don't consider was our

5 Q. Would you agree that in your capacity as a scrutinising 6 member, you had to see whether systems were in place

7 with a responsibility clear for different aspects of

8 fire precautions, or would you see that as someone

9 else's function?

10 A. So, again, I think it would have been our responsibility 11 to check that these matters were being taken seriously

12 and being implemented in turn by officers and the TMO.

13 Q. As one of your scrutiny functions, did you ever have 14 cause to scrutinise the TMO's repairs policy?

15 A. I believe we might have done, but I can't be certain.

16 Q. Why do you think you might have done? Was it prompted 17 by any particular concern that you can now remember?

18 A. I believe -- I'm just trying to rack my mind. I believe

19 there was a working group or there was some

2.0 investigation around repairs in relation to voids.

2.1 Q. That's what prompted?

2.2 A. Yes, I think so.

23 Was your consideration focused on that particular 2.4 discrete topic of voids?

2.5 A. Yes, I think it was. My memory on this is not very

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- 1 accurate or very clear.
- 2 Q. Earlier you said that you didn't recall seeing this 3 guidance before. From what source did you seek advice 4 as to what were the relevant fire duties that you were 5 scrutinising performance of?
- A. I don't think I ever explicitly asked about fire duties. 6
- 7 Q. Was there anything you enquired about which could have 8 been taken to be implicit enquiry about the extent of 9 fire safety duties and the performance you were 10 scrutinising?
- 11 A. Well, fire safety arose over the course of the years 12 when I was chairing the committee, and I think through 13 that process I felt that we were quite active, actually, 14 in asking about fire-related issues. Whenever we 15 spotted something, particularly around fire doors, that 16 suggested that it was of concern, we definitely followed 17 up frequently.
- 18 Q. But from what you say, is it fair to say this: you never 19 actively sought out understanding of what the nature and 20 extent of the fire safety duties were, the performance 2.1 of which you were scrutinising?
- 2.2 A. No, I think that's true.
- 2.3 Q. Thank you.

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2.4 Now, going back to the text, the next paragraph says 25 this, and it starts with the words "The information you

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give your residents". If we could go to that, please:

"The information you give your residents about how to keep safe in their homes, their responsibilities and what to do in a fire could save lives . Your residents may not all have English as a first language or be able to understand written materials easily, so the information must be in an understandable form. Giving a leaflet when a new resident moves in is not enough. Regular updates should be given, particularly when changes occur following refurbishment, for example. Tenants' and residents' associations may be able to help with this."

Would you agree with the proposition that that paragraph gives straightforward, comprehensible advice about the importance of informing residents?

- 16 A. Yes, I would.
- Q. The next paragraph is under the title "Confidence". As 17 18 you see, it's on the right-hand side of this page. The 19 text says this:

"There are no prizes for good fire safety management but the penalties are severe. You will only be confident if you regularly measure and keep on top of your performance on fire safety. This can be evidenced through local indicators developed for your area, such as the number of risk assessments carried out, reduction

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in fires, response time to fire safety repairs and feedback from residents' surveys."

3 Would you agree again that that provides 4 comprehensible, straightforward advice to councillors 5 discharging scrutiny functions?

- A. No, I'm not sure I would. I think there is a multi-tier system in place or that was in place: we had the TMO acting as manager of the building stock, we had officers 8 in turn supervising the contract between the council and 10 the TMO, we had executive councillors exercising decision-taking powers, and then you had scrutiny one 12 stage even further removed from this. So I think our role was to be assured that the other layers beneath us 14 were conducting all the things that this document was recommending. I don't think it would have been for us to actually be the people doing these activities .
- 17 Q. I'm not suggesting that it is for you to do those 18 activities. This document was prepared to assist those 19 members who were exercising scrutiny functions, so that 20 you knew what you were scrutinising.

My question to you is: would you accept that the advice set out in the paragraph under the heading "Confidence" provides straightforward, comprehensible information as to what steps should be taken to discharge provision of information obligations to

- 1 residents?
- 2. A. Yes, sorry. On that, absolutely, I agree.
- 3 Q. Can we now turn back to the minutes of the meeting of 15 March 2010, which are at {RBK00052573/3}.

You will see there the second paragraph from the top of the page starts with the words, "At the suggestion of the Chairman", and I quote:

"... in view of the gravity of Councillors' duties in this area [so fire safety], it was agreed that there would be a follow up report to the Committee in six-nine months. This report should focus on identifying progress made to address the recommendations made in the Fire Risk Assessments Action Plans. In particular, progress with the high and medium priority actions."

Now, it's clear that the committee was aware as a consequence of the above guidance of the gravity of councillors' duties with regards to fire safety; would you agree with that proposition?

- 19 A. Yes
- 2.0 Q. And there was a need to check progress with the actions 2.1 arising out of fire risk assessment plans; would you 2.2 agree with that?
- 23
- 24 Q. And that was a continuing obligation?
- 2.5 A. Yes

Q. Now, can we look at the report prepared for the January 2011 meeting that you referred to in your witness statement at paragraph 28, and we can find that report at {RBK00029881}.

If we look at paragraph 2.1, at the bottom of the page, it says this:

"The Regulatory Reform (Fire Safety) Order 2005 came into force in October 2006 and introduced requirements for 'responsible persons' i.e. those in control of premises such as landlords and managing agents, to carry out fire risk assessments and also to ensure that there are adequate fire precautions to ensure the safety of all persons legally on the premises."

Now, as a result of that report, is it right to say that you were aware, first of all, of the need to carry out fire risk assessments?

17 A. Yes.

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18 Q. And to ensure that adequate fire precautions were in place to ensure safety?

20 A. Yes

Q. And you were aware also that those requirements wereregulatory obligations; would you agree with that?

23 A. Yes.

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24 Q. Can we turn over the page and look at paragraphs 3.1 and 25 3.2 {RBK00029881/2}. We see there, under the heading

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"Approach to fire risk assessments in RBKC housing stock", $3.1~{\rm says}$:

"To ensure that the approach to carrying out Fire Risk Assessments across the Council's Housing Stock was fully compliant with the legislation KCTMO and RBKC negotiated with the London Fire Brigade to agree the approach, the programme and the timescales for carrying out both the assessments and any works identified by them as necessary for compliance."

3.2

"The [LFB] confirmed that they considered a 3—year timescale (commencing July 2009) for completion of all Fire Risk Assessments and a 5—year timescale (also commencing in July 2009) for completion of all necessary works to be reasonable."

Now, would you agree that those paragraphs, in particular the latter, it is plain that it was a three—year timescale for completion of FRAs and a five—year timescale for completion of all necessary works?

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21 A Yes

Q. Was anything put in place or recommended by your
 committee to check the progress of this programme so
 that it was on target for completion by July 2014?

 $25\,$ $\,$ A. I don't believe so outside the regular reports we

1 received.

Q. Would you have put in place particular arrangements toscrutinise compliance with programmes?

4 A. You mean generically or in relation to this specific --

 $\,\,$ Q. Generically, or in the past had you?

6 A. I think only in relation to fire doors.

7 Q. Is that the leaseholder issue you referred to earlier on 8 in your evidence?

A. Yes.

 $\begin{array}{lll} 10 & {\sf Q.} & {\sf Did\ you\ raise}\ \ {\sf for\ consideration}\ \ {\sf whether\ compliance\ with} \\ 11 & {\sf fire\ risk\ assessments,\ completing\ actions\ arising\ out\ of} \end{array}$

12 FRAs, ought to have been the subject of a key

13 performance indicator?

14 A. No, I don't believe I did.

 $15\,$ $\,$ Q. Was there any consideration of whether a working group

16 ought to have been established to monitor progress of

17 FRAs and the programme that was discussed here at

18 paragraph 3.2?

19 A. No. No committee member or myself suggested that.

20 MR KINNIER: Sir, mindful of the time, that's a convenient 21 place.

22 SIR MARTIN MOORE—BICK: Is that a good point?

23 MR KINNIER: It is, sir.

24 SIR MARTIN MOORE-BICK: Right.

25 In that case, Mr Marshall, I think we should stop so

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1 we can all get some lunch.

We will resume at 2 o'clock, please, and I have to ask you, please, not to talk to anyone about your evidence or anything relating to it over the break.

All right?

5 All right 6 Than

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Thank you very much, would you like to go with the usher, then, please.

(Pause)

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

10 MR KINNIER: Thank you, sir.

11 SIR MARTIN MOORE-BICK: Thank you.

12 (1.01 pm)

13 (The short adjournment)

14 (2.00 pm)

15 SIR MARTIN MOORE—BICK: Right, Mr Marshall, ready to carry

16 on?

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17 THE WITNESS: Absolutely.

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

19 Mr Kinnier

20 MR KINNIER: Thank you, sir.

Mr Marshall, before the break we were looking at minutes of a meeting in January 2011, which were at {RBK00029881}, and if we could go back to those minutes

and page 3 $\{RBK00029881/3\}$, paragraph 4.4, it says this:

"However, there have also been a number of

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potentially more costly items. In particular, the following recommendations were made in relation to flat entrance doors of all of the enclosed blocks —

- " Confirm that each dwelling door is to FR30 standard and is provided with a self —closing device
- "• Consider, where not fitted, the installation of intumescent strips and cold smoke seals to each flat access door."

Now, would you agree that the particular issue that was flagged up there was the issue of flat entrance doors?

12 A. Yes.

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- 16 A. Yes.

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- Q. And the issue with leaseholders that you refer to in
 your witness statement and in your evidence earlier on
 today was whether RBKC could force leaseholders to
 change their doors if that were necessary; is that
 a fair summary?
- A. That's what emerged later in during that process. It
 wasn't the issue immediately.
- Q. Well, if we can just deal with that in more detail, and
 if I could ask you to turn to your second witness

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statement to the Inquiry, which is at $\{RBK00054431/3\}$, paragraph 7.

