



Grenfell Tower Inquiry

Day 151

June 28, 2021

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Monday, 28 June 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 Robert Black.

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

MR ROBERT BLACK (continued)

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

THE WITNESS: Morning.

SIR MARTIN MOORE—BICK: That's it, take a moment to get organised.

(Pause)

All right?

THE WITNESS: Right.

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

Questions from COUNSEL TO THE INQUIRY (continued)

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

Good morning to you, Mr Black.

When we broke on Thursday evening, we were discussing the question of door—closers and

Laura Johnson's attitude to them, "Laura Johnson said no to this", you will recall that's where we'd got to.

A. Yes.

Q. Can I show you, please, {TMO10017254}.

1

This is the now familiar deficiency notice issued by the LFB or LFEPA for Grenfell Tower of 17 November 2016.

If we look at page 5 {TMO10017254/5}, please, this is the "Schedule of fire safety audit observations". It followed an audit conducted by the LFB.

If you just cast your eye down what's on the screen in front of you, and if we can have the screen scrolled down a bit, please, to the bottom of that page, you will see that there were a number of breaches of the RRO identified in it.

My first question is: did you see this document at the time?

A. I think I probably did, yes.

Q. You think you probably did. The difficulty for us is that we have no record of your seeing it before your report to the board on 17 March 2017. Is that correct?

A. I ... sorry, I can't recall, actually —

Q. Right.

A. — if I'd seen it.

Q. After Adair Tower on 31 October 2015, so a year or so before, and your discovery on the morning of that fire or thereabouts of the existence of a prior notice of deficiency, did you not want to know about every notice of deficiency as soon as it came in?

A. Yes.

2

Q. Did you issue a diktat, an order, a command, saying, "Whenever a notice of deficiency comes in, I want it on my desk"? Did you issue a command like that?

A. I can't recall.

Q. No. I think it's something you would remember, though, isn't it, if you had?

A. Yes, unless I said it verbally.

Q. Yes.

Do you agree, looking at — perhaps let's look at

Article 17(1) at the foot of page 5 and the top of page 6. If you look at Article 17(1), it's referring to the protected route, and if you look at the very foot of page 5, with the capital letters, it says:

"The PROTECTED ROUTE has been compromised by the fitting of doors that does not self close. Flats 44 and 153 were checked at audit and did not self close."

Whenever you saw this document, would you accept that it was absolutely clear, mid-November 2016, that the LFB were concerned at the self—closer issue, in numerous TMO blocks, including Grenfell Tower?

A. Yes.

Q. And that the LFB were particularly concerned by the failure of the TMO to have a planned programme of maintenance of self—closers across the stock?

A. Yes.

3

Q. What did you do at the time to satisfy yourself that the regime for maintenance of self—closers was sufficient?

A. I probably didn't.

Q. Why is that?

A. I imagine it would be picked up through the fire risk actions and the work carried out by the repairs company or contractor.

Q. Right. But given the importance of notices of deficiency and your not being kept fully informed, was this not something that you wanted to keep your finger on the pulse of?

A. Obviously not close enough.

Q. Now, perhaps we should look at page 1 for this {TMO10017254/1}, please.

You will see on page 1 of this document that the deadline in the first paragraph there for cure was 18 May 2017. Did you understand, in November 2016, that there was such a deadline?

A. I can't recall.

Q. You can't remember.

Did you understand the consequences for the TMO if the deadline was breached or exceeded?

A. My expectation was that the work would be taken — carried out.

Q. Did you do anything to satisfy yourself at the time that

4

1 the TMO was using its reasonable best steps to meet the  
2 deadline?  
3 A. My expectation is my health and safety manager would  
4 have done that.  
5 Q. So someone else —  
6 A. Yes.  
7 Q. — in your organisation.  
8 A. Yes.  
9 Q. What did you do to monitor, keep your finger on the  
10 pulse, to make sure that that health and safety manager  
11 was doing everything in her reasonable power to ensure  
12 that that deadline was met?  
13 A. She was supported by her manager.  
14 Q. Can we go to {TMO10045908/2}.  
15 Now, this is an email dated 23 November 2016, and  
16 just for your chronological information, it's the day  
17 before a TMO board meeting on 24 November 2016. It's  
18 an email from Judith Blakeman to you, and it starts:  
19 "While Mr Daffarn engages in hyperbole in his  
20 Grenfell Action Group blog, it is read by most residents  
21 of the Tower and the most recent article causes me  
22 concern. Mr Daffarn discussed the fire safety issue  
23 with me at a recent meeting and I did point out that the  
24 instructions in the event of fire had been included in  
25 one of the refurbishment newsletters. However, I do

5

1 take his point that instructions are not permanently  
2 available on noticeboards nor in a discrete letter to  
3 all residents (and in appropriate languages where  
4 required) and I am asking whether this can be  
5 rectified?"  
6 Now, this is a reference to the GAG blog.  
7 When you received this email, were you aware of the  
8 GAG blog, the Grenfell Action Group blog?  
9 A. Was I aware of it? Yes.  
10 Q. Had you read the blog before you read this email, do you  
11 think?  
12 A. No.  
13 Q. You hadn't? Right.  
14 Let's look at it. It's {TMO00835660}. It's dated  
15 20 November 2016, and the title is "KCTMO — Playing with  
16 fire!" There is a photograph of a tower block with fire  
17 emerging from one of its windows, and the first  
18 paragraph reads:  
19 "It is a truly terrifying thought but the Grenfell  
20 Action Group firmly believe that only a catastrophic  
21 event will expose the ineptitude and incompetence of our  
22 landlord, the KCTMO, and bring an end to the dangerous  
23 living conditions and neglect of health and safety  
24 legislation that they inflict upon their tenants and  
25 leaseholders."

6

1 Then if you go to page 2 {TMO00835660/2}, after the  
2 second weblink, it says:  
3 "In the aftermath of the Adair Tower fire the London  
4 Fire Brigade found that the KCTMO had not been looking  
5 after the safety of residents properly and issued an  
6 Enforcement Order compelling them to improve the fire  
7 safety in the escape staircases and to provide self  
8 closing devices to all the tower block's front doors.  
9 A further audit by the London Fire Brigade of the  
10 neighbouring Hazelwood Tower (located alongside  
11 Adair Tower) found similar breaches of health and safety  
12 legislation and an Enforcement Order was also issued for  
13 this property forcing the TMO to address the serious  
14 concerns of the Fire Brigade's inspectors."  
15 I don't need the last few lines of that.  
16 Then it goes on to say:  
17 "In the last twenty years and despite the terrifying  
18 power surge incident in 2013 and recent fire at  
19 Adair Tower, the residents of Grenfell Tower have  
20 received no proper fire safety instructions from the  
21 KCTMO. Residents were informed by a temporary notice  
22 stuck in the lift and one announcement in a recent  
23 regeneration newsletter that they should remain in their  
24 flats in the event of fire. There are not and never  
25 have been any instructions posted in the Grenfell Tower

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1 notice board or on individual floor as to how residents  
2 should act in event of a fire. Anyone who witnessed the  
3 recent tower block fire at Shepherds Court, in nearby  
4 Shepherd's Bush, will know that the advice to remain in  
5 our properties would have led to certain fatalities and  
6 we are calling on our landlord to re-consider the advice  
7 that they have so badly circulated."  
8 Then in the last paragraph, in bold, and I'll read  
9 it just so that people can remember the particular blog:  
10 "The Grenfell Action Group predict that it won't be  
11 long before the words of this blog come back to haunt  
12 the KCTMO management and we will do everything in our  
13 power to ensure that those in authority know how long  
14 and how appallingly our landlord has ignored their  
15 responsibility to ensure the health and safety of their  
16 tenants and leaseholders. They can't say that they  
17 haven't been warned!"  
18 Now, trying to leave aside the tone of that email,  
19 the language of it, did you read it at the time, do you  
20 remember?  
21 A. Yes.  
22 Q. What did you think of it?  
23 (Pause)  
24 A. I think it mixed up certain things. I mean, we know  
25 about the fire at Adair. Adair had been checked by the

8

1 Fire Brigade before and had passed it. They told us it  
 2 was being checked again because of the fire, so it's not  
 3 all true. So I sent it on to my health and safety  
 4 person for review, so we could find out.  
 5 Q. Well, let's just examine that.  
 6 Now, as I say, leaving aside the tone, there are  
 7 within this blog post a number of, on one view, serious  
 8 factual allegations about the TMO's failure to act in  
 9 respect of fire safety, aren't there?  
 10 A. Yes.  
 11 Q. And principally, would you agree that those factual  
 12 allegations are about self-closers as revealed by the  
 13 Adair Tower fire; yes?  
 14 A. Yes.  
 15 Q. The failure to post proper fire action notices at  
 16 Grenfell Tower; yes?  
 17 A. Yes.  
 18 Q. Yes, and the inappropriate nature, so the post believed,  
 19 of the stay-put advice for Grenfell Tower itself; yes?  
 20 A. Well, I mean, that's a view about the stay-put strategy.  
 21 Q. Yes.  
 22 A. I mean, in a sense, the stay-put strategy was still the  
 23 advice we got from London Fire Brigade.  
 24 Q. Yes. It's a factual allegation, though, isn't it, being  
 25 made that there is the stay-put advice, and then

9

1 an opinion being added to that that, in the view of the  
 2 writer, it was inappropriate for Grenfell Tower?  
 3 A. It's a view, yes.  
 4 Q. Yes.  
 5 Now, did you ask any of your officers to investigate  
 6 or report to you about any of those allegations that  
 7 I've just listed?  
 8 A. I would have sent it on to my health and safety adviser  
 9 for their view on this.  
 10 Q. So that would be who, Janice Wray?  
 11 A. Janice Wray.  
 12 Q. Right. I'm puzzled only because we don't see a record,  
 13 I think, of you saying to Janice Wray, "Could you please  
 14 tease out from this blog post the hard-edged factual  
 15 allegations and investigate them, please, so that I can  
 16 give an empirically and data-based response to it"?  
 17 A. Well, I'm surprised there's not one.  
 18 Q. Right.  
 19 Let's go to {TMO00865830}.  
 20 This is an email from Barbara Matthews to  
 21 Janice Wray dated 5 December 2016, so a week or two  
 22 later:  
 23 "Janice  
 24 "I have spoken to Robert and he agrees that we  
 25 should do nothing. This is not the sort of website we

10

1 should be responding to."  
 2 Did you say that?  
 3 A. I'm having to remember. Sorry, it's the first time I've  
 4 seen this. I haven't come across it before.  
 5 Q. Well, did you say that?  
 6 A. Well, that's what I'm trying to recall.  
 7 Q. Well, can you?  
 8 A. Can you raise it up a bit so I can see the bottom,  
 9 please?  
 10 Q. Yes, of course. It is a response from Barbara Matthews  
 11 to Janice Wray. Is that what you -- I'm happy to look  
 12 at the whole --  
 13 A. Yeah, that's the bit I just wanted to read, if that's  
 14 all right.  
 15 Q. Of course. We can look at the whole string if you like.  
 16 A. No, that's fine.  
 17 (Pause)  
 18 Okay.  
 19 Q. Well, let's actually --  
 20 A. No, it's fine, I've read it. I just didn't quite  
 21 understand --  
 22 Q. No, I think I want to show you the document, actually,  
 23 to be fair to you and so that everyone else can see the  
 24 full context.  
 25 Let's go to the bottom of page 2 {TMO00865830/2}.

11

1 This is an email in fact from Peter Maddison of  
 2 2 December 2016, so a little bit before the one I was  
 3 going to show you, to somebody called Truda Scriven at  
 4 the TMO, and Pete Griffiths and Janice Wray.  
 5 Who was Truda Scriven?  
 6 A. I'm trying to remember ...  
 7 Q. Was she a lawyer, an in-house lawyer?  
 8 A. We didn't have an in-house lawyer.  
 9 Q. Right.  
 10 A. I'm not sure -- sorry, I can't recall the name.  
 11 Q. Okay. Leaving that on one side, he says:  
 12 "Truda and Pete  
 13 "Attached is a recent posting on Mr Daffarn's  
 14 'Grenfell Action Group' website.  
 15 "Truda -- Could any of the allegations be described  
 16 as libellous?  
 17 "The comments are scare mongering at the least. Do  
 18 we need to respond to reassure residents? Pete and  
 19 Janice, I would appreciate your advice."  
 20 That's how this email chain starts, and then it goes  
 21 on at the foot of 1 {TMO00865830/1}, which is where  
 22 I think you wanted to go --  
 23 A. Yeah.  
 24 Q. -- Janice Wray to Barbara Matthews, 2 December -- you  
 25 don't see this, of course, at the time:

12

1 "Barbara  
2 "I have highlighted the section in the recent blog  
3 which Peter has just circulated which refers to the fire  
4 death at Hazlewood. If you are agreeable I would like  
5 to forward this to the Borough Commander and request his  
6 view on how we can respond to this without breaching any  
7 confidentiality issues and ideally with also getting the  
8 LFB's buy-in to our response. Please confirm that you  
9 are happy for me to do this."  
10 Then the response at the top from Barbara Matthews  
11 I've just shown you:  
12 "Janice  
13 "I have spoken to Robert and he agrees that we  
14 should do nothing. This is not the sort of website we  
15 should be responding to."  
16 So that's the full context.  
17 A. Right.  
18 Q. Did you think this blog was scaremongering, as  
19 Mr Maddison seems to have thought?  
20 A. I think the thing around the death at Hazlewood, I think  
21 it's never been proved that there was a death — a fire  
22 death at Hazlewood.  
23 Q. Apart from that?  
24 A. Well, I think that's quite — I mean, that's partly when  
25 you get this mixture of people saying things that are

13

1 true, that are not true, and keep on repeating them.  
2 Q. Right. So was the aim here to fasten on the allegation  
3 that was not true and not deal with those that were?  
4 A. I can't recall at the time, sorry.  
5 Q. Right.  
6 What about the rest of it? Leave aside the  
7 Hazlewood allegation of death. Was the whole of it  
8 scaremongering?  
9 A. I haven't read it all.  
10 Q. Right. I've read you a fair bit of it. Of the bit I've  
11 read to you —  
12 A. Yes, correct.  
13 Q. — is that all scaremongering, do you think?  
14 A. Not all of it, no.  
15 Q. No.  
16 If we go to the top, where it says "I have spoken to  
17 Robert and he agrees that we should do nothing", my  
18 question again: did you agree with Barbara Matthews that  
19 you should do nothing?  
20 A. I can't recall the conversation, but I imagine if  
21 Barbara said I did, I did.  
22 Q. When she says, "This is not the sort of website we  
23 should be responding to", is that something you told her  
24 or was that her own statement?  
25 A. I think it might be her own statement.

14

1 Q. Do you know? Can you help us?  
2 A. Well, I think we had issues with websites, in terms of  
3 actually — which work in a non-regulated space, and  
4 we'd taken employment and legal advice about how best to  
5 deal with them, and in the sense the advice we got in  
6 terms of that was to protect our staff by not seeing it.  
7 Senior managers could still see it. But it had been  
8 a thing that started some time ago, not particularly  
9 this website, which led us to that view. There was  
10 another one which had — we'd tried for ages to reason  
11 with it, to deal with it, to manage it, and eventually  
12 it just got to a stage we couldn't do anything about it.  
13 So, after consulting the police, HR and our lawyers,  
14 they advised us that, in terms of duty of care, you  
15 should block them where it feels it's attacking our  
16 staff in terms of — in a libellous or horrible way.  
17 Q. Yes. The problem with that approach, do you agree, is  
18 that if you take a blanket approach of not responding to  
19 anything in blogs, you might miss allegations which are  
20 actually not only true, but important? That's a risk,  
21 isn't it?  
22 A. There is a risk, yes, but in a sense, it's for us as  
23 an organisation trying to manage ... in a sense, there  
24 wasn't just one blog, you know, across all local  
25 authorities you have these, and it's quite difficult

15

1 just to keep on top of them in terms of ... and that's  
2 just the position you find yourself in. It's quite hard  
3 to — and if you do find something that's not true, you  
4 can't really do anything about it. I mean, we have  
5 tried, when it all started, for a considerable period to  
6 try to address it, to get the sites that host it to  
7 address it, but it became so resource-hungry that we  
8 just had to stop. So, as I said, after taking legal  
9 advice and employment advice, we came to a decision to  
10 do that.  
11 Q. Now, we know that the TMO did actually respond to  
12 Judith Blakeman's email. Let's go to that, it's  
13 {TMO10045908}.  
14 This is the chain we were on, and we can see at the  
15 top of the chain Janice Wray's response to  
16 Judith Blakeman, copied to you and Barbara Matthews,  
17 dated 24 November 2016 at 8.51:  
18 "Robert has asked me to respond to your email  
19 highlighting fire safety issues raised by Mr Daffarn in  
20 his blog."  
21 So you did instruct her to respond to her, and we  
22 can see the response, it's quite lengthy. I'll just  
23 show it to you:  
24 "With regard to fire procedures in Grenfell Tower,  
25 I can confirm that these were included in newsletters to

16

the block and they are also documented on our website. Further, we do publish regular fire safety articles in 'The Link' magazine to all residents and we write to all new tenants to outline the fire strategy for their block, the procedure to follow in the event of a fire in their flat and also a fire elsewhere in their block and advise them of the London Fire Brigade's (LFB) free Home Fire Safety Visit and how to access this. Additionally, I can advise that we are currently considering a programme of installation of Fire Action Notices — similar to those now installed at Adair and Hazlewood Towers — across all blocks. There has been a difference of opinion amongst London Fire Brigade officers on the value of fitting these notices within a block with a 'stay put' fire strategy, however, we are keen to be proactive about this and I can confirm that we will be proceeding with the fitting of these notices at Grenfell Tower. It is likely that this will be completed within the next two weeks."

Then it goes on:

"However, Mr Daffarn appears to be challenging the 'stay put' fire strategy, stating that this is the wrong strategy and that we should be adopting a 'one out all out' approach at Grenfell Tower. I would emphasise that, despite extensive discussions with the LFB and

17

other fire professionals including our Fire Consultant and Senior Consultants from specialist fire engineering companies in relation to Grenfell Tower at no point has the need to change the stay put strategy even been raised. Further, the LFB operational crews continue to be very proactive about undertaking regular familiarisation visits to this block and the other blocks on this estate and remain content with the arrangements in place."

Then the last paragraph is about Hazlewood. In the second sentence, it says this:

"I can confirm that Adair Tower was regularly audited by the LFB — most recent in the month before the fire took place — and no recommendations were made in relation to the design of either staircase or the lift lobbies. Requirements in relation to these areas were included in the Enforcement Notices as it was only following the fire that the LFB recommended that changes to the Building's original design were required.

"I hope this is helpful but please let me know if I can be of further assistance.

"Regards

"Janice Wray."

Did you see a draft of Janice Wray's response before she sent it to Councillor Blakeman?

18

A. I may not have, no.

Q. Right.

Do you agree that her description of LFB's audit of Adair Tower in October 2015, the same month as the fire, omits to say that it resulted in a deficiency notice?

A. I can, yes.

Q. And specifically, it was a deficiency notice, among other things, about door-closers specifically?

A. Yes.

Q. Do you agree that that omission meant that the description of the LFB's findings was thoroughly disingenuous?

A. It would appear so, yes.

Q. Yes, because it only gave the good half of the picture and not the bad? Yes.

Can you account for why Janice Wray was giving a thoroughly disingenuous description of the LFB's findings to Councillor Blakeman, Mr Black?

A. I can't.

Q. Let's go to {RBK00001038/2}, please.

This is an email chain on 25 January 2017, at the foot of the email chain, and this is where Janice Wray is forwarding to you and Sacha Jevans, copied to a wide variety of staff within both TMO and Repairs Direct, the letter from the LFB, and it goes on:

19

"... confirming that the works specified in the Enforcement Notice [of Adair Tower] 'have been satisfactorily completed within the has been satisfactorily completed [sic] within the specified time limit'. LFB have confirmed that they will be sending a similar letter in relation to Hazlewood ... and I will forward a copy of this when we receive it."

Then if you go up to the foot of page 1 {RBK00001038/1}, you respond to — or, rather, you forward this on, I should say, I'm sorry —

A. That's all right.

Q. — to Laura Johnson, 25 January, the same day, and you say:

"Laura

"For information.

"Somewhere it might be good to meet to look at how we respond to the Fire Brigade as I think we are being driven down a road by a group which seems to be unaccountable. Is the overall responsibility for this moving to the Mayor? Might give us and LA Political Leaders to influence this area more."

Now, why did you write that?

A. I think, at the time, across London people were talking that there was different ways the Fire Brigade were responding to door-closures. There wasn't

20

1 a consistent — some Fire — LFB people weren't saying  
 2 that. And I think it was to — because I knew Laura was  
 3 director of London Housing or chair of director — chair  
 4 of London Housing Directors, and it was to try to get  
 5 a view from her as well, and I thought also, has she  
 6 made her lead member for housing understand what's going  
 7 on, and in terms of actually what's happening in London  
 8 in terms of the Fire Brigade, because it seems to be  
 9 that you've got a different response in different  
 10 places. I think that was the context I was trying to  
 11 express.  
 12 Q. Why not just challenge the enforcement notice in court?  
 13 A. Well, that would have been a council decision, not mine.  
 14 Q. No, with great respect, the TMO was the recipient of the  
 15 enforcement notice, was it not?  
 16 A. Yes.  
 17 Q. So why not challenge it in court?  
 18 A. I wouldn't really like to challenge the LFB in court.  
 19 Q. So would you —  
 20 A. I think it was about trying to find a political position  
 21 about how the London Fire Brigade wouldn't act  
 22 consistent across all London boroughs.  
 23 Q. So is it that you preferred to use back-door political  
 24 influence over the LFB as opposed to a legal challenge  
 25 to the LFB enforcement notice?

21

1 A. No, I think it's just political influence, I don't think  
 2 it — political influence isn't back door; it's just  
 3 about actually what do the politicians know about what's  
 4 going on on the ground. So, you know, that's the  
 5 position. I don't think there was anything back door  
 6 about it.  
 7 Q. Well, all right. But how would exercising political  
 8 influence be transparent in the same way as a court  
 9 hearing in which the enforcement notice was challenged?  
 10 A. I didn't — wasn't thinking of going to court, I was  
 11 more trying to understand the situation.  
 12 Q. No.  
 13 Did you actually ever consider or consider taking  
 14 legal advice on the question of whether or not you  
 15 should challenge the LFB's enforcement notice for  
 16 Adair Tower on the question of door-closers?  
 17 A. I can't recall, sorry. I don't think I did, no.  
 18 Q. No.  
 19 Now, can we go, please, to {RBK00046603}.  
 20 If we go, please, to the second email on that page,  
 21 from Barbara Matthews to Laura Johnson, 3 March 2017, it  
 22 says:  
 23 "Laura  
 24 "Just to confirm our discussion and agreement at the  
 25 Joint Management Team meeting on Wednesday.

22

1 "We agreed that we would have a programme of fitting  
 2 of self-closers on existing flat doors (if not already  
 3 fitted) and refit/repair self-closers if already fitted.  
 4 This programme would not be over 1 year but proposed as  
 5 3 to 5 years. Our recommendation is that the LFB are  
 6 unlikely to accept as adequate a programme longer than  
 7 3 years (although this has yet to be proposed to them).  
 8 The estimated cost for the total programme (regardless  
 9 of period) is £619k.  
 10 "In respect of a proposed annual inspection to  
 11 check/repair/replace the self-closers, you requested  
 12 that we delay starting this until we have obtained  
 13 further legal advice on what action we can or can't take  
 14 against no access by either tenants or leaseholders."  
 15 Then if you turn over the page {RBK00046603/2}:  
 16 "Please let me know if I have incorrectly captured  
 17 anything. In addition please confirm that we can  
 18 include in our updated fire strategy, a 3 year programme  
 19 for fitting of self-closers on all flat entry door."  
 20 Now, Laura Johnson's response to that is above that  
 21 email on page 1 {RBK00046603/1}. It's dated 6 March,  
 22 and she says this:  
 23 "Barbara,  
 24 "I can confirm that this is an accurate record of  
 25 our discussion.

23

1 "I would like to push the installation of door  
 2 closers to a 5 year programme it will make funding the  
 3 programme more manageable. Therefore in the  
 4 fire strategy I would like it to say 5 years rather  
 5 than 3.  
 6 "I am not convinced of the need for an inspection  
 7 programme, if we started one then there is every  
 8 likelihood it would have to be ongoing and therefore an  
 9 additional expense to the HRA indefinitely, without any  
 10 identifiable evidence that it impacted positively upon  
 11 the fire safety of residents. I understand that the  
 12 conversation is not always straight forward with the LFB  
 13 and they may well push for this, but if they want to  
 14 then they need to introduce it as a London wide standard  
 15 that they will enforce against rather than on a borough  
 16 by borough basis and we would make representation to the  
 17 GLA accordingly. I look forward to the legal advice.  
 18 "Regards  
 19 "Laura."  
 20 Now, you're not copied in on this email chain, or,  
 21 rather, you're not copied in on the response. You do  
 22 see, as I showed you, the original email from  
 23 Barbara Matthews of 3 March to which this is a response.  
 24 Did you see the response from Laura Johnson?  
 25 A. What, this one?

24

1 Q. Yes.  
 2 A. I can't recall. I remember the —  
 3 Q. Do you remember whether Barbara Matthews sought to  
 4 discuss it with you?  
 5 A. I'm sure Barbara would have talked to me about — after  
 6 her meeting with Laura.  
 7 Q. Did you agree with Laura Johnson's decision to push the  
 8 installation programme out to five years?  
 9 A. I think we just accepted it.  
 10 Q. You just accepted it; you didn't push back on it?  
 11 A. I can't recall.  
 12 Q. You don't remember you or Barbara Matthews saying to  
 13 Laura Johnson that there is a positive impact on the  
 14 fire safety of residents by having an inspection  
 15 programme?  
 16 A. I can't recall.  
 17 Q. Well, did you agree with her view on the need for  
 18 an inspection programme, ie there wasn't one?  
 19 A. I think we're at this stage agreeing we had to have one,  
 20 and then it was a question — I think what played on  
 21 their mind a lot was the access, as I said, I think on  
 22 Thursday, was the ability to do it, get the access, and  
 23 would you be supported by the courts if you were denied  
 24 access by tenants or leaseholders.  
 25 Q. With respect, that's not completely right, is it?

