

1 Wednesday, 20 March 2013

2 (10.30 am)

3 Housekeeping

4 THE CORONER: Yes, good morning. Thank you very much.

5 Two or three matters before we ask the jury to come  
6 in. I had written submissions and very, very brief oral  
7 submissions yesterday on the question whether section 20  
8 of the London Building Acts Amendment Act of 1939  
9 applies in this case, with the consequence that there  
10 was a legal requirement that aspects of the external  
11 face of the building of Lakanal House should be  
12 fire-resistant, and that, it was submitted, would have  
13 the consequence that the composite bedroom window panels  
14 should have been fire-resistant to 60 minutes.

15 That submission was advanced by Mr Hendy,  
16 Mr Edwards, Mr Dowden and Ms Al Tai on behalf of the  
17 bereaved families. Those counsel for the other properly  
18 interested persons who made submissions submit to the  
19 contrary. I've concluded that there was no legal  
20 requirement for the panels in question to have been  
21 fire-resistant to 60 minutes, and I shall be directing  
22 the jury on that basis, and I'll provide my reasons for  
23 that in due course.

24 The second matter is this: we're proposing to hand  
25 out to members of the jury, shortly after they come in,

1 the draft inquisitions, which will include some of the  
2 formal information which needs to be included on those  
3 inquisitions. If anybody wants to see precisely what is  
4 being handed to jurors before the jury come in, will you  
5 please let me know now so that Mr Atkins and  
6 Mr Maxwell-Scott can assist with that. I think that we  
7 don't have copies for everybody; is that right?

8 MR MAXWELL-SCOTT: I think Mr Atkins has been handing out  
9 some of them. Just to the families he's handing copies  
10 now.

11 THE CORONER: All right, okay.

12 Mr Atkins has completed the answers to the questions  
13 put by members of the jury during the site visit, and  
14 we're proposing to hand that completed document to  
15 jurors when they come in. Is everybody content with  
16 that? No dissent. Good.

17 Finally, there is some updating of pages in the  
18 sequence of events, I believe; is that right?

19 MR MAXWELL-SCOTT: That's correct. Very minor corrections  
20 to pages 5 and 14.

21 THE CORONER: Thank you very much. All right. Okay, we'll  
22 deal with those once the jury come in. Does anyone want  
23 to raise any matters before the jurors come in? All  
24 right. Can we please ask the jury to come in. Thank  
25 you.

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(In the presence of the Jury)

THE CORONER: Members of the jury, good morning. I've given myself two microphones in the hope that that makes me audible, so I hope that works. If you can't hear me for any reason then please wave your arms to let me know and I'll try and do something about that.

We've come to the point this morning where I am now going to sum up the evidence to you. Before I begin, there are just a couple of matters that we want to deal with in terms of documents for your jury bundle, just to update them. The first is that Mr Maxwell-Scott and Mr Atkins have made a couple of amendments to two pages in the sequence of events, so could those just be handed out. If you'd like to substitute the pages which you're now being given. The pages are numbered 5 and 14, so if you want to take out the old 5 and 14, or mark them as superseded, and put the new ones in.

Then the other document to be added to your jury bundles -- sorry, don't put them away -- again, Mr Maxwell-Scott and Mr Atkins have completed answers to the questions which you asked during your jury visit. We promised you that we'd try and give you answers to your questions, and this is the final version. So again, if you'd like to add the updated version and discard the previous one, that would be useful.



1           deceased, that has been completed as "Inhalation of fire  
2           fumes". You'll recall that that was the evidence that  
3           was given to you by Mr Bierdrzycki, the pathologist.

4           Then you'll see in section 5 there are formal  
5           particulars which have to be recorded on the  
6           inquisition, showing the date and place of birth of each  
7           of the deceased, whether someone's male or female, the  
8           maiden name of any woman who has died, and the date and  
9           place of death, and the occupation and usual address of  
10          each of the deceased. You'll see that we have completed  
11          those particulars in section 5 for you, because there's  
12          clear evidence to deal with all of those, and you heard  
13          that evidence.

14          If you go up the page and look at the previous  
15          sections, you'll see that those are blank, and what we  
16          ask you to go away and do, once I've completed my  
17          summing-up and given you the directions, is to write  
18          a narrative. We would ask you, in relation to each of  
19          the six deceased, to write a short narrative setting out  
20          the circumstances in which each died. We shall be  
21          giving you detailed guidance on how to go about that  
22          when I've finished the summing-up, so don't worry about  
23          it -- we hope that the guidance will help you to get  
24          through that process. But that is what we shall be  
25          asking you to go away and do. So if you could focus now

1 on what I'm going to say in terms of whatever I might  
2 say helping you to write that narrative as a group at  
3 the end of the process.

4 Some matters which I must remind you about, and I'll  
5 do that now. There are two provisions in the coroner's  
6 rules which I must draw to your attention. The first is  
7 one which comes out of rule 36, and that says that the  
8 proceedings and evidence at an Inquest should be  
9 directed solely to ascertaining the following matters:  
10 (a) who the deceased was; (b) how, when and where the  
11 deceased came by his death. Then there's one formal  
12 matter regarding registration. We can come back to  
13 that.

14 Rule 36 goes on it on to say:

15 "Neither the coroner nor the jury shall express any  
16 opinion on any other matter."

17 So that gives you the limits within which you must  
18 work. Rule 42 says:

19 "No verdict shall be framed in such a way as to  
20 appear to determine any question of: (a) criminal  
21 liability on the part of a named person; or (b) civil  
22 liability."

23 So those two factors are to be borne in mind; all  
24 right?

25 We've heard evidence from a very large number of

1 witnesses over many weeks, the witnesses mostly being of  
2 fact, but we've had some experts who have come and  
3 expressed their opinions. As I explained on Friday,  
4 that is all of the evidence which is going to be called.  
5 You've listened to what I hope has been an extensive and  
6 very thorough investigation. I shall remind you of the  
7 prominent features of the evidence, but it's always been  
8 your responsibility to judge the evidence and to decide  
9 all the relevant facts. I think it would be  
10 impractical, and not helpful for you, for me to try and  
11 remind you of every single piece of evidence, and indeed  
12 you don't have to decide every point which has been  
13 raised. Only those matters which will enable you to  
14 reach your conclusions and write your narrative verdict  
15 are matters which you should consider.

16 How should you do that? Well, have regard to the  
17 whole of the evidence and by forming your own judgment  
18 about the witnesses, who is reliable and who is not, in  
19 your view. Remember that some witness statements have  
20 been read to you, and if you consider it relevant you  
21 should take into account the evidence that you have had  
22 read to you as much as from the witnesses who have come  
23 to give evidence here in this court.

24 You have many extremely helpful documents in your  
25 jury bundle. The advocates who have been involved in

1 putting these together have, I think, done an excellent  
2 job and I hope that you'll find the documents of great  
3 use. Please make reference to them as you wish when  
4 you're carrying out your deliberations together.

5 Remember that you must reach your verdict only on  
6 the evidence which you've heard in this courtroom.  
7 There will be no more. You're entitled to draw  
8 inferences -- that is, to come to common sense  
9 conclusions based on the evidence you accept -- but you  
10 must not speculate about what other evidence there might  
11 have been.

12 I'm going to review the evidence, as I say, but if,  
13 in the course of my giving my review to you, I appear to  
14 express any views concerning the facts or to emphasise  
15 any particular aspect of the evidence, don't adopt any  
16 of those unless you agree with them. Similarly, if  
17 I don't mention something which you think is important,  
18 then you should have regard to it and give it such  
19 weight as you think appropriate.

20 The evidence that we've heard has, of course, all  
21 been given in these early months of 2013. Some of the  
22 evidence concerns events in July 2009, which is over  
23 three and a half years ago. Some of the evidence has  
24 been of events much longer ago than that. Memories fade  
25 and people remember things in different ways. Some



1 witnesses have been asked to remember events which were  
2 shocking or fast-moving and very distressing.  
3 Inevitably, there will be inconsistencies in the  
4 evidence. That's only to be expected. You must judge  
5 and balance the evidence so that, as the sensible people  
6 that you are, you can decide what to believe. The  
7 standard of proof that you should apply here is the  
8 balance of probabilities.

9 My plan, in reviewing the evidence, is to begin with  
10 a broad overview and then to go on to summarise some of  
11 the evidence concerning the way in which fire and smoke  
12 spread within Lakanal House, and some of the evidence  
13 regarding the firefighting and search and rescue  
14 operations. Then I'm going to have a look at the  
15 relevant history of the building and the work which was  
16 carried out from time to time at Lakanal House, and  
17 then, finally, look at questions concerning the fire  
18 risk assessment which you heard about.

19 That, in very broad terms, is how I'm going to deal  
20 with it. I will have breaks during the day so that it  
21 gives you a rest. What I'm not going to do is to take  
22 you in detail through the sequence of events that you  
23 have in the timeline, in the sequence of events document  
24 in your jury bundle. The detail is all set out there  
25 and that gives you that detailed timeline.

1           You've heard a great deal of evidence about the  
2           layout of Lakanal House, and of course you saw that for  
3           yourselves on your site visit. There's no need for me  
4           to give a very detailed explanation of that -- you have  
5           very useful diagrams in your jury bundle. But just as  
6           an overview, essentially there were 98 maisonettes over  
7           14 stories. I think, members of the jury, that I shall  
8           probably end up referring to them always as flats rather  
9           than maisonettes, but don't forget that we're dealing  
10          with maisonettes here.

11          The maisonettes were laid out in a scissor  
12          formation, and as you saw, each had two bedrooms and  
13          a bathroom on the lower floor, a lounge and a kitchen on  
14          the upper floor. Each had doors from the lounge and  
15          from the kitchen out onto escape balconies which ran  
16          along the east and west sides of the building. There's  
17          one staircase, nearly in the centre of the building, and  
18          there's the central corridor which ran along each of the  
19          floors. Each flat had a front door and a dwarf escape  
20          door onto the corridor. You saw that the escape  
21          balconies led through a fire door into a small lobby,  
22          from which one could exit onto the staircase.

23          As I say, the helpful diagrams which you have in  
24          your bundle show the internal layout, the floor numbers,  
25          the flat numbers, and the detailed layout of the

1 individual flats and how they interlocked one with  
2 another, and of course you have photographs which were  
3 taken which will, I hope, remind you of the layout of  
4 the building and of the essential features of the  
5 building which we looked at on the site visit.

6 We heard evidence from quite a number of residents,  
7 nearly all of whom, you may recall, said that they were  
8 unaware of the London Fire Brigade leaflets advising on  
9 fire safety in the home. Almost all said that they were  
10 unaware of the London Borough of Southwark guidance to  
11 tenants, and only one of the residents who gave evidence  
12 had looked at the Fire Brigade's website, and you recall  
13 that that was because he said he had an academic  
14 interest in health and safety. Some of the residents  
15 knew the purpose of the escape balconies and fire  
16 escapes but most did not.

17 As you heard, the fire broke out in flat number 65  
18 at about 4.15. Members of the jury, I'm going to use  
19 the 24-hour clock, so instead of "4.15", I shall be  
20 talking about "16.15" and so on, so I hope that's clear  
21 to you all. That's the way we've dealt with it in the  
22 timeline and the sequence of events.

23 You may recall Dr Mansi gave evidence on the very  
24 first day of the Inquest. He explained to you that the  
25 fire began in the bedroom of flat 65 in an item of

1           electrical equipment. That is the only evidence you  
2           have heard regarding how the fire started. You must not  
3           speculate beyond that as to how or why the fire broke  
4           out. What we're concerned with here are questions of  
5           how the fire spread and so on.

6           You've heard a number of witnesses talking about the  
7           weather that day. Some witnesses describe it as having  
8           been windy. Some said it was not windy. Some described  
9           it as being a hot day. Well, members of the jury, in  
10          your jury bundle you have a weather report which shows  
11          the maximum temperatures recorded at weather stations  
12          around Lakanal House and the wind speeds which are  
13          recorded on that afternoon, including the speed of gusts  
14          of wind. You may recall that Mr Dobson, who was the  
15          London Fire Brigade commissioner, agreed that the  
16          weather was not unusual for a summer's day. You also  
17          heard that wind speed and direction can be affected by  
18          tall buildings. You heard that because of the weather,  
19          many of those in the building that afternoon had their  
20          windows open. You've seen the windows. Some tilt open  
21          from the bottom and some swing wide open from side  
22          hinges.

23          You've heard that the London Fire Brigade were  
24          called very soon after fire broke out. The Peckham  
25          appliances arrived quickly and the Old Kent Road

1 appliances arrived very shortly afterwards, and again  
2 you can see the detail of those timings in your sequence  
3 of events.

4 The fire broke out of number 65 and spread to  
5 flat 79 above. From 79, smoke and fire spread into  
6 number 81 next door. Fire spread down the building, and  
7 flats 53 and 37 caught alight.

8 The level of attendance by Fire Brigade appliances  
9 and personnel increased during the course of the  
10 afternoon, and you have the detail of that in your  
11 sequence of events. You also have a summary at the  
12 front of the jury bundle. I might just remind you of  
13 that. The summary indicates that some 33 residents  
14 escaped from their flats of their own accord, and  
15 residents from 13 flats were assisted out of the  
16 building by firefighters.

17 In relation to the firefighting and search and  
18 rescue operations, you've heard from a large number of  
19 the firefighters engaged in fighting the fire and  
20 carrying out that search and rescue operation, and some  
21 statements have been read. You've heard from police  
22 officers who attended and members of the London  
23 Ambulance Service, and again some of their statements  
24 have been read. You've heard evidence from the  
25 residents of Lakanal House and some of their statements

1 have been read.

2 The evidence that you heard from Professor Bion was  
3 as follows: that Catherine Hickman is likely to have  
4 died some time between 1650 and 1700 hours; that  
5 Dayana Francisquini is likely to have died between 1750  
6 and 1800 hours; that Helen Udoaka is likely to have died  
7 somewhere between 1755 and 1805; and that the three  
8 children are likely to have died between 1745 and  
9 1800 hours. You understand that it has not been  
10 necessary or appropriate for us to be examining evidence  
11 about events which come later than the latest of those  
12 times.

13 I'm going to deal next with the evidence as to how  
14 the fire spread. You will recall that we heard evidence  
15 from Mr David Crowder of the Building Research  
16 Establishment. Mr Crowder is a specialist in fire  
17 engineering and investigation of fires. Building  
18 Research Establishment was asked to carry out  
19 an investigation into the Lakanal House fire. You  
20 remember that BRE conducted a reconstruction of parts of  
21 the building. They reconstructed bedroom 1, the lobby  
22 and staircase in flat 79, a section of the central  
23 corridor and the window sets. When I say "window sets",  
24 members of the jury, what I'm talking about in each case  
25 is the whole of the bedroom window arrangement; that is,

1 the aluminium frames, the glass or the glazing that goes  
2 inside and the composite panels, which were all fitted  
3 as a unit in bedrooms in Lakanal House.

4 You saw parts of the video recording which BRE made  
5 of the reconstruction and of the way in which the fire  
6 developed. Mr Crowder gave you his professional opinion  
7 about the spread of the fire and smoke from 65 to 79 and  
8 from 79 to 81, and the spread downwards of fire to flats  
9 53 and 37. He did that based on the reconstruction  
10 which they had undertaken and some of the computer  
11 modelling which they had undertaken, and from other  
12 evidence which he had examined, such as photographs  
13 showing the development of the fire on the day.

14 In undertaking the reconstruction, BRE reproduced  
15 many of the items which had been in flat 79. They  
16 reproduced some of the items which had been in the  
17 bedroom. They used, where possible, materials taken  
18 from other parts of Lakanal House -- for example, the  
19 window sets, a front door, and so on -- so as to  
20 replicate as well as they could what had been in place  
21 in flat 79.

22 You heard Mr Crowder explain that their approach to  
23 the reconstruction had been one of caution. They did  
24 not want to recreate a fire which was more severe than  
25 the fire which had actually occurred. So, for example,

1           they did not put pipes or lagging or cables in the  
2           ceiling void which they created in the central corridor  
3           which they mocked up. You'll recall that Mr Crowder  
4           said they were not able to replicate fully the effect of  
5           the wind and the cross-ventilation system in  
6           Lakanal House.

7           The BRE reconstruction assumes that the fire had  
8           broken out in flat 65 between 1615 and 1618 hours.  
9           Dealing first with the development of the fire within  
10          65, Mr Crowder gave his opinion as follows: he said that  
11          it looked as though the windows had been left open, so  
12          the fire was well ventilated. After approximately four  
13          and a half minutes, it's likely that the windows broke.  
14          After just over six minutes, the partition wall  
15          separating bedroom 1 from the staircase would probably  
16          have failed, and the fire would have been spreading  
17          upstairs. About ten minutes from ignition -- that is,  
18          from when the fire started -- it's likely that the  
19          lounge windows would have failed on the upper floor. He  
20          estimated that about 30 seconds after that, it's likely  
21          that there had been a flashover or backdraft event in  
22          the upper floor of 65. That, as you heard, is rapid  
23          fire development and involvement of all combustible  
24          items and surfaces within the space.

25          Following failure of the windows in the lounge of



1           65, flames emerged from that window and began to impinge  
2           on the bedroom window sets in number 79 above. So  
3           flames began to impinge on 79 approximately 10 minutes  
4           after the fire had begun in flat 65.