In the beginning of the third sentence, you say

"The Committee's function was to scrutinise the actions of the Executive. The Committee had to start from an assumption that the TMO, monitored by Council Officers and the LFB, would always follow best practice in relation to safety. Health and Safety was a specific item on the TMO Performance Review shared with the Committee annually. This was a key mechanism for us to gain comfort on this issue. When a specific fire safety issue was raised at the Committee, namely the safety of leaseholder doors, we followed this up repeatedly with questions until we were satisfied with the outcome. Between 2012 and May 2016 when I left the HPSC, as far as I can recall, the issue of leaseholder doors was raised at least nine times at HPSC meetings. It is important to note the Committee had no power to direct any action, either to Council Officers or the TMO. Its powers were limited to questioning and publicising the matters before it.

Now, could we look at an example of how RBKC handled the leaseholder door issue, and if we could turn first of all to Laura Johnson's report to your committee of

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16 July 2013, which can be found at $\{RBK00032449/11\}$.

There we go, paragraph 8.2, which says that:

3 "Responsibility for enforcement of non—compliant 4 leaseholder flat entrance doors remained unresolved

following discussions with London Fire Brigade (LFB)

6 senior managers and so RBKC were guided by Counsel's

7 opinion to seek a definitive response from the

8 Department for Communities & Local Government (DCLG).

To date, an initial response has been received from DCLG

10 which indicates that enforcement should be via the

11 Housing Act (and not the Regulatory Reform Order)."

12 So the issue that Laura Johnson addressed in her 13 report was who should enforce non—compliant flat

entrance doors; would you agree with that?

15 A. Yes, that's what she was addressing in the report.

16 Q. And the choice was whether it would be the LFB or RBKC; 17 is that right?

18 A. Yes, that's correct.

19 Q. And if it were to be RBKC, the correct route would be by

 $20\,$ exercise of powers under the Housing Act 2004; is that

21 correct?

A. I think that's what she's writing here, yes, based on

23 what she'd been told by counsel.

 $24\,$ $\,$ Q. Were you aware of the fact that RBKC did not exercise

25 its powers under the Housing Act?

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1 A. In relation to this issue?

2 Q. Yes.

3 A. No.

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a failure to exercise powers under the Housing Act 2004

6 was effectively an abdication of responsibility by

7 the council?

8 A. Our key concern was that these doors were replaced, and

9 we were less concerned about the mechanism through which

that happened than that it happened. So when we were receiving these reports talking about whether it was

the council's responsibility, whether it was the

13 Fire Brigade's responsibility, which particular of

Fire Brigade's responsibility , which particular piece of

legislation should be used, our response was: this is

beyond our competence to know which, but we just want

something to be done because this is so important.

17 Q. Thank you.

Now, in scrutinising the actions of the TMO
executive, did you ever have cause to refer to RBKC's
own health and safety policy?

21 A. No. I don't believe I did.

Q. Now, if we look at RBKC's policy, we can look at a 2014version, which is at {RBK00001655}.

24 Can you remember seeing that document?

25 A. No.

1 Q. Can you remember seeing any health and safety document the Council retains landlord responsibilities . 2 or health and safety policy published by the 2 "A local Fire Policy for residential housing based 3 Royal Borough of Kensington and Chelsea? 3 on the housing stock risk profile will be put in place 4 A. No, I can't recollect seeing that. 4 by the Housing and Regeneration Department." Q. Do you remember ever being prompted or receiving 5 5 Now, that definition of scope suggests that the reminders that the policy had been published or to refer policy would apply to the stock managed by the TMO, 6 6 to the policy in any way? 7 whether as a responsible person or as a landlord; would 8 8 A. No, I can't remember that you agree with that? 9 Q. Okay. 9 A. Yes, I would. 10 10 $\ensuremath{\mathsf{Q}}.$ The reference to a local fire policy, can you help us, Now, if we can turn to page 3 of this document what was that referring to there? It's in the third 11 $\{RBK00001655/3\}$, and if we see there "Introduction", the 11 12 12 first paragraph under that heading says this: subparagraph under 2.2. I'm not aware of which policy -- I understand what it's 13 "This Policy sets out the strategic fire safety 13 vision and objectives of Elected Members and the 14 14 referring to, but I can't think of the policy itself. 15 Executive Joint Management Team. It describes the way 15 Q. You can't remember it being the subject of any 16 16 in which we effectively manage fire safety based upon consideration by your committee at any stage? 17 British Standard Publication Pas 7: Fire risk management 17 A. No. it was never raised. 18 system — specification.' 18 Q. Could I ask you to turn to page 5 {RBK00001655/5} and 19 Now, underneath that diagram, there are four points 19 the fourth paragraph on that page, which starts with the 2.0 emboldened which say as follows: 20 21 "PLAN. Plan the direction for fire safety 21 "The Council has an appointed Corporate Health and 22 management. 22 Safety team to provide competent advice and to assist in 2.3 "DO. Profile the fire risks, organise and implement 23 the implementation of an appropriate management system. 2.4 2.4 controls The team profiles the organisational fire safety risks 2.5 "CHECK. Check that fire safety management is 2.5 which inform the strategic direction, business planning 121 123 1 working. 1 process and audit programme. A Risk Register is "ACT. Act on improving fire safety management." 2 2 maintained and reviewed on a routine basis. 3 Now, would you agree that, as the scrutiny committee 3 "The Corporate Health and Safety team will ensure chair, you had an important role to check that fire that there are appropriate processes in place to ensure 5 safety management was effective and sufficient? Would 5 our partner organisations have suitable and sufficient 6 you agree with that? 6 fire safety management systems in place as part of the 7 7 A. I think my role was the same as every other committee due diligence procedures and will develop suitable 8 8 member in that regard. protocols with partners so as to ensure fire safety 9 9 Q. Is that a yes or a no to the question? compliance is assured.' 10 10 Now, that paragraph is clear that the council has 11 Q. Would that involve ensuring that leaseholder doors and 11 its own health and safety team which can provide 12 any other fire safety related issues had been managed 12 competent advice and assistance; would you agree? 13 effectively and adequately? 13 A Yes A. Yes, when an issue arose in relation to fire safety, we 14 14 Q. Would you agree that that advice was available to 15 15 took it incredibly seriously. partner bodies such as the TMO? 16 Q. Could I ask you to turn to page 4 of this document 16 A. I would presume so. I don't believe I ever interacted 17 $\{\mbox{RBK00001655/4}\}$ and the definition of its scope under 17 with this team. 18 paragraph 2.2, which says this: 18 Q. Did you ever have reason to ask whether the TMO had 19 "This Policy will apply to all premises where 19 received or sought advice from the council's in-house 2.0 2.0 the Council has a duty as the employer and/or as the health and safety team? 21 21 'responsible person' as defined in the Regulatory Reform A. No. 2.2 (Fire Safety) Order 2005. 2.2 Q. Now, if we can turn over the page to page 6

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"This Policy will also apply to any premises where

by virtue of a contract or tenancy agreement other

parties have duties as the responsible person but where

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"A Cabinet Member for each borough will be nominated

 $\{RBK00001655/6\}$, paragraph 2.5, under the heading

"Responsibilities of Elected Members", it says this:

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to lead on health and safety matters. Elected members will ensure that health and safety is adequately considered when making decisions at a strategic level.

"This will be through an annual report on the health and safety profile of the organisation provided for public scrutiny at the appropriate scrutiny committee for each sovereign borough."

Looking at that last sentence in particular, would you agree that this policy envisages a substantive role for scrutiny committees in considering health and safety policy and its implementation?

- 12 A. Yes, it clearly says that the report should go to an appropriate scrutiny committee.
- Q. And that would include ensuring that RBKC and TMO had
 adhered to their relevant fire safety policies?
 (Pause)
- 17 A. I'm not sure I'm following how that leads on from the paragraph, sorry.
- Q. Well, that's what I'm asking you, whether you agree with
 that or not. It sounds to me that you don't. Is that
 your answer?
- A. No, no, I would presume an annual report would indeed
 include comprehensive information on health and safety.
- Q. Can we turn to page 13 {RBK00001655/13}, paragraph 4.1,and if you look at the third paragraph:

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"All incidents should be reported using the on—line system. Incidents should be investigated by the manager. Consideration should be given to any system solutions to avoid future recurrence. Corporate Health and Safety will investigate serious incidents where enforcing bodies such as the LFEPA are or may be involved."

Were you aware of that particular provision?

9 A. No.

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- Q. Would it have been open to you to have asked the council
 to provide an update on what, if any, regulatory notices
 the council or the TMO had received from LFEPA?
- 13 A. It would have been open to us to ask.
- 14 Q. Can you remember in relation to fire safety ever asking 15 for such a list?
- 16 A. No
- Q. Did you ever have cause to ask officers for any information in relation to any regulatory action taken
 that fell within the purview of the housing and property scrutiny committee?
- 21 A. So we did in relation to the fire in
- 22 October/November 2015, I'm recalling that's --
- 23 Q. That's the Adair Tower fire.
- A. It is indeed, and there was regulatory action after thatwhich was reported to us in January, I think, 2016.

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Q. We'll come on to that in due course, but you can't remember in relation to any other aspect of your

3 committee's functions ever asking for details of

 $4 \hspace{1cm} \hbox{regulatory action taken by regulatory authorities?} \\$

- A. No, my recollection is that there was never anything
 highlighted to us that there had been regulatory action
 taken.
- Q. Now, in 2014 you were sent links to two further guidance
 documents, and the links were sent by Laura Johnson on
 17 July 2014.

Now, we can go to that email, just so you know what I'm talking about, and that's $\{RBK00003314\}$. There you go, addressed to you, and she annexes the two documents.

Now, at paragraph 9 of your second statement $\{RBK00054431/4\}$ — and we don't need to go to it unless you want to — you say you don't recall the email or your reaction to it.

Could I take you to these two guidance documents and then see whether and, if so, to what extent you remember their contents.

