

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Friday, 25 January 2013

(9.59 am)

Housekeeping

THE CORONER: Good morning, do sit down. I think there are two or three case management issues which it would be helpful to discuss before we ask the jury to come in. The first concerns Crew Manager Dennis. I've received a medical report which leads me to conclude that Mr Dennis should not be asked to give evidence in person.

Mr Maxwell-Scott, I think you have two points to raise on transcripts and Rule 37 witnesses, is that right?

MR MAXWELL-SCOTT: That is right, and I notified the other advocates of this by email after court yesterday. What I was proposing to do this morning was to ask for the complete transcript of the 999 call made by Catherine Hickman to be included into the jury bundle at tab 17, and I would propose to do that straight away unless there were any objections or representations. If there were then I would propose postponing dealing with those until the end of today's evidence.

THE CORONER: All right. Does anyone have any observation on that?

MR HENDY: Just to say that the transcript that

1 Mr Maxwell-Scott has in mind is one that has timings
2 down the side which we think will be very helpful to the
3 jury.

4 THE CORONER: Thank you. Any other contribution? All
5 right. Well, in that case Mr Maxwell-Scott will add
6 that to the jury bundle when the jury come in. Thank
7 you.

8 MR MAXWELL-SCOTT: Secondly, I was proposing to read under
9 Rule 37 the witness statements of Paul Reynolds and
10 Leon Bryce, who were both occupants of flat 70 on the
11 afternoon of the fire. The advocates will have had
12 their statements some months ago, but they weren't
13 originally scheduled either to be read or called, but in
14 the light of some of the evidence yesterday about who
15 was or was not on the 9th corridor and who was or was
16 not escorted out from the 9th corridor, I thought it
17 would be helpful to the jury for them to be read, and
18 unless there were objections or representations, I would
19 propose to do that before calling evidence this morning.

20 THE CORONER: All right. Does anyone have any observation
21 on that?

22 MR MAXWELL-SCOTT: They were in the original witness
23 statements bundles at C102 to 103 and C104 to 106.
24 They're not in the advocates' bundles, but I will be
25 able to put them up on screen.

1 MR HENDY: I'm so sorry. What I was suggesting was that we
2 give them a number now, whether it's 131A, B, C or
3 something like that, just so that for the future we all
4 know where they are in the witness statement bundle.
5 I mean, only the advocates, not the jury.

6 THE CORONER: All right, yes. What number are you
7 suggesting?

8 MR MAXWELL-SCOTT: Well, perhaps after court today we'll
9 repaginate them.

10 THE CORONER: All right, thank you very much. I think
11 actually we also have Mr Udi's video recording.

12 MR MAXWELL-SCOTT: That is correct.

13 THE CORONER: Yes, we need to deal with that. Is there
14 a proposal for that?

15 MR MAXWELL-SCOTT: Yes. We could play that straight away in
16 fact, and then we could read the two Rule 37 statements,
17 and then call Mr Birkett and Mr Moore.

18 THE CORONER: That sounds sensible. Any dissent from that?
19 Okay.

20 MR MAXWELL-SCOTT: Before the jury come in we'll just need
21 a couple of minutes to get the projector on to make sure
22 everything's okay.

23 THE CORONER: Well, would it be sensible to do that now and
24 we can call the jury in and then we can deal with
25 everything rather than sending them out. All right.

1 Are you happy to do that while we're all waiting?

2 MR MAXWELL-SCOTT: Yes. (Pause)

3 THE CORONER: Mr Hendy, you were asking that that be played.

4 Is that going to help?

5 MR HENDY: Well, I played it several times, but there's

6 a woman right at the end who says "It's on the 11th

7 floor", just before the shot showing the flames on the

8 11th floor.

9 THE CORONER: All right. Well, I'm happy for it to be

10 played, but I think it might actually be helpful if we

11 identified, perhaps before we start or just after we --

12 probably just before we start -- to say to the jury

13 "It's difficult to hear what's being said, but what we

14 want you to listen to is something which is said right

15 at the end, and then perhaps Mr Maxwell-Scott or

16 Mr Atkins can say "Actually this is what is being said".

17 Does that sound sensible?

18 MR ATKINS: Madam, in that case shall I run the footage

19 through now so we can identify the time?

20 THE CORONER: Yes, okay. (Pause)

21 MR MAXWELL-SCOTT: The impression I had was at 1.15 it said

22 it was going to the next floor. At 1.25 it mentioned

23 the 11th floor.

24 THE CORONER: Does everyone agree with that? In that case

25 I will ask the jurors to try to concentrate especially

1 at those points.

2 All right, is there anything else? Okay, could we
3 ask the jury to come in? Then after that we're dealing
4 with --

5 MR MAXWELL-SCOTT: We'll read the two statements and then --

6 THE CORONER: Yes, then Mr Birkett and Mr Moore.

7 MR MAXWELL-SCOTT: Exactly.

8 (In the presence of the Jury)

9 THE CORONER: Members of the jury, good morning. I'm sorry
10 to have kept you waiting. Before you came in we were
11 dealing with a couple of administrative matters.

12 Video evidence

13 THE CORONER: The first thing we're going to do this morning
14 is to run again the video recording which Mr Kelvin Udi
15 took on his mobile phone. You may remember when he gave
16 evidence earlier this week that we looked at the
17 recording, but we could see only the visual part of the
18 recording, we couldn't actually play the sound.

19 We have now been able to sort out the sound part of
20 the recording, so what we're planning to do is to replay
21 it for you and it's on the screen now in front of you
22 and can you see where the cursor is at the moment you
23 have "00.00"? That is an elapsed time measurement, and
24 you will see as the recording runs through that the time
25 will clock up.

1 The sound isn't very easy to make out. What I'd
2 like you to do please is to concentrate particularly on
3 the sound when we get to about 1.15 on that bottom left
4 hand gauge and then again 1.35, all right? Is that
5 clear? All right, thank you very much.

