



Sir Martin Moore-Bick  
Grenfell Tower Inquiry,  
Royal Courts of Justice, Strand,  
London WC2A 2LL

4 August 2017

Dear Sir Martin,

### **Re. The Grenfell Tower Inquiry Consultation Response**

1. We are grateful for the opportunity to contribute to the public consultation on the terms of reference for this Inquiry. This letter sets out the views of the Al-Manaar Centre, a mosque and community centre providing services to the local community and Muslim communities for prayer, worship and collective activities. Al-Manaar acknowledges the support of the Royal Borough of Kensington and Chelsea to the work of Al-Manaar before, during and after the Grenfell Tower fire.
2. Al-Manaar has a congregation of around 2000 people who regularly attend the centre and use its facilities. Several of the families affected by the Grenfell Tower fire are regular visitors to the centre.
3. Al-Manaar was also one of the first centres that responded to the tragedy on the night of 14th June 2017 by co-ordinating volunteers, food, water, shelter and counselling since the tragedy and continues to do so. We have undertaken the role of representing the local community in this consultation. This letter is written on behalf of the local community who were consulted upon its terms.<sup>1</sup>
4. We see the purpose of this consultation to settle the principle of who should conduct this Inquiry, what it should cover and the evidence that should be considered. Our views on these matters are set out separately below. We request further consultation in due course on the persons appointed to the Grenfell Tower Inquiry panel, the precise wording of the terms of reference

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<sup>1</sup>The Al Manaar centre consulted local residents upon the terms of this draft letter at a meeting on Wednesday 3 August and shared key elements of the report at Friday prayers on 4 August with residents who attended. At the consultation evening, residents were shown a powerpoint presentation setting out a suggested response to the consultation and given an opportunity to comment on, and add to, the draft response. Unfortunately, there was not sufficient time for the letter to be sent to residents for final comments. However, the comments received at the meeting indicate that the thrust of this letter is agreed.



and who will be called to give evidence. We also request that all responses to the consultation should be published and made available to the public, with sensitive information being redacted.

5. When settling the terms of this Inquiry and who conducts it, the Government should bear in mind that there is a serious risk that it will lose the confidence of the public before the Inquiry has even begun. There is a perception that central Government housing and fiscal policies might have contributed for the fire to occur and the Government does not want the Inquiry to consider issues which could result in findings that are politically damaging.
6. As we will discuss in this letter, we firmly believe that further members should be appointed to the inquiry panel to assist you, so that the Inquiry is perceived as being led by a team with knowledge of housing law and which can command the public's trust.
7. As we set out below, the decisions that contributed to the design, maintenance and management of Grenfell Tower are part of a much wider issue of how social housing is prioritised by central and local government. The approach of the Inquiry must not be limited to a fact-finding mission to identify the cause of the fire. That approach may have been appropriate in an inquiry such as the King's Cross Underground Fire<sup>2</sup> but it is not appropriate here where there are wider concerns around resource prioritisation.
8. Useful precedents of the broad inquiry needed are the Scarman Inquiry into the riots in Brixton and the MacPherson Inquiry into the investigation of the murder of Stephen Lawrence. The flawed investigation and response of the Metropolitan police into the death of Stephen Lawrence could only be understood by grappling with the wider problem of institutional racism in the police force. The Scarman report sought to locate the Brixton riots in the social, economic and political context of the acute deprivation in Brixton at the time. Similarly, this inquiry must cover the wider institutional failings that created the conditions that enabled the fire to occur for it to be effective in preventing these tragedies from reoccurring.
9. The local community have a right to determine the approach taken towards this Inquiry and their views must be listened to. There is a belief that had those responsible for the maintenance of Grenfell Tower listened to the concerns of residents, this tragedy might have never occurred. The local community are angry as they feel powerless to influence how their homes are managed. The first step towards relieving this anger should be for this Government to grant residents a meaningful stake in the inquiry. Failure to

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<sup>2</sup> Department of Transport, Investigation into the King's Cross Underground Fire, Desmond Fennell OBE QC, 1988 CM 499.



respect their wishes for a wide inquiry will lead to further anger, and risk preventing the Inquiry from uncovering the root cause of the tragedy and lessons from being learnt.