25

1 Because in the last paragraph of that email,  
 2 Laura Johnson's opinion or argument for not having  
 3 a continuing inspection programme is that it would be  
 4 "an additional expense to the HRA ... without any  
 5 identifiable evidence that it impacted positively upon  
 6 the fire safety of residents", not access. In other  
 7 words, she doesn't see the cost-benefit ratio turning  
 8 out in favour of spending the money. That looks like  
 9 her opinion from that document.  
 10 A. It does, yeah.  
 11 Q. Was that the case at the time?  
 12 A. I think that was her opinion.  
 13 Q. Did you not push back on that?  
 14 A. I can't recall on this specifically.  
 15 Q. Right.  
 16 I mean, to be blunt, was Laura Johnson's argument,  
 17 the way you understood it, that she would rather not  
 18 spend the money and take the risk?  
 19 A. I wouldn't understand that as her — I think you would  
 20 have to ask her that opinion, I didn't ...  
 21 Q. Do you agree that here is Laura Johnson taking control  
 22 over how the TMO engaged with the LFB and whether and to  
 23 what extent it complied with what the LFB had asked?  
 24 A. Yes.  
 25 Q. Now, how come? How come she took control over that?

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1 A. Well, I think it was all about funding the programme.  
 2 So we'd looked at it, proposed our proposals, and they  
 3 have control of the HRA and this is their opinion of  
 4 what to do.  
 5 Q. But these two decisions, installation of self-closers  
 6 and then an inspection programme, were surely matters  
 7 for you and your board as an arm's length tenant  
 8 management organisation, not for your so-called client?  
 9 A. Again, as I pointed out, my board and myself didn't own  
 10 the HRA, the HRA sat with the council and the business  
 11 plan sat with the council, so we would have to go to  
 12 the council to get the funding agreed, and this was  
 13 Laura's opinion when we put forward our programme.  
 14 Q. Yes. Well, on that score, let me see if I can take  
 15 a sideways look at this and just take a small detour.  
 16 We discussed this topic, you and I, on Day 150,  
 17 Thursday, at pages 213 and 214 of the transcript  
 18 {Day150/213–214}, because we talked about Laura Johnson  
 19 controlling the purse strings to allow you to comply.  
 20 Do you remember that discussion?  
 21 A. Yeah.  
 22 Q. Let me just ask you one or two further questions about  
 23 that.  
 24 Could you please be shown {TMO00869542}.  
 25 Now, the document that's coming up is, on page 1,

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1 the first page of a pack for the TMO away day of  
 2 2/3 November 2016. Now, I appreciate, Mr Black, that is  
 3 this is some four years before the Grenfell Tower  
 4 deficiency notice we've been looking at, and so  
 5 obviously one must make allowances for that, but I just  
 6 want to ask you one or two things about it at this time.  
 7 If we go, please, first in this pack to page 24  
 8 {TMO00869542/24}, we can see a letter from Laura Johnson  
 9 to Fay Edwards, and Fay Edwards was your chair, wasn't  
 10 she?  
 11 A. Yes.  
 12 Q. Yes, dated 28 September, and if you go in that letter to  
 13 page 26, please — we probably want 25. 26 is where you  
 14 see her signature at the bottom, but we want 25  
 15 {TMO00869542/25}, and then over to the top of 26.  
 16 Under the heading "Effective asset management", in  
 17 the second paragraph, she says this:  
 18 "The recent survey carried out on the condition of  
 19 our stock however shows a necessary investment of  
 20 £105 million over the next 5 years to carry out basic  
 21 repairs. There is a current allocation of £7.5 million  
 22 per year each year for the next four years for capital  
 23 works; which means we have a potential gap between the  
 24 funding needed to carry out basic repairs and the  
 25 funding available to the Capital Programme of

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1 £67 million by 2017. This was reported to the Board at  
 2 its last away day.  
 3 "The challenge in this funding gap is that in our  
 4 business plan we will not have any financing available  
 5 to catch up on investment and regeneration spending  
 6 until 2037. By not clearing the repairs backlog sooner  
 7 and continuing with the same level of Capital Programme  
 8 each year we run the risk of the stock deteriorating,  
 9 Decent Homes failing, not meeting residents' needs and  
 10 not developing homes which support our communities.  
 11 This could have a substantial impact on how our  
 12 residents perceive both KCTMO and the Council.  
 13 "We therefore face the dilemma of insufficient  
 14 funding to both maintain and also improve the stock, and  
 15 so need to look for alternative ways to secure  
 16 additional investment, and to think about how we manage  
 17 our assets so that we can deliver future investment in  
 18 the housing stock as identified through the stock  
 19 condition survey. We intend to investigate ways to  
 20 increase the investment to improve the stock not only in  
 21 terms of basics such as kitchens, bathrooms and windows  
 22 but resist to fulfil our jointly held ambitions to  
 23 improve our estates, regenerate areas and to build more  
 24 homes."  
 25 Now, this was 2012.

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1 First, did you see this letter at the time, do you  
 2 think?  
 3 A. Yes.  
 4 Q. You did. It's quite a striking letter; it's hard to  
 5 forget, isn't it?  
 6 A. Well, I think this is around the time, 2012, where the  
 7 Government had announced the freedoms on the HRA, so it  
 8 moved from a Government-run HRA for the whole of the  
 9 country to individual borough-wide. So for the first  
 10 time it's exploring that a council can actually have  
 11 more than a one-year programme, and you can start to  
 12 look at 3, 5, 10, 30-year business plans to see what  
 13 your gaps are, and I think what it does is shows  
 14 historically the lack of funding in social housing and  
 15 local authorities.  
 16 Q. As a result of this funding gap, were you under the  
 17 impression that the TMO would struggle to maintain its  
 18 stock, let alone invest new money?  
 19 A. I think what we were clear of is actually historically  
 20 the funding wasn't enough to look after 10,000  
 21 properties, and here was an outline of a plan showing  
 22 you the gap, and what the council is then saying is  
 23 actually they need to do something different to do that,  
 24 which is what I think started their regeneration  
 25 proposals.

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1 Q. This funding gap, did you accept the gap and its impact  
 2 on maintenance of your housing stock as a given from  
 3 this time on?  
 4 A. I think — sorry, let me ... what we knew is that for  
 5 the first time we'd have a 30-year plan, and we could  
 6 see that the £7 million investment would increase, which  
 7 meant we had to sort of identify the works, as we did  
 8 through Savills, about how you can either offset them or  
 9 put them out. So it's all about this balance about what  
 10 you can afford to do and what we couldn't afford to do.  
 11 Q. Did you in your mind, or anybody within the TMO in their  
 12 minds, carve out health and safety spending,  
 13 specifically fire safety spending, from this analysis,  
 14 so that, come what may, money would always be available  
 15 for fire safety, or was fire safety just lumped in with  
 16 maintenance generally?  
 17 A. I think it was sort of an overall figure that was then  
 18 broken down.  
 19 Q. So lumped in generally.  
 20 Were you given the impression at the time, from this  
 21 letter and perhaps from other things said, that if the  
 22 TMO asked for more money from RBKC in relation to  
 23 maintenance of fire safety measures, none would be  
 24 forthcoming?  
 25 A. I'm not sure about that, but, I mean, what it meant was

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1 that the asset management investment, the yearly one,  
 2 had to sort of identify the works that needed to be  
 3 done.  
 4 Q. Let me ask it in a different way: did this letter and  
 5 matters such as this discussed at the time lead you to  
 6 think that it would be much more difficult in future  
 7 getting money from RBKC to fund improvements or  
 8 maintenance of fire safety measures in your stock?  
 9 A. I can't confirm my view at that time, sorry, 2012.  
 10 Q. Let's look on in the document, please, to page 30  
 11 {TMO00869542/30}.  
 12 This is a risk assessment table that appears to have  
 13 been part of the entertainment for the day or two days,  
 14 and if you look at the first item on the left — I think  
 15 we're going to have to expand that.  
 16 Before we go further expanding it, can I show you  
 17 the key in the top left-hand corner. You've got  
 18 a probability table, levels 1 to 5 — do you see?  
 19 A. Yeah.  
 20 Q. Where the description runs from "Very Likely" as  
 21 level 1, green, "Low", up to 5, "Almost Certain", red,  
 22 "High". Yes?  
 23 A. Yeah.  
 24 Q. And then you've also got risk rating on the third box  
 25 from the left, likelihood 1 to 5 risk rating, and

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1 impacts 1 to 5, with the reds in those ranges you see  
 2 there on the screen.  
 3 If you look at the top row, risk 1, "Risk  
 4 Identified":  
 5 "The organisation is unable to respond to the asset  
 6 funding gap."  
 7 Do you see that?  
 8 A. Yeah.  
 9 Q. If you look across, likelihood is 5, and that means  
 10 almost certain; yes?  
 11 A. Yeah.  
 12 Q. And the impact was 4, which means serious; yes?  
 13 A. Yeah.  
 14 Q. Yes. Now, were you at this away day?  
 15 A. Yes.  
 16 Q. Yes, and did you agree with that assessment?  
 17 A. I think so.  
 18 Q. Do you know who drafted this table?  
 19 A. Who drafted it?  
 20 Q. Yes, who created it?  
 21 A. The board had worked with a set of consultants, I think  
 22 it was our insurers, that designed it and worked with  
 23 the board to develop it.  
 24 Q. Right.  
 25 A. And then it was maintained by Yvonne Birch's team in —

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1 I can't remember the title.  
 2 Q. Right.  
 3 Then if you look at "Existing Control Measures":  
 4 "Work in conjunction with RBKC on options for  
 5 HRA/TMO."  
 6 Those were the existing control measures, and then  
 7 the residual risk:  
 8 "The funding gap will remain for the next 3–5 years  
 9 and long term there could be structure changes."  
 10 What were the structure changes that were  
 11 contemplated there?  
 12 A. I think that's when there were — it was the beginning  
 13 of the idea that RBKC would be looking at their estates  
 14 about regeneration, completely different, about whether  
 15 they can increase housing on the stock to increase  
 16 rental income. So it's looking at it in a completely  
 17 different way.  
 18 Q. If we look at the second risk in line 2, row 2:  
 19 "The organisation has no track record of business  
 20 diversification and may not be able to grow sufficiently  
 21 over the next three years. This may mean that RBKC  
 22 could get another strategic partner."  
 23 The likelihood of that was 3, medium, likely; do you  
 24 see that?  
 25 A. Yeah.

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1 Q. Impact, 4. Again, serious. But the risk rating was 12.  
 2 A. Yeah.  
 3 Q. So medium.  
 4 Now, obviously that was risk number 2; that was  
 5 a real possibility, otherwise it wouldn't have been in  
 6 the table.  
 7 A. Yeah, I mean, sorry, I was just trying to recall the  
 8 conversation. In a sense, when — between, I think,  
 9 2010 and 2011, RBKC I think around this time was also  
 10 looking about whether you would do a stock transfer. So  
 11 a lot of local authorities had looked at their business  
 12 plan to see that they wouldn't be able to generate  
 13 enough money to manage their stock, so they'd actually,  
 14 over the years, transferred quite a lot of local  
 15 authority housing to housing associations, who had more  
 16 money and investment to do that investment.  
 17 So I think RBKC — I think they had a housing option  
 18 strategy round about either the year before as well,  
 19 which looked at different options in terms of stock  
 20 transfer or finding another organisation, and I think in  
 21 the end, because of the HRA freedoms, they felt they  
 22 could manage it themselves.  
 23 Q. Right, I see.  
 24 Could we go to {TMO00848767/14}, please.  
 25 Now, these are the minutes of a board meeting, KCTMO

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1 board meeting, which starts on page 1, if we can just go  
 2 to that {TMO00848767/1}. This is 2 November 2012. It  
 3 is the away day board. It seems to be the minutes of  
 4 that.  
 5 A. Yeah.  
 6 Q. And you were present, or rather in attendance. You can  
 7 see that there is a large cast of people who were there.  
 8 Can we go back to page 14 {TMO00848767/14}, and  
 9 under "Risks" you can see there:  
 10 "■ Review was financially driven.  
 11 "■ TMO would have to evolve in order to deliver key  
 12 council outputs.  
 13 "■ If we did nothing, we might 'be done to'.  
 14 "■ The council could decide that TMO should not be  
 15 part of the solution either for management or  
 16 regeneration.  
 17 "■ TMO management could be gradually eroded."  
 18 Does that tell us that there was a concern at the  
 19 TMO among the senior echelons that RBKC might terminate  
 20 the TMO's contract and get in somebody else if you  
 21 didn't show them that you could stick to the  
 22 pre-existing budget, even though there was a shortfall?  
 23 A. No, I think this was a bigger picture strategy day,  
 24 where the TMO board — because remember, this was  
 25 a board day — they were looking at big picture stuff.

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1 So it was generally then understanding that, you know,  
 2 times were changing, and if the TMO didn't evolve or  
 3 what it wanted to do, then you might find yourself —  
 4 you're not part of the solution.  
 5 So I think it was the board just understanding risks  
 6 and looking at different things. It was a thinking day.  
 7 Q. I wonder whether you're just underplaying it a little  
 8 bit. What does it mean, "If we did nothing, we might  
 9 'be done to'"? What does that mean?  
 10 A. Well, I think in a sense they had options to transfer  
 11 stock, so although we're a tenant management  
 12 organisation under the legislation, if the council  
 13 wanted to transfer estates or stocks to other partners,  
 14 they had the right to do that, even though you've got  
 15 an elected sort of board. So it's about the board  
 16 understanding the council can look at different options,  
 17 you know.  
 18 Q. Indeed, but one of those options was either to reduce  
 19 very significantly the TMO's role in management, which  
 20 would mean reducing its management fee, or alternatively  
 21 terminating the arrangements with the TMO altogether.  
 22 A. Yeah, I think that was the board sort of understanding  
 23 the position it could be in and the risks to it.  
 24 Q. Can we take it that, from this date onwards,  
 25 November 2012, RBKC had, in effect, a financial

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1 stranglehold over the TMO, because unless you did what  
 2 they told you, there was an existential threat to your  
 3 business?  
 4 A. I think there's other things we did. So from 2012 —  
 5 Q. First, before you do that, do you agree with what I just  
 6 put to you?  
 7 A. I think there's — if you manage the purse strings, the  
 8 HRA, then you have more control, rather than if it was  
 9 an organisation that owned the HRA.  
 10 I think it was also a message that the TMO took on  
 11 board that, again, if you go back, sometimes it's  
 12 performance on specific issues like rent collection,  
 13 void turnaround, leasehold management charges being  
 14 collected. So it was very clear what we had to do, that  
 15 where the HRA had income coming in, were we maximising  
 16 it?  
 17 So in terms of over the years from then, our rent  
 18 collection improved in terms of as a percentage. Our  
 19 void turnaround improved, so that we turned around voids  
 20 quicker, which therefore actually means you brought more  
 21 income in. I think by the end overall we'd reduced the  
 22 HRA debt, which meant actually more money was in the  
 23 HRA. We also managed the HRA commercial property within  
 24 the portfolio, which over a number of years had been  
 25 sort of slightly not really developed. So we did quite

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1 a few things there in terms of actually looking at the  
 2 HRA commercial development, how we could increase the  
 3 income, either by changing — making sure, if we got  
 4 partners, that you've got the right contracts in place,  
 5 or changing the use so you could increase the income  
 6 coming in.  
 7 So there was a whole load of stuff that the TMO  
 8 could do in terms of actually to improve the HRA income,  
 9 and I think there are graphs showing that overall, over  
 10 those years, we reduced the income, and that's what  
 11 I imagine we wanted to show RBKC, that, you know, we  
 12 weren't wasting opportunities.  
 13 We created the Hidden Homes, which added a very  
 14 small amount of new social housing to the stock, but  
 15 again, it was all about showing that you could actually  
 16 improve the HRA over time, because it's the first  
 17 time — you can look at it. If you look at the impact  
 18 over 25 years, it all contributes. So it's been a —  
 19 performing better where you can to influence.  
 20 Q. If you go to page 16 {TMO00848767/16}, if you look at  
 21 "Risks" there, you can see, first bullet point:  
 22 "Stock is split up (balkanisation)."  
 23 Third bullet point:  
 24 "Unfavourable lease conditions."  
 25 Fourth bullet point:

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1 "TMO is not part of the future."  
 2 Sixth bullet:  
 3 "If the stock is transferred or partially  
 4 transferred, there was a risk of the TMO's influence  
 5 [decreasing]."  
 6 Seventh:  
 7 "A joint venture is gone for without us being  
 8 a partner."  
 9 Then final:  
 10 "If we are chosen as a partner with too thin  
 11 resources, services would suffer."  
 12 Those were risks which were clear to the board —  
 13 A. These were risks during the process that the board — so  
 14 we had a consultant there for the day. Remember, this  
 15 is a board away day, it's not an exec officer away day,  
 16 and we were there to facilitate the day. So really this  
 17 was — the consultant who was managing the day was  
 18 making the board think of actually, you know — not  
 19 thinking you're going to survive forever, to think about  
 20 the future, to see what the consultant could show you  
 21 across England and other parts of the country, what was  
 22 happening to local authority housing in general and what  
 23 was happening to TMOs who weren't seeing part of that  
 24 solution. So partly this is then to help the board  
 25 think through its risks.

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1 Q. Yes, I hadn't quite got to the question part.  
 2 A. Sorry, apologies.  
 3 Q. It doesn't matter.  
 4 The risks identified there, those remained risks,  
 5 did they not, between November 2012 and 14 June 2017?  
 6 A. I think — well, I mean, I think, you know, you —  
 7 depending on politics, things change. I mean, I think  
 8 by then what was clear was that RBKC had decided that it  
 9 didn't want to transfer its stock, so — or didn't want  
 10 to split up its stock. I'm just looking at the ... at  
 11 that stage they weren't talking about joint venture.  
 12 But, in a sense, they'd decided they wanted to do  
 13 regeneration, and working with Savills and some other  
 14 companies, were beginning and had started to look at  
 15 estates where they could develop them or regenerate them  
 16 or add more housing. So they'd taken on that key role,  
 17 we weren't part of that, and that's just, you know, the  
 18 situation we found ourselves in.  
 19 Q. Let's turn to a different topic: the fire at  
 20 Trellick Tower on 19 April 2017.  
 21 Now, do you remember that on 20 April 2017, you were  
 22 sent an email by Keith Benton about the issues that had  
 23 arisen in that fire on the 19th?  
 24 A. Yes.  
 25 Q. Yes. The email is at {RBK00003234}. Let's look at

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1 page 1, at the foot of that page.  
 2 Here is the email, "Dear TMO", it's to you, and if  
 3 you turn the page {RBK00003234/2}, you can see that  
 4 Keith Benton, who is chair of the Trellick Tower  
 5 Residents' Association, says at the top of page 2:  
 6 "As I'm sure [you] are aware, there was a major fire  
 7 on the 27th floor of Trellick last night. By chance no  
 8 one was hurt in either the fire or the evacuation.  
 9 "Residents were extremely good, alarming their  
 10 neighbours, making sure everyone evacuated by the stairs  
 11 etc. so well done them.  
 12 "On the other hand ...  
 13 "The security guard had no idea whatsoever on what  
 14 was needed. We called Serge to find out the drill, were  
 15 the keys to the fire box were etc. No alarm was in  
 16 place, no emergency drill, nothing.  
 17 "Apparently the water supply was initially  
 18 insufficient, it took 40 minutes to extinguish what  
 19 developed into a raging blaze.  
 20 "This is all caused by the thoughtless chucking of  
 21 a cigarette butt!  
 22 "Please can you say ..."  
 23 And there is a list of bullet points:  
 24 "■ what will be put in place to make sure that the  
 25 security staff know the drill.

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1 "■ what is the drill in an emergency? Is there one?  
 2 "■ how we can be sure the water pressures are always  
 3 sufficient.  
 4 "■ that the Fire Brigade are truly familiar with the  
 5 building ..."  
 6 And then the last two bullet points I don't think we  
 7 need to look at.  
 8 Did you take steps yourself, Mr Black, to address  
 9 those problems or difficulties identified by Mr Benton  
 10 here?  
 11 A. My team did, yes.  
 12 Q. Your team did. Did you tell your team to do so or did  
 13 they do and then you discovered it?  
 14 A. No. So there was a fire, which was started with a —  
 15 someone from up above throwing a cigarette butt, which  
 16 fell into someone's washing down below. The fire was  
 17 held within the compartmentalisation of the property  
 18 because they left and shut the door. And then we looked  
 19 through, when Keith sent us this, the issues to see what  
 20 we could do. So we spoke to the company that employed  
 21 the security staff, because they should have known the  
 22 drill, they had been trained on it. The water pressure,  
 23 I think we got the Fire Brigade back the next day.  
 24 The familiarisation thing is the Fire Brigade  
 25 visited Trellick Tower all the time, because it was one

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1 of our tallest buildings. The issue is when you have  
 2 a fire, you might not get the crew that's been there.  
 3 So it's about constantly, as we did, work with the  
 4 Fire Brigade to make sure their crews knew. But if  
 5 there was something on and you got a crew from the  
 6 neighbouring borough, then you have the exact same  
 7 position.  
 8 Q. Can I just focus on one aspect of this —  
 9 A. Yeah.  
 10 Q. — which is the security guard, where he says:  
 11 "The security guard had no idea whatsoever on what  
 12 was needed ... No alarm was in place, no emergency  
 13 drill ..."  
 14 Did this email prompt the concern that the  
 15 fire safety information was not being adequately  
 16 communicated to the residents of the building?  
 17 A. No, because the company that had employed the security  
 18 staff had been trained and told about all these issues  
 19 before, and their responsibility was to make sure their  
 20 staff knew all these things.  
 21 Q. Right. So you had outsourced this?  
 22 A. That specific part. The employment of the security  
 23 guard was — it wasn't a caretaker-type thing, it was  
 24 a specific thing historically for Trellick Tower.  
 25 Q. Right.

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1 Let's go next, please, to {RBK00002340/2}. This is  
 2 an email chain in May 2017, the following month, between  
 3 you and Laura Johnson. If we can start with page 2,  
 4 please, you can see that you email Laura Johnson on  
 5 17 May 2017, at the foot of the page, subject, "Chair of  
 6 Scrutiny":  
 7 "Dear Laura  
 8 "Just a quick one. Cllr CDS said yesterday that  
 9 Cllr [Mackover] was being very negative about the TMO at  
 10 some conservative party meeting the other night. This  
 11 seemed to stem from something at Scrutiny? He was  
 12 worried about Leaseholder doors and said we were not  
 13 doing something. It was all a bit vague but a bit of  
 14 general chatter about how we are not performing in this  
 15 area. Speaking to Barbara she seemed as confused about  
 16 what the issue is. What would you recommend, do  
 17 nothing, contact him and see if he want to talk this  
 18 through or ask to meet him together to discuss it.  
 19 I know he does not see you but your advice and views  
 20 welcome."  
 21 Then if we go to the foot of page 1 over to 2, we  
 22 can see Laura Johnson responds to you, very foot of 1,  
 23 and if we scroll to 2, this is on 18 May:  
 24 "Robert,  
 25 "This comes from Scrutiny Committee and the paper

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1 that we tabled on Trellick fire. They completely failed  
 2 to ask any questions about Trellick and instead focused  
 3 on what Cllr Pascall knew about which is the issue we  
 4 had reported on regularly for the previous two years  
 5 which, was leaseholder doors and the project the TMO had  
 6 ran very successfully on getting leaseholders to change  
 7 their doors. Cllr Mackover instead of saying to Cllr P,  
 8 can we please go back to the paper we've tabled on  
 9 Trellick then joined in asking Janice and Barbara  
 10 questions about leaseholder doors, they answered  
 11 honestly and said no not all doors will comply we have  
 12 a rolling programme of compliance and regular checks.  
 13 This then horrified them both and they asked for  
 14 a report to brought back on this issue to a subsequent  
 15 Scrutiny Committee. The questioning only stopped when  
 16 I reminded them that the paper was on Trellick and  
 17 Janice had come to answer questions on that rather than  
 18 leaseholder doors.  
 19 "So in short Cllr Mackover knows nothing about this  
 20 issue, Cllr Pascall only knows what he can recollect  
 21 from two years ago, both are of the view that the  
 22 Council should pay to replace leaseholder doors  
 23 regardless of whether we would be reimbursed as this  
 24 would be safer for the block in case of fire. We've  
 25 been through this before and I refuse to open this up

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1 again as a subject for Cllr Pascall to dwell on, we  
 2 therefore just need to get your team to do an update on  
 3 leaseholder doors & perhaps door closers as part of the  
 4 annual report you do to Scrutiny in September on TMO  
 5 performance.  
 6 "I wouldn't contact Cllr Pascall or Mackover on  
 7 this, it's a non-issue that they are trying to turn into  
 8 something because we've reported on it before. I think  
 9 we should take back an update on health and safety to  
 10 the September meeting."  
 11 Then there is something about  
 12 Councillor Taylor-Smith at the bottom.  
 13 Now, from what Laura Johnson says there, which I've  
 14 read at length to you, I'm afraid, do you see that these  
 15 councillors, at least, were horrified that not all doors  
 16 would comply? Yes?  
 17 A. I think they're talking about the leaseholders, as far  
 18 as I can remember, sorry.  
 19 Q. Yes, it doesn't matter, leaseholder doors would not  
 20 comply. Yes? Horrified.  
 21 A. Well, I mean, I think that was the issue.  
 22 Councillor Mackover had been a member of scrutiny  
 23 committee before he became chair, and we had reported on  
 24 the whole programme of door replacements, which I think  
 25 it replaced 1,100 doors, and then he had been there

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1 throughout the whole process as we tried to resolve this  
 2 issue with leaseholder doors, in terms of whose control,  
 3 and he'd been there as they'd seen the council and the  
 4 Fire Brigade had worked it up to the DCLG. So, yeah,  
 5 and this is Laura's view, you know, quite confused about  
 6 how Councillor Mackover seemed to have forgotten all  
 7 about that, and the reason I brought it up is because my  
 8 councillor who was on the board raised — and I was  
 9 just, like, slightly confused.  
 10 Q. I see.  
 11 Did you agree with Laura Johnson that the  
 12 leaseholder doors and door-closer questions were  
 13 a non-issue?  
 14 A. I wouldn't — I think we all understood that the way the  
 15 lease was designed, it made it incredibly difficult for  
 16 the landlord to actually replace the doors if the  
 17 leaseholder didn't comply with us, and that had taken  
 18 a long time to get to that stage, and ultimately, in the  
 19 end, the council, it was agreed by DCLG, would have to  
 20 use its legislation to take action against any  
 21 leaseholder under its position.  
 22 Q. Did you think yourself that the issues were best left to  
 23 be dealt with in a report to scrutiny the following  
 24 September, so five months later?  
 25 A. I took the — this is the council's meeting, not mine.

