## OPUS<sub>2</sub>

**GRENFELL TOWER INQUIRY RT** 

Day 210

November 25, 2021

Opus 2 - Official Court Reporters

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1		Thursday, 25 November 2021	1		operational incidents where there had been
2	(10	0.00 am)	2		compartmentation breaches as an operational officer, but
3	SII	R MARTIN MOORE—BICK: Good morning, everyone. Welcome to	3		not so much the enforcement side of things, probably
4		today's hearing. Today we're going to continue hearing	4		until I was the director and then the commissioner.
5		evidence from Ms Dany Cotton, formerly the commissioner	5	Q.	So 2016 or so?
6		of the London Fire Brigade.	6	Α.	Yes.
7		So would you ask Ms Cotton to come back in, please.	7	Q.	Do you accept that the LFB as a body knew that the
8		MS DANIELLE COTTON (continued)	8		assumption that, in the case of any given building, the
9	SIF	R MARTIN MOORE-BICK: Good morning, Ms Cotton.	9		Building Regulations had been complied with was
10	TH	HE WITNESS: Good morning, sir.	10		an unsafe assumption?
11	SIF	R MARTIN MOORE—BICK: All ready to carry on?	11	A.	I think as —— from my knowledge at the time, I was not
12		HE WITNESS: Yes, sir.	12		aware that $$ I don't think that would have been made as
13	SIF	R MARTIN MOORE—BICK: Good, thank you very much.	13		an assumption. I think that there was still the belief
14		Yes, Mr Millett.	14		that the regulatory environment in the United Kingdom
15		Questions from COUNSEL TO THE INQUIRY (continued)	15		was designed to prevent such breaches happening, but
16	М	R MILLETT: Mr Chairman, good morning to you. Good	16		I know that, you know, we were aware there were
17		morning, members of the panel.	17		exceptions to that where breaches did occur.
18		Good morning to you, Ms Cotton.	18	Q.	Indeed, and you must have been aware that the LFB, as
19	Α	Good morning.	19	٦.	the enforcement body for responsible persons in London,
20		Now, yesterday, when we broke, we were looking at	20		came across —— perhaps came across with great
21	٩.	an article at {INQ0014890}. Can we please have that	21		frequency — failures of compartmentation in the
22		up. There it is . Just to remind everybody of its	22		building, quite apart from any fires.
23		title :	23	Δ	No, I was not aware that they came across the regularly,
24		"Fatalities Will Happen 'Sooner or Later' Warns	24	Α.	no.
25		Fire Safety Expert After Dubai Blaze Resurrects Fears	25	0	You weren't aware, right.
23		The Salety Expert After Dubar Blaze Resurrects Fears	23	Q.	Tou weren t aware, right.
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1		Over Flammable Cladding."	1		Were you aware that from 2009, after Lakanal, there
2		If I can just remind you of the last paragraph on	2		were concerns within the LFB about potential weaknesses
3		page 1. I'll repeat it to you, because we looked at it	3		in the regulatory system, specifically the
4		yesterday:	4		Building Regulations and the RRO?
5		"Tall British buildings have been required to comply	5	Δ	No, I was not aware of that.
6		with British safety standard BS476, which meets the	6		Did you ever discover that fact?
7		Class '0' standard stipulating 'no surface spread of	7		No, I don't think so. It was —— as I say, the area and
8		flames', since regulations were changed in the aftermath	8	Λ.	the directorates that I worked in were not connected
9		of the 1973 Summerland holiday park fire on the Isle of	9		with fire safety.
10		Man, which killed 50 people and injured eight	10	0	You say "not connected with fire safety"; it sounds ——
			11	Q.	would this be right? —— that you were completely
11		Seriously ."	12		
12		Now, you got this article, as we know, from the		٨	disconnected from fire safety.
13		emails that we saw yesterday afternoon.	13	Α.	I would say that —— and definitely whilst doing the work
14		We've heard from other witnesses, particularly	14		that I have to prepare to come here, that it's become
15		Rita Dexter and AC Dan Daly, that even notwithstanding	15		quite evident that the fire safety department in London
16		the UK regulatory regime, the LFB had by this time	16		Fire Brigade was not as well connected to the rest of
17		encountered a great deal of compartmentation breaches,	17	_	the organisation as it could or should have been.
18		and a great deal of enforcement activity as a result	18	•	Is that an understatement?
19		focused around compartmentation problems, or focused on	19	Α.	I think it was not as well connected. I think
20	_	those problems. Were you aware of that at this time?	20		information was not shared, and I think that it was
21	Α.	I became aware — I wasn't — I'd never worked in the	21	_	probably not given the prominence it should have been.
22		fire safety part of London Fire Brigade, but later on in	22	Q.	Now, the risk that a building may fail to comply with
23	_	my career I became aware of some of those.	23		the regulatory regime is one thing; what about the risk
24		When was that?	24		that highly insulated materials themselves may fail?
25	Α.	I'm not sure. I would have been familiar with	25		Was that a risk known to you in your capacities from

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- 1 2012 to 2017?
- 2 A. No, it wasn't.
- 3 Q. Do you accept that it was the job of operational 4 assurance to put these two pieces of the puzzle 5 together, namely the risk that a building may not comply with the regulatory regime and the risk that materials 6 7 on a building may fail and assist fire spread was a very
- 8 real risk?

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- 9 A. That would not have come into the operational assurance 10 arena under any circumstance. We didn't have dealings 11 with the fire safety aspects. It might have come to our 12 attention through ODCB; you will have seen the 13 membership of ODCB contained the assistant commissioner 14 for fire safety, and also obviously Dave Brown, who was 15 in charge of fire safety. But, no, that wouldn't have 16 been something that operational assurance would have
- 18 Q. I'd like to know why that is, given what operational 19 assurance did, as you've told us, namely to ensure the 20 safety and safe operations and effective operations of 21 firefighters on the incident ground and members of the 22 public. So the question is: why wasn't it something to 2.3 do with operational assurance, given that firefighters 2.4 may come to a fire in a building which has either failed
- 25 or is about to fail and is not compliant with the

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1 **Building Regulations?** 

been dealing with.

2 A. Because I think there was a problem in the realisation 3 and understanding that there could be such a significant failure of Building Regulations. That was never brought 5 to my attention, so therefore we would not have known that, and I think, therefore, it would have been very 6 difficult to have drawn that as a conclusion that 8 I would have known and therefore could have shared with 9 firefighters

> Obviously, firefighter safety was one of my main focuses and priorities, so had that been something that had been brought to my attention, it would have been something we would have addressed, but it was not.

- 14 Q. But we saw yesterday that it was within the operational 15 assurance department that the highly insulated buildings 16 CBT package originated.
- A. Yes, and, as I explained yesterday, that was as a result 17 18 of a firefighter fatality fire, which is why it was of 19 such great interest to the operational assurance 2.0 department, and, as I explained yesterday, it was under 21 a very different circumstance of highly insulated 2.2 buildings, that that was the attention we were bringing 2.3 to firefighters, because it clearly was a risk because 2.4 it had translated into fatalities .
- 25 Q. Yes, but surely the operational assurance department

wasn't interested only in firefighter fatalities and 2 only interested in incidents that had happened. Is it 3 not the case that the operational assurance department 4 should have, because it was part of its role, been interested in examining all the risks presented by 5

7 A. I think the problem here, and I think that it wasn't one 8 that just London Fire Brigade suffered from, I think the 9 UK fire service as a whole still did not have the 10 knowledge contained in one place to identify the 11 specific risk and the potential for the hazard that 12 could cause. I think there was nowhere that was sharing 13 that information, and I think that should have been 14 something that a central body should have been able to

highly insulated buildings on the incident ground?

15 identify, all the pieces of information that I have now 16 seen as part of my preparing to come here, and made that

17 something that was shared through the UK fire service. 18 But it wasn't something that we had shared with us in 19 operational assurance.

20 Q. Now, you got the link to this article through the email 2.1 we've seen. We saw it yesterday afternoon. Looking at 22

the first page, it's quite a striking image, isn't it?

2.3 A. Yes. it is.

2.4 Q. Did you read this article in full, do you think?

25 A. Yes, I did.

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1 Q. Yes.

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Let's turn to page 4 {INQ00014890/4}. On page 4, after the article, there are some comments left by individuals, starting with Alan Brinson at the top of your screen. He highlights the fact that fatalities had previously occurred at a similar fire in Roubaix in 2012, and also, as it seems, in Dijon in France in 2010.

Then there are two comments below that, and if you scroll down, please, you can see the one left by Dane Owen, who is at Omega Fire. He says this:

"This article seems to lack a grasp of Regulations and the fundamental Issue here. It is this nothing to do with Class 0 Surface Spread of Flame, typically these facades achieve that requirement as the outer skin is aluminium (or other non-combustible material) and therefore the fire will not spread on the surface of the cladding. This is often confused by architects and specifiers as the products often have a Class 0 rating and is then misunderstood as being compliant for use in high-rise schemes.

The issue is the flammable core of insulation inside the cladding, this is covered in the UK by clause 12.7 of the Approved Document which states the [sic] 'in buildings with a storey 18m or more above ground level any insulation product, filler material etc used in the

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external wall construction should be of limited combustibility' the permitted products or method of testing to pass the required standards are then reference in the Appendix.

"Although this issue is prevalent in the Middle East and has been highlighted by recent fires there are also large scheme still being incorrectly specified and constructed in the UK due to this fundamental misunderstanding of the regulations."

Now, reading that -- well, did you read that at the time?

- 12 A. No, I read the article , I didn't read the comments 13 underneath.
- 14 Q. You read the article but you didn't read the comments

We saw the message that came from Tony Biles, who specifically picked up clause 12.7, yesterday. We saw that. If we want, we can go back to the email.

- 19 A. No, it's fine, thank you.
- Q. And we saw your response to it. That is what, would you accept, he is responding to; not the article, where we see no reference to 12.7, but the comment which has been left by Dane Owen? Did you not go back to the article and have a look at it and see what it was that Tony Biles was talking about?

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- A. No, because I understood that Tony Biles' comment was, as I explained yesterday, not one that he was making a reference to understanding that, because I knew he wasn't understanding fire safety. So, no, I didn't, and I didn't read the comments underneath at the time.
  - Q. If we go back to the email, then, let me show you the reference, at {LFB00024217}, I just want to see if I can pursue this a little more.

In your email of 7 January 2016 at 15.09, you say, in response to Tony Biles, who says "Always knew Clause 12.7 would be used somewhere by someone":

"I'm surprised it's taken them so long to reference such a key piece of information!"

We looked at that yesterday together.

Now I've shown you the comment which contains specific reference to 12.7, are you able to explain what you meant by, "I'm surprised it's taken them so long to reference such a key piece of information"?

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- A. Yes. As I explained yesterday, I was responding to
   Tony Biles' flippant comment. There was no response to
   the comment he's making about 12.7. That's what
   I explained yesterday. That's —
- 23 Q. You did
- 24 A. -- the sum of it.
- Q. And now I've shown you the full document and the

article, or rather the comment in which 12.7 appears specifically, you still stand by that answer, do you?

- 3 A. Yes, that's the truth. That was the answer, that was
- 4 the response at the time, that's all there was to it.
- Q. Nonetheless, having read that comment now, as I've shown
   you, do you accept that you and other members of your
   directorate were on notice of the fact that developers
- 7 directorate were on notice of the fact that developers 8 in the UK were routinely misunderstanding the Building
- 9 Regulations and Approved Document B and 12.7
- $10 \hspace{1.5cm} \text{specifically , and conflating surface spread of flame} \\$
- 11 with the requirements that the products needed to be of
- 12 limited combustibility?
- 13 A. Other colleagues in fire safety may have had that
- 14 knowledge but, as I said, the people referenced in that
- email are not fire safety officers and had not worked in the fire safety arena.
- 17 Q. Right. Why didn't you read the comments?
- 18 A. I have no idea. I just read the article. The article
- $19\,$  was of the interest to me. I quite often find, with
- 20 many articles, that people write many, many comments
- 21 underneath that aren't relevant, and I also am not
- 22 a qualified fire safety officer. So lots of those would
- 23 have been technical architectural details. The interest
- 24 to me was around the actual article itself and the
- spread of the fire, and the fact that it was made

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- $1 \qquad \quad \text{reference to: it shouldn't happen in the United Kingdom} \\$
- $2 \qquad \quad \text{because of the Building Regulations we have here.}$
- 3 Q. Right. Did you seek to explore that question with the 4 fire safety department?
- 5 A. No. I knew the fire safety department were aware of the
- 6 fire , because any notable fire is something of interest
- 7 to operational officers , and the fire safety department
- $8 \hspace{1cm} \hbox{contains a number of senior operational officers} \; .$
- Q. The senior officer in the fire safety department at thistime was, I think, Dan Daly.
- 11 A. I think it would have --
- 12 Q. Or was it Neil Orbell at this point, January 2016?
- $13 \quad \text{A. Potentially Neil Orbell, I think, but I couldn't recall} \; .$
- 14 It was either Neil Orbell or Dan Daly.
- 15 Q. Either way, was there anything stopping you simply
- $16\,$   $\,$  pinging this on to them and asking them whether or not
- 17 this could happen here, in the light of their specific
- 18 knowledge?
- 19 A. I think, as I said previously, that I had had
- $2\,0\,$  conversations at ODCB and other places where we had
- talked about fires overseas where there had been examples like this, and we had had the conversation
- 23 about Building Regulations and standards being very
- different in the United Kingdom.
- $25\,$   $\,$  Q. I mean, did you regard this simply as a fire safety

- 1 matter and something for them and really nothing to do 2 with your department?
- 3 A. No, not at all . That's why we had a professional conversation, because any fire is of interest to the 4
- 5 fire service. So it wouldn't simply be a matter for
- 6 fire safety.
- Q. Yes. You say a specific conversation; did that
- 8 conversation not inform you that there were not
- 9 infrequent breaches of Building Regulations by
- 10 developers or by owners of buildings regularly enforced
- 11 by the LFB, which involved failure of compartmentation
- 12 and fires such as this, so that thinking that it
- 13 couldn't happen here was an unsafe assumption?
- 14 A. As I said, I was not aware of the amount of fire safety 15 breaches and prosecutions that London Fire Brigade had

Q. Did you actually have a conversation or discussion with

- 16 experienced
- 18 anybody in the fire safety department about this fire
- 19 based on this article?
- 20 A. No, I didn't.

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- 21 Q. Why is that?
- 2.2 A. Because I knew that colleagues were aware of these fires because of conversations I'd had at ODCB. 2.3
- 2.4 Q. Which colleagues?
- 25 A. Fire safety and other senior colleagues in operational

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- policy, because all the members of ODCB would have been 1 2 part of those conversations.
- 3 Q. Right.
- 4 Having seen the article, did you do anything about 5 it?
- 6 A. As I explained, I had a conversation with professional
- 7 colleagues where we discussed the fact that Building
- 8 Regulations were very different overseas to the
- 9 United Kingdom.
- 10 Q. Who told you that the Building Regulations overseas were 11 very different to those in the United Kingdom?
- 12 A. It said so at the bottom of the article.
- 13 Q. Well, it did, and you've just said you had
- a conversation with professional colleagues where you 14
- 15 discussed that. Who were the professional colleagues
- 16 that you had that discussion with?
- 17 A. Other senior officers . I can't remember the exact list. 18 Graham Ellis was definitely one, as was Lee Drawbridge,
- 19 but colleagues from other departments as well, I think 2.0
- operational policy.
- 21 Q. Right.
- 2.2 Did you have a discussion with any professional
- 23 colleagues on this article from the fire service
- 2.4 department?
- 2.5 A. I'm sorry, could you repeat? The fire service

department?

- 2 Q. The fire safety department.
- 3 A. No, you've asked that. No, I didn't.
- 4 Q. Why is that?
- 5 A. Because, as I said, we'd had conversations at ODCB about
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- Q. Yes, but ODCB hasn't got people on it from the 7
- 8 fire safety department.
- 9 A. The assistant commissioner for fire safety was
- 10 a standing member of ODCB.
- 11 Q. Ah. Well, that's interesting, because we've not seen
- 12 any discussion at ODCB level involving that officer on 13
- 14 A. No, so it wouldn't have been a discussion that was
- 15 necessarily minuted, it would have been a professional
- 16 discussion amongst colleagues around fires in other
- 17 countries. But the standing members of ODCB contained
- 18 all of the assistant commissioners from the relevant
- 19 departments -- policy, fire safety, resilience,
- 2.0 operational assurance -- and that's the basis of where
- 21 we would have conversations. Not the whole subject of
- 22 that meeting was always minuted.
- 2.3  $\ensuremath{\mathsf{Q}}.$  To the best of your recollection , did any officer from
- 2.4 the fire safety department at any time give you
- 2.5 an assurance that the fire that happened in Dubai, the

- 1 subject of this article, couldn't happen here because of
- 2. our regulatory regime?
- 3 A. No.
- 4 Q. No. And given that, were you not interested yourself to
- 5 find out the answer to that question, rather than simply
- 6 taking it as a quotation from the article?
- 7 A. At that time, it was something that wasn't brought to my
- 8 attention, so no.
- 9 It wasn't brought to your attention, as you say, but was
- 10 it not something you were interested in getting to the
- 11 bottom of so that you could be sure that this was not
- 12 a risk that your firefighters were going to be facing?
- 13 A. I knew that we had a very professional fire safety
- 14 department containing not only operational officers but
- 15 fire engineers, and I would have expected, if they had
- 16 that knowledge, that they would have raised that and
- 17 brought that to the attention of all operational
- 18 colleagues.
- 19 Q. Right. So, in a nutshell, does it come to this: you got
- 2.0 the article, you read it, you didn't read the comments, 21
- 2.2 anything to you about it, and if they didn't, then all
- 23 was well?
- 2.4 A. Yes
- 2.5 Q. Now, let's look in a little bit more detail at the

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and you waited to see if the fire safety department said

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1 institutional knowledge of the Brigade on widespread 2 compartmentation failure. 2 3 We heard some evidence about this at Module 5, and 3 Dan Daly told us that much of the LFB's RRO enforcement 4 4 activity was, as he said, "predicated on 5 5 6 compartmentation, because it is a significant risk, 6 7 where we find it's been breached". That's what he said. 7 He told us about a report which I'd like to show you 8 8 9 at {LFB00120301}. It's entitled, "Fire Resisting 9 10 10 Compartmentation - Flats", and it was written by the 11 head of regulatory enforcement in fire safety, 11 12 12 Andy Jack. Indeed, I should just tell you this document his evidence. 13 is an exhibit to Andy Jack's witness statement to 13 14 14 the Inquiry. He has told us in writing in that 15 statement that this was written in August 2016, and for 15 16 a bit more background, AC Daly told us that the report 16 17 17 may have gone to the directorate management board, the 18 DMB, and possibly the CMB or the commissioner's group. 18 19 That's what he told us at Day -- well, he told us that, 19 2.0 I'm not sure exactly when, we can find that out. 20 21 My question is: did you see a subsequent version of 21 22 this report? 22 A. Not that I recall . I would not have attended the 2.3 2.3 2.4 2.4 directorate management or performance management board. 25 Q. Right. 2.5 17

there is a headline, "The Compartmentation Issue", and a text underneath that which says this: "The compartmentation between flats is of vital importance to prevent the spread of fire through a building containing multiple dwellings and is essential if an evacuation strategy based on 'defend in place' is to be utilised in the building. In the absence of adequate fire resisting compartmentation, fire and/or the products of combustion are liable to spread into other dwellings in the block and/or the means of escape. In the absence of an early warning of fire, persons in those premises may be overcome or prevented from making a safe escape. This assumes an even greater significance in premises occupied by vulnerable persons who may need assistance to make an escape or otherwise be slow to do so due to infirmity or lack of awareness of danger (e.g. in sheltered housing blocks).

Let's look at the document, page 2 {LFB00120301/2}.

At page 2, you can see that, at the bottom paragraph,

If you go to page 3 {LFB00120301/3}, it says this: "The ongoing experience of the Authority's inspectors is that fire risk assessments rarely consider compartmentation in areas of the building away from the means of escape and rarely consider services that run

through flats (e.g. soil pipes and ventilation). Consequently scant factual basis is available to justify

or validate use of a 'stay put' emergency plan." Now, AC Daly told us -- and it's {Day184/70:10} to

 $\{Day184/71:19\}$  for the reference —— that the point being

made by this report was that stay put as an evacuation strategy should only be relied on where it can be

established that a building's compartmentation is

effective , and that the LFB had concerns at the time

that fire risk assessors were not able to assess the

compartmentation of the building as a whole. That was

Now, would I be right in thinking that, when you became commissioner in 2017, you became aware of that

A. No, I was not made aware of that problem.

Q. You were not?

A. No, I wasn't.

Q. Had you been made aware of it previously?

No, I hadn't been.