5           Mr Crowder described the fire in 65 as a medium  
6           growth fire, typical of the kind of fire growth rate one  
7           would experience in a building like Lakanal House. He  
8           said there was nothing unusual about the growth and  
9           development of the fire in 65.

10          Dealing now with the spread of the fire from 65 to  
11          number 79. As I said, after the flashover in flat 65,  
12          the lounge windows, which had broken, allowed flames to  
13          come out of 65 and to impinge on 79 above. The  
14          composite panels in the bedroom above 65 caught alight  
15          from the flames from number 65. Mr Crowder's evidence  
16          is that this would have occurred at about 1626 hours.  
17          The bedroom panels in 79, and the aluminium frames,  
18          began to deform and distort so that gaps were created  
19          around the frame. This allowed flames to enter the  
20          room. The panels then burned on both sides, and the  
21          curtains quickly caught fire.

22          In Mr Crowder's opinion, it was at about 16.29 that  
23          the glass pane of one bedroom window in number 79 failed  
24          and the curtains caught fire at about the same time.  
25          About five minutes later, the third window in flat 79

1 failed.

2 I'll deal now briefly with development of the fire  
3 in flat 79. The fire took hold in number 79, and the  
4 combustibile elements in the bedroom burned. There was  
5 a sofa near the stairs, and you heard that the sofa  
6 beside the stairs and the stairs themselves caught  
7 alight. Mr Crowder said that it was that which  
8 increased dramatically the severity of the fire in  
9 number 79, as this impacted on the front door and on the  
10 panel above the front door and on the boxing in under  
11 the stairs and on the escape door onto the corridor.

12 You heard that the panel above the front door failed  
13 very quickly. The boxing in under the stairs failed  
14 within two to three minutes after being exposed to fire,  
15 and that, Mr Crowder estimated, happened at about  
16 1650 hours. The stairs themselves burned away  
17 completely, and the fire took hold on the upper floor.  
18 The front door failed and collapsed into the corridor at  
19 about 1719 hours. As with flat number 65, Mr Crowder  
20 described the fire in number 79 itself as a medium  
21 growth fire.

22 I'll deal now with the spread of smoke and fire out  
23 of number 79, into the corridor and into number 81. You  
24 heard that the failure of the boxing in under the stairs  
25 of number 79 was the immediate cause of the escape of

1 the fire from that flat. In your jury bundle, members  
2 of the jury, you have a very helpful diagram which  
3 Mr Crowder had prepared for you, showing the different  
4 ways in which the smoke and fire spread into number 81.  
5 You've heard that fire in the boxing in under the stairs  
6 of 81 caused smoke to enter the bathroom. The boxing in  
7 under the stairs of number 81 would have caught light as  
8 a result of the fire which had taken hold in the  
9 suspended ceiling in the corridor as it escaped from  
10 number 79 through the panel above the door and from  
11 where the boxing in under the stairs had been. So we've  
12 had smoke entering the bathroom of number 81 coming from  
13 the fire in the boxing in under the stairs of number 81.

14 Mr Crowder said that smoke would also have entered  
15 number 81 through the panel above the door in 81, which  
16 would have burned away, as it did in number 79. Smoke  
17 would have entered where pipes above the suspended  
18 ceiling passed from the corridor into the flat, where  
19 those pipes had not been properly fire-stopped.

20 You also heard that smoke entered through a grill  
21 which opened into the bathroom, and you saw this on your  
22 site visit. The grill opened up into a vertical duct in  
23 the bathroom, and that duct ran vertically up and down  
24 the building, and the duct in number 81 connected the  
25 bathroom in 81 to flat 53. The evidence suggests that

1 the fire in number 53 had broken out at about  
2 1648 hours. So the smoke entered the bathroom of number  
3 81 via those different routes.

4 Mr Crowder showed you a photograph which showed that  
5 whilst the lower part of the staircase of number 81 was  
6 not affected by fire, the top five or six steps of the  
7 stairs in 81 had burned away, and that had happened at  
8 the point where they turned to go to the upper floor of  
9 the flat.

10 Mr Crowder estimated that the smoke would have come  
11 through the ventilation grill from number 53 into the  
12 bathroom at about 1657 hours. Before 17.19, which is  
13 when the front door of number 79 collapsed, smoke would  
14 have been coming into the bathroom via the suspended  
15 ceiling. Once the front door of number 79 collapsed,  
16 this would have made conditions in number 81 much worse,  
17 he said. That would have caused a flow of smoke from  
18 the corridor into the bathroom and out through the  
19 ventilation duct, so in effect those in the bathroom  
20 would have been caught in that flow of smoke.

21 I'm just going to come back to questions concerning  
22 the spread of fire from number 65 to number 79. You  
23 will recall, members of the jury, that you've heard  
24 a great deal of evidence about the Building Regulations  
25 and requirements in this building as to compliance with

1           those regulations. I'll come back to that in a moment,  
2           but for this purpose I will say to you that we should be  
3           assuming that the composite panels in the bedroom window  
4           sets should have been Class 0. You'll remember that we  
5           have an explanation in your jury bundle about Class 0  
6           and matters related to that. I'll come back to that in  
7           a moment. If you could just hang onto that, that the  
8           panels should have been Class 0.

9           Mr Crowder said that if those panels had been  
10          Class 0, that would have delayed the spread of fire from  
11          65 to 79 but it would not have prevented that spread  
12          altogether. In his opinion, the flames from 65 were  
13          impinging on the glass of the windows in number 79. The  
14          glazing in number 79 would therefore have failed at some  
15          point. You will remember that Mr Crowder said that  
16          glazing itself is very unpredictable. It's difficult to  
17          estimate how long it will last when it's subjected to  
18          heat. If the bedroom panels had not caught alight, the  
19          glass would have broken, in any event, some time later.  
20          He said that that would not have been significantly  
21          later. His opinion was that even if the composite  
22          bedroom panels in number 79 had been Class 0, this would  
23          not have improved conditions in number 79 to the extent  
24          that those conditions were survivable.

25          You heard that the fire spread downwards to number

1           53 and number 37. A number of firefighters told you  
2           that they had seen and experienced falling debris. Some  
3           described it as being still alight, and some said it was  
4           not. Some debris, you heard, in fact caused small fires  
5           at ground level.

6           When Mr Crowder was conducting his investigation, he  
7           saw evidence that debris had fallen through the open  
8           windows in flat number 37. Mr Crowder considered it  
9           likely that the fires that began in those two flats  
10          began by burning debris falling in through the open  
11          windows. He told you that there's no forensic evidence  
12          to help you understand what that debris comprised. All  
13          that could be said is that the debris is likely to have  
14          come from either 65 or 79. The bedroom window sets  
15          burned away completely in both of those flats, and it's  
16          possible that burning debris came out of either of them.

17          Members of the jury, I'm going to go on now to look  
18          at some of the aspects of and relating to firefighting  
19          and search and rescue, and again I'm going to try and  
20          deal with this by way of different themes. In some  
21          cases, the themes will span the whole chronology of the  
22          afternoon we're talking about but I'm going to try to  
23          keep them together as themes to try and make it a little  
24          clearer.

25          I'm going to begin with pre-planning. We heard

1 a great deal of evidence about this from firefighters  
2 and from officers of the London Fire Brigade. We heard  
3 a great deal about section 72D visits. Just to remind  
4 you that section 72D of the Fire and Rescue Services Act  
5 of 2004 imposes an obligation upon a fire and rescue  
6 authority, such as the London Fire Brigade, to make  
7 arrangements to obtain information needed for the  
8 purpose of fighting fires in its area and protecting  
9 life.

10 You heard that some crew members had visited  
11 Lakanal House before the fire on 72D visits or on  
12 general familiarisation visits. Some of them knew the  
13 building from having attended incidents there, for  
14 example helping someone trapped in a lift. We heard  
15 evidence from one resident who had received a home fire  
16 safety visit, and indeed Crew Manager Sharpe from the  
17 Old Kent Road said that he had conducted such a visit  
18 there.

19 We heard a great deal of evidence about the 72D and  
20 familiarisation visits, principally from the crews based  
21 at Peckham, the station closest to Lakanal House. Just  
22 to remind you, you have in your jury bundle a couple of  
23 documents which may be of assistance to you in relation  
24 to this. You have, for example, the Operational News  
25 issue number 10, issued in November 2008. This was

1 a publication that was sent round to all crews. You can  
2 read this to yourself from your bundle, but just to  
3 remind you, there's a section which deals with  
4 pre-planning, and it says this:

5 "Fire crews should be familiar with all high rise  
6 premises on their ground and be aware of access, water  
7 supplies, security measures and fixed installations for  
8 firefighting and ventilation. Building layout can be of  
9 particular importance. In some blocks of flats, the  
10 front door can lead into the flat, up to the flat or  
11 down to the flat, all from the same level. Where  
12 appropriate, pre-planning information should be recorded  
13 in the operational information folder and shared with  
14 adjoining stations."

15 You heard that training in relation to section 72D  
16 visits was compulsory, and we were taken to one of the  
17 training documents. Relevant passages from that, you  
18 may think, included these. It's a discussion about  
19 pre-planning, and it says:

20 "Under section 72D of the Act, regular  
21 familiarisation visits and pre-planning should be  
22 carried out. Pre-planning is essential when dealing  
23 with a fire in a high rise premises. The tactics and  
24 resources required to mount safe rescue and firefighting  
25 operations should be assessed, practised, and confirmed



1 as appropriate for the building concerned and made  
2 available within the operational information folders."

3 It goes on to say:

4 "Station personnel should familiarise themselves  
5 with all high rise buildings on their station's ground."

6 It sets out some examples of what pre-planning  
7 should cover, and I'll pick out one or two of these:  
8 location of information available on site; rising main  
9 inlets; hydrant locations; clear parking for pumping and  
10 aerial appliances; means of access and egress from the  
11 building; floor layouts and fire-resisting  
12 compartmentation.

13 As you heard, at the time of the Lakanal House fire,  
14 local station appliances carried a paper operational  
15 information folder, which we've just seen referred to in  
16 those documents. The evidence suggests that the idea  
17 was that crews should record in that folder any matters  
18 of particular significance for a building. The evidence  
19 you heard tends to suggest that what crews recorded was  
20 something which might be a risk to the firefighters in  
21 their operations. In practice, Crew Manager Willett  
22 said that he did not consult the paper operational  
23 information folder on his way to the fire on  
24 3 July 2009, but there's no suggestion that there was  
25 anything in it which would have been of assistance.

1           You heard about the central risk register in use  
2           before the fire. That was information held by brigade  
3           control about, for example, hazardous substances like  
4           chemicals or explosives that might be kept at  
5           a building. If there was such an entry for any  
6           particular premises to which a crew had been called,  
7           then brigade control would inform the relevant crews  
8           when mobilising them, but nothing was recorded on the  
9           register for Lakanal House.

10           The evidence that you heard suggested that the fact  
11           that Lakanal House was of unusual layout was not  
12           considered to constitute a risk to be included in either  
13           the operational information folder, nor was it a hazard  
14           to be recorded on the central risk register.

15           The evidence which we heard suggests that on 72D or  
16           other familiarisation visits, crews tended to look at  
17           features of direct relevance to the firefighting  
18           function, for example whether dry risers had been  
19           vandalised and where hydrants were located and so on.  
20           You heard some evidence as to the extent to which crews  
21           tested drop keys or explored escape routes, such as  
22           escape balconies, and the extent to which they gained  
23           an awareness of the layout of the building during such  
24           visits. You heard evidence as to the extent to which  
25           those crews who made such visits paid attention, for

1           example, to signs indicating on which floors flats were  
2           to be found, assuming that they could always find that  
3           out by looking at such signs.

4           Some of the firefighters you heard from agreed that  
5           they would or should test whether radio communication  
6           might be a problem within a building, though you recall  
7           that Mr Dobson explained to you that there can be very  
8           limited success in trying to test radios because  
9           atmospheric conditions change from one day to the next,  
10          and what is good reception in one part of the building  
11          may not be good reception in another part of the  
12          building.

13          The evidence that we heard on this explored the  
14          knowledge which firefighters had of the layout of the  
15          building, including the existence and purpose of escape  
16          balconies, and we explored in evidence the extent to  
17          which this information was shared between different  
18          watches within a fire station, and indeed between  
19          firefighters themselves, as the Lakanal House fire  
20          incident progressed.

21          Members of the jury, I think we'll have a short  
22          break now, so a break for about ten minutes. You're  
23          welcome to leave your papers on the desk if you would  
24          like.

25

1 (11.29 am)

2 (A short break)

3 (11.40 am)

4 (In the presence of the Jury)

5 THE CORONER: Yes, members of the jury, I'm going to go on  
6 next to just outline briefly issues concerning the  
7 predetermined attendance, or PDA, which we've heard  
8 a fair amount about. The predetermined attendance is  
9 the pre-planned level of attendance by firefighters and  
10 vehicles to any incident, and it varies depending on the  
11 type of incident, specific premises, and so on, based on  
12 risk assessments which the London Fire Brigade carry  
13 out.

14 You've heard that when a person makes a 999 call,  
15 that call is put through to brigade control and  
16 a control officer deals with the caller and triggers the  
17 predetermined attendance response, as a consequence of  
18 which appliances and crews are identified and messages  
19 are sent to the relevant fire stations. In other words,  
20 the correct number of appliances and seniority of  
21 firefighters is automatically mobilised by brigade  
22 control.

23 As a consequence of the predetermined attendance for  
24 Lakanal House, five appliances were initially mobilised  
25 to attend. These were the Peckham pump ladder, the

1 Peckham pump, and three from the Old Kent Road, namely  
2 a pump ladder, a pump, and an aerial ladder platform.  
3 The Peckham appliances were crewed by two crew managers  
4 and six firefighters, and the Old Kent Road appliances  
5 by a watch manager, two crew managers, and eight  
6 firefighters. So I think that's 19 in all.

7 Remember, members of the jury, that you have, at  
8 tab 5 of your jury bundle, a list of the fire appliances  
9 which attended at Lakanal House, and you have in the  
10 bundle listed the crews of each of the appliances. The  
11 different types of appliance are illustrated and  
12 described behind, I think, tab 10 in the bundle.

13 I'm going to give you a few reminders about  
14 breathing apparatus. You remember that we had the  
15 demonstration of both standard duration breathing  
16 apparatus and extended duration breathing apparatus by  
17 firefighters in the early days of the inquests. If you  
18 look at tab 9 of your jury bundle, then you'll see these  
19 illustrated and explained. The evidence you've heard  
20 indicates that this is heavy equipment. The standard  
21 duration apparatus lasts approximately 24 minutes --  
22 there's 24 minutes of air in it, I should say, with  
23 a reserve -- and the extended duration breathing  
24 apparatus has a normal duration of about 47-minutes of  
25 air. But remember that you were told that these times

1 are approximate only, and the speed at which the air is  
2 used can be affected significantly by factors such as  
3 how hard a firefighter is working and the heat to which  
4 he is exposed. In such circumstances, a firefighter,  
5 we've heard, will breathe more heavily and get through  
6 air more quickly than might otherwise be the case.

7 We've heard the extended duration breathing  
8 apparatus wearers travelled only on FRUs. You heard  
9 that when crews are committed wearing breathing  
10 apparatus, they must leave their tallies with the BA  
11 entry control officer, and that's normally located at  
12 the bridgehead. BA wearers normally worked in pairs, so  
13 that each, in effect, had a buddy, and this, of course,  
14 meant that if one ran low on air, then both had to  
15 withdraw. The London Fire Brigade procedure was that  
16 a firefighter could not wear breathing apparatus more  
17 than twice at an incident.

18 You've heard that the firefighters were expected to  
19 keep an eye on their own breathing apparatus sets to  
20 ensure that they don't run out of air, and they're left  
21 to make their own decision as to when to withdraw. You  
22 heard evidence that a number of firefighters in fact  
23 kept going until the warning whistle on their apparatus  
24 sounded, and so stayed later than they should have done;  
25 they should have withdrawn earlier. You heard from

1 firefighters who took off their face masks and gave this  
2 to someone to help get them out of the building. You  
3 heard that the London Fire Brigade normally used  
4 standard duration breathing apparatus for firefighting,  
5 and generally used the extended duration apparatus only  
6 for search and rescue.

7 I'm going to say just a few words about smoke and  
8 heat. Professor Bion told you about some of the effects  
9 of smoke inhalation, and he described how this could  
10 make people confused and disorientated. You heard about  
11 the effects on firefighters working on a warm summer's  
12 day wearing full protective clothing, and in most cases  
13 wearing heavy breathing apparatus sets. You heard that  
14 firefighters can suffer from heat stress working in such  
15 environments. In fact, you heard that at least one  
16 firefighter suffered from the effects of heat and smoke  
17 and had to be helped out of the building by his  
18 colleagues. We'll get to the evidence about Mr and  
19 Mrs Nuhu later, but just to remind you that you heard  
20 that Mrs Nuhu had become overcome by the effects of  
21 smoke, so that in fact she had to be carried out of the  
22 building by the firefighter who helped her out.