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1 I take the advice of the officer .  
 2 Q. Let's go to page 1 {RBK00002340/1}, your response.  
 3 This is the same day, 18 May 2017. You say:  
 4 "Hi Laura  
 5 "On review we came to the same conclusion after our  
 6 meeting and I have asked Barbara and Janice to pick this  
 7 up in our formal reports. I agree with the rest."  
 8 The effect of this, do you agree with me, is that  
 9 a legitimate concern raised by a councillor is dismissed  
 10 essentially as a non-issue by both your organisation and  
 11 RBKC?  
 12 A. No, I think I've answered that. It's been talking about  
 13 replacing leaseholders' doors. It was a legal issue  
 14 that had been gone over and over and over.  
 15 Q. So your view at the time was that this was  
 16 an illegitimate concern?  
 17 A. No, I wouldn't say that.  
 18 Q. Well, what would you say? Was it a relevant concern or  
 19 was it an irrelevant concern?  
 20 A. I can't remember the context of the meeting — I wasn't  
 21 at the meeting. I was told second-hand the issues. I'd  
 22 raised it so I could get advice from Laura about whether  
 23 I should go back to the councillor. So it's one of  
 24 those ones, not hearsay, but he said, they said — I was  
 25 just trying to get to the bottom of what the issue was,

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1 and then what Laura has come back has given me a clearer  
 2 picture and her advice.  
 3 Q. You say, "I agree with the rest". She says it's  
 4 a non-issue. You agreed, did you, that the question of  
 5 self-closers on leaseholder doors was a non-issue?  
 6 A. No, I think the non-issue was the councillor's position  
 7 at the meeting, not remembering what he had been told.  
 8 Q. It doesn't make it irrelevant, though, does it? It may  
 9 mean that his horror was relived and had been overtaken  
 10 by events, but it doesn't mean, does it, or does it,  
 11 that the concern is nonetheless legitimate?  
 12 A. The reason I'd raised it with Laura was because was it  
 13 something I should take forward. I think her view is  
 14 the councillor should have — it wasn't his horror, it  
 15 was more that — I think the horror was that he couldn't  
 16 remember this whole process we went through, which was  
 17 very public, very high profile at scrutiny, about the  
 18 issue of leaseholder doors. I don't think anyone was  
 19 dismissing it. I think it was more about how someone  
 20 who had forgotten all that time — what had been  
 21 reported to them on scrutiny.  
 22 Q. Do you remember whether the scrutiny committee was made  
 23 aware of the then outstanding and indeed about to expire  
 24 deficiency notice in respect of Grenfell Tower, and in  
 25 particular the self-closers?

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1 A. I can't recall, sorry.  
 2 Q. No.  
 3 The date of this email, your email, is actually the  
 4 very date on which that deficiency notice expired, and  
 5 it's on the same topic. Did you put the two together in  
 6 your mind?  
 7 A. I may not have on the day, no.  
 8 Q. Let's look at a document the day before, 17 May 2017.  
 9 {TMO00894337}.  
 10 This is the minute of the executive team meeting of  
 11 that day, and you are present, as is Barbara Matthews.  
 12 If we can go down, please, to page 2  
 13 {TMO00894337/2}, 2.6, "Fire at Trellick":  
 14 "RB noted that Cllr Mackover has been disparaging  
 15 about the TMO over fire doors. RB has spoken to Laura  
 16 about this as RBKC are clear that they do not want us  
 17 inspecting flat front doors. Cllr Mackover is saying  
 18 that we should be constantly reviewing the fire doors.  
 19 BM noted we have Carl carrying out FRAs & the LFB  
 20 conducting audits and they will pick up any doors not  
 21 compliant. RB asked if Janice could write a briefing  
 22 note on what we did on the programme what was agreed  
 23 with RBKC, completed and what we do now. It was agreed  
 24 that Janice would include this update in the annual  
 25 Health & Safety report which will go to Board in July,

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1 and to Laura after that. We have been informed that  
 2 Cllr Blakeman has been disparaging about the TMO in  
 3 public forums."  
 4 Now, from this note — we have a little bit more  
 5 clarity here — it looks — is this right? — that both  
 6 Laura Johnson and RBKC more generally were clear that  
 7 they did not want the TMO to inspect flat front doors to  
 8 make sure they have closers?  
 9 A. It looks like that, yes.  
 10 Q. Yes.  
 11 What did you think the TMO should do regarding the  
 12 inspection of flat front doors? Go along with RBKC and  
 13 do nothing, or something else?  
 14 (Pause)  
 15 A. I think if we knew they weren't working, they should be  
 16 fixed. I think that was our position.  
 17 Q. Yes. Councillor Mackover is recorded here as having  
 18 said that the TMO should be constantly reviewing the  
 19 fire doors. That's what the minute says.  
 20 A. Yeah.  
 21 Q. It's right, isn't it, that that is what LFB had made  
 22 clear since 2015, when the Adair Tower deficiency notice  
 23 was issued? That's right, isn't it?  
 24 A. Yes.  
 25 Q. Leaving aside the word "constantly", and that a regular

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1 programme of inspection was discussed in early 2016,  
 2 after the bi-monthly meeting with the LFB on the 5th of  
 3 that month.  
 4 A. Yeah.  
 5 Q. Yes.  
 6 In reality, is it right that the TMO was placing its  
 7 faith almost entirely in Carl Stokes' FRAs, save where  
 8 anything was picked up by an LFB audit?  
 9 A. Yes.  
 10 Q. Notwithstanding the fact that the TMO had clearly been  
 11 getting it wrong in the LFB's eyes since October 2015,  
 12 resulting in deficiency notices on this very topic,  
 13 door-closers?  
 14 A. Yes.  
 15 Q. And notwithstanding the fact that the LFB had serious  
 16 reservations about Carl Stokes as a fire risk assessor?  
 17 A. Well, I'm not sure about that.  
 18 Q. Well, they did. It may be that you didn't take it  
 19 seriously, but they did, as a fact.  
 20 Do you disagree that they did? We can look at some  
 21 documents, if you like.  
 22 A. I think they raised concerns and they were being  
 23 addressed.  
 24 Q. Yes.  
 25 Do you know whether the work that the LFB had

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1 required to be done in their deficiency notice of  
 2 17 November 2016 for Grenfell Tower was done by the time  
 3 of the fire on 14 June 2017 or not? Do you know?  
 4 A. I can't recall. I'm not sure if there was four that  
 5 were partially completed and still to be fixed. But  
 6 I can't recall that, sorry.  
 7 MR MILLETT: Right.  
 8 Now, Mr Chairman, I'm afraid it has become  
 9 ingrained, but I'm now about to switch to a completely  
 10 different topic altogether, and I'm very happy to spend  
 11 ten minutes starting it before we break.  
 12 SIR MARTIN MOORE-BICK: Is that going a take you  
 13 a reasonable distance?  
 14 MR MILLETT: It may do.  
 15 SIR MARTIN MOORE-BICK: Why don't you carry on.  
 16 MR MILLETT: Thank you.  
 17 I want to examine with you now, Mr Black, the  
 18 question of complaints and the approach to residents.  
 19 Can we start, please, with {IWS00001462}, please.  
 20 This is the first page of a long document, which is  
 21 Maria Memoli's investigation report into long-standing  
 22 complaints of the TMO or about the TMO — that's its  
 23 title — dated 10 April 2009.  
 24 Now, on Day 149, Wednesday last week, you told us  
 25 that you had heard of the Memoli report but you hadn't

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1 seen it. That's at {Day149/18}.  
 2 A. I know about the report. I couldn't remember if I'd  
 3 seen it, in terms of — so if I've seen it. If you can  
 4 show me evidence, then obviously I would have seen it.  
 5 But I was very aware of it in terms of when I joined the  
 6 company.  
 7 Q. Let's just take it slowly.  
 8 You joined the TMO at some point in May 2009,  
 9 I think?  
 10 A. Yeah.  
 11 Q. So this was after this document had been created —  
 12 A. Yeah.  
 13 Q. — self—evidently, as a matter of chronology.  
 14 A. Yeah.  
 15 Q. When you joined the TMO, were you given a handover?  
 16 A. No.  
 17 Q. Were you given a file of documents to read into so that  
 18 you would understand your immediate tasks?  
 19 A. There would have been some. In terms of — I went for  
 20 an interview in March/April, and there was a chief exec  
 21 in place who agreed that I would start two weeks before  
 22 she left. She left without that handover. So I came  
 23 in, and then had to work my way through working with  
 24 what staff I had about what the issue is.  
 25 So in a sense I knew through my interview, because

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1 they'd raised specific things which we had to — they  
 2 asked all the candidates to — "How would you do it?"  
 3 So obviously I was aware there was issues. But I can't  
 4 remember whether I was given this whole report at the  
 5 moment, that's the main thing.  
 6 Q. No, I understand that. Did nobody put this on your desk  
 7 and say, "Mr Black" or "Robert", depending on who they  
 8 were, "You might like to read this before you start"?  
 9 A. It was an RBKC report. I don't know if my staff had it.  
 10 Q. Right. Let's look at some documents to see if we can  
 11 pin this down.  
 12 {TMO00894418}, please.  
 13 This is an email of 7 September 2009 from  
 14 Laura Johnson to you and Keith Holloway, forwarding  
 15 an adjudication report, and she says:  
 16 "Robert & Keith,  
 17 "Please find attached a draft adjudication report  
 18 from John Butler, this will inform our meeting on  
 19 Thursday, following comments from this meeting John will  
 20 revise the report which will be the final version and  
 21 one published for tenants and residents to see."  
 22 Do you remember whether you'd seen the Memoli April  
 23 report by that time?  
 24 A. I can't recall, honestly.  
 25 Q. Clearly there was a draft adjudication report attached.

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1 Let's look at that document. {TMO00888711}.

2 This is the adjudication report dated

3 22 September 2009.

4 Let's just try to piece this together. Was this the

5 final version of the draft which Laura Johnson had sent

6 you a fortnight before?

7 A. I would think so.

8 Q. Right.

9 If we go to paragraph 1.2 on page 2 {TMO00888711/2},

10 please, it says:

11 "The Council appointed Maria Memoli, a solicitor, to

12 act as adjudicator and manage the investigation.

13 An investigator was appointed who interviewed residents

14 and collected evidence from staff and files. All TMO

15 residents were invited to participate and focus groups

16 were held in addition to receiving individual

17 submissions."

18 Then if you look lower down the page, can we scroll

19 down to 1.5, please:

20 "This adjudication report therefore follows the

21 recommendation in investigating and adjudicating as

22 appropriate on every specific complaint."

23 Now, first I should ask you: did you see this

24 document in its final form or did you only ever see the

25 draft?

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1 A. I can't remember.

2 Q. Right. Do you remember seeing and noting that Ms Memoli

3 had been appointed by RBKC to investigate complaints by

4 residents?

5 A. Yes.

6 Q. Yes, and that this report, the adjudication report, or

7 the Butler report, if you like, implemented one of the

8 recommendations from the Memoli report?

9 A. Yes.

10 Q. Yes.

11 Before meeting with Laura Johnson to review the

12 Butler report, did you ask to see a copy of the Memoli

13 report?

14 A. I can't recall.

15 Q. You can't remember.

16 Did you not need to read the Memoli report in order

17 to understand the context of the Butler adjudication

18 report?

19 A. I mean, my whole point about this is it was RBKC's

20 report, and I got the impression they didn't — weren't

21 particularly keen or impressed with it, and so

22 therefore actually what I was then getting — I think

23 John Butler was someone that worked with RBKC who then

24 took this on board to produce this report.

25 Q. I'm really just seeing if we can piece together, first

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1 of all, whether you saw the Memoli report, and I'm

2 suggesting to you that you must have seen it by this

3 time in order to understand at least the draft Butler

4 adjudication report.

5 A. And that's what I'm struggling to understand, about

6 whether I did or whether I just saw — because, again,

7 it was RBKC's report, they might not want to give it to

8 me, and then they brought in John Butler. So, again,

9 it's so long ago, apologies, trying to remember the

10 sequence of events.

11 Q. Right.

12 If we go back to the Memoli report, and I'll just do

13 this reference before the break, {IWS00001462/3},

14 please. The executive summary appears here.

15 The first paragraph says:

16 "There are a number of tenants, leaseholders and

17 freeholders within the Borough of Kensington and Chelsea

18 who feel aggrieved that their problems have not been

19 resolved by the TMO despite several years of

20 complaining."

21 Then in the third paragraph it says:

22 "The residents' main concerns are around: Cyclical

23 repairs, Major works, Management charges, Service

24 charges, Customer care, Probity and ethics,

25 Communications, Performance and Monitoring, Trust and

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1 confidence."

2 Then the next paragraph but one down says:

3 "With the changes made to the Constitution and the

4 election of a new Board, the TMO now needs to tackle not

5 only the governance, but the real operational issues

6 around the services it provides to meet the demands of

7 the residents within the Borough; to show true

8 leadership; to lead by example, by being mature; dealing

9 with strategic issues of the TMO guiding its direction

10 of travel, with policy delegated to its committees; for

11 operational and day to day management issues to be

12 effectively delegated to officers of the organisation.

13 The new Board needs to win the hearts and minds of those

14 disgruntled residents who have had grievances going back

15 several years. The Board must understand its

16 constitutional and legal role and take collective

17 responsibility to spearhead the TMO in its improvement

18 plan."

19 In summary, you can see just from that page that

20 this report made serious criticisms of the TMO about the

21 relationship between it and its tenants; yes?

22 A. If you — it's mostly around leaseholders and some

23 tenants. It says "higher amongst leaseholders than

24 tenants", it doesn't give a percentage.

25 Q. You have identified something in a paragraph I didn't

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1 read to you, in the second paragraph.  
 2 A. I suppose the message I got when I joined is that  
 3 because of a lot of these issues around cyclical  
 4 repairs, major works and service charge, there was  
 5 a high level of leaseholders who were unhappy with the  
 6 way services were being managed.  
 7 Q. Did you understand that the Memoli report was only or  
 8 principally communicating leaseholders' concerns and not  
 9 residents generally?  
 10 A. No, I think it was a general thing, but she identified  
 11 a higher than normal —  
 12 Q. Yes, indeed.  
 13 I repeat my point: do you remember reading what I've  
 14 just read to you?  
 15 A. It's so long ago, I can't —  
 16 Q. Right. Do you remember there being an independent  
 17 report that made serious criticisms along these lines  
 18 about the relationship between the TMO and its  
 19 residents?  
 20 A. Yes.  
 21 Q. Yes, and the governance of the TMO?  
 22 A. Yes.  
 23 Q. Yes, and there were recommendations. Do you remember,  
 24 at least in outline, the fact that there were  
 25 recommendations made to improve the position?

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1 A. There were some recommendations, yes. I can't remember  
 2 them all, in a sense, they were — yeah. That's all  
 3 I can say.  
 4 Q. Yes. We will come back to those after the break, if we  
 5 may.  
 6 A. Yeah.  
 7 MR MILLETT: Mr Chairman, is this a convenient moment?  
 8 SIR MARTIN MOORE—BICK: Yes, I think it is, thank you.  
 9 We will have a short break now, then, Mr Black.  
 10 Please remember not to talk to anyone about your  
 11 evidence over the break, and we'll come back at 11.35,  
 12 please.  
 13 THE WITNESS: Thank you.  
 14 (Pause)  
 15 SIR MARTIN MOORE—BICK: Thank you. 11.35, please.  
 16 (11.21 am)  
 17 (A short break)  
 18 (11.35 am)  
 19 SIR MARTIN MOORE—BICK: All right, Mr Black, ready to carry  
 20 on?  
 21 THE WITNESS: Yeah.  
 22 SIR MARTIN MOORE—BICK: Yes, Mr Millett, when you're ready.  
 23 MR MILLETT: Mr Chairman, thank you.  
 24 Can we go back, then, to {TMO00888711}, please, the  
 25 final adjudication report we looked at earlier.

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1 As you can see from the first page there, it was  
 2 produced on 22 September 2009, ironically the very same  
 3 day as the fire safety management report produced by  
 4 Salvus.  
 5 If we go to page 5 {TMO00888711/5}, please,  
 6 paragraph 4, we can see that he sets out there the  
 7 general issues and recommendations, and under  
 8 paragraph 4.2 at the foot of the page, he says this:  
 9 "Governance, Customer service, staff attitudes and  
 10 poor repairs service are recurring themes throughout the  
 11 investigation. These have already been identified in  
 12 the Improvement Plan as the core areas for improvement.  
 13 It cannot be over-emphasised how achieving successful  
 14 change in these areas will determine the perception of  
 15 the residents and restore their trust and confidence in  
 16 the TMO — and the Council as landlord."  
 17 If we go to page 6 {TMO00888711/6}, and look at  
 18 paragraph 4.4, a little bit lower down:  
 19 "Although lack of communication has been raised, the  
 20 perception of communication as a problem is normally  
 21 linked to the level of trust or dissatisfaction with the  
 22 service and relationship with the organisation. The  
 23 investigation has not identified any serious failures in  
 24 formal communication, other than that highlighted in the  
 25 Surveyor's recommendations in para 4.5. The issue is

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1 more that the TMO needs to ensure that its  
 2 communications are seen by residents as presenting  
 3 a true picture of the reality of the experience they  
 4 receive. Glossy brochures and newsletters do not go  
 5 down well when people perceive a poor service!"  
 6 Did you discuss these recommendations at the meeting  
 7 with Laura Johnson and Keith Holloway?  
 8 A. I imagine we did.  
 9 Q. Did you do anything about them? Did you act on them?  
 10 A. Yes, of course I did.  
 11 Q. Now, if we go to —  
 12 A. So — yeah, I mean — no, carry on.  
 13 Q. No, do please say what you wanted to tell us.  
 14 A. No, I'll let you carry on.  
 15 Q. All right.  
 16 If we go to {TMO00894426}, this is appendix 2 to the  
 17 Butler adjudication report, and it's a record of RBKC  
 18 and TMO's responses to the Memoli report.  
 19 Were you involved in the preparation of these  
 20 responses?  
 21 A. I would have ... I can't remember whether Keith, who I'd  
 22 brought in as a consultant to help me when I sort of was  
 23 appointed, whether he oversaw that.  
 24 Q. Right. Do you remember whether these were discussed in  
 25 your meeting with Laura Johnson and Keith Holloway about

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1 the report that we saw referred to in the email  
 2 exchange?  
 3 A. I imagine I would have.  
 4 Q. Right.  
 5 Let's go to page 2 in this document {TMO00894426/2},  
 6 where you can see the table.  
 7 On page 2, the first recommendation relates to  
 8 "Customer care, PR, communication, training and  
 9 development". It says:  
 10 "For there to be a process of mediation/conciliation  
 11 to build relationships with the aggrieved residents and  
 12 the TMO. Relationships between certain fractions of  
 13 residents and the TMO have broken down irretrievably —  
 14 only an independent process can intervene to try and  
 15 improve relations.  
 16 "Council response:  
 17 "The Client role is evolving with the improvement  
 18 plan process at present the focus of clienting activity.  
 19 Future clienting will be based on monitoring and  
 20 influencing the TMO's business plan with increased  
 21 attention on assessment of outcomes.  
 22 "The approach to resident consultation is under  
 23 review.  
 24 "Adjudicator comment:  
 25 "This was an objective of the adjudication process

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1 itself. However the rebuilding of relationships will be  
 2 principally determined by the TMO improving service  
 3 performance and being seen as professional and  
 4 competent, particularly by leaseholders."  
 5 So you see that.  
 6 Now, "The approach to resident consultation is under  
 7 review" is what is said in the council response. Is it  
 8 right that in fact no such process was established?  
 9 A. Well, I wouldn't say that, in terms of, just let me ...  
 10 (Pause)  
 11 So we had an improvement plan because — again, I'm  
 12 just trying to remember the sequence of events — we got  
 13 a breach notice from the council before, which then  
 14 I had to do an improvement plan to address the breach  
 15 notice, which I think was in September, when it  
 16 disappeared, so it went through my board, and we spent  
 17 a lot of time focusing on the relationships with the —  
 18 certainly around the leaseholders, because there were so  
 19 many issues in terms of works and capital works which  
 20 were still causing concern.  
 21 And the example might be Elm Park Gardens, which  
 22 I think was over 400 leaseholders, sort of thing, and  
 23 work had started through emergency work, because some  
 24 chimney stacks were falling down, I think that was 1996,  
 25 and following on from that, major works were carried out

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1 across all the blocks. So the contract wasn't block by  
 2 block, but the whole thing, which made it incredibly  
 3 complicated, whoever agreed it. So when I arrived, the  
 4 work had completed in 2008, snagging had taken part in  
 5 2009, but the leaseholders, who had actually paid  
 6 a proportion of the work, weren't going to get the final  
 7 bills until 2012.  
 8 So that was one aspect of I think the complaint  
 9 about — round the capital works and people not happy  
 10 about how long I think it took things to get resolved,  
 11 sort of thing.  
 12 And it was actually building a relationship with  
 13 those — a range of people across the business.  
 14 Q. Looking at recommendation 5 on page 3 {TMO00894426/3},  
 15 where the council's or TMO's response was the recent  
 16 publication of a five-year capital works programme to  
 17 residents, is that what you have just described?  
 18 A. No, I think that's a different — this is here where —  
 19 even this was before the TMO freedom in 2012. We were  
 20 trying to, from an asset management side, just publish  
 21 sort of indicative information so leaseholders would  
 22 know if there was work coming up, and I think one of the  
 23 leaseholders' issues was that if you just do work on  
 24 a year-by-year basis, they can't plan in terms of how  
 25 they're going to pay for that work, because we didn't

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1 have sinking funds in general. So I think this was our  
 2 first stab at trying to, through asset management,  
 3 identify works that we might be able to do or might be  
 4 seeking to do over the next five years to give  
 5 leaseholders an indication of actually work coming up,  
 6 so they can see, well, we might be doing work on their  
 7 properties in three years' time.  
 8 So it was an early approach to try to get a business  
 9 plan-type approach, but it was very sort of early days  
 10 stuff.  
 11 Q. You say it was very early days; what else was done by  
 12 way of response to this criticism or recommendation at  
 13 item 5, a more proactive approach?  
 14 A. Well, I think we had a home ownership team, it was  
 15 called a home ownership team rather than a leasehold  
 16 team because we had not just leaseholders but some  
 17 freeholders as well, and the feedback from those sort of  
 18 leaseholders, they wanted a more specific service from  
 19 them. So we had a tenanted services for tenants and we  
 20 had a home ownership service for leaseholders, and the  
 21 whole — and that was headed up by Daniel Wood, and the  
 22 whole idea of that was for actually him in his team to  
 23 be more proactive in engaging with our leaseholders,  
 24 understanding works and costs.  
 25 And, in a sense, there was also a backlog of works

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here, which I mentioned I think in the statement, that there were some outstanding contracts still from I think about 1990 which hadn't been signed off. So the process is you do work, the leaseholder would pay some estimated costs. The work would finish, you would have discussions and try to get the final bill, and that would be then sort of signed off by the council. But what I inherited was quite a lot of leasehold work that hadn't been signed off, so leaseholders hadn't had their final account. So partly Dan and his team were working through that, so that we could actually identify how we could close down those contracts.

And my position on that was a lot of those costs, you wouldn't be able to identify going back to 1990, so, you know, you had to just take a position and present it to RBKC that, actually, due to the time, you have to sort of think about: how much work do we write off in terms of the cost?

So that was a process that was going along for a number of years, which we eventually cleared that backlog, and that was a major source of irritation by leaseholders, and then we were working towards in terms of better engagement. So Dan set up — we had a leasehold consultation group, as we had with tenanted ones, so it was trying to get people on board, to build

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that trust.

And recognise that, in a sense, a lot of this happened before I came, and actually what I was dealing with was a backlog and a history which I was seeking over time to work through, and the reality is it takes a while to do. There is no magic wand to clear these issues. But we did in the end clear them and got them all signed off by the council.

Q. Item 6:

"TMO to be alive to the varying lifestyles and diversity of their residents and must have respect for their privacy. Where ever possible visits to properties should be kept to a minimum and always arranged at a mutually convenient time."

And the response here:

"The TMO has devised [an] Equality and Diversity action plan and the core outcome is to ensure this is embedded in all aspects of the service improvement plans and in preparing for inspection."

Did that plan include the active identification of those with mental or physical disabilities or disadvantages?

A. I'm trying to think it — here, what was the issue?

I mean, I think it would have. I mean, I think this was also about making sure that you're arranging visits,

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that you're following up on time, and it should be convenient.