Q. Had you ever been made aware of that problem?

A. No, I hadn't been.

Q. Can you explain why that is?

A. I don't know, because nobody shared that information

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1 Q. You were the commissioner, come January 2017.

2. A. I was.

3 Q. And nobody told you that stay put as an evacuation strategy should only be relied on where it could be

5 established that the building's compartmentation was

6 effective?

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7 A. No, nobody told me.

8 Q. Do you find that surprising?

9 I do now, knowing — seeing that, but nobody told me 10 that at the time.

11 The report then goes on to cite examples of fire safety 12 breaches that have compromised compartmentation, and 13 I'll just show you one or two.

> If we stick with page 3, Ms Cotton, you can see lower down, in the second paragraph, first bullet point. a number of examples. The first one is:

"The communal ventilation system at Lakanal which allowed products of combustion to percolate from flat to flat ."

Then if you go to page 8 {LFB00120301/8} -- I'll show you these together and then ask the question -- if you look at the top of page 8, the report goes on to record, in the "Conclusions" part which starts on page 7, as follows:

"There are significant examples of compartmentation

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- 1 issues posing high levels of risk to the public, more 2 examples are very likely to be discovered, and so 3 rectified, as a result of fire risk assessment before 4 fires occur. Pushing the boundaries of the RRFSO to 5 ensure that this happens is in the interests of public safety." 6
- 7 Now, during your tenure as commissioner, what was 8 the LFB's strategy for resolving that widespread 9 concern, do you know?
- 10 A. No. I don't.
- 11 Q. You don't?
- 12 A. No. I don't.
- 13 Q. Do you know whether there was a strategy?
- 14 A. I am unaware.
- Q. Right. 15

Against that background, and given the LFB's 16 17 knowledge as I've shown you, namely significant examples 18 of compartmentation issues posing high levels of risk. 19 as this report says, can you explain why no action was 2.0 taken to inform local crews that compartmentation issues 21 were abundant, they might impact their operations and 22 posed a high risk for crews and members of the public

- 2.3 2.4 A. I don't know why that information wasn't shared.
- Q. Again, do you find that surprising?

- 1 A. I do find surprising that a part of London Fire Brigade 2 had information that could impact on operational crews 3 ability to deal with an operational incident and that wasn't shared, yes.
- Q. I mean, can you shed some light on what it was about this organisation, the LFB, that meant that that 6 7 information was so tightly held and not disseminated to 8 the people who mattered?
- 9 A. I don't know. It's become evident in my reading papers 10 to prepare for this that I think sometimes the work of 11 the fire safety team was in almost a silo situation and 12 was not as well connected to the operational colleagues 13 as it should have been. But I can't answer as to why. 14 As I say. I didn't work in that directorate.
- 15 Q. Do I take it from that answer that that is also the 16 reason why no action was taken to expand LFB's 17 operational training on compartmentation issues?
- 18 A. I would imagine so, but, as I say, I'm unaware.
- 19  $\ensuremath{\mathsf{Q}}.$  Given your last two answers, one suspects I know what 2.0 you'll say, but let's give you an opportunity to answer 21 it: why did the LFB not send a very clear message to crews telling them of the LFB's growing concern, at 2.3 latest by 2016, that a stay-put evacuation strategy may 2.4 be undermined or inappropriate in any number of
  - buildings in front of them, and that they may be
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- required to evacuate residents in challenging 2 environments?
- 3 A. I don't know the answer to that.
- 4 Q. Let's go to {CLG10009016}. This is a letter dated 3 April 2017 to Gavin Barwell, as he then was, MP, who was the Minister of State for Housing, Planning and 6 7 Minister for London within the DCLG, as it then was.
- 8 If you look at page 2 {CLG10009016/2}, we can see 9 that the letter came from you; yes?
- A. It did, yes. 10

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- 11 Q. It's copied to Brandon Lewis, who was Minister for 12 Policing and the Fire Service.
  - Let's just see what you say.
- 14 You say in the third paragraph down:

"While there has been a focus on the quality of construction in schools and hospitals due to some high profile building failures, we have mounting evidence of issues of concern within residential buildings and, in particular, blocks of flats. In a purpose built block of flats each flat should be separated by a minimum of 60 minutes fire resisting construction from the rest of the building. Compartmentation should also be provided between flats to the escape routes around communal rooms and facilities, concealed voids, common service risers and from other occupancy types.

"Residential buildings are designed to have a 'stay put' policy whereby only the residents within the flat of fire origin evacuate in the event of fire. All other residents can safely remain within the building unless directly affected by heat or smoke or directed to leave by the attending firefighters . The standard of compartmentation is therefore critical as it limits fire spread within the building to protect other residents from the effects of fire. It also assists in protecting firefighters by preventing unseen or unusual fire

"When compartmentation is missing, or incorrectly installed, it can potentially place residents at significant risk. With the Lakanal House fire in 2009 in which six people died, there were compartmentation breaches which allowed fire and smoke to spread through the building contrary to the functional requirements of the Building Regulations and in direct conflict with the evacuation strategy for the building. We are deeply concerned that since the beginning of 2017, LFB has identified, on average, at least one residential property (or development) in London with significant compartmentation deficiencies per month. These usually come to our attention after a fire, or by a person responsible for the property seeking our advice. It is

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safe to assume that there are many other cases that do not come to our attention, yet are placing the residents of those properties in significant risk from fire spread within the building."

Then, if you turn to the last page  $\{CLG1009016/2\}$ , please, you see there's a paragraph about wider issues, which I don't think I need to read to you. The last sentence I should. It says this:

"We are also concerned about contractor competency, and how this influences compartmentation deficiencies and therefore occupants' safety in respect of fire.

"Whilst raised in the context of flats, the issues above also occur in a variety of building types and occupancies such as schools and hospitals.

"I very much hope that we can meet to discuss how we can work together to make London a safer place to live and I look forward to hearing from you."

Now, first, do you agree, this letter doesn't actually convey what the LFB wanted from the department; what was it?

A. I believe that —— and this letter was put together by Dan Daly and his team in fire safety —— the concern was around the approved inspectors, as it says, and around building standards, and that the —— to put pressure on the responsible people for building and regulation and

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- $1 \qquad \quad \text{inspection of buildings to ensure this couldn't happen.} \\$
- 2 Q. Did you meet Gavin Barwell?
- 3 A. Sorry, could you remind me of the date of the letter, 4 please?
- 5 Q. Yes, it was 3 April 2017.
- 6 A. I think we did. I'm sorry, I had many, many meetings
  7 with external people, and I can't remember specifically,
  8 but I'm pretty sure that Dan Daly and I and someone else
  9 from his fire safety team, maybe Andy Jack, did meet
  10 with him.
- 11 Q. Right.
- 12 At all events, it looks as if -- would this be 13 right? -- certainly by 3 April 2017, you, as the 14 signatory of this letter, were well aware of the 15 problems discussed in it.
- $\begin{array}{ll} \hbox{16} & \hbox{A. Yes, at that point the fire safety $--$ well, Dan Daly had} \\ \hbox{17} & \hbox{brought this to my attention as an issue, yes.} \end{array}$
- 18 Q. Yes. But by this time, of course, you were commissionerand not in charge of operational assurance.
- 20 A. I was, yes
- Q. When this came to your attention, and before signing the letter, you read it, did you think to direct or investigate, I should say, what training was being given to frontline responders about the risks posed by
- 24 to frontline responders about the risks posed by
- $25 \qquad \hbox{compartmentation failure and the consequent knock} \hbox{on}$

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effect to the validity of a stay—put policy in any given building?

3 A. So I was aware from my previous membership of ODCB that,

4 following any operational incident, our fire

 $5 \hspace{1.5cm} \text{investigation team would complete a report that would} \\$ 

contain details of the fire, the cause of the fire, and

7 any issues that had come about. That would be fed into 8 the DIOT process, and then any areas or trends, as we've

the DIOT process, and then any areas or trends, as we've said before, would have been identified. So if there

had been increasing risks which would have been

11 identified by fire investigation reports, that would

12 have been fed in, and I would have assumed that that

would have then been taken forward into a training

 $14\,$   $\,$   $\,$  programme. But, no, at that time, I did not check that

15 personally.

 $16\,$   $\,$  Q. You told us earlier this morning that you had never been

made aware of the problem, namely that stay put as

 $18 \hspace{1cm} \hbox{an evacuation strategy should only be relied on where it} \\$ 

19 could be established that a building's compartmentation

 $20\,$  was effective, and that LFB had concerns from 2016.

I mean, looking at this letter, that can't be right, can it? You did know that, at least by early April 2017.

23 A. What I said was that I wasn't aware that London Fire

24 Brigade had so many issues with prosecution around

25 breaches. I was clearly aware from this letter that

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1 there had been issues in the built environment, because

2 that's why the assistant commissioner for fire safety

wanted us to meet with Gavin Barwell. I wasn't aware of the detail of that or the volume of that.

5 Q. Right. Well, let's then go back over things a little

6 bit.
7 Looking at the topics covered by this letter to

7 Looking at the topics covered by this letter, to 8 which you put your signature, when did you first become 9 aware of the problems identified in it?

10 A. I think shortly before this letter, Dan Daly would have 11 met with me and had a conversation with me about it.

12 Q. Right. So you knew nothing about any of this until,13 what, early April, late March?

A. I don't recall when I would have had other knowledge,
 but I definitely — I mean, I can only say that I would definitely know it then because I can see that I'd read

and signed a letter, so I can't remember.

18 Q. Right.

When this was first brought to your attention, do you remember what your reaction was?

21 A. No, not specifically . At that time I had only been in 22 post for a very short time. There were, as you can

23 imagine, a huge number of things that came to my

24 attention, and a huge variety in roles and

25 responsibilities that the London Fire Commissioner had,

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- and this was one of those, so it was an exceptionally busy time. We were also, as you're aware, dealing with large—scale terrorist incidents that have taken place in London. So I —— it was an exceptionally busy time and I can't recall the specifics of each piece of information, I'm sorry.
- Q. When it was first brought to your attention, did you not think to yourself or did you not ask yourself why it hadn't been brought to your attention at any earlier time, 2015, particularly 2016, when you were director of operational assurance?
- A. I would have assumed that this had been brought to the
   attention of the director of operations and the deputy
   commissioner at that time, so no, I wouldn't have
   thought why it hadn't been brought to my attention.
- Q. Well, you make an assumption. You say, "I would have
   assumed that this had been brought to the attention of
   the director of operations". Did you not ask why you
   didn't know about it until April or late March, perhaps,
   20
- 21 A. No, I didn't.
- Q. I mean, why is that? This is a major challenge, isn't
   it, to the efficacy and fire safety of high-rise
   residential buildings in London? You had occupied
   a senior position in operational assurance and then

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- safety until you were appointed commissioner. Did you not want to know why it was that you didn't know anything about this, if that's the case?
- A. No, because, as I say, we had professional operational
   colleagues in that directorate who would have been aware
   of that information, so I don't know why they didn't
   share that information.
- 8 Q. Right.

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- Can I just ask you, then, given that you knew of these problems in April 2017, what steps did you take, or did you take any steps, to instigate any training, any refresher training, to make sure that frontline responders knew that when they went to a fire in a high—rise building, these were the risks they had to be aware of?
- 16 A. I didn't take any steps personally. At that point, this
  17 information would have been shared through both the
  18 directorate management board and with ODCB, and that's
  19 where those steps would have been taken. As
  20 the commissioner, no, I didn't take any steps
  21 personally.
- 22 Q. Why is that?
- A. As I explained, it was an exceptionally busy time.
   I was new to the role. I was trying to get ——
   effectively get my head around the huge numbers and

with dealing with a large number of key issues.
 Q. Yes, but this issue was sufficiently important, wasn't

areas of responsibility that I had. So I was very busy

- 4 it, for you to write to the minister, and copied to the other relevant minister? This was a big issue, otherwise you wouldn't have sought to trouble central government with it. So why wasn't this top of your
- 9 A. Because, as I said, there were a number of other
  10 risk—critical things, such as terrorist attacks taking
  11 place in London, that were also competing priorities.
- 12 Q. This isn't the only letter you wrote at the time, is it?

  13 Let's go to {LFB00089064}. Now, this is a letter that

  14 is addressed to Ben Gummer MP, House of Commons, and if

  15 you go, please, to the third page {LFB00089064/3}, you

  16 can see that it isn't signed. It looks as if it's

  17 a draft.

Do you remember this document?

agenda, or close to it?

- 19 A. No, I don't.
- 20 Q. You don't.

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21 Let's just look, then, at the third paragraph down, 22 if we go back to page 1 {LFB00089064/1}, please, 23 "Housing". The title is, "Conservative party 24 manifesto", and it opens:

25 "I am writing to you regarding the Conservative

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 $1 \qquad \quad \mathsf{party} \ \mathsf{manifesto} \ \mathsf{for} \ \mathsf{the} \ \mathsf{2017} \ \mathsf{General} \ \mathsf{Election."}$ 

This, I think we can take it, was ahead of the general election on, to the best of my recollection, 8 June that year:

"I know that this will be published very soon but hoped there may still be an opportunity for you to consider three proposals from the London Fire Brigade (LFB) for inclusion in the manifesto that will improve fire safety in our homes, schools and places of work.

"Below I set out three key measures that I would urge you to include in the manifesto and would, of course, be happy to provide further information on any of these issues.

"Housing.

"We have mounting evidence of issues of concern over the quality of construction of some residential buildings and, in particular, blocks of flats. In a purpose built block of flats each flat should be separated by a minimum of 60 minutes fire resisting construction from the rest of the building. Residential buildings are designed to have a 'stay put' policy whereby only the residents within the flat of fire origin evacuate in the event of fire. All other residents can safely remain within the building unless directly affected by heat or smoke or directed to leave

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1 by the attending firefighters . The standard of 2 compartmentation is therefore critical as it limits fire 3 spread within the building to protect other residents from the effects of fire. It also assists in protecting 4 firefighters by preventing unseen or unusual fire 5 spread.' 6

> Then there is the paragraph which is identical to the paragraph in the letter you signed on 3 April 2017, and then below that, in bold in the box, it says this:

"What we are calling for: We are keen to ensure the quality of housing and a key safeguard are building regulations. Building regulations ensure that plans are approved by Local Authority Building Control (LABC) or private Approved Inspectors. We are concerned that LABC power to take enforcement action expires after 12 months of a building being completed, and power to prosecute expires after 2 years. These deadlines limit LABC powers and can leave a legacy of problems which can massively impact the safety of residents in a fire. We want the deadlines to be extended to a more appropriate period - to be decided through consultation with keystakeholders.'

Do you remember seeing this letter in draft form?

- 2.4 A. No. I don't recall seeing it.
- Q. Have you ever seen this document before?

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- A. No, I don't think I have, I don't recall seeing it . 1
- 2 Q. Right. Do you remember having any discussion about 3 writing to Ben Gummer on these issues?
- 4 A. No, this would have been a conversation between Dan Daly 5 and probably Helen Newton.
- 6 Q. Right. Do you remember any discussion about a problem 7 with enforcement of Building Regulations and time limits 8 available to the LABC for prosecution?
- 9 A. No. I don't remember that.
- 10 Q. Right.

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Can I then turn to a different topic, which is the 2016 review of Brigade control by AC Tom George, who has given evidence

He produced, as you may know, a report on 22 July 2016, which contained a number of observations and recommendations, and he explains in his statement that steps were being taken by other senior officers in control to implement the recommendations in his report.

Now, he also told us that he presented an updated report to the LFB's corporate management board in February 2017, not long after you were appointed interim commissioner.

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2.3 Do you remember that report?

- A. I do, yes. 24
- 2.5 Q. You remember it being presented to the CMB?

1 A. I do, yes. Q. Yes.

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- 3 Do you know why the report had not been presented to the CMB in July 2016? 4
- 5 A. No, I'm unaware. The report had been commissioned by and obviously presented to director Dave Brown in his 6 7 directorate. Why that wasn't then taken to the 8 commissioner's board, I don't know. It was something
- that I was quite keen to see the outcome of. 10 Q. Right. You say you were quite keen to see the outcome
- 11 of it: how did you learn about it?
- 12 Dave Brown had told us at commissioner's board that
- 13 AC Tom George was being commissioned to do that piece of 14 work.
- 15 Q. And you asked him for it, did you?
- A. I spoke to Dave Brown and asked if we were going to see 16 17
  - the outcome of the report, and he said we were, and then
- 18 by the time I became commissioner, I asked again about
- 19 it, and it was then presented to the commissioner's
- 20
- 2.1 Q. Did you specifically ask him to present it formally to
- 22 the commissioner's board?
- 2.3 A. I asked Dave Brown if he would be bringing it, yes.
- 2.4 Q. Right. When did you first read it?
- 25 Probably prior to that meeting.

- 1 Q. I see. When you did read it, did you have any
- 2 particular concerns about its findings or about control
- 3 more generally?
- A. I had concerns about control. I had become aware of the
- fact that control were  $--\ {\rm I'd}$  say not -- you know, they 5
- were feeling that they were isolated from the mainstream 6
- 7 part of London Fire Brigade. I had actually visited 8
- control on a number of occasions, as part of the 9 programme they were doing of staff engagement, to hear
- 10 some of their concerns, so I was aware that there were 11 issues. So that's why I was pleased that a report had
- 12 been commissioned to look deeper into the issues in
- 13 control
- 14 Q. Did you ask Dave Brown why he hadn't presented it to the
- 15 CMB before February 2017?
- 16 A. No, that would have been a decision between himself and
- 17 the then commissioner, Ron Dobson.
- 18 Q. Yes, maybe, but were you not interested to know what the 19 reason was?
- 2.0 A. I knew the report had been through a number of different
- 21 sort of evaluations of it. I suppose, so no. I didn't
- 2.2 know why it hadn't been presented.
- 23 Q. I think it's right that you asked that a further update

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- 2.4 be provided to the CMB six months thence?
- 25 A. I did, yes.

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- 1 Q. Why did you want an update in such a short space of time?
- 3 A. Because I wanted to ensure that the areas that had been 4 identified were being addressed.
- Q. Did you have any particular concerns arising out of your review of that report or from discussing its findings at the CMR?
- 8 A. I was concerned, I thought there were a number of areas
  that needed focus and work on, and I wanted to ensure
  that the action plan was being implemented.
- Q. Can I just go back, then, to the letter to Ben Gummer,
   the draft document we looked at earlier. You said you
   hadn't seen it before. Let's have it on the screen,
   {LFB00089064}.
- 15 A. I said I didn't recall seeing it. I'm not sure whether
   16 I had. I don't recall having seen it.
- 17 Q. You don't recall having seen it?
- 18 A No.
- Q. Let's just get to the bottom of that, if we can. Can wehave that on the screen.
- Can we also have on the screen at the same time, please, {LFB00089063}. This is an email from Helen Newton to you. Do you see?
- 24 A. I do. ves.
- 25 Q. Subject, "FOR CLEARANCE/TO SIGN: Letters re party

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1 manifestos":

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- 2 "Hi Dany,
  - "Despite the unexpected nature of the General Election, we have identified an opportunity to urge the three main political parties represented in London to include some of our key asks in the party manifestos. We understand that the parties are still seeking policy
- 8 ideas although time is of the essence!"
  9 It goes on, "I have heard from several Labour MPs
  10 this week", et cetera, and in the middle of the middle
  - this week", et cetera, and in the middle of the middle paragraph, it says:
  - "... the key asks are on building regs, sprinklers in schools and the single recall register and are all issues on which we have been campaigning."
  - It's signed off by Helen Newton, who is the public affairs manager for the LFB, as you can just about see on your screen.
- You don't doubt, do you, that this draft did at least come across your desk?
- A. Quite possibly. As I said, at the time it was
   exceptionally busy. It was quite common that I would
   have in the region of 20 to 30 letters a week —
- 23 Q. Right.
- 24~ A.  $\,--$  that would require my signing, so, yes, as I said ,
- 25 I don't recall, but the issue around the total recalls

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1 campaign was something we'd been doing a lot of

- significant work on, and the fire safety team and
- 3 Helen Newton had been particularly focused, so I was 4 very aware of that.
- 5 Q. In the next paragraph it says:

"Please find attached three letters which are the same wording but addressed to each party lead."

Then in bold, underlined:

9 "Could you let me know as soon as possible if you 10 are happy to approve and sign these as I'll need to get 11 them out very quickly."

Do you remember whether you did sign them and send them out?

