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| <p>1 Wednesday, 6 June 2018</p> <p>2 (10.00 am)</p> <p>3 SIR MARTIN MOORE-BICK: Good morning, everyone.</p> <p>4 We are going to continue hearing opening statements</p> <p>5 from various core participants, and this morning we are</p> <p>6 going to begin with Mr Menon, who is appearing on behalf</p> <p>7 of Mr Kebede.</p> <p>8 Opening statement on behalf of Mr Kebede of Flat 16</p> <p>9 by MR MENON</p> <p>10 MR MENON: Good morning.</p> <p>11 Behailu Kebede had been living in flat 16 on the</p> <p>12 fourth floor of Grenfell Tower for some 25 years when,</p> <p>13 not long before 1 am on 14 June last year, he was awoken</p> <p>14 by a beeping sound. It was coming from the kitchen. He</p> <p>15 realised it must be the smoke alarm.</p> <p>16 He opened the kitchen door and looked inside for</p> <p>17 just a few seconds. What he saw was smoke. It seemed</p> <p>18 to be coming from behind his Hotpoint fridge freezer.</p> <p>19 It seemed to be spreading upward and outward. He did</p> <p>20 not see any flames.</p> <p>21 Mr Kebede acted quickly and instinctively. He</p> <p>22 grabbed his mobile phone from the living room and</p> <p>23 dialled 999. He was not able to connect immediately; he</p> <p>24 had to make a number of calls before he was actually</p> <p>25 able to speak to an operator.</p> <p style="text-align: center;">Page 1</p>  | <p>1 outside the lifts: he telephoned the Fire Brigade on 999</p> <p>2 and informed the operator that there was a fire at</p> <p>3 flat 16, Grenfell Tower, London, W11 1TG; he left his</p> <p>4 flat promptly, shutting the door behind him; and he used</p> <p>5 the stairs to go down and exit the building.</p> <p>6 Indeed, Mr Kebede went further than the fire action</p> <p>7 notice instructed. To his enormous credit, he also made</p> <p>8 sure that everybody else on the fourth floor had been</p> <p>9 warned about the fire, and only when he believed that</p> <p>10 nobody else was left on the floor did he himself leave</p> <p>11 and make his way downstairs.</p> <p>12 When he got outside, Mr Kebede anxiously awaited the</p> <p>13 arrival of the Fire Brigade. When they got there soon</p> <p>14 after, he immediately told a firefighter what he had</p> <p>15 seen in his kitchen. A number of firefighters then</p> <p>16 entered the tower and headed upstairs for the fourth</p> <p>17 floor.</p> <p>18 To his horror, Mr Kebede watched as, a few minutes</p> <p>19 later and despite the efforts of the firefighters, the</p> <p>20 fire managed to exit his flat in the vicinity of the</p> <p>21 kitchen window, take hold of the external facade and</p> <p>22 spread upwards on the east side of the building with</p> <p>23 great speed and fury. Mr Kebede took a number of</p> <p>24 photographs and videos on his mobile phone, all of which</p> <p>25 he later gave the police.</p> <p style="text-align: center;">Page 3</p>   |
| <p>1 Meanwhile, he banged on the bedroom doors of his</p> <p>2 flatmates, Almaz Kinfu and Elsa Afeworki, and shouted</p> <p>3 "Fire, fire, fire!" He then banged on the front doors</p> <p>4 of the five other flats on the fourth floor. He waited</p> <p>5 until somebody opened each door and again shouted,</p> <p>6 "Fire, fire, fire!"</p> <p>7 Having warned all his neighbours on the fourth</p> <p>8 floor, Mr Kebede returned to flat 16, switched off the</p> <p>9 main electricity switch in the hallway and put on some</p> <p>10 trousers. He left his home for the very last time,</p> <p>11 shutting the front door behind him. All he had on his</p> <p>12 person were the clothes he was wearing and the mobile</p> <p>13 phone with which he was calling 999. He left barefoot</p> <p>14 without any shoes. He left without his wallet, his flat</p> <p>15 keys and his car keys. He took the stairs down and</p> <p>16 exited the building.</p> <p>17 He did not pack a suitcase and leave with it after</p> <p>18 raising the alarm, a nasty lie that was first reported</p> <p>19 in the days after the fire and sadly continues to be</p> <p>20 pedalled nearly a year later, most recently in a lengthy</p> <p>21 article called "The Tower" published in the 7 June 2018</p> <p>22 issue of the London Review of Books.</p> <p>23 In short, Behailu Kebede did exactly what</p> <p>24 Grenfell Tower residents who discovered a fire in their</p> <p>25 flat were told to do by the fire action notice posted</p> <p style="text-align: center;">Page 2</p> | <p>1 He desperately wanted to do more to help his</p> <p>2 neighbours and friends, but what practically could he</p> <p>3 do? He felt utterly helpless.</p> <p>4 Subsequently, as we know, the fire continued to grow</p> <p>5 and spread on all four sides, externally and internally,</p> <p>6 eventually consuming the entire building.</p> <p>7 Later that morning, Mr Kebede received a phone call</p> <p>8 from the police asking him to attend the police station</p> <p>9 for interview. Notwithstanding that he had just had the</p> <p>10 most shocking, frightening and traumatic experience of</p> <p>11 his life, he did not hesitate and went straight to the</p> <p>12 police station and answered all their questions in the</p> <p>13 course of two separate interviews. Since then, he has</p> <p>14 been approached on a number of further occasions by the</p> <p>15 police and has fully co-operated at all times.</p> <p>16 It is important to stress, given all the garbage</p> <p>17 that has been written about him this past year, that</p> <p>18 Mr Kebede is a significant witness in the police</p> <p>19 investigation and not a criminal suspect.</p> <p>20 In the days following the fire at Grenfell Tower,</p> <p>21 whilst trying to comprehend the enormity of what had</p> <p>22 transpired, whilst trying to grieve for his friends and</p> <p>23 neighbours who had perished in the fire, whilst trying</p> <p>24 to cope with increasing distress, anxiety, trauma and</p> <p>25 insomnia, whilst trying to allay the understandable</p> <p style="text-align: center;">Page 4</p> |

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| <p>1 feelings of guilt he was experiencing given the fire had<br/>                 2 seemingly started in his kitchen, Mr Kebede was<br/>                 3 subjected to a campaign of what can only be described as<br/>                 4 harassment by sections of the media.<br/>                 5 Journalists turned up at his partner's home trying<br/>                 6 to doorstep him. He was bombarded with calls and texts<br/>                 7 from journalists offering him large amounts of money to<br/>                 8 sell his story. Even his Facebook friends were offered<br/>                 9 money to facilitate a meeting with him. When he refused<br/>                 10 to engage with the media or accept their money, old<br/>                 11 photos of him, taken years ago whilst he was on holiday,<br/>                 12 were downloaded from Facebook and reproduced in several<br/>                 13 tabloid newspapers without any explanation, as if he was<br/>                 14 enjoying himself in the aftermath of the fire.<br/>                 15 There was one particularly offensive article in the<br/>                 16 Daily Mail that seemed to scapegoat Mr Kebede for the<br/>                 17 fire itself. Within 24 hours, that one article was the<br/>                 18 subject of over a thousand complaints to the press<br/>                 19 watchdog from members of the public.<br/>                 20 The calamitous events at Grenfell Tower and the<br/>                 21 subsequent media intrusion have had serious consequences<br/>                 22 for Mr Kebede and his family. His partner and children<br/>                 23 felt unsafe in their home and were forced to move out.<br/>                 24 The police were so concerned about Mr Kebede's safety<br/>                 25 that they suggested witness protection, relocation and</p> <p style="text-align: center;">Page 5</p> | <p>1 Now, before I move on and make some observations<br/>                 2 about the inquiry, it's important that I address and<br/>                 3 clarify several matters about Mr Kebede's long life at<br/>                 4 Grenfell Tower before the fire changed his life forever.<br/>                 5 Prior to the refurbishment that began in 2012,<br/>                 6 Mr Kebede loved living at Grenfell Tower. It was his<br/>                 7 first real home in the UK after he moved here from<br/>                 8 Ethiopia. He was so happy to be given accommodation by<br/>                 9 the council. He loved the strong bonds between the<br/>                 10 tower's residents, who came from all parts of the world.<br/>                 11 He loved the neighbourhood. He loved his spacious flat.<br/>                 12 He took great pride in furnishing it himself.<br/>                 13 The refurbishment, however, was another matter<br/>                 14 altogether. Mr Kebede was not happy and nobody he knew<br/>                 15 in the tower was happy. There was no consultation.<br/>                 16 There were many problems and complaints. Mr Kebede<br/>                 17 personally had problems with incorrectly fitted double<br/>                 18 glazed windows that left gaps between the frames and the<br/>                 19 concrete, and with the removal of his old boiler and the<br/>                 20 installation of his new one. Many of his neighbours<br/>                 21 experienced multiple electrical problems that were<br/>                 22 apparently due to power surges.<br/>                 23 Mr Kebede attended a number of residents' meetings<br/>                 24 in the community hall next to the tower and elsewhere.<br/>                 25 What he never knew, however, was that a highly flammable</p> <p style="text-align: center;">Page 7</p> |
| <p>1 a change of name.<br/>                 2 Without going into any detail, Mr Kebede's health<br/>                 3 has been so severely affected that he feels terrified --<br/>                 4 I use that word advisedly -- about the prospect of being<br/>                 5 compelled to give oral evidence to this inquiry.<br/>                 6 Consequently, we are most grateful for the<br/>                 7 indication that Mr Millett gave in his opening statement<br/>                 8 that Mr Kebede's lengthy written witness statement will<br/>                 9 be read into the record in a fortnight's time and,<br/>                 10 unless it proves necessary and his health permits it,<br/>                 11 Mr Kebede will not be required to give oral evidence<br/>                 12 in September when the other bereaved, survivors and<br/>                 13 residents are called.<br/>                 14 Finally on the topic of media intrusion, following<br/>                 15 the playing of the 999 call that he made on Monday,<br/>                 16 there has been a renewed injection of press and public<br/>                 17 interest in Mr Kebede. The same photographs of<br/>                 18 Mr Kebede have been used yet again.<br/>                 19 Can I please use this opportunity to ask everyone,<br/>                 20 but in particular the press, to leave Mr Kebede alone.<br/>                 21 He is a good man. He did nothing wrong; on the<br/>                 22 contrary, he did the right thing from start to finish.<br/>                 23 Now he wants privacy for himself and his family. He<br/>                 24 just wants to be given the opportunity to try and<br/>                 25 rebuild his life as best as he can.</p> <p style="text-align: center;">Page 6</p>   | <p>1 fuel had been used to insulate and clad the exterior of<br/>                 2 the tower as part of the refurbishment.<br/>                 3 Much has been written and said about Mr Kebede's<br/>                 4 Hotpoint fridge freezer. Conspiracy theories and<br/>                 5 rumours abound. So let me make the position absolutely<br/>                 6 clear.<br/>                 7 There are seven points I wish to make:<br/>                 8 1. Mr Kebede bought the fridge freezer brand new<br/>                 9 over five years before the fire.<br/>                 10 2. Other than when the fridge freezer needed<br/>                 11 defrosting, it never caused him any problems.<br/>                 12 3. He never had to get it repaired by anybody else,<br/>                 13 neither did he ever repair it or try to repair it<br/>                 14 himself.<br/>                 15 4. Any speculation to the effect that the fridge<br/>                 16 freezer had been tampered with or subjected to<br/>                 17 an unauthorised DIY repair is palpable nonsense.<br/>                 18 5. Whatever the precise cause or origin of the fire<br/>                 19 in Mr Kebede's kitchen, it was accidental and Mr Kebede<br/>                 20 bears no responsibility, directly or indirectly, for the<br/>                 21 fire, its spread or the dreadful consequences that<br/>                 22 followed.<br/>                 23 6. If the fire did begin in the fridge freezer, it<br/>                 24 is worth noting that, contrary to popular belief,<br/>                 25 accidental fires in fridges and freezers are not</p> <p style="text-align: center;">Page 8</p>  |

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| <p>1 uncommon. Every year in the UK there are around 300<br/>                 2 domestic fires involving a fridge or a freezer, with<br/>                 3 a number of common failures within the appliances<br/>                 4 leading to ignition. In a particularly tragic case in<br/>                 5 2011, six members of a family of eight, including five<br/>                 6 children, died in a fire at their home in Neasden when<br/>                 7 the capacitor adjacent to the compressor in their<br/>                 8 Whirlpool freezer failed and caught fire.<br/>                 9 7. Finally, the consumer body Which? has recently<br/>                 10 carried out the largest industry-wide investigation in<br/>                 11 the UK into fridges and freezers on the market and found<br/>                 12 that many of the most popular products are potentially<br/>                 13 unsafe and could put lives at risk. The London Fire<br/>                 14 Brigade has also stated that many manufacturers are<br/>                 15 still dragging their heels on making fire safety<br/>                 16 improvements to fridges and freezers.<br/>                 17 In the circumstances, we entirely agree with<br/>                 18 Mr Millett that, in many respects, the cause and origin<br/>                 19 of the fire may not be of primary importance, and that<br/>                 20 the more pressing question from the perspective of the<br/>                 21 public interest and public safety is how the fire<br/>                 22 penetrated the exterior envelope of the building from<br/>                 23 Mr Kebede's kitchen and thereafter spread so rapidly and<br/>                 24 ferociously.<br/>                 25 We hope that Dr Duncan Glover's report on the</p> <p style="text-align: center;">Page 9</p> | <p>1 Grenfell Tower into what has been properly characterised<br/>                 2 by others as a highly combustible deathtrap; decisive<br/>                 3 findings as to which corporate and governmental core<br/>                 4 participants caused or contributed to an entirely<br/>                 5 foreseeable and preventable catastrophe in which a fire<br/>                 6 confined to a single compartment within the building was<br/>                 7 able to spread so easily and so quickly in multiple<br/>                 8 directions inside and outside the building with such<br/>                 9 devastating consequences.<br/>                 10 On a more personal note, sir, Mr Kebede hopes that,<br/>                 11 having heard all the evidence, the inquiry will make<br/>                 12 a clear and unequivocal statement that Mr Kebede was<br/>                 13 absolutely blameless for the outbreak of the fire, its<br/>                 14 spread and its fatal consequences. This is vitally<br/>                 15 important. If the inquiry does not explicitly exonerate<br/>                 16 Mr Kebede, all the sleazy accusations and hurtful<br/>                 17 innuendo, all the racism assumptions and ignorance about<br/>                 18 Mr Kebede that currently prevail will continue unabated.<br/>                 19 The inquiry needs to set the record straight. The<br/>                 20 inquiry needs to change the narrative about<br/>                 21 Behailu Kebede. The inquiry needs to thank Mr Kebede<br/>                 22 for the prompt efforts that he made on the night to<br/>                 23 contact the Fire Brigade, raise the alarm and warn his<br/>                 24 neighbours. Sitting on the fence in respect of<br/>                 25 Mr Kebede, with the greatest respect, will not do.</p> <p style="text-align: center;">Page 11</p> |
| <p>1 electric appliances in flat 16, including the Hotpoint<br/>                 2 fridge freezer, will put this matter to rest once and<br/>                 3 for all.<br/>                 4 Turning, then, to the inquiry.<br/>                 5 Unsurprisingly, Mr Kebede's hopes are similar to<br/>                 6 those of the other bereaved, survivors and residents.<br/>                 7 They are similar to what was so movingly and powerfully<br/>                 8 articulated by so many who spoke during the<br/>                 9 commemorations.<br/>                 10 The commemorations, we must not forget, when first<br/>                 11 proposed by lawyers for the bereaved, were met in some<br/>                 12 quarters with scepticism and even opposition, but<br/>                 13 ultimately they were embraced and rightly put the<br/>                 14 bereaved and the survivors at the very heart of this<br/>                 15 inquiry.<br/>                 16 Mr Kebede hopes that the inquiry, having heard all<br/>                 17 the evidence, will deliver real justice for the 72 who<br/>                 18 died, their families and those who survived the fire,<br/>                 19 and real accountability. He hopes that, despite being<br/>                 20 prohibited from determining criminal or civil liability,<br/>                 21 the inquiry will nevertheless make decisive findings and<br/>                 22 recommendations that will allow others to infer such<br/>                 23 liability; decisive findings as to which corporate and<br/>                 24 governmental core participants were responsible for<br/>                 25 those aspects of the refurbishment that transformed</p> <p style="text-align: center;">Page 10</p>  | <p>1 In 2013, The Guardian published an article by<br/>                 2 a leading commentator entitled, "Politicians who demand<br/>                 3 inquiries should be taken out and shot". In short, the<br/>                 4 article argued that inquiries defer blame; they throw<br/>                 5 the ball into the long grass and kick the can down the<br/>                 6 road. They merely replace the straight, sure arrow of<br/>                 7 accountability with the crooked line of pseudo-justice.<br/>                 8 They are the establishment's get-out-of-jail card.<br/>                 9 On behalf of Behailu Kebede, we hope that these<br/>                 10 words are not prophetic and that the author of this<br/>                 11 article is wrong insofar as the inquiry into the<br/>                 12 Grenfell Tower fire is concerned.<br/>                 13 So far, the governmental and corporate core<br/>                 14 participants whose conduct is under scrutiny, who are in<br/>                 15 the frame for criticism, so to speak, have been playing<br/>                 16 games with the inquiry. They have been getting away, to<br/>                 17 be frank, with daylight robbery. Some have disengaged<br/>                 18 or barely engaged, as if by doing so they might slip<br/>                 19 through the net. Those who have engaged have served<br/>                 20 mealy-mouthed position statements and opening statements<br/>                 21 that say nothing of real value. None of them have taken<br/>                 22 any responsibility whatsoever for their role in the<br/>                 23 creation of the highly combustible deathtrap that was<br/>                 24 the refurbished Grenfell Tower.<br/>                 25 Their strategy is clear: keep your head down, say as</p> <p style="text-align: center;">Page 12</p>         |

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| <p>1 little as possible, express sympathy, admit nothing,<br/>                 2 pass the buck, pretend it is all very complicated,<br/>                 3 minimise reputational damage and financial loss.<br/>                 4 Enough, we say. Enough.<br/>                 5 The time has come for action. The time has come to<br/>                 6 take away, by any means necessary and available to this<br/>                 7 inquiry, the get-out-of-jail card that has been played<br/>                 8 so ruthlessly until now, otherwise the inquiry, like the<br/>                 9 Dame Hackitt Review, will prove another wasted<br/>                 10 opportunity, if not worse.<br/>                 11 Finally, I turn to Mr Khan's bold submission<br/>                 12 yesterday that the terms of reference of the inquiry<br/>                 13 should be extended to include consideration of whether<br/>                 14 race, religion or social class had any bearing on what<br/>                 15 led to the loss of life at Grenfell Tower.<br/>                 16 There was a tangible discomfort in the room<br/>                 17 yesterday when Mr Khan spoke about race and class, the<br/>                 18 proverbial elephant in the room. For what it's worth,<br/>                 19 we agree with Mr Khan. However, given your refusal<br/>                 20 in August last year, sir, to broaden the scope of the<br/>                 21 inquiry despite widespread support from those most<br/>                 22 affected by the fire, we are realistic about the<br/>                 23 prospects of you changing your mind now.<br/>                 24 At the end of the day, whether you alter the terms<br/>                 25 of reference or not, there are certain stark,</p> <p style="text-align: center;">Page 13</p>        | <p>1 and I expect it to continue in that way. I'm not<br/>                 2 willing to tolerate shouting, calling-out or anything<br/>                 3 else from those in the room.<br/>                 4 I say it now because it's the first occasion on<br/>                 5 which it's happened, but I want to make that very clear.<br/>                 6 Out of respect for the proceedings and for the person<br/>                 7 addressing me, and to enable me to understand clearly<br/>                 8 what's being said, it's essential that you all keep<br/>                 9 yourselves under control and hear the speaker in<br/>                 10 silence.<br/>                 11 Thank you very much.<br/>                 12 I'm sorry, Mr Menon. Continue.<br/>                 13 MR MENON: It is no coincidence that the vast majority of<br/>                 14 the residents of Grenfell Tower were first or second<br/>                 15 generation migrants and refugees, the remaining<br/>                 16 residents being largely local people with long-standing<br/>                 17 roots in the North Kensington area. Amongst the 72 who<br/>                 18 died, 23 different countries or more were represented.<br/>                 19 So race and class are at the heart of the Grenfell<br/>                 20 story, whether we like it or not, whether the inquiry<br/>                 21 acknowledges it or not, whether the terms of reference<br/>                 22 are extended or not. Consequently, we say what happened<br/>                 23 at Grenfell Tower in the early hours of 14 June last<br/>                 24 year was as political as it gets and symbolic of a deep<br/>                 25 inequality in our society.</p> <p style="text-align: center;">Page 15</p> |
| <p>1 irrefutable facts that one simply cannot ignore about<br/>                 2 the underlying social, economic and political reality<br/>                 3 and conditions that culminated in 71 people dying from<br/>                 4 smoke and fire in a high-rise residential building, and<br/>                 5 a 72nd person dying a few months later, in one of the<br/>                 6 richest boroughs, in one of the world's great cities, in<br/>                 7 one of the richest countries, in the 21st century.<br/>                 8 It is no coincidence that this fire occurred in<br/>                 9 a building consisting of social housing and former<br/>                 10 social housing purchased under the Right to Buy scheme,<br/>                 11 and not in one of the many posh, swanky high-rise<br/>                 12 residential buildings around London that cater to the<br/>                 13 extremely wealthy.<br/>                 14 It is no coincidence that this fire occurred in<br/>                 15 a building owned by a Tory flagship borough that has<br/>                 16 been at the forefront of promoting austerity, cuts and<br/>                 17 deregulation and prioritising business and profit over<br/>                 18 health and safety.<br/>                 19 FROM THE FLOOR: Justice for Grenfell.<br/>                 20 SIR MARTIN MOORE-BICK: Just a minute.<br/>                 21 That's the first occasion on which anyone has<br/>                 22 thought it right to try and interrupt the proceedings.<br/>                 23 Now, you all know that so far these proceedings have<br/>                 24 been conducted with a great deal of dignity and<br/>                 25 sensitivity on the part of all those in the hearing room</p> <p style="text-align: center;">Page 14</p> | <p>1 This inquiry must speak truth to power and hold<br/>                 2 those responsible accountable. Anything less would be<br/>                 3 an insult to the bereaved and the survivors.<br/>                 4 Thank you.<br/>                 5 SIR MARTIN MOORE-BICK: Thank you very much.<br/>                 6 Now, I'm sorry, we don't have applause either.<br/>                 7 These are formal proceedings; we just listen quietly and<br/>                 8 let the speaker take his course.<br/>                 9 Now, thank you very much, Mr Menon.<br/>                 10 Mr Thomas, I think you are going to address us next;<br/>                 11 is that right?<br/>                 12 Yes, when you are ready.<br/>                 13 Opening statement on behalf of BSRs (G10) by MR THOMAS<br/>                 14 MR THOMAS: "As long as poverty, injustice and gross<br/>                 15 inequality persist in our world, none of us can truly<br/>                 16 rest."<br/>                 17 Those are the words of Nelson Mandela.<br/>                 18 I'd like to take this opportunity, if I may, to<br/>                 19 offer my personal condolences to everyone touched by<br/>                 20 this tragedy. Also, to my brave clients: I know you<br/>                 21 carry a heavy burden and I'm here to share that burden<br/>                 22 with you.<br/>                 23 Sir, I am instructed on behalf of 23 clients,<br/>                 24 including survivors, bereaved, family members and loved<br/>                 25 ones. The various firms of solicitors who instruct we</p> <p style="text-align: center;">Page 16</p>   |