Q. Can we go to recommendation 9, then, please, on page 4 {TMO00894426/4}:

"The Council and TMO to re-examine its relationship with each other to ensure openness, transparency and trust mutually exist between two organisations. The Adjudication Manager experienced a 'them and us' culture which may have existed historically, but needs to be addressed for the benefit of both organisations."

And then the response:

"Changes at Executive level in RBK&C and the TMO have resolved this issue."

How was that resolved? Was that simply you and Laura Johnson coming in and working closely together?

A. No. What it was is that — trying to understand the background to this again is about actually engaging with a whole range of people in RBKC, so it wouldn't be just Laura Johnson and myself, and this was about engaging through the different areas of housing, supported housing, asset management, all those sort of bits and pieces where — so the council would know what's going on.

So in terms of my team, my executive team, my senior management team, engaging with RBKC, there was also in

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terms of, you know, engaging with other local councillors, because they had quite a lot of councillors in those days in the borough, so in terms of actually knowing who the TMO was or who was the lead person if they had an issue sort of thing.

So that's the way I see this. It wasn't just one person, it wasn't just Laura, it was that sort of across the board.

Q. Well, it doesn't say that, it says "Changes at Executive level in RBK&C and the TMO have resolved this issue", so other than you and Laura Johnson, what were the other changes?

A. Well, there had been the other executive directors that eventually sort of came in, in terms of Sacha Jevans, Yvonne Birch, Lornette Pemberton would have been there at that time, so in terms of it's about that team engaging, where appropriate, with the right people in RBKC.

Q. I'm sorry, it may be my fault for not being clear enough to tease out the very point, but the changes are personnel changes, in other words changes of people, not changes in roles; is that right?

A. Well, some of the roles changed — so in terms of we didn't have the exact same structure when I joined and by this time, we had actually created different posts.

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1 So we had a company secretary who could engage with  
 2 RBKC, Sacha sort of covered the operational  
 3 requirements, Yvonne did the other stuff around policy.  
 4 So it was about that, addressing from what I could see  
 5 was a perception that the senior people at the TMO  
 6 weren't engaging previously with RBKC, which I didn't  
 7 quite understand.  
 8 Q. What steps were taken to ensure that, at the very least,  
 9 you and Laura Johnson remained at arm's length so that  
 10 proper and rigorous scrutiny by RBKC, them, of the TMO,  
 11 you, was not compromised?  
 12 A. Well, they had their own client — Laura had — so Laura  
 13 was executive director of housing with a range of  
 14 duties, and she had a client team whose role it was to  
 15 manage the TMO in terms of the client side.  
 16 Q. Now, can we go to {TMO10037477}. I want to ask you  
 17 about monitoring of complaints and resident engagement.  
 18 This document is a report — well, this is actually  
 19 the first page in the board pack for the meeting of the  
 20 TMO board of 28 July 2011, and in it at page 123  
 21 {TMO10037477/123} we can see a report by Yvonne Birch,  
 22 who was then head of strategy and engagement. Do you  
 23 see that?  
 24 A. Yeah.  
 25 Q. Item 8i.

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1 If you go to page 129, you will see her name at the  
 2 bottom. There it is, Yvonne Birch.  
 3 If you go back to page 123 and scroll down through  
 4 the pages, you can see what she pages. If you scroll to  
 5 124 and 125, the topics covered are repairs and  
 6 maintenance, responsive repairs, capital works, gas  
 7 safety, voids, lettings, customer service centre,  
 8 et cetera. It's a performance report.  
 9 Was this performance report the main report to the  
 10 board at that time about the way in which performance on  
 11 resident engagement would be monitored?  
 12 A. It might have been.  
 13 Q. Right.  
 14 A. Sorry, just ...  
 15 Q. I mean, let's go to 8 on page 128 {TMO10037477/128},  
 16 which is about complaints. She says:  
 17 "As of April, complaints received by the TMO are now  
 18 logged and processed through the EDRMS system.  
 19 "The below target performance of 76.8% for the first  
 20 quarter can in part be attributed to the work that has  
 21 taken place in adapting the EDRMS system to allow the  
 22 complaints process to follow through smoothly at each  
 23 stage.  
 24 "The Complaints Manager has been working closely  
 25 with ICT on fine tuning the system ..."

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1 And then correspondence is dealt with there.  
 2 This looks like the report to the board at that  
 3 stage on resident engagement and complaints.  
 4 A. Yeah.  
 5 Q. Yes.  
 6 Then if we go to page 134 in the same document run  
 7 {TMO10037477/134}, you can see there the KPI report,  
 8 first quarter April to June 2011, neighbourhood  
 9 management.  
 10 If you look at "Resident involvement" at the foot of  
 11 that table — do you see that?  
 12 A. Yeah.  
 13 Q. The dark blue line. It is the KPI for complaints  
 14 answered on target for stage 1 and 2. Do you see that?  
 15 And if you go to the next page {TMO10037477/135},  
 16 this is complaints and correspondence, you've got  
 17 complaints and then correspondence. The complaints,  
 18 stage 1 and 2:  
 19 "Stage 1 complaints answered.  
 20 "% answered in target.  
 21 "Stage 2 complaints ...  
 22 "% answered in target."  
 23 Do you see those?  
 24 A. Yeah.  
 25 Q. Those are for Q2, Q3 and Q4 of the 2010/11 year, and

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1 then 2011/2012, Q1, and then year to date. Status in  
 2 both cases is red; yes?  
 3 A. Yes.  
 4 Q. Do you agree that on Yvonne Birch's report here, at  
 5 least in 2010/11, the targets for responding to  
 6 complaints in time were being missed?  
 7 A. Yes.  
 8 Q. And also that there was a very low satisfaction with  
 9 complaints, about 25%, as you can see?  
 10 A. Yes.  
 11 Q. Do you know why complaints weren't being resolved on  
 12 time or in time with such low satisfaction figures  
 13 a year on after the Memoli report?  
 14 A. Not specifically, I mean —  
 15 Q. Did this not alert you, these statistics, to the fact  
 16 that the Butler recommendations had either not been  
 17 implemented or, if they had, were not working well?  
 18 A. Well, I think it's a snapshot. I mean, it wasn't always  
 19 like this. So sometimes complaints take longer. There  
 20 must be reasons behind it.  
 21 Q. But, in giving that answer, have you done a comparative  
 22 exercise to satisfy yourself that these statistics here  
 23 were a one-off?  
 24 A. Well, not individually, no.  
 25 Q. No.

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1 A. That's why I have a complaints team.  
 2 Q. Well, you see, you say you think it's a snapshot.  
 3 I mean, it clearly is snapshot, but are you saying the  
 4 reds were atypical at this time?  
 5 A. No, I don't think they were. I mean, I think there was  
 6 ebbs and flows, and I think behind that it's trying to  
 7 understand what's the issues. We had trained staff,  
 8 staff knew the timescales for responding to complaints,  
 9 and if they were late, we had to address that. And in  
 10 a sense, the complaints team, of which I had three  
 11 people, worked with staff striving to make sure we get  
 12 our responses in on time.  
 13 Q. Yes, but 76.1% of complaints answered on target, just  
 14 over three-quarters --  
 15 A. Yeah.  
 16 Q. -- is well down. Did that not alert you to the fact  
 17 that there was something not quite right working in the  
 18 complaints team, such that the Butler recommendations  
 19 had not been fully or properly implemented?  
 20 A. I think organisations go through bits where it's not  
 21 working and it's the -- so it's never going to be  
 22 perfect, I mean, on complaints, and here -- I mean,  
 23 you're showing me a snapshot which actually, you know,  
 24 I'm not trying to gloss over it, and it's about what's  
 25 the work behind the scenes, working with the team, the

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1 complaints team, behind the scenes to work with my staff  
 2 to ensure they're meeting their target. It's a constant  
 3 challenge.  
 4 Q. Do you remember in the early years after the  
 5 Butler report occasions on which you were brought up  
 6 short by snapshots such as this and told your staff to  
 7 investigate why results like this were being achieved?  
 8 A. Yeah, I mean, in the sense you have a number of years of  
 9 performance through this. If you look at them, there's  
 10 probably ups and downs. And if people weren't  
 11 performing, the staff, it was being addressed either  
 12 through the complaints team with individuals or with  
 13 their managers. That was a constant process, to make  
 14 sure -- to encourage people, and if you're going to be  
 15 late, let us know so we can let the resident know,  
 16 because sometimes you may be waiting for information.  
 17 Q. So what was the reason why these were so poor?  
 18 A. You're asking me in 2011. I don't know the specific --  
 19 you're providing me with a performance table, which is  
 20 fine, but I don't know the data behind that.  
 21 Q. Now, we've seen, I think, no record that KPIs on  
 22 satisfaction about complaints were reported to the board  
 23 after this occasion. Do you know why that is?  
 24 A. They would have been reported to the board in terms of  
 25 complaints were included in all the quarterly

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1 performance reports to the board.  
 2 Q. Right.  
 3 A. They were also reported -- because the board also had  
 4 an operation committee which sat below the board, where  
 5 they would look at some of the detail here as well. So  
 6 I don't know why you haven't been able to see that.  
 7 Q. I think it's my fault, perhaps. The satisfaction with  
 8 handling figures were not reported on.  
 9 A. I can't -- I don't know if that changed, sorry.  
 10 Q. Right.  
 11 Can I then ask you some questions about some  
 12 specific complaints.  
 13 You told us at the very start of your evidence that  
 14 paragraph 167 of your statement was incorrect. If we  
 15 just go to paragraph 167 at {TMO00000888/31}:  
 16 "In answer to the question raised, I do not recall  
 17 having any direct personal interaction with any Grenfell  
 18 resident groups or forums in relation to any complaints  
 19 they may have had and I am not aware of any having been  
 20 made in relation to fire safety at Grenfell Tower or  
 21 elsewhere. Any received would have passed any on to the  
 22 relevant manager but I am confident I did not receive  
 23 any."  
 24 As I say, you corrected that --  
 25 A. Yes.

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1 Q. -- when you came into the witness box and began to give  
 2 your evidence on {Day149/5}.  
 3 I just want to look at one or two complaints that  
 4 you did receive. We have already seen some about the  
 5 AOV from the Grenfell Tower Leaseholders' Association.  
 6 We don't need to go back to those.  
 7 Councillor Blakeman also raised a number of  
 8 complaints about fire safety directly with you, didn't  
 9 she?  
 10 A. As I recall, yes.  
 11 Q. Yes. {TMO10001859}.  
 12 This is an email of 18 December 2012 from  
 13 Councillor Blakeman to Janice Wray, copied to you. Do  
 14 you see that? It's about OCS parking that obstructs  
 15 emergency access to Grenfell Tower, so that's one  
 16 example.  
 17 Then there is another one at {TMO00840010/3}, where  
 18 you will see an email to you directly from  
 19 Councillor Blakeman of 18 February 2013, where she says,  
 20 and the subject is "Fire safety at Lancaster West":  
 21 "Dear Mr. Black  
 22 "Putting to one side the tendentious abuse in  
 23 Mr. O'Connor's e-mail, he does raise some serious points  
 24 and I very much hope that a full and comprehensive  
 25 report can be provided on the fire safety situation at

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1 Grenfell Tower once the Fire Brigade's emergency test  
 2 exercise has been completed. Perhaps we can have this  
 3 as a standing item on the EMB agenda."  
 4 So there's one coming to you.  
 5 Do you remember the context of that?  
 6 A. Not ...  
 7 Q. The context was that the Carl Stokes FRA for  
 8 Grenfell Tower dated 20 November 2012 had been provided  
 9 to the GTLA and they had reacted to it, and Mr O'Connor  
 10 had raised some concerns about it. Do you remember  
 11 that?  
 12 A. I'm recalling it now, yeah.  
 13 Q. Right.  
 14 Then a later example, later in time, in  
 15 December 2015, at {RBK00052627}, this is  
 16 10 December 2015, Blakeman to Wray, copied to you, as  
 17 well as complaints, "Grenfell Tower Floor Numbers":  
 18 "Dear Ms. Wray.  
 19 "Please see the attached photograph. I am afraid  
 20 short term, sticking plaster solutions like this to  
 21 serious problems do not work.  
 22 "Given the concerns expressed by the Fire Brigade  
 23 following the fire at Adair Tower, can we please ensure  
 24 that the new floor numbering at Grenfell Tower is done  
 25 properly, clearly and permanently at every floor; not in

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1 this temporary manner?  
 2 "I am keeping this complaint at Stage One for the  
 3 moment but in view of the seriousness of this matter may  
 4 have to refer it to Stage Two if there is no swift and  
 5 satisfactory response."  
 6 This, just for your benefit, was in the context of  
 7 temporary fire action notices stuck on the walls and by  
 8 the lifts at Grenfell Tower which fell off, and this was  
 9 the basis of the complaint there.  
 10 So you accept, I think, she brought that complaint  
 11 to your attention there; yes?  
 12 A. Yeah.  
 13 Q. Then {TMO00846876/2}, last email on the page.  
 14 Councillor Blakeman again, 20 March, to you —  
 15 A. Yeah.  
 16 Q. Well, to complaints, copied to you, and Peter Maddison,  
 17 "Dear Complaints", and if we go over the page to page 3  
 18 {TMO00846876/3}, you can see that there is a request by  
 19 her for a full audit by the LFB of the installation of  
 20 the gas pipes and then a complaint about that.  
 21 She says, penultimate paragraph:  
 22 "They fear that the way these pipes have been  
 23 installed — without being boxed in or provided with  
 24 other protection and with the valves exposed in the  
 25 stairwell — is very dangerous [see attached

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1 photographs]. They assert that because of the amount of  
 2 anti-social behaviour in these stairwells, sooner or  
 3 later someone will try and undo the valves.  
 4 Furthermore, they believe that in the event of a fire in  
 5 the Tower, if ignited, the pipes will cause an explosion  
 6 and prevent people exiting the building."  
 7 Then if we go up to page 1 {TMO00846876/1}, we can  
 8 see an email of 22 March 2017, two days later, from  
 9 Judith Blakeman to Laura Johnson and you. Do you see  
 10 that?  
 11 A. Yeah.  
 12 Q. About a third of the way down your screen. The title is  
 13 "Independent Health and safety inspector for  
 14 Grenfell Tower":  
 15 "Please find below a request from the Grenfell  
 16 Leaseholders' Association for funding either from the  
 17 Council or from the TMO to pay for an independent health  
 18 and safety adviser to look into the matters outlined by  
 19 Mr Awoderu [he was GTLA].  
 20 "Cllr Judith Blakeman."  
 21 Do you see that?  
 22 A. Yes.  
 23 Q. I've shown you all of these in a row.  
 24 Do you accept as a general matter that over the  
 25 years, certainly from 2013 through to 2017,

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1 Councillor Blakeman made you aware on a number of  
 2 occasions about complaints about fire safety relating to  
 3 Grenfell Tower?  
 4 A. Yeah.  
 5 Q. Yes.  
 6 You have said in your statement at paragraph 167  
 7 {TMO00000888/31}, and I didn't understand that you  
 8 resiled from that, that you would pass on complaints to  
 9 the relevant manager.  
 10 Did you yourself take an active interest in the  
 11 resolution of these complaints to which  
 12 Councillor Blakeman had drawn your attention?  
 13 A. Well, usually I would see a response. So if it's health  
 14 and safety, I would send it to Janice or Barbara.  
 15 Q. Did any of these concerns or all of these concerns  
 16 cumulatively cause you to question whether fire safety  
 17 was being managed properly at Grenfell Tower?  
 18 A. No, I think there's different subject headings here  
 19 you're showing me. So, again, with this one you've got  
 20 in front of me, this is around the actions of  
 21 National Grid in terms of putting the sort of pipework  
 22 up the stairwell, which is completely different from the  
 23 parking one which I think you showed me in terms of  
 24 emergency access. So some are about how — what's  
 25 happening on the ground in the estate.

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1 I mean, I'm very clear about this one, in terms of  
 2 actually the National Grid and the problems they were  
 3 causing us. They were on several other estates as well  
 4 which were causing problems in terms of their role.  
 5 They would turn up and come.  
 6 Q. That's this one, I see why you say that, but in general,  
 7 the picture we get over the years from  
 8 Councillor Blakeman is that there were fire safety  
 9 issues raised with her by the residents which she raised  
 10 with you.  
 11 A. Yeah, and which we addressed.  
 12 Q. Yes, and my question is a more general one, which is:  
 13 did any of these or all of these cumulatively ever cause  
 14 you to question whether fire safety was being properly  
 15 managed at Grenfell Tower.  
 16 A. No.  
 17 Q. Why is that?  
 18 A. Because, again, you're — I can't remember all the  
 19 dates. I mean, I said already, you've given me three.  
 20 There might be different reasons for those ones.  
 21 Q. So the last one about the gas risers didn't give you  
 22 concern?  
 23 A. That gave me concern — we were all concerned about  
 24 that. In fact, you know — I mean, partly we had  
 25 finished the refurbishment, two months later you've got

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1 the National Grid landing on site and doing the —  
 2 starting this work, and I can understand why residents  
 3 were upset, as we were upset. It's the last thing we  
 4 really wanted.  
 5 Q. Yes.  
 6 I mean, Councillor Blakeman was a TMO board member  
 7 throughout this period, wasn't she?  
 8 A. Yes.  
 9 Q. Did that fact or her status not give you particular  
 10 cause for concern, that here was one of your board  
 11 members raising specific concerns, admittedly of  
 12 a different kind over a period, with you about  
 13 fire safety?  
 14 A. So I think again, using your words, she raised things at  
 15 different periods over different time, which I feel we  
 16 addressed, and I would speak to her about — I thought  
 17 I had a fairly reasonable relationship with  
 18 Councillor Blakeman.  
 19 Q. Did you yourself take any steps positively to reassure  
 20 her or yourself that fire safety at Grenfell Tower was  
 21 being properly managed so that these concerns as they  
 22 kept arising would cease?  
 23 A. Well, I think, again, there are slightly different ones.  
 24 It's not the same one coming up. This one here is  
 25 completely different from the previous ones.

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1 Q. Let me ask you this: did Grenfell Tower stand out in  
 2 your experience as a particular building with  
 3 a particular community who complained particularly about  
 4 fire safety, or were they just run of the mill and lots  
 5 of residents in lots of high-rises in your stock  
 6 complained routinely about fire safety?  
 7 A. No. Sorry, can you ask that question — I lose it  
 8 there.  
 9 Q. Yes, was Grenfell a special case, where the people were  
 10 constantly complaining —  
 11 A. I think I was aware of over the years, a number of  
 12 issues happened, sort of pre-refurbishment and after,  
 13 that are quite different, and in a sense, with this one,  
 14 we had issues in other buildings in other estates with  
 15 the utility companies coming on site. So ...  
 16 Q. Let me ask you then about the refurbishment and the  
 17 review.  
 18 Can we go to your statement, please, at page 30  
 19 {TMO00000888/30} and look at paragraphs 158 and 159  
 20 together. You say there:  
 21 "158. In addition, TMO had a strategy of working  
 22 with formally recognised groups across the borough  
 23 whereby concerns could be raised via the Residents  
 24 Association (RA) required to be conducted in accordance  
 25 with recognised constitutions.

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1 "159. To avoid this formality TMO developed  
 2 a recognised group known as a 'Compact' in locations  
 3 where a RA could not be sustained and including  
 4 Grenfell Tower so that issues could be raised more  
 5 easily and with less formality."  
 6 Now, you say there was a strategy of working with  
 7 formally recognised groups; was that the resident  
 8 engagement strategy?  
 9 A. It would have been part of it, yes.  
 10 Q. Right. Let's just see if we can pin down what we both  
 11 mean by that, so that other people can understand it.  
 12 {TMO00880499}. This is a document entitled  
 13 "Resident Engagement Strategy 2010/12", and it's the  
 14 TMO.  
 15 Did you have any role yourself in creating this  
 16 document?  
 17 A. No, it would have been created with the resident  
 18 engagement team and its managers.  
 19 Q. I see.  
 20 Can we go to page 6 {TMO00880499/6}, please.  
 21 On page 6 you will see a menu of — the reason  
 22 I call it that is if you go to the foot of page 5  
 23 {TMO00880499/5}:  
 24 "Table 1 — TMO menu of resident involvement  
 25 opportunities."

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1 Then if you go over to page 6 {TMO00880499/6}, you  
 2 will see what the menu consists of, and there it all is:  
 3 Link magazine, residents' associations, et cetera.  
 4 On that list you will see the third item down:  
 5 "Resident Compact Group. Informal area based group  
 6 of residents."  
 7 So a compact was, as it were, a formally recognised  
 8 informal group?  
 9 A. Yes, I think that's —  
 10 Q. Right.  
 11 Now, can we go to {TMO00880519}. This is a version  
 12 of what appears to be the same document, resident  
 13 engagement strategy 2015 to 2017.  
 14 Do we take it there was one between 2012 and 2014?  
 15 A. I would have thought so, yes.  
 16 Q. Yes. Now, these are TMO strategies, aren't they?  
 17 A. Yeah.  
 18 Q. They're not imposed on the TMO by RBKC or anybody else,  
 19 are they?  
 20 A. No.  
 21 Q. No. So if they are a TMO strategy, then is it right  
 22 that formalities could be changed or waived in any given  
 23 case?  
 24 A. I imagine so.  
 25 Q. Yes.

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1 Going back to your statement {TMO00000888/30}, then,  
 2 if we can, in light of that, do you know why it was  
 3 necessary for the TMO to avoid its own formalities by  
 4 developing the Compact?  
 5 A. So I think if you have a resident association, it's  
 6 a formal private company which has a chair, a treasurer,  
 7 you need to have a bank account, a cheque account, and  
 8 a range of other things, you have a draft constitution  
 9 that sort of is the basis of how you work, so that's  
 10 your resident association. And I think when I started  
 11 there were 33 and by the time I left there was 67. So,  
 12 in a sense, they were a formal process. But lots of  
 13 estates didn't have that, sometimes didn't have people  
 14 that wanted to do that, didn't want to have that, and  
 15 that was the idea of having a looser group.  
 16 Q. I see.  
 17 I mean, given the scale of the Grenfell Tower  
 18 refurbishment and the singular nature of the group of  
 19 residents that it affected, as we've seen from voices  
 20 raised from 2011, what was the problem in recognising  
 21 a Grenfell Tower residents' association as  
 22 a residents' association?  
 23 A. I think this was a question my — personally it didn't  
 24 really come to me, this was my resident engagement  
 25 manager, Janet Edwards. So Grenfell Tower sits on

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1 an estate called Lancaster West. It had an Estate  
 2 Management Board previously, which pre-dated the TMO,  
 3 and I think her view was that they were starting up  
 4 a resident association for the whole estate, and  
 5 actually why wouldn't you cover that whole area rather  
 6 than just one tower? Because, again, if you're setting  
 7 up another group, how does it link in? I think that was  
 8 her position.  
 9 Q. Right. What was your thinking?  
 10 A. I wasn't involved in the day-to-day management of  
 11 resident engagement, and actually I had other things.  
 12 Q. Were you aware that the TMO only agreed to residents  
 13 forming the Grenfell Compact in relation to the  
 14 Grenfell Tower refurbishment in July 2015?  
 15 A. I've become aware of that, yes.  
 16 Q. And were you aware that it was only formally recognised  
 17 as a compact —  
 18 A. Yes.  
 19 Q. — in the sense that —  
 20 A. I think I'm aware of it, yeah.  
 21 Q. — in October of that year?  
 22 A. Yeah.  
 23 Q. And only then after the intervention of the local MP,  
 24 Lady Borwick?  
 25 A. Yes, I've become aware of that.

