Manchester Arena Inquiry

Day 55

January 25, 2021

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Monday, 25 January 2021
(10.00 am)
SIR JOHN SAUNDERS: Mr Greaney.
MR GREANEY: Good morning, sir. As everyone knows, we are returning now to chapter 7 in order to hear the closing submissions of the core participants. We are starting slightly late this morning because some had technical difficulties. Those have now been solved and they were nobody's fault.

We have circulated a schedule of speakers for Monday, Tuesday and Wednesday of this week. The schedule is not rigid in the sense that if any core participant finishes earlier than their allotted time, we'll call on the next core participant in the list after a break.

We will hear first today from the bereaved families. They have helpfully agreed between themselves the order of submissions and have divided up topics and we'll begin with Mr Atkinson on behalf of the families represented by Hogan Lovells.
SIR JOHN SAUNDERS: Mr Atkinson, good morning. I have your helpful note. I have it in front of me. I'm not expecting you necessarily to follow it, but if you are going to a part of the note, it would be helpful to me to know and then I will follow on the note as well as

typing my own notes.

Closing submissions on CHAPTER 7

Submissions by MR ATKINSON

MR ATKINSON: Yes, of course, sir.

As you appreciate, sir, these submissions are made on behalf of the following families.

Lisa and Mark Rutherford, the parents of Chloe Rutherford, the 17-year-old and considerably talented singer.

Caroline Curry, the mother of Liam Curry, a 19-year-old sportsman who adored and was adored by Chloe.

Harriet, Isabelle and Lily Taylor, the much-loved daughters of Jane Tweddle.

Tony Kiss, the husband of Michelle Kiss, 45-year-old mother of three adored children.

Andrew Hardy and Sharon Cain, father and stepmother of Olivia Campbell-Hardy, a 15-year-old with considerable skill as a dancer and singer.

And Deborah Hutchinson, mother of Courtney Boyle, a 19-year-old criminology student of whom it was said, "She made good times great and bad times bearable".

As a starting point for these submissions, the families submit that it is important to recall that the core purpose of this inquiry is to investigate both how

and in what circumstances these 22 innocent persons lost their lives. We, of course, agree with those core participants who have observed in their closing submissions that each of the 22 was unlawfully killed in a murderous terrorist attack executed by Salman Abedi, aided and abetted by his brother, Hashem, as he has so belatedly accepted.

However, we submit that the question of how and in what circumstances these innocent lives were lost has a much wider ambit in terms of how Abedi was able to detonate a bomb in so public a location, a location that was covered by a security regime, and in which the families should have been entitled to consider that their loved ones would be safe.

Equally, that wider ambit requires the inquiry to consider whether this most heinous act could have been prevented by reference to the murderer's detection and/or exclusion before he was able to deploy his bomb in the location and with the devastating consequences that he did.

The families submit, again as a starting point to these closing submissions, that Salman Abedi was obviously suspicious and out of place in the City Room. That is not, contrary to the submissions of some CPs, a conclusion reached through the application of

hindsight. It was, by way of example only, the conclusion of the two experts, reached by them having considered objective factors against the background of their considerable security experience.

It was also the instinctive view of several entirely untrained members of the public, who saw Abedi as out of place, very strange, or someone that security needed to know about.

Given those facts, it is striking that he was not identified as suspicious by the security team who were responsible for keeping concertgoers safe and that even when concerns were reported to them, nothing meaningful was done to prevent or mitigate the tragic loss of life which followed.

Rather, what we submit the evidence has clearly shown during the course of chapter 7 is that this was the consequence of significant failures, serious, unacceptable and unjustifiable failures, principally by British Transport Police, SMG, SMG Facilities Management or FM, and ShowSec in the security arrangements and practices within and outside the Manchester Arena.

The evidence has shown a security operation that was under-resourced, malcoordinated and insufficiently focused on counter-terrorism and especially the threat from a person-borne improvised explosive device. This

made the arena an attractive target for terrorists and led to a series of missed opportunities to prevent, deter, detect and/or mitigate the attack.

In short, we submit the evidence shows the attack to have been at least in significant part the result of a failure of reasonable foresight, a failure to anticipate and to address a risk that should have been obvious rather than a failure that only hindsight reveals.

The families submit that you can now conclude on the evidence that there were these serious failures to keep their loved ones safe and that you can make recommendations so that the public are not left similarly unprotected in the future.

Sir, as we indicated in writing, given the breadth of the issues with which the family teams are involved in relation to chapter 7, these submissions are focused in particular on those issues which have emerged from the evidence on which we on behalf of our team took the lead.

That is principally on the evidence of the experts, witnesses employed by ShowSec and, to a lesser extent, SMG. This focus reflects the division of labour between the family teams during the course of the evidence and has been adopted, we hope helpfully, in order to ensure

that all issues can be covered between the families in an appropriate level of detail. But it's important for me to emphasise at the outset that the families that I represent do not consider the topics addressed by others to be of secondary importance.

Those submissions, which we have seen in writing, including now those on behalf of Slater & Gordon, are adopted by us and we adopt in advance the submissions to be made later today on behalf of the other family teams.

SIR JOHN SAUNDERS: Mr Atkinson, if I may say so, it has been a helpful approach for me for you to have divided things up in the way that you have, so thank you for that.

MR ATKINSON: Sir, in our written submissions, from paragraph 5, we sought to assist you, sir, as to the approach that we submit you should adopt to the standard of proof to be applied to the fact-finding exercise. Can I say, we do not seek to develop those submissions orally now. For the reasons we've set out there, we submit that you can adopt a flexible approach to this issue, taking as a starting point the civil standard of proof but considering the need for findings to be made to a different standard as and when appropriate.

Equally, within our written submissions, we made submissions in relation to the issue of causation,

particularly your assessment of which factors in the security arrangements were potentially causative of the attack in the sense that had things been different, they would have increased the opportunity that Salman Abedi could have been stopped.

That of course ties in with issue 4(vi) of the terms of reference of the inquiry:

"The impact, if any, of any inadequacies in the security arrangements, including whether any inadequacies contributed to the extent of the loss of life that occurred."

We recognise that can only be an analysis of possibilities, but we submit they are realistic possibilities and we will address those as we go along and seek to summarise the conclusions that we submit you can reach. They are dealt with from paragraph 95 of our written document in more detail.

As we indicated before Christmas, sir, we on behalf of the families we represent welcome your decision to issue an interim report that addresses chapter 7, including recommendations for the future. We recognise the value that there is in you making such recommendations as soon as you can. We have set out our submissions as to recommendations from paragraph 97 of our written document. Those recommendations in our

document, as you will appreciate, sir, address only some of the issues identified in the inquiry's note of 30 November, which are those that we will address today, namely issues 7 through to 19, and 26. Again we adopt in advance the submissions made by the other family teams as to other recommendations that we collectively submit that you should make.

In particular, we agree with the other family teams that the starting point for recommendations from this chapter is the proposed creation of the statutory Protect duty in Martyn's Law. We have set out from paragraph 99 of our written document submissions in relation to that, together with our submissions as to the ways in which the Licensing Act 2003 can be made to offer better counter-terrorism protection for licensed premises. That's from paragraph 106.

Again, we don't seek to further develop those submissions here orally and we adopt that which others are to say.

So we turn, first, to issue 7 and the issue of the adequacy of risk assessment. This is, we submit, a topic of critical importance because the failure to appreciate a risk properly makes a failure to mitigate that risk almost inevitable. The families submit that you can reach a sure conclusion that risk assessment

in relation to security at the Manchester Arena was inadequate.

The totality of written assessment of risk that was available for consideration has been analysed before you, sir, during the evidence and considered by the experts. Each and every one was either inadequate in its assessment of terrorism or contained no assessment at all.

Indeed, as the experts identified, there was in their words no effective terrorism related risk assessment at the Manchester Arena at all. There appears to be little dispute now from those responsible that this scandalous state of affairs was the case.

The overall SMG risk assessment was, as Ms Stone described it, obviously flawed. It identified the same nonsense low level of terrorism risk on event days as on non-event days. On its own terms, as Mr Allen accepted, a national threat level of severe should have put all events into the high risk category. The overall SMG risk assessment was a static document and it did not focus on updated attack methodologies identified to them through the PSIA process.

Similarly, the event-specific risk assessment of SMG was flawed. The risk of terrorism, in contrast to a host of mundane matters, was not addressed. Neither

of the SMG documents took account of the wealth of NaCTSO guidance on risk assessment that was available to them. Those flaws are, we submit, at least partly the result of SMG's failure to understand that responsibility for risk assessment lay with them. Instead, they were inappropriately reliant on the CTSA whose role did not involve an audit of security or the event-specific assessment of risk and who was, in any event, provided with the wrong information.

The ShowSec risk assessment for events stands, we submit, in stark contrast to the forensic and proactive identification of counter-terror risk of which ShowSec directors boasted in their company's presentation to the National and European Arenas Association security seminar, or the NEAA seminar, on 20 April 2016.

Their risk assessment was introduced company wide, and therefore across many sites, in January of 2017 by Sharon Pates, who was responsible for health and safety. Contrary to the contention on the company's behalf that there was little guidance as to what a proper risk assessment should contain, this ShowSec risk assessment was introduced at a time when there was a wealth of NaCTSO guidance on risk assessment. For example, their advice to stadia had been issued in 2006 and their advice to bars and clubs, which was used by ShowSec for

their training materials, had been issued in 2007.

The risk assessment using Ms Pates' prototype was completed for the Ariana Grande concert by Mr Rigby, who had no obvious training for the role. It was circulated to Ms Stone and to Messrs Allen, Bailey, Ms Pates and Mr Wallace without any concern being raised by any of them. It was an obviously flawed document. Indeed, Mr Bailey accepted in evidence that it was meaningless. It focused on the risk to staff rather than the risk to customers. It failed to identify the risk from certain attack methodologies, such as person-borne IED, and it wrongly assessed the risk for that event as low.

The ShowSec supervisors' briefing sheet referred to a different level of risk based on the selection of the head of security, an assessment that took no account of the risk to the crowd at all. The sheet did not identify that limitation and indeed gave a misleading impression to supervisors.

That neither authors nor recipients at either ShowSec or SMG identified any issue with the calculation of risk nor disputed the low overall rating, although Mr Allen seemed to think that that was okay, shows that risk assessment by both companies had, as Ms Stone admitted, become a tick-box exercise divorced from the national threat level.

That the risk assessments were not fully shared between the companies demonstrates a lack of necessary coordination between them. As their documented assessment demonstrates, neither company addressed their minds properly to the risk from terrorism either generally or in relation to specific events. They were each focused on the risk of the audience and not the risk to the audience. One factor in that failure is that their staff were not properly trained in terrorism risk assessment. In ShowSec's case, its internal training failed to incorporate those parts of the NaCTSO guidance.

Another feature was the absence of expert input into the creation of the document. As the experts said about the whole security operation, if the companies lacked expertise, they should have sought independent advice. They should not, contrary to SMG's submissions, have needed others to tell them that. It was for them to identify areas where they needed assistance in relation to security as much as they recognised it in relation to crowd management, first aid or, for that matter, stage lighting.

SMG has now, of course, created a post of group security manager. They say that the creation of this post was driven by the attack and yet Miriam Stone's

interview indicates that it had been discussed prior to the attack and dismissed at that stage on cost grounds.

ShowSec has suggested that there is a lack of evidence to show where a company like them could have got such independent advice. But there is also a lack of evidence that they sought to find it and indeed the fact that SMG were able to engage Guidepost so quickly after the attack strongly suggests that such expertise had been and was available.

Another important cause which plainly contributed, given the number of obvious mistakes, is that the companies had become complacent, and we will return to that submission in a moment. Ultimately, counter-terrorism risk assessment appears to have become, we submit, a sterile record-keeping exercise rather than a meaningful analysis of risk so that neither company identified the further measures needed to mitigate either in general or at the Ariana Grande concert in particular.

As Mr Allen accepted, the level of identified risk should have had a significant impact on the security posture for the arena, including extended bag searching and the levels of staff. Staffing was said to be dependent on the risk assessment in the stewarding agreement and indeed for that matter the ShowSec service

delivery management document. It follows that had the risk been properly analysed as high, it should have led ShowSec to advise and SMG to take further measures to address that higher risk.

Instead, as the experts identified, SMG and ShowSec did not take appropriate steps to mitigate the actual risk because, as the experts opined:

"If you have a flawed risk assessment, what follows will be flawed."

In terms of recommendations in relation to issue 7, and first in relation to risk assessment, the evidence has demonstrated that the existence of guidance on risk assessments and mitigating measures provided by NaCTSO is not always followed by corporate bodies. We submit that as a necessary corollary of the introduction of Martyn's Law the legislation should also provide for the government to issue guidance to assist venues to comply with their obligations and should require that in fulfilling their Protect duty venues should have regard to that guidance.

The guidance should address issues including risk assessment, counter-terrorism expertise and mitigating measures. These measures should be supported, we submit, with guidance from NaCTSO, from the SIA, and from membership bodies such as the National Arenas

Association. In addition to the vulnerability assessments that all venues should perform in accordance with part 2 of Martyn's Law, we submit, sir, that you should recommend that large crowded spaces and tiered sites are required to conduct a full counter-terrorism risk assessment.

The development of an appropriate risk assessment should be performed by those with counter-terror experience, either employed or contracted for. It should be informed by comprehensive and comprehensible advice from CTSAs and from NaCTSO. It should be implemented by those trained in risk assessment and it should be reviewed and updated regularly, for example, to take account of evolving attack methodologies. It should consider risks from egress and ingress and measures to detect and prevent hostile reconnaissance. It should be supported by regular CCTV surveys to identify and address blind spots.

The risk assessment should identify mitigating measures including person-searching, extended perimeters where feasible, and alternative arrangements capable of delivering comparable stand-off and protection where not.

It should also include CCTV monitoring, the provision of communication equipment to staff with

a counter-terror function who are working in isolated positions, and it should address the staff briefings.

There should, we submit, also be a requirement in the statutory guidance and accredited contractor scheme that venues, security contractors, local authorities and local police forces, including their CTSAs, should liaise to ensure a consistent, coherent and comprehensive approach to risk assessment and the mitigation of risk.

In terms of counter-terror expertise, we submit that the inappropriate reliance of SMG on the CTSA assessment and the protestations of ShowSec as to the lack of necessary expertise demonstrates the need for you to recognise that venues over a certain size and security companies who work at such venues should obtain counter-terrorism expertise. For the relevant venues there should be a requirement in the statutory guidance that they either employ a security adviser with such expertise, as the arena has done since the attack, or they should retain the services of such an adviser on a consultancy basis to assist them both in the assessment of risk and the identification and implementation of necessary mitigation measures.

The CTSA or responsible police force engaging with such venues should have a role in ensuring that

CT expertise is obtained. The adviser should also advise the company on the adequacy and content of their counter-terror training.

For security companies providing security and crowd management services at such venues, there should equally be a requirement in the statutory guidance and elsewhere that either they employ an adviser with such expertise or they retain the services of such an adviser on a consultancy basis.

Sir, I'm turning next to issue 8, which starts at paragraph 29 of our written note. This is the extent to which there were adequate systems and/or competent personnel to identify hostile reconnaissance.

The families submit that the evidence shows that there was no adequate system in place to identify and respond to hostile reconnaissance. Indeed, we agree with the contention on behalf of Mr Lawler that:

"The documentary evidence and the evidence of what happened has demonstrated that neither he nor his colleagues were adequately equipped to recognise suspicious behaviour".

While there were some historic examples of good practice, the absence of a systemic, consistent response is demonstrated by the lack of coherent action taken in response to the hostile reconnaissance reports made by

Jonathan Lavery on 18 May and Brandon Couper-Phillips on 21 May.

Mr Lavery, one of the very first witnesses from whom you heard, identified a male acting very suspiciously, wearing all black and with a large black bag. He reported that to the Sierra Control Room, he recorded that the male was Asian. He informed the BTP. But SMG did not follow up, as Ms Stone accepted they should have done, on what he had said.

It was recorded in the ShowSec radio log and the supervisors' reports but not in the Whiskey Control Room log or anywhere else.

The incident was not included in subsequent ShowSec briefings beyond possibly that on the following night because, as Mr Lavery explained, there was no system to embed hostile reconnaissance into briefings for a period of time after an incident. This was, as the experts observed, a missed opportunity to make those briefings more meaningful and engaging.

Although it was not Abedi who conducted that hostile reconnaissance, the description Mr Lavery gave bears a strong resemblance to his appearance on 22 May. Had it been disseminated to ShowSec staff on the night of the attack, with CCTV skills which Whiskey Control could have provided, it is more likely, we submit, that he

would have been recognised as a threat and therefore this was a missed opportunity to detect and mitigate his attack.

On 21 May, at the same time that Abedi was conducting his hostile reconnaissance, Mr Couper-Phillips recorded on his briefing sheet an incident of suspected hostile reconnaissance that he had seen. He did report it to his supervisor but only at the end of his shift because, as he explained, he had been told to stay in post and he did not have a radio.

Nothing was done about what Mr Couper-Phillips reported. Neither SMG nor ShowSec considered it further because steward and supervisory reports were not reviewed by either company except when a complaint had been received from a member of the public.