- 14 A. I don't know. As I say, my inbox would have been
   15 managed and dealt with by my staff officer and my PA
   16 team, so I would imagine they would have --
- 17 Q. Right.
- 18 A. -- printed them for me to sign.
- $19\,\,$  Q. At all events, you don't remember a specific problem
- 20 with a letter like that, such that you would call
- Helen Newton in and say, "I'm sorry, I'm not prepared to
- 22 sign that" or have a further discussion about it? You
- 23 don't remember --
- A. No, I wouldn't imagine so. Helen Newton would have done
- a lot of background work with Dan Daly on these issues

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- $1 \qquad \text{ and they were both being very proactive in these} \\$
- 2 matters.
- $3\,$  Q. So can we proceed on the assumption that although you
- may not be able to remember it now, at the time you saw
- the letter, you would have read it and signed it off asasked by Helen Newton?
- $7\,$   $\,$  A. I would imagine so. As I say, I can't recall , but
  - I would imagine so.
- 9 Q. Right. And when you say "I would imagine so", is that 10 because you don't remember taking one of these letters
- out of the pile you had and saying, "I'm sorry, I can't
- sign that, I need to have a discussion about it"?
- A. I think I probably would have had a discussion about it
   anyway, but I don't recall specifically any issue with
   this letter.
- 16 Q. Right.

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- Now, I just have one or two final questions for you,

  Ms Cotton.
- On 14 June 2017, you attended the Grenfell Tower fire as commissioner of the London Fire Brigade, and indeed as monitoring officer.
- 22 A. I did, yes.
- Q. In September 2018, you attended Phase 1 of this Inquiryto give evidence about the night in question.

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Over three years later, having had the time to

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1		reflect not only on the events of that night but on the	1	Right, Mr Millett. Well, I thought we could be
2		years that preceded it, is it your view that the	2	a little bit more generous on the timing of the break
3		Grenfell Tower fire was a one-off fire, completely	3	this time.
4		unpredicted, completely unpredictable, for which the LFB	4	MR MILLETT: Yes.
5		could never reasonably be prepared?	5	SIR MARTIN MOORE—BICK: And that will give you plenty of
6	Α.	I think that, having had the time to reflect and the	6	time to deal with anything that crops up.
7		understanding of the knowledge London Fire Brigade had,	7	MR MILLETT: It should, given the overnight break we've had,
8		my view is that we had a lot of organisational	8	but if I need a little bit longer ——
9		knowledge. I still think that, even now, the knowledge	9	SIR MARTIN MOORE-BICK: Well, of course, you only have to
10		held by London and the UK fire service would not have	10	tell the usher to come and warn us.
11		anticipated such a catastrophic failure of any building	11	MR MILLETT: Very good. Thank you very much, Mr Chairman.
12		with so many breaches. But, yes, we did have knowledge	12	SIR MARTIN MOORE-BICK: 11.15, please.
13		of various aspects of that, and I think that that has	13	(10.55 am)
14		become evident by the documents that I've read.	14	(A short break)
15	Q.	Reflecting on the evidence that you have given to	15	(11.15 am)
16		the Inquiry over the last two and a bit days, are you	16	SIR MARTIN MOORE—BICK: Right, Ms Cotton. Well, we'll see
17		able now to identify anything that you could or should	17	now if there are any more questions for you. All right?
18		have done during your time at the LFB which would have	18	THE WITNESS: Thank you, sir.
19		better equipped the incident commanders at the fire on	19	SIR MARTIN MOORE-BICK: Thank you.
20		14 June at Grenfell Tower?	20	Yes, Mr Millett.
21	Α.	I think that, organisationally, there was information	21	MR MILLETT: Mr Chairman, thank you. One or two.
22		that we could have shared that could have been	22	Can I ask you, please, to be shown {LFB00118237}.
23		translated into training for all members of London Fire	23	This is a HSE document, Health and Safety Executive,
24		Brigade that may well have assisted them.	24	entitled , "Striking the balance between operational and
25	М	R MILLETT: Yes, thank you.	25	health and safety duties in the Fire and Rescue
		The state of the s	23	median and sures, dather in the time and research
		41		43
1		I have now come, Ms Cotton, to the end of my	1	Service". You will see it has two authors, one of whom
2		prepared questions. There may be some further questions	2	was the chair, Judith Hackitt. Now, the date of this
3		that I have skipped over or haven't asked you which	3	was in fact March 2010.
4		I may need to go back to, and there may be further	4	If you go to page 2 {LFB00118237/2}, please, you can
5		questions that others may wish me to ask. So I'm going	5	see that there was some guidance here, and some
6		to ask the Chairman for a little bit of time for that in	6	principles . If you look at page 2, you can see the
7		the usual way, as we do.	7	principles set out there under "Principles":
8	SII	R MARTIN MOORE-BICK: Yes.	8	"Particular challenges for Fire and Rescue
9		Well, as I think you know, Ms Cotton, when counsel	9	Authorities as employers."
10		gets to the end of his prepared questions, we always	10	First, I should ask you, have you ever seen this
11		have a break to give him a chance to check that he	11	document before?
12		hasn't left something out, and to give other people who	12	A. Yes, I have.
13		are following the proceedings, but not from this room,	13	Q. When did you first see this document, do you think?
14		a chance to suggest questions that perhaps we should	14	A. I'm not sure, but I remember having conversations,
15		have put to you.	15	high—level ones, with Dr Adrian Bevan, who was the head
16		So we'll have a break now. I think we'll come back	16	of health and safety, and he had also worked for the
17		at 11.15, and at that point we'll see whether there are	17	Health and Safety Executive.
18		any more questions that we need to ask you.	18	Q. Were you commissioner at that stage or were you in one
19	TH	HE WITNESS: Yes, sir, thank you.	19	of your former roles?
20		R MARTIN MOORE–BICK: As before, when you're out of the	20	A. No, in my former role.
21		room, please don't discuss your evidence or anything to	21	Q. Which role?
22		do with it with anyone. All right?	22	A. Assistant commissioner operational assurance.
23	TH	HE WITNESS: No, sir. Thank you.	23	Q. I see, AC/OA. So you saw that before 2016, then?
24		R MARTIN MOORE—BICK: Thank you very much.	24	A. Yes.
25		(Pause)	25	Q. Yes, I see.
		` '		· · · · · · · · · · · · · · · · · · ·

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"All Fire and Rescue Services should ..."

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1		If you look at the guidance under "Principles", you	1		And there is a list of things they should do,
2		can see:	2		including:
3		"The application of health and safety law is	3		"Have effective processes to assess competence."
4		challenging for Fire and Rescue"	4		The third bullet point down. Much of this is about
5		And it sets out some reasons why that is. It then	5		training and maintenance of accurate records of
6		sets out the health and safety duties.	6		training, et cetera.
7		If you go to page 4 $\{LFB00118237/4\}$ , you can see	7		2 is about the production of national guidance on
8		some guidance behind the principles, and this is what	8		common minimum standards, and 3:
9		the HSE inspectors would consider. You see those.	9		"Fire and rescue services should:
10		Were you aware of the primary duties which it is	10		"• ensure the training framework for the maintenance
11		said in this document HSE inspectors would consider?	11		of core skills is able to equip firefighters to
12		Page 4.	12		competently deal with all reasonably foreseeable risks
13		Sorry, I can't ——	13		at incidents.
14	Q.	No. Page 4. We have to wait for it to come up.	14		"• quality assure the delivery and effectiveness of
15		(Pause)	15		core skills training across all duty systems and roles;
16		Thank you.	16		and
17		So you can see at the top of your screen it says:	17		"• ensure training records are complete and
18		"The primary duties under health and safety law are	18		effective ."
19		on employers. HSE inspectors, when inspecting or	19		It continues under 4 and 5 on training, and 5, good
20		investigating an individual Fire and Rescue Authority	20		practice on incident command training.
21		using HSE's own procedures, including the Work Related	21		6 is about risk—critical information being provided
22		Death Protocols, will consider "	22		to an incident commander being accurate, timely and
23		Then there is a list of bullet points. Do you see	23		suitable .
24		that?	24		It goes on, over the page to page 24
25	A.	I can, yes.	25		{CWJ00000022/24} in similar vein. 7, all services
		45			47
1	Q.	Were you familiar with those at the time?	1		should ensure that, the first bullet point:
2	Α.	Not familiar with them. I think I'd seen them, but	2		"• they provide adequate training for staff
3		I wasn't familiar with the detail because, as I said,	3		gathering and assessing risk critical information;
4		Dr Adrian Bevan was my professional expert in health and	4		"• there is a system in place to actively collect
5		safety.	5		relevant risk critical information;
6	Q.	Right. So just explain to me, when you got this	6		"• they monitor the effectiveness of these
7		document and you saw it, did you ingest the detail and	7		arrangements;
8		make sure you were well aware of these principles and	8		" • risk critical information is kept up to date and
9		these things that would be considered?	9		is in a suitable format; and
10	A.	I didn't receive —— formally receive the document.	10		" • incident commanders are able to access the
11		I was aware of the document.	11		information to inform their command decisions."
12	Q.	Right. Did you ever have cause to refer to it?	12		Were you aware of those recommendations that I've
13		No, I didn't.	13		shown you?
14	Q.	Right.	14	Α.	No, I wasn't.
15		Can I ask you, please, to be shown {CWJ00000022}.	15	Q.	You weren't. At any stage, even as commissioner?
16		This is another HSE document, "The management of health	16		I don't believe so, no.
17		and safety in the GB fire and rescue service", of	17		Can you explain why that is, given your role originally
18		October 2010. Have you ever seen this before?	18	·	as AC/OA?
19	Α.	I don't recall having seen this, no.	19	Α.	I would imagine it would be something that
20		Right. It's a 24—page document.	20		Dr Adrian Bevan, as the professional lead for health and
21	٦.	If we can go to page 23 {CWJ00000022/23}, please, we	21		safety and, prior to that, Brenda Weir, who led on
22		can see that there are some key recommendations set out	22		health and safety, would have been informed of, but
23		in summary in part 5 of this document, and you can see	23		I was not made aware of them.
24		that in paragraph 1:	24	O.	It's odd, isn't it, that you weren't made aware of it,
		to the second control of the second control		٩.	

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given your role as AC/OA? Surely this kind of document

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1		would be exactly the kind of thing that you would expect	1	with the usher, then, please.
2		to have on your desk, or is that wrong?	2	THE WITNESS: Thank you.
3	A.	I wasn't made aware, so no, I don't believe so.	3	(The witness withdrew)
4	Q.	Well, that reasons from the outcome. Do you accept that	4	SIR MARTIN MOORE-BICK: Right, Mr Millett. Now, we have
5		you should have been aware of this document, it should	5	another witness, I think, but not quite yet.
6		have been imprinted on your heart?	6	MR MILLETT: We do, not quite yet. Former
7	A.	I think that I had a health and safety professional, as	7	Commissioner Ron Dobson, who will be examined by
8		I said, who had worked for the HSE working for me, so	8	Andrew Kinnier Queen's Counsel. I am told that he will
9		therefore I would be, as not a health and safety	9	be ready or at least here in about an hour.
10		professional myself, dependent on having that	10	SIR MARTIN MOORE-BICK: Well, we will start him at
11		professional expertise.	11	2 o'clock ——
12	Q.	During your time as AC/OA, do you remember whether there	12	MR MILLETT: Probably best.
13		was an audit or quality assurance conducted	13	SIR MARTIN MOORE-BICK: —— would probably be the most
14		independently to ensure that the LFB was actually	14	convenient course, wouldn't it?
15		compliant with the expectation contained in this	15	MR MILLETT: Very well.
16		document and, indeed, the first one I showed you?	16	SIR MARTIN MOORE-BICK: Yes. Very well.
17	A.	I don't recall if there was.	17	Well, we'll break at that point. We'll resume,
18	Q.	You don't recall if there was?	18	then, at 2 o'clock, when we shall look forward to
19	A.	I don't recall if there was.	19	hearing evidence from former Commissioner Dobson.
20	Q.	Do you mean by that you have no recollection of there	20	Good, thank you very much. 2 o'clock, please.
21		ever being one, or you don't remember one way or the	21	(11.26 am)
22		other?	22	(The short adjournment)
23	A.	I don't remember one way or the other.	23	(2.00 pm)
24	Q.	Right.	24	SIR MARTIN MOORE-BICK: Yes, Mr Kinnier.
25		As AC/OA, it would be unusual, wouldn't it, not to	25	MR KINNIER: Thank you, sir. May I call Ron Dobson.
		49		51
1		know about a third party, independent audit of	1	SIR MARTIN MOORE—BICK: Yes.
2		compliance?	2	MR RONALD DOBSON (affirmed)
3	Α.	We had external MOPAC who provided audit facilities for	3	SIR MARTIN MOORE—BICK: Thank you very much indeed. Now, do
4		London Fire Brigade. They may well have undertaken	4	sit down, make yourself comfortable.
5		that. The MOPAC recommendations were discussed at	5	Mr Kinnier, I've come in without my notebook, but
6		commissioner's board. Whether that took place prior to	6	the usher is going to sort that out for me, so I suggest
7		me being there, I'm not aware.	7	you just carry on.
8	IVIF	R MILLETT: Yes, thank you very much.	8	Questions from COUNSEL TO THE INQUIRY
9		Ms Cotton, I have no further questions for you. It	9	MR KINNIER: Thank you, sir.
10		only remains for me to thank you very much for coming to	10	Would you please confirm your name for the record?
11		the Inquiry in Phase 2 and assisting us with our	11	A. Ronald James Dobson.
12		investigations, we're extremely grateful to you.	12	Q. Mr Dobson, good afternoon. Thank you very much for
13	CIE	Thank you.	13	coming to attend to give evidence today.
14	SIF	R MARTIN MOORE—BICK: Yes, Ms Cotton, and I would like to	14	Before we start, there's three bits of advice,
15		add my thanks on behalf of not just myself, but	15	really, I should give at the outset.
16		obviously the other members of the panel. You have	16	My questions are intended to be short and clear;
17		given evidence for quite a long time. It's very helpful	17	sometimes it doesn't quite work out that way. If I am
18		to us to hear directly from those involved in these	18	unduly long or unclear or both, please say so and I' II
19		sort of matters, so we really are very grateful to you	19	rephrase the question.
20		for coming along and telling us what you know.	20	Secondly, we will have a break roughly halfway
21		HE WITNESS: Thank you, sir.	21	through the course of this afternoon's session. If,
22	SIF	R MARTIN MOORE—BICK: So thank you very much indeed, and	22	however, you need a break at any other time, please
23	<b>T</b> 11	you're now free to go.	23	don't hesitate to say so.
24 25		IE WITNESS: Thank you very much, sir. Thank you.  R MARTIN MOORE—BICK: Thank you. Would you like to go	24 25	A. Thank you.     Q. Finally, there is a temptation, in answer to questions
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- 1 "yes" or "no", to nod alone. Could you please say "yes" 2 or "no" as the case may be, otherwise the transcriber 3 will not be able to pick up your answer accurately.
- 4 A Yes
- 5 Q. Now, am I right that you have provided three witness statements to this Inquiry? 6
- A. That's correct.
- Q. The first is dated 28 January 2019, which can be found 8
- 9 at  $\{LFB00032157\}$ . Is that it?
- 10 A It is
- $\ensuremath{\mathsf{Q}}.$  The second is dated 18 April 2019, and that can be found 11
- at {LFB00055138}. Is that it? 12
- Q. Finally, the third statement was dated 30 April 2020, 14
- 15 and can be found at {LFB00110652}. Is that your third
- 16 statement?
- 17 A. It is 18 Q. Thank you. Have you read each of those statements
- 19
- 20 A. I have.
- 2.1 Q. Now, I understand that you would like to make one
- 2.2 correction to your first statement, I think it is.
- 2.3 A. Yes, please, yes.
- 2.4 Q. It's paragraph 42 of your first witness statement, which
- is at  $\{LFB00032157/11\}$ . We see there the start of that

- 1 paragraph refers to action 13. It should refer to
- action 14; is that right? 2
- 3 A. That's correct.
- Q. Thank you.
- 5 Subject to that correction, can you confirm that the
- 6 contents of each of your three statements are true?
- 7 A. Yes, thank you.
- 8 Q. Thank you.
- 9 Are you happy for those statements to be taken as 10 your evidence to this Inquiry?
- 11
- 12 Q. Each of those three statements has exhibited
- 13 a significant number of documents. Have you read those 14 documents in advance of today?
- 15
- 16 Q. And have you discussed your evidence with anyone before 17 coming today?
- 18 A. Only my legal representatives.
- 19 Q. Thank you.
- 2.0 Now, Mr Dobson, I would like to start with your 21 roles and responsibilities at the London Fire Brigade.
- 2.2 Now, just to give you an idea of the structure of
- 23 the questions I'm going to ask you, I'm going to ask you
- 2.4 initially some questions about the LFB and its
- 2.5 structure, including some about the temporary bodies

- that were established in the aftermath of the
- Lakanal House fire in July 2009. I will then ask you
- 3 questions about fire safety activities within the LFB,
- 4 before coming on to ask you questions about the actions
- taken by the LFB in response to recommendations and 5 other actions following Lakanal. 6
- 7 Now, before we get to all of that, can I start with 8 questions about your career.
- 9 Am I right in understanding that you joined the LFB 10 in 1979?
- 11 A. That's correct.
- 12 Q. And over the next 30 years or so, you advanced through
- 13 the ranks, so that you went from being an operational
- firefighter to being a senior officer; is that right? 14
- 15 A. That's correct.
- 16 Q. If we could go to your first witness statement, which is
- 17 at {LFB00032157/2}, and if we look at paragraph 5, in
- 18 the penultimate line, you explain there that in 2000 you
- 19 were promoted to the position of assistant chief
- 2.0 officer , in which role you were "responsible for LFB
- 21 wide operational planning and policy".
- 22 Now, is that assistant chief officer role similar to 23
- the assistant commissioner role?
- 2.4 A. Yes, it is. The name "assistant chief officer" was
- 25 changed to "assistant commissioner" following

- 1 a re-organisation in the early 2000s.
- $\ensuremath{\mathsf{Q}}.$  Now, in which directorate or department did you sit as 2
- 3 the assistant chief officer?
- A. I worked for the deputy commissioner and that was in the 5
- operations department.
- 6 Q. Thank you.
- 7 Now, in 2003, you became the assistant commissioner
- 8 for service delivery; is that right?
- 9 A. That's correct.
- 10 Q. And as the AC for service delivery, were you also the
- 11 third officer?
- 12 A. After a while I was, yes.
- 13 Q. Was that position created for the first time for you or
- was it a historic role? 14
- A. No, it's a role that had existed historically, but it 15
- 16 hadn't been used by the Brigade for a number of years,
- and it was reintroduced for me in order to provide 17
- 18 operational cover.
- 19 Q. In relation to your role as AC for service delivery, did
  - you report to the deputy commissioner?
- 21 A. I did.

2.0

- 22 Q. Can you help us, in brief, what were your
- 23 responsibilities as the AC for service delivery?
- 2.4 I was responsible for the operational and fire safety
- 2.5 performance of all fire stations in the London Fire

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- 1 Brigade. That covers their attendance at incidents and 2 all the community safety work they did in terms of 3 preventing fires in people's homes. I was also 4 responsible for the London Fire Brigade's national 5 resilience project, which was the response to the terrorist attacks that took place in New York in 2001. 6 7 I was responsible for the London Fire Brigade's 8 performance in that area too.
- 9 Q. Thank you.

10 You were appointed the commissioner of the London 11 Fire Brigade in October 2007; is that right?

- A. That's correct. 12
- 13 Q. And you held that position until your retirement in 14 December 2016
- 15 A. Yes. that's correct.
- Q. So before 2015, is it right that the officers who 16 17 directly reported to you were the deputy commissioner,
- 18 Rita Dexter --
- 20  ${\sf Q}.\ --$  the director of operational resilience and training,
- 2.2 A. Yes.

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2.1

- 2.3  $Q. \ \ --$  and Sue Budden, who was the director of finance and
- 2.4 contractual services?