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1 Q. Before that, there was no residents' group at all to  
 2 represent the Grenfell Tower residents' views during the  
 3 refurbishment.  
 4 A. I think Peter had developed a strategy how we engage  
 5 with residents, rather than through that type of group.  
 6 Q. I think that's a yes, isn't it? So, as a matter of  
 7 fact, there was no residents' group there to represent  
 8 the interests and views of the residents of the building  
 9 during the refurbishment?  
 10 A. There was a strategy in place. They register the views  
 11 of the residents in the tower block.  
 12 Q. Yes. Sorry, one more time.  
 13 A. Sorry.  
 14 Q. There was no —  
 15 A. Yes.  
 16 Q. — residents' group?  
 17 A. Yes.  
 18 Q. So there was no entity who could speak. There was  
 19 a strategy that the TMO had, but no entity recognised by  
 20 the TMO who could speak to them?  
 21 A. Yes.  
 22 Q. Yes. And why was that?  
 23 A. I can't recall why it took so long, apologies.  
 24 Q. Let me ask it this way: is it because, in according  
 25 status, formal or informal, to a group of Grenfell Tower

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1 residents, you might be giving voice to some of its more  
 2 articulate and highly motivated critics?  
 3 A. I can't recall that.  
 4 Q. Giving a stage to the more articulate —  
 5 A. I (inaudible) that.  
 6 Q. Was that behind it?  
 7 A. No, I don't think that — I think you would need to ask  
 8 Janet Edwards why it took so long to get it up and  
 9 running and why we couldn't. Sometimes it's not easy  
 10 because some people don't want to be involved.  
 11 Q. {TMO00846106/2}, please. I'd like to look with you at  
 12 an email from Claire Williams to Peter Maddison on  
 13 13 April 2015, where she says, "Subject: v2 response to  
 14 email of 6 April 2015".  
 15 Just in timing terms, this is at an early stage in  
 16 the life of the Compact. There had been meetings in the  
 17 spring of that year, but at this stage the Compact  
 18 hadn't been recognised.  
 19 Here is the message:  
 20 "Please see the attached message from Grenfell  
 21 Community Unite sent Easter Monday.  
 22 "I have sent a holding message, and have touted  
 23 around the proposed response as attached.  
 24 "Robert Black walked by on Friday and we discussed  
 25 the fact that the preference was not to meet up with the

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1 Grenfell Community Unite group which could be a showcase  
 2 for Mr Daffarn."  
 3 Now, Claire Williams said in her evidence — and  
 4 just for our own references, that's {Day121/38:18–19} —  
 5 that the word "showcase" was her word in her email to  
 6 Mr Maddison and not yours in the conversation, just to  
 7 be clear about that.  
 8 Did you agree that the TMO should not meet up with  
 9 the Grenfell Community Unite group?  
 10 A. No, I think I sent — I think this — I don't know  
 11 whether Claire got it sent differently, but I think  
 12 I sent it to Peter Maddison, as he was the project  
 13 manager for the group, and then he also sent it to  
 14 Janet Edwards, who was working on the ground, but  
 15 I don't remember saying that.  
 16 Q. Sorry, sent what?  
 17 A. Sorry, I think Peter sent the letter to Janet Edwards to  
 18 see about how they wanted to work on this together.  
 19 Q. Did you agree that there should not be a meeting between  
 20 the TMO and the Grenfell Community Unite group?  
 21 A. I have no recollection of agreeing that.  
 22 Q. This is a contemporaneous email at the time. She is  
 23 recording a discussion with you of the preference not to  
 24 meet up with the Grenfell Community Unite group. Do you  
 25 disagree with that or —

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1 A. Well, I can't — to be fair, I can't remember the  
 2 context of the conversation —  
 3 Q. No. On the assumption that that conversation took place  
 4 as recorded in the first part of this sentence, can you  
 5 explain why you preferred not to meet with the Grenfell  
 6 Community Unite group?  
 7 A. I don't think that's what I'm saying. I think I sent  
 8 the information to Peter so that he could actually  
 9 review it and work out how best to take it forward, and  
 10 I think that's why he copied in Janet Edwards as well,  
 11 who was the resident engagement manager.  
 12 Q. Well, I'm asking you about this conversation which you  
 13 can't recall but can't deny. On the footing that it  
 14 happened, are you able to explain why the preference was  
 15 not to meet with the Grenfell Community Unite group?  
 16 A. I can't recall.  
 17 Q. Now, if we go, please, to {TMO00852383}, please, page 1,  
 18 second email down. Email, Judith Blakeman to  
 19 Peter Maddison and Claire Williams, 29 June 2015, and  
 20 you are copied in on it, and it says:  
 21 "Dear Mr. Maddison  
 22 "Members of thirteen households from Grenfell Tower  
 23 came to see Councillor Atkinson and me at our  
 24 councillors' surgery last Saturday. They were also  
 25 representing other households who were unable to attend.

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1 Mr. Daffarn kindly waited outside and so we were able to  
 2 have a constructive discussion. Both  
 3 Councillor Atkinson and I accepted that the residents'  
 4 concerns as outlined to us are real and valid and need  
 5 to be addressed as quickly as possible. There[sic]  
 6 concerns are broadly as follows:  
 7 "— They say that poor communication is a crucial  
 8 issue. They say that numerous e-mails sent to the TMO,  
 9 including to Mr. Black as Chief Executive, have received  
 10 neither acknowledgement nor reply. If this is correct,  
 11 then this is discourteous and unacceptable. For  
 12 example, they say that the change of plan to install the  
 13 heat interface unit in the hallway rather than the  
 14 kitchen and to use a different heat interface unit from  
 15 the one originally promised was never communicated or  
 16 explained. I will look at the newsletters that were  
 17 circulated to residents when I have the time to do so to  
 18 check the accuracy of this statement.  
 19 "— The TMO did tell them that, after a survey of all  
 20 residents, it was agreed that the preferred method of  
 21 communication was to be by newsletter. Some residents  
 22 said that they were not aware of this survey, so perhaps  
 23 you can let us have sight of the aggregate survey  
 24 results."  
 25 Then it goes on to detail the more specific concerns

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1 about the siting of the new heat interface units in the  
2 hallways.

3 But it also talks, as you can see at the bottom of  
4 page 1 and over to page 2 {TMO00852383/2}, particularly  
5 a third of the way down page 2, about the broken entry  
6 system, and then, a third of the way down the page, the  
7 fact that water had been turned off.

8 Now, it's a long litany of complaints about the  
9 building which are not primarily, or at least not  
10 I think obviously, about fire safety, but are about  
11 engagement over the refurbishment.

12 If we go to the top of the exchange, you can see  
13 that you forward the email to Sacha Jevans on  
14 29 June 2015, and you say:

15 "Sacha

16 "Can you review this is a bit worrying."

17 Now, first, did Sacha Jevans review and report back  
18 to you?

19 A. I think so. I —

20 Q. What was her report?

21 A. I can't recall at this stage.

22 Q. We haven't, I think, seen anything to that effect.

23 A. Okay.

24 Q. Now, it's right, isn't it, that at this point, this is  
25 now late June 2015, the TMO had not met residents of

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1 Grenfell Tower since your discussion with  
2 Claire Williams in April 2015, the one that you can't  
3 recall? Were you concerned that they had resorted to  
4 going to a councillor's surgery for help rather than  
5 coming directly to the TMO?

6 A. No, I was concerned that, in a sense, we had two  
7 resident liaison officers from Rydons on site, we had  
8 the project manager whose role it was to manage issues,  
9 and I was concerned that why weren't these issues being  
10 reviewed and resolved on site when they were there?

11 Q. But on site would mean Rydon, wouldn't it, not the TMO?

12 A. So, again, as far as I recall, the principle was that,  
13 as Rydons were doing the work, the first step was to go  
14 to their resident liaison officers, of which they had  
15 two, to address any issues of the work in the individual  
16 flats or whatever, so therefore we then had to — they  
17 should address those issues because they are doing the  
18 work, and I think they kept a log of issues raised with  
19 them, and then if they weren't addressed, they would be  
20 picked up by Claire about why they weren't being  
21 addressed. And I can't say why there isn't  
22 correspondence with Sacha on this, unless it's come from  
23 Peter.

24 Q. What about the TMO's officers who were there to deal  
25 with residents' complaints, were you not concerned that

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1 they were not involved as part of this exercise?

2 A. Well, I think at this stage it was addressing issues of  
3 the work with Rydons through the process that we'd  
4 agreed with the contractor.

5 Q. Well, you see, in the second paragraph it says, as I've  
6 read to you now in detail, that poor communication was  
7 a crucial issue, and they'd sent emails to the TMO,  
8 including you.

9 A. Well, I mean, I can't understand that. Most — so if —  
10 I didn't send an email, but they're usually acknowledged  
11 and replied to on my behalf.

12 Q. So did you not see this, though, as an issue for the  
13 residents so far as the TMO was concerned, in other  
14 words that the residents were upset that the TMO, rather  
15 than Rydon or rather than RBKC, was failing to  
16 communicate with them?

17 A. Yeah, and I was reassured by Peter and Sacha at  
18 different times that we were communicating with the  
19 residents via the different means, and Claire had  
20 communicated that she had talked to residents as well.

21 Q. Did anything change as a result of this being brought to  
22 your attention and your reaction of worry?

23 A. Well, I think I would still speak to Sacha and Peter  
24 about: why aren't — if these are true, why aren't they  
25 being addressed?

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1 Q. Was this not the point at which you could wade in and  
2 say, "I think they should have a compact"?

3 A. I can't recall, sorry.

4 Q. You see, the discussion had been throughout the year  
5 thus far that the residents wanted a compact or a group  
6 and it had been denied recognition. Was this not the  
7 moment, once 13 households had gone along to a Saturday  
8 surgery, to grant the residents at Grenfell Tower their  
9 wish to have a compact?

10 A. Yes.

11 Q. Yes. But in fact it never happened until later in the  
12 year. Can you explain why that is?

13 A. No, I think I've said that.

14 Q. Now, {TMO00852859}.

15 This is a JMT, joint management team meeting, on  
16 2 December 2015. We can see that you were present, as  
17 was Sacha Jevans and Barbara Matthews.

18 If we go to page 2 {TMO00852859/2}, we can see  
19 agenda item 3 under "Governance Issue on Estate  
20 Management Boards", and it was minuted as follows:

21 "The new RA at Lancaster West are doing very well  
22 and don't appear to be entertaining Eddie Daffarn and  
23 his followers. It has been noted that Eddie Daffarn is  
24 trying to put forward a motion of no confidence in the  
25 TMO and wants to start a new EMB. The EMB pre dated the

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1 TMO and their agreement was signed without legal advice.  
 2 This along with the fact that they were not transparent  
 3 in their accounts could work to our advantage as they  
 4 have £6,000 of debt outstanding."  
 5 Then in the third paragraph down it says:  
 6 "Cllr. Blakeman has also presented a petition with  
 7 60 signatures about our management at Grenfell and  
 8 compensation for residents. Amanda Johnson feels that  
 9 it is a conflict of interest for Cllr. Blakeman as she  
 10 is a Council Appointed TMO Board Member.  
 11 Fola Kafidiya—Oke suggested that Amanda Johnson speaks  
 12 to Laverne about this as it needs to be urgently  
 13 addressed."  
 14 Now, it looks as if Peter Maddison was doing the  
 15 talking here, but was he distinguishing Grenfell Compact  
 16 from an RA, a residents' association?  
 17 A. I think so.  
 18 Q. Yes. And is the distinction that he was making the one  
 19 that you have made in your evidence, namely an RA needs  
 20 a bank account —  
 21 A. Yeah.  
 22 Q. — a constitution, et cetera, but a compact doesn't?  
 23 A. Yes.  
 24 Q. I see.  
 25 Did the formal requirements to consult with

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1 a residents' association influence the decision to  
 2 recognise Grenfell's residents as a compact?  
 3 A. Can you say that again, sorry?  
 4 Q. Well, let me ask you something else.  
 5 Did you agree that Councillor Blakeman and  
 6 Eddie Daffarn were a negative force?  
 7 A. I think that was the view that Peter had in terms of  
 8 what was going on on the ground.  
 9 Q. Was it your view?  
 10 A. My view was in terms of — it was quite — sometimes it  
 11 was quite difficult for her. She's a councillor,  
 12 I appreciate that, and we had a councillor process to  
 13 listen to complaints, I've got no trouble with that.  
 14 I think that there was an issue that — a perception  
 15 that she was playing both sides, so sometimes she'd come  
 16 to Peter and say how awful it is, how terrible it is,  
 17 and other times she would go off and say other things.  
 18 It's a small area, we have — we had eight residents who  
 19 were board members who live in that area, so they pick  
 20 up things on the ground just as easily as councillors  
 21 do. So I think there was an issue in terms of actually  
 22 her behaviour around what she said one moment and then  
 23 another.  
 24 Q. Did you know whether residents were going to her because  
 25 they weren't getting the responses that they were

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1 looking for from the TMO?  
 2 A. Well, I think that was fine, I had no trouble with that.  
 3 And if we failed to deliver it, I have to accept that  
 4 responsibility.  
 5 Q. I mean, we have evidence, for example, from Shah Ahmed,  
 6 who was chair of the GTLA — I'll just give the  
 7 reference, we don't need to go to it — where he says  
 8 that he would always copy Councillor Blakeman and others  
 9 in to his emails because he had no faith in the TMO  
 10 complaints procedure. You can't dispute that as a fact,  
 11 can you?  
 12 A. Well, I think it's his view.  
 13 Q. That's his view. That's {IWS00001335/11}, paragraph 26.  
 14 Are you able to explain how it came about that  
 15 Mr Shah had no faith in the TMO's complaints procedure?  
 16 A. I can't remember the history of Mr Shah and all the bits  
 17 behind it, and it's always sad that we couldn't get  
 18 people to feel that we'd listened to their complaints.  
 19 Q. Let's look a bit more specifically at what Mr Daffarn  
 20 says. This is his Phase 2 statement, {IWS00002109/47},  
 21 paragraph 119.  
 22 He says there in the fourth line down:  
 23 "The ineffectiveness of the complaints process was  
 24 one of the reasons why I would try to raise issues with  
 25 the TMO through other means, through my local

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1 councillor, through emails copying in lots of other  
 2 people including other councillors so they couldn't be  
 3 brushed under the carpet and through blogs to publicise  
 4 what was going on."  
 5 Were you aware of any problem with the complaints  
 6 process at the time, by which I mean the range of years  
 7 between 2013 and 2017?  
 8 A. I mean, our complaints process was reviewed, reduced in  
 9 terms of the number of stages, and was sort of fairly  
 10 bog—standard in terms of industry about what  
 11 a complaints procedure looks like, you know, three  
 12 stages, two stages were officers, one stage was board,  
 13 and then after that you had the option of either going  
 14 to the independent Housing Ombudsman, or a leaseholder,  
 15 if there is a specific complaint, you might go to  
 16 a leasehold valuation tribunal, an LVT. So I think the  
 17 system is sort of quite normal.  
 18 I think historically there had been too many stages,  
 19 a lot of organisations find that out, so the idea was to  
 20 try to make it faster, so that if someone was still  
 21 unhappy they could go to the independent  
 22 Housing Ombudsman.  
 23 Q. As a matter of impression, though, was the fact that  
 24 residents were going to Edward Daffarn — someone  
 25 described those people as his "followers" — rather than

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1 the TMO with complaints, or going to Councillor Blakeman  
 2 with complaints rather than the TMO, was that not  
 3 indicative of a general problem with the complaints  
 4 process?  
 5 A. No, I think it's a general problem of trying to deal  
 6 with some people who ... I don't know. I think we  
 7 struggled sometimes in terms of trying to manage the  
 8 issues, but I feel my staff did try to respond to it,  
 9 and I think, you know, I didn't really ever have  
 10 a relationship with Mr Daffarn, and that it's quite  
 11 difficult, I think, for lots of people.  
 12 Q. What is difficult for lots of people?  
 13 A. Trying to build a relationship with Mr Daffarn. I don't  
 14 want to personalise this.  
 15 Q. Well, I'm not inviting you to personalise it, and  
 16 I agree that one shouldn't. But my point is a general  
 17 one: did you ever pick up on the fact that the fact that  
 18 residents were going to Mr Daffarn or  
 19 Councillor Blakeman with complaints was indicative of  
 20 a problem with the TMO complaints process? It wasn't  
 21 working.  
 22 A. I think we dealt with complaints and a lot of them were  
 23 resolved. I think it depends — in situations like this  
 24 where — it's just difficult.  
 25 Q. Right.

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1 Now, I'm going to ask you some questions next about  
 2 HPSC, the RBKC housing and property scrutiny committee.  
 3 Can we please look at the JMT meeting minutes we saw  
 4 a moment ago. We'd skipped away from them. Can we go  
 5 back to those, please, at {TMO00852859},  
 6 2 December 2015, and I showed you the reference —  
 7 A. Yeah.  
 8 Q. — to the petition presented by Councillor Blakeman and  
 9 the 60 signatures from residents on it.  
 10 Let's look at the petition itself now. It's at  
 11 {RBK00000110}. There it is.  
 12 The signatures start about halfway down your screen  
 13 with David Collins number 1 and Tunde Awoderu number 2,  
 14 and the text reads as follows:  
 15 "We, the under-signed residents of Grenfell Tower,  
 16 ask the Chairman of the Housing and Property Scrutiny  
 17 Committee to undertake an urgent scrutiny of the TMO and  
 18 Rydon's management of the refurbishment project  
 19 currently underway at Grenfell Tower. Time and again  
 20 residents' views have been ignored or down played.  
 21 Despite interventions from our MP Victoria Borwick and  
 22 our ward councillors, our day-to-day concerns are  
 23 belittled and sidelined. While we recognise that, once  
 24 completed, the Tower will — at long last — be fit for  
 25 the 21st Century, during this process we have had to

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1 endure living conditions that at times have been  
 2 intolerable. We understand that the Council will be  
 3 commencing a major programme of regeneration throughout  
 4 the borough and that this may involve refurbishment  
 5 rather than demolition of some other tower blocks. In  
 6 view of this, it is vital that all the lessons from the  
 7 Grenfell Tower project are learned, so that the terrible  
 8 daily living conditions inflicted upon us for so long  
 9 are not replicated elsewhere. As a part of this  
 10 investigation, the residents of Grenfell Tower ask that  
 11 their views and experiences be canvassed and included in  
 12 the scrutiny report."  
 13 Now, was the request that residents' voices and  
 14 experiences be canvassed and included in the report  
 15 a reasonable one, to your way of thinking at the time?  
 16 A. Yes. Yeah.  
 17 Q. It was.  
 18 Did you consider whether the TMO should appoint  
 19 an independent person to investigate the residents'  
 20 concerns?  
 21 A. Not at that stage, no.  
 22 Q. Why not?  
 23 A. Because I felt that we could review it ourselves in line  
 24 with our own complaints process.  
 25 Q. Even though an independent investigation would be

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1 a reasonable one?  
 2 A. I — that was the decision at the time.  
 3 Q. Now, you say, "That was the decision at the time"; do  
 4 I take it from that that that wasn't your decision?  
 5 A. I'm just trying to remember how it all fits together.  
 6 Q. We'll look at it, but you said, "That was the decision  
 7 at the time"; whose decision was it at the time not to  
 8 have an independent investigation, as asked for?  
 9 A. I think it might have been Sacha's and Peter's, but  
 10 I can't recall at this stage.  
 11 Q. Well, let's park that answer and maybe we'll come back  
 12 to it shortly. Let's see how this progresses so as to  
 13 be fair to you and see the chronology as it unfolded.  
 14 Can we go to {TMO00879711}, please. This is  
 15 an email, halfway down your screen, from Laura Johnson  
 16 to you on 9 December 2015, so a week after the petition,  
 17 and it's also sent to Peter Maddison, subject:  
 18 "FW: Petition presented at Council last night".  
 19 "Peter & Robert,  
 20 "Please see below.  
 21 "I shall arrange for a response to be drafted to the  
 22 petition that says we will not be undertaking  
 23 a comprehensive survey of residents views and the  
 24 performance of Rydon but will discuss the petition at  
 25 the next Housing & Property Scrutiny Committee.

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1 "I'll discuss with you what information we may wish  
2 to make available to Members on the night to help aid  
3 the discussion."  
4 Did you read Laura Johnson, when you read that  
5 email, as opposed to the petition request that the  
6 residents of Grenfell Tower's complaints be  
7 investigated?  
8 A. Independently.  
9 Q. Well, no —  
10 A. Oh, sorry.  
11 Q. — not independently.  
12 A. Yeah, yeah.  
13 Q. She says:  
14 "... we will not be undertaking a comprehensive  
15 survey of residents views and the performance of  
16 Rydon ..."  
17 When you read that — and I suppose it's obvious,  
18 really — did you understand her to be opposed to the  
19 petition request for their complaints to be  
20 investigated?  
21 A. I —  
22 Q. Clearly she was.  
23 A. Mm.  
24 Q. Yes?  
25 A. Yes.

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1 Q. Yes.  
2 Had you discussed this petition with Laura Johnson  
3 before she wrote to you on 9 December?  
4 A. I can't recall.  
5 Q. Did her response to you come as a surprise?  
6 A. Er ... I can't recall at the time, sorry.  
7 Q. Given the complaints and correspondence from residents  
8 historically that we've gone through this morning, and  
9 given the text of the petition itself and the sheer  
10 number of signatories, did you not think that this was  
11 a useful opportunity for an independent — well, first  
12 of all, for a review of the project, whether independent  
13 or not?  
14 A. Well, I think we were very happy to have a review of the  
15 project when it was completed, yes, that was built into  
16 the plan.  
17 Q. It was built into the plan?  
18 A. And lessons learned.  
19 Q. I see. So let me try and understand that.  
20 You say you were happy to have a review of the  
21 project when it was completed, that was built into the  
22 plan, but here's Laura Johnson saying that they, that is  
23 RBKC, will not be undertaking a comprehensive survey of  
24 residents' views and the performance of Rydon. How did  
25 those two positions reconcile with each other?

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1 A. Because this is RBKC saying this, whereas what we'd said  
2 is we'd carry out a review of the project when it was  
3 completed.  
4 Q. I see. So you read this as simply stating the council's  
5 position: they weren't going to do a review, but they  
6 were happy that you should do one?  
7 A. Yes.  
8 Q. I see. But you weren't going to do an independent one?  
9 A. No.  
10 Q. Now, then we go on to the next day, {TMO00899499}.  
11 Here is a meeting, a weekly catch-up meeting,  
12 between you and the chair, Fay Edwards, which is minuted  
13 formally. Do you see that?  
14 A. Yeah.  
15 Q. Just the two of you, plus Gill Petford as the  
16 note-taker.  
17 Under "Update", fourth paragraph down, it is said:  
18 "A petition with 60 signatures including  
19 Cllr. Blakeman and Eddie Daffarn has been received by  
20 RBKC asking for an investigation into the TMO and  
21 Rydens.  
22 "Laura Johnson, Cllr. Feilding—Mellen and  
23 Cllr. Marshall are all ok about this and there will be  
24 an open session at January's Scrutiny Committee and the  
25 Conservative Councillors will be briefed. Eddie Daffarn

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1 is causing lots of problems for Peter Maddison."  
2 Then it goes on about another set of signatures from  
3 Verity Close asking for an urgent and thorough  
4 investigation into the management culture at the TMO.  
5 If you look at the very first item at the top of the  
6 page, you can see there's also a point about  
7 Councillor Blakeman "sending large amounts of emails and  
8 it is becoming an issue".  
9 If you look on, you can see in the second paragraph:  
10 "Fay asked if Cllr. Blakeman should still be a TMO  
11 Board Member."  
12 My first question is: was it a problem for  
13 Councillor Blakeman to be sending a large amount of  
14 emails if she was receiving a large number of  
15 complaints?  
16 A. No. It's to make sure they were managed, I would put  
17 that context.  
18 Q. Do you know why Fay Edwards questioned whether  
19 Councillor Blakeman should be a TMO board member?  
20 A. I think there had been an issue in terms of how she  
21 acted outside the board, so Fay was aware of through  
22 other residents and resident board members, but again  
23 I wasn't privy to those conversations.  
24 Q. As I've read to you, it says, after the reference to the  
25 petition:

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1 "Laura Johnson, Cllr. Feilding—Mellen and  
 2 Cllr. Marshall are all ok about this ..."  
 3 What were they okay about?  
 4 A. I think it was agreeing that it would go to scrutiny.  
 5 Q. Were they okay about having an investigation or ...?  
 6 A. I can't recall from that. I just thought it would be  
 7 going to scrutiny.  
 8 Q. I'm just trying to get to the bottom of what they were  
 9 okay about. Were they okay about going along with what  
 10 the petition asked or entertaining the petition, or  
 11 confident that they could see it off?  
 12 A. I think their view was that the TMO had done a good job  
 13 and that while they could see this petition, it wasn't  
 14 always the reflection of the work that had been done.  
 15 So from a political point of view, they seemed to be  
 16 saying that, you know, we can manage this.  
 17 Q. And if you look immediately below that, you can see that  
 18 there was a second petition, also with 60 signatures,  
 19 from Verity Close for an urgent and thorough  
 20 investigation into the management culture at the TMO to  
 21 identify and remedy endemic negligence, incompetence and  
 22 other malpractice, and below that there is a letter  
 23 received from the residents' association at Nottingwood  
 24 House, a complaint there.  
 25 By the end of this year — this is 2015 — this

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1 rather suggests that at that time residents' concerns  
 2 with the TMO management were not unusual; is that fair?  
 3 A. No. So I think, remember, the TMO, as I haven't really  
 4 spoken about, is a membership organisation, and in  
 5 a sense, one of the key things is that every year the  
 6 TMO had to go through a process of election, where the  
 7 members were asked about if they wanted to continue to  
 8 manage the stock. So we had 10,000 homes and we had  
 9 5,600 members, which for a membership organisation was  
 10 not bad.  
 11 In terms of when I joined, very few members, because  
 12 of lots of issues around behaviour and threats at  
 13 meetings, had fallen away, so the actual outcome of that  
 14 vote hadn't been brilliant, although the ones that did  
 15 vote were supportive.  
 16 Over a number of years, we recorded — and  
 17 a separate organisation managed the whole process, which  
 18 showed there was a large amount of the residents who  
 19 actually were happy with our service and who wanted the  
 20 TMO to manage the — to continue to manage it, excuse  
 21 me.  
 22 So for me, yes, we get complaints, but actually we  
 23 have got lots of members who are saying they want us to  
 24 continue.  
 25 And in 2013, the other thing a TMO has to do is have

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1 a thing called a test of opinion, where you ask not just  
 2 your members but actually your non—members if they want  
 3 us to continue to manage the stock, and again, that was  
 4 quite interesting, because I think — please forgive me  
 5 if I get the number wrong — it was roughly 3,420 people  
 6 voted favourably, 85%, to say they wanted the TMO to  
 7 manage the stock. The majority of them were  
 8 non—members, so these were people who actually just  
 9 lived in our homes, weren't members, but actually wanted  
 10 us to continue.  
 11 So in a sense, for me, while I recognise the point  
 12 you're making about the detail, also the job to look at  
 13 the big picture stuff, in terms of as a TMO, do you have  
 14 a membership that's actually taking part in your  
 15 democratic processes? And I think the track record  
 16 shows that, over a period of eight years, we increased  
 17 membership, we increased the number and diversity of  
 18 people who were members, and we increased the number of  
 19 people taking part in that vote.  
 20 We also recorded satisfaction. So, again, when  
 21 I started, I think satisfaction was 54%, if I recall  
 22 properly. After we knocked on all 10,000 doors to ask  
 23 people's opinion, we got 75%, and when we continued year  
 24 on year, people were recording high levels of  
 25 satisfaction.