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| <p>1 are Duncan Lewis, Hudgell Solicitors, James Solicitors<br/>2 and Saunders Solicitors. Assisting me are junior<br/>3 counsel Ms Thalia Maragh and Mr Jamie Burton, and<br/>4 I thank them for their assistance with this opening<br/>5 statement.<br/>6 This opening statement is made on behalf of the<br/>7 deceased, survivors, families and victims in the group<br/>8 known as G10. Mr Mike Mansfield QC will also be<br/>9 addressing you, sir. We have ensured that our topics do<br/>10 not overlap.<br/>11 Too many tears have been shed since the tragedy of<br/>12 this fire on 14 June last year. Many tears were shed<br/>13 last week during the pen portraits. No doubt by the end<br/>14 of this inquiry, enough will have been shed for a mighty<br/>15 river of sorrow to flow. Lost lives, lost loves, lost<br/>16 opportunities. We do not want one tear to have been<br/>17 shed in vain. We do not want one life to have been<br/>18 wasted without proper recourse to justice. We do not<br/>19 want one soul to have been lost to this world without<br/>20 any meaning.<br/>21 So, on behalf of the families, the survivors, the<br/>22 dead, we will not permit or stand idly by and allow the<br/>23 wretched souls lost on that fateful night to have passed<br/>24 without a proper accounting for their lives, which were<br/>25 prematurely extinguished by toxic smoke, fumes and fire.</p> <p style="text-align: center;">Page 17</p>                           | <p>1 considered. However, we must not lose sight of the<br/>2 primary issues. Let's turn to them.<br/>3 The refurbishment. We say this: those responsible<br/>4 for allowing this situation to get to the stage where 72<br/>5 souls were lost in the most horrendous and awful way<br/>6 should hang their heads in collective shame. Not only<br/>7 was there the tragedy of death, but also, let us not<br/>8 forget that many people were injured both physically and<br/>9 mentally and an entire community became homeless from<br/>10 this building and the surrounding area.<br/>11 There are many important questions that arise.<br/>12 Needless to say it is absolutely imperative that this<br/>13 inquiry identifies the failures that caused the loss of<br/>14 life and the terrible harm to others. Equally<br/>15 important, all those responsible must be held to<br/>16 account.<br/>17 One of our clients said that the refurbishment<br/>18 changed the building from being an ugly, safe council<br/>19 block to a deathtrap that looked like a pretty, private<br/>20 block. Whilst those responsible for the refurbishment<br/>21 may dispute just how unsafe they made Grenfell Tower, it<br/>22 is incontrovertible that the tower was intentionally<br/>23 rendered significantly less safe by the introduction of<br/>24 highly flammable material to its structure and exterior.<br/>25 We do not yet know everything about what happened,</p> <p style="text-align: center;">Page 19</p>  |
| <p>1 Chairman, you and your team have to understand, as<br/>2 I'm sure you do, that our duty is to those who died,<br/>3 those who survived, their families, their loved ones and<br/>4 their friends, but also to the wider community, because<br/>5 they collectively demand of us to pursue doggedly,<br/>6 fearlessly and determinedly the truth, the whole truth<br/>7 and nothing less than the truth as to what happened on<br/>8 that night.<br/>9 So, sir, have no doubt, dangerous practices will be<br/>10 exposed in this inquiry, and we hope that you and your<br/>11 team will have the courage to stand alongside us to<br/>12 expose wrongdoing where wrongdoing exists.<br/>13 To that end we want this inquiry to focus on the<br/>14 recent refurbishment and the cladding of the building;<br/>15 the inadequacies of the fire measures; the gross<br/>16 mismanagement of the building by Kensington and Chelsea<br/>17 Tenant Management Organisation -- that's a mouthful, so<br/>18 I'm going to refer to them as KCTMO -- and others; and<br/>19 also, but not least, the treatment of ordinary citizens<br/>20 by what I will describe as "the corporates" and public<br/>21 bodies alike.<br/>22 Let me turn to the firefighters.<br/>23 There has, in the openings by others, been criticism<br/>24 of the firefighters' capabilities and their reaction on<br/>25 the night. That is something that undoubtedly will be</p> <p style="text-align: center;">Page 18</p> | <p>1 but it would seem that this fact was never communicated<br/>2 to the London Fire Brigade. The fire safety of several<br/>3 hundred people deliberately compromised in their own<br/>4 homes, and yet the public servants ultimately<br/>5 responsible for protecting them in the event of fire are<br/>6 simply never told, still less consulted.<br/>7 Moreover, sir, as Barbara Lane notes, at no time did<br/>8 an independent public official interrogate and conduct<br/>9 due diligence of the corporate decision-making that<br/>10 ultimately led inexorably and predictably to the<br/>11 prioritisation of profit over safety.<br/>12 Leaving aside for now any ambiguities in the<br/>13 regulatory regime and the culpability of those involved,<br/>14 this is an alarming state of affairs. By design,<br/>15 complacency, error or all of these, the state palpably<br/>16 failed in its primary duty to protect its citizens. And<br/>17 as for the corporates, silence speaks a thousand words.<br/>18 The state may have failed to protect the residents<br/>19 of Grenfell from dangerous cost cuts and penny pinching,<br/>20 but have no doubt, the inquiry will not stop there, for<br/>21 we shall not let it. Any attempt to mislead, distract,<br/>22 rewrite history or blame others in an attempt to conceal<br/>23 the truth will be met with unwavering resistance.<br/>24 Sir, once you've heard the evidence, you may<br/>25 conclude that for too long representatives of the</p> <p style="text-align: center;">Page 20</p> |

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| <p>1 corporate sector have encountered a state too willing to<br/>                 2 bow to their demands, too susceptible to manipulation in<br/>                 3 favour of their interest, unwilling or ill-equipped to<br/>                 4 stand firm behind the public interest in the face of<br/>                 5 corporate greed. The state has permitted a culture of<br/>                 6 corporate impunity to take root.<br/>                 7 Sir, whilst the extinction of this culture is beyond<br/>                 8 the powers of any single person or any judge, you and<br/>                 9 your team can surely contribute to its dismantling by<br/>                 10 joining us in ensuring that, by holding those<br/>                 11 responsible for this terrible fire, this inquiry marks<br/>                 12 the beginning of the end.<br/>                 13 The warnings from the occupants and mismanagement,<br/>                 14 if I can turn to that.<br/>                 15 The role of KCTMO is significant. It had accepted<br/>                 16 a management role and was funded by the local authority.<br/>                 17 The failure of KCTMO to engage with the residents of<br/>                 18 Grenfell Tower and action their concerns about the<br/>                 19 safety of the building exemplifies this erosion of the<br/>                 20 state's social obligation to the residents.<br/>                 21 In March 2017, Mr Shah Ahmed, the chair of the<br/>                 22 leaseholders' association, asked the Royal Borough of<br/>                 23 Kensington and Chelsea to conduct a full health and<br/>                 24 safety audit of Grenfell. He delivered a full dossier<br/>                 25 to Kensington and Chelsea just two weeks before the</p> <p style="text-align: center;">Page 21</p> | <p>1 Sir, it is in your power, your gift, to grant this.<br/>                 2 Remember, sir, that these good people were not listened<br/>                 3 to when their justifiable and legitimate concerns were<br/>                 4 raised, and they seek your reassurance that the mistakes<br/>                 5 of the past will not be repeated here.<br/>                 6 But, sir, you need not worry. The questions that we<br/>                 7 will ask will not be repetitious or irrelevant.<br/>                 8 I assure you they will be pointed, proper and pertinent.<br/>                 9 It is important that our clients feel and see that they<br/>                 10 have equality of arms in this hearing. Your trust in us<br/>                 11 will not be abused.<br/>                 12 The stigmatisation of social housing, if I can turn<br/>                 13 to that.<br/>                 14 Sir, I wonder if you will permit me to share with<br/>                 15 you one of life's ironies, coincidences or some may well<br/>                 16 say quirks.<br/>                 17 It may not have escaped your attention that I am of<br/>                 18 African-Caribbean descent. Both my parents were part of<br/>                 19 that Windrush generation that came here to the UK in the<br/>                 20 very early 1960s as British dependants to assist in the<br/>                 21 rebuilding of the motherland, looking to improve their<br/>                 22 own lives, to create opportunities for their children,<br/>                 23 which I'm very grateful to my mum and dad for. Many of<br/>                 24 the Grenfell occupants made similar journeys, like my<br/>                 25 parents.</p> <p style="text-align: center;">Page 23</p>  |
| <p>1 fire. He repeatedly asked KCTMO to provide and carry<br/>                 2 out a fire drill and query the absence of any fire<br/>                 3 safety advice for the residents of the tower.<br/>                 4 The Grenfell fire tower is what happens when<br/>                 5 ordinary people are ignored. It is a direct consequence<br/>                 6 of that failing.<br/>                 7 Proper participation in this inquiry, if I can turn<br/>                 8 to that.<br/>                 9 Allied to this, we trust and hope that during this<br/>                 10 inquiry, we -- that is the lawyers representing the<br/>                 11 families, the survivors, the dead -- will be permitted<br/>                 12 to ask proper and relevant questions and we are mindful<br/>                 13 to remind this inquiry that should the residents,<br/>                 14 bereaved and survivors not be allowed to ask proper and<br/>                 15 relevant questions through and by their own counsel,<br/>                 16 this inquiry has the danger of having the perception of<br/>                 17 becoming a whitewash.<br/>                 18 If the residents, bereaved and survivors are told,<br/>                 19 "You cannot ask questions through your own lawyers in<br/>                 20 this inquiry", that perception will be perpetuated.<br/>                 21 A powerless group of people will be rendered a voiceless<br/>                 22 group of people. Insult will be added to grave injury.<br/>                 23 A group that should be at the centre of this inquiry<br/>                 24 will find themselves at the periphery, marginalised once<br/>                 25 again, ignored.</p> <p style="text-align: center;">Page 22</p>  | <p>1 My parents came from different Caribbean islands and<br/>                 2 met in West London. They fell in love there. Their<br/>                 3 first home in this country was on the Latimer Road,<br/>                 4 within a stone's throw of the site where Grenfell Tower<br/>                 5 would later be constructed. They would later move to<br/>                 6 Talbot Road, just off Portobello Road, which is where<br/>                 7 I was born.<br/>                 8 Our landlord at the time was a gentleman known as<br/>                 9 Mr Ackman. Sir, in the 1950s and 1960s, this was a time<br/>                 10 where if you were a person of colour, it was extremely<br/>                 11 difficult to secure decent rented accommodation in the<br/>                 12 private sector. Rental advertisements and signs in<br/>                 13 people's windows were not particularly inviting or<br/>                 14 welcoming. Adverts were common: "Room to let, but no<br/>                 15 blacks, no Irish, no dogs". Remember, this was a time<br/>                 16 before this country had proper and effective<br/>                 17 anti-discrimination laws.<br/>                 18 Not all private landlords were unwilling to rent to<br/>                 19 people of colour; for some, the colour of your money was<br/>                 20 more important than the colour of your skin. However,<br/>                 21 with very little housing rights for tenants, many of the<br/>                 22 properties rented were not particularly fit for<br/>                 23 habitation or were in a poor state of repair, and<br/>                 24 tenants, particularly if you were a tenant of colour,<br/>                 25 had to tolerate this if you wanted to keep a roof over</p> <p style="text-align: center;">Page 24</p> |

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| <p>1 your head.</p> <p>2 Social housing outside the private sector was</p> <p>3 therefore extremely important for all people and, in</p> <p>4 particular, for people of colour. Because if you were</p> <p>5 a person of colour, sir, market choice was limited. It</p> <p>6 became vital.</p> <p>7 Life coincidences do not stop there. My parents</p> <p>8 were married in the local Notting Hill Methodist Church</p> <p>9 that now stands in the shadows of Grenfell. Sir, I'm</p> <p>10 sure you know that this is the very church which is</p> <p>11 doing such great work under the stewardship of the</p> <p>12 Reverend Mike Long and other community leaders for many</p> <p>13 of the victims of Grenfell and the local community. At</p> <p>14 this very moment, there is a live link in the church</p> <p>15 showing these proceedings. That is the very same church</p> <p>16 where I was baptised at the tender age of three months</p> <p>17 old.</p> <p>18 So, yes, I was born in the Grenfell area, although</p> <p>19 at the time of my birth the tower had yet to be</p> <p>20 constructed. That would not happen until, I believe,</p> <p>21 1974. So in a way, this case, this tragedy, this</p> <p>22 devastation, resonates with me on a very personal level.</p> <p>23 Sir, there is no inherent problem with tower blocks;</p> <p>24 they are the foundation of many strong neighbourhoods</p> <p>25 and communities. People enjoy living in them.</p> <p style="text-align: center;">Page 25</p>               | <p>1 replenish their stock. That process continued with the</p> <p>2 forced privatisation of much council housing across the</p> <p>3 country and the increased commodification of housing</p> <p>4 generally.</p> <p>5 Owning one's home was no longer enough; one had to</p> <p>6 get onto the housing ladder. A home has become not only</p> <p>7 a place in which to live but an investment opportunity.</p> <p>8 Transfer of public housing stock into private hands and</p> <p>9 simultaneously making the remaining council less well</p> <p>10 supported and appealing as an option.</p> <p>11 Of course, the inquiry will know that the stereotype</p> <p>12 does not match the reality of Grenfell Tower. This</p> <p>13 inquiry knows that the occupants of Grenfell Tower and</p> <p>14 the estate of which it was a part were mixed and as</p> <p>15 varied as the population of the great city in which we</p> <p>16 all live.</p> <p>17 A significant number of people in the tower owned</p> <p>18 their own homes, but the perception, sir, was still</p> <p>19 there: council housing is for those who fail in life,</p> <p>20 people who need to be managed, not embraced or admired,</p> <p>21 desperate people without the agency to improve their</p> <p>22 lives, the destitute, the disenfranchised, vulnerable</p> <p>23 and voiceless -- descriptions not of people themselves</p> <p>24 but of what society has done to them.</p> <p>25 This attitude and stereotyping is what allowed the</p> <p style="text-align: center;">Page 27</p>   |
| <p>1 Grenfell Tower was part of a strong and vibrant</p> <p>2 community in the Lancaster West Estate and North</p> <p>3 Kensington. The problem is with poorly-maintained tower</p> <p>4 blocks.</p> <p>5 We want to be clear that it is important not to</p> <p>6 stigmatise social housing or the people who live in</p> <p>7 social housing. Social housing is necessary for the</p> <p>8 provision of accommodation in this country, and the</p> <p>9 notion that the residents of Grenfell Tower deserved</p> <p>10 less and they were lesser citizens because they lived in</p> <p>11 social housing -- well, that simply needs to be</p> <p>12 debunked.</p> <p>13 This stigma, which undoubtedly exists, reflects</p> <p>14 recent political attitudes towards council housing and</p> <p>15 council tenants. Did you know in 1975 more than a third</p> <p>16 of the population was housed in council housing? This</p> <p>17 was a major achievement in the post-war reconstruction</p> <p>18 and improvement of pre-war housing conditions. It</p> <p>19 benefited the lives of many people.</p> <p>20 But a change was to come. By 1980, a rise in</p> <p>21 home-ownership was promoted by the introduction of the</p> <p>22 tenants' right to buy council housing, which of itself</p> <p>23 is unproblematic. However, the sale of council housing</p> <p>24 was accompanied by the simultaneous imposition of</p> <p>25 serious restrictions on the ability of councils to</p> <p style="text-align: center;">Page 26</p> | <p>1 cost-cutting and the deadly materials to become</p> <p>2 normalised. It also led to some appalling and false</p> <p>3 media reporting after the event, which exemplified the</p> <p>4 prejudice against those people who were living in</p> <p>5 council housing and tower blocks.</p> <p>6 But what I call prejudice that is based on</p> <p>7 socio-economic status, it is all based on false</p> <p>8 stereotypes and stigmatisation. It is deeply cultural</p> <p>9 as well as social. This inquiry is, of course, not only</p> <p>10 a legal process but a cultural and social event, whether</p> <p>11 or not that fact is fully embraced by this inquiry.</p> <p>12 It is imperative that the inquiry does not even</p> <p>13 inadvertently confirm the stereotypes around council</p> <p>14 housing, even when expressing sympathy with the victims</p> <p>15 of the fire. They were not helpless; they were just not</p> <p>16 helped.</p> <p>17 In concrete terms, the inquiry can also contribute</p> <p>18 to minimising the impact of the socio-economic</p> <p>19 disadvantage by recommending that section 1 of the</p> <p>20 Equality Act 2010 is finally brought into force, the</p> <p>21 public sector socio-economic duty. Had it been in</p> <p>22 force, sir, at the time of the refurbishment, it</p> <p>23 would've required the public bodies to have been</p> <p>24 involved in the refurbishment of Grenfell Tower to</p> <p>25 explain at the time why it was considered acceptable to</p> <p style="text-align: center;">Page 28</p> |

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| <p>1 recklessly cut costs when refurbishing a publicly-owned<br/>2 building in the richest borough in the sixth richest<br/>3 country in the world.<br/>4 Legacy beyond for council housing and fire risk, if<br/>5 I can turn to that.<br/>6 This inquiry's legacy can and should go beyond<br/>7 a focus on fire safety in tower blocks, essential as<br/>8 that is. The inquiry stands in a unique and<br/>9 unprecedented position to recommend that the right to<br/>10 adequate housing is enshrined in our law.<br/>11 It is a fact that the residents' concerns about the<br/>12 building in which they lived were not reflected in their<br/>13 legal rights. Despite paying their rent, they had<br/>14 absolutely no private law right to live in a safe and<br/>15 habitable home, free from imminent destruction,<br/>16 surprising as that may well be, but they only had<br/>17 a right to a home in a state of repair, and their<br/>18 ability to enforce even that right was undermined by the<br/>19 scarcity of Legal Aid. This must change.<br/>20 More than anything, the Grenfell Tower disaster was<br/>21 a profound breach of the universal human right to<br/>22 an adequate home. Unfortunately, whilst long since<br/>23 recognised as a human right in international law,<br/>24 successive UK governments have refused to incorporate<br/>25 the right into our domestic law and allow our courts to</p> <p style="text-align: center;">Page 29</p> | <p>1 Ahmed, the son of Eslah and brother of Mariem, said<br/>2 this:<br/>3 "There is a misconception that those living in<br/>4 social housing are simply a group of uneducated and<br/>5 second-class citizens that should be thankful for living<br/>6 in the Royal Borough of Kensington and Chelsea."<br/>7 However, the reality of the lives of many of the<br/>8 residents of Grenfell Tower shows otherwise.<br/>9 Gloria Trevisan was an architect. Mohamed Neda had his<br/>10 own chauffeur business for the last 10 to 15 years of<br/>11 his life. His son, Farhad Neda, graduated from Kingston<br/>12 University with a Bachelors in science and engineering.<br/>13 Mary Mendy was a carer and worked in the community. Her<br/>14 daughter, Khadija, was a talented artist at the very<br/>15 start of a very promising career. Pily Burton worked as<br/>16 a contract manager for several years for several<br/>17 hospitals in and around the area. Debbie Lamprell<br/>18 worked in the Holland Park opera house. Hamid Kani was<br/>19 a talented chef. And it goes on.<br/>20 The spirit of the Notting Hill Carnival following<br/>21 the fire embodied the spirit of the community, which is<br/>22 also clear when going through the 999 calls which were<br/>23 made on that night. They came together, that community,<br/>24 and sought refuge in the block to the very end. They<br/>25 may have had the crumbs from the table of the richest</p> <p style="text-align: center;">Page 31</p> |
| <p>1 uphold it.<br/>2 An adequate home is one that is not only in a state<br/>3 of repair, but also where the physical safety of the<br/>4 occupants is guaranteed. There can be little doubt that<br/>5 had the residents of Grenfell Tower been able to<br/>6 directly enforce their rights to an adequate home in<br/>7 court, then at least some of the fire risks that now we<br/>8 know were present on 14 June 2017 would have been<br/>9 identified and rectified before they came to pass with<br/>10 such awful consequences.<br/>11 An enforceable right to housing would ensure that<br/>12 this most basic of necessities for a fulfilling and<br/>13 healthy life would be protected for all, whatever the<br/>14 shortcomings in the law, policy or practice that<br/>15 regulates housing in this country. It would provide the<br/>16 ultimate fallback position.<br/>17 The inquiry stands in a unique and unprecedented<br/>18 position to recommend that the right to adequate housing<br/>19 is enshrined, and we commend that to you, sir.<br/>20 The people in the Grenfell community.<br/>21 It is important to remember that the people who live<br/>22 in the tower block are not members of a homogeneous<br/>23 group; they are reflective of the wider society and<br/>24 hardworking people who make a valuable contribution to<br/>25 our society.</p> <p style="text-align: center;">Page 30</p>   | <p>1 borough in the country, but they were nevertheless the<br/>2 strongest community.<br/>3 As we've heard from the testimony from the family<br/>4 members of the bereaved, friends and members of the<br/>5 Grenfell community, Grenfell and the residents captured<br/>6 the essence of community life.<br/>7 Flora Neda, Saber's wife, said this:<br/>8 "We are a close community at Grenfell Tower and our<br/>9 door was always open to our neighbours. Sadly, we have<br/>10 lost many friends and neighbours in the fire, including<br/>11 two young girls on our floor, who would regularly come<br/>12 into our flat to see us."<br/>13 The term "community" is used with positive, not<br/>14 negative connotations synonymous with<br/>15 disenfranchisement. The concept of a vertical village<br/>16 we suggest is apt, because it simply means that we are<br/>17 remembering a bygone age of an old-fashioned community.<br/>18 Grenfell was not a ghetto or an old people's home; it<br/>19 was a traditional community, diverse, vibrant, the loss<br/>20 of which is not just personal to many but to society as<br/>21 a whole. For Grenfell Tower was a mirror of our<br/>22 society, particularly our great capital city. It was<br/>23 not about one particular ethnic group or class. The<br/>24 Grenfell Tower tragedy has affected a wide range of<br/>25 people, ordinary people. Permit me to give you a few</p> <p style="text-align: center;">Page 32</p>                                  |

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| <p>1 examples.</p> <p>2 Raymond "Moses" Bernard, whose parents were part of</p> <p>3 the Windrush generation, was from Trinidad.</p> <p>4 Marjorie Vital, flat 162, who died along with her</p> <p>5 son Ernie. They came from the Caribbean island of</p> <p>6 Dominica, which is where my father came from.</p> <p>7 Denis Murphy was from Ireland.</p> <p>8 Mohamed Neda was from Afghanistan.</p> <p>9 Mary Mendy from the Gambia.</p> <p>10 Pily Burton from Spain.</p> <p>11 Zainab Deen, Sierra Leone.</p> <p>12 The Choucair family from Lebanon.</p> <p>13 Mohammad al-Haj Ali from Daraa, a city in</p> <p>14 southwestern Syria.</p> <p>15 Gloria Trevisan and Marco Gottardi in flat 202, they</p> <p>16 were Italian.</p> <p>17 Hamid Kani, he was from Tehran.</p> <p>18 Berkti Haftom was Eritrean.</p> <p>19 We agree with Mr Imran Khan QC that the terms of the</p> <p>20 inquiry should be broadened to deal with -- well, some</p> <p>21 refer to it as the elephant in the room; I refer to it</p> <p>22 as the blue whale in the room. To what extent did the</p> <p>23 fact that the residents were perceived to be</p> <p>24 predominantly poorer members of the borough contribute</p> <p>25 to this incident? That has to be looked at, sir. And,</p> <p style="text-align: center;">Page 33</p>  | <p>1 such questions is the very nature of the beast and</p> <p>2 purpose of the public inquiry.</p> <p>3 It is important, therefore, to recognise that this</p> <p>4 fire occurred at a time when there are issues of Legal</p> <p>5 Aid cuts, a time when there's an assault on rights and</p> <p>6 even the enforcement of rights in any event. The</p> <p>7 contract between the individual and the state is based</p> <p>8 upon enforceable rights. The method of enforcement has</p> <p>9 been lost to many less wealthy individuals.</p> <p>10 The very risk of fire is a very emotive thing for</p> <p>11 everyone. That is why this tragedy hit home for so many</p> <p>12 people up and down this country. There was nothing the</p> <p>13 residents could do. The tower was meant to be Building</p> <p>14 Regulations compliant, but it was obviously not. This</p> <p>15 incident raises issues across the country on every</p> <p>16 building where such cladding is being used, and we</p> <p>17 support the recommendation that there be a temporary ban</p> <p>18 on anything but A1 classified external cladding on new</p> <p>19 and existing buildings. As part of its legacy, this</p> <p>20 inquiry must seek to ensure that a zero-risk approach to</p> <p>21 fire safety in tower blocks prevails.</p> <p>22 Sir, you know, one of the most heartbreaking things</p> <p>23 that happened in this case is this: some of the</p> <p>24 residents on the top floor of Grenfell Tower had</p> <p>25 disabilities. Why on Earth were persons with</p> <p style="text-align: center;">Page 35</p>       |
| <p>1 sir, you cannot ignore race.</p> <p>2 The residents of Grenfell Tower and the Lancaster</p> <p>3 West Estate were left isolated by central government</p> <p>4 after this fire. It is difficult to believe there could</p> <p>5 be such inhumanity. It was the people of London, not</p> <p>6 local or central government, that initially responded to</p> <p>7 the Grenfell Tower tragedy.</p> <p>8 It should also not be forgotten that many people are</p> <p>9 still not housed and remain in temporary accommodation,</p> <p>10 battling with the authorities to be appropriately</p> <p>11 rehoused, and they are still being ignored.</p> <p>12 Additionally, many of the residents and survivors of</p> <p>13 the fire are and continue to suffer mental anguish and</p> <p>14 the effect of post-traumatic stress disorder caused by</p> <p>15 the horrors of the night and the aftermath of the fire.</p> <p>16 Our clients, victims, residents, the bereaved and</p> <p>17 survivors, are dignified people who have maintained</p> <p>18 their dignity, sir, despite this tragedy. They have</p> <p>19 placed a lot of trust in this inquiry. That trust has</p> <p>20 been front-loaded because this inquiry has yet to</p> <p>21 properly start. But there is no reason for our clients</p> <p>22 to believe that their trust is misplaced. We are sure</p> <p>23 that you will wish to repay that trust. They are merely</p> <p>24 seeking answers from this inquiry which will involve the</p> <p>25 asking of many difficult questions, but the asking of</p> <p style="text-align: center;">Page 34</p> | <p>1 disabilities which affected their mobility housed on the</p> <p>2 top floors, where in the event of fire there were no</p> <p>3 means of evacuation if the lifts failed? Think about</p> <p>4 it.</p> <p>5 Additionally, in terms of firefighters' response,</p> <p>6 there were no fire hoses long enough to extend from the</p> <p>7 ground to fight fires on those upper floors.</p> <p>8 Important questions to consider are: why was the</p> <p>9 refurbishment needed? Please do not misunderstand what</p> <p>10 we say about this. Everyone is entitled to a more</p> <p>11 aesthetically pleasing environment to live in; however,</p> <p>12 the question must be asked whether the refurbishment was</p> <p>13 simply about beautifying the tower. It is not lost that</p> <p>14 the building in its previous form may have been</p> <p>15 considered an eyesore to some of the wealthier residents</p> <p>16 in the borough of Kensington and Chelsea. Sir, it is</p> <p>17 a legitimate question to ask whether the money spent on</p> <p>18 the tower was not for the residents but for some of the</p> <p>19 wealthier people living in the borough so that the tower</p> <p>20 was made more aesthetically pleasing to them.</p> <p>21 This is not to suggest that poor people should live</p> <p>22 in ugly blocks, but the point is: beautifying at what</p> <p>23 cost? Were the materials used second rate? Yes.</p> <p>24 Everyone deserves to live in a nice home, but the way it</p> <p>25 was refurbished shows that it was not done with the</p> <p style="text-align: center;">Page 36</p> |

