



Grenfell Tower Inquiry

Day 137

May 26, 2021

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Phone: +44 (0)20 3008 5900

Email: transcripts@opus2.com

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Wednesday, 26 May 2021

(10.00 am)

SIR MARTIN MOORE—BICK: Good morning, everyone. Welcome to today's hearing. Today we're going to continue hearing evidence from Mr Carl Stokes.

So would you ask Mr Stokes to come in, please.

MR CARL STOKES (continued)

SIR MARTIN MOORE—BICK: Good morning, Mr Stokes.

THE WITNESS: Good morning, sir.

SIR MARTIN MOORE—BICK: All ready to keep going, I hope?

THE WITNESS: Yes, sir.

SIR MARTIN MOORE—BICK: When you're ready, Mr Millett.

Questions from COUNSEL TO THE INQUIRY (continued)

MR MILLETT: Mr Chairman, good morning. Good morning, members of the panel.

Good morning, Mr Stokes.

Mr Stokes, last night, when we finished your evidence for the day, we were discussing evacuation plans and communications with residents.

Can I next take you back, perhaps, to your 30 September 2009 fire risk assessment that you did for Grenfell Tower while at Salvus. That's at {CST00003128/16}, please. Let's look at your recommendation at line 5.2, middle of that page.

You say there:

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"It is recommended that the TMO establish contact with tenants to confirm that the letter indicating response in the event of a fire has been fully understood and tenants are aware of the emergency plan."

Did you yourself ever check if the TMO had established contact with residents to confirm that the letter had been sent, let alone understood?

A. Specifically, no.

Q. Why was that?

A. Because when I went or undertook the next FRA, I will have checked up on this, and it was part of my briefing that I think the letter I checked to see whether the tenants had information via the handbooks, information, Link, et cetera, later on.

Q. So did you check or didn't you check?

A. This I wouldn't have checked, no.

Q. Right. Even at the next FRA?

A. I would have checked that the action would have been undertaken, yes, it would have been checked that way.

Q. Sorry, did you check at any time to see whether the TMO had established contact with tenants to confirm that the letter indicating the response in the event of a fire had been fully understood by them and that they had understood the emergency plan as you had recommended?

A. Confirmed inasmuch as that letter had been given to the

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tenants or — but I would never have known of every tenant, because of the turnover of the tower, of the residents, whether everyone understood it. That was a TMO responsibility.

Q. Yes, indeed. My question was whether you ever checked that the TMO had established contact.

A. I would have asked the question: has the letter or has this item been ticked off?

Q. You say you would have; when did you do that?

A. I would have done it before the next FRA.

Q. Right.

Now, you say at paragraph 150 of your first witness statement, {CST00003063/51}, please, under (i):

"i. The DCLG High Rise Guidance GRA 3.2 states that an evacuation plan (where there is a 'Stay Put' policy) should be part of the Fire Service's contingency planning.

"ii. It was the KCTMO who were aware of the particular needs of individual residents.

"iii. As noted in paragraph 50 above, this wording was included in the sample FRA that the KCTMO and LFB had reviewed and which neither organisation had at any point queried.

"I do not know for certain whether such a contingency plan was prepared, but I was never made

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aware of one. That would however, in my view, be an issue for operational firefighting and not FRAs."

So just to clarify, going back to the meeting of 24 September 2010 that you had with Janice Wray, is it right that you had received no assurances from Janice Wray that the fire service would arrange a general evacuation of any of the buildings in the TMO stock?

A. Sorry, I'm unsure what the question is you're actually asking me. I would not have any input or no knowledge of LFB's operational procedures, no.

Q. No, my question is: am I right in thinking that Janice Wray gave you no assurance at the 24 September 2010 meeting that the fire service would arrange a general evacuation of any of the buildings in the TMO stock?

A. Correct, you know, she wouldn't, but would she know what the operational fire service procedures or policies were?

Q. It's also right that you were not told about any plans that the TMO had put in place so that TMO staff could arrange a general evacuation of any building in the TMO's stock?

A. I had no significant plans for any building, no, but there would be a general understanding that they could

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1 evacuate a building.
 2 Q. General understanding; did Janice Wray ever tell you or
 3 give you reason to think that the TMO had any plans or
 4 arrangements in place for any building in the stock by
 5 which the TMO staff, as opposed to the LFB, would
 6 arrange for a general —
 7 A. No.
 8 Q. — or partial evacuation of that building in the event
 9 of a fire?
 10 A. No.
 11 Q. No.
 12 Is it right that when you drafted your FRA for
 13 Grenfell on 29 December 2010 and each subsequent FRA for
 14 Grenfell thereafter, you received no assurances from the
 15 TMO that they had made any evacuation arrangements that
 16 its employees would be able to activate in the event of
 17 a fire at Grenfell?
 18 A. Correct.
 19 Q. Yes.
 20 Do you agree that, given that you didn't know and
 21 were not told of any specific information about whether
 22 a general evacuation could be carried out for
 23 Grenfell Tower, you shouldn't have included that
 24 information in the FRA at all?
 25 A. There would always be — you could always evacuate

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1 a building. If it's an emergency situation, the
 2 emergency services would take over. The situation where
 3 it would be the TMO would evacuate a building would be
 4 a non-emergency situation where they had other reasons
 5 to undertake that evacuation. So it would be in slow
 6 time, knocking on doors, sending people in. It would be
 7 a very general evacuation plan.
 8 Q. If we go back to {CST00003181/5}, please.
 9 We were looking at this yesterday. This is the part
 10 of this FRA which refers to the evacuation strategy for
 11 this building, and we were looking at it shortly before
 12 we finished last night.
 13 If you look at the last sentence in that paragraph,
 14 it says:
 15 "The landlord relies upon the tenants to respond to
 16 any emergency in accord with agreed emergency plans and
 17 does not facilitate any fire drills or other emergency
 18 evacuation exercises."
 19 Given that this was the section of the FRA which was
 20 meant to contain specific details about the evacuation
 21 strategy for Grenfell Tower specifically, it's right,
 22 isn't it, that there were no agreed emergency plans?
 23 A. The emergency plan was the stay-put policy, so the
 24 resident would, in the event of a fire affecting their
 25 dwelling, they would leave, otherwise it's stay put.

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1 Q. Looking further up the box to the middle of the first
 2 paragraph, where it says:
 3 "The Fire Service or [RBKC] or [the TMO] employees
 4 will arrange for a general evacuation of the building at
 5 any time if this is appropriate ..."
 6 It was wrong and misleading, I would suggest, for
 7 you to suggest that the TMO employees would arrange for
 8 a general evacuation of the building in circumstances
 9 where Janice Wray had never given you any reason to
 10 believe that there were any arrangements by which the
 11 TMO staff would do so?
 12 A. Partially correct, but it's common sense that there
 13 would be — if it was an emergency, if it was a fire
 14 emergency, the Fire Brigade would take over. Any other
 15 sort of emergency, the police would take over. If it
 16 was non-emergency, and an evacuation was needed for some
 17 other reason, the TMO would have facilities to do that.
 18 That would be — you could knock on doors, you could
 19 ring the buzzer on the ground floor, and they would have
 20 contact details of telephone numbers of people.
 21 So in an emergency — it was reasonable, in my view,
 22 and also checked with them, because this paragraph would
 23 have come out of the meeting I had with Janice Wray to
 24 start with, to say that the TMO could arrange
 25 an evacuation of the building at any time if they needed

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1 to. An emergency situation would be the fire service,
 2 if it was a fire, and that would be covered by 3.2.
 3 Q. But there is no distinction in this paragraph, where
 4 you're setting out the evacuation strategy for this
 5 building, that says that the TMO employees would only
 6 arrange for a general evacuation in a non-emergency
 7 situation. That distinction doesn't appear in this
 8 text, does it?
 9 A. No.
 10 Q. On the contrary, do you accept that the impression given
 11 to the reader of this document is that in the event of
 12 a fire, either the fire service or RBKC or TMO employees
 13 would arrange for a general evacuation?
 14 A. I disagree, because if there was a fire, under the
 15 Fire Services Act, the fire service would automatically
 16 take control. So they would be in control of the
 17 situation and RBKC would just be helpers to the
 18 fire service. And they would have contingency plans
 19 anyway. It's a requirement that you have contingency
 20 plans, the same as the fire service would have
 21 a requirement.
 22 Q. This makes no sense, with great respect, Mr Stokes,
 23 because if you read on, it says:
 24 "... [TMO] employees will arrange for a general
 25 evacuation of the building at anytime if this is

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1 appropriate or the resident can leave at anytime if they
2 so wish."
3 Well, in a non-emergency situation, why is it
4 relevant that the resident can leave at any time if they
5 so wish? This is talking about a fire, isn't it?
6 A. This is talking about the evacuation strategy for the
7 building. It doesn't say "if there is a fire". It is
8 to do with fire, but there could be other emergencies
9 within the building.
10 Q. Well, with great respect, you were a fire risk assessor
11 assessing the risk of fire for the purposes of the
12 RRO --
13 A. Yes.
14 Q. -- and the first sentence of this part of the FRA is all
15 about what happens in the event of a fire in the
16 building, that's what it says.
17 A. Yes, and it's a stay-put policy.
18 Q. Indeed.
19 So my question to you is: what were the arrangements
20 under which the TMO would arrange for a general
21 evacuation of the building in the event of a fire?
22 A. They would follow what the fire service asked them to
23 do, because the fire service would take control.
24 Q. Do you accept that that idea is not only not reflected
25 in what you have drafted here, but is in fact completely

9

1 contrary to what you have drafted here, because you say
2 here that the fire service or RBKC or the TMO employees
3 will arrange for a general evacuation?
4 A. If that's the way you read it, yes.
5 Q. It's right to say, isn't it, that you used the same
6 information about the evacuation strategy from your
7 meeting on 24 September 2010 in all of your fire risk
8 assessments for the TMO, regardless of the building that
9 you were assessing? Do you accept that?
10 A. No.
11 Q. Well, let's look at some of the other properties that
12 were deemed by the TMO to be high risk and were also
13 high-rise buildings.
14 Let's start with Adair Tower, fire risk assessment,
15 28 October 2010, please. {CST00004307/5}. What I'd
16 like to do is leave the existing one up on the screen
17 and have this one next to it, please. So let's keep
18 that on the screen, that's the Adair Tower fire strategy
19 for October 2010. Let's have at the same time the
20 document we were just looking at, please, that's
21 {CST00003181/5}, and let's compare and contrast.
22 If you look at the right-hand side of your screen,
23 that's what we have just been studying this morning in
24 some detail, Mr Stokes, already. On the left-hand side
25 we have the Adair Tower fire risk assessment of

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1 28 October 2010, page 5, same section, and it says, if
2 you cast your eye to the left:
3 "The evacuation strategy for this building."
4 Then you can compare the text, and the text is
5 identical, isn't it, at least down to the last three
6 lines? The only thing that's different is the last
7 three lines, isn't it?
8 A. That's correct, because the buildings are similar. They
9 do not have a fire alarm system installed within them,
10 in the common parts, therefore they are similar
11 buildings. There would not -- this evacuation strategy
12 would not be for a building that had a fire alarm
13 installed in the common parts.
14 Q. So identical, is it, that you cut and pasted from one to
15 the other?
16 A. Correct, because that's the letter we had at the
17 beginning, which was -- went through with the TMO, this
18 would be used on all the buildings with a similar
19 layout, systems, et cetera, within that building.
20 Q. Including the typographical errors, as you can see.
21 Just picking one up, just below halfway down, on the
22 left-hand side, the text, "article 's" has a rogue
23 apostrophe in it, and so has the one on the right. So
24 you have actually cut and pasted even the typographical
25 errors.

11

1 A. Because this would be used as in -- per the letter, this
2 would be used for all their buildings unless there was
3 a fire alarm system installed.
4 Q. So was your approach a one size fits all?
5 A. No, it's site-specific, but the evacuation strategy for
6 each building would be the same.
7 If you notice on this Adair, though, there is no
8 employees in Adair, where -- so it is different, it's
9 only for the residential parts that's the same.
10 Q. Well, indeed, five lines down in the box on the
11 left-hand side you say:
12 "The Fire Service or TMO employees will arrange for
13 a general evacuation of the building at anytime if this
14 is appropriate."
15 So we still have the reference there to TMO
16 employees arranging for a general evacuation, haven't
17 we?
18 A. Yes.
19 Q. Yes. Although I notice, in fact, although I said to you
20 that it was identical, for some reason the reference to
21 the Royal Borough of Kensington and Chelsea arranging
22 for a general evacuation is not there in that sentence
23 on the left-hand side. Why is that?
24 A. I can't answer that. Maybe it was updated slightly with
25 information given.

12

1 Q. Let's look at the Gillray House fire risk assessment,
2 {TMO00854930}.

3 I'm going to assume that the text I have been
4 showing you for these two risk assessments is now
5 reasonably familiar to you.

6 This is now Gillray House, 19 November 2012, as you
7 can see from page 1.

8 If we go to page 5 {TMO00854930/5}, same sections of
9 the FRA, "The evacuation strategy for this building",
10 and there again we have the same text as we've seen,
11 down to the last three lines, as we saw in the
12 Adair Tower November 2010 —

13 A. So this was 2012, the first one you showed me was 2010,
14 so it's obviously changed with information that's been
15 given to me over the two-year period.

16 Q. Except that it hasn't changed, has it, in respect of all
17 of it down to the last three lines, it's the same?

18 A. This is —

19 Q. You've corrected the apostrophe, I'll grant you that,
20 but the rest of it is identical.

21 A. Yes, because the policy wouldn't change within the
22 building, no matter when it was taken. It was still
23 a residential building and that was still stay put. If
24 you notice on this one it doesn't say "defend in place"
25 anymore, it just says "stay put".

13

1 Q. I do you a slight disservice, there is also a reference
2 here to the TMO providing information to all residents
3 in tenants' handbooks.

4 By this stage, had you seen the tenants' handbook?

5 A. Yes.

6 Q. And what was the information provided in it?

7 A. I can't remember it per se, but there was information in
8 the tenants' handbook, and I think over time it was
9 a case of it was given to them and I asked questions on
10 whether they signed for the handbook, et cetera,
11 et cetera.

12 Q. Right.

13 A. As the — as my risk assessments progressed, we got more
14 and more information.

15 Q. But the essential advice is identical?

16 A. Yes, stay put.

17 Q. If we look at Hazlewood Tower, 20 February 2014,
18 {TMO10043804/5} — we can see page 1 to pick up the date
19 of the Hazlewood Tower FRA, first of all,
20 20 February 2014.

21 Page 5, top of the page, "The evacuation strategy
22 for this building", and the first, second and third
23 paragraphs are identical to the fire risk assessment
24 we've just seen in relation to Gillray House two years
25 earlier; yes?

14

1 A. Similar, yes, I think, without reading it, but yes,
2 similar.

3 Q. We can move forward two years on to 21 January 2016,
4 your FRA for Markland House, {TMO10047159}. Page 1,
5 first of all. There is Markland House. There's the
6 date, 21 January 2016.

7 Page 5 {TMO10047159/5}, please, top of the page,
8 same block of text again, same text again, and note,
9 like all of these, it says:

10 "... Fire Service or TMO employees will arrange for
11 a general evacuation of the whole building at anytime if
12 this is appropriate to do so."

13 Then finally in this run of comparatives,
14 Trellick Tower, 26 April 2017, at {TMO00842255}. Let's
15 have page 1. There it is, Trellick Tower,
16 26 April 2017.

17 Page 6 {TMO00842255/6} in that second box, "The
18 evacuation strategy for this building", and again the
19 all-familiar text, including the words that the TMO
20 employees will arrange for a general evacuation of the
21 building.

22 It's essentially exactly the same for all the FRAs
23 we've seen, back to 2010, isn't it?

24 A. It's similar, but there's always site specifics. So,
25 like, on this one, there is information in the last

15

1 paragraph about a fire on the balcony and which flat
2 number. So they're all site-specific, but the policy of
3 evacuation is still going to stay the same, no matter
4 what date it is or what building, if it is a residential
5 tower block.

6 Q. So can we take it that the paragraphs we've seen in all
7 these FRAs across the years in respect of the evacuation
8 strategy was for the most part taken from your meeting
9 with Janice Wray on 24 September 2010?

10 A. Correct, and the way the buildings were constructed as
11 stay put.

12 Q. And I'm right in just reinforcing the point to you, you
13 never received any specific assurances from Janice Wray
14 or anybody else at the TMO that the evacuation
15 procedures set out in these paragraphs that we've seen
16 were specifically in place for those buildings and were
17 going to be followed on a building-by-building basis?

18 A. And I was never given any adverse comments either. The
19 TMO have these documents, they revised them. The
20 fire service looked at these documents, the fire service
21 revised them and issued broadly compliant letters for
22 these buildings, and they were happy with that statement
23 as well that they would evacuate the building and had
24 procedures in place.

25 Q. Now, after your meeting with Janice Wray on

16

1 24 September 2010, did you ever check whether the
 2 evacuation procedures that you wrote about in any of
 3 these FRAs were in fact in place for each building, or
 4 did you just assume that what she told you at that
 5 meeting applied to all the buildings, at least all the
 6 high-rise residential buildings, in the TMO stock?
 7 A. Well, stay put would have been a given, because it's
 8 not — it would be up to the individual — as it says
 9 there, if it affects your flat, you would leave the
 10 building. I would have no access at all to the
 11 fire service and whether I could ask them. But as they
 12 did not come back with any adverse comments — they were
 13 shown these as draft documents. These were the basis —
 14 base documents for all the FRAs that were given to the
 15 LFB to check and to make comment on. There was no
 16 adverse comments. And the TMO made no adverse comments
 17 that they could not undertake the risk — the
 18 evacuations. So I was under the impression everything
 19 was okay.
 20 Q. Were you under the impression that there were
 21 arrangements in place under which TMO staff would effect
 22 whole or partial evacuations of any of these buildings?
 23 A. Yes, because common sense would say that if it was
 24 a non-fire — a non-emergency situation, you could
 25 evacuate the building.

17

1 Q. So you still maintain your qualification, only in the
 2 event of a non-emergency, even though that qualification
 3 doesn't appear in any of your FRAs?
 4 A. But because it would be superseded. If it was
 5 an emergency, the fire service would take over, same as
 6 the police would take over if it was an incident where
 7 they would take jurisdiction and control.
 8 Q. Now, looking at what's on the screen in front of you,
 9 this FRA for Trellick was 21 April 2017, and as you note
 10 in the last paragraph in that box, two days previously
 11 there had been a fire in flat 195, as you can see.
 12 A. Yes.
 13 Q. Did you use that as an opportunity to check whether, at
 14 the time of that fire, the evacuation strategy that you
 15 had set out in your FRA above it was still appropriate
 16 or had been implemented?
 17 A. Yes, it was stay put, and the flat was evacuated. The
 18 rest of the building, as far as I'm aware, was not.
 19 I actually visited the flat and looked round it.
 20 Q. So you did?
 21 A. Yes.
 22 Q. So can we take it, then, that you took that fire as
 23 an opportunity to check how the stay-put policy was
 24 operating at Trellick?
 25 A. Yes.

18

1 Q. You did.
 2 A. There was other fires in other buildings as well that
 3 I went to over the intervening time, and no one,
 4 fire service who went to those fires or anything else,
 5 raised any comments at all after any of the fires.
 6 I would always ask for fire reports from the fire
 7 service via Janice Wray, who — she would always get
 8 them and pay for them from the fire service. No adverse
 9 comments were ever made about any problems with
 10 evacuation policies, procedures, from the LFB or the
 11 TMO.
 12 Q. After 2010, did you ever have a discussion with
 13 Janice Wray about whether the assumption that you were
 14 working from as reflected in all of these paragraphs
 15 across all of these FRAs was a tenable one?
 16 A. We would have had, because it would have been checked.
 17 After a fire in a building, did it work, was it okay,
 18 was there any problems? We used to — part of the
 19 meeting, if we did — when we had meetings, was any
 20 notices issued by the fire service, any visits by the
 21 fire service, any comments, she would have — I'm going
 22 to say monthly meetings, they could be two-monthly
 23 meetings with the fire service. That was an agenda
 24 item, so there was always a route coming back that way.
 25 And if there'd have been any comments, it would have

19

1 been fed back to me, or I'd like to think it would've
 2 been fed back to me, through those meetings. And if
 3 anyone had any comments, when I was walking round
 4 a building, they could have always asked me.
 5 Q. Did Janice Wray ever ask you the question: is it okay if
 6 we don't have any alternative evacuation arrangements in
 7 any of our high-rise residential blocks?
 8 A. I would never have thought that would have been
 9 a question, because it's got to be a given that you've
 10 got to have an evacuation procedure and policy.
 11 Q. Yes, and what was it for any of these buildings?
 12 A. Stay put.
 13 Q. No, sorry, you have misunderstood.
 14 Did she ever ask you the question: is it acceptable
 15 that we don't have any alternative evacuation
 16 arrangements? In other words, an arrangement to
 17 evacuate a building in case stay put is no longer
 18 tenable.
 19 A. I wouldn't have — doesn't spring to mind, no.
 20 Q. No.
 21 Did she ever ask you whether you had checked each
 22 building to see whether, in the case of a fire in such
 23 a building, an alternative arrangement for full or
 24 partial evacuation of the building was necessary?
 25 A. That does not ring a bell, no.

20

1 Q. Am I right in thinking, from the discussion that we've
2 been having over the last ten minutes or so, that the
3 idea of a full or partial evacuation of a high-rise
4 residential block by way of plan B was something that
5 you never thought about and never provided for in any of
6 your FRAs?

7 A. If it was a fire, the fire service would have taken
8 over, and everyone works together, it's a big jigsaw,
9 and you have to rely on other people to undertake
10 arrangements or procedures as per their policies, which
11 I've got no privy to or information to, and if there is
12 a fire, all I'm looking at is: in the evacuation of this
13 building, is a stay-put policy.

14 Please — on this document there is the criteria
15 that I undertake the document to, which is the
16 Building Regulations and 9991 criteria, that the fire
17 will not be within the common parts, it will be within
18 one flat only, and that is the criteria you work to for
19 the evacuation policy.

20 If it's a full — building evacuation policy, that's
21 outside the remit of the fire safety — of my risk
22 assessment, because I'm only looking at a building
23 that's got a fire in one flat. There is the criteria,
24 please, on the document which I'm — this FRA applies
25 to.

21

1 Q. Was it your understanding — and I ask this question in
2 an attempt to understand your evidence, Mr Stokes —
3 that the responsible person under the RRO was not
4 required to make any plans for a full or partial
5 evacuation of a high-rise residential block in cases
6 where the stay-put policy became no longer tenable?

7 A. It would be the fire service's responsibility under —
8 because it's the Fire Services Act, they have taken
9 control in a fire situation.

10 Q. So is the answer to my question yes, that your
11 understanding was that the responsible person under the
12 RRO was not required to make any such plans?

13 A. If that's the way you're putting it, yes.

14 Q. Well, I don't want to put words in your mouth, because
15 this is not a straightforward topic.

16 Let me ask it in a different way so that we're
17 clear: what was your understanding at the time about the
18 extent of the responsible person's obligations to put in
19 place plans for a full or partial evacuation of
20 a high-rise residential block in circumstances where
21 a stay-put strategy or policy became untenable?

22 A. The responsible person would revert back to the
23 fire service, because if there was a fire in the
24 building, they would take control of the building, but
25 there would be a — I would like to think there would be

22

1 a procedure in place for a non-fire emergency where they
2 could evacuate the building, which would be done in slow
3 time and under a controlled way. In the fire situation,
4 it would revert to the fire service to undertake
5 an evacuation.

6 Q. And what, in relation to the non-emergency situations,
7 did you understand to be the TMO's arrangements for full
8 or partial evacuation of the building by their staff?

9 A. It would be done knocking on doors, intercoms. It could
10 be a major water leak in a building that's flooding out
11 flats or something like that. That would be the sort of
12 situation I would envisage that the TMO would have to
13 evacuate with no help from an outside emergency body.

14 Q. Did you ever see any policy or strategy or plans to that
15 effect?

16 A. No.

17 Q. Did you ever ask for any?

18 A. Is it not covered in the fire strategy document? Isn't
19 there a section in there about evacuation?

20 Q. Well, Mr Stokes, you must answer the questions about
21 that, because you were there and involved at the time.

22 A. I'm going to say there is a section —

23 Q. What is the answer?

24 A. There is a section in the strategy document.

25 Q. Was it that to which you were referring in your fire

23

1 risk assessments — your fire risk assessments — when
2 you were referring to the TMO employees arranging for
3 a general evacuation of the building at any time?

4 A. And back to the letter of — when I first started, which
5 was all agreed this was the comments and statements that
6 I would put down.

7 Q. Did you ever ask Janice Wray for details of the TMO's
8 system of emergency planning for Grenfell Tower or their
9 wider estate portfolio?

10 A. No.

11 Q. Why is that?

(Pause)

13 A. Don't know. I can't answer the question. But it's
14 not — is it in — part of the risk assessment?

15 Q. Right.

16 Can we go to {CTA00000003/71}, please. What I'm
17 going to show you is appendix F of PAS 79 of 2012.

18 Left-hand column, second bullet point, this is about
19 the means of escape, and it says in the first
20 introductory set of words:

21 "Accordingly, the fire risk assessor should be able
22 to ..."

23 And then second bullet point:

24 "Understand the principles of emergency planning and
25 evacuation."