6 MR MAXWELL-SCOTT: 1.25.

7 THE CORONER: I'm so sorry, 1.25, thank you.

8 (The video was played to the Court)

9 THE CORONER: Thank you very much. Mr Maxwell-Scott, could
10 you perhaps just help the jurors with what we think is
11 being said at those two points.

12 MR MAXWELL-SCOTT: We think that at 1.15 there's a reference
13 to the "next flat", the fire going to the next flat, and
14 at 1.25, the phrase "11th floor" is said:

15 "It's on the 11th floor".

16 THE CORONER: Thank you, "11th floor now", I think.

17 MR MAXWELL-SCOTT: Yes.

18 THE CORONER: All right, thank you very much.

19 Members of the jury, Mr Maxwell-Scott is going to
20 read two witness statements and, as you will remember me
21 saying at an earlier stage, the statements that we're
22 reading are just as important as the evidence which we
23 hear from witnesses who actually come. Yes?

24 MR MAXWELL-SCOTT: I'm going to read two statements from
25 occupants of flat 70 on the afternoon of the fire.

1 Statement of PAUL REYNOLDS (read)

2 MR MAXWELL-SCOTT: The first, which is on the screen, is
3 a statement from Paul Reynolds, dated 9 July 2009. He
4 says:

5 "I lived at 70 Lakanal House with my partner and six
6 year-old daughter. I have lived at the address since
7 1998. It is a two level premises on the 9th floor at
8 the back of the block. The bedroom and bathroom are on
9 the lower level and the kitchen and living room are on
10 the upper level. As I look from the bedroom windows,
11 they look down onto the shops and garden area.

12 "On Friday, 3 July 2009 between 4.15 pm and 4.30 pm
13 I was at home with my daughter and one of my [it says]
14 sirens -- Leon. I suddenly saw smoke going past my
15 kitchen window, which is at the back of the block (shops
16 and garden side). I went out onto the balcony and
17 walked along to where the smoke was coming from.
18 I could see the smoke was coming from 65 but it was so
19 thick that I had to turn back. Once back in the flat,
20 my friend told me that we needed to get out. I had
21 already phoned the Fire Brigade and been told that it
22 had been reported.

23 "We had a great sense of urgency that we needed to
24 leave and so we opened the front door and went out onto
25 the landing. The smoke was thickening and as I went

1 past number 65 I could feel the heat of the fire.

2 "On reaching the stairs we made our way down. Apart
3 from the smoke on the 9th floor, the stairs were fairly
4 clear. On reaching the ground I looked up to see the
5 fire develop and saw that a flat on the 5th, 7th and
6 11th floors also started to catch light. I also saw
7 that the Fire Brigade had arrived and were assessing the
8 situation.

9 "In answer to questions by the police, last year my
10 neighbour at 69 had a small cooking fire which was dealt
11 with by the Fire Brigade, but the building was not
12 evacuated. I do smoke on the balcony and will
13 extinguish cigarettes in an ash tray. I did not have
14 a cigarette on 3 July 2009. I'm an Afro-Caribbean male,
15 5 foot 9 tall, slim build and I was wearing blue jeans,
16 white trainers and red polo shirt. Leon is a black
17 male, 5 foot 7, chubby build wearing light jeans and
18 t-shirt. My daughter was wearing a red/white check
19 school dress and black shoes."

20 That's the end of his statement.

21 THE CORONER: Thank you.

22 Statement of LEON BRYCE (read)

23 MR MAXWELL-SCOTT: Next we have the statement of Leon Bryce
24 dated 10 August 2009. He says:

25 "In this statement I will be referring to Paul.

1 Paul is a friend of a friend and I have been to his flat
2 twice, once being on the 3rd. I do not know Paul's last
3 name, but I have known him for six or seven months.

4 Paul is mid-30s, mixed race, he has a shaved head, is of
5 stocky build and about 5 foot 10 tall. Paul lived at
6 number 70 Lakanal House. The flat is on the 9th floor.

7 "I arrived at Paul's about 1500 hours on Friday and
8 he was there with his six year-old daughter, Carmen. We
9 just chilled out and listened to music. We were in the
10 kitchen and at some time between 16.00 and 16.30, Paul
11 stepped backwards out of the kitchen doors onto the
12 communal balcony, looked to his left and said, 'Leon,
13 look at that'. I came to the door, looked to my right
14 and saw thick black/grey smoke about three/four flats
15 along. Paul's flat was the furthest along the corridor
16 to the right.

17 "Me, Paul and Carmen immediately left the flat and
18 run along the corridor to the elevator. Paul said
19 something that I didn't hear and he ran back tot he
20 flat. Carmen followed him. I waited for a couple of
21 minutes and the smoke got worse. My eyes and lungs were
22 burning and I was finding it difficult to breathe.
23 I could hear crackling and popping. I shouted Paul's
24 name five or six times to see if he was by the door. By
25 this time smoke had become worse and I could hardly see

1 the door.

2 "I ran back to the flat and pushed at the door. The
3 door had closed shut. I was worried about my friend and
4 his daughter, so I kicked the door and ran upstairs to
5 the kitchen/lounge area. I shouted at Paul 'What are
6 you doing?' and he said he was trying to find his keys.
7 I told him not to worry about that and that we just
8 needed to get out now.

9 "I grabbed hold of Carmen's hand, ran out of the
10 flat, turned left, went down the corridor, opened a set
11 of doors on the corridor, then opened the door on the
12 left where the stairs were and ran downstairs.

13 As we were going downstairs there were lots of other
14 people also running downstairs. I was being passed by
15 firefighters going up the stairs. I can't recall if
16 they were saying anything.

17 "Me and Carmen exited the building and stood waiting
18 for Paul. Our backs were to Southampton Way as we were
19 looking towards Lakanal House. A couple of minutes
20 later Paul came out.

21 "We all stood there looking up at Lakanal and saw
22 lots of people coming out and more firemen going in.
23 I could see fire coming out of the flat on the 9th floor
24 and lots of smoke.