The two guidance documents we're going to be looking at are, first of all, the "Councillor guide on fire safety for use during estate visits" and "Councillor guide on fire safety for use during council meetings". Can you remember the title of either of

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1 those guidance documents?

- A. No, the only familiarity I have with these documents is
 having seen them subsequent to the fire in preparation
 for today.
- 5 Q. Could we look at the estate visits guidance first of 6 all, which is at {LFB00001294}.

Now, a number of witnesses have been taken to this document. It has the distinctive question mark photograph on the right—hand side, and you will see that the guide prompts certain questions. They can be seen in the bottom left—hand corner, set out under two bullet points, and those questions are:

" • Where is the risk assessment for this building? How often is it reviewed?

" • Who carries out these risk assessments and what are their qualifications?"

If we could look at the right—hand side, under the title "Confirming the emergency evacuation plan is in place", we see what is set out there.

Rather than me read it out, could I ask you just to refresh your memory and skim—read those words. When you have reached the word "maintained" in the bottom right—hand corner, ask the document manager to turn the

(Pause)

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If you go to the final bullet point {LFB00001294/2}: 1 2 "Is emergency lighting and signage in place along 3 the escape route?'

> Now, did you appreciate at any time during your tenure on the HPSC that there should be an emergency plan in place for a building whether or not stay put

- 8 A. Sorry, is your question about the emergency plan or the 9 stay put?
- 10 Q. Emergency plan. The question was this, and I repeat --
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- 12 Q. Did you appreciate that there should be an emergency 13 plan in place irrespective of whether stay put applied?
- A. Not explicitly. I would have thought implicitly. 14
- 15 Q. Why do you think implicitly? What was the basis for 16 that belief?
- 17 A. It would be common sense that there should be 18 an evacuation plan for a building.
- 19 Q. Bearing in mind it was common sense, could I ask you to 20 turn to the first page of the guide and the questions in 2.1 the bottom left-hand corner.
- 22 Did you ask any or all of those questions in 2.3 relation to any building in the housing stock of the 2.4
- 25 A. No

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- 1 Q. Can we look at the council meetings guidance, which is at {LFB00001295}. 2
 - If I could ask you to turn to the second page of the document {LFB00001295/2}, you will see at the top of the page in a grey box the question, "What can councillors do?" Then it gives advice, and it says this:

"Do not make assumptions that fire safety is being actively or effectively managed in purpose-built blocks of flats and maisonettes in your borough. Councillors can make their boroughs safer by scrutinising how responsibilities for fire safety are met and ensuring that the fire safety in your borough is continuously being monitored and improved."

What did you do, whether in your capacity as an elected member or a member of the housing scrutiny committee, to test what assumptions were being made in respect of the active or effective management of fire safety by the TMO?

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- 19 A. Directly of the TMO, I don't think -- other than through 2.0 questioning them at committee in relation to all 21 matters, including fire safety.
- 2.2 Q. Can you remember any specific questions or issues on 23 which you tested the assumptions of the TMO via 2.4 questioning?
- 25 A. Not off the top of my head.

- 1 Q. Now, if we de-amplify that page and look further down
 - this page, you will see in the bottom third there are
- 3 questions that are asked: where are the risk
- assessments? Are councillors told if the local 4
- authority is subject to enforcement? Thirdly, what 5 contractual relationships are in place? Et cetera. 6
 - Now, just looking at those questions set out there,
- 8 Mr Marshall, did you ever ask any or all of those
 - questions in relation to the TMO housing stock?
- 10 A. No, I don't believe any of us did.
- 11 Q. At any time?
- 12 A. Not directly. We relied very heavily on the papers we
- 13 received and the assurance, when you looked at the
- 14 health and safety aspect of them, that everything that
- 15 was being -- that is required to be done had been done.
- 16 Q. This guidance, can you remember, did you, once you had
- 17 received it from Laura Johnson, circulate it further to
- 18 all members of your committee?
- 19 A. No, I don't recollect receiving this email.
- 20 Q. Is that a "no" answer to the question, therefore?
- 2.1 A. Yes
- SIR MARTIN MOORE—BICK: Well, you don't remember receiving 22
- 2.3 the email --
- 2.4
- 25 SIR MARTIN MOORE-BICK: -- and therefore, I suppose, you

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- 1 can't remember what you did in response to it, assuming
- 2 you did receive it?
- 3 A. Indeed.
- SIR MARTIN MOORE-BICK: That's probably as far as you can
- 5 go, is it?
- 6 A. It is. I have no recollection of receiving the email.
- 7 SIR MARTIN MOORE-BICK: No.
- 8 A. I've of course racked my brains before coming here today
- 9 to try and remember it, but I genuinely can't,
- 10 SIR MARTIN MOORE-BICK: No, no, I understand.
- 11 MR KINNIER: Put differently, did you ever have cause to 12
 - refer to these two guidance documents in your later
- 13 deliberations on the scrutiny committee, ie after 2014?
- 14 A. No
- 15 Q. Could we go back to your first witness statement at
- 16 paragraph 44 {RBK00033744/11}, where you refer to
- 17 a paper that was prepared for an HPSC meeting on
- 18 13 May 2015, and the paper was prepared by
- 19 Laura Johnson.
- 2.0 Now, that is at $\{RBK00029084\}$. You see under 1.2,
- 21 the last sentence of that subparagraph, as you say in
- 2.2 your statement, the number of households with
- 23 non-compliant doors had dropped to two. Do you see
- 2.4 that?
- 25 A. I do.

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1 Q. If we can go on to 1.5, which starts at the bottom of 2 this page, it says this: 3 "KCTMO's programme of Fire Risk Assessments ... is 4 ongoing and continues to consider the compliance of flat 5 entrance doors as they form an integral part of the means of escape from the block. The FRA highlights any 6 7 flat doors which are potentially non-compliant." 8

At that stage -- and we're looking at 2015 -- were you concerned that it had taken so much time to reduce the numbers of non-compliant doors?

- A. Yes, and that was the reason why we kept returning to this subject, to encourage action. Along that journey. there were definite points where we were told that there were impediments to that, and our questions were always: well, how are we going to find solutions? We can't leave it there
- 17 Q. Following up that comment, can we now turn to the 18 minutes of the meeting on 13 May, which can be found at 19 {RBK00032444/2}.

If we look at the second paragraph under A5, which is entitled "Live issues report by the director of housing", it says this:

2.3 "In response to Councillor Bakhtiar, Ms Johnson 2.4 advised that TMO tenant doors were checked for fire 25 safety compliance as part of an annual programme and

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1 replaced if non compliant. She agreed to provide an 2 update to the Committee on the exact number of 3 non compliant TMO tenant doors."

Now, you weren't at this meeting, but would you have read the minutes?

- 6 A. Yes, I would.
- 7 Q. It appears from this that Councillor Bakhtiar had picked 8 up on the point about non-compliant doors, do you see 9 that?
- 10 A. I do.

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11 Q. And that Laura Johnson agreed to provide an update. 12

Now, would it be fair to say that this is another instance to which you refer of concern by the committee about the rate of progress on this issue?

- A. Yes, we'd always been told that the tenants' doors were compliant. I recognise the question here was challenging that again, rightly. So our focus historically had been on the leaseholder doors, which we were told were the ones which weren't compliant.
- 2.0 Q. You referred earlier on in evidence to the Adair Tower 21 fire, and if I could now take you to that and ask you 2.2 some questions on it.

Just to fix you in time, on 12 October 2015 the LFB issued a deficiency notice to the TMO in respect of Adair Tower, and if I show it to you so you know what

I'm talking about, it's at {TMO00842271}. There you go,

2 the title, identification of the premises 3 If we could zoom out and just go to page 3

4 $\{TMO00842271/3\}$, page 3 sets out, and thereafter,

various deficiencies which the LFB had identified.

Mr Marshall, my first question is: did you ever see this notice?

- 8 A. No, I was never shown this notice.
 - Q. Were you made aware of it, and if so when?
- 10 A. I don't think we were made aware of it specifically, but
- 11 we were made aware as part of a commentary that a notice
- 12 had been issued. I believe that was in January 2016 but 13
- it might have been in November 2015, I can't remember 14 precisely
- 15 Q. Did the commentary give you the substance of the
- 16 deficiencies that had been identified by the LFB, or was 17 it simply confined to the fact that a notice had been
- 18 served?
- 19 A. I'm afraid I can't remember. It did say that a notice 20 had been served, and I think it gave some pretty
- 2.1 high-level introduction, otherwise it would have been
- 22 a peculiar sentence, just to say, "A notice has been 2.3
- served", full stop, with no commentary. 2.4 So, for example, looking at Article 11 that's on the
- 25 page now, would you have been given that level of

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- 1 detail, ie looking at the middle column, "Area of
- 2. Concern", would you have been given that level of detail
 - in the commentary?
- A. No. I don't think so.

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- 5 Q. So would it be fair to summarise your evidence this way:
- you were given no particular cause for concern about the 6 7 subject matter of the notice? I don't want to words in
- 8 your mouth. Is that a fair summary?
- 9 A. It wouldn't be that we wouldn't have cause for concern.
 - Of course, any such finding is a cause for concern.
- 11 I think it was more that we thought that it was being
- 12 addressed, so we were given comfort that the issues had
- 13 been taken seriously and were being addressed.
- 14 Q. Now, there was a fire at Adair Tower on Saturday,
- 15 31 October, so I think 19 days or so after the notice of 16 deficiency had been served, and that fire was considered

17 at the HPSC meeting on 5 November 2015. 18 If we could go to the minutes, which are at

19 {RBK00047688/6}, I'll simply invite you to skim-read A7, 2.0 rather than read it out.

(Pause)

2.2 There is no mention in that summary there to the 23 notice of deficiency. Can you recall whether Mr Black 2.4 raised it at all during the course of this meeting? 2.5

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I appreciate this is now six years ago or so.