24

1 Do you accept, looking at that, that it was your
 2 role to be able to understand the principles of
 3 emergency planning and evacuation in place or put in
 4 place by the TMO?
 5 A. Correct, and as I explained, the principles are,
 6 I understand the principles, emergency planning, if it's
 7 a fire, the fire service would take control.
 8 Q. So is it your evidence that, so far as you are
 9 concerned, the texts that we have been reading across
 10 the FRAs in the seven years from 2010 to 2017
 11 encompassed that obligation?
 12 A. Yes.
 13 Q. I see.
 14 Were you aware that the TMO did not in fact have
 15 a written emergency plan specific to Grenfell Tower in
 16 place?
 17 A. Would that not — it'd be TMO or RBKC?
 18 Q. Well, the TMO.
 19 Well, put it this way, let me try it more neutrally:
 20 the responsible person?
 21 A. I would not know that answer to that question.
 22 Q. It was a requirement, wasn't it, under Article 11 of the
 23 Fire Safety Order?
 24 A. Sorry, you'd have to refresh my memory of Article 11.
 25 Q. Well, rather than getting into the detail, are you able

25

1 to answer the question whether you knew or didn't know
 2 that having an emergency plan in place was a legal
 3 requirement for the responsible person?
 4 A. Well, the emergency plan is stay put.
 5 Q. A written emergency plan, a document.
 6 A. A document — well, so the handbook — so the handbook
 7 would be the policy, it's written. They are — stay put
 8 is the policy and procedure.
 9 Q. Did you ever see — let me try it a different way —
 10 a written emergency plan specific to Grenfell Tower that
 11 satisfied the responsible person's legal obligations?
 12 A. No.
 13 Q. Did you ever ask for one?
 14 A. A full document by the TMO for that building, no.
 15 Q. Can you explain why you didn't ask for one?
 16 A. Because it's covered in my statement there, and I asked
 17 the question, no one come back to me with any adverse
 18 comments that they didn't have one, and the
 19 Fire Brigade — in my view here, the understanding is
 20 the principles of emergency planning, yes, and the
 21 evacuation policy is stay put.
 22 Q. Now, can we go, please, to the 2014 FRA at
 23 {CST00003157}. I want to ask you some questions about
 24 what the LFB thought about this.
 25 That's the first page there, 17 October 2014.

26

1 Can we go to page 7 {CST00003157/7}, under the
 2 heading "Any other relevant information on this
 3 premises", and then if we turn the page {CST00003157/8},
 4 please, you see that it says:
 5 "An audit, under the [RRO] was undertaken in this
 6 building by Fire Safety Inspecting Officer Matthew
 7 Ramsey of the London Fire Brigade, with a Notification
 8 of Fire Safety Deficiencies being issued."
 9 You identify the deficiency notice of 24 March 2014
 10 there and you set out the contents of it, the three main
 11 requirements in the notice.
 12 Then if you go to the second part of the page, can
 13 we scroll down, please, to the lower part of page 8, it
 14 says:
 15 "The fire offers did not commented [sic] at the time
 16 of the audit or in any correspondence after the audit
 17 about the buildings layout, the means of escape routes,
 18 compartmentation etc. Nor were there any comments about
 19 the positioning or siting of the fixed systems within
 20 the building, only about the maintenance of the systems.
 21 No adverse comments were received either about the
 22 management policies, procedures and arrangements in
 23 place within this building at the time of the audit.
 24 Therefore [it] has been assumed that the Fire Authority
 25 were completely satisfied with these arrangements at the

27

1 time of the audit and there have been no changes to the
 2 residential part of this premises or the TMO's
 3 management policies or procedures since the above Fire
 4 Safety audit was undertaken."
 5 Now, this statement also appeared in the two
 6 subsequent FRAs for Grenfell Tower, didn't it, in 2016?
 7 A. Because an audit had been undertaken, yes.
 8 Q. Yes.
 9 Why did you include that statement in the two
 10 subsequent FRAs?
 11 A. Because an audit had been undertaken, without seeing the
 12 FRAs, the audit would probably give the same address —
 13 sorry, the FRA would give the same data, et cetera, and
 14 if the fire service had made no adverse comments, that
 15 is a positive comment, therefore, that they were aware
 16 of the building, its layout and the management's
 17 policies and procedures, they made no comments adverse
 18 against them, therefore they must have been correct.
 19 Q. Did you explicitly or expressly agree with Janice Wray
 20 to operate on that assumption, namely that if the LFB
 21 didn't comment adversely, then all was fine?
 22 A. Well, the notice would have — if there'd have been any
 23 adverse comments — the answer to your question is yes,
 24 I would have got the deficiency notice from Janice Wray,
 25 and she would have seen this comment and made no adverse

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1 comments about it.
 2 Q. Let's just see what Ms Wray says about it.
 3 Can we please go to her first statement,
 4 {TMO00000890/32}, paragraph 143.
 5 She says in the second line there:
 6 "There was an assumption made by Carl and myself
 7 that arrangements at our premises which were not
 8 negatively commented on by the LFB following audit were
 9 deemed by them to be satisfactory."
 10 Now, she speaks of an assumption made by you and
 11 her. Was that assumption something you agreed together?
 12 A. It was a positive statement. I mean, I would have made
 13 that comment to her, is there any adverse comments, no,
 14 so we put it in as a positive comment.
 15 Q. Did this assumption that she's referring to here rest on
 16 any specific assurances that the TMO or you had obtained
 17 or received from the LFB?
 18 A. There was no negative comments, therefore they must be
 19 positive.
 20 Q. Right.
 21 Were you ever told by Janice Wray or anybody else at
 22 the TMO that the LFB were not content with that
 23 approach?
 24 A. I was told no information at all, no.
 25 MR MILLETT: I see.

29

1 I want to turn next to ask you one or two questions
 2 about risk ratings which you gave to Grenfell Tower
 3 specifically.
 4 Can we go back, please, to the 2014 FRA,
 5 {CST00003157/9}.
 6 SIR MARTIN MOORE-BICK: I think you're going to have to wait
 7 a moment, Mr Millett.
 8 MR MILLETT: I am. I've just realised.
 9 (Pause)
 10 Mr Chairman, I think we may need to take a break.
 11 I'm told that I think our operator is perhaps
 12 temporarily indisposed.
 13 SIR MARTIN MOORE-BICK: Well, we can. I've noticed he has
 14 been in and out of the room, but not for any extended
 15 period. Would you rather we weren't sitting here, as it
 16 were?
 17 MR MILLETT: I think I would. I hope it's not going to be
 18 long.
 19 SIR MARTIN MOORE-BICK: In that case, we'll rise for
 20 a moment.
 21 Mr Stokes, I think we will have to have a short
 22 break now, so would you like to go with the usher, and
 23 remember, as I said to you before, please don't talk to
 24 anyone about your evidence.
 25 THE WITNESS: Yes, sir.

30

1 (Pause)
 2 SIR MARTIN MOORE-BICK: All right, you can ask the usher to
 3 come and get us when you're ready.
 4 MR MILLETT: Yes, Mr Chairman.
 5 (10.43 am)
 6 (A short break)
 7 (11.15 am)
 8 SIR MARTIN MOORE-BICK: Before I ask Mr Stokes to come back
 9 into the room, can I just explain for those who are
 10 watching: I'm sorry about the interruption to the
 11 proceedings. I'm afraid that the document manager, who
 12 normally does such an excellent job in getting the
 13 material on the screen, has been taken ill, and that
 14 inevitably involved an interruption to the proceedings.
 15 We've made arrangements for the documents to be put
 16 up on the screen by a remote process, which we hope and
 17 expect is going to be entirely efficient, but we'll just
 18 have to see how we go.
 19 Anyway, we are now ready to continue, so I shall ask
 20 Mr Stokes to come back, if he would, please.
 21 (Pause)
 22 Welcome back, Mr Stokes. I'm sorry about the break
 23 in proceedings but, as you know, we had a technology
 24 problem.
 25 Anyhow, we think we have resolved it satisfactorily

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1 by an alternative means, so we will see how we get on.
 2 THE WITNESS: Sir.
 3 SIR MARTIN MOORE-BICK: Right, thank you.
 4 Yes, Mr Millett.
 5 MR MILLETT: Mr Chairman, thank you.
 6 Mr Stokes, can I next turn to the topic of risk
 7 rating.
 8 Can we look, please, at the 2014 FRA at
 9 {CST00003157/9}.
 10 Now, this I'm showing you is under the title "Fire
 11 risk assessment" for the areas of Grenfell Tower, and is
 12 it right that you used a risk estimator to calculate
 13 the category of risk to life from fire in the premises?
 14 A. Correct.
 15 Q. If we go to page 10 {CST00003157/10}, please, you can
 16 see that by way of conclusion, at the top of the page,
 17 it says:
 18 "Accordingly, it is considered that the risk to life
 19 from fire at these premises is: Tolerable."
 20 In a range from "Trivial" at the bottom to
 21 "Intolerable" at the top. Do you see that?
 22 A. Correct, yes.
 23 Q. Does that mean, according to this table on page 10,
 24 lower down, "Tolerable", as you say, that there are:
 25 "No major additional controls required. However,

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1 there might be a need for improvements that involve
 2 minor or limited cost."
 3 Is that how that's supposed to work?
 4 A. Yes.
 5 Q. And without going to each and every fire risk assessment
 6 that you did for Grenfell Tower, would you agree that in
 7 each and every one, this is what you said, you ticked
 8 the "Tolerable" box?
 9 A. For Grenfell Tower, yes.
 10 Q. Yes.
 11 Now, I want to look next at your significant
 12 findings schedules. They all followed the same
 13 structure and format for Grenfell Tower, didn't they?
 14 A. Yes.
 15 Q. In fact, I think it's right that you used a template
 16 across the whole of the TMO stock for your significant
 17 findings schedules.
 18 A. Yes.
 19 Q. Yes.
 20 Can we look, please, first at PAS 79,
 21 {CTA00000003/59}.
 22 If we go to section 19 on that page, you can see
 23 it's entitled "Formulation of an action plan, commentary
 24 on clause 19", and at (i) it says:
 25 "The outcome, and indeed the principal

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1 raison d'être, of the fire risk assessment is the action
 2 plan. The action plan comprises recommendations that
 3 are intended to ensure that the fire risk is reduced to,
 4 or maintained at, a tolerable level ..."
 5 Then in (ii) you see it says this:
 6 "In formulating an action plan for premises in which
 7 the fire risk has been assessed as unacceptably high,
 8 the analytical approach to the fire risk assessment
 9 permits backtracking to determine whether, in effect,
 10 the problem arises from inadequate fire prevention,
 11 (i.e. inadequate means for control or elimination of
 12 fire hazards), inadequate fire protection (e.g.
 13 unsatisfactory means of escape or fire warning systems),
 14 shortcomings in fire safety management, or a combination
 15 of these."
 16 Were you aware of those principles at all times when
 17 compiling FRAs for Grenfell Tower?
 18 A. Yes.
 19 Q. And did you apply those principles when drafting your
 20 significant findings schedules for Grenfell Tower in
 21 every case?
 22 A. Yes.
 23 Q. Can we then start by looking at your action plan of
 24 December 2010 as part of the FRA at that time,
 25 {CST00003165/1}.

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1 If we could have that expanded, please, a bit, you
 2 can see that the date of this on the right-hand side is
 3 29 December 2010, and then about a quarter of the way
 4 down the text:
 5 "Priority time scales: high: 2 to 3 weeks. Medium:
 6 1 to 2 months. Low: 3 to 6 months."
 7 A. Yes.
 8 Q. As you can see below that, you give each action
 9 a priority rating which indicates when you expect the
 10 remedial action to be taken; is that right?
 11 A. Yes.
 12 Q. And that means, does it, that the action should be
 13 completed and closed off within your timescale; yes?
 14 A. On this document, yes, but you'll notice on subsequent
 15 ones the timescales have altered, and also there was
 16 a -- in brackets at the end to say to the start of any
 17 work.
 18 Q. You are right, and we're going to come to those.
 19 On this document, however, am I right in thinking
 20 that the timescales that you've set out here mean that
 21 the action should be completed and closed off within
 22 that timescale?
 23 A. That would be the indication, yes.
 24 Q. So that was the position at December 2010?
 25 A. Yes.

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1 Q. When you inserted those timescales into your record of
 2 significant findings and action plan in the
 3 December 2010 FRA, how did you determine the priority
 4 timescales for low, medium and high?
 5 A. I think they would have come from the documentation that
 6 was available at the time. This is before the
 7 purpose-built block of flats guidance came in where
 8 additional information then came in about this.
 9 Q. When you say "came from documentation that was available
 10 at the time", what --
 11 A. And it would have been agreed with -- as a draft
 12 document with the draft one that went to the TMO and
 13 LFB.
 14 Q. When you refer to documentation at the time, what was
 15 the documentation?
 16 A. At the time it would have been the PAS, whichever
 17 relevant document, the Sleeping Guide, I believe LACORS
 18 was in, but wouldn't be relevant to this building.
 19 Q. So documentation means guidance --
 20 A. Guidance, sorry, yes.
 21 Q. -- not TMO documentation?
 22 A. Correct, sorry, yes.
 23 Q. When we go to the 2012 version of the action plan, let's
 24 look at that next, {CST00003083}, we see now what you
 25 were referring to a moment ago in your answer.

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1 This is 20 November 2012, to go with the FRA for
 2 Grenfell Tower of that date. Now we see the priority
 3 timescales:
 4 "High: 2 to 3 Weeks. Medium: 2 to 3 Months. Low: 6
 5 to 12 Months."
 6 Why did those priority timescales change from the
 7 scales we saw in the December 2010 significant findings
 8 and action plan?
 9 A. That was, I would say, guidance provided by
 10 HM Government and other documentation, in industry
 11 standard.
 12 Q. Can you be a bit more specific? What specifically was
 13 the guidance or industry standard that had come out in
 14 the years —
 15 A. Purpose—built guide for flats.
 16 Q. Right. Because, of course, we also had at this point,
 17 November 2012, PAS 79 from August that year. Those two
 18 sets of guidance were new.
 19 What was it in those sets of guidance that caused
 20 you to extend the priority timescales as we see here?
 21 A. I can't answer that question, it was back then.
 22 Q. Well, I am asking you to answer that question as best
 23 you can.
 24 A. I would have altered them because of relevant guidance
 25 that was available at that time, and they were the

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1 standards that were being looked at or accepted as
 2 relevant for that time as across the board.
 3 Q. Was there anything specific in the new guidance that you
 4 have identified which told you that you could or should
 5 extend the time for priorities?
 6 A. Without seeing the documents, I can't answer that
 7 question, no.
 8 Q. Or was this you reading the new guidance and using your
 9 judgement to identify priority timescales as best you
 10 saw them?
 11 A. Probably that. If I haven't — sorry, I can't remember
 12 the documents per se, but I would have only altered them
 13 if there was guidance available to me to alter.
 14 Q. Did somebody in the TMO ask you to change these priority
 15 timescales?
 16 A. I'm going to say no, because those priority timescales
 17 would have moved for all documentation or all
 18 significant findings, whether I was working for the TMO
 19 or elsewhere.
 20 Q. Do I take it from that answer that you shifted your
 21 priority timescales across the whole of your
 22 professional work?
 23 A. Yes.
 24 Q. When did you start doing that? When was the first time
 25 that you extended your priority timescales?

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1 A. I can't give you a specific date without looking back at
 2 documentation.
 3 Q. Can we then look at the next FRA for Grenfell Tower,
 4 2014, {CST00003177}.
 5 This is the 17 October 2014 record, as you can see.
 6 Now we have priority timescales:
 7 "High: 2 to 3 Weeks. Medium: 2 to 3 Months. Low: 6
 8 to 12 Months ..."
 9 With the words in brackets added at the end:
 10 "... (to start to action any works)."
 11 After the 6 to 12 months.
 12 Why was that qualification added at that time?
 13 A. From the best of my memory, it was for financial
 14 reasons, because companies were coming back and saying,
 15 "Well, we have to undertake capital work, we need
 16 authorisation", so the — "to the start of any works",
 17 it's now been actioned, so if it's high but we've got to
 18 spend £100,000 putting a new fire alarm system in
 19 a factory, they need capital money to undertake that
 20 work, so therefore they started to undertake the work,
 21 they now need the finance in place, and also a — in
 22 that particular example, a company might not be able to
 23 start work for two weeks, three weeks, four weeks.
 24 Q. Just to be clear, does the addition of this
 25 qualification mean that you no longer expected the works

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1 to be completed and closed off within the timescale that
 2 you had set for each action, but just to start?
 3 A. If possible completed, but otherwise, if it's
 4 financially — and they couldn't do it, to start the
 5 work so at least it would show that work had been
 6 undertaken. And the priority scales is high, two to
 7 three weeks. If it was immediate danger to life, it
 8 would have been an immediate action, not a priority
 9 timescale, where there would be the benefit of allowing
 10 a timescale.
 11 Q. Again, just to be absolutely clear, this applied only to
 12 the low priority timescales, not to the high or medium?
 13 A. It applied to all timescales, because even if — if
 14 a fire alarm system in a building, not just this
 15 building but any building, needed to be replaced because
 16 it had failed, it couldn't just happen overnight, so
 17 therefore it would have to be a caveat put in there "to
 18 the start of any works". The caveat was only put in
 19 there because of — would have only been put in there
 20 because of reasons given or advice given in
 21 documentations or going to exhibitions or listening to
 22 lectures.
 23 Q. Yes, I just want to be clear about what's intended.
 24 A. The intention is that it starts —
 25 Q. Let me just ask the question.

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1 The addition of the works "to start to action any
2 works" that you see you have put in after the "Low: 6 to
3 12 Months", was that qualification in brackets intended
4 to apply to each of the priority timescales?
5 A. Yes.
6 Q. So even in relation to a high-priority item, your advice
7 or recommendation was that the work should be started
8 within two to three weeks?
9 A. Yes.
10 Q. Right. Did that mean that even with a high-priority
11 item, the outstanding action, once started, could
12 continue indefinitely?
13 A. Well, you'd have to justify that, but yes, potentially.
14 Q. Did the TMO ask you to add this qualification?
15 A. No.
16 Q. How would somebody reading this action plan know when
17 they should expect the action to have been completed?
18 A. Well, when it's — when it actually is — sorry, I don't
19 understand the question, but when the action is
20 completed to the satisfaction of the person undertaking
21 the work. Sorry, I don't understand the question.
22 Q. Well, if somebody picked up this document and asked,
23 "When is this red item, this high-priority item, going
24 to be completed so that the high risk is eliminated?",
25 what would they see?

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1 A. Depending on what the identified risk is and the action
2 to be taken. I mean, reading this one here, the first
3 one would be: recommend that building control response
4 to the proposed works being undertaken in the building
5 is asked for. Well, the TMO within two to three weeks
6 can ask for that document. If building control doesn't
7 respond back for four weeks, it's outside of the control
8 of the responsible person.
9 SIR MARTIN MOORE-BICK: Mr Stokes, perhaps you can help me
10 on this. I notice that the last column in the table is
11 "Date to be completed by", and is that something you
12 would fill in?
13 A. The responsible person, sir.
14 SIR MARTIN MOORE-BICK: You would complete the date, would
15 you?
16 A. No, the responsible person —
17 SIR MARTIN MOORE-BICK: The responsible person would?
18 A. So the document is given to the responsible person in
19 this format, and then "By whom" — so if I was to give
20 it to Janice Wray, for argument's sake, she would then
21 say "By whom: repairs management". "Date to be
22 completed", it's for her to put that date in, but ...
23 SIR MARTIN MOORE-BICK: I understand, all right.
24 A. So the action would be undertaken within two to
25 three weeks by her as that person. She is now waiting

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1 on other people. It's a live document, sir.
2 SIR MARTIN MOORE-BICK: No, I understand. Thank you very
3 much.
4 MR MILLETT: Thank you, Mr Chairman.
5 That takes me to the next question beyond that,
6 which was that: would it be right that it would be the
7 TMO, Janice Wray in this case, who would be the judge of
8 the completion date?
9 A. Correct.
10 Q. And would she have any advice or did she ever get any
11 advice or seek any advice from you as to the
12 appropriateness of the completion date she intended to
13 insert?
14 A. No.
15 Q. So how would the TMO know whether a particular
16 completion date was safe from a fire safety perspective?
17 A. I suppose the honest answer is as long as they have
18 completed out the action.
19 Q. So is it right that by leaving it to the TMO to decide
20 for themselves when the action should be completed, even
21 in high-risk cases, you were not able to assess the
22 fire safety risk arising from the time to be taken?
23 A. No. It's that — I give the document in. Once I've
24 given the document, it's to the responsible person to
25 undertake remaining actions of the article.

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1 Q. Did you ever advise Janice Wray that she should come
2 back to you if a high-priority item was going to take
3 longer than a week, six weeks, a month, anything like
4 that?
5 A. No.
6 Q. You just left it to her, did you?
7 A. As I would anyone else. If you were undertaking a risk
8 assessment, not for the TMO, anyone, you could be asked
9 to undertake a risk assessment, you were going to hand
10 the document over to your client, you might never go
11 back to that building again, might never see that
12 document again. This is only your — this is your
13 opinion. Your priority timescale is two to three weeks
14 for high. The responsibility has now been handed back
15 to the responsible person.
16 Q. It sounds as if what one can conclude from that, would
17 you agree, is that by swapping the finish line for the
18 starting gun, if I can put it in that way, and then not
19 having any control or remaining advisory role over how
20 long the race should be, you were essentially handing
21 back to the TMO a very significant element in
22 fire safety risk assessment?
23 A. Correct. And the same with everyone else. You're
24 handing the document back over. You have no onward
25 control of that document.

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1 Q. Did you ever tell Janice Wray in terms that she needed
2 to be absolutely clear that, in according a completion
3 date to any risk item, particularly high-risk items, she
4 needed to consider specifically the fire safety
5 implications of the period of time to completion?
6 A. Well, that's what is in this document. I would never
7 have that specific conversation because it's in the
8 document. She would have actioned the documents as and
9 when she got them. That was my assumption.
10 Q. If the finish line, the finish date for actioning the
11 works, had been swapped for the starting gun — and
12 I apologise for the metaphor — what real difference was
13 there between high, medium and low?
14 A. In the documentation, a high would be — I believe, in
15 the documents we talked about, high would be where it
16 would be a breach of a standard, medium would be
17 benchmark or — and low would be best practice.
18 SIR MARTIN MOORE-BICK: I'm sorry to interrupt again, but
19 I would just like your help on this, Mr Stokes.
20 You told us a little earlier that the priority
21 timescales had been changed in the light of some
22 guidance.
23 A. Would have been, yes, sir.
24 SIR MARTIN MOORE-BICK: We can see that the words "to start
25 to action any works", which have been brought into this,

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1 were not present originally, they've come in. Do they
2 reflect anything in guidance, as far as you can
3 remember?
4 A. No, but they would have come from industry standard or
5 courses I'd been on or going to CPD days, like, say, for
6 instance, the one on the law. You know, it would have
7 been a case of: this would have come about because of
8 that information provided.
9 At the time the Fire Safety Order, when it came in,
10 was new. All this has evolved over time as court cases
11 have come out, so therefore information has been added
12 to risk assessments, hence the PASs being updated.
13 SIR MARTIN MOORE-BICK: I understand that, but I just find
14 it — I have to speak for myself, of course — very
15 surprising that the timescales should be related to the
16 time of starting work rather than the time of completing
17 work, because obviously if someone in your position is
18 able to identify work that needs to be done, the client
19 perhaps should be told how urgent it is, when does it
20 need to be done, not when does it need to be started.
21 A. But I would have — the risk assessor would have no
22 control over how long the work would take to be — the
23 length of the work to be undertaken. So two to
24 three weeks to the start of the work, it could be — go
25 back to the fire alarm system. Most companies would say

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1 you needed three quotes to get a system looked at,
2 altered, a new system installed, so therefore the two to
3 three weeks could be taken up by you getting three
4 quotes. You've then got no idea how long the
5 contractor's going to actually take to —
6 SIR MARTIN MOORE-BICK: No, no, sorry to interrupt you,
7 I quite understand you have no control over this, but
8 you are at least in a position to express a view about
9 the importance of completing it —
10 A. Correct.
11 SIR MARTIN MOORE-BICK: — which could be reflected in the
12 time by which you think it ought to be completed. After
13 that it's a matter for the client, I see that.
14 A. I understand, sir, and this would have been from
15 guidance, and again this document would have been looked
16 at by the enforcing authorities, not just in London but
17 elsewhere, and no one has ever come back and challenged
18 and said that it's too long, and I've never had any
19 comments to say that is incorrect or wrong.
20 SIR MARTIN MOORE-BICK: All right. Yes. Thank you very
21 much.
22 Yes, Mr Millett.
23 MR MILLETT: Just to be clear, following up on that a little
24 bit, Mr Stokes, so that I'm clear, are you able to
25 identify or to recall any particular guidance which told

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1 a fire risk assessor that they no longer needed to
2 identify the cure of high-risk items, items that were
3 a statutory breach, by reference to an end date but only
4 to a start date?
5 A. Well, there wouldn't be a statutory breach as such,
6 because it's a risk assessment, it's ... you're only
7 looking at —
8 Q. No, you're not answering the right part of my question.
9 A. Oh, sorry, sir.
10 Q. I'll put it again: are you able to identify or recall
11 any particular guidance which told a fire risk assessor
12 that they no longer needed to identify the cure of
13 an item identified, such as that we're looking at here,
14 by reference to an end date but only to a start date?
15 A. PAS 79 would be the document I would say to go to, sir.
16 Q. Right. You can't think of anything specific in PAS 79
17 that said —
18 A. No, sir.
19 Q. Right.
20 Can you tell us what the different colours — red,
21 orange and green — mean in this document?
22 A. Medium, high and low.
23 Q. Yes. And red is statutory breach, isn't it?
24 A. You're saying statutory breach; it was a breach of
25 a British Standard or building regs, yes.