25 "At about 17.00 I saw a black man with mid-back

1 length dreadlocks looking out a window on the floor
2 above Paul's, directly above the flat on fire. We were
3 all screaming at him to get out. He closed the window
4 and went from sight. I didn't see him again.

5 "About 15 minutes after that, I saw a black man,
6 black woman and a baby on a balcony two floors up from
7 the fire but a bit more to the right. The man had
8 dropped down what looked like a homemade rope made of
9 tied up clothes over the balcony. It didn't reach very
10 far and we were all shouting, don't do it, go back in.
11 This man pulled the homemade rope back up and stood on
12 the balcony rails as if he was going to jump off.
13 Again, we all shouted for him not to do it and to get
14 down. The man eventually stepped down and stayed there
15 with the woman and baby. They were too far away for me
16 to give any better descriptions.

17 "By this time another fire had started a couple of
18 floors down and to the right of the building (if you're
19 looking at it from the outside). Every window in the
20 block had thick black smoke coming out. I stayed there
21 until about 19.00 when I left to go home. The block was
22 still on fire when I left.

23 "That day I was wearing a dark blue t-shirt, grey
24 jogging bottoms, black boots and a blue two tone
25 rucksack, sky blue and navy blue."

1 That is the end of the statement.

2 THE CORONER: Thank you very much.

3 MR MAXWELL-SCOTT: Madam, what we were going to do next was
4 to invite the members of the jury to insert in their
5 jury bundle at tab 17 the transcript of the 999 call
6 made by Catherine Hickman, which the members of the jury
7 will see has a running clock in the left hand side of
8 the page which gives both the time which has elapsed in
9 the course of the call and the actual time.

10 THE CORONER: Thank you.

11 MR MAXWELL-SCOTT: Madam, if I could then call the first
12 witness of the day, who is John Birkett.

13 THE CORONER: Yes, thank you. Mr Birkett, would you like to
14 come forward? Thank you.

15 JOHN BIRKETT (sworn)

16 THE CORONER: Mr Birkett, thank you very much. Do sit down
17 and do help yourself to an glass of water if you would
18 like. It sounds as if you have a voice which carries
19 well, but nevertheless could you please make sure that
20 you speak close to the microphone so that we can hear
21 what you're saying.

22 A. Certainly, I will do.

23 THE CORONER: If you could direct your answers across the
24 room to the jurors that would help them and help you
25 keep close to the microphone.

1 A. Yes.

2 THE CORONER: Do sit down.

3 A. Thank you.

4 THE CORONER: Mr Maxwell-Scott, who is standing, is going to
5 ask you some questions initially on my behalf and then
6 there may be questions from others.

7 A. Yes.

8 THE CORONER: Thank you.

9 A. During my evidence, may I refer to the case notes which
10 were made during the examination?

11 THE CORONER: Yes, if you need to, we'll take that step by
12 step.

13 A. Thank you.

14 Questions by MR MAXWELL-SCOTT

15 MR MAXWELL-SCOTT: Can you give the court your full name,
16 please?

17 A. John Birkett.

18 Q. You're here to give expert evidence to the court about
19 an examination that you made of some locks?

20 A. That's correct, yes.

21 Q. Can you briefly explain to the members of the jury what
22 your expertise is in this field?

23 A. Yes, I've been a forensic scientist for 37 and a half
24 years, and as part of the work that I carry out
25 I examine physical evidence: tool marks is one aspect of

1 it, locks and keys is another.

2 I am not a qualified lock smith but I have -- my
3 expertise lies in the examination of physical items to
4 see if I can determine the state that they are in and
5 whether there is any damage, any obvious faults that
6 I can comment on as a scientist from my physical
7 examination of the items.

8 Q. Did you prepare a case work examinations report in
9 March 2010?

10 A. Yes, I did.

11 Q. At that time, who were you employed by?

12 A. At that time I was employed by the Forensic Science
13 Service.

14 Q. How long had you worked for them at that time?

15 A. My career was continuous from working for the
16 Metropolitan Police Forensic Science Laboratory, where
17 I started in 1974, and we were merged with the
18 Home Office Forensic Science Service in 1995.

19 Q. In 2010, for how long had the examination of locks been
20 part of your area of specialism?

21 A. It's not something that I have a specific recollection
22 of, but it would be 10/15 years at least.

23 Q. Did you yourself go to Lakanal House as part of your
24 work?

25 A. I did not visit Lakanal House.

1 Q. So were you provided with some materials to analyse?

2 A. Yes, I was provided with a bag containing various
3 materials.

4 Q. What were you told about where they had come from or
5 been found?

6 A. The bags show that they were from beneath the front door
7 of one of the flats at Lakanal House.

8 Q. Was that flat 79?

9 A. I believe it was, yes.

10 Q. I'm going to put up your three-page case work
11 examinations report on the screens. Do you recognise
12 that as the first page of your report?

13 A. Yes, it is.

14 Q. If we turn to the third page of it, we see a photograph
15 of a collection of items. Does that represent what you
16 were asked to examine?

17 A. Yes, it's the materials that were present in the item
18 that I examined.

19 Q. Was it provided to you as a series of different items in
20 different bags, or was it provided to you essentially
21 all as one set of objects in a single bag?

22 A. All that material was in a single bag.

23 Q. It was left to you to decide what they were and what
24 state they may have been in at the time of the fire?

25 A. That's correct, yes.

1 Q. When you had examined them, how many locks did you
2 consider you were dealing with?

3 A. There were pieces of what I believed to be three
4 different locks present in that item.

5 Q. Can you give the jury a little bit more detail about the
6 nature of each of those three locks?

7 THE CORONER: Sorry, could we just come back to the
8 photograph, please?

9 A. There were two mortise type locks present and pieces of
10 a rim latch, or what's colloquially known as a Yale-type
11 lock, in that item.

12 Q. Are you able from this general photograph to identify
13 for the jury which are the two mortise locks and which
14 are the pieces of the Yale lock?