Gary Reason --

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- 1 Q. We understand that there was a restructuring of the 2 organisation in 2015; is that right? 3 A. That's correct.
- Q. What was the reasoning for that restructure?
- A. It was a restructure to reflect the changing responsibilities of the Brigade. These things would 6
- 7 take place from time to time, depending on how the
- 8 organisation progressed, what the duties and 9 responsibilities were, and in conjunction with the
- 10 elected members of the fire authority, it was agreed 11 that we would review the structure.
- 12 Q. Thank you.
- 13 As part of that restructure, am I right in 14 understanding that the post of deputy commissioner no 15 longer existed?
- 16 A. That's correct.
- 17 Q. Why was it discontinued?
- 18 A. Because experience had found that the role of deputy 19 commissioner was not really needed because, actually,
- 2.0 most of the things that the deputy commissioner
- 21 deputised for me on were carried out by the directors.
- So it wasn't always the deputy commissioner who directly
- 2.3 deputised for me, we would use the directors within
- 2.4 their areas of responsibility to deputise, and therefore

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25 the actual role of deputy commissioner was no longer

- 2 Q. Now, following that restructure, you explain that some
- 3 of the posts that had historically reported to
- 4 Rita Dexter as deputy commissioner then reported to you;
- 5 is that right?
- A. That's correct. 6
- 7 Q. One of those directors who now reported to you directly
- 8 was the director of operations, namely Dave Brown; is
- 9 that right?
- 10 A. That's correct.
- 11 Q. Thank you.
- 12 Now, the next topic I'd like to come on to is the 13 oversight that you exercised as commissioner of the
- 14 various bodies and committees that existed within the
- 15

19

1

- 16 A Okav
- 17 Q. Now, as a general starting question, what organisational
- 18 arrangements were in place to allow the three directors
  - to report to you, as commissioner?
- 20 A. The most formal arrangement was through the corporate
- 21 management board, a body that comprised the three
- 22 directors and other heads of service as well, so that we
- 23 could have a forum whereby we could discuss operational 2.4 and managerial and strategic issues relating to London
- 2.5 Fire Brigade. We had a process called the

- commissioner's group, which was introduced after
- 2 a review of the way we communicated as an organisation
- 3 internally some years before. This was an informal
- arrangement. We met once a week, and the idea of this
- 5 was to enable the directors to speak to me directly and
- 6 without all the other heads of service there, where we
- 7 would just discuss concerns and worries and any other
- 8 issues that we might have coming along. And also I held
- 9 a regular series of one-to-one meetings with the
- 10
- 11 Q. Thank you.
- 12 Now, if we can stay with your first witness
- 13 statement, and if we could go to paragraph 15 on page 5 14
  - {LFB00032157/5}, and it's really to follow on what
- 15 vou've just said about one-to-ones.
- 16 Now, in the third line down, you refer to having
- 17 regular one-to-one meetings with the directors -
- 18 A. Yes
- 19  ${\sf Q}.\ --$  in the context of the Lakanal House board and
- 2.0 the Brigade's consequential action plan.
- 21 Now, putting Lakanal to one side for the moment, did
- 2.2 you have regular one-to-one meetings with your
- 23 directors? It seems as if you did.
- 24 A. Yes. I did.
- 2.5 Q. How often would those one-to-ones be held?

- 1 A. They would vary, but certainly I would see -- I would
- 2 expect to see each of the directors on an almost daily
- 3 basis, but the formal one—to—ones would take place once 4 a month
- 5 Q. And those formal monthly one-to-ones, can you give the
- panel a flavour of the range of issues that would fall 6
- A. Yes, we would talk about -- I would feed back to them on 8
- 9 issues arising from my discussions with elected members
- 10 and the Mayor upon issues relating to their
- 11 directorates; we would talk about their performance
- 12 plans, their actions within the plan overall, in terms
- 13 of the London Safety Plan; we'd talk about staffing
- 14 matters; we'd talk about any issues that were of concern
- 15 to them; and we'd particularly talk about issues that
- 16 were due to go to the fire authority that they were
- 17 producing reports and papers on, and we'd talk about the
- 18 progress and the content of those.
- 19 Q. And those would be supplemented by daily informal
- 20
- 21 A. Yes.
- 2.2 Q. -- with your directors?
- 2.3 A. Yes.
- 2.4 Q. Now, you referred in an earlier answer to the
- 25 commissioner's group, and other witnesses have referred

- 1 to the commissioner's group meetings. As you said, they
- 2 involved you and the three directors and the
- 3 third officer, Dave Brown; is that right?
- 4 A. That's correct.
- 5 Q. Were those meetings minuted or not?
- 6 A. No, they weren't.
- 7 Q. Can you help us as to why they were not minuted?
- 8 A. Yeah, they were designed to be informal meetings to
- 9 improve the communications between the commissioner and
- 10 directors. Now, this pre-dated my appointment. It was
- 11 following a review of communications between the top
- 12 management team that was carried out under the previous
- 13 commissioner, Sir Ken Knight, and one of the
- recommendations was or one of the findings was that the 14
- 15 directors and the commissioner didn't have sufficient
- 16 opportunity outside of formal meetings to actually
- 17 discuss issues within the authority.
- 18 Q. In your experience as commissioner, did you find them
- 19 useful as an efficient and effective means of allowing
- 2.0 directors to update you and for you to communicate your
- 21 views to them?
- 2.2 A. Yes, I found them very efficient.
- 23 Q. You referred in an earlier answer to the corporate
- 2.4 management board, the CMB.
- 25 A. Yeah.

- Q. And you would have gathered from watching proceedings
- that there have been a number of discussions about what
- 3 was considered by CMB.
- $\ensuremath{\mathsf{Am}}\xspace\,\ensuremath{\mathsf{I}}\xspace$  right in understanding that that board was 4
- 5 attended by a broader pool of senior officers and wasn't
- confined to yourself and your three directors? 6
- 7

9

- Q. Would the membership of that board develop over time and 8
  - reflect the demands of particular issues that the CMB
- 10 was concerned with?
- 11 A. Yes, it did. We had a range of standing advisers to the
- 12 board, who would reflect the nature of their role, but
- 13 we'd also invite other members of the heads of service
- 14 and the group below those as well to talk to us about
- 15 specific issues or specific papers that we were
- 16 considering
- 17 Q. Did you find that a useful mechanism to allow those who
- 18 were closest to the coalface to raise specific matters
- 19 with you and the board more generally?
- 20 A. I found it invaluable.
- 2.1 Q. Now, it appears from the minutes that the CMB reviewed
- 22 various reports, important documents, that would be in
- 23 course submitted to the London Fire and Emergency
- 2.4 Planning Authority, LFEPA; is that right?
- 25 A. That's correct.

- 1 Q. Now, the impression from the documents -- and I use
- 2 those words advisedly -- is that a lot of CMB's work was
  - cyclical. Is that a fair or complete impression to
- 4

3

- 5 A. Not complete, but I would say fair.
- 6 Q. In the sense of incomplete, were there ad hoc matters
- 7 that would fall to be considered but, on the whole, the
- 8 business tended to be cyclical?
- 9 A. Yeah, the CMB would consider matters that were going to
- 10 go -- matters that were going to be taken by elected
- 11 members at their various committees at LFEPA. So there
- 12 was the main LFEPA committee and there were subsidiary
- 13 committees that worked for LFEPA as well, and all of 14 those would have a programme of meetings and
- 15 a requirement for papers to be updated and sent to them
- 16 within their areas of responsibility .
- 17

2.0

- 18 A. CMB would be -- sorry, CMB would be programmed in order
- 19 to take those in good time for those documents to be
  - presented properly to the authority
- 21 Q. Now, was the commissioner's group the day—to—day
- 2.2 effective means by which you exercised oversight over
- 23 the activities of your three directors and their
- 2.4 directorates?
- 25 A. Not really, no. The commissioner's group was really

2.4

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I was concerned that the -- I was -- I had concerns

about the way we were managing our ongoing external

1 about sharing information between the three directors contracts generally. There was quite a lot of them, and 2 and I. We would discuss issues in relation to 2 I was worried that we were extending too many contracts 3 particular directorates on occasion, but it was really 3 without actually re-tendering at the point when we 4 the information-sharing process between the three 4 should have done, so I took control of that personally. 5 directors and myself so we could talk about the 5 Q. Can you remember when you did that? day-to-day ongoing activity of the Brigade. A. I think that was ... I really can't remember the exact 6 6 7 Q. So what was forum in which you exercised day-to-day 7 date, but I think it was around 2012. 8 management of your directors? 8 Q. Would that have been around the same time -- just trying 9 A. Well, it was that, it was the corporate management 9 to pinpoint it -- that responsibility for provision of 10 10 board, and through the, you know, individual ongoing training was outsourced to Babcock? 11 meetings I had with them on an almost daily basis. 11 A. It would have been, although it wouldn't have been 12 12 Q. Now, the LFB had an almost military-like use of related to that. 13 acronyms, and one of the acronyms we've become familiar 13 14 Now, if we could go to an exhibit that you helpfully 14 with is ODCB. Now, that stands for the operational 15 directorates co-ordination board, whose membership 15 provided, which is RJD/1, which can be found at 16 consisted of directors and heads of service from it 16 {LFB00032151}. Now, we find here a role profile or job 17 17 description. I think, for the role of the London Fire seems to be, the two operations-focused departments. 18 A. Yes. 18 Commissioner. Under the structural organogram, we see 19 Q. Is that right? 19 a second box there entitled "Main purpose of the job". 20 That is described in the following way: 20 A. It is 2.1 Q. Again, ODCB appeared to be primarily concerned with the 21 "To provide strong effective corporate leadership 2.2 LFB's operational performance. Again, is that a fair 22 and strategic direction for the London Fire Brigade to 2.3 23 ensure the London Fire and Emergency Planning Authority 2.4 2.4 A Yes achieves its vision, aims and objectives." 25 Q. Am I right in understanding that you yourself were not 2.5 There is an element of management speak about these a member of ODCB? definitions . It's an inescapable reality , I think. But 1 1 in straightforward, plain English, what was the essence  $% \left( 1\right) =\left( 1\right) \left( 1$ 2. A. That's correct. 2 3 Q. Why were you not a member of ODCB? 3 of your job as commissioner? A. ODCB was established after a restructure around --A. I was responsible for all aspects of the performance of I think it was around 2010, where we established -- we 5 5 London Fire Brigade, and I was responsible to the London had three directorates, two of which were operational 6 Fire and Emergency Planning Committee and the Mayor for 6 7 7 and one of which was mainly administrative, directorate the performance of those duties. 8 8 of finance and contractual services, and we soon I was also responsible as the main adviser to London 9 9 Fire and Emergency Planning Authority in terms of the recognised that there was a need for the operational 10 directorates to co-ordinate their work much more closely 10 fulfilment of its statutory functions, and also 11 than perhaps they had been doing in order to actually 11 responsible as a chief adviser to the Mayor in terms of 12 reduce or to co-ordinate the burden on fire stations, 12 fire and rescue service in London. 13 the training, et cetera, they needed to do. So that 13 Q. Are you able to give the panel an idea of how involved 14 board was brought in to enable that function to take 14 you were on a day—to—day practical basis with the 15 15 place. It was dealing with issues of delivery rather operations and activities of your directorates? 16 than policy, and therefore it was a matter that could 16 A. I would say very involved. I had a keen interest in the 17 be  $--\ \mbox{I}$  devolved to the deputy commissioner. 17 work of each of the directorates. I was very keen that 18 Q. Thank you. 18 the work of the directorates was co-ordinated properly. 19 We have considered some boards and committees. Were 19 We had some very onerous responsibilities, and a very 2.0 2.0 there any other boards and committees you were a member high workload as well throughout most of the time that 21 21 I was the commissioner, and I was really keen to of internal to the LFB? 2.2 A. I chaired -- after the retirement of one of our 2.2 understand what was going on, to understand the pressure 23 officers. I chaired the contracts oversight board 23 on the directorates, in order to be able to provide them

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that I could.

with whatever support, help, assistance and resources

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- 1 Q. Putting the question slightly differently: how did you 2 ensure that your directorates were working in accordance 3 with and towards the aims that you had set for them? 4 A. That was carried out through the one-to-one meetings 5 with the directors, informally through the commissioner's group as well, we would have informal 6 7 discussions where there were points of conflict or 8 points of disagreement or points of -- or any problems, 9 and also through the corporate management board, where 10 I would study each of the papers and things that were 11 coming to the corporate management board and exercise my 12 overview in terms of making sure that they were in line 13 with the authority's corporate objectives and with 14 the Mayor's strategies as well. 15 Q. Thank you. Now, Mr Dobson, I want to move on to a slightly 16 17
  - separate but linked topic, and that's the responsibility and role of LEEPA

Now, we have on the screen your job description, and we see, immediately below the box which says "Main purpose of the job", the heading "Core responsibilities ", and under the subheading of "Leadership", we see a number of bullet points. Now, the second bullet point says this:

"To provide strategic leadership of LFEPA, its

resources, plans and activities to ensure the highest standards of governance."

Now, in broad terms, am I right in understanding that LFEPA was charged with the political oversight of the London Fire Brigade?

- A. Yes, LFEPA was the fire authority for London as 6 7 described within the Greater London Authority Act.
- 8 Q. LFEPA discharged that function through various 9 procedural mechanisms, primarily various boards and 10 committees such as the strategy committee; is that 11
- 12 A. It is, but just to add some detail to that --
- 13 Q. Please do.
  - A.  $\,--\,$  which might help the panel, is that the committee was made up of a number —— the authority was made up of a number of elected members. Some of those, about just over half, came from the Greater London Authority, and just over half of those came from the London boroughs, nominated through London Councils. There was also two independent mayoral appointees who were not politicians, necessarily, but appointed to the authority because of their expertise or perceived expertise in fire and

The Mayor chose and appointed the chair of the authority each year, and that would actually --

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exclusively, actually, be a member -- someone from the 2 members of the assembly that were on the authority.

3 Q. Thank you.

> Although you were not a member of the authority, am I right in understanding that, as commissioner, you were required or expected to attend LFEPA meetings?

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8  $\ensuremath{\mathsf{Q}}.$  We see there in the second bullet point that you were 9 required to provide "strategic leadership of LFEPA".

10 A Yes

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11 Q. Again, in plain English, non-management speak terms, 12 what did that involve?

13 The members of LFEPA were non-fire and rescue service --14 didn't have fire and rescue service experience, apart

15 from in some cases the Mayoral appointees. So my job

16 was to translate into layperson's language, on many 17 occasions, the roles and responsibilities of the fire

18 and rescue service as described by the fire and rescue

19 service framework and by the Fire and Rescue Services

2.0 Act, and also to make sure that the authority achieved

21 best practice in all of its policies, not only in

22 relation to fire and rescue service, but also in

23 relation to things like human resources, management and 2.4 management of staff.

25 Is it right, therefore, that the authority relied upon

1 you for expert guidance on matters pertaining to the 2. exercise of fire and rescue functions and duties?

3 A. Yes

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4 Q. Staying with this element of the job description and 5 looking at the third bullet point on that page, it says 6

"To ensure that Authority policy is converted into strategy and actions through effective relations with Authority Members and to be accountable to the Authority for its overall performance."

In a nutshell, that appears to be saying that you were the point man as between the LFB and LFEPA. It's a crude way of putting it, but does it capture the essence?

A. I think it does, yes. 15

16 Q. Thank you.

17 Having dealt with roles, responsibilities, 18 et cetera, what I'd now like to turn to is an overview 19 of the Lakanal House fire and the actions that were 2.0 taken in its aftermath.

21 Now, the starting point for this is your first 2.2 witness statement, and if we could go to 23 {LFB00032157/4}, and if we look at paragraph 11, we see 2.4 there, in the third line, that you describe the Lakanal 25

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fire as "a very significant incident" for the Brigade.

- 1 Now, could I go through the apparent reasons why it 1 taken down, and I think it would probably make life 2 was a very significant incident for the Brigade, so that 2 a little easier for the transcriber if you could 3 I can see whether you agree or disagree or something in 3 possibly slow down a little. 4 between with the various factors I outline for you. 4 A. Apologies. SIR MARTIN MOORE-BICK: I know it's very difficult, but if 5 5 Q. First of all, the fire involved the rapid and widespread 6 6 you can. Thank you. 7 failure of compartmentation. 7 A. Apologies, sir. 8 MR KINNIER: Mr Dobson, one of the features of the Lakanal 8 9 Q. Secondly, there was extensive fire and smoke spread. 9 fire  $\,\,--\,\,I$  don't think you disagree with this, bearing in 10 10 A. Yes. mind what you've just said -- was that the rapid external fire spread was facilitated by, amongst other 11 Q. And, in particular, there was rapid external fire spread 11 12 12 in multiple directions. factors, external wall panels that weren't compliant or 13 13 not wholly compliant with Building Regulations. Would 14 14 Q. Why do you disagree with that? you agree with that? 15 A. Because the fire spread in relation to Lakanal House was 15 A. Well, they were window panels, not wall panels. So they 16 16 not extraordinary, except that the fire spread downwards were actually panels in the lower portions of the 17 17 windows, rather than panels on the wall. due to flaming droplets from the panels above, windows 18 above, going into flats below. But in terms of -- if 18 Q. Panels that weren't compliant with the Building 19 that fire spread downwards hadn't taken place, then the 19 Regulations? 2.0 fire spread, I don't believe, would have been 20 A. Indeed. Indeed. 2.1 extraordinary, but would be something we would expect to 2.1 Q. The number of FSG calls received was comparatively high, 2.2 find in buildings. 22 particularly compared to the Brigade's historic experience; is that right? 2.3 Q. I think we can go to it if needs be, but in your 2.3 2.4 evidence to the inquest you said that {CWJ0000010/33}: 24 Α Yes 25 "I think the rate at which it spread upwards at this 25 There were poor communications between the control room 1 fire was a factor in the handling of the incident 1 and the incident ground. subsequently." 2 2 A. That came about subsequently. So it certainly was 3 And then you later said {CWJ00000010/27}: 3 a factor that made me see Lakanal House as a significant "... on no occasion before has about been [sic] fire, but I wasn't sure that was completely apparent to 5 experience of this phenomenon where fires start below 5 me at the point where I made the decision to implement 6 6 the fire floor." the board. 7 7 A. Yes Q. Crews and incident commanders had limited knowledge about the layout of the building and there was a degree 8  $\ensuremath{\mathsf{Q}}.$  And that was really the reason why I suggested to you 8 9 9 one of the reasons why the Brigade thought this was of confusion about the location of the flats. I think. 10 a very significant incident was because of that 10 A. Yes 11 phenomenon of external fire spread. 11 Q. Seventhly, many firefighters reported issues with the 12 A. Well, the external fire spread -- apart from the 12 radio communications on the night. 13 downward spread, which obviously affected operations 13 A Yes Q. Thank you. 14 quite significantly, that was the most significant part 14 15 15 of the fire spread as far as I was concerned. The Now, we'll explore some of those factors in due 16 external fire spread was not usual because we'd seen 16 course as we go through it, but I wanted to see what you 17 17 that in other instances in high-rise buildings and also identified as being the reasons for the significance of
- 2.2 government subsequently. MR KINNIER: Don't worry, we will come on to those, but --23 24

in low-rise buildings, where the fire comes out of the

window on one floor and transfers to the window above.

So that was not unusual. There were factors affecting

that that obviously were the subject of letters to the

SIR MARTIN MOORE-BICK: Sorry to interrupt you, Mr Kinnier. Mr Dobson, as you know, all your evidence is being 74

23 A. Okav. Q. Now, in the immediate aftermath of the fire, is it right

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Lakanal.

the Lakanal House board

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Now, can I turn to the mechanisms which the LFB

Now, the first one of those I'd like to look at is

established in order to investigate Lakanal, to learn

lessons and make consequential recommendations.

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- 1 that the LFB, alongside the Metropolitan Police, were 2 investigating the cause of the fire? 3 A. Mr Kinnier, would it be -- could you return to the 4 previous question, because there's one element that made 5 the Lakanal House fire particularly significant for me, and that was the nature of the six people that died, and 6 7 actually the nature of the way those deaths occurred at the fire, that was something which was, I would say, 8 9 outside of my experience and outside many people's 10 experience, and it made it a very significant fire for 11 that reason. I apologise for that.
- 12 Q. No, it's helpful to have that, and thank you.
- 13 A. Yes.
- 14 Q. Going back to the Lakanal House board --
- 15 A. Yes
- Q. am I right in understanding that both the LFB and the
   Metropolitan Police were investigating the cause of that
   fire?
- 19 A. Yes.

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Q. Now, if we can stay on the page we're looking at on the
 screen, conveniently, and look at paragraph 11 of your
 first witness statement {LFB00032157/4}, you explain
 there, in broad terms, that in October 2009, so roughly
 three months after the fire, you set up the
 Lakanal House board, and in the second line of that

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paragraph, you go on to say this:

"I recognised that the Lakanal House fire was a very significant incident and that it would need a clear point of focus due to the range and scope of the actions likely to be required of the LFB. I also wanted to make a clear statement, both to the public and to the LFB, about how important this matter was and that we would be devoting considerable attention, time and resources to it. This was because I considered it to be essential for the London Fire Brigade to identify and address any learning points that might arise from the debriefs and investigations into the Lakanal House fire and also from the inquests touching the deaths of the six people who died in the fire."