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1 Q. Yes.
 2 Now, if we can go to Dr Lane's report, please,
 3 I just want to show you what she says here.
 4 {BLARP20000027/206}.
 5 If you look at paragraph 9.8.14, towards the top of
 6 your screen, she says:
 7 "Although Mr Stokes is carrying out step 9 of his 11
 8 step methodology in 'Formulating an action plan with the
 9 aim being to reduce the fire risk, from the significant
 10 findings with both physical and procedural controls',
 11 Mr Stokes does not explain the purpose of the actions,
 12 nor how they were deemed by him to impact the risk
 13 classification."

14 Then she goes on to compare your action plans to
 15 PAS 79.
 16 If we look at the template in PAS 79, if we can just
 17 do that next, at {CTA00000003/98}.
 18 If we go to the bottom of the page, or bottom of
 19 your screen, under the words "Action plan", it says:
 20 "It is considered that the following recommendations
 21 should be implemented in order to reduce fire risk to,
 22 or maintain it at, the following level: Trivial,
 23 Tolerable."
 24 Can you explain why you didn't include that in your
 25 action plans?

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1 A. Because it's already at tolerable.
 2 Q. But in terms of the template.
 3 A. It's guidance only, and it was already at tolerable.
 4 Q. You had already classified the risk to Grenfell Tower as
 5 tolerable, but was that the risk rating before or after
 6 the actions that you recommended should be implemented?
 7 A. Both.
 8 Q. When you tick the tolerable box --
 9 A. Yes.
 10 Q. -- was it tolerable if and on the assumption that the
 11 items that you identified, the action items, are
 12 completed, or is it tolerable even though they're not
 13 completed, in other words tolerable as the building
 14 stood?
 15 A. When the actions are completed they would be tolerable.
 16 Q. This is why I asked the question. PAS 79 suggests that
 17 the tolerable box is ticked so as to maintain or reduce
 18 the level to what is ticked. So is the answer that it
 19 is only once, as I think you say, the actions are
 20 completed that the risk is tolerable?
 21 A. In the particular case here, before they were tolerable,
 22 the actions would still make the building tolerable when
 23 it's completed as well.
 24 Q. Well, does that tell us that even though there are
 25 a number of red and amber items, it doesn't matter to

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1 the risk level or the risk to life level whether or not
 2 they are completed?
 3 A. In this particular case, the risk level is broad enough
 4 to include tolerable within those.
 5 Q. How would the reader of the FRA know that?
 6 A. Because on another one it would say "Moderate", for
 7 instance, if the risk wasn't.
 8 Q. Does this mean that the risk rating in the FRA should
 9 have been higher, say moderate, and then reduced to
 10 tolerable only once all the actions had been
 11 implemented?
 12 A. In this case, no.
 13 Q. Why in that case no?
 14 A. Because the risk within the building was tolerable even
 15 though there were some deficiencies within the building.
 16 Q. Where do we see that in your FRA or in the significant
 17 findings and action plan?
 18 A. On the document.
 19 Q. Does this tell us that in each and every case, you would
 20 have to make an assessment as to whether the tolerable
 21 box would be ticked or another box would be ticked as
 22 the building stood as opposed to after the actions had
 23 been completed?
 24 A. If I understand what you're saying, yes, the answer's
 25 yes.

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1 Q. Right. Did you do that in every single case?
 2 A. For Grenfell or other buildings?
 3 Q. Well, just take Grenfell to start with.
 4 A. Well, in the case of Grenfell, yes, you would look at
 5 the: is it tolerable now? Will it be tolerable when
 6 it's finished? Yes, it's tolerable, but these are the
 7 things that are wrong within the building at present.
 8 Q. We may come back to that when we look at some of the
 9 later plans.
 10 I think I'm right in saying -- correct me if I'm
 11 wrong about this -- at least in the case of the
 12 Grenfell Tower FRAs, we never see you advising or
 13 assessing the risk on the basis that it is anything
 14 other than tolerable and that cure of the outstanding
 15 action items would change that risk level; is that
 16 right?
 17 A. Correct.
 18 Q. So it was always tolerable, regardless of whether the
 19 works were done to cure the outstanding risk items?
 20 A. Correct.
 21 Q. Or when they were done?
 22 A. Yes.
 23 Q. Right.
 24 Did you actually address your mind to that question
 25 that I've just asked you each and every time you did

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1 a fire risk assessment for Grenfell Tower?
 2 A. All buildings.
 3 Q. Right.
 4 Just help me, what was your methodology for making
 5 the assessment of comparing the building as it stood and
 6 that risk level to the risk level that the building
 7 would have as and once each and every outstanding FRA
 8 item had been completed? What was your methodology for
 9 doing that?
 10 A. How does the deficiency impact on the building, and then
 11 if it's not undertaken, what would the impact be? If it
 12 is undertaken, what would the impact be? But the
 13 definition is broad enough to take into account of the
 14 tolerable assessment.
 15 Q. What's the difference between tolerable and moderate?
 16 A. It's — moderate is — if the outcome is moderate, it
 17 means the boxes above have been ticked differently, so
 18 therefore there is a higher risk level or harm level,
 19 and moderate would be — I'm reading in front of me
 20 here — "It is essential that efforts are made to reduce
 21 the risk".
 22 Q. Right.
 23 So do we take it that even each and every red item
 24 which you have identified are not items which were
 25 essential to be undertaken to reduce the risk?

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1 A. Because the definition of tolerable, from my looking at
 2 it and my assessment of it, is that it is still
 3 tolerable.
 4 Q. No, I don't understand that answer, with great respect.
 5 Are you saying that you ticked tolerable as opposed
 6 to moderate because at no stage did you identify any
 7 efforts to be made to reduce the risk?
 8 A. I ticked tolerable because the two boxes above in the
 9 matrix indicated would be tolerable as the outcome, as
 10 in slight harm and medium.
 11 Moderate would come about if you — if you could go
 12 back up to the box on the ...
 13 Q. Yes, I'm looking at it.
 14 A. I can only see moderate —
 15 Q. Sorry, you're absolutely right, I do apologise. Could
 16 we scroll down, please? Thank you.
 17 A. So I need to go up again. So moderate would be
 18 essential efforts are made, but the piece above that in
 19 the matrix would give me the ...
 20 Q. Right. So are we to take it that in each and every red
 21 case of your FRA items, none of those were efforts to be
 22 made to reduce the risk, they were only items where you
 23 thought there was a need for "reasonably practicable
 24 improvements involving minor or limited cost"?
 25 A. Yes.

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1 Q. Right.
 2 Now, let's look on to PAS 79 at page 61, please.
 3 It's the same document, page 61 {CTA00000003/61}.
 4 I want to ask you now about the process of review of
 5 previous action plans or actions on a previous action
 6 plan, and this is covered here.
 7 Clause 20, "Periodic review of fire risk
 8 assessments". It says under paragraph (v) on the
 9 right-hand side:
 10 "When the fire risk assessment is reviewed,
 11 consideration needs to be given to the extent to which
 12 the original action plan has been implemented. Work
 13 that has not been completed needs to be identified."
 14 If you go down to the foot of the page, please,
 15 (ix), it says:
 16 "The original fire risk assessment, in conjunction
 17 with one or more documented reviews, constitutes a form
 18 of audit trail that demonstrates ongoing control of
 19 fire safety."
 20 Can we take it that you were aware of those
 21 principles from August 2012, when PAS 79 in this edition
 22 was published?
 23 A. Yes.
 24 Q. If we turn the page, please, to page 62
 25 {CTA00000003/62}, we can see a recommendation at

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1 paragraph 20.2 in the left-hand column, and it says:
 2 "When the fire risk assessment is reviewed, it
 3 should be confirmed whether work recommended in the
 4 original action plan has been carried out."
 5 In the fire risk assessment template, if we can go
 6 to that, please, page 77 in this document
 7 {CTA00000003/77}, that's where the template starts.
 8 Just for everyone's benefit, there is a lengthy template
 9 here as annex B informative, which is a model pro forma
 10 for documentation of a fire risk assessment for premises
 11 in England and Wales.
 12 If we go on in this to page 112 {CTA00000003/112},
 13 this recommends including a section, if you look at the
 14 foot of your screen, called "Action on previous action
 15 plan", and it says:
 16 "Have all previous recommendations been
 17 satisfactorily addressed?"
 18 Tick "Yes", tick "No".
 19 "Brief details of recommendations not yet
 20 implemented."
 21 Again, were you aware that that was part of the
 22 PAS 79 August 2012 template?
 23 A. Yes.
 24 Q. Thank you.
 25 If we go now to your second witness statement,

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1 please, page 12, this is {CST00030186/12}, paragraph 47,
 2 you say this:
 3 "On each occasion where I conducted an FRA review at
 4 the Tower, I would have made notes on a copy of the
 5 previous FRA."
 6 So is it right that when you came to conduct an FRA
 7 review of Grenfell Tower, did you look at whether the
 8 work recommended in the previous action plan had been
 9 carried out?
 10 A. Yes.
 11 Q. You did.
 12 Now, in your fire risk assessments for
 13 Grenfell Tower from 2012 onwards, so 20 November 2012
 14 onwards, we don't see a section like we did on page 112
 15 of PAS 79, "Action on a previous action plan"; that's
 16 right, isn't it?
 17 A. Correct.
 18 Q. Yes, why is that?
 19 A. Because I undertook a completely new document.
 20 Q. Is it right that there's also nowhere in the FRAs that
 21 we have seen that you record which actions were
 22 completed and which were outstanding?
 23 A. The actions — there is no definitive — no, correct.
 24 Q. Why did you not include a section in those later FRAs to
 25 record whether the previous recommendations had or had

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1 not been satisfactorily addressed as per the template in
 2 PAS 79?
 3 A. They were recorded on the new significant findings as
 4 not being undertaken.
 5 Q. Are you saying they were just carried across?
 6 A. Carried across or added to or taken away if parts had
 7 been included.
 8 Q. You say they were recorded on the new significant
 9 findings as not being undertaken; did you actually
 10 monitor the recommendations that you had previously made
 11 and check where they'd got to in terms of their cure and
 12 then record that on the new FRA?
 13 A. Yes, because I took the old document with me, I would
 14 find out whether the work had been undertaken, and, as
 15 you showed me in the document yesterday, reference to
 16 the fire extinguishers, it was then repeated on to the
 17 new one.
 18 Q. I think you accept that you don't actually record which
 19 actions have been completed and which remained
 20 outstanding, do you? So —
 21 A. Not as a completely separate document, no.
 22 Q. No. Would that not have assisted you in determining
 23 ongoing control and management of fire safety as
 24 required by PAS 79.
 25 A. But I had both documents with me at the time.

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1 Q. If it wasn't recorded, how could you follow from one FRA
 2 to the next whether the actions you had previously
 3 recommended had or had not been implemented?
 4 A. Because I had both documents in my hand as I walked
 5 round the building — or I had the old one in my hand
 6 and I was writing the new one.
 7 Q. Yes, but you didn't have the one previous to that, did
 8 you? You only had —
 9 A. The previous previous one?
 10 Q. The previous previous one.
 11 A. No.
 12 Q. Now, I want to turn to the Grenfell Tower FRAs
 13 specifically and, within those, I want to look at some
 14 specific topics.
 15 So what we're going to do next is to flow through
 16 all the FRAs chronologically, topic by topic.
 17 Now, I'm going to start, if I can, with disabled
 18 people. That's a title that we see in your template.
 19 Within that topic, can we start with occupancy
 20 profile, please.
 21 Can we turn, please, to PAS 79, which we've just
 22 been looking at, {CTA00000003/21}.
 23 On that page you will see, under the heading
 24 "Recommendations", paragraph 5.2, which starts:
 25 "Every documented fire risk assessment should

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1 explicitly set out the significant findings of the
 2 assessment, including information on the following
 3 matters ..."
 4 Then if you go down to (e), it says:
 5 "e) approximate number of occupants;
 6 "f) whether the premises will be occupied by members
 7 of the public (or a significant number of persons
 8 unfamiliar with the design and layout), and, if so, the
 9 approximate number of members of the public (if known)."
 10 Just pausing there, would you agree that the
 11 occupancy profile is a relevant factor in the assessment
 12 of a fire risk?
 13 A. Yes.
 14 Q. And the fire risk assessment should include those
 15 details?
 16 A. Yes.
 17 Q. If we go to page 79 {CTA00000003/79}, and look at the
 18 template under appendix B, it's part of the template for
 19 fire risk assessment in PAS 79, you can see on that
 20 page, under "General information", halfway down your
 21 screen there are two sections under that heading,
 22 "2. The occupants" and "3. Occupants especially at risk
 23 from fire".
 24 "2. The occupants" recommends that the following are
 25 included: approximate maximum number, number of

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1 employees at any one time, maximum number of members of
 2 the public at any one time and associated times and
 3 hours of occupation.
 4 Then "3. Occupants especially at risk from fire",
 5 and you can see the breakdown: sleeping occupants, and
 6 then, under 3.2, disabled occupants. Do you see that?
 7 A. Correct, yes.
 8 Q. And also, at 3.4, young persons.
 9 A. Yes.
 10 Q. So children effectively; yes?
 11 A. Yes.
 12 Q. Yes.
 13 Now, before we turn to look at one of your fire risk
 14 assessments, would you agree in general that you did not
 15 include these two sections about occupants in your fire
 16 risk assessments for Grenfell Tower?
 17 A. They are in the risk assessments for Grenfell Tower.
 18 Q. You say they are, are they?
 19 A. Yes.
 20 Q. Well, we'll look at those. Let's have a look.
 21 Before we do, did you request any information from
 22 Janice Wray or anybody else at the TMO about the
 23 occupancy profile?
 24 A. I would — yes.
 25 Q. You did?

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1 A. Yes.
 2 Q. When did you do that first, do you remember?
 3 A. It was part of the initial document I had before when
 4 I first took over to ask about disabled people and what
 5 their systems were for knowing if disabled people were
 6 in the building.
 7 May I point out on this PAS 79, this is 2012.
 8 Q. Yes.
 9 A. This is about — this doesn't differentiate between
 10 residential buildings, hotels. This is one document for
 11 all categories of buildings.
 12 Q. Well, let's just study that a little bit further.
 13 Do you accept that by virtue of — and you may not
 14 know the details — Article 5.2 and 9.7 of the FSO 2005,
 15 the responsible person, whoever that is, was required to
 16 record in the risk assessment information about any
 17 group of persons identified by the assessment as being
 18 especially at risk?
 19 A. Yes.
 20 Q. Yes, and that would include identifying residents in
 21 a building who are especially at risk?
 22 A. Yes.
 23 Q. Yes. And do you agree that your fire risk assessments
 24 were the way in which the TMO — or, let me be neutral,
 25 the responsible person — would discharge that

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1 obligation?
 2 A. Yes.
 3 Q. Yes.
 4 Now, could we look, please, at page 21 of this
 5 document {CTA00000003/21}, going back to it. This is
 6 clause 5.2(i), which I didn't show you, top of the page,
 7 right-hand column:
 8 "Occupants especially at risk (see 3.67) in the
 9 event of fire (e.g. sleeping occupants, disabled
 10 occupants, those working in remote areas and young
 11 persons)."
 12 A. Sorry, whereabouts — I've got — on my screen I've just
 13 got "Recommendations", 5.1.
 14 Q. You should have "Recommendations", and then a right-hand
 15 column with (i) at the top.
 16 A. Sorry, apologies.
 17 Q. "Occupants ..."
 18 A. Yes.
 19 Q. "... especially at risk ..."
 20 Do you see that?
 21 A. Yes.
 22 Q. I've read it to you, I won't read it again.
 23 I take it that you were aware when you were doing
 24 your FRAs for Grenfell Tower that was something that you
 25 were at least recommended explicitly to set out your

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1 findings in respect of?
 2 A. Yes.
 3 Q. Yes.
 4 Let's look at 3.67, please, then. That's on page 14
 5 of this document {CTA00000003/14}.
 6 If you look at the third paragraph down on the
 7 right-hand side, it should be towards the top of your
 8 screen, Mr Stokes, can you see it?
 9 A. Yes.
 10 Q. "3.67 occupant(s) especially at risk."
 11 A. Thank you.
 12 Q. "Building occupant(s) who, as a result of their physical
 13 or mental state, age or location in the building, are at
 14 greater risk from fire than an able-bodied, fully alert
 15 adult afforded adequate means of escape and other fire
 16 precautions, whether on a short-term or long-term
 17 basis."
 18 Again, were you aware of that guidance or principle?
 19 A. Yes.
 20 Q. And were you aware of that definition of occupants
 21 especially at risk?
 22 A. Yes.
 23 Q. Yes.
 24 Sticking with this document for the time being, if
 25 we can, page 36 {CTA00000003/36}, please, this is the

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1 commentary to clause 12, (viii), bottom of your screen,
 2 and (ix):
 3 "Particular account needs to be taken of occupants
 4 who could be especially at risk in the event of fire."
 5 Then note 1 in red:
 6 "Attention is drawn to the relevant fire
 7 legislation, which requires that, other than in the case
 8 of certain very small businesses, fire risk assessments
 9 record any group of persons especially at risk."
 10 So that's in red, so particular attention.
 11 Just pausing there, were you aware of that
 12 principle —
 13 A. Yes.
 14 Q. — when doing your FRAs for Grenfell Tower?
 15 A. Yes.
 16 Q. Then (ix):
 17 "Particular care needs to be taken to ensure that
 18 due account is taken of disabled occupants who are often
 19 especially at risk in the event of fire in view of the
 20 possible need for assistance with evacuation or special
 21 warning of fire. All forms of disability need to be
 22 considered, including mobility impairment, deafness,
 23 blindness, learning difficulties and mental illness."
 24 Again, can I take it that you were alive to or aware
 25 of that principle?

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1 A. Yes.
 2 Q. Yes.
 3 Then over the page to page 37 {CTA00000003/37},
 4 (xiv), left —hand column, final paragraph, if we can go
 5 to the foot of the page, please:
 6 "The most important purpose of considering and
 7 recording occupants especially at risk in the event of
 8 fire is to ensure that adequate provisions are in place
 9 to protect such occupants from fire. Having recorded
 10 such occupants within the fire risk assessment, it needs
 11 to be clear within the documented significant findings
 12 that there are provisions to ensure the safety of these
 13 occupants."
 14 I draw your attention specifically to the words "to
 15 ensure that adequate provisions are in place to protect
 16 such occupants from fire". Again, I'm assuming you were
 17 aware of that principle?
 18 A. Yes.
 19 Q. Then on page 37 on the right—hand side, please, under
 20 "Recommendations", you can see it there, 12.2:
 21 "While it is not normally necessary to document the
 22 manner in which every factor to which 12.1 refers
 23 affects the fire risk assessment, there should normally
 24 be explicit information within the assessment regarding
 25 appropriate measures to protect occupants who are

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1 especially at risk in the event of fire."
 2 Again, I'm assuming that you were aware of that
 3 principle as well in the commentary and the
 4 recommendation in clause 12 of PAS 79?
 5 A. Yes.
 6 Q. Yes.
 7 Now, in your fire risk assessments for
 8 Grenfell Tower, you did include, didn't you, I think,
 9 a specific section for disabled persons under what
 10 you've called section 13?
 11 A. Yes.
 12 Q. Yes. One can put up an example of that, just very
 13 quickly, {CST00003157/21}.
 14 There it is in the middle of your screen.
 15 "13. Disabled people":
 16 "It is considered that the building is provided with
 17 reasonable arrangements for means of escape for disabled
 18 people?"
 19 Although it's expressed as a statement, there is
 20 a question mark, and answer ticked "Yes". This is the
 21 2014 FRA.
 22 Now, I'll just show that to you. We'll come back to
 23 the text of this shortly.
 24 Can we look at what you say in your second witness
 25 statement about this.

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1 SIR MARTIN MOORE—BICK: Mr Millett, I'm sorry to interrupt
 2 you, but we've been running for an hour and I just want
 3 to check that Mr Stokes doesn't feel the need for
 4 a break.
 5 THE WITNESS: I'm okay, thank you very much, sir.
 6 SIR MARTIN MOORE—BICK: We shall run through to 1 o'clock if
 7 we don't have one, that's just so you're aware.
 8 THE WITNESS: Thank you very much, sir, yes.
 9 SIR MARTIN MOORE—BICK: I think it's also important that
 10 I ask the transcriber whether she's happy to keep going
 11 for an hour?
 12 THE COURT REPORTER: I am, yes.
 13 SIR MARTIN MOORE—BICK: All right, thank you very much.
 14 Yes, Mr Millett.
 15 MR MILLETT: Right.
 16 {CST00030186}. That's the first page of your
 17 statement.
 18 I would like to go to page 38 {CST00030186/38},
 19 please, paragraph 143.
 20 You say there — this is under the heading
 21 "G — Disabled people" — under paragraph 143:
 22 "I was at all times reliant on the KCTMO to provide
 23 me with information concerning any residents who may
 24 have had sensory, physical or any other impairment.
 25 Indeed, I understood from Ms Wray that the KCTMO had a:

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1 "'comprehensive programme to gather information
2 about tenants including disabilities and their physical
3 ability and mobility to respond to any emergency
4 situations'."

5 And you have a footnote 4 in there which, at the
6 bottom of your screen, says:

7 "This reference is to be found at (by for example)
8 page 23 of the June 2016 FRA at section 13."

9 Now, do you mean in your statement here that you
10 were reliant on Janice Wray to give you this
11 information?

12 A. Yes.

13 Q. If you look down the page at paragraph 144, you say
14 this:

15 "I received no such information in relation to
16 residents at the Tower, hence the comments made in my
17 FRAs referred to in Question 54. I did not proactively
18 seek information about residents but would have drawn
19 attention to such an issue as part of the FRA if this
20 was known about."

21 A. Correct.

22 Q. Does that mean that before you carried out a fire risk
23 assessment for Grenfell Tower, you didn't ask
24 Janice Wray for up-to-date information on the residents
25 and occupancy profile especially at risk?

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1 A. It was my understanding that I would be told from them,
2 from previous meetings, because it was arranged that
3 I think a lot — when I first started, we went through
4 this in depth and provided a set of PEEPs documents to
5 the TMO, and I would be — I was — the emphasis was on
6 the TMO to tell me, as the risk assessor, of anyone that
7 needed special needs.

8 Q. Just picking up on the last part of your answer there,
9 is the answer to my question that before you carried out
10 a fire risk assessment for Grenfell Tower, you did not
11 ask Janice Wray for up-to-date information on the
12 residents and any occupants especially at risk?

13 A. Correct.

14 Q. Why did you not proactively seek that information from
15 Janice Wray, given the importance ascribed to recording
16 information about occupants especially at risk in the
17 Fire Safety Order 2005, and particularly PAS 79, as
18 we've seen?

19 A. Because it was an ongoing situation with the TMO and
20 Janice that she would inform me, no matter where they
21 were within building — any building at any time. So
22 I could be — the FRA might be undertaken August 2014,
23 but if they had a resident that was moving in two weeks
24 after I'd undertaken the risk — FRA, she would inform
25 me that it would alter the FRA for that building.

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1 Q. Well, I can see why you say it would. My question is
2 why you didn't think to ask her every time you were
3 about to do an FRA for Grenfell Tower, "Janice, can
4 I please have your up-to-date occupancy profile so that
5 I can check and see whether there are any occupants
6 especially at risk"?

7 A. It was the reverse: she would tell me when she knew that
8 there was anyone in there at risk.

9 Q. Why did you leave it to her to do that rather than you
10 actively prodding her?

11 A. It was a given that that was the sort of information
12 I would be given as they knew of residents in the
13 building.

14 Q. To the best of your understanding, was that her
15 understanding as well, that the onus was on her to
16 volunteer the information to you and not on you to seek
17 it from her?

18 A. Correct, because that has happened on numerous occasions
19 in the past and I have undertaken PEEPs for people within
20 buildings.

21 MR MILLETT: On the subject of PEEPs, let's go then to —

22 SIR MARTIN MOORE-BICK: Sorry, before we leave that, you say
23 in your statement, the one we've got on the screen, that
24 you received no information about the residents in the
25 tower; is that right?

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1 A. Correct.

2 SIR MARTIN MOORE-BICK: I mean, did it occur to you that
3 there might be some children living in the tower?

4 A. Agreed, yes, but the fire safety —

5 SIR MARTIN MOORE-BICK: You didn't think to ask her: were
6 there any children in the tower and, if so, in which
7 flats?

8 A. But it was a given that there would be children in the
9 tower. The Fire Safety Order is — "young people" is
10 a workplace, so it is whether — not — the Fire Safety
11 Order is about workplaces and work, so the young
12 children section is about young children undertaking
13 work, employment, and that is because of their
14 immaturity, inability, it is not to do whether they
15 sleep there.

16 It's the same as a hotel. In a hotel you would
17 expect to find families staying in a hotel, but you do
18 not make a difference between a family staying in a room
19 whether they've got one child, four children.

20 SIR MARTIN MOORE-BICK: So I think what you're saying is
21 that you didn't need, in your view, to consider how
22 children might be affected if there was a need to get
23 out of the tower?