15 A. Yes. One of the mortise locks is at the top left. The
16 other mortise lock is on the bottom right. Attached
17 loosely to that bottom right lock there is a plate which
18 together with the plate and the latch immediately to the
19 left of that are the pieces of what happens to be the
20 Yale-type lock.

21 Q. So there are some red arrows which have under them the
22 phrase:

23 "Pieces of night latch."
24 Is that the Yale-type lock?

25 A. That's the Yale-type lock yes.

1 Q. You say one of the arrows is pointing to what is on top
2 of or connected to one of the mortise locks, is that
3 right?

4 A. That's correct.

5 Q. Two of the arrows are pointing to separate pieces to the
6 left?

7 A. Yes.

8 Q. Can you just explain to the members of the jury what
9 a mortise lock is?

10 A. Yes, a mortise lock is effectively the deadlock that you
11 will have on a front or back door. It's let into the
12 side -- into the edge of the door, the closing edge of
13 the door. It has a bolt on it which is operated by
14 a key. That bolt engages in a plate, usually, that is
15 on the frame of the door. So it's inside the main body
16 of the door at the edge, is operated by the key, and is
17 used to open -- and the key opens and closes the bolt to
18 lock or unlock the door.

19 Q. If we look at page 1 of your report, in the bottom
20 right-hand corner, is that an example of one of the two
21 mortise locks that you found?

22 A. That is one of the two locks present in this item, yes.

23 Q. That's a mortise lock?

24 A. That's a mortise lock.

25 Q. If that were locked, what would you need to do to unlock

1 it?

2 A. If that were locked, you would place the key in the
3 keyway, which in this case is on the bottom right of
4 that lock there, insert the key in it and you would turn
5 it. The key would lift the levers within the lock to
6 allow the projection on the bolt to pass through it and
7 withdraw the bolt from the frame. So it unlocks the
8 door.

9 Q. The short point being that you would need a key to do
10 that?

11 A. Yes.

12 Q. That was the case, I assume, with both of the two
13 mortise type locks? If locked, they would need a key to
14 unlock them?

15 A. That's correct, yes.

16 Q. What about the Yale-type lock? If that were locked, how
17 would one unlock that?

18 A. Are we talking from the inside or the outside?

19 Q. From the inside.

20 A. From the inside: most of the Yale-type lock is missing,
21 so I can't say exactly what arrangement there was on the
22 inside of the door, but in the vast majority of locks of
23 this type, there is a knob on the inside that you turn
24 to withdraw the spring bolt from the catch plate. They
25 usually have a latch mechanism so that you can lock it

1 closed or if you've opened it you can lock it in the
2 opened position. Very occasionally, some locks of this
3 type do have a cylinder on the inside that needs a key
4 to operate it, but that is not the vast majority of
5 these types of locks.

6 Q. Is it the case that the Yale type lock that you examined
7 was too badly damaged for you to be able to say whether
8 it was one that would be opened from the inside with
9 a key or manually by hand?

10 A. All I had were two mounting plates and the latch, the
11 bolt itself. None of the mechanism was apparent in the
12 materials I examined, so I just cannot say. There
13 wasn't even the cylinder which you almost always have on
14 the outside of the door, where you insert the key to
15 open it from the outside. So I cannot say what the
16 mechanism would have been like on the inside.

17 Q. In terms of your brief, what you were asked to do and
18 advise on, if you look on that first page of your report
19 in the first paragraph, you say that the locks were
20 submitted to you to determine if they were in the
21 open/unlocked or closed/locked position at the time of
22 the fire.

23 A. That's correct, yes.

24 Q. So questions such as whether it might have been more
25 difficult than usual, or even impossible, to open the

1 front door because of the effects of fire or heat, were
2 they matters that fell outside what you were being asked
3 to consider?

4 A. Outside what I was asked to consider, and outside my
5 expertise as well.

6 Q. Thank you. If we then look at each of the three locks
7 in turn. The first one is the mortise lock that we see
8 on the bottom right of this page.

9 A. Yes.

10 Q. What was your opinion as to whether it had been
11 open/unlocked or closed/locked at the time of the fire?

12 A. From the condition of the lock, it was a more or less
13 intact, although I couldn't open the casing, but I could
14 see the bolt which, if it had been in a locked position,
15 would have protruded out of the casing. The bolt in
16 this lock was retracted inside the casing, hence would
17 have been in the unlocked position as far as I could
18 ascertain.

19 Q. Thank you. Then if I ask you about the second mortise
20 lock. I'm on the second page of your report now. Is
21 that the lock that we see in the photographs on that
22 page?

23 A. That's correct, yes.

24 Q. What was the condition of this lock as compared to the
25 first one we looked at?

1 A. This was in a poor state and, as far as I could tell,
2 the bolt had actually melted away, it wasn't present
3 there, although there was some melted material around.
4 Presumably that was as a result of the fire.

5 Q. What did your examination show?

6 A. Yes, when I initially examined the lock, there was
7 a nail in the keyway on one side of that lock.

8 Q. What effect would that have had on the ability to open
9 or close the lock?

10 A. On the ability to operate the lock, if it had been
11 present in there -- and I do not know when that nail was
12 acquired in the lock -- if it was there and you tried to
13 insert a key into the lock, you would not be able to do
14 so, certainly from the side that the nail was in, and as
15 the key normally has to pass through the lock and part
16 of it come out on the other side, even from the other
17 side it would be extremely difficult to insert, if not
18 impossible, to insert a key into that lock.

19 Q. If we could think for a moment about what the
20 implications of that are, does it follow that if the
21 nail was in the lock at the time of the fire and the
22 lock was in the locked position, that it would not have
23 been possible to open it with a key?

24 A. As far as I can tell, you would not have been able to
25 put the key in the lock, therefore you would not have

1 been able to operate the bolt to unlock it.

2 Q. Secondly, if the nail was in the lock and the lock was
3 in the unlocked position, but for whatever reason the
4 occupant attempted to insert a key into the lock in
5 order to try to activate the lock, is the effect that
6 they would not have been able to get the key into the
7 lock at all?