10. Falling short of the legitimate expectations of the public will result in a significant cost burden in the form of lost confidence in this Government. It will also prevent the catharsis of grief which inquiries are intended to produce. The Government should be mindful of the likelihood of litigation if it fails to secure consensus and the bold approach the courts have taken in holding the Government to account recently. These factors weigh in favour of a wide inquiry.
11. We understand your concern that this Inquiry may not be an appropriate forum to consider wider issues of institutional failings.<sup>3</sup> However, no alternative forum has been offered by the Government. A good illustration of this is that the Environment, Transport and Regional Affairs Select Committee wrote a report in 1999 on the potential risk of fire spread in buildings via external cladding systems.<sup>4</sup> It is widely believed that the Grenfell Tower fire spread so quickly due to the cladding being made of a highly flammable material and this must be considered. If that is correct, then the inquiry needs to consider whether the report failed to prevent the use of safe materials when Grenfell Tower was refurbished in 2014.
12. The very nature of parliamentary process is less strictly ordered and methodical than a public inquiry. There is also a danger that any Parliamentary process initiated in future will be undermined by party-political point scoring. With the assistance of further members, we are confident that you will be able to thoroughly examine the issues surrounding the Grenfell Tower fire.

### The inquiry panel

13. The Inquiry must be seen to be fair and have the necessary expertise to undertake the inquiry.<sup>5</sup> We recognise that, as a retired judge, you possess the skills and level of independence necessary to chair the running of this inquiry.

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<sup>3</sup> The Guardian quotes you as saying "I'm well aware that residents want a much broader investigation ... whether my inquiry is the right way in which to achieve that I'm more doubtful. There may be other ways in which that desire for an investigation can be satisfied" (see <https://www.theguardian.com/uk-news/2017/jun/29/grenfell-inquiry-chairman-martin-moore-bick> last accessed 2 August 2017).

<sup>4</sup> Environment, Transport and Regional Affairs, *Potential risk of fire spread in buildings via external cladding systems* (HC 1999).

<sup>5</sup> Inquiries Act 2005, s7.



However, the arguments for a judge led inquiry are less compelling where the subject-matter raises important issues of social and economic policy.

14. We consider that further members in the Inquiry panel, representing a broad range of experience and expertise in local government and housing, will bring value in supporting you in conducting the inquiry. The Conservative politician Lord Howe of Aberavon, a former Solicitor-General, Chancellor of the Exchequer and Foreign Secretary considered that additional members supporting an inquiry chair add great value.<sup>6</sup>The Public Administration Select Committee, in their report into inquiries, said that the use of ‘wing members’ brings expertise, reassurance, support and protection to inquiry chairs.<sup>7</sup>
15. There is a perception that, in light of your specialism in commercial law, that relevant experience and expertise will be necessary to understand the institutional failings, if any, in local government and housing that contributed towards this tragedy. The press has reported that you are inclined to conduct a narrow inquiry limited to looking into the immediate cause of the fire and whether the Royal Borough of Kensington and Chelsea (“RBKC”) had in place adequate precautions.
16. It is essential therefore that further persons are appointed to the panel to assist you in conducting this Inquiry.<sup>8</sup> The model adopted in the MacPherson inquiry should be followed here. In that inquiry, three advisors were appointed to assist the chairman, Mr Tom Cook, retired Deputy Chief Constable of West Yorkshire, the Right Reverend Dr John Sentamu, the Bishop for Stepney, and Dr Richard Stone, the Chair of the Jewish Council for Racial Equality. Sir William MacPherson said that “without their advice and support the inquiry would have been infinitely less effective”.<sup>9</sup>
17. We request a meeting to discuss the additional persons appointed to the panel.

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<sup>6</sup>Lord Howe, Procedure at the Scott Inquiry P.L. 1996, Aut, 445-460.

<sup>7</sup> Public Administration Select Committee, *Government by Inquiry: First Report of Session 2004-05 Vol 1*, (HC 51-I) at 73.

<sup>8</sup>*Ibid*, s7.

<sup>9</sup> The Stephen Lawrence Inquiry, Report of an inquiry by Sir William Macpherson of Cluny (February 1999) Cm 4262-I, at 3.24.