24 A. You would assume there would be a — supervised by their
25 parents or adults. You would know there would be

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1 children in the building, it's a sleeping building.
 2 SIR MARTIN MOORE—BICK: That's what I thought. Yes.
 3 All right, thank you very much.
 4 A. Sorry, can I just say something?
 5 SIR MARTIN MOORE—BICK: Yes, please do.
 6 A. The domestic dwelling is outside the control of the FRA,
 7 so you would know there would be people in — of the
 8 Fire Safety Order, so you would know there would be
 9 people in the flats, but it's the makeup of the people
 10 in the flats, you would assume — the only — disabled
 11 part of it, again, you wouldn't know that unless you
 12 were told that information.
 13 SIR MARTIN MOORE—BICK: Right, yes. Thank you.
 14 MR MILLETT: Well, you wouldn't know it unless you were told
 15 the information. Was it your assumption, having
 16 received no information in relation to the residents in
 17 the tower, that there was nobody in the tower of any
 18 relevance to section 13 of your FRAs at any time?
 19 A. For the FRAs, correct. One point — after the last FRA
 20 was undertaken, I was asked to go to the tower, and I'm
 21 trying to think, November 2016, to undertake a visit as
 22 requested by the TMO, which was outside the remit of the
 23 FRA, and I saw a mobility scooter and I raised that as
 24 a question.
 25 Q. Yes, you're right, and we will come to that in due

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1 course.
 2 But a moment ago, before the Chairman's questions,
 3 you told us that it was a given that it was the sort of
 4 information that you would be given as they knew —
 5 that's the TMO — of the residents in the building.
 6 You say it was a given; did you and Ms Wray ever
 7 actually agree that the onus would be on her to provide
 8 information about residents especially at risk from
 9 fire?
 10 A. I think it would be — yes.
 11 Q. So you say there was a specific agreement, do you?
 12 A. Well, if she was told, yes.
 13 Q. When did you reach that agreement with Ms Wray?
 14 A. I think it was right at the beginning, wasn't it, in
 15 the ... the letter — sorry, I can't remember the actual
 16 date, September 2010, when we went through all the items
 17 about the criteria of what I would put down that we
 18 covered yesterday, sir.
 19 MR MILLETT: Yes, that's the letter of 27 September 2010.
 20 If we can go to that, it's at {CST00003061}, please.
 21 In it, if you go to page 3 {CST00003061/3} ...
 22 (Pause)
 23 What is on the screen, Mr Chairman, is not —
 24 SIR MARTIN MOORE—BICK: You probably have what I have.
 25 MR MILLETT: It indicates a problem, potentially. I do hope

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1 not.
 2 SIR MARTIN MOORE—BICK: Yes.
 3 (Pause)
 4 I would hope this is not going to take too long to
 5 sort out, but it's hard to tell, isn't it?
 6 MR MILLETT: Yes.
 7 (Pause)
 8 SIR MARTIN MOORE—BICK: It sounds like it will take more
 9 than the minute or so that I had originally hoped, so,
 10 sorry, we are going to have another short break,
 11 Mr Stokes. So I will ask you to go with the usher, and
 12 same terms as before: no talking to anyone about your
 13 evidence, please.
 14 THE WITNESS: Yes, sir.
 15 SIR MARTIN MOORE—BICK: And we will get you back as soon as
 16 we can.
 17 (Pause)
 18 Right, Mr Millett, we'll leave the room and ask the
 19 usher to come and get us when you're ready.
 20 MR MILLETT: Yes, Mr Chairman, certainly.
 21 SIR MARTIN MOORE—BICK: Thank you.
 22 (12.16 pm)
 23 (A short break)
 24 (12.36 pm)
 25 SIR MARTIN MOORE—BICK: Welcome back, everyone.

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1 We've come back into the room to explain that
 2 unfortunately we are still having significant problems
 3 with document display. I can't explain the particular
 4 technological problems we have, but suffice it to say
 5 that at the moment we still can't display any documents
 6 in the room.
 7 So the best course, in my view, is that we call
 8 a halt at this point for lunch, and we'll resume, if we
 9 can, a little earlier than usual at 1.45. That will
 10 give an opportunity to look into the problem a little
 11 more carefully and, we hope, to solve it so that we
 12 don't have any further difficulties this afternoon.
 13 So we're going to rise now. We'll resume at 1.45.
 14 Mr Stokes, I asked you to come in just to ensure
 15 that you were in the picture, understood what's going
 16 on. I'm sorry we're causing these sort of difficulties,
 17 but there it is.
 18 We will resume at 1.45, please. Don't talk to
 19 anyone about your evidence while you're out of the room
 20 over lunch, and we will see you then.
 21 THE WITNESS: Thank you, sir.
 22 SIR MARTIN MOORE—BICK: If you would like to go with the
 23 usher now, that would be great.
 24 (Pause)
 25 Well, there it is, Mr Millett. I'm sorry, I think

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1 that's the best thing we can do, and it gives people
2 a chance to sort out the problem.
3 MR MILLETT: Very good, Mr Chairman. Thank you. Yes.
4 SIR MARTIN MOORE-BICK: So we will say 1.45, then, please.
5 MR MILLETT: Thank you.
6 (12.38 pm)
7 (The short adjournment)
8 (1.45 pm)
9 SIR MARTIN MOORE-BICK: Right, Mr Stokes, I think the
10 problems have been ironed out. We have to hope so.
11 Yes, Mr Millett, when you're ready.
12 MR MILLETT: Thank you very much, Mr Chairman.
13 We were in the middle, I think, of talking about
14 evacuation plans.
15 Can we look then back at your letter of
16 27 September 2010 about the meeting that you had had
17 with Janice Wray on 24 September 2010, {CST00003061},
18 please. There is the letter.
19 If you go to page 3 {CST00003061/3}, please, and
20 look at the second heading on that page, you can see
21 there is the heading "Personnel[sic] Emergency
22 Evacuation Plans (PEEPs)", and it says:
23 "The suite of Personnel Emergency Evacuation Plans
24 (PEEPs) documents you showed are the ones used as best
25 practice in the HM Government guidance documents for

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1 risk assessment. So by using these documents you are
2 following the guidance in the Government risk assessment
3 guides and therefore best practice. You explained that
4 the residents news letter carry's[sic] articles asking
5 any resident to contact TMO if they are experiencing any
6 mobility or sensory problems.
7 "TMO have recently introduced a comprehensive
8 programme to gathering information about residents
9 including any disabilities and their physical ability
10 and mobility to respond to any emergency situations.
11 This information will be imputed [inputted] on to
12 a 'TP Tracker system' and held centrally.
13 "The additional information will be used to assess
14 if residents may require additional devices to provide
15 them with early warning of smoke/fire in their home
16 and/or development of a Personal Emergency Evacuation
17 Plan (PEEPs)."
18 Do you recall having that discussion with
19 Janice Wray on 24 September 2010?
20 A. Yes. Well, I've written this document, so yes, I recall
21 that conversation.
22 Q. You do.
23 Did you have a discussion such as that at any other
24 time after 24 September 2010?
25 A. It doesn't spring to mind, if it was a conversation, but

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1 it would have been ongoing.
2 Q. Now, you say in the letter that Janice Wray showed you
3 a suite of PEEP's documents. Can you explain what PEEP's
4 documents she showed you?
5 A. It would be the HM Government guide, which is
6 a pinky-coloured booklet, and in there is a suite of
7 documents — tick-box questions to ask.
8 Q. I see. So your reference to suite of documents was not
9 ones that had already been filled out by the TMO and
10 used in practice, it was just the template or pro forma?
11 A. It was the template in that booklet.
12 Q. Right.
13 You go on to say in the third line, second sentence,
14 that, "by using these documents you are following the
15 guidance in the Government risk assessment guides and
16 therefore best practice", and that's the guide you're
17 referring to, is it, the pinky guide?
18 A. Yes.
19 Q. I'm just trying to identify what that is. Was it the
20 Sleeping Guide?
21 A. No, there's a suite of documents for risk assessment,
22 all the different building types, and then there was
23 another document brought out specifically, disabilities.
24 Q. Right.
25 Let's see if we can identify it rather than

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1 guessing.
2 Can we look, please, together at {HOM00000550}.
3 I'm getting a word in my ear that there is a better
4 reference. Can I try another one: {INQ00014732}.
5 Right, that is the colour I think you were identifying
6 earlier.
7 A. Yes.
8 Q. It's called "Fire safety risk assessment", endorsed by
9 the Disability Rights Commission. Is that the document
10 you were shown?
11 A. Yes.
12 Q. Were you shown any other document?
13 A. From my memory, I can't remember, but this would be the
14 document I would refer to.
15 Q. I see.
16 Were you told that the TMO would be looking to you
17 to produce PEEP's in accordance with this document?
18 A. If I was asked, yes.
19 Q. You say "If I was asked"; what was the conversation?
20 Did Janice Wray say to you, "If I ask you, you must
21 produce a PEEP in accordance with this document" or did
22 she say to you, "You must produce a PEEP for whichever
23 people I identify"? How did the conversation go?
24 A. I can't remember per se but it would have been along the
25 lines of, "Could you undertake a PEEP for me if

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1 I require you to".
 2 Q. Right. And your understanding was, was it, that she
 3 would identify the specific resident in the specific
 4 building —
 5 A. Yes.
 6 Q. — in respect of which you would then apply this
 7 document?
 8 A. Yes.
 9 Q. I see.
 10 Can we then go back to the letter, please,
 11 {CST00003061/3}, in the PEEPs section — I've read it to
 12 you before, but I'll go back to it — where you say you
 13 were told that the residents' newsletter would carry
 14 articles asking any resident to contact the TMO if they
 15 are experiencing any mobility or sensory problems.
 16 A. That was my understanding, yes.
 17 Q. Did you ever check that information for yourself?
 18 A. No.
 19 Q. Why is that?
 20 A. What, did I check that there was any newsletters with
 21 that information in?
 22 Q. Yes. Did you ever check for yourself that the TMO was
 23 providing or publishing articles to its residents in its
 24 stock asking any resident to contact the TMO if they
 25 were experiencing any mobility or sensory problems?

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1 A. No, I never checked up on whether they undertook what
 2 they were saying.
 3 Q. Why is that?
 4 A. Because they would provide me with the information. I'm
 5 the risk assessor, not the person who would be asked —
 6 co-ordinating their information-gathering.
 7 Q. Was it not part of your job to make sure that your
 8 client, the TMO, or RBKC — it matters not which for
 9 this purpose — was managing their fire safety in such
 10 a way as to impart information to residents that if
 11 a resident needed specific assistance because of
 12 mobility or sensory problems that they had, they should
 13 contact the TMO?
 14 A. If I was told that that was in the document, I would
 15 believe that it was in the document. I cannot ever
 16 remember going through every one of their documents or
 17 Link magazines to check whether that item or article was
 18 in there.
 19 Q. Was it your opinion or understanding at the time that
 20 that approach was consistent with best practice in
 21 accordance with that government guidance document?
 22 A. I'm going to say yes, because I wouldn't know any other
 23 way of them collecting that information.
 24 Q. Now, in the second part I've read to you already,
 25 halfway down that text, it says:

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1 "TMO have recently introduced a comprehensive
 2 programme to gathering information about residents
 3 including any disabilities and their physical ability
 4 and mobility to respond to any emergency situations."
 5 What was that comprehensive programme that Ms Wray
 6 told you about?
 7 A. It would be information that I was given by her, this
 8 is — well, the wording would have been, "This is what
 9 we're doing".
 10 Q. What was your understanding about what that
 11 comprehensive programme was or entailed?
 12 A. Over the years I've understood it to mean that if
 13 information was given to the TMO by a resident, or if
 14 the TMO — because of residents asking for other items
 15 or equipment or having problems because they couldn't
 16 use lifts or staircases, that information would then be
 17 collated and given to me if required because it affected
 18 their mobility.
 19 Q. I'm just trying to get to the bottom of what you
 20 understood by the comprehensive programme you were told
 21 the TMO had recently introduced.
 22 A. It was a computer system, a software system, as far as
 23 I was aware.
 24 Q. What did you understand the TMO was doing by way of
 25 gathering information about residents, including any

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1 disabilities?
 2 A. My understanding was that they had information that was
 3 coming in from residents and they were going on to
 4 a central point where it could be accessed via people
 5 who had authorisation to access that information.
 6 Q. I see. So your understanding was that this
 7 comprehensive programme to gathering information was
 8 really a repository of information that residents
 9 volunteered to the TMO rather than was gathered from the
 10 residents by the TMO?
 11 A. It could be both, I suppose, and also from —
 12 Q. Well, sorry, you say, "It could be both, I suppose";
 13 what did you understand at the time?
 14 A. Both, because their employees, as they walked round the
 15 buildings, the caretakers, would be their ears and eyes
 16 to gather that information as well, so there was
 17 different routes for that to come back to the TMO.
 18 I was just the recipient, or would have been the
 19 recipient of the information once they'd collated it and
 20 had that information, and I was asked to undertake
 21 a PEEP and include it in the risk assessment if
 22 required.
 23 Q. You say in the last line of that paragraph the
 24 information would be inputted on a TP tracker system and
 25 held centrally; did you ever see or check the TP

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1 tracker?
 2 A. No, I would not have access to that.
 3 Q. How often did you understand that that information would
 4 be collected and put on to the TP tracker?
 5 A. I have no idea. You'd have to ask —
 6 Q. Did she not tell you that?
 7 A. No.
 8 Q. Did you not ask?
 9 A. No.
 10 Q. Did you not ask her what the programme entailed in terms
 11 of regularity of collection?
 12 A. Well, I would assume it was ongoing.
 13 Q. Right, but you made a lot of assumptions. Why did you
 14 not want to get to the bottom of precisely what it was
 15 that Janice Wray was doing by way of getting the
 16 information from residents and putting it into the
 17 system, regularity, who they were approaching, how they
 18 were going about it?
 19 A. It would be beyond what I would expect a fire risk
 20 assessor to do.
 21 Q. Given what we've seen in PAS 79 —
 22 A. Yes.
 23 Q. — that was the case, was it, even after 2012?
 24 A. Yes, I mean, in PAS 79, I believe, 2012, there isn't
 25 even a dedicated section for disabled.

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1 Q. If you look a little bit lower down the paragraph that
 2 we're still looking at, it says:
 3 "The additional information will be used to assess
 4 if residents may require additional devices to provide
 5 them with early warning of smoke/fire in their home
 6 and/or development of a Personal Emergency Evacuation
 7 Plan ..."
 8 Who did you understand would carry out that
 9 assessment?
 10 A. Occupational health within the TMO.
 11 Q. Occupational health isn't a who, it's a role.
 12 A. Well —
 13 Q. Who?
 14 A. Whoever they employed to undertake — sorry, can I go
 15 back a stage there?
 16 Q. Yes, please.
 17 A. So there was more than once — one was to provide
 18 standalone sprinkler systems for heavy smokers which was
 19 run by LFB, and I know that the TMO then put in a bid
 20 for money for these systems. They had systems in place
 21 where if — deaf people, they could have flashing
 22 beacons installed in houses or flats. So these
 23 systems — I knew there was the existence of these items
 24 of equipment, systems, and someone was actually looking
 25 at all this, and more than once Janice actually spoke to

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1 me and said, "What do you think of this device?" or "Can
 2 this be used by this sort of person?" So I knew this
 3 was ongoing.
 4 Q. Yes.
 5 Who was it who would assess whether a particular
 6 resident might need a PEEP?
 7 A. TMO to start with, and then if one was required, and
 8 I had undertaken a few for the TMO, I would have been
 9 asked, could I undertake this one.
 10 Q. So the TMO would identify who would need a PEEP, and
 11 then who would carry out the PEEP, who would actually
 12 develop it, using the word in the letter?
 13 A. I would if I was asked to do so.
 14 Q. Right, I see.
 15 Apart from what you were told in this meeting, did
 16 you ever see this system, so to speak, in action?
 17 A. No.
 18 Q. Between your meeting on 24 September 2010 and the fire
 19 at Grenfell Tower on 14 June 2017, did you ever seek any
 20 further information from Janice Wray or anybody else at
 21 the TMO about how the TMO would carry out its
 22 obligations in respect of gathering information on
 23 vulnerable residents?
 24 A. No, it was my assessment that it was ongoing, they would
 25 inform me if there was any issues and I would then

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1 include them in the FRA.
 2 Q. Right.
 3 Were you ever asked for advice about how the TMO
 4 should carry out their obligations on this particular
 5 subject?
 6 A. No.
 7 Q. Now, as I think we've established already, the
 8 information that you've set out in your letter here was
 9 information that you obtained from Janice Wray before
 10 the commencement of your medium-risk FRA programme?
 11 A. Yes.
 12 Q. Because you started that in the October of 2010, didn't
 13 you, the following month?
 14 A. Yes.
 15 Q. Is it right that that information would then be applied
 16 generally to all of your fire risk assessments?
 17 A. Yes, that's what this letter was about, to actually get
 18 some baselines to include items — all the items on
 19 page 1 in that list.
 20 Q. I think it's right that at this point, namely
 21 September 2010, Grenfell Tower was not considered
 22 specifically because it wasn't part of the medium-risk
 23 programme, was it, it was a high-risk building?
 24 A. That would be correct but —
 25 Q. Yes.

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1 Could we please have up on the screen your FRA for
 2 Grenfell Tower of 29 December 2010, which is the first
 3 that you did for Grenfell Tower once you had become
 4 contracted outside Salvus.
 5 A. Okay.
 6 Q. It's {CST00003181/16}, please.
 7 This is section 13, at the top of your screen, top
 8 of the page, "Disabled people". It's a question:
 9 "It is considered that the building is provided with
 10 reasonable arrangements for means of escape for disabled
 11 people?"
 12 Tick, "Yes". Do you see that?
 13 And then the text in the box says this:
 14 "At the time of the risk assessment there was no
 15 evidence of any resident within the premises who suffers
 16 from sensory impairment that would prevent them from
 17 hearing a shouted warning of fire. TMO have recently
 18 introduced a comprehensive programme to gathering
 19 information about tenants including any disabilities and
 20 their physical ability and mobility to respond to any
 21 emergency situations. This information will be imputed
 22 [inputted] on a 'TP Tracker system' and held centrally.
 23 "The additional information will be used to assess
 24 if residents may require additional devices to provide
 25 them with early warning of smoke/fire in their home

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1 and/or development of a Personal Emergency Evacuation
 2 Plan (PEEPs).
 3 "Both the lifts in this building are evacuation/fire
 4 fighting lifts and could be used in the evacuation of
 5 any disabled residents from the building."
 6 Now, do you agree that, apart from the first
 7 sentence, the information that you've included in that
 8 text is exactly the same as what you wrote in your
 9 letter of 27 September 2010 that we've just looked at?
 10 A. Correct.
 11 Q. Including the typo for "inputted".
 12 A. Yes.
 13 Q. Yes. So it's a cut and paste?
 14 A. Yes.
 15 Q. Even though at that meeting, as you have told us, you
 16 were only considering medium-risk FRAs or FRAs for
 17 medium-risk buildings, weren't you?
 18 A. On that letter there is also — it went into the lifts,
 19 which was for over 18 metres, which would be high-rise
 20 buildings. So that whole thing — that letter would
 21 have been for all their buildings.
 22 Q. Regardless of the risk level?
 23 A. Height level, you mean?
 24 Q. No. Let's be clear. Medium-risk was the programme —
 25 A. Sorry, when you — I was wrong. Definition of risk you

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1 were talking about.
 2 Q. Yes.
 3 So just to back up a little bit, even though at the
 4 meeting of 24 September, as captured in your letter of
 5 27 September 2010, you were only looking at that stage
 6 at doing FRAs on medium-risk buildings?
 7 A. I was — the letter was for looking in future, because
 8 the lifts would have been included — would have been
 9 for high-rise buildings over 18 metres high. So I'm
 10 going to say the letter includes all buildings.
 11 Q. Right, I follow. So even though at that stage you were
 12 only discussing the medium-risk programme, because that
 13 is the tender that you had just won, nonetheless you say
 14 that your letter in fact comprehended buildings in all
 15 levels of risk?
 16 A. Yes.
 17 Q. I see.
 18 Did you have any discussion at that meeting about
 19 whether the information that you were being given would
 20 be applied to all buildings regardless of risk level?
 21 A. Yes.
 22 Q. Why was that, given that you had only tendered for the
 23 medium-risk programme?
 24 A. Because I could be asked to go to any building at any
 25 time, that was the contract. The contract was — yes,

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1 it was the medium-risk, but my understanding was if
 2 I was asked to go to any other building, I could, and
 3 this is 2010 and I was going to Grenfell.
 4 Q. Well, indeed, but I thought we'd established before that
 5 that was before you were essentially opened up for all
 6 buildings without a tender?
 7 A. I was future-proofing the document, if you want to call
 8 it that. I was looking at everything that could be used
 9 in the future.
 10 Q. Right.
 11 Now, when you wrote what you wrote in this text
 12 here, clearly it's not specific to Grenfell Tower, is
 13 it?
 14 A. No.
 15 Q. No, and you hadn't checked the TP tracker, had you?
 16 A. No.
 17 Q. Or established if any residents had or should have
 18 a PEEP.
 19 A. That would be information given to me.
 20 Q. You hadn't established if any residents should have or
 21 had a PEEP; correct?
 22 A. I had not asked specifically, but my understanding was
 23 ongoing, they would tell me as the risk assessor if any
 24 in the building had a PEEP.
 25 Q. When you say, "At the time of the risk assessment", as

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1 you do there, "there was no evidence of any resident
 2 within the premises who suffers from sensory
 3 impairment", when you say there was no evidence, what
 4 evidence had you looked for?
 5 A. None was given to me.
 6 Q. No; what evidence had you looked for?
 7 A. None was — I hadn't looked for it, none was given to —
 8 I asked the question — they're to give to me, not for
 9 me to interrogate their systems.
 10 Q. I see.
 11 Why didn't you write, "At the time of the risk
 12 assessment I have not been instructed that there was any
 13 resident ..."?
 14 A. I don't know. That was the words that were written at
 15 the time between myself and Janice.
 16 Q. Right. It may be a lawyer's distinction — some might
 17 think it is — but do you realise that there is
 18 a distinction between stating that you had not been told
 19 something on the one hand and stating that there was no
 20 evidence of it on the other?
 21 A. If there is a distinction, it's —
 22 Q. It eluded you?
 23 A. Yes.
 24 Q. Right. So really what you were saying in the first
 25 sentence was an assumption?