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| <p>1 welfare of the residents in mind.<br/>                 2 One of our clients, a Mr Bonifacio, was retired. He<br/>                 3 was elderly and blind. He lived on the 11th floor,<br/>                 4 which was previously the 8th floor before the<br/>                 5 refurbishment, and he had lived there for 36 years. He<br/>                 6 could work his way around before the refurbishment.<br/>                 7 However, there was no consultation with him about his<br/>                 8 needs, no proper signage or allowance for him and his<br/>                 9 disability as part of the process of the refurbishment.<br/>                 10 On the night of the fire, his daughter rang 999 at<br/>                 11 least four times: at 2.58.52, again at 3.57.28, at 4.41<br/>                 12 and at 5.31. She was told to get him out if he could.<br/>                 13 Think about it: blind, disabled. He could not, as it<br/>                 14 was. Let's reflect upon what that means: he was<br/>                 15 condemned to die.<br/>                 16 This leads to the next question: to what extent did<br/>                 17 fire safety regulations, fire safety guidance and<br/>                 18 evacuation procedure take into account the vulnerability<br/>                 19 of children, the disabled, the infirm?<br/>                 20 18 children died in that fire at Grenfell. The<br/>                 21 number of children who were trapped in the tower, as<br/>                 22 borne out in the 999 calls, whose ultimate fates were<br/>                 23 sealed as that fire raged, highlights the need for<br/>                 24 training, clear guidance and strict compliance with<br/>                 25 regulations around evacuation where the vulnerable and</p> <p style="text-align: center;">Page 37</p> | <p>1 Of course, there will always be accidents involving<br/>                 2 fire, but we can and must do more to minimise these<br/>                 3 risks. Every effort should be made to ensure that<br/>                 4 deaths by fires in these blocks are avoided.<br/>                 5 Sir, before concluding my remarks, I would wish to<br/>                 6 address you briefly on the panel.<br/>                 7 We welcome the Prime Minister's decision to appoint<br/>                 8 panel members to sit with you during Phase 2 of the<br/>                 9 inquiry. Given, however, the inexorable link between<br/>                 10 the evidence which will be heard during Phase 1 and<br/>                 11 Phase 2 to the cause of the fire and the disaster that<br/>                 12 unfolded on 14 June, we say it's imperative that the<br/>                 13 panel members are appointed at the earliest opportunity<br/>                 14 to enable them to hear the evidence in Phase 1. In<br/>                 15 particular, it's important that they hear the testimony<br/>                 16 of the true experts of the Grenfell fire; that is the<br/>                 17 residents and the survivors.<br/>                 18 We also press our call for the appointment of panel<br/>                 19 members with a true understanding of the ethnic and<br/>                 20 socially diverse community of Grenfell Tower.<br/>                 21 So, in concluding, our clients want the whole truth<br/>                 22 from this inquiry. If there was wrongdoing on the part<br/>                 23 of individuals, any corporate body or otherwise from top<br/>                 24 down, they want that wrongdoing properly scrutinised,<br/>                 25 fairly examined and rightfully exposed. This should all</p> <p style="text-align: center;">Page 39</p> |
| <p>1 children may be involved.<br/>                 2 We would expect the inquiry to investigate whether<br/>                 3 the fire service lacked adequate resources and direction<br/>                 4 when they attended this fire. Have cuts to the fire<br/>                 5 service or deregulation contributed to what happened<br/>                 6 last year?<br/>                 7 Take the following, namely the national fire<br/>                 8 training centre, the call centre and building control,<br/>                 9 all of which are examples of the effects of deregulation<br/>                 10 which played out on the night.<br/>                 11 If it is subsequently shown to be true that<br/>                 12 deregulation had an impact and contributed to the<br/>                 13 Grenfell fire, then everyone can understand that it adds<br/>                 14 to the outrage of the voiceless, their frustration and<br/>                 15 this fire's foreseeability. People loved living in<br/>                 16 Grenfell; they were entitled to feel and to be safe<br/>                 17 there.<br/>                 18 Firefighters do an important job and often put<br/>                 19 themselves at serious risk in doing it. But if we are<br/>                 20 to expect them to put their lives on the line for us,<br/>                 21 then the public can expect them to be trained and<br/>                 22 organised to the right and high standard and to be<br/>                 23 provided with the right equipment and resources. The<br/>                 24 public also can expect that landlords use proper<br/>                 25 building materials, that their residents are kept safe.</p> <p style="text-align: center;">Page 38</p>   | <p>1 be done in the most open way as is possible in the<br/>                 2 context of this inquiry, without any fear or favour.<br/>                 3 They want nothing less than the complete story in<br/>                 4 relation to the circumstances as to how 72 people were<br/>                 5 killed, told in an honest and unvarnished way.<br/>                 6 Sir, if wrongdoing is found, they want you, sir, to<br/>                 7 give a full report explaining how those deaths occurred,<br/>                 8 with recommendations to prevent similar fatalities<br/>                 9 occurring again in the future. This is the price that<br/>                 10 they ask for their trust in you.<br/>                 11 The public and our clients have a right to know that<br/>                 12 these deaths and losses have not been in vain. They<br/>                 13 want this so that they can at the very least know that<br/>                 14 lessons have been learnt, that out of this tragedy some<br/>                 15 good may occur and hopefully prevent others from<br/>                 16 suffering the pain that they have suffered.<br/>                 17 A profound respect for the sanctity of human life<br/>                 18 underpins our system of common law, as it underpins the<br/>                 19 jurisprudence under articles 1 and 2 of the European<br/>                 20 Convention on Human Rights. This not only means that<br/>                 21 the state must not unlawfully take life, but must also<br/>                 22 take appropriate legislative and administrative steps to<br/>                 23 protect lives.<br/>                 24 Sir, the purposes of this investigation, if I can<br/>                 25 just outline them very quickly:</p> <p style="text-align: center;">Page 40</p>                                       |

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| <p>1 To ensure as far as possible that the full facts are<br/>2 brought to light.<br/>3 That culpable and discreditable conduct is exposed<br/>4 and brought to public notice.<br/>5 That where there is suspicion of deliberate<br/>6 wrongdoing, even if it's unjustified, that is allayed.<br/>7 Dangerous practices and procedures are rectified and<br/>8 that those who have lost their relatives may at least<br/>9 have the satisfaction of knowing that lessons have been<br/>10 learned that may save the lives of others.<br/>11 Accordingly, sir, you and your team carry a huge<br/>12 burden on your shoulders during this inquiry and we are<br/>13 here to help you on that journey, to assist you to<br/>14 lighten your load.<br/>15 Let the words of the late Dr Martin Luther King be<br/>16 your guiding light through this inquiry:<br/>17 "Every step towards the goal of justice requires<br/>18 sacrifice, suffering, and struggle; the tireless<br/>19 exertions and passionate concern of dedicated<br/>20 individuals."<br/>21 Thank you.<br/>22 SIR MARTIN MOORE-BICK: Thank you very much indeed,<br/>23 Mr Thomas.<br/>24 Well, that's a convenient point to have a break so<br/>25 we'll stop now and resume at 11.30. Thank you very</p> <p style="text-align: center;">Page 41</p>   | <p>1 Now, to watch incineration almost like a global<br/>2 village go around the world so you actually see it<br/>3 occurring -- but those who are on the ground as well,<br/>4 and we've heard from them all -- well, nearly all of<br/>5 them. Certainly you may remember, in a somewhat<br/>6 unscripted remark, an observation on behalf of Gloria,<br/>7 Emanuela Disaro said that really she came without<br/>8 intending to say anything, but she felt the pain in the<br/>9 room. We all felt the pain in the room. The pain<br/>10 compelled her to speak. The pain compelled her to say,<br/>11 "In fact, I don't need to describe Gloria, because you<br/>12 all have, you've described Gloria, parts of Gloria".<br/>13 She was trapped on the top floor because she couldn't<br/>14 get out; the gate was locked. Along with many others<br/>15 who had been advised to go to the top and were left<br/>16 there.<br/>17 And she also said, movingly, "I don't bear hatred.<br/>18 I haven't come here to impart bitterness. I'm angry."<br/>19 In fact, they were all angry in their own way and that's<br/>20 a perfectly fair and legitimate response to<br/>21 the situation that they face.<br/>22 What they want is that anger to be harnessed by you<br/>23 and also everyone else to reach the truth. Well, that's<br/>24 an easy sort of statement to make in one sense; of<br/>25 course, accomplishing it and achieving it is quite</p> <p style="text-align: center;">Page 43</p>                       |
| <p>1 much.<br/>2 (11.17 am)<br/>3 (A short break)<br/>4 (11.40 am)<br/>5 Opening statement on behalf of BSRs (G10) by MR MANSFIELD<br/>6 SIR MARTIN MOORE-BICK: Now, Mr Mansfield, you are going to<br/>7 make a statement as well; yes?<br/>8 MR MANSFIELD: Yes, thank you very much. Good morning, sir.<br/>9 Good morning, ladies and gentlemen.<br/>10 So what I have to say today is really the concluding<br/>11 remarks of the bereaved and the survivors. I, together<br/>12 with Allison Munroe and Phillip Dale, represent the G10.<br/>13 I'm not going to go through the list you're familiar<br/>14 with. But the attempt at this moment is to in a way<br/>15 reflect and to summarise and draw out themes.<br/>16 But I do it for a purpose, and the purpose is<br/>17 derived somewhat organically very much from what has<br/>18 been happening over the past few weeks. Sitting there,<br/>19 day after day, listening to accounts that you never<br/>20 thought would reach you as far as they did because you<br/>21 weren't there, and then you were there, and then you see<br/>22 the film, as you did, and as you remarked yesterday, it<br/>23 doesn't matter how many times you see the film that is<br/>24 extant still, it shocks, because we all know that behind<br/>25 that window, someone is about to die.</p> <p style="text-align: center;">Page 42</p> | <p>1 another.<br/>2 But the response that she made, the anger that she<br/>3 felt, we would all hope infuses our objectives. And<br/>4 I want to stand back and ask, perhaps, on behalf of the<br/>5 families and the bereaved, for you to consider something<br/>6 which really hasn't been done in the past -- and it<br/>7 arises because of that feeling of anger they all have --<br/>8 to take you back to last June and July, because the<br/>9 force of the event which has caused that anger, quite<br/>10 rightly, led to an immediate reaction by the<br/>11 Prime Minister. You were very swiftly appointed to<br/>12 chair an inquiry, and the Prime Minister was anxious to<br/>13 ensure that the public were aware that there was going<br/>14 to be no stone left unturned to reach the truth.<br/>15 So there's the inquiry, as it were, commencing, in<br/>16 a sense, on that day, almost the day after. And then<br/>17 within a month or so, a bit less, you had recommended<br/>18 terms of reference which had been accepted -- I'll come<br/>19 back to them right at the end -- and you did an opening<br/>20 of the inquiry last September. So there was at that<br/>21 point an alacrity, there was a momentum, there was<br/>22 an impetus, because everybody recognised urgency in<br/>23 relation to this issue. And it's that urgency that<br/>24 I would put as a context for the suggestions that I have<br/>25 about the approach from now on.</p> <p style="text-align: center;">Page 44</p> |

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| <p>1 Of course, after that, or at least at that time but<br/>                 2 after it as well, you yourself, quite naturally -- and<br/>                 3 we say quite rightly -- were hoping to have the interim<br/>                 4 report done by Easter that's just gone by. And yet we<br/>                 5 haven't started even the evidence.<br/>                 6 Now, this is not a criticism; it is an attempt to<br/>                 7 forge out of these circumstances a rekindling of the<br/>                 8 need for urgency and the need for action. And the<br/>                 9 problem, if your inquiry takes the normal course, is<br/>                 10 that that anger and that need will become dissipated<br/>                 11 and, like so many other inquiries -- reference has<br/>                 12 already been made -- the risks are that it gets lost in<br/>                 13 the long grass, which would no doubt please a large<br/>                 14 number of people who have a lot to lose.<br/>                 15 But in a sense, reassurance to the public of the<br/>                 16 anguish that you felt over these two weeks and the anger<br/>                 17 that the families felt, the way in which that<br/>                 18 reassurance can be resurrected -- and as you know, that<br/>                 19 is not an easy task -- is in a number of ways, but the<br/>                 20 first way is in fact for the public on whose behalf you<br/>                 21 act, as well as the families, do not have to wait for<br/>                 22 recommendations that are obvious.<br/>                 23 Now, I appreciate, as do we all, that the common<br/>                 24 approach -- by which I mean the usual approach -- is for<br/>                 25 part 1 of an inquiry to have findings of fact. And in</p> <p style="text-align: center;">Page 45</p>                        | <p>1 shouldn't even wait for the interim report.<br/>                 2 Now, why do we say that? Because the interim report<br/>                 3 at the moment, with all best efforts -- and we do<br/>                 4 appreciate that a lot of work has been done by you and<br/>                 5 by your team assembling materials. We would like you to<br/>                 6 capitalise on that work, obviously in public, over the<br/>                 7 next one or two months. But, for example, it might be<br/>                 8 possible by the summer for you to begin to indicate or<br/>                 9 actually make recommendations which relate to the most<br/>                 10 obvious concerns that have already been raised by other<br/>                 11 representatives of the families. I will obviously spell<br/>                 12 out what they are and why we say you're in a position to<br/>                 13 do that.<br/>                 14 So, in other words, the statute does not prohibit<br/>                 15 you from making recommendations where you consider that<br/>                 16 they are vital for the safety of the nation, at least<br/>                 17 and certainly all those who live in tower blocks,<br/>                 18 whether they're social housing or not, because that's<br/>                 19 the big need, that's the big concern that people have<br/>                 20 day in, day out when they wake up: "Am I going to wake<br/>                 21 up alive or dead?" And this is not fantasy. It's not<br/>                 22 fantasy for the families who have been through it, as<br/>                 23 you've heard, and it's not fantasy for those who have<br/>                 24 been through it vicariously because they've watched it.<br/>                 25 So that sort of reassurance would be welcomed, one</p> <p style="text-align: center;">Page 47</p> |
| <p>1 a sense, I appreciate that's what you had intended to do<br/>                 2 and still intend to do. And, of course, you were<br/>                 3 commissioned, as it were, in the terms of reference and<br/>                 4 the letter of reference to make findings of fact as soon<br/>                 5 as possible, and make recommendations.<br/>                 6 Now, if it takes the usual course, then the question<br/>                 7 of recommendations might not arise in the part 1 report.<br/>                 8 The interim report will have statement of facts. So the<br/>                 9 first point we would make is: would you kindly<br/>                 10 reconsider that division? And we say reconsideration is<br/>                 11 essential because of the matters I'm going to put before<br/>                 12 you this morning, many of which have already been<br/>                 13 traversed. And I have no intention of delay and<br/>                 14 repetition where it can be avoided, but on occasion<br/>                 15 I will have to touch on subjects that have been covered.<br/>                 16 Of course, you had our written opening and most of those<br/>                 17 points have been made, so I'm not going to rehearse<br/>                 18 what's in the written opening, except one of two<br/>                 19 passages which haven't been touched on.<br/>                 20 Therefore, if you're prepared to consider<br/>                 21 recommendations at a much earlier stage, that in itself<br/>                 22 will encourage -- one hopes encourage -- those who have<br/>                 23 remained studiously silent in relation to these events.<br/>                 24 In a sense, the recommendations that we suggest you<br/>                 25 might like to consider at an earlier stage we say</p> <p style="text-align: center;">Page 46</p> | <p>1 would hope, by the Prime Minister and her various<br/>                 2 departments, as well as by the public.<br/>                 3 May I give you one illustration -- just one<br/>                 4 illustration -- of why we say this is actually<br/>                 5 an imperative. In the case -- and I hesitate because<br/>                 6 Hillsborough is constantly brought up, but it is<br/>                 7 an example -- of Hillsborough, Lord Justice Taylor held<br/>                 8 an inquiry, a public inquiry, within a month or so of<br/>                 9 what happened on the terraces, which of course everyone<br/>                 10 in this room and elsewhere is familiar with.<br/>                 11 But one of the things he did -- I leave out all the<br/>                 12 things that didn't happen, but one of the things that<br/>                 13 did happen was a sea change in the way in which crowd<br/>                 14 safety was approached. He didn't wait. He didn't want<br/>                 15 the government to wait. The whole thing was transformed<br/>                 16 by the beginning of the next season, which was only<br/>                 17 months away.<br/>                 18 So it's possible. And of course people know what<br/>                 19 the sea change was: it's all seating instead of<br/>                 20 standing. Now, that was a massive injection of money to<br/>                 21 change a culture which had grown up, a word that in fact<br/>                 22 Lord Justice Taylor used in relation to Hillsborough, of<br/>                 23 in a sense a culture of indifference, had grown up<br/>                 24 there. But he cut through that and he said, "This is<br/>                 25 what's going to happen if you're going to encourage</p> <p style="text-align: center;">Page 48</p>   |

1 safety, set the agenda, set the tone". And we would  
 2 suggest, humbly, of course, that you might consider that  
 3 in relation to the issues I want to raise.  
 4 May I just follow on from my colleague's recent  
 5 statement, Leslie Thomas, on the panel. I wanted to  
 6 touch on it at the end, but I'll touch on it now.  
 7 We would ask that whoever is going to be  
 8 appointed -- and as far as I know, no one has been --  
 9 the two extra panel members -- I pause for a moment.  
 10 Extremely important. This, too, rather like the pen  
 11 portraits, was something that had to be argued for. We  
 12 are grateful that the Prime Minister -- because we  
 13 realise it's not within your behest -- eventually  
 14 agreed. It took too long for that decision, a decision  
 15 that could have been made months ago. One wonders: was  
 16 it because of pressure? Was it because of a Judicial  
 17 Review? What do the families have to do to get very  
 18 simple aspects of reassurance and public confidence?  
 19 Well, it's happened. It could have happened  
 20 quicker, but it's not too late, we say, if you were  
 21 prepared -- I appreciate it's not for you to actually  
 22 appoint them -- but if they could be appointed to deal  
 23 with evidence from now on, that they sit alongside you,  
 24 because you may now see -- and no one would be critical  
 25 of any of us not seeing before the pen or personal

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1 portraits of the last two weeks -- just how deep-seated  
 2 and far flung the issues are.  
 3 As has been stated by others, this is not an inquiry  
 4 about a refrigerator or anything else of that dimension.  
 5 It is much bigger, and you will have noticed that of  
 6 course much of the opening that has been put before you  
 7 has in fact embraced the issues. So did the families.  
 8 There are social issues, social housing, and its, as it  
 9 were, tentacles that reach out into the community.  
 10 Therefore, we say the two extra panel members are  
 11 not because you can't do the job. No one is saying  
 12 that. What one is saying is this requires, from the  
 13 beginning, a diversity of panel that, again, has the  
 14 confidence of the public and the families, looking at  
 15 everything, including the possibility of early  
 16 recommendations.  
 17 Of course, that, in one breath, also includes the  
 18 suggestion yesterday from Mr Khan for broadening the  
 19 terms of reference. Again, that was another argument  
 20 put forward on behalf of the families that at that time,  
 21 for reasons -- one's not saying there weren't reasons --  
 22 it was thought at that time that it wasn't appropriate.  
 23 But flexibility is important, and you may think that  
 24 a reconsideration of that term of reference at this  
 25 juncture, having now heard the families and having heard

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1 openings on their behalf, in fact it would assist you  
 2 both to have the panel members and the terms extended to  
 3 deal with these particular aspects.  
 4 Now, what are the areas -- and I'm going to focus on  
 5 a few areas -- which we say are susceptible to early  
 6 recommendation without waiting for an interim report  
 7 that might itself not have recommendations?  
 8 Now, the time-line here is such that -- I hope I'm  
 9 not stepping out of line entirely here -- on the dates  
 10 we were given by your counsel a day or so ago, it  
 11 doesn't look as though you'd be in a position to have  
 12 the part 1 interim until perhaps the beginning of next  
 13 year. I hope that's a fair assessment.  
 14 Therefore, if it only contains findings of fact --  
 15 which cannot obviously be minimised, but if that's going  
 16 to concentrate on that -- Phase 2, which obviously  
 17 broadens out into areas of recommendation and  
 18 accountability and so on, is it fair to say it might be  
 19 another year after that before you get the report which  
 20 really the families are waiting for? They want to know  
 21 what happened but they actually want to know, of course,  
 22 why it happened, and that's linked to how it happened.  
 23 Therefore, if that time frame is right, it's too  
 24 long. Again, not critical, it's not casting blame; it's  
 25 just saying the process will take too long. This

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1 requires an exceptional approach of being willing to  
 2 say, "Well, there are certain things as I go along" --  
 3 or "we" if there's a panel alongside you at the time --  
 4 "We can see the merits of having these recommendations  
 5 spelt out now", because of course much of your work has  
 6 been in the public domain anyway by other groups of  
 7 people issuing reports left, right and centre. There's  
 8 hardly a day that goes by in which the media haven't got  
 9 hold of a report, although we're cautious because the  
 10 media can get it wrong, as Rajiv graphically  
 11 demonstrated.  
 12 May I then just pause before indicating the areas  
 13 where we suggest early recommendations would be  
 14 welcomed. There are essentially three that I am going  
 15 to concentrate on.  
 16 One relates to the culture. The culture of  
 17 compliance is one way it's been put by  
 18 Stephanie Barwise, and I'm going to use the word  
 19 "mindset". The need for a paradigm shift in mindset and  
 20 approach to home safety. In another sense, I suppose  
 21 it's Leslie Thomas's point about ensuring that at the  
 22 end of the day there should be a right to home safety  
 23 and security, because it can't be more basic than that.  
 24 So the first area I want to ask you to consider is  
 25 ways in which the mindset, which is undoubtedly there to

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1 this day, can be changed and influenced, and what can be  
2 done now to begin the process.  
3 That's the first one.  
4 The second area is identifiable safety measures that  
5 can be recommended now. We do not have to wait until  
6 the end for some of these to be considered. That is the  
7 negative and the positive, the removal of items and the  
8 insertion of measures.  
9 The third area is the stay-put policy.  
10 So those are the three areas where we say some  
11 recommendations can be made well in advance of the next  
12 two years and we don't need to wait.  
13 Now, in relation, therefore, to the first area --  
14 what has been called, as I say, the culture of  
15 compliance -- really I am going to read what is the  
16 introduction to our written opening statement. It's one  
17 of the few things I wish to read because, before I read  
18 it, may I say it beggars belief.  
19 The last time I read it -- and I've only read it  
20 once -- I asked those who heard it whether they knew  
21 anything about it, and it was interesting how few people  
22 had recognised that something of this nature had  
23 happened. It happened on the very morning  
24 of 14 June 2017, the day of the fire:  
25 "... while Grenfell Tower was still slow-burning,

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1 an exclusive, government-backed group of senior  
2 high-profile grandees from the world of politics and  
3 business, had arranged a meeting of experts to discuss  
4 the subject of 'cladding'.  
5 "The group was known as RTI -- or the 'Red Tape  
6 Initiative'. They had convened a few months earlier  
7 in April 2017. The group's objectives were clear: to  
8 dismantle EU regulations that were considered  
9 a hindrance to profit-making.  
10 "On May 10 2017, RTI produced a document entitled  
11 'The EU's impact on the UK housing and construction  
12 industry'. The group zeroed in on the Construction  
13 Products Regulation [the numbers are given] ... intended  
14 to harmonise the quality of construction materials,  
15 including external cladding across the EU, to ensure  
16 safety. This was a regulation designed to limit the  
17 generation and spread of fire and smoke -- regulation  
18 that has direct relevance for fires such as the one at  
19 Grenfell Tower.  
20 "Such was the thinking of the dominant power  
21 brokers, during the dying embers of Grenfell Tower. In  
22 this atmosphere, safety regulation was sneered at as  
23 'red tape folly'; and dismissed as 'expensive' and  
24 'burdensome'. Put simply, the prevailing orthodoxy was  
25 one of profit before safety."