Now, in the next paragraph, you go on to say this: "On 1 October 2009 the Board met for the first time. At this meeting the 'Terms of Reference' were first considered. On 5 November 2009, at the second meeting of the Board the Terms of Reference were agreed ... As can be seen from the Terms of Reference, the Board would oversee all aspects of the Lakanal investigation and related issues. This was in order to better understand the LFB's response to the Lakanal House fire on 3 July 2009, as well as the associated issues that emerged subsequent to the fire and to ensure that appropriate

action was taken in a timely manner to deal with those issues."

Now, it appears to be plain from that, at least, that the intention was that the board would identify the lessons to be learned, and then consequential amendments that were identified as being necessary would be made to the LFB's policies and procedures; in broad terms, was that the intention?

- 9 A. That was one of the intentions.
- 10 Q And --
- 11 SIR MARTIN MOORE—BICK: Well, that's a slightly tantalising 12 answer, if I may say. You follow it up.
- 13 MR KINNIER: Can you help us with what the other intentions 14 were that aren't immediately apparent from the ——
- 15 A. Well, the other intentions were -- it had become clear to me, in the period between when the fire occurred and
- 17 1 October, that there were increasingly a significant number of interested parties in this fire and this
- investigation . As you mentioned, Mr Kinnier, the police
- were carrying out an investigation . There were
- questions about whether or not the HSE were going to
- 22 carry out their own investigation. There was
- $23\,$  significant media interest in the fire  $\,$  itself  $\,$  and what
- 24 the -- how London Fire Brigade had dealt with it.
- 25 I could see that there was going to be a coroner's

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1 inquest at some point in the future. So there were 2 many, many strands to this fire that made me believe it 3 needed a separate board of its own, at least for a time, in order to actually consider all those things and make 5 sure they were dealt with appropriately and in 6 a co-ordinated way, because otherwise they would have 7 been dealt with piecemeal by the various departments who 8 were responsible for various aspects of it, and I wanted 9 to deal with it all in one place so we were well

- 10 co-ordinated as a Brigade.

  11 Q. And the lessons that would be identified would be
  12 lessons that the LFB itself had identified and that
  13 would be addressed via various recommendations; is that
  14 right?
- 15 A. Yes.
- Q. Now, we've heard from other witnesses about a range of other procedures which the LFB has: DIOT, the dynamic and intelligent operational training process, and the
   SAI, the serious accident investigation process.

Really this goes back to the answer you have just given: why did you not use either or both of those processes, but rather set up a bespoke process under the aegis of the Lakanal House board?

A. Well, we did use those processes, it was just that theywere not the only processes that were needed to be used

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as part of the investigation and the subsequent issues arising at the Lakanal board, and the Lakanal board was a place whereby we pulled all those things together into one place so the Brigade could then respond in a co-ordinated way.

So the SAI process was most certainly used in order to investigate the accidents, we used that process extensively, and the DIOT process was very important in terms of identifying operational matters that needed to be addressed, but there was many others as well, and I was very keen to get those all in one place so they could be corralled properly and dealt with in a co-ordinated way.

- Q. How did you ensure that the results of the SAI 14 15 investigation were fed into the Lakanal House board's 16 deliberations?
- A. That was part of the agendas with —— there was various 17 18 items on the agenda. I had an officer, which we may 19 talk about in a moment, who was actually effectively my 2.0 chief of staff in relation to the Lakanal investigation 21 and all aspects of it, Mr Tim Cutbill, and we were -- we 22 received the results of the SAI as the SAI was 2.3 progressing at the board at its various stages.
- 2.4 Q. Thank you.

25 Does the same answer apply to how the deliberations

- of the DIOT process fed into the board's deliberations? 1
- 2. A. Yes. it did.
- 3 Q. Now, the Lakanal House board identified 34 action points for the organisation's improvement or development, and 5 those actions later came to be known as the Lakanal 6 pre-actions because they were identified before the
- 7 inquest.
- 8 A. Yes. 9 Q. Is that right?
- 10 A. That's correct.
- 11 Q. Now, the first record that we have of the 34 pre-actions 12 is in the minutes of the Lakanal House board meeting on 15 September 2010, and we can find those minutes at 13 14 {LFB00084031}. Just briefly, we can see that you are 15 a member of the board and you attended this meeting.

16 Could we go to page 7 {LFB00084031/7}, and here we 17 have appendix 1, headed "Action plan". We've gone to 18 this document with a number of witnesses now, but 19 essentially this is a table which identifies the 34 2.0 pre-actions; that's right?

- 21 A. That's correct.
- 2.2 Q. It also provides the assigned officer who was 23 responsible for implementing the consequential action.
- 2.4 A. Yes.
- 2.5 Q. Now, if we could turn back to the first page of these

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minutes  $\{LFB00084031/1\}$ , it appears that reports were 2

- presented by three departments, namely control,
- 3 operations and fire safety; is that right?
- 4 A Yes
- 5 Q. If we could look at paragraphs 5.1 and 5.2, for example, on this page, we see that "SH/JS" -- so that's 6 7 Scott Hayward and Joanne Stibbards, as was, we now know as Jo Smith -- "presented an overview of the draft 8

9 Control report/analysis and post actions", and we see

10 further detail provided in paragraph 5.2.

12 heading which reads "Post actions", and that details 13 some of the work that had been done by the control room,

We then see below that paragraph an emboldened

14 I think I'm right in saying.

15 A. Yes

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16 Q. Then if we turn over the page to page 2  $\{LFB00084031/2\}$ ,

and in particular paragraph 5.9, we see a quintet of

- 18 proposed actions set out there, all of which came to be
- 19 subsumed in the 34 pre-actions; is that right?
- 20 A. Yes
- 21 Q. I've only glossed over this, but the three reports
- 22 submitted by the individual departments, did they 2.3 provide the foundation of the 34 pre-actions?
- 2.4 They certainly provided the foundation, yes.
- 25 Q. Thank you.

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1 Could we stay with control room for the moment, and if we look at paragraph 5.10. "RD", that's you. 2.

3 A. Yes.

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4 Q. Various comments are recorded here, most notably you say 5

"[You] commented that there are potentially 2/3areas to consider in relation to Control:

- "1. The information transfer from control to fire ground.
- "2. The question of where LFB stand in relation to 10 11 training/guidance compared to national guidance. It is 12 evident that national guidance is in need of 13 improvement.

"3. To ensure that refresher training is maintained for fire survival calls and recorded on STEP."

Now, did you decide which of the proposed actions would constitute the LFB's pre-actions?

- 18 A. This was issues that arose from the paper and the
- 19 presentation we received from Scott Hayward and
- 2.0 Joanne Stibbards, and what is listed here is basically
- 21 my sort of summary of the issues in there. But I was --
- 2.2 I signed off that these were actions that needed to be
- 23 added to the plan, yes
- 2.4 I suppose, put differently, was this a directional
- 2.5 summary, Mr Dobson, in the sense that you were saying,

- 1 "These are the matters that you shall consider"? Were 2 you giving them some form of intellectual steer and 3 guidance as to what you were expecting to see covered in 4 the pre-actions?
- 5 A. Yes, I was trying to be very clear in terms of the actions I expected to be progressed as a result of the 6 7 report that we'd received.
- 8 Q. Thank you.

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Apologies for jumping around the documents, could we go back to your first witness statement,

 $\{LFB00032157/5\}$ , and it's paragraph 15. Thank you.

What you say there is this:

"As can be seen from the various iterations of the action plan, individuals were appointed to the role of Lead Officer for each action. I did not have personal responsibility for the individual actions in the action plan but I had oversight through the Lakanal House Board meetings, my regular one to one meetings with the Directors and frequent meetings with DAC Tim Cutbill."

Now, you touched upon this in an earlier answer. Can you help us as to the gist of the role that DAC Cutbill performed in relation to the Lakanal House

2.4 A. As I said earlier, I think probably the easiest way to describe it, he was almost my chief of staff in relation

to Lakanal. So he was seconded to the Lakanal board, effectively, for a period of I think it was two/two and a half years during the height of the investigations and the main work London Fire Brigade was doing. His role was to ensure that the issues contained in the action plan were being dealt with by heads of service, he would have informal relations with them about that, and to keep me updated informally. His role was also to act as the main point of contact with external bodies, such as the Metropolitan Police Service, the HSE, and to some extent the government as well, in relation to the ongoing investigations to make sure that LFB was presenting an appropriate, comprehensive and co-ordinated front.

15 Q. Now, the impression from the documents —— and I should 16 be more specific, the minutes of the board meetings --17

18  ${\sf Q}.\ --$  is that it was a forum in which progress could be 19 reported, rather than being a decision-making forum. Is 2.0 that a fair distinction to make?

21 A. I would describe the board as an opportunity to discuss 2.2 the issues that were arising from the investigation in 2.3 all of its various forms, to seek agreement in terms of 2.4 the actions that needed to be taken by the various 25

departments of the Brigade, to allocate those

where progress against those actions would be monitored.

2 functional responsibilities for those areas, and a place 3

responsibilities to individual officers that had the

4  $\ensuremath{\mathsf{Q}}.$  So I think you agree, in broad terms, with the 5 proposition I put to you, then.

A. I do, I just think it's slightly broader than as 6 7 explained.

8 Q. Thank you.

9 To what extent did you contribute to the 10 directorates' efforts to implement the pre-actions that 11 had been set for them?

12 A. Well, my role was to chair the board, to agree the 13 actions, and people were aware that their actions were 14 going -- they were going to be held accountable for 15 their actions at the board, which I chaired. I think 16 during the period of time the board was in existence. 17 I chaired all but two meetings of the board, so I saw it 18 as that important that I dedicated a significant amount 19 of my time to that, and I also dealt with the --

2.0 you know, supported, through my work with the directors

21 through one-to-one meetings and through the

22 commissioner's group. If there were issues of resource

23 that were causing a problem in delivery of some of these 2.4 actions, then I would seek to help the directorate with

25 those, or if there were other matters that were beyond

1 their control that I could help with, I was trying to do 2

3 Q. Looking at the discussions that took place in your 4 one-to-ones, would they be the forum in which it was

5 determined that a particular pre-action had been

6 completed or would that be decided elsewhere?

7 A. No, that would be decided at the board.

 $Q.\ \ Now,\ I\ think\ I'm\ right\ in\ saying\ that\ the\ board\ sat$ 8 9 until September 2013, so it was sitting throughout the 10 course of the inquest; is that right?

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12 Q. Was the board finally stood down in September 2013 13 because a view had been taken that the pre-actions had 14 been completed?

15 A. No. The board was stood down in September 2013 for 16 a number of reasons. One was that the -- it had been 17 agreed -- I had decided and agreed it with the 18 fire authority that the responsibility for the oversight

19 of the remaining actions -- and there were remaining 2.0 actions -- would be taken over by the ODCB, and the

21 reason I decided that was that whilst I feel that my

2.2 leadership and involvement in the board on a day-to-day

23 basis for that first period was entirely appropriate,

2.4 there was a time at which the board -- the work of the

25 board needed to become much more day—to—day work of the

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1 directorates, including their normal business plans, on page 2 a list of the bullet points, which include, 2 rather than something which was specific. 2 amongst other matters we can see, 7(2)(d) visits, 3 Q. So ODCB took up the remaining balance of the work; is 3 awareness of fire spread, communication between control 4 that right? 4 and the incident ground, and the handling of FSG calls. 5 5 Now, can you help us, what submissions or what other Q. And that's a body on which you didn't sit? material was put before the coroner at the inquest to 6 6 7 7 allow her to identify the work that the LFB had already 8 Q. But you would have seen the minutes? 8 carried out in relation to these subject areas? 9 A. Yes. 9 A. I can't recall exactly which documents were provided to 10 10 Q. So was the mechanism by which you ensured that the the coroner. Certainly in relation to statements by 11 remaining actions were completed your review of the 11 myself, I referred to the work that London Fire Brigade 12 12 minutes, coupled with your discussions with -had done, and it's my recollection, although I can't be 13 13 absolutely sure, that the coroner was made aware of the 14 14 Q. With the one-to-ones and all the rest of it. minutes, et cetera, of the Lakanal board and the action 15 A. With the directors, and also by discussions with 15 plan that we had in place there. 16 Q. Were those minutes simply provided to her or were they 16 Tim Cutbill Q. Did Tim Cutbill's role remain unchanged throughout the 17 17 exhibited to a statement from a witness who spoke to 18 course of this, so until the last action was completed? 18 their contents? 19 A. No, Tim Cutbill was dedicated to working on 19 A. I honestly can't remember. Lakanal House for the first couple of years, I think it 20 Q. Now, if we can go back to page 2 of the coroner's letter 20 2.1 was, and sometime around 2011/2012 he took up a normal 21  $\{LFB00032158/2\}$ , she went on to identify five 22 management role as well, but maintained an oversight of 22 recommendations, which we can see identified in 2.3 23 the Lakanal House work. italicised subheadings. 2.4 Q. Did Mr Cutbill stay within the LFB until you retired 2.4 Α Yeah 25 First of all, "Public awareness of fire safety"; 89 secondly, "Visits made pursuant to section 7(2)(d) Fire 1 A He did 1 Q. Did anyone succeed him in his Lakanal role? 2. 2 and Rescue Services Act 2004, general familiarisation 3 A. No. 3 visits and home fire safety visits"; thirdly, "Incident Q. Thank you. Commanders"; if we turn over to page 3 {LFB00032158/3}, we see "Brigade Control"; fifthly, "Communications"; 5 Can we now turn to the Rule 43 recommendations and 5 the LFEPA working group. 6 before concluding with a subheading entitled "Response", 6 7 7 A. Yes. which set out the timeframe in which the coroner was 8 8 Q. Now, following the Lakanal House inquest, the coroner inviting the LFB to respond. 9 9 sent the LFB a Rule 43 letter, which set out a number of Now. Mr Dobson, we'll go through the detail of these 10 recommendations for the prevention of future deaths that 10 recommendations in due course, but at this stage I'd 11 she considered were necessary and desirable. 11 like to ask you this: is it right that you nominated 12 Now, we can see that letter, which you have 12 Gary Reason to lead the LFB's work on implementing these 13 helpfully exhibited to your statement, and we can find 13 recommendations? A. Yes 14 it at {LFB00032158}. 14 15 Now, we can see it's dated 28 March 2013. We can 15 Q. Can you help us, why did you think that Mr Reason was 16 also see that the first page sets out the purpose of the 16 the man for the job? A. Well, a number of reasons. Most importantly, many of 17 letter, and the final paragraph on this first page reads 17 18 as follows: 18 these, or most of these, fell within his area of 19 "Before I set out my recommendations, I acknowledge 19 responsibility, as I recall, so I think that's

If we go over the page {LFB00032158/2}, she sets out

that London Fire Brigade have already undertaken

of matters of significance, including ..."

extensive work to learn from their experience with the

fire at Lakanal House, have introduced new policies and

have reviewed existing policies in respect of a number

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Q. Just picking up on that answer, our understanding was

work that he was responsible for.

appropriate. And, secondly, Gary Reason was an officer

a significant level of detail in terms of his monitoring

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of the work of his reports and the monitoring of the

that I knew was willing and able to undertake

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Q. Could we go back to your witness statement but turn over

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the page to page 7  $\{ \text{LFB00032157/7} \}$  and look at

paragraph 23. That says this:

1		that Mr Reason, his directorate, were only directly	1		As can be seen from the minutes of the meeting, in
2		concerned with matters relating to incident command and	2		addition, it was agreed that a task group would be
3		communications, whereas the balance fell within the	3		established, consisting of three Elected Members of
4		remit of Rita Dexter, that's to say public awareness of	4		LFEPA, drawn one from each political group, to undertake
5		fire safety, $7(2)(d)$ visits and control. Are we wrong	5		a review of the LFB's response to the fire at Lakanal
6		in that understanding?	6		House and to provide their recommendations into the
7	Α.	No, you're correct, but Gary Reason was responsible	7		Strategy Committee."
8		for $$ mainly for the oversight and producing the	8		Now, take it from me that the task group is not
9		reports of progress. He wasn't actually responsible for	9		mentioned in your report. Was it instigated by LFEPA
10		those areas of work that actually sat within	10		members?
11		Rita Dexter's directorate. So things like the public	11	A.	It was.
12		communication messaging, that was very $$ sat very	12	Q.	Now, as you explain in paragraph 24, which we can see on
13		firmly with Rita and she was responsible for that.	13		the screen, the task group became known as the
14	Q.	Can we go back to your first witness statement,	14		Lakanal House working group, and that working group
15		{LFB00032157/6}. If we could look at paragraph 22 at	15		consisted only of LFEPA members, although you and other
16		the bottom of that page, you say this:	16		senior officers from the LFB attended meetings; is that
17		"On 20 June 2013 at a meeting of the LFEPA	17		right?
18		I presented a report 'Coroner's Inquests following the	18	A.	Yes.
19		fire at Lakanal House on 3 July 2009 (FEP2072)'"	19	Q.	Now, Rita Dexter explained in her evidence that one of
20		You helpfully exhibit that report and the meeting	20		the LFEPA members, Valerie Shawcross, was particularly
21		minutes before going on to say this in the fourth line	21		interested in the Brigade's response because her seat
22		of that paragraph:	22		caught Southwark; is that right?
23		"As set out within the report, it was proposed that	23	A.	I believe her seat had caught Southwark at some time.
24		implementation of the proposed actions in response to	24		I'm not sure it actually did at the time of the Lakanal
25		the rule 43 recommendations, was to be monitored by the	25		fire .
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1		ODCB."	1	0	Was that one of the prompts why the working group was
2		You've probably highlighted the answer to this	2	Q.	set up?
3		question: why had you identified ODCB as being the	3	۸	Yes, it was.
4		responsible monitoring body here?	4		Presumably also why Valerie Shawcross assumed the chair
5	۸	Because it was the body that was —— had the membership	5	Q.	of the working group; is that right?
6	Α.		6	٨	Yes.
7		of all the main people that needed to be responsible for dealing with and progressing the actions described by	7		Ms Dexter also told the panel that the working group was
8		the coroner.	8	Q.	to provide political oversight, scrutiny and
9	^		9		
10	Q.	I was anticipating that you may say that you were anticipating ODCB taking up the slack from the	10		accountability of the LFB and their responses to the coroner's Rule 43 recommendations. Do you agree?
11		Lakanal House board in due course. Was that something	11	٨	I do agree, except that I think their work was wider
12		that became a reason later on?	12	Λ.	than that, and if you were to examine the terms of
13	۸	Well, that is true, and it was part of the reasoning,	13		reference for the group and also the work programme they
14	Λ.	but mainly it was because the Lakanal — the ODCB had	14		set themselves as well as set out in their first
15		all the officers on there that were responsible for the	15		meeting, I think it demonstrates the work of this
16		areas where the actions recommended by the coroner were	16		working group was wider than just monitoring the
17		made.	17		progress of the LFB in terms of the coroner's action
18	Ω	Am I again right in assuming that your previous answer	18		points.
19	Q.	applies to this question: that you monitored ODCB's	19	0	Really flowing on from that answer, the working group
20		progress by a review of their minutes and discussions	20	ų.	appears to have intended to scrutinise what are
21		with the relevant directors and personnel?	21		described as longer term themes; is that right?
22	Δ	Yes.	22	Δ	It is, yes.
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themes were?

 $\ensuremath{\mathsf{Q}}.$  Can you give us a flavour of what those longer term

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 $25\,$   $\,$  A. Well, the working group were very keen to meet with

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1		a range of different parties, obviously, and I think
2		that $$ I hope the Inquiry has seen the list of
3		attendees that they invited to their meeting subsequent
4		to them being established. The things that they were
5		particularly interested in were things like the
6		communication that took place between the fire and
7		rescue service and residents of high—rise buildings in
8		terms of their escape routes and how to stay safe. They
9		were particularly interested in the responsibilities of
10		local authority elected members in relation to housing,
11		particularly in relation to when high—rise buildings
12		were being refurbished or repaired, and the
13		responsibilities they held there. They were also very
14		interested in the work to support victims of fires and
15		other emergencies and where London Fire Brigade could
16		play a role in that and what arrangements already
17		existed within local authorities . And they were also
18		very interested in the responses and the role of
19		government in terms of the findings from Lakanal House $$
20		investigation that we'd identified that were the
21		responsibility of government.
22	Q.	They had a lot on their plate.

