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Grenfell Tower Inquiry

Day 132

May 18, 2021

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Phone: +44 (0)20 3008 5900

Email: transcripts@opus2.com

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Tuesday, 18 May 2021
(10.00 am)
SIR MARTIN MOORE-BICK: Good morning, everybody. Welcome to today's hearing. Today we're going to begin by hearing further evidence from Mr Feilding-Mellen.
So would you ask Mr Feilding-Mellen to come in, please.
MR ROCK FEILDING-MELLEN (continued)
SIR MARTIN MOORE-BICK: Good morning, Mr Feilding-Mellen.
THE WITNESS: Good morning.
SIR MARTIN MOORE-BICK: All ready to keep going, I hope?
THE WITNESS: I am. I will just get some water.
SIR MARTIN MOORE-BICK: Do take a moment to pour yourself some water.
THE WITNESS: Thank you.
SIR MARTIN MOORE-BICK: Yes, Mr Millett, when you're ready.
Questions from COUNSEL TO THE INQUIRY (continued)
MR MILLETT: Yes, Mr Chairman, good morning. Good morning, members of the panel.
Good morning, Mr Feilding-Mellen.
A. Good morning.
Q. We were talking last night about the champagne colour and a question of taste.
I would like to continue to look, please, at the email string that passed between you and latterly



Mr Maddison in the second half of July 2014.
Can we go, please, to {RBK00003508}, which is a long string of emails, some of which we have already seen in a different reference yesterday afternoon, but it's more convenient to pick it up in this string because there is more at the top.
Can we start at page 5 {RBK00003508/5}, please, and at the bottom we start with your email to Bruce Sounes, copied to Peter Maddison. You thank him for sending through the photos, which are the photos from the Picasa album he'd sent you. We looked at this yesterday, and I'm just going back into it by way of repetition.
In the third paragraph you tell him that you're:
"... still not 100% sure that I prefer the brushed aluminium to the 'battle-ship grey' painted option, but that is very subjective, and I am quite relaxed about the choice in the end."
You will recall yesterday we discussed that together.
A. I do.
Q. We then have, above that on the page, an email from Peter Maddison to you on 18 July, which we also looked at, where he describes the feedback he has got from the planners, who weren't sure about the brushed aluminium, indicated a preference for the champagne finish and



preferred the cassette-fixed over the face-fixing, and then he tells you about the budget.
Then if we go to page 4 {RBK00003508/4}, at the foot of the page, you respond to Peter Maddison, 18 July, and you say:
"So, does that mean we can afford to do cassette fixings for the whole building? Is that within existing budget, without having to dip into contingency? If so, then we should proceed with that, as it will look better.
"I think we should stick with brushed aluminium or battleship grey - not champagne! - but the offer the Planners cassette fixings.
"What do you think?"
So, just pausing there, it looks from this that you were offering a negotiated settlement, if I can put it that way, to the planners, or rather suggesting one that he should offer.
A. Yes, I was suggesting -- well, I was asking whether he thought it would make sense, given that the planners had expressed a view that the cassette-fixing will look better and given that it was already -- he had confirmed it was budgeted, I was suggesting exactly that.
Q. Yes. Yes.
If we look above that, he comes back to you on



21 July and he says:
"Yes - we have budgeted for the cassette fixing without having to use the contingency."
Then he says this:
"We were hoping to achieve savings by negotiating with the Planners over the cladding material (aluminium instead of zinc) and fixing method (face fixing instead of cassette)
"To help achieve this, we were offering Planners colour options to negotiate our position on the other two items.
"However, I am happy to go back to planners and push our preference for the brushed aluminium/grey colour scheme.
"I will keep you posted."
Just pausing there, was this the first time that you discovered that zinc had originally been an option?
A. As I said in my witness statement, I actually didn't recall that particular mention of aluminium or zinc until after the fire. It wasn't something that I remember particularly noting at the time.
When I read that now, and when I've read this since, to be honest, my interpretation of that sentence would actually suggest that they had been and we were hoping to achieve savings by negotiating over the cladding,

1 aluminium, so to me that would imply that they hadn't.
2 Q. Sorry ——
3 A. So I don't remember at the time noting this potential
4 difference between aluminium or zinc, and actually
5 having —— when I read that now, "We were hoping to
6 achieve savings by negotiating", to me, my
7 interpretation of that sentence would be that's
8 something which we had been hoping but we're not
9 necessarily doing.
10 Q. What were you hoping?
11 A. It's not —— well, that's what he says.
12 Q. I don't understand your answer. Let me try again.
13 He says here that he's negotiating with the planners
14 over the cladding material, aluminium instead of zinc.
15 A. But what he says ——
16 Q. Hold on, I've got a question that's going to come.
17 My question is: when he said "aluminium instead of
18 zinc", to the best of your recollection, was that the
19 first occasion on which you had been told that zinc had
20 been a choice?
21 A. I don't remember whether I had previously been told that
22 zinc or aluminium were a choice.
23 Q. Right, thank you.
24 Did you ask anybody on the project at any time what
25 were the advantages or whether there were any advantages



1 of aluminium as against zinc?
2 A. I don't remember asking that, because it was just not
3 an area of —— it was not something which I knew much
4 about. Aluminium and zinc, as far as I know, are two
5 different metals. I didn't know about the different
6 potential properties of those two metals, and it wasn't
7 a question that would have sprung to mind.
8 Q. We know that you didn't ask Mr Maddison or Mr Sounes
9 which of those two choices would be safer. Is that
10 because, as you've just said, you didn't know about the
11 differences of the potential properties of those two
12 metals?
13 A. As I think we got into yesterday, the reason that we
14 were having this conversation was all to do with
15 an ongoing dispute with planners. Planners were
16 concerned with the appearance and use of buildings.
17 I was aware that building control was a different
18 function, a different group of officers, which were more
19 concerned with technical health and safety issues to do
20 with the building, and so this particular conversation
21 was talking about matters relating to appearance, which
22 the planners were dealing with.
23 Q. So I think the answer to my question is no; is that
24 right?
25 A. No, I did not ask, in this conversation, about whether



1 aluminium or zinc would be safer.
2 Q. Thank you.
3 Did you enquire whether the choice between zinc and
4 aluminium had ever been put to the residents as part of
5 a consultation exercise?
6 A. As I think I've said, I did not at the time note this
7 choice between aluminium and zinc, and I did not, as far
8 as I recall, ask any questions about it.
9 Q. Can we then look up in the email chain to
10 Peter Maddison's response to you, and he says this.
11 This is bottom of page 3 {RBK00003508/3}, and he says:
12 "Dear Cllr Feilding-Mellen
13 "We have received some feedback from Planners, via
14 our planning consultants. The key points are
15 "▪ No exposed fixings.
16 "▪ Champagne colour.
17 "▪ Not convinced by brushed aluminium (a point
18 I will be discussing further)
19 "We are asking for clarify on how receptive they are
20 to consider the alternative colour schemes that we have
21 stated as our preference.
22 "I am on leave until Monday ..."
23 And he puts you in touch with David Gibson. Do you
24 see that?
25 A. Yes.



1 Q. You respond the next day, 25 July, to Peter Maddison,
2 copied to Peter Gibson, and you say this:
3 "I don't actually even remember the champagne colour
4 exactly. It certainly wasn't one that any of us seemed
5 to like much. But how bad is it?
6 "And is that really the Planners' decision? What
7 does Bruce think? If they really don't want the brushed
8 aluminium, would he prefer the champagne or the
9 battleship grey?
10 "What did they think about exposed fixings above 4th
11 floor?
12 "RFM."
13 I'll just go through the rest of this quickly with
14 you.
15 Mr Maddison comes back to you at the foot of page 2
16 {RBK00003508/2} and he says:
17 "Dear Cllr Feilding-Mellen
18 "It is not strictly the Planners' decision, however,
19 we do have to get their permission to proceed. Failure
20 to do so could result in delay and additional cost.
21 "So we have worked with planners to try and reach
22 a consensus.
23 "Bruce has developed a pallet of colour options, all
24 of which he thinks would be appropriate for the design.
25 "Planners have asked him to produce a worked up

1 drawing of the detail of the 'champagne' option. I will
2 ask him to send you a copy and we would welcome your
3 views.
4 "Planner preference is for cassette fixing
5 throughout. We will continue to push to see if they
6 will move on this above the 4th floor."
7 Over the page -- you don't need to see it -- it says
8 "Regards, Peter", top of page 3.
9 That is his response to you, and then if you go to
10 page 2, David Gibson writes to you on 29 July and says
11 this:
12 "Further to Peter's e-mail, please find attached
13 a series of images from Studio E for the champagne
14 option. It would be useful to have your views on this.
15 "The feedback we are currently getting from the
16 planners indicates they will not accept the face fixing
17 options on the higher floors. I have attached an e-mail
18 from our planning consultant on this issue for your
19 information."
20 You then respond to that, foot of page 1
21 {RBK00003508/1}, over to page 2, on 29 July to
22 David Gibson, copied to Peter Maddison, and you say
23 this:
24 "Thanks.
25 "I understand that we do have the budget to do



1 cassette fixings all the way up? Therefore, I actually
2 agree that we may as well do it all the way, as it will
3 look better in the long run."
4 Then over the top of page 2 {RBK00003508/2}, you say
5 this:
6 "I am less convinced by the champagne colour...
7 I know it's hard to tell in a drawing like that, but
8 none of us chose that option as the best when onsite.
9 Also, I really don't like the lime green and champagne
10 combination at the ground floor. The lime green should
11 be less neon and a more pastel shade of green/turquoise
12 or a deeper/darker British Racing green... And I'd
13 personally prefer the battleship grey, but what does
14 everyone else think? Could we get architect to do same
15 drawings showing that option so we can compare?"
16 Now, just pausing there, would you accept, just from
17 that, that you are delving into some pretty specific
18 details on pretty aesthetic matters?
19 A. Yes.
20 Q. Yes. How did you think that that expression of private
21 opinion would assist arriving at a negotiated settlement
22 with the planners in order to speed the project up?
23 A. As I said yesterday, we had got into a discussion about
24 colour schemes, which was one of the issues that the
25 planners were using to hold up the scheme. Because we



1 had got into that discussion, I was thinking about
2 colours, and I decided, obviously, to give my personal,
3 subjective opinion, as I said yesterday, thinking that
4 my personal, subjective opinion was as valid as anyone
5 else's. Again as I said yesterday, I personally didn't
6 like the principle that a single junior planning officer
7 could, you know, determine the colour based on her
8 preference by threatening to hold up the whole scheme,
9 and I was involved for that reason, and --
10 Q. Why -- I'm sorry. I'm so sorry. I almost cut across
11 you. Had you finished?
12 A. No, go on.
13 Q. Yes.
14 Why was your expression of your own personal
15 interests, lime green, turquoise, British racing green,
16 any more likely to exert authority which would unblock
17 the blockage?
18 A. Can you go up a page, please? Can I see what time and
19 date this was and then go up to see the chain above it?
20 Q. We will, we're going to look at that, I'm just
21 pausing --
22 A. Can I look at that now before I answer?
23 Q. No, of course you can. At the moment, just to be clear,
24 we're at the foot of page 1, and we're on your email of
25 29 July 2014, 13.07.



1 A. Okay.
2 Q. The response to that -- do you want to see that? We
3 were going to look at that, but we can do that.
4 A. Can we just go up again, please? So up to the -- so
5 I can see the date and time above where I say "Most
6 important thing is to get cracking".
7 Q. We will come to that, by all means.
8 A. So that is 1.40. And when did I send the email below,
9 which you're focusing on? At 1.07. So within
10 33 minutes, I had the same thought that you are having
11 now, which is: my personal preferences about British
12 racing green or this green are not what matters; what
13 matters is to get cracking.
14 Q. Yes. Well, let's -- fine. We'll come to that perhaps
15 a little bit more gradually, if we can.
16 A. Okay.
17 Q. Let's look at the next email intervening.
18 There is an email from David Gibson to you at 13.26:
19 "Thanks for quick response. I have already asked
20 Bruce from Studio E to forward some graphics indicating
21 the brushed aluminium/grey combination, and will forward
22 to you on receipt.
23 "I will feedback your comments on the colour
24 combinations and ask Bruce if he can do some variations
25 on this.

1 "There are mixed views on the colours, but the
2 champagne seems to be viewed as a safer/less bold
3 option. However, The planners appear not to like the
4 aluminium/grey combination."
5 Then you respond, as you have rightly pointed out,
6 14 minutes later, at 13.40:
7 "Ok.
8 "In that case, I'll be flexible about the champagne.
9 Another example of designing by committee!
10 "Most important thing is to get cracking."
11 When you said "Another example of designing by
12 committee" in response to Mr Gibson's email that I've
13 just shown you, what did you mean?
14 A. I think I was referring to the fact that, as I've said
15 before, my understanding was that when the architect,
16 the TMO and I met on site, champagne was not the colour
17 which any of the people leading the project preferred,
18 but designing by committee is a, I think, fairly
19 well known phrase to express a view that -- it's a bit
20 like saying too many chefs in the kitchen.
21 Q. Right. Were you one of them?
22 A. I was trying not to be. I was trying to say, "Fine,
23 I'll be flexible, let's just get cracking".
24 Q. Yes. Do you accept from this email run that I've now
25 shown you, I hope in its entirety, that you became



1 closely involved in matters of personal, subjective
2 opinion about the colour?
3 A. I think I've said in my statement that I got involved
4 and expressed my personal subjective view about the
5 colours. I've also tried making clear that the reason
6 that I was having this conversation was to try and help
7 resolve the blockage in the planning system.
8 Q. And at no time during this discussion, just to be clear
9 about the facts, did it occur to you to raise any
10 questions about fire safety, particularly the
11 fire safety of these panels, the colour of which you're
12 discussing?
13 A. It did not, for the reason which I have given before,
14 which was: this was a planning-related matter, which was
15 dealing with the appearance and aesthetic questions.
16 Q. Yes.
17 Now, let's go, then, to something else that's
18 happening at the same time.
19 Can we please go to your first witness statement at
20 page 22 {RBK00033403/22}, and at paragraph 76 on that
21 page, you can see you say this:
22 "Then on 17 July 2014 I was forwarded an email from
23 Laura Johnson, along with Councillor Marshall [and then
24 you exhibit it]. It was reassurance from Laura Johnson
25 that the Council and the TMO were aware of the advice



1 coming from LFB following the Lakanal House fire and we
2 were reassured the TMO were on top of it. In her email,
3 Laura Johnson explained that she was forwarding
4 documents that the Fire Brigade had produced along with
5 the accompanying email. Laura Johnson says that 'I hope
6 that we have provided Scrutiny Committee with sufficient
7 information on fire safety and the measures that the
8 Council and TMO are taking to ensure the health and
9 safety of the Council tenants and leaseholders but if as
10 a result of reading the information attached you would
11 like any further update please let me know and we can
12 provide a further update'. I do not recall having any
13 further questions at that time."
14 Now, the email itself, let's just have it up, it's
15 at {RBK00003314}, it's your RFM/44. You can see that it
16 is indeed from Laura Johnson on 17 July 2014 to you and
17 Councillor Marshall, its subject matter is, "Two new
18 guides for councillors about fire safety and
19 knowtheplan", and Laura Johnson says what you have
20 accurately transliterated into your statement.
21 Now, there are attachments to this email, and
22 indeed, as Laura Johnson says, she says, "The
23 fire brigade have produced these two documents".
24 Can I just put them up for you.
25 We'll first of all have {LFB00001294}. This is



1 a document produced by the LFB entitled "Councillor
2 guide on fire safety for use during estate visits".
3 The second one, and I'll just show you this --
4 perhaps we can have it side by side -- is {LFB00001295}.
5 One is blue, one is red. This one is entitled
6 "Councillor guide on fire safety for use during council
7 meetings". They both have the distinct tower block in
8 the shape of a question mark, as you can see there.
9 When you received this email from Laura Johnson on
10 17 July 2014, did you open the attachments?
11 A. I cannot remember specifically when I did. I do
12 remember having seen these and skimming them, but
13 I can't remember exactly when I would have opened them
14 and looked at them.
15 Q. Can you think of any reason why, when you received that
16 email from Laura Johnson, you wouldn't have opened the
17 attachments and read them?
18 A. No.
19 Q. No.
20 Did you forward these on to any other councillors,
21 do you think?
22 A. I don't remember doing so.
23 Q. Now, at this time, you were still in communication, as
24 we've seen, with Peter Maddison -- I say still; you were
25 in the middle of the communication about colours of

1 cladding and the aesthetics and with the planning
2 department.
3 Did the receipt of these guides lead you to consider
4 the safety of the cladding that was then under
5 discussion for Grenfell Tower?
6 A. It did not.
7 Q. And why is that?
8 A. I cannot remember why that would have been. Again, from
9 looking at these documents, for example, risk
10 assessments, I was aware from the regular annual reviews
11 and the updates that I received that the TMO did have
12 a process in place for fire risk assessments, for
13 following up the actions, and doing it in best practice
14 with the LFB.
15 As I've said in my witness statement, I, over the
16 years, got what I believed to be sufficient reassurance
17 from the TMO and from housing officers that the risks,
18 as highlighted in these documents, were being managed by
19 the TMO.
20 Q. Laura Johnson thought it appropriate to send these to
21 you on that day, 17 July 2014. Have you any
22 understanding of why she might have sent them to you
23 particularly?
24 A. Well, I think because -- she sent them to
25 Councillor Marshall and myself.



1 Q. Yes.
2 A. I would imagine that's because he was chairman of the
3 housing and property scrutiny committee and I was
4 cabinet member for housing, and as she says in her
5 email, she makes the point that she hopes that the
6 housing department have already provided
7 scrutiny committee with reassurance that things are
8 being done well, which I believe at the time to have
9 been the case.
10 Q. So we can take it, can we, that so far as you were
11 concerned, she was expecting you to open the attachments
12 and familiarise yourself with the contents?
13 A. I think, from my interpretation of her email, she was
14 saying, "Here is information which you might well find
15 useful that has been prepared by the LFB for councillors
16 in positions such as the ones you hold", and she goes on
17 to say it is her opinion that, you know, she believes
18 that the council/councillors have been given reassurance
19 that that is all in hand.
20 Q. Yes. These are new documents, these aren't repeats of
21 documents you had seen before?
22 A. Not that I remember, no.
23 Q. Were you aware of, at the time, a fire in south London
24 which had happened in July 2009 at Lakanal House in
25 Southwark?



1 A. Yes, I think I had heard of it.
2 Q. Yes, and had you read the coroner's recommendations, do
3 you think, at any stage before July 2014?
4 A. Not that I remember.
5 Q. Do you remember anybody talking at the meetings you went
6 to about housing about the Lakanal House coroner's
7 recommendations?
8 A. I seem to remember getting ... I think there was
9 an email again which Laura Johnson forwarded to -- which
10 she forwarded to me, which maybe she had received from
11 Janice Wray, talking about the findings, I think.
12 Q. So that would have been, I think, in June 2013. Does
13 that date ring a bell with you for that?
14 A. I'm afraid I just can't remember the date.
15 Q. Very well.
16 Now, you didn't make the connection, I think,
17 between the contents of this document and the discussion
18 that you were having with Jonathan Bore and
19 Peter Maddison and David Gibson about the panels.
20 A. That's right, that's fair.
21 Q. And the reason you give -- and correct me if I'm wrong,
22 I'm summarising the evidence you gave a moment ago --
23 was because you'd never had any reason to think there
24 was anything wrong with either the fire risk assessments
25 being done by the fire risk assessor or the actions



1 being taken by the TMO to close those out?
2 A. That's correct.
3 Q. Right. But of course this is not about historic fire
4 risk assessments or the actions by the TMO to close
5 those out; this is about the refurbishment. When I say
6 "this", I mean your study of the panels was about the
7 refurbishment.
8 Did you not look to see whether there was anything
9 in these documents which covered what you should do as
10 a councillor in respect of fire safety where one of the
11 buildings in your stock, or the TMO's stock, was being
12 refurbished?
13 A. No. I failed to do that, and based on what I, you know,
14 know has happened, I regret having failed to do that.
15 I at the time was conscious that there were many layers
16 of people with what I thought was the relevant expertise
17 and indeed the role to check the health and safety
18 generally, including fire safety aspects, of
19 a refurbishment project like this.
20 Q. Let's then look into {LFB00001294}, the blue one.
21 We can see that it's entitled "Councillor guide on
22 fire safety for use during estate visits", and you can
23 see, if we turn the page {LFB00001294/2}, that it acts
24 as a prompt for various questions, as you can see.
25 On the top left-hand corner, you can see, five lines

1 down, it says:
2 "You can ask [and this is during estate visits ]:
3 "▪ What emergency evacuation plan is in place for
4 this building?
5 "▪ How have residents been informed about it?
6 "▪ Are fire escapes and other parts of the escape
7 route, such as corridors and stairwells checked
8 regularly for obstructions?
9 "▪ Is emergency lighting and signage in place along
10 the escape route?"
11 Did you notice, when you got this document, that
12 those were questions that you should ask or councillors
13 should ask when visiting properties in TMO stock?
14 A. I can't remember at the time. I see now it says you can
15 ask all these questions. Some of these questions, as
16 I say, I knew were issues and questions that we were
17 regularly updated on. For example, we were also told
18 that the TMO were arranging home safety visits, I think
19 they were called, with the LFB in high-rise blocks.
20 I remember there were issues around people storing
21 mobility scooters at certain times. So I was aware that
22 these were the sorts of questions which were being
23 reported, either to me or to scrutiny committee, and we
24 were being reassured that these sorts of issues and
25 questions were being looked into and handled.



1 I cannot say that I did go and ask every single one
2 of these questions every time I went to one of the
3 housing estates which I visited during my time as
4 cabinet member for housing.
5 Q. Looking at page 1 {LFB00001294/1}, it says on the
6 right-hand side, under the heading "Confirming the
7 emergency evacuation plan is in place":
8 "Purpose-built blocks of flats or maisonettes are
9 designed and built as self-contained residential units
10 usually sharing common corridors, staircases and
11 an entrance. They can be of any height, not just
12 high-rise. In purpose-built blocks of flats and
13 maisonettes the 'stay put' principle applies. This
14 means that if a fire starts in the common parts or in
15 another flat, all residents not directly affected by the
16 fire would be expected to 'stay put' and remain in their
17 flat unless directed to leave by the fire and rescue
18 service.
19 "There should also be an emergency evacuation plan
20 [in bold] in place for each building. This details the
21 action that residents and others need to take if there
22 is a fire. This plan must make sure residents and
23 others are safe, that a fire can be detected and that
24 residents are warned of this event. Residents should be
25 able to safely escape from a fire using routes within



1 the building designed and maintained to be safe to use
2 during an emergency. There should be appropriate
3 signposting and lighting in place on these routes.
4 There is a responsibility to inform tenants about the
5 evacuation measures and safe behaviours for properties."
6 Then there are the questions I've just asked you.
7 Did you take any steps at any stage to satisfy
8 yourself, as councillor, having been guided to do so by
9 the LFB, that there was an emergency evacuation plan in
10 place for all the buildings in the TMO stock?
11 A. I do not remember doing so, and, as I've just said,
12 based on what I know now, I very much wish that I had
13 done. I think at the time I took the view that, given
14 this was a document prepared by the LFB, and given that
15 I was frequently told that the TMO had bi-monthly
16 meetings with the LFB, and the LFB were visiting its
17 high-rise blocks and specifically working with the TMO
18 on the Grenfell Tower refurbishment, I made the
19 assumption that if the LFB were telling councillors that
20 we can ask this, they would be doing that themselves at
21 these bi-monthly meetings. But that was an assumption
22 I probably should not have made.
23 Q. Yes. I understand.
24 You were deputy leader at this stage, weren't you?
25 A. Yes.



1 Q. This was July 2014. Did you or do you remember did
2 anybody within RBKC, as councillors, think to themselves
3 that there ought to be an effort just to double check
4 that the guidance being given here by the LFB to
5 councillors was carried through, so that the TMO was
6 reminded of what it was they had to do?
7 A. I ... sorry, your question was: did I as deputy leader
8 do that?
9 Q. Did you as deputy leader or anybody else in RBKC ever
10 think that there should be an effort just to
11 double check that the TMO was doing what it was supposed
12 to do vis-à-vis ensuring that there was an emergency
13 evacuation plan as described in this document?
14 A. I didn't. As I've said, I wish I had. I took comfort
15 from the email that I got from Laura Johnson, who
16 forwarded me this guide, which said she hoped that we
17 could get reassurance that these things were being done,
18 and I got reassurance from the many reports that I've
19 already referred to. But I or another councillor could
20 have asked these questions ourselves.
21 Q. And indeed, the time and opportunity to ask these
22 questions would or could have been during your dialogue
23 with Peter Maddison over the colour of the cladding
24 panels?
25 A. It would or could have been at any number of occasions

1 when I visited council estates.
2 Q. Can we look at the red document, {LFB00001295/1},
3 please, to start with. There it is again, and it sets
4 out the provisions of the RRO under the heading, "Local
5 authorities as the responsible person", and in the
6 right-hand column, second paragraph, refers to the
7 stay-put principle which we've already covered.
8 If we go, please, to the next page {LFB00001295/2},
9 we can see in the heading:
10 "What can councillors do?
11 "Do not make assumptions that fire safety is being
12 actively or effectively managed in purpose-built blocks
13 of flats and maisonettes in your borough. Councillors
14 can make their boroughs safer by scrutinising how
15 responsibilities for fire safety are met and ensuring
16 that the fire safety in your borough is continuously
17 being monitored and improved."
18 Pausing there, on what you have told us this
19 morning, Mr Feilding-Mellen, you were making exactly the
20 assumption that this document advised you should not
21 make?
22 A. That appears to be the case.
23 Q. Yes.
24 Then it goes on in the next box:
25 "Strategic and policy questions for councillors to



1 ask.
2 "There are questions you should ask about the
3 fire safety of purpose-built blocks of flats and
4 maisonettes in your borough, particularly in relation to
5 the residential estates and properties run by the local
6 authority, ALMO or local housing associations. They can
7 be asked generally or in the context of specific
8 programmes and projects."
9 Underneath that you will see, if we just scroll up
10 a little bit, please, a number -- seven, I think, in
11 all -- of questions that councillors should be asking,
12 particularly in the context of specific programmes and
13 projects.
14 If you just cast your eye down those, you can see,
15 for example, the third bullet point is about contractual
16 relationships, the fourth is about:
17 "Is there a clear process in place for residents to
18 report and escalate concerns about fire safety?"
19 Et cetera.
20 Then the last bullet point specifically, I'll show
21 you, says this:
22 "Does the borough have clear policies stating that:
23 "- before any modifications or maintenance works are
24 carried out in purpose-built blocks of flats or
25 maisonettes, there must be proper assessment of the



1 impact on fire safety?
2 "- all modifications or maintenance works will
3 result in buildings which are equally or more fire
4 safety compliant than they were before the works?
5 "- once modifications or maintenance works are
6 complete, councillors will receive confirmation that the
7 building will meet all necessary fire safety
8 requirements?"
9 My first question to you on this page is: did you
10 ever ask any of these questions identified here?
11 A. Well, I think councillors -- I was present when these
12 sorts of questions were indeed discussed by councillors,
13 such as the fire risk assessments; such as enforcement
14 action taken by the London Fire Brigade, which we were
15 told about, at Adair Tower; such as the issues around
16 front doors and leaseholder responsibility; a clear
17 process in place for residents' complaints and the
18 complaints process, and the fact that they could write
19 to us or come and present to the housing and property
20 scrutiny committee or write petitions.
21 The fifth point I don't remember being asked about.
22 I was told that there were, as I say, these home
23 safety visits by the LFB, and we, as councillors, I do
24 remember being told that there was -- I think there was
25 a fire risk assessment done as part of the



1 refurbishment, and we were aware that there was
2 building control who had the job of checking these sorts
3 of projects.
4 Q. Looking at the last bullet point, "Does the borough have
5 clear policies stating that", and I've read you the
6 three bullet points, did you ask that question at any
7 stage?
8 A. I do not remember specifically asking that question.
9 Q. No.
10 Let's continue, then, on the topic of fire safety.
11 When you were first appointed as cabinet member with
12 responsibility for housing, property and regeneration in
13 May 2013, what efforts did you yourself make to acquaint
14 yourself with the programme of fire risk assessments
15 which had been carried out by the TMO to date?
16 A. What do you mean, exactly? Did you -- that I was going
17 to go and have a look at the entire list of fire risk
18 assessments across the HRA and look at the outstanding
19 actions? I did not do that.
20 Q. What did you do? My question was: what efforts did you
21 make?
22 A. I received updates and was generally satisfied by the
23 reassurance given in those.
24 Q. You received updates; in what form did you receive those
25 updates?