23 I'll deal briefly now with the question of  
24 a bridgehead, about which we've heard a great deal.  
25 Just to remind you, the bridgehead is normally

1 established two floors below the fire floor. The  
2 bridgehead is where the firefighters start up their  
3 breathing apparatus sets -- that is, where they start  
4 breathing the air in their cylinders. You heard that  
5 they need to do this as close to the fire floor as  
6 possible so as to reduce the distance they have to walk  
7 to the fire wearing and using their BA sets. It's also  
8 important that BA wearers can start up their sets in  
9 clean air, hence the general approach to set up  
10 a bridgehead two floors below the fire floor.

11 You've heard that an entry control point is set up  
12 at the bridgehead, and the entry control officer checks  
13 in and out the firefighters using BA. You've heard  
14 about the entry control board, and indeed you have seen  
15 one of these.

16 As you heard, the bridgehead was initially set up on  
17 the 7th floor when the Peckham firefighters first  
18 arrived on the scene, and they did that because flat 65  
19 was alight on the 9th floor. You then heard that the  
20 bridgehead was moved. It was moved down when the  
21 stairwell on the 7th floor was affected by smoke, and  
22 this was quickly followed by fire breaking out in flats  
23 53 on the 7th floor and 37 on the 5th floor.  
24 Accordingly, there was then a fire on the 5th floor,  
25 below the bridgehead on the 7th floor. So the



1 bridgehead was briefly moved to the 3rd floor, but very  
2 quickly after that was moved outside the building  
3 altogether. Certainly for matters which are relevant to  
4 these inquests, that is where it remained.

5 Moving the bridgehead took time and resource, and  
6 added to the work load of the crews. The evidence from  
7 all relevant witnesses is that no-one had experience of  
8 having to move a bridgehead down, and indeed the  
9 London Fire Brigade had no procedure for dealing with  
10 this.

11 I'm going to deal briefly with the question of drop  
12 keys and other keys. You heard from Firefighter Badger  
13 from Peckham, who said that he used a multi-lock key to  
14 unlock the dry riser when they got to Lakanal House.  
15 Apart from that, the Peckham and Old Kent Road crews had  
16 no keys specific to the building. One can perhaps  
17 understand that this might not be manageable, given the  
18 number of buildings and different sorts of premises  
19 covered by any particular fire station. Some doors were  
20 capable of being opened by drop keys. The evidence that  
21 you've heard suggests that in some cases drop keys  
22 didn't work. In some cases, drop keys were not used to  
23 get through doors. You also heard evidence that  
24 firefighters did get through doors when they could by  
25 using enforcers, sledgehammers and in one case a small

1           axe.

2           You've heard a great deal of evidence about  
3           communications, and I'll deal with this briefly. Just  
4           to remind you that every crew member had a personal  
5           radio, some of the breathing apparatus wearers had  
6           headset radios, and there was what has been described as  
7           a scheme radio based on the appliances, which could  
8           communicate with brigade control. The personal radios  
9           which the crew members carried operated on channel 1.  
10          The BA wearers that had radios in their headsets -- not  
11          all of them did but those who did, those radios operated  
12          on channel 6. Neither the personal radios, on  
13          channel 1, nor the BA radios, on channel 6, were  
14          listened to by brigade control. Those two channels were  
15          used for communication on the fire ground only.

16          You heard that a number of firefighters experienced  
17          difficulties with their communications, either in  
18          sending messages or in hearing any acknowledgement of  
19          a message that might have been successfully sent. The  
20          evidence that you've heard suggests that there may be  
21          these factors to explain that: the structure of the  
22          building was such that there were areas where radio  
23          reception and transmission was poor -- and you heard  
24          that it's widely recognised that some buildings and  
25          structures can impact adversely on radio

1           communications -- and you heard that there was  
2           substantial traffic on both channels.

3           I shall deal separately with the question of  
4           communication between the fire ground and brigade  
5           control. I'll come back to that later.

6           I'm just going to deal briefly now with the policy  
7           and approach of the London Fire Brigade in dealing with  
8           fires in high rise residential blocks. Broadly, you've  
9           heard evidence of these points. One was that the fire  
10          must be fought internally, not externally, and rescues  
11          should be conducted internally and not externally.

12          You heard that it can be very dangerous to  
13          firefighters and occupants of a building if water is  
14          sprayed into a building from outside. There's a risk of  
15          injury to people inside and a risk of driving the fire  
16          further into the building. Use of water externally can  
17          assist, for example, by creating a spray to prevent or  
18          slow the spread of fire up the outside of a building.  
19          That can be delivered by a ground monitor, or by  
20          an aerial ladder platform. You also heard that above  
21          a certain height, external sprays are of limited effect,  
22          and indeed the efficacy of a spray can be reduced by any  
23          wind blowing on the day.

24          In your jury bundle, you have a description of  
25          an aerial ladder platform, an ALP. The one which is

1 described can reach a height of 30 metres, or 100-foot,  
2 if the ladder is vertical, but the maximum height the  
3 ladder can reach, you heard, will depend on how close  
4 an ALP can be brought to the building itself. You heard  
5 that the London Fire Brigade has 11 ALPs for the whole  
6 of London.

7 You heard that two ALPs attended at the  
8 Lakanal House fire. One came immediately, in the  
9 initial mobilisation, and one was sent later. You heard  
10 that one was used on the eastern side to enable  
11 a firefighter to get closer to talk to Mr and Mrs Nuhu,  
12 but otherwise they were used only to a limited extent  
13 with helping with external firefighting.

14 You may recall the opinion which Mr Walker  
15 expressed, which was that provided the construction of  
16 the building complies with relevant legislation,  
17 Building Regulations and so on concerning the  
18 construction and maintenance of buildings like  
19 Lakanal House, they ought to be safe places in which to  
20 live. The London Fire Brigade's expectation in relation  
21 to high rise residential premises is that buildings will  
22 have been built and maintained in accordance with  
23 statutory requirements, and those requirements,  
24 contained broadly within the Building Regulations,  
25 require, in effect, compartmentation -- that is, that if

1 a fire takes hold within one flat, it should be safe for  
2 a person elsewhere in the building not affected by fire  
3 or smoke to stay where they are.

4 You've heard indeed from Mr Dobson that there's no  
5 other safe basis, in his view, upon which to proceed,  
6 because many high rise residential blocks are not  
7 designed for mass evacuation. There's no communal  
8 alarm, and the single staircase is not wide enough to  
9 permit all residents to leave at the same time, and if  
10 there were large numbers of occupants leaving by walking  
11 down the staircase, that would impede the ability of  
12 firefighters to walk up the stairs and to get on with  
13 their tasks.

14 The London Fire Brigade policy number 633, which,  
15 members of the jury, you have in your bundle at tab 19,  
16 deals briefly with the question of evacuation. It makes  
17 it clear that incident commanders should consider  
18 whether evacuation of any occupant is needed. One of  
19 the Fire Brigade's training documents we looked at  
20 warned of this, saying:

21 "In domestic flats, the building design will not  
22 normally require mass evacuation but the incident  
23 commander must consider the safety of occupants adjacent  
24 to the fire."

25 Here, the evidence that you've heard from those

1 early crews to arrive at the incident was that their  
2 expectation was that the fire would be confined to  
3 flat 65. They thought that they would be able to  
4 extinguish it, clear up afterwards, and that would be  
5 that. Crew Manager Willett, who was the most senior  
6 officer to arrive with the first appliances to be  
7 mobilised and therefore became incident commander, said  
8 that he had visited similar high rise fires and  
9 contained these on previous occasions. His expectation  
10 was that the appliances and crews which arrived in the  
11 very early stage would be sufficient. He thought that  
12 the Peckham crews would begin extinguishing the fire,  
13 the Old Kent Road crews would finish it, and then they  
14 would deal with the clearing up.

15 I'm now going to deal with matters concerning the  
16 firefighting on the day, with particular reference to  
17 what was undertaken by each of the incident commanders.  
18 Just by way of overview, you'll recall that over the  
19 course of the incident there were six different incident  
20 commanders. As I keep saying, there's a great deal more  
21 information available to you in your sequence of events,  
22 so don't confine your discussions to what I'm going to  
23 say now but do have regard to the detail that you find  
24 there.

25 Crew Manager Willett was the first incident

1 commander. He arrived on one of the Peckham appliances.  
2 The call slip from the brigade control mobilising the  
3 appliances recorded a fire in flat 65 on the 9th floor  
4 of Lakanal House, so that was what he was expecting to  
5 find.

6 The Peckham appliances arrived and set into the  
7 hydrant and dry rising main. Crew Manager Willett  
8 instructed Crew Manager Dennis to take his crew and  
9 equipment to establish a bridgehead on the 7th floor --  
10 that is, two floors below number 65 -- and firefighters  
11 began to fight the fire in number 65.

12 Crew Manager Willett requested: "Make pumps four."

13 Only six minutes after Crew Manager Willett had  
14 arrived and assumed the role of incident commander,  
15 Watch Manager Howling arrived. He was briefed by  
16 Crew Manager Willett, and Watch Manager Howling took  
17 over as incident commander at 1629 hours. Watch Manager  
18 Howling tasked Crew Manager Willett with maintaining  
19 contact with the bridgehead, and ordered that crews  
20 should continue to fight the fire in 65.

21 At 1636, Watch Manager Howling made pumps six. At  
22 this time, he saw the fire spread from the 9th floor up  
23 to the 10th and 11th floors, breaking windows and  
24 igniting curtains. At 16.47, a radio message was sent  
25 to brigade control to inform brigade control, as it was

1 put, that 10 per cent of the 9th, 10th and 11th floors  
2 were alight. Two minutes later, Watch Manager Howling  
3 sent a "Make pumps eight" message, and  
4 Watch Manager Payton assumed control of the bridgehead.  
5 As we've heard, the fire spread to the 7th and 5th  
6 floors and the bridgehead was moved down as I've  
7 described.

8 Station Manager Cartwright arrived and was briefed  
9 by Watch Manager Howling. Watch Manager Howling had  
10 been incident commander for 27 minutes. Station Manager  
11 Cartwright became incident commander number 3 at 16.56.  
12 At 17.04, Station Manager Cartwright sent a message:  
13 "Make pumps 12, aerials two." That would also have the  
14 effect of increasing the seniority of the person to  
15 attend as incident commander. Station Manager  
16 Cartwright ordered crews to move a car to enable access  
17 for the ALP in preparation for the rescue of Mr and  
18 Mrs Nuhu and family. Station Manager Cartwright was  
19 incident commander for 23 minutes.

20 Group Manager Freeman then arrived, and he took over  
21 as incident commander number 4 at 17.19. By now there  
22 were fires on at least four floors of the building, and  
23 crews were firefighting and undertaking search and  
24 rescue operations. Station Manager Cartwright had asked  
25 for an FRU, and Group Manager Freeman requested that



1 another one be sent. Very shortly after that, Deputy  
2 Assistant Commissioner Chidgey arrived and he took over  
3 as incident commander number 5 at 17.22, which meant  
4 that Group Manager Freeman had been incident commander  
5 for only about three minutes.

6 DAC Chidgey appointed Group Manager Freeman as  
7 operations commander. He arranged for the ALPs to spray  
8 both the west and eastern sides of the building. At  
9 17.23, a message was sent to say that the control  
10 commander at brigade control was making this a persons  
11 reported incident. At 17.35, DAC Chidgey asked for  
12 three more FRUs.

13 Crew Manager Ford and his crew reached the 11th  
14 floor and found a severe fire in the north corridor,  
15 with the whole corridor ablaze. An extended duration  
16 breathing apparatus crew then arrived and took over the  
17 firefighting on the 11th floor from the standard  
18 duration breathing apparatus crew who had been tackling  
19 it. At 17.44, a further message was sent to make  
20 pumps 15 and a request for two additional station  
21 managers.

22 Just for the sake of completeness, Assistant  
23 Commissioner Turek arrived and took over as incident  
24 commander number 6 at just gone 6.15, by which time  
25 DAC Chidgey had been incident commander number 5 for

1 just about an hour.

2 Now, members of the jury, you heard a great deal of  
3 evidence about calls made to brigade control regarding  
4 people thought to be trapped in flats at Lakanal House.  
5 The first one of these was the call which was made by  
6 Catherine Hickman. She called at 1621 hours, and she  
7 told brigade control that she was in flat 79, that  
8 flames were coming from the flat below, and that there  
9 was lots of smoke coming into her flat. As we know,  
10 that call continued. You have the transcript and you  
11 have indeed heard part of the call played to you.

12 Also at 16.21, Mr Kayode called 999. He was one of  
13 the residents of Lakanal House, you recall. He said  
14 that he was outside the building, but he reported that  
15 there was a fire on the 11th floor.

16 At 16.21 also, Mr Hydar, another resident, called  
17 999, and amongst other things he told brigade control  
18 this was "a really, really serious fire", as he put it.

19 Between 16.25 and 16.28, there were messages from  
20 brigade control to the Old Kent Road appliances, saying  
21 this:

22 "It would seem that the smoke from this flat is at  
23 number 79 and we still have the caller on the line. On  
24 your arrival, could you please investigate flat 79."

25 Then later they said:

1           "Caller is still on the line and is apparently  
2           trapped in the flat."

3           Watch Manager Howling, who was en route to  
4           Lakanal House, said that he noted the flat number on the  
5           call slip which he had on his appliance and considered  
6           it a priority to action once he had more information.  
7           He then arrived and was briefed by Crew Manager Willett,  
8           and as we've seen he took over as incident commander  
9           number 2. Watch Manager Howling tasked  
10          Crew Manager Clarke and crew to investigate the message  
11          he had received en route about flat 79.

12          At 16.33, brigade control radioed the Peckham pump,  
13          and said this:

14          "Trying to get a message to the incident command  
15          pump. Can you pass this message on? We've had  
16          a further call. We're actually with someone on the line  
17          at the moment in flat 79, 7-9. The smoke in the flat is  
18          becoming quite bad, and in flat 68. Can you pass this  
19          on?"

20          The radio operator acknowledged receipt of that  
21          message.

22          At 16.34, brigade control called Station Manager  
23          Cartwright, who confirmed that he had been mobilised to  
24          the fire. Brigade control said this to him:

25          "On the 9th floor Lakanal, we've got two fire

1 survival calls going on at the moment. This message is  
2 from our staff saying about callers being trapped in  
3 their flats."

4 Station Manager Cartwright asked if there were  
5 persons reported and was told that there had not been.

6 At 16.36, Mr Nuhu called 999. He called from flat  
7 number 80 on the 11th floor, and he told brigade control  
8 that he and his family were trapped in the flat.

9 At 16.36, there was a call from brigade control to  
10 the Old Kent Road appliance, saying this:

11 "We've got some information regarding residents that  
12 are trapped in their flats. In flat 68, 6-8, caller is  
13 trapped in their sitting room, and in flat 79, 7-9, they  
14 can't open the front door to get out of their property.  
15 Both flats smoke-logged."

16 Then later on:

17 "Just for your information, we're also receiving  
18 a call from flat 80, 8-0, regarding heavy  
19 smoke-logging."

20 And the radio operator acknowledged receipt of that  
21 message.

22 At 16.37, Mr Hydar made a second 999 call. He was  
23 with his neighbour and young baby in flat 57. He told  
24 brigade control that there was smoke coming through his  
25 front door and the smoke was really thick.

1           At 16.42, Rafael Cervi called 999. He told brigade  
2 control that the flat which was on fire was below his  
3 flat, that his wife and children were stuck in there and  
4 they could not breathe. Fire was spreading to their  
5 flat. He told brigade control that this was flat 81 on  
6 the 11th floor.

7           At 16.42, there was a call between brigade control  
8 and Station Manager Glenny, who had just been paged to  
9 attend the incident, so he hadn't yet arrived. Brigade  
10 control told him:

11           "Just so you know, we're getting multiple fire  
12 survive calls."

13           A minute later, at 16.43, Station Manager Foster was  
14 paged to attend, and brigade told him:

15           "We've also got a couple of operators talking to  
16 callers stuck in their flats on the 9th floor."

17           At 16.44, brigade control made a call to command  
18 unit 4, which by then was on the scene. The operator  
19 said:

20           "These are two flats we've passed to the Peckham  
21 appliance: 68, 79. We're still talking to both the  
22 callers. They're in a right old state. There's a lot  
23 of smoke in both flats."

24           The radio operator on the command unit said:

25           "68, 79, yeah."

1            Brigade control said:

2            "68 and 79, I think it's. Obviously I don't know  
3            what's going on down there, but if you could get someone  
4            up there really quick. We've been on the phone to them  
5            probably a quarter of an hour now and they really are in  
6            a state, both the people. Both of the flats are  
7            unable -- they reckon they're unable to get down to  
8            their front doors 'cos of the smoke, so they're going to  
9            have to force an entry, but if you could do that as  
10           a matter of urgency I'd appreciate it."

11           Command unit 4 said:

12           "Yes, we'll do that straight away."

13           At 16.45, there was radio traffic between brigade  
14           control and Deputy Assistant Commissioner Chidgey whilst  
15           they were paging Mr Chidgey. Brigade control said this:

16           "What it is, we've got two or three of our operators  
17           actually talking to callers with fire survival, because  
18           we seem to have a number of members of the public  
19           trapped on the 9th and 10th floors. The fire isn't in  
20           their flat but they can't leave their premises, and  
21           unfortunately two of them are panicking quite seriously,  
22           and the operators -- unfortunately, the operators are  
23           struggling to keep them calm."