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1 So that's just some context which — so in terms of  
 2 actually what the board is looking at, are you — have  
 3 you got members who are happy to vote for you?  
 4 The EMB pre—dated us, so we had members who were EMB  
 5 members and TMO members, so sometimes it was a bit  
 6 confusing down there.  
 7 So in terms of — that's what we reported. So  
 8 recognising, you know, I can't make everybody happy, and  
 9 there were people, obviously, as you have shown me, who  
 10 were very unhappy, and we sought to try to resolve  
 11 things as best we could.  
 12 Q. Mr Black —  
 13 A. Sorry.  
 14 Q. — this document shows that at the same time, the end of  
 15 2015, the TMO is in receipt of two petitions each  
 16 bearing 60 signatures. Was that a regular occurrence?  
 17 A. No, I mean, I can't remember — I mean, I obviously can  
 18 recall the Grenfell petition, but I can't recall what  
 19 the other one was, just reporting this to my board.  
 20 Q. How often did you, in your time from 2009 to  
 21 14 June 2017, get 60—signature petitions asking for  
 22 urgent and thorough investigations into —  
 23 A. Not often.  
 24 Q. No. So did the fact that two came along at once not  
 25 rather strike you that something might have been going

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1 wrong?  
 2 A. As I say, I'm struggling to remember the second one,  
 3 even though it's recorded, so apologies.  
 4 Q. Let's go to {RBK00000116}.  
 5 If we go, please, to the second email down on the  
 6 page, this is an email from you to Laura Johnson on  
 7 4 January 2016:  
 8 "Laura  
 9 "Cllr Blakeman is sending this information to my  
 10 Board members, and copying in other councillors outside  
 11 the Board.  
 12 "Robert."  
 13 Now, Councillor Blakeman was a board member, wasn't  
 14 she?  
 15 A. Yes.  
 16 Q. Was there any principled objection to TMO board members  
 17 communicating with each other?  
 18 A. Not in principle, no.  
 19 Q. No. Was there a principled objection to one councillor  
 20 communicating with her fellow councillors?  
 21 A. I don't -- I mean, no, I don't think so.  
 22 Q. Was there a principled objection in Councillor Blakeman  
 23 sending information to the members of the TMO board?  
 24 A. I can't recall whether the company secretary had issues  
 25 with that.

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1 Q. You can't remember --  
 2 A. I can't --  
 3 Q. -- one way or the other?  
 4 A. I can't recall at the moment, sorry.  
 5 Q. Well, then, you can't recall.  
 6 I would suggest to you that there can be no  
 7 principled objection to Councillor Blakeman, whether as  
 8 councillor or as director, sending information to the  
 9 TMO board in relation, at least, to the capacity in  
 10 which she is sending it; do you agree with that?  
 11 A. Yes.  
 12 Q. Now, if we go to page 2 {RBK00000116/2}, we can see what  
 13 it is that is being sent. This is the email from  
 14 Councillor Blakeman the same day, earlier in the day, to  
 15 a range of people.  
 16 We've skipped I think too quickly on to page 2 due  
 17 to my enthusiasm, but if we can see the foot of page 1,  
 18 we will see who is being emailed: you are, and we have  
 19 Jeff Zitron and Peter Chapman, who I think were also  
 20 board members, weren't they?  
 21 A. Yeah, they were independent ones.  
 22 Q. They were the independents, yes, and copied to  
 23 John Sweeney, Councillors Atkinson and Lasharie, and  
 24 Lady Borwick.  
 25 Over to page 2, please.

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1 "Dear Colleague  
 2 "It is a pity that the Board discussion this evening  
 3 on Grenfell Tower is to take place in the confidential  
 4 part of our agenda, and also a pity that the briefing  
 5 note for the Board cannot be made available to the  
 6 residents. I am therefore forwarding an e-mail from the  
 7 Grenfell Tower Compact which I hope will give you some  
 8 sense of the way that residents are currently feeling."  
 9 In the second paragraph she says that the petition  
 10 was to address what she calls "very real, serious and  
 11 ongoing concerns of Grenfell Tower residents".  
 12 Then if you look at the end of the third paragraph,  
 13 she says:  
 14 "Residents of Grenfell Tower do not wish the  
 15 problems they have been experiencing to be replicated  
 16 elsewhere and it is therefore vital that the TMO (and  
 17 the Council) learn the lessons of Grenfell."  
 18 Now, why was the discussion about Grenfell Tower  
 19 confidential, to be placed in the confidential part of  
 20 the agenda?  
 21 A. I -- as far as I can recall, the -- my board paper was  
 22 confidential to the scrutiny committee, so they could  
 23 have a discussion. I mean, I think the  
 24 scrutiny committee asked us to address -- look at these  
 25 issues, and what my board did was send them a paper.

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1 I think it was confidential because they wanted that  
 2 discussion with the scrutiny committee. I think there  
 3 was also at that time sort of data issues around the  
 4 Protection of Data Act.  
 5 Q. Who decided that that discussion should be confidential?  
 6 A. I think it was my board.  
 7 Q. The whole board?  
 8 A. So there was a -- so I'm trying to remember. So the  
 9 paper that went was from the board to scrutiny, but it  
 10 was overseen by one of my independents, Paula Fance, and  
 11 she was supposed to be on the night presenting the  
 12 paper. So the context -- the board set up a panel to  
 13 look at this. I wasn't part of that panel, and I wasn't  
 14 supposed to be presenting the paper. It was supposed to  
 15 be the board.  
 16 Q. Was it Paula Fance, then, who decided that this part of  
 17 the discussion should be confidential?  
 18 A. I can't recall. I think it was the board.  
 19 Q. Did you share Councillor Blakeman's view that this was  
 20 an opportunity to learn lessons from the Grenfell Tower  
 21 refurbishment for the future?  
 22 A. In the future, yes.  
 23 Q. Now, can we go to {RBK00000113}.  
 24 This is an email that you sent to Laura Johnson the  
 25 same day, 4 January 2016, about 15 minutes later, in

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1 which you forward to her, for information, the draft  
 2 paper Councillor Blakeman wanted to take to scrutiny.  
 3 You say:  
 4 "Laura  
 5 "For information and draft paper she wants to take  
 6 to scrutiny. Again she is sending stuff to my Board and  
 7 others outside it.  
 8 "I feel like going home."  
 9 A. Yeah.  
 10 Q. Now, it was only 12.50; why did you feel like going  
 11 home?  
 12 A. Tired.  
 13 Q. Right. Was that really not actually more of an  
 14 expression of your discomfort with Councillor Blakeman  
 15 raising issues with councillors about Grenfell?  
 16 A. No, I think it was just a general reflection of how  
 17 I was feeling.  
 18 Q. Right. Feeling, because you were not feeling well, or  
 19 feeling by way of reaction to what was happening?  
 20 A. I can't recall.  
 21 Q. If it's the former, then we're not interested.  
 22 A. Say that again.  
 23 Q. If it's the former, then we're not interested.  
 24 A. No, I can't remember at the time. It's probably just  
 25 how I felt.

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1 Q. Now, can we go to the draft paper that you're sending  
 2 Laura Johnson here. It's at {RBK00000115}. It's  
 3 entitled, "Some suggested learning points from the  
 4 Grenfell Tower refurbishment project".  
 5 This is the document that Councillor Blakeman had  
 6 put together for the scrutiny committee meeting, wasn't  
 7 it?  
 8 A. I think so, yes.  
 9 Q. Yes. Well, did you read it, first of all?  
 10 A. I would have done, yes.  
 11 Q. Yes.  
 12 If you look at the main headline recommendations —  
 13 let's look at them quickly, we will scroll down — the  
 14 first is:  
 15 "Communications must be delivered honestly and  
 16 transparently to all residents and if anything changes,  
 17 this should be communicated immediately and with  
 18 clarity."  
 19 Number 2:  
 20 "Tell residents everything they need to know at the  
 21 start of the project, not during it or at the end."  
 22 It goes on in that vein, if we scroll down to the  
 23 bottom of page 1, over to 2:  
 24 "Make sure the TMO knows and understands the  
 25 personal circumstances of every resident and ensures it

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1 makes special arrangements where these are needed."  
 2 And gives examples of each.  
 3 Respite facilities, lines of communication,  
 4 different consultation mechanisms so that the TMO is not  
 5 accused of picking residents off one by one, language  
 6 issues, literacy issues, and then 7 on page 3  
 7 {RBK00000115/3}:  
 8 "Appoint an independent residents' advocate with  
 9 direct access to senior TMO management, together with  
 10 a dedicated member of TMO staff to collate and progress  
 11 all enquires and concerns about the project while it is  
 12 running."  
 13 First, looking at those main headline  
 14 recommendations — and I haven't shown them all to  
 15 you — do you agree that, on reading them, they were  
 16 reasonable and sensible?  
 17 A. Yes.  
 18 Q. Yes. She provided examples for each recommendation,  
 19 didn't she?  
 20 A. Yeah.  
 21 Q. Did they strike you at the time as sensible examples,  
 22 proportionate?  
 23 A. They look like.  
 24 Q. Yes.  
 25 If we look at 7, as I've shown you, the independent

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1 residents' advocate, in the example she says:  
 2 "My e-mail box shows that I had over 300 e-mail  
 3 exchanges with the TMO in 2015 alone on Grenfell Tower  
 4 matters."  
 5 That's a lot, isn't it?  
 6 A. Yes.  
 7 Q. Yes. She appears to share your concern that she was  
 8 sending too many emails about Grenfell, but has come up  
 9 with a rather different conclusion, doesn't she?  
 10 A. Yeah.  
 11 Q. She says:  
 12 "The TMO should consider whether it is sufficiently  
 13 well staffed to deal with everything that a major  
 14 refurbishment project will inevitably generate. If all  
 15 enquiries, visits and meetings were channelled through  
 16 one independent advocate and a dedicated TMO officer,  
 17 this could save a huge amount of effort for everyone."  
 18 What did you make of that?  
 19 A. I mean, I think if we were to do another tower, then in  
 20 a sense I would have — in principle not against it.  
 21 I think because we felt that Grenfell had two full-time  
 22 people built into Rydon's contract to deal with issues  
 23 that arise from the work, that that was enough, and also  
 24 that we had Claire Williams involved in the project and  
 25 Peter overseeing it. I mean — so therefore, you know,

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1 I will accept that one of the things I would have to  
 2 accept is that, you know, if I was to do it again,  
 3 I would probably look at doing this.  
 4 Q. Right. But she was telling you that when it happened  
 5 again, you should look at doing it. That was what this  
 6 was. So why were you so resistant to it?  
 7 A. What, for going forward to the future?  
 8 Q. Yes.  
 9 A. I don't think I was. I think, again, that was partly  
 10 when we finished the project, and the idea was to  
 11 actually do the review at the end, it's to pick up all  
 12 these points, and then that would have been picked up at  
 13 that time.  
 14 Q. We don't see —  
 15 A. Because this was going forward, it wasn't about —  
 16 Q. Indeed.  
 17 A. — now.  
 18 Q. Indeed, it's lessons learned, isn't it, going forward?  
 19 A. Yeah.  
 20 Q. I don't think we've seen any documents — correct me if  
 21 I'm wrong — where you fasten on this particular  
 22 instance and say, "This is a very good idea, let's do  
 23 that in future, it clearly didn't work for Grenfell".  
 24 We don't see anything like that.  
 25 A. Okay.

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1 Q. Can you explain why that is?  
 2 A. No, I can't explain, no.  
 3 MR MILLETT: Mr Chairman, is this a convenient moment?  
 4 SIR MARTIN MOORE—BICK: Yes, I think it is, thank you very  
 5 much.  
 6 Mr Black, we will have a break now so we can all get  
 7 some lunch. We will resume at 2 o'clock, please, and  
 8 again, please don't talk to anyone about your evidence  
 9 while you're out of the room.  
 10 THE WITNESS: Okay.  
 11 SIR MARTIN MOORE—BICK: Thank you.  
 12 (Pause)  
 13 2 o'clock, then, please. Thank you.  
 14 (1.01 pm)  
 15 (The short adjournment)  
 16 (2.00 pm)  
 17 SIR MARTIN MOORE—BICK: All right, Mr Black?  
 18 THE WITNESS: Thank you.  
 19 SIR MARTIN MOORE—BICK: Ready to go on? Thank you very  
 20 much.  
 21 Yes, Mr Millett.  
 22 MR MILLETT: Yes, thank you, Mr Chairman.  
 23 Mr Black, can we please now go to {TMO00879713}.  
 24 This is a minute of a confidential meeting of the board  
 25 of the TMO on 4 January 2016. You can see from the

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1 screen you were present.  
 2 If we go to page 5 {TMO00879713/5}, you can see that  
 3 there was a detailed discussion about the Grenfell Tower  
 4 project. At paragraph 9.11, picking it up at the foot  
 5 of the page, you can see that you:  
 6 "... reminded the Board that the refurbishment works  
 7 were nearing completion. He suggested a visit to the  
 8 site by the Board members would like to visit the  
 9 building. It was agreed that any Board members who  
 10 wanted to visit the site should confirm so after the  
 11 meeting and the visit would be arranged. It was further  
 12 agreed to form a review panel comprising of a subset of  
 13 the members of the Board, to undertake a review of the  
 14 refurbishment works upon completion of the project."  
 15 Who was it who suggested the board-led review?  
 16 A. I can't recall specifically. I don't know if it had  
 17 been me or one of my board members.  
 18 Q. Do you know why an independent review wasn't suggested?  
 19 A. No.  
 20 Q. Can we then go to {TMO00852704/4}, please. I just want  
 21 to ask you about your email to Laura Johnson on  
 22 5 January 2016 that you can see on the screen. It says:  
 23 "Hi Laura  
 24 "Hope the back to work is going well. Board went  
 25 well overall. Steve and Barbara's presentation was good

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1 and we got a few questions overall."  
 2 Then at the foot of the email you say:  
 3 "The Board feels this is a TMO matter and wants to  
 4 deal with it itself. I imagine they will be happy to  
 5 share the outcomes with Scrutiny."  
 6 If we go to page 3 {TMO00852704/3}, up the chain,  
 7 you can see Laura Johnson's response to this. She says,  
 8 also 5 January:  
 9 "Robert,  
 10 "Pleased the Board went well always a good idea to  
 11 get off to a good start in what is a hideous week.  
 12 "Board recommendations seem very reasonable, RBKC  
 13 has no desire to be involved in the review I shall echo  
 14 this point Cllr Mackover so that the recommendations the  
 15 Board has made are supported at Scrutiny committee."  
 16 Do you know why RBKC didn't want to be involved in  
 17 reviewing the Grenfell Tower project?  
 18 A. No.  
 19 Q. Did you ask?  
 20 A. I wasn't involved in the discussion. I don't know if  
 21 Laura had spoke to her officers or whatever, no.  
 22 Q. Right. So you just took it as a fait accompli that RBKC  
 23 said they weren't interested so ...?  
 24 A. Yeah.  
 25 Q. Right.

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1 Now, Laura Johnson seems to be here suggesting that  
 2 she could influence Councillor Mackover to support the  
 3 TMO board. Was that your understanding?  
 4 A. I'm not sure, really. I mean, it's — she reports to  
 5 scrutiny, she knows the councillors better, so I imagine  
 6 she's just talking to them directly.  
 7 Q. Right.  
 8 Now, if we go up to the email at the bottom of  
 9 page 2 and over to page 3, we can see that you say —  
 10 this is at the very foot of page 2, your email of  
 11 6 January to Laura Johnson, top of page 3  
 12 {TMO00852704/3}:  
 13 "Well done last, night [sic]. Close working between  
 14 both teams, [Barbara] has picked up the double act with  
 15 Steve.  
 16 "Last push for tonight. Will you let Cllr Marshall  
 17 know my Board decision, might be worth reminding him  
 18 they have 4 appointee's and Pauline has confirmed she is  
 19 happy to be on the review."  
 20 Then if we go up to the top of page 2  
 21 {TMO00852704/2} we can see Laura Johnson's reply, same  
 22 day, back to you:  
 23 "Robert,  
 24 "Thanks yes I thought it went as well as can be  
 25 expected.

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1 "I've emailed Cllr Marshall the Board outcomes so he  
 2 is aware and in that e-mail I reminded him that Paula  
 3 was a RBKC nominee, we can make this point again tonight  
 4 if a Scrutiny committee member is suggested as being on  
 5 the review of the Grenfell Tower refurbishment."  
 6 What did you mean, "Close working between the  
 7 teams", in your email?  
 8 A. Well, I think — I'm just trying to remember sequence of  
 9 events. I think the previous night there was something  
 10 called the tenants' consultative committee. So we had  
 11 a whole series of evening meals. The tenants'  
 12 consultative committee was a borough-wide  
 13 representation, I think it was like the resident  
 14 association chairs, there was a council meeting which we  
 15 went along to. So basically I think that met every  
 16 quarter, so I think that night we both had papers for  
 17 the meeting and it went well in terms of the  
 18 representation. I think that's what that's meant.  
 19 Q. Right. So when you said "Close working between both  
 20 teams", what was that a reference to?  
 21 A. Because there would have been some papers that both  
 22 teams would have had to work on.  
 23 Q. I see.  
 24 A. Certainly the finance ones, there would be — Steve, who  
 25 was part of Laura's team, would have to work with

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1 Barbara in terms — to make sure that the overall things  
 2 worked together. So that's in the sense of that,  
 3 because we would both do joint presentations to the  
 4 committee and take questions and ...  
 5 Q. You suggest that Laura Johnson reminds  
 6 Councillor Marshall about the four appointees. Was that  
 7 the RBKC appointments to the TMO board?  
 8 A. Yes.  
 9 Q. I see. Were you encouraging Laura Johnson to persuade  
 10 the scrutiny committee not to engage in an independent  
 11 review?  
 12 A. No, I was just reminding them that they had four —  
 13 the council had four appointees: two councillors and two  
 14 independents.  
 15 Q. Exactly. Therefore, is it right that for that reason,  
 16 in other words because there were four independent  
 17 appointees to the TMO board, RBKC did not need to engage  
 18 in an independent review?  
 19 A. What, an independent nominee or a council appointee?  
 20 I think it was saying to them there were people there.  
 21 If they felt they wanted other people, it was just  
 22 a reminder that they had actually people that they  
 23 appointed on to my board.  
 24 Q. Were you very keen that the scrutiny committee should  
 25 support the TMO and not become involved in the

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1 investigation?  
 2 A. No, I had no trouble with RBKC being involved, we'd  
 3 worked with them — as a company, we'd worked with  
 4 councillors to do reviews of other things as well, so  
 5 I wasn't scared of them being involved in the process.  
 6 Q. Right. Only the tone of your email rather suggests that  
 7 you and Laura Johnson were as one, pushing to keep the  
 8 review at TMO level and not letting it go to scrutiny.  
 9 A. No, I wouldn't want that to be read like that. In  
 10 a sense, scrutiny committee can make their decisions.  
 11 What I was doing as an officer was just reminding,  
 12 through Laura, that these people are there, and it's up  
 13 to the scrutiny committee if they want to involve —  
 14 like I said, in the past we've actually worked with the  
 15 councillors. They would visit, they'd do other things.  
 16 So, in general, my relationship with them was pretty  
 17 good.  
 18 Q. Now, {MET00041412}, please, moving the story on a bit to  
 19 the next day, 6 January 2016.  
 20 This is an email from Judith Blakeman of that date  
 21 to a number of councillors, copied, among others, to  
 22 you, and here she sets out some learning points:  
 23 "I have been working with residents of  
 24 Grenfell Tower, along with my ward colleagues and  
 25 Victoria Borwick MP, on many of their concerns about how

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1 the refurbishment project has been managed.  
 2 "We have identified some learning points that  
 3 perhaps could be translated across to other  
 4 refurbishment programmes with residents in occupation  
 5 that the TMO may run on behalf of the Council."  
 6 Et cetera.  
 7 She goes on to say that the residents felt that they  
 8 were being treated as guinea pigs for future projects,  
 9 and then she says, under the three paragraph numbers,  
 10 that the attached document was run past the TMO board on  
 11 Monday evening. I think that's the document we saw  
 12 together before the lunch break.  
 13 A. Yes.  
 14 Q. Then under item 3 there:  
 15 "To review the overall project once it is completed,  
 16 using the resident board members, independents and  
 17 council—nominated board members, this will provide the  
 18 independence, challenge and support to the process.  
 19 "I am just not sure that Grenfell residents would  
 20 accept TMO Board members as being sufficiently  
 21 independent of the TMO to meet their request for an  
 22 independent investigation of the project."  
 23 Did you take on board Councillor Blakeman's concern  
 24 that the residents would not accept TMO board members as  
 25 sufficiently independent to meet their requests for

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1 an independent investigation?  
 2 A. I took on the point that she presented this to my board  
 3 and the board came to that conclusion.  
 4 Q. Yes. We saw point 7 earlier about the review. Did you  
 5 consider at this point encouraging the housing and  
 6 property scrutiny committee or working group to set up  
 7 an independent review of the Grenfell Tower  
 8 refurbishment project and to run with  
 9 Councillor Blakeman's proposal?  
 10 A. I can't recall.  
 11 Q. Is there a reason why you didn't do that?  
 12 A. No. Again, this was — this isn't me speaking, this is  
 13 my board speaking.  
 14 Q. Well, it's Councillor Blakeman —  
 15 A. Oh, sorry. So this is Councillor Blakeman's  
 16 recollection of the board meeting and the decisions the  
 17 board made.  
 18 Q. Well, we can read the document.  
 19 Can we go to {RBK00032130}. I just put it in front  
 20 of you, there's no need to look at this in any detail,  
 21 but this is the minute of the meeting of the housing and  
 22 property scrutiny committee of the evening of  
 23 6 January 2016, at which I think you were in  
 24 attendance —  
 25 A. Yes.

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1 Q. — as you can see, and you'll recall that Edward Daffarn  
 2 addressed the meeting; do you remember that?  
 3 A. Yes.  
 4 Q. If we go to page 5 {RBK00032130/5}, we can see, in the  
 5 paragraph immediately above A5, the conclusion, after  
 6 some discussion, and it says:  
 7 "In conclusion the Chairman agreed that a Working  
 8 Group would be commissioned at some point in the future  
 9 but that this was dependant on a number of factors  
 10 including the conclusion of existing Working Groups and  
 11 the review work conducted by the TMO."  
 12 So that was the outcome.  
 13 So you must have realised at that stage that there  
 14 was to be no independent review of the Grenfell Tower  
 15 project; that suggestion had been essentially rejected  
 16 by —  
 17 A. I think what the — scrutiny here was waiting to have  
 18 the outcome of the TMO's review so they could review it  
 19 with scrutiny before they commissioned or did any other  
 20 work, that's the way I read it. So it wasn't putting it  
 21 off, it was sort of just saying when the other bits and  
 22 pieces finished.  
 23 I think the other thing, as a scrutiny committee,  
 24 they had a number of working groups that hadn't been  
 25 brought to a conclusion. So the issue they had was how

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1 many councillors they had on scrutiny on so many working  
 2 groups, and they really needed to bring some of the  
 3 working groups to an end so they could set up another  
 4 one. That was the chair's point made during the  
 5 meeting.  
 6 Q. Let's just take this in stages.  
 7 In the first line there, the working group that's  
 8 referred to, the one that would be commissioned at some  
 9 point in the future, was that to be an independent  
 10 review of the Grenfell Tower project or just another  
 11 working group?  
 12 A. I don't know. I took it that when you got to that  
 13 stage, the chair would agree who would be on that  
 14 working group, and they'd review all the points that  
 15 different people had made at different stages.  
 16 Q. Right.  
 17 Can we go to {TMO10012015}.  
 18 This is an executive team and senior management team  
 19 meeting, 7 January 2016, so the day after the housing  
 20 and property scrutiny committee meeting on the 6th, we  
 21 can see you were there.  
 22 If we go to page 2 {TMO10012015/2}, item 3, it's  
 23 minuted in the third paragraph:  
 24 "Robert noted that some of the Board are feeling  
 25 that they are not being told everything, and they need

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1 assurance. Robert is going to urge the Board to get out  
2 and about more and visit schemes and new developments so  
3 they see the issues to are themselves."

4 Do you know which board members had raised that  
5 issue, the issue that they were not being told  
6 everything?

7 A. No, I can't remember off the top of my — I think it was  
8 a general — partly it was trying to get the — so some  
9 members of the board wanted either to know more, but  
10 it's about trying to get the board — if they're only  
11 meeting every — I think they met every two months,  
12 there was opportunities either through the operations  
13 group, which was a standing meeting in the board, or to  
14 go out, which would be encouraging people to go and see  
15 things. So it was to get them to see their role as  
16 bigger than just attending two board meetings.

17 Q. Did you get a sense of what the issues were on which  
18 board members weren't receiving comprehensive  
19 information?

20 A. I'm just having a look.

21 (Pause)

22 I can't remember specifically about this one, sorry.

23 Q. Do you remember whether you addressed the concern as  
24 expressed here?

25 A. I think we set up sort of sessions to try to — sorry,

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1 I'm just ... so in terms — we did set up some sessions  
2 after this to get people to look at a bit more detail,  
3 more conversational sort of things, and tried to  
4 encourage people to visit.

5 Q. Can we go to page 3 {TMO10012015/3}, please.

6 Under "Scrutiny", you can see that it says this:

7 "A petition asking for an independent investigation  
8 into the Grenfell Tower project was presented to RBKC at  
9 the Scrutiny Committee and the resident attendees were  
10 allowed 5 minutes, which was then extended to 10 minutes  
11 to speak about this. Peter Maddison was singled out for  
12 intense criticism and Robert noted that Peter needs our  
13 support. The Committee agreed to let the planned works  
14 finish first and then in the future a working Group will  
15 be formed to look at the outcomes, but no date was given  
16 for this."

17 Now, when it says Peter Maddison was singled out for  
18 intense criticism, was that singled out for intense  
19 criticism by the resident attendees speaking?

20 A. Yes, I think it was.

21 Q. It goes on to say:

22 "... Robert noted that Peter needs our support."

23 Had you concluded at that stage that the criticism  
24 of Peter Maddison was not warranted?

25 A. I think Peter had been under huge pressure from

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1 criticism from certain people, how he was operating.