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1 A. I was given no evidence — I was given no documentation,
 2 no evidence, to say there was anyone in the building —
 3 Q. Indeed, and therefore you assumed that there was nobody
 4 who needed a PEEP?
 5 A. Yes.
 6 Q. Yes.
 7 Now, why did you focus only on people who suffered
 8 from sensory impairments that would prevent them from
 9 hearing a shouted warning of fire, in other words
 10 someone with a hearing impairment? Why not other
 11 disabilities, such as mobility or visual impairment?
 12 A. Because in this particular case there's no communal
 13 fire alarm system, so the only time that they would
 14 actually — it would be a hearing problem if they were
 15 trying, someone, to knock on the door and someone
 16 shouting, "Fire".
 17 Q. That's quite a narrow interpretation of disability,
 18 isn't it?
 19 A. This here is 2010, but don't the later ones expand out
 20 to include hearing and sensory loss, I believe?
 21 Q. Well, we will look at the later ones in a moment.
 22 A. So these evolved over time.
 23 Q. We will see how they evolved over time, but just at this
 24 time, why did you limit the scope of disability to those
 25 people with hearing impairment, as opposed to visual

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1 impairment, mobility impairment, mental health
 2 impairments?
 3 A. Cannot give you a comprehensive answer, but the
 4 disability one, ability, mobility, would be covered
 5 in — and physical ability is covered in the next
 6 sentence. TMO would inform me if they had anyone with
 7 any of those problems in the building.
 8 Q. I take it you didn't ask Janice Wray the question: is
 9 there anybody in this building who is disabled?
 10 A. I would expect them to tell me.
 11 Q. When you say, "This information will be [inputted] on
 12 a 'TP Tracker system'", can you explain why you didn't
 13 check the TP tracker system yourself to make sure that
 14 there truly was no evidence of any resident within the
 15 premises suffering even from a sensory impairment to
 16 their ears?
 17 A. Well, I'm not an employee of the TMO, I was a
 18 contractor. I couldn't just walk into their building
 19 and say, "Can I look at your systems".
 20 Q. But you could ask them.
 21 A. Well, I would have asked them as part of an ongoing —
 22 and expect them to tell me if they knew of anyone as
 23 well, and I expected if Janice knew anyone, she would
 24 tell me as well.
 25 Q. You identify the system on which the information would

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1 be inputted. Did you not ask Janice Wray, "Janice,
 2 please will you go to your TP tracker system and tell me
 3 from it who, as at today, is a disabled person for the
 4 purposes of my FRA"? Did you ask her that question?
 5 A. No.
 6 Q. Why not?
 7 A. Because it would be — the onus would be on the occupier
 8 or the responsible person to tell the risk assessor that
 9 information.
 10 Q. Is that not a very incurious approach for a fire risk
 11 assessor?
 12 A. No, I don't think so.
 13 Q. So was your approach quite simply to assume that there
 14 were no disabled people in the building, regardless of
 15 there being a system whereby you could find out or you
 16 could be told from it who they were, until you were
 17 actually told expressly in terms?
 18 A. Well, I believe that's the criteria that's used in
 19 PAS 79, where in a general needs block of flats, it's
 20 very hard to find out if anyone has got disabilities.
 21 It's the landlord or the tenant management organisation
 22 or the managing agents of the building would have that
 23 information, not the risk assessor.
 24 Q. No, indeed, and the risk assessor isn't — I take your
 25 point — required necessarily to collect it at source,

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1 but what would be the point of having a section in your
 2 fire risk assessment for disabled people unless you
 3 could contemplate reasonably that you might be given it?
 4 A. Well, it was an ongoing — I would be asked these
 5 questions and it was ongoing and — well, in my view,
 6 I would expect that they would tell me if they had
 7 anyone like that, because it's — the onus is on them as
 8 the responsible person to tell me, the risk assessor, of
 9 information they have on this topic and subject.
 10 Q. Do you remember any occasion over the seven years you
 11 did FRAs for Grenfell Tower being told of anybody who
 12 had any kind of disability in the building which might
 13 warrant your referring to it in your FRA or for whom
 14 a PEEP should be prepared?
 15 A. In Grenfell?
 16 Q. Yes.
 17 A. I cannot remember for Grenfell per se. Other buildings,
 18 yes. And as I alluded to earlier on, after going round
 19 the building in November 2016 after my last FRA, I saw
 20 a mobility scooter and then asked the question about
 21 mobility of that person in that flat.
 22 Q. We will come to that.
 23 Did it never strike you as strange that in all those
 24 years you had never been given any information about
 25 anybody with any disability of any kind for whom

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1 reasonable arrangements for means of escape might be
 2 required?
 3 A. For that building, no, because other buildings I was
 4 given that information, so therefore I rely on the TMO
 5 to give me that information as they had for other
 6 buildings.
 7 Q. I see.
 8 Let's go to your FRA completed on 20 November 2012
 9 next, {CST00003084/20}, section 13 again.
 10 What we're going to do is trace the same section
 11 through the years, so I'll take this quite quickly,
 12 because we can.
 13 Towards the bottom of your screen, same text in the
 14 box. Same tick, "Yes". Same text in the box except,
 15 after the words in the third line "shouted warning of
 16 fire":
 17 "... or a loud knocking on their entrance door to
 18 warn them."
 19 And then it goes on:
 20 "TMO have recently introduced a comprehensive
 21 programme ..."
 22 Next sentence:
 23 "This information will be imputed [inputted] on
 24 a 'TP Tracker system' ..."
 25 So cut and pasted again, except for the words "or

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1 a loud knocking on their entrance door to warn them".
 2 A. So it's not a full cut and paste, it's been amended.
 3 Q. Indeed. Why did you amend it to add that?
 4 A. Because a knocking — it would be as the document
 5 evolved, shouted warning or knocking on the door,
 6 because obviously that was missing in the first one.
 7 Q. Right. One can understand the difference, in one sense,
 8 between a shouted warning of fire or loud knocking on
 9 the entrance door. What was it that prompted you to
 10 add those words in this 2012 FRA?
 11 A. I can't give you a specific, but if it's been changed on
 12 this one, it would have been changed on all of them,
 13 because of an incident that's happened or information
 14 that came to light that I'd missed it on the first one.
 15 Q. Right.
 16 Looking at the 2014 FRA, {CST00003157/21}, this one
 17 is identical to the November 2012 text, isn't it,
 18 including the typo for "inputted" again?
 19 A. Slightly different again. This has been — so the last
 20 paragraph, there's more information added. These are
 21 live documents where information is added as and when it
 22 comes to light.
 23 Q. Yes, I take your point on the last four lines, but the
 24 rest of it is essentially cut and paste, isn't it, from
 25 the 2012 —

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1 A. Because nothing has changed, so therefore it is
 2 reasonable to accept that it is the same information,
 3 yes.
 4 Q. Yes. I mean, you didn't even really re—read it in order
 5 to cure the typographical error, did you?
 6 A. To be honest, if it hadn't come up as spell checker,
 7 I wouldn't have looked at it, no.
 8 Q. Right. That may explain a number of the infelicities
 9 which are repeated.
 10 Going to the April 2016 FRA, {CST00003161/22}.
 11 Same section again, same question, same tick, same
 12 text, except that at the end of the first paragraph we
 13 can see a shouted warning of fire, but no reference now
 14 to the loud knock. The sentence has now reverted back
 15 to the December 2010 version without the loud
 16 door—knocking addition. Why was that?
 17 A. I can't answer that, I don't know.
 18 Q. Did you just cut and paste the wrong document, do you
 19 think?
 20 A. No, because if I'd cut and pasted it, it would have been
 21 the previous one, so no, I can't answer that question.
 22 But there is additional information now at the bottom.
 23 Q. If we go to the June 2016 version, {CST00003145}.
 24 That's the first page at page 1.
 25 If we can go, please, in that to the bottom of

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1 page 23 {CST00003145/23}, we can see the start of
 2 section 13, "Disabled people", and again, the first
 3 paragraph there ends "shouted warning of fire", no loud
 4 door—knock. Again, why was that? Why had that reverted
 5 back to the 2010 version?
 6 A. No answer, sorry.
 7 Q. Let's go to the next page, page 24 {CST00003145/24}.
 8 That's the same as the previous, isn't it?
 9 A. Yes, I'm going to say so, yeah, in training the staff,
 10 yeah.
 11 Q. So looking at all of those, we've looked at every one up
 12 to June 2016, in every FRA you did for Grenfell Tower
 13 after September 2010 and your discussion as reflected in
 14 your 27 September 2010 letter, do you accept that you
 15 used the same information about residents in the tower
 16 that you'd used in your first FRA in December 2010?
 17 A. Similar information, yes.
 18 Q. You'd taken that information from the meeting that you'd
 19 had with Janice Wray in September 2010.
 20 A. Yes.
 21 Q. Even though that meeting had had nothing to do with
 22 Grenfell Tower specifically.
 23 A. It crossed their portfolio of buildings, that was
 24 a general meeting.
 25 Q. And you never updated that information by reference to

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1 any particular people or particular system.
 2 A. As far as I'm aware, the system was still the tracker
 3 system, and no information had been given to me to
 4 warrant changing it because there was no information
 5 given to me that there was any disabled people in the
 6 building that would need a PEEP.
 7 Q. And it never struck you as strange that not once in the
 8 seven years that you were doing FRAs in respect of
 9 Grenfell Tower, Janice Wray had never identified
 10 anybody, anybody, who might need assistance in the event
 11 of a fire?
 12 A. No, because other buildings — she had identified other
 13 people in other buildings, so why would this building be
 14 any different? If there was someone, she would have
 15 identified them to me.
 16 Q. On the basis that you hadn't enquired about whether
 17 there were people with disabilities, in the very broad
 18 sense that PAS 79 from August 2012 identifies, on what
 19 basis could you reasonably conclude that adequate
 20 provisions were in place to protect those people in the
 21 event of a fire?
 22 A. PAS 79:2012 is a broad document that predominantly
 23 covers workplaces.
 24 Q. If you hadn't enquired about those people with
 25 disabilities in Grenfell Tower, on what possible basis

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1 could you have concluded reasonably that there were
 2 adequate provisions in place to protect such people in
 3 the event of a fire?
 4 A. Because I did enquire because I wasn't given positive
 5 information to say there was anyone in there that did
 6 require —
 7 Q. With great respect, Mr Stokes, that answer makes no
 8 sense, "Because I did enquire because I wasn't given
 9 positive information". That's not an enquiry, is it?
 10 A. Information was given to me on other buildings where
 11 people required assistance or PEEPs to be undertaken, or
 12 even broadening it out to hoarding. I was under —
 13 well, nothing was given to me reference Grenfell Tower,
 14 so therefore my assumption is that there was no one in
 15 Grenfell Tower that needed the extra assistance.
 16 Q. You agreed with me earlier that you, under PAS 79, were
 17 required under the guidance to identify occupants
 18 especially at risk in the event of a fire, which
 19 included disabled occupants. Do you accept that you
 20 failed to carry out your obligations under the
 21 Fire Safety Order 2005 and the guidance in PAS 79 in
 22 identifying such residents?
 23 A. No, I don't.
 24 Q. And that by relying merely on whether or not you were
 25 provided by Ms Wray, you were not doing your job under

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1 that enactment or the guidance?
 2 A. By relying on Ms Wray I was under — PAS 79 is guidance.
 3 I was relying on the TMO to provide me with that
 4 information. I asked the question at the beginning, and
 5 the TMO, if they had that information, would have given
 6 it to me.
 7 Q. Now, let's just examine what you say about the
 8 TP tracker a little bit more closely, because you deal
 9 with this in your second statement.
 10 Can we go to that, please, {CST00030186/38},
 11 paragraph 143.
 12 We've looked at this section of your second
 13 statement before, and at paragraph 143 — we've also
 14 looked at that before — you've identified the fact that
 15 you were told by Ms Wray that the TMO had
 16 a "comprehensive programme to gather information about
 17 tenants", and that's a quotation from the letter we've
 18 seen.
 19 You say in the bottom part of that paragraph:
 20 "... whilst I was told by Ms Wray that the
 21 'TP tracker system' was in existence in relation to
 22 individual residents, I was not asked to review or
 23 consider it."
 24 Does that tell us that you never asked her to see
 25 it?

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1 A. Yes.
 2 Q. We covered this a moment ago, forgive me for going over
 3 it again, but why did you not review or consider the
 4 TP tracker just to see what it said on it?
 5 A. Because my view would be it was outside the remit of the
 6 Fire Safety Order or what I was asked to do as a risk
 7 assessor. I wouldn't ask to see the software system
 8 that was holding information on or how it was held on
 9 information on the dry riser. As long as I had the
 10 information available to me, ie given to me, I wouldn't
 11 want to see the software, the same as I wouldn't want to
 12 see what was wrong with your software this morning and
 13 why it didn't work.
 14 Q. But you knew it contained relevant information about
 15 occupants' disabilities, didn't you?
 16 A. That's what I was told.
 17 Q. Yes. So why didn't you ask to see the tracker in order
 18 to look at that information in order to see whether
 19 there was any evidence for the purpose of the particular
 20 building —
 21 A. Well, if I asked if there was anyone in the building and
 22 it was relevant, and I was told — not given any
 23 information, why would I then want to inspect something
 24 when Janice Wray as a person had told me there wasn't —
 25 if she didn't know.

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1 Q. Would it not have helped you in your risk assessment,
 2 filling out the part you're filling out, and knowing
 3 that there is a source of evidence, just to ask her
 4 whether you can go to that source of evidence and see
 5 for yourself, as an independent fire risk assessor, what
 6 that source of evidence told you about the building for
 7 which you were doing a fire risk assessment?
 8 A. But I would rely on them to give me that information.
 9 I wouldn't be — want — or privy to any medical
 10 information that was on that system, and would they want
 11 me to look at any medical information on that system?
 12 If I was told that this person was in a wheelchair, and
 13 could I assess by undertaking a PEEP, I would go and do
 14 that. It's not for me as the risk assessor to manage
 15 their system for them.
 16 Q. I'm not suggesting that it's for you to manage their
 17 system; I am suggesting to you that it was your
 18 responsibility to collect data for the purposes of your
 19 fire risk assessment from the source, whether by asking
 20 for it interpolated by Janice Wray or by taking it
 21 directly from the TP tracker, to which you refer
 22 repeatedly.
 23 A. And I would have went to the person and asked, "Is there
 24 any information?", or that was a given that I would be
 25 given the information if there was any to give to me.

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1 Q. So do you say you did ask her and was told there was
 2 nothing?
 3 A. Well, at the beginning, the letter, they would tell me
 4 if there was any information to be given to me.
 5 Q. Did you know that the subscription held by the TMO for
 6 the TP tracker was not renewed after it expired in
 7 September 2013?
 8 A. No.
 9 Q. No one told you that?
 10 A. No.
 11 Q. Does that explain why you continue to make reference to
 12 it in your FRAs in October 2014, April 2016 and
 13 June 2016?
 14 A. Yes, if I wasn't told it wasn't available, I wouldn't
 15 have known to take it out.
 16 Q. I was going to ask you: is that something that you would
 17 have expected to have been told?
 18 A. And if I would have been told that, I would have said,
 19 "Well, what system have you got in place now to maintain
 20 information on people in the building?"
 21 Q. Did Janice Wray never come back to you and say, "The
 22 reference to TP tracker is now outdated, we're not
 23 longer" —
 24 A. No. I would have taken it out if I'd have known that.
 25 Q. You say also in your second statement, we can see it on

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1 the page {CST00030186/38}, paragraph 142 at the top,
 2 that you were:
 3 "... not required to carry out any Personal
 4 Emergency Evacuation Plans ('PEEPs') in relation to the
 5 Tower as a matter of course but would if specifically
 6 requested to do so. In fact, my records show that
 7 I only carried out two PEEPs for the KCTMO in Spring
 8 2014: 4 Markland House and 27 Gillray House. My
 9 understanding was that Ms Wray's team generally carried
 10 out PEEPs in respect of the KCTMO's housing stock."
 11 So is it right that in the entire time that you were
 12 the fire risk assessor for the TMO and the whole of its
 13 stock, you were only ever asked to carry out two PEEPs?
 14 A. That's — if I've put that down, that's my records,
 15 that's what I would have, yes.
 16 Q. Apart from the two instances you've identified, were you
 17 given any other information about any other disabled
 18 person in occupation in any other building?
 19 A. General needs or sheltered housing?
 20 Q. General needs.
 21 A. The answer would be no.
 22 Q. No?
 23 A. Well, unless it was relevant to what I needed to know,
 24 so —
 25 Q. So help me with this. Leave aside sheltered housing.

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1 Is it your evidence that in the seven years you were the
2 fire risk assessor for the TMO stock, you were only told
3 of two instances of disabled occupants?
4 A. Yes.
5 Q. There must have come a time when you were struck by
6 that.
7 A. No, I wouldn't know what the state or the abilities of
8 people within their buildings were.
9 Q. Well, how many properties were there in the TMO's stock
10 on average over the seven years you were its fire risk
11 assessor?
12 A. Total buildings?
13 Q. Yes.
14 A. I've got no idea. I would have a guess at 400, 500.
15 Q. Well, it's more than that, almost 10,000 in fact.
16 A. Is that bed — is that dwellings?
17 SIR MARTIN MOORE-BICK: Sorry, we might need to distinguish
18 between units and buildings.
19 MR MILLETT: All right.
20 Leaving aside the figures, because I can't give you
21 a precise number and I won't debate it with you, did
22 there not come a time when it occurred to you that it
23 was very odd that Janice Wray had given you no
24 information about any disabled person for the purposes
25 of section 13 of your fire risk assessments, other than

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1 the two instances we see at paragraph 142 of your second
2 witness statement?
3 A. No. I would have — it would have been a general item,
4 we would have asked for it, if we had meetings, and it
5 never came up. The fire service would have looked at
6 these documents and risk assessments as well and they've
7 never raised it, and Janice Wray's never helped me or
8 come to me with any information either, nor anyone else
9 in the TMO, I may add.
10 Q. You mentioned the mobility scooter, I think, twice in
11 your evidence. Let's look at that. I said I'd come
12 back to it.
13 Can we look, please, at {CST00002175}.
14 This is a letter you wrote to Janice Wray on
15 19 October 2016, so this is after the last FRA you did
16 for Grenfell Tower before the fire in June 2017. The
17 subject is Grenfell Tower itself. You see that.
18 A. Yes.
19 Q. If you go, please, in this letter to page 12
20 {CST00002175/12}, you can see there under item 1, under
21 "My comments":
22 "Are the caretakers checks being undertaken and
23 recorded?
24 "Additional items as a result of my visit are:
25 "1. There is a mobility scooter being parked and

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1 charged on the landing area outside flat 9."
2 Then there is a photograph of the scooter with
3 a cable running through into the front door, and it says
4 underneath that in bold:
5 "The charging of mobility scooters must not be
6 undertaken in the common parts of building, this
7 practice must stop immediately."
8 Flat 9 was on the third floor, wasn't it?
9 A. Correct.
10 Q. A mobility scooter is a good indicator, isn't it, of
11 a resident whose physical state may impair their ability
12 to respond to a fire?
13 A. Yes.
14 Q. Yes. Did you consider whether the resident of flat 9
15 needed to be assessed for a PEEP?
16 A. I would — probably, yes.
17 Q. If that is so, why did you not include in your letter
18 a proposal for an assessment for a PEEP?
19 A. Because this particular letter here was to do with going
20 round the common parts of the building before an audit
21 by the fire service. I would have discussed that as
22 a separate issue with Ms Wray.
23 Q. Did you?
24 A. I'm going to say yes, because I definitely would have
25 not walked — let this go without asking about a PEEP

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1 later.
2 Q. Well, you say you wouldn't have done; do you actually
3 recall having a conversation with Janice Wray about the
4 occupant of flat 9 being appropriate for a PEEP?
5 A. I'm going to say yes because I would not have left —
6 well, the mobility scooter is a giveaway to say that
7 they would have mobility problems. I'm going to say the
8 questions would have been along the lines of, "Who put
9 a person with a mobility scooter on the third floor of
10 a tower block? How did they get it up here? What's it
11 doing being parked there?"
12 Q. Well, "What's it doing being parked there" I can
13 understand, that's obvious. What I'm really seeking to
14 understand is whether you really did have a discussion
15 with Janice Wray about a PEEP, having been alerted to
16 the need for one by —
17 A. I would have done, yes, because I wouldn't have walked
18 away and — or wouldn't have gone back and not had
19 a discussion with that there.
20 Q. Right. I don't think you have touched on that in your
21 witness statement, have you, or any of your witness
22 statements, or have you?
23 A. I've no idea, I can't remember, sorry.
24 Q. We will check.
25 You, I think, were aware that nine new flats in

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1 Grenfell Tower had been created by the refurbishment on
2 the lower floors .
3 A. Yes.
4 Q. Were you aware that some of those flats had been
5 expressly adapted for disabled residents?
6 A. Only because of the way — the layout of the internal
7 smoke detectors in the flats , yes.
8 Q. Right. Do I take it from that that you weren't actually
9 told this by Janice Wray —
10 A. No.
11 Q. — you worked it out for yourself?
12 Were you aware that residents had moved in by the
13 time of the fire ?
14 A. Only when I walked round there and saw these. I don't
15 think all the flats were occupied. But I was not told
16 of occupancy, people moving in, no.
17 Q. Were you aware that at least one resident in each of
18 those flats had some degree of mobility impairment?
19 A. No.
20 Q. Would you have expected to have been told that?
21 A. Yes.
22 Q. By whom?
23 A. Ms Wray.
24 Q. Right.
25 Now, I asked you earlier on if the information

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1 included in the 27 September 2010 letter was meant to
2 apply more generally to all of your fire risk
3 assessments, and broadly speaking your answer is yes,
4 I think.
5 A. Yes.
6 Q. Yes.
7 In respect of your fire risk assessments for other
8 TMO properties, do you agree that when it came to
9 considering and recording disabled people in section 13
10 of your risk assessments, you adopted the same approach
11 as you did for the Grenfell Tower fire risk assessments
12 as we've seen?
13 A. Yes.
14 Q. Yes.
15 Let's just look at one or two of the others deemed
16 by the TMO to be high risk, and which were also
17 high-rise buildings. Given your answer "yes", we can
18 take this quite quickly.
19 First, the Adair Tower fire risk assessment,
20 28 October 2011. I don't think we've looked at this one
21 before, {CST00004307/15}.
22 "Disabled people", bottom of the screen, section 13.
23 Same question, tick, and then the familiar words,
24 I think, now:
25 "At the time of the risk assessment there was no

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1 evidence of any resident within the premises who suffers
2 from sensory impairment that would prevent them from
3 hearing shouted warning of fire."
4 No loud door—knock there:
5 "TMO have recently introduced a comprehensive
6 programme to gathering information about tenants ..."
7 And you can read what's in the box there.
8 Over the page, please, to page 16 {CST00004307/16},
9 at the top of the page:
10 "The additional information will be used to assess
11 if residents may require additional devices to provide
12 them with early warning of smoke/fire in their home
13 and/or development of a Personal Emergency Evacuation
14 Plan (PEEPs)."
15 Then lifts you refer to.
16 It's a straight cut and paste, isn't it, including
17 the typo, "imputed"?
18 A. No, it's not a straight cut and paste because each
19 building would be different, because in some buildings
20 both lifts would be, and in other buildings maybe one
21 only.
22 Q. This is the same text, though, including the typo.
23 A. Because the building is similar in design and layout.
24 Q. Yes, so it's a straight cut and paste, including the
25 typographical error that you had used in the

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1 Grenfell Tower risk assessment in December 2010.
2 A. Agreed.
3 Q. Yes.
4 Gillray House is another one. This time it's the
5 next year, 19 November 2012, {TMO00854930/18}. You can
6 see the date of that, 19 November 2012.
7 At the bottom of page 18, "Disabled people", same
8 question, same tick, same text in the box at the bottom,
9 except that here now we have the loud knocking again,
10 which has come in.
11 Then if you turn to page 19 {TMO00854930/19} you see
12 the same text in the next two sentences as we've seen
13 before, and in the next paragraph the same, and then
14 you've got something about the lifts. Do you see that?
15 A. Which is different .
16 Q. Which is different. But leaving aside the lifts ,
17 another straight cut and paste, including the "imputed".
18 A. Well, it's not a straight cut and paste, is it, because
19 it is different, because the lifts in this building are
20 different and therefore it's been looked at, and the
21 information is similar because the building is similar,
22 the management information is similar, I had been given
23 no —
24 Q. All right. I mean, humour me, it's cut and paste down
25 to the word "PEEPs" in the middle of that box, isn't it?

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1 A. Because the information is the same, yes.
 2 Q. Yes, all right.
 3 Now, it's right, in fact, that you had written
 4 a PEEP for a resident of Gillray House, as you've said
 5 in your second statement at paragraph 142, on
 6 18 October 2010, hadn't you?
 7 A. Yes.
 8 Q. I mean, I don't want to ask you to guess. This is
 9 {CST00005610}, please.
 10 This is one of the two PEEPs that you referred to in
 11 your second statement. Can we just see that, have it up
 12 on the screen. There it is.
 13 It's dated 18 October 2010, which I think is the
 14 first day you started under contract for the TMO, wasn't
 15 it?
 16 A. If you say so, yes.
 17 Q. Yes, and the address is Gillray House, and there is
 18 a description of the building, present evacuation
 19 procedures for the building, if you just go down the
 20 screen, and then on to the next page {CST00005610/2} you
 21 can see, page 2, personal information, what it is that
 22 the occupant suffers from, quite a lot of detail there,
 23 I'm not going to read it out.
 24 Then, "Persons Disability or Vulnerability: (When
 25 the condition affects her)", physical, sensory and

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1 other, and there is a lot of detail about personal
 2 abilities, has the evacuation procedure been explained
 3 to her, in this case her mother, yes; can the person
 4 evacuate the dwelling without help, and then quite a lot
 5 of detail about that. It goes on at some length.
 6 Then on page 3 {CST00005610/3} about the procedure,
 7 with an attachment for a plan if required.
 8 Communication of information at the bottom of page 3.
 9 Then on page 4 {CST00005610/4}, change to your
 10 condition, and then dates for review, reasons for
 11 review, compiler, et cetera.
 12 A. Yes.
 13 Q. Now, when you came to do your fire risk assessment that
 14 we've been looking at for Gillray House, did you check
 15 to see if this resident for whom you had done a PEEP
 16 two years previously was still in residence at
 17 Gillray House?
 18 A. From the top of my head I can't answer that question
 19 because I can't remember.
 20 Q. Right. What ought you to have done, given that there
 21 had been a resident with a PEEP in that building?
 22 A. Included it into the risk assessment.
 23 Q. Indeed, and we see nothing in the risk assessment about
 24 that person, do we?
 25 A. Have they moved out?

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1 Q. Well, that is my question to you.
 2 A. Well, I would have asked that question, because this
 3 would have been — this should have been reviewed a year
 4 later.
 5 Q. Indeed, and was it? We see no documentary evidence that
 6 it was and see nothing in your witness statement that it
 7 was. What happened?
 8 A. I can't comment.
 9 Q. Hazlewood Tower, 20 February 2014 FRA, {TMO10043804/20},
 10 please. Thank you.
 11 Bottom of the page, "Disabled people", same
 12 question, same tick, same comments in the box. We've
 13 got the loud knocking adjunct there.
 14 Next page, please, page 21 {TMO10043804/21}, "TMO
 15 have recently introduced", et cetera.
 16 So down to the reference to lifts, after the PEEPs
 17 at the end of the sentence in the middle of the text,
 18 down to that point, straight cut and paste again; yes?
 19 A. Yes.
 20 Q. Yes.
 21 Markland House, 21 January 2016 {TMO10047159/21}.
 22 Top of the screen, "Disabled people", same question,
 23 same tick, down to PEEPs, cut and paste; yes?
 24 A. Slightly different at the bottom, the reference to the
 25 lifts.

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1 Q. Yes, I know, but down to "PEEPs", cut and paste; yes?
 2 A. Yes.
 3 Q. Yes.
 4 In the case of Markland House, though, again, as
 5 we've seen from your second witness statement, you had
 6 compiled a PEEP for this building on 8 March 2014,
 7 hadn't you?
 8 A. Yes.
 9 Q. We don't need to go to it. The reference is
 10 {CST00020896}, but I think you accept that because you
 11 have referred to it in your statement.
 12 Did you ask Janice Wray or anybody else at the TMO
 13 if that resident was still living in the building in
 14 2016?
 15 A. Well, I'm going to say I would have done, because there
 16 would have been a review date on the PEEPs, and
 17 therefore if I hadn't gone back, I would have asked: was
 18 the person still there?
 19 Q. Let's look at the PEEP, then. We can look at it.
 20 {CST00020896}.
 21 Let's look and see the review date in it. The PEEP
 22 is dated 8 March 2014, and you can see that from the top
 23 right—hand corner of your screen. The review date is on
 24 the same page, 1 April 2015. Yes? As you can see
 25 there, "I would recommend a review date of

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1 1 April 2015".
 2 A. Yes.
 3 Q. And the Markland House FRA is dated 21 January 2016, so
 4 not long afterwards, nine months or so.
 5 Do you remember whether there was a review?
 6 A. I don't know —
 7 Q. You probably don't remember, but if there had been
 8 a review —
 9 A. Would the —
 10 Q. — why not record the fact in the FRA?
 11 A. Did I not say in here — sorry, I'm trying to do this
 12 from memory — that the person should be moved, at the
 13 bottom?
 14 (Pause)
 15 Q. Well, I'm not going to stand here and read it to check.
 16 A. No, I was just thinking —
 17 Q. — to be able to answer your question, but —
 18 A. My recommendation was that they be moved. Had they been
 19 moved at the time I undertook the FRA?
 20 Q. Well, I mean, you only did two.
 21 A. Yes.
 22 Q. You don't remember?
 23 A. No.
 24 Q. Even if they had been moved, why would that not be
 25 something that you would put in your FRA?