There were also repeated recorded issues from 2012 through to 2017 with the timely and complete provision of reports from ShowSec to SMG.

In the final analysis, at least at the time of the attack, we submit that the evidence shows that stewards' reports had become another tick-box exercise.

The potential significance of these two separate incidents of suspected hostile reconnaissance on two of the four nights before the attack should have been recognised and further measures put in place to meet the

heightened risk they may have indicated. As Tom Bailey recognised, ShowSec could have advised SMG about staff increases and police engagement in response to these incidents.

You, sir, will of course guard against the assessment of the system for identifying hostile reconnaissance by reference to hindsight because you know that Abedi was in fact hostile. However, the risk of hostile reconnaissance was entirely foreseeable and addressed by applicable guidance, and you, sir, therefore are entitled to test the adequacy of the measures in place by reference to such shortfall.

The incidents on 18 and 21st were not isolated examples of the absence of a proper system. By way of example, Mike Edwards of FM did not recall a single instance in 11 years where he recorded an incidence of hostile reconnaissance and only a few occasions where FM had spotted something suspicious. This is but an example of the absence of appropriate coordination between FM, SMG and ShowSec.

It is acknowledged that the identification of Abedi's hostile reconnaissance in the City Room posed a challenge, but the absence of adequate CCTV monitoring, training and briefing still further reduced the chance that this challenge would be met.

By way of recommendations for hostile reconnaissance, we submit that all venues and security companies employed by them should be required to collate and regularly review reports of hostile reconnaissance and suspicious behaviour and to identify trends, risks and measures that should be implemented to address those risks. This process should be undertaken in liaison with CTSAs and/or the responsible police force and the SIA should make this process a requirement of the accredited contractor scheme. Relevant bodies such as the National Arenas Association should also include this in their guidance to venues and it should be a part of the role of CTSAs to ensure that venues understand their responsibilities in this regard.

I turn next, sir, to issue 9 and the adequacy of the bag check and person-searching system, which is at paragraph 35 of our written note. It appears now to be accepted that the system of bag checking and person checking at the arena was inadequate. On the evidence it could hardly have been suggested otherwise.

At ingress, there were insufficient staff in the City Room: two who were SIA-licensed and present only intermittently and eight stewards. There were therefore insufficient staff to profile and search persons and large bags for an event of the size of the Ariana Grande

concert. There were also insufficient staff to meet the standard that SMG had apparently set of 1 in 10 attendees being searched and all bags being searched.

It is unclear, in fact, whether that person-searching standard had in fact been set or more particularly communicated to staff required to implement it. It is not recorded in any document, Access Control did not refer to it, and the management on the night had redeployed the Access Control team to the Trinity Way entrance during the ingress period.

It should, we submit, have been obvious to SMG and ShowSec management that this standard was impossible to meet as there were only two staff in the City Room whose intended role was to carry out the hundreds of searches that would be required. In fact, on 22 May, Mr Beak was in the City Room for ingress for just 39 minutes between 17.41 and 19.30 hours.

It is a serious failing that for a significant period during ingress, no one was available beyond a supervisor with broader responsibilities and who was often on the concourse to conduct searches in the City Room.

It is not at all clear, we submit, that the distinction between checking and searching was understood by ShowSec staff. Some stewards performed

what SMG and ShowSec at the arena would have agreed at the time amounted to searches. The focus of others was on preventing food and drink being brought into the venue.

The search regime was, in any event, contrary to ShowSec's training and breached the mandatory condition in the licence that required SIA staff to perform security activities.

ShowSec directors were told unequivocally and correctly by the SIA that bag checking was a licensable activity. ShowSec staff at the arena, from stewards through to the heads of security, universally thought that it was not. Ms Stone, copying in James Allen, asked ShowSec directors to clarify the position back in July 2013. But it appears the directors did not provide a written answer, leading to the conclusion that either ShowSec directors allowed SMG, and for that matter its own staff, to think that it was not a licensable activity or they advised SMG of the correct position and both companies agreed tacitly or otherwise to continue to use stewards inappropriately.

The evidence that tends to show that SMG were aware includes that Ms Stone had asked, that SMG was sensitive to the slightest commercial considerations and using stewards saved them money, that Mr Allen was known to

ShowSec to be resistant to more SIA staff, that SMG told the CTSA, Mr Upham, that it conducted 100% bag searches, and that Mr Upham had made it clear to David Scally at the National Football Museum that specialist staff would be required for searching, so it is likely he would have said the same to SMG.

The explanation from Mr Harding of ShowSec that the unlawful search operation was a "simple management issue confined to the arena" is, we submit, implausible and indeed we invite you, sir, to reject it.

The system persisted for 4 years after the SIA put the position beyond doubt to ShowSec. Staff worked at multiple venues including, for example, Manchester City's football stadium and at festivals. ShowSec would have noticed that far fewer SIA staff were engaged at the arena as compared with other similar venues in their portfolio. Some of those venues were also operated by SMG, such as the First Direct Arena in Leeds and the Metro Radio Arena in Newcastle.

Regrettably, it appears that Mr Harding attempted to mislead the inquiry through his assertion that it would have been to ShowSec's commercial advantage for SMG to order more SIA staff in that they would have been more lucrative. ShowSec's 2017 accounts signed by him identify that:

"The largest risk facing ShowSec [was] the potential impact of the shortage of SIA workers."

And that:

"Too few licence-holders could mean that ShowSec could maintain fewer contracts."

The more likely explanation is that ShowSec knowingly and deliberately used unlicensed staff to conduct licensable activities for commercial gain. It is, we submit, no answer to these concerns to submit, as CPs like SMG and ShowSec do, that Abedi did not seek to pass the bag checkpoint in the City Room. The real significance of the clear issues with the search operation is that they are indicative of deficiencies in the security operation as a whole. The search operation, like the wider security operation, was under-resourced.

Traditional approaches trumped proper procedure and written policy and they were not reviewed. As Colonel Latham put it:

"'We've always done it this way' means you're probably doing it wrong in my experience."

Breaches arose and were allowed to continue as a result of, at best, a proper lack of communication and oversight or, at worst, a deliberate blind eye turned to licenced premises breaches.

There is evidence that the companies prioritised commercial concerns above security compliance with the law. Each of these factors not only demonstrates the general complacent attitude of the companies to exposing concertgoers to unacceptable risks to their health and safety, but also contributed to the lax impression of security, which must have fortified Salman Abedi in his conclusion that the arena was an attractive target.

Issue 10: the concept of extending the perimeter, our paragraph 41. Miriam Stone and James Allen and others at both SMG and FM were aware of the possibility of extending the perimeter at the arena as a security measure following the NEAA seminar in 2016 but appear to have dismissed it without proper consideration beyond a short chat.

The issue was also, of course, raised in NaCTSO guidance. We agree with the submissions of CTPHQ that CTSAs were not limited to matters within a site albeit that this particular CTSA appears to have considered that he was.

The anticipated resistance from other stakeholders was assumed and untested, notwithstanding that (a) there was a forum to discuss issues with the landlord, which was in fact generally underutilised, (b) that SMG had at least thought it could use the City Room for events in

the past, and (c) that SMG had in fact used the City Room for merchandise stands and search lanes. At least the first two of those required liaison and permission from stakeholders and the third involved a perimeter within the City Room.

Greater Manchester Police's assessment now in their written submissions is that the decision not to move the perimeter was based on commercial pragmatism. Certainly commercial considerations appear to have played a significant part in the decision not to explore an extended perimeter, as Ms Stone identified in interview.

The SIA bridge staff did not operate as an extended perimeter because they did not provide, as suggested in NaCTSO guidance, search and screening on the approach or outside the area, City Room, for which SMG had responsibility for security at all times. The staff were in any event redeployed after ingress. SMG gave no consideration to any alternative approach to preventing a hostile actor entering the City Room.

The suggestion by some witnesses that perimeter extension serves only to move the problem from one place to another is, we submit, simplistic and unsustainable in relation to the City Room. It was and remains an enclosed and relatively small crowded space, as compared with other open spaces that permitted significantly more

room for queues and those awaiting for attendees.

Similarly, attempts by some CPs, such as BTP, to argue that the City Room was no different to other entrances to the arena ignores the reality that it was also recognised, not least by BTP officers who normally patrolled the venue, as an important ingress and egress point. That analysis is underscored by the post-attack recommendations of SMG's security experts to move the perimeter.

The failure to move the perimeter was, we submit, a missed opportunity to prevent or deter the attack. I make clear that the families do not suggest it was the only answer to the threat, but as the experience of other venues by the beginning of 2017 was showing, it was one that ought to have been considered in detail.

Importantly, as the experts agreed, if the perimeter was not to be moved, a series of other measures to mitigate the counter-terror risk, including patrols and CCTV monitoring, should have been considered and taken, which they were not.

Issue 11: the effectiveness of liaison between SMG, ShowSec and BTP, our paragraph 45. Far from necessary liaison being, as BTP have suggested, effective, the families submit that the evidence shows that the liaison between these organisations was ineffective, resulting

in a fragmented security operation. Whilst ShowSec can point to the primary role that police have in relation to counter—terrorism, as the experts agreed, effective counter—terrorism depends on the various components of an effective security operation working together.

We adopt that which we anticipate Mr Welch is to say about BTP and GMP later today. Here, the evidence shows that ShowSec did not liaise with the BTP at all. For example, Mr Bailey, the most senior head of security, did not know how many BTP officers were deployed at Victoria Station and it did not occur to him to ask. ShowSec staff did not introduce themselves to the lead police officer at events in accordance with their own operational plan, which is another example of written policies that were not implemented in practice.

SMG's liaison with the BTP was irregular. By way of two further examples, Mr Allen said he was unaware of the possibility that SMG could pay for policing services and the BTP were not informed, nor any other organisation on which SMG relied for CT support, about issues with the security systems such as CCTV blind spots.

The lack of such liaison not only undermined the potential effectiveness of the security operation, but diminished what might have been an effective check by

each on the activities of the others. For example, BTP's practice of, in Ms Bullough's words, of generally putting your feet up during events might have been less likely to develop and an up—to—date written BTP risk assessment for events might have been more likely to have been maintained had there been closer coordination between these three organisations.

Whilst it may be difficult, to quote Mr Gibbs, to quantify on a written risk assessment the implication of the background threat for a specific event, it is more difficult to expect different agencies to have a coordinated approach to that threat where it is not put into black and white, shared and acted upon. These failures of coordination and liaison mirror the demonstrable failure of wider multi—agency coordination in the period before the attack.

The evidence, commented on by the experts, showed that GMP, and more especially BTP, did not regularly attend quarterly multi—agency meetings. The minutes of these meetings reveal a lack of concerted assessment of the risk for terrorism for a vulnerable venue such as the arena and by way of recommendation in this regard we submit, sir, that you should recommend that the attendance of relevant public authorities, including police forces, should be required at regular

multi—agency meetings, concerns should be shared in advance of such meetings, minutes should be taken and circulated. We submit that such meetings, to be effective, should be compulsory.

Issue 12: whether the Ariana Grande concert was staffed by appropriate numbers of adequately trained staff, paragraph 48 in our written note. As our written note makes clear, we submit there are three essential components to this issue: staffing levels, training and briefings. On the evidence, we submit that none was adequate.

Staffing levels. In general terms, we submit there were insufficient staff to provide an appropriate security operation or, as the experts put it, staffing levels were sub—optimal.

Mr Allen observed in April of 2016 that the operation provided the "minimum but necessary number of staff". It is clear that staffing fell below even that level, as two examples show. First, Stephen Noone, the second FM patrol officer in Whiskey on the night of the attack described it as normal practice, ShowSec backstage manager Keith Etchells asking one of the Whiskey staff to guard a door when the artists were coming off stage so that the guard would be unable, of course, to monitor the CCTV during egress.

Second, for much of the Ariana Grande show, Mr Agha working his first shift as an SIA operative focused, like other staff, on customer service rather than suspicious activity and, it is submitted on his behalf, that he was there to watch the crowd, not to look out on their behalf, is revealing.

Certainly he was alone in the City Room, a large space that could not be seen in its entirety from any single location or on CCTV for long periods. And his solitary presence was no deterrent to Abedi and the level of staffing in the City Room represents a missed opportunity to have deterred, detected or mitigated his attack.

The evidence demonstrates that there was no increase in staffing or any security resources, whether temporarily, as there had been for a few shows after Charlie Hebdo, or permanently following the highly relevant attacks at entertainment venues in Paris, the Bataclan and Stade de France, on 13 November 2015.

There was not even a consideration of an increase, notwithstanding the fact that (a) SMG were aware, as demonstrated by Ms Stone's April 2016 review, that:

"Most other arenas across the UK were increasing staff numbers and many were conducting full searches."

And (b) that both SMG and ShowSec had been told on

20 April 2016 at the NEAA seminar that the Paris Accor Arena, which was not attacked, had increased its security staff by 20% from 160 to 190, had moved its perimeter, and had secured the attendance of more police officers and had begun undertaking full searches.

The measures that were taken by SMG focused on the private areas of the arena and demonstrated complacency and a passive approach about the public-facing security operation. It is, we submit, striking that the number of ShowSec staff at work on the night of the attack was almost identical to the number at the similarly sized Accor Arena before the Paris attack, 164, and that following the respective attacks the stewarding level at both venues was increased by 20%.

It also appears that there was no increase in staffing when the national terrorism threat level moved from substantial to severe, as it did from January 2010 until July 2011, and from August 2014 until the attack. Instead, SMG's focus was on reducing its costs, including through staffing reductions, a state of affairs that, in view of the above, Mr Allen agreed was unacceptable. That focus resulted from the sustained pressure applied by senior management to the arena's management over 7 or 8 years and particularly at times when the minimum wage was increased.

Against that background, Ms Stone agreed that she was not in a position to argue for increases. There is evidence to suggest that staffing cuts were in fact made. First, an October 2016 review conducted by Mr Battersby following his inspection of a Justin Bieber concert, which was itself a product of negotiations in April and focused on reducing costs, identified that bridge SIA staff, which ShowSec had identified had a role in counter-terrorism, could be redeployed during shows. This of course happened on the night of the attack and Ms Stone agreed that it appeared to have followed from these recommendations.

Second, the concept of redeployment advanced as an alternative to cuts necessarily involved a reduction in staffing levels, as Mr Allen accepted, if it was to save money, according with Ms Stone's observation that staffing on the doors, an area critical to safety, had been "mined to a very large extent".

Third, the late disclosure provided by SMG is revealing. On 29 March 2016, John Sharkey asked Mark Harding to make the April 2016 minimum wage increase cost neutral for both companies. On 31 March, they worked on an email together to SMG's general managers that set them a target of a 4% reduction in hours for stewards and SIA staff "to allow ShowSec to

pass on some costs to allow SMG to be able to absorb the increase without an overall increase".

Notwithstanding Mr Allen's defence of the current arrangements at the arena in his document of April 2016, on the 11th of that month, Mr Harding emailed Mr Sharkey, later forwarded to James Allen, to make clear that savings could only be made largely through efficiencies and reductions, that ShowSec were anxious to remain competitive and to achieve cost neutrality.

He attached a Word document that referred to a reduction in overall stewarding hours across three venues of 4,850 hours a year. He noted higher savings on SIA hours and that:

"SMG and ShowSec have done an analysis that showed reductions can be made by the removal of non-safety critical positions."

Although how it was achieved is not set out explicitly, later communications at the end of April between Mr Harding and Mr Sharkey suggest that cost neutrality was achieved and the only available explanation is that the measures identified earlier that month had been implemented. The threat from terrorism was not mentioned in any of those communications.

Fourth, certain witness evidence on this topic was internally inconsistent and contradicted by documents

subsequently disclosed. For example, Mr Harding was asked directly:

"Were you aware of SMG at least investigating a reduction in staffing levels?"

He replied no, but that is incorrect. He co-wrote the email with Mr Sharkey setting a 4% target in reductions.

Finally, SMG and ShowSec have provided no documentary evidence to substantiate the assertion that there were no cuts.

Although SMG were ultimately responsible for staffing levels, ShowSec failed to advise its clients that is the staffing levels were inadequate to keep attendees safe and that the proposed cuts would, as Ms Stone feared, compromise safety. Instead, ShowSec was overly focused on remaining competitive, as indeed the evidence in relation to bag checks illustrates.

Whether or not ShowSec held themselves out as counter-terrorism experts, as SMG understood them to be, the company undoubtedly provided counter-terror advice to the arena on the basis of its experience; see, for example Mr Bailey's positional analysis and Mr Battersby's presentation.

We therefore submit that you can conclude, sir, that staffing levels were inadequate in general and in

particular insufficient SIA—licensed staff were present to perform licensable activities.

In relation to training, and despite the submissions made on its behalf, the families submit that you, sir, can conclude that ShowSec staff that were available were inadequately trained. It was incumbent upon ShowSec, having developed a business model that in Mr Battersby's description relied on delivering a security operation with a casual workforce who security companies had no real hold on, to ensure otherwise.

Project Griffin was aimed at staff at all levels, but only 13 of the 164 staff working at the arena on the night had attended such training and only one of them was in the City Room. The low number of attendees may be explained by the fact that Griffin was delivered in a classroom, which, according to the 2018 HMRC audit of ShowSec, would have required ShowSec to pay its workers to attend. That may also explain why ShowSec moved its training to an online portal.