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- 1 A. I can't. Reading that, it would appear he didn't make 2 explicit -- and I have to say, even in the questions you 3 have been asking me now, I think I was confused in my 4 own mind about the deficiency notice which you showed 5 before and this conversation around the fire. So thinking about that, I'm not sure we were made aware of 6 7 the deficiency notice occurring before a fire. We were 8 aware of the Fire Brigade making recommendations after 9 the fire
- 10 Q. Now, just following that through, bearing in mind the 11 nature of your role as the scrutiny committee, would you 12 have expected Mr Black to have informed you of the fact 13 and the substance of the deficiency notice that had been 14 served on 12 October at this meeting on 5 November?
 - A. Yes, listening to it now, it was material.
- 16 Q. Could I ask you to turn back to paragraph 49 of your 17 first statement, which is at {RBK00033744/12}.

You mention here the mid-year review on the TMO performance, a report prepared by Laura Johnson, and you quote paragraph 8.1 of that report, which touched on health and safety and fire safety in particular.

Now, what it might be quite useful to do is look at that paragraph.

Now, there appears to be no mention of the Adair Tower fire. Would you like to go over the page

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- 1 just to sort of see the complete picture.
 - (Pause)
- 3 A. Yeah.

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- Q. Is it surprising that there was no mention of 5 Adair Tower, given the proximity of the fire to this 6 meeting on 5 November?
- 7 A. No, because the papers were normally prepared about 8 9 have been prepared by ten days before and then sent out 10 to us, so I don't know whether these were prepared 11 before the fire, but I would expect so given the dates.
- 12 Q. And where there was a relevant event in the intervening 13 period between circulation of papers and the meeting, 14 would updates be provided in writing or orally at the 15 meeting itself?
- 16 A. Orally.

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Q. Now, Laura Johnson prepared a report for your committee 17 18 on 6 January 2016, and if we could go to {RBK00032439}. 19 There you go, just so you can see the start of that.

> If we can go to page 5 {RBK00032439/5} and look at paragraph 4.6 at the very bottom of the page, it says

"The TMO has been advised by the London Fire Brigade that the Council/TMO will be served with two Enforcement Notices as a result of the fire risk assessments the

Brigade undertook following the fire at Adair Tower. One Enforcement Notice will cover Adair Tower and one will cover Hazelwood Tower. The two towers were built to the same design having two separate staircases, one for accommodation access, the main staircase and one for

emergency, the escape staircase." 4.7 {RBK00032439/6}:

"The TMO has yet to receive the actual notices but has been advised that the key matters of concern relate to the design of the main staircase ventilation system and the lack of self closers on the individual flat front doors (it should be noted that the TMO has agreed with the Council to fit self closers to all flat front doors within both Adair and Hazelwood Towers and the fitting programme has now commenced). It is expected that the notices should be received in the next week or so."

18 Having read that, were you concerned about the 19 prospect of service of enforcement notices which could 20 ultimately lead to prosecution if not complied with?

- 2.1 A. Clearly we would be concerned about enforcement notices, 22 meaning there were deficiencies, but I recall being 23 satisfied on questioning that the TMO were then taking 2.4 the necessary action to comply with the notices
- 25 Q. Now, if we go back to your first witness statement,

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- 1 $\{RBK00033744/14\},$ paragraph 50, you note that
 - Robert Black had addressed the HPSC meeting and referred to the fire at Adair Tower.

Now, looking at what's set out there, Mr Black made 5 it clear that the LFB's concerns weren't limited to

- 6 Adair and Hazlewood Towers but extended across the
- 7 estate. Would you agree with that as a summary of
- 8 what's set out there?
- 9 A. Yes
- 10 Q. Presumably that was a matter of concern to you and your 11
- 12 A. Absolutely. As I said, though, in discussion with them 13 or asking them questions, they told us that this had happened and they told us that they were going to take 14
- 15 it seriously and address the points.
- 16 Q. During the course of those discussions, was any consideration given to asking the TMO to set out in 17 18 writing for you the substance of its responses to the 19 LFR?
- 2.0 A. No. I don't think we asked for a written report.
- 21 Q. Or its proposals as to compliance with the notices?
- 2.2 No, we would expect that they would then continue to 23 report to us. The pattern would be more that they would
- 2.4 tell us these things, we'd ask about it, and then we'd

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25 expect to be updated periodically, subsequently.

1 Q. Now, one issue which arose out of Adair Tower was the 2 information provided to tenants, and in that regard can 3 we look at $\{TMO10011798/4\}$. It's an email from 4 Councillor Mason to you. Councillor Mason is Pat; is 5 that right? 6

A. Correct.

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Q. Now, Councillor Mason says this, under the heading "Adair Tower Fire":

"At the last CCSC meeting ..."

10 Can you help us, CCSC, what does that stand for?

11 A. Corporate and cabinet services committee.

12 Q. Thank you:

> " ... I was asked to request if you could tell us what advice the TMO gives to its tenants in the case of a fire. This question came up because the Borough Fire Commander told the Committee, the last time he visited, that although Adair Tower flats were fitted with smoke-proof doors, people opened them during the fire letting in the smoke, when they may have been safer staying indoors, and then started walking down 13 storeys of smoke-filled stairs. Perhaps it's not possible to stop people leaving a building in panic during a fire!

On receipt of that email, were you concerned about the quality and substance of the advice given to TMO

1 residents in the event of a fire?

- A. I can't remember exactly how I -- what I was thinking in 2 3 response to this email. I do know that we had been told about the stay-put policy, and it had been explained to 5 us and we felt or understood it to be a sensible policy.
- 6 Q. Was that the thrust of the advice you had received?
- 7 A. Yes -- well, I wouldn't say advice; that was what we'd been told, yes. 8
- 9 Q. If we scroll further up this email chain, you copy in 10 Robert Black for a response, it's just the next page 11 $\{TMO10011798/3\}$. At the very bottom of the page, you 12

"Mr Black - could you let us know what is normally advised, especially in towers? Also, could you give some thought to CIIr Mason's questions about weekends etc?"

If we go further up, we've got Mr Black's response. Now, would you agree that at this stage you had been aware of the issue regarding door-closers because of what had been discussed in relation to door-closer issues previously?

2.2 A. Yes, I believe so. This is January 2016.

23 Q. And, again, would it be fair to say that your evidence 2.4 is this: you relied upon the assurances given to you by 25 officers in the TMO and were satisfied that action was

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1 being taken?

2 A. Yes

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3 Q. Now, if we can go to the RBKC cabinet corporate services 4 scrutiny committee and the minutes of 8 February 2016. Those minutes can be found at {RBK00058101/3}. 5

> The second paragraph from the very top of the page says this:

> "Cllr Campbell drew attention to the statement on page 1 that fire safety information is provided to residents on the TMO website. She considered this inadequate as not all residents would have access to the website. Referring to page 2 she drew attention to the comment that some dwellings were provided with LFB leaflets and asked which ones were not. The Chairman undertook to take this up with the TMO."

16 Now, would you agree that by this stage, so 17 February 2016, there's a pattern of concern from 18 councillors about the provision or lack of provision of 19 information to residents?

20 A. Yes, I think Councillor Campbell is certainly expressing 2.1 that concern here.

22 Q. And Councillor Mason had done previously.

2.3 A. Yes

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2.4 Now, if we go back to your first witness statement, 25 I'm afraid, Mr Marshall, paragraph 51, which is at

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 $\{\mbox{RBK00033744}/\mbox{14}\},$ you say this:

"I do not know which individual had specific responsibility for fire safety at the TMO, including at Grenfell Tower. The information I had from sitting on the HPSC was from the reports listed above. Based on what we were told, there were no 'red flags' in relation to fire safety, including at Grenfell Tower."

8 Given the enforcement notices that had been served 9 by LFEPA, wouldn't it have been incumbent upon you to 10 find out who did have specific responsibility for 11 fire safety at the TMO?

12 I don't think so, because we would always interact with 13 the chief officer or the chief executive in relation to 14 the TMO, so we would see those people as being 15 responsible, and in turn they would follow that chain of 16 accountability through their organisations.

17 Q. Would it flow from the answer you gave earlier on that, 18 notwithstanding the service of the enforcement notices, 19 you had no reason to seek the advice of RBKC's in-house 2.0 health and safety adviser or their own fire risk

21 assessors?

2.2 No, we wouldn't as the scrutiny committee. Α.

23 Now, in the second sentence of that paragraph you said that there were "no 'red flags'" in relation to 2.4

2.5 fire safety, including at Grenfell.

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1 Would you agree with the suggestion that the service 2 of enforcement notices in relation to Adair Tower and 3 the concerns regarding information given to tenants in 4 the event of a fire did constitute red flags?

- A. Yes. I would. I don't think that was a very well 5 phrased sentence. I think I was refer -- when I wrote 6 7 it, I was referring to the formal documents we received from the TMO on a twice annual basis. 8
- 9 Q. Irrespective of format of documents that were provided 10 to you, can you remember whether at the time the issue 11 of the enforcement notices and information given to 12 tenants was treated as a red flag issue by your 13 committee or, indeed, the officers who reported to your 14 committee?
- 15 A. I can't easily speak to the latter, but certainly we 16 took any matters like this very seriously
- 17 Q. Now, I think I'm right in saying that the HPSC meeting 18 on 11 May 2016 was your last as chairman; is that right?
- 19 A. Yes. that's correct.
- 20 Q. If we can go to the minutes of that meeting, which are 2.1 at {RBK00014436}.

You can take it from me -- and I'm sure if this is wrong. I will be corrected —— but there is no mention in these minutes of the enforcement notices or LFB's concerns regarding self-closers across the TMO housing

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2 Does that absence demonstrate that those issues were unimportant to the HPSC? 3

- 4 A. No, it would have meant that they weren't raised at this 5 meeting
- 6 Q. Thank you.