2 I spoke to Sacha Jevans about it, make sure he was

3 supported, and he took it hard. He didn't want to do

4 a bad job, he was ... so it's about how we could support  
5 him.

6 Q. I understand that, but did you do any investigation or  
7 cause any investigation into the criticisms to see if  
8 there was anything in them?

9 A. Well, I think we'd already looked at quite a lot of  
10 these things and didn't find anything in them.

11 Q. Were they all —

12 A. About him personally, his actions, his behaviour.

13 Q. Leaving aside the personalities, as you say, did you  
14 come to the conclusion that there was nothing  
15 whatsoever — nothing whatsoever — in the criticisms  
16 that had been levelled at the TMO by the residents who  
17 had addressed the scrutiny committee on the evening  
18 before?

19 A. I think there were points which we were trying to find  
20 out. There were some extreme comments made that we  
21 didn't feel were reflected across everybody that lived  
22 at Grenfell.

23 Q. Yes.

24 Trying to leave out the tone — and I understand  
25 what you mean, I think, when you say extreme comments —

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1 and looking at the comments, had you discounted all of  
2 those?

3 A. No, I think there's — in a ... sorry, I'm just trying  
4 to remember.

5 Q. Let me ask you slightly differently, just to see if  
6 I can help you.

7 When it said that, "Peter Maddison was singled out  
8 for intense criticism and Robert noted that Peter needs  
9 our support", was your view that he needed support  
10 a view flowing from a closely considered analysis of the  
11 criticisms?

12 A. I think it was more an emotional — in terms of  
13 I recognised how much pressure he was under —

14 Q. Right.

15 A. — as a manager, and it was in the sense of actually  
16 people making sure you're talking to him to make sure —  
17 in terms of his support. I wouldn't read too much into  
18 it.

19 Q. I understand. So when you say "Peter needs our  
20 support", you're not saying that the TMO needs to close  
21 ranks with him and agree with everything he has done;  
22 it's more that he needs emotional or employer support?

23 A. Yes.

24 Q. I see.

25 Did you understand that the housing and property

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1 scrutiny committee still planned to look into the  
 2 outcome of the Grenfell Tower refurbishment?  
 3 A. Yes.  
 4 Q. Yes.  
 5 At this point — this is January 2016 — had you  
 6 read the MMA, the modular management agreement?  
 7 A. Some time before.  
 8 Q. Yes. I mean, it's a lengthy and complex document, but  
 9 had you actually ever sat down and read it end to end?  
 10 A. When it went through its original view, parts that were  
 11 brought, I think at each session where you went through  
 12 them, but I hadn't read it for some time previously.  
 13 Q. There was a review of that document in the December of  
 14 2015, wasn't there, just shortly before this —  
 15 A. I think there was, yes.  
 16 Q. — discussion? Yes. Were you involved in that review?  
 17 A. No, the review had been led by Yvonne Birch and some  
 18 other staff working on it.  
 19 Q. Yes, but were you involved at all? It may have been led  
 20 by her, but were you involved at all in it? Did you  
 21 ever see it? Did she report to you on it?  
 22 A. She didn't report to me on — you got updates. I mean,  
 23 it's one of those things that was the whole — there was  
 24 a whole group of staff working on it, depending on the  
 25 chapters.

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1 Q. Let me see if I can understand this.  
 2 The MMA was the foundational contractual document on  
 3 which the TMO's entire business rested, wasn't it?  
 4 A. It was the modular management agreement between the two  
 5 companies, yes.  
 6 Q. Well, no, that is true, but it is also, descriptively,  
 7 the foundational contractual document on which the TMO's  
 8 entire business rested.  
 9 A. Yes.  
 10 Q. Do you agree with that?  
 11 A. Yes.  
 12 Q. No MMA, no TMO.  
 13 A. Yes.  
 14 Q. Yes. You were the chief executive of the TMO.  
 15 A. Yes.  
 16 Q. Were you not interested to keep your finger on the pulse  
 17 of what important changes were being made to the MMA?  
 18 A. In the sense my team who were working on the detail were  
 19 going through it and they would update us.  
 20 Q. Did you get updates on the amendments, the important  
 21 ones, the material ones that affected your business?  
 22 A. I think we did, but I can't recall them at the moment.  
 23 Q. Right.  
 24 Let's go to {RBK00019006/165}.  
 25 Now, this is within volume 2, chapter 2 of this

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1 document, this MMA.  
 2 If we look at paragraph 2.1, "Client review group":  
 3 "The Neighbourhood Manager and Project Manager will  
 4 decide whether to establish a Client Review Group or  
 5 steering group for the project this will be chaired by  
 6 a representative of the Residents Association and will  
 7 include the Neighbourhood Manager and Project Manager.  
 8 The role of this group will be to act as client for the  
 9 project, review progress in implementing the scheme and  
 10 focus on those issues which directly concern residents.  
 11 Where it is decided not to establish a Client Review  
 12 Group the Residents Association will be asked to  
 13 nominate a representative to join the Project Team."  
 14 Were you ever familiar with that obligation?  
 15 A. Not down to that detail, no. I'm just looking at the —  
 16 it dates from 2006.  
 17 Q. Indeed. Do you know whether that was changed when the  
 18 review came in 2015?  
 19 A. I can't recall that detail.  
 20 Q. Put it this way: if it had been removed, you would have  
 21 been told, I assume?  
 22 A. Er ...  
 23 Q. No?  
 24 A. Well, I can't recall at the moment.  
 25 Q. Just going back to my question, do I take it you weren't

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1 familiar with this obligation?  
 2 A. Not down to the detail of this, no.  
 3 Q. Well, in any —  
 4 A. But my company secretary would have been.  
 5 Q. You say not down to the detail; let me see, were you  
 6 familiar with these obligations even in outline?  
 7 (Pause)  
 8 A. I can't recall.  
 9 Q. No. Well, let's try some more.  
 10 Page 167 {RBK00019006/167}, paragraph 5.2,  
 11 "Appointment of consultant(s)":  
 12 "The Project Manager, Consultancy Services Manager,  
 13 Neighbourhood Manager and Residents Association  
 14 representatives will select suitable consultants with  
 15 relevant experience. The Project Manager will chair the  
 16 panel. Depending on the size and complexity of the  
 17 project, consultants may be appointed from a number of  
 18 disciplines."  
 19 First bullet point, "Architecture".  
 20 Were you familiar with that obligation or set of  
 21 obligations?  
 22 A. I was familiar with the set of obligations.  
 23 Q. Well, within paragraph 5.2.  
 24 A. Oh, goodness ...  
 25 (Pause)

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1 I can't recall .  
 2 Q. Page 175 {RBK00019006/175}, paragraph 15.3 at the top of  
 3 the page. This sits within a section called "Site  
 4 meetings":  
 5 "To ensure that tenants' concerns are addressed the  
 6 Resident Association representative can either attend  
 7 the site meeting or a meeting can be held with the  
 8 Residents Association prior to the site meeting.  
 9 Feedback will be provided to the residents after the  
 10 site meeting, where necessary."  
 11 Were you familiar with that obligation?  
 12 A. I'd seen that obligation before.  
 13 Q. Where had you seen that before?  
 14 A. I can't recall , but I can't see any reason why it  
 15 wouldn't have happened.  
 16 Q. Do you remember being conscious of that obligation in  
 17 late 2015, for example, or at any time?  
 18 A. I can't recall .  
 19 Q. Do you recall any occasion when it crossed your mind to  
 20 raise this obligation with RBKC to ensure that you and  
 21 RBKC could deliver this obligation, which is essentially  
 22 for the benefit of the tenants?  
 23 A. I can't see why we — I mean, in terms of, we sought to  
 24 do that through the — our process we went ...  
 25 Q. Let's try another one, page 177 {RBK00019006/177},

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1 "Post—project review", clause 22. 22.1:  
 2 "All schemes will be subject to a post—project  
 3 review. After completion of the project or on sectional  
 4 completion, residents will be asked for their views on  
 5 the way the work was carried out and what they like or  
 6 dislike about the improvements to their homes. The  
 7 survey will also seek to collect b.m.e. data."  
 8 Were you familiar with that obligation?  
 9 A. Yes.  
 10 Q. So do I take it that as at late 2015, early 2016, you  
 11 knew you were under a bounden obligation to RBKC to  
 12 collect the residents' views on the way the work was  
 13 carried out for Grenfell Tower, what they liked and  
 14 disliked?  
 15 A. Yes, and that's what we were working towards.  
 16 Q. I see.  
 17 Can you explain why your reaction was not to do  
 18 that?  
 19 A. The plan was — I mean, as far as I can recall — pardon  
 20 me. The plan was to carry out a review of the project,  
 21 include residents and views of RBKC and others and  
 22 councillors so that we could do that. I can't remember  
 23 the date that Peter had pencilled it in to do it in  
 24 terms of once the work was completed.  
 25 Q. What was your plan from early January 2016, having seen

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1 the petition , to comply with that obligation?  
 2 A. Once the work was complete and the snagging was  
 3 complete, it would then — I think the timing was to do  
 4 it after that.  
 5 Q. Was there a plan to ask the residents of Grenfell Tower  
 6 for their views on the way the work was carried out and  
 7 what they liked or disliked about the improvements to  
 8 their homes?  
 9 A. It would have been done by — in Peter's plan, it was  
 10 always to do a post—project review in line with this,  
 11 which is what we said to scrutiny we would do.  
 12 Q. Did that plan come to fruition?  
 13 A. Well, I don't think it had, because I don't think we had  
 14 started it by the time of the fire .  
 15 Q. Well, practical completion happened in July 2016, hadn't  
 16 it?  
 17 A. Er ... yes.  
 18 Q. We know that a review took place in the first half of  
 19 2016. We know that. It didn't involve the residents .  
 20 A. I can't recall , sorry .  
 21 Q. Can you explain why, despite this provision , the  
 22 residents were not involved in that review, which took  
 23 place in March, April and May 2016?  
 24 A. I can't respond to that. I can't recall .  
 25 Q. We know that Laura Johnson told us that she didn't use

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1 the MMA on a regular basis and did not use it to refer  
 2 to how resident engagement should be undertaken on  
 3 projects such as Grenfell Tower. I take it from your  
 4 evidence today that the same did not apply to you.  
 5 A. In a sense it should have sat with my company secretary,  
 6 because in a sense the company secretary was my person  
 7 who was supposed to oversee this. So in terms of when  
 8 we were doing project management, people should have  
 9 been checking with her or him in terms that we were  
 10 compliant with the MMA.  
 11 Q. Yes, but you were the chief executive, and, as you told  
 12 us, of all these obligations that I have put to you, you  
 13 were familiar with this one.  
 14 My question is: when the review took place,  
 15 following the scrutiny committee meeting on 6 January,  
 16 through the first few months of 2016, why didn't you  
 17 insist on the residents being asked for their views in  
 18 accordance with this provision?  
 19 A. I can't recall , apologies.  
 20 Q. No. Did you just overlook it?  
 21 A. I may have overlooked it.  
 22 Q. Can we go to {MET00045751}, please.  
 23 In fact, I think I can probably skip over that and  
 24 take you to {TMO10014782}.  
 25 These are the minutes of a joint management team

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1 meeting between RBKC and TMO of 2 March 2016, and if we  
 2 go to item 1.3 at the foot of page 1:  
 3 "Governance Issue on Estate Management Boards — Fola  
 4 noted that she has met with Cllr. Blakeman.  
 5 Cllr. Blakeman conveyed to Fola that she feels that her  
 6 priorities as a councillor outweigh her duties as  
 7 a board member. Fola will be meeting with Laverne to  
 8 discuss this in detail."

9 Why had Fola met Councillor Blakeman?

10 A. So Fola was the company secretary, and I think —  
 11 I can't remember how it came about that either through  
 12 some issues raised, she decided to meet  
 13 Councillor Blakeman to look at this.

14 Q. Did you ask her to meet her?

15 A. Sorry, can you confirm the date of this again? Oh, it's  
 16 2015, sorry.

17 Q. 2 March 2016.

18 A. I'm not sure if I told her. The company secretary had  
 19 the right to see board members independently of me and  
 20 speak to board members about their role and  
 21 responsibilities.

22 Q. Now, this issue of Councillor Blakeman as a TMO board  
 23 member, we'd seen hints of that in some of the earlier  
 24 documents at the end of 2015, 2 December 2015 and then  
 25 again in the build-up to the scrutiny committee meetings

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1 I showed you.

2 Had this arisen because she had assisted the  
 3 residents of Grenfell Tower with their petition and at  
 4 the scrutiny committee meeting as far as she could?

5 A. I don't think it was so — no, I don't think so.  
 6 I think it was sometimes the way Councillor Blakeman was  
 7 behaving outside board meetings, and this is I think  
 8 what Fola had picked up with her, and I think part of  
 9 the issue is sometimes the local authority would put  
 10 people on the board or a board, my board, the TMO's  
 11 board, without really going through the detail with them  
 12 about roles and responsibilities, so I think they put  
 13 them there. We took Councillor Blakeman and all board  
 14 members through their roles and responsibilities, and  
 15 I think, in a sense, that the reason that they were —  
 16 Fola was going to see Laverne was to actually sort of  
 17 try to get RBKC to be clear in the guidance they give to  
 18 people they put on the board, in terms of actually their  
 19 roles and responsibilities.

20 Q. Was Councillor Blakeman becoming a thorn in the TMO's  
 21 side?

22 A. I don't think particularly like that. I think she had  
 23 a way of behaving that actually was — some board  
 24 members found challenging.

25 Q. She was very pro-resident, as we can see.

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1 A. No, I don't agree with that. I think she was very  
 2 pro-resident, as were most — all councillors that  
 3 I came across. I think it was more how she was  
 4 behaving, either at board or outside the board.

5 Q. What was the problem?

6 A. I can't recall. This was something the company  
 7 secretary had picked up with the board.

8 Q. Did you want her off the board?

9 A. I certainly didn't. I saw that as a really daft thing  
 10 to do. First of all, to get rid of board members is  
 11 challenging. To get rid of a board member who is  
 12 a councillor is challenging. I had no interest in that  
 13 at all at any time with Councillor Blakeman. I think  
 14 RBKC could have done more to support and train her with  
 15 her role, but I never wanted to get rid of her or took  
 16 action to get rid of her.

17 Q. I mean, the problem that this note seems to have  
 18 identified was that, in Councillor Blakeman's own mind,  
 19 her priorities as councillor were in conflict with her  
 20 duties as a board member. Did you see that there was  
 21 a conflict?

22 A. I am a bit sort of more like there's a bit in between,  
 23 but I think she saw that, and I think the question then  
 24 why they were having — talking to RBKC is: well, what's  
 25 she on the board — if she feels that she can't sign up

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1 to the TMO board, then step down from the board and get  
 2 another appointee. I think this is about how RBKC put  
 3 people on the board and then left it to those companies  
 4 to try to manage people within the agreement they had.

5 Q. Did you get the sense that Councillor Blakeman was  
 6 pulling in one way in favour of residents but, at least  
 7 to her way of thinking, the board was pulling in the  
 8 opposite direction?

9 A. Well, I think that's quite hard to do when you have  
 10 eight residents who are board members on the board and  
 11 how that could be. Remember, they were the majority on  
 12 the board out of 15. The chair was a board — sorry,  
 13 the chair was a resident. So I can't see the TMO  
 14 pulling away, being a resident organisation, based on  
 15 what we were doing. I think you would need to ask those  
 16 board members why they felt sometimes  
 17 Councillor Blakeman wasn't sort of behaving in a way  
 18 they felt was appropriate for the board.

19 Q. Can we then go to {TMO10012639}.

20 This is the minutes of the next executive team  
 21 meeting of 23 March 2016. You were present, as we can  
 22 see.

23 If we go to page 1 in the middle, "Matters arising",  
 24 2.1:  
 25 "It was agreed that the Grenfell Review outcome

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1 report will be included in the Confidential section of  
2 the March board papers. At the March board meeting  
3 Paula Fance will present the report. If Board agree the  
4 report will go to Scrutiny Committee and we will ask  
5 Paula Fance to present it there. There will be  
6 a conflict of interest for Cllr Blakeman as she is  
7 a member of the Scrutiny Committee as well as a board  
8 member. SJ will speak to Amanda Johnson about this if  
9 the report goes to Scrutiny."

10 Again, confidentiality. Who was it that decided  
11 that the review report would be included in the  
12 confidential section of the March board papers?

13 A. I think the board agreed that. Sorry, I — as  
14 the chief exec, I didn't set the confidential or  
15 non-confidential, that was sat with the company  
16 secretary and the board once they'd looked at the  
17 papers.

18 Q. I don't follow, because this is an executive team  
19 meeting, not a board meeting, and the agreement was  
20 among the executive team.

21 A. But we'd probably spoken to the board — some board  
22 members before then.

23 Q. So how is one supposed to read this minute? It is  
24 a draft, of course, as you can see from the watermark.  
25 But when it says "It was agreed", is this meeting simply

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1 reflecting an agreement reached at board level and being  
2 reported to the executive team, or was it an agreement  
3 among the executive team?

4 A. I think it was a bit of both. I mean, I think this was  
5 going to scrutiny, and the whole point is if scrutiny  
6 didn't like it then the board would have to redo it or  
7 address concerns that scrutiny had, and I think in  
8 a sense it was confidential so they could have that  
9 confidential discussion. Paula Fance was to present it  
10 as a member of the board. I think that was the  
11 position.

12 Q. Why was it for the board to decide if this report should  
13 go to scrutiny? Shouldn't it have gone to scrutiny  
14 anyway?

15 A. It should have done, sorry, I don't know why that —  
16 well, I don't know, that was — I just assume it's  
17 going, I can't recall the detail about if there was  
18 discussion not to send it.

19 Q. Right.

20 Now, in the second paragraph of that section, it  
21 says:

22 "Robert noted that he had spoken to Nicholas Holgate  
23 and he is in favour of smaller boards."

24 What was that about?

25 A. So what that was about was actually in terms of — the

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1 board was 15, which is quite big in terms of good  
2 practice. The National Federation of Housing and  
3 Chartered Institute of Housing governance is boards had  
4 reduced to 12, and actually new boards had reduced even  
5 smaller to nine. There had been talk at the board about  
6 should the TMO board move to a smaller size. You would  
7 still have the exact same representation proportionally  
8 in terms of tenant, leaseholder and council appointees  
9 to that board. So it was a discussion the board was  
10 having as part of its governance in terms of actually  
11 having so many people, is it good, is it better to have  
12 a smaller board? It was generally happening quite a lot  
13 in the sector, certainly with, you know, sort of smaller  
14 organisations that maybe traditionally had a bigger  
15 board, especially TMOs.

16 Q. Yes.

17 Was this, to be blunt, just a figleaf to cover the  
18 fact that you wanted or many people wanted  
19 Councillor Blakeman off the board because she was  
20 championing residents?

21 A. Not at all, no, it's good governance, and I think if you  
22 followed the paper trail, there's discussions at board  
23 away days and other board meetings about the size of the  
24 board, and I think it was — the board went round in  
25 a bit of a circle with this. I think independents

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1 sometimes thought it would be better to be smaller.

2 I think then there was talk about having a paid chair  
3 which was brought up by one of the resident board  
4 members. So it was an ongoing discussion about how that  
5 board managed itself.

6 Q. Yes, I see that. But the context of this, immediately  
7 above it, is Councillor Blakeman's perceived conflict of  
8 interest. What was the relevance of smaller boards if  
9 not in that context?

10 A. I think it was just we were talking about boards and  
11 it's probably I had a conversation with  
12 Nicholas Holgate.

13 Q. No, you were talking about Councillor Blakeman, weren't  
14 you?

15 A. I can't recall, I remember —

16 Q. It's what the note says. So the context of the noting  
17 about smaller boards was in the context of conflict of  
18 interest for Councillor Blakeman as you see in the  
19 previous paragraph, hence my question: was the  
20 discussion about a smaller board a more process-driven  
21 or political way of covering the fact that you wanted  
22 Councillor Blakeman off the board because she was  
23 championing residents' concerns?

24 A. No, I don't — I mean, I think if — even if they  
25 reduced the board, the council would still have probably

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1 had two councillors on it in terms of Labour and  
 2 Conservative, because I think that was the deal they had  
 3 as political parties. Neither of those people who were  
 4 on the board, Conservative and Labour, were interviewed,  
 5 they were just placed on my board as part of the  
 6 political system in RBKC. So even with a smaller board,  
 7 I don't think we would have got rid of them. It  
 8 wouldn't — you know, in terms of they'd already reduced  
 9 it from four to two because they were struggling to get  
 10 board members — sorry, they were struggling to get  
 11 councillors on boards because of the time it took. So  
 12 that's why initially they reduced to two.  
 13 For me, smaller boards were — discussion at  
 14 board —  
 15 Q. Well, I asked you a very broad question, I accept, but  
 16 let's be more focused: "Robert noted that he had spoken  
 17 to Nicholas Holgate", and that's in the context of  
 18 what's immediately prior to that in the paragraph above.  
 19 A. It's a separate —  
 20 Q. Did you have a conversation with Mr Holgate about  
 21 whether Councillor Blakeman had a conflict of interest?  
 22 A. I can't recall. I don't remember speaking to  
 23 Councillor — I remember speaking to RBKC governance and  
 24 Laura Johnson and Rock Feilding—Mellen, but never to  
 25 Nicholas Holgate.

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1 Q. Can we go to {RBK00003662/3}, please. Email exchange,  
 2 11 May 2016, at the foot of page 1. The email chain in  
 3 fact begins on page 3, so we'll need to work back to the  
 4 foot of page 1, and it starts on page 3 with an email  
 5 from Councillor Blakeman to various councillors,  
 6 primarily Councillor Marshall, copied to Laura Johnson,  
 7 among others:  
 8 "Dear Quentin  
 9 "To save time this evening, please see some advance  
 10 comments below.  
 11 "Judith.  
 12 "A3 Minutes ..."  
 13 And then it goes on.  
 14 If we look a little bit lower down page 3 under  
 15 "A4 Grenfell Tower Report", Councillor Blakeman says:  
 16 "I see no reason why the full report is set out in  
 17 Part B since it contains nothing relating to the  
 18 financial or business affairs of any particular person  
 19 and it is the response to a petition from residents. It  
 20 should therefore be available to them to read in full.  
 21 "Although this report was submitted to the TMO  
 22 Board, it was not discussed by the Board. Separately  
 23 I had a meeting to discuss it with the Chair of the  
 24 Working Group, Paula Fance, and Sacha Jevans and  
 25 Yvonne Birch of the TMO."

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1 Then if we look at page 4 {RBK00003662/4}, after the  
 2 number 10, if we just scroll to the foot of the page,  
 3 after "Recognise that a respite flat available to other  
 4 residents is by definition not suitable", there is  
 5 a summing-up paragraph, which is not that easy to see,  
 6 but it starts "There is still a huge amount of  
 7 ill—feeling". Do you see that?  
 8 A. Yes.  
 9 Q. Yes, it's under the 10 —  
 10 A. Yes.  
 11 Q. — but back to the indent:  
 12 "There is still a huge amount of ill—feeling against  
 13 both the TMO and the Council amongst residents of  
 14 Grenfell Tower and I believe these recommendations  
 15 should be seriously considered if/when the Council  
 16 proposes another tower block refurbishment with  
 17 residents in occupation. The Council has a duty to  
 18 ensure that these are handled as sensitively as  
 19 possible. Residents remaining in occupation save the  
 20 Council a huge sum of money, as they would otherwise  
 21 have to be decanted.  
 22 "Finally, the ill—feeling at Grenfell Tower will  
 23 fester (there are still many matters waiting to be  
 24 resolved) until residents are able to meet someone they  
 25 deem to be sufficiently independent of the TMO to

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1 discuss their experiences during the refurbishment  
 2 process."  
 3 Now, you could see from this — and let me just  
 4 scroll up to the top of the email chain, because you get  
 5 this email at the foot of page 2 {RBK00003662/2}. If we  
 6 go to page 2, we can see that you are copied in to  
 7 Rock Feilding—Mellen's email to Councillor Marshall,  
 8 copied to Laura Johnson and you. So you got to see  
 9 this. Yes?  
 10 A. Yes.  
 11 Q. Yes. Given that you could see it, did it occur to you  
 12 at the time that, rightly or wrongly, there was a huge  
 13 amount of ill—feeling among the residents of  
 14 Grenfell Tower over the refurbishment, perhaps  
 15 ill—feeling that had built up over a number of years,  
 16 that the TMO had not managed to resolve by May 2016?  
 17 A. I think there was some ill—feeling, I don't think it was  
 18 across 100 households, and I think I have to accept that  
 19 some of the ill—feeling hadn't got resolved, and I'm  
 20 always sorry that happened.  
 21 Q. What were you planning to do about it?  
 22 A. About what?  
 23 Q. Well, about the festering ill—feeling at Grenfell Tower?  
 24 A. Well, I think that the reality — once the refurbishment  
 25 was finished, that takes away a huge amount of the

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1 aggravation, because actually the work would be  
 2 finished, and actually after the work was finished, the  
 3 complaints stopped, because people were getting used to  
 4 the — as far as I recall, sorry. Having said that,  
 5 I should have checked.  
 6 Q. Well, here we are, May 2016, certificate of practical  
 7 completion comes in the early part of July 2016. You're  
 8 very near the end. What were you planning to do about  
 9 the continuing ill — feeling at Grenfell Tower about the  
 10 TMO?  
 11 A. I can't recall.  
 12 Q. Wasn't the solution to it just to give in to them and  
 13 give them an independent review?  
 14 A. In retrospect, in hindsight, maybe.  
 15 Q. Maybe?  
 16 A. In terms of —  
 17 Q. Only maybe in hindsight?  
 18 A. Sorry. Excuse my word. Yes.  
 19 Q. Yes, in hindsight, but at the time, why were you so  
 20 resistant to it?  
 21 A. I think we were resistant to it because it felt like it  
 22 was being driven by a small group of individuals who  
 23 said things, used ... almost like there were terrible  
 24 things happening all the time, and when we checked it,  
 25 most people weren't feeling like that. It could be we

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1 got into a mindset, but in the sense of actually when we  
 2 checked with people on the ground and resident  
 3 engagement, we weren't always getting that feedback that  
 4 everybody was up in arms, and I think when we did the  
 5 sort of door—knocking ourselves, that's what we found.  
 6 We found a range of issues that were raised and people  
 7 wanted fixed, but there wasn't that screaming at you  
 8 that, you know, everything was terrible, we were  
 9 treating people inhumanly.  
 10 Q. It may have been driven, ie led, by a small group of  
 11 individuals, but you had had a petition with 60  
 12 signatures on it. Were they all wrong?  
 13 A. I'm not saying that. We did — so after that,  
 14 of course, you know that we did a door—knocking exercise  
 15 that actually contacted 70 people that lived in the  
 16 tower. So, yes, it wasn't all of them. And actually  
 17 what we got from that was a lot of feedback based on  
 18 what people were feeling, but it wasn't, you know,  
 19 consistent as 60 people all hating us or — not that,  
 20 there was bits of piece. That was led by Teresa Brown  
 21 and Sacha Jevans and they — we used different staff  
 22 when we did that door—knocking, so it wasn't the same  
 23 staff based on the housing officers, it wasn't always  
 24 the people from our sort of project team, just to get  
 25 a feeling of what people were feeling, and it wasn't all

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1 bad.  
 2 I think that was the point. It felt like there was  
 3 a part being driven by a certain group of individuals in  
 4 a very loud, very sort of challenging way which we were  
 5 trying to manage, and, you know, I wasn't — again,  
 6 going forward, was trying to sort out how to manage  
 7 that. It didn't go away.  
 8 Q. Why didn't you give the 60 people and those leading them  
 9 the benefit of the doubt and just given them  
 10 an independent review, notwithstanding your  
 11 door—knocking exercise?  
 12 A. Well, I think, again, the door—knocking talked to 70  
 13 people who didn't have that consistent view presented as  
 14 a sort of petition. I think that's the issue, in terms  
 15 of we took each issue down and broke it down to find out  
 16 what people were saying. So it wasn't consistent — it  
 17 wasn't consistent with what that petition was saying,  
 18 you know, a paragraph where someone just signs at the  
 19 end. We actually took time to speak to individuals to  
 20 understand and to see if that was true, and we got  
 21 different feedback.  
 22 Q. The different feedback, did that lead you to discount  
 23 the petition effectively?  
 24 A. No, no, not at all.  
 25 Q. No.