8 A. Yes, the limiting factor there is whether you can put
9 the key in the lock. It doesn't matter if it was locked
10 or unlocked, if that nail was present, it would not have
11 been possible to put the key in.

12 Q. What was your view on whether it was in fact in the
13 locked or unlocked position at the time of the fire?

14 A. Although the bolt had effectively melted away and wasn't
15 present, the levers were still present within the main
16 body of the lock. There was also part of the
17 mechanism -- the projection which is attached to the
18 bolt and has to pass through the levers to allow the
19 bolt to be thrown into the closed or open position --
20 that was still present, and its position relative to the
21 levers in the body of the lock was such that the bolt
22 would have had to have been in the unlocked, the open
23 position.

24 Q. So, in summary, this second mortise-type lock that we
25 are looking at was, in your view, unlocked but if the

1 nail were present at the time of the fire, it would not
2 have been possible to insert a key into the lock if
3 somebody wished to do so?

4 A. Yes, it was unlocked, but you couldn't get a key in,
5 yes.

6 Q. Were you able to form any view on whether the nail would
7 have been there at the time of the fire or not?

8 A. I could not form such an opinion.

9 Q. Then finally, dealing with the Yale-type lock, were you
10 able to form any view on whether or not that had been
11 locked or unlocked at the time of the fire?

12 A. For the same reasons, I couldn't say the type of
13 mechanism on the inside of the door. There was too
14 little there for me to be able to make any comment as to
15 its state, locked or unlocked, or whether it had been
16 working or not.

17 Q. Thank you very much. Those are my questions, but there
18 may be some more questions from others.

19 Questions by MR HENDY

20 MR HENDY: Mr Birkett, the long and the short of this is
21 that there were three locks, two of them, in your view,
22 were open at the time of the fire and wouldn't have
23 caused the impediment to opening the door, and of the
24 third you simply cannot say.

25 A. That's correct, yes.

1 Q. Thank you.

2 THE CORONER: Thank you. Any other questions? Thank you.

3 Members of the jury, do you have any questions for

4 Mr Birkett?

5 Mr Birkett, thank you very much for coming and thank

6 you very much for that helpful and clear explanation.

7 A. Thank you.

8 THE CORONER: You're welcome to stay if you want but you're

9 free to go if you would prefer. Thank you very much.

10 (The witness withdrew)

11 THE CORONER: Thank you, yes.

12 MR MAXWELL-SCOTT: The next witness is Jason Moore.

13 THE CORONER: Yes, thank you, Mr Moore, are you in court?

14 Yes, would you like to come forward?

15 JASON MOORE (sworn)

16 THE CORONER: Mr Moore, thank you. Do sit down. Do help

17 yourself to a glass of water if you would like. You'll

18 see that the microphone is switched on. Please could

19 you speak closely to the microphone so that we can pick

20 up your voice well and if you could give your answers

21 across the room to the jurors that will help them and

22 also help you to stay close to the microphone.

23 Mr Maxwell-Scott, who is standing, is going to ask

24 you some questions initially on my behalf and then there

25 may be questions from others, all right?

1 A. Okay.

2 Questions by MR MAXWELL-SCOTT

3 MR MAXWELL-SCOTT: Can you give the court your full name,
4 please?

5 A. Jason Moore.

6 Q. I'm going to be asking you questions this morning about
7 a visit that you made with colleagues to Lakanal House
8 on 2 May 2009. Am I right in thinking that at that time
9 you were based at Peckham Fire Station?

10 A. That's correct.

11 Q. How long had you been working there, when did you start
12 working there?

13 A. 2006.

14 Q. When did you join the London Fire Brigade?

15 A. April 2006.

16 Q. Had you worked as a firefighter for a different fire
17 service before that?

18 A. Yes.

19 Q. Since when?

20 A. I joined Kent Fire Brigade in 1989.

21 Q. In May 2009, were you a firefighter or a crew manager?

22 A. I was a firefighter.

23 Q. The visit that you made to Lakanal House on 2 May 2009,
24 was that the first time that you had been there, or had
25 you been there before?

1 A. I don't remember.

2 Q. Is it right that on that day you were deputising as crew
3 manager for the day?

4 A. That's correct.

5 Q. Is that something you've done before?

6 A. Occasionally.

7 Q. We understand from the London Fire Brigade that eight of
8 you went to Lakanal House on 2 May 2009 as part of
9 outside duty. There was you and Watch Manager Darby and
10 six other firefighters, and if that is right, if eight
11 of you went, am I right in thinking that that would have
12 been the whole of the watch on duty at that time?

13 A. That's correct.

14 Q. So in effect the whole shift, both appliances from
15 Peckham Fire Station, would have been part of that
16 visit?

17 A. That is correct.

18 Q. At that time, can you help the court as best you can
19 with how many familiarisation visits, otherwise known as
20 72D visits, you did each month?

21 A. It would vary from month to month, but one per day shift
22 would be a good average to work on.

23 Q. What proportion of those would have been to residential
24 tower blocks?

25 A. A large proportion.

1 Q. More than half?

2 A. Possibly more than half, yes, more than half.

3 Q. I know we're three and a half years on now, do you
4 remember this visit on 2 May at all?

5 A. No.

6 Q. I would nevertheless like to ask you a few questions
7 about what the practice was at the time when you went
8 with your shift on visits to residential tower blocks.
9 Firstly, what at the time, as you understood it, was the
10 purpose of such visits?

11 A. To check the installation, if they had any, of fire
12 service equipment.

13 Q. Can you just explain to the jury what you mean by that?

14 A. A provision of water, so a hydrant in close proximity
15 that is fully functional; if it was over a certain
16 number of floors it would have a dry rising main, that
17 that was in place and fully functional, with a visual
18 inspection, that is, not a mechanical inspection; a fire
19 lift, if it was in place, a mechanical inspection and
20 visual inspection of that; and familiarise yourself to
21 the best of your ability with the rough layout, shape,
22 size and area that the block or building occupies.