Now, can I turn to a separate and distinct topic, which is the Grenfell Tower refurbishment review, and can we now look at the issue of the petition regarding the works at Grenfell that was brought before your committee in late 2015 and then later into 2016.

You deal with this petition in your first witness statement at paragraphs 107 through to 120, and the references can be found at {RBK00033744/26}

Now, I'm not going to ask you to go through all of that again, and I've given the reference, but can you remember when you were first made aware of the fact of the petition?

- 19 A. Not precisely. I would imagine in advance of 2.0 the council meeting. I think, from memory, maybe a week 21 before.
- 2.2 Q. Who made you aware of it?
- 23 A. I believe either Councillor Feilding-Mellen or 2.4 Ms Johnson, but I'm not certain.
- 2.5 Q. Can we go to the petition itself, which is at

{RBK00000110}, and specifically the prayer of that petition. It says:

"We, the under-signed residents of Grenfell Tower, ask the Chairman of the Housing and Property Scrutiny Committee to undertake an urgent scrutiny of the TMO and Rydon's management of the refurbishment project ... Time and again residents' views have been ignored or down played. Despite interventions from our MP ... our day-to-day concerns are belittled and sidelined."

10 Then further substance is set out and then the 11 signatures.

> Now, taking a step back, would you agree that the strong language of that prayer at the very least evidenced the strength of residents' views?

- 15 A. Yes
- Q. And it would appear, given the number of signatories, 16 17 that a significant number of residents supported the 18 petition: would you agree with that?
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- 20 Q. It asked that lessons be learned from the project; do you agree with that? 2.1
- 2.2 A. Yes
- 2.3 Q. And that Grenfell residents' views and experience be 2.4 canvassed and included in a report so that future
- 2.5 projects could benefit; do you agree with that as well?

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- 1 A Yes
- Q. Did you accept that request at the time as being 2 3 reasonable or not?
- 4 A. Yes. Yes, that we should undertake scrutiny of the 5 programme, yes.
- 6 Q. And going beyond that, learning lessons?
- 7 A. Yes
- 8 Q. And that Grenfell residents' view should be canvassed so 9 that future projects could be informed by the Grenfell experience?
- 10 Yes, but, as I referred to earlier, I don't think at 11
- 12 that time we routinely as a committee engaged directly 13 with residents, so I don't think we would have expected 14 to have played a direct role in that canvassing process.
- 15 We did, as it happened -- Mr Daffarn came to our 16 committee and spoke, but it wouldn't be normal for us to
- 17 go and undertake a canvassing exercise ourselves 18 Q. Can we look at an email chain now that begins on
- 19 7 December 2015, and it starts with an email from 2.0 Laura Johnson to you and Councillor Feilding-Mellen. 21 The first email in the chain is at {RBK00003567}.

2.2 It starts at the bottom of this page, do you see there, 23 "Cllr FM and Cllr Marshall", and then goes over the page 2.4 ${RBK00003567/2}$ and sets out that a petition had been

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2.5 handed in. The second paragraph invites whether you

1 want to discuss matters with Mr Black or Mr Maddison, 2 and it concludes: 3 "I would like your guidance on how you wish to 4 respond to the petition." 5 She then includes the prayer that we've just looked 6 at. Then if we could look at the response from 7 Rock Feilding-Mellen, so going back to page 18

I must defer to Cllr Marshall.

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{RBK00003567/1}, he says this: "As the petition is addressed to the Chair of HPSC,

"However, I would agree with you that both the Housing department and the TMO must be mindful of their limited man-power and resources, and must make sure that they spread such limited resources as evenly and fairly across the Council's entire HRA estate, rather than focusing predominantly wherever the loudest complaints are coming from

"The Council has acknowledged the disruption and inconvenience caused by such major refurbishment and improvement works being done to Grenfell Tower, but I believe that is the inevitable price that must be paid by the residents in order to have their flats brought up to very good, modern standards. I trust that both the TMO and Rydon will continue to work with residents of GT

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on a case by case basis, helping to fix individual problems that have resulted from the refurbishment, as the Council committed to in the amended motion last

Now, looking at that email correspondence in the round, would it be fair or reasonable to say that neither Laura Johnson nor Councillor Feilding-Mellen were in favour of a review?

- 9 A. I think they were saying that they didn't have the 10 resources within the department to undertake 11 a department -- a review by the officers, a full, 12 complete review, yes.
- 13 Q. And they were basically saying it was over to you, is 14 the thrust of Councillor Feilding-Mellen's email?
- 15 A. He was saving it was for me to decide -- I sav me: the 16 committee to decide how to respond to the position. It had been referred to us by the full council.
- 18 Q. If we go to your response at the top of this page, you 19 see there, 8 December 2015 at 16.15, you said this:

"My instinct was to add an oral agenda item to our next meeting rather than a report. What do you both

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"I am sure a majority of members could be 2.4 pre-briefed to understand how to play it."

Why did you ask Ms Johnson and

Councillor Feilding-Mellen for their views?

2 A. Because I was making a suggestion and I wanted them to

3 tell me if they agreed with it.

4 Q. You didn't think it was a matter solely for you, given

5 you were the chairman?

A. I could have insisted on one thing or another, but it's 6 7 not unreasonable to ask their views.

8 Q. Now, looking at your statement, "I am sure a majority of 9 members could be pre-briefed to understand how to play

10 it", are you suggesting there that you pre-brief the 11 members of the committee?

12 Yes, in relation to whether there should be an oral 13 report or a written report.

14 Was that a majority of committee members or the members 15 of the committee who were from the majority party?

16 A. No, I think just a majority of members.

17 Q. What do you mean by the phrase, "understand how to play 18 it "7

19 A. Well, that we wouldn't have a written report, that we 20 would deal with this orally.

2.1 Q. Was your intention to instruct the majority of how to 22 play it?

2.3 A. No. I can't -- couldn't -- my colleagues would not take 2.4 my instruction even if I sought to give it. That wasn't

25 the nature of our relationship. They were an entirely

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1 independent group of ten other councillors.

2. Q. So you made no effort to predetermine the decision?

3 A. No, I could bring my own views, but I could tell them

why I thought it was reasonable, particularly over

Christmas, and given what I'd been told by the senior 5

6 officer and the cabinet member that if we'd asked for

7 a report, it would be difficult for them.

8 $\ensuremath{\mathsf{Q}}.$ Can you remember now the gist of the discussions you had

9 when briefing the majority of the members?

10 To be honest, I don't actually recall doing so.

11 When you were discussing how best to "play it", did you 12

have regard to the four principles of scrutiny that we

13 considered at the start of your examination, or at least

14 the substance of them?

15 A. Yes. I considered that an oral report would allow us to

16 conduct proper scrutiny. I wouldn't have agreed to do

17 something which would have led to an improper level of

18 scrutiny. It was just whether that would require a full

19 written report at this stage.

2.0 Q. This email exchange wasn't set out in your witness

2.1 statement. Can you help us as to why it wasn't

2.2 mentioned in your statement, or any of your statements,

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2.4 A. I don't think it was material.

25 Q. Could we turn to another email chain from

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1 19 December 2015, which can be found at {RBK00030741}. 2 If we can expand the top email, which is one to 3 Councillor Blakeman, you say this:

> "I would be willing to hear from the residents although, to be clear, they will not be permitted to question Officers.'

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That's quite a clear steer from you to another councillor, isn't it, of how you wanted to play the meeting?

- 10 A. Yes. One of the few distinguishing features of my role versus our councillors was maintaining order at a meeting, so in that sense, absolutely that was my
- Q. Looking back now, prompted by this email chain, do you 14 15 think it's likely that you would have briefed the 16 majority of members of your committee by this stage, so 17 19 December?
- 18 A. No, I don't think I did brief the majority of the 19 members of the committee. As a guess -- and it is 20 a guess -- I might have spoken to my vice chairman --2.1 you can ask him later, I know he's coming -- but I can't 22 remember doing so. To be honest, I don't think I felt 2.3 I probably needed to.
- 2.4 Q. Was it his view, Mr Mackover's view, that a speech and 25 no questions would not (sic) be allowed?

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- 1 A. As I said, I can't remember speaking to him. I'm just 2 surmising what -- if I were to have spoken to someone, 3 the most likely person that I would have spoken to would have been him.
- Q. Could we now go to another email chain, which is {RBK00046301}. It's the first email in that chain which 6 7 starts at the bottom of the first page.

Peter Maddison, on 24 December 2015, circulated a briefing note on the refurbishment of the tower. Do you recall receiving and reading that note?

- 11 A. I'm not certain. I've definitely read it, but I can't 12 recall precisely when I've read it. But I would presume 13 I would have read it between Christmas and the meeting.
- Q. Could we move up this chain to an email from 14 15 Robert Black on 4 January 2016:

"I have just picked up this briefing was sent to you before Christmas. My apologies but it should have been marked confidential as it is going to my Board tonight as a confidential paper. I wonder if you could treat this as confidential until after my Board meeting. If it help[sic] it can be tabled at the scrutiny committee."

2.3 Was it of any undue concern that Mr Black wanted to 2.4 keep the paper confidential?

A. I don't recall. I can't remember whether I thought it

was of concern or not.

In general, our view throughout this process was that the TMO was keeping things confidential which we couldn't see why they needed to be. They would assert that these documents were confidential to them and it wasn't for us -- we didn't have the right to disclose things.

- $\ensuremath{\mathsf{Q}}.$ How did you press them on whether the plea of 8 9 confidentiality was well made?
- 10 A. In our committee meetings.
- 11 Q. How did they respond to that pressure from you?
- 12 Well, they asserted that they were confidential to them.
- 13 Did they give you any greater detail as to why they were 14 confidential? For example, did they say it included 15 commercially sensitive material or anything of that 16 nature?
- 17 A. I can't remember the exact arguments used.

I think in the 6 January meeting, potentially, and I think also maybe in the May 2016 meeting, we had council legal officers sitting with us, and I can't remember again if they spoke directly to this, but certainly their presence and their lack of challenge to it, if that's what happened -- and I can't remember precisely -- we would have taken as a sign of -- that our own lawyers were implicitly validating this

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1 approach.