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1 A. I can't answer that question.
 2 Q. Do you actually recall asking Janice Wray whether or not
 3 that disabled person for whom you had done a PEEP was
 4 still resident in the building as at 21 January 2016?
 5 A. Off the top of my head, no, I can't remember.
 6 Q. Right.
 7 Trellick Tower, 26 April 2017. We've looked at this
 8 before, {TMO00842255/24}.
 9 Again, section 13, bottom of the page, "Disabled
 10 people", same question, same tick, same text as we see
 11 on page 24, this time you've got the loud door—knock
 12 addition to the sentence. We didn't have that in the
 13 last one.
 14 Again, it's the same paragraph. If you go to
 15 page 25 {TMO00842255/25}, you will see the rest of it.
 16 Down to the word "PEEPs", and a little excursus on the
 17 lifts, but down to the word "PEEPs" and the bit about
 18 the lifts, again, straight cut and paste from all the
 19 other FRAs we've seen, with the exception or not with
 20 the exception of the loud door—knock addition to the
 21 first sentence; yes?
 22 A. And the lifts, yes. Lifts are different in each one.
 23 Q. Well, lifts may or may not be different on each one.
 24 Some of the lift parts are similar as well, and we will
 25 come back to lifts in due course.

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1 It's right to say, just looking at the survey we
 2 have done, that you adopted the same approach across all
 3 of your fire risk assessments for the TMO.
 4 A. Yes.
 5 Q. So in all of the fire risk assessments you did for the
 6 TMO between 2010 and 2017, Mr Stokes, you never
 7 identified and considered disabled residents or
 8 occupants especially at risk, except in those two cases
 9 where you happened to do PEEPs, but even then they
 10 weren't reflected in the FRAs for whatever reason.
 11 A. Correct.
 12 Q. Can we take it from that that you never yourself
 13 considered how any of the disabled residents in the
 14 TMO's properties for which you did FRAs would be
 15 protected and able to escape in the event of a fire?
 16 A. I did undertake that, yes, I undertook — could you ask
 17 your question again, please?
 18 Q. You never considered how any of the disabled residents
 19 in any of the TMO properties for which you did FRAs
 20 would be able to escape in the event of a fire.
 21 A. I considered it where I was told there was disabled
 22 residents.
 23 Q. And those numbered two occasions?
 24 A. Yes.
 25 Q. That's it?

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1 A. I was not told of any other disabled residents that —
 2 Q. And that —
 3 A. — would alter my opinion in a general needs block of
 4 flats that there was someone in there with problems that
 5 would need additional assistance.
 6 SIR MARTIN MOORE—BICK: Mr Stokes, would we be right in
 7 understanding this: you are saying that you were told by
 8 Janice Wray right at the outset that she would tell you
 9 about the presence of any disabled residents?
 10 A. Correct.
 11 SIR MARTIN MOORE—BICK: That she'd told you about two
 12 disabled residents, and those are the two we've seen you
 13 did PEEPs for?
 14 A. Correct.
 15 SIR MARTIN MOORE—BICK: And that the fact that she had told
 16 you of those two led you to regard her failure to
 17 mention any others as being, in effect, a statement that
 18 there weren't any others?
 19 A. Correct.
 20 SIR MARTIN MOORE—BICK: Right, thank you.
 21 MR MILLETT: Did she tell you that in terms at any time?
 22 A. That was a given. That was —
 23 Q. Well —
 24 A. — the understanding that I had.
 25 Q. It's the understanding you have. My question was: did

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1 she tell you that in terms?
 2 A. That was what the letter at the beginning was. I would
 3 be told if there was anyone, and that is broadly in
 4 compliance with PAS 79, which actually says it's — in
 5 a general needs block of flats, disabled people — it's
 6 for the landlord to inform the risk assessor.
 7 Q. Did you ever say to her that you would proceed on the
 8 basis that there were no disabled people in any of the
 9 buildings unless she specifically drew them to your
 10 attention on the occasion of your fire risk assessments
 11 or FRA reviews?
 12 A. My assumption was that she would tell me. Whether we
 13 had the conversation that I implied to her, "You must
 14 tell me", I would not know about that or I can't
 15 remember a conversation like that happening. It is
 16 implied on my part that she would tell me if she knew,
 17 and she did on two occasions, and therefore I assumed
 18 that is it.
 19 Q. Now, you say in that answer your assumption was that she
 20 would tell you, and you said, "It's implied on my part
 21 she would tell me".
 22 A. I understood that she would tell me.
 23 Q. That's your understanding?
 24 A. Yes.
 25 Q. What was there that you could see which led you at the

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1 time to be clear in your mind that she knew that you
 2 were proceeding on that understanding?
 3 A. I was never questioned, and all the information — all
 4 the risk assessments go back, and she'd never told me
 5 anything was wrong with the statement that was in there,
 6 and where they were audited by the Fire Brigade, they
 7 never mentioned anything either, so if they had any
 8 additional information.
 9 Q. Now, can I then look at an email in December 2012
 10 involving the LFB, {CST00016416}.
 11 You can see that, at the second half of the screen,
 12 Janice Wray is sending you an email on Monday,
 13 3 December 2012:
 14 "For info. Received this late Friday — haven't even
 15 read it yet! J."
 16 It's an email from Nicolas Comery of London Fire to
 17 her, Janice Wray, and Claire Wise at RBKC and others,
 18 subject: "LFB sprinkler initiative". Can you see that?
 19 A. Yes.
 20 Q. Summarising it, he, Mr Comery, had requested assistance
 21 from Janice Wray to identify vulnerable people in local
 22 authority premises who could benefit from automatic fire
 23 suppression systems in their building. That's the gist
 24 of his request.
 25 If we go up the screen —

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1 A. Sorry, can I stop you there? This is individual
 2 systems, not building systems. So this is portable
 3 sprinkler systems for smokers which I alluded to earlier
 4 on.
 5 Q. Yes. Well, I'm just taking it from what he said in the
 6 first and second sentences. I'll read it to you, if you
 7 like. It says in the first line:
 8 "Apologies — this should have been sent out earlier.
 9 The LFB will be writing to all local authorities to
 10 outline the business case for the installation of
 11 automatic fire suppression systems (AFSS) in premises
 12 housing those most at risk from fire and its effects."
 13 He talks about risk factors of the inhabitants and
 14 goes on to ask for assistance in identifying suitable
 15 vulnerable persons in local authority premises, and he's
 16 got a deadline.
 17 What I want to focus on is your response back to
 18 Janice Wray on the same day, about half an hour later,
 19 and you say:
 20 "Thanks for this Janice.
 21 "I would say you have nobody that this refers to
 22 because if you had you would have undertaken a PEEPs for
 23 them and [implemented] any findings which would have
 24 included additional fire safety measures.
 25 "If you identify anybody now questions like why were

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1 they not included in the buildings FRA spring to mind.
 2 "A good response I believe would be thank you for
 3 this information if we find anyone in the future we will
 4 let you know.
 5 "And I will pass this on to the person oversees our
 6 list of persons who this maybe applicable too [sic]."
 7 Now, Janice Wray hasn't specifically asked you for
 8 any advice in her email, did she?
 9 A. No.
 10 Q. So do you know why she was forwarding this to you,
 11 forwarding Mr Comery's email to you?
 12 A. I would have said I would not have responded unless
 13 I had a phone conversation with her about this.
 14 Q. Well, you don't refer to a phone conversation in your
 15 email, do you?
 16 A. No, but I'm just saying that I would not have just sent
 17 a letter like this without having a phone conversation.
 18 Q. Well, there was half an hour between 10.05, when she
 19 sent it to you, and 10.33 when you responded?
 20 A. Mm—hm.
 21 Q. So we're looking at a half an hour on a Monday morning
 22 in December 2012. It's hard to remember, of course, but
 23 how confident are you that you would have spoken to her
 24 before you sent your email to her?
 25 (Pause)

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1 You can't be confident, can you?

2 A. No, I can't, but I would have thought I would have done

3 because I wouldn't have said — responded back to say,

4 well, why have they sent this to you in the first place?

5 Q. You suggest in your advice that there are no vulnerable

6 persons that this applies to. By that, were you

7 referring to residents in all TMO—managed properties?

8 A. I'm going to say yes because that's what it refers to in

9 here.

10 Q. Indeed.

11 Were you suggesting that there were no vulnerable

12 residents in any of the TMO's stock?

13 A. No, this is to do with sprinkler systems for heavy

14 smokers, I believe.

15 Q. Well, heavy smokers —

16 A. Which would be why you would install a portable

17 sprinkler system, because of people falling asleep —

18 vulnerable people falling asleep while smoking.

19 Q. All right. Well, let's pick them as vulnerable persons.

20 How did you know that there were no people with those

21 vulnerabilities?

22 A. Because, as it says on here, you would have identified

23 them under the PEEPs process if there had have been.

24 Q. It's actually an odd idea. I never thought of this,

25 maybe you're right, but is a heavy smoker a disabled

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1 person for the purposes of PAS 79 and section 13 of your

2 FRAs?

3 A. Well, they're a vulnerable person because of — if they

4 are a heavy smoke — this is — this system here is

5 portable sprinkler systems. It's a system of pipes that

6 you put behind a chair with, I suppose, the better

7 word — the best way to explain it is like

8 a fire extinguisher on the bottom, and if the detector

9 goes off, it covers the person, the chair and

10 extinguishes the cigarette.

11 Q. Mr Stokes, I'm going to come to the text of Mr Comery's

12 email in a moment, but I just want to explore where what

13 you've just said takes us.

14 To be clear, are you suggesting that a heavy

15 smoker — and however you determine that, I don't

16 know — is a vulnerable person for the purposes of

17 PAS 79?

18 A. It could be, yes, if they've got other underlying issues

19 as well.

20 Q. Ah, well, no, you didn't mention that. A heavy smoker

21 who might drop a cigarette down the back of a sofa, did

22 you understand at the time that that was a vulnerable

23 person for the purposes of PAS 79 and therefore

24 section 13 of each of your FRAs?

25 A. If that was just for heavy smoking, no, but they could

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1 have underlying other issues as well.

2 Q. Right. Because I was going to say, you couldn't

3 possibly have proceeded on the basis that there were no

4 heavy smokers in the entire —

5 A. Agreed.

6 Q. No.

7 So let's then look at the text of the email. I'll

8 read it out, given your qualification to it or your

9 gloss on it:

10 "The LFB will be writing to all local authorities to

11 outline the business case for the installation of

12 automatic fire suppression systems (AFSS) in premises

13 housing those most at risk from fire and its effects.

14 As part of this communication, we would like to include

15 a list of ten suitable premises within each borough

16 which LFB consider would benefit from installation of

17 AFSS due to risk factors of the inhabitants. Using the

18 attached appendices I am to assist the LFB borough

19 commanders for H&F and K&C [that's Hammersmith and

20 Fulham and Kensington and Chelsea] with this

21 identification process. Could I please request your

22 assistance to identify suitable vulnerable persons in

23 local authority premises. My current deadline is

24 20th December 2012."

25 All he is asking for is identifying suitable

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1 vulnerable persons in local authority premises where he

2 is talking about the installation of AFSS in premises.

3 So how did you understand what he meant by vulnerable

4 persons?

5 A. Because it's an automatic — a mobile automatic

6 suppression system.

7 Q. Where does it say that?

8 A. It's AFSS.

9 Q. Automatic fire suppression system. Where is mobile?

10 A. That is what my understanding of this letter is.

11 Q. Right.

12 A. And I'm going to say that I would have had the phone

13 call and got that information, because that's what

14 I would have responded to.

15 Q. So was it really your belief, regardless of how widely

16 or narrowly you define "suitable vulnerable persons",

17 that there was not one single vulnerable person, even

18 defined as you define it, in the borough, under the

19 TMO's —

20 A. Otherwise you would have undertaken a PEEP for them.

21 Q. Well, with great respect, that's circular, isn't it,

22 because you would only undertake a PEEP if Janice Wray

23 had told you that there was a vulnerable person for whom

24 a PEEP was needed? So were you proceeding on the

25 basis — is this right? — that because Janice Wray, by

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1 3 December 2012, had not identified a single vulnerable
 2 person, there weren't any?
 3 (Pause)
 4 A. Yes.
 5 Q. In fact, that's wrong, isn't it? Because we know that
 6 in 2010 you had done the Gillray House PEEP.
 7 A. But they wouldn't want an automatic suppression system.
 8 Q. Why not?
 9 A. Because an automatic suppression system is normally for
 10 heavy smokers or people that have problems and smoke
 11 a lot and fall asleep when they have a cigarette.
 12 Q. You go on to say in the next sentence:
 13 "If you identify anybody now questions like why were
 14 they not included in the buildings FRA spring to mind."
 15 Why did you say that?
 16 A. Because it's a risk, a heavy smoker's a risk, the same
 17 as a hoarder.
 18 Q. No, sorry, why did you say, "If you identify anybody now
 19 questions like why were they not included in the
 20 buildings FRA spring to mind"? Why did you say that?
 21 A. Because if she had that information, why wouldn't she
 22 have given it to me beforehand?
 23 Q. Were you advising her not to identify anybody now
 24 because, if you did, that would prompt the LFB to ask
 25 questions about why they hadn't been included in the

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1 FRAs, Mr Stokes?
 2 A. No, because I would be questioning why I hadn't been
 3 told before.
 4 Q. Indeed. So why are you telling her, "If you identify
 5 anybody now"? That rather looks like you're advising
 6 her not to identify anybody who there might be because
 7 otherwise it might provoke questions on the part of the
 8 LFB, isn't that right?
 9 A. No, that's not the way I read it. I read it as: you
 10 will have had PEEPs, a high-risk — an automatic
 11 suppression system is used for heavy smokers, and
 12 therefore, why weren't I — why wasn't I informed of
 13 this if you knew of anyone that had this problem?
 14 Q. Were you more concerned about questions being asked
 15 about the FRAs than in identifying vulnerable residents
 16 as the LFB had asked?
 17 A. No, I was more concerned about — my concern would be
 18 about vulnerable residents. If they knew about them,
 19 why wasn't this identified before?
 20 Q. I don't understand that answer, because that doesn't
 21 tally with what you write in that second line.
 22 A. Well, if she knows — if she goes back to him now and
 23 says, "We have these people", why wasn't I informed of
 24 that to put into the FRA?
 25 Q. Well, precisely, Mr Stokes, that's the question.

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1 A. But I don't know what the follow-up to this is. What
 2 does she come back and say, "No, we haven't got anyone"?
 3 Q. Therefore why are you advising her with your "good
 4 response", which was, "Thank you for this information if
 5 we find anyone in the future we will let you know"? Why
 6 didn't you advise her to identify the suitable
 7 vulnerable people as the LFB had asked, make a list of
 8 them and send them to the LFB, and copy you in while she
 9 was at it? Why didn't you give her that advice?
 10 A. I can't answer that question, but my concern would be:
 11 well, why have I not been informed that there's anyone
 12 that's got — would need this system in their building?
 13 Q. You can't answer that question, Mr Stokes, but I can
 14 suggest an answer, and it lies in the immediately
 15 preceding sentence, that if she had actually positively
 16 done what Mr Comery had asked and identified people who
 17 were vulnerable, that would have immediately prompted
 18 the question from the LFB: why are they not referred to
 19 in your FRAs? That must be right, mustn't it?
 20 A. No, if that's your take on it, so be it. My response
 21 would be: why haven't I been informed to put them in the
 22 FRA?
 23 Q. In the last sentence there, you say, "I will pass this
 24 on to the person who oversees our list of persons who
 25 this maybe applicable too"; who is the person or was the

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1 person overseeing your list of persons —
 2 A. No, this was response to Janice, wasn't it:
 3 "A good response I believe would be to say thank you
 4 for this information if we find anyone in the future we
 5 will let you know. And I will pass this on ..."
 6 Q. I see, and who was that person?
 7 A. The other person named on this, Claire Wise of RBKC.
 8 Q. Why didn't you just simply advise Ms Wray to do what the
 9 London Fire Brigade asked?
 10 A. Well, that's why I'm saying that I would have asked or
 11 had a phone conversation from when I received this to
 12 when I wrote the reply.
 13 Q. Wasn't this the opportunity to confirm your assumption
 14 that you have been labouring under for two years with
 15 Ms Wray, namely if there really were vulnerable
 16 residents, however you defined them, living in TMO
 17 properties, then now was the time to tell you who they
 18 were?
 19 A. Well, I would have thought she'd have told me up until
 20 that point. As I say, automatic fire suppression
 21 systems like this are indicative of heavy smokers.
 22 Q. So far from continuing to labour under the assumption,
 23 you actually told her to keep quiet about it.
 24 A. No, I didn't.
 25 MR MILLETT: Mr Chairman, it's a little bit early, but I'm

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1 about to switch topics, and we did start at 1.45.
 2 SIR MARTIN MOORE—BICK: Well, we did start early, so I think
 3 that's probably a good time in any event.
 4 Mr Stokes, it's time we had a short break during the
 5 afternoon, so we will take it now. We will come back at
 6 3.20, please.
 7 THE WITNESS: Okay, sir.
 8 SIR MARTIN MOORE—BICK: All right? Please don't talk to
 9 anyone about your evidence while you're out of the room.
 10 THE WITNESS: Yes, sir.
 11 SIR MARTIN MOORE—BICK: Right, thank you very much.
 12 (Pause)
 13 Thank you, 3.20, please.
 14 MR MILLETT: Yes.
 15 (3.06 pm)
 16 (A short break)
 17 (3.20 pm)
 18 SIR MARTIN MOORE—BICK: All right, Mr Stokes, ready to carry
 19 on?
 20 THE WITNESS: Thank you.
 21 SIR MARTIN MOORE—BICK: Thank you very much.
 22 Yes, Mr Millett.
 23 MR MILLETT: Yes, Mr Chairman.
 24 Lifts, Mr Stokes, lifts.
 25 Definition of a firefighting lift is the first topic

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1 under this main topic heading.
 2 Can I ask you, please, to go to your first statement
 3 at page 43 {CST00003063/43}, paragraph 124.
 4 If you look at paragraph 124 at the very foot of
 5 that page, under the heading "Firefighting lifts", you
 6 see you say this:
 7 "In the FRAs I note that the two lifts at the Tower
 8 were 'firefighting lifts'. This was based on
 9 confirmation from the KCTMO that this was the case, both
 10 when I was first involved with the Tower ... and
 11 subsequently when I was provided lists of the KCTMO
 12 buildings which had firefighting lifts see email dated
 13 6 June 2012 ... (a copy of which is also at the back of
 14 the KCTMO's fire safety policy ..."
 15 Now, according to your schedule of certificates
 16 attached to your second statement that we looked at
 17 yesterday, it's right, isn't it, that you had completed
 18 a Fire Protection Association certificate on
 19 firefighting lifts on 27 June 2005?
 20 A. One of the topics of that document was firefighting
 21 lifts, yes.
 22 Q. Indeed, and just for the reference, that's
 23 {CST00030155}. That's the certificate. We don't need
 24 to turn it up.
 25 Can we take it that you were aware, therefore, as

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1 a result of having done that training and obtained that
 2 certificate, that there were a number of features that
 3 must be present in a firefighting lift in order for it
 4 to meet the applicable standards and for it to be
 5 designated as a firefighting lift?
 6 A. Correct.
 7 Q. You have set out some of those at paragraph 126 of your
 8 statement {CST00003063/44} on the screen as follows:
 9 "A firefighting lift has various features (e.g.
 10 2-way communication devices, minimum car size, dedicated
 11 power supply, fireman's control switch etc)."
 12 And it goes on.
 13 Were you aware that a firefighting lift required,
 14 amongst other things, first, an escape hatch?
 15 A. If it was under the standard of a firefighting lift,
 16 yes, EN 82, et cetera.
 17 Q. So yes, under that standard.
 18 A secondary power supply?
 19 A. Under that standard, and that type of lift, yes.
 20 Q. Water protection?
 21 A. Yes.
 22 Q. Lift control systems?
 23 A. When you say lift control systems, do you mean external,
 24 as in drop key, if you want to call it a drop key
 25 switch, or do you mean lift control systems inside the

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1 car so that —
 2 Q. You tell me what a firefighting lift required by way of
 3 lift control systems.
 4 A. Well, there's two — one is the external switch, is what
 5 I'm thinking you're talking about.
 6 Q. Right. A lift service communication system?
 7 A. Yes.
 8 Q. Yes. Fire resistant landing doors?
 9 A. Yes.
 10 Q. Would you agree that if a firefighting lift does not
 11 have all of the features set out in the applicable
 12 standards, then it can't be designated as a firefighting
 13 lift as understood in the British Standard, which is
 14 BS 5588—5?
 15 A. That was the older standard. That's not the new
 16 standard. 5588—5 is the old standard, superseded — I'm
 17 going to say 82—72, 81 or whatever, early 2000s.
 18 Q. Well, BS 5588—5 goes back to 1991.
 19 A. Yes.
 20 Q. Just to be clear. EN 72 is 2003.
 21 A. Yes.
 22 Q. Right. Well, we'll look at both of those in a moment.
 23 Let's just take it in stages, then.
 24 Can we go to your second statement, page 27,
 25 {CST00030186/27}, paragraph 105 on that page, and you

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1 say there:
 2 "By the time of the Refurbishment, an almost
 3 identical definition of a 'fire-fighting' lift is found
 4 in both ADB2 and the LGA Guide:
 5 "'A lift, designed to have additional protection,
 6 with controls that enable it to be used under the direct
 7 control of the fire and rescue service when fighting a
 8 fire' ...
 9 "A similar definition is also provided in
 10 BS 9991:2015 ..."
 11 And you set it out on the page there.
 12 You say that the fire service's ability to control
 13 the lift is the primary function of a firefighting lift;
 14 is that how you understood it.
 15 A. Could you say that again for me, please?
 16 Q. Yes. Is it your understanding that the primary
 17 function, as you understand it, of a firefighting lift
 18 is the fire service's ability to control it?
 19 A. Well, one of them, yes.
 20 Q. It's one of them, but not the only one?
 21 A. Yes.
 22 Q. No.
 23 Let's just look, then, at the 1991 standard we
 24 started with, BS 5588-5, please. We will find that at
 25 {BSI00000797/26}. I'd like to look with you, please, at

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1 section 3, subsection 10, under "General".
 2 If we look on that page in the second paragraph, it
 3 says this:
 4 "A firefighting lift, unlike a normal passenger
 5 lift, is designed to operate as long as is practicable
 6 when there is a fire in parts of the building beyond the
 7 confines of the firefighting shaft, as it is used to
 8 transport firefighters and their equipment to a floor of
 9 their choice."
 10 That's how that's defined there.
 11 If we go then and look at the 2003 standard,
 12 BS EN 81-72, which is in {BSI00001725/18}.
 13 Annex A, "Firefighting concept for high rise
 14 buildings".
 15 If we look under A2, second paragraph:
 16 "Fire Service personnel faced with the task of
 17 firefighting on a floor high above the ground need to be
 18 able to reach the fire quickly and safely, taking with
 19 them their equipment. Physical safety and lives, their
 20 own and the occupants of the building, as well as the
 21 preservation of the building and its contents, can well
 22 be put at risk by delay. On reaching the fire,
 23 firefighters must have sufficient energy left for the
 24 arduous and prolonged task of firefighting."
 25 Then it goes on in the third paragraph:

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1 "The emergency services are therefore dependent on
 2 the foresight of designers in providing them with the
 3 necessary facilities to operate effectively within the
 4 building once they have arrived. This means that in
 5 high rise premises the provision of a firefighters lift
 6 is essential. A firefighters lift needs to be readily
 7 available and of suitable design for the use of
 8 firefighters and remain in use for as long as possible
 9 during firefighting operations. It is recognised that
 10 it is neither technically nor economically viable to
 11 design and provide a lift which is ensured never to
 12 fail. However, designers and installers need to be
 13 aware that the Fire Service is operationally highly
 14 reliant on the use of the lift."
 15 Now, I've shown you both of those principles.
 16 Were you aware of, first of all, the 1991 standard
 17 and then the 2003 standard we've just been looking at?
 18 A. Reasonably, yes.
 19 Q. Yes. So do you accept that a firefighting lift is
 20 designed with a range of features that make it suitable
 21 to assist firefighters in their firefighting operations,
 22 that's the point of it?
 23 A. Yes.
 24 Q. Yes. And bringing the lifts under the control of the
 25 fire service is a feature which can assist in fighting

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1 a fire, but it's not the primary function of
 2 a firefighting lift, is it?
 3 A. Apart from moving things up and down, no.
 4 Q. Well, I suppose so, but it's one of a number of
 5 important functions and features; yes?
 6 A. Yes.
 7 Q. Yes.
 8 Now, turning to Grenfell, can we go to your first
 9 statement, please, {CST00003063/43}, paragraph 124.
 10 You say there, as I've shown you, that the two lifts
 11 at Grenfell Tower were firefighting lifts. I just want
 12 to explore how you came to that knowledge.
 13 First, can we go to {CST00003102}. This is an email
 14 from Janice Wray to Andrew Furness of Salvus,
 15 3 March 2010. You need to go to the bottom of the
 16 screen to see it.
 17 A. Oh, sorry.
 18 Q. Can we scroll down, please, to the bottom of the screen.
 19 There it is. Janice Wray to Andrew Furness,
 20 3 March 2010:
 21 "Andy
 22 "Further to the discussion at the recent progress
 23 meeting Robin and I [that's Robin Cahalarn] have put
 24 together the following information which relates to TMO
 25 lifts serving blocks over 18 [metres] in height."