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1 Effectively, profit before people.  
2 Now, one couldn't have made that up at all. It is  
3 incredible that, on that day, there were a group of  
4 people central to our society who had the arrogance and  
5 had the feeling of immunity and impunity that they could  
6 gather together to actually undermine safety because of  
7 those factors: some social, some economic, some  
8 political. I don't need to go further.  
9 That illustrates graphically how serious the problem  
10 was and still is. And we say it still is because  
11 they're all sitting here -- not the ones from the Red  
12 Tape Initiative, but the mindset sitting here, not  
13 essentially co-operating with this inquiry.  
14 Essentially, hostility to regulation, hostility to  
15 admission.  
16 We say that your inquiry is not going to founder on  
17 what they do, but our society requires an industry and  
18 a political class that are prepared to acknowledge  
19 failings, accept responsibility and, of course, here,  
20 disclose what has gone wrong, where it's gone wrong,  
21 when it went wrong and who was responsible. That has  
22 got to be a matter not just for you to dig around and  
23 find but for them who sit here to answer.  
24 It's a pity in a way -- if I digress for a moment --  
25 that the personal portraits that you kindly organised

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1 elsewhere weren't all in the same place. In other  
2 words, it might have benefited from an opening followed  
3 by the personal portraits, such that those who are being  
4 reluctant, reticent, passing the buck, whatever they're  
5 intending to do, could have seen the results of what  
6 happened in this tinderbox that they were responsible  
7 for at least refurbishing and in other respects.  
8 So we commend what happened in the last two weeks.  
9 It's been seen as a model for the future. We would ask  
10 that it is regarded as a model for the future, but in  
11 future, we would ask that it's all one venue, all one  
12 time, everybody is gathered together, because it's  
13 equally part of the evidence what happened over the last  
14 two weeks. It's not merely, obviously, a memorial. It  
15 is people living saying, "People have lost their lives,  
16 but my life has been lost". It's only when you realise  
17 that all record of their lives has gone because the  
18 photographs that were in the flats, they've all been  
19 burnt, there's nothing left. Then you realise.  
20 Then one would hope that the government agencies and  
21 the corporates would begin -- and I'm sure underneath  
22 there's a conscience lurking there somewhere, waiting to  
23 get out -- to respond to this situation, however enough  
24 on that particular thing, because unless that happens,  
25 there will be no change from that industry. We say

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1 there has to be change of that kind.  
 2 Now, what's the recommendation? Well, we say there  
 3 are two possible ways forward under this heading.  
 4 One is that so far the procedure, whether it's  
 5 position statements or openings, hasn't actually  
 6 produced much fruit in terms of the admissions or  
 7 acceptance or any of it, as has been rehearsed many  
 8 times before you. You've asked for a response  
 9 by September, and I think, as was said earlier on by  
 10 Mr Friedman, it's a rather generous extension of time.  
 11 The first point we suggest -- this is internally --  
 12 is that they are not left until the end of September.  
 13 They've had long enough already. They must know what  
 14 their positions are. They know full well what their  
 15 positions are. They don't want to declare them, but we  
 16 suggest a little bit of nudging and help from yourself  
 17 might just encourage them.  
 18 They might also be encouraged if they know that at  
 19 this stage you are minded to make certain  
 20 recommendations. Now, either they're going to be  
 21 a party to those or they're not.  
 22 The recommendation in this area we say is an obvious  
 23 one. Essentially, the construction industry have become  
 24 deregulated. There were regulations but they weren't  
 25 interested and they paid no attention; in fact, the few

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1 that were there they wanted to dismantle. So,  
 2 therefore, were you minded to make a recommendation by  
 3 the summer which is not outlandish, which is not  
 4 fantasy, which is not something which is unrealistic,  
 5 that the government considers a regulatory authority --  
 6 now, the Hackitt Review suggests this but it's not gone  
 7 far enough. The industry can't be left to  
 8 self-regulate; we know where that would end up: in  
 9 another Red Tape Initiative. So it can't be the  
 10 industry. It's got to be an independent, we say,  
 11 regulator, with essentially a department which includes  
 12 the inspection, investigation and enforcement of  
 13 a regime of regulation -- I'm not going into what the  
 14 regime should include, what the statute should include.  
 15 I am suggesting that at this stage if the government's  
 16 put on red alert that they need to be thinking about how  
 17 to do this as a backup to the Hackitt Review, but going  
 18 perhaps a little further, that might encourage some  
 19 hands to be put up, "Oh, we don't need that", "Why don't  
 20 we need it?" "Because" -- and then they might just slip  
 21 into the possibility of describing why they want it the  
 22 way it is.  
 23 So that's two of the points that we would make under  
 24 the first heading of changing the mindset and  
 25 essentially the regime of non-compliance with

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1 regulation.  
 2 May I then move to safety measures, that heading.  
 3 Now, again, I don't want to repeat all the many  
 4 points that have been made in considerable detail about  
 5 the way in which the fire spread. I'm going to, as it  
 6 were, home in on some extremely important points which  
 7 we say relate to urgency; in other words, the need for  
 8 some recommendations to be made straight away.  
 9 Again, it perhaps doesn't need to be underlined but,  
 10 on the other hand, maybe it does. In fact, so far as we  
 11 can ascertain at the moment, in relation to blocks that  
 12 have failed government fire tests -- now, of course,  
 13 there's a question on even whether the tests are  
 14 sufficiently stringent, but on the ones that are  
 15 there -- there are 306 blocks in the United Kingdom,  
 16 existing blocks, and according to Theresa May and her  
 17 department recently in May, 158 of those are social  
 18 housing blocks, and of the 158, on 104 they've started  
 19 removing the cladding.  
 20 Now, we say it just emphasises it's too slow. It's  
 21 too slow for this to be happening in this way. And once  
 22 again, one has a very interesting little cameo of what's  
 23 going on in the wings, even when it comes to the  
 24 removal, never mind prohibition. What happens? Because  
 25 some of these estates are in London, they're not all

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1 outside London, and I put in the written argument where  
 2 the ones are in London.  
 3 What is beginning to happen? I don't think a person  
 4 in this room can't guess. The owners are saying, "Oh,  
 5 oh, not us, management". Management is saying "No, no,  
 6 no, it's the owners". Sometimes they won't even reveal  
 7 who the owner is. Then they both get together and sit  
 8 down round the table, "No, no, we'll pass it over to the  
 9 tenants". So they're saying that the tenants have to  
 10 pay.  
 11 So in steps Theresa May saying, "Right, well, it's  
 12 taken all this time for this to come forward" -- this is  
 13 only last week or the week before -- "No, we're going to  
 14 provide £400 million to assist people to remove  
 15 cladding". And we're still talking about whether to ban  
 16 it or not? Well, we'll come to that.  
 17 However, we now learn that the £400 million promised  
 18 is not coming from a defence budget or somewhere else,  
 19 it's coming out of the social housing budget, such that  
 20 it's now being suggested the level of social housing  
 21 will be affected by removing that sum of money. Then  
 22 they go on the next day to say, no, it won't.  
 23 I'm not interested in the ins and outs. What one is  
 24 interested in is action should have been taken before.  
 25 It hasn't been. It's led to arguments about

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| <p>1 responsibility and that cannot be countenanced a day<br/>                 2 longer, if you were minded -- never mind the removal --<br/>                 3 to look at high-rise residents, and I am focusing on<br/>                 4 high-rise residents.<br/>                 5 Now, I mention it also in the same breath because<br/>                 6 sometimes one isn't totally aware of what's going on<br/>                 7 around you. But fairly recently, something called<br/>                 8 New London Architecture, NLA -- I have to confess, not<br/>                 9 on everyone's lips, but nevertheless -- has produced<br/>                 10 some very interesting figures. And there is<br/>                 11 an explosion at this moment of high-rise building in<br/>                 12 London. Never mind outside London, this is just London.<br/>                 13 There are 455 projected projects in 2016; now it's gone<br/>                 14 up to a record 510 high-rise buildings, that's high-rise<br/>                 15 as a whole. Over 20 storeys. Think about this -- it's<br/>                 16 Leslie Thomas's favourite phrase, think about it -- this<br/>                 17 is a situation where we're putting up buildings where we<br/>                 18 know we can't fight fires over 20 storeys at the moment.<br/>                 19 I'll come to what's possible.<br/>                 20 Some of these are already under construction and<br/>                 21 some of them are residential. There is one in the<br/>                 22 Isle of Dogs. I can give the names if necessary, but<br/>                 23 there are two particular ones: one is 233 metres high;<br/>                 24 it's more than three times the height, this residential<br/>                 25 building, of the one that you're dealing with at</p> <p style="text-align: center;">Page 61</p> | <p>1 So we would say -- given, of course, again, in the<br/>                 2 wings you've got the Hackitt -- that didn't go as far,<br/>                 3 anymore than it did on regulation -- if you're minded to<br/>                 4 consider the possibility of recommending to the<br/>                 5 government as they are presently floundering about<br/>                 6 whether they should ban it or not, you can see the need<br/>                 7 at least for a moratorium, as Mr Stein said earlier on.<br/>                 8 Now, I want in this context, if I may -- there is<br/>                 9 another reason why this is all extremely important,<br/>                 10 because of course it's possible to say, "Well, you know<br/>                 11 we didn't really know about this". Well, this is where<br/>                 12 we take issue a little. I'm not sure that we do<br/>                 13 fundamentally with Mr Millett's opening. Because he<br/>                 14 said something of considerable interest, more than one<br/>                 15 thing of considerable interest, but in relation to the<br/>                 16 nature of the fire he used the words "extraordinary".<br/>                 17 Agreed. He also used the word "unprecedented". Agreed.<br/>                 18 I'll come to two examples in a moment.<br/>                 19 Also, he says, of course, no fire officer, and we<br/>                 20 can understand from the statements, will come along and<br/>                 21 say that they've experienced it. But he quite rightly<br/>                 22 said that's not the question. That's not the question.<br/>                 23 The question is: was it foreseeable? Which he said,<br/>                 24 I think, he was going to come back to. But he didn't.<br/>                 25 I'm not saying on purpose; we all forget things, I shall</p> <p style="text-align: center;">Page 63</p> |
| <p>1 Grenfell, and another one, the name of which I can give<br/>                 2 if necessary, is 235 metres high.<br/>                 3 So, therefore, there is undoubtedly a need, as these<br/>                 4 buildings go up and before they're completed, to<br/>                 5 ensure -- we say this is where it becomes extremely<br/>                 6 important -- it's important that combustible material,<br/>                 7 whether its cladding or insulation or an envelope or<br/>                 8 other materials being used, are not used. It is of A1<br/>                 9 importance that you have non-combustible.<br/>                 10 One doesn't want to have scholastic arguments like<br/>                 11 how many angels on the head of a pin, non-combustible,<br/>                 12 is it limited -- no combustibility. However expensive<br/>                 13 that becomes, no combustibility in relation to high-rise<br/>                 14 residents and, one would hope, others as well.<br/>                 15 At this moment -- I think it's today, this very<br/>                 16 day -- the Royal Borough of Kensington -- and if there's<br/>                 17 someone here, they can probably correct me -- are voting<br/>                 18 as I speak on whether to replace fire doors so that<br/>                 19 you've got more resistant doors than the 15 minutes ones<br/>                 20 that were in place. Now, whether that vote takes place<br/>                 21 or whether it's passed, I know not. But it's taken<br/>                 22 a year to work out that the doors need to be replaced?<br/>                 23 Again, I just put it there if one needs any kind of<br/>                 24 illustration of the imperative need to address these<br/>                 25 issues now.</p> <p style="text-align: center;">Page 62</p>                 | <p>1 probably forget quite a bit on this. However,<br/>                 2 foreseeability, we say, is extremely central because it<br/>                 3 was foreseeable.<br/>                 4 Now, the two events that he cited -- I think he did<br/>                 5 and others have -- are the Second World War -- well,<br/>                 6 looking around the room, I'm about the only one who can<br/>                 7 remember the Blitz probably, and I'm not going into<br/>                 8 that, and I don't expect fire officers to remember the<br/>                 9 Blitz, obviously, where there were buildings on fire.<br/>                 10 But then Piper Alpha.<br/>                 11 Now, that's an extremely important coincidence.<br/>                 12 Coincidence: yesterday, in Aberdeen, as we hold our<br/>                 13 meeting here, there is another meeting going on. It is<br/>                 14 convened by the oil and gas industry and it's their<br/>                 15 annual safety conference. And it's 30 years since Piper<br/>                 16 Alpha. 30 years since an explosion in which 167 workers<br/>                 17 died in 22 minutes.<br/>                 18 Unprecedented. That's not the question. Do we have<br/>                 19 to wait until trucks mow people down in the street<br/>                 20 before you think about a pedestrian crossing? No. Do<br/>                 21 you have to wait until you stick your hand in the fire<br/>                 22 to know you're going to get burnt? No. So we have to<br/>                 23 have a slightly different approach.<br/>                 24 What was interesting was that the keynote speaker<br/>                 25 yesterday was Lord Cullen himself. What they had to</p> <p style="text-align: center;">Page 64</p>   |

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| <p>1 say -- in fact, they did reference -- he didn't, but the<br/>                 2 opening was in these words by the health and safety<br/>                 3 executive:<br/>                 4 "We owe it to those who have lost lives, to<br/>                 5 ourselves, to re-visit what we know works and apply it<br/>                 6 to the changing operation and environment we find<br/>                 7 ourselves in today."<br/>                 8 And what he was referring to and Lord Cullen<br/>                 9 referred to is a headline issue that that particular<br/>                 10 disaster was because management didn't know or were<br/>                 11 uninterested and indifferent to managing risk, and<br/>                 12 ignoring the warning signs in relation to a fire they<br/>                 13 thought was impossible, in relation to a fire which they<br/>                 14 thought if it took place they couldn't evacuate and so<br/>                 15 on. So there were no contingencies.<br/>                 16 So what they are saying up in Scotland at this<br/>                 17 minute is that the lessons that were in fact learnt from<br/>                 18 that disaster -- it's not about an oil rig any more than<br/>                 19 a refrigerator; it's about the principles of a culture<br/>                 20 of safety in which -- and the issues that have come up<br/>                 21 are exactly the issues here -- a lack of training, the<br/>                 22 question of the risk element not being sufficiently --<br/>                 23 smoke hazards, evacuation -- all the same issues came up<br/>                 24 on that platform as are now coming here.<br/>                 25 So we say that example which is being, as it were,</p> <p style="text-align: center;">Page 65</p> | <p>1 Londoners who watch it. One of them was virtually next<br/>                 2 door to Grenfell Tower just down the road in Shepherd's<br/>                 3 Bush. However, this one, Lakanal, 3 July 2009, these<br/>                 4 two have remarkable similarities. This one, relating to<br/>                 5 again an older block of flats, came out of a fault in<br/>                 6 a television on the 9th floor. So, again, it's<br/>                 7 a domestic item. The block was 14 storeys high, built<br/>                 8 in 1958, but there was a detailed narrative because the<br/>                 9 exterior cladding panels burnt through in four and<br/>                 10 a half minutes. No, not the whole building, but do you<br/>                 11 need the whole building before you begin to realise the<br/>                 12 possibilities that have to be countenanced? In other<br/>                 13 words, as the Cullen experience was, you have to think<br/>                 14 the impossible so far as safety is concerned.<br/>                 15 Sir, 22(iv) in our own opening, there was this<br/>                 16 detailed narrative delivered by the jury. Now, they're<br/>                 17 going to be wasting their time if in fact nobody is<br/>                 18 going to pick up and run with it. If nobody in<br/>                 19 government, if nobody in public service actually pays<br/>                 20 any attention, then the jury might as well go home and<br/>                 21 not bother. But we say we set tremendous stall by<br/>                 22 inquests and by juries who take the time in the public<br/>                 23 interest to detail what's what:<br/>                 24 "(iv) The detailed narrative verdict delivered by<br/>                 25 the jury determined that the fire spread up into flat 79</p> <p style="text-align: center;">Page 67</p> |
| <p>1 rolled out again as we speak is one that we would urge<br/>                 2 you to -- if you haven't already -- examine, that<br/>                 3 original report, so that those who forget the lessons of<br/>                 4 the past don't have to relive them.<br/>                 5 However, I can do the next part of this same<br/>                 6 section -- in other words, the foreseeability producing<br/>                 7 the urgency for recommendations now -- and can I just<br/>                 8 run through them relatively quickly.<br/>                 9 First of all, you've already heard -- and I'm not<br/>                 10 going to repeat it -- Stephanie Barwise's examples of<br/>                 11 fires in the 1990s. You've also heard from Sam Stein<br/>                 12 about the Scotland experience. You've heard from<br/>                 13 Pete Weatherby about a table of other fires. It's all<br/>                 14 there.<br/>                 15 We've put in our argument some examples of academic<br/>                 16 prophecy unfortunately indicating that something of this<br/>                 17 kind would happen. It's in our paragraph 17. I don't<br/>                 18 rehearse those as well.<br/>                 19 But I do pause for a moment on two examples that we<br/>                 20 do place considerable reliance on, and these examples<br/>                 21 produce the need, we say, and the possibility for early<br/>                 22 recommendations of an obvious kind, which in this case<br/>                 23 relates to combustibles.<br/>                 24 Lakanal, that is the Lakanal fire -- both examples<br/>                 25 are London-based. It's the London Fire Brigade and it's</p> <p style="text-align: center;">Page 66</p>                                | <p>1 [where the deaths occurred] through the panels under the<br/>                 2 bedroom windows of flat 79 ..."<br/>                 3 This is all very familiar:<br/>                 4 "... the aluminium frames having been distorted by<br/>                 5 flames from flat 65 creating gaps. These gaps permitted<br/>                 6 smoke to be pushed back into flat 79. This led to rapid<br/>                 7 and extensive smoke logging. The composite panels were<br/>                 8 replacements carried out during refurbishment."<br/>                 9 Now, in fact they came up with another very<br/>                 10 important point. This the jury in the Lakanal case.<br/>                 11 Stay put was a central issue in the Lakanal inquest,<br/>                 12 that policy. The jury found that existing training<br/>                 13 documents were contradictory and inconsistent,<br/>                 14 particularly in regard to either staying put or getting<br/>                 15 out when there is a fire in the building. The coroner<br/>                 16 also remarked upon insufficient clarity and recommended<br/>                 17 that the Department of Communities and Local Government<br/>                 18 publish consolidated national guidelines in relation to<br/>                 19 the stay-put policy, including how such guidance is<br/>                 20 disseminated to residents.<br/>                 21 Now, that's, as it were, historic, but within<br/>                 22 geographic and temporal reach of what happened at<br/>                 23 Grenfell, and it is, we say, a betrayal of what that<br/>                 24 jury and our system was doing in order to put things<br/>                 25 right.</p> <p style="text-align: center;">Page 68</p>   |

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| <p>1 The coroner completed a rule 43 report for the<br/>                 2 Secretary of State, so government can't say they didn't<br/>                 3 know about this. And, in fact, the importance of these<br/>                 4 two is they were on television. You can still see, if<br/>                 5 you google both of them, graphic illustrations of the<br/>                 6 flames and the smoke outside the building. All right,<br/>                 7 not the whole building, but you can see the possibility.<br/>                 8 And the coroner was wanting to say and did say in<br/>                 9 her rule 43:<br/>                 10 "Awareness that fire can spread downwards and<br/>                 11 laterally, and above and adjacent to a fire flat, and<br/>                 12 that insecure compartmentation can permit transfer of<br/>                 13 smoke and fire between a flat and common parts putting<br/>                 14 the lives of residents and others at risk."<br/>                 15 What more has to be said? That is a flag-waving<br/>                 16 exercise of a major kind. And yet here we are,<br/>                 17 spending, what, two years to discover what we say is<br/>                 18 obvious and should have been acted on before and has not<br/>                 19 been.<br/>                 20 So the Lakanal fire is extremely important, but also<br/>                 21 Shepherds Court, which was August of the year before,<br/>                 22 2016, an 18-storey, 1970s tower block. It started in<br/>                 23 the kitchen -- again, a resonance with this case -- from<br/>                 24 a faulty tumble dryer on the seventh floor. It spread<br/>                 25 over five floors. Not all the floors, but five floors.</p> <p style="text-align: center;">Page 69</p> | <p>1 My predecessor [Assistant Commissioner] Steve Turek,<br/>                 2 wrote to housing providers in March 2009 ..."<br/>                 3 So, again, well before Grenfell:<br/>                 4 "... about a variety of matters ... One of those<br/>                 5 was replacement double glazing and the associated<br/>                 6 replacement of spandrel and filler panels on the<br/>                 7 external faces of blocks of flats with floors above<br/>                 8 18 metres in height. In this case we believe such<br/>                 9 panels were a contributory factor to the external fire<br/>                 10 spread."<br/>                 11 Because it's in some way a contributory factor, you<br/>                 12 don't do anything about it? We say of course you do.<br/>                 13 The letter has this other paragraph. Again, we set<br/>                 14 it out but I would like to highlight it:<br/>                 15 "In the light of fires that have occurred I would<br/>                 16 urge you to consider carefully your arrangements for<br/>                 17 specifying, monitoring and improving all aspects of<br/>                 18 future replacement and improvement to building facades<br/>                 19 ... Contracts to the provision and installation of<br/>                 20 replacement elements of building facades including<br/>                 21 insulation, replacement double glazing associated<br/>                 22 spandrel and infill panels must ensure compliance with<br/>                 23 ALL parts of Part B if they are to secure safety ..."<br/>                 24 So there was considerable emphasis put as a result<br/>                 25 of that fire which, again, no doubt the occupants of</p> <p style="text-align: center;">Page 71</p>                             |
| <p>1 What do people need? An absolute model in which it<br/>                 2 is shown that it can spread to the sixth, the seventh<br/>                 3 the eighth? We say these were the warning signs,<br/>                 4 besides all the people who have spoken out, which we've<br/>                 5 set out in the various openings, and of course there's<br/>                 6 one group we rightly name as the experts, that's the<br/>                 7 families, who have been speaking out since the<br/>                 8 beginning, how much more is needed -- we say not much<br/>                 9 more -- in order to come to a conclusion that<br/>                 10 combustibles at least should be either subject to<br/>                 11 a moratorium or banned.<br/>                 12 In relation to this particular fire, the<br/>                 13 Shepherds Court fire, which spread over five floors,<br/>                 14 here, cladding was susceptible to intense heat when the<br/>                 15 polystyrene foam filter melted, causing metal and wood<br/>                 16 surrounds to fall away which accelerates rapid spread of<br/>                 17 fire.<br/>                 18 The assistant commissioner of fire safety<br/>                 19 regulation, Dan Daly, as has already been indicated,<br/>                 20 wrote about it in this way and also letters were sent to<br/>                 21 33 different councils. Again, this has been mentioned<br/>                 22 before but I just want to go back to the letter that he<br/>                 23 wrote about this fire:<br/>                 24 "I am drawing this fire to your attention to<br/>                 25 highlight the external spread of the fire that occurred.</p> <p style="text-align: center;">Page 70</p>                                     | <p>1 Grenfell, if they go and shop anywhere near Shepherd's<br/>                 2 Bush, that day it was very clearly seen by people in the<br/>                 3 vicinity, very clearly seen on television. So these<br/>                 4 were well publicised events and clearly the detail of<br/>                 5 them was well known in the sense that it was<br/>                 6 proselytised by a number of people.<br/>                 7 But that group that I mention, I've left them to<br/>                 8 last because, in fact, they're the most important of<br/>                 9 this group of warnings, and it's interesting that the<br/>                 10 blogger called his blog, I think, "Playing with fire".<br/>                 11 So, essentially, everybody who lived there knew there<br/>                 12 were risks. They may not have known exactly what the<br/>                 13 risks were, but there were things going wrong, whether<br/>                 14 they were surges or other electrical difficulties, and<br/>                 15 plainly they had been asking about the fire resistance<br/>                 16 of materials and so on, not getting answers and being<br/>                 17 precluded.<br/>                 18 So they knew, and as they said on the recent<br/>                 19 demonstration, both outside the House of Commons and<br/>                 20 elsewhere on 14 June this year, we don't want to wait<br/>                 21 another 30 years. We don't want more people going up<br/>                 22 and dying in this way, waiting for changes. We would<br/>                 23 like there to be a ban. And some of them are saying<br/>                 24 what about sprinklers, which were very much part of the<br/>                 25 Lakanal recommendations as well.</p> <p style="text-align: center;">Page 72</p> |

1 So in relation, therefore, to the need, I hope we've  
 2 established it. And one of the families that you heard  
 3 about last week that I represent, the Murphy family, it  
 4 took -- it's a simple thing like this that you then  
 5 realise you've got to do something about this --  
 6 Denis Murphy had to join a trade union in order to get  
 7 his voice heard -- not just heard but maybe taken notice  
 8 of. He wasn't a bus driver; he couldn't even drive  
 9 a car, so it was said. That they have to go to these  
 10 lengths in present-day society, that the mechanisms --  
 11 well, you don't need mechanisms; you need humanity, you  
 12 need the ability of those in authority and in power to  
 13 implement safety to not only listen but actually react  
 14 and respond, which is what we're waiting for here today  
 15 still: reaction and response of substance, which is yet  
 16 to happen.