24           Mr Chidgey replied:

25           "Are we getting that information down there to

1           them?"

2           The operator at brigade control said:

3           "Yes, we've passed all this. As soon as we realised  
4 this was happening, we passed it to Peckham, the first  
5 machine in attendance, but I think obviously they're  
6 having to deal with the fire before they..."

7           And then it was cut off.

8           At 16.45, there was a 999 call from Helen Udoaka.  
9 She said that she was in flat 82. She and her baby were  
10 trapped. She said:

11           "There's so much smoke here. Everywhere is choked  
12 with smoke."

13           At 16.46, brigade control radioed one of the Old  
14 Kent Road appliances and said:

15           "For your information, we've also got smoke going  
16 into flat 57, 57 on the 9th floor level. There's  
17 a young baby inside the flat with persons. Please check  
18 the flat. They're upstairs in the flat."

19           At 16.49, brigade control contacted command unit 4  
20 again, and brigade control said:

21           "Any news on getting someone up to 68 and 79?"

22           The operator on command unit 4 said:

23           "Yeah, I've spoken to the incident commander and  
24 he's aware of it, and he's definitely on the case.  
25 They've definitely got crews up there."

1            Brigade control said:  
2            "All right, 'cos the lady in 79, her ceiling's  
3            coming down now."  
4            The command unit 4 operator said:  
5            "Okay, I'll update them of that as well."  
6            Brigade control said:  
7            "On the same floor, we've had calls from 82 and 80."  
8            And command unit 4 said:  
9            "Right, 82."  
10           And that was repeated:  
11           "82 and 80. There's people in both of them, but it  
12           could be one of them might have a baby in one of them.  
13           We're not sure. They're in such a panic now."  
14           At 16.55, there was radio traffic between brigade  
15           control and command unit 4 again. Brigade control  
16           saying this:  
17           "I've passed you a few flats where we're having  
18           calls from. Flat 79 is the urgent one at the moment."  
19           Command unit 4 said:  
20           "Yeah, yeah, we've got that written down here.  
21           They're doing that as a matter of priority."  
22           Brigade control said:  
23           "Yes, if they can, because we were talking to the  
24           woman. She has now stopped talking to us and we can't  
25           hear her breathing at all."



1           Then they go on to say:

2           "79 -- it sounds like they've got into 68. That  
3           seems to be sorted, but 79 -- 79 seems to be the real  
4           big problem."

5           At 17.11, brigade control were in contact with  
6           command unit 4 again, saying:

7           "We here are aware of people in four flats: 68, 79,  
8           82, 80."

9           At 17.24, brigade control were again in touch with  
10          command unit 4, saying:

11          "Can you confirm --"

12          This was command unit 4 contacting brigade control,  
13          asking brigade control this, saying that he was at  
14          a 12-pump fire:

15          "Can you confirm for me the numbers of the flats  
16          that you've had telephone calls where they're claiming  
17          there are people trapped?"

18          Brigade control answered, giving the following  
19          numbers. They said:

20          "60 -- sorry, 68, 79, 80, 81. They're the ones  
21          I know."

22          Command unit 4 clarified that, saying:

23          "Definitely 81, not 82?"

24          Brigade control said:

25          "Yes, what happened, this bloke was on his way home

1 from work and he had a phonecall from his wife and he  
2 said that he was at flat number 81 on the 11th floor."

3 So a little later in the conversation, there was  
4 confirmation, command unit 4 saying:

5 "Can we just confirm: 68, 79, 80, 81?"

6 And the reply was:

7 "Yes, 81 and 82."

8 Very shortly after that, brigade control saying:

9 "79 is the one we're particularly worried about."

10 Then there was a further confirmation of numbers  
11 a few moments later, with 68, 79, 80, 81 and 82 being  
12 mentioned. Then, right at the end, command unit 4 says:

13 "To be honest, all the flats on the top floor are  
14 burning."

15 At 17.29, further radio communication between  
16 brigade control and command unit 4. Brigade control was  
17 saying this:

18 "Bit concerned there."

19 They've mentioned flat 81 and they're saying:

20 "Bit concerned there. There's a woman and a young  
21 baby. She's just had a baby. Apparently, she's stuck  
22 in the bathroom."

23 Command unit 4 says:

24 "Yes, we've got the crews going into there. We've  
25 got a rescue sector going in. We're aware of 81."

1            Brigade control says:

2            "Yes, it's a bit of an urgent one. We're just  
3            trying to ring her back now. It sounds as if she's  
4            stuck in the bathroom."

5            Command unit 4 queried that:

6            "She's stuck in the bathroom?"

7            Brigade control said, "Yes", and confirmed that.

8            At 17.32, there was radio traffic between brigade  
9            control and command unit 2, which by then had arrived,  
10           passing on information about a woman and a baby in the  
11           bathroom of flat 81 and reporting that the baby could  
12           not breathe.

13           Members of the jury, as you've heard, all of that  
14           radio traffic was between either the caller, the  
15           occupant or someone else on their behalf, and brigade  
16           control, or between brigade control and the fire ground.  
17           There was no arrangement whereby a caller could speak  
18           directly to someone on the fire ground.

19           I'm going to deal next briefly with attempts which  
20           were made to tell brigade control and those on the fire  
21           ground about occupants in need of rescue. Not all of  
22           these, but just some. You heard that Mr Mbet Udoaka  
23           arrived. He lived at flat 82 with his wife Helen and  
24           daughter Michelle. He received a call from Helen to say  
25           that there was a fire in the building. He got to the

1 building as quickly as he could, and he told  
2 firefighters there his wife was inside. He wanted to go  
3 inside himself and to find his wife and daughter. He  
4 says that he told firefighters that his wife was in  
5 number 81. He told you that he felt quite powerless.  
6 He called 999.

7 You heard evidence from Ms Yolimar Caboz, who was  
8 a friend of Dayana. You heard that she tried to  
9 persuade Dayana to leave her flat. Ms Caboz then tried  
10 to tell members of the emergency services that Dayana  
11 and her children were trapped. She spoke to Mr Ed Daly  
12 of the London Ambulance Service. Indeed, Yolimar Caboz  
13 handed her mobile phone to Mr Daly, who spoke directly  
14 to Dayana Francisquini. Ed Daly took Dayana's mobile  
15 phone number and spoke directly to her on three  
16 occasions after that. Mr Daly told a member of the  
17 London Fire Brigade, who said that several calls had  
18 been received and they were aware that people were  
19 trapped.

20 Coincidentally, Mr Rafael Cervi approached Ed Daly  
21 a short while later to tell him that his family were  
22 trapped. You heard evidence from some police officers  
23 who had attended to assist with setting up cordons and  
24 making arrangements for traffic in the area and so on.  
25 PC Tebboth was approached by Mr Udoaka, who told him

1           that he was concerned for his family, believed to be  
2           trapped in 82 on the 11th floor. Then Rafael Cervi  
3           spoke to him and said that his family was trapped in 81  
4           with others in the bathroom. Later Mr Aveling spoke to  
5           PC Tebboth, and told him that there may be a friend of  
6           his in number 79.

7           Detective Constable Esangbedo was approached by  
8           a family member, who said that his family was at the top  
9           of the building. He said that he told a fire commander,  
10          and he overheard a message being sent by radio to  
11          firefighters in the building.

12          I'm going to deal next with some of the evidence  
13          regarding activity and understanding on the part of  
14          various incident commanders. You'll recall the  
15          London Fire Brigade guidance which we had a look at,  
16          pointing out that the handover from one incident  
17          commander to another is critical. You'll recall that we  
18          heard evidence about the training given to officers who  
19          might serve as incident commanders, assisting them to  
20          undertake dynamic risk management and risk assessment so  
21          that they could learn how to analyse a situation and  
22          adapt their tactics to changing circumstances.

23          Going back, then, to the first incident commander  
24          who attended, who was Crew Manager Willett. He had  
25          visited Lakanal House on a number of occasions for

1 incidents such as people trapped in lifts or flooding  
2 incidents but never for a fire. He hadn't done a 72D  
3 visit, but he said that he would have taken time to look  
4 round after attending other incidents, and indeed he had  
5 been inside one of the flats. However, he said that on  
6 the day of the fire he was not aware -- and he did not  
7 become aware -- that one could walk along the balconies,  
8 and he didn't know where the balconies led. He didn't  
9 know about the fire doors at the end of the escape  
10 balconies. He didn't speak to any members of the public  
11 during the incident, and he said that he had  
12 a recollection of flat numbers being discussed but not  
13 any particular flat numbers.

14 The second incident commander was Watch Manager  
15 Howling. He confirmed that he received a message at  
16 16.25 about flat number 79. When he took over from  
17 Crew Manager Willett, he said that he wasn't really  
18 aware of the building layout, although he became aware  
19 during his time as incident commander that these were in  
20 fact maisonettes. He had no discussion with any of the  
21 Peckham crews about aspects of the building.

22 He also said that he thought that one reason that he  
23 had had in mind when he committed Crew Manager Clarke to  
24 go and search was to gather information about the  
25 location of flat 79. Watch Manager Howling didn't ask

1 residents or other members of the emergency services  
2 about the layout of the building, and in fact during his  
3 time as incident commander he had not been able to  
4 identify where flats 79 or 81 were, and he said if he  
5 had, he would have sent crews there immediately.

6 Station Manager Cartwright, when he gave evidence,  
7 didn't recall that flat numbers had been mentioned and  
8 messages passed to him before arrival, and his  
9 recollection was that a message about flat 79 from  
10 brigade control to command unit 4 had not been passed on  
11 to him. He doesn't recall any discussion with command  
12 unit 4 about people being trapped or about flat numbers.

13 When Station Manager Cartwright took over from Watch  
14 Manager Howling, he said that there was a discussion  
15 about people involved but he did not know how many  
16 people or where they were and he was not aware of flat  
17 numbers whilst he was incident commander.

18 Group Manager Freeman recalled that when he took  
19 over, his understanding was that there was an unknown  
20 number of people trapped on all floors above the 5th  
21 floor. He didn't recall having had discussions with  
22 Station Manager Cartwright about such matters. He  
23 didn't recall having discussed with Station Manager  
24 Cartwright whether there was anyone in a flat on the  
25 11th floor. He did say that he received information

1 about flat number 81 whilst he was briefing  
2 Station Manager Foster. He said that he realised  
3 immediately that floors above the 9th floor were on  
4 fire, and it was Group Manager Freeman, I think, who  
5 planned to use extended duration breathing apparatus  
6 crews for search and rescue.

7 Deputy Assistant Commissioner Chidgey, who took over  
8 from Group Manager Freeman, appointed  
9 Group Manager Freeman to be operations commander. He  
10 made sure that Group Manager Freeman had flat numbers  
11 written down on a piece of paper and recognised the need  
12 to focus attention on gaining access to those flats of  
13 which they had become aware. He said that he gave the  
14 fire survival guidance calls a high priority. He said  
15 that when he took over as incident commander:

16 "We were unclear in terms of where all the flats  
17 were, which floor they were on."

18 He said that he recalled that Group Manager Freeman  
19 was aware that they were on at least the 9th floor and  
20 above.

21 The evidence generally suggests that none of the  
22 incident commanders had knowledge of the layout of the  
23 building, and apart from Crew Manager Willett, didn't  
24 know that they were dealing with maisonettes and didn't  
25 know about the escape balconies. The evidence suggests



1           that the incident commanders didn't learn about these  
2           matters, or, for example, that flat numbering and floor  
3           numbering was confusing, from the crews who had been in  
4           the building and were exiting, or indeed from  
5           information which might have been available from those  
6           who were standing round. There was little evidence that  
7           firefighters who might have gathered information about  
8           signs in the building and where floors were, that that  
9           had been passed on to incident commanders.

10           I'll deal briefly with "persons reported". You've  
11           heard that it was brigade control and not an incident  
12           commander who declared this incident to be persons  
13           reported. You were told -- and this was confirmed by  
14           the commissioner, Mr Dobson -- that the only formal  
15           consequence of declaring persons reported is that the  
16           London Ambulance Service would be informed. In fact,  
17           brigade control had notified the London Ambulance  
18           Service at 16.25 that they should mobilise. There's no  
19           evidence of any delay in bringing in resources simply  
20           because persons reported was not declared at an earlier  
21           stage. Indeed, it appears that officers and  
22           firefighters in general at the incident were generally  
23           aware that there were people in the building.

24           I'm going to deal next with rescues and rescue  
25           efforts, and then I think after that we'll take a break

1 for lunch.

2 You remember that Crew Manager Clarke arrived on  
3 an Old Kent Road pump and immediately went to speak to  
4 Watch Manager Howling, who was then incident commander,  
5 and Crew Manager Willett. He said that he thought they  
6 were both under a lot of pressure. He assisted to put  
7 up a cordon and he said that people in the crowd were  
8 telling him about residents inside. He said there were  
9 lots of people talking to him at once, giving him flat  
10 numbers. He said that he tried to transmit this  
11 information to Watch Manager Howling but there was too  
12 much radio traffic, so he went to find Mr Howling.

13 Firefighter Mullins had already been tasked by  
14 Mr Howling to complete a list of flat numbers. Crew  
15 Manager Clarke says that Mr Howling tasked him to get  
16 above the floor and assess the spread of fire. If he  
17 came across any flats which corresponded with the  
18 numbers that he heard about, he was to check that  
19 particular flat out, and he was being asked to  
20 investigate the extent of the fire above the 9th floor.

21 Mr Howling gave a slightly different account, saying  
22 that he'd asked Crew Manager Clarke to go above the 9th  
23 floor but stay in the lobby. Either way,  
24 Crew Manager Clarke was to go up into the building. He  
25 did. He and his crew went up to the bridgehead. There

1           they found Crew Manager Dennis, who was manning the  
2           bridgehead.

3           Crew Manager Clarke said that Crew Manager Dennis  
4           was under a lot of pressure. He was alone and he had  
5           many tasks to undertake. Mr Dennis was under immediate  
6           pressure to relieve the crew that were then fighting the  
7           fire in 65, and he learnt that there were people in  
8           flats along the same corridor as that of flat 65. Crew  
9           Manager Clarke said that it seemed to him more  
10          imperative to assist Crew Manager Dennis than to do the  
11          task which Watch Manager Howling had given him, so Crew  
12          Manager Clarke split his crew into two. Half of them  
13          went off to fight the fire in number 65, and he and  
14          Firefighter Bennett went to search flats on the 9th  
15          floor. They rescued Mrs Obanyano in flat 68 and helped  
16          her down the stairs, and then returned to the  
17          bridgehead, and there they found Watch Manager Payton.  
18          Crew Manager Clarke says he gave Watch Manager Payton  
19          the numbers of the flats they had searched, and  
20          Mr Payton wrote these down. He said that he tried to  
21          tell Watch Manager Howling by radio that he'd done  
22          a different task than the one that he'd been asked to  
23          undertake, but he couldn't get through, and he asked  
24          Mr Payton to do this for him.

25          Then Crew Manager Clarke and Firefighter Bennett

1 found their way up onto the balcony, and they went along  
2 a balcony banging on windows and doors and shouting, but  
3 they saw no-one. You were told that they didn't  
4 appreciate that these were the upper floors of the  
5 maisonettes which he and Mr Bennett had already searched  
6 at corridor level.

7 At about 16.33, Queen Ogbeifun and her daughter and  
8 her baby left flat 91 on the 13th floor. You remember  
9 that she reported very bad smoke in the stairwell and  
10 that it was unbearably hot on the 9th floor as she came  
11 down. On the 7th floor she came across firefighters,  
12 and they helped her out of the building.

13 Watch Manager Cook on command unit 4 passed the  
14 message to Watch Manager Howling that the occupants in  
15 numbers 68 and 79 could not get to their doors because  
16 of the smoke. You've seen that a moment ago.

17 Firefighter Mullins had compiled a list of flats.  
18 Watch Manager Payton was tasked at 16.45 to take over at  
19 the bridgehead, report on the situation, work out what  
20 resource requirements there were, and to coordinate the  
21 search being undertaken by Crew Manager Clarke and his  
22 crew. The list which Firefighter Mullins had prepared  
23 was given to Watch Manager Payton. The evidence  
24 suggests that that list was of flats to be searched and  
25 probably included five numbers: 78, 79, 80, 81 and 57.

1            Watch Manager Payton went up and took over control  
2            at the bridgehead and asked for additional firefighters,  
3            and it was at about this time that the decision was made  
4            to move the bridgehead down. You heard that  
5            Watch Manager Payton put the list in his pocket and said  
6            that he didn't have a chance to look at it. There's no  
7            evidence that the information on the list was recorded  
8            anywhere else, and you heard that the list remained in  
9            Mr Payton's pocket.

10           Group Manager Freeman and Station Manager Foster  
11           considered using extended duration breathing apparatus  
12           crews, together with the London Ambulance Service HART  
13           team, to rescue those in flat 81. A single duration  
14           breathing apparatus crew had already been sent up to try  
15           to do this. When the single duration breathing  
16           apparatus crew arrived, they found a severe fire on the  
17           11th floor. They said that they found the whole  
18           corridor ablaze, so they started to tackle that fire.