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1 Then she sets out the standards which they meet, and
 2 you can see that at the bottom of page 1 and over to the
 3 top of page 2 {CST00003102/2}, if you look at that,
 4 please. You can see the features there set out.
 5 If we go, then, please, to Mr Furness' response at
 6 the top of page 1 {CST00003102/1}. The same day, he
 7 responds and says:
 8 "Hi Janice
 9 "Thank you for the information. We will include the
 10 following statement in relation to fire fighting lifts
 11 based upon the details attached.
 12 "TMO has confirmed that lifts servicing the block
 13 (over 18m in height) meet the requirements for fire
 14 fighting lifts as per specification provided by TMO
 15 senior lift engineer."
 16 Then there is some more text.
 17 Now, you're not copied in to this email chain. Do
 18 you know how you got hold of it?
 19 A. I would have been forwarded it, I would have thought, at
 20 a later date.
 21 Q. Were you involved in the meeting that took place that
 22 Janice Wray refers to?
 23 A. No.
 24 Q. It looks to us as if that meeting took place on
 25 23 February 2010. Do you think you were told about that

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1 meeting?
 2 A. I wouldn't know. It's too long ago, sorry.
 3 Q. Let's look at the minutes and see if it helps,
 4 {SAL00000042}.
 5 This is a progress meeting on 23 February 2010
 6 entitled "Fire Risk Assessments in high-risk blocks".
 7 Janice Wray is present, Andrew Furness is present,
 8 Robin Cahalarn is present.
 9 If you go to item 2, you can see it says:
 10 "Lifts — Requirements of fire fighting lifts etc."
 11 Then it says:
 12 "Robin Cahalarn, TMO Lift Engineer, attended for
 13 this item. Janice advised that a number of the FRA
 14 Action Plans had raised specific queries in relation to
 15 lifts and these had been referred to Robin who was
 16 seeking confirmation from Salvus that his interpretation
 17 of what constitutes a 'fire fighting lift' is the same
 18 as theirs. The specific points from the action plans
 19 were as follows ..."
 20 Then it says in the box:
 21 "1.) It is recommended that TMO confirms if any of
 22 the lifts installed in the building are either fire
 23 fighter or evacuation lifts, as required by
 24 Building Regulations as the building is over 18 metres
 25 high.

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1 "2.) Confirmation should be sought that where the
 2 lifts installed in the building are either fire fighter
 3 or evacuation lifts that they have been subject to
 4 maintenance and testing in line with current guidance
 5 and British Standards.
 6 "3.) Should any installed fire fighter or evacuation
 7 lifts not be subject to testing in accord with current
 8 British Standards and guidance, it is recommended that
 9 competent engineers be engaged to undertake such
 10 testing."
 11 Then it goes on:
 12 "RC then outlined the 3 different classifications of
 13 lifts in terms of fire — Firemans Lift, Firefighting
 14 Lift and Evacuation Lift. After some discussion the
 15 group concluded that most of the Borough's lifts meet
 16 the majority (but not all) of the criteria which define
 17 a firefighting lift. It was agreed that, for the
 18 purposes of the Action Plans, JW and RC would document
 19 the criteria that TMO lifts do meet. RC clarified that
 20 the requirements for lifts below a certain size are less
 21 onerous and so these lifts are less likely to comply
 22 with a significant number of these criteria."
 23 Now, did Andrew Furness ever explain any of this to
 24 you?
 25 A. No.

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1 Q. Did he —
 2 A. I — sorry, apologies.
 3 Q. No, no, you were going to say something.
 4 A. I was just going to say, I was looking there, I couldn't
 5 see Andrew Furness' name, but I think it's further up,
 6 isn't it?
 7 Q. Yes, he was at the meeting. I take it you never saw
 8 this minute and were never told about this meeting?
 9 A. From my recollection, no.
 10 Q. Right.
 11 Now, let's then move on in 2010 to your letter of
 12 27 September, which we've visited a number of times now,
 13 {CST00003061/3}, please. I would like to have that at
 14 the same time on the screen as the text of Janice Wray's
 15 email of 3 March 2010 at {CST00003102}. We've got both.
 16 That's excellent, thank you.
 17 Now, what we see here is, if you look at the text of
 18 her email, page 1 at the bottom, let's just track this
 19 through.
 20 So we should have page 3 of your letter of
 21 27 September {CST00003061/3} and pages 1 and over to 2
 22 {CST00003102/1} of the 3 March 2010 email from
 23 Janice Wray. Let's just compare and contrast. So will
 24 go from right to left.
 25 Looking at Janice Wray's email of 3 March:

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1 "Minimum car size (1100mm wide x 1400mm deep) for 8
 2 persons capacity (630kg)."
 3 You see that that's made its way into your
 4 27 September letter; yes?
 5 A. Yes.
 6 Q. Yes.
 7 Turning the page, if we can, please, on the email,
 8 right—hand side, can we go to page 2 {CST00003102/2},
 9 you see item 2:
 10 "Dedicated power supply serving lift (3 phase).
 11 Additionally, ancillary items such as lift alarm,
 12 lighting etc. are also served by their own dedicated
 13 power supply."
 14 That's word for word what you have put into your
 15 letter.
 16 Just pausing here thus far, do you think she gave
 17 you this email in order for you to compile your letter
 18 to her of 27 September 2010?
 19 A. Was I not given this email before this date?
 20 Q. Well, you ask —
 21 A. I'm sorry, I'm trying to think in my own mind. I'm sure
 22 I have been because — yes, I'm sure I've seen this
 23 email, as in part of this.
 24 Q. You say as in part of this; part of what?
 25 A. So the right—hand side one, I apologise.

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1 Q. Right. That's why I put it to you. You're not copied
 2 in on it and there is no evidence that we've seen that
 3 you were forwarded it, so I'm asking you —
 4 A. At a later —
 5 Q. — how you got hold of it.
 6 A. Apologies. At a later date, I would have thought.
 7 Q. Right, okay.
 8 Let's just continue and see how far we get.
 9 Can we please turn to page 4 in the 27 September
 10 letter on the left—hand side of the screen
 11 {CST00003061/4} and continue with the text on the
 12 right—hand side. Yes.
 13 So 3, looking at the right—hand side:
 14 "2—way communication on new lifts includes
 15 connection to Customer Service Centre/out of hours
 16 monitoring service when the lift alarm is activated."
 17 Same as item 3 on the top, and, indeed, if you look
 18 down, one can make the same point across it.
 19 A. Yes.
 20 Q. It's essentially a cut and paste or as near a cut and
 21 paste from the email into the letter; is that right?
 22 A. Correct.
 23 Q. Yes, thank you.
 24 Now, am I right in thinking that this was the only
 25 information that you were ever given by the TMO about

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1 the features that the lifts in TMO stock had?
 2 A. I was given a list of lifts and which buildings they
 3 were in and what their designations were.
 4 Q. You were, you're right about that, but my question was:
 5 was this the only information you were ever given by the
 6 TMO about the features that TMO lifts had? The features
 7 such as size, dedicated power supply, communications,
 8 fireman's control switch.
 9 A. Without seeing the rest of this email, does it mention
 10 that there is no lift hatch, because I include that the
 11 lifts do not have a lift hatch?
 12 Q. You do say that, and we'll come to that in a moment.
 13 My question is: was this the only information that
 14 you were ever given by the TMO about the features that
 15 TMO lifts had or was there other information that you
 16 were given?
 17 A. It doesn't spring to mind, no.
 18 Q. So just by looking at this list, is it right that you
 19 knew or understood at the time that the TMO lifts in
 20 their stock did not have an emergency trap door?
 21 A. Correct.
 22 Q. A secondary power supply?
 23 A. Correct.
 24 Q. Water protection?
 25 A. Most lifts, my understanding — so it's not here, but

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1 yes.
 2 Q. And she'd given you no detail about lift control
 3 systems. It's not in the list, is it?
 4 A. Well, the lift would have — you would see that
 5 physically on the outside of the lift.
 6 Q. Right. I mean, apart from number 4, fireman's control
 7 switch fitted, no detail about lift control systems.
 8 A. That to me would be lift — fireman's control switch
 9 fitted would be a lift control system.
 10 Q. All right.
 11 A fire service communication system, no detail about
 12 that?
 13 A. What do you mean by a fire service communication system?
 14 Q. Well, what do you understand a fire service
 15 communication system to be?
 16 A. Well, in the latest document —
 17 Q. Yes.
 18 A. — it's normally ... it can be on every floor or it can
 19 be on the fire service's entrance level and top floor,
 20 where there is a press—button control system on the
 21 outside of the lift.
 22 Q. Fire resistant landing doors, no information about that?
 23 A. It's here, it says item 5, "Lift car doors composed of
 24 stainless steel ... not less than 16SWG ... 2 hours
 25 fire resistance".

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1 Q. Right. And that satisfied, did it?
 2 A. Yes.
 3 Q. Did the absence of the emergency trap door, a secondary
 4 power supply and water protection, taking those as the
 5 minimum, not suggest to you that the lifts were not
 6 firefighting lifts?
 7 A. No, because they would be firefighting lifts under 5588.
 8 Q. Even though they didn't have those three features?
 9 A. Yes.
 10 Q. Did you ever ask or double-check with Janice Wray
 11 whether those features were present?
 12 A. Sorry, memory — I had a meeting with the lift engineer
 13 and went over some of the items with the lift engineer
 14 and we talked through them.
 15 Q. Was that Robin Cahalarn?
 16 A. I'm going to say yes. I would have known him Robin,
 17 yes.
 18 Q. The reason I'm asking you these questions is because
 19 Mr Todd has expressed an opinion about it.
 20 Can I show you his report, please, {CTA00000011/85},
 21 paragraph 8.62.
 22 (Pause)
 23 Now, on that page, paragraph 8.62, middle of the
 24 screen, Mr Todd says in the middle of that paragraph —
 25 actually, I'll read the whole paragraph to you:

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1 "Nevertheless, it is clear that Mr Stokes did have
 2 some knowledge of the requirements of modern
 3 firefighting lift standards. For example, he identified
 4 in his FRA that the lift cars at Grenfell Tower were not
 5 provided with an escape hatch (for use by firefighters
 6 trapped in the lift). This feature was not included in
 7 the early requirements for firemen's lifts.
 8 Accordingly, while, in my opinion, many fire risk
 9 assessors would have overlooked, or at least considered
 10 it unnecessary to comment on, the absence of the trap
 11 door, this absence and Mr Stokes' awareness of its
 12 absence, presented Mr Stokes with something of a
 13 'tell-tale' sign that the lifts were not firefighting
 14 lifts (though, this omission was probably of no major
 15 concern to LFB)."
 16 Would you agree with Mr Todd's opinion that it was
 17 a telltale sign that the lift was not a firefighting
 18 lift?
 19 A. No, I wouldn't.
 20 Q. Why not?
 21 A. Hasn't Mr Todd had a supplementary document out since
 22 this one was written?
 23 Q. Well, can you answer my question, please: why do you
 24 disagree with his opinion?
 25 A. Because it is a sign that — when it's ... were not

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1 firefighting lifts. Well, they were firefighting lifts
 2 to the standard at that time.
 3 Q. So you say, do you, that Mr Todd is wrong in this part
 4 of his opinion?
 5 A. No, I say that he says that they were a telltale sign
 6 that the lifts were not firefighting lifts.
 7 Q. The absence, and your knowledge of the absence, of
 8 a trap door is a telltale sign that the lifts were not
 9 firefighting lifts. Do you say —
 10 A. To the current — to the standard of where the trap door
 11 would be included, but they were still firefighting
 12 lifts to a previous standard.
 13 Q. Well, was that standard a standard that applied at the
 14 time you did your fire risk assessments from 2010
 15 onwards?
 16 A. Yes.
 17 Q. So do you therefore disagree with Mr Todd that the
 18 absence of those trap doors, escape hatches, was
 19 something of a telltale sign that the lifts were not
 20 firefighting lifts?
 21 A. And I acknowledge in my document that the lift hatches
 22 were not there, so they weren't to the modern — the
 23 current standard.
 24 Q. Yes. I'm sorry, I just want your evidence as to whether
 25 you agree or disagree with Mr Todd's opinion here?

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1 A. Well, I disagree that ... so he's saying to me that
 2 there is an awareness because of the telltale sign that
 3 they were not firefighting lifts. That is incorrect.
 4 They are firefighting lifts but to a different standard
 5 of the current British Standard.
 6 Q. When you say to a different standard of the current
 7 British Standard, do you mean a standard different from
 8 the current?
 9 A. Yes.
 10 Q. So I just want to understand what you're saying. Are
 11 you saying that even though they didn't have an escape
 12 hatch, they once would have qualified as firefighting
 13 lifts, even though they no longer do under prevailing
 14 standards?
 15 A. Yes.
 16 Q. And the prevailing standards were those prevailing at
 17 the time you did your FRAs or not?
 18 A. My understanding is yes.
 19 Q. So they would have been a telltale sign that the lifts,
 20 although firefighting lifts under previous standards,
 21 were not firefighting lifts under the standards which
 22 pertained at the time of the FRAs?
 23 A. I'm confused as to what you've just said, sorry.
 24 Q. Well, at the time you did your FRAs, did the prevailing
 25 standards for firefighting lifts require firefighting

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1 lifts to have trap doors?
 2 A. The standard would have done, but whether the lifts
 3 installed in the building had them is — they were to
 4 a different ...
 5 SIR MARTIN MOORE—BICK: I think all that Mr Millett is
 6 asking you is to simply tell us whether the lifts as you
 7 saw them when you started doing the FRAs were
 8 firefighting lifts in accordance with current standards,
 9 ie 2010 or thereabouts standards, and I think what
 10 you're telling us is that they were firefighting lifts
 11 as defined in the standards that had been applicable
 12 when they were installed, probably —
 13 A. Correct, yes.
 14 SIR MARTIN MOORE—BICK: — but were no longer in accordance
 15 with current 2010 standards for firefighting lifts?
 16 A. That is correct, yes, sir.
 17 SIR MARTIN MOORE—BICK: Yes, thank you.
 18 MR MILLETT: And therefore —
 19 A. Thank you, sir.
 20 Q. — is that the reason why you disagree with Mr Todd?
 21 A. Yes.
 22 Q. I see.
 23 So, just to be clear, you say, do you, that Mr Todd
 24 is wrong to say that the absence of trap doors presented
 25 you with a telltale sign that the lifts were not

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1 firefighting lifts, because at the time they were
 2 installed, those would not have been a telltale sign at
 3 all?
 4 A. Correct.
 5 Q. I follow.
 6 Now, can we go to your first statement,
 7 paragraph 125, page 44, {CST00003063/44}.
 8 You refer to email correspondence with
 9 Robin Cahalarn, the senior lift engineer at the TMO, and
 10 you've exhibited it. So that's where you exhibit it.
 11 Let's go to the correspondence at {CST00003080},
 12 foot of the page.
 13 Email from Robin Cahalarn to Janice Wray,
 14 28 February 2011, subject "Fire fighting/evacuation
 15 lifts":
 16 "As recently discussed, standards on fire
 17 fighting/evacuation lifts, which are not retrospect have
 18 become a lot clearer over the last year, none of the TMO
 19 lifts are fire fighting or evacuation lifts. The TMO
 20 stock do have some of the requirements, but the cost to
 21 meet the recommended standards would prevent us
 22 upgrading our lifts."
 23 Then Janice Wray forwards this on to you in the
 24 middle of the page. Can you see that?
 25 A. Yes.

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1 Q. On 28 February, the same day, 2011.
 2 You come back to her — can we just scroll up
 3 a little bit, please — also on 28 February:
 4 "Hi Janice
 5 "As far as I know the requirements for a fire
 6 fighting lift /evacuation lift did not change in the
 7 March 2010 edition of Buildings Regs, next time I am in
 8 the Hub could we sit down with Robin as he might have
 9 different information than me. Does he have copies of
 10 the information he is [talking] about he could forward
 11 to me?"
 12 Then Janice Wray says at the very top:
 13 "I'll ask him."
 14 Did you ever meet Robin Cahalarn to find out what he
 15 meant?
 16 A. Yes.
 17 Q. At that meeting, did he give you any reassurance that
 18 the lifts did in fact meet the requirements?
 19 A. Yes.
 20 Q. What did he say?
 21 A. Enough information that — to make sure they met the
 22 requirements and —
 23 Q. Right, but do you recall in what respect he gave you the
 24 reassurance that you were after?
 25 A. They had dedicated power supplies — it was everything

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1 apart from virtually the lift hatch.
 2 Q. Right. You see, he says that none of the TMO lifts are
 3 firefighting or evacuation lifts.
 4 A. Yes, because I think he — the conversation — and this
 5 is a long time ago, but the conversation, from memory,
 6 was along: do they have a complete secondary power
 7 supply?
 8 Q. So at that meeting, did Mr Calaharn change his mind?
 9 A. I think we accepted that they were — met the standard
 10 of the previous document, which is dedicated power
 11 supply.
 12 Q. Did you double-check whether Mr Calaharn was right that
 13 none of the TMO lifts are firefighting lifts, as he says
 14 in his email?
 15 A. I came away and kept it into the document, so my
 16 understanding would be apart from the items that I put
 17 into the document, they were firefighting lifts to
 18 a standard.
 19 Q. Right. So do I take it from that that they were almost
 20 firefighting lifts but not completely?
 21 A. Can you have that? Sorry.
 22 Q. Well, that's the question.
 23 A. Well, they met the standard at the time of installation.
 24 Q. You see, Mr Calaharn says that standards, which are not
 25 retrospective, have become clearer, none of the TMO

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1 lifts are firefighting or evacuation lifts, and you tell
 2 Janice Wray that the requirements for a firefighting
 3 lift didn't change, and then you have a discussion.
 4 Did you discover anything which led you to think
 5 that in fact, although the firefighting lifts were no
 6 longer firefighting lifts in accordance with current
 7 standards, they had been firefighting lifts in
 8 accordance with the standards that applied when they
 9 were installed?
 10 A. Yes, and --
 11 Q. What was that?
 12 A. -- my comment here is the Building -- because there was
 13 a new edition of Building Regulations came out in 2010.
 14 Looking at this, the changes to the Building Regulations
 15 in 2010, maybe that's what we were talking about,
 16 because that's what I say. There is no -- "As far as
 17 I know the requirements for fire fighting
 18 lift /evacuation lifts did not change in the March 2010
 19 edition of Building Regs".
 20 Q. Correct, and therefore why did you understand that
 21 in fact Mr Calaharn's initial statement that none of the
 22 TMO lifts are firefighting was wrong?
 23 A. Because there's something in the building regs further
 24 down the page or there was a telephone conversation.
 25 This is 2011, so the previous email was 2010. We

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1 clarified the lifts to the TMO stock in the letter, my
 2 letter to Janice Wray, before I undertook a risk
 3 assessment. So this is additional, so something came
 4 out -- must have come out in late 2010, early 2011. The
 5 only thing that could have changed then was the
 6 Building Regulations edition and we then went through
 7 that.
 8 That's my assumption and to the best of my knowledge
 9 what I can answer here.
 10 Q. Well, I think the story continues. Let's go on.
 11 Can we go to your first witness statement again,
 12 please, {CST00003063/44}, paragraph 125.
 13 In the second line of the paragraph, you say:
 14 "... however, as the lifts were later listed to be
 15 firefighting lifts in the summary document provided to
 16 me in 2012, I understood this to mean that the KCTMO had
 17 satisfied themselves that these were firefighting lifts.
 18 I would have expected the lifts to be firefighting lifts
 19 as I understood that they were installed in 2005, at
 20 which time all new lifts installed in high rise
 21 buildings were required to [be] firefighting lifts and
 22 would have had to comply with EN81 in order for them to
 23 be accepted (again by Building Control)."
 24 That's what you say there.
 25 A. Correct.

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1 Q. Now, the email that you're referring to, you refer to
 2 an email there, that is 6 June 2012. You've referred to
 3 it in the previous paragraph, in fact.
 4 Can we look at the list, which is at {CST00003094},
 5 also referred to in paragraph 124. But let's look at
 6 the list.
 7 It's an email from Janice Wray to Nick Comery of the
 8 LFB. If we look at the second email down there, you can
 9 see it, 29 May 2012. She, in paragraph 3, says this:
 10 "In discussions with your predecessors we clarified
 11 that many of our lifts meet the majority, but not all,
 12 of the criteria for fire fighting lifts. (For example
 13 we do not install a trap door/hatch in the roof of the
 14 car etc.) It was agreed that we would clarify the
 15 criteria that our 'fire fighting lifts' do meet and
 16 I have attached an e-mail to the then Borough Commander,
 17 Brian Deans, setting out these criteria. Additionally,
 18 I attached a list of the blocks where these lifts are
 19 located and you will see this includes Trelick Tower."
 20 You see that?
 21 A. Yes.
 22 Q. Now, I pick up the words:
 23 "For example we do not install a trap door/hatch in
 24 the roof of the car etc."
 25 You then get this email on 6 June, if you look at

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1 the top of the screen. Janice Wray sends it to you on
 2 6 June:
 3 "Carl
 4 "Hope you had a good holiday and thanks for the
 5 Anchor House FRA. For info here is my response to LFB.
 6 Nick phoned on Thursday to say he and Collette (and an
 7 operational colleague) were visiting Trelick the
 8 following day -- so I met them there. Seemed to go ok
 9 but Collette was carrying out her audit so will no doubt
 10 get something in writing as follow-up."
 11 There is nothing in the text of the email there
 12 I want to ask you about, but it's quite clear from this
 13 that you would have read -- can we proceed on the basis
 14 that you would have read Janice Wray's email to
 15 Nicolas Comery below it?
 16 A. Correct.
 17 Q. And you would have read paragraph 3?
 18 A. Yes.
 19 Q. So you would have seen that she said:
 20 "For example we do not install a trap door/hatch in
 21 the roof of the car etc."
 22 By using the word "etc", she was clearly indicating,
 23 wasn't she, to your understanding, that there were other
 24 features that did not meet the criteria for firefighting
 25 lifts; yes?

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1 A. But she doesn't list them —
 2 Q. No, she doesn't.
 3 A. — that's correct.
 4 Q. So that leads to the question: having read this email,
 5 did you think to follow up with Janice Wray and ask her
 6 what other features there were in addition to the
 7 absence of the trap door or hatch in the roof of the car
 8 that meant that the criteria for a firefighting lift was
 9 not met?
 10 A. Unless you pointed out the word "etc" there, I would
 11 have not even looked. I would have said: we do not
 12 install a trap door.
 13 Q. Right, so you didn't notice the "etc"; is that right?
 14 A. No.
 15 Q. I see. You didn't ask her, then, in what other ways the
 16 lifts don't meet the requirements of a firefighting
 17 lift?
 18 A. It then goes on to say:
 19 "It was agreed that we would clarify the criteria
 20 that our 'fire fighting lifts' do meet ..."
 21 And I was aware of that anyway.
 22 Q. Yes.
 23 Again, it was obvious from what she was telling the
 24 LFB that the lifts meet some, perhaps most, of the
 25 criteria to qualify as a firefighting lift, but not all

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1 of them.
 2 A. Correct.
 3 Q. Yes. And therefore my question is: how could you have
 4 understood that, as you say in your statement, the lifts
 5 were firefighting lifts if they were missing even just
 6 the trap door?
 7 A. Because the definition of a firefighting lift is a lift
 8 that could be controlled and used by the fire service.
 9 Q. But you must have realised from this email that, at the
 10 time of this email, that was not good enough.
 11 There is no sense in this email, is there, from
 12 Janice Wray, to tell the LFB that in fact they could be
 13 regarded as firefighting lifts because they satisfied
 14 the standards prevailing at the time of installation?
 15 That would have been a simple enough thing to say, but
 16 she doesn't, does she?
 17 A. Well, you would have to ask her why she didn't say that.
 18 Q. No, but I'm asking you because you received it, and so
 19 clearly it was obvious to you at the time, wasn't it,
 20 that the absence of a trap door in the roof of the car
 21 was relevant for the definition as at May or June 2012?
 22 A. But I put this in the risk assessment, so I knew this
 23 anyway.
 24 Q. No, but you're getting ahead of the question.
 25 Do you accept that the absence of a trap door was

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1 a relevant consideration when defining the lifts even in
 2 May/June 2012?
 3 A. Depending which standard they were installed at at the
 4 time of installation.
 5 Q. Let's look at paragraph 125 of your first statement
 6 again, {CST00003063/44}.
 7 You go on to say in that paragraph — and I've read
 8 it all to you, but I'll just pick it up with you again:
 9 "I would have expected the lifts to be firefighting
 10 lifts as I understood that they were installed in 2005,
 11 at which time all new lifts installed in high rise
 12 buildings were required to by firefighting lifts and
 13 would have had to comply with EN81 in order for them to
 14 be accepted (again by Building Control)."
 15 Did you actually make that assumption at the time?
 16 When I say at the time, at the time of the exchange in
 17 May 2012 that we've just been looking at.
 18 A. Because I — yes, I agree with that, your statement,
 19 because I — the lifts were installed in 2005.
 20 Q. Yes, my question is: did you make the assumption at the
 21 time that because they were installed in 2005, it didn't
 22 matter for the purposes of defining them as firefighting
 23 lifts that they didn't have a trap door?
 24 A. Yes.
 25 Q. Right.