17 So we say there's an overwhelming case for making  
 18 some recommendations on that score. That is just to do  
 19 with combustibles.

20 However, we say, as a second half of this particular  
 21 topic, other measures can be taken. Again, I'll try and  
 22 do them quickly.

23 I put them into internal and external -- these are  
 24 totally practical, totally practical, and the  
 25 families -- not me, the families -- have been saying

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1 this: internally -- you might like to consider as we go  
 2 through -- sprinklers inside and out. Yes, it's not  
 3 going to stop this fire, but that's not the point.  
 4 Again, it's missing the point if every time you come to,  
 5 "This is so bad, that wouldn't work". It's  
 6 a combination, it's an attitude to safety which  
 7 Lord Cullen yesterday said needs to be imbued back into  
 8 our society and our system. So sprinklers.

9 Now, I don't think anybody has mentioned this, and  
 10 if they have, please forgive me, I've overlooked  
 11 it: fire extinguishers. I mean, is this something that  
 12 is so unusual?

13 Listening to Rajiv Menon's description of what his  
 14 client had to go through, he goes in the middle of the  
 15 night to the kitchen, he sees smoke but no flames at  
 16 that point and he leaves and, as we've heard, he alerts  
 17 everyone else. But the flames and the taking hold of  
 18 the fire -- I don't know what the interval of time is,  
 19 but at some time he's outside and he sees it coming out  
 20 of his window. Had each flat or each floor been endowed  
 21 with a fire extinguisher, what's so wrong with that?  
 22 What's so expensive about that? As another means.

23 So, again, one needs to be asking the experts who  
 24 are coming I know next week for presentations and later  
 25 for questions, and we would say these are questions we

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1 would like asked and possibly with supplementaries asked  
 2 by us and the initial questions by your counsel.

3 Now, HR packs. What are they? Well, an HR pack --  
 4 I'll confess, I didn't know that the air industry had  
 5 examined this earlier -- it's a high-rise pack just for  
 6 high-rises over -- well, the definition has changed;  
 7 some say 10 floors, others say 18, some say 20. But in  
 8 any event, I don't quibble about the number of floors.  
 9 A high-rise pack that should be present in every  
 10 high-rise flat over a certain level, and it includes  
 11 very simple things: a mask. What was happening? They  
 12 were putting wet towels over their faces, trying all  
 13 sorts of ways in which they might alleviate the problem.  
 14 But that would contain a proper mask, some of them with  
 15 some sort of breathing apparatus, but that may be more  
 16 difficult. A mask might be enough just to get them down  
 17 the stairs. A torch, because the lights go out and you  
 18 need a torch to get down the stairs.

19 These are simple. Will they do them? "No, no,  
 20 we're not sure that it really is that effective." If  
 21 you take anything in isolation, of course it's not going  
 22 to be the answer. But somebody needs to stand back and  
 23 say -- and I would submit to you now that these  
 24 practical resolutions are not going to shake the world,  
 25 but they could shake the world of safety to the extent

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1 that people feel reassured.

2 What about -- and I gather there were ones -- hose  
 3 reels? You used to get those on buildings where the  
 4 hoses are twiddled round and you plug them into wet  
 5 risers that are already there, not dry risers. Now, it  
 6 may be you don't get the tenants to do that, but they're  
 7 there to help the Fire Brigade who haven't got hoses  
 8 long enough to get to the top floors. So you have one  
 9 that connects to the wet riser that goes up to that  
 10 floor.

11 Again, these are all matters which, of course, in  
 12 themselves don't provide a panacea, but they do provide,  
 13 as it were, incremental resolution of the problem.

14 Now, automated fire alarms for the whole building,  
 15 automated fire smoke detectors for the whole building,  
 16 and an automatic extractor system on every floor, not  
 17 only operated on the floor in which the fire has  
 18 appeared, and that it's automated by a level of either  
 19 smoke or fire that is detected in the building as  
 20 a whole.

21 Fire doors I've touched on.

22 A public address system so that the people on the  
 23 outside or even at the bottom of the building can  
 24 address everybody in every flat about what's going on  
 25 and what to do. Instead of which, what did we have?

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| <p>1 Mobile phones. Knocking on doors. Ringing call<br/>2 centres. Total chaos in relation to that. These are<br/>3 all points that could be made by the summer and have<br/>4 been made repeatedly by the families.<br/>5 I turn to the outside of the building.<br/>6 If it is to be said you can't get a set of ladders<br/>7 to go up 20 storeys or whatever, I understand that, it<br/>8 might be impossible, but then you need, of course,<br/>9 better fire provision inside in relation to construction<br/>10 and so on, and I've already dealt with combustible<br/>11 materials.<br/>12 But if you can't have that then you really do need<br/>13 to start thinking laterally, and whenever this seems to<br/>14 get raised with experts, they raise their eyes to the<br/>15 ceiling as if to say that we've arrived from Mars.<br/>16 Well, perhaps I have, I don't know, but not by<br/>17 helicopter. The fact is helicopters -- the only<br/>18 question that was asked in relation to that is: did the<br/>19 police helicopter exacerbate by encouraging people to go<br/>20 in one direction or another?<br/>21 No, the police helicopter, in fact, at the end of<br/>22 the day, took some interesting photographs. What the<br/>23 families want to know is: could a helicopter have<br/>24 rescued people from the top floor had there been<br/>25 a system in which they could get onto the roof of the</p> <p style="text-align: center;">Page 77</p>                    | <p>1 just a few more minutes, I can finish before lunch.<br/>2 SIR MARTIN MOORE-BICK: We'll have to finish by or very<br/>3 shortly after 12.45.<br/>4 MR MANSFIELD: Yes, I'll finish in that time.<br/>5 The third area -- it's not making sense to divide it<br/>6 up -- I wanted to focus upon in relation to this is<br/>7 evacuation. A lot has been said about it, and we've put<br/>8 in our submissions, very interestingly, going back --<br/>9 again, the question of personal memory -- there used to<br/>10 be a public service advertisement by fire services which<br/>11 was: "Get out, stay out, get the Fire Brigade out".<br/>12 I can't remember the song that goes with it, but that<br/>13 was the general deployment. In fact, if you look on<br/>14 a number of websites right now, you will see that is the<br/>15 advice that's being given by certain fire authorities<br/>16 north of Watford, they are saying exactly that.<br/>17 So what do we have now? A situation in which people<br/>18 in buildings don't know whether they've got to get out<br/>19 or not get out. Even in relation to the Royal Borough<br/>20 of Kensington, they've suspended stay put. Or have<br/>21 they? In the same breath they are saying, "No, no, stay<br/>22 put still remains as a policy". So if you're in<br/>23 a high-rise building, of which there are a number near<br/>24 Grenfell, although not all of them have cladding on,<br/>25 I would submit at the moment nobody knows what on Earth</p> <p style="text-align: center;">Page 79</p> |
| <p>1 building?<br/>2 So even though we're dealing with Grenfell, this is<br/>3 important for other people. Can helicopters play<br/>4 a role, which they do in other jurisdictions? That's<br/>5 one thing, putting out the fire, as well as rescuing.<br/>6 So it's two functions in relation to helicopters and<br/>7 aerial support and aerial platforms. These again need<br/>8 to be canvassed.<br/>9 Then one of the families -- and, of course, I have<br/>10 seen it elsewhere and you think about it, people jumping<br/>11 out of windows. Now, I'm not saying -- no one is<br/>12 saying -- that the production of a soft landing<br/>13 inflatable, sometimes called a rescue blanket or<br/>14 whatever at the bottom of the building -- all of this<br/>15 requires access, which of course is another question<br/>16 you'll have to look at in relation to Grenfell. But if<br/>17 you're making recommendations about what should be<br/>18 happening in relation to high-rise residences, we say<br/>19 that the collective memory of all these events, plus<br/>20 looking very carefully at the exact happenings as you're<br/>21 going to in these coming weeks, you should be in<br/>22 a position by the summer to, as it were, place on record<br/>23 certain focused, identified recommendations that are not<br/>24 going to, as it were, burst financial dams.<br/>25 Now, sir, I see the time. I think, if I may have</p> <p style="text-align: center;">Page 78</p> | <p>1 they're going to do, whether they should get out or not<br/>2 get out, and it's had a deal of publicity already.<br/>3 We would say, given that this was at the centre of<br/>4 Lakanal as well, you have an opportunity which others<br/>5 may be missing, that's their responsibility, but we<br/>6 suggest you should take advantage of the situation in<br/>7 order to ensure there is clarification about this policy<br/>8 so that people who live in high-rise over a certain<br/>9 number of storeys know whether they should remain or get<br/>10 out. It's a simple point. I don't elaborate it. I'm<br/>11 sure that it's made very clearly.<br/>12 So we say that's a third area where you can make<br/>13 suggestions that are constructive.<br/>14 If I may end by indicating -- it really goes back to<br/>15 the point about human rights and the way in which the<br/>16 residents regarded themselves as a community -- in<br/>17 a sense, a united nation. This was on the fencing<br/>18 outside Grenfell, and I know you've been there and<br/>19 you've seen all the memorabilia that has been put up,<br/>20 photographs and so on, but this particular one caught<br/>21 attention. It was an inscription from the United<br/>22 Nations Declaration of Human Rights:<br/>23 "All human beings are born free and equal in dignity<br/>24 and rights. They are endowed with reason and conscience<br/>25 and should act towards one another in a spirit of</p> <p style="text-align: center;">Page 80</p>                                 |

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| <p>1 brotherhood."<br/>                 2 That was Grenfell, and we ask that that spirit is<br/>                 3 engendered by your inquiry and the possibility of early<br/>                 4 recommendations.<br/>                 5 Thank you.<br/>                 6 SIR MARTIN MOORE-BICK: Thank you very much, Mr Mansfield.<br/>                 7 Well, we'll break at that point and resume at<br/>                 8 2 o'clock, when we'll hear from Mr Maxwell-Scott.<br/>                 9 Could I just ask that you do your best to be back<br/>                 10 here for a prompt start. We lost a bit of time in the<br/>                 11 middle of the morning when we had our earlier break. As<br/>                 12 far as possible, we don't want to lose time because the<br/>                 13 danger is we'll either go on too long or people will<br/>                 14 lose part of their opportunity to address us.<br/>                 15 So prompt start at 2 o'clock, please.<br/>                 16 Thank you very much.<br/>                 17 (12.45 pm)<br/>                 18 (The short adjournment)<br/>                 19 (2.00 pm)<br/>                 20 Opening statement on behalf of the Royal Borough of<br/>                 21 Kensington and Chelsea by MR MAXWELL-SCOTT<br/>                 22 SIR MARTIN MOORE-BICK: Yes, Mr Maxwell-Scott, your turn.<br/>                 23 MR MAXWELL-SCOTT: Good afternoon, Mr Chairman. I, together<br/>                 24 with Katie Sage, represent the Royal Borough of<br/>                 25 Kensington Chelsea, instructed by DWF Solicitors.</p> <p style="text-align: center;">Page 81</p>   | <p>1 panel members to support your chairmanship. We will do<br/>                 2 all that we can to assist you and your team in your<br/>                 3 important work.<br/>                 4 As an example of this, I can tell you that on Monday<br/>                 5 we wrote to your team in order to help them to identify<br/>                 6 specific documents of potential importance to your<br/>                 7 experts from within the large number of documents<br/>                 8 previously disclosed by the council. I will say more<br/>                 9 about this later in this opening statement.<br/>                 10 I, members of the council's legal team, and the<br/>                 11 council's leader and deputy leader, attended the<br/>                 12 commemoration hearings. The intensity of emotion that<br/>                 13 we experienced will ensure that we do not forget the<br/>                 14 human face of the disaster and the importance of<br/>                 15 searching for the truth and providing justice for the<br/>                 16 bereaved, survivors and residents.<br/>                 17 That emotion and passion must energise and sustain<br/>                 18 this inquiry's desire to search for the truth. The<br/>                 19 search itself must be dispassionate.<br/>                 20 We welcome the fact that the inquiry will provide<br/>                 21 an opportunity for careful and objective analysis of the<br/>                 22 evidence in a search for the truth.<br/>                 23 We welcome the inquiry's wide terms of reference; in<br/>                 24 particular, the inclusion of the following: the scope<br/>                 25 and adequacy of building regulations, fire regulations</p> <p style="text-align: center;">Page 83</p>   |
| <p>1 The Grenfell Tower fire was a terrible and tragic<br/>                 2 disaster which must never happen again. The fire was<br/>                 3 a human tragedy, but it was also a man-made tragedy.<br/>                 4 What I mean by this is that it started accidentally in<br/>                 5 a kitchen in a flat, and spread with devastating speed<br/>                 6 and intensity for a building designed, constructed and<br/>                 7 refurbished by men and women.<br/>                 8 The ultimate achievement of this inquiry will<br/>                 9 hopefully be to ensure that when people design,<br/>                 10 construct and refurbish buildings in future, a disaster<br/>                 11 like this never happens again. The council is totally<br/>                 12 committed to that aim.<br/>                 13 In December 2017, the full council unanimously<br/>                 14 adopted a resolution affirming the council's commitment<br/>                 15 to the Hillsborough charter and the council's<br/>                 16 determination to live by the letter and spirit of the<br/>                 17 charter's commitments.<br/>                 18 In line with the report's recommendations, the<br/>                 19 council reaffirmed its commitment to be open,<br/>                 20 transparent and fully co-operative with the public<br/>                 21 inquiry into the Grenfell Tower fire, and to assist the<br/>                 22 search for the truth. That remains the council's<br/>                 23 approach to this inquiry.<br/>                 24 We welcome the inquiry. We welcome the<br/>                 25 Prime Minister's decision to appoint two additional</p> <p style="text-align: center;">Page 82</p> | <p>1 and other legislation guidance and industry practice<br/>                 2 relating to the design, construction, equipping and<br/>                 3 management of high-rise residential buildings. These<br/>                 4 wide terms of reference will allow lessons to be learned<br/>                 5 at a national level as well as at a local level.<br/>                 6 We note the comments in the final report of the<br/>                 7 Hackitt Review about the current regulatory system for<br/>                 8 ensuring fire safety in high-rise and complex buildings<br/>                 9 not being fit for purpose. We agree with Dame Judith<br/>                 10 that there is a need for a radical rethink of the whole<br/>                 11 system and how it works. The Hackitt Review highlights<br/>                 12 the likelihood that lessons need to be learned on<br/>                 13 a national level as well as on a local level. The<br/>                 14 reception of the final report and development since it<br/>                 15 was published suggests that this is a widely shared<br/>                 16 view.<br/>                 17 The council is determined to learn the lessons that<br/>                 18 it can apply at a local level. The Royal Borough of<br/>                 19 Kensington and Chelsea is a comparatively small local<br/>                 20 authority. It covers an area of approximately 12 square<br/>                 21 kilometres. It has approximately 150,000 residents. It<br/>                 22 employs approximately 1,700 full-time employees. It is<br/>                 23 one of 32 London boroughs, one of 125 unitary councils,<br/>                 24 one of 418 principal councils in the United Kingdom.<br/>                 25 The council welcomes the fact that the inquiry's</p> <p style="text-align: center;">Page 84</p> |

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| <p>1 wide terms of reference will allow lessons to be learned<br/>                 2 by other local authorities, by central government and by<br/>                 3 those in the construction industry, hopefully as soon as<br/>                 4 possible.<br/>                 5 Mr Chairman, I imagine that it is no coincidence<br/>                 6 that you have called on the council to be the first core<br/>                 7 participant to speak after those representing the<br/>                 8 bereaved, survivors and residents. There can be no<br/>                 9 doubt from the coverage in both the mainstream media and<br/>                 10 social media that the council is seen as the public face<br/>                 11 of those assumed to be responsible for the<br/>                 12 Grenfell Tower disaster.<br/>                 13 That the council should be seen as the public face<br/>                 14 of the disaster is entirely understandable. The<br/>                 15 residents were tenants and leaseholders of the council.<br/>                 16 The council is and always has been the owner of<br/>                 17 Grenfell Tower. The residents lived in the borough.<br/>                 18 They voted in local elections for councillors to<br/>                 19 represent them in the council. So the council<br/>                 20 recognises that it is seen as the public face of the<br/>                 21 disaster and understands why this is so.<br/>                 22 The council is very sorry that its residents<br/>                 23 suffered the terrible tragedy of the Grenfell Tower<br/>                 24 fire. It agrees with your statement on the first day of<br/>                 25 the commemoration hearings that it is so important that</p> <p style="text-align: center;">Page 85</p>   | <p>1 highest property prices in the world. The unspoken and<br/>                 2 at times spoken assumption has been that these facts are<br/>                 3 somehow relevant to the cause of the fire; in other<br/>                 4 words, that the fire could not have happened in<br/>                 5 a different borough.<br/>                 6 One of the purposes of an article 2 compliant<br/>                 7 investigation is to confirm or disprove rumour and<br/>                 8 speculation. This very point was made by Lord Bingham<br/>                 9 in the case of Amin in 2003. Although the context was<br/>                 10 different, Lord Bingham's observation that one clear<br/>                 11 purpose of an article 2 investigation is to ensure that<br/>                 12 unjustified suspicion of wrongdoing is allayed holds<br/>                 13 true.<br/>                 14 So, Mr Chairman, as the evidence unfolds over the<br/>                 15 coming months, I invite you to ask yourself this<br/>                 16 question: was there something unique about the Royal<br/>                 17 Borough of Kensington and Chelsea which meant that this<br/>                 18 terrible fire could only have happened there, or is this<br/>                 19 something that could have happened in any other borough<br/>                 20 which contains high-rise buildings with external<br/>                 21 cladding?<br/>                 22 Without seeking to prejudge the evidence, I venture<br/>                 23 to suggest that you will find that there was nothing<br/>                 24 unique about the Royal Borough of Kensington and Chelsea<br/>                 25 which meant that the fire was destined to take place</p> <p style="text-align: center;">Page 87</p>         |
| <p>1 the truth be laid bare.<br/>                 2 The council knows that what its councillors and<br/>                 3 officials did, knew, did not do, and did not know, will<br/>                 4 be exposed to intense scrutiny in an inquisitorial<br/>                 5 process which has as its goal justice for the living and<br/>                 6 a lasting tribute to the dead. This is how it will be<br/>                 7 and this is how it should be.<br/>                 8 On the first day of the commemoration hearings,<br/>                 9 Mr Millett observed that the truth is not usually one<br/>                 10 big thing but comprises many tiny fragments. Based on<br/>                 11 my own experiences as counsel to the inquest following<br/>                 12 the Lakanal House fire, I would agree.<br/>                 13 Mr Chairman, although you've only recently started<br/>                 14 hearing evidence, your investigation has been running<br/>                 15 full-time for over nine months. You will therefore<br/>                 16 already appreciate that, whilst the council funded the<br/>                 17 refurbishment of the tower, which was completed shortly<br/>                 18 before the fire, a huge number of organisations with<br/>                 19 different specialisms were involved in a variety of ways<br/>                 20 in that project. This is a theme that I will return to.<br/>                 21 The narrative locally, nationally and indeed<br/>                 22 internationally has tended to focus on the fact that the<br/>                 23 Grenfell Tower fire occurred in a borough which has been<br/>                 24 held by the same political party for many years,<br/>                 25 a borough with many wealthy residents and some of the</p> <p style="text-align: center;">Page 86</p> | <p>1 within its boundaries rather than somewhere else.<br/>                 2 I'm now going to return to a theme I mentioned<br/>                 3 earlier: that a huge number of organisations with<br/>                 4 different specialisms were involved in a variety of ways<br/>                 5 in the refurbishment project.<br/>                 6 The refurbishment of Grenfell Tower, which was<br/>                 7 completed shortly before the fire, is at the centre of<br/>                 8 this inquiry. In other words, a great deal of this<br/>                 9 inquiry's work will involve analysing the dry, technical<br/>                 10 detail of a construction project.<br/>                 11 There may have been a time many decades ago when<br/>                 12 a building such as Grenfell Tower could be designed,<br/>                 13 constructed and refurbished entirely by employees of<br/>                 14 a local authority. If that was ever the case, those<br/>                 15 days have long gone.<br/>                 16 Whatever recommendations are made in the inquiry's<br/>                 17 report, it seems inconceivable that one of them would be<br/>                 18 to reverse the tide of the modern world to the extent<br/>                 19 that all the complex skills required to design,<br/>                 20 construct and refurbish a building such as<br/>                 21 Grenfell Tower should be brought in-house by local<br/>                 22 authorities. Even if that were considered desirable --<br/>                 23 and I suggest that it is not -- it would be impossible<br/>                 24 to turn the clock back in that way.<br/>                 25 In this country, construction projects are generally</p> <p style="text-align: center;">Page 88</p> |

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| <p>1 subject to the Construction (Design and Management)</p> <p>2 Regulations. The Grenfell Tower refurbishment project</p> <p>3 was no exception. The Construction (Design and</p> <p>4 Management) Regulations, as the name suggests, regulate</p> <p>5 the many different organisations typically involved in</p> <p>6 a construction project. Where did the council fit into</p> <p>7 that framework?</p> <p>8 The answer is that, for the purposes of the</p> <p>9 regulations, the council was not a relevant</p> <p>10 organisation. It did not enter into the contract with</p> <p>11 Rydon, the principal contractor. It was the Tenant</p> <p>12 Management Organisation, the TMO, whose role I will</p> <p>13 return to later, that entered into that contract and</p> <p>14 became the employer in the language of the contract.</p> <p>15 While the council was the owner, it was the TMO who were</p> <p>16 the client for the purposes of the regulations.</p> <p>17 The council did not enter into contracts with the</p> <p>18 other organisations involved in the refurbishment</p> <p>19 project, many of whom are core participants in this</p> <p>20 inquiry. Those commercial organisations were either</p> <p>21 contractors or subcontractors of the TMO or contractors</p> <p>22 or subcontractors of Rydon.</p> <p>23 None of this is intended to suggest that the council</p> <p>24 played no role at all -- far from it. As you are aware,</p> <p>25 my written opening statement outlines ten principal ways</p> <p style="text-align: center;">Page 89</p>           | <p>1 Under the council's constitution at the time, the</p> <p>2 council's most important decision-making body was its</p> <p>3 cabinet. As explained in my written opening statement,</p> <p>4 the refurbishment project was considered by cabinet on</p> <p>5 three occasions: on 2 May 2012, when the project was</p> <p>6 given the green light with an estimated budget of</p> <p>7 £6 million; on 18 July 2013, when the budget was</p> <p>8 increased to £9.7 million; and on 19 June 2014, when the</p> <p>9 budget was further increased to £10.3 million. Those</p> <p>10 are not the decisions of a council determined to build</p> <p>11 on the cheap.</p> <p>12 The money was used by the TMO who, under the</p> <p>13 management agreement between it and the council, had</p> <p>14 full delegated responsibility for all major works. Of</p> <p>15 course, the council did not simply wash its hands of the</p> <p>16 project after deciding that it should go ahead; the</p> <p>17 council kept an eye on what the TMO was doing. The ins</p> <p>18 and outs of how it did this will quite properly be the</p> <p>19 subject of detailed evidence and intense scrutiny in</p> <p>20 Phase 2. But for present purposes, the best single word</p> <p>21 to describe what the council did is "monitor". The</p> <p>22 council monitored the TMO's performance of its</p> <p>23 obligations under the management agreement.</p> <p>24 Both councillors and officials played a role in the</p> <p>25 monitoring of the TMO's performance, but it was not</p> <p style="text-align: center;">Page 91</p> |
| <p>1 in which the council was involved with Grenfell Tower</p> <p>2 and its residents, both before and after the fire.</p> <p>3 Before outlying some of the roles that the council</p> <p>4 did play, sir, may I encourage you to think of the</p> <p>5 council in terms of its specific relevant functions,</p> <p>6 because that is likely to be both more accurate and more</p> <p>7 helpful than thinking of it as a single person like</p> <p>8 a private individual.</p> <p>9 The council played a leading role in the decision to</p> <p>10 refurbish Grenfell Tower. It had received a sum of</p> <p>11 money but, for reasons which I do not need to go into,</p> <p>12 the way in which that money could be used was</p> <p>13 ring-fenced. The council, together with the TMO, took</p> <p>14 the view that the refurbishment of Grenfell Tower was</p> <p>15 a suitable project into which to invest that money.</p> <p>16 It is, for all too obvious reasons, easy to forget</p> <p>17 that the whole point of the refurbishment project was to</p> <p>18 benefit the residents of Grenfell Tower and the local</p> <p>19 community by, amongst other things, upgrading the</p> <p>20 communal heating system -- which served approximately</p> <p>21 650 properties, including all the flats in the tower --</p> <p>22 installing new windows in the tower and improving</p> <p>23 external thermal efficiency and weathertightness in the</p> <p>24 tower. The council provided the funding for the</p> <p>25 refurbishment project.</p> <p style="text-align: center;">Page 90</p> | <p>1 deemed necessary to refer the project back to cabinet,</p> <p>2 other than on the two occasions already mentioned, when</p> <p>3 on each occasion cabinet voted to increase the budget.</p> <p>4 Given the huge political and media interest in the</p> <p>5 refurbishment project since the fire, it may seem</p> <p>6 remarkable that it did not attract more cabinet interest</p> <p>7 at the time. But may I suggest that there are good</p> <p>8 reasons why this is so.</p> <p>9 The project was not a politically controversial or</p> <p>10 politically high-profile issue. It did not involve</p> <p>11 cutting services or closing a much-loved community</p> <p>12 asset. At its core, it involved a proposal to spend</p> <p>13 over £10 million improving the accommodation of social</p> <p>14 housing tenants. As such, it had, if anything, the</p> <p>15 potential to unite those of different political</p> <p>16 persuasions rather than divide them.</p> <p>17 Before I leave the refurbishment project, I should</p> <p>18 mention two specific functions of the council that had</p> <p>19 an involvement with it. They are, first, planning and,</p> <p>20 secondly, building control. It is important to</p> <p>21 distinguish between them because they are separate</p> <p>22 functions.</p> <p>23 Planning is concerned with a range of</p> <p>24 considerations, including visual appearance; in other</p> <p>25 words, how a building looks. Planning is not concerned</p> <p style="text-align: center;">Page 92</p>  |