That online training was deficient in numerous respects, which are, we submit, a long way from nitpicking: there was no practical or interactive element; it was not focused on attack methodologies most relevant to the arena; and, critically, ShowSec did not have a system of supervision in place to ensure that

staff undertook the mandatory training models or to test that they had understood them. As a result, the company did not (inaudible: distorted) its staff spent on parts of its syllabus.

Whilst ShowSec now suggests this was an issue limited to Mr Agha, the evidence shows it to have been systemic. Of the 10 staff for whom information has been provided, only three had spent anything like sufficient time on the training and those were all either supervisors or managers.

Although ShowSec suggests a need for caution in relation to them, it is submitted that the records are sufficiently reliable for you to make findings based on them. It is of note, first, that ShowSec did not provide any such caveat to the time—spent evidence when it first volunteered it in relation to Mr Agha. The letter from the solicitors only raised that issue after further records were provided.

Second, the caveat in the letter that the records will not show if staff did modules more than once does not appear to be born out by the records themselves, and we give examples of that in our written note.

Third, as the time spent provides dates and times for each module, the caveat in the ShowSec letter would only apply if a member of the public retook all sections

of the counter—terror module on another day. The record shows that, for example, Mr Beak undertook most of his on one day but revisited it in June 2017, some time later. The same analysis can be applied to two others but no one else.

The evidence does not support the suggestion that other staff voluntarily revisited their counter—terrorism training after they had begun work. There was no financial incentive or managerial pressure for them to do so.

Finally, the records are relatively consistent. To conclude that they do not demonstrate that most or all junior staff rushed through their training, you, sir, would need to conclude that most or all of those junior staff completed their training properly and then completed it again at speed. That, we submit, is simply implausible.

It is important that nothing that Mr Harding told SMG, that ShowSec would directly review their online CT training on 14 November after the Bataclan attack, is reflected in the message he actually sent to staff which is:

"They [were] always open if you wish to refresh the key points in your training."

The only evidence provided by ShowSec shows that

only 5.28% of recipients of an email clicked any link and some of those were to social media accounts of ShowSec's.

The time spent records show that none of the staff working in the City Room or on the bridge on the night of the attack had revisited their training as a result of that e—shot. Like the Battersby presentation, it is demonstrative of a company that presented itself to the market in a way not reflected in its practices. And it is no answer, we submit, to say that ShowSec's training or any other aspect of its operation was "market leading" or "met industry standards".

Not only is that an assertion made by the company without reference to any evidence external to its own directors but there were clear deficiencies in the training as identified by the experts. What matters is whether the company had taken all reasonable measures to address the risk from terrorism. ShowSec had not.

SIA training for those staff who'd undertaken it was similarly not a sufficient substitute. It was not venue specific, it was not refreshed, and you, sir, heard evidence raising concerns, for example, from Mr Lavery and Mr Agha in relation to that training.

In terms of briefings, the counter—terror content in the stewards' briefings was inadequate in particular.

The balance of evidence shows that there was no counter—terrorism content in the briefing to the City Room stewards on 22 May. Mr Middleton, who delivered the stewards' briefing, said, until prompted, that he understood that severe meant only that an attack was a likelihood and the counter—terror content of his briefing might amount to, "Keep your eyes open and look out for anything suspicious".

The document from which staff were briefed made no reference to counter—terrorism. It included a misleading assessment of risk.

Our footnote 126, sir, helps with references to other evidence on that point.

When on other occasions counter—terrorism was included, it was confined to an oral instruction —— or, as Mr Couper—Phillips described it, a general blanket statement —— in a crowded field of information to look out for suspicious packages or characters without any explanation as to what that meant or how to respond to it.

So not a single witness said briefings referred to the matters identified in the 2017 ShowSec counter—terrorism awareness document such as behavioural traits or identifying a change in approach following a company—wide October 2016 meeting in which ShowSec

identified that briefings were inadequate, that counter—terrorism needed inserting, and that hostile reconnaissance should be engendered in every briefing. It is of note that Mr Rigby, who briefed supervisors, had no recollection of any changes following that October 2016 recommendation.

It is also notable that former employees of ShowSec record only limited CT content whilst current employees recalled more. That's indicative that they were recalling the present position rather than the position in May of 2017.

In relation to Mr Agha, he was not briefed on his role at the grey doors, save he was told that was his position and he shouldn't leave it. It was essential that his role was properly briefed because ShowSec staff in the City Room, save for the supervisor, were not required to have any experience.

His explanation for not asking any questions at the briefing accorded with Mr Middleton's remarkable answer, when asked if he was approachable that he was "strict and not at work to make friends".

There was no mechanism to guard against underconfident staff or unapproachable supervisors. Staff were not provided with written instructions as to their roles and the City Room training module developed

by SMG and ShowSec was deficient as it said nothing about the operation of fire doors or the grey doors.

In terms of recommendations for issue 12, in relation to training, part 1 of the Martyn's Law proposals suggest that every venue should have at least 25% of their staff counter—terrorism awareness trained, have one on—duty manager who's received the relevant ACT awareness training course. We endorse that recommendation. Indeed, we submit you, sir, could go further in relation to large crowded spaces and tiered sites and recommend that the requirement for statutory guidance and accredited contractor scheme that all security, stewarding and management staff should undertake ACT courses in relation to their roles.

Such venues are particularly attractive to terrorists and the evidence has shown that security, stewarding and management have significant counter—terrorism functions. We also submit that you, sir, should recommend that the statutory guidance and accredited contractor scheme require staff to be paid for such training. This will ensure that staff are incentivised to undertake it and to do it properly. If there is a concern that casual workers may not work after completing such training, then you could recommend that staff are required to complete that training

a short time after they have commenced work. You, sir, could also recommend that Ofqual examine the quality of SIA training in this regard.

Issue 13: the nature and adequacy of pre—egress checks, our paragraph 66. The short answer, we submit, is that the pre—egress checks of the City Room were inadequate. In an example of the carousel of blame in full rotation, both during the evidential hearings and in their closing submissions, each of SMG, FM and ShowSec has sought to minimise its role in conducting such checks and their adequacy at the expense of the others. The truth is that all were responsible for the failure of adequacy of pre—egress checks.

FM failed to conduct any patrols during shows when risk was at its highest despite the fact that its manual drew no distinction between event and non—event days for the number of patrols. The facilities management agreement required patrols to be electronically monitored, yet ShowSec were not instructed to do that. Had they and FM discussed patrols directly, events may have been different.

The starting point for consideration of ShowSec's role is, we submit, that as the experts agreed, the need to check the mezzanine for threats to attendees in the wider City Room was or should have been apparent to any

responsible security provider, whether they had written instructions to that effect or not.

Such a straightforward step did not require the use of personal protective equipment or extensive specialist training. The unambiguous language of the pre-egress check sheets that we looked at so often required ShowSec to check the whole City Room wall to wall. Their CT awareness documents required their supervisors to undertake regular patrols of their sector as a further observatory patrol. Neither happened on the night: Mr Middleton was static or absent from the City Room entirely.

The cursory pre-egress checks that you saw undertaken by Mr Beak involved at most a glance across towards the staircase at a distance from which nothing meaningful could have been learned. Such checks had become yet another tick-box exercise.

The attempt to argue that ShowSec was not responsible for the mezzanine by certain of its witnesses whose accounts frequently used the same word of jurisdiction were, we submit, fanciful.

There was ample evidence that ShowSec knew differently: from the position of Mr Lavery, from the fact that Mr Beak went up on to the mezzanine, that Mr Rigby and others did not raise any questions about

being called to take action on the mezzanine, that the pre-egress check sheet had been reviewed without any questions being raised, that it was envisaged that ShowSec would undertake patrols on event days.

It was at the very least another example of a failure of liaison between SMG and ShowSec and a failure of ShowSec management to communicate to its staff and, at worst, a further incidence of knowingly cutting corners.

The failure to check the mezzanine was, we submit, a missed opportunity to detect and/or mitigate the attack. Whilst SMG seeks now to assert that any breach was internal to ShowSec and of its own making, this does not recognise that SMG itself failed to ensure that its written agreement with ShowSec on patrolling during events was put into place, which would have ensured that there was no doubt about respective responsibilities of the two.

It failed to check that ShowSec was meeting its expectations. The completion of pre-egress check sheets was a KPI in the service level agreement. It should have involved spot-checks to ensure that it was being done correctly.

In relation to pre-egress checks in terms of recommendations, sir, we observe that the current NaCTSO

crowded place guidance of June 2017 applies to all sectors but does not address specifically the risks at ingress and egress. We submit that you should recommend that NaCTSO reviews that guidance to ensure that it does address specific risks at those times and mitigating measures available.

Issue 14: CCTV monitoring, our paragraph 73. We submit that the evidence shows overwhelmingly that the CCTV monitoring during events was inadequate. The division of responsibility for CCTV monitoring was not clearly understood between Whiskey and Sierra Controls. By way of example, Mr Edwards, the duty control room operator, who according to Mr Johnson was the staff member principally responsible for monitoring CCTV, wrongly understood that there would be someone in Sierra watching the CCTV throughout the event.

In his first witness statement Mr Allen said that during an event, the duty manager would:

"... have control of and actively monitor the CCTV cameras covering the arena and the entrances and exits and Whiskey were on hand as an extra pair of eyes on the CCTV public areas."

In fact, the duty manager and the head of security in Sierra watched the CCTV reactively or, as Ms Stone said, they used it but did not monitor the cameras for

egress.

There was insufficient staff to monitor the number of cameras that were required. In Whiskey there were the same number of staff available during events as on non-event days. There was no single staff member dedicated to CCTV. All staff might be involved but they also had other responsibilities to do. Particularly, the fire safety officer would often be in his office, and at critical times during egress, patrol officers could be required to guard a door at the request of ShowSec, further reducing the capacity for CCTV monitoring.

If a patrol officer had conducted patrols during events or had to deal with other issues, such as faulty radios or lifts, that would further reduce the capacity. Given the number of cameras and responsibilities, two staff had to be allocated solely to that job.

In any event, staff were insufficiently trained. FM staff were not aware of the national threat level and the limited CT training did not address person-borne IEDs. SMG had not implemented Mr Battersby's suggestion in his NEAA seminar presentation that CCTV operators should be prioritised on behaviour patterns of people outside the venue.

Learning from SMG's training exercises was not

disseminated. FM staff did not undertake SIA CCTV courses, which, unlike other SIA courses, did have a dedicated section on IEDs, and they received no other formal training, nor apparently did ShowSec staff who, as private contractors providing cover in Whiskey, were required to have an SIA CCTV licence.

Fourth, the CCTV system itself was inadequate. The large number of cameras and the small size of the monitors meant that the identification of hostile actors was difficult.

The existence of the blind spots -- issue 15, our paragraph 78, sir -- should, we submit, have been obvious as it appears to have been to Mr Abedi from a simple look at the walls and the positions and angles of the cameras.

There had been a review of the CCTV system in November 2016 by SMG and FM that involved the identification of blind spots and the drawing up of plans for new cameras. Against that context and the evidence of Mr Edwards, who said that everyone knew about the CCTV blind spots, the denial of knowledge of its existence by all other witnesses from FM, SMG and ShowSec is unconvincing. As Mr Allen accepted, SMG should have been aware of it and taken steps to address it.

Even if, contrary to Mr Edwards' evidence, it were found that they were not aware, insufficient thought was given to its existence and the risk it posed, particularly after McDonald's was closed, and there was a lack of coordination between the respective control rooms and the relevant companies in relation to the risk posed from blind spots.

By way of recommendations in relation to CCTV, section 33.2 of the Private Security Industry Act 2001 provides that if a person provides a licensable activity in connection with any contract for service, he or she requires a licence to do so. FM staff provided a security service pursuant to an agreement with SMG who in turn were contracted with the arena to provide such service. It would appear therefore that FM staff monitoring CCTV should have had an SIA CCTV licence. We submit that the distinction between in-house security staff who may monitor the public crowded spaces as part of their role and staff providing the same service subject to a contract is difficult to justify.

As here, it may lead to confusion about licensing requirements and undertrained staff performing roles with counter-terrorism functions without any formal training in hostile reconnaissance and suspicious behaviour. For those reasons, we submit, sir, that you

should recommend the Home Office and the SIA should review the distinction drawn in the 2001 Act.

Issue 16: why it was not noticed that Mr Abedi had visited the City Room on 22 May? Our paragraph 80. This is an issue that cuts across all the failings described in these submissions. I say no more than we have put in writing about it.

Issue 17: the extent to which commercial pressures played any role in the adequacy of security arrangements and systems, our paragraph 81. The evidence demonstrates, as we have already seen, that commercial considerations played a role in each aspect of the security operation provided by the businesses, including SIA levels, staffing levels, search operation, the perimeter and CCTV provision.

It is important to note the families are not unrealistic about commercial pressures. It is inevitable that companies will compete, including by striving to reduce their costs. However, in this instance, commercial considerations were, as Ms Stone put it, given too much weight. In other words, cost concerns were prioritised ahead of the provision of all reasonable measures to address the risk from terrorism.

Both companies were profitable in 2017. Both were on notice from multiple sources of the risk to

entertainment venues and transport hubs and the measures that would be needed to meet those risks. Both companies should have done more to reduce and mitigate the risks of a successful attack.

The families note the inevitable incentives for commercial organisations to minimise their outgoings. The fact that these companies had prioritised commercial considerations over safety in each aspect of their security operation underlines the importance of recommendations to address each of those issues. This, of necessity, must involve the imposition of clear rules and duties, the application of which is properly and effectively overseen and enforced.

Sir, issues 18, 19 and 26, which flow from paragraph 85 of our note, all concern contact of Messrs Agha and Lawler and considerations in relation to the grey doors. It is convenient to take those together, not least given the time.

The evidence shows Mr Agha failed to respond promptly and adequately, that Mr Lawler failed to respond adequately. Their accounts have changed repeatedly and none is consistent with the incontrovertible CCTV evidence. Mr Lawler's evidence is not consistent with the evidence from multiple witnesses that radio traffic did not prevent a transmission to

Sierra Control. The evidence, by no means limited to that of Mr Agha, demonstrates a failure to ensure that he knew how to communicate to others.

In relation to him and the grey doors, the CCTV shows that he did what he had been trained and briefed to do: he stayed in his position. This was a flawed system that resulted in a serious delay in the transmission of time-sensitive security information. Whilst of course he should have recognised the situation was so serious that it required him to take commonsense measures, reliance on a casual workforce, many of whom, like Mr Lawler and Mr Agha are teenagers, and many are under 25 and who are not paid to complete their training, created an obvious risk that commonsense measures would not be (inaudible: distorted). A robust system was required to safeguard against such obvious problems.

Given the importance of the isolated position Mr Agha was in, he should have had a radio; condition 87 of the premises licence required it. He should have been trained and briefed about different methods of communication and how his doors operated. His supervisor should have visited him. A number of alternative means of communication have been advanced by ShowSec but none of them is to be found in its training,

in its briefing sheets or in the degree of understanding of options available to its staff.

The failure to train or brief Mr Agha properly led to a delay in the communication of time-sensitive and safety-critical information to another member of staff, which reduced the opportunity to detect or mitigate the impact of the attack.

In relation to the actions of first Mr Agha and then Mr Lawler to the presence of Mr Abedi and Mr Wild's concerns about him, the first question arises is why they failed to respond adequately. Mr Lawler ultimately accepted that it was not because of the radios. We invite you, sir, to reject the belated suggestion by him, given that his accounts have altered in material respects over time and that he's admitted that he lied to the police, that he failed to report Mr Abedi because he feared being accused of racism.

That unattractive attempt to deflect responsibility from his actions on to liberal society is an explanation undermined entirely by his calm and jovial demeanour and careful body language when he left the City Room and his own attempts in his own account to try on his radio to contact Sierra.

Rather, the only credible explanation for his actions, consistent with all the evidence, including the

evidence of Mr Wild as to Mr Agha's attitude to him, is that neither Mr Agha nor Mr Lawler recognised the threat that Abedi posed. Mr Agha reported it to Mr Lawler only because it had been raised by a member of the public and Mr Lawler did not report it at all. Instead, like Mr Couper-Phillips on 21 May, he appears to have thought it sufficient to write it down on his now lost briefing sheet, as the CCTV suggests.

The second question is why these two SIA-licensed ShowSec staff, warned by Mr Wild, failed to recognise that Mr Abedi needed to be reported to Sierra. The answer is not that there was nothing to report, clearly there was after a member of the public had flagged it. The answer is found throughout the submissions that I have taken, I know, too long over this morning: the ShowSec and SIA training was inadequate. These men had not completed their training properly, had not been briefed properly, had not been informed about the hostile reconnaissance seen by Mr Lavery, they had not been informed that Mr Abedi had been sat in a blind spot.

Mr Agha and Mr Lawler should have done more but equally SMG and ShowSec should have had a robust system in place to ensure that they were properly trained, briefed and monitored, and to address the issues that

are likely to arise within a low-paid and relatively casual workforce.