1 A. Primarily in those annual and mid-year reviews that went
2 to myself and to scrutiny committee, and I think there
3 were also interim emails and updates that were given to
4 me, either at policy boards or emails forwarded to me by
5 housing officers.
6 Q. Did you ever ask any question of the TMO or the housing
7 department, principally Laura Johnson, about the
8 progress being made in relation to fire risk assessments
9 and closing out outstanding items?
10 A. No, it was not an area that I had any particular
11 knowledge of and I took what I was told on trust.
12 Q. So you received information in the form of the annual
13 and mid-year reviews and in certain emails, but -- is
14 this right? -- you never --
15 A. The information that I remember receiving about fire
16 risk assessments was, on the whole, reassuring to me.
17 I do not remember receiving information that gave me at
18 that time cause for concern, and, as we discussed
19 yesterday, the fact that it was all coming through
20 reports that had been prepared by the housing
21 department, I took extra comfort from that fact, that
22 professional housing managers were comfortable to report
23 those reassurances to councillors.
24 Q. Were you aware of a backlog of repairs by the TMO?
25 A. Repairs generally? I was aware that there was --



1 I mean, I think as long as I was a councillor it was the
2 case that the HRA did not have sufficient funds to meet
3 the investment requirements across the whole HRA. That
4 was reported quite regularly in HRA business plans and
5 before.
6 Q. Were you aware of a backlog of repairs by the TMO
7 responsive to FRA outstanding items?
8 A. I was not.
9 Q. Were you aware that RBKC had no fire safety KPIs for
10 monitoring the TMO in that sphere?
11 A. I have now looked and, I have to say, I didn't notice
12 that at the time, and I think the reason I didn't was
13 because it was a standing item on those annual reviews.
14 There was always a health and safety and fire safety
15 item.
16 Q. But not a KPI?
17 A. Not a KPI, as far as I remember.
18 Q. No.
19 Were you aware of how it was that the TMO collected
20 and stored information on vulnerable residents in its
21 stock?
22 A. Not in any detail. I was aware that they did, as was
23 reported in those reports, make special effort with the
24 LFB to review the fire safety in the sheltered housing
25 accommodation, which is where I believed most of our



1 most vulnerable residents resided.
2 Q. You say not in any detail. Leaving aside the sheltered
3 housing accommodation, were you aware in any detail at
4 all or even in outline how it was that the TMO collected
5 and stored its information on vulnerable residents?
6 A. No.
7 Q. Were you aware that the TMO had not produced personal
8 emergency evacuation plans in respect of any resident of
9 Grenfell Tower as at the date of the fire?
10 A. I was not aware.
11 Q. Throughout your time in your position as deputy leader
12 and cabinet member for housing, property and
13 regeneration, did you ever make any enquiries yourself
14 into whether actions from fire risk assessments were
15 being completed in a timely manner?
16 A. Not that I recall specifically. As I say, I think
17 I took comfort from the fairly regular updates which
18 said that they were strengthening and improving that
19 process.
20 Q. Do you remember any occasion in respect of the matters
21 we've just covered when you took an annual or mid-year
22 review and interrogated it with Laura Johnson or anybody
23 else within the RBKC housing department or housing
24 commissioning?
25 A. I do remember occasions at policy board where -- and



1 again, I relied more on the housing officers to do this,
2 because they were more familiar with best practice, and
3 I do recall there being occasions in policy board where
4 Laura Johnson, as the director of housing, would pick up
5 on areas of performance that she thought were less than
6 satisfactory and seek reassurances from the TMO at those
7 meetings about what would be done.
8 Q. Right. So is this right, in a nutshell: Laura Johnson
9 would do the scrutinising, as it were, as far as you
10 were concerned, and you would trust her and rely on what
11 she was telling you?
12 A. If -- I did trust and rely on the judgement of the
13 housing department. I would also ask questions if
14 I felt there was something that didn't make sense or
15 I wasn't happy with.
16 Q. Is there anything that comes to mind now -- and I know
17 it's difficult, looking back all those years ago -- in
18 respect of which, having been told something by
19 Laura Johnson, there was something you weren't happy
20 with or didn't make sense?
21 A. I think there were quite a lot of occasions where the
22 first response that I get from -- I got from
23 Laura Johnson, I went back and challenged and asked, and
24 indeed there are a few examples of me doing just that in
25 my witness statement and attachments, and there would

1 have been many more across my work over the four years.
2 Q. Right.
3 I want to ask you now about a specific issue
4 concerning non-compliant leaseholder front doors.
5 You mentioned this in your first witness statement
6 briefly, I think, at paragraph 70, page 19
7 {RBK00033403/19}, where you are summarising a report for
8 the HPSC on or dated 10 July 2014. As you can see
9 there, you refer to the report.
10 The report itself is actually RFM/40 that you
11 exhibit at paragraph 69, if you look just above that,
12 please, on the screen. Can we scroll up to
13 paragraph 69. We can see you say:
14 "This is a report on the TMO's Performance Review
15 2013/2014 and the TMO's Performance Agreement
16 2014/2015."
17 So that's what you're talking about.
18 If we go back into paragraph 70, four lines in, you
19 say this:
20 "The report stated that 'the programme to replace
21 non fire-rated tenants' flat entrance doors has been
22 successfully concluded'. The report is very detailed in
23 relation to health and safety and specifically fire
24 safety. Further issues noted include that the TMO has
25 worked with the Council's legal services to address the



1 issues associated with non-compliant leaseholder flat
2 entrance doors and that the TMO meets with the LFB on
3 a bi-monthly basis to discuss fire safety issues and
4 reduce the likelihood and severity of any fires that
5 occur."
6 Do you recall the issue of remedying non-compliant
7 leaseholder doors?
8 A. I remember that issue being something which was
9 discussed quite a few times at the scrutiny committee.
10 Q. Did you have any role in relation to dealing with the
11 LFB?
12 A. No.
13 Q. Do you agree that the report quoted in your witness
14 statement made clear the risk posed by non-compliant
15 leaseholder front doors?
16 A. Yes.
17 Q. Did you take any action as a result?
18 A. Well, I knew that the council and the TMO was taking
19 action to try and make sure that the final -- we
20 received regular updates, not just in these, but in the
21 director of housing's live issues reports that went to
22 scrutiny, which showed the progress that was being made
23 in working with leaseholders with non-compliant doors,
24 and I think finally it got down to there were only two
25 left and there was a lot of work going on in trying to



1 persuade or indeed enforce those leaseholders to do
2 that.
3 There was also, I remember being told, disagreement
4 between the council and the LFB about who could or
5 should take that enforcement action against
6 non-compliant leaseholders, but there is a report
7 somewhere that I saw where the council says, despite
8 this disagreement, it has decided to do this work
9 because of the need to prioritise the health and safety
10 of our residents.
11 Q. Can we look, please, at {RBK00054431/3}. This is
12 Councillor Marshall's second witness statement to
13 the Inquiry. I'd like to look at paragraph 7. In that,
14 in the third sentence, he says this:
15 "The Committee's function was to scrutinise the
16 actions of the Executive. The Committee had to start
17 from an assumption that the TMO, monitored by Council
18 Officers and the LFB, would always follow best practice
19 in relation to safety. Health and Safety was a specific
20 item on the TMO Performance Review shared with the
21 Committee annually. This was a key mechanism for us to
22 gain comfort on this issue. When a specific fire safety
23 issue was raised at the Committee, namely the safety of
24 leaseholder doors, we followed this up repeatedly with
25 questions until we were satisfied with the outcome.



1 Between 2012 and May 2016 when I left the HPSC, as far
2 as I can recall, the issue of leaseholder doors was
3 raised at least nine times at HPSC meetings. It is
4 important to note the Committee had no power to direct
5 any action, either to Council Officers or the TMO. Its
6 powers were limited to questioning and publicising the
7 matters before it."
8 Do you agree with Councillor Marshall there, that
9 that was the approach, as he said, adopted by the HPSC
10 during those dates?
11 A. Yes.
12 Q. Yes. And do you recall the issue of leaseholder doors
13 arising at least nine times? Is that about right?
14 A. Yeah, I don't remember the number of times, but if he
15 has counted, I'm sure he is correct.
16 Q. Can we go to {RBK00032449}, please. This is an example
17 of how RBKC treated the leaseholder door issue. It's
18 Laura Johnson's report to the HPSC of 16 July 2013 on
19 the TMO's performance for 2012/2013 and the performance
20 agreement for the next year.
21 Can we go to page 11 in that {RBK00032449/11},
22 please, and paragraph 8.2. She says there, and this is
23 under the rubric "Health and Safety" at the top of your
24 screen:
25 "Responsibility for enforcement of non-compliant

1 leaseholder flat entrance doors remained unresolved
2 following discussions with London Fire Brigade (LFB)
3 senior managers and so RBKC were guided by Counsel's
4 opinion to seek a definitive response from the
5 Department for Communities & Local Government (DCLG).
6 To date, an initial response has been received from DCLG
7 which indicates that enforcement should be via the
8 Housing Act (and not the Regulatory Reform Order)."
9 Now, just pausing there, you were, I think, by this
10 time, in post as the cabinet member responsible for
11 housing, property and regeneration?
12 A. Yes.
13 Q. Were you involved at all in seeking counsel's opinion on
14 this issue?
15 A. I wouldn't have been the person ——
16 Q. Right.
17 A. —— who sought counsel's opinion.
18 Q. What about in seeking the advice of DCLG?
19 A. Again, that would have been officers who did that.
20 Q. I see. So when she says, "RBKC were guided by Counsel's
21 opinion to seek a definitive response", that wouldn't be
22 you, that would be officers, would it?
23 A. Yes.
24 Q. Now, the issue, the debate, if you like, that
25 Laura Johnson addressed in this report was who should



1 enforce non—compliant leaseholder doors: should it be
2 the LFB as the enforcement body under the RRO, or should
3 it be the council under the Housing Act? Is that how
4 you understood the debate?
5 A. I remember being told that there was that debate,
6 disagreement, discussion.
7 Q. Yes. And do you remember RBKC actually seeking guidance
8 from the DCLG over that?
9 A. I remember what has been told here. I don't remember
10 more than that.
11 Q. Right.
12 Do you remember, can you help me, that the response,
13 or certainly the initial response, was that enforcement
14 should be by RBKC under the Housing Act? Do you
15 remember that?
16 A. That's what it says.
17 Q. Yes. Is it right that in fact RBKC did not enforce
18 under the Housing Act?
19 A. I don't think that is right. From what I recall, RBKC
20 did then go about enforcing this.
21 Q. How did it do that, do you remember?
22 A. There are lots of reports which provide updates about
23 this over the next, whatever it is, two years or so, and
24 I think they did it through a combination of the legal
25 department writing letters, the TMO writing to people,



1 using —— I think there were talks about the TMO's fire
2 risk assessor —— I can't remember exactly, but it's set
3 out in reports and I have seen them and read them.
4 Q. The TMO wouldn't be the body to enforce under the
5 Housing Act, would it, it would be the council? So I'm
6 just wondering why ——
7 A. I'm afraid it's just not an area where I have expertise.
8 What the council did go about doing is reported in the
9 many reports that went to the housing and property
10 scrutiny committee, and it might have been reported in
11 some minutes of my housing policy board as well.
12 Q. Right. You see, you disagreed with the proposition
13 I was putting to you that RBKC did not enforce under the
14 Housing Act, and I was just interested to know ——
15 A. I don't know what you —— RBKC didn't leave it to the
16 LFB, it set about working with —— I think there were
17 something like 107 potentially non—compliant leaseholder
18 doors at the beginning of the process, and it went about
19 working with those leaseholders, and, as I say, what
20 I remember is the final report said there were two that
21 they were still working with, and they were in the
22 process of trying to resolve those final two. So
23 I don't know whether they ended up having to take
24 enforcement action, but they were going about doing the
25 work to ensure those non—compliant doors were made



1 compliant.
2 Q. My question was about enforcement, enforcement under the
3 Housing Act, and I was suggesting to you that RBKC did
4 not use their enforcement powers under the Housing Act.
5 I thought you were disagreeing with me and, on that
6 basis ——
7 A. I was trying to make the point —— and I'm sorry if
8 I misunderstood your question —— I was trying to make
9 the point that RBKC did not leave it to the LFB, despite
10 its view that it was more of an LFB's responsibility.
11 After this advice, my understanding is that RBKC set
12 about working to ensure those leaseholders' doors were
13 made compliant.
14 Q. Well, okay. Did you understand that in fact the LFB was
15 the enforcing authority under the RRO, but RBKC was the
16 enforcing authority under the Housing Act?
17 A. I only knew that from what was written here. I did not
18 understand the detailed statutory differences between
19 that. That was —— we relied on officers in both the
20 housing and in the legal department to make sure the
21 correct thing was being done in those cases.
22 Q. In your time as deputy leader and cabinet member
23 responsible for housing, property and regeneration, did
24 you ever have occasion to consider RBKC's own
25 fire safety policy?

1 A. I don't remember doing so.
2 Q. Well, let's have a look at it, then, to see if we can
3 prompt your memory.
4 {RBK00001655}, please. Now, this policy is dated
5 January 2014. It's quite a striking first page. It's
6 called, "Bi-Borough Corporate Health and Safety", and
7 there is a ring of words around it, and then underneath
8 it, it says the same thing, and you can see that it's
9 for both Hammersmith and Fulham and RBKC.
10 Just looking at that first page, is that something
11 you think you have ever seen before?
12 A. I don't remember seeing it before.
13 Q. You would remember it, I think, if you had seen it
14 before.
15 A. Well ... Anyway, I don't remember seeing it.
16 Q. Can you help me, then, whether there was a policy which
17 preceded this one?
18 A. I cannot.
19 Q. No.
20 Do you know whose role it was within RBKC to take
21 responsibility for ensuring that this policy was carried
22 into effect?
23 A. Ultimately I would have thought it was the chief
24 executive and town clerk's responsibility.
25 Q. Right. So, during your time, Mr Holgate?



1 A. Yes.
2 Q. Yes.
3 Let me just see if I can be a bit more specific,
4 because I'm conscious that I'm asking you a specific
5 question just on the first page of this.
6 Can we look at page 2 of this document
7 {RBK00001655/2} and look at the last paragraph on that
8 page, at the very foot of your screen. It says:
9 "This policy sets out the strategy and
10 organisational arrangements for the management of
11 fire safety within the Council. It is important that we
12 all adhere to it and remember that the most powerful
13 message we can send is through our own visible behaviour
14 as an example."
15 Do you remember ever being told that, even if you
16 hadn't seen that part of this document, or this document
17 at all?
18 A. No, I don't.
19 Q. Can we look at page 3 {RBK00001655/3}, please, first
20 paragraph under the introduction:
21 "This Policy sets out the strategic fire safety
22 vision and objectives of Elected Members and the
23 Executive Joint Management Team. It describes the way
24 in which we effectively manage fire safety based upon
25 British Standard Publication Pas 7: Fire risk management



1 system - specification."
2 Then there is a diagram, I suppose, "Act", "Plan",
3 "Do", "Check", if that's the right order. "Plan", "Do",
4 "Check", "Act", I think, is what you see underneath
5 that.
6 Then underneath that, it says:
7 "This policy must be brought to the attention of all
8 employees, so that they are encouraged to co-operate and
9 communicate any necessary information on fire safety
10 matters throughout the organisation in order to
11 discharge their duties."
12 Can I assume that you have never seen this page of
13 this document?
14 A. I don't remember ever seeing this document. I think,
15 were members involved, this is the sort of thing which
16 would have gone to the cabinet and corporate services
17 scrutiny committee, and I suspect, if there was
18 a cabinet member who signed it off, it would have been
19 the cabinet member for civil society.
20 Q. Right.
21 Am I right in thinking that under the introduction
22 it contemplates that all the elected members, as well as
23 the executive joint management team, would be aware of
24 this document?
25 A. The sentence which you read, which I can't see now --



1 Q. No, you can't, I'm so sorry, you're absolutely right.
2 Can we scroll up to the top of the page. Yes, I'm
3 sorry.
4 A. It does give that impression, I would agree.
5 Q. Well, it says it. It doesn't just --
6 A. Well, it doesn't say "all", but yes, elected members.
7 Q. Can you explain why this document never came to your
8 attention? You were deputy leader as well as
9 cabinet member for property --
10 A. I cannot explain.
11 (Pause)
12 Q. I'm just looking to see whether or not it's worth my
13 while asking you any questions about this document at
14 all if you had never seen it.
15 A. I won't be able to tell you very much, I'm afraid.
16 Q. Perhaps I will consider that over the impending break
17 and come back to you about it.
18 Let's move on, then, to another document. Can we
19 please look at {RBK00029084}. This is a report produced
20 by Laura Johnson for a meeting of the HPSC on
21 13 May 2015, as you can see, and it's called "Live
22 issues report by the director of housing".
23 If we go down to paragraph 1.2, this is under the
24 heading "Leaseholder doors", it says:
25 "In March 2014 we reported that we had been working

1 with the householders of 37 doors that had been assessed
2 as non−compliant. This had gone down from a high of 107
3 doors in December 2013. 35 of these households have now
4 provided evidence of their doors being compliant, this
5 leaves 2 households with non−compliant doors."
6 I show you that because I think you referred to that
7 a few moments ago in your evidence about leaseholder
8 doors. Is that what you were thinking of?
9 A. Yes.
10 Q. Yes, thank you.
11 Now, if we go then to paragraph 1.5 at the foot of
12 the page, it says, under the heading "On−going work to
13 identify, and change non−compliant doors":
14 "KCTMO's programme of Fire Risk Assessments (FRA) is
15 ongoing and continues to consider the compliance of flat
16 entrance doors as they form an integral part of the
17 means of escape from the block. The FRA highlights any
18 flat doors which are potentially non−compliant."
19 First of all, did you receive this report? I should
20 have asked you that question.
21 A. I can't remember exactly whether I was at this housing
22 and property scrutiny committee, but I think I would
23 have received it in advance, even if I hadn't attended.
24 Q. Were you concerned that, despite the flat door
25 replacement programme, there may still have been



1 non−compliant doors?
2 A. I took that paragraph to be one of reassurance, which is
3 that −− I mean, I think the point is that leaseholders
4 can and sometimes did change their front doors, they
5 didn't need to ask the council to do it, they could do
6 it −− that's their own property. So I took this as
7 reassurance that it was an ongoing process of the FRAs
8 checking and identifying doors which might have become
9 non−compliant.
10 Q. Were you concerned that there were still non−compliant
11 doors, notwithstanding the programme?
12 A. The two non−compliant doors that were highlighted in the
13 above paragraph?
14 Q. Well, I'm looking at the paragraph, I've read it to you.
15 A. Paragraph?
16 Q. Paragraph 1.5.
17 A. 1.5?
18 Q. It's not just referring to the leaseholders, it's
19 referring to all doors, all flat entrance doors.
20 A. Can we go up and I'll read it again?
21 Q. Yes, of course, paragraph 1.5 at the foot of page 1.
22 I'll read it to you again:
23 "KCTMO's programme of Fire Risk Assessments (FRA) is
24 ongoing and continues to consider the compliance of flat
25 entrance doors as they form an integral part of the



1 means of escape from the block. The FRA highlights any
2 flat doors which are potentially non−compliant."
3 A. So my reading of that now, and I imagine my reading of
4 that then, is not saying that there are more
5 non−compliant doors; it's saying that the TMO has
6 a process in place to continue an ongoing review to make
7 sure that if there are doors that for some reason or
8 other become non−compliant, they will be identified and
9 then rectified. That's what I read that paragraph to
10 mean.
11 MR MILLETT: Yes, but it's telling you that there are
12 non−compliant doors. My question −−
13 SIR MARTIN MOORE−BICK: Mr Millett, it's telling you that
14 there may become non−compliant doors in the future.
15 MR MILLETT: Well, what it's saying is the FRA highlights
16 any flat doors which are potentially non−compliant.
17 A. Yes, but it doesn't say −− anyway, as I've said, my
18 reading of that paragraph is not your reading of that
19 paragraph.
20 Q. All right.
21 Let's then look at the minutes of the meeting,
22 {RBK00032444}, and we can see from the first page, if we
23 go to that, that you were there. Do you see that?
24 A. I see it.
25 Q. You were in attendance, as well as Laura Johnson.



1 If we go, please, to page 2 {RBK00032444/2}, we can
2 see under paragraph A5, "Live issues report by the
3 director of housing". We've seen the report, and what
4 she says is, in the second paragraph:
5 "In response to Councillor Bakhtiar, Ms Johnson
6 advised that TMO tenant doors were checked for fire
7 safety compliance as part of an annual programme and
8 replaced if non compliant. She agreed to provide an
9 update to the Committee on the exact number of
10 non compliant TMO tenant doors."
11 Now, we can see you were at this meeting, and we can
12 see that Councillor Bakhtiar had picked up on the point
13 about non−compliant tenant doors, and we can see, as
14 I've just shown you, that Laura Johnson agreed to
15 provide an update to the committee on the number, the
16 exact number, of non−compliant doors.
17 At that stage, would you agree, from what you could
18 see at the meeting, that the number of non−compliant TMO
19 tenant doors was of concern to the committee?
20 A. I think the committee was doing its job well and asking
21 questions which were relevant about the fire safety and
22 seeking reassurance, and again, to me that is
23 reassuring, it is saying that the TMO does go and check
24 on an ongoing basis and will replace them if found to be
25 non−compliant.

1 Q. Yes, and my question, coming back to it again, is: were
2 you concerned, being at the meeting and seeing the
3 exchange, that there were non-compliant doors?
4 A. The impression that I had got over the years was that
5 this issue of doors -- there were various things that
6 could be done to a door to make them non-compliant,
7 sometimes by the tenant, sometimes by the leaseholder,
8 and so it was reassuring to know that, rather than just
9 doing it once, there was an ongoing mechanism in place
10 to check this and correct it as and when a non-compliant
11 door was identified.
12 MR MILLETT: Right.
13 I'd like to ask you some questions now, please,
14 about the Adair and Trellick Tower fires.
15 Mr Chairman, I can get some way into this topic
16 before an appropriate time for a break, so I'd like to
17 do it, if I can.
18 SIR MARTIN MOORE-BICK: Yes, of course.
19 MR MILLETT: It's a bit early to stop.
20 Now, you will recall, I think, because you cover it
21 in your first witness statement, that there was a fire
22 in Adair Tower in October 2015; yes?
23 A. Yes.
24 Q. And you cover that, just for our note as well as your
25 recollection, at paragraphs 34 to 35 on page 8



1 {RBK00033403/8}, and you cover the Trellick Tower fire
2 at paragraphs 36 to 40 on page 9 of your statement
3 {RBK00033403/9}.
4 Let's go to paragraph 34 of your statement on page 8
5 specifically. This is your first witness statement.
6 You say there:
7 "On 30 November 2015 I was copied in to an email
8 from Councillor Paget-Brown to himself entitled Notes
9 for Party Meeting - 30 Nov 2015 [and you exhibit it],
10 regarding the fire at Adair Tower. It stated '... This
11 could have been a very serious incident but for the
12 response of the emergency services who were able to
13 treat neighbours suffering from smoke inhalation
14 promptly. Many Housing Department and TMO staff as well
15 as our Emergency Officer came in to help tenants over
16 the weekend and acted very efficiently to ensure that
17 none of the 12 households were without accommodation
18 that night. I have written to thank them all.'"
19 Now, the fire at Adair Tower happened on
20 31 October 2015, so this email was about a month later.
21 Was this the first time that you had heard of the
22 Adair Tower fire or had you heard about it earlier?
23 A. I'm pretty sure I had heard about it earlier, but
24 I think when I was writing my statement, this was the
25 first documentary proof that I could find.