19           The extended duration breathing apparatus crew that  
20           came along behind them found that the floor was still  
21           ablaze, and they had to fight the fire rather than try  
22           to rescue people.

23           As you've heard, there were some areas where it  
24           would appear that searches were carried out twice.

25           Station Manager Glenny arrived just before 5 o'clock

1 and was tasked with assisting Station Manager Foster to  
2 collate information about people who were trapped and  
3 those who had been rescued, so that flats from which  
4 people had been rescued or had got out by themselves  
5 could be excluded from the search. The evidence  
6 suggests that Station Manager Glenny was given this task  
7 at about 17.12. He said he tried to keep a note of  
8 people who were coming out of the building. He recalls  
9 speaking to Mr Nuhu, who told him that he'd come from  
10 flat 81. Station Manager Glenny said that he tried to  
11 get information from people in the crowd.

12 You heard how Station Manager Glenny created his  
13 lists. He described how he made lists on scrap paper on  
14 a clipboard, and indeed you remember that you were shown  
15 the original of the lists which he compiled.

16 Members of the jury, it's just coming up to 12.50.  
17 I think the sensible thing would be if we had a break  
18 for lunch now. So if we take about an hour and come  
19 back and continue at about 1.50. So at lunchtime please  
20 remember, no talking to anyone at all about the case.

21 I'll see you at 1.50. Thank you.

22 (12.49 pm)

23 (The short adjournment)

24 (1.50 pm)

25 (In the presence of the Jury)

1 THE CORONER: Yes, members of the jury. Thank you very  
2 much.

3 Before we finished at lunchtime, I was dealing  
4 largely with questions of firefighting and search and  
5 rescue, and I have a few more sections on that to deal  
6 with before we go on to questions concerning the  
7 building. Let me just correct something which I think  
8 I gave you incorrect information about: the duration the  
9 time that Mr Cartwright and Mr Freeman served as  
10 incident commanders. My apologies to you for that and  
11 apologies to the gentlemen concerned. The correct times  
12 are all set out in the updated sequence of events that  
13 you have, so make sure that you refer to those rather  
14 than to what I said earlier.

15 I'm going to turn next to questions concerning  
16 brigade control. We've dealt with that already a little  
17 bit with the fire calls that came in to brigade control  
18 and their radio contact with those on the fire ground  
19 and with crews who were being mobilised.

20 You recall that in relation to brigade control, we  
21 heard evidence from Mr Simmons and also Ms Real.  
22 Mr Simmons, just to remind you, in 2009 was a senior  
23 officer in the control centre at brigade control. We  
24 looked with him at a number of the London Fire Brigade  
25 policy documents which set out guidance as to the

1 handling of calls from the public, and we focussed in  
2 particular, of course, on their approach to dealing with  
3 fire survival guidance calls. We looked with him at  
4 issues concerning the training of staff.

5 In the Lakanal House fire incident, we were told  
6 that control officers -- and it's the control officers  
7 who handle the calls which come in -- were dealing with  
8 four fire survival guidance calls, from flats 79, 68, 57  
9 and either 80 or 81. I must stress that the evidence  
10 that you have heard focussed on the Fire Brigade's  
11 policies and on the training given to control officers,  
12 and I ask you, please, to focus on those aspects of the  
13 evidence regarding the brigade control operations.

14 You will recall that Mr Simmons was asked whether  
15 the working culture and belief and understanding of the  
16 control room was that people would, in fact, be rescued  
17 successfully, and you heard his evidence on that. We  
18 also heard evidence which suggested that there might be  
19 some inconsistencies in some of the documentary evidence  
20 available at that time. We were taken to a 2007  
21 document which dealt with handling emergency calls, and  
22 that suggested that the control officer should provide  
23 guidance and support to the caller. The messages which  
24 were flagged up in that document were "Get out and stay  
25 out" and, slightly later on:



1            "Suggest an alternative escape route if normal means  
2            of escape is blocked. For example, back door, window,  
3            balcony, adjacent balcony."

4            Then we were taken to another document which  
5            suggested that maybe different guidance was given to  
6            staff dealing with these calls. That was a document  
7            which set out the following: it referred to details of  
8            fire safety advice for the public published by the  
9            London Fire Brigade, and it set it out to illustrate the  
10           Fire Brigade's position relating to fire survival,  
11           particularly in purpose-built flats and maisonettes high  
12           rise. It says this:

13           "Living in flats ..."

14           It refers to a London Fire Brigade flier, a document  
15           which says:

16           "If there's a fire elsewhere in the building, it  
17           should be safe for you to stay in your home."

18           Then it made reference to the Fire Brigade website,  
19           which was apparently created in May 2008, according to  
20           this document, and that said that the website contained  
21           guidance on escape from fires in flats and maisonettes,  
22           including:

23           "If there's a fire in your building, you are usually  
24           safer staying in your flat, unless heat or smoke is  
25           affecting you."

1           You will recall that Mr Simmons said that he had  
2           done his basic training, in fact, in 1969, and there had  
3           been no specific training on fire survival guidance  
4           calls until after the Lakanal House fire. The training  
5           that he received, he said, was based on the assumption  
6           that fire was unlikely to spread from one compartment to  
7           another. It's a matter for you, members of the jury,  
8           but you may conclude that the evidence suggests a lack  
9           of training amongst staff in relation to fire survival  
10          guidance calls prior to the incident that we're dealing  
11          with. That's lack of training for control centre staff.

12          You also heard that until after the fire, there was  
13          no coherent arrangement for gathering information from  
14          fire survival guidance calls that had been handled by  
15          control officers so that lessons could be learned. As  
16          I indicated a moment ago, there appears to be  
17          conflicting evidence as to whether control officers  
18          should have been advising callers to get out or to stay  
19          put. You may consider that that inconsistency is  
20          illustrated by the different responses that we saw to  
21          callers on the day. Mr Udoaka said that the operator  
22          had told his wife to stay in the flat, and on the other  
23          hand we've seen a record of one call where the control  
24          officer says, "Just leave the building", and again,  
25          another one where the control officer asked if the

1 caller was able to get out okay. In other calls, as  
2 we've seen, the caller was advised to stay put.

3 You recall that Mr Simmons pointed out, as is  
4 obvious if one thinks about it, that the control officer  
5 is always remote from the location and would generally  
6 expect the caller to know about the layout of the  
7 building. The control officers were giving guidance in  
8 extremely stressful conditions and would be conscious in  
9 every case of the risk of advising someone to go  
10 elsewhere when brigade control didn't know what was  
11 going on at the incident.

12 I'm just going to draw together the threads relating  
13 to the deceased in particular and to the firefighting  
14 and rescue operations generally. Just dealing very  
15 briefly with Catherine Hickman, you heard that she lived  
16 at number 79 with Mark Bailey from about the autumn of  
17 2007. In fact, they were house-sitting the flat for  
18 Mr Aveling, we heard. Mr Bailey told that you  
19 Catherine Hickman had, in fact, been asking specific  
20 questions about escape in the case of fire. He was  
21 aware of the escape balcony, and in fact had been  
22 through the fire escape door and into the lobby himself.  
23 He said that they had discussed this shortly before the  
24 fire in July 2009. Indeed, you may take the view that  
25 some of the comments that Catherine Hickman made in her

1 telephone conversation would suggest that that was so.

2 You will recall, members of the jury, that we heard  
3 evidence from Mr Brian Davey of the New Zealand Fire  
4 Service. Mr Davey has extensive experience both at the  
5 operational level, including command of incidents, and  
6 of developing policy and procedures and training, and  
7 he's respected internationally. Mr Davey gave some  
8 opinions on some aspects of the firefighting and search  
9 and rescue activities at Lakanal House. You may recall  
10 that he expressed the opinion that the rapid spread of  
11 fire into flat 79 from 65 meant that Catherine Hickman  
12 had only a limited time in which to escape.

13 I'm going to turn now to the evidence concerning the  
14 experience of Mr and Mrs Nuhu and their family, because  
15 that, of course, leads us into the experience of the  
16 other deceased people. Mr and Mrs Nuhu lived at flat 80  
17 with their two children, and they'd lived there for  
18 about six months before the fire. You remember that we  
19 heard evidence from Mrs Nuhu and that two of Mr Nuhu's  
20 statements were read out loud to you. Neither Mr nor  
21 Mrs Nuhu knew the purpose of the escape balconies. When  
22 they realised that there was a fire and that there was  
23 smoke in the corridor, Helen Udoaka came into Mr and  
24 Mrs Nuhu's flat with her baby, Michelle. Mr Nuhu called  
25 999. You will recall that he began to rip up curtains

1 in case he would need them.

2 The whole family went out onto the balcony from the  
3 kitchen, and when they were on the balcony, they saw  
4 Dayana Francisquini open her door. So all of them --  
5 Dayana Francisquini and her children, Mr and Mrs Nuhu  
6 and their two children, and Helen Udoaka and  
7 Michelle Udoaka -- went into flat 81, where  
8 Dayana Francisquini lived.

9 At that time, there was no smoke in number 81. They  
10 all went into the bathroom. To begin with, the  
11 atmosphere was fine, and then smoke began to come into  
12 the bathroom, initially through the vent which opens  
13 onto the ventilation duct, which we've discussed this  
14 morning. Mr Nuhu covered the vent with paper and tape,  
15 and for a while that actually prevented the smoke coming  
16 in, but then smoke started to come into the bathroom  
17 under the door and in other places. Mr Nuhu left the  
18 bathroom. Mrs Nuhu herself then left, holding one  
19 child, with the other child following behind her, and  
20 they went upstairs and out onto the balcony where they  
21 met up with Mr Nuhu. They were shouting for help, and  
22 Mr Nuhu began to tie the ripped-up fabric to the balcony  
23 as a makeshift rope.

24 Then they heard banging at the end of the balcony,  
25 and it turned out that firefighters had reached the

1 balcony and they were able to help the Nuhus get off the  
2 balcony and out of the building. Mrs Nuhu told them  
3 that there were people still in there and that there was  
4 a baby in there. She kept saying it. You heard that  
5 she collapsed on the way down the stairs, and the  
6 firefighter who was helping her gave her his mask and  
7 more or less carried her down the stairs. But you heard  
8 that she did her best to tell the firefighters that  
9 there were still people left in the flat. You heard  
10 that Mr Nuhu tried to get this message across when he  
11 got out of the building.

12 So far as the rescue of Mr and Mrs Nuhu is  
13 concerned, you heard that Crew Manager Ford and his crew  
14 from New Cross Fire Station got to Lakanal House at just  
15 about 16.45 and they saw Mr Nuhu on the balcony with his  
16 makeshift rope. Crew Manager Ford was given a specific  
17 task to go and rescue Mr Nuhu, who could be seen at that  
18 point. Crew Manager Ford asked about floors, flat  
19 numbers, anything that would help him. The officer who  
20 was tasking him said that he couldn't really give him  
21 anything to help, so Crew Manager Ford and his team  
22 tried counting the floors to see if they could work it  
23 out that way. They came to the conclusion that Mr Nuhu  
24 must be on the 7th floor, so when Crew Manager Ford and  
25 his crew were committed to the building, he believed

1           that he was taking his crew to flat 81, but on the 7th  
2           floor. Then someone told him that it was flat 56, so he  
3           assumed that Mr Nuhu must be in flat 56. They decided  
4           that they would go via 56, and all of the crew members  
5           went there. In fact, in flat 56 they found an occupant  
6           who was not in distress.

7           Crew Manager Ford decided to split his crew into  
8           two. Two of his crew members went down with the  
9           occupant of flat 56. Crew Manager Ford told the  
10          bridgehead over his radio what he was doing, and he told  
11          them that he would carry on up to flat 81. Again, he  
12          asked for a floor number but none could be given. So  
13          Crew Manager Ford and Firefighter Field carried on up,  
14          breaking security doors on the way up to see what they  
15          could find.

16          Eventually they came to a security door through  
17          which they could see Mr Nuhu, so they banged on the door  
18          to attract his attention, Mr Nuhu opened the door from  
19          the other side. Mr Field went to help with the  
20          children, and Crew Manager Ford helped Mrs Nuhu out.  
21          They asked the Nuhus whether there was anyone else  
22          there, and the Nuhus kept on saying, "No, but there's  
23          someone next door." So the firefighters got onto their  
24          radios, said that they'd rescued two adults and two  
25          children but there were still people in flat 81. Crew

1           Manager Ford said he knew it was 81 because Mrs Nuhu had  
2           told him that. He asked if the Nuhus were able to go  
3           down alone, and they said, "Yes", so he and Mr Field  
4           turned to go back and to try to get the others.

5           At that point, Mr Field's warning whistle sounded  
6           and Mrs Nuhu screamed, so Crew Manager Ford had to make  
7           an extraordinarily difficult decision, and he decided  
8           not to go back. As he put it, he'd already broken  
9           a number of rules to get to where he had got to.  
10          I think that no-one would criticise him for making that  
11          decision, but that's a matter for you, members of the  
12          jury. Not that criticism is possible.

13          Mr Field carried the children down and, as we've  
14          heard, Mr Ford had to assist Mrs Nuhu by giving her his  
15          face mask and more or less carrying her out of the  
16          building. As they went out, they passed crews on the  
17          way who were coming up, and Mr Field says he shouted out  
18          "Flat 81" and Mr Ford did the same. When they got  
19          outside, they told firefighters at the entrance to the  
20          building that there were still people in 81. They said  
21          they kept repeating it.

22          I'm just going to take you back to Mr Crowder's  
23          evidence. Mr Crowder's evidence was that by 17.19 at  
24          the latest, when the front door of number 79 collapsed  
25          into the corridor, creating a severe fire in the



1 corridor, escape along the 11th floor corridor was  
2 plainly impossible and would not be able to be used by  
3 occupants of flat 81 as an escape route.

4 Mr Crowder was also asked to give his opinion as to  
5 the timings at which the occupants of the bathroom in  
6 flat number 81 might have been able to get out onto the  
7 escape balconies, and of course that route from the  
8 bathroom to the escape balconies would have meant going  
9 up the internal staircase of number 81. Mr Crowder's  
10 evidence was that the top stairs in number 81, which you  
11 recall burned away, would have burned away by between  
12 17.30 and 17.35, and it was his opinion that by 17.30,  
13 it would have been very difficult for people to have  
14 walked up the stairs. So effectively that escape route  
15 was no longer possible after 17.30.

16 I mentioned Mr Davey a moment ago. He gave evidence  
17 over the course of a day about the various aspects of  
18 the firefighting and search and rescue and activities at  
19 Lakanal House from the moment when the first call was  
20 made alerting the Fire Brigade to the fire in number 65  
21 until the time after which the six deceased had  
22 tragically died. Some of his opinions, I think, might  
23 be of help to you, but it's a matter for you whether you  
24 find them helpful or not.

25 He said that in his opinion the London Fire Brigade

1           could not have prevented the fire spreading from 65 to  
2           79. He said that in relation to 79, the fire spread  
3           within 79 to involve the staircase had implications for  
4           the survivability of a person in number 79, and that  
5           internal staircase, the evidence suggests, was alight by  
6           approximately 16.48.

7           Mr Davey expressed the opinion that even if the  
8           first incident commander, Crew Manager Willett, had  
9           increased his request from "Make four" to "Make eight  
10          pumps", by the time appliances and crews had arrived and  
11          established the bridgehead, they would not have been  
12          able to prevent the fire spreading to the internal  
13          staircase in number 79.

14          He was asked whether the Fire Brigade could have  
15          prevented the spread of fire into the boxing in under  
16          the staircase of number 81. To achieve that, he  
17          considered that the Fire Brigade would have needed to be  
18          on the 11th floor well before 1720 hours, because of  
19          course the front door to number 79 collapsed into the  
20          corridor at about 1719 hours. Mr Davey's opinion was  
21          that even if the first incident commander had  
22          immediately increased to pumps eight, it's unlikely that  
23          he would have been able to prevent the spread to the  
24          boxing in under flat 81, unless this task had been  
25          prioritised to the exclusion of all of the other tasks

1           which he needed to tackle with a rapidly developing  
2           fire.

3           Mr Davey shared the experience of the  
4           London Fire Brigade witnesses, who said that none of  
5           them had ever experienced the spread of fire downwards.  
6           Mr Davey said that he himself had never come across that  
7           before, but he also expressed the view that spread  
8           downwards, whilst difficult to predict, was not  
9           impossible to predict.

10          Mr Davey commented on the use of the ground monitor.  
11          You heard that that was used in part of the firefighting  
12          activity at ground level. His opinion was that the  
13          height and angle was such that the monitor would have  
14          had a limited effect. It might have slowed the growth  
15          of the fires and it might have given the crews some time  
16          to attack them internally.

17          Mr Davey also considered whether those in flat 81  
18          should have been advised to leave, and he explained to  
19          you why, in his opinion, it was understandable why that  
20          option might not have been considered, and he looked at  
21          these factors: the limited knowledge of the layout of  
22          Lakanal House available to an incident commander; the  
23          fact that incident commanders did not recognise that  
24          they might be able to use mobile phones to contact  
25          Dayana Francisquini and Helen Udoaka; that if they

1           advised people to leave, they could be putting those  
2           people through more smoke and into more danger; the  
3           incident commander could not know what conditions were  
4           like on the balcony, could not necessarily know how the  
5           flat 79 fire was developing, and would have to take into  
6           account what resources were available to him to go and  
7           rescue those people. Mr Davey considered that that  
8           presented too many unknowns to the incident commander.