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| <p>1 with fire precautions or other matters controlled under<br/>                 2 Building Regulations. Building control is concerned<br/>                 3 with such matters.<br/>                 4 Planning is a statutory function of local<br/>                 5 authorities. That applies irrespective of the identity<br/>                 6 of the owner of the building or the applicant for<br/>                 7 planning permission.<br/>                 8 In the case of this project, an organisation called<br/>                 9 IBI Taylor Young Limited applied on behalf of the TMO<br/>                 10 for planning permission, in the same way that<br/>                 11 a third-party organisation such as a commercial property<br/>                 12 developer would. An official of the council, acting<br/>                 13 under delegated powers, granted planning permission.<br/>                 14 In 2014, people from the council were involved in<br/>                 15 the final choice of the colour of the cladding and the<br/>                 16 final choice between a cassette fixing system and<br/>                 17 a riveted fixing system for the cladding. This<br/>                 18 involvement came after the decision had been taken in<br/>                 19 2012 to proceed with the refurbishment. The opinions<br/>                 20 expressed in 2014 related to how the exterior of the<br/>                 21 completed building would look. As I've already<br/>                 22 explained, this is a planning issue and there is,<br/>                 23 therefore, nothing particularly surprising about people<br/>                 24 from the council getting involved in this way.<br/>                 25 Building control is another statutory function of</p> <p style="text-align: center;">Page 93</p>   | <p>1 inquiry.<br/>                 2 This raises a number of important questions. These<br/>                 3 include:<br/>                 4 What consideration was given to the fire safety of<br/>                 5 the cladding system?<br/>                 6 What consideration was given to smoke ventilation<br/>                 7 system?<br/>                 8 What steps were taken by building control before the<br/>                 9 completion certificate was issued?<br/>                 10 The officials who worked in building control at the<br/>                 11 time will be called to give evidence to the inquiry in<br/>                 12 Phase 2. That will be the proper time for those<br/>                 13 questions to be asked and for those officials to give<br/>                 14 their answers and to explain their thought processes.<br/>                 15 However, in recognition of the importance of these<br/>                 16 issues and in the interests of transparency, the council<br/>                 17 on Monday, sir, sent your team a detailed chronology in<br/>                 18 relation to building control issues which is<br/>                 19 cross-referenced to specific documents previously<br/>                 20 disclosed by the council.<br/>                 21 We welcome the inquiry's recent instruction of<br/>                 22 Beryl Menzies to provide expert evidence on building<br/>                 23 control issues. We hope and believe that the chronology<br/>                 24 and references which we have supplied will assist her to<br/>                 25 analyse the ways in which officials within building</p> <p style="text-align: center;">Page 95</p>   |
| <p>1 local authorities that applies irrespective of the<br/>                 2 identity of the owner of the building or the applicant<br/>                 3 for building control approval. Sir, it is, as you will<br/>                 4 have been learning during investigation, if you did not<br/>                 5 know it already, a highly technical function which is<br/>                 6 not political in nature.<br/>                 7 In the case of this project, Studio E Architects<br/>                 8 Limited made a full plans application in the same way<br/>                 9 that a third-party organisation such as a commercial<br/>                 10 property developer would, and an official of the<br/>                 11 council, acting under delegated powers, issued<br/>                 12 a completion certificate under the Building Regulations.<br/>                 13 All of this is normal and involved the discharge of<br/>                 14 a specific statutory function.<br/>                 15 The council recognises that the fact that such<br/>                 16 a certificate was issued will be the subject of detailed<br/>                 17 evidence and intense scrutiny in Phase 2 because, based<br/>                 18 on what is now known about the fire, it is clear that<br/>                 19 the cladding system, as installed in the refurbishment,<br/>                 20 did not satisfy the functional requirement of<br/>                 21 schedule 1, part B4 of the Building Regulations.<br/>                 22 As stated in my written opening, based on what is<br/>                 23 now known about the fire, it is likely that a number of<br/>                 24 specific failures to comply with the provisions of<br/>                 25 Approved Document B will also be identified by the</p> <p style="text-align: center;">Page 94</p> | <p>1 control considered fire safety issues. They should also<br/>                 2 assist your other experts to address a number of the<br/>                 3 questions which they have identified as outstanding in<br/>                 4 their reports.<br/>                 5 Before leaving building control, I would add the<br/>                 6 following important point.<br/>                 7 The officials who work in building control and who<br/>                 8 grant building control approval are not and do not<br/>                 9 become designers of the projects they approve. Under<br/>                 10 a design and build contract -- and the refurbishment of<br/>                 11 Grenfell Tower was a design and build contract -- the<br/>                 12 contractors agree to design and are paid to do so. It<br/>                 13 is well understood in the construction industry that the<br/>                 14 fact that local authorities have a building control<br/>                 15 function does not remove the duties on those paid to<br/>                 16 design buildings.<br/>                 17 Mr Chairman, I hope I have succeeded in outlining<br/>                 18 the various different ways in which different parts of<br/>                 19 the council, with different statutory functions to<br/>                 20 discharge, were involved in the refurbishment project.<br/>                 21 I hope that I've also dispelled some misunderstandings<br/>                 22 about the council's role by saying something about the<br/>                 23 involvement of the many commercial organisations<br/>                 24 involved in the project whose involvement was<br/>                 25 understandably more hidden from view.</p> <p style="text-align: center;">Page 96</p> |

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| <p>1 I've already mentioned that the council monitored<br/>2 the TMO's performance of its obligations under the<br/>3 management agreement, which included delegated<br/>4 responsibilities for day-to-day management issues as<br/>5 well as for major works.<br/>6 I now turn to say something about that organisation,<br/>7 which was involved not only in the refurbishment project<br/>8 but also in the day-to-day management of Grenfell Tower.<br/>9 Sir, you will of course be aware of this, but some<br/>10 of those following the inquiry may not be, so it is<br/>11 worth repeating. The TMO was at all relevant times<br/>12 a separate legal entity to the council, although they<br/>13 worked closely together. This separation was not some<br/>14 legal device intended to shield the council from its<br/>15 responsibilities.<br/>16 At the time it was established, the creation of<br/>17 a tenant management organisation and the delegation of<br/>18 functions to it was considered to be a positive and<br/>19 progressive move. It was set up to be independent of<br/>20 the council, and it was independent of the council. Its<br/>21 constitution expressly stated that the majority of its<br/>22 board members must be tenants and leaseholders and that<br/>23 council-appointed board members must be in the minority.<br/>24 From 1991 onwards, successive governments promoted the<br/>25 transfer of functions to tenant management organisations</p> <p style="text-align: center;">Page 97</p> | <p>1 Now, next I invite Mr Ageros to make a statement on<br/>2 behalf of the TMO.<br/>3 Opening statement on behalf of the Tenant Management<br/>4 Organisation by MR AGEROS<br/>5 MR AGEROS: Mr Chairman, my name is Jim Ageros and I appear<br/>6 for the Kensington and Chelsea Tenant Management<br/>7 Organisation, which I will refer to as the TMO.<br/>8 I appear with Alice Jarrett and we are instructed by<br/>9 Richard Crockford and Danny McShee from Kennedys Law.<br/>10 The TMO is deeply sorry for the terrible events that<br/>11 occurred at Grenfell Tower on 14 June 2017 and extends<br/>12 its sincere condolences and sympathy to the bereaved,<br/>13 the survivors and residents.<br/>14 The TMO acknowledges that these tragic events demand<br/>15 a thorough investigation of how the fire started, how it<br/>16 came to spread so rapidly through the tower, and how so<br/>17 many people came to lose their lives. There should also<br/>18 be a thorough investigation of the underlying causes of<br/>19 the fire.<br/>20 In Phase 1, the eyewitness accounts of residents of<br/>21 Grenfell Tower and the wider Lancaster West Estate, and<br/>22 the evidence of firefighters from the London Fire<br/>23 Brigade, will be vital in piecing together<br/>24 an understanding of what happened on that night.<br/>25 TMO recognises the great courage it has taken for</p> <p style="text-align: center;">Page 99</p>  |
| <p>1 as a key means of improving tenant participation in the<br/>2 management of their homes.<br/>3 In 2014, the TMO reported that, in a poll of its<br/>4 residents in September 2013, 86 per cent of those who<br/>5 voted said they wanted the Kensington and Chelsea TMO to<br/>6 continue managing their homes.<br/>7 Mr Chairman, that brings me to the end of this<br/>8 opening statement. Nothing that I have said in it is<br/>9 intended in any way to detract from the fact that the<br/>10 Grenfell Tower fire was a terrible disaster which<br/>11 tragically resulted in great human suffering and loss.<br/>12 We offer our profound sympathies to each and every<br/>13 bereaved person, survivor and resident.<br/>14 Sir, I hope that this opening has helped you and<br/>15 others to understand some of the ways in which the<br/>16 council was involved in the management of Grenfell Tower<br/>17 and the refurbishment project, and how its involvement<br/>18 fits in with the involvement of others.<br/>19 As I said earlier, the council welcomes this inquiry<br/>20 and will do all that it can to assist you and your team<br/>21 in your important work. We hope that this inquiry can<br/>22 provide justice for the living, a lasting tribute to the<br/>23 dead, and ensure that a disaster like this never happens<br/>24 again.<br/>25 SIR MARTIN MOORE-BICK: Thank you very much.</p> <p style="text-align: center;">Page 98</p>   | <p>1 the BSRs to come forward and provide their accounts and<br/>2 the courage that will be required to give evidence to<br/>3 this inquiry, and if we may say, this courage was on<br/>4 clear display during the commemoration hearings which<br/>5 took place in the past two weeks.<br/>6 Sir, TMO acknowledges the central role it played in<br/>7 the project to refurbish Grenfell Tower and its role in<br/>8 the management of fire safety issues there both before<br/>9 the refurbishment and during.<br/>10 It accepts its involvement will and should come<br/>11 under great scrutiny. It has fully engaged in the<br/>12 inquiry process and police investigation and will<br/>13 continue to co-operate with the inquiry as far as<br/>14 possible, providing all relevant documents within its<br/>15 control. And, sir, as an example, in February, when the<br/>16 position statements were provided, it provided<br/>17 a detailed position statement in which it set out what<br/>18 was its involvement with the refurbishment project and<br/>19 what it considered its role to be within that project.<br/>20 But, sir, if I may say, however, as matters that<br/>21 touch more directly on the TMO's involvement will be<br/>22 considered mainly at Phase 2, this opening statement<br/>23 will be relatively short.<br/>24 By way of background, I will say a little about the<br/>25 nature and history of TMO and its involvement in the</p> <p style="text-align: center;">Page 100</p> |

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| <p>1 management and refurbishment of Grenfell Tower and the<br/>2 fire safety issues arising there.</p> <p>3 TMO was incorporated on 20 April 1995 under the<br/>4 Right to Manage legislation. It is a not-for-profit<br/>5 company, limited by guarantee, which was set up by RBKC<br/>6 to manage and maintain its housing stock. RBKC remain<br/>7 the landlord for all social housing tenants.</p> <p>8 TMO is a resident-led organisation with a majority<br/>9 of local tenants on its board. It has approximately<br/>10 5,600 members, who are all residents of RBKC's housing<br/>11 stock, and it has no shareholders. Any profits or<br/>12 surpluses are put back into TMO to improve its services<br/>13 to residents.</p> <p>14 Sir, TMO, for want of a better description, is<br/>15 essentially a managing agent that operates mainly in the<br/>16 public sector. It dealt with a full range of matters<br/>17 that go with the management of largely social housing<br/>18 stock. These included repairs and maintenance, rent<br/>19 collection and communal issues such as antisocial<br/>20 behaviour. As of 2016, it employed some 218 staff and<br/>21 its senior management team consisted of 18 people.</p> <p>22 In fact, sir, as you know and has been widely<br/>23 reported, in March 2018, RBKC took back the function of<br/>24 managing its social housing stock from TMO and TMO no<br/>25 longer has a role in that.</p> <p style="text-align: center;">Page 101</p>                            | <p>1 sir, it fully accepts it did commission the project --<br/>2 it engaged specialist contractors to carry out the<br/>3 design and construction, and consultants to advise on<br/>4 both regulatory and building compliance issues,<br/>5 including fire safety issues.</p> <p>6 TMO's role in relation to the refurbishment project<br/>7 was that of client, and Mr Maxwell-Scott has mentioned<br/>8 the regulations. But, sir, this was the role it<br/>9 occupied pursuant to the legislation that governs<br/>10 large-scale construction projects such as this one, and<br/>11 these are the Construction (Design and Management)<br/>12 Regulations 2007, which are known as CDM.</p> <p>13 Sir, while this is an important role -- and if I may<br/>14 say, TMO does not seek to underplay the importance of<br/>15 its role -- the regulations envisage that clients may<br/>16 not be specialists in design or construction and,<br/>17 therefore, clients are not required to plan, manage or<br/>18 carry out projects themselves.</p> <p>19 Sir, what TMO did to discharge its duties under the<br/>20 regulations is a matter the inquiry will no doubt<br/>21 consider in anxious detail, probably more so at Phase 2.<br/>22 And, sir, whether it did or did not discharge its legal<br/>23 duties will be a matter for others to judge.</p> <p>24 Sir, TMO monitored and managed progress of the<br/>25 refurbishment work against budget to ensure delivery of</p> <p style="text-align: center;">Page 103</p>    |
| <p>1 Can I turn to its involvement in the project itself.</p> <p>2 In 2011, TMO was informed by RBKC that funds were<br/>3 available for the general purposes of housing<br/>4 regeneration, including the regeneration of<br/>5 Grenfell Tower. The overall purpose of the<br/>6 Grenfell Tower refurbishment was to improve its<br/>7 functionality and amenity for residents. A key driver<br/>8 was to bring it into line with modern standards for<br/>9 energy efficiency, both through replacing the outdated<br/>10 communal heating system and insulating and cladding the<br/>11 concrete exterior.</p> <p>12 Thus, and in a little detail, the refurbishment<br/>13 included the replacement of the single glazed windows<br/>14 with double glazed windows, the fitting of new external<br/>15 cladding and rainscreen, the remodelling of the lower<br/>16 four floors to provide nine new residential homes, the<br/>17 relocation and improvement of the nursery and Dale<br/>18 Boxing Club, and the replacement of the communal heating<br/>19 and hot water system with individual units which were<br/>20 controllable individually by residents.</p> <p>21 Sir, while TMO is a specialist in the management of<br/>22 social housing stock, it is not a specialist design or<br/>23 construction company and had no in-house expertise in<br/>24 these areas. Therefore, when it commissioned the<br/>25 large-scale project at Grenfell Tower in 2012 -- and,</p> <p style="text-align: center;">Page 102</p> | <p>1 the programme on behalf of RBKC and the residents and<br/>2 liaised with residents to facilitate the works.</p> <p>3 In the initial stages -- in fact, right back in<br/>4 early 2012 -- TMO procured a specialist design team,<br/>5 which consisted largely of organisations which had<br/>6 already been appointed by RBKC in relation to the nearby<br/>7 project to develop Kensington Academy and Leisure<br/>8 Centre, which was known as KALC. All had been engaged<br/>9 following an EU-compliant tendering process and, sir,<br/>10 we've heard something about these organisations. The<br/>11 specialist design team consisted of and included<br/>12 Studio E, Max Fordham, Curtins Consulting and Churchman<br/>13 Landscape Architects. TMO appointed Artelia as its<br/>14 agent in August 2012, although it's right to say Artelia<br/>15 had been working with TMO on the project before then.</p> <p>16 Artelia had a varied role in the project. Among<br/>17 other things, Artelia reviewed and scored the tender<br/>18 responses received from the four bidding contractors in<br/>19 2013, finally recommending, in 2014, that Rydon's bid<br/>20 was of the highest quality and offered the best value<br/>21 for money.</p> <p>22 Studio E was engaged at a very early stage as<br/>23 architect and lead design consultant. It, in<br/>24 consultation with other construction and design<br/>25 professionals, identified the materials to be used in</p> <p style="text-align: center;">Page 104</p> |

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| <p>1 the cladding.</p> <p>2 Sir, the cladding that was eventually used at</p> <p>3 Grenfell Tower was shown to RBKC planning on various</p> <p>4 occasions in 2014 and before. In fact, sir, I believe</p> <p>5 we will hear that in fact there was a mock-up installed</p> <p>6 on the tower itself, which was there for a period of</p> <p>7 time, because the showing of the cladding to RBKC was</p> <p>8 one of the conditions attached to RBKC's final grant of</p> <p>9 planning permission.</p> <p>10 Sir, RBKC planners also visited a number of</p> <p>11 residential tower blocks in different London boroughs,</p> <p>12 not Kensington and Chelsea, where this type of cladding</p> <p>13 had already been installed, and, sir, as we understand</p> <p>14 the evidence will be heard, in some cases as early as</p> <p>15 2010.</p> <p>16 Studio E was provided with advice by Exova UK</p> <p>17 Limited, which is a consultant specialising in fire</p> <p>18 testing and certification, in connection with the fire</p> <p>19 strategy to be adopted at Grenfell Tower.</p> <p>20 TMO appointed Rydon as principal contractor, which</p> <p>21 again is a designation under the CDM regulations,</p> <p>22 following its successful tender.</p> <p>23 This was a design and build contract and Rydon was</p> <p>24 required to carry out the design, construction and</p> <p>25 completion of both the proposed recladding and</p> <p style="text-align: center;">Page 105</p>                                       | <p>1 investigated, but it's right to say that TMO procured</p> <p>2 these doors from a company, Masterdor, who fitted them</p> <p>3 and held them out as being compliant with prevailing</p> <p>4 fire standards.</p> <p>5 Another issue is complaints.</p> <p>6 TMO recognises that one of the issues the inquiry</p> <p>7 will have to consider is what complaints were made by</p> <p>8 residents, to whom, when and what they were about. How</p> <p>9 TMO dealt with these complaints will be considered</p> <p>10 during this inquiry and the TMO will continue to provide</p> <p>11 all information in relation to those complaints. We</p> <p>12 fully appreciate that it's an important issue.</p> <p>13 Sir, as a final or penultimate topic, while the</p> <p>14 cause of the fire and the way in which it took hold is</p> <p>15 complex and multi-faceted, some overriding factors have</p> <p>16 emerged from the reports of the experts commissioned by</p> <p>17 the inquiry.</p> <p>18 Components of the aluminium rainscreen fuelled the</p> <p>19 fire and allowed it to spread up and around the tower at</p> <p>20 a great rate. Combustible materials and the lack of</p> <p>21 cavity barriers in the new windows also seem to have</p> <p>22 played a major role.</p> <p>23 Why combustible cladding was used at Grenfell Tower</p> <p>24 is something this inquiry will have to consider with</p> <p>25 great care, and, sir, the answer may not be simple or</p> <p style="text-align: center;">Page 107</p>  |
| <p>1 installation of windows.</p> <p>2 Prior to and during the refurbishment project, TMO</p> <p>3 engaged the services of the fire safety consultant</p> <p>4 CS Stokes &amp; Associates Limited, which advised on fire</p> <p>5 safety matters and completed fire risk assessments at</p> <p>6 Grenfell Tower.</p> <p>7 TMO also had bimonthly fire safety meetings with the</p> <p>8 London Fire Brigade throughout the course of the</p> <p>9 refurbishment.</p> <p>10 The refurbishment project was overseen by a number</p> <p>11 of other specialist bodies, including RBKC building</p> <p>12 control, which visited and inspected the project on at</p> <p>13 least 16 occasions between its inception in August 2014</p> <p>14 and practical completion in July 2016. Building control</p> <p>15 signed off the final works as being compliant.</p> <p>16 A clerk of works was also appointed at an early</p> <p>17 stage and visited the site on a regular basis, assessing</p> <p>18 the quality of the building works as they progressed.</p> <p>19 Can I deal with two discrete topics, please, sir,</p> <p>20 before I move on to a last topic.</p> <p>21 One of the topics is fire doors, and it has been</p> <p>22 widely reported and is referred to in your expert</p> <p>23 reports that fire doors installed on the flats in 2011</p> <p>24 may not have performed to the standard suggested by</p> <p>25 their fire rating. This will plainly be a matter to be</p> <p style="text-align: center;">Page 106</p> | <p>1 straightforward. But what can be said is this: that the</p> <p>2 use of this material, or this type of material, had been</p> <p>3 contemplated since the beginnings of the project, when</p> <p>4 identified by Studio E and other contractors in 2012,</p> <p>5 and was visible to and seen by a whole range of</p> <p>6 technical and professional bodies, including those with</p> <p>7 specific responsibility for building control and fire</p> <p>8 safety.</p> <p>9 In fact, investigations after the fire show how</p> <p>10 widespread the use of these materials was. Numerous</p> <p>11 high-rise residential buildings -- I think Mr Mansfield</p> <p>12 said something like 300 -- in both the public and the</p> <p>13 private sector were clad in the same or similar</p> <p>14 materials used at Grenfell Tower. And as we heard, only</p> <p>15 last month the government agreed to fund the removal and</p> <p>16 replacement of cladding now identified to be dangerous</p> <p>17 by councils and housing associations across the country,</p> <p>18 and work has started to remove it from over 100</p> <p>19 high-rise buildings across the country.</p> <p>20 Sir, TMO supports the inquiry's thorough</p> <p>21 investigation into how these materials came to be used</p> <p>22 by contractors at Grenfell Tower and so widely</p> <p>23 throughout the housing sector, and how the current</p> <p>24 systems of building regulations and fire safety, which</p> <p>25 Dame Judith Hackitt found to be not fit for purpose,</p> <p style="text-align: center;">Page 108</p> |