1 Q. Yes, I see.
2 When you found out about the fire at the end of
3 October 2015, do you remember what action you took to
4 obtain further details about its causes?
5 A. I don't remember precisely. I think I remember being
6 told that they thought it was arson.
7 Q. Who did you speak to, do you remember?
8 A. It would have been Laura Johnson.
9 Q. Laura Johnson, right.
10 Let's go to {RBK00003761}, please. This takes us
11 a little bit later into 2015, and this is the minute for
12 the housing policy board of 3 December 2015 which you
13 produce as RFM/3.
14 If we go, as you can see from the first page, to the
15 list, you're an attendee, and the officers there are
16 listed, Laura Johnson, and Barbara Matthews is also
17 there as you can see.
18 Then if you go to page 2 {RBK00003761/2}, please,
19 you can see, under "Any Other Business":
20 "Adair Tower - Laura Johnson reported that the
21 London Fire Brigade have informed the Council that they
22 will be serving two enforcement notices on
23 Hazlewood Tower and Adair Tower following the fire on
24 31 October."
25 Did you understand at the time what an LFB



1 enforcement notice was?
2 A. I didn't have a kind of detailed understanding.
3 I assumed that it meant that the LFB thought there were
4 problems in the tower that they were putting the TMO and
5 the council on notice needed to be rectified, and if it
6 wasn't rectified they would taken enforcement action.
7 Q. Were you concerned by the fact that the LFB were serving
8 an enforcement notice on the TMO?
9 A. Yes, I would have been.
10 Q. Did you ask the housing department whether all other
11 buildings in RBKC housing stock were compliant with
12 relevant fire safety legislation?
13 A. I cannot remember whether I did or not.
14 Q. It's rather a broad question. What really lies behind
15 it is: did you explore with the housing department
16 whether this was indicative of a more general problem or
17 whether Adair Tower was a one-off?
18 A. I'm afraid I cannot remember the detail of
19 conversations. I may have done. I was certainly given
20 the impression -- I was under the understanding that
21 these were particular problems to these two towers which
22 were -- you know, they were what they called sister
23 towers, they were designed to the same specification.
24 Q. Did you ask how come an enforcement notice had been
25 served when you had a fire risk assessor and presumably

1 a fire risk assessment for that building?
2 A. I don't remember asking that question.
3 Q. Can you explain why that was a question which didn't
4 occur to you at the time?
5 A. No.
6 Q. You say in your first witness statement at
7 paragraph 35 -- there is no need to go back to it -- at
8 page 8 {RBK00033403/8} and over to page 9, that it was
9 the responsibility of the TMO, not the council, to take
10 action in relation to enforcement notices.
11 Did you yourself ever follow up with the TMO to
12 ensure that the relevant action was taken?
13 A. No, I would have expected the housing department to do
14 that and update me, which I think they did.
15 Q. Right. I see.
16 Now, the minutes refer in the third paragraph to the
17 fact that the London Fire Brigade were looking at the
18 ventilation system in the whole of Adair Tower with the
19 possibility that this will have to be entirely replaced
20 and the policy board noted the potential cost.
21 Did that prompt any concern on your part about the
22 ventilation systems in other RBKC housing stock, and
23 particularly high-rises?
24 A. No. Again, I thought these were problems specific to
25 the design and construction of Adair and Hazlewood



1 Towers.
2 Q. What gave you that impression?
3 A. Because there were enforcement notices about those two
4 towers.
5 Q. No, but what gave you the impression that the problems
6 about --
7 A. I assumed, and I think it's probably correct, that the
8 different towers all had different designs and different
9 types of construction and different types of ventilation
10 systems, so the fact that there was a particular problem
11 in Adair and Hazlewood to my mind did not necessarily
12 mean there would be the same problem in other
13 differently designed and differently constructed blocks.
14 Q. Now, the minutes go on to say at the end of that
15 section:
16 "Cllr Feilding-Mellen will go and visit Adair Tower
17 if possible before the end of next week or at the
18 beginning of the New Year."
19 Did you? Did you visit Adair Tower, do you
20 remember?
21 A. I certainly went. I am familiar with Adair Tower and
22 Hazlewood Tower. I didn't go inside the tower, but
23 I have visited the outside of the tower.
24 Q. What did you learn from that about the fire?
25 A. I don't remember.



1 Q. Right. Why didn't you go into the tower?
2 A. I don't remember.
3 Q. Okay.
4 Now, if we go to {TMO10015934}, please.
5 I'll just cover this document, if I may,
6 Mr Chairman, before the break.
7 You can see that this is a minute of the TMO
8 executive team meeting on 7 July 2016. Of course,
9 you're not present, naturally. We can see who was.
10 If we go to item 3 on page 2 {TMO10015934/2},
11 please, "Adair Tower" is the item, and it says this:
12 "Barbara noted that Janice [Wray] received a phone
13 call from Ben [Dewis of the LFB] to say that we would be
14 receiving a statutory information request asking for
15 a list of residents and their contact details of
16 residents that were living at Adair Tower on the 3rd,
17 4th & 5th floors on 31st October 2015. Barbara noted
18 that we were surprised to receive this as we have fully
19 cooperated and kept nothing hidden from the Fire Brigade
20 during their investigation."
21 Then it says this:
22 "Robert has spoken to Laura & Rock and their view is
23 that we need to pass this to Legal. Robert asked
24 Barbara to speak to Laura and update her."
25 Does the Rock here refer to you?



1 A. I presume so.
2 Q. Yes. Do you recall having a conversation with
3 Robert Black about the enforcement notices in respect of
4 Adair Tower?
5 A. I don't have a clear recollection of that, but I --
6 that's not to say that he didn't.
7 Q. So you just can't remember one way or the other?
8 A. I'm afraid I can't remember what this would have been.
9 Q. No.
10 A. I don't remember.
11 Q. No. We haven't been able to find a minute or a written
12 record of the meeting that's referred to here. I know
13 you can't recall one way or the other, but could you
14 explain why there is no written record of it?
15 A. Well, I can't, because if he -- it normally would have
16 been at one of my housing policy boards that he would
17 have come.
18 Q. Did you habitually or perhaps ever speak to Robert Black
19 about housing matters and not have it minuted or
20 recorded in some way?
21 A. Certainly not habitually. There were a couple of
22 occasions I can remember when we went -- for example,
23 I remember going and having a coffee. There was
24 a new -- under the Trellick Tower there was a new kind
25 of furniture social enterprise with a café, so I --

there were maybe two or three occasions when I had an informal discussion with Robert. But I don't think we would ever have discussed something like this in one of those.

Q. Right. Well, the note certainly records this fact of a conversation.

Assuming, because you can't remember one way or the other, that the minute here is correct and accurately records the event, are you able to explain why you were involved in conversations with Robert Black and Laura Johnson about the notices and what to do about enforcement?

A. I think it would have been Laura and Robert Black wanting to make sure that I, as the cabinet member, am informed as to what's happening.

Q. It says "their view", which includes you, "is that we need to pass this to Legal".

A. I don't -- I can't remember what was being passed to legal and why it would have been passed to legal, I don't know.

Q. Would it have been part of your function at the time to have advised Robert Black, together with or perhaps without Laura Johnson, to pass this question to legal?

A. Certainly I wouldn't have done that without Laura Johnson. If this did happen, I would have



imagined it to have been, as I say, at a housing and policy board, where he would have raised it. I would have been there with Laura Johnson and I might have shared her view, based on her advice, that it should be passed to legal. But I can't remember that.

MR MILLETT: Very well.

Mr Chairman, we have one more document on this line of examination.

SIR MARTIN MOORE-BICK: Well, do you want to put it now?

MR MILLETT: Yes, why not, if that's all right.

Can we just look at your first statement, please, first of all -- I said one, I'm so sorry, I think there are probably two, but never mind, we can take them quickly.

If we go to your first statement at page 9 {RBK00033403/9}, paragraph 36, please, you can see that you say there that Laura Johnson told you about the Trellick Tower fire on 20 April 2017 by email.

If we look at that email, it's at {RBK00003412} at the foot of page 1, where she says:

"Cllr FM,

"There was a fire last night in Trellick Tower, below is an explanation of what happened and the current situation."

You responded to her email just above that by saying



on 20 April:

"Thank you for letting me know. Fortunately, it sounds as though nobody was badly hurt. I guess we don't yet know the cause of the fire?

"And has this incident given any cause to worry about the safety of the building or the procedures in place when a fire breaks out? Or has the incident provided good reassurance that the correct procedures and safety mechanisms are in place?

"Please keep me posted as you find out more."

She responds the same day, attaching a response that the TMO had produced for her, which is in fact at {RBK00000943}, if we can just look at that.

This is a schematic document which sets out a list of questions about Trellick Tower, including water pressure. Ignore the highlights on page 1.

If we go to page 2 {RBK00000943/2}, you can see that there is reference to, under paragraph 16:

"What is the drill in an emergency? Is there one?

"There is no drill as there is a stay put strategy. If LFB assessment on arrival requires any evacuation they will instigate this."

And there are other topics in there as well.

Did you look at this document at the time, do you remember?



A. I don't specifically remember, but I -- you know, I imagine I would have.

Q. Right. Did you follow up with Laura Johnson about the fire before reading her report to the housing and property scrutiny committee on it?

A. I cannot remember now without being able to go back and look at my documents, but I seem to remember her -- I do remember there being a few back and forwards, and on the whole, again, it was reassuring, the information that I was given.

MR MILLETT: Mr Chairman, is that a convenient moment now?

SIR MARTIN MOORE-BICK: Yes, I think it is. Good, thank you.

We will have a break now, Mr Feilding-Mellen. We will come back, please, at 11.40, and please don't talk to anyone about your evidence over the break. All right? Thank you.

(Pause)

Thank you, 11.40, then, please.

(11.25 am)

(A short break)

(11.40 am)

SIR MARTIN MOORE-BICK: Right, Mr Feilding-Mellen, ready to carry on?

THE WITNESS: I am.

1 SIR MARTIN MOORE-BICK: Good, thank you very much.
2 When you're ready, Mr Millett.
3 MR MILLETT: Yes, Mr Chairman.
4 Mr Feilding-Mellen, I would like to ask you now
5 about aspects of communications with residents of
6 Grenfell Tower, if I may.
7 I'm going to start, if I can, with the petition that
8 you may recall having been presented to the HPSC in
9 December 2015.
10 You cover this in your first witness statement at
11 paragraphs 84 to 85 at page 24 {RBK00033403/24}. If we
12 can go to 85, please, you say there:
13 "Once Rydon commenced work on site, I became aware
14 of various complaints about the management of the
15 project, as well as about the behaviour and attitude of
16 both Rydon and the TMO. I noted that the TMO was
17 responding to these complaints; for example, in July
18 2015, there was an email exchange between
19 Councillor Blakeman and Peter Maddison [and you exhibit
20 that], in which he responded to the concerns that had
21 been expressed. Nevertheless, the complaints continued,
22 and on 2 December 2015 there was a motion about the
23 Grenfell Tower debated at full Council, and then a
24 petition signed by 60 people was handed in by Councillor
25 Blakeman requesting that the Housing and Property



1 Scrutiny Committee undertake an urgent review of the TMO
2 and Rydon's management of the refurbishment project ..."
3 That's what you say. You say particularly that you
4 had noted that the TMO was responding to complaints.
5 Were you surprised when the petition was presented?
6 A. Erm ... I wouldn't describe my reaction as surprised.
7 Q. You weren't surprised. So was this something that you
8 saw coming?
9 A. Erm ... again, surprised is too strong. I wasn't
10 necessarily expecting it, but petitions were -- this
11 wasn't the first petition that had been handed in about
12 the Grenfell project. So, yeah, I knew there were
13 ongoing issues, which is why it had been debated at full
14 council.
15 Q. Did you realise or did you see that the petitioners were
16 claiming that their concerns, their day-to-day concerns,
17 had been belittled and sidelined? Did you notice that
18 from the petition?
19 A. I read the prayer of the petition, yes.
20 Q. What was your reaction to reading the prayer?
21 A. I might need to see the prayer.
22 Q. Well, all right. We can do that if you need to. Do
23 I take it from that that you don't have independent
24 recollection of it?
25 A. I don't remember the exact details of what the prayer



1 said in full. I remember the general themes, and
2 I remember it being discussed, and I remember the
3 email -- you know, so ...
4 Q. Right. Well, we can look at the prayer in a moment.
5 Do you remember whether you had a particular view
6 about whether it was necessary to have a review of the
7 refurbishment project?
8 (Pause)
9 A. A review about what aspects?
10 Q. Well, I'm asking you: did you think a review of the
11 project was necessary? That was the subject matter of
12 the petition.
13 A. So the petition, as far as I recalled, was submitted to
14 the scrutiny committee, asking the scrutiny committee to
15 take a look, and I remember replying saying, "I will
16 need to defer to the chairman of the scrutiny committee
17 to decide how he and his committee want to react".
18 I then went away, I wasn't there at the
19 scrutiny committee meeting, but I remember being told or
20 seeing that the upshot was that the TMO board was going
21 to do a review and, indeed, I think it was agreed that
22 the housing and property scrutiny committee would go on
23 to do a review about lessons learnt in the future.
24 Q. Right. You thought it was agreed that the HPSC, the
25 scrutiny committee, would do a review, did you?



1 A. At some -- again, maybe my timings -- I know that at
2 some stage it was agreed at the housing and property
3 scrutiny committee that, after their current working
4 groups had done the current list of projects they were
5 working on, they would undertake a review to try and
6 learn lessons for future refurbishment projects.
7 Q. Right. Well, let's see how this panned out.
8 Can we please go to {RBK00003567}. This is an email
9 chain which starts, if we can go to that, please, at the
10 bottom of page 1 and over to page 2.
11 At the very bottom of page 1, you can see it's
12 an email of 7 December from Laura Johnson to you and
13 Councillor Marshall, and at the top of page 2
14 {RBK00003567/2} she says this:
15 "A petition was handed into Council on Tuesday night
16 by Cllr Blakeman, although the prayer and petition
17 organisation has clearly been organised by
18 Eddie Daffarn.
19 "If you would like to discuss with Robert Black or
20 Peter Maddison what they have done with regard to
21 communicating with residents, Cllr Blakeman, Eddie and
22 how they think Rydon have performed I'm sure they would
23 be only to happy to discuss this with you. I think it's
24 fair to say Peter is exhausted from the amount of
25 time/responses Eddie and Cllr Blakeman have taken on

1 this project, the TMO will of course be happy to assist
2 in whatever way they can but I don't think either myself
3 or Robert have the resources to undertake a full scale
4 review with interviews of residents to meet the demands
5 of the petitioners.
6 "I would like your guidance on how you wish to
7 respond to the petition."
8 Then you can see in the email that she copies the
9 prayer from the petition in the italics, and it says
10 this:
11 "We, the under-signed residents of Grenfell Tower,
12 ask the Chairman of the Housing and Property Scrutiny
13 Committee to undertake an urgent scrutiny of the TMO and
14 Rydon's management of the refurbishment project
15 currently underway at Grenfell Tower. Time and again
16 residents' views have been ignored or down played.
17 Despite interventions from our MP, Victoria Borwick, and
18 our ward councillors, our day-to-day concerns are
19 belittled and sidelined. While we recognise that, once
20 completed, the Tower will - at long last - be fit for
21 the 21st Century, during this process we have had to
22 endure living conditions that at times have been
23 intolerable. We understand that the Council will be
24 commencing a major programme of regeneration throughout
25 the borough and that this may involve refurbishment



1 rather than demolition of some other tower blocks. In
2 view of this, it is vital that all the lessons from the
3 Grenfell Tower project are learned, so that the terrible
4 daily living conditions inflicted upon us for so long
5 are not replicated elsewhere. As part of this
6 investigation, the residents of Grenfell Tower ask that
7 their views and experiences be canvassed and included in
8 the scrutiny report."
9 A. Would you like me to --
10 Q. Well, hang on.
11 So my first question, going back to it, because you
12 wanted to see the prayer of the petition, is: what was
13 your reaction to the claim here that the residents'
14 day-to-day concerns had been belittled and sidelined?
15 A. That was -- that didn't strike me as a fair
16 representation of how either the TMO or the council had
17 responded to concerns. From what I had seen, both the
18 TMO and the council took account of and responded to
19 and, you know, tried to reassure residents about the
20 various different concerns and issues that were raised
21 from when I became cabinet member in May 2013 through to
22 this, and I've given many of those examples in my
23 written statement. As you've already seen, I and the
24 leader had met with residents about their concerns, I'd
25 responded to emails, Laura Johnson had responded to



1 emails, the TMO had responded to emails, so I did not
2 feel that their views were being ignored or belittled or
3 sidelined.
4 Q. You then respond to her on page 1 {RBK00003567/1}, the
5 next day, 8 December, and it's an email you sent at
6 16.10, and it says this:
7 "Dear Miss Johnson
8 "As the petition is addressed to the Chair of HPSC,
9 I must defer to Cllr Marshall.
10 "However, I would agree with you that both the
11 Housing department and the TMO must be mindful of their
12 limited man-power and resources, and must make sure that
13 they spread such limited resources as evenly and fairly
14 across the Council's entire HRA estate, rather than
15 focusing predominantly wherever the loudest complaints
16 are coming from.
17 "The Council has acknowledged the disruption and
18 inconvenience caused by such major refurbishment and
19 improvement works being done to Grenfell Tower, but
20 I believe that is the inevitable price that must be paid
21 by the residents in order to have their flats brought up
22 to very good, modern standards. I trust that both the
23 TMO and Rydon will continue to work with residents of GT
24 on a case by case basis, helping to fix individual
25 problems that have resulted from the refurbishment, as



1 the Council committed to in the amended motion last
2 week."
3 Is it fair to say that Laura Johnson was not in
4 favour of a review by the council?
5 A. I think what she says is that she wanted members to be
6 mindful of her and the TMO's limited resources, which,
7 as I paraphrase in this email, need to be used to look
8 after all 9,500 properties across the HRA estate. We've
9 gone into some detail yesterday about the financial and
10 statutory constraints faced by the HRA. Indeed, I saw
11 the end of Amanda Johnson's evidence, where she
12 highlighted some of the challenges that all councils
13 have to deal with relating to policies and edicts that
14 had come down from different central governments, and
15 those were real difficulties and challenges, and she was
16 just wanting to make sure that members understood those
17 limitations.
18 So I think she was -- as she says, it would be
19 difficult for her to do -- I can't remember how she
20 phrased it -- a full, detailed questionnaire/survey,
21 door-to-door, with her resources. But she's willing to
22 do a review as -- I can't remember how she phrases it,
23 but it's there.
24 Q. Do I take it from this email back to her that you
25 yourself were not in favour of the kind of review that

1 the residents were seeking?
2 A. I wouldn't say that's what I was saying, no. I was
3 deferring to Councillor Marshall, I wanted to let him
4 guide, but I was aware and I understood Ms Johnson's
5 concerns about the limited resources and the need to
6 make sure that they were spent fairly across all 9,500
7 homes.
8 Q. Would it be fair to characterise your response to her as
9 essentially one of taking her side, agreeing with her,
10 about whether or not the review that had been sought by
11 the residents should be undertaken?
12 A. I don't think so. I'm saying I understand her concern,
13 I also leave it specifically to the person to whom the
14 petition is addressed to, to come to his own decision
15 about this, and I go on to say that, you know,
16 I understand the inconvenience and disruption that's
17 been caused, the council has acknowledged that, it was
18 not easy for residents to have to live through that,
19 totally sympathise with that, and I go on to say that
20 I trust the TMO and Rydon will continue to work with
21 residents to solve their problems on a case-by-case
22 basis.
23 Q. Yes, Mr Feilding-Mellen, we can read the text of both
24 emails, I'm just seeking really for you to accept the
25 fact that in this email, although you had deferred to



1 Councillor Marshall, you thought fit to express your own
2 views about it, and those were largely in line with what
3 Ms Johnson had stated; isn't that what was happening?
4 A. I've told you that I certainly did understand and
5 sympathise with her concern about limited resources.
6 Q. You're certainly not saying you think it's a jolly good
7 idea that there should be a full learning review
8 undertaken independently and impartially by somebody in
9 respect of the Grenfell Tower refurbishment so that full
10 lessons can be learned for the future. You're not
11 saying that, are you?
12 A. I don't specifically say that, but actually later on
13 I make a point of saying in meetings with David Collins
14 and afterwards about the importance of learning lessons.
15 I did think that was very important. I agreed with that
16 part of the petition. I never said that was not
17 important.
18 Q. So let's see how this then plays out next.
19 If we look at Councillor Marshall's response to you
20 in the same email chain, he says, halfway down your
21 screen, the same day:
22 "My instinct was to add an oral agenda item to our
23 next meeting rather than a report. What do you both
24 think?
25 "I am sure a majority of members could be



1 pre-briefed to understand how to play it."
2 Now, he is suggesting, as you can see there, an oral
3 item rather than a report. Do you know why that was?
4 A. I think that he considered that would give the residents
5 who signed the petition the chance to come and have
6 their say at the housing and property scrutiny
7 committee, make sure that their views were not ignored
8 or belittled or sidelined, they were going to be given
9 the chance to speak directly to the scrutiny committee,
10 make their case. But he was -- an oral agenda item
11 would be one which perhaps required less manpower from
12 housing officers. So it's a kind of compromise between
13 the full-on detailed review and Ms Johnson's explanation
14 that there is limited resource available.
15 Q. Well, no, with great respect. This is about why the
16 next meeting should have this issue as an oral agenda
17 item rather than a report. So why was that? What was
18 so manpower-intensive about producing a report?
19 A. My understanding of what he meant, and you would have to
20 ask him, but I think there was a report -- there was
21 a written report at the scrutiny committee about it, so
22 it wasn't about that, it was about being able to give
23 the petitioners the chance to have a discussion at the
24 scrutiny committee, rather than going away and
25 commissioning -- again, I can't remember how it's



1 described in the prayer, but this, you know --
2 Q. Oh, I see. So you read this, did you, as
3 Councillor Marshall suggesting that -- is this right? --
4 the petitioners should be able to address the HPSC --
5 A. Yes.
6 Q. -- under an oral agenda item, rather than their
7 producing --
8 A. That's my interpretation, because that's what happened.
9 Q. Right.
10 When he says, "I am sure a majority of members could
11 be pre-briefed to understand how to play it", what did
12 you think he meant by that?
13 A. I can't be sure, but I now would think that he is trying
14 to reassure Laura Johnson that he would pre-brief the
15 scrutiny committee members about her concerns about
16 doing -- the limitations and resource -- manpower
17 limitations in terms of doing the full range of
18 interviews, et cetera, that was asked for in the
19 petition.
20 Q. Right.
21 What would the sort of "pre-briefing to understand
22 how to play it" involve?
23 A. I don't know. I wasn't on the committee, so it wouldn't
24 have been --
25 Q. No. Reading it at face value, it looks like what's

1 being suggested by Mr Marshall -- and obviously he'll
2 have to answer for this -- is some sort of quiet,
3 on-the-side discussion to tap people up, to influence
4 them as to how to decide what to do with the petition.
5 Now, you read this email; is that how you understood it?
6 A. Pre-briefing to me would be more making sure that all
7 members of the committee or the majority of members of
8 the committee had a full understanding of what has been
9 done to date. It's a briefing rather than --
10 Q. Well, not really.
11 A. Well, he can --
12 Q. It says "to understand how to play it", to pre-brief "to
13 understand how to play it". Not pre-brief so they know
14 the facts, but pre-brief so they "understand how to play
15 it". Isn't that really an indication of really sort of
16 helping people along to make the right decision?
17 A. You'll need to ask him that.
18 Q. What was your understanding of it?
19 A. I've told you.
20 Q. Okay.
21 Then if we look at the next two emails in the chain,
22 you say:
23 "I won't be there (see my earlier email)... Can you
24 speak to majority members beforehand?"
25 Speak to them about what?



1 A. Well, he's just saying, "I'm sure they could be
2 pre-briefed". I'm saying, "I'm not going to be there,
3 so if that's what you want to do, you'd better do it".
4 Q. Yes, "Can you speak to majority members beforehand?" To
5 do what? What did you want Councillor Marshall to --
6 A. Well, he is suggesting that they be pre-briefed to
7 understand how to play it. I'm saying I won't be there,
8 so, effectively, "If that's what you want to do, you
9 will need to do it".
10 Q. Yes, Mr Feilding-Mellen. I'm going to ask the question.
11 You see, I've asked you already about his sentence. You
12 then come back and say, "Can you speak to majority
13 members beforehand?" Is that a response to his
14 suggestion that a majority of members could be
15 pre-briefed to understand how to play it?
16 A. Yes.
17 Q. Yes. And his response was, "yes ..."
18 Were you suggesting that Councillor Marshall speak
19 to a majority of Conservative party members?
20 A. Yes, that's what -- again, it wasn't me -- he suggested
21 it first.
22 Q. Do you know whether he actually did speak to the
23 majority?
24 A. I do not know.
25 Q. Let's then go to {TMO10013234}, please.



1 Now, this is an email chain from 11 May 2016, so
2 this is five months into 2016, after the
3 scrutiny committee meeting, Mr Feilding-Mellen, and
4 after the review. It's the day on which the outcome of
5 the board review was presented to the HPSC.
6 You can see the email from Robert Black to you and
7 Councillor Marshall, copied to Laura Johnson, subject,
8 "RE: Scrutiny Meeting this Evening". There is
9 an attachment, and it says:
10 "Dear Councillors
11 "Thank you for sharing this. I have spoken to our
12 Company Secretary and she has spoken to RBKC Governance
13 services and we are advised of the following."
14 Then you(sic) refer in the second and third
15 paragraphs to a conflict around Councillor Blakeman. Do
16 you see that?
17 A. I didn't refer to it, but the email refers to it.
18 Q. Yes.
19 Now, this is an email response to an email which had
20 come a little bit earlier, if you go to page 2
21 {TMO10013234/2}, which comes from you to
22 Councillor Marshall, and you say this:
23 "Dear Quentin
24 "I think the HPSC needs Judith to be clear about her
25 role as a board member of the TMO, and she needs to be



1 guided about whether that is an interest to be declared,
2 and what is the most appropriate forum for her to make
3 some of these points - within the TMO or at HPSC.
4 "I've also copied in officers so they can get early
5 sight of the issues raised below, so that they can
6 respond in case you are minded to discuss all these
7 issues tonight."
8 As I've shown you, Robert Black responds to that at
9 page 1.
10 A. What was the email below, can I see?
11 Q. Yes, of course. Of course you can, absolutely, page 3
12 {TMO10013234/3}.
13 We can go to the bottom of the email chain. We can
14 scroll slowly through it, if you like.
15 If you go to the very bottom at page 3, we can see
16 a long email which are advance comments about the
17 report. Do you see that?
18 We scroll slowly down through page 4
19 {TMO10013234/4}, which is a series of comments on --
20 A. These are from Judith Blakeman.
21 Q. These are from Judith Blakeman, and I'll show you the
22 signature at the bottom of page -- sorry, it's a very
23 tricky email to understand. It appears to be
24 a forwarded message, and it ends on page 6. It starts
25 {TMO10013234/3}:

1 "Dear Quentin
2 "To save time this evening, please see some advance
3 comments below.
4 "Judith."
5 And then there is a lot of comments.
6 I'm not going to get into the detail of that. We
7 could spend a very long time doing that and I'm not sure
8 our next witness would appreciate it.
9 If we look at page 2, this is what you're referring
10 to, do you see? And then at page 1 we've had the
11 response from Robert Black I've shown you the same day.
12 He has raised, as I say, some clear concerns about
13 Judith Blakeman's role.
14 Now, we can look at that, it's a lengthy document,
15 but he has raised questions about conflicts of interest
16 around Councillor Blakeman.
17 You weren't a member of the HPSC at this stage, but
18 we've seen that you are the one who raises questions
19 about her role as a board member, which I've shown you.
20 Why were you raising those concerns about
21 Judith Blakeman's potential for conflict of interest?
22 A. So from memory, I do think that it had been flagged to
23 me by Laura Johnson that there were potential risks
24 around Councillor Blakeman being, well, potentially
25 conflicted, and so I would have asked about that.