### Terms of reference

18. The Terms of Reference of the Inquiry must be finalised with the input of relevant stakeholders and must not be the decision of the Chair, the Inquiry team and/or the Prime Minister alone.

### *What happened on 14 June*

19. The Inquiry should explore the circumstances on 14 June leading up to and following the fire to identify what caused it, how the fire spread throughout the building and how long it took for the fire to take hold. The number of people who died in the fire should be identified and the causes of their deaths, as well as the number of people who escaped the fire and how they managed to escape. The time the emergency services arrive on the scene and the time when the fire was finally extinguished should also be explored.

### *The construction of Grenfell Tower*

20. The Inquiry should look into the design and construction of the building to determine whether there was an inherent susceptibility to a fire of this size. The fire was of substantial size by the time the emergency services appeared on the scene. The Inquiry should explore how the fire spread so quickly, whether the cladding installed as part of the refurbishment works in 2014 was responsible for the speed of the blaze?
21. Several questions arise regarding the materials used in constructing and refurbishing Grenfell Tower. Did the materials used meet fire safety standards? Was their use in contravention of building regulations or other legal requirements? Who is responsible for the use of these materials? Assuming unlawful materials were used on Grenfell Tower, why was this not discovered during the procurement exercise that was followed in choosing the materials and by the planning department of the RBKC when granting planning permission? Are there ways in which the building regulations could be enforced better to secure compliance? Do the building regulations need to be changed to introduce higher fire safety standards?
22. There is also common belief that the replacement of the concrete cladding with aluminium cladding was, in part, designed to improve the appearance of Grenfell Tower. This raises the important question whether the appearance of the tower was prioritised over the safety of the residents. The Inquiry should



explore whether this reflects a wider decision in central and local government that social housing and public services are low in their priority list.

### *Sprinklers and fire escapes*

23. The inquiry should examine whether the fire could have been stopped or slowed had fire sprinklers been installed in Grenfell Tower. There was a conscious decision by the Council not to install fire sprinklers in Grenfell Tower. Why was this decision made? Was the reason why they were not installed the expense of doing so? Was the decision justified? Were regular fire checks not carried out at the building by the TMO or the Council? This issue should include a wider examination of whether sprinklers have been installed in high-rise buildings across London. What action are other local councils taking, if any, towards making their high rise buildings safe?

### *The number of residents/availability of housing*

24. It is believed that the number of residents living in Grenfell Tower far exceeded the number planned to live there. When the number of residents are discovered, there needs to be a full investigation into why so many people resided in Grenfell Tower. Was RBKC aware of this and what prevented them from housing the residents elsewhere? There is a shortage of social housing in London. To what extent was this the reason why so many people were residing in Grenfell Tower?

### *Management of Grenfell Tower*

25. All public authorities with a public function relevant to the construction and management of Grenfell Tower should be identified. The principal public authority responsible is RBKC. The residents say they made complaints to the Tenants Management Organisation ('TMO') regarding the standard of the refurbishment works in 2014. What complaints were made? Was the TMO aware that residents of Grenfell Tower were at risk of a fire? Who was responsible for handling these complaints and how did they respond? Did they fail to respond adequately? If so, was this due to poor training or incompetence? Did RBKC have in place adequate policies, procedures and safeguards to ensure good standards in the TMO?
26. There is a wider concern that local councils have insufficient resources to provide essential public services. Was the TMO insufficiently resourced to have the manpower and persons with sufficient skills to look after housing



generally? Is this symptomatic of a wider problem with resources across local government.

#### *Response of the emergency services*

27. The Inquiry should explore the adequacy of the emergency services' response to the fire. Were the fire engines who arrived at Grenfell Tower sufficiently equipped to tackle the blaze? Would a better resourced fire department have been more effective in tackling the fire? It is believed that the water supply was cut off during the supply. Why did this happen and to what extent did it prevent the fire fighters from tackling the blaze?