9           Members of the jury, I'm going to turn now away from  
10          the firefighting and search and rescue operations and  
11          have a look at the relevant evidence concerning the  
12          building. If I say that you heard a great deal of  
13          evidence about the building regulation, I think you  
14          might consider that to be an understatement. We  
15          certainly heard a very great deal. You'll be relieved,  
16          I hope, to hear that I hope I can deal with this very  
17          briefly for you.

18          These are the only matters which should be of  
19          concern to you. The only area in which these are of any  
20          relevance is in relation to the composite panels faced  
21          with Trespa sheeting which formed part of the window  
22          sets in the bedroom windows. The Building Regulations  
23          required those composite bedroom panels to be Class 0 on  
24          their external face on external walls above 18 metres in  
25          height. There was no requirement for the inner face to

1           be Class 0, and there was no requirement for them to be  
2           fire-resistant.

3           The fact that the panels were not Class 0 may have  
4           relevance to the spread of fire from flat 65 to 79 --  
5           that is a matter for you to consider -- but it is not  
6           relevant to the question of development of the fire  
7           within number 79, or to the spread of fire from number  
8           79.

9           We heard a great deal of evidence about the FENSA  
10          scheme, and we heard that this scheme did not in fact  
11          apply to the bedroom composite panels or to the lounge  
12          and kitchen doors. You will recall that all relevant  
13          witnesses confirmed that they now accepted that the  
14          FENSA scheme did not apply to those composite panels,  
15          whatever had been their original understanding.

16          Members of the jury, you need not concern yourselves  
17          with questions concerning the FENSA scheme, as there is  
18          no evidence which could lead you to conclude that  
19          reliance on the FENSA scheme contributed to the deaths  
20          with which we are concerned. I hope that both of those  
21          will be of help.

22          I'm going to deal now with questions concerning the  
23          building, how the building came to be in the condition  
24          in which it was in July 2009, referring principally to  
25          those elements of the building which were significant to

1 the spread of fire from 65 to 79, within 79 and from 79  
2 out into the corridor and onto 81.

3 You heard that the building was constructed in the  
4 late 1950s, being completed, I think, in about 1958.  
5 Work was carried out in the 1970s but we need not be  
6 concerned with any of that. During the 1980s, work was  
7 carried out, and that included work to replace the  
8 heating system, to replace the suspended ceilings in the  
9 central corridors and to install doors from the lift  
10 lobbies into the central corridors.

11 Then in the mid-1990s, Mr Aveling carried out some  
12 work to flat number 79. We heard about a fire in  
13 flat 81 in 1997, and we spent some time looking at the  
14 major refurbishment work which was carried out in  
15 2006/2007 under the Decent Homes scheme.

16 In looking at the various aspects of this evidence,  
17 I'm going to be concentrating on those elements of the  
18 building, as I say, where the evidence suggests that  
19 there was relevance to this incident. So looking at the  
20 cross-ventilation system, briefly on that, when the  
21 building was constructed, that was a feature of its  
22 design. It was designed to have a cross-ventilation  
23 system. One purpose of that was to enable smoke to be  
24 dissipated.

25 We've been concerned with the boxing in under the

1 stairs. Mr Crowder told you that the boxing in under  
2 the stairs had been made of a cementitious product,  
3 a cement-based board of some sort. He said he could not  
4 be certain when the boxing-in work had been undertaken.  
5 It might have been undertaken during the 1980s, it might  
6 have been undertaken earlier. He wasn't able to be more  
7 precise on that. That boxing in should have been  
8 fire-resistant to 60 minutes and it failed within two to  
9 three minutes.

10 We looked at the panels above the front doors.  
11 Mr Crowder told you that these were made simply of  
12 timber. He thought that they were probably an original  
13 feature of Lakanal House.

14 So far as the suspended ceilings are concerned,  
15 Mr Crowder believed that there had been a suspended  
16 ceiling when Lakanal House was originally built but that  
17 it was probably rather higher up than the suspended  
18 ceiling fitted in the 1980s, which you saw on your site  
19 visit.

20 Originally, Mr Crowder believed that the panels  
21 above the doors would have been visible in the corridor  
22 below the suspended ceiling, but as we've seen, they  
23 were no longer visible after the suspended ceiling had  
24 been replaced.

25 I'll just deal briefly first with the work in the

1           1980s. We heard read to us a statement made by  
2           Mr Holloway, a building surveyor who worked for a firm  
3           called Donald James Chartered Surveyors. Mr Holloway  
4           had been involved with the work carried out in the  
5           1980s. He explained to you that his firm's records have  
6           been lost, and so we have very little documentary  
7           evidence to go on. A letter did come to light  
8           dated December 1986, written by Mr Holloway, to confirm  
9           that the work then would include replacing the suspended  
10          ceilings in corridors and installing half-hour fire  
11          doors between the corridors and the lobby. Mr Holloway  
12          believed that that work was probably carried out in two  
13          phases, probably partly in 1987 and partly in 1989 and  
14          1990. Mr Holloway said in his statement that he had no  
15          recollection of being asked to look at the boxing in  
16          under the stairs.

17                 Mr Crowder expressed the opinion that the ceiling  
18          panels themselves, which were installed in the 1980s and  
19          made of a product called Panoflam, gave some level of  
20          protection. You heard that the consequence of  
21          installing the fire doors between the lobbies and the  
22          corridor was that this reduced the efficacy of the  
23          ventilation system, as did installing the mesh grills  
24          over the louvred apertures at each end of the corridor.

25                 Mr Aveling occupied flat 79 from about 1993 or 1994,



1 and you'll remember that he kindly came to give  
2 evidence. He told you that in 1994 or 1995, amongst  
3 other modifications which he made to number 79, he  
4 removed the wall between the bottom of the internal  
5 staircase in bedroom 1 and removed the door, and he also  
6 removed the risers from the lower stairs. He told you  
7 that the stairs had been rotten when he took on the  
8 flat. He removed one of the bathroom doors.

9 Mr Aveling did not contact the London Borough of  
10 Southwark before he began the work. However, we've seen  
11 from the evidence that was put before you that the  
12 London Borough of Southwark were aware. There was  
13 a visit to his flat in May 1994 -- there was an internal  
14 note that recorded that visit -- and a letter dated  
15 23 May 1994 which indicated that the London Borough of  
16 Southwark was waiting for a building inspector to  
17 inspect.

18 Mr Aveling told you that someone did come to have  
19 a look at what he had done, and said that if he moved  
20 out of the flat he'd have to put back what had  
21 previously been there. Mr Aveling told you that he'd  
22 been given some sort of written confirmation but that  
23 this had been lost in the fire.

24 We've seen that a surveyor did inspect flat  
25 number 79 in October 2006. This was after the Decent

1 Homes work had begun at Lakanal House. The surveyor  
2 called specifically to consider whether the work which  
3 Mr Aveling had carried out was of structural  
4 significance.

5 The surveyor wrote to Miss Annabel Sidney of  
6 Southwark Building Design Services. I'll come back to  
7 her role in more detail shortly, but the letter noted  
8 that work had been carried out approximately ten years  
9 previously, so the 1994/1995 work which Mr Aveling  
10 described to you, and advised that the alterations had  
11 no structural significance. The letter made the  
12 following point:

13 "You may wish to consider whether the fire safety is  
14 affected, but from our discussions this seems unlikely.  
15 However, this is not within my expertise."

16 You heard that in September 1997 there was a fire in  
17 flat number 81. Mr Aveling was in his own flat,  
18 number 79, next door at the time. He told you that to  
19 begin with he stayed in his flat, but it eventually got  
20 to the stage where there was so much smoke he decided to  
21 leave, and he told you that he had gone out through the  
22 lounge door and along the eastern escape balcony. We've  
23 heard that the fire in 1997 did not spread from 81 into  
24 79.

25 I'm now going to come to the 2006/2007 work. We

1 heard a great deal of evidence about this. I'm going to  
2 try and focus on only the elements of significance to  
3 the spread of the fire. Inevitably, I shall touch upon  
4 matters which go beyond that. Inevitably, I shall be  
5 touching upon the history of replacement of balcony  
6 doors and lounge windows and doors and kitchen windows  
7 and doors, but I ask you to remember that there's no  
8 evidence to suggest that the balcony panels or the  
9 kitchen and lounge windows and doors contributed to the  
10 spread of fire or smoke. So we need to concentrate on  
11 the composite panels which formed part of the window  
12 sets for the bedroom windows at Lakanal House.

13 You heard that the London Borough of Southwark  
14 planned to carry out work initially as part of its  
15 planned preventive maintenance project, but during the  
16 planning stage funding was made available and it was  
17 decided to go ahead under the Decent Homes scheme.  
18 Essentially the Decent Homes scheme was aimed at  
19 bringing all properties up to a decent standard, so work  
20 included replacing kitchens, bathrooms, windows, and one  
21 of the aims was to provide better insulation and assist  
22 energy conservation.

23 One of the departments within the London Borough of  
24 Southwark was the Southwark Building Design Services,  
25 which I'll refer to as SBDS. SBDS comprised

1 construction professionals, one of whose tasks was to  
2 procure the maintenance and refurbishment work which  
3 Southwark wanted to carry out. A different department  
4 within the London Borough of Southwark was the Building  
5 Control department.

6 We've heard a great deal about the way in which the  
7 various contracts were set up between Southwark and  
8 Apollo Property Services, who were the main contractor  
9 on the 2006/2007 project, and between Apollo and  
10 Symphony Windows and other contractors and suppliers.  
11 I'll deal with those as briefly as I can, and only  
12 insofar as we need to look at matters which you may  
13 consider helpful to you. Please remember it's no part  
14 of your role to reach any conclusions as to any  
15 contractual rights or obligations or duties of these  
16 organisations.

17 You've heard from Ms Awaritefe and Mr Pearce of  
18 investment team within London Borough of Southwark.  
19 Well, the investment team left the running of the  
20 project to SBDS. You heard evidence from Mr Menlove and  
21 Ms Sidney of SBDS, amongst others. Mr Menlove was  
22 a chartered surveyor. In February 2006, he became  
23 acting group manager of SBDS. He'd worked for local  
24 authorities throughout his career. Ms Sidney joined  
25 SBDS in 2004. She was also a chartered building

1 surveyor.

2 The two broad areas on which you may find it helpful  
3 to focus -- it's a matter for you -- are on issues  
4 concerning the need to obtain building regulation  
5 approval -- to inform Building Control and matters of  
6 that sort -- and secondly, what materials were specified  
7 for use in the Decent Homes work and how changes to the  
8 specification were made.

9 As far as building regulation approval is concerned,  
10 you heard that an application for planning permission in  
11 relation to the work was submitted in June 2005. No  
12 formal application was ever made by anybody for building  
13 regulation approval. No notice was lodged with the  
14 London Borough of Southwark's Building Control  
15 department, and no plans were ever deposited in relation  
16 to the 2006/2007 work. I'll come back to the question  
17 of building regulations shortly.

18 SBDS was a part of the London Borough of Southwark,  
19 and the employees were employees of Southwark.  
20 Nevertheless, as we've seen, there was an agreement  
21 between the Housing Department within Southwark and SBDS  
22 to record the respective duties of each, and that was  
23 the service level agreement which you were referred to.  
24 That pointed out that one of SBDS's duties was to ensure  
25 compliance with statutory requirements, including all

1 building-related regulations and approvals.

2 Ms Sidney, as I've said, joined the London Borough  
3 of Southwark in September 2004 to work in SBDS as  
4 a project manager. Mr Menlove was her line manager.  
5 One of the first tasks which Ms Sidney undertook after  
6 she joined SBDS was to visit Lakanal House and carry out  
7 a survey. She did that in September 2004 and she made  
8 some notes of what she observed. Her notes included  
9 noting arrangements for means of escape from fire along  
10 the corridors and along the external balconies.

11 At that time, the autumn of 2004, the planned  
12 refurbishment work included new balustrades for the  
13 balconies, windows with composite panels beneath, and  
14 new lounge and kitchen doors and windows, and corridor  
15 and louvre panels and electrical installation. The  
16 major part of the work was the replacement of doors and  
17 windows.

18 Ms Sidney set about dealing with producing  
19 a specification for the Decent Homes work. At  
20 Mr Menlove's suggestion, she approached Marsden Windows,  
21 who were a commercial dealer for SAPA, and you recall  
22 hearing evidence from Mr Hanson of SAPA. SAPA supplied  
23 lengths of extruded aluminium which could be made up  
24 into frames for window sets. SAPA themselves do not  
25 manufacture glazed units for composite panels. SAPA can

1 and do supply fire-rated products if requested.

2 Mr Hanson explained that his company is regularly  
3 asked to help prepare specifications for projects such  
4 as that at Lakanal House, and indeed he was asked, as we  
5 have seen. His view was that the building designer  
6 should decide whether to use the SAPA specification or  
7 not in the subsequent building contract.

8 We heard evidence from those at Trespa, from  
9 Mr Laing. You will recall that Trespa do not  
10 manufacture or supply frames or glazing, they do not  
11 manufacture composite panels and they do not manufacture  
12 the insulation core for composite panels. The composite  
13 panels under the bedroom windows in Lakanal House were  
14 made from three-millimetre high pressure laminate  
15 sheeting, which Trespa supplied, with an inner  
16 insulation core.

17 You heard from Mr Laing that Trespa manufactured the  
18 three-millimetre sheeting in both standard grade and  
19 fire-retardant grade. The facing of the composite  
20 panels fitted at Lakanal House in the bedroom window  
21 sets were made using standard grade Trespa sheets. You  
22 heard that the balcony panels at Lakanal House were made  
23 from 13-millimetre Trespa sheeting, and in fact Trespa  
24 supplied those panels as a finished product. The  
25 three-millimetre laminate sheeting which Trespa

1           supplied, as I've said, is not a finished product. It  
2           is to be used by others to fabricate composite panels.

3           The records show that Ms Sidney met Charles Sawyer  
4           of Trespa in January 2005 to discuss replacing the  
5           asbestos balcony panels with Trespa panels, and the  
6           records suggest that Mr Sawyer did so visit, and that  
7           they agreed that it was the 13-millimetre Trespa panels  
8           that should be used for the balconies.

9           Ms Sidney began work on preparation of a detailed  
10          specification for the work to be undertaken. She  
11          engaged an external quantity surveyor consultant,  
12          Franklin & Andrews, to assist with this, and they were  
13          to help put together the tender documents and costings  
14          for the project. The tender documents are those sent  
15          out to contractors who are invited to put in a tender --  
16          that is, to offer to carry out specified work.  
17          Franklin & Andrews didn't decide what to put into the  
18          tender documents; that was a matter for SBDS.

19          We have seen the specifications which SAPA prepared  
20          for the window sets and the lounge and kitchen doors and  
21          windows at Lakanal House, and as we have seen, these  
22          provided for polyester powder-coated aluminium windows  
23          and doors. The SAPA specification provided that frames  
24          should comply with current British Standard  
25          specification code of practice and statutory



1 requirements, and they suggested use of their Dualframe  
2 window system. The specification which they prepared  
3 provided for composite panels as follows:

4 "Solid infill panels, where required, are to be  
5 28-millimetre insulated sandwich panels with facing of  
6 polyester-coated aluminium."

7 So that specification envisaged aluminium-faced  
8 panels for the composite panels under the bedroom  
9 windows. You recall that they gave warnings in their  
10 specification that their specification was for  
11 information only, and those who were proposing to use it  
12 should contact suppliers of any products which were not  
13 SAPA products to ensure the suitability of products.

14 Ms Sidney received the SAPA specification in  
15 early January 2005. At about the same time, she was  
16 told that the existing panels under the windows and  
17 balcony panels were probably made of asbestos insulation  
18 board, and an email at that time indicates that she was  
19 proposing to use Trespa panels for the balconies.

20 You will recall that there was some evidence that  
21 after that there was discussion between various parties  
22 about amending the specification in relation to the  
23 doors to be provided for the lounge and kitchen.

24 I don't need to take you to the detail of that.

25 Franklin & Andrews assembled the tender

1 documentation on behalf of SBDS, and those documents  
2 were sent out to contractors invited to bid to undertake  
3 the Decent Homes work at Lakanal House. The  
4 specification set out in the tender documents for the  
5 panels under the bedroom windows at Lakanal House were  
6 polyester-coated aluminium frames with glazing and  
7 composite panels, all in accordance with the SAPA quote,  
8 so aluminium-faced panels under the windows.

9 In September 2005, Apollo tendered for the work and  
10 they were ultimately successful in getting the contract.  
11 So their work was to include asbestos removal, removing  
12 existing windows and balcony doors and replacing these  
13 in all 98 maisonettes, and also to include rewiring of  
14 most of the flats at Lakanal House.

15 One of the provisions of the contract provided, as  
16 you've seen, that the contractor -- in this case,  
17 Apollo -- was, according to the document, to conform to  
18 all buildings regulations.