1 Q. Could you explain the nature of the potential conflict
2 which Laura Johnson had flagged to you?
3 A. So I do remember it was something which councillors,
4 when we were appointed to outside bodies, so a member of
5 another trust or this, that —— or an organisation like
6 the TMO, we were told that one normally had, you know,
7 statutory duties as a trustee or a director there and
8 one had to be careful and mindful about when one's
9 fulfilling that statutory responsibility and when one's
10 acting as a councillor, and I think that had been
11 flagged to me and so I was in turn flagging it on.
12 Q. Let me see if I can get to the bottom of this more
13 simply.
14 Was the conflict, as you understood it being flagged
15 to you ——
16 A. I don't think I was —— I don't think I say there is
17 a conflict, I ask whether there might be, I think.
18 Q. All right. You're quite right.
19 Was the potential for conflict that had been flagged
20 to you one between Judith Blakeman's role as councillor
21 and her role as nominated member of the TMO board? Was
22 that the nature of the potential conflict?
23 A. My understanding was the potential conflict between her
24 role, yes, as a councillor and a member of the housing
25 and property scrutiny committee, and her role as a board



1 member. I wouldn't say it mattered whether she was ——
2 just because she was —— my understanding is that it's
3 her statutory duties as a board member, not just because
4 she was a board member nominated by RBKC.
5 Q. Those roles that she had, those three roles in fact,
6 were roles that she'd had for a very long time, weren't
7 they?
8 A. She was certainly a councillor for a long time. I can't
9 remember when she was first made a board member of the
10 TMO.
11 Q. Can you explain why this issue was being raised with you
12 and you are raising it with Councillor Marshall ——
13 A. I think probably ——
14 Q. Hold on, sorry, there is a question coming, I have to
15 finish it, that's the way this works.
16 Can you please explain why this question or this
17 potential for conflict was only being flagged now when
18 Councillor Blakeman is coming in with her comments on
19 the board report about the Grenfell Tower project and
20 not at any earlier time?
21 A. I think for the reason —— kind of the answer is in your
22 question, which is it's discussing the board report.
23 She was a member of the board. It's a report going out
24 in the name of the TMO board, of which she was a member.
25 I think that's why there was a specific concern.



1 Q. Did you understand that TMO board members who sat on the
2 housing and property scrutiny committee were not
3 expected to participate in discussions about the TMO?
4 A. I —— that was not my expectation. Indeed, I didn't know
5 exactly how —— it might have been fine and she just
6 needed to declare the interest. I was asking questions.
7 I didn't want it to cause problems later on when it had
8 been flagged to me, so I thought it better to raise it
9 as a potential concern beforehand.
10 Q. Was the purpose of this to identify potential conflicts
11 so in some way either to silence or negate
12 Judith Blakeman's contribution to the board report?
13 A. Absolutely not.
14 Q. Right.
15 Let's go to {RBK00032130}. This is the minutes of
16 the HPSC meeting on 6 January 2016, scrolling back to
17 earlier in the year. You may remember that meeting.
18 A. I wasn't there, but I've heard about it and read about
19 it.
20 Q. Yes. You exhibit this minute at RFM/51. You can see
21 who was there and who wasn't there: you can see that, in
22 the list of councillors, Quentin Marshall was there,
23 Sam Mackover was there, Judith Blakeman was there, and
24 you were not there.
25 If you go to page 5 {RBK00032130/5}, please, you can

1 see the conclusion.
2 Do I take it from what you have just said that you
3 would have seen the minute soon after the meeting or
4 soon after the minute was finalised?
5 A. I think I would have seen the minute when it was
6 circulated with the papers for the next HPSC meeting.
7 Q. Right. And do you remember -- well, let's look at what
8 I want to show you first.
9 If you go to page 5 the last paragraph above A5, it
10 says:
11 "In conclusion the Chairman agreed that a Working
12 Group would be commissioned at some point in the future
13 but that this was dependant on a number of factors
14 including the conclusion of existing Working Groups and
15 the review work conducted by the TMO."
16 When you saw this minute at the next HPSC meeting,
17 did you read that paragraph, do you remember?
18 A. I don't remember, but I'm familiar with it now, and
19 that's what I was talking about earlier on in my
20 evidence.
21 Q. Yes. Do you remember agreeing at the time, at least in
22 your own mind, with the conclusion reached by the
23 committee as expressed by the chairman in that
24 paragraph?
25 A. They would -- I mean, it wasn't my decision, but



1 I thought it sounded like a sensible conclusion.
2 Q. Right.
3 Do you know, then, having seen the decision, when it
4 would be that the working group would be established, if
5 at all?
6 A. Sorry, is your question: did I know then exactly how
7 long in the future it would be before it was
8 established, or are you asking me whether I know now
9 when it was established?
10 Q. No, my question was: did you know then, having seen the
11 decision at the next meeting, you saw the decision
12 recorded, what your understanding was about the
13 timeframe when this working group would be established?
14 A. My understanding was that it would be subject to the
15 conclusion of the existing working groups.
16 Q. And when would that be?
17 A. I wasn't sure.
18 Q. So did you have any idea about when this working group
19 would be set up, even vaguely?
20 A. It would have been -- I would have expected it to be
21 months rather than years, and this was -- my
22 understanding was this was a working group looking at
23 what lessons could be learnt for future refurbishment
24 projects of a similar nature and scale, and there were
25 not imminent such projects in the pipeline, so I was



1 fairly relaxed that there was good time for that to be
2 done.
3 Q. Now, we do know that in due course the TMO board did
4 produce its own review report, and you exhibit that
5 final document as RFM/52. It's at {RBK00003513}. This
6 is the final version, and it's dated 31 March.
7 Did you see this document at the time, do you think?
8 This is the board report. Or do you think you saw the
9 report produced by Laura Johnson for the HPSC later in
10 the year, in May?
11 A. I -- now I can't remember exactly. I think I have seen
12 the TMO board report itself.
13 Q. Right.
14 A. But I can't remember exactly when it was sent to me.
15 Q. Right. Let's see if I can help you a bit better.
16 Can we have both up at the same time, please. Keep
17 this document on the screen and let's have up at the
18 same time {RBK00032438}.
19 You can see that the left-hand document is the
20 actual board review report itself, 31 March 2016, and on
21 the right of the screen is the document Laura Johnson
22 produced for the housing and property scrutiny committee
23 dated 11 May 2016.
24 A. Right.
25 Q. The former purpose is to provide the board with



1 information and recommendations, and on the right-hand
2 side it's to provide the housing and property scrutiny
3 committee with information and recommendations. Do you
4 see?
5 Just of those two, do you remember seeing the one on
6 the left, the March 2016 report?
7 A. I'm afraid right now they look so similar I can't be
8 sure. If I have submitted the one on the left in my
9 evidence, then that means I would have seen it. But
10 right now I'm afraid I can't be certain.
11 Q. Right.
12 If we look down at the one on the left
13 {RBK00003513}, I think we'll probably look at first, if
14 we can go to -- scroll down, I think, is probably the
15 best way to do that, scroll down through it, you can see
16 what's covered. On page 2 is background to the report.
17 If we go to page 3, you can see the topics: item 3,
18 "Resident Consultation"; item 4, "Position of the HIU in
19 the Hallway"; item 5, "Allegations of Threats, Lies and
20 Intimidation"; 6 is "Response to Complaints"; 7,
21 "Quality of Work and Site Management"; 8 is
22 "Compensation"; and 9 are "Conclusions".
23 Do you see that?
24 A. Mm.
25 Q. If we go and do the same with the right-hand side

1 document {RBK00032438}, please, start on page 1, scroll
2 down, you can see it's similar, in fact almost
3 identical, and again you get recommendations under
4 paragraph 2 and conclusions under paragraph 3
5 {RBK00032438/3}, where you can see:
6 "The Group recognised that there were significant
7 challenges with the project and acknowledged that
8 residents would have experienced inconvenience due to
9 the nature of this type of construction work and the
10 constraints of the particular design of Grenfell Tower.
11 This disruption included ..."
12 Lots of bullet points there.
13 Paragraph 3.4 is a door-knocking exercise,
14 et cetera.
15 Just looking at paragraph 3 over on page 3 and over
16 on page 4, do you remember seeing those conclusions?
17 A. Are you talking about the one on the right now?
18 Q. Yes.
19 A. Yes.
20 Q. Were you content with the outcome of the review?
21 A. Yes.
22 Q. Were you concerned that the review lacked independence
23 in light of the fact that it was conducted by the TMO
24 board?
25 A. Well, no, I thought that -- so I think I touched on this



1 yesterday, but my view was that the TMO board was
2 an independent entity with a majority of resident and
3 leaseholders on it. Their whole purpose, the reason
4 that the TMO was set up under the right to manage, was
5 to ensure responsive management of the housing stock for
6 and led by the residents of the council housing stock.
7 Within the board, not only were there a majority of
8 tenants and leaseholders, there were also a number of
9 independent board members, and my understanding is that
10 the chairwoman of this group was one of those
11 independent board members.
12 Q. Was that Paula Fance?
13 A. Yes. And I felt reassured that the board would take
14 these issues seriously and look into them thoroughly,
15 and the report that I read gave me that impression.
16 Q. Yes. Just breaking that down a little bit, is it the
17 case, then, on that answer, that you thought the TMO
18 board was sufficiently independent and impartial
19 a collection of people that it could examine
20 objectively, robustly, and ruthlessly independently the
21 activities of the employees of the TMO in relation to
22 the Grenfell Tower project?
23 A. So I believed that the TMO board was set up to be --
24 have a majority of members who were residents for -- to
25 make sure that it was responsive and cared about how the



1 executive function of the TMO treated residents, because
2 it was them. And I was also aware that over the last
3 few years the TMO had done a lot of work to try and
4 strengthen the board, both in terms of elections for the
5 board, reaching out -- increasing the number of members,
6 increasing how many people voted, who could stand, and
7 training for board members, and I did feel reassured
8 that the board would be a suitable body to conduct such
9 a review.
10 Q. Do you know what objective factors or criteria the TMO
11 was measuring itself and Rydon against when producing
12 this document, or either document?
13 A. I'm not sure I -- can you give a bit more detail about
14 what you're asking?
15 Q. Start with the left-hand side document {RBK00003513}.
16 In fact, don't worry about the Laura Johnson report.
17 When the board produced its report and its
18 conclusions and recommendations about the Grenfell Tower
19 project, do you know what objective factors or criteria
20 the TMO board was using to measure its performance?
21 When I say "its", I mean the TMO's performance.
22 A. I'm ... I mean, I'd need to -- again, from memory, when
23 you went through the different particular complaints, it
24 tried looking at what evidence there was to back up
25 those complaints. I think it spoke probably to the --



1 well, there at the top:
2 "The Group were advised of different methods for
3 quality control/site management by the surveyors, clerk
4 of works and site agent."
5 I mean, when I read that report, I got the sense
6 they went through each of the different complaints
7 trying to understand the basis for those complaints,
8 speaking to the people against whom the complaints were
9 being made and coming to a judgement, which was a group
10 of independent board members who had a vested interest
11 in making sure that the TMO was a responsive
12 organisation to its residents because that included
13 them.
14 Q. Yes. I understand what you're saying. My question was
15 a slightly different one.
16 Do you know what those individuals, the independent
17 board members who had a vested interest in making sure
18 that the TMO was responsive, et cetera, what standards,
19 what objective criteria existing in the world were being
20 applied by them in order to judge the performance of the
21 TMO?
22 A. I don't, and I don't necessarily think they were
23 judging -- the point of this was to respond to
24 particular complaints. It wasn't a performance review
25 of the whole TMO. The point of this review was to

1 review specific allegations and complaints that had been
2 made about the management of the refurbishment project
3 at Grenfell Tower.
4 Q. Now, we've got no evidence —— at least we've seen no
5 evidence, and maybe you can correct me about this,
6 I don't know —— that the residents of Grenfell Tower
7 were interviewed as part of this review or had any say
8 in what information the review should have in front of
9 it. We've seen no evidence to that effect. Are you
10 able to help us with that?
11 A. I seem to remember being informed that the TMO did do
12 a door—knocking exercise after the petition was lodged,
13 I seem to remember over the kind of Christmas period,
14 unless —— my memory might be failing me, but I seem to
15 remember them knocking on something like 72 or 77 ——
16 speaking to that many —— and, for example, finding no
17 evidence of any bullying and harassment. That's what
18 I remember, but that's —— I was reading from this, so
19 if ——
20 Q. Yes, I see.
21 A. I haven't seen the actual video footage of them doing
22 this door—to—door knocking or any evidence like that.
23 Q. So your answer to my question is the door—knocking
24 exercise that you seem to recall.
25 At the time, do you remember, did you think that the



1 door—knocking exercise conducted in respect of the
2 residents was an adequate way of understanding
3 residents' concerns as the subject of the review
4 exercise?
5 A. Wasn't that one of the requests in the petition prayer?
6 Q. Well, just answer my question, please. Did you think
7 that the door—knocking exercise was the right way of
8 going about understanding the residents' concerns, which
9 were part of the review?
10 A. At the time, I didn't see any reason to doubt why that
11 would not be an effective way of doing that.
12 Q. Now, if we stay with the right—hand side, please, and go
13 to page 3 {RBK00032438/3}, you can see that there are
14 a number of recommendations made at paragraph 2. Just
15 scan your eye down those five bullet points there.
16 Do you know if any changes were made to RBKC policy
17 and procedure as a result?
18 A. My understanding is that these recommendations were for
19 TMO policy and procedures, weren't they?
20 Q. Were these recommendations carried into effect, do you
21 know?
22 A. I —— so what I do remember is later on that year, when
23 I agreed to have a meeting with Mr Collins, and he wrote
24 with a list of —— I can't remember exactly how many ——
25 15 or 16 suggestions, I asked for the TMO's feedback and



1 the housing department's feedback on those suggestions,
2 and I do remember getting an email from Sacha Jevans in
3 reply, and it seemed to me that an awful lot of those
4 suggestions had been agreed and either had been
5 implemented by the TMO or they'd agreed to implement
6 them.
7 Q. Yes, and let's look on a little bit.
8 Before we do that, can we go to your first witness
9 statement, please, at page 27 {RBK00033403/27},
10 paragraph 94. You say there in the third line from the
11 end:
12 "Eventually, the TMO agreed that the report would be
13 made public and on 19 May 2016 I emailed some of the
14 residents, who had made the complaints, telling them
15 that the report would be made available for them to
16 review ..."
17 And you exhibit it.
18 The word "Eventually" there, did you get the
19 impression that the TMO were reluctant to publish the
20 report?
21 A. Yes, it wasn't just an impression, they expressed it
22 clearly.
23 Q. Oh, did they? Who expressed that?
24 A. I think Mr Black did.
25 Q. Do you know why?



1 A. From what I remember, he said that his board had asked
2 for it to be kept confidential, and it was something
3 which quite a few members of the housing and property
4 scrutiny committee thought was not right and I shared
5 that opinion.
6 Q. Was there any other reason you were told or detected in
7 Mr Black wanting to keep the ——
8 A. I didn't know why and I didn't agree with it.
9 Q. Now, let's look on in the year, September 2016. I think
10 you referred to this a moment ago, and let's see if we
11 can be a bit more specific.
12 {RBK00030865/2}. You can see that here is an email
13 from David Collins of 6 September to you, copied to
14 Judith Blakeman, and he says:
15 "Dear Rock,
16 "I hope you have had a good summer, and enjoyed time
17 with your family.
18 "It was a pleasure to meet with Laura, Judith and
19 yourself back in July. Thank you for taking the time to
20 discuss the Grenfell Tower improvement works, the TMO,
21 and the role of checks and balances in maintaining a
22 transparent culture which represents both sides of the
23 story.
24 "I am very curious to know if anything has changed
25 in your thinking, or in the Council's approach to

1 regeneration or the operations of the TMO, as a result?"
2 If you look up to the next page, please, page 1
3 {RBK00030865/1}, you can see you forward this at the
4 foot of the page to Laura Johnson on 7 September, the
5 next day, and you say, "Please see below".
6 Then over the page, at the top of the screen, you
7 say:
8 "Can you think of any small concession that we can
9 think of offering?
10 "Kind regards,
11 "RFM."
12 She replies about a month later, if you go back to
13 page 1, please, on 4 October 2016 saying:
14 "Cllr FM,
15 "I am struggling to think of something hence the
16 time it has taken for me to respond and because
17 I actually think the TMO managed this pretty well in
18 difficult circumstances."
19 Then she says this:
20 "I suppose we could say something to the effect that
21 on larger programmes such as these will compliment[sic]
22 estate regeneration there will be greater Council
23 officer and Member involvement, more focused working on
24 assessing the needs of individual tenants and perhaps
25 going into greater detail with residents about what the



1 costs are and why the budget will only stretch so far in
2 the context of what we can spend across the stock on
3 capital works. Now there is a greater use of digital
4 media we may for some age groups focus some of our
5 efforts at making information more accessible on-line,
6 whilst respecting the fact that for some they still
7 prefer face to face communication.
8 "Is that enough, along the right lines?
9 "Regards
10 "LJ."
11 You respond at the top of the page:
12 "Yes - something along those lines would be good.
13 "And can we confirm that any of the recommendations
14 he sent over will be implemented? Weren't quite a few
15 of them being done or going to be done anyway?
16 "Many thanks,
17 "RFM."
18 So that's the line of emails.
19 Did you get a response from Laura Johnson in answer
20 to your questions there?
21 A. I don't remember getting one.
22 Q. Did you chase for any?
23 A. I don't remember chasing Laura Johnson about it. I do
24 remember that I think later that year or early in 2017,
25 when -- indeed, when the housing and property scrutiny



1 committee had set up a subgroup looking at the lessons
2 learned, and were looking at the Trellick Tower works
3 that were to be done, I do remember forwarding
4 Mr Collins' email with his various suggestions to
5 Peter Maddison, asking him directly whether, you know,
6 these lessons had been learned and trying to get
7 reassurance that the TMO was implementing the changes
8 that Sacha Jevans had told me would be done.
9 Q. Right. I see.
10 Going back to your question at the top of page 2 in
11 this email run {RBK00030865/2}, where you ask her:
12 "Can you think of any small concession that we can
13 think of offering?"
14 What did you mean by "small concession"?
15 A. I think I meant that, given, as I say higher up the
16 page, my understanding was there was actually not a very
17 big gap between what Mr Collins was suggesting,
18 recommending and what I was being told the TMO were
19 either already doing or were planning to do, there was
20 only a small gap and therefore only potentially a small
21 concession needed to resolve such -- any remaining
22 disagreement.
23 Q. Right. Why did you want the concession to be small?
24 A. I didn't say I want it to be small, I think I thought it
25 was only necessary for there to be a small concession



1 because, as I say, the gap between what I'd been told
2 was happening and what he was asking was small.
3 Q. It doesn't really read that way, does it? I mean, it
4 really reads along the lines of, "Can you think of
5 something we can fob Mr Collins off with?"
6 A. I totally disagree with that, but you and I have read
7 different things differently before.
8 Q. Very well.
9 Did you believe there were no substantive learning
10 points for RBKC or for the TMO from the refurbishment
11 that you could tell Mr Collins in answer to his
12 question?
13 A. I think I had told Mr Collins at our meeting, because
14 I'd had the email from Sacha Jevans, at which there
15 were -- many of those things were being done, and
16 I thought those were important lessons, and that's why
17 I forwarded them on to Peter Maddison in late 2016 or
18 early 2017 saying, "Can you, you know, just confirm that
19 these lessons have been learnt before we embark on
20 Trellick".
21 Q. Let's go back to Mr Collins' question on page 2
22 {RBK00020865/2}:
23 "I am very curious to know if anything has changed
24 in your thinking, or in the Council's approach to
25 regeneration or the operations of the TMO, as a result?"

1 I mean, I'm assuming you understood his question?
2 A. Yes.
3 Q. Yes. What was to stop you simply setting out the
4 answers? If there were substantive answers to give him,
5 why could you or perhaps Laura Johnson not simply
6 respond to him and say, "What's changed is as follows"?
7 A. My point is I don't think a huge amount had changed
8 since the meeting, because at that meeting I had
9 explained the responses that I'd had from both the TMO
10 board review and from Sacha Jevans specifically, and
11 there wasn't a huge amount of change since that, because
12 there was already —— and I was asking Laura Johnson: is
13 there something else on top of what we've already said
14 which Sacha Jevans has told us, and hence why it only
15 needs to be small, because it seemed to me that there
16 was an awful lot of agreement.
17 Q. Right.
18 Just help me, during this meeting, was this meeting
19 minuted or noted at all that you had had with
20 Mr Collins?
21 A. I don't think it was.
22 Q. No.
23 It says here in the email that you had taken the
24 time to discuss the works, the role of checks and
25 balances, et cetera. At the end of that meeting, did



1 you have the impression that Mr Collins was satisfied?
2 A. I think that the outstanding issue as far as I remember
3 was he wanted a kind of —— some other form of
4 independent check on the TMO, some —— and it wasn't very
5 clear to either Laura Johnson or myself exactly what or
6 who that would be. So that was, I think, the main ——
7 from my recollection, the main kind of area of
8 difference still.
9 Q. Right. Why not then simply just go back to him and say,
10 "Well, I'm afraid, Mr Collins, nothing has changed, our
11 position remains as explained to you at our July
12 meeting"?
13 A. Well, I asked Laura Johnson, she replied, I replied back
14 to her, and I didn't get a response. I think I was
15 expecting her to draft a response, I didn't get it, and
16 I'm afraid it must have slipped my mind after that. But
17 the issues of learning those lessons from Grenfell for
18 future projects did not slip my mind, as is demonstrated
19 by the email I sent to Peter Maddison.
20 Q. Let's look at one or two more documents. This is in
21 relation to Trellick Tower.
22 {RBK00001807}. This is an email exchange between
23 you and Peter Maddison starting in December 2016. It
24 concerns a request for further information in relation
25 to Trellick Tower, and at the bottom of page 1 you say



1 this:
2 "I am particularly keen to make sure that we have
3 learnt all lessons from the Grenfell Tower project with
4 regards to resident consultation and engagement. This
5 means not only following best practise, but also
6 foreseeing what those with political motivations will do
7 to try and stir up problems and trying to minimise such
8 opportunities. Therefore, can you please send us a copy
9 of the TMO board's report and recommendations into the
10 GT project, so we can cross check that we are following
11 all recommendations here? Indeed, it might also be
12 worth reviewing again the long list of recommendations
13 that was prepared by David Collins and Cllr Blakeman to
14 check whether any of those issues may be pertinent to
15 TT?"
16 Now, you referred earlier I think in your evidence
17 to discussions in early 2017 with Peter Maddison on
18 Trellick Tower. Is this the email you were thinking of?
19 A. Yes.
20 Q. It is, right.
21 If we just go back a page, could we go to the last
22 paragraph, the part I read, which says:
23 "... foreseeing what those with political
24 motivations will do to try and stir up problems ..."
25 Who were you referring to there, do you think?



1 A. I'm pretty sure I was referring to the local Labour
2 councillors in Golborne ward, where Trellick Tower is.
3 Q. I see.
4 A. It was ——
5 Q. So what experiences were you drawing on from
6 Grenfell Tower when you made that remark?
7 A. I think I was talking more generally about the lessons
8 learned about resident consultation and engagement from
9 Grenfell Tower, but with regards to Trellick Tower,
10 which was in Golborne Road where there was a particular
11 group of local Labour councillors, I think I was
12 flagging that up as an extra —— it was as a politician,
13 I was thinking about that from a political point of
14 view.
15 Q. I see.
16 Can we then look, please, at {RBK00051312}. This is
17 a bundle of documents which are some 11 pages long,
18 which is delivered to you, I think, on 30 May 2017, and
19 it's signed, as you can see, by Lee Chapman and
20 Tunde Awoderu as secretary and vice chair of the
21 Grenfell Tower Leaseholders' Association, and it says:
22 "Dear Cllr Rock Feilding Mellen,
23 "Further to previous correspondences, please find
24 attached relevant materials including evidence of 96
25 signatures collected by the Grenfell Tower Leaseholders'

1 Association from the residents of Grenfell Tower. This
2 excludes vacant properties and residents away on
3 holiday.
4 "It is clear without a shadow of a doubt that
5 residents are calling for and demanding security and
6 concierge in Grenfell Tower without further delay."
7 Do you recall those documents being hand delivered
8 to the town hall for your attention at the end of
9 May 2017?
10 A. Yes, and I remember one of the officers in the -- who
11 looked after the cabinet compiling them and asking
12 Laura Johnson to prepare a response.
13 Q. I see.
14 Do you remember that the petition was presented
15 following correspondence with the GTLA about a number of
16 complaints, but primarily to the siting of the gas pipes
17 or gas risers in the stairway?
18 A. I remember that issue well and I think I go into some
19 detail about it in my witness statement.
20 Q. Yes. Do you remember that this petition was presented
21 following that?
22 A. Yes.
23 Q. Do you remember reading the documents enclosed with this
24 bundle?
25 A. I have to say I can't remember reading -- going through



1 all of them at the time. I can't remember if I did or
2 didn't.
3 Q. Do you remember what action you took in response to
4 receiving --
5 A. I asked the officer who had collected them to pass them
6 on to Laura Johnson so that the housing department could
7 prepare a response.
8 Q. Yes.
9 What did you make of the fact that 96 signatures or
10 so had been collected in relation to this building so
11 soon after there had been a board review of the
12 Grenfell Tower refurbishment?
13 A. Well, I think I've ... there were ongoing emails from
14 Mr Awoderu and others with various concerns, mainly
15 about, as you've said, the gas pipe being put in by
16 National Grid, which I was -- I shared their concern,
17 and asked for, on numerous times, reassurance that all
18 would be safe and that it should be checked properly.
19 I remember there were issues about the staircase
20 being left undecorated, there were issues about noises,
21 banging in the night, and I remember following up with
22 all of those things with Laura Johnson. Indeed, that's
23 why she I think got the TMO to prepare a response on
24 behalf of Councillor Blakeman which went through many of
25 those issues, and I wrote to both Laura Johnson and



1 Robert Black saying, "I'm happy to meet with the
2 residents, if that's what they need, and I'm slightly
3 surprised that, after spending over £10 million on this
4 tower, there are problems and I'd like to understand
5 what they are".
6 Q. Did you get the sense that, notwithstanding the report
7 that had been done by the review group at TMO,
8 nonetheless that hadn't solved the problems or the way
9 the residents felt within the tower?
10 A. Which -- I mean, so, for example, with the staircase,
11 the TMO told them that they were going to paint the
12 staircase. It had been put into the -- with the
13 National Grid there was ongoing concern, and I thought
14 very fairly, and I was unhappy with the responses that
15 I received about National Grid's reaction. I understood
16 it was frustrating for the TMO because this was
17 something which the National Grid were doing, this is
18 what I was told by Laura Johnson, that they had their
19 own statutory authorities to do this and were
20 responsible for the work, and yet for residents,
21 you know, they kind of saw the TMO and indeed
22 the council as responsible for that. So the TMO and
23 the council were slightly caught in a difficult position
24 with regards to those pipes, and that's why I and indeed
25 the leader suggested that we write to our MP about it.