#### *Response of RBKC and the Government*

28. The Inquiry should conduct a full examination into the response of RBKC to the emergency and further steps that should have been taken but were missed. The office holders responsible for emergency planning should be identified and the inquiry should consider whether they failed to perform their jobs adequately.
29. The adequacy of the support provided to those affected by the fire should be explored. Will the residents of Grenfell Tower be re-housed within the area? Those affected by the fire have relied to a significant extent upon the voluntary sector, including the Al-Manaar Centre, to provide them with vital services. Their contribution towards helping residents should be explored.
30. The community feel disempowered by the approach the Government and RBKC have taken towards this inquiry. They feel excluded from decisions on how to respond to the disaster. The inquiry should consider to what extent this approach has led to a feeling of powerlessness in the community. The cost of this approach in terms of causing residents to feel angry towards authorities and delaying the recovery process should be considered. This should be considered including whether they could have taken steps to ensure their approach was more inclusive. Does this reflect a wider problem of responding to crises with a top-down approach?
31. It is believed that migrants residing in Grenfell Tower have been reluctant to seek medical and legal help following the fire as they are concerned this may lead to the immigration authorities identifying them and deporting them. This should be examined including whether the Government has offered a sufficient amnesty to enable residents to seek vital help. Are the Home Office collecting details on the residents with a view to subsequent enforcement action?



## The interim report

32. Should include:

- a. What happened on 14 June;
- b. Identifying the likely defects in the construction and refurbishment of Grenfell Tower;
- c. Identifying those likely to be held responsible for the fire; and
- d. The response of RBKC and the Government to the fire, including whether those who lost their homes have been adequately housed and provided with essential services and whether migrants have been offered a sufficient amnesty so that they can seek assistance.

## Evidence that the inquiry needs to cover

33. Sufficient evidence should be considered to enable the Inquiry to explore in depth the issues identified earlier in this letter, including evidence from experts. The Al-Manaar Centre would like to be consulted upon the persons which the Chair proposes to call to give evidence to the Inquiry.
34. To discover what happened on 14 June, the Inquiry should consider the evidence of eyewitnesses, including those in Grenfell Tower who managed to escape.
35. The Inquiry should hear evidence from relevant officers of RBKC and contractors regarding the construction and refurbishment of Grenfell Tower. This evidence should cover:
  - a. the decision of RBKC to refurbish Grenfell Tower in 2014, the reasons for the work and the choice of the contractors;
  - b. the engagement, if any, with the residents prior to the work;
  - c. the procurement exercise carried out;
  - d. the monitoring and review of the work carried out;
  - e. the contractors' documentation and procedures in implementing the work together with any revisions that were made to the work the reasons for those revisions and the procedure followed for obtaining agreement;
  - f. any negligence in the process leading up to and following the works that were carried out.
36. The Inquiry should hear evidence from expert witnesses who can help it come to conclusions on the failures, if any, in the construction and refurbishment of Grenfell Tower and what recommendations should be made to prevent recurrence.





37. The Inquiry should examine the possibility that any failures by those responsible for the construction and management of Grenfell Tower were caused, in part, by failure to comply with equalities legislation.
38. The relevant officials in Central Government and RKBC responsible for coordinating the response to the fire should be called to give evidence on the steps they have taken to provide essential services to the residents affected and the neighbouring residents evacuated after the fire. Relevant persons in the other public bodies responsible for responding to the fire should be called to give evidence on:
- the response of the emergency services to the fire, the first point of receiving notification of the fire through to tackling the blaze, evacuation of the survivors and identification and retrieval of the remains of the deceased;
  - the response of statutory bodies in the aftermath of the tragedy;
  - the response of the police and the fire authority in identifying the victims of the fire, those missing, those deceased and those unknown;
  - the treatment and handling of the deceased by the statutory bodies; and
  - the communications with families of the deceased
39. Evidence should be heard from experts in disaster management to determine whether the response could have been better managed.
40. Members of the voluntary sector who provided services to those affected by the fire should be called to give evidence.

### **Conclusion**

41. We urge you to accept the representations made in this letter and look forward to further consultation upon the additional persons appointed to the Inquiry panel, the precise terms of reference and who will be called to give evidence.
42. We would like to appear before the inquiry to give evidence and our contact is Ms Ifath Nawaz, and her contact details are [ifath@mchc.org.uk](mailto:ifath@mchc.org.uk) and she can be contacted on 07780 604931.



Yours sincerely,

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Theresa May

Sadiq Khan

The Rt Hon David Lidington MP