- 2. Q. So, because of that, you were content not to press the 3 matter further; is that a fair summary?
- A. No, not content not to -- no, we thought that certainly 5 the board report which came to us in May 2016 should be 6 made public. So going to our -- your earlier questions 7 in terms of our powers, this is quite a good example, in 8 the sense of we couldn't compel them to do anything, all 9 we could keep saying is, "Why?" We'll keep asking that 10 auestion.
- 11 SIR MARTIN MOORE-BICK: Sorry, can I just interrupt for 12 a moment

13 I mean, the impression I get from this email is that at that stage the paper in question hadn't gone to the 14 15 TMO board, and what Mr Black is saving is that you 16 should treat it as confidential until after the board 17 meeting. It can be tabled at the scrutiny committee.

Did that give you to understand what was going on?

A. Yes, thank you. No, I think that's correct. So if I've read it properly, he's saying it's confidential for the next 24 hours, because I believe their meeting occurred on the 5th and our meeting would have occurred on the 6th. If he is agreeing that it would be tabled on the 6th, by definition it's a public meeting and would have then been made public.

1	SIR MARTIN MOORE—BICK: That's what I was wondering. Do you	1		they have 4 appointees and Pauline has confirmed she is
2	recall whether it was tabled at the scrutiny committee?	2		happy to be on the review."
3	A. I'm afraid I don't.	3		If we go over the page to page 2 $\{TMO00852704/2\}$,
4	SIR MARTIN MOORE—BICK: It may appear from the minutes, but	4		Laura Johnson's response there, 6 January 2016, 11.38,
5	I just wondered if you could recall.	5		she says this:
6	A. I can't remember. Of course, by this stage I would have	6		"I've emailed ClIr Marshall the Board outcomes so he
7	read it, so I'm not sure I would have remembered whether	7		is aware and in that e-mail I reminded him that Paula
8	it was subsequently tabled.	8		was a RBKC nominee, we can make this point again tonight
9	SIR MARTIN MOORE-BICK: All right. Thank you.	9		if a Scrutiny committee member is suggested as being on
10	MR KINNIER: Just flowing from that, sir, just so we get	10		the review of the Grenfell Tower refurbishment."
11	your evidence clear, did you have further instances of	11		Now, having set out that long run-up, can we now
12	frustration that the TMO said that papers were	12		look at an email to Councillor Mackover, copying you,
13	confidential and you were pressing for their	13		from Laura Johnson, and that can be found at
14	publication?	14		{RBK00030744}.
15	A. No, as you mentioned I left the committee in May 2016,	15		We can see you're copied in. It's dated 5 January,
16	so the only other, and I'd say the most significant $$	16		sent at 4.46, and it says this:
17	perhaps the only occasion where I had that was in	17		"The TMO Board met on Monday night, one of the items
18	relation to this board report, which was clearly a very	18		on the agenda was Grenfell Tower and the impending
19	important document.	19		discussion at Scrutiny Committee on the 6th Jan.
20	Q. Now, can we go to an email chain which begins on	20		"The Board agreed"
21	5 January 2016 between Robert Black and Laura Johnson,	21		And she set out what has previously been quoted, and
22	and that can be found at {TMO00852704/4}. It's the	22		concludes with this:
23	first email from Robert Black, which ought to be	23		"I'm sure Mr Black will raise this as on Wednesday
24	5 January 2016, sent at 15.23.	24		but if not I thought I would share it with you as it
25	If we go to the third paragraph down, it says this:	25		would be useful if a suggested outcome of the discussion
23	ii we go to the third paragraph down, it says this.	23		would be useful in a suggested outcome of the discussion
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1	"In terms of outcomes the Board agreed	1		at Scrutiny Committee could support the TMO and the due
2	"— We needed to finish the project.	2		process they are undertaking."
3	"— Carry out a review to see what has worked and	3		Now, looking at that email in the round, why would
4	not — ie lessons learned.	4		it have been sent to Councillor Mackover and not you,
5	"— Usually this would be officers doing it but they	5		who was still then the chair?
6	want to be involved which is fine and adds the challenge	6	Α.	Honestly, I don't know. I believe he might have gone to
7	and independence. Paula Fance wants to be involved and	7		the tenants consultative committee, which I believe,
8	adds value to her regeneration work, she was very	8		solely from the papers I've read subsequently, I think
9	supportive, Kush will get involved and a few others as	9		was happening the same week. So potentially maybe they
10	could Judith — they can listen to the issues .	10		had had a conversation at that or —— you'd have to ask
11	"— The Board feels this is a TMO matter and wants to	11		him, I'm afraid, but I agree it's ——
12	deal with it itself . I imagine they will be happy to	12	0	It just seems odd at first blush.
13	share the outcomes with Scrutiny."	13		I agree, and I have seen those other emails, and I think
14	If we can go to page 3 of this email chain	14	Д.	one thing we were always jealous of, and I'm afraid this
15	{TMO00852704/3}, at the very bottom of that page, and	15		was the source of some friction over very many years,
16	an email sent by Laura Johnson at 16.36, the second	16		was our prerogatives. It was for us to decide as
17	paragraph says this:	17		a committee how we wished to proceed. Of course we took
		18		great account of our officers' advice. We respected
18	"Board recommendations seem very reasonable, RBKC has no desire to be involved in the review I shall echo			
19	this point Cllr Mackover so that the recommendations the	19 20		them. I think Ms Johnson was a very fine officer. But
20	·			it wouldn't be for her to tell us how we wished to
21	Board has made are supported at Scrutiny committee."	21	^	proceed.
22	If we go further up the page to see Robert Black's	22	Q.	That really comes as the question I was going to ask you
23	response at the top of page 3, he says there:	23		next, whether you treated the last paragraph of that
24	"Last push for tonight. Will you let Cllr Marshall	24		email as a weighted piece of advice, if not

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 $an\ instruction\ .$

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know my Board decision, might be worth reminding him

1	Α.	I think if I'd thought it was an instruction, if	1		Because I'd already been ——
2		anything, it would have prompted me to do the precise	2	SIF	R MARTIN MOORE—BICK: You'd already been got at by
3		opposite. As I say, we were quite jealous of those	3		Ms Johnson.
4		prerogatives. We had few of them, but the ability to	4	Α.	— got at, and I'm saying I think that's extremely
5		decide our own agenda and how we wished to proceed was	5		unlikely .
6	_	one of the few.	6	MH	R KINNIER: Thank you, Mr Marshall.
7	Q.	Did you consider that last paragraph to be within the	7		Could we look at the minutes of the
8		bounds of propriety?	8		scrutiny committee meeting, and they're at
9	Α.	I can't remember. Reading it now, I think it's very	9		{RBK00032130}. Grenfell is addressed as item A4 on
10	_	close to wherever those bounds lie.	10		page 2.
11	Q.	But you wouldn't have acquiesced in it, that seems to be	11		I'm not going to take you through all of it, but if
12		the thrust of your evidence?	12		we could look at page 4 {RBK00032130/4}, and the second
13	Α.	No, and indeed, even if I had, or indeed	13		paragraph, "Cllr Mackover thanked the residents for
14		Councillor Mackover had, we were two of 11 people, and	14		attending". You will see slightly further down on the
15		the other nine people would have similarly —— you know,	15		fifth line it's recorded as saying:
16		they would have expressed their own views, so we had	16		"Cllr Mackover suggested that a Working Group could
17		no that was one of $$ that's perhaps the reason that	17		have a look at the lessons learned for future
18		these —— scrutiny was performed by a committee, not by	18		regeneration projects and he would be happy to chair
19		single individuals.	19		this Group."
20		Sorry, if I just say, it also included, of course,	20		Next paragraph:
21		members of the minority party, so it wasn't just	21		"Cllr Berrill —Cox agreed that a Working Group would
22		a consensus amongst one political grouping, it was	22		be the best mechanism to conduct a review and look at
23	_	designed to encourage independent thought.	23		the lessons learned. He said that it was important to
24	Q.	Just going back to the addressee point, it's possible	24		look at what consultation proposals were in place for
25		that the email wasn't addressed to you directly because	25		any future projects."
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1		you already knew the substance. Are you able to help us	1		Then we go further down the page, if we may. At the
2		whether that's a fair , reasonable inference to draw from	2		bottom:
3		the fact it was primarily addressed to	3		"Cllr Press said that Grenfell Tower was the first
4		Councillor Mackover?	4		example of the regeneration of a Tower in the Borough
5	A.	I don't know, because I don't recall having any emails	5		and as good practice there should be a review of how the
6		or conversations with Ms Johnson around what their board	6		project went and she would support a recommendation for
7		had discussed in the 24 hours before the committee. It	7		a Working Group She said that Cllr Blakeman's
8		would be very unlikely that I would.	8		comments that the Group needed to be independent with
9	SIF	R MARTIN MOORE—BICK: Mr Kinnier, can we just be clear	9		the resources and skills necessary. She said
10		about that. Is the suggestion that Councillor Marshall	10		an independent reviewer may be useful to give
11		might already have had a conversation with Ms Johnson at	11		expertise."
12		which she had given him the thought in that last	12		Now, there seemed to be at least a body of opinion
13		paragraph?	13		that a working group was a good idea. Is that a fair
14	MF	R KINNIER: Yes.	14		summary of the reality of the meeting?
15	SIF	R MARTIN MOORE—BICK: I think that ought to be put a bit	15	A.	Yes, which is why that was what we agreed to do.
16		more clearly.	16	Q.	And just following on from that, we see the paragraph at
17	A.	Again, I can't remember precisely, so I don't want to	17		the top of the page $\{RBK00032130/5\}$:
18		mislead you, but it's extremely unlikely \ensuremath{I} would have	18		"The Chairman said that if a Working Group was
19		had a conversation with Ms Johnson. Most of our	19		established then it would decide on what resources it
20		interactions, other than when we had an agenda planning	20		needed and its scope. He said however that he was
21		meeting, were through email, so it would have been	21		reluctant to establish another Working Group until those
22		a matter of record.	22		in existence had reported. He suggested that a Group

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was not set up immediately and that urgent complaints

Then if we can go to the conclusions section, which

should be dealt with through the TMO process."