23 Q. You mentioned the dry riser. That would have a main
24 inlet at ground floor level; is that right?

25 A. That's correct.

1 Q. Then there would be outlets on floors higher up in the
2 building.

3 A. That is correct.

4 Q. Would the practice have been to inspect any or some or
5 all of those outlets higher up the building?

6 A. A visual inspection should be made of all.

7 Q. Would the practice have been to go inside any
8 residential flats or not?

9 A. No.

10 Q. Would the practice have been to look for signs within
11 the building that might give clues as to layout, for
12 example?

13 A. Possibly with the floor -- the obvious one would be the
14 floor numbering and in some instances it gives you what
15 flats are on that floor.

16 Q. Would the practice have been to look for signs that
17 indicated where fire escapes were or what the fire
18 escape routes were?

19 A. Yes.

20 Q. Would the practice have been to try to work out what the
21 escape routes were from the building?

22 A. Yes.

23 Q. When you at around this time went with your colleagues
24 as a shift to a residential tower block, approximately
25 how long, as you best recall it, would you have spent on

1 that visit?

2 A. It would depend on the size and area of the building.

3 Q. I can well understand that, but a 14-storey building

4 with approximately 100 flats, what would your best

5 estimate be?

6 A. The -- the number of flats wouldn't be of direct concern

7 to us, what we would be looking for is that the hydrant

8 is in place and working, that the dry riser, if fitted,

9 is in place and working, that the fireman's lift is in

10 place and working, so as long as it takes to check

11 those.

12 Q. Are you able to put any sort of figure on it?

13 A. It would vary depending on how many floors.

14 Q. If you went as a group of eight, would you all go round

15 together or would you split up and carry out different

16 tasks?

17 A. We would -- it would depend once again on the building.

18 Q. Would it be the practice for some of you or all of you

19 or none of you to carry a notebook as you went around?

20 A. A notepad would be at hand if needed.

21 Q. So notes could be jotted down as you went around?

22 A. That is correct.

23 Q. Your personal practice, would you generally make some

24 notes or always make notes or never make notes?

25 A. If the situation arose that notes needed to be taken,

1 they would be made.

2 Q. If you had split up into one or more groups and
3 different people had made notes, would there be any
4 practice of pooling those notes at the end, to see if
5 there was anything that warranted writing up into
6 a single composite note?

7 A. Yes.

8 Q. That would be a discussion of the shift who had carried
9 out that visit?

10 A. Sorry?

11 Q. Imagine that you'd split into four pairs, just for
12 discussion's sake, and that you do your visit, you come
13 down, three of the pairs have jotted some points down.
14 What would then happen?

15 A. We would collate the information, discuss it and proceed
16 with any further action if it was deemed necessary.

17 Q. Obviously, we're talking in the first instance here
18 about informal notes made on a notepad, and would I be
19 right in thinking that sometimes those notes made at the
20 scene wouldn't be taken any further, they wouldn't
21 always be kept?

22 A. No.

23 Q. There would be some consideration and decision as to
24 whether there was a need for any formal record at all,
25 is that right?

1 A. There is a record -- if there was no faults found, there
2 would be a record in the station diary where the
3 appointment was made and also it would be recorded on
4 that, recording the attendance system, where, what crews
5 and what personnel were in each crew. It wouldn't be --
6 so if it didn't generate any faults, there would be
7 no -- no more paper trail from that.

8 Q. So there might for example be people making handwritten
9 notes, "Dry riser, 3rd floor, tick; 4th floor, tick",
10 you get to the bottom, you have all agreed that there
11 were no faults overall, the notes wouldn't need to be
12 kept, there would just be a record that there were no
13 faults found?

14 A. That is correct.

15 Q. That sort of decision as to whether to record any formal
16 notes beyond "no fault found", would that be made just
17 by the shift or would there be discussions with anyone
18 else at the station about that?

19 A. No, that would be made -- the decision would be made by
20 the officer in charge.

21 Q. When you say "the officer in charge", you mean the
22 officer in charge of that shift, of that visit?

23 A. That's right.

24 Q. If there were things found that were considered
25 noteworthy, what would be the method of ensuring that,

1 for example, people from other shifts found out about
2 them?

3 A. The watch manager would have circulated that
4 information.

5 Q. When you use the word, "circulate," do you mean he would
6 have done that in writing rather than just talking to
7 people?

8 A. He would have done that -- I'm not entirely sure.

9 Q. Do you recall a practice of people ever saying to you,
10 "We did a visit to such and such a building the other
11 day and we noted this", did that sort of information
12 always come in writing?

13 A. It would have been in writing.

14 Q. Finally, I'd like to show you a small number of photos
15 of Lakanal House just to see if they jog your memory at
16 all of the visit, and I do appreciate that it was over
17 three and a half years ago. That's a photograph taken
18 from the street corner looking at the west side of the
19 building and with the north corner also partly visible.
20 At ground level it's boarded up in this picture as
21 a result of security considerations after the fire in
22 July 2009, so it wouldn't have looked like that at
23 ground level, but looking higher up the building, does
24 that jog your memory at all?

25 A. No. I'm aware of that building because I've seen it.

1 Q. As part of your practice in inspecting residential tower
2 blocks at the time, would you have inspected the
3 staircases, the protected shaft staircases?

4 A. We would have been in the protected staircase to check
5 the dry riser, yes.

6 Q. That's a photo of how it looked at the time, of the
7 staircase going up from ground floor level. Does that
8 jog your memory in any way?

9 A. No.

10 Q. I'll show you next a photograph taken in the area of the
11 two lift shafts at ground floor level. Does that jog
12 your memory in any way?

13 A. No.

14 Q. Do you see above the two lifts there's a sign on the
15 wall? I'll enlarge that for you in a close-up photo,
16 which is here. Is that the sort of sign that you would
17 expect to find somewhere at ground floor level in
18 a residential tower block?

19 A. In some, yes.

20 Q. This is a photograph taken on one of the odd-numbered
21 floors of a dry riser and a dry riser outlet. I imagine
22 that's a photo that could be taken in any number of
23 residential tower blocks, it won't help jog your memory
24 at all, is that right?