Final issue, number 27, our paragraph 92: what would have happened if a report of suspicious behaviour had been made to the arena control room before egress on 22 May? The answer to this question, we submit, is that steps would have been taken which might have made a real difference. Contrary to the suggestion of some CPs, this is not a speculative assertion when timings are taken into account. The CCTV, sir, shows that Mr Wild spoke to Mr Agha at 22.14.49. It shows that he spoke to Mr Lawler at 22.23.15.

By reference purely to those whose families we represent, at 22.14.49 none of those six was in the City Room. By the time that Mr Agha spoke to Mr Lawler, only two of them were. The evidence of James Allen and, especially given that she was on duty that night, of Miriam Stone shows that exits from the arena to the City Room would have been closed within a minute or two of a report of suspicious individuals being reported to Sierra before and during egress. Attendees would have then been diverted to alternative exits. The public in the City Room would have been warned to move away. ShowSec staff would have investigated, BTP staff would have been contacted. It is likely, we submit, that the

deaths of the 22, with which you are concerned, would not have taken place for those reasons.

Of course, had Abedi realised he had been identified, it is possible that he would have detonated his bomb. But it is, we submit, highly likely that fewer people would have died and been injured by detonation on the mezzanine before egress than a detonation in the midst of the crowd at the height of egress.

In our written note, from paragraph 95, we have set out the missed opportunities and the potential consequences they had in terms of causation. Because of time, I will not take you through those orally now, sir, but I commend that analysis to you.

Finally then, we repeat our support for the recommendations both for the introduction of Martyn's Law but also for supporting guidance and the tightening of the licensing regime. But in doing so, sir, we recognise that legislation is only as effective as a means of its enforcement. The evidence has demonstrated that existing legislation has not only been misunderstood or ignored by those to whom it applied but such issues, where they arose, appear to have passed undetected.

Breaches of the premises licence and of the Private

Security Industry Act 2001 had persisted with impunity for years before they were discovered, sir, by you and this inquiry in the course of this investigation. They were not and would not have been detected by those responsible for enforcement at that time because of a lack of inspections. There does not appear to have been an inspection of the arena by Manchester City Council and, if there were inspections, they certainly failed to identify myriad breaches of the premises licence.

The licensing compliance and enforcement team is, as you heard, permanently understaffed. The SIA have only one enforcement officer for 18,000 licence holders in Manchester and had undertaken no checks at the arena in the 12 months before the attack, neither had there been before that.

We therefore submit, sir, that you should recommend that local authorities, including Manchester City Council, should ensure that licensing regimes and Martyn's Law are properly enforced through regular inspection. You should also recommend that the SIA, as part of its review of its accredited contractor scheme, consider the introduction of additional inspections to ensure compliance with the provisions of the 2001 Act by its members.

Sir, we submit that it is through such measures as the recommendations that we have set out in our written submissions from paragraph 97 that it will be possible for you, sir, through your report to bring in measures that will ensure, insofar as of course as is ever possible, that no other families are required to endure the same suffering as the families of those who lost their lives on 22 May 2017.

I apologise for going beyond my time. I'm grateful for your attention.

SIR JOHN SAUNDERS: Thank you very much, Mr Atkinson, that was extremely helpful and very detailed, as it needed to be.

Mr Greaney.

MR GREANEY: Sir, in fact Mr Atkinson went only 5 minutes beyond his allotted time, but may we now have a break until just beyond 11.45 at which point we will hear from Mr Weatherby on behalf of the families represented by Broudie Jackson Canter and Hudgells?

SIR JOHN SAUNDERS: Thank you. At 11.47, I will switch on my computer. Thank you.

(11.32 am)

(A short break)

(11.47 am)

SIR JOHN SAUNDERS: Mr Weatherby.

Submissions by MR WEATHERBY

MR WEATHERBY: Thank you.

SIR JOHN SAUNDERS: Thank you very much for your speaking note, for which I'm very grateful.

MR WEATHERBY: I'm glad that you have that.

Sir, as you know, I make submissions on behalf of seven of the families: the families of Saffie-Rose Roussos, Alison Howe, Lisa Lees, Georgina Callander, Olivia Campbell-Hardy, Philip Tron and Sorrell Leczkowski.

SMG took the money for ensuring security and public safety in the City Room, but very plainly failed to discharge those responsibilities. If they had taken reasonable and proportionate measures to discharge those responsibilities then the bombing could not have happened because Salman Abedi could not have entered and remained in the City Room with his large device prior to detonation for two extended periods totalling about 1 hour and 20 minutes.

Others have dealt with and this afternoon will deal with in more detail, but let me set it out in bullet points.

Firstly, SMG allowed a CCTV blind spot to exist for many years, so obvious that even Salman Abedi spotted it. If that blind spot had been dealt with, he should

have been easily seen by SMG CCTV staff, assuming that is that there were dedicated and properly trained CCTV monitors actually watching.

The failure to have properly trained CCTV monitors actually monitoring the City Room at the relevant time is therefore the second obvious failure by SMG.

Thirdly, SMG had contractual obligations to patrol the City Room and its raised area and failed to do so during the relevant periods or ensure that their subcontractor ShowSec had done so. If there had been even the most minimal of patrols, which included the raised area, during the event period or pre-egress, Salman Abedi would have been spotted and seen to be suspicious and challenged.

Fourthly, SMG failed to have any meaningful arrangement with BTP regarding joined-up working between the security operation in the City Room and the policing of it. If there had been such an arrangement, then it should have ensured that there was an understanding that British Transport Police officers would have been visible, patrolling the City Room at relevant periods and once again it is inconceivable that Salman Abedi would have been able to perpetrate this outrage.

Fifthly, SMG failed to have what Colonel Latham termed defensive communications, sending the deterrent

signal out to would-be attackers that this was a bad target for them.

Sixth, SMG, having recognised the threats following the Paris attacks, failed completely to take any measures to extend the perimeter or at least provide stand-off layers of security to prevent a suicide bomber getting into the City Room. What those measures might have been is a matter for discussion, but the central point is that there was no provision at all for monitoring those entering the City Room or their bags.

A remarkable feature of the evidence is that various core participants, including SMG, have emphasised the difficulties posed by the City Room. Yet it's SMG who had responsibility for security, as we have just said, and failed to put in place any measures -- any measures -- to effectively monitoring persons entering or remaining in the City Room during what were obviously vulnerable times. The adage "when in a hole, stop digging" springs to mind.

The fact that a space presents challenges and difficulties requires that those complexities have to be met face-on. A threat does not go away because it's complex. The recognition of the problems posed by a thoroughfare and access for other stakeholders emphasises the failures of SMG and others. It does not

absolve them in any way.

The really obvious point about the major transnational corporation SMG is that its directors and senior managers failed to see the importance of their role in preventing a terrorist outrage of this nature or perhaps, more importantly, their responsibility.

They were entitled to expect MI5 and others to do everything possible to prevent attacks, but they were not entitled to be under any illusion that the first line of defence in preventing such plots would always succeed. Far from it. The state had made publicly clear that the threat was severe, despite its attempts to prevent attacks. Given the size of their enterprise and the fact that they were managing the security and safety of huge numbers of the public, it was blindingly obvious that they needed a senior counter-terrorism director or senior counter-terrorism manager with expertise and experience.

Had SMG employed a Colonel Latham or Dr BaMaung, would we be here today asking how the outrage in the City Room came to pass? We say very plainly not. It is no excuse to say that it was not industry practice at the time to have a CT expert employed in-house. SMG are a massive presence in this industry and therefore a significant maker of industry practice, and of course

places like the O2 did have their Colonel Lathams.

The sad reality is that SMG were unwilling to pay for the expertise that was so obviously called for and relied instead only on the free advice and guidance provided by NaCTSO and the CTSA system. More on that later, but whether that advice and guidance was good or not so good, sufficient or obviously not, it did not shift the responsibility from SMG.

What about those others I have mentioned? Again, the detail has been dealt with by other advocates, particularly Mr Atkinson. ShowSec subcontracted and held some of the responsibility for security and public safety in the City Room at event times. ShowSec, again a huge company with extensive experience, abjectly failed to take any or sufficient measures to stop obviously suspicious characters, such as Salman Abedi with his large device on his back, from entering the City Room.

ShowSec then failed to take any measures to monitor who remained within the City Room, such as Salman Abedi. It failed to provide any effective patrolling, which would obviously have raised Salman Abedi as a concern and dealt with that concern long before the time he detonated his bomb.

ShowSec had no role in the CTSA process, despite

being the regular event security contractor. They had little or no meaningful contact with BTP to join up the event security operation and the policing of it. ShowSec had no CT expert director or senior manager and apparently chooses not to still. That is a fact that one would hope that event practices and insurers would take account of and it is a fact that we would urge that the inquiry addresses quickly.

Again, ShowSec seem to have been eager to take the cheque for protecting the public but were less eager to ensure that their contracted responsibilities were discharged.

In both cases, SMG and ShowSec, we have emphasised the fact that they are extremely large companies. SMG is part of a worldwide operation. ShowSec is part of another. If current legal provisions and frameworks have failed to ensure that they discharge their responsibilities, and in such stark ways, then what hope is there that others with less resources and less experience will do so?

Again, I will return to that later in the context of the need for urgent change.

Before I do, I again bullet point the failures of the police.

Firstly, BTP who had primacy for policing the

City Room. BTP's failure to ensure that officers were patrolling at relevant times are obvious to see. If those who were suspicious of Salman Abedi in the City Room had seen a BTP officer, they would obviously have reported to them rather than just to a young and inexperienced steward. The outcome would have been different.

If the officers had been there patrolling, would Salman Abedi have been deterred? Quite possibly. But even if he wasn't, effectively patrolling BTP officers would plainly have seen and challenged Salman Abedi as he hid on the raised area of the City Room with his bomb for those two extends periods. BTP officers accepted that had they seen Salman Abedi, they would have challenged him. As others will deal with in detail, BTP failed to have a sufficient deployment with sufficient experience or supervision. BTP abjectly failed to ensure proper joined-up working between the security operation and the policing of the City Room.

British Transport Police failed to engage with the Greater Manchester Police CTSA, advising SMG or to ensure joined-up working between the GMP and BTP CTSAs for the arena complex and the station respectively.

Most strikingly, senior officers failed to properly risk assess event days and failed to learn any lessons

from the Sherman exercise they attended in July 2016 which used a marauding terrorist firearms attack on the station and the City Room as its scenarios.

Worse perhaps is the evidence of Assistant Chief Constable O'Callaghan, who even in hindsight said that he did not see the purpose in any deployment of BTP officers for an event of this kind.

Although GMP had no operational primacy for policing the arena or the station, for reasons which remain uncertain, its CTSAs assumed the role of advising SMG on protective CT measures. In doing so, GMP did not assume responsibility for security; that remained with others, primarily SMG.

However, objectively, the CTSA input was far from helpful. First, it remains a moot point whether the CTSA made it sufficiently clear to SMG what the role of the CTSA system was. Legally, this is neither here nor there, but factually it could have led to a position whereby SMG considered it did not need expert senior staff to plan and oversee CT protective measures. The CTSA system allows for twice annual visits to a venue such as the arena. The CTSA in this case had quite a bit more involvement than that. However, the system he worked within and the decisions he took highlight the fact that such a system is completely inadequate for

a venue with a capacity of 21,000, and complex surroundings.

Firstly, the CTSA survey was far from the assessment or audit of CT needs and existing measures that any competent contracted or employed expert would undertake as a matter of course before being in a position to give competent advice. The CTSA system relied upon what SMG told them and the CTSA was not expected to, nor was he resourced to, observe or analyse the operation of any protective measures, whether physical or human systems.

The CTSA PSIA system concentrated on the footprint of a venue itself and only considered the risks created by its activities in the surrounding areas to the extent that those risks impacted on the security within the footprint. Whether or not the CTSA made it sufficiently clear to SMG that the service was one of advice and guidance, the most obvious protective measure and advice should have been that a venue and operation as large as the arena needed expert CT management on a day-to-day basis. It was well beyond the role or resources of the CTSA system to provide that and that should have been entirely clear to any competent CTSA and the first base for any CT advice given.

I make that point absolutely clear: we are saying that, irrespective of whether the CTSA properly

explained the role of their service, the first and most important advice should have been that an operation of the size of the arena needed dedicated expertise contracted or employed by SMG.

In their written submissions, GMP set out in some detail, helpfully, the size and reach of SMG's worldwide operation, describing it correctly as "an enormous corporate enterprise".

Why then did the CTSA not say to Ms Stone and Mr Allen, "Look, this is an enormous corporate enterprise dealing with a footfall of millions of paying customers, you need to employ or contract in expert CT advice and management"? It was a failure of SMG not to have this, but it was also a failure of the CTSA for not telling them that this would be the first and best advice and guidance that he could give them. It was a failure of those devising and supervising and managing the CTSA system not to make this absolutely clear to CTSAs.

The "something is better than nothing" ethos seems to have produced a resignation that no particular minimum standard could be set or achieved. Although a corporation could have ignored advice from a CTSA, that it needed dedicated in-house or contracted CT expertise, it may have had serious insurance problems if

it did.

Further failures of the CTSA service were that the CTSA did not deal with the obvious vulnerabilities of the City Room at all or provide any advice on stand-off security measures. The CTSA failed to ensure that ShowSec or BTP were properly involved in the process and failed to do any joined-up work with the BTP CTSA who undertook the advice to the station.

That is all I intend to say with respect to the evidence of multiple failures by the relevant private corporations and public authorities responsible in their different ways for providing protective security to the City Room as at 22 May 2017 and the multiple missed opportunities which should have prevented this outrage. We frame our submissions in stark terms.

This was a foreseeable outrage committed at a time when the known threat level meant that all involved should have ensured that they had fully discharged their responsibilities. There were reasonable and proportionate measures which could and should have been taken, which would have prevented the bombing and such loss of life, reasonable and proportionate measures lying within the legal responsibilities of those corporations and the duties of the public authorities. Having scrutinised the evidence so carefully, the

inquiry should set out the factual narrative but it must also analyse and set out missed opportunities.

Sticking wholly within the chapter 7 tramlines this was a foreseeable and readily preventable outrage. The complexities of the City Room geography and thoroughfare and the fact that the probability of terrorist attacks happening at a particular spot on a particular night are low are part of the picture. However, the overwhelming, devastating loss caused by such attacks and the relatively straightforward and cheap protective measures which prevent one such as this are the other.

An Article 2 inquiry such as this is a quest for a definitive narrative, but it also involves and requires accountability, which means robust forensic findings regarding failings.

At an early stage of this process, much was said about candour and position statements. Our observation is that the ruling that you made on 20 January 2020, requiring detailed opening statements and setting out lists of issues that corporate and public authority core participants should address has significantly enhanced the parts of the process heard to date.

However, that does not mean that each of those core participants have assisted the process to the extent that they should. This is an inquisitorial process to

get at the truth and accountability and to attempt to prevent future loss of life. There has been a significant amount of finger pointing and, frankly, little acceptance of the obvious failings we've already highlighted in the bullet points I made a few moments ago.

One aspect of the chapter 7 process merits particular attention: the treatment of the experts, Colonel Latham and Dr BaMaung. Highly accomplished advocates for both British Transport Police and ShowSec launched quite extraordinary and personal attacks on them. This process is not a blood sport, and the granting of CP status is not a licence to be rude to any witness. How the attacks on the experts were meant to assist you in your task or indeed advance the interests of BTP or ShowSec eludes us, but it's fair to say that the families found these attacks quite at odds with earlier statements of condolences or sympathy with them.

Faced with measured, objective, considered criticism, BTP and ShowSec reverted to denial and institutional and corporate defensiveness. It is one thing for them to put disagreements to the experts, an entirely legitimate function of their involvement, but it is another to attack them in the way in which they did. You will need no reminding, but it appears others

do, that Colonel Latham and Dr BaMaung were provided by you and not at the behest or suggestion of any of the CPs. They represent no party and they were no doubt expressly instructed that these were inquisitorial and not adversarial proceedings.

The letters of instruction and their CVs were shared with all CPs. We do not recall objection to their appointment before they provided reports. We are not aware that other experts were suggested or that other expert opinions were provided to the inquiry. Given their lengthy careers as state agents working within counter—terrorism for public authorities and corporations, quite how their expertise could properly be challenged by public authorities remains a mystery to us.

The fact that neither had given expert evidence in a previous public inquiry or court case reflects the limited requirement for expert opinion in this area and is not a reflection upon them. If the approach to these witnesses were to cause you to reflect upon their expertise, we would anticipate that you would emphatically determine that they are accomplished experts in the traditional sense: they have expertise which assists the inquiry on areas beyond its own experience and learning.

Of course, expert evidence does not have to be accepted, as every jury is told and every civil judge reminds himself or herself in every case where experts are called. It is no different in an inquiry. No doubt you will find particular issues and questions where you do disagree with their opinions, but in general we invite you to find that they were extremely helpful and knowledgeable and gave evidence with integrity, impartially, with care and in clear terms.

Was the question, and I quote, "Do you think you're in a better position to judge that than someone who's spent his life in court, including as a High Court judge?", if it was a question at all, really designed to assist you? Of course it wasn't. It was designed to knock the witness off course and to demean the evidence he was giving, which was adverse to BTP.