2.3 A. They did.

2.4 Q. What was left over for the LFEPA scrutiny committee?

A. Well, they reported to the scrutiny committee, so the

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1 reason -- because there was a lot of work on their plate, as you put it, that's why it was decided it 2 3 wasn't appropriate for the scrutiny committee to carry that work out directly and they appointed the working 5 group, members that had an interest —— a real interest in the outcome of the fire and said they were willing to 6 7 commit the time to actually take on this workload. 8 9

Q. We know from the minutes of the Lakanal House working group that it met on six occasions between July 2013 and March 2014. The LFEPA's strategy committee was updated on the LFB's progress in relation to Rule 43 on only two occasions: first , in November 2013, when work on the actions was continuing --

14 A. Yes.

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15  $Q_{ij} = -1$  and, secondly, when the Lakanal House working group 16 was finally wound up in July 2014. That's what we have 17 discerned from the minutes. Does that accord with your 18 recollection?

19 A. It does.

2.0 Q. Thank you.

21 Can we turn to the minutes of an ODCB meeting from, 2.2 I think, 4 July 2013.

23 A. Before we do that, Mr Kinnier, would it just be 2.4 appropriate for me to make a comment? I know 25 the Inquiry has previously been told by other witnesses

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that the Lakanal House working group was an unusual 2 thing for members to do. That's not an observation with 3 which I would concur.

4 Q. Was that an observation made by Ms Dexter?

A. I think it was also Mr Reason agreed with it, actually, so -- but it's certainly something not which I would concur, because I can think of other examples of where members put together working groups of this nature to assist officers in developing particular areas of strategy in other areas, so the budget would certainly be one, the London Safety Plan would be one, and others.

Q. That's useful, thank you very much.

Can we turn to these ODCB minutes of the meeting on 4 July 2013, which can be found at {LFB00032729/3}. We see there the substantive text there deals with item 6, which is the coroner's Rule 43 letter's action plan, and if we could look at the second paragraph, it says. "DoORT", which is the acronym for director of operations, resilience and training, Gary Reason; is that correct?

2.1 A. That's correct.

2.2 Q. The minutes record as follows:

> "DoORT advised that the HSE would be interested in outcomes and that the Commissioner had met with Val Shawcross to discuss the Members Group agreed at the

1 last Authority meeting to consider the Lakanal fire and lessons to be learned. Terms of Reference for this 2 3 group are being discussed and it is likely that Cllr Maurice Heaster and Cllr Peter Truesdale will be 5 members of the group. It is anticipated that regular 6 progress reports will be submitted to the Strategy 7 Committee."

Were regular progress reports submitted to the committee?

10 The regular reports were the two reports you identified 11

12 Q. And that's it?

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You say in your witness statement -- and we don't need 14 Q. to go to it, but the reference is {LFB00032157/7}, 15 16 paragraph 24 -- "I had overall oversight of the 17 implementation of the Coroner's recommendations".

18 Now, other than attending meetings where updates 19 were given to LFEPA members, reviewing the minutes of 2.0 ODCB, how else did you monitor progress of 21 implementation of the work required to meet the Rule 43 2.2 recommendations?

23 Certainly via my one-to-one meetings with the directors, 2.4 we would occasionally discuss it at the commissioner's 2.5

group, and I would have additional ad hoc meetings with

- 1 the directors in relation to the parts of the coroner's 2 recommendation action plan that they were responsible 3
- 4 Q. Did you feel that you had the requisite detail provided 5 to you from these various sources to have an informed.
- 6 effective understanding of the state of progress?
- 7
- Q. Did you feel that the sources of information that you 8 9 used were giving you full, complete and accurate 10 information about progress?
- 11
- 12 Q. And you never had cause to doubt that?
- 13 A. I can't recall any times when I had cause to doubt that, 14 no, although maybe there were times when I questioned it 15 more -- the reports more than others, I would say, would 16 be the way I'd describe it.
- 17 Q. We may come on to it, and you've given a general answer. 18 Could I pin you down to something more particular; are 19 there any subject areas or reports in relation to which 20 you felt the need to question more closely than in 2.1 relation to others, and if so, what were they?
- 22 (Pause)
- 2.3 A. There certainly were, but I can't actually recall 2.4 exactly which ones they were at the moment.
- 25 Q. So nothing stood out for you as being, to be blunt,

- 1 particularly --
- A. Well, I think probably at certain times the issues 2 3 relating to control stood out to me, but other than that, I can't think of things that were particularly of 5 concern to me from the reports that I was receiving.
- 6 Q. Thank you. 7

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Can we turn on to a separate topic now, and that's the LFB's knowledge of poor compartmentation in buildings in London, external fire spread and their consideration after the Lakanal fire in light of what had been learnt at Lakanal

Now, it's probably useful to start that examination by looking at the Lakanal House fire from the perspective of fire safety. If we could start that by examining the previous fires of which you were personally aware that involved, if I can call it generically, cladding and fire spread, external fire

First of all, were you aware of the Knowsley Heights fire in Liverpool in April 1991?

- 2.1
- 2.2 Q. Were you also aware of the Garnock Court fire in Irvine 23 in Ayrshire on 11 June 1999?
- 2.4 A. No
- 2.5 Q. Can I take it from that that you were not aware of the

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- report prepared by the environment, transport and
  - regional affairs select committee in 1999 on the
- 3 potential risk of fire spread by external cladding
- 4 systems? A. No.
- Q. Were you aware of the Harrow Court fire in Stevenage on 6 7 2 February 2005?
- 8 A. Yes

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- 9 Q. Do you agree with Ms Dexter that the information about 10 these fires provided a useful learning point for the
- 11
- 12 A. Yes. I do.
- 13 Q. Can you help us as to why you think that is so and why 14 you agree with Ms Dexter?
- 15 A. Because I think fires -- significant fires of this
- 16 nature are fortunately quite rare within the
- 17 United Kingdom, actually, let alone England, so
- 18 therefore when these fires do occur, we should take --
- 19 the best we can, we should take any learning points from
- 20 those fires as best we can.
- 2.1 Q. Can you help us as to why those fires were not obviously
- 22 taken as learning points, given that answer, for the
- 23
- 2.4 My recollection is that, having looked at those fires, Α
- 2.5 the conclusion that we came to was that whilst they were

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- 1 significant  $% \left( 1\right) =\left( 1\right) \left( 1\right)$
- 2 with the issues arising from those via changes to our
- 3 operational procedures, or the items -- the issues that
- arose from them were not necessarily relevant for London
- 5 Fire Brigade in the context of our operations and,
- 6 you know, the nature and size of our Brigade.
- 7 Q. Now, you say "we". The three fires we're discussing
- 8 pre-dated your appointment as commissioner.
- 9 Yes Α.
- 10 Q. Who were the officers who considered the facts of
- 11 certainly the two fires you were aware of, so
- 12 Harrow Court and Knowsley Heights?
- 13 A. Well, I didn't actually determine the officers to do
- 14 that, but my understanding is they were considered by
- 15 the operations department and also by the fire safety
- 16 department.
- 17 Q. Thank you.
- 18 Now, Assistant Commissioner Daly gave evidence, 19 really in the context of the Madingley fire in 2010 that
- 2.0 was in Kingston upon Thames, that the LFB as
- 21 an organisation did not always take "every opportunity
- 2.2 to learn as an organisation" and "that protection wasn't

- 23 always as high up the agenda as it needed to be and so
- 2.4 the opportunities to learn from protection haven't
- 2.5 always been as well addressed".

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2 a considerable period of your life and ended up as 2 when that sort of leadership was sorely needed, and the 3 commissioner, do you agree with that observation? 3 reasons for doing that were not only because the fire 4 ob I A 4 and rescue service in this country needed some 5 Q. Can you help us understand why the LFB did not seize 5 leadership to actually progress the issues that were every opportunity to learn from incidents and other being debated but not resolved, but it was also 6 6 7 7 important that London Fire Brigade officers A. It's very difficult to account for. I think my main increasingly, with the changes in the service, 8 8 9 explanation of that is that these were things that 9 recognised that they were employed by London Fire 10 10 Brigade, but they were still part of the English fire happened in other brigades and we didn't necessarily see 11 them -- or the Brigade at the time didn't necessarily 11 and rescue service. 12 12 see them as relevant, where there was potentially The second element of the quote I asked you about 13 a culture in the London Fire Brigade that, actually, 13 related to AC Daly's view "that protection wasn't always 14 as high up the agenda as it needed to be". You agreed 14 things that happened outside of London didn't really 15 relate to London. I wouldn't agree with that, but 15 with that. Why was protection not always or I think it was the culture at the time. 16 16 consistently given the priority it deserved? 17 Q. Can I stop you there. 17 A. When I -- I agree with that, I do agree with that, in 18 A. Of course. 18 the context of operations. So it's my view that the 19 Q. It's an interesting point. 19 fire regulation and fire safety department were not How had this  ${\sf London-centric}$  perception come about, 20 20 always as closely linked to operations as they should 2.1 and what did you do to try and cure it during your 21 have been or could have been. I think fire safety was 22 relatively long time in post as commissioner? 22 certainly high up the agenda in terms of London Fire 2.3 A. I think it came about because it was -- because London 23 Brigade's role in relation to their statutory duties 2.4 2.4 around the Fire Precautions Act, the Workplace Fire Brigade had been for many, many years the largest 25 and busiest operational fire and rescue service in the 25 Regulations and later the Fire Safety Order, so 105 107 1 country, largest in terms of numbers of staff, numbers 1 certainly very high up the agenda in relation to those, 2 of fire engines, number of fire stations, but also 2 but specifically in relation to operations, I think for 3 largest in terms of number of personnel, and also 3 the same reasons as explained earlier, there was because I think many disasters or large fires or other a cultural maybe blind spot, in fact, that actually 5 incidents, for that matter, had occurred in London, so 5 fire safety regulation had an important part to play in there was a cultural, I think -- without being 6 the delivery of operations. 6 7 completely conscious about it, there was a culture of: Q. Was operations the big beast -- I put this really 8 8 crudely, Mr Dobson, really to tease out more nuanced if it didn't happen in London, then it's not really 9 9 relevant to us. views from you, but was operations the big beast and 10 Q. And there was nothing, therefore, to learn from other 10 therefore consumed the greater part of resources and 11 fires outside London? 11 focus of attention? Is that at least a crude way of 12 A. To some extent. I wouldn't say that was completely the 12 looking at the problem? 13 case on all occasions, because there were fires from 13

outside London that London did learn from, but I think,

fires outside of London had that culture not existed.

Q. What did you do in your time, as I said, to try and cure

rescue service perhaps more than I might have done

generally speaking, we could have learnt more from other

From your vantage point, having been at the LFB for

21 previously. So I was a member of the Chief Fire

that perception?

Officers Association board for -- well, for most of my

A. Well, I tried to engage with the national fire and

2.3 tenure. I instigated -- we might come to talk about

2.4 this later, but I instigated a process where London Fire

25 Brigade actually funded the production of national

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A. I would agree, for many years. Q. Do you agree that it's crude or  $--\,$ 14 15 A. It is crude --16 Q. -- is it accurate?17 A. -- but I think it's accurate as well. 18 Q. Now, going back slightly, you referred to there being 19 a blind spot in relation to protection. Can you help us 2.0 as to why that blind spot came about? 2.1 A. Well, I think I refer to my previous answer, really. 2.2 I think it was because operations was generally —— the 23 culture of the organisation was that operations was the 2.4 most important part of the service. That was the part 25 of the service that the public most focused on, the

operational guidance for the service when that was -

1 public who speak to -- the public in London, and we did numbers of fire deaths, the number of fire injuries also 2 on many occasions ask them their views in the fire and 2 decreasing significantly during my time as commissioner, 3 rescue service. The only thing the public are really 3 I would like to think that I was successful. But in 4 interested in is a fire engine arriving quickly if they 4 terms of the overall culture of the Brigade in relation call the Fire Brigade. They wasn't particularly 5 5 to operations being the big beast, in your words, interested in the work of the fire and rescue service in I wasn't as successful as I would have liked to have 6 6 7 relation to fire prevention. 7 been. I think we did make some progress, but I don't 8 So I think all of that came together to lead to, 8 think I was as successful as I would hope to have been. 9 you know, the development of the culture where 9 Q. Do you remember the Atherstone-on-Stour fire? 10 10 ob I A operations was the most important thing we did. 11 Q. Had you identified this cluster of cultural issues 11 Q. Which was in 2007. In broad terms, a fire in 12 12 before you started your tenure as commissioner or is it a vegetable packing warehouse. I think, constructed from 13 a perception that has developed with the benefit of 13 sandwich panels, and the fire had spread beyond the 14 14 retirement and further reflection? compartment of origin and, ultimately and tragically, 15 A. No, I think I'd formed that view before I was 15 four firefighters from Warwickshire Fire and Rescue 16 Service lost their lives fighting it. Is that a fair 16 the commissioner 17 17 Q. What did you do in order to give protection a greater summary of the essentials of the fire? A. Yes, it is. 18 priority and to give it a bigger voice compared to 18 19 19 Q. Now, following that incident, a CLG fire and rescue 20 A. First of all, I think it was important that 20 service circular was issued by the then chief fire and 2.1 I demonstrated that fire protection was important, and 2.1 rescue adviser, Sir Ken Knight, who had been your 22 therefore, in the communication messages and things when 2.2 predecessor at the LFB --2.3 I was talking to staff, I would very often -- well, 2.3 A. Yes 2.4 2.4 -- on 23 March 2009. Can we go to that circular, which almost exclusively —— lay out the important role that 25 fire protection plays. I based that upon the need to 25 is at {HOM00023213}. We can see, just above halfway 109 111 1 protect the public, as well as firefighters, 1 down the page, it was addressed to you as 2 particularly around preventing fire deaths and fire 2 the commissioner of LFEPA, amongst other recipients. 3 injuries and the number of fires in London, reducing 3 I can take it from your answer that you remember receiving this? 4 5 I made a very big point during my tenure that it was 5 A. I do very important -- our protection role was very important 6 Q. Now, if we can turn to page 4  $\{HOM00023213/4\}$ , 6 7 7 in terms of reducing the number of fires in London and, paragraph 4.1, what we have here, under the emboldened 8 8 therefore, the risk of fire  $\,--\,$  of injury or death to heading "Knowledge of Building Construction", it says 9 9 members of the public. this: 10 Practical things that I did were we had a very 10 "In January 2008, the Chief Fire and Rescue Adviser 11 detailed suite of performance indicators for the whole 11 (CFRA) wrote to all CFOs [chief fire officers ] to remind 12 of the service, and we implemented a thing called 12 Fire and Rescue Services of the need to ensure that 13 13 a performance management CMB, where all the directors operational risk information was available to and all the heads of service would come along and we 14 14 firefighters in relation to high risk buildings. In 15 15 would analyse their performance against their particular, the danger when fighting fires in Thermo 16 indicators, and fire safety played a very high part in 16 Clad Panel (sandwich panel) buildings was highlighted. 17 17 Dear Chief Officer Letters (DCOL) 3/96, 4/94, 15/99 in terms of their performance against their performance 18 indicators. 18 conjunction with the Fire Research and Development Group

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Q. A difficult question to answer, I suspect, but how

blind spot on protection?

successful do you think your efforts were to cure those

cultural problems and to alleviate the effects of the

A. I think in terms of the outcomes we achieved in relation

significantly during my time as commissioner, the

to the numbers of fires in London decreasing

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the circular went on to say this:

panel construction.'

report 'Firefighting Options for Fires Involving

Sandwich Panels' described the hazards and appropriate

actions that need to be taken to maintain firefighter

safety whilst fighting fires in buildings of sandwich

Then if we go over the page to paragraph 4.2,

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1	"Fire and Rescue Services are reminded that	1	SIR MARTIN MOORE-BICK: Right, Mr Dobson, all ready to carr
2	firefighters and, in particular, Incident Commanders	2	on, I hope?
3	will only be able to make a suitable and sufficient	3	THE WITNESS: Thank you, sir, yes.
4	assessment of the risks at operational incidents,	4	SIR MARTIN MOORE—BICK: Thank you very much.
5	including being alerted to critical safety issues, if	5	Yes, Mr Kinnier.
6	they are able to recognise building construction types	6	MR KINNIER: Thank you, sir.
7	and the impact that these buildings have on fire	7	Mr Dobson, before the break, we were discussing
8	behaviour. FRAs are therefore reminded of their	8	the circular that Sir Ken sent round in March 2009.
9	responsibility to ensure that safety critical	9	Now, on the very same day that circular was
10	information is available to Incident Commanders and all	10	despatched to chief fire officers, a letter was sent by
11	personnel in respect of risks within their area.	11	Steve Turek, who at that stage was one of your assistant
12	Arrangements should also be in place to ensure personnel	12	commissioners, to London boroughs and social housing
13	can recognise types of building construction."	13	landlords. Can we go to that letter, which is at
14	Now, just to make the point, FRAs in this context is	14	{LFB00001805}.
15	fire and rescue authorities; is that right?	15	Now, as you can see, that letter opens thus:
16	A. Yes.	16	"In the light of a number of recent fires in
17	Q. Now, upon reading and receiving this circular, what	17	social housing blocks I am seeking your help in bringing
18	direction did you give to your senior officers as to how	18	fire safety issues to the attention of your tenants and
19	best the LFB could respond to the requirements it sets	19	staff and as an enforcing authority we thought it would
20	out?	20	be helpful to draw your attention, as a social housing
21	A. My recollection was that I asked the relevant officers	21	provider, to a number of significant issues relating to
22	to consider this in relation to the training that was	22	your responsibilities under the Regulatory Reform (Fire
23	already provided to firefighters to identify if there	23	Safety) Order 2005."
24	were gaps that we needed to address and then to design	24	Now, first of all, do you remember this letter?
25	methods, training, to actually address those gaps.	25	A. I do.
	113		115
1	MR KINNIER: Thank you.	1	Q. Can we turn to page 2 $\{LFB00001805/2\}$ , and you can see
2	Sir, it is just 3.15.	2	the third heading on that page is emboldened,
3	SIR MARTIN MOORE-BICK: Yes.	3	"Replacement windows", and the letter says this:
4	MR KINNIER: That is an appropriate place.	4	"We have noted cases where replacement windows,
5	SIR MARTIN MOORE—BICK: It suits you to stop there, does it?	5	particularly uPVC window units, are of a shorter depth
6	MR KINNIER: Yes.	6	to the original units/window sets. This has resulted in
7	SIR MARTIN MOORE—BICK: Right.	7	the gaps being covered with non-fire resisting materials
8	Well, as you were told, Mr Dobson, we were going to	8	which, in the event of fire, distort and allow fire into
9	have a break during the afternoon and this is a good	9	the wall cavity. Although the latest amendments to the
10	time to take it . So we'll stop now. We'll resume, if	10	Building Regulations require fire stopping around the

we may, please, at 3.30.

As I have said to all the other witnesses, please don't discuss your evidence or anything relating to it with anyone while you're out of the room.

15 THE WITNESS: Yes, sir. Thank you.

SIR MARTIN MOORE—BICK: Thank you very much. Would you like 16 to go with the usher, please.

18 THE WITNESS: Thank you.

(Pause)

SIR MARTIN MOORE-BICK: Thank you, Mr Kinnier. 3.30, then, 20 21 please.

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22 MR KINNIER: Thank you.

23 (3.15 pm)

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24 (A short break)

25 (3.30 pm) 23 wall cavities", the letter continues thus: 24 "Lack of fire stopping in wall cavities has been

to those flats."

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window, the problem may exist in many properties with

flats have been replaced with non-fire resisting uPVC

"We have also noted that panels on the exterior of

panels as part of replacement of window units. This may

have contributed to total failure of the windows during

to pass upwards across the exterior wall to the windows

of flats above, causing them to fail and fire to spread

If we go to the section below that one, which is

under the heading "Lack of fire stopping barriers in

noted in a number of fires, particular those involving

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a fire and consequently contributed to fire being able

windows that were replaced before April 2007.

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1 older timber frame construction. Although such 2 structures are safe if correctly constructed, the lack 3 of fire stopping in some 1960s and 1970s structures is 4 a cause for concern as it has allowed unrestricted rapid 5 fire spread through the building. In more than one case this has resulted in total loss of the building. 6 7 Although required by Building Regulations the same problem has been found in some more modern properties." 8

Now, can you help us, what had prompted AC Turek to send this letter?

- A. This would have been a result of fire investigation reports following fires at premises where these circumstances had actually been noticed, and also by inspections carried out predominantly by fire safety regulation officers when they liaised with local authorities and inspect buildings in their care.
- 17 Q. Now, the introduction read, and I took you to it. "In 18 light of a number of recent fires in social housing 19 blocks". Can you recall now, did those fires involve 20 non-fire-resisting external panels?
- 2.1 A. I can't recall.
- 2.2 Q. Thank you.

2.3 Can I now turn to a separate topic, which is the 2.4 immediate aftermath of the Lakanal House fire and the 2.5 correspondence you had with DCLG.