25 A. No.

1 Q. You can't recognise where that is from that photograph,
2 I am assuming?

3 A. No.

4 Q. But the group of you as a shift of eight would have
5 inspected each of those dry riser outlets, as your
6 practice at the time; is that right?

7 A. That's correct.

8 Q. You told us about how the practice would have involved
9 looking at signs to some extent, in particular fire exit
10 signage and also looking at escape route methods. If we
11 go back to this photograph here, the first one I showed
12 you, would your practice at the time have been to ask
13 yourself what the balconies that one can see on
14 alternate floors were?

15 If I show you a more close-up photograph, you see
16 the balcony and then following it towards the right of
17 the page you see a white door at the end of that?

18 A. Yes, I can see it.

19 Q. Can you assist the court at all on whether your practice
20 at the time when doing a 72D visit would have been to
21 give any thought to what that balcony was and where that
22 white door led to and what the point of the balcony and
23 the door was?

24 A. From experience, I would expect it to have possibly been
25 a fire escape.

1 Q. Thank you very much, those are my questions. There may
2 be some from others.

3 THE CORONER: Mr Hendy?

4 Questions by MR HENDY

5 MR HENDY: Mr Moore, my name's Hendy, I represent some of
6 the bereaved families.

7 The purpose of these visits is to familiarise
8 yourself with the premises?

9 A. Can you be more specific with "premises"? We inspect
10 for the general layout of the overall building. We
11 don't go into individual flats.

12 Q. Understood. Subject to that, is the purpose of the
13 visit to familiarise yourself with the block of flats if
14 that's what you're visiting?

15 A. Yes.

16 Q. In the course of that familiarisation, you obviously
17 make a note of any faults that may make life difficult
18 for firefighters if there is a fire?

19 A. Yes.

20 Q. On 2 May 2009, I appreciate you have no recollection of
21 it now, but Mr Maxwell-Scott reminds you that eight of
22 you went to Lakanal House, that was the whole watch.
23 Can we assume that you went by fire appliance?

24 A. Yes.

25 Q. Obviously that was important because you might, whilst

1 on a familiarisation visit, be called to an actual fire
2 somewhere else, so you'd need the appliance with you.

3 A. That's correct.

4 Q. So you went in two appliances, right?

5 A. Yes.

6 Q. Peckham doesn't have an aerial ladder platform, does it?

7 A. No.

8 Q. Peckham doesn't have an aerial ladder platform operator
9 either?

10 A. No.

11 Q. So one of the things that you couldn't do on a visit
12 such as this is to check access that might be available
13 for an aerial ladder platform?

14 A. No.

15 Q. From the things that you've mentioned that you did check
16 for, we can see that you wouldn't have checked the radio
17 coverage from BA head sets or indeed from personal
18 radios at any particular point in the block of flats?

19 A. Certainly not the breathing apparatus communications,
20 but our handheld radios would have been tested.

21 Q. But of course in a fire, as we've heard, people wearing
22 breathing apparatus use the breathing apparatus radio
23 sets and not their personal ones because they're wearing
24 gloves and it's very difficult to operate the personal
25 radio wearing gloves, right?

1 A. It's difficult.

2 Q. You didn't mention checking drop bolts and other
3 security measures that are accessible to firemen by
4 using special keys. Is that because that's not normally
5 done?

6 A. If it's necessary to open a door using the drop key, the
7 door would be opened. If it's necessary to take command
8 of the fire lift via that means, that is how it would be
9 done.

10 Q. Understood. That's what happens in a fire, but on one
11 of these familiarisation visits, for example, you don't
12 test on every floor whether you can open the security
13 door onto the corridor where the flats' front doors are,
14 do you?

15 A. No.

16 Q. You would have tested the fireman's lift, you say?

17 A. That's correct.

18 Q. So somebody would have put the fireman's key into the
19 lift to make sure that the firefighters had control over
20 the lift?

21 A. Yes.

22 Q. If there were two lifts provided and one was out of
23 action because it was being refurbished and had been
24 gated off, is that something that would be noted, or
25 not?

1 A. It should be.

2 Q. It should be noted, because one of the consequences
3 would be that if you only have one lift in action you
4 might need more manpower in order to get stuff up to
5 a firefighting floor.

6 A. We would take control of one lift.

7 Q. Just explain what is the purpose of noting that one lift
8 is out of action for some reason; why is that relevant?

9 A. Sorry, could you ask me again?

10 Q. Yes. I asked you before whether it would be noted if
11 one of the lifts was unusable because it was being
12 refurbished, and you said, "Yes, it would be noted", and
13 I'm asking why it would be noted?

14 A. I've misheard the question. If there's a lift available
15 to us and we take command of it, that would satisfy us.

16 Q. So you wouldn't note the fact that the other lift was
17 unusable?

18 A. No.

19 Q. Would you note where the hydrants were? You said you'd
20 check whether the hydrant was working, but would you
21 check where other hydrants were in the vicinity?

22 A. Possibly.

23 Q. Possibly doesn't really help the jury to understand what
24 the process is on one of these familiarisation visits.
25 We have a block of flats, let's take a hypothetical

1 one -- well, let's take Lakanal House, because you don't
2 remember this visit. It has several hydrants around it.
3 Obviously, if it's only a one-pump fire you only need
4 the one hydrant, probably the closest one. But if other
5 appliances are required, they're going to need other
6 hydrants. Would you or would you not have checked all
7 the hydrants in the vicinity?

8 A. No.

9 Q. When you check the hydrant, does that mean that you take
10 the cover off and put a stand pipe in or operate it to
11 see whether water's coming out, or do you just look at
12 it?