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| <p>1 were not reviewed prior to this date.<br/>                 2 Finally, sir, and importantly, TMO supports<br/>                 3 a thorough investigation into the nature and<br/>                 4 implementation of the stay-put policy in relation to<br/>                 5 high-rise buildings and, crucially for Phase 1, on the<br/>                 6 instructions residents were given by LFB and dispatchers<br/>                 7 as events unfolded on the night of 14 June 2017.<br/>                 8 Sir, we acknowledge that answering these questions<br/>                 9 might be vital not just for the present inquiry, but<br/>                 10 also for the safety of countless other tenants across<br/>                 11 the UK.<br/>                 12 SIR MARTIN MOORE-BICK: Very good. Thank you very much<br/>                 13 indeed.<br/>                 14 Now, it's a little early to take a break just yet,<br/>                 15 I think, so, Mr Hockman, you are going to address us<br/>                 16 next, I think.<br/>                 17 MR HOCKMAN: Yes, and I'll come round.<br/>                 18 SIR MARTIN MOORE-BICK: When you are ready.<br/>                 19 Opening statement on behalf of Arconic by MR HOCKMAN<br/>                 20 MR HOCKMAN: May it please you, sir.<br/>                 21 On behalf of Arconic Architectural Products SAS,<br/>                 22 which I will call for the purposes of this oral opening<br/>                 23 "the company", I am very grateful for the opportunity to<br/>                 24 present these brief opening remarks.<br/>                 25 Comments as to the lack of detail in written</p> <p style="text-align: center;">Page 109</p>  | <p>1 ACM PE, some or all of which were to be fitted to the<br/>                 2 tower. The panels were of a kind which, among others,<br/>                 3 the company regularly manufactured and supplied. They<br/>                 4 consisted of two sheets of aluminium with a polyethylene<br/>                 5 core. The core itself was obviously combustible. The<br/>                 6 manufacture and supply of these panels was the only part<br/>                 7 which the company played in the events leading up to the<br/>                 8 fire.<br/>                 9 I add at this point that the company had no<br/>                 10 knowledge of and in no way authorised the images shown<br/>                 11 in the screenshots referred to yesterday and would<br/>                 12 strongly disapprove of their content. These images<br/>                 13 were, it seems, created by a customer who has been left<br/>                 14 in no doubt that we wholly deplore its conduct.<br/>                 15 My next and third point relates to what I might call<br/>                 16 the legitimacy of the supply, and it is simply to stress<br/>                 17 that the supply of such panels was in itself an entirely<br/>                 18 lawful and, indeed, by no means uncommon circumstance.<br/>                 19 As you've already heard from others, similar panels were<br/>                 20 regularly supplied to the market and, indeed, we<br/>                 21 understand that the company was a relatively minor<br/>                 22 participant in the market within the UK.<br/>                 23 Fourth point, arrangements for use. It's important<br/>                 24 to stress that, as I'm sure will be readily appreciated,<br/>                 25 those requiring the supply of such panels are invariably</p> <p style="text-align: center;">Page 111</p> |
| <p>1 openings clearly do not apply to us since we filled<br/>                 2 every square inch of the 10 pages allocated to us.<br/>                 3 As you know, for the purposes of this oral opening<br/>                 4 I have, however, been allocated just 15 minutes, and<br/>                 5 I know that a tea break awaits. Therefore, I am going<br/>                 6 to limit myself to making some ten specific points which<br/>                 7 I hope, sir, will be of assistance to you.<br/>                 8 I should make it clear that it's not my intention to<br/>                 9 address every point made yesterday or today with which<br/>                 10 we may respectfully disagree.<br/>                 11 My first point is, as it must be, to repeat the<br/>                 12 expression of profound regret with which I began my<br/>                 13 initial remarks to the inquiry on 21 March. The sadness<br/>                 14 and sorrow which everyone must have felt on hearing<br/>                 15 about the fire and its terrible consequences were<br/>                 16 accentuated by watching and listening to the<br/>                 17 commemorations with which the inquiry was presented<br/>                 18 during the last two weeks. I would like to add my<br/>                 19 respectful tribute to all those who had the courage to<br/>                 20 make those presentations, and to those concerned in the<br/>                 21 arrangements which made it possible for the<br/>                 22 presentations to be given.<br/>                 23 My second point concerns the supply of cladding. As<br/>                 24 everyone now knows, the company was requested to supply<br/>                 25 a quantity of cladding panels made of what is known as</p> <p style="text-align: center;">Page 110</p> | <p>1 involved professionally in the construction or<br/>                 2 refurbishment of buildings, and it is they who decide<br/>                 3 whether to acquire the panels and in what quantities.<br/>                 4 It is they who decide whether to use the panels for<br/>                 5 a particular project, how they are to be fabricated and<br/>                 6 how they are to be affixed. It is they who decide<br/>                 7 whether, in combination with the other components of the<br/>                 8 building, the panels can be appropriately and safely<br/>                 9 used. In particular, it is they who decide on the<br/>                 10 combination of materials comprising the cladding system.<br/>                 11 Next, the fifth point concerns fabrication and<br/>                 12 installation. It has to be stressed that an individual<br/>                 13 panel, as manufactured by and purchased from us, cannot<br/>                 14 simply be fitted to a building as supplied. A process<br/>                 15 of fabrication is necessary, which involves adapting the<br/>                 16 panel so as to enable it to be fitted to the building in<br/>                 17 whatever way has been specified. In addition to the<br/>                 18 process of fabrication, it's then necessary for<br/>                 19 arrangements to be made for the fixing of the panel to<br/>                 20 the building itself. Separately and in combination,<br/>                 21 these processes are undertaken not by the company, but<br/>                 22 by others, and no doubt invariably in reliance upon<br/>                 23 appropriate professional advice.<br/>                 24 Now I come, as my sixth point, to the topic of<br/>                 25 regulatory compliance.</p> <p style="text-align: center;">Page 112</p>          |

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| <p>1 The use of materials in the construction or<br/>2 rehabilitation of a building is, as we've heard, subject<br/>3 to the Building Regulations, which are a form of<br/>4 legislation, and it's also covered by published<br/>5 government guidance.<br/>6 The legislation and the guidance are not wholly<br/>7 prescriptive in detail as to how regulatory compliance<br/>8 can be achieved, though there are a number of recognised<br/>9 routes to compliance.<br/>10 In order to assess compliance, whether by one of the<br/>11 recognised routes or otherwise, it would be necessary to<br/>12 have a detailed understanding of the overall design and<br/>13 structural components of the building, including, of<br/>14 course, the external envelope. Assessment of compliance<br/>15 could not be and was not, therefore, undertaken by the<br/>16 manufacturer of a single component part.<br/>17 I'll say that again, if I may: assessment of<br/>18 compliance could not be and was not, therefore,<br/>19 undertaken by the manufacturer of a single component<br/>20 part. It was for those who were responsible for the<br/>21 design or construction or refurbishment of the building<br/>22 to satisfy themselves that an appropriate route to<br/>23 compliance would be achieved.<br/>24 In particular, one route to compliance was and is<br/>25 recognised to be the carrying out of what is sometimes</p> <p style="text-align: center;">Page 113</p>                     | <p>1 few of the matters which the inquiry will undoubtedly<br/>2 wish to address.<br/>3 Of these three points, the first, which will be my<br/>4 eighth point, concerns containment.<br/>5 It seems that anyone assessing the fire performance<br/>6 and compliance of the building would have had to take<br/>7 into account the so-called stay-put policy; in other<br/>8 words, the assumption that the building was constructed<br/>9 in such a way that a fire in any one unit would be<br/>10 contained within that unit for an appropriate period of<br/>11 time such as to avoid a threat to safety in other parts<br/>12 of the building.<br/>13 It seems to us, therefore, that the inquiry will<br/>14 wish to examine whether the refurbishment project, if<br/>15 appropriately carried out by those responsible for its<br/>16 design and implementation, would and should have been<br/>17 capable of ensuring that the fire in flat 16 was so<br/>18 contained.<br/>19 My ninth point concerns insulation. The inquiry of<br/>20 course will wish to examine the contribution of the<br/>21 individual components in the building, including those<br/>22 within the cladding system. As regards the cladding<br/>23 system, we have to emphasise that the insulation<br/>24 selected for the project appears to have been the first<br/>25 combustible component in the cladding system which</p> <p style="text-align: center;">Page 115</p> |
| <p>1 called a fire engineering assessment, which takes into<br/>2 account relevant features of the building as a whole,<br/>3 including the various components in the cladding system.<br/>4 This route to compliance was recognised as recently<br/>5 as April of this year in a government consultation paper<br/>6 concerning amendments to government guidance. This<br/>7 route to compliance, possibly in common with other<br/>8 routes, does not necessarily require that every element<br/>9 in the building be non-combustible or of limited<br/>10 combustibility.<br/>11 Now a few words, as my seventh point, about product<br/>12 classification. I can be very brief on this at this<br/>13 stage.<br/>14 It follows really from everything that I've already<br/>15 said that the question of whether panels can be used in<br/>16 a manner which complies with the regulatory regime does<br/>17 not necessarily turn upon whether they were capable of<br/>18 achieving any particular classification.<br/>19 Now, I've covered seven of my ten points and<br/>20 I propose, in my remaining three comments, to identify<br/>21 some of the factors, in addition to the ACM PE, which it<br/>22 appears were responsible for the way in which the fire<br/>23 spread throughout the building and for its fatal<br/>24 consequences. I do so not in any way to express<br/>25 suggested conclusions, but rather to highlight a very</p> <p style="text-align: center;">Page 114</p> | <p>1 became subject to fire and which had a significant<br/>2 impact on fire spread. The company was not in any way<br/>3 responsible for the selection or installation of the<br/>4 insulation material.<br/>5 Finally, as my tenth point, a word about the infill<br/>6 panels. A feature of the cladding system which has<br/>7 perhaps to date been insufficiently emphasised is the<br/>8 incorporation of a considerable number of white<br/>9 polystyrene infill panels -- we have seen them on the<br/>10 pictures -- also highly combustible, which appear<br/>11 between the windows on every floor from the fourth<br/>12 storey upwards and which will also have made<br/>13 an identifiable contribution to fire spread. Once<br/>14 again, the company had no involvement in the<br/>15 manufacture, selection or use of these panels.<br/>16 Sir, by way of conclusion, as others do, we fully<br/>17 understand the enormity of the task facing the inquiry,<br/>18 the enormity of your task, together with your assessors<br/>19 and fellow panelists when appointed, and look forward to<br/>20 playing our part in working towards appropriate<br/>21 conclusions.<br/>22 Thank you.<br/>23 SIR MARTIN MOORE-BICK: Thank you very much.<br/>24 Well, it's a little before 3 o'clock but I think<br/>25 that is a convenient time to take a break. So we'll</p> <p style="text-align: center;">Page 116</p>                                 |

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| <p>1 stop now and resume at 3.15 sharp, please.<br/>                 2 Thank you.<br/>                 3 (3.00 pm)<br/>                 4 (A short break)<br/>                 5 (3.15 pm)<br/>                 6 Opening statement on behalf of CS Stokes &amp; Associates<br/>                 7 by MR LEONARD<br/>                 8 SIR MARTIN MOORE-BICK: Now, Mr Leonard, you are going to<br/>                 9 address us next.<br/>                 10 MR LEONARD: Good afternoon, yes. James Leonard, instructed<br/>                 11 by Watson Burton, and this is the opening statement on<br/>                 12 behalf of CS Stokes &amp; Associates Limited.<br/>                 13 CS Stokes continues, with others, to express its<br/>                 14 deepest sympathies and condolences to all those affected<br/>                 15 by Grenfell Tower fire.<br/>                 16 CS Stokes is the company through which Carl Stokes<br/>                 17 has traded in the business of fire safety since 2009,<br/>                 18 having undertaken independent fire risk assessments<br/>                 19 himself pursuant to the Regulatory Reform (Fire Safety)<br/>                 20 Order, which I will refer to as the fire safety order<br/>                 21 throughout, since 2007. Carl Stokes had 23 years'<br/>                 22 service as a fire officer and, in 2007, was awarded the<br/>                 23 fire risk assessment certificate, having demonstrated<br/>                 24 proficiency for the work.<br/>                 25 In broad terms, Carl Stokes's association with</p> <p style="text-align: center;">Page 117</p>   | <p>1 asked to carry out specific tasks or consider specific<br/>                 2 issues as and when requested, which included matters<br/>                 3 relating to Grenfell Tower before, during and after the<br/>                 4 refurbishment work. Again, sir, that will be a matter<br/>                 5 of evidence in due course.<br/>                 6 CS Stokes is committed to assisting this inquiry as<br/>                 7 best it can, and particularly in relation to the fire<br/>                 8 safety order and fire risk assessments carried out under<br/>                 9 that order, not only in relation to how matters were and<br/>                 10 remain, but how they might be improved for the future.<br/>                 11 The BSR CPs, core participants, and inquiry experts<br/>                 12 have raised a number of entirely legitimate issues about<br/>                 13 which evidence will be given. With this in mind,<br/>                 14 however, there are three specific matters I would like<br/>                 15 to address, primarily to inform, I hope helpfully, your<br/>                 16 work, sir, going forward. These are not intended to<br/>                 17 provide answers to all the questions raised but, as<br/>                 18 I say, to assist you, particularly in relation to fire<br/>                 19 safety matters and fire risk assessments.<br/>                 20 Firstly, stay put. Stay put is a well-recognised<br/>                 21 strategy applied to purpose-built blocks of flats for<br/>                 22 many years, and it applied to Grenfell Tower long before<br/>                 23 CS Stokes became involved in the building. Stay put is,<br/>                 24 though, identified in CS Stokes' fire risk assessments<br/>                 25 as the strategy in place for the building.</p> <p style="text-align: center;">Page 119</p> |
| <p>1 Grenfell Tower began in 2009 with his first fire risk<br/>                 2 assessment as a subcontractor, and repeated the exercise<br/>                 3 as CS Stokes on 20 November 2012, 17 October 2014,<br/>                 4 20 April 2016 and 20 June 2016. CS Stokes &amp; Associates<br/>                 5 Limited is the identified core participant in these<br/>                 6 proceedings.<br/>                 7 All fire risk assessments, together with their<br/>                 8 significant findings and action plans, were provided for<br/>                 9 and to the Kensington and Chelsea TMO. The particular<br/>                 10 nature of and purpose behind fire risk assessments will,<br/>                 11 sir, I'm sure, be the subject of evidence. But in<br/>                 12 short, they represent a fire risk assessment of the<br/>                 13 building captured on the day or days the fire risk<br/>                 14 assessment is completed.<br/>                 15 The fire risk assessment is always available for the<br/>                 16 London Fire Brigade to audit as the enforcing authority,<br/>                 17 and for the TMO, in this case, to distribute as they see<br/>                 18 fit.<br/>                 19 The fire safety order requires the significant<br/>                 20 findings of the fire risk assessment to be recorded.<br/>                 21 The significant findings are given actions for, in this<br/>                 22 case, the TMO to address.<br/>                 23 In addition, between 2010 and 2017, CS Stokes<br/>                 24 carried out fire risk assessments for the TMO across<br/>                 25 their portfolio of properties and was, on occasion,</p> <p style="text-align: center;">Page 118</p> | <p>1 Stay put relies on designed and maintained internal<br/>                 2 compartmentation of the building to contain fire spread<br/>                 3 for a period of time sufficient either for the fire to<br/>                 4 burn out or for it to be dealt with by the fire service<br/>                 5 without the need for general evacuation. At the same<br/>                 6 time, it is designed to maintain the integrity of other<br/>                 7 fire protection measures, including fire escape stairs<br/>                 8 and the like.<br/>                 9 Although stay put can and is referred to as<br/>                 10 an evacuation strategy or plan, and although it is not<br/>                 11 a plan that requires immediate evacuation or even relies<br/>                 12 on a predetermined phased evacuation of a building, it<br/>                 13 should not be thought of as a policy for occupants if<br/>                 14 a fire has broken out to stay put in all or any<br/>                 15 circumstances.<br/>                 16 The Local Government Association guidance published<br/>                 17 in 2011/2012 -- before the coroner completed the Lakanal<br/>                 18 House inquest, to which I was also a party -- identified<br/>                 19 stay-put policy as involving, in broad terms, the<br/>                 20 following approach:<br/>                 21 "When a fire occurs within a flat, the occupants<br/>                 22 alert others in the flat, make their way out of the<br/>                 23 building and summon the fire and rescue service.<br/>                 24 "If a fire starts in the common parts, anyone in<br/>                 25 those areas makes their way out of the building and</p> <p style="text-align: center;">Page 120</p>   |

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| <p>1 summons the fire and rescue service.<br/>                 2 "All other residents not directly affected by the<br/>                 3 fire would be expected to 'stay put' and remain in their<br/>                 4 flat unless directed to leave by the fire and rescue<br/>                 5 service."<br/>                 6 The LGA guidance, the Local Government Association<br/>                 7 guidance, which survived unamended by the Lakanal<br/>                 8 recommendation letters, goes on at paragraph 19.2:<br/>                 9 "It is not implied that those not directly involved<br/>                 10 who wish to leave the building should be prevented from<br/>                 11 doing so. Nor does this preclude those evacuating<br/>                 12 a flat that is on fire from alerting neighbours so they<br/>                 13 can also escape if they feel threatened."<br/>                 14 Sir, CS Stokes does not underestimate the multitude<br/>                 15 of factors that were presented to the London Fire<br/>                 16 Brigade by the fire at Grenfell Tower on 14 June 2017.<br/>                 17 It was a fire that spread with unforeseen intensity and<br/>                 18 speed as a result of fire igniting cladding material on<br/>                 19 the external walls.<br/>                 20 Without wishing to prejudge the evidence, the<br/>                 21 inquiry will have to consider whether or not the fire<br/>                 22 developed in a way that appears wholly inconsistent with<br/>                 23 a fire in a building that was said to have complied with<br/>                 24 the functional requirements of Building Regulations and<br/>                 25 Approved Document B. If that is right, the fire</p> <p style="text-align: center;">Page 121</p>             | <p>1 Callers may need to be advised to leave their property<br/>                 2 or be guided from it by firefighters."<br/>                 3 This inquiry will have to consider whether any<br/>                 4 London Fire Brigade contingency plan for managing<br/>                 5 evacuation from Grenfell Tower would ever have<br/>                 6 contemplated the need for a full or even staged<br/>                 7 evacuation so quickly. From a fire risk assessment<br/>                 8 perspective, had such a need been identified, stay put<br/>                 9 as a strategy would never have been appropriate in the<br/>                 10 first place. That, sir, will be a matter of evidence<br/>                 11 for you to consider as we progress.<br/>                 12 The second point I want to raise, if I may, is<br/>                 13 this: are the external walls of a building such as<br/>                 14 Grenfell Tower covered by the fire safety order? Sir,<br/>                 15 this is a matter that the inquiry may feel it has to<br/>                 16 address in due course, and there may be some urgency to<br/>                 17 it, and I'll explain why.<br/>                 18 In written submissions seen in advance, at least one<br/>                 19 of the BSR core participants suggests that the external<br/>                 20 walls are within the scope of the fire safety order. As<br/>                 21 you know, sir, the fire safety order is one of the key<br/>                 22 pieces of legislation in this area. All of CS Stokes'<br/>                 23 fire risk assessments on Grenfell Tower were carried out<br/>                 24 pursuant to the fire safety order.<br/>                 25 The fire safety order applies not to domestic</p> <p style="text-align: center;">Page 123</p>              |
| <p>1 protection measures in place at the time, on the basis<br/>                 2 that it did so comply, were subjected to a fire they had<br/>                 3 never been designed to address.<br/>                 4 Whether, and if so, the stay-put policy needs to<br/>                 5 progress from stay-put advice to directing residents to<br/>                 6 leave from the building is an operational firefighting<br/>                 7 decision in the event of a fire occurring.<br/>                 8 As to planning in advance, the Department of<br/>                 9 Communities and Local Government fire and rescue<br/>                 10 authorities operational guidance generic risk assessment<br/>                 11 3.2, which did come about after Lakanal, and those<br/>                 12 familiar with what happened in that case will recognise<br/>                 13 features of it within the changed narrative,<br/>                 14 in February 2014, addresses directly the issue of<br/>                 15 a contingency plan -- referred to already in your<br/>                 16 proceedings, sir, as a plan B -- on the part of a fire<br/>                 17 and rescue authority.<br/>                 18 Under GRA 3.2, by way of summary only, the relevant<br/>                 19 fire and rescue authority is required to have<br/>                 20 contingency plans which should cover, and I quote,<br/>                 21 "an operational evacuation plan being required in the<br/>                 22 event the stay-put policy becomes untenable".<br/>                 23 It goes on, advice offered to callers to remain in<br/>                 24 their property during fire survival calls, and I quote:<br/>                 25 "... must be re-evaluated throughout the incident.</p> <p style="text-align: center;">Page 122</p> | <p>1 premises occupied as private dwellings, ie the flats<br/>                 2 themselves within Grenfell Tower, but to those parts,<br/>                 3 and I quote, "used in common by the occupants of more<br/>                 4 than one such dwelling". If the external walls were to<br/>                 5 be regarded as within the ambit of the fire safety<br/>                 6 order, therefore, they would have to be regarded as<br/>                 7 parts of the building that were "used in common by the<br/>                 8 occupants".<br/>                 9 Sir, your expert Colin Todd has said that in his<br/>                 10 view -- although ultimately it may well be a matter for<br/>                 11 you, of course -- a construction of the fire safety<br/>                 12 order allowing for that conclusion would be perverse.<br/>                 13 Setting aside the practical implications of the external<br/>                 14 walls being included as a common part, one struggles to<br/>                 15 find any guidance document -- and there are many -- that<br/>                 16 comes close to suggesting it did.<br/>                 17 Moreover, as I perceive it, the Dame Judith Hackitt<br/>                 18 report appears to proceed on the basis, almost taken as<br/>                 19 read, that external walls are not included within the<br/>                 20 fire safety order. It was an issue focused on in the<br/>                 21 post-inquest recommendation letters that followed the<br/>                 22 Lakanal House fire of 2009.<br/>                 23 By letter dated 28 March 2013, Her Majesty's<br/>                 24 assistant deputy coroner specifically invited the<br/>                 25 government to consider providing more guidance on what</p> <p style="text-align: center;">Page 124</p> |

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| <p>1 was meant by "common parts", and nothing has changed.<br/>                 2 CS Stokes' position is that the external walls of<br/>                 3 the tower do not form part of the common parts of the<br/>                 4 building for the purposes of the fire safety order.<br/>                 5 Further submissions as to the reasoning behind that will<br/>                 6 follow, sir, at your invitation.<br/>                 7 Conversely, section 1(5) of the Housing Act of 2004<br/>                 8 does specifically include external walls. The extent of<br/>                 9 the duty in that regard may also be a matter, sir, for<br/>                 10 you to address in due course.<br/>                 11 However, even if the fire safety order should be<br/>                 12 construed so as to include the external walls,<br/>                 13 Colin Todd's further opinion is that it has never been<br/>                 14 custom and practice for fire risk assessments, including<br/>                 15 those carried out by fire safety specialists, to<br/>                 16 consider external wall construction. If a contrary view<br/>                 17 on construction is to be taken, sir, that may need to be<br/>                 18 taken with some urgency because of its impact on the<br/>                 19 fire safety community at large.<br/>                 20 Even though we take the view that the fire safety<br/>                 21 order -- irrespective, as it were, of the strict legal<br/>                 22 position, taken with regard to the fire safety order,<br/>                 23 the local government association's guidance, already<br/>                 24 referred to at paragraph 72, invites, and I quote:<br/>                 25 "... particular attention to any rainscreen or other</p> <p style="text-align: center;">Page 125</p> | <p>1 2. The contractor to provide information about the<br/>                 2 fixings to be used.<br/>                 3 3. The contractor to provide the fire rating of the<br/>                 4 cladding and the fixings.<br/>                 5 4. The contractor to provide building control<br/>                 6 officer's acceptance of the fixing system and cladding<br/>                 7 used.<br/>                 8 Even though, therefore, outside the scope of the<br/>                 9 fire safety order, by identifying the proposed<br/>                 10 overcladding as a risk or hazard, and in accordance with<br/>                 11 the Local Government Association guidance, CS Stokes<br/>                 12 invited particular attention to the proposed cladding<br/>                 13 system and thus promoted active consideration of the<br/>                 14 safety of the cladding system and fire safety issues.<br/>                 15 Sir, a cladding system designed by specialists in<br/>                 16 the construction industry and approved by building<br/>                 17 control should not have spread fire in the way that it<br/>                 18 did at Grenfell Tower on 14 June 2017. Neither should<br/>                 19 it have compromised internal compartmentation and the<br/>                 20 stay-put policy in the way that it did and at the speed<br/>                 21 it did.<br/>                 22 Thirdly, and finally, what was meant by "fire rated<br/>                 23 cladding", and I quote, in the April and June 2016 fire<br/>                 24 risk assessments.<br/>                 25 In its 26 April 2016 fire risk assessment, CS Stokes</p> <p style="text-align: center;">Page 127</p>  |
| <p>1 external cladding that has been applied and to facades<br/>                 2 that have been replaced."<br/>                 3 That is not a paragraph that directly addresses fire<br/>                 4 risk assessments.<br/>                 5 At the time of the CS Stokes fire risk assessment on<br/>                 6 17 October 2014, the refurbishment was underway. Save,<br/>                 7 though, for a single piece seemingly in place as<br/>                 8 a visual example, there was no external cladding in<br/>                 9 place at that time of inspection.<br/>                 10 Following the fire risk assessment, in accordance<br/>                 11 with the fire safety order, the record of significant<br/>                 12 findings and action plan also dated 17 October 2014 was<br/>                 13 produced by CS Stokes. In addition to the proposed<br/>                 14 cladding being noted in the first row of significant<br/>                 15 findings, the last significant findings item identified<br/>                 16 the following as a risk with a high priority for<br/>                 17 resolution, and I quote:<br/>                 18 "The external face of this building is to be<br/>                 19 overclad. The piece of cladding fixed to the external<br/>                 20 wall at the moment is on timber batons."<br/>                 21 In response to this risk, CS Stokes recommended<br/>                 22 actions to be taken which can be paraphrased as follows:<br/>                 23 1. The contractor to provide the scope of the works<br/>                 24 for the cladding, how it was to be fixed to the<br/>                 25 building.</p> <p style="text-align: center;">Page 126</p>   | <p>1 commented, as a result of information received, as<br/>                 2 follows:<br/>                 3 "New external cladding has been fitted to this<br/>                 4 building as part of the project of refurbishment and<br/>                 5 reconstruction work being undertaken on and within the<br/>                 6 building. The original external face of this building<br/>                 7 has been overclad. The new fire rated cladding is fixed<br/>                 8 to the outface of the building by metal fixings and the<br/>                 9 whole process has been overseen by RBKC building control<br/>                 10 department and officers. They have approved and<br/>                 11 accepted the fixing system and cladding used."<br/>                 12 In its 20 June 2016 fire risk assessment, CS Stokes<br/>                 13 repeated that comment in identical terms, and the<br/>                 14 building control completion certificate for<br/>                 15 Grenfell Tower refurbishment was issued, sir, as you<br/>                 16 know, on 16 July 2016, as CS Stokes was informed it<br/>                 17 would be.<br/>                 18 The comment that the cladding was "fire rated" was<br/>                 19 derived from CS Stokes having been assured that building<br/>                 20 control had overseen the whole process, had approved the<br/>                 21 fixing system and cladding used, had signed it off, and<br/>                 22 that it complied with Building Regulations in relation<br/>                 23 to external walls and the relevant sections of<br/>                 24 Approved Document B.<br/>                 25 Compliance with the relevant sections of</p> <p style="text-align: center;">Page 128</p> |