1 MR MILLETT: Mr Chairman, I've come to the end of my
2 prepared questions for Mr Feilding-Mellen.
3 SIR MARTIN MOORE-BICK: Right.
4 MR MILLETT: I'm in your hands as to how we should proceed.
5 We will need the usual 15 or 20 minutes or so to ensure
6 that we have covered everything with him, and to see if
7 there are any follow-up questions which are appropriate.
8 SIR MARTIN MOORE-BICK: Yes.
9 Well, first of all, we have to have a break at this
10 point, Mr Feilding-Mellen. You may know this, but when
11 counsel has reached the end of his prepared questions,
12 he needs a chance just to check that nothing has been
13 left out, and we also need there to be an opportunity
14 for others who are not present to suggest further
15 questions. So we will have a break now.
16 Mr Millett, will 15 minutes be long enough?
17 MR MILLETT: It may be. Let's see.
18 SIR MARTIN MOORE-BICK: If I say that we will come back at
19 1 o'clock --
20 MR MILLETT: That should be -- yes, if we need more time,
21 I can ask.
22 SIR MARTIN MOORE-BICK: -- at that stage you can tell us how
23 long you think you might need for whatever questions
24 there are, and if we can dispose of them fairly
25 promptly, we can push the lunch hour back a bit.

1 MR MILLETT: That'd be excellent, thank you. Very good.
2 SIR MARTIN MOORE-BICK: Right, thank you.
3 I will ask you to leave us now, Mr Feilding-Mellen,
4 and not to talk to anyone about your evidence while
5 you're out of the room. Thank you very much.
6 (Pause)
7 Right, Mr Millett, 1 o'clock.
8 MR MILLETT: Yes, thank you, Mr Chairman.
9 (12.45 pm)
10 (A short break)
11 (1.00 pm)
12 SIR MARTIN MOORE-BICK: Right, Mr Feilding-Mellen, we will
13 see if there are more questions for you.
14 Mr Millett?
15 MR MILLETT: Yes, Mr Chairman, there are one or two.
16 SIR MARTIN MOORE-BICK: Before you start, do you think we
17 can expect to finish them within 10 or 15 minutes?
18 MR MILLETT: Yes. Oh, yes, absolutely.
19 Mr Feilding-Mellen, first, can I ask you to look,
20 please, at {IWS00002334}, and I'll just show you page 1
21 of this. It's Mr David Collins' statement to
22 the Inquiry of 21 September 2020, and what I'm going to
23 show you relates to the July discussions that you had
24 with him which we saw recorded in his 6 September 2016
25 email, which we discussed earlier on, the two of us,



1 today.
2 Can we go to page 29 {IWS00002334/29}, please. In
3 that document on that page you can see that he deals
4 with a meeting in July with you, and he says:
5 "After a to-and-fro by email, a meeting took place
6 on the afternoon of 13 July 2016 at Hornton Street
7 Town Hall. Apart from myself, no Compact members were
8 present. Laura Johnson and Cllr Judith Blakeman were in
9 attendance. During the meeting:
10 "a. Cllr Rock Feilding-Mellen suggested he did not
11 understand why residents were unhappy with the work
12 carried out to improve Grenfell Tower. He said it was
13 a more considerable investment than in any part of the
14 Borough."
15 Et cetera.
16 If we can turn specifically to page 31
17 {IWS00002334/31} in this list of things that he recalls,
18 at (n) he says:
19 "I asked if he would take forward the increasing of
20 checks and balances on the TMO? He said he would take
21 my thoughts into consideration."
22 Do you remember that? Do you remember him asking
23 you that question and you responding in that way?
24 A. I think this is what I was referring to earlier where
25 I said my recollection of the main kind of area where



1 there was still disagreement between us -- and when
2 I say "us", I mean him on the one side and myself and
3 Laura Johnson on the other -- was he was asking for, as
4 I recall it, a not particularly clear or well defined
5 process of kind of additional independent checks of the
6 TMO, and Laura Johnson, and I agreed with her, thought
7 that the existing levels of checks, ie having
8 a resident-controlled board and then having the housing
9 and property scrutiny committee and, indeed, the checks
10 of the housing department officers, as I understood it
11 to be at the time, was satisfactory.
12 Q. He then says at paragraph 136:
13 "I bumped into Cllr Feilding-Mellen in Bramley Road,
14 near the pedestrian crossing adjacent to
15 Whitchurch Road, during the month which followed. The
16 outcome was clarity; he was not going to follow up on
17 the matters raised through our prior conversation."
18 Is that right? Is his recollection of that correct?
19 A. I think in terms of that particular point, I probably
20 did tell him that the advice that I had been given and
21 which I concurred with was that we thought the checks
22 that were in place were satisfactory.
23 Q. Thank you.
24 Next follow-up question: you touched earlier on on
25 the subject of the composition of the TMO board. In



1 2016 or 2017, before the fire, at any rate, do you
2 remember whether any consideration was given to whether
3 any residents of Grenfell Tower specifically or
4 residents of the Lancaster West Estate more generally
5 should be on the TMO board?
6 A. I don't remember. My understanding was that residents
7 could stand for election to the TMO board by the members
8 of the TMO, which were other residents. So my
9 understanding was you couldn't really nominate residents
10 from a particular block over any other particular block,
11 it was -- they had to stand and be elected by the
12 members of the TMO.
13 Q. As a fact, it's correct, I think -- and correct me if
14 I'm wrong about this -- that there were no residents of
15 Grenfell Tower or the Lancaster West Estate more
16 generally on the TMO board before the fire.
17 A. You -- I have to say, I did not know the addresses of
18 the different residents who were on the TMO board. It
19 was not something which I thought I -- it was private
20 information, I didn't ask that.
21 Q. Do you know whether any consideration was given to
22 inviting any particular resident of the tower or the
23 Lancaster West Estate to stand for election to the TMO
24 board?
25 A. My understanding is that the TMO had a general policy of

1 trying to engage and encourage residents across the
2 entire HRA stock to become active members and to stand
3 for election to the board if they thought they could
4 contribute, so I would be surprised if Lancaster West
5 was somehow excluded from that process.
6 Q. Now, during the course of your evidence you answered
7 some questions about the cladding change from zinc to
8 aluminium, that was one topic, and another topic was
9 whether there were existing objective criteria that the
10 board of the TMO should be applying when doing their
11 review in the first part of 2016. Separate topics, but
12 both give rise to a follow-up line.
13 Can I ask you, please, to look at the MMA.
14 Were you familiar with the terms of the MMA, the
15 modular management agreement?
16 A. I never read the MMA.
17 Q. You never read the MMA. Did anybody ever provide you,
18 ever, with a digest or summary of its terms?
19 A. So I signed a key decision which was agreeing to
20 an updated version of the MMA, I think it was in 2015,
21 and that key decision report, which was prepared by
22 Laura Johnson, set out the kind of background and the
23 explanation for the changes, and I remember it
24 confirming that the MMA was considered fit for purpose
25 and that the changes had been checked by both legal and



1 by finance departments.
2 Q. Right. Do you remember when in 2015? Was it December
3 that year?
4 A. I do not remember exactly.
5 Q. Right.
6 Well, let's just look at one or two provisions in
7 it, and this is particularly schedule 3 to the MMA. Can
8 we please go to {RBK00019006/165}. This is volume 1 of
9 the modular management agreement for the TMO, the MMA.
10 We can see there is something called "Client review
11 group", a third of the way down, now in the middle of
12 your screen. Paragraph 2.1, do you see that it says:
13 "The Neighbourhood Manager and Project Manager will
14 decide whether to establish a Client Review Group or
15 a steering group for the project. This will be chaired
16 by a representative of the Residents Association and
17 will include the Neighbourhood Manager and Project
18 Manager. The role of this group will be to act as
19 client for the project, review progress in implementing
20 the scheme and focus on those issues which directly
21 concern residents. Where it is decided not to establish
22 a Client Review Group, the Residents Association will be
23 asked to nominate a representative to join the Project
24 Team.
25 "If there is no Residents Association the Project



1 Manager should advise the Tenant Participation Group and
2 agree how best to encourage resident involvement."
3 Were you aware that that was a provision of the MMA?
4 A. Not specifically, no.
5 Q. Do you know whether that provision was examined for the
6 purposes or by the TMO board in carrying out its
7 investigation into the TMO's conduct of the
8 Grenfell Tower project?
9 A. I don't know exactly. I remember being told on numerous
10 occasions, for example in the cabinet reports, that the
11 TMO had done quite extensive consultation, had agreed
12 a process for ongoing engagement with the residents of
13 the tower, and it then also set up a Grenfell Compact
14 group, which I know it met with and it had the resident
15 liaison officer, and I think the board, from memory,
16 reviewed the resident engagement process.
17 Q. Yes.
18 Let's try another provision of this. Can we skip
19 forward two pages, please, to page 167
20 {RBK00019006/167}, and look at paragraph 5.2.
21 "Appointment of consultant(s)", that's the heading, and
22 under 5.2 it says:
23 "The Project Manager, Consultancy Services Manager,
24 Neighbourhood Manager and Residents Association
25 representatives will select suitable consultants with



1 relevant experience. The Project Manager will chair the
2 panel. Depending on the size and complexity of the
3 project, consultants may be appointed from a number of
4 disciplines ..."
5 Then you can see a list, and at the top of the list
6 is architecture.
7 First of all, were you familiar with that provision?
8 A. No, I hadn't read any of the MMA.
9 Q. Do you know from your knowledge whether or not the TMO
10 board examined this provision and investigated whether
11 or not it had been complied with, particularly in
12 respect of the appointment of Studio E as architects for
13 the Grenfell Tower project?
14 A. I do not know whether the board reviewed this provision
15 in that regard, and nor do I know to what extent the TMO
16 did consult with residents in the appointment of the
17 architect because it was before I was the cabinet member
18 for housing.
19 Q. Looking at page 175 {RBK00019006/175}, please,
20 paragraph 15.3, this is at the top of the page, and
21 in fact it starts at the foot of page 174, under "Site
22 meetings". It's to do with site meetings and it says
23 this:
24 "To ensure that tenants' concerns are addressed the
25 Resident Association representative can either attend

1 the site meeting or a meeting can be held with the
2 Residents Association prior to the site meeting.
3 Feedback will be provided to the residents after the
4 site meeting, where necessary."
5 Again, I assume that, because you had not read this
6 detail of the document, you were not aware of that
7 provision?
8 A. No.
9 Q. Again, do you know what the TMO board did in the course
10 of its review to ensure that the TMO had complied with
11 this provision?
12 A. I do not know.
13 Q. No.
14 And then page 177 {RBK00019006/177}. The same
15 questions, I'm afraid. Paragraph 22.1, "Post-project
16 review":
17 "All schemes will be subject to a post-project
18 review. After completion of the project or on sectional
19 completion, residents will be asked for their views on
20 way the work was carried out and what they like or
21 dislike about the improvements to their homes. The
22 survey will also seek to collect b.m.e. data."
23 Again, the same questions: first, were you aware
24 that this was an obligation contained in the MMA?
25 A. No.



1 Q. Secondly, do you know what the TMO board did in its
2 review to ensure that this obligation was complied with?
3 A. I don't know, but my understanding is the board review
4 was completed before the end of March 2016, and I'm not
5 sure that the project had finished then. I do seem to
6 remember reading reports from the TMO that they were
7 going to do a satisfaction survey after completion.
8 Q. You don't know whether one was actually ever carried out
9 in conformity with the obligation contained here?
10 A. I cannot remember that now.
11 Q. No. Thank you very much.
12 Mr Feilding-Mellen, I've got one question for you,
13 and it's a question we don't ask every witness, but
14 certainly of witnesses who have performed particular
15 roles in relation to the Grenfell Tower project and
16 other matters, and it's this: looking back on the
17 evidence that you and I have covered together over what
18 is now over a day, for which I'm grateful, is there
19 anything you would have done differently?
20 A. That is a question which I'm sure you would have
21 expected and is the case I've asked myself constantly
22 over the last four years, and I think I will probably be
23 haunted by that question for the rest of my life.
24 Based on the information that I had and given what
25 I considered my roles to be, I really don't know what



1 I could have done differently, but I wish from the very
2 bottom of my heart that things had been done
3 differently, so as to have prevented that fire, and that
4 includes anything that this Inquiry decides that
5 the council, the cabinet or I should have done
6 differently.
7 And if I may, I'd like to say how -- I know that the
8 sorrow and the pain that I have experienced over the
9 last four years is nothing compared to the what must be
10 unbearable grief that those who lost their loved ones
11 have had to suffer, and indeed all those who had their
12 lives shattered on that night. And to those people
13 I want to say how very sorry I am.
14 MR MILLETT: Thank you very much, Mr Feilding-Mellen. It
15 only remains for me to thank you finally for your
16 evidence to the Inquiry, in writing and over the last
17 day or so. So thank you very much.
18 SIR MARTIN MOORE-BICK: Mr Feilding-Mellen, it's absolutely
19 right that I should thank you as well on behalf of all
20 three members of the panel for coming to give your
21 evidence. It has been very helpful to us to hear what
22 you have to tell us, and we really are very grateful to
23 you for giving up the time to come and speak to us like
24 that.
25 THE WITNESS: Thank you, Mr Chairman. I hope it is not



1 remiss of me to say that I would like to thank you and
2 your panel members and Mr Millett and the whole
3 Inquiry team for the work that you have done and will
4 continue to do to try and make sure this sort of thing
5 can't happen again. So thank you.
6 SIR MARTIN MOORE-BICK: Thank you.
7 Yes, if you go with the usher, she'll look after
8 you. Thank you.
9 (The witness withdrew)
10 SIR MARTIN MOORE-BICK: Thank you, Mr Millett. So we're
11 obviously going to break at that point so we have some
12 lunch. We will resume at 2.15, when I think there is
13 another witness to come.
14 MR MILLETT: Very good. There is, Mr Nicholas Paget-Brown.
15 SIR MARTIN MOORE-BICK: Good, thank you very much.
16 2.15, then, please.
17 (1.15 pm)
18 (The short adjournment)
19 (2.15 pm)
20 SIR MARTIN MOORE-BICK: Yes, Mr Millett. Now, you have
21 another witness for us.
22 MR MILLETT: I do, Mr Chairman. Can I call, please,
23 Mr Nicholas Paget-Brown.
24 MR NICHOLAS PAGET-BROWN (sworn)
25 SIR MARTIN MOORE-BICK: Thank you very much.

1 Now, sit down and make yourself comfortable. Yes,
2 do take some water if you'd like some.
3 (Pause)
4 Good, thank you.
5 Yes, Mr Millett.
6 Questions from COUNSEL TO THE INQUIRY
7 MR MILLETT: Yes, Mr Chairman.
8 Mr Paget-Brown, good afternoon.
9 Can I start by thanking you very much for attending
10 this public inquiry and assisting with us our
11 investigations, we are very grateful to you.
12 If you have any difficulty understanding any of my
13 questions, I'm happy to put the question again or frame
14 it in a different way.
15 Can I ask you to keep your voice up, so that the
16 transcriber, who sits to your right, can get down
17 everything you're saying clearly and accurately. It
18 also helps not to shake your head or nod; say "yes" or
19 "no" as the case may be.
20 We will take a break at about 3.15 or 3.20 or so,
21 but if you need a break at any other time, we can take
22 a break. And if we go into tomorrow, the same will
23 apply.
24 I'm going to ask you about two statements that you
25 have made to the Inquiry.



1 The first is {RBK00035001}, if we can have that up.
2 Is that the first page of your first witness statement?
3 A. Yes, it is.
4 Q. If you go, please, to page 36, you can see that there is
5 a date and a signature. The date is 31 October 2018,
6 and the signature is just above it. Is that your
7 signature?
8 A. Yes.
9 Q. I'll call that your first statement.
10 Can we next go to your second statement, please,
11 {RBK00054428}. Is that the first page of your second
12 statement?
13 A. Yes.
14 Q. If we can go to page 19, we can see a signature there,
15 above the date 26 September 2019. Is that your
16 signature?
17 A. Yes.
18 Q. I'll call that your second statement.
19 Have you read your first and second witness
20 statements recently?
21 A. Yes, I have.
22 Q. Now, I believe that there are some corrections that you
23 wish to make to your statements.
24 The first, I think, is in the first statement. Can
25 we go, please, to page 5 in that {RBK00035001/5} and



1 look at paragraph 17. You see what you say there.
2 I think it's right that at the time you drafted that
3 paragraph, you didn't have the RBKC cabinet and
4 leadership team membership table in front of you. Is
5 that correct?
6 A. That's correct.
7 Q. Can we look at that. It's {RBK00000280}. Have you
8 studied this table recently?
9 A. Yes, I have.
10 Q. And do you accept it's accurate?
11 A. Yes, I do.
12 Q. And in preference to what you have said in your
13 statement?
14 A. Yes. There's one additional member of my cabinet who
15 I omitted.
16 Q. And that's Councillor Joanna Gardner?
17 A. Correct.
18 Q. She was cabinet member for community safety, IT and
19 corporate services, is this right, from 23 May 2013
20 until 24 May 2016?
21 A. That's correct.
22 Q. Thank you.
23 Can we look at your second statement, please, at
24 {RBK00054428/8}, please. At paragraphs 26 and 28 in
25 there, where you're dealing with complaints and your



1 correspondence log. You say at paragraph 26 in the
2 first sentence:
3 "My correspondence log (from December 2013 to
4 June 2017 with records missing for June-Dec 2013) does
5 not indicate any specific complaints about the Grenfell
6 refurbishment."
7 In fact, I think you want to add something at the
8 end there, don't you?
9 A. Yes, I do.
10 Q. Let me put it to you: I think you want to add there that
11 that should say, "other than a complaint from
12 Edward Daffarn on 10 December 2014 about 'illegal
13 actions by RBKC planning and TMO re windows'"?
14 A. That's correct.
15 Q. Is it right that you requested a draft response from
16 LeVerne Parker about the procedure for making a formal
17 complaint and you replied to him on 16 December 2014?
18 A. Yes, that is also correct.
19 Q. And the reference to that document I shall read into the
20 record: {TMO10008268}.
21 I think you also want to make a correction to
22 paragraph 28, if we can have that on the screen, please
23 {RBK00054428/8}. You say there that:
24 "I do not believe that I received any specific
25 complaints in my weekly mail bag relating specifically

1 to Grenfell Tower, other than the power surges of
2 May 2013 (referred to below)."
3 I think you want to add, don't you, "and the
4 complaint about the windows referred to above, in
5 respect of which I requested a draft response from
6 LeVerne Parker"?
7 A. Yes.
8 Q. Is that correct?
9 A. Yes, correct.
10 Q. Yes, thank you very much.
11 Other than those corrections that you have made to
12 those statements, can you confirm that their contents
13 are true, or are true with those corrections?
14 A. Yes, with those corrections I believe they're true.
15 Q. Have you discussed your statements or your evidence that
16 you're going to give today with anybody before coming
17 here today?
18 A. Only with the council's legal advisers.
19 Q. Right.
20 Now, I'm going to turn to your political career,
21 first of all, please, and I would like to ask you first
22 about housing issues.
23 Before I do that, can I ask you some prefatory
24 questions about your involvement in local politics.
25 It's right, I think, that you were appointed



1 councillor or elected councillor first in 1986.
2 A. Correct.
3 Q. At that time and from that time, is it right you held
4 a number of positions in housing?
5 A. Yes, I was initially on the private sector housing
6 committee, which was a subcommittee of the main housing
7 committee, and two years later I became chairman of the
8 public sector housing committee, which was also a
9 subcommittee of the main housing committee.
10 Q. From that time until 1996, is it right that RBKC managed
11 its own housing stock, including its social housing
12 stock?
13 A. Yes.
14 Q. In 1988 you were appointed, I think, chairman of the
15 public sector housing committee.
16 A. Correct.
17 Q. And you chaired the tenants consultative committee as
18 well, I think.
19 A. Yes, did.
20 Q. What did your role as chairman of both of those
21 committees involve, in brief?
22 A. It involved looking at policy papers relating to
23 the council's housing stock, and it's the use of the
24 housing stock and the pressures on the housing stock,
25 the funding of it, and chairing committees of



1 councillors who would then cross-examine officers of the
2 then housing department about the contents of the paper
3 and essentially hold them to account, raise questions
4 that they had, and determine policy on public sector
5 housing.
6 Q. Is it right that you then became the vice chairman of
7 a new committee in the early 1990s after housing and
8 social services were merged?
9 A. Yes, that's correct.
10 Q. Did you hold that position until you became deputy mayor
11 in 1993?
12 A. Yes, I believe so.
13 Q. Would it be fair to say that over that period you became
14 intimately acquainted with management of RBKC's housing
15 stock?
16 A. Yes, I think that's a fair conclusion.
17 Q. Yes. Did you continue to be involved in issues
18 concerning the management of RBKC's housing as
19 deputy mayor?
20 A. To be perfectly honest, I can't now remember. There was
21 a year where I was deputy mayor and either I was still
22 vice chairman of the housing and social services or
23 I had started in my new set of responsibilities, but
24 I can't now remember without looking it up.
25 Q. Okay.



1 Turning to the TMO, we know that the TMO was
2 launched in 1996; yes?
3 A. Yes.
4 Q. And that was just a few years after you had been the
5 vice chairman of the housing and social services
6 committee.
7 Do you remember the formation of the TMO being
8 discussed during your time on the housing committee?
9 A. In general terms, yes, because there was new legislation
10 going through at the time which set up the right to
11 manage, and there was also, I think, a sort of national
12 political bias against councils running their own
13 housing stock with big -- potentially running up big
14 debts if they wished to refurbish or renew the stock.
15 There was a thought, I think, that maybe housing could
16 be transferred to housing associations, and I think in
17 Kensington and Chelsea the view of the tenants was they
18 did not wish to transfer to a housing association, they
19 would rather manage their own stock, and that was
20 an option. So, actually, I think we became the first
21 Tenant Management Organisation in the country to cover
22 the whole of the borough and, you know, it was launched
23 nationally by a minister.
24 Q. Do you recall who it was who proposed that the TMO
25 should be formed?

1 A. No, I think it would have been —— there would have been
2 technical advice at the time that this was an option,
3 and it probably would have been discussed with tenants,
4 possibly at a tenants consultative committee meeting,
5 and it would have emerged from that, but I slightly ——
6 wasn't around during those discussions.
7 Q. Yes, I see.
8 Can we go to your first statement, please, at
9 page 12 {RBK00035001/12} and look at paragraph 53. You
10 say there at the foot of the page under the heading
11 "Kensington and Chelsea Tenant Management Organisation":
12 "The Kensington & Chelsea Tenant Management
13 Organisation was formally launched in 1996 by the Rt Hon
14 John Gummer, Secretary of State for the Environment.
15 This was a few years after I had been Vice Chair of the
16 Housing and Social Service Committee and during my
17 appointment as Chair of the Environment Committee. It
18 is my understanding that the TMO was formed in response
19 to changes in legislation and a desire by tenants to
20 avoid the Council's housing stock being transferred to a
21 Housing Association, where it was possible that rents
22 would rise more sharply."
23 Do you know or can you remember how that desire on
24 the part of the tenants was communicated to the council?
25 A. Well, I can't in detail remember how that would have



1 happened but, as I say, I wasn't actually involved with
2 housing during the sort of intensity of those
3 discussions, but it would have probably been through the
4 tenants consultative committee, which met I think
5 regularly, and sort of more informal in the margins
6 discussions between councillors, tenants, officers, that
7 this might be a viable way of not having to transfer the
8 stock to a housing association.
9 Q. In paragraph 54 you say:
10 "Following the launch of the KCTMO, RBKC took the
11 decision to transfer all of its housing stock ... to the
12 TMO ..."
13 Does that mean that the TMO was formed before that
14 decision was made?
15 A. I don't remember. I would have thought the decision
16 would have been made and then the KCTMO would have been
17 established, but I ... that's pure speculation.
18 Q. Yes. I understand why you say that. That's why I asked
19 the question.
20 Can you help us as to why, at least according to
21 your statement here, the decision was made to transfer
22 all the housing stock to the TMO after the decision was
23 made to set it up?
24 A. Well, again, my memory is not completely clear on this,
25 but I think the idea that you might have a small



1 organisation within the borough that was running some of
2 the housing, a small Tenant Management Organisation, was
3 thought not to lend the economies of scale. You'd end
4 up with a small organisation here which was a mini TMO,
5 you would end up perhaps with a rump of a council
6 housing department, you might transfer a bit of the
7 stock to a housing association, so you would end up with
8 a muddle, whereas if you had one borough—wide
9 organisation, you would get economies of scale, you
10 could see the management working across the borough, and
11 that would be a better solution.
12 Q. Was that the thinking at the time?
13 A. I believe it was.
14 Q. Right. Does that explain why RBKC decided to move the
15 management of its whole housing stock to the TMO?
16 A. I think so, yes.
17 Q. Was there any consideration, do you remember, at the
18 time of whether the TMO was adequately structured and
19 resourced to ensure that it could discharge all of its
20 responsibilities that it had undertaken in respect of
21 the entirety of RBKC's housing stock?
22 A. Well, I can't remember that. As I say, I was no longer
23 really involved in the detail of those discussions, I'd
24 moved on to a different area of responsibility on the
25 council, but it would seem to me that you would transfer



1 what had once been the in—house council's housing
2 department, with the different structures, different
3 areas, responsibility, and you would transfer them
4 completely in one 100% piece to the new organisation.
5 That's essentially, I believe, what happened.
6 Q. My question is really: when that decision was made to
7 transfer the entirety of the housing stock, what
8 consideration was given to whether the TMO was
9 adequately resourced and structured so as to be able to
10 manage that entire stock?
11 A. I really don't think I can answer your question on that,
12 I don't know.
13 Q. Okay.
14 Moving forward in time, you chaired the environment
15 committee. When did you take that position up, do you
16 remember?
17 A. I think it was 19 —— responsibilities change every May,
18 and I think it was probably either May 1993 or May 1994,
19 but I can't now remember which.
20 Q. That's ——
21 A. —— period of overlap with my deputy mayoralty.
22 Q. Yes, I see.
23 In 2000, you became the borough's cabinet member for
24 regeneration, community safety and the voluntary sector.
25 A. Yes.

1 Q. That's right. And you were, I think, also appointed
2 Chief Whip for the Conservative group; is that correct?
3 A. Yes, correct.
4 Q. And you managed that portfolio -- is this right? --
5 until you became deputy leader of RBKC in 2011?
6 A. I was the Chief Whip until 2011, but my portfolio area
7 of responsibility changed, I think, in 2006, or it might
8 have been 2007, when I became the cabinet member for
9 environment, and then two years later the cabinet member
10 for environment and transport and leisure.
11 Q. Right. Then you became leader in May 2013.
12 A. Correct.
13 Q. And then resigned on 30 June 2017, after the
14 Grenfell Tower fire?
15 A. Correct.
16 Q. I want to ask you some questions now about the
17 constitution of RBKC, please, and you cover this in some
18 detail in paragraphs 12 to 16 of your first statement
19 {RBK00035001/4} and you exhibit some documents.
20 We don't need to look at that specifically at this
21 stage, but were you familiar in general with the
22 constitution during your time as deputy leader and then
23 leader?
24 A. Not very familiar with all of it, but familiar with
25 parts of it where I needed to be familiar with it.