13 A. Generally, just a visual.

14 Q. When you're checking the dry rising main inside, you
15 check that the outlets are serviceable, yes?

16 A. Yes.

17 Q. So if the jury bundle at tab 13, page 43 is looked at
18 again.

19 THE CORONER: We have it on the screen.

20 MR HENDY: Let's ignore the piece of equipment that's lying
21 on top of the red box for a moment but, as
22 Mr Maxwell-Scott said to you, this is quite a familiar
23 sight, a steel box enclosing the outlet from the dry
24 rising man. We all know the reason for that is that
25 people nick the brass fittings, don't they?

1 A. Sorry?

2 Q. The reason that these outlets are enclosed is because
3 people steal the brass fittings, and it's to stop them
4 doing it.

5 A. I don't know.

6 Q. You don't know that?

7 A. No.

8 Q. Right, well the steel box has a padlock on it, hasn't
9 it?

10 A. Yes.

11 Q. Do you have a key to the padlock when you do
12 a familiarisation visit?

13 A. We have a set of keys and one of them should fit that.

14 Q. Do you unlock each of the steel boxes as you go up?

15 A. That should be the practice, yes.

16 Q. It should be the practice, shouldn't it? But isn't the
17 assumption that because it's padlocked the outlet will
18 be intact and therefore usable?

19 A. No.

20 Q. Are you telling the jury that on a familiarisation
21 visit, every one of these boxes is unlocked and the
22 outlet checked?

23 A. That is what should be done.

24 Q. You explained that faults may be noted and subsequently
25 circulated. Is that the only way that the other three

1 watches would learn anything from your familiarisation
2 visit?

3 A. If it generates a report they would, otherwise they
4 would learn nothing from my personal visit.

5 Q. Thank you.

6 THE CORONER: Thank you. Ms Al Tai?

7 MS AL TAI: No thank you, madam.

8 THE CORONER: Any questions? Yes, Mr Matthews?

9 Questions by MR MATTHEWS

10 MR MATTHEWS: Can I just ask you one question, please. If
11 a building has a confusing or unusual layout, is that
12 something that would be noted in a report on a 72D
13 visit?

14 A. No.

15 Q. Thank you.

16 THE CORONER: Members of the jury, do you have any questions
17 for Mr Moore? Thank you.

18 Questions from THE CORONER

19 THE CORONER: Mr Moore, you said in answer to a question
20 from Mr Maxwell-Scott that if you found something that
21 was appropriate to be noted down then a note would be
22 made and circulated. How would that happen? Describe
23 to me the process. You get back to your station and you
24 have a note that you think ought to be made into
25 a record, how would you then circulate that to --

1 A. The watch manager would deal with that. I don't know
2 the route that the mailing system takes, but it would be
3 generated and circulated, but I don't.

4 THE CORONER: Well, you would have been a recipient
5 presumably of some notes?

6 A. Pardon?

7 THE CORONER: You will have been a recipient of some notes
8 of that sort, as a firefighter working from Peckham --

9 A. No, I wouldn't receive an email saying there's a defect
10 on a lift in a block of flats, no.

11 THE CORONER: So you, as a firefighter in Peckham, would not
12 be told of any of these faults and so on identified?

13 A. That a fire -- for instance, that a fire lift isn't
14 working in a block of flats? No.

15 THE CORONER: Right. So that was the practice so far as
16 firefighters within the station is concerned, and you're
17 not able to help us with how such notes would be
18 disseminated to more senior people?

19 A. No, no.

20 THE CORONER: You can't tell us that?

21 A. No, I could find out for you.

22 THE CORONER: No, that's okay. I just want to know what it
23 is you know from your own knowledge.

24 A. Right, okay.

25 THE CORONER: Thank you very much.

1 A. Thank you.

2 THE CORONER: You're welcome to stay if you want, although
3 we are in fact coming to an end this morning, but you're
4 free to go in you prefer.

5 A. Thank you.

6 (The witness withdrew)

7 THE CORONER: Yes, thank you very much.

8 Yes, so is that the evidence that we're going to
9 cover this morning?

10 MR MAXWELL-SCOTT: Yes it is, madam.

11 THE CORONER: Thank you very much.

12 All right, members of the jury, thank you very much.
13 I think I told you yesterday that we would be just
14 having a very short day. So you're free to go now.
15 Please be back on Monday morning for a prompt start, and
16 please remember the warning I gave you, you must not
17 talk about this case or any of the detail or anything to
18 do with it with anybody and please don't carry out any
19 research of your own. Thank you very much.

20 MR MAXWELL-SCOTT: Madam, do you want me to outline the
21 programme for the Monday?

22 THE CORONER: Yes, if we could do that with the jurors here,
23 please do.

24 MR MAXWELL-SCOTT: We should be hearing evidence from
25 firefighter Luke Crowley, Firefighter Clint Green and

1 Firefighter Stephen Ismail, also from a resident,
2 Julia Burrell, and a police officer,
3 Christopher McAndrew.

4 THE CORONER: Thank you very much. That's very helpful.
5 Yes, do go with Mr Graham now, thank you.

6 (In the absence of the Jury)

7 THE CORONER: So far as the timetable for the rest of the
8 week is concerned, Mr Maxwell-Scott, I think you're
9 still trying to sort out matters with advocates?

10 MR MAXWELL-SCOTT: I plan to circulate an updated timetable
11 in the course of today, but I don't anticipate
12 significant changes to Tuesday, Wednesday and Thursday
13 from the current version.

14 THE CORONER: Thank you very much. All right, that's very
15 helpful. Does anyone have any other point they want to
16 raise before we finish until Monday? All right. Thank
17 you very much.

18 (11.16 am)

19 (The Court adjourned until 10 o'clock on Monday,
20 28 January 2013)

21 I N D E X

22 Housekeeping1
23 Video evidence5
24 Statement of PAUL REYNOLDS (read)7
25 Statement of LEON BRYCE (read)8

1	JOHN BIRKETT (sworn)	12
2	Questions by MR MAXWELL-SCOTT	13
3	Questions by MR HENDY	23
4	JASON MOORE (sworn)	24
5	Questions by MR MAXWELL-SCOTT	25
6	Questions by MR HENDY	35
7	Questions by MR MATTHEWS	41
8	Questions from THE CORONER	41
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