Was the question, and I again quote, "Or is the truth actually, Colonel Latham, that come what may you're just, as it were, pathologically incapable of acknowledging error or omission or oversight or exaggeration?", a real question or does it in reality illustrate that ShowSec struggle to counter the criticisms made of them by independent experts?

Putting the question of the experts on one side, what you might think would have been a better product of

core participants assisting this process might have been an unequivocal acceptance by SMG that it had responsibility for security and public safety in the City Room. But although it did make efforts to address terrorist threats, it failed to take measures which would have made a difference and prevented this attack and, in particular, that immediately after the attack, SMG did what they ought to have done long before and took advice from Guidepost as to what it really needed to do, employ a CT expert to devise and manage reasonable and proportionate physical protective measures and human systems to deter and prevent such outrages.

There is, of course, no problem in SMG drawing attention to the concurrent failures of others, such as ShowSec and BTP, to present the full rounded picture, but what SMG has done in opening and closing submissions is to present a picture that although security was its responsibility, in most regards SMG discharged that responsibility because it relied upon the advice of ShowSec and Ken Upham regarding counter—terrorism issues and relied upon ShowSec to discharge their event day security obligation.

Moreover, BTP patrols were or should have been better trained and briefed and equipped to deal with

threats in the City Room than SMG or ShowSec.

Although expertly put, SMG's approach is completely flawed. The concurrent failures of others may have compounded SMG's own failures but they do not excuse or mitigate them.

Likewise, ShowSec. Whereas it is fair enough for ShowSec to highlight the concurrent failures of others, ShowSec are a security company, a huge security company. Is it really okay for ShowSec to say it was not within its remit to discuss with SMG why and how suspicious characters should be deterred or prevented from entering an enclosed, high footfall space which they were guarding?

If ShowSec want to offload on to SMG or general policing, might it note be appropriate for them to indicate that going forward, ShowSec will have CT measures front and central? If they are contracted to do security in a space such as this, ShowSec will be proactive to determine exactly by whom and how obvious CT threats will be met and mitigated. Might it not be more appropriate for ShowSec to acknowledge that it needed —— needs —— in—house counter—terrorism expertise? To acknowledge that it needs to determine with respect to each contract what is and isn't within its remit in regard to counter—terrorism measures? Might it not be

appropriate for ShowSec to acknowledge and recognise that it failed to engage with the CTSA process for this major security contract or to properly liaise with the police force with operational primacy, British Transport Police?

Is it okay for British Transport Police to say in opening that others were engaged in a "carousel of blame in which they were not going to join", but then to attack the experts in the way indicated or indeed to criticise counsel to the inquiry for putting a series of questions to PC Bullough, which carried a "heavy suggestive load"? Might BTP reflect that people in glass houses should not throw stones? Having eschewed the carousel, they have indeed jumped on to it with some alacrity.

On behalf of the families, we do not criticise SMG, ShowSec or BTP for completing the picture by highlighting the failures of others, but their first base must be to be upfront about their own shortcomings and what they have done about it and not to offload on others to hide or excuse their own failures.

Patrolling and conducting pre-egress checks of the raised area provides a good example, as Mr Atkinson has already adverted to. SMG should unequivocally accept that it was responsible for security and public safety

of the City Room but failed to patrol or check the area as Salman Abedi kept a low profile for those two extended periods or ensure that competent others did so on its behalf or liaise with the police force with operational responsibility for that area.

ShowSec should unequivocally accept that they were contracted to take on security and public safety in the City Room at event times but failed to determine the extent of those responsibilities with SMG or discharge obvious functions such as patrolling and sweeping or to take part in the CTSA process for the arena or to liaise with BTP.

BTP should unequivocally accept that its policing duties in the City Room meant that it should have deployed and properly supervised a sufficient number of experienced officers in the City Room during high density footfall periods and liaised with SMG and ShowSec in the CTSA process.

I have not yet mentioned GMP in this regard. The Greater Manchester Police are in a different position. In its detailed written closing submissions, GMP has set out in clear terms the failures of SMG and ShowSec in a way that will no doubt assist you. We agree with much of what GMP says in this regard and there's considerable overlap, as you'd expect, with various family

submissions, including our own.

However, GMP's purpose in doing so is undeniably directed at defending its own position regarding the CTSA service. GMP contends, no doubt correctly, Ken Upham was not told by the CCTV blind spot, the absence of patrols or pre-egress checks on the raised area of the City Room, or the lack of BTP presence in the City Room for egress, and GMP contends that there was confusion regarding other things. Mr Upham was advised by SMG that it could only exercise queueing rights, whatever those are, in the City Room.

GMP did not have responsibility for security and public safety in the City Room, nor did it have operational policing duties for the arena, and it is therefore in a different position to SMG, ShowSec and BTP regarding the chapter 7 evidence and issues.

GMP did not devise the CTSA system and it was therefore not responsible for any shortcomings in that system. Nevertheless, as the force which delivered that service, it should be clear in recognising that not only should the CTSA have made clear that the service was purely advisory, but he should have made clear that SMG and ShowSec too should have had dedicated CT expertise in-house or contracted.

Even the directing minds of SMG recognised that in

evidence. James Allen on Day 28 said as much in reply to your questions. In respect of the fact that SMG had employed a CT director after the bombing, you asked:

"Don't you think you should have done it before May 2017?"

And Mr Allen's answer was:

"Yes, possibly, yes."

If SMG are prepared to accept that a company of their size should have had an expert CT director in-house, will GMP accept that their expert CTSA should have been proactive in saying to operators they needed dedicated expert advice and management because the challenges were manifestly beyond the service they were able and resourced to provide? We will see. Such an acceptance by GMP might be both realistic and a major driver to making things better in the future.

On behalf of the families we represent we also call on GMP to reflect on and expressly recognise the lacuna that currently exists in the current legal framework and to recognise that there needs to be tangible standards to be met by operators of major venue and mandatory powers to require compliance and fully joined-up working between all involved: those private entities with responsibility, those with policing responsibility and those who play an important but advisory role.

This point does not imply criticism of GMP, as it is not the author of the system or its failures, but GMP would be a powerful voice in joining with the families and GMP would be acting in the public interest in calling for real meaningful change.

I don't intend to dwell further on the evidence of failures by the various relevant corporate or institutional CPs and I agree with the recent comments with respect to chapter 10 evidence of Mr Greaney that this inquiry should not descend into the vilification of individuals for failings on the night. That might be appropriate in some processes but it misses the point on the facts of this one.

It would be particularly unsatisfactory in regard to young inexperienced casual stewards who were poorly trained and barely supervised or young inexperienced police officers and PCSOs who were poorly briefed and trained and completely unsupervised to make them disproportionately accountable. Some of these individuals obviously come in for criticism, indeed severe criticism in some cases, but how were their failures allowed to happen? That is the most important question.

I therefore turn to the central theme of our submissions which is the inadequacy of the legal

framework for protective security in the UK. For some listening, this may seem like a turn from the relevant facts of the narrative to a lawyer's debate, but it is very far from it.

Systems fail because they are allowed to. They fail because they are inadequate or because there is no compliance and enforcement requirement or mechanism. What underpins the failure of SMG and ShowSec to protect their customers and visitors to the City Room is the lack of an adequate framework of laws and regulations to require them to provide adequate physical measures and human security systems.

The BTP failures to fulfil their operational policing duties, serious though those failures are, are beyond the lacuna in laws and regulations relating to protective security. However, had there been an adequate joined-up framework then all those with responsibility for protective security and public safety and those responsible for operational policing would have had to work together. So the absence of an adequate framework also had a knock-on effect with respect to operational policing.

What do we mean by an absence of a regulatory regime? Article 2, the right to life, requires the state to protect life to the greatest extent reasonably

possible. This obviously constrains the state from taking life other than in extreme circumstances and it requires the state to have laws to deter and punish homicide. It requires the state to take measures where there is a real and immediate danger to life, but it also requires the state to take proactive measures or to require private corporations to do so wherever there is a foreseeable danger to life.

The problem here is that the only framework of laws compelling or requiring SMG and ShowSec to take reasonable precautions to protect against the known severe threat of a terrorist attack is essentially the after-the-fact civil claims for negligence and health and safety criminal offence after a catastrophic attack has occurred. Yes, there are other more tangential requirements under licensing and SIA provisions, but there is a clear and gaping hole, a lacuna, which objectively provides an open goal to terrorists.

As we have heard, the state has both a systemic and an operational duty to do everything reasonable to detect and prevent terrorist conspiracies and plots and that will be the focus of chapter 14 and evidence concerning the security services. But the government itself recognises and recognised that it cannot stop every plot and that attacks will occur.

In terms of foreseeability, the Government is really upfront. Whilst claiming its security services are world class and stop many plots, the Government recognises that the threat level remains severe: it is foreseeable and indeed highly likely that an attack in the UK will occur. That was the position at the time and regrettably it remains so.

The state, through NaCTSO and the CTSA system, promulgates training and advice and guidance, but there is no follow-through and take-up and compliance is voluntary. Enforcement is non-existent because there is nothing to enforce. So this is not a lawyerly debate, it is a real and central issue in this inquiry.

The state has identified a present, acute danger to life. It has recognised that its operational detection, deterrents and prevention institutions, MI5 and the police, are unable to stop every attack, that the regime to maximise protection against these recognised huge threats to life and limb is voluntary, advisory, discretionary and, frankly, wholly inadequate.

The recent written argument by HMG asserts that the framework in place at the time was adequate if only others had followed advice and guidance. The "let's blame someone else argument". That simply does not run here. The Article 2 obligation is on the state to

require both public and private operators to make crowded spaces as safe from terrorist attack as is reasonably possible, proportionate to the threat at the particular time.

I have identified some shortcomings in the actual CTSA provision to the arena, but in reality, although those deficits are undoubtedly important it is not the individual failings that are at the heart of this tragedy, it's the fact that there was no clear standard of protective measures and security systems with which those responsible for security and public safety in the City Room had to comply. There was no mechanism to require them to take particular actions or even to properly assess their needs or work with others with overlapping responsibilities, such as the police, and no compliance and enforcement mechanism at all.

Three and a half years on, it is right to say that there has been some nod to recognise the inadequacy of the legal and regulatory counter-terrorism framework by both senior public officials and public officers who have given evidence to the inquiry, and indeed by the Government. It is a great sadness that it has taken the loss of so much innocent life to get even to that level of recognition. It is remarkable campaigning of the families and their supporters that has focused and

forced the issue, but it's right to say also that although there is a recognition that something has to change, there remains a disappointing inertia. There has been and remains no sense of urgency in the Government's position.

Although various witnesses have recognised that the voluntary nature of the current position is inadequate, the Home Office witness, Mr Hipgrave, has failed to properly explain why it has taken so long even to get to the position of a consultation on change and why even that has been delayed already by almost a year.
A government intent to doing everything reasonably possible to learn the lessons and make meaningful change would not dither and delay for what will end up being more than 4 years from the bombing before there is even a chance of a coherent plan.

The recent Government Legal Department letter in response to a request for the consultation document was a model of aspiration over intent or perhaps, more accurately, a model of avoidance. They say, and I quote:

"It is hoped that the pre-consultation write around of ministers will be completed quickly with a view to the consultation process being launched early in the New Year".

Well, we are early in the New Year, at 25 January today, and still the Government chooses not to tell this inquiry and these families and the wider public even its timetable for a consultation on change. Why?

We can argue about why the consultation was planned to be launched only 3 years after the bombing and why it then had to be delayed because of the virus, but there is no excuse for the GLD to send a letter of vague platitudes to this inquiry.

On 11 December 2020, did the Government not know how long it had given the relevant ministers to reply to the consultation write around? Why is there no timetable? Everyone knows that processes take as long as they are allowed to take. The failure to progress changes which need to be made increases the risk of further outrages such as the arena bombing as every day passes. The failure even to set a timetable for the process evidences a complete lack of commitment by this Government.

The families will be listening carefully later this week when submissions are made on behalf of the Home Secretary for explanations as to why these delays continue and why the Government cannot even give the families a timetable.

That is why we say that when the inquiry turns its

attention to recommending change, it should approach its task by identifying that the framework's lacuna, the lack of legal requirements on both corporate and public authorities who have responsibility for the safety and security of large numbers of the public, is a continuing one which must be remedied with urgency.

As we've emphasised, we welcome the decision to deliver the inquiry report in stages, not only because it is easier for all involved to complete the work on stages whilst the evidence is fresh in the mind, but because change is needed and urgently. Staged reports facilitate earlier recommendations.

We have set out the law relating to the requirements on the state to have an adequate framework of laws and regulation to ensure all reasonable measures are taken to prevent or mitigate known threats to life from paragraph 19 of our written submissions and I don't repeat that analysis now. This argument has been raised through this process and was expressly referred to in our opening. No one can have been taken by surprise by our submissions therefore that the current framework does not comply with Article 2, yet the Secretary of State did not address them in her written chapter 7 submissions until last Friday when supplementary submissions were served, asserting that

whatever findings the inquiry makes, it must not find that there has been a breach of Article 2 with respect to the failure to establish such a framework of laws and regulations. It amounts to a submission that if you find that the regime for ensuring maximum protection from terrorist attack is inadequate, you may do so only so long as you do not imply that the state is responsible.

We have never suggested that the inquiry should determine that the Secretary of State is liable under the civil law because of a breach of Article 2, but that is not the same as a finding that the inadequacy of the current regime is a continuing non-compliance with Article 2. The former would be a breach of section 2.1 of the Inquiries Act, as the Secretary of State contends, but the latter is an important finding permitted by section 2 subsection 2 and I quote its provisions:

"That an inquiry panel is not to be inhibited in the discharge of its functions by any likelihood of liability being inferred from facts that it determines or recommendations that it makes."

Without reference to Article 2, to what standard is adequacy to be determined? Whereas there may be a logical inference that a finding that a system was

non-compliant with Article 2.2 liability, it is not the same thing at all and that is why section 2 is drafted in the way it is. At Article 2 inquests the coroner or jury are entitled to find judgmental facts or indeed reach a finding of unlawful killing, both of which may imply liability but they are permissible because they do not determine it.

Section 2 is carefully drafted to allow for findings which relate to failures in accountability but which recognise the difference between civil and criminal and inquisitorial jurisdictions respectively. The Secretary of State is correct that it is uncontroversial that you should not rule on liability. No one has suggested otherwise. The Secretary of State is wrong to suggest that precludes a finding that the current framework is non-compliant with Article 2 because that is both a non sequitur and could negate subsection 2 of section 2.

If an example is needed of an inquiry making a finding of non-compliance with Article 2, I refer to chapter 10, paragraph 10.2 of the Grainger report, where His Honour Judge Teague QC, incidentally now the Chief Coroner, found that the firearms operation that had led to the death of Mr Grainger was non-compliant with Article 2. No breach of section 2 there.

The finding was that the operation of the system was non-compliant with the relevant standard set by Article 2. It was not a ruling on or reference to liability. Neither of the two references cited in the Secretary of State's recent submissions contradict the approach taken in Grainger or that which we invite you to take here.

As I have stated, the purpose of relating the evidence of inadequacy to the laws and regulations relating to protective security to compliance with Article 2 is partly to provide a calibration. Inadequacy judged against what? Answer: the obligation to ensure that everything proportionate is done to prevent known threats to life by the state itself or by those it should regulate. So there is a further purpose in relating the failure to provide a sufficient framework to ensure all proportionate and reasonable protective measures are taken.

A finding that the current framework is not compliant with the requirements of Article 2 would require an urgency, which is sadly lacking, to take steps to remedy the deficits.

This is not an obscure, novel or unflagged submission by us. It has been there from the outset. It seems that the Secretary of State is more concerned

at avoiding an adverse finding than providing the inquiry with the consultation documentation and the range of measures under consideration by Government and a clear timetable for change, which manifestly needs to happen.

Importantly, it should not be lost on the inquiry that in her submissions, the Secretary of State seeks to argue that the current framework is not inadequate whilst accepting there is a need to codify in law a protective duty and change the framework to provide such as yet undisclosed requirement.

Of course, adequate systems can be improved, so the Security of State's position is not a logical impossibility. However, if the system was adequate, does the evidence suggest it would have been impossible for the attack to be thwarted by proper protective measures? Plainly on the evidence, as we have articulated, a number of simple, proportionate measures would have prevented this particular attack: simple cordons of stewards, proper CCTV monitoring and basic patrolling are just some examples. So that cannot be the answer.

Was it simply the failures of others acting within an adequate system that allowed the outrage to occur? For the reasons we, and just about all others, have

stated, it is plainly the case that there were multiple failures by relevant core participants which contributed to this tragedy. If the system was adequate, how were those multiple failures allowed to occur? A system which provided no standard beyond that provided in civil law and health and safety legislation, a system which neither provided nor required proper counter-terrorism assessment, a system without compliance or enforcement because there was nothing to enforce, a voluntary, discretionary system where commercial decisions and commercial appetite were allowed to dictate engagement. To suggest that such a system was adequate is a nonsense. It is to deny common sense, never mind the evidence.

Finally on this point, the Secretary of State asserts that in any event, the time is not now for considering the general duty because the evidence so far has been limited to protective security rather than preventative measures. The sufficiency or otherwise of measures requiring protective security are unconnected to the evidence which will be heard in chapter 14.