1 Q. I follow. Well, let's see how we go. So you never sat
2 down and read it cover to cover?
3 A. No.
4 Q. Can we look at {RBK00035017}, please. This is
5 appendix B to the constitution, and it's entitled "The
6 Royal Borough's Member-level Governance Arrangements as
7 at May 2015", which is at the top of the screen there,
8 and you have "Full council", and on the left
9 "Council-side Committees" and on the right
10 "The Executive", and "Scrutiny" sits between the two.
11 You describe that in paragraph 13 of your first witness
12 statement as representing the member-level governance
13 arrangements.
14 Does this diagram or organogram reflect the
15 structure of the governance arrangements throughout your
16 time as deputy leader and then leader of the council?
17 (Pause)
18 A. Yes. One or two of the scrutiny committee titles
19 changed, but essentially they were the same type of
20 area. And yes, that looks a familiar structure to me.
21 Q. Yes, I see.
22 Now, turning to the full council, that sits at the
23 top, as you can see.
24 A. Yes.
25 Q. The role of full council was governed by Article 4 of



1 the constitution, wasn't it? You know that? Do you
2 know that?
3 A. I don't remember which article of the constitution --
4 Q. This isn't going to be a test on the constitution --
5 A. Right.
6 Q. -- particularly, I just want you to help me confirm
7 what's in it.
8 A. Yes.
9 Q. Can we go to {RBK00035002}, and on page 1 of that
10 document -- this is part 2 of the constitution,
11 Article 4, "The full council", do you see it?
12 A. Yes.
13 Q. And under 4.01, you can see that it would have 50
14 elected councillors and would meet in three ways: annual
15 meeting, ordinary meetings and extraordinary meetings
16 conducted in accordance with the standing orders.
17 I take it you were familiar at least with that?
18 A. Yes, yes.
19 Q. And then if you look down at Article 4.04, it defines
20 the full council's terms of reference, and you can see
21 that there, (a) particularly:
22 "To approve and adopt the following plans and
23 strategies subject to any variation that may from time
24 to time be made in response to legislation and which
25 together make up the Council's budgetary and policy



1 framework."
2 Then there is a list, and you can see them there.
3 A. Yes.
4 Q. If you look over the page {RBK00035002/2}, please, to
5 Article 4.04(d), top of page 2, one of the things was to
6 appoint the leader of the council at the post-election
7 annual meeting or any subsequent meeting.
8 A. Yes.
9 Q. Do we take it that you were elected leader by the full
10 council?
11 A. Yes, I was elected leader by the full council, having
12 first been elected leader of the majority party, the
13 biggest party of the council. So the biggest party has
14 a leader, the minority party also has a leader, and the
15 leader of the biggest party is then elected by the full
16 council once a year.
17 Q. Yes. Just on that occasion, does the constitution
18 change to identify the leader by name?
19 A. I'm not sure I understand your question. Does this
20 document change?
21 Q. Yes.
22 A. I don't think so.
23 Q. Right. We will come back to that shortly.
24 If we continue to know this page, look at (l):
25 "To consider those matters referred to it from

1 time-to-time by scrutiny committees and by other Council
2 committees."
3 How often in practice were issues referred by
4 scrutiny committees to the full council?
5 A. Occasionally, not regularly. I mean, I think it sort of
6 went up and down a bit, but occasionally scrutiny would
7 refer something to the council and it would be debated,
8 or somebody would move a motion and that would be
9 debated, but ...
10 Q. Do you recall during your time as leader or
11 deputy leader if any issues regarding housing
12 particularly were referred by the housing and property
13 scrutiny committee to full council?
14 A. I don't remember that.
15 Q. Right.
16 Does it follow from that -- I think it probably
17 does -- that no issues concerning Grenfell Tower
18 specifically were referred to full council by the
19 housing and property scrutiny committee during your time
20 as leader?
21 A. Not that I recall, no.
22 Q. Or as deputy leader?
23 A. I don't think so.
24 Q. Right.
25 Moving to cabinet, can we please go to



1 {RBK00035010}. This is in a different part of the
2 constitution, this is part 2, Article 7, and at 7.01 we
3 have "The Executive", and under (a) it says:
4 "The Executive is responsible for undertaking all of
5 the Council's functions, except for those functions
6 (specified in Article 4 and Part 3 of the Constitution)
7 that are reserved to the Council and that are undertaken
8 by the full Council or delegated by the Council to
9 committees, sub-committees (if any) or officers. When
10 the Executive meet collectively, it is known as 'the
11 Cabinet'. Individual Councillors that are members of
12 the Executive are known as 'Cabinet Members'."
13 It's fair to say, is it, then, looking at that, that
14 the role of cabinet was to have responsibility for
15 anything that was not the responsibility of the full
16 council or council committees?
17 A. Yes.
18 Q. Yes.
19 If we look down the page to the foot of the page,
20 please, can we scroll down to Article 7.04 "Other
21 Cabinet Members". That says in (a):
22 "The Leader appoints the other Cabinet Members and
23 notifies the Director of Strategy and Local Services of
24 their appointments."
25 So is it the leader or was it the leader who would



1 decide the portfolios of individual cabinet members?
2 A. Yes.
3 Q. During the majority of the time that you occupied the
4 seat as leader, it's right, I think, isn't it, that
5 Councillor Rock Feilding-Mellen from 2013 was the
6 deputy leader?
7 A. Yes.
8 Q. And he was also the cabinet member for housing, property
9 and regeneration.
10 A. Yes.
11 Q. Do you know why you appointed Councillor Feilding-Mellen
12 in particular to those roles?
13 A. Yes. Prior to either us of holding those positions,
14 we'd had discussions, informal discussions, about
15 housing issues, about the future of our housing stock as
16 a borough. Rock had been elected as a councillor in
17 North Kensington for four years, I think between 2006
18 and 2010, so he'd had some experience of some of the
19 social housing issues and housing associations. He
20 worked or had set up, as I understand it, a consultancy
21 specialising in property and planning-type issues. He
22 lived in North Kensington, and I thought he would be
23 a very good person to be involved with regeneration and
24 housing.
25 Q. He was, I think, some 34 years old or so at that stage.



1 A. Yes, I believe so.
2 Q. He told us yesterday that although that wasn't
3 particularly young looking across the country, it was
4 unusually young for RBKC. Did it strike you at the time
5 that he was a particularly young candidate for the post?
6 A. Not unduly.
7 Q. It didn't?
8 A. No, it struck me I was beginning to be at the top end of
9 the age range on the council and we needed to bring
10 forward some younger people, and his name lent itself to
11 that.
12 Q. Right.
13 Looking at Article 7.07, please, if we go over the
14 page, page 2 {RBK00035010/2}, under (a):
15 "The Cabinet usually meets on a monthly basis, but
16 the Leader keeps this arrangement under review. The
17 Leader chairs the meetings. There are leader's meetings
18 at approximately monthly intervals (i.e. between cabinet
19 meetings)."
20 What was the purpose of the leader's meetings which
21 were held in private?
22 A. Yeah, the purpose of a leader's meeting is to discuss
23 some of the issues which are likely to come forward to
24 the cabinet or particular issues which are of concern to
25 an individual cabinet member where perhaps different

1 options need to be explored before a final cabinet paper
2 can be produced. So it's an informal -- well, no, it's
3 a structured meeting, which is properly clerked, but it
4 does give members of the cabinet a chance to discuss,
5 debate, test ideas before they become rather more set in
6 aspic and become a cabinet paper for formal approval at
7 a formal cabinet meeting.
8 Q. Were those meetings minuted?
9 A. Yes, they were.
10 Q. Are those the meetings you refer to at paragraph 28 of
11 your first witness statement on page 7 {RBK00035001/7}?
12 If we can just have a look back at that, please. You
13 refer to meetings with individual cabinet members there,
14 town clerk and the directors from the relevant
15 department. Are those the meetings that are covered in
16 Article 7.07?
17 A. No, they're not. These are different meetings. Would
18 you like me to cover what these meetings are?
19 Q. Yes, please. What are those meetings?
20 A. These are meetings I had once a year with individual
21 cabinet members, usually in January/February time, where
22 I would have the appropriate cabinet member, the
23 executive director who advised them, the town clerk and
24 chief executive, and any other very senior officer
25 thought to be relevant, so we could discuss particular



1 issues within that portfolio, issues which might come
2 forward during the year, issues which were likely to be
3 controversial, issues perhaps where the cabinet member
4 would like to have a steer either from me or from the
5 chief executive, and in a sense they were to try to
6 differentiate from a meeting we would then have
7 six months later to review the financial position, to
8 agree budgets for the next three-year period, so we
9 didn't muddle up budgets with sort of policy issues and
10 general direction of travel. But they weren't the same
11 as the leader's group, which were sort of, if you like,
12 informal cabinet meetings that took place broadly once a
13 month.
14 Q. Yes, I see.
15 Were the meetings you're referring to in your answer
16 just now minuted?
17 A. In paragraph 28?
18 Q. Yes.
19 A. Yes, they were.
20 Q. They were.
21 Can we look back, please, at Article 7, and go
22 within that previous document, please, to page 3
23 {RBK00035010/3}.
24 Under 7.08, "Delegation of Functions", you can see
25 (a) says this:



1 "The functions set out in Part 3.A of this
2 Constitution have been delegated by the Leader to the
3 Cabinet Member and/or executive director or director."
4 Now, we'll come back to part 3.A in a moment.
5 I just ask you to note that for the time being.
6 I now want to ask you about key decisions.
7 If you look a little bit further down page 3, you
8 will come to the very foot of the page -- and we will
9 need to turn to page 4 -- this is Article 7.10, "The
10 Decision-making Process".
11 Over on to page 4 {RBK00035010/4}, you will see in
12 Article 7.10(b) "Definition of Key Decisions":
13 "A key decision will be any executive side matter
14 that is not already delegated to officers which:
15 "(i) involves income or expenditure of £100,000 or
16 more; and/or
17 "(ii) is likely to have a significant impact on the
18 community in one or more electoral wards."
19 Is it right that the decision to refurbish
20 Grenfell Tower was a key decision within the meaning of
21 Article 7.10(b)?
22 A. Yes, it was. It would have been a key decision for the
23 whole cabinet.
24 Q. Right.
25 Can we then go down to Article 7.10(h) at page 6



1 {RBK00035010/6}. Under "Decision-making", it says this:
2 "Key decisions are made either by the full Cabinet
3 or by individual Cabinet Members."
4 Then if you look at (i) to (k), you will see that
5 there is a description of the procedure to be adopted if
6 the key decision is to be made by cabinet or the
7 individual cabinet member. If you just scroll down on
8 to page 7 {RBK00035010/7}, please, you will see that,
9 and you can see that there is a distinction between
10 individual cabinet members and cabinet.
11 In general terms, Mr Paget-Brown, how was it decided
12 whether a key decision was to be made by the cabinet or
13 an individual cabinet member?
14 A. Well, other than --
15 Q. Just in general terms.
16 A. Yes. Other than the sort of financial thresholds
17 involved, there will be a thought by the cabinet member
18 that perhaps a controversial matter was going to be
19 decided upon which technically they might be able to
20 take a key decision on on their own, but it would be
21 prudent, perhaps, to bring it to the cabinet and get
22 collective agreement that that was the way forward. So
23 something which may not be financially particularly
24 expensive but might be controversial or difficult, they
25 would want the full cabinet to take a decision on that,

1 and that would be agreed between me and the
2 cabinet member, and occasionally we would discuss it
3 with the town clerk. But the idea was to have as much
4 flexibility as possible so that somebody could bring
5 something to a cabinet for a collective agreement.
6 Q. And the decision to have a key decision made by
7 a cabinet member or the full cabinet was a decision
8 I think you say made between you, the town clerk and the
9 particular cabinet member?
10 A. Yes. I think a lot of decisions are very what you might
11 call routine, they're not either controversial or
12 particularly expensive, and councils collectively take
13 a lot of decisions over the course of a year, so most
14 things can be -- decisions can be put on the forward
15 plan, the decision can be notified, taken by the
16 individual cabinet member, and there is no controversy
17 and it's straightforward, but it's taken in public, you
18 can see all the detail, key decisions are on the forward
19 plan.
20 As I say, where it's more controversial, you may
21 want collective agreement to it, so it's then a cabinet
22 decision, and if there are certain financial thresholds
23 or it's taking the council in a different or new
24 direction, then that should come to the full cabinet.
25 Q. Is it right that the decision to refurbish



1 Grenfell Tower was made by the whole cabinet?
2 A. Yes.
3 Q. Whose decision was that to have it decided by the full
4 cabinet? Was that yours?
5 A. Well, it would have been the leader at the time, the
6 decision on -- to refurbish Grenfell Tower was taken,
7 who was my predecessor.
8 Q. I see. So that would be 2012?
9 A. Yes, that was the first time I saw a cabinet paper,
10 I think.
11 Q. Right.
12 Now, can we go to {RBK00035007/1}, which is part 3.A
13 of the constitution, which I said I would come back to.
14 This is entitled "Responsibility for Functions", and
15 if you look at Article 1.1 under A, "Executive
16 functions", you will see it says this:
17 "The Leader of the Council is Nicholas Paget-Brown.
18 Details of those Members he has appointed to his Cabinet
19 are published on the Council website and are available
20 also by calling Governance Services on ..."
21 And then there is a telephone number.
22 A. Yes.
23 Q. This is the reason I asked you whether the constitution
24 was updated every time a new leader was appointed. We
25 see you're named specifically there. Is that because,



1 as I asked you, the constitution is updated every time
2 there is a new leader, or because it was updated during
3 your time and a decision was taken to name you there?
4 A. Well, I don't know why my name in particular appears
5 there, it's all quite accurate, but the leader might
6 decide the names of the portfolios or might make some
7 changes to what responsibilities are, so maybe when
8 I became leader I made some changes from the structure
9 my predecessor had had, and maybe those are set out
10 there for clarity. I can't see what the document goes
11 on to say, but I had made some changes to people's
12 positions.
13 Q. Can you explain why your name specifically?
14 A. I can't really, no.
15 Q. Right.
16 Let's look on down to page 4 in this part
17 {RBK00035007/4}, and look at Article 1.7. This is
18 entitled "The functions and portfolios of individual
19 cabinet members", and it starts "The Leader of
20 the Council", and Article 1.7 provides:
21 "The scope of the Leader's responsibilities spans
22 all portfolios, ensuring co-ordination and a coherent
23 approach to the Council's decision-making. The Leader
24 can make any decision which is delegated to an
25 individual Cabinet Member or to the Cabinet."



1 Then it goes on to identify a number of activities,
2 as you can see.
3 If you look down at (iv), it refers to:
4 "The Council's contribution to the life of the
5 Royal Borough and to the Capital and sub-region."
6 Would that include housing?
7 A. Yes.
8 Q. I suppose housing would fall into quite a few of these
9 categories, would it?
10 A. Erm ...
11 Q. For example, strategies under (i)?
12 A. Yes.
13 Q. And overall control of the revenue and capital finances
14 under (ii)?
15 A. Yes.
16 Q. Yes.
17 Would you have considered or did you consider (iv)
18 to have included taking responsibility for projects such
19 as the refurbishment of Grenfell Tower?
20 A. No, I didn't.
21 Q. No.
22 If we look at (v):
23 "The functioning of Council's Cabinet, including the
24 allocation of responsibilities to the full Cabinet and
25 individual Cabinet Members; the appointment and

1 dismissal of those Cabinet Members; and the delegation
2 of executive authority to officers."
3 Were you, in your role as leader, ultimately
4 responsible for ensuring that the cabinet member for
5 housing, property and regeneration was discharging their
6 responsibilities properly?
7 A. Yes, I was.
8 Q. Under (vi):
9 "Partnership working across the Council's services,
10 including liaison with other statutory agencies in and
11 outside the Borough."
12 Would that have included working with the TMO?
13 A. Yes.
14 Q. As a service provider. And as a statutory agency, would
15 that have included the LFB, London Fire Brigade?
16 A. Yes.
17 Q. Can we then move down to page 5 {RBK00035007/5}, and
18 look specifically at Article 1.8 on that page, under the
19 heading "Deputy Leader and Cabinet Member for Housing,
20 Property and Regeneration", and it provides there at
21 some length, as you can see on your screen, for the
22 details of what that portfolio was concerned with. I'm
23 not going to read it all out to you, but you can see
24 that it has a large number of matters, each under a set
25 of italics, but the first 12 sub-articles under



1 Article 1.8 are to do with housing matters. Do you see
2 that?
3 A. Yes.
4 Q. Was it customary for the deputy leader also to hold
5 a cabinet position with a specific portfolio?
6 A. Yes.
7 Q. And was it you who decided that Rock Feilding-Mellen,
8 when he became deputy leader, should hold the portfolio
9 of cabinet member for housing, property and
10 regeneration?
11 A. Yes.
12 Q. So the linkage between deputy leader and the
13 cabinet member for housing, property and regeneration
14 was particular, was it, to Mr Feilding-Mellen?
15 A. Yes. There was always a deputy leader of the council,
16 and that -- whoever the deputy leader was held different
17 portfolios according to their experience, interests,
18 expertise and what the leader wanted to get done. So as
19 I explained earlier, my view was that
20 Rock Feilding-Mellen would be a good -- not only a good
21 deputy leader, but a good cabinet member for housing,
22 property and regeneration.
23 Q. Yes. I'm interested in this because just as we saw you
24 specifically named under the leader part of the
25 constitution, here we see a portfolio linking the



1 deputy leader and the role of cabinet member for
2 housing, property and regeneration, and that link -- is
3 this right? -- was purely because both of those roles
4 were given to Rock Feilding-Mellen, so in fact this is
5 describing him.
6 A. Yes. I can't quite place this document, but it looks to
7 me as if whoever prepared it, prepared it shortly after
8 I had become leader and then put in these -- either my
9 name or who I had chosen as deputy or other portfolio
10 titles, and it is slightly odd but it does cover the
11 ground that they are supposed to be responsible for.
12 Q. Yes. Put it this way: if Rock Feilding-Mellen had
13 ceased to be deputy leader for whatever reason, then the
14 heading of this part of the constitution would have to
15 be redrafted, wouldn't it?
16 A. Yes.
17 Q. Yes. So this is specific really to him, and you can see
18 all the items for housing there.
19 Does it tell us that -- well, sorry, let me just ask
20 you this by reference to paragraph (i). It says under
21 housing matters:
22 "i. all social housing regeneration projects."
23 And under (viii):
24 "viii. the Tenant Management Organisation management
25 agreement and regulation."



1 You see that there?
2 A. Yes.
3 Q. Does that mean that ultimate responsibility for
4 oversight of fire safety within the TMO's stock lay with
5 the cabinet member for housing, property and
6 regeneration?
7 A. Well, it would be an area of responsibility for the
8 cabinet member, but the Tenant Management Organisation
9 had its own line of accountability to its own board and
10 I believe had structures to reflect that, and its own
11 relationship with the London Fire Brigade. So I suppose
12 there's a triangulation, and yes, I would certainly
13 expect the cabinet member to include fire safety in that
14 role.
15 Q. Yes.
16 A. In that set of responsibilities.
17 Q. Yes, thank you.
18 By virtue of Article 1.7(v) we looked at earlier, do
19 you accept it was your job to ensure that that
20 cabinet member, the person holding the role of
21 cabinet member for housing, property and regeneration,
22 performed their job properly?
23 A. Yes.
24 Q. Yes.
25 Stepping back from the detail we've just been

1 examining, do you agree that, by virtue of the
2 constitution, you had responsibility for both
3 social housing projects and the proper management of the
4 TMO?
5 A. Yes.
6 Q. Do you agree that your responsibilities as leader of
7 the council extended to the welfare of the residents of
8 RBKC's housing stock?
9 A. Yes.
10 Q. I'm going to ask you some questions next about the
11 scrutiny committee.
12 First of all, did you ever receive any training in
13 relation to how to conduct scrutiny?
14 A. I don't think I did, because weirdly I don't think
15 I ever sat on a scrutiny committee, because when the
16 cabinet and scrutiny committee system was set up in
17 2000, I joined the cabinet, so I don't think I had ever
18 sat on a scrutiny committee, but I know in those early
19 days arrangements were made to provide training for
20 members who sat on scrutiny committees, and I believe we
21 had either one or two MPs who chaired select committees
22 at the House of Commons come and run a session. I seem
23 to remember Mrs Gwyneth Dunwoody came on one occasion.
24 Q. Right.
25 Let's look at a document. This is {INQ00014671}.



1 This is the Chartered Institute of Public Finance and
2 Accountancy's delivering good governance guidance, and
3 it's the 2016 edition. We haven't been able to trace an
4 earlier edition. I'm not saying there isn't one.
5 It's got a memorable front page. Just looking at
6 it, is it a document you think you have ever seen
7 before?
8 A. No.
9 Q. No. Let's look at page 90 {INQ00014671/90},
10 nonetheless, and look at paragraph 6.9 with me under the
11 heading "Principles of good scrutiny":
12 "The Centre for Public Scrutiny has established four
13 core principles of good scrutiny:
14 "▪ Provides critical friend challenge to executive
15 policy makers and decision takers.
16 "▪ Enables the voice and concerns of the public.
17 "▪ Is carried out by independent-minded councillors
18 who lead and own the process.
19 "▪ Drives improvement in public services."
20 It goes on:
21 "Local authority overview and scrutiny committees
22 have the power to summon members of the executive and
23 officers of the authority before it to answer questions,
24 and are able to invite other persons to attend meetings
25 to give their views or submit evidence."



1 Are those principles familiar to you or were they
2 familiar to you at the time you were leader?
3 A. Well, they absolutely encapsulate what I understood and
4 expected a scrutiny committee to do. I'm not sure I've
5 ever seen these set out -- well, I haven't seen this
6 document, as far as I know, but yes, those look very
7 reasonable to me.
8 Q. Yes.
9 Were these principles, can you recall, the subject
10 of any specific training that members of the
11 scrutiny committee underwent during your time either as
12 deputy leader or leader?
13 A. I don't know the answer to that, other than to say newly
14 elected members of the council went through some quite
15 rigorous training, had some sort of training induction
16 courses, and I'm sure something like this would have
17 featured, but I can't go any further than that.
18 Q. You're speculating, I think?
19 A. Yes.
20 Q. Yes.
21 Did you yourself seek to foster these principles
22 when you were deputy or leader of the council?
23 A. Yes, I did. I had just started, probably no more than
24 a year before my leadership came to an end, trying to
25 have some informal gatherings with each of the



1 scrutiny committees across all members, all parties,
2 just so they could come in and see me and talk about
3 some of the issues that they were concerned about or
4 which needed dealing with or where perhaps I could talk
5 to them about things that I thought were of interest, so
6 that was another link between the leadership and the
7 scrutiny committees. And, of course, any chairman of
8 any scrutiny committee could always come and see me.
9 I mean, there was no suggestion they couldn't. But
10 there was supposed to be this separation, so I thought
11 it was ...
12 Q. Yes. You say this started no more than a year before
13 your leadership came to an end. Your leadership came to
14 an end at the end of June 2017.
15 A. Yes.
16 Q. So this would have been in 2016, would it?
17 A. Yes.
18 Q. So from the middle of 2016 onwards, right.
19 What was it that caused you to take this view at
20 that time or approach from that time?
21 A. Well, I was just a bit concerned that, as leader, you
22 can spend a lot of time talking to cabinet members who
23 take executive decisions, but you're not always talking
24 to the scrutiny committee, some of whom contain fairly
25 new members, newly elected members, opposition members,

1 and I just thought there was a danger there might become
2 a gulf between me as leader and the scrutiny committees,
3 particularly as I remember, I think it was about two or
4 three years before I became leader, rather than the
5 leader appointing the chairman of the
6 scrutiny committees, which had been the practice, party
7 colleagues took a decision that they wanted to elect
8 the chairman of the scrutiny committee, so I had no
9 particular —— I had some influence over who became
10 members of the scrutiny, but not who the chairmen were.
11 Q. Was there a particular event that caused you to re—think
12 in 2016 and adopt a more, as it were, open—door policy
13 towards scrutiny committees?
14 A. No, but I think I was getting more into my stride as
15 leader and realising there were certain areas where
16 I felt that actually, you know, one could make some
17 innovations, and this wasn't a huge innovation just to
18 come in once a year and have a drink and chat about
19 issues that were of concern to the committee. I thought
20 that would be a good thing to do.
21 Q. You say you were getting into your stride; this was
22 after three years.
23 A. Yes.
24 Q. That's quite a long time to get into your stride.
25 A. It takes quite a long time to master the range of issues



1 that, as leader of a council, you're responsible for.
2 Q. In your view, either at this time in 2016 or before
3 that, did you think there were a sufficient number of
4 council officers exercising scrutiny over the TMO,
5 having regard to the TMO's size, or rather the size of
6 its estate?
7 A. I had never considered whether there were enough
8 officers. I knew the TMO, I think, employed more than
9 200 members of staff, so ... and both the TMO and
10 the council were operating in a very difficult financial
11 climate. I mean, headcount was always an issue. There
12 were all sorts of pressures on council costs and
13 spending, so I think if it had been a suggestion that we
14 had many more officers, I probably wouldn't have reacted
15 terribly warmly towards it.
16 Q. Yes, we may have been at cross—purposes. I'm talking
17 about numbers of RBKC people exercising scrutiny over
18 the TMO, that was my question, rather than headcount
19 within the TMO itself. Shall I pose my question ——
20 A. Sorry, either. Either headcount within the TMO because
21 they had pressures on the housing revenue account ——
22 Q. Right.
23 A. —— and the headcount within RBKC because we had
24 pressures on our revenue support grant from central
25 government.



1 Q. I follow.
2 A. So this wasn't the time to be expanding staff numbers
3 greatly.
4 Q. I see.
5 Can we look then at another document, {RBK00063727}.
6 Now, this is an RBKC document from part five of the
7 constitution called D, "Local Code of Corporate
8 Governance". Are you familiar with this, just looking
9 at it on the screen?
10 A. Erm ... corporate governance ...
11 Q. Yes, I should tell you this dates from 2011.
12 A. I think I will have seen it. It's sort of looking
13 familiar, but I can't say I've got detailed knowledge of
14 this document. But I think I will have seen something
15 on corporate governance.
16 Q. Looking at the first paragraph under the introduction,
17 it says this:
18 "Governance is about how local government bodies
19 ensure that they are doing the right things, in the
20 right way, for the right people, in a timely, inclusive,
21 open, honest and accountable manner. It comprises the
22 systems and processes, cultures and values, by which
23 local government bodies are directed and controlled and
24 through which they account to, engage with and, where
25 appropriate, lead their communities."