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Now, three months after Mr Turek's letter on 3 July 2009, a fire started in a television on the ninth floor of Lakanal House in Southwark. Am I right in saying that the fire spread rapidly both up and down the building through false ceiling voids and via the building's composite external façade panels, which were constructed, I think, of uPVC?

A. That's correct.

Q. Now, can we go to {LFB00001232}. This is a letter that you sent, Mr Dobson, to local authorities and social housing providers on 9 July, so six days after the fire, and it's entitled "Social housing - fire safety risk assessment and maintenance of means of escape provisions".

Now, you open this letter in the first two paragraphs by making reference back to Mr Turek's letter of 23 March, which we looked at just now, and say that you are writing following the Lakanal fire to remind recipients of their responsibilities under the RRO.

Now, if we look at the third and fourth paragraphs of the letter, they read as follows:

'Firstly, a requirement of the Order [the RRO] is that a suitable and sufficient fire safety risk assessment is undertaken for all premises to which the

Order applies. In this regard I would emphasise that

2.2 23 2.4

premises, particularly where it protects means of escape routes, and that there are systems in place to ensure that these elements of compartmentation are maintained. It is also a requirement of the Order that the risk assessment should be reviewed if any material change takes place within the premises. This will include changes to the compartmentation arrangements, as well as potentially any refurbishment work.

things, consideration of the compartmentation within the

any risk assessment should include, amongst other

"The findings of the fire risk assessment must be implemented to remove or reduce fire risks and to ensure adequate general fire precautions are provided. In particular this includes an evacuation strategy that is appropriate to the circumstances of the individual premises."

Now, at this time, bearing in mind what's set out in that letter, was it the Brigade's working assumption that poor compartmentation was one of the root causes or principal features of the Lakanal fire?

- 2.1 A. I think the early indications from the fire 22 investigation was that was the case, yes.
- Q. Was there a concern within the LFB at that time that 2.3 2.4 many other buildings in London might suffer from the
- 2.5

same incidence of poor compartmentation?

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1 A. Yes, it was, and hence the letter.

2 Q. And presumably the hope was, in sending this letter, 3 that defects in compartmentation could be identified by 4 local authorities, RSLs, and remedied?

5 A. Correct, yes.

6 Q. Can we go back and look at the final sentence of the 7 fourth paragraph on this first page, where it says this:

> "In particular this includes an evacuation strategy that is appropriate to the circumstances of the individual premises."

Was that a suggestion that the stay-put strategy may not be appropriate in high-rise buildings which do not have adequate compartmentation?

A. No. I don't think that was the intention of this letter. that statement there. This was once again a reflection of the emerging findings from the fire investigation into Lakanal House where we knew from those initial investigations that there were escape balconies on the second floor in each of the flats, but we also started to identify that the residents weren't aware of the purpose of those balconies, and also that in some cases those balconies had been used for inappropriate storage and things like that, making their use as an escape route -- undermining their use as an escape route. I don't think we had anything more than that in mind at

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- 1 the time of this letter.
- Q. Can we now go to a separate piece of correspondence,
   which can be found at {LFB00104291}. This is a letter
   that you sent to Sir Ken Knight, so your predecessor
   from the LFB, who was now the chief fire and rescue
   adviser.

In that letter, you say this:

"Dear Sir Ken,

"I am writing to inform you that as part of our investigation into the fire at Lakanal House ... on 3 July 2009 we have had tests carried out on the exterior wall panels of the building and that those tests have given rise to concerns which may well be relevant to other high rise premises. Although our investigations are continuing and the matter has still to come before the Coroner, I feel that it is in the public interest to draw the issue to your attention so that the matter can be discussed within the Department and any necessary advice can be given to owners and landlords of high rise buildings."

Now, in the paragraphs following, you summarise the functional requirement B4 of the Building Regulations, ie that a building's external walls should adequately resist fire spread, and you also set out the relevant provisions of Approved Document B.

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Could we turn to the second page of this letter  $\{LFB00104291/2\}$ , however, and look at the third paragraph in particular. There you say this:

"Based on the tests conducted by the Building Research Establishment, it appears that there are external wall panels at Lakanal House, that do not have the necessary reaction to fire properties required for the location in which they have been used.

"We have also become aware that this type of panel has been supplied by more than one company.

"In the circumstances, we believe it may be appropriate for a warning to be given to housing providers that it would be advisable to check the specification for external wall panels in their high rise housing stock and check that what has been installed meets the correct specification (i.e. that fire safety requirements of the Building Regulations were taken into account); and to include this in fire risk assessments for relevant properties."

Now, taking a step back and looking at this letter with a cold eye, it appears that you were primarily concerned that a similar fire — that's one involving external fire spread — could occur at any number of buildings if similar non—compliant panels had been fitted.

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1 A. Yes.

2 Q. Is that a fair summary?

3 A. Yes, it is

Q. There is no suggestion in your letter that this was
 a London—specific problem. Again, is that a fair
 reading of what you set out here?

7 A. Yes. it is.

Q. So presumably you were inviting Sir Ken Knight to write
 to all local authorities, housing providers, et cetera,
 across the United Kingdom?

11 A. I was.

Q. Ms Dexter told the Inquiry that, despite being deputy
 commissioner with responsibility for the fire safety
 department at the time this letter was sent, she had no
 involvement in its drafting, nor had she been made aware
 of the issues that were set out in this letter, nor the
 decision to write to Sir Ken in these terms.

First of all , do you agree with that?

19 A. Could you remind me of the date of the letter again,20 please, Mr Kinnier?

21 Q. Yes. If you go to the front page, it is

22 14 December 2009.

23 A. Okay

My recollection is that at that time Ms Dexter wasn't the deputy commissioner, because the previous

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deputy commissioner, Roy Bishop, had retired on

2 30 September 2009, and Ms Dexter wasn't actually

3 appointed to the role of deputy commissioner until later 4 in 2010.

5 Q. Had her predecessor stood down in November 2009?

6 A. Her predecessor, Roy Bishop, retired on

7 30 September 2009.

Q. The reason I am slightly surprised by your answer here
 is that the information we have is that the start date
 of her role as deputy commissioner was 10 November 2009,

ie a month or so before this letter was sent.

A. Erm ... I don't believe so. I may be wrong, but my
 recollection was that there was an interim period
 whereby -- before an appointment was made, and the
 authority didn't actually appoint Ms Dexter as the

deputy commissioner until later in 2010.

Q. So she would appear to be right, therefore, on the
 substance, that she wasn't consulted on its contents,
 was unaware that it was going to be sent and certainly

20 unaware that it was to be sent to Sir Ken in these

21 terms; is that a fair summary?

22 A. I think so, yes.

Q. Do you know whether anyone in the fire safety department
 was involved in the consideration of the substance of

25 this letter?

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Т	Α.	Yes, the letter would have been drafted on my behalf by	1	I look forward to keeping in touch on the above
2		members of the fire safety regulation department,	2	issues ."
3		principally Assistant Commissioner Turek.	3	Now, having set that out $$ apologies, it's a very
4	Q.	I think Mr Turek is the principal draftsman of it; is	4	long run—up, but it's probably helpful to take you back
5		that fair?	5	through the documents $$ we've got a copy of the letter
6	A.	Yes, it is, yeah.	6	which seems to be the generic statement that Sir Ken was
7	Q.	Just going back one point. It's probably a very minor	7	referring to. We can find that at $\{LFB00041215\}$ .
8		point in the scheme of things, but we have Ms Dexter's	8	Now, you will see from the top left it's also dated
9		start date of 10 November from paragraph 4 of her	9	22 December 2009, so the same day as his response to
10		witness statement, in which she confirmed that as her	10	you. It's addressed to the CEOs, local housing
11		start date. Your recollection is different?	11	authorities in England $$ so, apologies, not
12	Α.	My recollection is different, yeah.	12	United Kingdom, it's England $$ and it's entitled
13	Q.	Now, we have Sir Ken Knight's response to you, and that	13	"Fire safety in high rise social rented housing blocks".
14		can be found at {HOM00046018}. We see it's dated	14	On the first page, under the heading
15		22 December 2009, so some eight days after the initial	15	"Building Regulations and Building Control", the letter
16		letter . He refers there to having attended a meeting of	16	said this:
17		the MPS strategic investigation oversight group, or the	17	"One point of interest coming to our attention has
18		inelegantly acronymed SIOG, for the Lakanal House fire.	18	been concerns raised regarding the specification of
19		If we go to the fourth paragraph on this page,	19	window and cladding systems used on high rise blocks.
20		Sir Ken said this:	20	Guidance on the appropriate specification of external
21		"Members of SIOG did recognise that the information	21	walls and cladding systems, to satisfy the fire safety
22		arising from the BRE report has potential implications	22	aspects of building regulations, is given in Approved
23		for meeting the expectations of certain aspects of	23	Document B (Fire Safety), section 12. Whilst the
24		Approved Document B of Schedule 1 to the	24	specification of window frames would not normally be
25		Building Regulations 2000 (as amended), but it was felt	25	affected by this guidance, in $-\ \mbox{fills}$ , spandrels and
		125		127
1		that at this time there is insufficient information to	1	overcladding could be.
2		warrant alerting housing authorities and/or property	2	"Where any work which is subject to the building
3		owners to the specific matters raised not least as:	3	regulations is carried out then this should be checked
4		"(i) the investigation has not yet determined if the	4	by a Building Control Body in accordance with those
5		surface spread of flame properties of the panels fitted	5	regulations. If there is any doubt over the application
6		in Lakanal House were specified by the Housing	6	of, or compliance with, these regulations then advice
7		Authority.	7	should be sought from the relevant [building control
8		"(ii) the investigation has not yet determined if	8	body]."
9		the surface spread of flame properties of the panels	9	Taking a step back, this letter appears to put the
10		fitted in Lakanal House were differently specified to	10	onus squarely on housing authorities who may have any
11		those subsequently fitted ."	11	doubt about compliance with the Building Regulations,
12		Then if we can look at the second page of this	12	and the onus is on them to report the matter to the
13		letter {HOM00046018/2}, Mr Dobson, in the second	13	relevant building control body.

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A. It was.

"The above matters have been discussed with colleagues within Communities and Local Government. The

are actively pursuing the information required to

paragraph onwards, Sir Ken said this:

clarify the public interest issues.

clarification being sought by the investigators  $\mbox{\ will}\ ,$  in turn, assist further discussion on the disclosure of the

"... MPS [Metropolitan Police Service] investigators

relevant information.

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"In the meantime CLG Housing Policy colleagues are

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including a generic statement in a letter to Housing Authorities a copy of which I will forward to you.

what you were asking Sir Ken to do? 24 A. It is.

you received it in December 2009?

25  $\ensuremath{\mathsf{Q}}.$  Did you have the view at the time that Sir Ken's generic

Q. That contrasts markedly with the contents of your

housing providers specifically to invite them

proactively to check the specifications of their

Was that how you read this generic statement when

letter . In your letter , you were suggesting writing to

high-rise external wall panels for compliance with the

Building Regulations. Again, is that a fair reading of

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- 1 letter did not satisfy the request that you had put in 2 your letter of 14 December 2009?
- 3 A. I think my feeling was that it partially satisfied it 4 but didn't go as far as I was hoping the government 5 might go.
- Q. Can you help us, where did it fall short, in your view? 6
- A. Well, I think, actually, it could have been more widely circulated, rather than just the building -- the people 8 9 this is addressed to, it should have been addressed to 10 maybe owners of social housing or  $--\ \mbox{I}$  can't remember 11 exactly the names of all the bodies that you would write 12 to, but actually certainly a wider audience than just 13 was here, and I actually -- I think it may -- at this
- 14 point might have been worthy of a note to fire and 15 rescue services as well.
- 16 Q. Did you make those points to Sir Ken at the time?
- 17 A. I think my letter — I didn't — not specifically 18 verbally, but I think the letter —— my letter was clear 19 that I expected probably more action than was undertaken 20 as a result of this letter.
- 2.1 Q. You presumably would have known him from your time together at the LFB. Did you contact him to say, 2.2 2.3 "Listen, Ken, this doesn't really meet what is 2.4 required", or words to that effect?
- 25 A. No, no, I didn't. I didn't.

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- 1 Q. Can you help us as to why not?
- A. Because at the time there was still -- the police
- 3 investigation was taking place into Lakanal House.
- Sir Ken, on behalf of the government, was involved in
- 5 that, and there was -- whether it was real or perceived,
- it certainly existed -- there was a barrier between 6
- London Fire Brigade and Sir Ken's department in relation
- 8 to things relating to Lakanal House. So I didn't feel 9 in the position to be able to undertake that sort of 10 informal approach.
- Q. Can we go to  $\{LFB00089549\}$ . 11
- 12 Now, we can see from the bottom half of this page 13 that this was the email by which the generic letter was 14 sent to you.
- 15 A. Yeah.

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- 16 Q. If we go up the page, we can see that you forward it to Rita Dexter, Steve Turek, DAC Cutbill and John Bradbury, 17 18 commenting, "This is interesting".
  - First of all , can we assume from the fact that you've sent it to Rita Dexter that she was effectively the deputy commissioner by this stage, or would she normally have been included in circulation of this type?
- 23 A. I would normally try to circulate to as many of the 2.4 directors in possible. That's always a problem in terms 25

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of sending everyone everything, because that was

overload, but because Rita Dexter had some

responsibility for fire safety regulation and

- 3 Steve Turek in particular, it was appropriate to send it 4 to her
- Q. Why did you consider it to be "interesting"? 5
- A. I think it was interesting because of the discussions 6 7 we'd had previously about what the government reaction
- might be to the letter and how much action might be 8
- 9 taken.
- Q. Now, mindful of the answer you gave to an earlier 11 question, as the police investigation into Lakanal
- 12 progressed, as the causes became clearer as well, did
- 13 you consider pressing Sir Ken again on adopting your
- 14 suggestion of a more proactive approach to housing
- 15 providers in respect of external wall cladding?
- A. I did consider it, but I decided against it for the 16 17 reasons I mentioned earlier.
- 18 Q. Can you remember whether you or anyone else at your
- 19 behest in December 2009 or shortly thereafter took any
- 2.0 steps to warn operational crews that, given the presence
- 21 of exterior panels, they may encounter the type of rapid 22 external fire spread that was encountered at Lakanal?
- 23 A. Not that I recall . no.
- 2.4 Q. Why not?
- 25 A. Because I think the speed at which the fire spread

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- 1 externally was an issue which was brought about by the
- 2 failure of the panel in the windows, but it was my
- 3 belief that actually that was not an unusual type of
- fire spread, that firefighters would not be surprised
- 5
- about. So actually firefighters, particularly, 6 you know, working with high-rise buildings, would not be
- 7 surprised to see a fire exit the window and spread the
- 8 way that it did; they might just be more surprised at
- 9 the speed of it.
- 10 Q. Mr Dobson, if I can make a plea on behalf of the
- 11 transcriber.
- A. Sorry. 12
- Q. It's very difficult . The moment someone suggests to you 13 to speak slowly, it may not always achieve that aim. 14
- 15 A. I'm sorry.
- 16 Q. But I would be grateful for your help there.
- 17 Was any consideration given to informing crews about 18 what to do when confronted with widespread
- 19 compartmentation failure, which was one of the features
  - we discussed at Lakanal?
- 21 No. because the issues at Lakanal, the operational
- 2.2 issues at Lakanal, were brought about more by the need
- 23 to move the bridgehead down the building because the
- 2.4 fire was spreading downwards, rather than in the way
- 25 they would traditionally expect it to be, which was

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- 1 upwards. So in terms of actually firefighting on the 2 floors where the fire existed, apart from it being 3 a severe fire, I didn't think there was anything particularly that was unusual that fire crews needed to 4 5 be notified of. 6
  - Q. Can we go to  $\{LFB00025654/13\}$ . Now, this is an appendix that was included within a 2015 report that we'll come to later in your evidence, but the substance of the appendix is a note from 2010, you will see 15 April 2010, prepared by Mr Turek for you.

In that note, it says this, under the heading, "Building regulations compliance issues for stakeholder meeting ... on 21 April 2010 ... [at] Union Street". It said this:

"You are due to meet with representatives from the construction and building control sectors on 21 April to discuss our concerns about the quality of construction and checking of new build and refurbished residential premises."

Now, we can see the list of attendees included senior individuals from the Construction Industry Council, which is the CIC, the NHBC, LABC, and representatives from CLG, including Mr Brian Martin. Is that right?

25 A. That's correct, yeah.

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- 1 Q. Can we go to page 14 {LFB00025654/14}, so over the page, 2 and we see there the heading "Background to issues". If 3 I could go through the six bullet points as set out there, and apologies for having to listen to me read 5
  - " A significant number of recent fires (over last 2 years or so) have exhibited unusual fire spread and/or smoke spread. Investigations have often found this to be due to failures to comply with the Building Regulations either during construction or during refurbishment. The fires concerned have resulted in persons becoming trapped and requiring rescue by the Brigade; Building collapse and other unnecessary damage to buildings; fire fighters being placed at unnecessary risk.
  - " Similar failures to comply with the Building Regulations have been found as a result of standard audits and follow up to alleged fire risks.
  - "• Around 50 significant cases in the London area have come to our attention over the last 2 years or so. In each case, the building defects arose at the time of construction or refurbishment. Most cases involve large and major construction companies.
  - "• In each case the building defects appear to either have not been identified by the Building Control

Body or to have been noted but not followed up on to ensure the defects were remedied before the premises come into use.

- "• It is now a matter of significant concern whether the construction and approval process is being enforced with sufficient vigour to reasonably ensure new residential buildings in London are fit for purpose.
- " A further issue is that the buildings involved (so far) can have been built at any time over the last 10 or 15 years. Consequently we are concerned about how many residential premises with significant Building Regulation defects may be in use in London.'

Now, we can take it from that -- and I want to see whether you agree -- that certainly in April 2010, non-compliance with Building Regulations was not an abstract issue for the LFB, but it was a risk that had already been identified and realised in a significant number of fires in the capital; is that

- 20 A. Yes
- 2.1 Q. And in particular, the distinctive features of those 22 fires had been unusual fire and/or smoke spread; is that 2.3 right?
- 2.4 In most, yes, but not in all. I would say the fire spread -- once -- the fire spread was not unusual in

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1 terms of its predictability, given the defects of the 2. buildings, but yes, I would agree.

3 Q. Thank you.

> Now, Ms Dexter gave evidence that fire spread beyond the compartment of origin was not a one-off at Lakanal and was in fact -- the word she used was "common". Would you agree that is what this memorandum is alluding

9 A. Yes

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- 10 Q. Do you remember the meeting on 21 April --
- 11 A. I remember this briefing note, but I don't -- I'm trying 12 very hard to remember the actual meeting, and I am 13 afraid I can't at the moment.
- 14  $\ensuremath{\mathsf{Q}}.$  If we can turn over the page again to page 1515 {LFB00025654/15}, this sets out a list of what are 16 called key issues for discussion with stakeholders. If 17 we could look at some of those in slightly more detail, 18 the first of which is (c). That said this:

19 "The role of other key players (CIC, LABC, ACAI ..." 2.0 Can you help us with that?

- 2.1 A. I'm afraid not.
- 2.2 Q. "... CLG, LFEPA) in ensuring the construction industry 23 complies with the Building Regulations and that 2.4 appropriate checks are made to verify compliance." 25 Helped with that reminder, does that prompt any

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- 1 recollection of the gist of the discussion of that 2 topic? 3 A. It does. I remember a meeting held at Union Street 4 where there was representatives from these bodies, but
- 5 I have that as a recollection as a meeting also attended by some local authorities in London as well, so I'm not 6 7
- sure I'm remembering exactly the right meeting, 8 unfortunately.
- 9 Q. Can you help us, then, with a slightly more practical 10 question: what was LFEPA's role in ensuring the 11 construction industry complied with the Building 12 Regulations and that appropriate checks were made?
- 13 A. Well, our role was to make the building construction 14 industry and the government aware of defects that were 15 being identified by us either by inspection or by fire 16 investigation following incidents that occurred within 17
- 18 Q. Could we look at item (e), and that provides this: 19 "Identifying and remedying historic hidden failures 20 that would not be identified through normal fire risk 2.1 assessment "
- What type of issues did the LFB have in mind here? 22 2.3 A. We had in mind there that the Fire Safety Order required 2.4 responsible persons to carry out a fire risk assessment 25 of their building, but at that point it didn't require

- 1 them to carry out an intrusive survey and, therefore, 2 some of the defects that have caused the fire spread
- 3 within these buildings, ie failure or absence of
- firestopping within cavities, wouldn't necessarily be 5 identified by the fire risk assessment carried out.
- 6 Q. Can you remember whether one of the issues that the LFB 7 had in mind there was a widespread breakdown in 8 compartmentation?
- 9 A. I don't recall that being discussed, no.
- 10 Q. Can you remember whether there was much discussion or 11 the concerns the LFB had were non-compliant panels as 12 had been encountered at Lakanal?
- 13 A. Not in relation to this particular meeting, no.
- 14 Q. Was there any conclusion as to how these historic hidden 15 failures might be identified and remedied?
- 16 A. Not that I recall.