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1 A. I think it was just different feedback that we looked at  
 2 and we couldn't find that there was a match there.  
 3 Q. Yes.  
 4 I mean, sitting here today, what is your explanation  
 5 of all this bad blood? Why did the residents of  
 6 Grenfell Tower in particular feel so hard done by?  
 7 A. I think some of it goes back to, you know, well before  
 8 me, in terms of that they had an Estate Management  
 9 Board, which didn't cover just Grenfell Tower but the  
 10 whole estate. I think they found it difficult to  
 11 maintain these EMBs, because you have to run a board,  
 12 you have to follow policy and procedures, and I think,  
 13 you know, we have said is that investment was always  
 14 limited in some cases so maybe if this had happened  
 15 earlier it would be a different — so unfortunately  
 16 there's quite a lot of different threads that people  
 17 don't like, they don't like that we were seen as a TMO  
 18 that actually people voted for, there were a lot of  
 19 people that voted for it, took part in democratic  
 20 processes.  
 21 Q. I just put it one more time, why didn't it occur to you  
 22 at the time that the simple panacea for this was to say  
 23 to all the residents of Grenfell Tower "You may love us,  
 24 you may loathe us, here is your independent review and  
 25 you will be stuck with it for good or ill"? Why didn't

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1 you just give them one?  
 2 A. I can't ...  
 3 Q. Can we pursue this question of the conflict of interest  
 4 for Judith Blakeman a little bit further?  
 5 A. Yeah.  
 6 Q. Can we go up to page 2.  
 7 We can see that at page 2 at the bottom we can see  
 8 Councillor Feilding—Mellen, which is the email I showed  
 9 you, copied to you:  
 10 "Dear Quentin  
 11 "I think the HPSC needs Judith to be clear about her  
 12 role as a board member of the TMO, and she needs to be  
 13 guided about whether that is an interest to be declared,  
 14 and what is the most appropriate forum for her to make  
 15 some of these points — within the TMO or at HPSC."  
 16 Now, was it not well known that Judith Blakeman was  
 17 a board member and a councillor? She occupied both  
 18 roles for a number of years.  
 19 A. Yes, I think Quentin Marshall would know that because he  
 20 was a councillor.  
 21 Q. Yes, and therefore it was inherent, wasn't it, in her  
 22 wearing those two hats, that there was an element of  
 23 conflict?  
 24 A. Well, I wouldn't accept that because some board members  
 25 and other organisations didn't see a conflict with it.

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1 Q. Did you an element of conflict with it? It was inherent  
 2 in the fact that she was wearing both hats.  
 3 A. No, I think you can still wear hat — you can still use  
 4 your role as a councillor, it's more where there's  
 5 a conflict when you're operating on a board which feels  
 6 you're breaking its rules.  
 7 Q. Why was this coming up now? Why was this question of  
 8 Judith being clear about her role as a board member  
 9 coming up only now, and only in the context of the  
 10 imminent report to scrutiny of the review?  
 11 A. I think it had been coming up for some while, and  
 12 we'd — our company secretary had gone to RBKC  
 13 governance, and they'd briefed the councillors, and  
 14 obviously Laura had, and I think it was just one of  
 15 those — her behaviour at that time was becoming  
 16 difficult. I don't always see it as the same as her  
 17 raising complaints with Grenfell.  
 18 Q. Some people reading this email might think this was  
 19 an attempt to prevent Councillor Blakeman from raising  
 20 her concerns to the housing and property scrutiny  
 21 committee, of which she was a member.  
 22 A. Yeah, and I think she and the chair communicated about  
 23 it. And it's really their committee, it's not my  
 24 committee in terms of the Chair managing these issues.  
 25 Q. If we go up to page 1 {RBK00003662/1}, there is an email

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1 from you to Councillor Feilding—Mellen where you do get  
 2 involved.  
 3 A. Yes.  
 4 Q. Yes, and you say at the foot of page 1, 11 May:  
 5 "Dear Councillors  
 6 "Thank you for sharing this. I have spoken to our  
 7 Company Secretary and she has spoken to RBKC Governance  
 8 services and we are advised of the following.  
 9 "Having spoken to RBKC Governance they highlighted  
 10 what the rules are around conflicts of interest because  
 11 Cllr. Blakeman should be declaring her interest as a  
 12 member of the TMO Board when any declarations are  
 13 requested."  
 14 It goes on, over the next page {RBK00003662/2}:  
 15 "The Committee should be deciding whether her  
 16 interest is significant to preclude her from  
 17 participating in the discussions (in this case, her  
 18 interest is conflicted two-fold, she is the elected  
 19 member for the area under consideration and she is  
 20 a board member of the company being scrutinised, she  
 21 cannot be using her powers on the committee to force her  
 22 own needs).  
 23 "In addition, if the points she raises in the emails  
 24 below have been passed to the Committee (which at this  
 25 point, they have), she is now in breach of her duties as

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1 a Director of KCTMO and I would be required to draw this  
 2 to the attention of the TMO Board."  
 3 Then in the final paragraph:  
 4 "Any statements made by Cllr. Blakeman about what  
 5 and how the TMO Board undertook its review should not be  
 6 entertained as it is not the committee's power or duty  
 7 to question how the TMO Board runs its processes so long  
 8 as it is undertaking what has been requested i.e.  
 9 a review and presenting its findings officially."  
 10 Then in the email above that, if you just go higher  
 11 up page 1, we can see that there is an email to you from  
 12 Tasnim Shawkat, who is the director of law at LBHF and  
 13 RBKC, and for Westminster City Council:  
 14 "Thank you for your email. The only comment I would  
 15 make is that it is not for the Committee but for  
 16 Cllr Blakeman to decide whether she has a conflict or an  
 17 interest and take the appropriate action."  
 18 Now, just tell me, how long had Judith Blakeman  
 19 occupied the roles both of TMO board member and  
 20 councillor member of the HPSC? How long?  
 21 A. It might be seven years.  
 22 Q. Yes. In all that seven years, do you recall whether  
 23 this question of conflict of interest had ever arisen  
 24 until this time?  
 25 A. I think sometimes it had come up in the past, but in the

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1 sense it wasn't pursued.  
 2 Q. Was this the first time that you had spoken to RBKC  
 3 governance about the potential for conflict and the need  
 4 for declaration of interest?  
 5 A. Yes, because it had been raised by my company secretary.  
 6 Q. Right.  
 7 A. So the email you read out was reviewed and drafted by my  
 8 company secretary based on our rules of operation.  
 9 Q. What was it that was happening in May 2016 that should  
 10 give rise to these concerns that had never been  
 11 escalated to such an extent in the past?  
 12 A. I think it was a mixture of her behaviour at board and  
 13 outside the board.  
 14 Q. Because it was inherent, as I put to you before, that  
 15 she would be always scrutinising the very board of the  
 16 very company that she would be on, merely by dint of the  
 17 fact that she was on the housing and property scrutiny  
 18 committee.  
 19 A. But lots of times she — they didn't, the board members  
 20 at that — my TMO board members didn't contribute to the  
 21 discussion on that.  
 22 Q. Can we go to {TMO10015898}. This is the TMO board code  
 23 of conduct. It's a document that runs over some eight  
 24 pages, but let's just look at it before I ask the  
 25 question.

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1 There is part 1, which is "General conduct and  
 2 behaviour", and then over on page 2 {TMO10015898/2},  
 3 "Obligations and responsibilities", "Declaring and  
 4 handling interests", and "Conduct of meetings",  
 5 et cetera.  
 6 Are you able to tell us what part of the code of  
 7 conduct Councillor Blakeman was allegedly in breach of?  
 8 A. Could you push it up a bit, please?  
 9 Q. Yes, of course. Where do you want to see? Are you  
 10 familiar with this document?  
 11 A. Yes, I was.  
 12 Q. Yes. Let's go back to page 1 {TMO10015898/1}.  
 13 A. No, that's fine, I was just actually ...  
 14 Q. Yes.  
 15 (Pause)  
 16 A. I think there was a bit of 4 and 5. I can't recall  
 17 completely.  
 18 Q. No.  
 19 Let me try it this way: as a board member, do you  
 20 accept that it was proper for her to scrutinise and  
 21 criticise the board as a body if she thought it was  
 22 doing something wrong?  
 23 A. Well, I don't think that's what the rule said.  
 24 Q. No, you're right about that, but I'm asking you as  
 25 a point of general principle.

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1 From what you know of the way in which the board  
 2 functioned, was it wrong for a board member to criticise  
 3 the board that she sat on?  
 4 A. Well, I think that's the rules of the board that she sat  
 5 on.  
 6 Q. And as a councillor, was she not entitled properly to  
 7 raise concerns with RBKC about the board on which she  
 8 sat?  
 9 A. Well, I think that's really how she chose to do that.  
 10 Q. If this was a concern about her conflict as between  
 11 membership of the HPSC and the TMO board, why were you  
 12 involved?  
 13 A. Why was I — well, it had been raised by my company  
 14 secretary in the first place, who had raised it with  
 15 RBKC, and then it got sort of passed to me, in a sense,  
 16 which I agree wasn't as comfortable for me as you'd  
 17 think.  
 18 Q. Well, I can imagine. I mean, I'm really asking you why  
 19 you — who was, as it were, just the CEO — were  
 20 involved in questions of governance as between your  
 21 board on the one hand and RBKC scrutiny on the other?  
 22 Why was it anything to do with you?  
 23 A. Because I got dragged into it slowly.  
 24 Q. Okay. Could you not just have said, "Look, this is not  
 25 my battle and for me to sort out"?

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1 A. I could have done. It might have been more sensible.  
 2 Q. You see, wasn't it in your interests, though, to have  
 3 Judith Blakeman silenced because she was continually  
 4 raising, as we've seen, concerns, ill — feeling on the  
 5 part of the residents of Grenfell Tower, and that's  
 6 really what lay behind this?  
 7 A. No, I don't think so. And again, it's hard for me —  
 8 there were 14 other board members who had views on this.  
 9 Q. Yes. But this building was in her ward and she was  
 10 close to the action, as it were.  
 11 A. Yeah.  
 12 Q. And she had been raising complaints on behalf of the  
 13 residents for years.  
 14 A. Which we'd responded to.  
 15 Q. Yes. My point is simply that she had a closer  
 16 geographical and perhaps political interest in it; but  
 17 why raise the question of conflict and declarations now,  
 18 just at the moment when the review of the Grenfell Tower  
 19 refurbishment is being produced to the  
 20 scrutiny committee?  
 21 A. I think, again, it was her behaviour which was causing  
 22 people concerns and I — it got left with me to deal  
 23 with.  
 24 MR MILLETT: Mr Chairman, I've come to the end of my  
 25 prepared questions. There are one or two I want just to

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1 revisit to see if I need to go over them. Might now be  
 2 an appropriate moment for the pre-final break, or the  
 3 final break?  
 4 SIR MARTIN MOORE-BICK: Yes. If you have reached the end of  
 5 the questions, subject of course to review, I think  
 6 that's the point at which we'll have a break. I think,  
 7 given the importance of this witness, I'm going to say  
 8 3.20. That ought to be plenty of time for you and  
 9 others to --  
 10 MR MILLETT: Well, there has been an intervening weekend in  
 11 which --  
 12 SIR MARTIN MOORE-BICK: There has, but that doesn't always  
 13 mean that people don't have suggestions to make --  
 14 MR MILLETT: No, it doesn't.  
 15 SIR MARTIN MOORE-BICK: -- I'm afraid.  
 16 MR MILLETT: Let's try 3.20, and if I get a request for  
 17 longer --  
 18 SIR MARTIN MOORE-BICK: Well, then, we will consider it  
 19 carefully, obviously.  
 20 Mr Black, you probably know this, but when counsel  
 21 reaches the end of his questions, or what he thinks are  
 22 the end of his questions, we have a break to give him  
 23 a chance to check he has not left anything out, and also  
 24 to give others who are following the proceedings from  
 25 other places a chance to make suggestions for further

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1 questions.  
 2 So we will have a break now. We'll come back,  
 3 please, at 3.20, and then we will see if there are any  
 4 further questions that we need to put to you. All  
 5 right?  
 6 THE WITNESS: Okay. Thank you.  
 7 SIR MARTIN MOORE-BICK: Again, as before, please don't talk  
 8 to anyone about your evidence while you're out of the  
 9 room.  
 10 THE WITNESS: Okay.  
 11 SIR MARTIN MOORE-BICK: Thank you very much.  
 12 (Pause)  
 13 3.20, then, Mr Millett. If you do need more time,  
 14 you will let us know in the usual way.  
 15 MR MILLETT: Yes, Mr Chairman, thank you.  
 16 (3.03 pm)  
 17 (A short break)  
 18 (3.20 pm)  
 19 SIR MARTIN MOORE-BICK: Right, Mr Black. Well, we will see  
 20 if there are any more questions for you.  
 21 Mr Millett.  
 22 MR MILLETT: Yes, there are, I think.  
 23 Now, we'd discussed the question earlier of bad  
 24 blood, and I asked you what your explanation for all the  
 25 bad blood was, why the residents of Grenfell Tower felt

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1 so particularly hard done by. Do you recall that  
 2 exchange --  
 3 A. Yes.  
 4 Q. -- just this afternoon?  
 5 You said there were a number of different threads to  
 6 it, and you, I think, in your answer mentioned the test  
 7 of opinion that you had to do and the residents' survey,  
 8 which you will recall, from the end of 2015.  
 9 Do you agree that it was 86% of the 3,420 residents  
 10 who voted, who actually voted?  
 11 A. Okay, thank you.  
 12 Q. Yes?  
 13 A. Yes, I think -- as far as I recall.  
 14 Q. Do you remember you met Laura Johnson in October 2013  
 15 and there was a discussion about that? Do you remember  
 16 that?  
 17 A. I'd have to be guided by you.  
 18 Q. Right. Well, let's look at a document,  
 19 {RBK00059570\_T/58}.  
 20 Now, this is a note -- well, can you tell me what  
 21 this is? It says "Robert 18/10/13", "Test of opinion".  
 22 Just help me, were there tests of opinion every year  
 23 or every two years?  
 24 A. There was a right to manage every year and I think the  
 25 test of opinion was every three or four years, as far as

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1 I remember. The last one was in 2013.  
 2 Q. You say the last one, the last one before --  
 3 A. The last one I was responsible for.  
 4 Q. Right. So this was the last test of opinion before the  
 5 discussion about an independent review arising as  
 6 a result of the dissatisfaction of the Grenfell  
 7 residents?  
 8 A. So the next test of opinion would have been some time in  
 9 2017.  
 10 Q. Yes, exactly.  
 11 If you look at this one, it says:  
 12 "33% of residents votes in test of opinion."  
 13 And then you can see the results, and then:  
 14 "Low turnout from members possibly due to having  
 15 a vote recently."  
 16 So the test of opinion you referred to in your  
 17 answer this afternoon in fact resulted in a low turnout  
 18 and presumably not a very representative sample.  
 19 A. Sorry, I disagree fundamentally.  
 20 Q. Oh, do you?  
 21 A. What that means is a low turnout from our members. So  
 22 33% of people turning out across a borough to vote for  
 23 an organisation against comparisons with other ones is  
 24 pretty good. But what that means is actually within  
 25 that 33%, the mass majority weren't members, they were

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1 non—members, people who hadn't joined the TMO, which is  
 2 the whole point of the test of your opinion, because  
 3 every year you test your members, but every four years  
 4 you test your non—members as well. So in a sense,  
 5 therefore, it was actually a very strong position that  
 6 actually so many non—members took the time to vote.  
 7 Secondly, I think there had been — I don't know if  
 8 it was elections had been that — not — been a bit  
 9 closer, so that's sort of what we thought, why  
 10 memberships hadn't voted as much.  
 11 Q. It says 33% of residents' votes —  
 12 A. Across the borough.  
 13 Q. Was that not the low turnout being referred to here?  
 14 A. No, it's about low turnout of members of the TMO,  
 15 because if you break down — I can't remember the  
 16 details, there are details, where we can always provide  
 17 for you at a later stage, but the mass majority of  
 18 people who voted were non—members.  
 19 Q. Now, on a different topic, we discussed this morning  
 20 the council identifying the need for the TMO to become  
 21 involved in RBKC's regeneration priorities in order, in  
 22 part, to meet the funding shortfall.  
 23 A. Yeah, sorry, can you say that again? I missed that.  
 24 Q. Yes, we had a discussion this morning, you gave some  
 25 evidence this morning, about the TMO becoming involved

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1 in RBKC's regeneration priorities, in part as a means of  
 2 meeting the funding gap.  
 3 A. Yes.  
 4 Q. Yes, and you referred to that this morning.  
 5 Do you agree that the TMO was keen to stay within  
 6 budget because that was a key priority for RBKC when it  
 7 came to the Grenfell Tower project?  
 8 A. Yes.  
 9 Q. Yes. During the project, when residents who were  
 10 dissatisfied with these works were refusing access and  
 11 asking for meetings, do you remember that you wanted to  
 12 agree a strategy which would deliver the project on time  
 13 and within budget and protect your reputation from the  
 14 risks of exceeding both?  
 15 A. Well, I think, again, remember, it was a board project,  
 16 it wasn't mine, because it exceeded my sort of funding,  
 17 so therefore actually it was the board, in terms of  
 18 actually protecting them, that it's delivered on time.  
 19 The other key thing there is if it wasn't going to  
 20 be delivered on time and it was going to be overbudget,  
 21 you would have to go back to RBKC, so the board had to  
 22 understand that before, you know, you actually went  
 23 overbudget, because you didn't have the authority to do  
 24 that.  
 25 Q. Do you agree, trying to shorten this, that you saw as

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1 key risks for the TMO a failure to deliver the  
 2 Grenfell Tower project on time and within budget?  
 3 A. I think those were risks, yeah.  
 4 Q. Yes, and failure on both or either of those — is this  
 5 right? — would be seen as a reputational risk for the  
 6 TMO, certainly so far as its position with RBKC was  
 7 concerned?  
 8 A. Yes.  
 9 Q. Yes. Was that more important than resident  
 10 satisfaction?  
 11 A. No. They were just one of a range of risks we had.  
 12 Q. We talked about petitions and I asked you about the  
 13 frequency of receiving petitions, given that two had  
 14 come along at the same time —  
 15 A. Yes.  
 16 Q. — at the end of 2015. You will recall that.  
 17 A. Yes.  
 18 Q. Do you recall there was also a petition in  
 19 September 2010 which had been delivered as a result or  
 20 partly as a result of the fire at Grenfell Tower in  
 21 April 2010?  
 22 A. I can't recall, apologies.  
 23 Q. And there was also one delivered, do you remember, in  
 24 2013, after or as a result of the power surges or  
 25 refurbishment? Do you remember those?

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1 A. I have a vague memory of — I mean, I know the power  
 2 surges. I can't remember particularly a petition.  
 3 Q. Right.  
 4 When the petition arrived in December 2015, did that  
 5 not trigger a recollection that you had actually  
 6 received one two years or two and a half years previous  
 7 to that, also from Grenfell Tower —  
 8 A. No.  
 9 Q. — and also arising out of an event which had caused  
 10 fire?  
 11 A. No, apologies.  
 12 Q. You don't.  
 13 Did the fact that two of these petitions, the one in  
 14 2013 and the one in 2015, had been signed by more than  
 15 60 residents, 60 plus, raise concerns about how  
 16 widespread the dissatisfaction was among Grenfell Tower  
 17 residents at that time?  
 18 A. I can't recall, apologies.  
 19 Q. Do you remember a petition being served on RBKC in  
 20 relation to the gas risers in 2017?  
 21 A. Is that the National Grid work?  
 22 Q. Yes.  
 23 A. Yes, I believe —  
 24 Q. Yes, and that had been signed by over 90 residents,  
 25 hadn't it?

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1 A. As far as I recall, yes.

2 Q. Yes. So you had had petitions with large numbers of  
3 signatories on in 2010, 2013, 2015 and 2017, all on the  
4 subject of safety, and specifically the subject of  
5 fire safety.

6 Did that range of petitions not at some point prior  
7 to the fire ring an alarm bell with you so as to prompt  
8 the question in your own mind: something is wrong with  
9 fire safety at Grenfell, these residents don't feel  
10 safe?

11 A. Well, certainly the last one with the National Grid,  
12 I do understand that, I can understand people's concerns  
13 around that, as we were concerned as well.

14 In terms of the petition round the — sorry, the  
15 power surges, I can understand that as well, because  
16 it's a frightening situation, and as we investigated, it  
17 was clear, confirmed, that actually again it was  
18 an infrastructure company, LDF, whose equipment wasn't  
19 working.

20 So sometimes — so that's two petitions that got  
21 started off because of other companies of which I in  
22 principle didn't have a contract with and their  
23 equipment had failed, and I think that just sort of goes  
24 back to some of your earlier questions in terms of when  
25 you have older buildings, these infrastructure issues

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1 can cause problems. So ...

2 Q. And —

3 A. So if you take those two out, you've got two petitions.  
4 That's what I was trying to say.

5 Q. Right.

6 Now, Mr Black, we have visited a lot of material  
7 over the last two and a half days and we have covered  
8 a lot of ground, and you have been asked to search in  
9 your memory for a lot of different events and give a lot  
10 of explanations.

11 Standing back from it all, and looking at the matter  
12 now with the benefit of hindsight, is there anything  
13 that you would have done differently?

14 A. I think I'd just like to say that it's been incredibly  
15 difficult to look back over such a long period and  
16 remember everything, so I think partly I'd — I wish  
17 sometimes my answers may have been clearer, so  
18 I apologise for that.

19 I personally — you know, if we could have changed  
20 things so there hadn't been a fire, I would. Certainly  
21 wouldn't have put the cladding on if I knew that  
22 situation. And I think I can only pass my condolences  
23 to the people who have lost loved ones and survived and  
24 managed to escape.

25 There's not much more I can say at the moment,

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1 Chair.

2 MR MILLETT: Well, Mr Black, it only remains for me to thank  
3 you very much for coming to the Inquiry and assisting us  
4 with our investigations. We are extremely grateful to  
5 you, so thank you very much.

6 SIR MARTIN MOORE-BICK: Mr Black, I would like to thank you  
7 very much on behalf of all the members of the panel.

8 It's very important that we hear from people like  
9 yourself who were closely involved in the events leading  
10 up to the fire, and it's very helpful to us to have  
11 heard what you have to say, and thank you very much for  
12 coming to give your evidence.

13 THE WITNESS: Thank you.

14 SIR MARTIN MOORE-BICK: Now you're free to go.

15 THE WITNESS: Thank you.

16 (The witness withdrew)

17 SIR MARTIN MOORE-BICK: Yes, Mr Millett, thank you.

18 Now ...

19 MR MILLETT: Thank you, Mr Chairman. So that is the  
20 evidence for the day. We don't have a witness  
21 immediately ready to come and give evidence this  
22 afternoon, but we have one tomorrow morning at  
23 10 o'clock.

24 SIR MARTIN MOORE-BICK: Good.

25 MR MILLETT: There is a further TMO witness, and I think

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1 Mr Kinnier will be taking him.

2 SIR MARTIN MOORE-BICK: Right, thank you. Then we will  
3 close the proceedings for today. We will resume  
4 tomorrow morning at 10 o'clock, then, please.

5 Thank you very much.

6 (3.35 pm)

7 (The hearing adjourned until 10 am  
8 on Tuesday, 29 June 2021)

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