1 Timely, inclusive, open, honest and accountable; do
2 you agree with those principles of how RBKC should go
3 about doing things?
4 A. Yes.
5 Q. Yes.
6 Now, the code sets out, in fact, six principles. We
7 could scroll down and look at them all, but can we go to
8 the fourth principle on page 4 {RBK00063727/4}, please.
9 Principle 4, it's called. It says:
10 "Principle 4
11 "Taking informed and transparent decisions which are
12 subject to effective scrutiny and managing risk.
13 "The Royal Borough ..."
14 Then it goes on to say a lot under a lot of bullet
15 points, the first of which, though, is this:
16 "Develops and maintains an effective scrutiny
17 function which encourages constructive challenge and
18 enhances the authority's performance overall and that of
19 any organisation for which it is responsible."
20 Then:
21 "Develops and maintains open and effective
22 mechanisms for documenting evidence for decisions and
23 recording the criteria, rationale and considerations on
24 which decisions are based."
25 I've only read you two excerpts from this long list,

1 but can we take it from those, first, that decisions
2 should be transparent and subject to effective scrutiny?
3 A. Yes.
4 Q. And, second, that scrutiny should lead to constructive
5 challenge which improves RBKC and also the TMO as
6 an organisation for which RBKC was responsible?
7 A. Yes.
8 Q. And do you also agree, thirdly, that decisions should be
9 open and effective in meeting that aim?
10 A. Yes.
11 Q. Yes.
12 Now, I want to turn to the decision to refurbish
13 Grenfell Tower, and also, in that connection, the
14 budget, if I can.
15 Can we start, Mr Paget-Brown, with your second
16 witness statement, please, at paragraph 6 on page 2
17 {RBK00054428/2}. You say this:
18 "At the time the initial decision was made to
19 renovate the Tower in 2012, I was the Deputy Leader and
20 Cabinet Member for Environment, Transport and the arts.
21 I was not, nor would have been privy to the detailed
22 discussions between the then Leader, Cabinet Member for
23 Housing and Property and senior officers in the Housing
24 Department, members of Kensington and Chelsea's Tenant
25 Management Organisation ('the TMO') or other relevant



1 departments and persons. On this basis there are some
2 questions which I am not able to answer as fully as
3 others."
4 If you go to paragraph 64 of your first witness
5 statement -- I don't think you need to see it, in fact,
6 it's on page 8 {RBK00035001/8} -- you say that you were
7 involved in the project to construct a new Kensington
8 Leisure Centre, and you say there that your key was to
9 research the scope of that project.
10 A. Yes.
11 Q. Was your involvement with the Kensington Leisure Centre
12 project continuing when the director of housing's report
13 about the refurbishment of Grenfell Tower was presented
14 to cabinet on 2 May 2012?
15 A. Yes, it would have been, yes.
16 Q. It would have been.
17 Can we look at the minute for that meeting, please,
18 at {TMO00847331}.
19 That is not the minute, in fact, it's the report for
20 that meeting.
21 Do you remember reading that report at the time?
22 A. Yes.
23 Q. Was that the first time you had heard about the
24 suggestion to refurbish Grenfell Tower?
25 A. I think I probably heard sort of informal discussions



1 that it might happen, but I hadn't paid great attention
2 to them, and then this paper came to cabinet. So, yes,
3 this is the first sort of written document I had seen,
4 but I think I'd heard it mentioned.
5 Q. Right. Do you remember whether you had any discussions
6 with anyone from the housing department before the
7 cabinet meeting on 2 May 2012?
8 A. Me personally?
9 Q. Yes.
10 A. I don't think I would have done, no.
11 Q. You say you don't think you would have done; is that
12 because it wasn't your habit to do so?
13 A. Yes. I was not the cabinet member for housing. It
14 seemed to me wonderful that there were some capital
15 receipts from the Elm Park Gardens, which I did
16 understand, where that money had come from, and that my
17 colleague in housing wanted to spend that on
18 Grenfell Tower. It seemed a thoroughly good idea.
19 Q. Was the refurbishment or proposed refurbishment
20 discussed at that meeting, do you recall?
21 A. Yes, I believe it was, yes.
22 Q. Can we look at your second witness statement,
23 paragraph 9 on page 3 {RBK00054428/3}. You say there in
24 the second sentence:
25 "The Cabinet would have the opportunity to ask for



1 further information or clarification from the Director
2 of Housing, Cabinet Member tor Housing, Property and
3 Regeneration and other officers present at the meeting."
4 Do you remember asking any questions yourself at the
5 cabinet meeting about the Grenfell Tower refurbishment?
6 A. I really can't remember back that far, I think it was
7 more than eight years ago, but I might have asked
8 a question based on my loose knowledge of Grenfell Tower
9 from those years, many years before, when I had been --
10 had responsibility for public sector housing, and I do
11 remember -- I think Grenfell Tower was one of the very
12 few in the borough that didn't have any outside space,
13 any balconies, and I think I was wondering whether,
14 you know, we might be fitting balconies or whatever, but
15 that's the only possible ...
16 Q. What was your loose knowledge of Grenfell Tower from
17 your years when you had responsibility for public sector
18 housing?
19 A. Well, I think I visited, I can't remember. I seem to
20 remember it had quite a grim entrance right at the -- it
21 was part of the Lancaster West development, so there was
22 the three finger blocks, which were the low-rise blocks,
23 and then an entrance to the tower at the end of them,
24 and it wasn't a good piece of public realm, and
25 I remember thinking that all those years ago. And as

1 I say, there were no outside balconies, and a number of
2 the high-rises do have balconies.
3 And I think I'd picked up over the years just
4 occasional comments, "Oh, Grenfell, you know, it's
5 a very -- the heating's not right", and they had
6 problems with windows and things, all this sort of
7 thing, so when this came along, I would have been wholly
8 supportive of it, I'm sure.
9 Q. Yes.
10 Let's look back at the report, then, produced for
11 cabinet by Laura Johnson, please, which we looked at
12 a moment ago. Can we go to page 8 in that document
13 {TMO00847331/8} and look at paragraph 6.3.3 at the
14 bottom of the page, it says this:
15 "Based on the TMO's information on investment need,
16 and the aspirations of the TMO Board and the Lancaster
17 West Estate Management Board (EMB), the recommendation
18 is therefore that funds from the Elm Park Gardens
19 capital receipt be set aside for investment into
20 renovation, regeneration and conversion works to
21 Grenfell Tower on the Lancaster West Estate. The
22 benefits anticipated to arise from this will be ..."
23 Then there is a long list of bullet points there, do
24 you see that?
25 A. Yes.



1 Q. Now, they include, if you look at the second bullet
2 point down:
3 "Installing thermally insulated cladding and
4 rainscreen curtain walling system to the un-insulated
5 external elevations of Grenfell Tower, significantly
6 improving thermal efficiency, fuel economy, and
7 providing for an external appearance that reflects and
8 complements the adjoining KALC project."
9 As you can see from what I've just read to you, is
10 it right that one of the purposes of cladding
11 Grenfell Tower was to integrate it aesthetically with
12 the KALC project?
13 A. I'm not quite sure how you could integrate a tower with
14 an academy building and then a leisure centre, I don't
15 think they can quite -- I mean, they are very different
16 buildings with very different purposes. I think what
17 I was interested by and pleased by was the thought of
18 putting thermally insulating cladding around the
19 building. I'd seen lots of other buildings all over
20 London and other parts of the country where they had
21 been refurbished and cladding had gone up on the outside
22 and people had said that, you know, they're now much
23 more thermally efficient, energy efficient. I'd been
24 the cabinet member for the environment, we were trying
25 to cut our carbon emissions, so it seemed to me that



1 cladding had all sorts of positive --
2 Q. Right.
3 A. -- positive purposes.
4 Q. Right.
5 Do you recall any particular discussion at this
6 meeting of the thermal performance of the building?
7 A. I'm not sure if it was at this meeting, but, yes, I'm
8 sure people said, you know, Grenfell Tower is very hot
9 in the summer, very cold in the winter, the windows are
10 not right, you know, the windows are draughty, and so
11 the thought that this might be able to be put right was
12 attractive.
13 Q. You can see the list of benefits set out there. Did you
14 or any other member of the cabinet raise any concerns or
15 questions at this meeting about fire safety?
16 A. No.
17 Q. Did you ask whether a fire consultant had been
18 instructed, as one had been for the KALC project?
19 A. I don't think at this meeting, no, but one would expect,
20 as the project, you know, developed, that different
21 consultants with different expertise would be appointed
22 and that would all take place. But I think this was
23 more a general scoping, you know, this is a proposal,
24 we've got some money, this is a project we could spend
25 it on, and I don't think we were at the detailed stage



1 at this point.
2 Q. I see.
3 Did you ask further questions regarding the scope of
4 the works when the cabinet approved the increase in the
5 budget to £9.7 million in July 2013?
6 A. I can't remember what was in that paper, but I suspect
7 we already had agreed the -- or the scoping of the
8 project had been set out. I think progress had been
9 made presumably on tendering and they came back
10 requesting more money, which we approved.
11 Q. Did you yourself ask any questions or do you remember
12 any questions being asked about the precise reasons for
13 the increase from £6 million-odd to £9.7 million-odd?
14 A. I don't, but I don't think it would have been a big
15 surprise, because I think the 6 million was an initial
16 allocation to get the project rolling and start hiring
17 people, and at some point you'd go out to tender and
18 that's when the bill becomes a lot clearer, so you have
19 to reflect that.
20 Q. Yes. Do you recall that in June 2014 the budget for the
21 Grenfell Tower refurbishment was increased from
22 £9.7 million to £10.3 million?
23 A. Yes, I do.
24 Q. And do you remember asking any questions about why that
25 was?

1 A. At some point I think I would have asked the question,
2 because I had been lobbied by ward councillors, about
3 the nursery play, the boxing club, and whether those
4 could be incorporated into the works, and I was quite
5 keen that they were incorporated into the works. I'm
6 not quite sure now whether the contingency was to cover
7 the cost of that or the contingency was just a standard
8 financial housekeeping measure, but it wouldn't have
9 surprised me if we, you know, had had to find a bit more
10 for the contingency. That's quite common.
11 MR MILLETT: Mr Chairman, I have a couple more questions and
12 two more things to show the witness. I'm happy to take
13 the break now.
14 SIR MARTIN MOORE-BICK: Are they linked to what you --
15 MR MILLETT: They are.
16 SIR MARTIN MOORE-BICK: Well, I should carry on.
17 MR MILLETT: Thank you, Mr Chairman.
18 Can we go, please, to your first witness statement,
19 paragraph 68, page 16 {RBK00035001/16}, and you say
20 there:
21 "At the Cabinet meeting on 18 July 2013 ...
22 following more detailed costings and the decision to
23 re-tender, the Cabinet was asked to increase the budget
24 for the refurbishment of the Grenfell Tower to
25 £9.7 million."



1 Then in your second statement, if we can just look
2 at that, page 14 {RBK00054428/14}, paragraph 46, you're
3 answering a question there about the basis of the
4 decision to re-tender, and you say this:
5 "Any decision to re-tender would be a decision for
6 the TMO. The Cabinet were only required to authorise
7 the finance for the project."
8 Do you recall asking why the project was being
9 re-tendered?
10 A. I don't think I asked, but I think there may have been
11 a discussion about why it was being re-tendered.
12 Q. Do you recall that? Do you recall somebody asking, if
13 not you, the question: why is the project being
14 re-tendered?
15 A. I think the question was asked, but I really can't
16 remember now who asked it or the detail of it. I think
17 it was just that the -- I think there had originally
18 been an expectation that the work could all be done as
19 one by one contractor, and I think as things developed
20 it became clear that that actually wasn't possible and
21 that you would need somebody separate to do the tower
22 because the skills of the contractor weren't
23 appropriate. I think it was something like that, and
24 I don't think it was my question that prompted that --
25 Q. No. You say you do recall a question being asked.



1 A. I think so, yes.
2 Q. And you have given us, I think, a hint of what the
3 answer was. Can you be a little clearer, perhaps, in
4 your recollection of what the answer was to the
5 question: why is the Grenfell Tower project being
6 re-tendered?
7 A. Well, I assume either the tender was -- the tenders
8 received were too high, or that we had expected that the
9 contractor working on the academy and the leisure centre
10 would work on the tower and then had found that for some
11 reason they couldn't or they were too expensive or they
12 couldn't do it on time, or ...
13 I think -- I'm now beginning to remember that
14 I think there was a concern that the academy was taking
15 longer than expected, and it was very important that it
16 opened on time in order to take the first year of
17 admissions by September, I can't remember which year it
18 was now, and because that was overrunning, the leisure
19 centre, which was my particular interest, was also
20 running behind, and we'd hoped it would be open because
21 we were having to make alternative arrangements. So
22 I think there was some worry that, you know, the
23 projects which were being handled were taking longer
24 than expected, and perhaps if the price was also not
25 right, we thought it better to start again, or better if



1 the TMO started again, or they thought it was better if
2 they started again. But ...
3 Q. Did you have any particular views about Leadbitter from
4 what you knew about the KALC project?
5 A. I remember being worried that it was all taking too long
6 and, you know, trying to hurry things along or,
7 you know, encourage my officer team to encourage things
8 along, and I think they were frustrated it was not
9 happening as quickly as we would have liked, but ...
10 Q. Right. Was there any discussion about how not having
11 Leadbitter for the Grenfell Tower project would assist
12 the KALC project to meet its target date for completion?
13 A. Not -- no, I don't think so, I think it was more that
14 there was a feeling that they weren't appropriate for
15 handling the tower. This was quite a different type of
16 project with residents remaining in situ. This work
17 seemed to be overrunning. I think the tender was high.
18 So I think the view was this wasn't the road to pursue.
19 MR MILLETT: Right, thank you.
20 Mr Chairman, is that a convenient moment?
21 SIR MARTIN MOORE-BICK: Yes, I think it is, thank you.
22 We're going to have a short break now,
23 Mr Paget-Brown. We will come back at 3.35. So if you
24 would like to go with the usher.
25 The only other thing is please don't talk to anyone

1 about your evidence while you're out of the room.
2 THE WITNESS: No.
3 SIR MARTIN MOORE-BICK: All right? Thank you very much.
4 (Pause)
5 All right, 3.35, please.
6 (3.22 pm)
7 (A short break)
8 (3.35 pm)
9 SIR MARTIN MOORE-BICK: All right, Mr Paget-Brown, ready to
10 carry on?
11 THE WITNESS: Thank you.
12 SIR MARTIN MOORE-BICK: Good, thank you very much.
13 Yes, Mr Millett.
14 MR MILLETT: Thank you, Mr Chairman.
15 Mr Paget-Brown, I'm going to ask you some questions
16 now about your interactions with the TMO.
17 I'm going to start at paragraph 57 of your first
18 witness statement at page 13 {RBK00035001/13}, please.
19 You say there:
20 "Although I was not directly involved with housing
21 issues, I recall that RBKC was concerned at some aspects
22 of the TMO's performance around 2006-2010. The issue
23 related to void properties, uncollected service charges
24 payable by leaseholders and problems with timely repairs
25 would be regularly reported to the Cabinet Member for



1 Housing and to the Housing and Property Scrutiny
2 Committee."
3 At paragraph 58 you say:
4 "Whilst I was Leader, having been aware of previous
5 poor performance of the TMO, but having been advised
6 that performance was now improving, I Met the CEO,
7 Robert Black, informally three to four firearms a year.
8 The issues we discussed were largely driven by
9 correspondence I had received about a range of issues."
10 What was the basis of your awareness that the
11 performance of the TMO had previously been poor?
12 A. Well, largely anecdotal from colleagues who, you know,
13 again in the margins of meetings or events where you met
14 colleagues, would say, you know, there are issues with
15 the TMO, it doesn't seem to be firing on all cylinders,
16 there seem to be difficulties, structural difficulties
17 with repairs. These leaseholder service charges I think
18 became an issue which elected members would see because
19 leaseholders would write, you know, very powerful
20 letters saying, you know, how appalling it was that
21 their service charges were so high, and then find that
22 they hadn't been collected and that then they were
23 trying to collect them. It was a very -- one was very
24 aware that there was an issue here that was not going
25 well.



1 Q. Were you aware during your time as deputy leader and
2 later leader of a report called the Memoli report from
3 April 2009?
4 A. Well, no, I think I must have become aware of it since
5 the events of 2017.
6 Q. Right, after the fire?
7 A. Yes.
8 Q. Right. But not before that?
9 A. I don't think so, but I did know there was an issue with
10 the TMO and there were some changes, and no doubt they
11 derived from that report, but that would have been
12 a matter for the then cabinet member, and --
13 Q. I see. Well, let's just have a very quick look at it,
14 {IWS00001462}. I'll just show you the first page of it.
15 There it is.
16 Does this look familiar to you from any time before
17 the fire?
18 A. No.
19 Q. No.
20 Before 2013, when you became leader, did you have
21 only limited interaction with the TMO?
22 A. Yes.
23 Q. And did you begin meeting Robert Black because of your
24 concerns about previous poor performance or concerns
25 that were held by others about previous poor



1 performance?
2 A. Neither. I understood that, you know, over the previous
3 two or three or four years before I'd become leader, the
4 TMO performance was beginning to improve. I felt it
5 wasn't an area I knew a huge amount about, and
6 I thought, as leader, I ought to meet people that we did
7 have important partnerships with, so obviously the TMO
8 was one. And, you know, my mailbag would have letters
9 in occasionally about repairs or it would have something
10 in about antisocial behaviour. I just thought it was
11 important I kept in touch with the chief exec of the TMO
12 in a fairly informal way. So these were informal.
13 Q. Why informal?
14 A. I think there were enough formal structures, and
15 I didn't want to either cut across the cabinet member
16 who had his responsibilities and regular meetings with
17 the chief executive or the housing and property scrutiny
18 committee who had a, you know, proper and consequential
19 role in holding the TMO to account, but I thought,
20 you know, a friendly cup of coffee every three or
21 four months and a discussion about certainly what was in
22 my mailbox and what was probably in his was a good thing
23 to do.
24 Q. Right.
25 Let's look at your second statement, please, and in

1 that can we please go to paragraph 32 {RBK00054428/10},
2 where you say these meetings were not minuted. Perhaps
3 we don't need to go to the paragraph, it's on page 10.
4 You say:
5 "The meetings I had with Robert Black were informal
6 and not minuted."
7 A. Yes.
8 Q. "The main formal interface between RBKC and TMO was
9 through the Housing Department who would have more
10 regular and detailed meetings which would be recorded."
11 A. Yes.
12 Q. Why weren't those meetings minuted? Is it for the same
13 reason that you gave before, which explained why they
14 were informal?
15 A. Yes. I think once you have a formal meeting round
16 the table with minutes taken, it changes the whole
17 nature of the meeting, and I wanted it to be informal
18 and to establish a relationship with Robert Black to
19 understand the issues that were worrying him and the
20 TMO, and I didn't want to cut across, you know, other
21 meetings which are quite properly taking place between
22 the cabinet member and the director of housing and
23 probably the chief executive. So it just seemed to me
24 something that I should be doing as leader and could do,
25 and I'd prefer them not to be minuted and there was no



1 great ... I wasn't sort of walking out of the meeting
2 saying, "We've not got 14 things to do and I now can't
3 remember what they are".
4 Q. Well, that's what I was going to ask you. Although they
5 may not have been minuted, were any records made while
6 you were at these meetings, either by you or, from what
7 you could observe, by Robert Black?
8 A. Yeah, I had a notebook and I would scrawl down a note or
9 two, so it might remind me to discuss something with
10 Rock Feilding-Mellen or Nicholas Holgate, or to perhaps
11 follow something up that he had mentioned, but these
12 were notes for me, made by me, and they were sort of
13 aide memoires, they weren't a formal minute of
14 everything that we'd discussed and action points, they
15 were just to remind me to follow up on particular
16 issues.
17 Q. If the TMO was intended to operate as an arm's length
18 contractor for RBKC, would you not want to have
19 an agreed record of what transpired at meetings, however
20 informal, between the men at the top of each of those
21 organisations?
22 A. Well, I hadn't thought that. I thought there were
23 enough formal structures to manage that important
24 relationship and enough documents and bits of paper.
25 I thought occasionally it was useful just to have



1 a conversation, for me to have a look before we had the
2 meeting through my list of correspondence, look at what,
3 if anything, people had raised with me, and then I could
4 raise it with Robert Black. I think he was quite keen
5 to talk about how the TMO was improving and what he'd
6 been doing, and I thought an informal meeting was better
7 than a formal one.
8 Q. Right.
9 In the event that there was an action that arose or
10 perhaps a disagreement between you and Robert Black
11 about who said what at what meeting, you would look at
12 your daybook, would you?
13 A. Have a look in my daybook, I might have a word with Rock
14 or with Laura Johnson, but I didn't want to cut across
15 what they were doing. I didn't think that was going to
16 be helpful.
17 Q. During your time as leader, were you aware of how
18 oversight supervision of the TMO was conducted by RBKC's
19 housing department?
20 A. Only in broad terms.
21 Q. Could you briefly describe those broad terms?
22 A. I think Rock Feilding-Mellen would have held regular
23 policy boards and very often, certainly at his policy
24 boards, I would expect the director of housing for RBKC
25 to be present and appropriate members of her staff that



1 she and Rock thought best, and I'm sure that regularly
2 they will have had Robert Black and other senior
3 officers from the TMO to those meetings and they would
4 have discussed issues of mutual concern, the housing
5 revenue account, the great problem, really, which came
6 to light of the Government instructing a 1% cut in
7 rents, which I think was a big problem for the TMO.
8 So, yes, there were those structures, and then
9 accountability to the housing and property scrutiny
10 committee.
11 Q. Were you aware of which officers in the housing
12 department were responsible for oversight of the TMO?
13 You knew who they were?
14 A. I knew them by name. I don't think I had necessarily
15 met them, or if I had, it would have been fleeting.
16 I obviously knew Laura Johnson.
17 Q. Yes. You had direct interaction with Laura Johnson.
18 A. Yes.
19 Q. What about Amanda Johnson?
20 A. No, I'd seen her name probably on the occasional
21 document, and she may well have come occasionally to
22 a leader's group, I'm not sure, if there was something
23 specific that she could comment on, but I see a lot of
24 officers and I'm afraid I can't always tally up names
25 and faces.

1 Q. Would the same apply to Celia Caliskan?
2 A. Yes.
3 Q. Right.
4 Were you aware that key performance indicators were
5 used to monitor the performance of the TMO by RBKC?
6 A. That was the normal way in which all sorts of
7 organisations, including council departments and
8 contractors, were monitored, so I'm not specifically
9 familiar with the KPIs for the TMO, but I'm not in the
10 least surprised there were some.
11 Q. I see. Did you ever become familiar with what the KPIs
12 used by RBKC to monitor the TMO were?
13 A. Not item by item, no. But I'm sure they would have
14 covered things like voids and the speed with which you
15 re-let a property, or outstanding arrears or service
16 charges or the number of cleaning upsets.
17 I think a big issue actually, going back to the
18 conversations I would have with Robert Black and things
19 that were in my mailbag, related to repairs. So I'm
20 sure there were KPIs on repairs and speed of repairs.
21 Q. Did you ever question whether the KPIs were appropriate
22 or covered the right things?
23 A. No.
24 Q. Why is that?
25 A. Well, I don't think I was necessarily professionally



1 well enough qualified to know whether they were or
2 weren't, and, you know, I've full confidence in
3 Laura Johnson and Rock Feilding-Mellen if they felt that
4 there needed to be additional KPIs. And I'd had KPIs in
5 areas for which I'd been responsible; they're not
6 always -- they're not quite the -- what's the term? --
7 magic tool you might expect them to be. They often
8 count things but they don't measure quality very well.
9 Q. Were you aware that fire safety was not the subject of
10 a KPI?
11 A. No.
12 Q. Did you assume that it was?
13 A. No, I knew there were other ways of monitoring fire risk
14 and measures which were being put in place, which I did
15 know were being put in place, but I'm not sure I'd have
16 thought a KPI was the only or the best tool for doing
17 that.
18 Q. Isn't that something you should have known as leader,
19 namely that there was no KPI used by RBKC for monitoring
20 TMO's activity in respect of fire safety?
21 A. Well, in retrospect, yes, I should have known that, but
22 I didn't at the time and it wasn't something which was,
23 you know, I was aware of or concerned about, but
24 I should have been, I'm sure.
25 Q. You do accept that?



1 A. Yes.
2 Q. Yes.
3 If we go to your second witness statement at
4 paragraph 31 on page 10 {RBK00054428/10}, you say this,
5 six lines down:
6 "I am aware that the TMO also produced annual and
7 mid-year performance reports. I do not recall whether
8 I received copies of these, or in the event of copies
9 being sent to my office, if I read them. As Leader
10 I would receive copies of all scrutiny meeting papers
11 but would normally only read in to a particular meeting
12 if directed to consider a particular issue or if
13 I wanted specific information - perhaps for a speech or
14 external meeting. Cllr Rock Feilding-Mellen would also
15 have received the Housing and Property Scrutiny
16 Committee papers in his role as Cabinet Member for
17 Housing, Property and Regeneration and I would have
18 expected him to raise any specific concerns with me."
19 Given the history of poor performance at the TMO
20 that you have told us about, why would you not have read
21 the annual and mid-year performance reports as a matter
22 of course, even if just to skim read them and see what
23 they were saying?
24 A. I think occasionally I will have glanced at the reports
25 of the housing and property scrutiny committee but, as



1 I've said here, there were a lot of these reports coming
2 in from the different scrutiny committees and other
3 council committee meetings, and you just simply couldn't
4 keep pace with the quantity and detail of the material
5 contained in them, and that's why you have a cabinet and
6 why you have -- absolutely confident in
7 Rock Feilding-Mellen's attention to all those details
8 and key performance indicators and other matters
9 contained in the reports, and, as I say, I would have
10 an informal discussion with Robert Black. I might
11 occasionally just flick to a housing and property
12 scrutiny report, but I think, if I did that, it was
13 probably only once or maybe twice.
14 Q. Did you take it on trust that Mr Rock Feilding-Mellen
15 was performing his oversight role of the TMO
16 appropriately?
17 A. Well, not just on trust; I knew that he was. I knew
18 there were, you know, regular policy board meetings,
19 that he was in regular contact with the director of
20 housing at RBKC and the TMO's senior people, and
21 I thought he was very conscientious in the work he was
22 doing.
23 Q. We've looked at the constitution. Do you accept that,
24 under the constitution, you were ultimately responsible,
25 as leader, for ensuring that he was performing his role

1 properly, as deputy leader, as cabinet member for
2 housing, property and regeneration?
3 A. Yes, but I had no reason to think he wasn't.
4 Q. You may have no reason to think he wasn't, but what did
5 you actively do to hold him to account so that you could
6 be satisfied yourself that your own obligations to
7 supervise him were being discharged in full?
8 A. Well, that's why I think the meeting at the beginning of
9 the year with each cabinet member where I could
10 cross-question them about what they were doing and what
11 the big issues were, what concerns they had, what
12 relationships with external organisations they had, that
13 helps you to form a judgement on whether your
14 cabinet members are, you know, fulfilling their duties
15 and responsibilities set out in the constitution, and
16 I had no reason to think that Rock was not doing that.
17 Q. Now, sticking with your second statement, please, can we
18 go forward to page 16 {RBK00054428/16} and look at
19 paragraph 51 together.
20 You were asked a question at the top of the page:
21 "At paragraph 73 [that's your first statement] you
22 state that, with regard to the GT Project, you expected
23 all designs and materials to meet regulatory and
24 statutory requirements, and that you had the same
25 expectations relating to fire safety measures.