19 There was a pre-contract meeting held on  
20 13 February 2006, which was attended by representatives  
21 of the London Borough of Southwark Housing Department,  
22 who asked SBDS who get the work done, and  
23 representatives from Apollo, and Mr Menlove, Ms Sidney  
24 and others from SBDS. We've seen the minutes of that  
25 pre-contract meeting, and they record that the CPM --

1           that is, Ms Sidney, the contract project manager -- was  
2           to check with Building Control about requirements for  
3           the roof recovering.

4           So the position was that the London Borough of  
5           Southwark were contracting with Apollo and Apollo in  
6           turn were contracting with Symphony Windows for the  
7           supply and fitting of the window sets for the bedrooms  
8           and the doors and windows for the lounge and kitchen and  
9           the balcony panels. Symphony themselves did not  
10          manufacture these projects; they bought them in from  
11          others.

12          We've seen that Trespa supplied the sheeting for the  
13          composite panels, SAPA provided the aluminium frames,  
14          and the bedroom window sets -- that is, the window  
15          frames with the glazing and the composite panels -- were  
16          fabricated by two fabricating companies. Symphony  
17          fitted the fabricated window sets on site. That is not  
18          an unusual arrangement for a project of that sort,  
19          I would suggest.

20          You've heard a great deal of evidence about how it  
21          came about that a decision was made to change the  
22          specification for the bedroom panels from panels which  
23          would be powder-coated, aluminium-faced to panels which  
24          would be faced with the Trespa three-millimetre laminate  
25          sheeting. The evidence suggests that that change was

1           decided upon in May 2006. There's no clear record of  
2           how it came about, so you'll remember that we explored  
3           with witnesses their recollection from documents of  
4           around that time.

5           In April 2006, Apollo had reported some problems  
6           which had arisen concerning wind-loading on the bedroom  
7           windows. There's no need for you to consider issues  
8           concerning wind-loading. Those are irrelevant to the  
9           matters which you need to discuss, but I mention them  
10          because they form the background to the discussions  
11          about changes to the specification for the panels below  
12          the windows.

13          You heard about two meetings, one on 3 May 2006 and  
14          one probably on 17 May 2006. There are no minutes of  
15          either of those meetings. The 17 May meeting may have  
16          been more informal than that held on 3 May. That's  
17          a matter for you.

18          On 3 May, the meeting was probably attended by  
19          Ms Sidney, Mr Menlove -- although he said he had no  
20          recollection of attending -- Mr Hurrell of SAPA,  
21          Mr Cousins of Apollo and Mr Coupe of Symphony. As you  
22          heard, members of the jury, they all have different  
23          recollections of what was discussed. Principally, they  
24          disagree as to who it was who instigated or suggested  
25          the change from powder-coated aluminium panels to

1 composite panels faced with Trespa sheeting. Ms Sidney  
2 said in evidence both that the specification change  
3 regarding the window sets and indeed doors was  
4 instigated by Apollo, and she also said that it had been  
5 instigated by Symphony Windows. Mr Menlove has no  
6 recollection of the discussions on 3 May. Mr Cousins of  
7 Apollo said that his recollection was that Ms Sidney  
8 had, by then, nearly decided to change to using  
9 composite panels faced with Trespa, that she wanted  
10 these panels to match the balcony panels and, of course,  
11 the balcony panels were always going to be made of  
12 a Trespa sheet.

13 Mr Cousins suggested that it was suggested by  
14 someone at the meeting that aluminium panels might be  
15 easily scratched or dented. Mr Cousins' recollection  
16 was that Ms Sidney was changing her mind about  
17 aluminium-faced panels and wanted to trial the  
18 Trespa-faced panels on the pilot flat which you recall  
19 they were going to set up.

20 Mr Coupe's recollection was that questions were  
21 raised as to whether the aluminium panels would dent or  
22 scratch and whether they would suffer from glare. He  
23 commented that SAPA ruled the specification with an iron  
24 fist, and said it was unlikely that he would have  
25 suggested a change from aluminium to Trespa-faced

1 panels. In fact, he said he would have been keener to  
2 stick with the original specification -- that is, for  
3 aluminium panels.

4 That was 3 July 2006. Then there was a confusing  
5 scenario. Apollo wrote to residents on 4 May 2006 to  
6 say that new lounge and kitchen doors would be fitted  
7 and asking residents to choose a design, but then there  
8 was a slightly contradictory letter, you will note, from  
9 Annabel Sidney on 5 May regarding the specification for  
10 the doors. Ms Sidney sent out an email which referred  
11 to a meeting on 17 May which was concerned with possible  
12 changes to the kitchen door.

13 On 25 May, we see an email from Ms Sidney saying:

14 "When we met with Symphony last week, 17 May, Nick  
15 [that is Mr Coupe] said that he was looking into  
16 replacing the aluminium panels with Trespa."

17 And she referred to colour match samples from Trespa  
18 on site.

19 You will recall that Ms Sidney raised the question  
20 of the possible change of specification in an exchange  
21 of emails which she had with Mr Menlove on 26 May 2006.  
22 In that, she said:

23 "Symphony Windows have suggested replacing the  
24 powder-coated aluminium panels on the external side with  
25 a three-millimetre Trespa panel. One of the reasons for

1 this is the possible problem of the different reflective  
2 surfaces of the balcony panels, which are specified as  
3 Trespa, and the window panels, which are specified as  
4 powder-coated. Symphony think this may look odd on the  
5 building. The other reason is that Trespa is very  
6 strong, robust, and might be better suited to the larder  
7 panel and doors. There may also be a third reason, in  
8 that aluminium is very expensive and I think prices have  
9 gone up."

10 In his reply, Mr Menlove gave her some guidance in  
11 relation to her question, and we saw from his reply,  
12 coupled with Ms Sidney's initial message, that the  
13 concerns that both were focussing on were  
14 colour-matching and retaining colour over a period of  
15 time, and indeed the possible cost of making that change  
16 in the specification.

17 We next have an email from Mr Cousins to Ms Sidney  
18 on 2 June, in which Mr Cousins of Apollo confirmed that  
19 they would be able to supply the composite panels with  
20 Trespa facing in lieu of the aluminium-faced panels at  
21 no additional cost.

22 On 2 June again, Ms Sidney contacted Mr Cousins to  
23 say:

24 "I'm happy to proceed with the Trespa. Formal  
25 instruction to follow."

1           So that would appear to indicate that at that stage  
2           the decision was made to change from powder-coated  
3           aluminium-faced composite panels under the windows to  
4           the composite panels made up with the Trespa sheeting.

5           Ms Sidney's recollection of the events of May 2006  
6           was, as I've said, that she thought it was Apollo which  
7           instigated the changes, and then she said she thought it  
8           was Symphony.

9           We've seen that there were questions raised as to  
10          the possible cost of the change, but as we've seen, in  
11          fact there was no price difference as between  
12          aluminium-faced panels and Trespa-sheeting-faced panels.  
13          The prices were much the same.

14          Members of the jury, it's a matter for you if you  
15          consider it significant whether it's more likely that it  
16          was SBDS, through Ms Sidney, who suggested the change,  
17          or whether it's more likely to be Apollo or Symphony  
18          Windows who instigated the change. In any event, as  
19          we've seen from the email of 2 June 2006, the decision  
20          was made then to use the Trespa-faced panels in the  
21          window sets.

22          There's no evidence that anyone raised the question  
23          of fire protection concerning the bedroom composite  
24          panels at any stage, whether in relation to the external  
25          laminate sheeting which Trespa were to supply or in



1 relation to the foam interior. Ms Sidney said she  
2 believed she was entitled to rely on Apollo, as the main  
3 contractor, to decide whether it was necessary to  
4 involve Building Control.

5 However, she said also that she had a recollection  
6 of making an informal approach to Building Control about  
7 the change in the specification which in fact was made  
8 with regard to the lounge and kitchen doors. There  
9 appears to be no record in Southwark Building Control  
10 Department's records. It's not been possible to find  
11 the file note which Ms Sidney says that she recalls  
12 having prepared following that discussion. She said she  
13 thought she would have recorded such a discussion in her  
14 day books, but we've heard that these are no longer  
15 available. She also said she had a memory of discussing  
16 this with Mr Cousins, but no written record of that has  
17 been provided either.

18 I've explained that during the 2006/2007 work, most  
19 of the flats were to be rewired, and we've heard that  
20 it's likely that some of the panels of the suspended  
21 ceiling were removed during that time so that wiring  
22 could be run through above the suspended ceilings. It's  
23 a matter for you, members of the jury, but you may  
24 consider that that was a time when someone might have  
25 been able to see above the panels, once they'd been

1 removed. It's only once the panels have been removed  
2 that one would be able to see the boxing in under the  
3 stairs, the panels above the front doors, and the extent  
4 to which walls separating flats from corridors had been  
5 penetrated by pipes and wiring and the extent and  
6 quality of the fire-stopping which had been fitted.

7           You heard that during the carrying out of the  
8 2006/2007 work, which was undertaken over a period of  
9 some months, the London Borough of Southwark staff were  
10 on site. Ms Sidney, as the contract project manager,  
11 regularly visited the site, and we heard from  
12 Mr Roberts, who was the clerk of works, who said that he  
13 was there for just about every day except when he might  
14 have been on holiday.

15           You heard that sections of the ceiling were probably  
16 removed to enable the electricians to run their cables  
17 through. Neither Ms Sidney nor Mr Roberts recalls  
18 having seen panels removed or looking inside the  
19 suspended ceilings.

20           Members of the jury, I have just one final section  
21 to go, which is about fire risk assessment. I suggest  
22 that we have a short break and I'll come back to that.  
23 After I've dealt with fire risk assessment, then we will  
24 be dealing with the detail of how we're going to ask you  
25 to deal with your narrative verdict, but we'll have

1 a break before that as well. Thank you very much.

2 A ten minute break.

3 (3.06 pm)

4 (A short break)

5 (3.21 pm)

6 (In the presence of the Jury)

7 THE CORONER: Members of the jury, my last topic is fire  
8 risk assessments, so I'll deal with that now. When  
9 we're talking about fire risk assessments, we're dealing  
10 with the Regulatory Reform Fire Safety Order of 2005.  
11 We've been referring to it in these inquests as the Fire  
12 Safety Order, so that's what I'm proposing to do.

13 You heard that that is a piece of legislation that  
14 came into force on 1 October 2006. From that date,  
15 there was a requirement to carry out a fire risk  
16 assessment for all communal areas in buildings such as  
17 blocks of flats. So the Fire Safety Order imposed on  
18 the London Borough of Southwark a legal obligation to  
19 conduct fire risk assessments on its housing stock, and  
20 that included an obligation to undertake such  
21 an assessment on Lakanal House.

22 In relation to this issue, you probably remember we  
23 heard from Miss Sheila Keogh, who worked for the  
24 London Borough of Southwark at the relevant times,  
25 Mr Snazell of the London Fire Brigade, and

1 Mr David Walker, the chartered surveyor, who also gave  
2 evidence on this topic. You'll recall that Mr Walker  
3 said that he and his firm have been involved in  
4 undertaking a number of fire risk assessments over the  
5 years and are commissioned by owners of premises,  
6 including local authorities, to carry out fire risk  
7 assessments.

8 Mr Walker said that prior to 1 October 2006, when  
9 this legislation took effect, fire risk assessments of  
10 blocks of flats were not commonly carried out. He  
11 expressed the opinion that local authorities had little  
12 experience at that time of undertaking such assessments,  
13 although they would have been undertaking general  
14 inspections of their property portfolio and those would  
15 have included some consideration of fire safety issues.

16 In Mr Walker's experience, very few organisations  
17 had begun to plan for this new requirement before the  
18 Fire Safety Order came into force, although the order  
19 itself dated back to June 2005 and had originally been  
20 due to come into force in April 2006. As Mr Walker  
21 said, the knowledge that this order would be coming into  
22 force had been rumbling around, as he put it, for some  
23 time before October 2006. All organisations who had  
24 a duty to undertake such assessments had to decide how  
25 they were going to deal with it, and Mr Walker suggested

1 that they would first have to do risk analysis on their  
2 property portfolio to make sure that high priority  
3 buildings with greater risks were dealt with early on in  
4 the programme.

5 We've heard evidence that the London Borough of  
6 Southwark housing stock is large. There is said to be  
7 a massive range of premises of sleeping accommodation,  
8 for example residential premises with children, people  
9 with disabilities, houses in multiple occupancy, nursing  
10 homes and so on. Mr Walker accepted that it was  
11 a difficult task for a local authority to prioritise  
12 buildings for fire risk assessments, but he said that it  
13 was an exercise that an authority should have carried  
14 out.

15 Mr Walker expressed the opinion that Lakanal House  
16 was a high risk building which ought to have been  
17 prioritised by the London Borough of Southwark and  
18 assessed early in the programme. The factors on which  
19 he relied were the age of the building, the height of  
20 the building, the number of residential units, the  
21 unusual construction with maisonettes on two floors, the  
22 single staircase fire escape and the previous history of  
23 fires.

24 Mr Walker explained that organisations such as the  
25 London Borough of Southwark had a duty to put

1 a responsible person in charge of the process, someone  
2 who would take charge of organising and making sure that  
3 the provisions of the fire safety order were carried  
4 out.

5 Mr Walker said that in his experience some housing  
6 providers, local authorities and housing associations,  
7 for example, had taken action straight away, but, as he  
8 put it, there were some gaps in that across the country.  
9 He said that it was not until the fire at Lakanal House  
10 that some organisations began to take this obligation  
11 more seriously.

12 You heard that in July 2007 the Local Government  
13 Association Guide was published. That was the guide  
14 which most fire risk assessors would use to assess  
15 buildings against. You heard that that was published as  
16 a consequence of requests made by the housing sector in  
17 general for specific guidance in how to manage fire  
18 safety.

19 Mr Walker explained that there's no requirement in  
20 the Fire Safety Order for persons carrying out fire risk  
21 assessments to have any specific qualifications but in  
22 his view people should be trained. He was of the  
23 opinion that a person might be competent to  
24 fire-risk-assess a small simple building but not  
25 necessarily have sufficient competence to deal with

1 a complex building. For example, a housing officer  
2 might be competent to do a fire risk assessment for,  
3 say, a simple three-storey building, but for more  
4 complex buildings he was of the opinion that this should  
5 be done by somebody with experience and good technical  
6 knowledge of construction. That might be a housing  
7 officer who had that experience, but it might not.

8 Mr Walker expressed the opinion that Lakanal House  
9 fell into the category of a more complex building  
10 because of the factors which I've just mentioned  
11 a moment ago in relation to prioritisation. He  
12 explained that part of the process of undertaking  
13 an assessment should be to make recommendations about  
14 which work should be carried out to remedy any problems  
15 which the assessor had identified, and the assessor  
16 should give his recommendations on a priority ranking,  
17 high, medium, or low. As he explained, a fire risk  
18 assessment is not a structural survey. Much of the  
19 construction of the building is hidden behind other  
20 elements, such as suspended ceilings and wall panels and  
21 so on. He said that in his opinion, an inspection for  
22 the purposes of the Fire Safety Order at a building like  
23 Lakanal House would have taken maybe 11 hours in all to  
24 complete, including dealing with the paperwork.

25 Mr Walker was asked about and expressed his opinion

1 as to whether, before the fire at Lakanal House, it was  
2 normal for fire risk assessors to inspect inside a flat,  
3 and he said that before the fire at Lakanal House it was  
4 more normal for them not to inspect a flat. Since then,  
5 he said, it has become more common to carry out more  
6 thorough inspections, including inspecting a sample of  
7 flats, but in his opinion, a suitable and sufficient  
8 fire risk assessment of Lakanal House before July 2009  
9 should have included inspection of some flats. He said  
10 maybe a sample of 10 per cent, a sample of a couple of  
11 flats on each floor, if possible.

12 He explained the reason for this. He said the most  
13 important issues for fire risk assessment are fire  
14 escape, fire protection and fire compartmentation,  
15 including the separation of living accommodation from  
16 communal corridors, and he took the view that it was  
17 necessary to enter some flats to see if there was  
18 a problem which might not be seen from the communal  
19 corridor side.

20 His opinion was that if it was not possible to  
21 access an area or flats in such a way and it was an area  
22 which an assessor felt it was important to look at, then  
23 the assessor should make a recommendation that that area  
24 should be inspected more closely. He was of the view  
25 that an assessor should be able to make an assessment of



1 the type of materials used in construction of the  
2 building.

3 Mr Walker inspected Lakanal House earlier this year,  
4 and that, of course, is some three and a half years  
5 after the fire. He said that he could not be sure  
6 whether the suspended ceiling, when he inspected in the  
7 early months of this year, was in the same condition as  
8 it had been prior to the fire, but what he saw on his  
9 visit he described as generally in a very tired  
10 condition, with quite a lot of small defects and small  
11 repairs. He saw gaps around the edges of ceiling  
12 panels, and in his opinion, an assessor would have  
13 recommended further action to open up the ceiling to  
14 carry out an inspection to assess the fire integrity of  
15 the suspended ceiling.

16 In his opinion, a fire risk assessor would have  
17 taken note of the front doors as seen from the corridor,  
18 an assessor would have been able to see that the  
19 letterbox had no fire protection -- that is, no  
20 intumescent strip which would expand if there was a fire  
21 inside or outside the flat -- and an assessor might see  
22 if the door was poorly fitting, with gaps around it.