Given that the Government's own assessment of 22 May 2017 was that a terror attack on a crowded space such as the City Room was highly likely, despite the efforts of the security services and police, we do not

understand how evidence relating to that topic, prevention, impacts upon whether the framework of laws and regulations to require protective security was compliant with the standards required by Article 2.

Apart from determining a definitive factual narrative and accountability, the third component of an Article 2 inquiry, and indeed usually other inquiries, is the making of recommendations to prevent, so far as is possible, further similar preventable deaths. Although the making of recommendations is not unique to inquiries and inquests, judges and tribunal chairs do not generally prescribe what changes should occur because that is generally beyond their role to determine disputes between parties in civil and criminal law and the supervision of administrative decisions in public law and may stray over the line in terms of the separation of powers.

So with respect to recommendations, you are being asked to throw off the usual shackles of judicial restraint and, on behalf of the families, we would urge you to be forthright and bold in doing so. If the Government or legislature disagree with your recommendations they will not follow them, but the recommendations will have a stature which will compel careful attention. Recommendations from inquiries both

inform and assist policy and lawmakers and provide a means by which their actions can be scrutinised by others.

With regard to recommendations we note the written submissions of the Secretary of State labour under the misunderstanding that proposals for change are not currently sought. On 15 December, the solicitor to the inquiry made expressly clear in an email to all core participants that closing submissions were to address and include, and I quote "any proposed recommendations arising from the evidence heard in chapter 7".

The email was an update setting out your intention to issue a report by 22 May 2021, including, and again I quote, "findings on the key evidential issues from chapter 7 and to make recommendations for the future".

Given that the Secretary of State set up this inquiry partly to seek recommendations we recognise that she is in a different position because she will have to consider and respond to those that are made. However, this misunderstanding compounds the failure to feed the consultation document and the changes which are being considered into this process at this time.

We make no apology for having set out a detailed discussion regarding recommendations and some proposals in the appendix to our written submissions. We have

paid particular attention to framework requirements, which I'll return to in a moment, but we've also addressed policing and changes which are needed to the SIA regime. In particular, we note that we will stay off the grass as far as Martyn's Law is concerned because others are going to address it more fully, but in doing so we also make clear the support for Martyn's Law from all of our families.

Our discussion looks at how to ensure that whatever changes are made are meaningful and effective rather than consisting of platitudes and mere aspiration. As we have repeated a number of times, the whole purpose of Article 2 is to protect life to the greatest extent reasonably possible. Article 2 must be applied in a practical and effective manner and it imposes a number of duties. The requirements of Article 2 are widely construed and do not sit easily with a voluntary or discretionary approach. Relevant to this case, the state must ensure it has adequate systems and provision to do everything reasonably practicable to prevent terrorist outrages and it must ensure its agents do so operationally.

Quite separate and in addition to that, the state must have an adequate framework of laws and regulations and help other actors to do everything reasonably

possible to prevent loss of life. We have set out the case law in our written submissions and we don't perceive that that analysis is controversial. No doubt others will tell us if they disagree so that it can be properly argued.

As we have said, there is currently no enforceable framework for the safeguarding of life from the threat of terrorism. The possibility of negligence claims or prosecutions under health and safety legislation are inadequate: too little too late and after the fact.

The provision of advice and guidance by NaCTSO and the CTSA system is not minimised by us, but on its own it is manifestly insufficient in dealing with a known severe threat level against high-density crowds and crowded spaces, in particular where they arise from specific activities involving thousands of people.

Our proposals address three things: the codification of the Protect duty, measures to require stakeholders to recognise their responsibilities, and provisions to require compliance and enforcement where necessary. It does not appear that the need for codification of a Protect duty is controversial. In our view, it needs to be set widely, in sufficiently prescriptive terms, to be capable of making a real difference. It should set a requirement that those responsible for publicly

accessible spaces above a certain capacity for footfall are required to do everything reasonably practicable to minimise the threat of a terrorist attack. This would import a standard which is concordant with that in health and safety provisions and it would be compliant with Article 2 so long as it was practically enforced. In that sense it would not seek to re-invent the wheel.

Our second proposal follows from the evidence that responsibilities are not always clear and understood and from the Parliamentary Intelligence and Security Committee report, recommendation LL, which called for clarity concerning who must do what.

In our view, the evidence has shown that there is a need for two levels of responsibility to be defined. Firstly, there is responsibility arising from ownership, control or contractual duty, as in the arena and City Room, but there's also a need to extend responsibility to risks created or arising from the activities of a publicly accessible space but occurring outside its actual footprint. The ownership responsibility should be set high with requirements to put physical measures and human systems in place to ensure security. The secondary responsibility should be less onerous, for example requiring operators to engage and work with the police and other agencies to ensure

public security for those arriving at and leaving a venue.

The problem identified by the ISC and from the evidence heard in the inquiry is that those who would fall within those two areas of responsibility do not always recognise the extent of their security responsibilities and assume that others are responsible.

A requirement that all who hold primary responsibility for security should maintain a certificate setting out their security responsibilities and that it be mandatory for that document to be provided to all identified stakeholders, including insurers, would go far in resolving grey areas between them and prompting companies and authorities to work together.

We have set out in writing how this proposal would work with respect to the arena. SMG would prepare the certificate and provide it to all those it recognises as stakeholders, the freeholders, head lessors, other leaseholders and tenants of the complex, its insurers and the police force with operational responsibility. Others, such as Northern Rail and GMP and the Highways Authority, would also be provided with the document because of secondary responsibility.

In terms of the discharge of responsibilities, we

recognise the strengths of the CTSA system and the need for reasonably practical steps to have regard to resources. If the CTSA system is to continue in some form, and we think it should, we propose it should be significantly modified. Firstly, as already argued, the advisory and guidance system is manifestly inadequate for larger or higher-risk or complex venues. Those responsible for publicly accessible places of this nature, such as the arena, should be required to contract in or employ CT expertise, such as described by Colonel Latham, and, as we understand, similar to that which SMG has taken on subsequent to the bombing, a director responsible for CT measures and provision. Practically, the requirement would be apparent to most responsible owners and operators, but if necessary enforced by a CTSA certifying that the venue is beyond their capacity or resources. Clear criteria would have to be set for this determination and accreditation for experts would have to be considered in line with the evidence of Colonel Latham and Dr BaMaung.

Beyond this top tier, the CTSA system should continue but with CTSAs making proper assessments, consideration not being limited to the demise of the premises, and with CTSAs having mandatory powers to require owners and operators to take particular

measures. These changes would improve the understanding of CTSAs and move from a voluntary to a mandatory system where change is based upon risk rather than commercial interest or appetite. Such change would ensure more uniform standards and protection for the public.

As various informed witnesses and the experts have fully acknowledged, the current framework is voluntary. Some witnesses have described it as discretionary. If neither engagement with the CTSA system nor following recommendations is mandatory, there is no requirement on private corporations or public authorities to engage CT experts. There is no standard set to which anyone must comply. Because there are no requirements, there is no hint of a compliance or enforcement mechanism. Our proposals would go a long way in dealing with those shortcomings, make publicly accessible places safer and bring our laws into compliance with Article 2.

We have also added a proposal for a third tier requiring mandatory self-assessment on smaller venues and spaces below the level at which it is possible to resource the CTSA system, a suggestion driven by already available online self-assessment tools. Given that there are no requirements that these spaces currently, the proposed system would be light touch with emphasis on promoting staff awareness and basic protective

measures. The carrot rather than the stick.

For all levels weighted(?) to the higher-risk sites, there must be a compliance and enforcement mechanism. In our view, this should be an inspectorate linked to the CTSA system, empowered to issue enforcement notices and prosecute in extreme cases.

We have set out these proposals in greater detail in the written submissions. We recognise that there is no single way of ensuring that everything reasonably practicable is done to protect innocent members of the public from extreme threats. However, what we have put forward would create mechanisms which would have thwarted this attack.

This approach, or one similar, would ensure that the UK has an Article 2 compliant framework. It would load the financial burden on those who have the most resources without imposing a disproportionate burden on others or the public purse. It would meet recommendations of the ISC regarding the identification and recognition of who has responsibility for security in various scenarios and it would harness the best parts of the system which currently exist whilst moving from a hopelessly voluntary scheme to one which takes compliance seriously and allows for enforcement where necessary. It would impose a simple, understandable and

enforceable standard and it would compel all those with responsibilities to work together, whether corporations or police forces.

The loss of 22 innocent lives and the injury and trauma caused to countless others must lead to real change without further delay. To pretend that the position pertaining in 2017 and now is acceptable or that systems in place were and are in any sense adequate is to accept that the same can be allowed to happen again. We can do better than that. But only if there is a genuine intention in Government to make things better. This inquiry has a crucial role to play in ensuring that there is meaningful and tangible change and not mere tea and sympathy, platitudes and aspirations. The families I represent have had enough of condolences; they want change.

We make two further points regarding recommendations. Firstly, regarding policing primacy at the arena. If BTP had properly engaged with SMG, ShowSec and the GMP CTSAs and if BTP had properly policed the City Room on the night, then the issue of which force polices the arena may not be an issue, but the evidence indicates otherwise.

We understand the starting point that the arena complex is owned by Network Rail, but we fail to see why

that should require that a police force which exists to police railways is left to police a major entertainment arena.

The fact that the arrangement at the Manchester Arena may not be unique is nothing to the point. It may be that it is sensible for BTP to police the whole complex and station when events are not on. But on event days there is a compelling case for the local force to have policing responsibility, not only does it have greater resources but it has multiple other entertainment venues which it also polices and therefore much greater experience. At the very least, there must be a memorandum of understanding between the forces as to who is responsible for what and the level of policing that will be provided.

Finally, we have heard much evidence regarding SIA qualifications and training. There is a compelling case to require an adequate level of CCTV monitoring at a venue such as the arena and for those tasked with monitoring CCTV systems for suspicious behaviour to be properly SIA trained. Further, we note that some SIA-accredited students were very young and poorly trained and supervised. In our view, there should be far better compliance and enforcement of training, greater requirements for classroom-based training and

annual refreshers, and there is a strong case for requiring closer supervision and a probationary period for those recently accredited.

In conclusion we ask: why would anyone think that a voluntary framework was sufficient or appropriate or continue to argue that it was adequate? Essentially, this meant that security and the counter-terrorism aspect of public safety was and remains entirely unregulated.

I use strong terms here with care. It was a flagrant disregard for the safety of those attending or picking up children from the Ariana Grande concert to fail to have a director or senior manager with expertise and experience in protective security against terrorism. It was a flagrant disregard for the safety of all those people to fail to have any system which would have prevented Salman Abedi with his bomb from entering the City Room without being noticed, to skulk on the raised platform of the City Room for two periods totalling nearly 80 minutes, all without detection.

More than 3.5 years after the arena outrage, we still have no change despite all the campaigning of families and others, including police officers and others behind Martyn's Law, the Government has not even launched the promised consultation. Indeed, the

carefully drafted response to the inquiry regarding the consultation did not even set out a timetable for when that consultation will happen. Again, we ask why.

We are told the delay is COVID-related. No one had heard of COVID for more than 2.5 years after the bombing; why was no progress made during that time?

We are told the Government is sympathetic to the concept of a Protect duty and contemplating legislation. What's the delay?

We all know the devastating impact COVID has taken on our society and many aspects of our lives, but it has not made the threat of terrorist attacks less likely. Is it really contended that policymakers and those with an understanding of counter-terrorism in Government departments or indeed industry have not had the time to consider and reply to a consultation since the spring?

Whilst the Government dithers, Rome does not only continue to burn with the ever-present threat of further outrages, but this country continues to fail to have an Article 2 compliant framework for CT protection. The rule of law requires this country to comply with its domestic and international law obligations. This inquiry should make clear that it is not doing so because that would be a major driver for change.

Thank you.

SIR JOHN SAUNDERS: Mr Weatherby, I am extremely grateful. I have read part of your submissions on recommendations before you made your submissions and I am especially grateful for them. One of the matters that it occurred to me during your submissions which might be of interest to the inquiry is whether there is any similar type of duty imposed by any other country which would be Article 2 compliant as well or subject to Article 2. If anyone happened to know as a result of the answer to that then it might be of help to the inquiry in making recommendations which, as you will appreciate, are not necessarily straightforward if they're going to be detailed recommendations in relation to the Protect duty.

It may be necessary at some time for me to come back to CPs to ask for any submissions they may have on how one should look at the word "proportionate" in this context, which will undoubtedly be used and always is used, but may have different meanings in different situations. So as I say, I am grateful for your help so far, but we may well be looking for more in the future.

MR WEATHERBY: Indeed. Thank you.

SIR JOHN SAUNDERS: Mr Greaney.

MR GREANEY: Could we break for lunch now and resume at 1.50, please, when we'll hear from Mr Welch on behalf of

the families represented by Addleshaw Goddard.

SIR JOHN SAUNDERS: Right. 1.50. Thank you very much.

(12.56 pm)

(The lunch adjournment)

(1.50 pm)

SIR JOHN SAUNDERS: Mr Welch.

MR WELCH: Thank you, sir. Can you see and hear me sufficiently?

SIR JOHN SAUNDERS: Both, thank you, and I'm grateful for your speaking note as well, which I have up in front of me.

Submissions by MR WELCH

MR WELCH: Thank you, sir.

These submissions are made on behalf of Paul Hett, Paul Price and Robert Boyle. For a number of years, Paul Hett believed that his son Martyn had died on 22 May 2017 because he happened to be in the wrong place at the wrong time. He had concluded that Martyn's death was unavoidable, caused as it was by the evil actions of the Abedi brothers, and that Martyn was just unlucky to have been in the City Room at 10.31 on 22 May.

The evidence that has been presented in chapter 7 has upset, shocked and angered Mr Hett as it has shown him that, tragically, his initial conclusion was mistaken. He is not alone among our clients in feeling

this way. The truth is much, much more uncomfortable.

Three organisations had responsibility for ensuring safety and security in the City Room: BTP, ShowSec and SMG. Each of those organisations failed. They failed on the night of 22 May and had engaged in failure for months, even years, beforehand. Their failures contributed to the City Room being unsafe. Their failures enabled Salman Abedi to carry out his murderous plans, unchecked, until he detonated his bomb, causing the maximum loss of life possible. Their failures contributed to the deaths on 22 May 2017.

There are eight stark and shocking facts in relation to the events that occurred at the Manchester Arena on the 22nd. First, as you have heard, the attack occurred at a time when the terrorist threat level was severe and less than 2 months after the Westminster attack. The threat to the UK from Islamist terrorism and the threat to crowded places was well-known.

Secondly, Salman Abedi first went to the City Room at 6.34 pm. He spent only a few seconds in there before turning around and leaving. At that time, two police officers were stationed within the City Room.

Thirdly, Salman Abedi then returned to Victoria Station complex at 8.30 pm with an improvised explosive device in a bag on his back. He spent the

next 2 hours in the complex with that device on his back.

Fourth, during his second visit, he wandered back and forth throughout the complex. Between 8.30 and round about 10 pm, neither Victoria Station or the City Room were particularly busy. The Ariana Grande concert was underway and it was a Monday evening, well after the commuter rush had ended. Abedi travelled back and forth between the Metrolink platform, the main concourse of the station, the toilets, the overhead bridge and the City Room. All the while captured on CCTV, all the while weighed down by the murderous device he was carrying, hunched over, struggling at times to walk in a straight line.

Fifth, Abedi was never identified as suspicious on any of the CCTV systems that operated at the arena and its surrounds.

Sixth, he spent just short of one 1 hour and 20 minutes sitting in the City Room, firstly about 20 minutes between 20.51 and 21.10, and secondly, about an hour, between 21.33 and 22.30, the City Room of course being the same room where he was to detonate the explosive device.

Seventh, no member of the ShowSec staff, SMG staff or the BTP ever identified him as suspicious.

Eighth, no member of the ShowSec or SMG staff or any BTP officer ever challenged Abedi.

For those facts to have come to pass it is quite obvious that something went very badly wrong with the provision of security in the City Room and Victoria Station complex.

However, the evidence presented in chapter 7 goes further. It clearly demonstrates that there were a number of missed opportunities. There were opportunities to deter Salman Abedi, to identify Salman Abedi as suspicious, to engage with him and potentially to prevent him carrying out his murderous attack.

We have identified the following. First, the failure of Kyle Lawler and Mr Atkinson to observe, interact or report Salman Abedi when he was on the footbridge.

Second, the missed opportunity for someone to have engaged with him when he was in the City Room between 8.51 pm and 9.10 pm, a time when it was relatively quiet.

Third, owing to the fact that they had engaged in extended breaks, BTP officers were not patrolling the complex for prolonged periods, including a period between 8.58 and 9.36 when nobody was patrolling the

station.

Fourth, Salman Abedi was not noticed during the pre-egress checks that were conducted.

Fifth, at 10.15 pm, Witness A approached ShowSec staff member Mohammed Agha. The evidence strongly suggests that Mohammed Agha did nothing in the next few minutes, yet it was 10.23 by the time he spoke to Kyle Lawler.

Sixth, Mohammed Agha held a discussion with Kyle Lawler regarding the concern that had been raised by Witness A and the presence of Salman Abedi in the City Room. The evidence strongly suggests that Mr Lawler did little or nothing in response to whatever information Mr Agha gave him.