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- Q. Can we look at item (g), which asked: 17
  - "What can be done to improve compliance with the Building Regulations and to identify significant historic failures so that they can be rectified.'
- 21 Can you recall what, if any, conclusion was reached 2.2 on that point?
- 23 A. I think this was -- I do remember this, and I think this 2.4 was an issue that all the bodies that attended the 25 meeting raised lack of resources as their main concern.

So I think there was some concern amongst all the bodies

- 2 that attended this, and also, whether it was this
- 3 meeting or another one, raised with me by local
- 4 authorities that the resources available to them to
- 5 carry out their building control function had been
- reduced in time, I couldn't put a timescale on that, and 6 7 that was impairing their ability to carry out their role
- 8 in relation to what we're talking about here. 9 Q. Bearing in mind that, did you raise with them at this
- 10 stage your suggestion for more proactive action to be
- 11 taken in relation to writing to housing providers,
- 12 et cetera, that vou'd set out in vour 14 December
- 13

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- A. I believe so, but I can't be absolutely certain. 14
- 15 Q. Now, we took Mr Daly through the substance of this note,
- 16 and I think I'm right in saying he was the head of
- 17 fire safety at the time.
- A. What, at the time of this meeting? 19 Q. Yes. Or was it Mr Turek?
- 20 A. It would have been Mr Turek, yeah.
- 2.1 Q. Was he a member of the fire safety team at this stage?
- 2.2 A. I believe — actually, I think he was a station manager
- 2.3 at the time. I'm not entirely sure, but I think he was.
- 2.4 I don't think he was in the fire safety regulation team
- 25 at this time.

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- 1  $\ensuremath{\mathsf{Q}}.$  He is certainly there as the head of fire safety at the 2. time of the Grenfell fire.
- 3 A. Yeah.
- 4 Q. Now, he agreed these issues have a direct impact on
- 5 operational firefighting and the appropriate operational
- 6 response. Bearing that in mind, was there a reason why
- 7 you couldn't share the issues that you discussed at this
- 8 meeting with operational crews?
- 9 A. There was not a reason why we couldn't. I think in
- 10 terms of communication with the operational workforce
- 11 generally, at the back of my mind in all these issues
- 12 when we're talking about making operational stations
- 13 aware of things is the judgment given by the judge in
- 14 the case against the four firefighters from
- 15 Atherstone—on—Stour, who were charged with corporate ——
- 16 gross negligence, corporate manslaughter -- gross
- 17 negligence and manslaughter, and I believe the Inquiry
- 18 has seen the outcome from that trial, where the judge in
- 19 there made it very, very clear that he believed that one
- 2.0 of the causes of the fire, one of the contributing
- 21 factors to the deaths, were that -- was the
- 2.2 proliferation, I think was his word that he used, of
- 23 guidance and information given to operational crews.
- 2.4 much of which conflicted with each other, others of
- 25 which duplicated each other.

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1		Now, in relation to this particular issue —— I hope
2		I'm speaking slowly enough $$ in relation to this
3		particular issue, the fire spread within the buildings
4		where these fires occurred was unusual because the
5		fire $$ because of the reason it was caused because the
6		firestopping was absent, but as an operational
7		firefighter , wouldn't have been things that I believe
8		operational crews would not have expected to see and
9		weren't ready to deal with. Certainly they were the
10		types of things that $\boldsymbol{I}$ as an operational officer
11		wouldn't have been completely surprised by.
12	Q.	Could I suggest, though, that, notwithstanding the
13		warning against a proliferation of advice notes, policy
14		changes and the rest of it, there was something to be
15		said for warning operational crews about the emerging,
16		indeed significant trend of non-compliant buildings, and
17		the significant number of unusual incidences of fire and
18		smoke spread; there was nothing to stop that, was there?
19	Α.	No, there wasn't, no, but I would suggest that they
20		weren't as unusual, and I would also suggest that they
21		wouldn't be a surprise to operational firefighters
22		generally when attending incidents.
23	Q.	Can we turn on to a separate topic now, and that's
24		correspondence you had with central government in
25		respect of the functional requirement R4 of the Building

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Now, the note we've just looked at focused primarily on Building Regulation non-compliances in a general sense. I think what I'd like to do now is to focus on a particular aspect of the Building Regulations, which is B4, and again, that, in summary, is the requirement that a building's external walls should be capable of resisting fire spread, in broad terms.

Now, we know that the report, which we can find at {LFB00039545}, was produced for the Brigade by Adrian Prest, a former head of building control at East Hertfordshire, and we can see it is dated at the very top October 2010. Now, we'll come to this in a moment. The report advises the LFB on the correct interpretation of functional requirement B4.

Now, do you recall seeing this report?

- 17
- 18 Q. Did you see this report in or about October 2010, do you 19 remember?
- 2.0 A. It was probably slightly later than that, but yes, it 21 was about that time.
- 22 Q. Why was Mr Prest engaged to advise the LFB on the proper 23 understanding of functional requirement B4?
- 2.4 A. Because we -- because it was a cause of discussion 25 amongst fire safety officers . It was also something

we'd written to the government about in terms of

interpretation, and we were seeking an independent

3 interpretation of that regulation.

4 Q. When you say it was a source of discussion  $--\,$ 

5 A. Yes

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- 6 Q. -- is that a euphemism for: they couldn't agree what it 7 meant?
- 8 A. Not entirely, yes.
- 9 Q. Thank you.

10 If we could turn to page 5 of his report 11  $\{LFB00039545/5\}$ , we see there, under the heading 12 "Question 4 and 15 October discussions - B4 External 13 Walls: Fire Spread", a question that Mr Prest was asked 14 to answer, and that question is this:

> "Do the requirements for external walls bear directly upon their ability to resist fire spreading from inside a building and up the outside of the wall, ie, when ignited other than by radiation from another

> Mr Prest sets out his understanding of B4, and we can see in the third paragraph of that page he says:

"AD-B4, as amended March 2010 ... states that B4 will be met if the external walls restrict 'the risk of ignition from an external source and the spread of fire over their surfaces' ..."

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Then if we go to the penultimate paragraph on that page, Mr Prest's ultimate conclusion was this:

"Although there are requirements relating to fire spread, including in cavities of external walls, AD B [Approved Document B] does not clearly indicate that resistance or prevention of fire -spread over external walls, from an internal fire, is an objective in its own right."

Now, having seen that conclusion, can you remember what your response was to it?

- 11 A. Firstly, I think it's right to say that I never served 12 in a specialist fire safety department in London Fire 13 Brigade. That's possibly for the cultural reasons we 14 discussed earlier, Mr Kinnier.
- 15 Q. You were on the ops side?
- 16 A. I was on the ops side, unfortunately, yes. I wish 17 I hadn't been. I wish I had had fire safety experience, 18 because it would certainly have been helpful to me in
- 19 the role as commissioner. But my reading of this, and
- 2.0 I think the advice I got from colleagues in the fire
- 21 safety department who raised it with me, was that they
- 2.2 found this -- they found it quite perverse, really, and
- 23 not intuitive, that it could be read in that way.
- 2.4
- Q. I think we can put it this way: that it was, put 2.5 politely, at odds with the Brigade's understanding,

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1		which was that the fire resistance of the external face	1		$understood\ requirement\ B4\ of\ the\ Building\ Regulations,$
2		was a requirement in its own right?	2		particularly with regards to vertical fire spread.
3	Α.	I think that's correct.	3		Therefore, we seek your assistance and would be grateful
4	Q.	Now, if we can go to $\{LFB00049525\}$ . These are the	4		if you would answer the questions set out below.
5		minutes of the fire safety regulation department	5		"Requirement B4(1) contains two objectives: firstly,
6		Lakanal House meeting on 18 January 2011. You didn't	6		to restrict the spread of fire over the external
7		attend that meeting. I don't think you were required to	7		envelope of the building and secondly, to restrict the
8		attend that meeting.	8		spread of fire from one building to another.
9		If we turn to page 2 $\{LFB00049525/2\}$ , paragraph 3.8,	9		"1. Please confirm whether or not the first
10		the minutes record the following:	10		objective is an objective in its own right regardless of
11		"Dave Kennett advised that he and GM Paul Jenkins	11		distance from any boundary.
12		would be meeting Brian Martin to discuss B4 fire spread	12		"2. Please confirm whether or not Building
13		issues and Adrian Prest's view that the external part of	13		Regulations and Approved Document B recognises that
14		the Lakanal building complies with the Building	14		rapid fire spread over the external envelope of
15		Regulations. If there is ultimately any concern over	15		a building may make fire service intervention more
16		the interpretation of AdB then this would be a national	16		difficult and, therefore, the combustibility of the
17		learning issue and it would be for the Commissioner to	17		external envelope should be controlled."
18		raise with the Secretary of State."	18		The letter then goes on to pose three more
19		Now, were you aware of that proposed meeting with	19		questions, which I won't read out for you.
20		Mr Martin from CLG?	20		But looking at that letter, would it be fair to say
21	Α.	I knew there were a range of meetings taking place with	21		that this piece of correspondence, taken with the other
22		the government department about this and other issues,	22		evidence we've discussed this afternoon, shows that
23		but not this specific meeting.	23		certainly by February 2011, your fire safety department
24	Q.	Were you aware that they were minded to ask you to raise	24		had developed a detailed and technical understanding of
25	•	the matter with the Secretary of State?	25		external wall panels and the fact that those materials
					·
		145			147
1	Α.	I'm not surprised, yes.	1		were being used contrary to the Building Regulations?
2	Q.	What did the Brigade hope to achieve from the meeting	2	A.	I'm not sure I could go quite that far. Certainly the
3		with Mr Martin?	3		evidence from Lakanal House in terms of the spandrel
4	A.	We hoped to $$ I think they hoped to achieve	4		panels in those windows was the thing that precipitated
5		a clarification into the government's precise	5		this, and I think $$ I don't necessarily think that the
6		interpretation of the regulation.	6		content of this letter would mean that they had
7	Q.	Now, Andy Jack touches on this issue in his third	7		a general concern about it. Certainly it was an issue
8		statement to the Inquiry, which we can find at	8		they wanted clarified, and they would have wanted it
9		{LFB00120308/6}, paragraph 19. Mr Jack explains	9		clarified for a number of reasons, not least the
10		matters thus:	10		potential prosecution of Southwark Borough Council as
11		"The LFB sought guidance from the Government as to	11		a result of the Lakanal fire.
12		the scope of Requirement B4(1) and the guidance in	12	Q.	How usual was it for the LFB to write to officials at
13		Approved Document B following Adrian Prest's report on	13	٦.	CLG asking for clarification of detailed questions
14		the fire at Lakanal House in 2010. On 14 February 2011,	14		arising under the Building Regulations?
15		the LFB wrote to Brian Martin of the CLG 'to ensure that	15	Α	I can't answer that question, I'm afraid.
16		we have correctly understood requirement B4 of the	16		Did you see this letter before it was sent to Mr Martin
17		Building Regulations, particularly with regards to	17		No.
18		vertical fire spread'."	18		Were you aware that the intention was to send it?
10		Now Mr. lack exhibited that letter, which we can	10		Voc

investigation we need to ensure that we have correctly  $146 \label{eq:equation:equation:equation}$ 

"You will be aware that we are currently carrying

find at {LFB00120305}. That letter, addressed to

out an investigation into the fire that occurred at

Lakanal, Camberwell in July 2009. As part of the

Mr Martin, said this:

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 $25\,$   $\,$  A. Insofar as they were issues that had been discussed with  $\,$   $\,$ 

Q. Were you aware of the gist of the contents of this

Q. Were you aware of the specific detailed questions, the

five, that it was proposed that Mr Martin should answer?

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letter?

A. Yes.

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- 1 me previously, yes.
- 2 Q. Thank you

Now, Mr Martin's reply was on 23 February 2011, and we can find that at {LFB00113254}. If we could look at the foot of page 1, he repeats or rehearses the Brigade's first question, and responds in the final paragraph of that page, and he says this:

"The two objectives that form the requirements in paragraph B4(1) of Schedule 1 of the Building Regulations are closely linked, but are independent of each other, both need to be considered having regard to the height, use and position of the building."

Now, to my eye, at least, he appears to have confirmed that the LFB's view was to be preferred and that Mr Prest's view was not to be preferred. Was that how you read Mr Martin's response back in February 2011?

- 17 A. Yes.
- Q. Was there a view at the LFB that Mr Prest's erroneous reading of B4 was confined to him or was there a fear that it was more widespread?
- A. Well, I think the reason for writing to the government department for clarification was that we believed it was actually not just his personal view, and in fact that debate had been taking place within the London Fire

 $25\,$  Brigade at all , actually confirming it might be a view

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- 1 that was held elsewhere.
- Q. Now, on the documents we have, discussions appear to have gone silent until December 2012, so nearly two years after this initial exchange. The resurgent activity was a letter you wrote to Brandon Lewis, and it dealt with this and other Lakanal related issues. We can find that letter at {LFB00032154}, and it was dated 11 December 2012. You said this:

"Dear Minister.

"You will be aware that the London Fire Brigade has been carrying out an investigation into the fire that occurred at Lakanal, Camberwell, on the 3rd July 2009. In the course of that investigation a number of issues have come to light that may warrant consideration by your Department. The issues have been set out below as a number of recommendations. Appendix One, which is attached to this letter, provides background information for each recommendation."

Now, the letter sets out seven recommendations. Can you help us as to how those recommendations were identified?

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- A. They were issues that were arising from the
   investigations into the Lakanal House fire, as
   I remember.
- $25\,$   $\,$  Q. And why did you consider it necessary to write to the

1 minister at this stage about these matters?

- 2 A. Because I was really keen that they were actually
- 3 considered properly by government, and I thought the
- 4 appropriate way to do that would be to write to the 5 minister to ensure that action was taken by officials.
- ${\bf 6} \quad {\bf Q}. \;\; {\bf Did}$  you have an apprehension at this time that the
  - government wouldn't take full and effective action in response to these matters?
- 9 A. I suppose I did, yes.
- 10 Q. Can you help us as to why you had formed that 11 apprehension?
- 12 A. I think probably previous experience of engagement with
- the government over these issues, particularly around
- $14\,$  fire safety and building control, et cetera, where to
- $15 \hspace{1cm} \text{some extent I could understand, but this government} \\$
- 16 seemed to be reluctant to take any what I would call
- decisive action in terms of making some -- trying to
- 18 make -- facilitate some change or indeed making people
- 19 aware of the problems.
- 20 Q. When you refer to government --
- 21 A. Yeah.
- 22~ Q.  $\,--$  are you referring to the particular administration
- $2\,3\,$  that was in power in December 2012 or are you talking
- 24 more broadly about central government over a course of
- 25 administrations?

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- $1\,$   $\,$  A. I think I'm talking about the latter, but in particular
- $2\,$   $\,$  with relation to the Department of Communities and Local
  - Government with which we were sat at the time.
- Q. Would your concerns be directed towards ministers or
   would it be concerned more with the acts and omissions
- of relevant officials, or both?

  A. Both, I think.
- 8 Q. On the basis that ministers would be advised by
- 9 officials ?
- 10 A. Yes.

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- Q. Can we look at three of the seven recommendations that were identified in your letter to the minister, and the
- 13 first of which is recommendation 1, which we find set
- out in the text here, and that said this:
- 15 "That Government provide further guidance regarding
- 16 (a) which parts and areas of buildings containing
- 17 multiple domestic premises can be described as 'parts
- used in common' (common parts) and (b) how the fire safety order is intended to operate in relation to these
- 20 premises where the responsible person does not
- 21 necessarily have control over features affecting common
- parts and/or common fire precautions."
- Now, what aspect of the Lakanal House fire had
- 24 prompted the LFB to identify this as an issue requiring additional guidance from government?

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5 additional guidance from government?

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1 A. Mainly the breakdown of the compartmentation in relation 2 to the ventilation, et cetera, on the corridors outside 3 the flats, and the fact that the fire had spread from 4 the flat of origin out into the corridor much more auickly than we would've expected it to. 5 Q. So it's that vital issue of compartmentation? 6 7 Q. Can we next look at recommendation 5, which is in the 8 9 final paragraph on this first page, and that said this: 10 "That Government provide further guidance in 11 relation to Requirement B4 of the Building Regulations, 12 particularly with regards to the spread of fire over the 13 external envelope of the building. 14 Again, was your concern at this stage -- and we are 15 now three and a half years after the Lakanal fire  $\,--\,$  not just that similar non-compliant external panels were on 16 17 buildings in London, but that similar fires could occur 18 and in fact had occurred and they were the ones you had 19 referred to in your 2010 note? 20 A. Yes 21 Q. Was it your hope, looking specifically at what relief 2.2 you were looking for from the government, that the

government would either revise Approved Document B or

would provide supplemental additional advice on the

scope and meaning of functional requirement B4?

- 1 A. I was hoping for the latter, although I would have been 2 very pleased to see the former.
- 3 Q. Were you hoping for the latter in that that was the more precise, focused concern you had at the time and that 5 was the priority that needed dealing with?
- A. For me, the priority that needed dealing with was 6 7 clarity about what the regulation actually meant in 8 relation to the circumstances we're talking about, 9 because that would then provide further guidance to 10 building control and to fire and rescue services in 11 terms of their ability to carry out their actions as 12 a result of the Fire Safety Order, as resulting from
- Q. Could we go to page 2 {LFB00032154/2}, which is 14 15 recommendation 7. It says this:

their inspections.

"That Government provide guidance for the responsible person as to how they might assess that the risk assessor has sufficient training, experience and knowledge to carry out a suitable assessment of the risk in complex and high risk premises.'

What was it about the Lakanal fire or the LFB's subsequent investigations that had prompted this particular recommendation?

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2.4 A. The Lakanal fire —— as it turns out, we later found out 25 that there wasn't a risk assessment for Lakanal, and

that was the result of the prosecution, as I recall, in 2 terms of Southwark Borough Council. However, it was 3 still our concern that the guidance in relation to the 4 responsible person was not as clear as it should be in terms of the type of people they -- in terms of their 5 qualifications required for them to carry out the risk 6 7 assessment or, indeed, the people or persons which they 8 would employ to carry out that on their behalf. Because 9 these risk assessments could take various stages, they 10 may be intrusive or not, and in a high-rise building, 11 they're much more complex than carrying them out in 12 a low-rise building. So we were concerned that people 13 of -- with inappropriate or insufficient qualifications 14 were being engaged to carry out these risk assessments.

- 15 Q. Was there a more particular concern, namely that fire 16 risk assessors were failing to identify widespread 17 failures in compartmentation?
- 18 A. That was part of the concern, yes.
- MR KINNIER: Thank you. 19

20 Sir, we are, I think, at 4.26. The next section of 21 questions I will not finish in 4 minutes, and, sir, 22 I think that, in those circumstances, this may be 23 an appropriate time to end today.

2.4 SIR MARTIN MOORE-BICK: Yes, very well. Thank you very 2.5 much.

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- 1 Well, it sounds as though that's a sensible point at 2 which to close for the day, Mr Dobson. I'm afraid we 3 are going to have to ask you to come back on Monday to answer some more questions, but not unexpected, I hope. 5 THE WITNESS: No.
- 6 SIR MARTIN MOORE-BICK: So we will stop there. We will 7 resume, please, at 10 o'clock next Monday. As before, 8 I have to ask you not to discuss your evidence or 9 anything relating to it over the break.
- 10 THE WITNESS: Okav.
- 11 SIR MARTIN MOORE-BICK: All right?
- 12 THE WITNESS: Yes, sir. Thank you.
- SIR MARTIN MOORE-BICK: Thank you very much indeed. 13
- 14 THE WITNESS: Thank you very much.
- 15 SIR MARTIN MOORE-BICK: Right, well, if you go with the
- 16 usher, we will see you on Monday.
- THE WITNESS: Thank you. 17
- 18 SIR MARTIN MOORE-BICK: Thank you.
  - (Pause)
- 20 Thank you very much, Mr Kinnier.
- 21 Well, we'll resume on Monday morning. I would just 2.2
- like to say a quick word of thanks to our transcriber.
- 23 And at that point we shall break for the day
- 24 MR KINNIER: Thank you, sir.
- SIR MARTIN MOORE-BICK: Thank you very much. 10 o'clock on 2.5

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        Monday, please.
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     (4.27 pm)
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                (The hearing adjourned until 10 \ \mathrm{am}
                 on Monday, 29 November 2021)
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