1 "a. What did you base these expectations on?"
2 Your answer is at 51:
3 "In relation to the works themselves, it was the
4 expectation of RBKC, (and I would suggest any local
5 authority and developer), that all Council activity must
6 conform to the relevant legislation. The detailed
7 management of the project was undertaken by the TMO who
8 would have their own responsibilities and expectations
9 that any works undertaken would be in compliance with
10 the various statutory and regulatory obligations."
11 What did you understand RBKC's councillors' role to
12 be, if any, in relation to ensuring fire safety
13 compliance during the refurbishment of the
14 Grenfell Tower property itself?
15 A. Well, the first thing to distinguish is that it was very
16 clear that the contract for managing the refurbishment
17 of the tower was a TMO contract, and Government guidance
18 made it clear that if you wished to qualify -- this was
19 for an earlier round of funding, but if you wished to
20 qualify for that funding, you had to make sure your
21 capital works team was a TMO team and not a council
22 team, and I think at one stage it had been suggested
23 that that shouldn't be the case, the council might
24 continue to oversee capital works undertaken by the TMO,
25 and the ruling came back: no, you can't do that, you



1 must devolve all of that.
2 So I think the councillors' role to that extent
3 would be to ensure that the work employed all the right
4 contractors who could give advice on those different --
5 you know, it's a very complex thing, refurbishing
6 a tower, and I think when the works were done, there
7 were all sorts of subcontractors and parties that
8 the council would have expected to be there to advise on
9 those different matters.
10 Q. Just picking up on that last part of the answer, you
11 say:
12 "The councillors' role to that extent would be to
13 ensure that the work employed all the right contractors
14 who could give advice on those different [things] ..."
15 How did you understand councillors would go about
16 ensuring that the TMO employed all the right
17 contractors?
18 A. Well, I would expect there to be regular updates to the
19 housing and property scrutiny committee on the project
20 and what was being done and who was doing it and to whom
21 the contract had been let, and what works were
22 programmed, what works were going to be done. And then
23 the expectation I think every councillor would have,
24 right across the council, is that, you know, there's
25 very strict regulatory guidance in all of these matters



1 and all those professional contractors would be expected
2 to meet them. They would have much more detail than
3 an individual councillor on particular building
4 standards and things like that.
5 Q. Right.
6 So did you expect that councillors, particularly
7 Rock Feilding-Mellen in his role as cabinet member,
8 after 2013, would want to understand what contractual
9 arrangements the TMO had made and had not made for the
10 refurbishment of Grenfell Tower?
11 A. Well, yes, I would expect him to understand who was
12 involved in the refurbishment and what their different
13 roles were.
14 Q. Right, and would you --
15 A. Not in -- no, I think the detail for that would be with
16 the TMO project team who were doing it, but I would
17 expect Rock to receive reports on who they were and what
18 their particular responsibilities were.
19 Q. Do you know whether he ever did?
20 A. I don't know that, but I'd be surprised if he didn't,
21 but that's speculation.
22 Q. You would be surprised if he didn't?
23 A. Yes, if he didn't have a sort of working document that
24 told him who was doing what and what Rydons were doing
25 and what other contractors were doing, I would expect

him to have known about that.
Q. Would you have expected him to ask questions about whether there was a fire safety consultant or fire safety professional involved with the Grenfell Tower project, given particularly that there had been one involved with the KALC project?
A. I would have expected the TMO to appoint a suitable contractor and for Rock to know who that was.
Q. Right. Yes. Thank you.
Were you aware that the Grenfell Tower project was by far and away the biggest capital project, certainly capital refurbishment project, the TMO had managed to date? When I say to date, to 2012/13.
A. Well, no, except that the Decent Homes initiative, which was some ten years before, I think, was quite a big programme, I think it was several million —— several tens of million pounds, probably, and I think they'd managed that quite successfully, so ...
Q. I see what you mean. So the Decent Homes project may have been the largest monetarily.
A. Yes.
Q. When I asked my question —— let me try it differently: were you aware that the Grenfell Tower project, as a single capital project for a single property, was by far the biggest project that the TMO had ever had to



manage?
A. No.
Q. You weren't aware of that?
A. No.
Q. No. As leader, can you explain why you weren't aware of that?
A. Well, I don't think I would have asked as leader what projects they had been undertaking in the previous sort of 13 years, if you went from the year 2000 to 2013. I'm sure lots of buildings were refurbished, lots of works were carried out, and I wouldn't have necessarily been surprised to find them doing the refurbishment of a tower. I mean, towers do have to be refurbished. Different works have to be done on towers, heating systems replaced. So I don't think —— the fact that several things were being done at Grenfell I don't think would have particularly surprised me.
Q. The reason I ask is that this project had to come to full council for approval, as you agreed earlier; yes?
A. Full cabinet, yes.
Q. Full cabinet ——
A. Yes.
Q. —— for approval, as you agreed earlier, and at that stage did it not occur to you that this in fact was the biggest project that the TMO had ever managed as client?



A. No, I thought they had been managing other refurbishments and projects, and this may be the biggest, but it shouldn't have been ... there are lots of smaller housing associations who do big projects, and this is a big project, and we had found the funding to do it, so it —— there were going to be lots of contractors employed and consultants and advisers, so it didn't seem to me to be an undue stretch, but ...
Q. Did you yourself as leader, or deputy leader before that, take any steps to ensure that the project manager sitting in the TMO at the time responsible for the project and those who were overseeing him or then her were suitably trained, experienced and qualified to manage the project?
A. Well, I had visited the TMO and I had visited the —— I think the project team and the officer concerned, and looked at drawings and had a sort of short presentation as I went there, and I thought that he seemed to be very much in control of what needed to be done. I don't think —— I didn't leave with any alarm bells ringing that this was a project beyond anybody's scope.
Q. Right.
A. I think they were ...
Q. Who was the "he" that you just referred to in that answer?



A. I think it was —— I think it was Peter Maddison.
Q. I see.
A. —— who showed me some drawings of Grenfell and the proposed —— and, you know, described the proposed work. So this must have been quite early on in my leadership, because I think the work wasn't yet started, or if it had started it was at a very early stage.
Q. Right. So some time after May 2013?
A. Yes.
Q. Let me just ask the question again: particularly looking at Peter Maddison or perhaps Claire Williams, who took on the project managership, if you like, from September 2013, did you take any steps to ensure yourself that those people were suitably trained, experienced and qualified to manage it and to oversee the management of it?
A. No, I didn't.
Q. And why is that?
A. Well, it seemed to me that they were senior members of the TMO, that they would have the appropriate skills for handling the refurbishment. I'm not sure I would have had the skills to see that there were skills they didn't have, and I was expecting that they would be hiring a raft of advisers, consultants, a lot of the budget was going to be allocated to that, who would, you know, deal

1 with the different issues, be it the heating system or
2 the new windows or fire safety, and that was the way
3 large projects were handled, you know, across
4 the council, and it didn't seem to me why it should be
5 unduly different at the TMO.
6 Q. Well, let me explore that.
7 Did you realise at the time that the Grenfell Tower
8 refurbishment project was the first major high-rise
9 overcladding project the TMO had ever done?
10 A. Erm ... no, I had thought that the Hazlewood Tower and
11 Adair Tower had been thermally insulated, some long time
12 before, but I thought during the existence of the TMO.
13 So, no, I don't think it crossed my mind particularly
14 that this was a strange project or a project with which
15 they wouldn't be familiar.
16 Q. Right.
17 Did you yourself take any steps to make sure or to
18 investigate that the TMO executives responsible for the
19 Grenfell Tower project knew enough about cladding
20 a high-rise to be able to hold their contractors to
21 account in compliance with all the legal requirements
22 that applied and all the industry guidance that applied?
23 A. No, I didn't.
24 Q. And why is that?
25 A. I'm not sure. I don't think it occurred to me at the



1 time of the visit that fitting cladding to a building
2 was an unduly -- this was happening all over London. It
3 seemed to me, as I've said, in many cases that
4 Kensington and Chelsea was sort of behind the curve on
5 it, and that a big -- when I heard, I think, Rydons were
6 going to be the chief contractor, that doing this was
7 not a -- this was not rocket science. Lots of buildings
8 have cladding put on, as we've since discovered.
9 I mean, this is something housing associations and
10 councils and ALMOs have been done for 15 years, and we
11 were a little bit behind the curve, and as I understood
12 it, the senior officers at the TMO all had, you know,
13 CVs that were appropriate. They come from the
14 housing -- you know, they were housing professionals,
15 so ...
16 Q. Did you yourself personally take any active steps to
17 monitor the project?
18 A. Well, I think I made a hardhat visit, as they call it,
19 probably about halfway through, I can't remember,
20 somewhere in the documents it lists when, and, as I say,
21 I was lobbied about the boxing club and the nursery, but
22 beyond that, no.
23 Q. You say -- we don't need to go to it -- in your first
24 statement at paragraph 58, page 13 {RBK00035001/13},
25 that the issues you discussed were driven largely by the



1 correspondence you had received about a range of issues.
2 You had received, I think, issues, complaints,
3 concerns, from residents of the Lancaster West Estate,
4 particularly Grenfell Tower.
5 A. Yes.
6 Q. Were you not concerned to check up on the major capital
7 project that the TMO was undertaking so far as concerned
8 those residents?
9 A. Well, no, I think there's two issues here, if I can
10 unpick them. One is I had received correspondence about
11 the Lancaster West Estate, these are the finger blocks
12 which weren't going to be refurbished, and very early on
13 I'd been written to about that. Then when the work
14 started, I think there were concerns about delays, it
15 was taking time to get the works under way, but I think
16 Rock was handling that. Then I got a complaint which
17 I referred to earlier which I omitted from the statement
18 from Mr Daffarn about the -- wanting to make a complaint
19 about the windows and the planners and the windows,
20 which I took as a technical matter and I had to get
21 advice on, you know, how you deal with complaints and
22 that kind of thing.
23 As I say, I made the occasional visit to Grenfell
24 while the works were under way, I was pleased to see
25 what was being done. But, no, I'm not a technician, so



1 some of those issues would not have been raised by me,
2 but I would have expected them to be raised by
3 professional people that had been hired to raise them.
4 Q. Fire risk assessments. I just want to ask you one or
5 two questions about that topic.
6 Were you aware during your time as leader that there
7 was an ongoing programme of fire risk assessments done
8 in relation to the TMO housing stock?
9 A. Yes, because I think there had been a bad fire in
10 a block in Southwark, and all sorts of actions had
11 flowed from that, and that included and affected the
12 TMO.
13 Q. That's the Lakanal House fire?
14 A. The Lakanal House fire, yes.
15 Q. In July 2009?
16 A. Yes.
17 Q. Did you ever receive any reports in relation to the
18 progress of the fire risk assessment programme or
19 actions taken to complete items listed in the action
20 plans relating to them?
21 A. I didn't, but I think the housing and property scrutiny
22 committee would have received updates, and I think I'd
23 understood, either from Robert Black or Laura Johnson,
24 that there was a programme of replacing -- I think
25 assessing fire door safety after the Lakanal House fire.

1 I think there were two types of doors, if I've
2 understood it: one is the fire door onto the communal
3 staircase or lift area, and the other is the front door
4 of the individual property, and I think they all had to
5 be looked at and I think in many cases replaced, and
6 I think there was a fire door replacement programme.
7 Q. Did you keep tabs on that?
8 A. Not in any great detail, no.
9 Q. Right.
10 Were you aware of the identity of the people
11 conducting the fire risk assessments from your time as
12 deputy leader or leader?
13 A. No, I knew there were fire risk assessments, and I think
14 I knew the TMO had an in-house specialist who they'd
15 hired to do it.
16 Q. In-house, did you think?
17 A. I'm not sure it was in-house or whether they had,
18 I don't know, a contractor to do them, but they had
19 somebody -- I think they had taken steps since
20 Lakanal House to do more fire risk assessments in line
21 with what the LFB requirements were.
22 Q. Right. Really what I'm trying to get a sense of is how
23 much you knew about all of that.
24 A. A bit, but not a lot.
25 Q. Right. What bit?



1 A. That doors were being assessed and, if necessary,
2 replaced, and that there were two types of door, and
3 I think I'd been advised probably much later, when there
4 was another fire in a different block, that there had
5 been an issue with the doors closing, and I think
6 they're supposed to have an automatic closer on it. In
7 fact, I remember that from my -- I think that goes back
8 quite a long time, and sometimes those closers are
9 disabled and the door doesn't close and then you get
10 smoke egress.
11 Q. Is that the Adair Tower fire?
12 A. Yes, the Adair Tower fire, yes.
13 Q. Can I ask you to look at your notebook.
14 A. Yes.
15 Q. {RBK00060883/13}. You see that there is a note on
16 13 April 2016. Now, it looks as if that is a post-it
17 note, but perhaps you can help us.
18 A. Sorry, I think it may have gone, the post-it note.
19 I did see it, and now it's disappeared.
20 Q. It should be on your screen.
21 A. Ah, it is now.
22 Q. Oh, I see.
23 A. They go small.
24 Q. Yes. In fact, it looks like there are two parts to it.
25 There is a post-it note which says "Meeting with



1 Robert B, 13.4.16, Adair fire", and then underneath that
2 there is a date, "13.4.16, Robert Black". It looks as
3 if that latter date is actually in your notebook.
4 Does this record a meeting with Robert Black that
5 you had on 13 April 2016 to discuss the Adair Tower
6 fire?
7 A. Well, there clearly was a meeting with Robert Black.
8 I don't think it was specifically to discuss the
9 Adair Tower, and the post-it note might either be to
10 remind me to discuss it with him or because we did
11 discuss it, but I'm not sure why I put that date on it.
12 Q. Is that your handwriting on the post-it?
13 A. Yes, so it was my note, definitely.
14 Q. I'm being slightly unfair to you. If we scroll down
15 a little bit on page 13 and see the whole of the entry
16 under that date. If you look down the text, you can
17 see, four lines up from the bottom, it says:
18 "Adair Tower fire. Checks. Smoke, should have
19 stayed indoors.
20 "Enforcement notices in [or on] automatic door
21 closers."
22 And then can you read the last line to me, please?
23 A. "Parking enforcement on TMO land."
24 Q. "Parking enforcement on TMO land."
25 Do you recall this meeting independently from your



1 note?
2 A. Well, I don't recall it in any detail, but clearly it
3 took place, and it looks like a regular, routine sort of
4 informal meeting with Robert Black, and as I was trying
5 to explain earlier, I would write down the odd note
6 during the meeting, and that's what I've done here.
7 Q. Is this a good example of what you told us earlier about
8 how --
9 A. Yeah, it's not very grammatical, but it is, yes.
10 Q. I think we'll forgive you for that.
11 Did Mr Black tell you that, as a consequence of the
12 smoke dispersal through the building, the TMO faced
13 an enforcement notice from the London Fire Brigade for
14 the absence of door-closers?
15 A. Well, I've written that down, and I think he must have
16 told me that, yes. I don't think I'd known before the
17 meeting, and it looks like a note ... yeah, and I think
18 subsequently I discussed it with Nicholas Holgate and he
19 told me there was an issue with smoke in the block, and
20 I think the Fire Brigade had had to evacuate the whole
21 block, or certainly a big chunk of it, because doors had
22 been open when they should have been closed and smoke
23 had got out.
24 Q. Yes. Did that alarm you, when you discovered that fact?
25 A. Yes.

1 Q. It did.
2 Did you follow up with Mr Black to see whether the
3 enforcement notice had been properly complied with?
4 A. I don't remember following it up with him, but I think
5 it would have been on —— I'm sure it would have been on
6 everybody's radar, so Rock Feilding—Mellen,
7 Laura Johnson, Nicholas Holgate, obviously on mine to
8 an extent, and I think it came back to something to do
9 with closers, door—closers, and I think then there would
10 be an issue about, you know, who was going to fund
11 door—closers —— door—closers, yes.
12 Q. Do you remember a discussion about funding a door—closer
13 programme?
14 A. No. No, I don't, but I'm sure somebody had
15 a conversation about it. I'm not sure it was me, but
16 I'm sure that would have been an issue. I don't know
17 how extensive that notice was and whether it was just
18 door—closers in Adair —— because there were two towers,
19 Adair Tower and Hazlewood Tower, which I mentioned
20 earlier, which I think had got cladding on the outside,
21 and so I suppose door—closers would need to be replaced
22 in both blocks and then probably elsewhere. I have to
23 say, I don't know the extent of the LFB notice.
24 Q. Do you remember any discussion about the length of
25 programme to be put in place in response to the LFB's



1 requirement in relation to door—closers?
2 A. No, I don't.
3 Q. You don't remember a discussion about whether it should
4 be a three—year programme or a five—year programme?
5 A. No, I don't remember that. I think wouldn't there be
6 a prioritisation? I think with the LFB, don't they want
7 high risk, medium risk and low risk, and then you would
8 start with your high risk and work through them.
9 Q. Was that how you understood it to work, or was supposed
10 to work?
11 A. Yes, I think that's what I did understand, that that's
12 how the Fire Brigade looked at things and you —— I think
13 after Lakanal House there had been a ranking of
14 priority, high priority, medium priority, low priority,
15 and I assumed that that's what happened with the
16 door—closers.
17 Q. Yes, and did you assume perhaps more generally that the
18 TMO would follow the high, medium and low risk
19 assessments either identified by the LFB or identified
20 by the fire risk assessor?
21 A. Yeah, I think my understanding was there were regular
22 meetings between the LFB and the TMO, and the TMO would
23 be complying with the LFB requirements.
24 Q. That was your expectation, was it?
25 A. Yes.



1 Q. Right.
2 Did you, as a result of being told about this
3 enforcement notice, make any further enquiries about the
4 fire risk assessment programme and how that was going?
5 A. No, I don't think so.
6 Q. Did the arrival of these enforcement notices lead you to
7 question whether or not the fire risk assessor whom the
8 TMO were using was any good?
9 A. No, it didn't, no.
10 Q. Why is that?
11 A. I think because —— it comes back to the point about key
12 performance indicators. You can fit closers, closers
13 may then be removed from doors, so there's an awful lot
14 of —— you could do a fire risk assessment and say, well,
15 the closers have been fitted or the doors fit or the
16 doors comply, and then you might find that actually you
17 went back three weeks later and things were different.
18 I think it's a very fast—moving thing. So, no, I didn't
19 follow it up, and I do realise there is an issue about
20 closing flat doors.
21 Q. Did you think at the time that, although it may be
22 difficult to keep up with tenants removing their
23 door—closers for various reasons, nonetheless you needed
24 to have a regime of regular inspection and maintenance
25 to make sure, as best you could, that door—closers



1 remained in place and working? Did that occur to you as
2 a result of this meeting?
3 A. It didn't occur to me, but I think it would come back to
4 the issue of repairs, and there is a big issue which
5 they did explain to me at the TMO, again in one of my
6 visits, repairs and gaining access to property is quite
7 a big challenge for the TMO. Very often you find that
8 when you go to a property, the tenant's not there or
9 it's not a convenient time to do the repair, or that you
10 need access to a different property. So I think there
11 is a real sort of endemic issue with the TMO about ——
12 and this was the big issue always about repairs I think
13 throughout the whole time I was leader, that getting
14 them done in a prompt way was not nearly as easy as it
15 sounded, and your KPIs might look very bad and all the
16 rest, but the real issue is gaining access to the
17 property and putting the problem right, and I think
18 that's how fire door closers would also —— you'd need
19 the same thing if you were going to get in and change
20 them, and then check they were still all right a year
21 later.
22 Q. Can we then look at {TMO10017254}, please. This is
23 a notice of deficiency issued by the LFEPA to
24 Janice Wray at the TMO dated 17 November 2016, and you
25 can see that the premises concerned are Grenfell Tower.

1 In the first paragraph you can see that action is
2 required by 18 May 2017, just at the foot of your
3 screen.
4 Were you told about this notice of deficiency at the
5 time, November 2016?
6 A. No, I don't think I was, no.
7 Q. Is that because of a failure of procedure or process or
8 because the procedure or process at RBKC was not
9 designed to get that kind of information up to you?
10 A. I'm not sure. I'd have to look at more detail here
11 about what was not in compliance with the Fire Safety
12 Order and whether it was a minor thing or a big thing,
13 and was this a problem with the refurbishment, that had
14 been exacerbated by the refurbishment, or was it ... so
15 I'd probably need to see more of the letter. But
16 I wouldn't necessarily expect that to come to me,
17 I would expect it to go to the TMO and for them to
18 comply with it.
19 Q. Yes.
20 A. I think they had regular liaison with the London
21 Fire Brigade, so ... but I'd need to know more about
22 this, I think.
23 Q. Let me help you.
24 At page 5 {TMO10017254/5} we can see the schedule,
25 and there are three points on that page which are picked



1 up, Article 11, Article 17 twice, and they are about
2 fire doors in each case, and also the lack of
3 self-closers on two particular flats, if you look at the
4 bottom of page 5 and the top of page 6 {TMO10017254/6}
5 in the left-hand column, and again under Article 14 on
6 page 6, "doors to flats 44 & 153 did not self close".
7 A. Right.
8 Q. As well as other things as well, damage to the service
9 duct on the eighth floor and fire action notices not
10 displayed in the common parts, matters of that nature.
11 Does that help you with why this document wasn't, as
12 it were, escalated to you for you to know about?
13 A. Yes. Can you just remind me of the date of it, because
14 was it while the works were still under way and while
15 there were things in the corridors, or was it when the
16 work was over and done with?
17 Q. Well, it was during the defects period, I think, but it
18 was 17 November 2016.
19 A. Right, so afterwards, yes.
20 Q. Practical completion for the refurbishment had happened
21 in the previous July.
22 A. Yes. No, I'm not familiar with this.
23 Q. Right, you're not.
24 Are you surprised that you hadn't seen it before or
25 hadn't seen it at the time?



1 A. Well, I always received reports where there had been
2 a fire. I'm surprised somebody didn't mention this to
3 me, I have to say, I would have thought it would have --
4 Q. Right.
5 A. -- been mentioned, and I'd have obviously raised it with
6 Robert Black or with Nicholas Holgate or perhaps with
7 Laura Johnson. But, no, I hadn't seen that, but I ...
8 Q. Right.
9 Let's then look at an email chain in January 2017,
10 {RBK00001038/2}, please. We can start on page 2 of that
11 run with Janice Wray forwarding to Robert Black a letter
12 received from the LFB confirming that the work specified
13 as necessary in the Adair Tower enforcement notice had
14 been carried out. That's what the first paragraph says.
15 If you go up the page to page 1 {RBK00001038/1} and
16 look at the foot of that page, you can see that
17 Robert Black forwards it in turn the same day to
18 Laura Johnson and he says this:
19 "Laura
20 "For information.
21 "Somewhere it might be good to meet to look at how
22 we respond to the Fire Brigade as I think we are being
23 driven down a road by a group which seems to be
24 unaccountable. Is the overall responsibility for this
25 moving to the Mayor? Might give us and LA Political



1 Leaders to influence this area more."
2 Did you have a discussion along these lines with
3 Mr Black?
4 A. Erm ... I don't think so. I don't quite understand the
5 content of the letter. I mean, what group seems to be
6 unaccountable? Was there some ... no, I don't recognise
7 this at all.
8 Q. No. I'm not sure I have really contextualised it fully
9 for you, but the context of this is the LFB making
10 stringent demands on the TMO about door-closers
11 particularly as a result of the Adair Tower enforcement
12 notice, and I hope I'm not paraphrasing inaccurately,
13 what Mr Black seems to be saying here is that the group,
14 LFB, is unaccountable and -- well, he says what he says
15 there.
16 Is the tenor of this discussion something familiar
17 to you?
18 A. No, it isn't.
19 Q. Right.
20 Did Mr Black ever speak to you about bringing more
21 political influence to bear in the TMO's dealings with
22 the LFB?
23 A. No, he didn't. No, I don't think so, no.
24 Q. Right. What about to others, to your knowledge? Did
25 Mr Black ever make any suggestion of that sort to others

1 within RBKC as far as you were aware?
2 A. No, I'm not aware of that. And I don't quite understand
3 the reference to, "Is the overall responsibility for
4 this moving to the Mayor?" I'm not quite sure what
5 might be moving to the Mayor.
6 Q. No, and nor was Laura Johnson, in fact, in her message.
7 But you can't help me with that, I think?
8 A. No. I don't think I can.
9 MR MILLETT: Right.
10 Mr Chairman, it's 4.25.
11 SIR MARTIN MOORE-BICK: Yes.
12 MR MILLETT: I can start a new topic now. We won't get very
13 far, but I'm never keen to waste five minutes.
14 SIR MARTIN MOORE-BICK: Well, I know you're not. On the
15 other hand, it doesn't seem to me that you're going to
16 finish your questions for Mr Paget-Brown this evening.
17 MR MILLETT: I'm not, no.
18 SIR MARTIN MOORE-BICK: In which case it might be better to
19 call a halt at that point.
20 MR MILLETT: Yes.
21 SIR MARTIN MOORE-BICK: Mr Paget-Brown, I don't know whether
22 you were warned that we might need to ask you to come
23 back tomorrow. I had hoped that we would complete your
24 evidence today, but I'm afraid it hasn't turned out that
25 way, and I think possibly we might break at that point



1 and get a fresh start tomorrow.
2 THE WITNESS: Yes.
3 SIR MARTIN MOORE-BICK: Can you give us any idea?
4 MR MILLETT: Yes, about an hour before we finish, and then
5 there'll be the usual break and then further questions.
6 So I would be optimistic about finishing --
7 SIR MARTIN MOORE-BICK: By midday?
8 MR MILLETT: Well, better than that. I'm optimistic, but
9 not with any guarantee, that we'd finish completely by
10 the morning break.
11 SIR MARTIN MOORE-BICK: Yes.
12 MR MILLETT: Particularly if the morning break was perhaps
13 a little later than usual.
14 SIR MARTIN MOORE-BICK: Well, Mr Paget-Brown, I asked
15 Mr Millett that because I thought it might help you to
16 know roughly how long we might need to detain you
17 tomorrow. Whatever Mr Millett says, I think it would be
18 reasonable for you to expect to get away from here by
19 midday. If that helps you, so much the better. I'm
20 sorry we've got to get you back.
21 But, as it is, we're going to stop there for the
22 afternoon. We will resume, please, at 10 o'clock
23 tomorrow.
24 THE WITNESS: Thank you very much, sir.
25 SIR MARTIN MOORE-BICK: And I must ask you not to talk about



1 your evidence or anything relating to it over the break.
2 All right?
3 THE WITNESS: Sure. Thank you.
4 SIR MARTIN MOORE-BICK: Thank you very much. If you would
5 like to go with the usher, please, we will see you
6 tomorrow. Thank you.
7 (Pause)
8 Well, Mr Millett, thank you very much. I'm sorry if
9 I sounded a bit pessimistic, but --
10 MR MILLETT: Always good to be realistic.
11 SIR MARTIN MOORE-BICK: -- experience suggests that
12 sometimes these things take a bit longer than one
13 expects.
14 So we will stop there and resume at 10 o'clock
15 tomorrow, then, please. All right?
16 Thank you very much.
17 (4.30 pm)
18 (The hearing adjourned until 10 am
19 on Wednesday, 19 May 2021)
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