Seventh, despite the presence of four BTP officers within the Victoria Station complex on 22 May 2017, and despite their instructions, none were in the City Room for egress. No BTP officer spent any time in the City Room after 10 pm before the detonation of the device.

Eight, PC Corke, who had also been instructed to attend Victoria Station, chose to engage himself in duties elsewhere. He did not attend until after the detonation. In their written submissions, some core participants have suggested that it is impossible to

know what effect an intervention on any of these occasions might have had. It has been suggested that Salman Abedi would simply have detonated the device he was carrying whatever happened, even if he had been approached.

We would suggest that there is no way of knowing with any certainty what Salman Abedi might have done. What is certain is that, save for Witness A, there was no intervention because all of these opportunities were missed. Consequently, Abedi was left to carry out his plan unchecked. He was able to wait until the City Room was at its fullest at egress. He was able to walk into the middle of a crowd of people. He was able to cause as much harm as he possibly could. It could not have been any worse.

Had any of those missed opportunities been taken, there is a range of possible outcomes, any of which could have substantially reduced the impact of his actions.

(1). He might not have detonated his device at all.

(2). Other security personnel and other members of the police could have been contacted.

(3). The room could have been sealed off to prevent further people entering.

(4). The City Room could have been evacuated.

(5). He might have detonated the device at a time when there were fewer people in the room.

(6). He might have detonated the device in the more enclosed area of the room where he had been hiding.

(7). Fewer people were likely to have been in the blast radius if he had detonated the bomb earlier on.

However you get there, the inevitable conclusion is that if any of those missed opportunities had been acted upon, the loss of life would have been less, and we say in all likelihood far less, than actually occurred on 22 May.

Sir, as you are aware, the family teams agreed to divide the work between them in chapter 7. Consequently, our oral submissions, like our earlier written submissions, will focus in the main on BTP. We will today seek to explore some of the failures and other wider issues relating to BTP. We will also seek to address the root causes of those failures and issues and we will respond to some of the matters raised in the BTP written submissions.

But first we address in greater detail the three missed opportunities as they relate to BTP.

Missed opportunity 1, patrols and breaks. BTP had primacy for the policing of Victoria Station. Five officers were due to attend the station for the

Ariana Grande concert, albeit only four attended. Their role was to provide high-visibility assurance to members of the public and, as PCSO Morrey said, to look out for things.

In his email of instruction to the officers, Police Sergeant Wilson indicated that he wanted the officers' breaks to be staggered between 7.30 and 9 pm. His timings would ensure that their staggered breaks were taken after ingress and before egress.

All of the officers who were on patrol were aware that they were entitled to a refreshment break in the region of 50-minutes long. However, all of the officers took substantially extended breaks.

PC Bullough and PCSO Renshaw left the station at 7.27 to get food and went to the Northern Rail office until 9.36 pm, meaning that they were away from patrol and effectively on a break for well over 2 hours.

PCSO Brown accepted that he and PCSO Morrey went for their break just before 9 pm, whilst PC Bullough and PCSO Renshaw were still on their break, and did not return until just before 10.30 pm, thus taking a 90-minute break.

There was a period of nearly 40 minutes between 9.00 and 9.35 when there were no BTP officers patrolling the station. This period was crucially important.

Between 9.29 and 9.33, Salman Abedi walked from the Metrolink stop through the station over the walkway and into the City Room for the last time. PC Bullough frankly accepted that had she come back on patrol sooner and seen Salman Abedi walking towards the City Room in that period, given how he was walking with the weight of his backpack, hunched quite low, she would probably have asked him what was in it.

A real and significant opportunity to prevent Salman Abedi detonating his device was lost because of the lack of BTP patrols caused, at least in part, by the extended breaks taken.

Missed opportunity 2, the presence of BTP officers in the City Room for egress. Some of the BTP officers from whom you heard evidence appreciated that the City Room was an attractive target for terrorists and that egress presented a particularly vulnerable time.

Sergeant Wilson and PC Corke both considered that a BTP presence was necessary in the City Room for egress and Sergeant Wilson directed in his email that there would be one officer in the City Room for ingress and egress.

His hope, though he didn't spell it out in his emailed instruction, was that officers would have attended at the City Room prior to the start of egress

and "up to 30 minutes before, 22.00 to 22.15".

The understanding that the period during which officers should have patrolled the City Room preceded the scheduled end of the concert by some considerable time was one held by all of the junior and inexperienced officers who were at Victoria Station. Constable Corke gave evidence that if he was deployed to an event that had egress at 22.30, he would usually go to the City Room at about 10 o'clock.

However, none of the officers were in the City Room from 9.59 onwards. Instead, the four who were at Victoria located themselves at and around the entrance to the station by the war memorial from 10.01 until Salman Abedi had detonated his device.

On finishing their break, PCSOs Morrey and Brown joined them at the war memorial at 10.29. According to PC Bullough, the four officers were located at the war memorial "nattering away". This resulted in nobody being in the City Room during the egress period, contrary to Sergeant Wilson's instructions.

No explanation has been proffered by any of the officers as to why they were not in the City Room for egress from 10 pm.

The failure of any of the officers to be in the City Room meant that there were actually three missed

opportunities by BTP to disrupt Salman Abedi's attack.

Firstly, no officer was in the City Room to provide the visual deterrent that may have influenced or even deterred Abedi from committing the attack.

Secondly, the absence of an officer in the City Room meant that no officer had a chance to see Abedi hiding.

Thirdly, and crucially, is the question of what impact the presence of an officer in the City Room may have had upon the actions of Witness A. He had identified Salman Abedi as being a suspicious individual who caused him concern and had raised his concern with the ShowSec steward Mohammed Agha. The evidence of Witness A was that if he had seen a police officer in the City Room, he would definitely have approached the officer regarding his concerns. PC Bullough confirmed that if she had been approached by someone raising a concern about a suspicious character with a rucksack, she definitely would have taken action by approaching the person.

There can be no real doubt therefore that the absence of a BTP officer in the City Room for egress meant that a real and significant opportunity was missed to prevent Salman Abedi detonating the device at all or, at the very least, significantly to reduce the impact of such detonation.

Missed opportunity 3., the absence of PC Corke.

PC Corke was the most experienced of the officers due to be on duty at the arena on 22 May 2017. At the time of the attack, he had served for 30 years as a police constable and had policed in the region of 100 events at the arena over many years. During events at the arena, PC Corke tended to locate himself in the City Room and, unless directed otherwise, during egress would locate himself on the mezzanine level in order to keep a lookout for what was happening in the City Room.

In the email briefing, PC Corke was instructed to assist with the handover of a suspect arrested for a burglary that had occurred at Piccadilly Station. Sergeant Wilson anticipated that Constable Corke would deal with the matter and then go to Victoria to be present during the concert.

At 9 pm Sergeant Wilson had a conversation with Constable Corke in which Constable Corke stated that he was running late as he was finishing some paperwork and was going to get a quick bite to eat. He would then be over at the arena for egress.

PC Corke was aware that the end of the concert was scheduled for 10.30 pm and agreed that it was important that he should be at the arena for egress because of his experience. He was aware that the other officers who

were on duty at the arena were inexperienced. However, PC Corke did not go to the arena until after Salman Abedi had detonated the explosive device in the City Room.

PC Corke said that after dealing with the burglary, he realised he was running late and could not make it to the arena in time by foot or any tram. He therefore decided to, in his words, scrounge a lift from PC Martin. Instead of going the direct route to the arena via Ancoats, which he says was subject to roadworks, they went via Deansgate and on the way decided to "pop into a vulnerable point" at that location.

PC Corke's explanation for his movements are surprising. Firstly, he recorded that the action of reporting the burglar for a summons had been completed at 8.27. According to Sergeant Wilson, the only other work that PC Corke would have been required to complete in relation to this task would have taken up to an hour. At the latest, therefore, PC Corke should ordinarily have completed the task by 9.30 pm, giving him plenty of time to get to the arena for egress.

Secondly, in his evidence PC Corke said that he left Piccadilly at 10 pm. PC Martin's statement said that he paired up with PC Corke at 10 pm, then went to

Oxford Road, then on to Deansgate where what they were actually doing was, his words, "watching the trains going out to provide reassurance to the public".

Finally, PC Corke suggested that he mistimed his arrival by a couple of minutes. However, at the time he heard the call for assistance over his radio at 10.32, he was still on Deansgate. PC Corke stated that his ordinary practice would have been to locate himself in the City Room from 10 pm onwards. He was therefore over half an hour late before he received the call on the radio.

Despite his continued absence, and the knowledge that the officers who were on duty were inexperienced, PC Corke did not communicate to them or anybody else the fact of his absence or give any directions to the junior officers as to what they should do.

It is our submission that had PC Corke attended Victoria Station as instructed, he would have located himself in the City Room from 10 pm onwards, in uniform and in possession of a radio, would have been on the mezzanine, as was his normal practice, not far from where Salman Abedi was located.

PC Corke has said that whilst he would not have conducted a search of the City Room had he been there for egress, he would have provided "a general

high-visibility patrol showing that there is a police presence within the City Room to all of the security staff in the arena, the merchandise people and any of the waiting parents".

Whilst PC Corke cannot say whether he would have seen Salman Abedi from where he was, he recognised that Abedi did not fit the audience demographic and that if he had seen him for a period of time, he would have approached him and challenged him. It is probable that had PC Corke been on high-visibility patrol, Salman Abedi would have seen him and Witness A would certainly have seen Constable Corke and definitely would have approached him regarding his concerns.

The absence of PC Corke from Victoria Station and the City Room meant that further opportunities to prevent or deter Salman Abedi from detonating the device were missed.

There can be little, if any, doubt that BTP failed in its duties to ensure the safety of the City Room on 22 May 2017 and that such failures amounted to missed opportunities to prevent the attack or significantly reduce its impact.

In response to the question of whether BTP had let down the public in their policing of the City Room, Assistant Chief Constable O'Callaghan has accepted that:

"It was our responsibility to police that area and that attack happened when we were policing it and there were police officers deployed to the site of the attack and they were not there. So in that term, yes."

But this is not simply a case of individual failings by the officers concerned. This, we submit, was an organisational failure. BTP's failings on the night of 22 May 2017 have their roots in events that occurred long before, even years before, that night. There were a number of wider and deep-seated failings within BTP and its approach to policing of events at the Manchester Arena that combined to produce a series of blunders at the Ariana Grande concert. We suggest that there were at least six readily identifiable underlying reasons that led to BTP's failings on 22 May.

Reason 1, the relationship and liaison between BTP, ShowSec and SMG. The evidence that you have heard, sir, suggests that the relationship between BTP and SMG was a good one. Clearly the two organisations would communicate with one another. Individuals within the two organisations were on friendly terms and that is to be commended. But it is of little use unless it translates into joint planning and coordination. But joint planning and joint coordination between the two organisations did not exist to any degree that can be

considered close to satisfactory. There was no formal system of agreement or liaison between BTP, ShowSec and SMG prior to or during events. There were no operating protocols between BTP and SMG.

At paragraph 53 of his written submissions, Mr O'Connor Queen's Counsel on behalf of SMG stated that:

"It is accepted that there should have been better liaison at the planning level between SMG and BTP."

In our submission, it goes further. The extent of the coordination and planning between the two organisations was that once every 6 months, SMG arranged a multi-agency planning meeting to which BTP were usually invited, to review past events and consider security and safety for future events. However, according to Ms Stone, there was never a conversation with BTP concerning fans leaving a concert and officers being present in the City Room.

Nor was there any planning between ShowSec and BTP. The ShowSec head of security, Tom Bailey, (a) never knew how many BTP officers were on duty at Victoria Station, (b) never enquired, (c) cannot recall any conversation with BTP regarding a police presence in the City Room at times of ingress and egress, and (d) had no routine contact with BTP on the night of an event.

This lack of planning and coordination at a senior level led to a complete lack of coordination and understanding of roles at an operational level. The BTP officers had no understanding of the deployment of ShowSec staff at events and there was no liaison allowing ShowSec to learn where the BTP officers would be for ingress and egress.

At best, BTP officers introduced themselves to some of the ShowSec staff and had informal discussions about issues other than security at the arena. BTP officers may have been approached as and when an incident occurred, such as a member of the public causing trouble. If SMG were to require the assistance of BTP, they would have to try and send someone to find an officer or, alternatively, telephone the BTP call centre who would themselves try and contact a BTP officer at the arena.

Furthermore, no BTP officer appears to have been aware of the CCTV blind spot. PC Corke stated that he had never been told of the existence of this, nor had PC Bullough.

The effect of this is that none of the organisations really knew what the others were doing. The absence of BTP officers on patrol on 22 May 2017 would not have come as a surprise or cause of concern to anyone from

ShowSec or SMG because, quite simply, nobody from those organisations knew who the officers were, how many were meant to be there or where they were meant to be patrolling at any particular time.

Consequently, the absence of BTP officers in the City Room for egress was not apparently a cause of concern for anyone at ShowSec or BTP because they didn't know who, if anyone, was meant to be there.

The three organisations appear to accept shared responsibility for security in the City Room. It is therefore remarkable that there was never even a discussion between them as to how that responsibility should have been fulfilled, including who would be doing what, where and when in order that they could work together to best protect the public and to discharge that responsibility.

Reason 2, planning within BTP. Organisations involved in the provision of security and ensuring safety at events that are attended by tens of thousands of members of the public need to plan properly in advance. So much may seem obvious. It may be thought to be equally obvious that such planning should take account of events at the arena generally but should also include bespoke planning for specific events. Proper planning is the foundation stone of ensuring health and

safety in any environment, and policing is certainly no exception. As has been observed in the past, if you fail to plan, you are planning to fail.

It is therefore a source of surprise and concern, but a sad fact, that BTP engaged in no meaningful planning in relation to the policing of the Ariana Grande concert. BTP's tactical plan for the policing of the arena was prepared on 13 June 2014. Remarkably, and shockingly, nobody involved in the planning or preparation of the operational policing of the Ariana Grande concert was even aware of its existence.

You may feel, sir, that in evidence, and particularly that of Inspector Wedderburn, BTP had been very keen to distance themselves from that plan. Inspector Wedderburn said that it was created at a time before the structural changes to Victoria Station. But that plan was never cancelled, it was never reviewed, and it was certainly never superseded by a new and revised plan.

You may feel, sir, that the reason BTP have been so keen to distance themselves from that plan is because had it been followed there would have been more officers at the arena. There would have been more senior officers. There would have been a proper degree of

supervision. That plan established the benchmark that BTP sets itself and recognised as appropriate. BTP's failure to follow its own plan shows how badly it failed at an organisational level in 2017.

The failure even to know of the existence of the plan, let alone to follow it, meant that there was no planning for the Ariana Grande concert at a tactical level or any meaningful planning. The decision as to how many officers should be posted on a concert based simply on attendance at a six-monthly meeting organised by SMG, in our submission, cannot properly be described as planning.

Whilst operational orders were put in place for specific events that had a high risk of crime or public disorder, no operational order was put in place for the Ariana Grande concert. In the absence of such an order, there was no event commander or supervisor.

In terms of planning, BTP will point to the risk assessment conducted by Inspector Wedderburn and the briefing conducted by Sergeant Wilson, but both were grossly deficient and we shall deal with each in turn as separate topics.

Reason 3, risk assessment. Risk assessments are hardly a new or novel concept. Employers are legally obliged to prepare them. They are created, reviewed and

used on a daily basis across all industries, businesses and public services. They are important because they force an organisation to do three things: (1), identify potential risks; (2), decide how likely it is that someone might be harmed by those risks; (3), take action to eliminate or control that risk.

BTP originally suggested that the force, and I quote:

"... conducted its own risk assessment based on information provided by SMG and any intelligence disseminated by the force's Manchester or London-based intelligence bureau."

It appeared that BTP were suggesting that the only failing related to the risk assessment was the fact that it wasn't documented.

But Inspector Wedderburn did not conduct a risk assessment. On the basis of what she had been told by SMG as to what they considered the risk to be, she decided how many officers would be deployed to the event, but that, in our submission, is not a risk assessment. It did not identify potential risks, it did not identify the likelihood of someone being harmed by such risks, and it did not consider what action was necessary to eliminate or control those risks.

The risk posed by terrorism was completely ignored

because the SMG risk assessments did not adequately consider that risk. BTP made a flawed decision based on a flawed risk assessment by SMG. This meant that there were no specific measures considered, far less introduced, by BTP to mitigate the risk posed by terrorism.

The BTP written submissions suggest that there was a lot of thinking about risks. That is said to have included thinking about the terrorist threat by reminding themselves of the threat level and providing training to its officers, and the suggestion is that such thinking, combined with training, was sufficient. Such a submission is, with respect, quite clearly wrong. We say it is wrong for the following reasons.

Firstly, training may mitigate a risk or some risks, but it is only one measure of mitigation. Training alone cannot displace the need for a proper risk assessment, neither can it diminish the importance of a proper risk assessment. If it were otherwise, the universally understood and accepted concept of a risk assessment would be redundant. It is entirely insufficient for an organisation to simply say that it has trained its staff and that is enough. That is clearly wrong.