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1 Did you actually ever seek confirmation that these
 2 lifts had been signed off by building control?
 3 A. The answer's probably no.
 4 Q. Why is that?
 5 A. Because this would have been six years before
 6 I undertook a risk assessment in late 2010.
 7 Q. So you never asked for the certificate or the sign-off
 8 by building control, simple matter of asking for
 9 a document?
 10 A. Probably not, no.
 11 Q. Did you actually ever ask the question: did these lifts
 12 qualify as firefighting lifts at the time of
 13 installation?
 14 A. I would expect them to, but did I ask for it in writing?
 15 No.
 16 Q. Right.
 17 Did you ever ask for any documents from the lift
 18 manufacturers or installers that they were firefighting
 19 lifts and therefore in compliance with EN 81?
 20 A. They wouldn't be in compliance with EN 81.
 21 Q. No.
 22 A. Because EN 81 wouldn't be applicable to this building.
 23 Q. Well, was it not applicable in 2005 —
 24 A. No.
 25 Q. — when they were installed? I thought it was dated

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1 2003?
 2 A. It is, but EN — sorry, 81, for firefighting lifts, is
 3 only for new—builds. It's not for existing buildings or
 4 refurbishments.
 5 Q. Right.
 6 Asking the question a slightly different way: did
 7 you ever ask to see any documents from the lift
 8 manufacturers or installers as to whether they were
 9 firefighting lifts, properly so—called, as at the date
 10 of sale or installation?
 11 A. No.
 12 Q. Why is that?
 13 A. This was — well, the documentation from the TMO says
 14 they were — said they were firefighting lifts. I would
 15 not go back and ask for something that was
 16 six/seven years old at the time when I was there.
 17 Q. Would you accept that, in essence, your repeated
 18 reference to the lifts as firefighting or evacuation
 19 lifts was based really only on your assumption that they
 20 should have been?
 21 A. No, they met the definition of a firefighting /evacuation
 22 lift as in building control, other documents —
 23 LGA guidance, PAS 79 and numerous other documents.
 24 Q. Notwithstanding the absence of at least the three
 25 features we've identified?

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1 A. Because they met the criteria.
 2 MR MILLETT: Now, moving on, can we look, please, at —
 3 SIR MARTIN MOORE—BICK: I'm sorry to interrupt you again.
 4 It seems to me that what we are debating is whether
 5 it is appropriate to refer to a lift as a firefighting
 6 lift as of the time when you are writing your report,
 7 because it might be said that your FRA, by describing
 8 the lift as a firefighting lift, is suggesting that it
 9 is a firefighting lift by the current standards.
 10 A. I see where you're coming from, sir. The definition of
 11 a firefighting lift given in the Sleeping Guide, PAS,
 12 Building Regulations, is a lift that can be controlled
 13 by the fire service. That's the definition of
 14 a firefighting lift that I was using. I did not use the
 15 definition "a firefighting lift to", where in other
 16 cases — so, for instance, a fire alarm system within
 17 the dwellings, I would put down "to BS 5839—6". This
 18 is — the definition used here is the definition used in
 19 Building Regulations for a firefighting lift, which is
 20 a lift that can be controlled by the fire service.
 21 SIR MARTIN MOORE—BICK: Without reference to the particular
 22 standards for what we have been calling firefighting
 23 lifts?
 24 A. Yes, because that standard EN 81 only came in in 2003,
 25 and that is for new buildings only.

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1 SIR MARTIN MOORE—BICK: So when we see you refer to
 2 firefighting lifts, we ought to understand you to be
 3 using that term in a relatively limited sense?
 4 A. As the definition given in all the guidance documents.
 5 SIR MARTIN MOORE—BICK: Right, thank you.
 6 Yes, Mr Millett.
 7 MR MILLETT: Yes, Mr Chairman, thank you.
 8 In the light of that exchange, I might be able to
 9 take this a little bit more quickly, but let's see how
 10 we go.
 11 {CST00000013}, please. This is an email to you from
 12 Matt Smith of Max Fordham on 24 January 2014, halfway
 13 down your screen:
 14 "Morning Carl
 15 "It was good to meet you yesterday. It would have
 16 been useful to have known about your existence at an
 17 earlier stage!"
 18 Then if we turn the page, please, to page 2
 19 {CST00000013/2}, first bullet point, we see that you are
 20 asked the question — I should just explain what this
 21 looks like, this email. The text of the email is in
 22 black with some questions in bold or topics, and you
 23 respond in red. Tell me if that's wrong.
 24 A. It seems to be correct, yes.
 25 Q. At the top of page 2, he asks:

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1 "Both lifts within Grenfell are FF/Evac lifts.
 2 These are not up to current standards due to the lack of
 3 an escape hatch."
 4 You say:
 5 "CORRECT, both lifts are fully functional
 6 FF/Evac[sic] lifts, the hatch item is not relevant see
 7 information below as well."
 8 A. Yes.
 9 Q. What did you mean when you said the hatch item was not
 10 relevant?
 11 A. Because it wouldn't be to that standard. That's — the
 12 escape hatch was to the EN standard when that came in,
 13 these lifts were to an older standard as at the time of
 14 installation.
 15 Q. Then on page 2 in the third paragraph from the end, it
 16 says:
 17 "Also, if the lifts are 'Fire Fighting' lifts, then
 18 there should be secure, dual supplies to them. This is
 19 not shown on the schematics."
 20 Your response to that is in the red text:
 21 "Sorry I cannot answer any of the above questions
 22 [including that one], but below is the information from
 23 the TMO lift register."
 24 Then you set that out on page 3 {CST00000013/3}.
 25 A. Yes.

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1 Q. On page 3, you go on to say:
 2 "As these are newly refurbished/installed lifts
 3 I can only assume that they comply with all the
 4 electrical requirements of a FF/Evac lift, otherwise the
 5 maintenance/installation company would have raised this
 6 item at the time of the work being undertaken."
 7 Now, we can see in that email that you're being told
 8 that the schematics don't show that there was
 9 a secondary power supply, so your assumption that they
 10 must be firefighting lifts was clearly wrong --
 11 A. No.
 12 Q. -- wasn't it? Well, why not?
 13 A. Because they had a dedicated power supply to the
 14 standard that was required at the time of the
 15 installation.
 16 Q. Is this another example of them being compliant at the
 17 time but not any longer --
 18 A. Yes.
 19 Q. -- with the definition of firefighting lifts?
 20 A. Yes.
 21 Q. So now we've got two, have we, we've got the escape
 22 hatch and the power supply?
 23 A. No, the dedicated power supply is a requirement that is
 24 there. You do not -- I think even for the newer
 25 standard you can have two power supplies from the same

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1 substation. It doesn't have to be a completely
 2 separate -- as long as it's dedicated and there. But
 3 the standard -- it was applicable to the standard at the
 4 time.
 5 Q. I think you're agreeing with me. Mr Smith is
 6 identifying the fact that there should be secured dual
 7 supplies to the lift to make them a firefighting lift at
 8 the time, and you're saying you assume that they comply
 9 with the electrical requirements of a firefighting lift,
 10 otherwise that would have been raised at the time of
 11 installation.
 12 A. Yes.
 13 Q. So you're working on the assumption that they complied
 14 with the requirements at the time.
 15 A. Yes.
 16 Q. Yes. So you didn't even know whether or not the secure
 17 dual supplies were actually in place at the time.
 18 A. Dual supplies, no.
 19 Q. So that's a second category of potential
 20 disqualification for these lifts as firefighting lifts,
 21 even in fact by the standards at the time of
 22 installation.
 23 A. No, because it's dedicated power supply at the time of
 24 installation.
 25 Q. Right, but it had now become a dual supply.

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1 A. Yes.
 2 Q. All right, leaving aside the time of installation, by
 3 the time of your fire risk assessment, certainly from
 4 2012, am I right in thinking it's a second category of
 5 potential difference? You've got the hatch and you've
 6 got dual power supply now.
 7 (Pause)
 8 A. But the EN standard would only apply to new buildings.
 9 Q. I understand that, but --
 10 A. And lifts -- it's not retrospective, so if there was
 11 only a dedicated power supply, and it was accepted by
 12 building control at 2005, that in my view would sign off
 13 an acceptance that dedicated supply is sufficient.
 14 Q. At the time?
 15 A. Yes.
 16 Q. But no longer by 2012?
 17 A. But they were -- as they were -- my comment there, this
 18 would have been raised by the maintenance installation
 19 company at the time of installation or at 2005.
 20 Q. Right.
 21 If we go back to your first statement, please,
 22 {CST00003063/44}, paragraph 127, you say there, in the
 23 last line, you say:
 24 "Exova's Fire Strategy Document of November 2013
 25 which also described them as firefighting lifts ..."

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1 Are you saying that you relied on Exova's outline
 2 fire safety strategy for Grenfell Tower at the time to
 3 support your own conclusion about the definition of the
 4 lifts?
 5 A. No, just an observation, that.
 6 Q. It's an observation you make when doing your statement?
 7 A. Yes.
 8 Q. I see. So that's not evidence of what happened at the
 9 time?
 10 A. That's an observation.
 11 Q. Right. I was going to ask you how you got hold of
 12 Exova's fire strategy document, but presumably that was
 13 in disclosure in the Inquiry?
 14 A. Fire strategy -- no, I believe I had Exova's
 15 fire strategy given to me some time by someone at TMO.
 16 I'm going to say Paul Dunkerton.
 17 Q. Right. Was that the outline fire safety strategy you
 18 exhibit, namely the one from November 2013 --
 19 A. I'm going to say --
 20 Q. -- or an earlier one from 2012?
 21 A. No, I'm going to say what you just said, the outline.
 22 Q. I see. Do you remember the circumstances in which he
 23 gave it to you?
 24 A. Was that not to do with the Leadbitter and asking me
 25 to -- whether I would help Leadbitter as part of the

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1 construction?
 2 Q. You tell me.
 3 A. Sorry —
 4 Q. You're asking me lots of questions.
 5 A. Yes, that's my answer.
 6 Q. Right.
 7 A. Sorry, sir.
 8 Q. I think you're in a better position to answer questions
 9 than I am. I'm in the position to ask them.
 10 A. Sorry, sir.
 11 Q. Or I hope so. Yes.
 12 If we go to your 29 December 2010 FRA, please, which
 13 is — perhaps I'll come back to that later.
 14 Would you agree that in fact, given the
 15 qualifications that we've been talking about and the
 16 fact that, by 2012, the standards were different,
 17 putting it neutrally, it would have been much better had
 18 you referred to these lifts as fireman's lifts in your
 19 FRAs, rather than firefighting lifts?
 20 A. No, because there's no definition for fireman's lifts in
 21 any of the documents.
 22 Q. The reason I suggest this is because by calling them
 23 firefighting lifts, you were at least potentially
 24 leading the reader to think that they were compliant
 25 with standards prevailing at the time of your FRA,

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1 rather than the time of the installation.
 2 A. No, sir, because the use of the word — definition
 3 "firefighting lifts" is a direct lift from
 4 Building Regulations and all the other documents as
 5 their definitions of a lift in a building called
 6 a firefighting lift.
 7 Q. Did you agree with Mr Calaharn in the email I showed you
 8 earlier that in fact there are three categories of lift:
 9 fireman's lift, firefighting lift and evacuation lift?
 10 A. Yes.
 11 Q. And therefore by calling them firefighting/evacuation
 12 lifts, that was liable to cause confusion?
 13 A. No, I don't — I disagree.
 14 Q. And to indicate, quite wrongly, that they had the
 15 requisite features to be able to be used for
 16 firefighting and evacuation purposes.
 17 A. I disagree, because they are the definitions in all
 18 those documents.
 19 Q. Why did you never say in any of your FRAs that at the
 20 time of the installation these conformed with the
 21 definition of firefighting lifts but no longer do?
 22 A. Because I used the — I ... if they would have been
 23 up-to-date, brand new lifts, I would have put
 24 "firefighting lifts to BS EN 82-71", whatever the
 25 standard is.

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1 Q. I'm sorry, that's not an answer to my question.
 2 Why did you never simply say: when they were
 3 installed they conformed to the definition of
 4 firefighting lifts, but they no longer do?
 5 A. Because that is not the way I understand it. They
 6 conform to — at the time of installation, and
 7 retrospective — or if newer standards come out, it's
 8 not retrospective to upgrade the lift to the higher
 9 standard of today.
 10 Q. Can I ask you to look, please, at {CTA00000011/84}.
 11 What I'm going to show you is Mr Colin Todd's
 12 conclusion on this on that page at paragraph 8.60. He
 13 says:
 14 "However, it is clear to me that, while it might
 15 have been reasonable for Mr Stokes to accept the
 16 original information agreed between Salvus and the TMO
 17 (in which, as discussed in paragraph 4.34, he had no
 18 involvement), Mr Stokes did appear to lack knowledge in
 19 the standards for lifts designed for use by the fire and
 20 rescue service, both modern and historical."
 21 Do you agree with that?
 22 A. No.
 23 Q. Now, I want to turn, in the ten minutes we have until
 24 4.30, to start on a new topic, or newish topic: the use
 25 of FRAs and effect on disabled person evacuation

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1 strategy.
 2 Can we go back to the same page of your first
 3 witness statement, {CST00003063/44}, and go to
 4 paragraph 126. You say there:
 5 "From the information available to me, and from any
 6 observations when inspecting the Tower, it seemed that
 7 the lifts had these features, except for the fact that
 8 there was no escape hatch in the top of the lift car.
 9 This was noted in section 19 of the 2014 FRA (and
 10 subsequently in my April and June 2016 FRAs ..."
 11 Would you agree that in your 2014 and 2016 FRAs,
 12 there are a number of places where you do not provide
 13 the caveat that the lifts do not have an escape hatch or
 14 that they do not meet the requirements of a firefighting
 15 or evacuation lift?
 16 A. Sorry, sir, for this building?
 17 Q. For this building, yes. 2014 FRAs for Grenfell Tower
 18 and the two 2016 FRAs.
 19 Do you accept that, as a general proposition, there
 20 are a number of places in those FRAs where you don't
 21 provide the caveat that there is no escape hatch, or
 22 that it doesn't meet the requirements of a firefighting
 23 or evacuation lift?
 24 A. Sorry, I don't — sorry, I don't understand the
 25 question.

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1 Q. You don't understand. Well, it's probably best to get
 2 to it by way of some examples.
 3 Can we start with the 2014 FRA, please,
 4 {CST00003157/5}.
 5 I'm using this as an example, but take it from me
 6 that it's the same across both of the 2016 FRAs as well.
 7 A. Okay.
 8 Q. Page 5, under "Use and Layout of the Building" at the
 9 top of your screen, if we look about three-quarters of
 10 the way down the box of text there, it says:
 11 "On the ground floor level there is an electrical
 12 sub station, the buildings electrical room and the bin
 13 room, the two lifts in this building service all the
 14 residential floor levels and both are
 15 evacuation/fire-fighting lifts so can be used for
 16 disabled evacuation if needed."
 17 Do you agree, no mention there of the absence of
 18 a trap door in the roof?
 19 A. Correct, because this is — the definition at the top is
 20 "Use and Layout of the Building". That information
 21 would come further in the document under firefighting
 22 lifts.
 23 Q. Page 14 {CST00003157/14}, "Plant and fixed equipment",
 24 which is section 5.
 25 A. Yes.

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1 Q. Comments or observations about lifts and lift motor
 2 room.
 3 Then towards the bottom of the text box it says in
 4 the second but last line:
 5 "Both lifts installed in this building are fire
 6 fighting/evacuation lifts according to the TMO's
 7 documentation, these fighting/evacuation lifts have
 8 their own independent dedicated power supply and fire
 9 fighters control switch."
 10 Again, no mention there of the absence of a trap
 11 door in the ceiling.
 12 A. Correct, because it's carried on further down in item 18
 13 or 19, where there is the whole section on firefighting
 14 lifts.
 15 Q. Page 21 {CST00003157/21}, section 13, "Disabled
 16 persons". We've seen this before.
 17 A. Yes.
 18 Q. But we didn't look at this part because this was one of
 19 the parts you said was tailor-made.
 20 Three-quarters of the way down the text box:
 21 "Both of the lifts in this building are
 22 firefighter/evacuation lifts and could be used as part
 23 of the evacuation strategy for disabled persons but if
 24 these lifts were used this would be under the control of
 25 the fire service, if they were in attendance."

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1 No mention there of the absence of an escape hatch.
 2 A. Correct, because it's mentioned further on under the
 3 part dedicated to firefighting lifts.
 4 Q. I think I've shown you that in all of the areas of the
 5 FRA which detail the evacuation strategy for disabled
 6 persons, you don't provide any caveat that in fact these
 7 are not firefighting/evacuation lifts under present
 8 standards by virtue of the absence of a trap door in the
 9 ceiling.
 10 A. Correct, because the disabled people wouldn't be using
 11 the trap door in the ceiling. If you carry on further
 12 down the document, please, under the heading for
 13 firefighting lifts, it will cover it in there.
 14 Q. Mr Todd says in his report that you made an incorrect
 15 assumption that these lifts could be used for the
 16 purposes of firefighting or evacuation. We can see it
 17 if you like. Do you agree with him?
 18 A. No.
 19 Q. Why is that?
 20 A. Because under the definition of a firefighting lift and
 21 an evacuation lift, these lifts could be used for both
 22 those purposes.
 23 Q. Do you accept that your statement that these were
 24 firefighting/evacuation lifts would have misled the
 25 reader of this document who wanted to know the

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1 evacuation strategy for disabled persons in
 2 Grenfell Tower?
 3 A. No.
 4 Q. You don't. And you don't accept, I imagine, also, that
 5 your statements posed a risk to life to anyone who
 6 sought to use them in that way?
 7 A. No.
 8 Q. Now, can we go to {LFB00000154}, please.
 9 This is the letter of 17 February 2014 to heads of
 10 housing in all London boroughs and ALMOs and
 11 social housing landlords, and the topic is:
 12 "Advice on smoke ventilation systems and maintenance
 13 of lifts for fire service use in residential blocks of
 14 flats."
 15 You see that.
 16 Did you ever see a copy of this letter?
 17 A. It doesn't look familiar.
 18 Q. Were you familiar with the guidance that Steve Turek,
 19 who was the author of this letter, issued with it, or
 20 within it, I should say?
 21 A. What guidance —
 22 Q. Well, it's a fair question. Let me just show you.
 23 If you turn, please, to page 3 {LFB00000154/3},
 24 where it starts, "Maintenance for lifts for fire service
 25 use", there is a long page of guidance there about

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1 maintenance of lifts for fire service use in housing
 2 stock above 18 metres in height. Do you remember ever
 3 seeing this?
 4 A. This looks like a direct lift from 9999.
 5 Q. Well, that's certainly referred to, you're right.
 6 Let's just look and see what it says under this
 7 section.
 8 If we start with the fourth paragraph here, it says:
 9 "Where it has been identified that a 'fireman's'
 10 lift (as opposed to a fire fighting lift) is installed
 11 within a building then we would request that the
 12 responsible person liaises with the relevant London Fire
 13 Brigade local Fire Safety Regulation Team to advise them
 14 of the premises address and style of lift present (in
 15 accordance with sharing of information detailed in
 16 Article 13(3)(c) of the Regulatory Reform (Fire Safety)
 17 Order 2005). This allows any necessary pre-planning to
 18 be undertaken and consideration of a familiarisation
 19 visit to the premises by our crews."
 20 Then he goes on:
 21 "The type and functionality of lift for fire service
 22 use should also be included in the fire risk assessment
 23 for the building, and consideration given to the
 24 potential impact that a 'fireman's' lift may have on any
 25 fire incident that may occur on the upper floors of

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1 a high rise building. If crews are not able to use the
 2 lift beyond the initial stages of an incident then the
 3 potential effect of this on the safety of residents must
 4 be considered and recorded within the fire risk
 5 assessment."
 6 Now, even if you weren't aware of this letter at the
 7 time, Mr Stokes, do you agree that the reason for
 8 identifying correctly whether there is a fireman's lift
 9 or a firefighting lift in a building is, first of all,
 10 to allow for pre-planning to be undertaken by the crews?
 11 A. Correct.
 12 Q. Yes, and also to consider and record the potential
 13 effect on the safety of residents if the crews are not
 14 able to use the lift beyond the initial stages of the
 15 incident?
 16 A. Correct.
 17 Q. Yes. So do you agree that by your not correctly
 18 identifying and advising the TMO that the lifts were
 19 only fireman's lifts as opposed to firefighting lifts by
 20 current standards, that meant that the requisite
 21 consideration and planning as set out in Steve Turek's
 22 letter could not be undertaken?
 23 A. I disagree.
 24 Q. Why do you disagree?
 25 A. Because where there were fireman's lifts in buildings,

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1 I identified those, and they were in older buildings
 2 that the TMO had and were not firefighting lifts.
 3 Q. So let's go back, then, to the 2014 FRA at
 4 {CST00003157/26}.
 5 This is where you refer to the absence of the hatch.
 6 It's a long piece of text, but if you look about
 7 a quarter of the way down:
 8 "Both the lifts in this building ..."
 9 Do you see that?
 10 A. Yes.
 11 Q. "... are evacuation/fire fighting lifts ..."
 12 I apologise, I should have shown you the page
 13 before, which is the section this sits under, which is
 14 section 19, "Fixed fire systems and equipment". If you
 15 flip back, please, to page 25 {CST00003157/25}, you will
 16 see it. Second item there, "Evacuation/Fire fighting
 17 Lifts", so you've identified it clearly there with
 18 a tick, "Yes".
 19 If we go to page 26 {CST00003157/26}, we will see
 20 the qualification that you --
 21 A. Sorry, can I just --
 22 Q. Yes, of course.
 23 A. So the tick --
 24 Q. Sorry, if you go back to page 25 {CST00003157/25},
 25 please, in this document.

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1 A. So the type of systems in this building, dry rising
 2 main, evacuation, automatic opening vent and hose reels,
 3 tick, those are the systems in that building. So those
 4 would change depending on what was in each building. So
 5 that is not a standard, that is -- you add those in. So
 6 the tick in this box represent -- so the question is:
 7 type of system in this building, those four, and they
 8 are in that building.
 9 Q. Well, you're saying that this building has
 10 an evacuation/firefighting lifts in it.
 11 A. Yes, so I'm just explaining that the number of items can
 12 change in there depending on which building you're in.
 13 Q. No, I understand that, but my suggestion to you was that
 14 here is a simple and unqualified tick --
 15 A. Yes.
 16 Q. -- against the existence of firefighting lifts in
 17 Grenfell Tower?
 18 A. Yes.
 19 Q. Yes. 2014.
 20 Now, let's go to the text that I wanted to show you.
 21 If we go to page 26 {CST00003157/26}, please,
 22 a quarter of the way down, it says:
 23 "Both the lifts in this building are evacuation/fire
 24 fighting lifts, the lifts have the standard fire fighter
 25 over ride controls fitted so that the Fire and Rescue

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1 Service can take control of these lifts and use them as
 2 they see fit to do so in the event of an emergency.
 3 Please see the significant findings sheets regarding the
 4 relocation of these lifts ."
 5 Then you can skip the next few lines and then pick
 6 it up just below that, where it says:
 7 "The power supply's[sic] to each lift are as
 8 required for a fire fighter/evacuation lift along with
 9 all the other requirements for weight and size etc but
 10 there is no roof hatch in the lifts ."
 11 Well, it wasn't correct, was it, that the power
 12 supplies to each lift are as required for
 13 a firefighter /evacuation lift , because there was no dual
 14 supply?
 15 A. But there's a dedicated supply.
 16 Q. Yes, but there was no dual supply, was there?
 17 A. There is no dual supply, correct , because they are not
 18 to that standard.
 19 Q. It doesn't say that, though, does it? It doesn't say,
 20 "The power supplies to each lift are as was required at
 21 the time of installation for a firefighter lift ", does
 22 it ?
 23 A. It does not, but it —
 24 Q. No.
 25 A. — does not say that these are power supplies to a lift

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1 to current standards either.
 2 Q. No, but do you agree with me, just looking at it, that
 3 it gives the impression that the power supplies to each
 4 lift are as required as at 2014 for
 5 a firefighter /evacuation lift as at 2014?
 6 A. No. It's — from what I read there, the power supply
 7 for each is as required for a firefighter /evacuation
 8 lift .
 9 MR MILLETT: Mr Chairman, is that a convenient moment?
 10 SIR MARTIN MOORE—BICK: Yes, I think it is.
 11 I think we'll stop there for the day, Mr Stokes.
 12 Again, I'm going to have to ask you to come back and
 13 deal with some more questions tomorrow.
 14 THE WITNESS: Sir.
 15 SIR MARTIN MOORE—BICK: We will resume at 10 o'clock
 16 tomorrow, please. Again, please don't talk to anyone
 17 about your evidence or anything to do with it over the
 18 break.
 19 THE WITNESS: Okay, thank you.
 20 SIR MARTIN MOORE—BICK: Thank you very much. Good, if you
 21 would like to go with the usher, then, please.
 22 (Pause)
 23 Right, thank you very much. 10 o'clock tomorrow,
 24 then, please.
 25 MR MILLETT: 10 o'clock.

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1 SIR MARTIN MOORE—BICK: Thank you.
 2 (4.35 pm)
 3 (The hearing adjourned until 10 am
 4 on Thursday, 27 May 2021)
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