23 If the assessor had gone into a flat, then he would  
24 have seen whether there were smoke and fire seals fitted  
25 around the door and might have come to conclusions about

1 the thickness of the door, so judge whether there might  
2 be a fire-rating of the front door. If the assessor  
3 concluded that the front door was not a 30-minute fire  
4 door, or if there were no smoke seals, then in his  
5 opinion the assessor should have recommended that they  
6 be upgraded to be a 30-minute fire door. He explained  
7 that he took that view because it was necessary to walk  
8 past the front doors in the central corridors in order  
9 to escape from other flats.

10 He expressed his opinion about the panels above the  
11 front doors. As you know, you can't see these when  
12 you're standing in the corridor because they're above  
13 the suspended ceiling, but you can see them when you're  
14 inside a flat. Mr Walker explained that if  
15 the suspended ceiling were opened up as part of the  
16 assessment process, then an assessor would have been  
17 able to assess the nature and condition of the panels,  
18 and would recommend that these be 30-minute or 60-minute  
19 fire-resistant, and as he explained, he was of that view  
20 because the panels form one of the elements which  
21 separate the flat from the corridor.

22 So far as the boxing in under the stairs is  
23 concerned, again, one cannot see this unless the  
24 suspended ceiling is opened up. In his opinion, if the  
25 ceiling had been opened up, then an assessor would have

1           been able to see the boxing in and would have  
2           recommended that this boxing in be brought up to be  
3           fire-resistant. Again, this is because the boxing in  
4           was, in effect, part of the compartment wall which needs  
5           to be fire-resistant, and was a very important element,  
6           in Mr Walker's view. He also pointed out that the  
7           boxing in formed part of the separation from one floor  
8           within the maisonette to another.

9           He said that the protection around the boxing in  
10          which he saw on his visit, as he described it, "wasn't  
11          brilliant" and had numerous defects in the actual  
12          undercladding, and that would have led an assessor to  
13          have recommended consideration of upgrading.

14          He said that if an assessor knew that the communal  
15          heating system had been replaced, that fact alone would  
16          have led an assessor to recommend opening up the  
17          ceilings. Mr Walker described it as a common problem  
18          when there's refurbishment of heating, ventilation or  
19          electrical systems. New pipework, cables and so on are  
20          run through the flat walls -- that is, through the  
21          compartment walls -- and it's not uncommon for people  
22          not to make good as well as they should. That, he  
23          considered, should have led an assessor to have made  
24          a recommendation for further inspection. So an assessor  
25          would have recommended that fire-stopping at points when

1 pipes and cables penetrated the compartment walls should  
2 be made good to plug any gaps.

3 Mr Walker was asked whether, if an inspection had  
4 been carried out before July 2009, the assessor would  
5 have taken a view as to the composite panels under the  
6 bedroom windows, and he said: no, if an assessor had  
7 known that the windows had been recently installed, then  
8 in his opinion, an assessor would probably assume that  
9 there was no particular issue from a fire safety  
10 perspective. An assessor would probably assume that  
11 work had been undertaken to the correct standard.

12 Mr Walker expressed the view that an assessor would  
13 have taken note of the cross-ventilation system and how  
14 effective it looked as if it would be. He explained  
15 that cross-ventilation is a key feature of fire safety  
16 for a building of this sort, and he would expect  
17 an assessor to identify the nature of the ventilation  
18 system, and indeed to have raised this in his  
19 recommendations, Mr Walker considering that the louvres  
20 in the panels at the end of each corridor were small and  
21 that the fly mesh behind the louvres tended to collect  
22 dirt and so prevent the transfer of air.

23 Overall, he said an assessor needs to view  
24 a building as a whole from a fire safety point of view.  
25 If smoke gets into corridors, then it needs to be taken

1 outside as quickly as possible, so it's important that  
2 ventilation systems are not compromised. He also said  
3 he would expect an assessor to test a sample of drop  
4 keys and to consider signage for escape routes, and he  
5 would also expect there to be an indication on the  
6 building as to where flats were located.

7 That was Mr Walker's opinion as to what a fire risk  
8 assessment should have covered prior to July 2009. We  
9 heard from Miss Keogh, who gave evidence as to what had  
10 actually been undertaken. Miss Keogh joined the  
11 London Borough of Southwark in June 2008 as a health and  
12 safety adviser, and the main part of her job was to  
13 advise the London Borough of Southwark's Housing  
14 Department on questions concerning fire risk assessments  
15 of their housing stock. You heard that her line manager  
16 was a Miss Taslaman. It was not their job actually to  
17 do the prioritisation of premises to be assessed, or  
18 indeed to do the fire risk assessments themselves, but  
19 just to give advice to the department.

20 Mr Maxwell-Scott took Miss Keogh through the  
21 documents that gave a picture of what Southwark had done  
22 before she joined them to ensure compliance with the  
23 Fire Safety Order. By April 2006, the London Borough of  
24 Southwark had recognised it had a duty to comply with  
25 the Fire Safety Order when it came into force, and

1 indeed had completed fire risk assessments on all of its  
2 68 staffed sites. They recognised the scale of the task  
3 which faced them regarding their residential premises,  
4 and in January 2007, housing management business unit  
5 managers were being advised, in broad terms, of the  
6 requirements for the Fire Safety Order and compliance  
7 with that.

8 By December 2007, Miss Taslaman was warning that  
9 fire risk assessments had not been completed, and she  
10 set out a detailed proposal as to the way in which this  
11 might be approached. By January 2008, Miss Taslaman's  
12 emails, as we saw, began to show as the subject matter  
13 "Breach of FSO2005". One of these was sent to  
14 Miss Davies, who was the departmental head, to draw to  
15 her attention the need for the London Borough of  
16 Southwark to carry out such fire risk assessments.  
17 In April 2008, Miss Taslaman repeated her advice that  
18 all communal areas were to be assessed and that this  
19 should be done as soon as possible.

20 In June 2008, there was discussion about engaging  
21 a consultant to train the London Borough of Southwark's  
22 staff, or possibly even themselves to undertake the fire  
23 risk assessment. That was still under discussion.

24 Then, as we've seen, Miss Keogh joined the  
25 London Borough of Southwark to assist with this.

1 Miss Taslaman expressed to Miss Keogh her frustration  
2 that nothing was really moving very fast at all.

3 Miss Keogh met Mr Snazell of the  
4 London Fire Brigade, and other London Fire Brigade  
5 officers, at some point, and identified the suggestion  
6 that the London Borough of Southwark should perhaps  
7 engage a consultant and prepare some documentation.  
8 In October 2008, Miss Keogh attended a training session  
9 run by the London Fire Brigade, aimed at those who would  
10 be completing the fire risk assessments. The  
11 London Fire Brigade's approach, as set out in their  
12 training materials at that time, was that it was nearly  
13 always preferable to use in-house staff with the  
14 required level of competence as opposed to someone from  
15 outside your organisation. That had been Miss Keogh's  
16 personal view from her previous existence.

17 London Borough of Southwark and London Fire Brigade  
18 then agreed that London Fire Brigade would assist  
19 Southwark with the training of their staff to undertake  
20 fire risk assessments. One-day training courses would  
21 be delivered by the Fire Brigade, and the Fire Brigade  
22 knew that Southwark were asking for the training to be  
23 given to their housing officers.

24 In October 2008, Miss Taslaman again emailed  
25 Miss Davies to warn that very little progress had been

1 made since February 2008 and pointing out that in her  
2 view Southwark were still in breach of the Fire Safety  
3 Order. A senior member of staff then expressed the view  
4 that all blocks could be inspected by January 2009.  
5 Mr Ofolughe was appointed the lead to deal with this  
6 matter. He wanted all housing officers to complete  
7 their training before fire risk assessments began to be  
8 undertaken. Miss Taslaman and Miss Keogh disagreed,  
9 taking the view that it would be better for housing  
10 officers to be given work immediately after their  
11 training, first of all to get the programme underway,  
12 and secondly while the training was still fresh in their  
13 minds. Mr Sharman of the London Fire Brigade took the  
14 same view, but in fact assessments did not begin until  
15 2009.

16 Half a dozen or so training courses were held, and  
17 housing officers were trained. The training was not  
18 just carried out on the London Fire Brigade training  
19 courses. You heard Miss Keogh explain that she assisted  
20 housing officers on site to carry out their first fire  
21 risk assessment and to help them with completing the  
22 documentation after their site visit. A fire risk  
23 assessment was undertaken of one of the residential  
24 properties in Southwark on 21 January 2009.  
25 Miss Keogh's not certain if that was the first one



1 carried out or not.

2 An important letter was sent by the  
3 London Fire Brigade to the director of housing at the  
4 London Borough of Southwark, dated 17 March 2009, and  
5 the main subject matter of that was "Fire safety in  
6 social housing". The author of that letter,  
7 Assistant Commissioner Turek, drew attention to a number  
8 of significant features regarding Southwark's  
9 responsibility under the Fire Safety Order. For  
10 example, in the letter, Assistant Commissioner Turek  
11 referred to the lack of fire-stopping barriers in walls,  
12 and he referred to other matters as well.

13 He said this, in conclusion:

14 "The issues identified above are all of direct  
15 relevance to emergency arrangements and general fire  
16 precautions for blocks of flats. As enforcing authority  
17 for the Fire Safety Order, we consider that the  
18 structure of the building and changes that have been  
19 made to it and the levels of fire resistance are matters  
20 that should be considered as part of a suitable and  
21 sufficient fire risk assessment. I am sure that you, as  
22 a responsible provider of social housing, would agree,  
23 and I would urge you to ensure that these matters are  
24 considered as part of your ongoing programme of fire  
25 risk assessment and reviews of these assessments."

1           Miss Keogh circulated that letter within the  
2           London Borough of Southwark Housing Department. She  
3           told us that by the end of April 2009 all of the housing  
4           officers had been trained. Mr Ofolughe said that all  
5           the assessments ought to be completed by February 2010.  
6           It appears that in April 2009 there were discussions  
7           within the London Borough of Southwark about  
8           prioritisation, but Miss Keogh herself was not involved  
9           in that actual process of prioritisation. It was left  
10          to those in the Housing Department actually to draw up  
11          the prioritisation plan.

12          In April and June of 2009, fire risk assessments  
13          were carried out on three properties on the  
14          Sceaux Gardens estate. An assessment was carried out on  
15          Perronet House in April 2009. That was a building which  
16          had six floors and 90 properties. Members of the jury,  
17          by 3 July 2009, no fire risk assessment had been carried  
18          out on Lakanal House.

19          That's all I'm going to cover today. I've completed  
20          my review of the evidence. It's been a very long today,  
21          and I think that it would be better if you had a break,  
22          so rather than going now into what it is that we'd like  
23          you to do in terms of preparing your written narrative,  
24          I think the better approach would be for you to have  
25          a break now and ask you please to come back for

1 a 10 o'clock start tomorrow. We'll deal, at 10 o'clock  
2 tomorrow, with the guidance that we can offer you and  
3 other outstanding matters. All right?

4 So I suggest that you try to put this to one side in  
5 your minds tonight, come back fresh tomorrow morning and  
6 we'll take it from there. In the meantime, please don't  
7 talk to anyone at all about this matter, and please  
8 don't undertake any research on your own.

9 I'll see you tomorrow morning. Thank you very much.

10 (In the absence of the Jury)

11 THE CORONER: Yes, so we'll deal tomorrow morning with the  
12 written guidance which has now been prepared and is  
13 ready for the members of the jury. I think that  
14 Mr Atkins and Mr Maxwell-Scott have very kindly  
15 circulated the final version to everybody, so you have  
16 that.

17 Before we go any further, do any of you have any  
18 points you want to raise in terms of corrections or  
19 additions to what I've covered so far? Mr Edwards  
20 first?

21 Housekeeping

22 MR EDWARDS: Yes, thank you. I'm not sure whether  
23 Mr Maxwell-Scott has raised this with you informally or  
24 not, madam, but in the context of the decision not to go  
25 back to flat 81 after the Nuhus had been met, if I put

1 it that way, you said:

2 "I think that cannot be criticised. That is  
3 a matter for you ..."

4 And then you went on to say:

5 "... not that criticism is possible."

6 There was a concern amongst our party that that  
7 might be misconstrued.

8 THE CORONER: I realised as I was saying it that it was far  
9 too muddled. I'll deal with it tomorrow. Thank you for  
10 saying that.

11 Is there anything else? Thank you. Ms Al Tai?

12 Mr Walsh?

13 MR WALSH: Just one very minor matter.

14 THE CORONER: I'd rather deal with corrections now than --

15 MR WALSH: I was just discussing matters with the  
16 London Borough of Southwark. Madam, you were speaking,  
17 in relation to risk assessments, of Mr Walker's  
18 evidence, where he had said that local authorities and  
19 responsible persons were relying on guidance from 2007.  
20 He did indeed say that, but he corrected it a little bit  
21 later. I think the evidence that he was then speaking  
22 about, or the document that he was speaking about, was  
23 the Local Government Association guidance, which was  
24 actually July 2011, which he corrected later. I think  
25 the earlier guidance that he would have been speaking

1 about was the DCLG sleeping accommodation guidance,  
2 which was published in May of 2006. So I can well see  
3 how -- because it does in fact come from the transcript  
4 that day, but he corrected it a little bit later.

5 THE CORONER: Well thank you for that. Yes, I'll deal with  
6 that tomorrow as well. Thank you. Yes.

7 MR MAXWELL-SCOTT: Madam, I've mentioned these matters  
8 informally but it's probably as well to mention them in  
9 open court as well.

10 When you directed the jury on rule 36, here, because  
11 it's a Middleton Inquest, the phrase "how the deceased  
12 came by their death" is given an expanded meaning and  
13 definition and extends to "by what means and in what  
14 circumstances the deceased came by their death". That  
15 is amply covered in the written guidance document the  
16 jury are going to be given, and provided they comply  
17 with that guidance, they will be complying with the  
18 correct meaning of "how" in rule 36.

19 THE CORONER: I'll try and deal with that when I introduce  
20 the guidance document.

21 MR MAXWELL-SCOTT: The second point is it may be beneficial  
22 for the jury to be given some explanation of the concept  
23 of balance of probabilities.

24 THE CORONER: Yes, I think that would be helpful. I'll do  
25 that.

1 MR MAXWELL-SCOTT: Then thirdly, in terms of the extent to  
2 which individual failings can be identified in the  
3 narrative verdict if the jury wish, the third paragraph  
4 on page 2 of the guidance document covers that, and that  
5 should cover the point that Mr Edwards raised.

6 THE CORONER: Thank you very much. That's very helpful.

7 Yes. Mr Matthews?

8 MR MATTHEWS: No, thank you.

9 THE CORONER: Mr Compton?

10 MR COMPTON: No, thank you.

11 THE CORONER: Anyone else? Good. All right, well tomorrow  
12 morning, then, obviously as you heard, we'll ask the  
13 jury to come back in at 10 o'clock and deal with the  
14 guidance and then ask them to go away and start to  
15 consider their verdict. My proposal is to suggest to  
16 them that they have a proper break at lunchtime and go  
17 out, and so I would propose to suggest that they come in  
18 here formally to be sent out at lunchtime and then come  
19 back in at 2 o'clock to be asked to go back and carry on  
20 with their deliberations, and then formally, at the end  
21 of the day, by 4 o'clock at the latest, to suggest that  
22 they go home for the night.

23 I shall do that for however long it takes until they  
24 have completed their deliberations. I don't mind if  
25 advocates and legal teams are not here to do that. If

1           you want to be here that's up to you, but it's not  
2           necessary from my point of view, and I would confirm to  
3           you that I will not be dealing with any substantive  
4           matters with jurors in the absence of my having given  
5           you that indication.

6           Mr Maxwell-Scott has circulated, a little while ago,  
7           the proposed mechanism for dealing firstly with  
8           questions from jurors, and secondly with their verdict,  
9           and he's going to recirculate that if he hasn't already  
10          done so, just to remind people. In very broad terms, if  
11          questions arise during the morning, then I shall explain  
12          to the jury that they will not be answered until the  
13          afternoon, which will give us the chance to discuss  
14          between us any answers and for you to be able to make  
15          such submissions as you would like. If questions arise  
16          in the afternoon, then we will deal with them the  
17          following morning. If the jury indicate during  
18          a morning that they have reached a verdict, then we  
19          shall deal with it formally in the afternoon. If the  
20          jury indicate during an afternoon that they have reached  
21          a verdict, then we will deal with it formally the  
22          following working day.

23       MR MAXWELL-SCOTT: Sorry, the email said that if a verdict  
24          was indicated either in the morning or the afternoon, it  
25          would be dealt with the next morning.

1 THE CORONER: All right, that's fine.  
2 MR MAXWELL-SCOTT: That's what the email said.  
3 THE CORONER: That gives people more flexibility during the  
4 day. In that case, I'm entirely happy with that. The  
5 verdict the following day, whenever it's notified.  
6 Good, does anyone else have anything they want to raise?  
7 Thank you very much.

8 (3.59 pm)

9 (The Court adjourned until 10 o'clock the following day)

10 Housekeeping .....1  
11 SUMMING-UP .....4  
12 Housekeeping .....115  
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