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| <p>1 Approved Document B represented, on CS Stokes'<br/>2 understanding, a fire rating in accordance with<br/>3 Approved Document B, paragraphs 12.5 to 12.9, or at<br/>4 least a functional equivalent by reference to full-scale<br/>5 British standard test data.<br/>6 Irrespective, however, of that detail in<br/>7 Approved Document B's detailed fire rating, paragraph 1<br/>8 of paragraph 12.5 of Approved Document B reads as<br/>9 follows:<br/>10 "The external envelope of a building should not<br/>11 provide a medium of fire spread if it is likely to be<br/>12 a risk to health and safety. The use of combustible<br/>13 materials in the cladding system and extensive cavities<br/>14 may present such a risk in tall buildings."<br/>15 It will be a matter for you to determine, sir, but<br/>16 even if there is a gap or an apparent gap in the fire<br/>17 safety order relevant to the external walls, the<br/>18 functional requirement of the Building Regulations steps<br/>19 in.<br/>20 You will know, and others who have looked at it will<br/>21 know as well, that compartmentation, crucial to this<br/>22 issue, is worthy of an entire section in<br/>23 Approved Document B under B3, which stresses the<br/>24 importance of compartmentation in the context of<br/>25 resisting fire spread. It will be a matter for this</p> <p style="text-align: center;">Page 129</p>  | <p>1 instructed by Linklaters.<br/>2 Sir, it is of the utmost importance to our client<br/>3 and all the representatives of the company that<br/>4 I express our deep sympathy, both to the families of<br/>5 those who lost their lives as a result of the fire at<br/>6 Grenfell Tower, and to everyone who has been and remains<br/>7 affected by the devastating and tragic events of that<br/>8 night.<br/>9 The very moving and distressing commemorations which<br/>10 we have seen and heard over recent days bear witness to<br/>11 the terrible pain being suffered by so many, and we<br/>12 fully understand the demand and the need for answers<br/>13 which have been expressed so powerfully and with such<br/>14 dignity.<br/>15 We have also carefully noted the words of counsel to<br/>16 the inquiry in his opening statement, emphasising that<br/>17 core participants will rightly be expected to provide<br/>18 clear evidence and engage rigorously with the issues<br/>19 that directly concern them. That, we recognise, is<br/>20 essential in order to assist this vitally important<br/>21 inquiry in achieving its objectives, which include<br/>22 making recommendations designed to ensure that such<br/>23 a fire never happens again and that there are major<br/>24 improvements in safety in the areas under investigation.<br/>25 Sir, we have sought to comply with the inquiry's</p> <p style="text-align: center;">Page 131</p> |
| <p>1 inquiry to determine and consider that any external wall<br/>2 that compromises compartmentation and stay put is<br/>3 arguably bound to represent a risk to health and safety.<br/>4 If a cladding system was passed as compliant, the<br/>5 converse should be capable of being taken as true;<br/>6 namely, the system with approval did not present a risk<br/>7 to health and safety.<br/>8 The same can be said of the letter of 6 April 2017<br/>9 from the London Fire Brigade and that's already been<br/>10 referred to. That letter in fact focuses significantly<br/>11 on compliance with the Building Regulations, part B, and<br/>12 all parts of Approved Document B as a way of ensuring<br/>13 ongoing public safety.<br/>14 You, sir, by way of conclusion, will be very<br/>15 interested no doubt in due course to ascertain precisely<br/>16 what did happen as part of the building control process,<br/>17 as are many others. But until that has occurred, sir,<br/>18 we remain committed to assisting you in any way we can.<br/>19 That is all I propose to say on CS Stokes' behalf.<br/>20 SIR MARTIN MOORE-BICK: Thank you very much indeed.<br/>21 Now, the next person to address us is Mr Gibson.<br/>22 Thank you.<br/>23 Opening statement on behalf of Celotex by MR GIBSON<br/>24 SIR MARTIN MOORE-BICK: Yes, Mr Gibson.<br/>25 MR GIBSON: Sir, I appear on behalf of Celotex Limited,</p> <p style="text-align: center;">Page 130</p> | <p>1 directions to date in that spirit.<br/>2 As the inquiry knows, Celotex manufactures and<br/>3 distributes insulation products, some of which were used<br/>4 in the refurbishment of Grenfell Tower.<br/>5 In our position paper, we carefully sought to set<br/>6 out and explain Celotex's role and involvement as<br/>7 requested, in particular in relation to the testing,<br/>8 marketing and supply of this insulation products, and we<br/>9 identified key documents.<br/>10 That position paper has been shared with other core<br/>11 participants, so I do not seek to lengthen this opening<br/>12 statement by repeating its contents, along with the<br/>13 contents of our written opening.<br/>14 But, in conclusion, I would like to underline,<br/>15 particularly having regard to all that has been said and<br/>16 that I've heard today, Celotex's continued commitment to<br/>17 full, objective and transparent engagement with this<br/>18 inquiry.<br/>19 Thank you.<br/>20 SIR MARTIN MOORE-BICK: Thank you very much.<br/>21 Now, Mr Beer, you are going to make a statement on<br/>22 behalf of the ministry next.<br/>23 Opening statement on behalf of MHCLG by MR BEER<br/>24 MR BEER: Sir, that's right. I appear on behalf of MHCLG.<br/>25 The loving and moving commemorations that rightly</p> <p style="text-align: center;">Page 132</p>   |

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| <p>1 form the start, if not the centrepiece, of this inquiry<br/>                 2 provide a reminder, if one was needed, that although the<br/>                 3 inquiry may at times become enmeshed with technical and<br/>                 4 scientific evidence, at its very heart this tragedy<br/>                 5 concerned people and the loss of human life.<br/>                 6 For our part -- and by that, I mean the people, the<br/>                 7 individuals, who make up the department that<br/>                 8 I represent -- there is a collective desire that human<br/>                 9 tragedy is the compass which gives us our bearings in<br/>                 10 this inquiry as we seek to ensure that the lessons of<br/>                 11 the tragedy are learned.<br/>                 12 The department was present at each and every one of<br/>                 13 the days of the commemoration ensuring that what was<br/>                 14 said was heard, and will continue to be present<br/>                 15 throughout the inquiry's hearings.<br/>                 16 You will know, sir, that the department is primarily<br/>                 17 concerned with Phase 2 of your inquiry and not Phase 1.<br/>                 18 But notwithstanding that, and the fact that the<br/>                 19 department will have the opportunity to make a full<br/>                 20 opening statement at the commencement of Phase 2 of the<br/>                 21 inquiry, the department does wish to make a short<br/>                 22 opening statement at the beginning of this phase.<br/>                 23 It does so, firstly, in recognition of the<br/>                 24 importance of Phase 1 of the inquiry, and that's because<br/>                 25 it is only by examining the Phase 1 issues that the</p> <p style="text-align: center;">Page 133</p> | <p>1 industry's compliance with the regulatory regime, as is<br/>                 2 clear from some of the expert reports that the inquiry<br/>                 3 has commissioned, numerous, extensive and interrelated<br/>                 4 compliance issues with regard to the construction and<br/>                 5 refurbishment of the building will emerge in Phase 1,<br/>                 6 along, perhaps, with issues as to the efficiency and<br/>                 7 effectiveness of the regulatory regime itself in<br/>                 8 securing public safety.<br/>                 9 As will have been apparent to you and your team, the<br/>                 10 department has not and is not waiting for the<br/>                 11 conclusions of this inquiry before taking robust action<br/>                 12 where that is necessary in order to secure the safety of<br/>                 13 the public or where improvements can be made.<br/>                 14 So although you have decided in your response<br/>                 15 document of December 2017 that Phase 1 will not involve<br/>                 16 any examination of the reasons why things happened as<br/>                 17 they did or what should have happened, and that in<br/>                 18 Phase 1 there will be no qualitative investigation into<br/>                 19 any arrangements, decisions, regulations or policies, as<br/>                 20 it has done in the past, the department will continue to<br/>                 21 address issues of urgent concern as a result of the<br/>                 22 process of the inquiry, including within Phase 1. That<br/>                 23 is why it is concerned with Phase 1 and why we are<br/>                 24 working closely with the Home Office, who now have<br/>                 25 governmental responsibility for fire and rescue policy.</p> <p style="text-align: center;">Page 135</p> |
| <p>1 inquiry has any hope of making robust findings in<br/>                 2 relation to the Phase 2 issues.<br/>                 3 But, secondly, we wish to make the statement to<br/>                 4 emphasise that although we are not actively engaged in<br/>                 5 Phase 1 of the inquiry, the department is nonetheless<br/>                 6 carefully monitoring and responding to the evidence<br/>                 7 prepared for and given in Phase 1 of the inquiry insofar<br/>                 8 as that evidence relates to matter that remain within<br/>                 9 the department's areas of responsibility.<br/>                 10 As I've said, in relation to the Phase 1 issues<br/>                 11 identified by your counsel, which fundamentally<br/>                 12 encompass factual issues directly relating to the events<br/>                 13 of 14 June, the department has no direct involvement or<br/>                 14 direct knowledge of them. It has not been asked and<br/>                 15 does not expect that it will be in a position to provide<br/>                 16 relevant evidence to the inquiry on those matters.<br/>                 17 This is in contrast to the issues which are engaged<br/>                 18 by Phase 2 of the inquiry, where the department clearly<br/>                 19 has a direct involvement in, for example, the matters<br/>                 20 raised under the heading of issue 10 in the list of<br/>                 21 issues.<br/>                 22 But the absence of direct involvement in Phase 1<br/>                 23 does not mean a lack of attention to and concern about<br/>                 24 the evidence that you may hear in Phase 1. Far from it.<br/>                 25 Although the focus of Phase 1 is not about the extent of</p> <p style="text-align: center;">Page 134</p>     | <p>1 The department recognises that the Grenfell Tower<br/>                 2 fire uncovered widespread failures in the fire safety<br/>                 3 regime for high-rise residential buildings. That is why<br/>                 4 it immediately worked with fire safety experts to issue<br/>                 5 advice to owners of affected buildings, taking steps to<br/>                 6 ensure that every high-rise building with unsafe<br/>                 7 cladding was identified and made safe as soon as<br/>                 8 possible, and committed to a full review of the building<br/>                 9 regulatory system to make sure that all of the lessons<br/>                 10 from the tragedy were fully realised and acted on.<br/>                 11 That is why it has shared the inquiry's expert<br/>                 12 reports, with your permission, with the department's<br/>                 13 independent expert panel to make sure that any further<br/>                 14 action that is needed can be taken immediately, and that<br/>                 15 is why the department has also committed, in reverse, to<br/>                 16 providing to the inquiry documents underlying the<br/>                 17 Hackitt Review.<br/>                 18 In short, sir, nothing is more important than<br/>                 19 keeping people safe. As the inquiry continues its work,<br/>                 20 we in the department will ensure that any urgent public<br/>                 21 safety issues that the inquiry uncovers are immediately<br/>                 22 dealt with and that the survivors are fully supported.<br/>                 23 Thank you, sir.<br/>                 24 SIR MARTIN MOORE-BICK: Thank you very much.<br/>                 25 Now, finally for today, Ms Studd is going to make</p> <p style="text-align: center;">Page 136</p>  |

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| <p>1 a statement on behalf of the Mayor of London.<br/>                 2 Take your time, that's perfectly all right.<br/>                 3 Opening statement on behalf of the Mayor of London<br/>                 4 by MS STUDD<br/>                 5 MS STUDD: Sir, the Mayor of London has pledged to make<br/>                 6 London a city for all Londoners. As a result of that<br/>                 7 pledge, he has particular concern for the bereaved,<br/>                 8 survivors and residents of the Grenfell fire.<br/>                 9 As Mr Millett QC clearly acknowledged on Monday, and<br/>                 10 others, perhaps Mr Friedman QC most graphically, have<br/>                 11 echoed, the commemorations last week provided us with<br/>                 12 the privilege of knowing a little bit about those who<br/>                 13 died and the place that they held in the hearts of their<br/>                 14 loved ones.<br/>                 15 For the Mayor, who was represented throughout but<br/>                 16 who attended in person last Wednesday, it provided<br/>                 17 a very clear illustration, if one were needed, of the<br/>                 18 importance this inquiry and its need to explore<br/>                 19 relentlessly in this phase the cause and spread of this<br/>                 20 fire.<br/>                 21 This inquiry will reflect a moment in history when<br/>                 22 we can say this will not and cannot happen again in our<br/>                 23 great capital city. As Mr Thomas QC said earlier: let<br/>                 24 this be the beginning of the end.<br/>                 25 The testaments of the bereaved, survivors and</p> <p style="text-align: center;">Page 137</p>   | <p>1 participants can be present and actively participate in<br/>                 2 the main room of the inquiry at any one time. And even<br/>                 3 then, there are issues with space and comfort and the<br/>                 4 lack of ability for them to take notes and give<br/>                 5 instructions to their lawyers.<br/>                 6 We are sure that extensive inquiries have been made<br/>                 7 and that they will continue to be made. We understand<br/>                 8 that it is not easy to find suitable accommodation for<br/>                 9 an inquiry of this size. However, it is clearly eroding<br/>                 10 the number of core participants who are attending the<br/>                 11 inquiry, and at the very least, in the interests of<br/>                 12 transparency and in order to promote confidence in the<br/>                 13 process, we would ask you to let the core participants<br/>                 14 know what efforts have been made to date to find<br/>                 15 alternative accommodation for this inquiry to give them<br/>                 16 the confidence that the inquiry has this issue very much<br/>                 17 in focus as the hearings continue.<br/>                 18 In addition to the proper focus on the bereaved,<br/>                 19 survivors and residents of the Grenfell Tower, and the<br/>                 20 need to learn lessons, even uncomfortable ones, in<br/>                 21 relation to the decisions made in the course of a very<br/>                 22 fast-moving emergency response, the Mayor would also<br/>                 23 wish the inquiry to highlight the actions of individual<br/>                 24 firefighters, search and rescue team members and police<br/>                 25 officers who showed breathtaking bravery going forward</p> <p style="text-align: center;">Page 139</p> |
| <p>1 relatives are also a stark reminder of the duty on each<br/>                 2 and every one of us with a role in this inquiry, in<br/>                 3 whatever capacity, to work rapidly, tirelessly and with<br/>                 4 transparency to ensure that we learn every lesson we<br/>                 5 can, even the difficult ones, to prevent any<br/>                 6 re-occurrence of the devastating events of 14 June 2017.<br/>                 7 This duty clearly and obviously must extend to those<br/>                 8 responsible for the redesign and renovation of<br/>                 9 Grenfell Tower, and those corporate core participants<br/>                 10 that have been paid by the taxpayer for their work.<br/>                 11 The Mayor welcomes the Prime Minister's recent<br/>                 12 decision to appoint additional panel members to sit with<br/>                 13 you, sir, in Phase 2. He considers the appointment of<br/>                 14 panel members will bring, as they must, both diversity<br/>                 15 and different life experience to this inquiry and can<br/>                 16 only assist in making a vital contribution to ensuring<br/>                 17 greater public confidence in the process as a whole. He<br/>                 18 would endorse Mr Mansfield QC's call for their early<br/>                 19 appointment and their involvement in the hearings of<br/>                 20 Phase 1.<br/>                 21 Adding his voice to others, the Mayor has written to<br/>                 22 you, asking you to renew your efforts in relation to<br/>                 23 finding and securing a more suitable venue than this<br/>                 24 venue. It is obviously unsatisfactory that less than<br/>                 25 20 per cent of the bereaved, survivors and resident core</p> <p style="text-align: center;">Page 138</p> | <p>1 into danger. These individuals -- and there were<br/>                 2 many -- showed the world what public service really<br/>                 3 means, risking their own lives in order to save the<br/>                 4 lives of others. These people will be heard in this<br/>                 5 phase of the inquiry and their conduct should be<br/>                 6 recognised for the remarkable demonstration of the human<br/>                 7 spirit acting in the service of others.<br/>                 8 The Mayor would also like the inquiry to recognise<br/>                 9 and acknowledge in this phase the extraordinary<br/>                 10 coming-together of the local community in the course of<br/>                 11 and in the immediate aftermath of devastating tragedy.<br/>                 12 This is a community which filled the vacuum left by the<br/>                 13 local authority, rallied, sought to and did provide<br/>                 14 support to those directly affected in every way that it<br/>                 15 could in the days and weeks that followed 14 June, and,<br/>                 16 as illustrated last week at the commemorative hearings,<br/>                 17 it continues to do so.<br/>                 18 Given the obvious and admitted failures of the local<br/>                 19 authority to provide welfare and support to the<br/>                 20 bereaved, survivors and relatives of Grenfell Tower, the<br/>                 21 Mayor would invite you to consider whether the incumbent<br/>                 22 of his office should have a more specific or perhaps<br/>                 23 even a statutory role to provide or authorise mutual aid<br/>                 24 in the aftermath of such a major incident.<br/>                 25 Until now, the evidence which will be heard by the</p> <p style="text-align: center;">Page 140</p>                          |

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| <p>1 inquiry over the next few weeks and months has not been<br/>                 2 widely disseminated and has been confidential to the<br/>                 3 inquiry and core participants until these hearings<br/>                 4 commence. The Mayor is very conscious that the content<br/>                 5 of the evidence to be heard in this phase of the oral<br/>                 6 hearings will inevitably bring with it further concern<br/>                 7 to those who reside in high-rise buildings and in<br/>                 8 accommodation similar to Grenfell Tower.<br/>                 9 The inquiry will be aware that those with<br/>                 10 responsibility for housing took some action in the<br/>                 11 immediate aftermath of the fire to reduce public concern<br/>                 12 and to increase the safety of those residing in tower<br/>                 13 blocks. Those actions were and have been more recently<br/>                 14 widely reported in the press. That has not prevented<br/>                 15 residents of high-rise buildings continuing to<br/>                 16 experience wholly understandable fears, concerns and<br/>                 17 worries about their ability to be safe and their ability<br/>                 18 to keep their families safe in their own homes.<br/>                 19 The Mayor considers that there is much further work<br/>                 20 to do and that you, sir, and your inquiry play a vital<br/>                 21 role in this.<br/>                 22 Mr Weatherby QC asked yesterday whether any other of<br/>                 23 the core participants would support an outright ban on<br/>                 24 the use of combustible cladding on high-rise buildings.<br/>                 25 The Mayor has already made a clear and unambiguous</p> <p style="text-align: center;">Page 141</p> | <p>1 in the course of these hearings or elsewhere, those<br/>                 2 bearing culpable responsibility for the circumstances<br/>                 3 that allowed this tragedy to occur are held to account,<br/>                 4 and that through the inquiry's work, we can ensure that<br/>                 5 nothing like the awful events at Grenfell Tower can ever<br/>                 6 occur in our country again.<br/>                 7 SIR MARTIN MOORE-BICK: Thank you very much.<br/>                 8 Well, that's a convenient point to break for today.<br/>                 9 We'll resume tomorrow with further statements at<br/>                 10 10 o'clock.<br/>                 11 Can I just mention one thing before I rise. It may<br/>                 12 be that some of you are intending to stay in the<br/>                 13 building to talk about the day's events or other matters<br/>                 14 after I rise. I doubt that many of you will be here<br/>                 15 still at 5.30, but if you are, you ought to be aware<br/>                 16 that there will be a fire alarm test at 5.30.<br/>                 17 The confusion at this end is that we were originally<br/>                 18 told to expect it at 4.45, but I received a message just<br/>                 19 before I came back in that it had been put back to 5.30,<br/>                 20 so that's why I told you 5.30.<br/>                 21 Right, thank you.<br/>                 22 (4.00 pm)<br/>                 23 (The hearing adjourned until Thursday, 7 June 2018 at<br/>                 24 10.00 am)<br/>                 25</p> <p style="text-align: center;">Page 143</p> |
| <p>1 public comment in response to the Hackitt Review<br/>                 2 confirming his support for its immediate ban. This is<br/>                 3 just the type of urgent safety consideration that this<br/>                 4 inquiry must consider in the course of the Phase 1<br/>                 5 hearings.<br/>                 6 As the Mayor has previously indicated, there is<br/>                 7 a need to swiftly share and action any learning arising<br/>                 8 from the oral hearings of Phase 1 and not merely at its<br/>                 9 conclusion.<br/>                 10 The Mayor wishes the inquiry and the public to know<br/>                 11 that he is committed to assisting the inquiry to<br/>                 12 disseminate and implement any measures which it is<br/>                 13 considered require immediate attention insofar as he has<br/>                 14 the power to do so and expects that other relevant<br/>                 15 bodies or local authorities will do the same.<br/>                 16 For local authorities, registered social landlords<br/>                 17 and private landlords, this will have to be a matter of<br/>                 18 priority, and we make it plain that, on behalf of the<br/>                 19 affected residents of London, the Mayor will use<br/>                 20 whatever methods available to him to ensure that these<br/>                 21 issues are prioritised.<br/>                 22 While the Mayor acknowledges the painstaking<br/>                 23 investigation being undertaken by the Metropolitan<br/>                 24 Police, he also wishes to highlight and emphasise the<br/>                 25 need for accountability. It is imperative that, either</p> <p style="text-align: center;">Page 142</p>  | <p style="text-align: center;">I N D E X</p> <p>1 Opening statement on behalf of Mr .....1<br/>                 2 Kebede of Flat 16 by MR MENON<br/>                 3<br/>                 4 Opening statement on behalf of BSRs .....16<br/>                 5 (G10) by MR THOMAS<br/>                 6 Opening statement on behalf of BSRs .....42<br/>                 7 (G10) by MR MANSFIELD<br/>                 8<br/>                 9 Opening statement on behalf of the .....81<br/>                 10 Royal Borough of Kensington<br/>                 11 and Chelsea by MR<br/>                 12 MAXWELL-SCOTT<br/>                 13 Opening statement on behalf of the .....99<br/>                 14 Tenant Management Organisation<br/>                 15 by MR AGEROS<br/>                 16 Opening statement on behalf of .....109<br/>                 17 Arconic by MR HOCKMAN<br/>                 18<br/>                 19 Opening statement on behalf of CS .....117<br/>                 20 Stokes &amp; Associates<br/>                 21 by MR LEONARD<br/>                 22<br/>                 23 Opening statement on behalf of .....130<br/>                 24 Celotex by MR GIBSON<br/>                 25 Opening statement on behalf of MHCLG .....132<br/>                 by MR BEER<br/>                 Opening statement on behalf of the .....137<br/>                 Mayor of London by MS STUDD</p> <p style="text-align: center;">Page 144</p>  |

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