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 $\mathsf{didn't} \ \mathsf{need} \ --$

SIR MARTIN MOORE-BICK: But you understand what Mr Kinnier

is putting to you: he is suggesting that this email

is further down that page, I think:

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"In conclusion the Chairman agreed that a Working Group would be commissioned at some point in the future but that this was dependent on a number of factors including the conclusion of existing Working Groups and the review work conducted by the TMO."

Was it fair to say that the reluctance to set up a working group came from you and you alone or were there others who shared your view?

A. I was certainly reluctant to set up a working group for several reasons. I can't remember if other people voiced those concerns.

I think my concerns were perhaps unique to me because of being in the position I was, namely we tended to be rather better at setting up working groups than actually concluding them, and my thought was we needed to conclude things we were already doing before setting up more groups.

And, secondly, having just been informed that there was a report being produced on exactly the same subject by an independent group of people, namely the TMO board, that I wasn't quite sure what we could do, added to which the scope of a working group, as I mentioned earlier, was that it was constituted of a small number of councillors, three or five of them, interrogating

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officers , and I presume in this case it would have also included TMO employees, although I can't remember another working group where they were involved, and essentially replicated what we were doing in full committee.

So in this case we'd spent quite a considerable amount of time at that meeting in full committee challenging the TMO and our officers on the points raised by residents, so I wasn't quite sure where a working group with exactly the same set of people would go, other than reaching exactly the same set of conclusions that we'd already reached talking about it for I think it was an hour or an hour and a half in full committee.

- 15 Q. Can you help us, what was independent about the proposed 16 TMO review?
- A. So it was constituted, as I understand it, of members of their board, all of whom were non-executives, some of whom were resident members, some of whom were appointed by the borough, some of whom were, as I understand it had a reasonable level of expertise in the field of housing, so all of whom were not part of the TMO executive.
- Q. Can you remember now when Councillor Press referred to
 the need for the group to be independent with the

resources and skills necessary, did she express any concerns that a TMO review did not satisfy that

3 threshold of independence?

4 A. No, I don't believe anyone expressed that view.

5 I believe —— and if they had, it would have almost 6 certainly made it into the minutes, because they would 7 have disagreed with us waiting for the TMO's review to

8 be conducted.

9 Q. Do you recall any push—back from either

10 Councillor Blakeman or Councillor Press or

Councillor Berrill —Cox or indeed Councillor Mackover

12 about the independence of the TMO review?

13 A. No

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Q. Could we now look at another email chain, and that's
 between you and Victoria Borwick MP, and that was in
 March 2016. It can be found at {MET00078084}.

17 I won't take you through the entire chain. We only
18 need to look at the first email on this first page dated
19 3 March 2016. You sign it "Q".

20 Did you know Ms Borwick?

21 A. Very well.

Q. If we look at your summary of your initial conclusions,you say at 1:

"1. We're spending c£100k per flat of public moneyto improve the building. While there has been

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disruption, this is a massive level of support and to some extent I think when seen in the round worth a bit if disruption. For leaseholders in particular, this is essentially a £100k gift from the state. I'm therefore not massively sympathetic to general 'it's all terrible' complaints.

"2. When pressed, very few specific complaints have been made and evidenced. Where there have been complaints, these are being treated seriously by the TMO.

"3. There has been a very unpleasant campaign against the TMO and certain officers. This does not reflect well on those involved.

"4. Having inspected the flats, my judgement is some of the wilder claims are grossly exaggerated \dots

"When you met people, did they actually cite specifics? Mr Daffarn at committee made wild unsubstantiated claims which were not credible. I'm certain the works weren't absolutely perfect and there will be things to learn and improve on (hence the review) but equally we need to take some of what has been said with a large pinch of salt."

At this stage, is it fair to say that you had read the petition?

25 A. Yes

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- 1 Q. And presumably you had read Mr Maddison's briefing note 2 that he'd circulated on Christmas Eve?
- 3 A. I would presume so, and had the debate at the committee 4 on 6 January.
- $\ensuremath{\mathsf{Q}}.$ And you'd agreed, at least in $\ensuremath{\mathsf{principle}}$, to commission a 5 working group, but whose work was to start at an 6 indeterminate time in the future?
- 8 A. Yes, when the board review had completed.
- 9 Q. You had visited the tower, I think, on 13 January 2016; 10 is that right?
- 11 A. That's correct, yes.
- 12 Q. But is it fair to say that at this stage you hadn't 13 investigated the substance of the residents' concerns 14 and complaints?
- 15 A. Well, we had, because we'd talked about them 16 specifically in our meeting on 6 January. One of our 17 challenges, and this is what I refer to here, is that 18 there were very few specifics mentioned. So.
- 19 for example, it was cited that there had been a campaign 2.0 of, I believe, harassment, lies and intimidation
- 21 conducted by the TMO, but without any detail to
- 22 substantiate that, and those claims did not seem
- 2.3 credible to me. What I wrote here was exactly what
- 2.4 I was thinking at the time.
- 25 Q. Would you accept, though, in your role as chairman of

- 1 the scrutiny committee, you had to keep an open mind on 2
- 3 A. Yes, which is why I think I said my initial conclusion.
- Q. Was the emphasis on the word "initial" or on the word 5 "conclusion"?
- A. I don't think you can separate the two. I think this is 6 7 an initial conclusion.
- 8 Q. Well, looking at the substance of what you've set out at 9 points 1 through to 4, you're not sympathetic to "it's 10 all terrible" complaints, you say there's very few 11 specific complaints made and evidenced, you say some of 12 the wilder claims were grossly exaggerated, you said 13 Mr Daffarn made wild, unsubstantiated claims which were 14 not credible, and you recommended taking a large pinch 15 of salt when considering those matters.

To the lay eye, they may tend to suggest that you had formed a relatively firm view at this stage; would you agree with that?

- 19 A. Yes, but if I may, you omitted the sentence which says, 2.0 "I think that the works weren't absolutely perfect and 21 that there will be things to learn and improve on". 2.2 which is I think where we were at this stage. This 23 was -- the complaints were not about specific things 2.4 which were immediate at that time, they were about
- 25 lessons to be learned for future, similar redevelopment.

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1 Q. Could we now turn to some email correspondence you had with Mr David Collins just in relation to the working group, just following through some of the evidence you've just given.

Now, these emails are at $\{RBK00028465/2\}$. If we could go to the bottom of page 2 of this chain, which hopefully is an email from Mr Collins to you on 24 April, there we go, at the very bottom, sent at 10.17, and Mr Collins said he was writing to you on behalf of the Grenfell Tower Residents' Association:

"Please could we meet with you to discuss the setting up of the RBKC Working Group which is going to investigate the TMO's handling of the Grenfell Tower improvement works, and the impact that had on the well-being of residents?

"We are seeking assurances that the working group will be independent of RBKC and TMO, and we are also asking that residents be allowed to contribute to the questions [asked] by the working group."

2.0 Now, your response is at the top of the page there. 21 It is sent on 28 April 2016, and you say this:

"At its AGM in May, the Council will appoint a new Housing and Property Scrutiny Committee. I would imagine many of the members will be the same as this year. However, I will be standing down and will no

1 longer be on the committee.

> "At our May meeting, which precedes the AGM, we will receive the TMO report on Grenfell Tower. It will then be for the new committee to decide how it wishes to pursue the matter further, including whether it wishes to set up a working group. I would note, however, that while a working group would consist of Councillors, not Officers, it would not be 'independent of RBKC'.

"Might I therefore suggest you approach the new chairman of the Committee when he/her is appointed to discuss how the Committee will proceed?"

Essentially you're saying it was no longer a matter for you; is that a fair summary?

- A. I was saying I couldn't take any -- or couldn't give him 14 15 any assurances or tell him anything about a committee on 16 which I would no longer be sitting.
- 17 Q. And — sorry, Mr Marshall.
- 18 A. No, just to say, I think, reading it here, my answer was 19 a rather technical answer, which is to say $--\ \mbox{he}$ was 2.0 asking me to bind my successors, and I was saying, 21 "I can't do that because I'm not going to be part of 2.2 that group to take that decision".
- 23 Q. Now, if we look at Mr Collins' response, which is just 2.4 further up {RBK00028465/1}, I think, he says in the 2.5

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second paragraph of his response dated 1 May this:

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1		"However, it is not acceptable to suggest the group	1	Well, Mr Marshall, we're going to have a short break
2		will not be taking forward its commitment to investigate	2	now. We'll resume, if we may, please, at 3.35. Again,
3		the handling of the Grenfell Tower Improvement works by	3	I have to ask you not to talk to anyone about your
4		the TMO. I was in the public gallery for the Scrutiny	4	evidence while you're out of the room. All right?
5		meeting on 6th January 2016 when (after committee	5	Thank you very much.
6		discussion) you committed the committee to investigate	6	(Pause)
7		the matter during 2016."	7	3.35, then, please.
8		His concern there seems to be that the TMO would be	8	MR KINNIER: Thank you, sir.
9		unable to undertake a critical examination of its own	9	SIR MARTIN MOORE—BICK: Thank you.
10		actions, looking at what is set out in the third	10	(3.20 pm)
11		paragraph of that email. Would you agree with that?	11	(A short break)
12	A.	In the third, did you say?	12	(3.35 pm)
13	Q.	Yes, in the third paragraph.	13	SIR MARTIN MOORE-BICK: Right, Mr Marshall, all ready to
14		(Pause)	14	keep going?
15	A.	I'm not sure I'm quite getting on the third paragraph	15	THE WITNESS: Yes.
16		the point about $$ that he wasn't satisfied with the	16	SIR MARTIN MOORE-BICK: Thank you very much.
17		independence of the board. Maybe you could $$	17	Yes, Mr Kinnier.
18	Q.	Well, if you can expand this email, then if you read on:	18	MR KINNIER: Thank you, sir.
19		"The absence of follow through here leaves me only	19	Mr Marshall, we were just considering your email
20		to think some are too scared to explore alternative	20	exchange with Mr Collins, and I was about to take you to
21		narratives"	21	a further exchange you had with Councillor Mackover.
22		And we go on:	22	That can be found at {RBK00060054}.
23		" dissatisfied with the manner in which the TMO	23	It's the first email there, 3 May 2016, from
24		have managed and carried out the works."	24	Sam Mackover, and he says:
25	Α.	Yes, sorry, I was ——	25	"To my recollection the position HPS took, having
		173		175
1	O	And then goes on, and then concludes:	1	visited the site, was to review the findings of the
2	٧.	"Are these people's views and experiences going to	2	Board's report when it was complete. This will be done
3		be dismissed or ignored because they do not fit with the	3	11 May. Then it is up to the HPS members to vote on
4		' official ' narrative from the TMO?"	4	whether there are any further 'lessons learnt' to
5		Maybe I should have put it better, Mr Marshall,	5	review."
6		I apologise, but looking at the email in the round,	6	Now, you reply further up:
7		would you agree that Mr Collins' underlying concern is	7	"Indeed — and it is for the next Committee to decide
8		that the TMO would not be able to undertake a critical	8	what it wishes to do. If I were on it, I'd probably
9		examination of its own actions?	9	conclude we'd spent enough time on the subject already.
10	Δ	Yes, although I think I would have thought there's	10	I certainly wouldn't want a working group. At best,
11	Λ.	a distinction between the TMO executive and the TMO	11	I would spend half an hour in full committee reviewing
12		board. If the TMO board couldn't critique and hold its	12	it.
13		own executive to account, I'm not quite sure what	13	"Bottom line: we spent over £100k per flat, the end
14		·	14	result looks great as far as I can see, the people we
15	0	function it played.	15	saw were happy, the flats look great and, to date, I've
	Q.	Can you remember whether you responded to this email		-
16	^	chain?	16	seen no specific allegations or complaints, only
17	A.	I don't think I did, because I don't think I felt there	17	generalisations and hyperbole."
18		was anything more I could say beyond what I'd already	18	Now, your response there indicates that you were
19		said.	19	emphatically against a working group; is that a fair
20	IVI	R KINNIER: Now, you did have a further exchange with	20	characterisation of your view at the time?
21		Councillor Mackover $$ and it might be best, sir,	21	A. I wasn't in favour of a working group, yes.

SIR MARTIN MOORE-BICK: Yes, all right. Well, that sounds

bearing in $% \left(1\right) =\left(1\right) \left(1\right) =\left(1\right) \left(1\right)$ bearing in $% \left(1\right) \left(1\right) =\left(1\right) \left(1\right)$

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evidence?

A. Yes.

Q. And for the same reasons you gave earlier on in your

 ${\sf Q}. \;\; {\sf You} \; {\sf said} \; {\sf you} \; {\sf had} \; {\sf seen} \; {\sf no} \; {\sf specific} \; {\sf allegations} \; ; \; {\sf wasn't}$

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sensible .

- 1 that a good reason to set up the working group, to look 2 into allegations and complaints and determine whether 3 they were meritorious or not? 4 A. We were constitutionally barred from looking at specific 5 complaints, meaning person A complaining about issue B, but when I'm saying no specific allegations or 6 7 complaints, there weren't -- there were no specifics 8 that we were given. So everything was phrased in terms 9 of, "We have been the subject of harassment, we haven't 10 been listened to", but this was completely contradicted by what we were hearing from the TMO and validated by 11 12 our own officers 13 Q. Wouldn't the working group, though, have provided the
- Q. Wouldn't the working group, though, have provided the mechanism to identify the specifics, to drill down into the detail, and that you denied yourself the opportunity of so doing?
- A. Well, my presumption was that we were at this point
 still waiting for the board review, and that the board
 review would have done all this, so I didn't see much
 additional utility in us going and asking the same
 questions.
- Q. But you weren't willing here in your email to say,
 "Let's wait for the TMO board review and then decide
 whether a working group would be a useful exercise"?
- 25 A. No, I was commenting on where I saw it at the time,

1 3 May.

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- MR KINNIER: Mr Marshall, those are all the questions I have
 for you now.
- 4 Chairman, there were some problems with Relativity 65 earlier on in the day.
- 6 SIR MARTIN MOORE-BICK: Oh, right.
- 7 MR KINNIER: We think they have been resolved, but might
 8 I ask that you rise to allow me 20 minutes to see if
 9 there are any further matters which arise, which may
 10 accommodate any further Relativity problems if they
 11 haven't been resolved.
- 12 SIR MARTIN MOORE—BICK: Yes, all right.

Well, Mr Marshall, when counsel gets to the end of his questions, or thinks he has got to the end of his questions, we always have a break to give him a chance to review the position, and also to take into consideration questions that may be suggested by others who are following this but not in the room.

So having got you back in for five minutes, I'm now going to invite you to go out again. If we've had problems with the technology, I think it's sensible to have a slightly longer break than we would otherwise normally do, so I'm going to say 4 o'clock, and at 4 o'clock we will see if there are any more questions for you. All right?

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- THE WITNESS: Okay. 1 2 SIR MARTIN MOORE-BICK: Thank you very much. 3 So please go with the usher, then. 4 THE WITNESS: Thank you. (Pause) 5 SIR MARTIN MOORE-BICK: All right, Mr Kinnier, 4 o'clock. 6 7 MR KINNIER: Thank you, sir. SIR MARTIN MOORE-BICK: I hope there won't be any 8 9 difficulties at that point. If there are, you will no 10 doubt let us know MR KINNIER: Will do. Thank you, sir. 11 12 SIR MARTIN MOORE-BICK: Thank you very much. 13 (3.42 pm) (A short break) 14 15 (4.00 pm) SIR MARTIN MOORE—BICK: Right, Mr Marshall, we will see if 16 17 there are any more questions we need to ask you. 18 Yes, Mr Kinnier.
- 19 MR KINNIER: Thank you, Chairman.

Mr Marshall, earlier on we were discussing the email in which you characterised Mr Daffarn's complaints as "wild and unsubstantiated".

Why did you not ask him to provide examples or question him about those claims at the HPSC meeting on 5 d January 2016?

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- 3 longer than we had allowed for him, so it wasn't easy at
- that point, I think, to start a question—and—answer session. And to be fair to him, he wasn't there to be
- 6 asked questions of us, it was the other way round.
 - Q. Thank you.

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- Now, Mr Marshall, before we end today, is there
 anything you would like to say to the panel that we
 haven't covered in examination but you would wish them
 to have regard to?
- 12 A. I think I would like to emphasise two points you have13 raised in questioning.

One is I think it's clear we should have had fire safety as a standing item on our agenda. I think we dealt with it as it arose, but particularly seeing the documents you've shown me today, it's evident that that should have been something that was a standing item like we reviewed the TMO, like we reviewed the budget, so I think that's something I regret.

The other thing I think which is really apparent to me, especially re—reading all of this story from beginning to end, is that whilst, when we were looking at particular matters, we were dealing with them, I think, appropriately within the very narrow scope of

1	thinking of them from a council perspective, I don't	1	INDEX
2	think we saw the bigger picture, and I don't think that	2	PAGE
3	we really addressed the emotional side, and I think we	3	MR NICHOLAS PAGET—BROWN (continued)1
4	lacked a little humanity, and, you know, I would like to	4	microscopic continuos de la continuo de la con
5	apologise to the people involved for that. I think we	5	Questions from COUNSEL TO THE INQUIRY1
6	could have done better.	6	(continued)
7	SIR MARTIN MOORE—BICK: Thank you.	7	(continued)
8	MR KINNIER: Mr Marshall, thank you very much for attending	8	MR QUENTIN MARSHALL (sworn)90
9	to give evidence today.	9	WIN QUENTING WINDOWN (SWOTH)
10	SIR MARTIN MOORE—BICK: Mr Marshall, before you go, let me	10	Questions from COUNSEL TO THE INQUIRY90
11	thank you, if I may, on behalf of all three members of	11	quasions noin openion to the inquire initial
12	the panel for coming to give us your time and your	12	
13	account of what went on. It is really very valuable to	13	
14	us to hear directly from those who were involved at the	14	
15	time, and so we are very grateful to you for coming to	15	
16	give evidence. Thank you very much.	16	
17	THE WITNESS: Thank you.	17	
18	SIR MARTIN MOORE—BICK: Thank you. You can go with the	18	
19	usher, then.	19	
20	(The witness withdrew)	20	
21	SIR MARTIN MOORE—BICK: Well, now, Mr Kinnier, do we have	21	
22	any more witnesses for today?	22	
23	MR KINNIER: No more witnesses for today, sir. We will	23	
24	start tomorrow with Mr Mackover, with your permission.	24	
25	SIR MARTIN MOORE—BICK: That will be 10 o'clock tomorrow?	25	
23	SIK MAKTIN MOOKE—BICK. That will be 10 0 clock tollionow:	23	
	181		183
1	MR KINNIER: 10 o'clock tomorrow.		104
2	SIR MARTIN MOORE—BICK: Yes, good, all right. Thank you.		184
3	In that case we will close for today. We'll resume		
4	at 10 o'clock tomorrow and look forward to the next		
5	witness then.		
6	MR KINNIER: Thank you, sir.		
7	SIR MARTIN MOORE—BICK: Thank you very much.		
8	(4.05 pm)		
9	(The hearing adjourned until 10 am		
10	on Thursday, 20 May 2021)		
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