Secondly, it is plainly insufficient to identify

a risk generally, in the abstract, and think about it. You must identify specific potential risks as they relate to what you are doing and where you are doing it. A broad-brush approach of thinking about terrorism generally at a national level will not identify what needs to be done to mitigate the risk or threat in the individual circumstances of the event that is being policed. Clearly, the risk assessment that BTP carried out in relation to the Ariana Grande concert should have considered the risks posed by that concert at the Manchester Arena. Each venue presents different risks and therefore different ways to mitigate them, just as each individual event at a venue presents different risks.

Thirdly, in their written submissions BTP suggest that what is important is the quality of thought given to the risks, including the risk of terrorism, and that such thinking should be "refreshed intelligently and regularly".

However, nobody within BTP gave any consideration to the threat posed by terrorism at the Ariana Grande concert. It was not one of the matters that Inspector Wedderburn took into consideration when she was deciding on the appropriate number of officers to deploy to the concert as she freely told us. She said

that she considered the audience number and the sort of audience they are to determine how to make sure that they can get out safely without crushing points and things like that.

In conclusion, there was no risk assessment, no independent consideration of the risks that existed, no thought given as to how likely they were to occur and therefore no consideration of what measures were needed to reduce those risks, including the risk of terrorism at a time when the threat level was severe. Absent any real control measures, the minimum number of extremely inexperienced officers were deployed without any supervision. BTP demonstrated no sense of awareness at early senior or operational level as to what could go wrong or how best to prevent it.

Reason 4, briefings. BTP's briefings of its officers for events at the arena were, in our submission, haphazard. The briefings were vitally important because they should provide the officers who attend the arena with clear instruction, understanding and direction.

In the light of the evidence presented to the inquiry, it needed to be spelt out to them, the officers, that they were being deployed to protect the public from the real threat of a terrorist attack and

that required much more of them than acting like cinema ushers. The more junior and inexperienced the officers, the more important the briefings became, and the more important it is that those briefings were specific, detailed and clear.

BTP's system of briefings allowed for face-to-face briefings, briefings via a telephone call or simply via an email. Of greater concern than the method of delivery is the content, particularly in relation to counter-terrorism. Sergeant Wilson suggested that, in his words:

"Every single briefing that I would give would have an element of counter-terrorism and that every briefing would mention the threat level."

However, the evidence suggests that this was not correct. BTP as an organisation accepted in its lessons learned document that no reference was made to counter-terrorism when briefing officers.

Some officers have said that the threat level was mentioned in briefings, others have no recollection of counter-terrorism or the threat level ever being mentioned. Some recalled that the threat level was mentioned some of the time, but that was in the context of officer safety, while yet others have said that it depended which sergeant conducted the briefing and that

it would be hit and miss at best.

Of the four officers who attended the arena, only PCSO Renshaw recalls receiving a verbal briefing. He cannot remember the detail of it and has no memory of being told anything about the terrorist threat level in the briefing. PCSO Brown, a probationer at the time under PCSO Morrey, said that he was certain that there was no briefing on 22 May. PCSO Morrey himself could not remember being briefed. PC Bullough did not receive any verbal briefing but simply read the email that had been sent to her.

All four officers were sent Sergeant Wilson's email, but, as you have seen, it made no mention of either the terrorist threat level or any counter-terrorism measures or awareness.

Despite Sergeant Wilson's assertion that every single one of his briefings would reference both the threat level and counter-terrorism, none of the officers who attended the arena has given evidence that they recalled being briefed about terrorism on 22 May 2017 and the only other evidence of the content of the briefing, the email, did not mention terrorism at all.

This state of affairs points strongly to a briefing utterly lacking in detail or direction to particularly junior and inexperienced officers. They and the public

deserve better to enable the officers to carry out their duties effectively.

The direction given to the officers amounted to only three lines of text in the email, stating, and I quote:

"You will be deployed for the in and out. I would like one officer on the concourse, close to the barrier, one patrolling the City Rooms, and one patrolling [another area]. Please can breaks be staggered between 7.30 and 9 pm so we have someone at Victoria."

The briefing should have been face-to-face. It should have allocated specific responsibilities to each officer, detailing their locations and patrols, including where and when to go into the City Room. Most importantly, it should have contained a clear and explicit counter-terrorism element that was specific to the event.

The briefing was inadequate and unacceptable. It certainly was not, as appears to have been suggested, a model briefing. Its consequence was that the officers had no focus on any potential problems that might occur, no alertness to any potential threats, and only the very minimum direction and instruction. It was effectively left entirely to them to interpret. They were given no focus on how to ensure the safety of the public beyond guiding them in and out of the concert and being seen.

A more formal briefing with clearer instructions and a proper focus on counter-terrorism might have made it more likely that the officers would have followed Sergeant Wilson's directions and more likely that Salman Abedi might have been either deterred or detected by them.

Reason 5, supervision. The officers who were deployed to and attended the arena were woefully lacking in both seniority and experience. The most senior was PC Bullough who was still in her probationary period, having only been a constable for 8 months. She was accompanied by three PCSOs, one of whom was himself a probationer. In effect therefore there were two PCSOs and a PC in her probationary period.

It should have been quite clear that such a group would require a level of supervision. Sergeant Wilson said that he considered that although the officers were inexperienced, they were all very capable, and so he chose not to attend the arena to supervise them. What happened on 22 May -- extended breaks, joint patrols and failures to follow his instructions in relation to egress -- all these failings point to the conclusion that they were junior officers who clearly needed guidance and supervision.

Further, the evidence that you have heard suggests

that such failings were not unique to 22 May 2017, they had become commonplace and were entrenched. For example, PCSO Renshaw stated that it was not unusual for him to be away from patrol for such an extended period of time as he was on 22 May 2017. PC Bullough accepted that she probably would not have taken an extended break if she had been supervised. She also suggested that senior officers knew about and turned a blind eye to the practice of taking extended breaks.

Constable Corke should have been there, but the plain fact is that he failed to attend the arena until after the explosion. Neither he nor anybody else appears to have given any thought to the effect of not having an officer of any seniority or experience at the arena.

No attempt was made to ensure that anyone of seniority or experience replaced him there. This meant that the police presence at the arena was being run by a very junior officer, as accepted by Sergeant Wilson.

Was she in charge? If not, who was? PCSO Morrey considered that PC Bullough, as the only PC present, would have been in charge, but that the officers would have discussed between themselves as to who went where. In contrast, PCSO Brown did not consider PC Bullough to be in charge, despite the fact that she was the most

senior officer. Whilst PC Bullough herself did not think that she was in charge of the other officers, she thought it was Sergeant Wilson who was in charge, despite the fact that he wasn't there and had actually gone off duty at 9 pm.

The reality is that this was a shambolic arrangement. Nobody was in any way in charge, as ACC O'Callaghan accepted. The absence of an experienced officer led to a total failure of leadership at the arena, there being nobody in authority to direct or supervise the junior officers who were there. This failure led to many other issues arising that night, including no officers attending at the City Room for egress.

In its written submissions, BTP appears to suggest that it was sufficient for Sergeant Wilson to have made a telephone call, described as authoritative, to the officers. There are two issues with this. Sergeant Wilson's evidence was not that he did speak to the officers, his words were, you may think, chosen quite carefully. He said he believed that he spoke to one of the officers who was on duty at the arena, albeit he cannot remember who, because that is what he normally does on every occasion.

Secondly, none of the officers who were on duty

at the arena gave any evidence of speaking with Sergeant Wilson.

A number of the BTP officers who gave evidence before you, sir, accepted that there should have been a more senior officer supervising them, which rather runs contrary to what is suggested in the BTP written submission on this topic. For instance, PC Bullough felt that there should have been a more senior officer present at the arena on 22 May.

Inspector Wedderburn accepted that in hindsight the officers in attendance at the arena on 22 May 2017 should have been supervised by a sergeant. However, this ought not to have been a matter of hindsight. The BTP tactical plan specifically provided for the presence of a supervising sergeant at an event such as the Ariana Grande concert, and the inexperience of the officers actually deployed should have made supervision a glaringly obvious requirement at the planning stage.

We are concerned that both at a senior level within BTP and in submissions made on their behalf, there appears to be little by way of recognition or acknowledgement that BTP's failure to recognise the need for or to provide any supervision was a serious flaw which may well have contributed significantly to the various missed opportunities.

Reason 6, the attitude and approach to the concert. Why was, at both senior and junior level, the approach of BTP to the Ariana Grande concert so poor? At a senior level, why were basic principles such as planning, risk assessment, providing adequate instruction and supervision given so little attention or focus or even thought? Why did the officers on the ground simply ignore the instructions regarding egress? Why did they choose to have such extended breaks? Why did PC Corke feel able not to go to the arena at all but instead to go to Deansgate station to effectively watch the trains coming in and out?

BTP's written submissions suggest that following Sergeant Wilson's instructions is "pretty basic stuff in a hierarchical organisation". But those submissions provide no explanation as to why those basic instructions were not followed by any of the officers in attendance.

We suggest that the answer may lie in what can be discerned from the evidence generally about BTP's attitude over preceding years, which came through the approach of all the senior officers to the policing of the Ariana Grande concert and which consequently came to affect the attitude of the junior officers. In short, from top to bottom, BTP had become institutionally

complacent.

The Ariana Grande concert was considered by BTP to be a normal, business as usual event. The role of BTP, as understood by the officers who patrolled the station, was extremely limited. PC Bullough said that her role was to see fans in and out of the concert, to provide high-visibility reassurance for the public and to assist if they had any issues or required any advice.

PCSO Morrey said that the role of the BTP officers was to provide a high-visibility presence and reassurance but also to look out for things.

Even PC Corke, the BTP officer with the most experience of policing events at the arena, said that the focus was:

"To ensure that people leave the arena in a safe fashion, getting on the trains and leaving the area."

The severe terrorist threat level, the tidal wave of Islamist terrorist attacks throughout Europe in the previous 18 months, a number of which occurred at crowded places, a number at entertainment venues and a number within the UK, appear not to have crossed any BTP minds at any level or to have informed their preparation for policing the concert.

Three BTP officers made clear in their three slightly different ways, from Assistant Chief

Constable O'Callaghan at the top through Inspector Wedderburn and down to PC Corke that absent notification of a specific threat, there was either, (1), nothing that could be done or, (2), nothing that needed to be done or, (3), nothing would happen because there was no specific threat --

SIR JOHN SAUNDERS: Mr Welch, I'm sorry to interrupt you. Do you mind if I interrupt you just for 2 minutes? I have a phone in the house which is making an alarming noise, which is rather distracting. If you give me 2 minutes, I'll be back. Thank you.

(Pause)

Mr Welch, I'm really sorry about that. You may have noticed it took me rather longer to stop the noise than I expected it would do. I'm sorry for the interruption.

MR WELCH: Not at all, sir. I have not got much further to go.

SIR JOHN SAUNDERS: That's fine. These things don't happen in court!

MR WELCH: Sir, the attitude that in the absence of a specific threat nothing could be done or needed to be done, that sort of thinking, in our respectful submission, appears to have become institutionalised within BTP. It may well explain why the junior officers regarded their role as being largely peripheral rather

than essential to public protection.

Counter-terrorism and the protection of the public against a terrorist threat appears to have played little, if any, part in the minds of the officers' performance on 22 May or in their understanding of what as police officers they should be alert to when policing the Victoria complex during an event.

PCSO Brown said in respect of the purpose of BTP policing station:

"I don't believe there was such an emphasis on the counter-terrorism element. I believe it was just more of a public safety thing, watching people coming in and out of the arena itself, and if any issues came to light as a result of that."

PC Bullough said that the role of the BTP officers in getting people in and out of the concert did not involve any counter-terrorism element. Then there was PC Corke, who viewed the role as:

"To ensure that people leave the arena in a safe fashion, getting on to the trains and leaving the arena."

He said that looking for suspicious people at an event such as the Ariana Grande concert would have involved looking at potential paedophiles rather than potential terrorists. He said that it never came into

his mind that an attack might occur that night. He had concluded that an attack would not happen as there had been no indication of a specific threat to the arena that evening.

We suggest that these attitudes are to be found among the junior ranks for an obvious reason. Among senior BTP officers, there was a lack of real focus on or concern about the potential of a terrorist threat to events at the arena.

On the other hand, the training provided to the BTP officers in relation to counter-terrorism was of a high standard. The Hydra Minerva training product the officers were provided with was described as being one of the best that's available. But that alone was not, and is not, enough.

To be effective, it requires application. It is the role of senior officers to ensure that the officers on the ground apply their training appropriately. To ensure that they understand, not at least through the briefings: (1), the central role they play in the vital task of public protection; (2), the relevance of the threat level; (3), that as each day passes, with the threat level set at severe, the likelihood of an attack does not diminish simply because there hasn't yet been an attack; (4), that the absence of any specific

intelligence does not make an attack any less likely; (5), that these things are quite literally a matter of life and death.

During Assistant Chief Constable O'Callaghan's evidence he was asked about the issue of counter-terrorism in briefings and he drew a parallel with boarding an aircraft, and the following exchange took place with you, sir. ACC O'Callaghan said this:

"Answer: It's like with aviation and the safety briefing for people getting onto an aircraft. Is there any new information? It's the same information you're giving people time in and time out.

You, sir, said:

"Question: Okay, but no one suggests you shouldn't give it, do they?

"Answer: No, sir, I accept that. However, I would say acknowledging that a lot of people do not listen to it.

"Question: You have to make it somehow relevant so that each time you do it people pay attention and take notice and it affects the way they do their jobs."

And he agreed. And you went on to say:

"Question: And that's your job, to make them do that, isn't it?"

And ACC O'Callaghan said:

"Answer: That is extremely difficult if there is no information to base that new alive briefing to your officers, especially 2.5 years on from the level of that risk assessment or threat level."

Sir, it may be that it is extremely difficult, but difficult or not, it must be right to say that it is the task of senior officers to find a way of getting the message across and of creating an outlook and attitude entirely different to the "business as usual, nothing will happen" approach that held sway on 22 May.

Senior BTP officers needed to lead by example. Their attitude to counter-terrorism, when the threat level was severe, and the policing of the arena, was not a failure on a single day: they had allowed an attitude to develop in their force that simply being there was enough. This poor attitude ran from the top to the bottom of the force.

By 22 May 2017, they had become institutionally complacent, almost to the point of apathy, and there seems to be very little acceptance of that reality. Everything was business as usual because that had seen them through until 22 May.

We submit that it was this state of affairs, this attitude, this lack of any consideration of potential threats, far less of a terrorist threat, that fed into

the conduct of junior officers and was a major cause of all the failures on the part of BTP.

In conclusion, the individual errors by the junior BTP officers on 22 May in taking extended breaks, not patrolling the complex because of those breaks, and not attending at the City Room for egress, did mean that a number of real and significant opportunities to identify Salman Abedi and prevent him detonating the IED in the way in which he did were lost.

However, it would be quite wrong and unfair to suggest that the errors lie solely with those officers. There is clearly a much wider failure on the part of BTP. The lack of planning for the Ariana Grande concert, the lack of any risk assessment, the lack of any real briefing, the lack of supervision, and the complete absence of any consideration of counter-terrorism and the terror threat level do reflect a culture of complacency within BTP.

This institutional complacency meant that the officers who were policing the arena were woefully lacking in experience, lacking in seniority, lacking in instruction and lacking in supervision. Absent any direction or instruction to them of potential risks, including the terrorist risk, that they should be mindful of, absent any information about a specific

terrorist risk, their role was reduced to being present, amounting to really little more than directing people to the exits and trains at the end rather like ushers in a cinema.

This same complacency meant that the officers felt entitled to take extended breaks and that PC Corke felt able to prioritise attending at Deansgate station instead of providing policing to an event with nearly 14,500 people. The overall effect of this culture of complacency was that members of the public attending the concert were unsafe and were vulnerable to a terrorist attack.

The evidence of ACC O'Callaghan and BTP's written submissions suggest to us that no significant lessons have been learnt. There does not appear to be a proper understanding of the need for planning, the need for risk assessment, the need for adequate direction and instruction or supervision. BTP do not appear to have really considered why the mistakes were made by them. ACC O'Callaghan suggested that this was a case of, his words, "a lack of application of task". That, we suggest, is not a fair conclusion but a rather simplistic and superficial one, which serves to absolve BTP and its senior officers from any responsibility by placing the blame elsewhere.

We invite you to consider making two recommendations, sir. Firstly, in relation to training, a recommendation that where responsibility for security and public safety is shared between organisations, as was the case at the arena, those organisations engage in joint training and the training should be done on site at the venue. We see great and quite obvious advantages to each of BTP, ShowSec and SMG had they engaged in joint training at the Manchester Arena itself, particularly in relation to terrorism. This was not a small venue; it hosted events attracting tens of thousands of people.

Secondly, the failings of BTP on 22 May were so many and so significant that questions must be asked about that organisation's competence and suitability to police mass entertainment venues such as the Manchester Arena. BTP was established to police the railway network and the particular challenges that that brings. It does not have any particular experience or skill in policing entertainment events attended by the public or indeed large scale public order events. The only reason that it was involved in the policing of the arena was because the arena is situated on land owned by Network Rail.

The failures of BTP, and in particular their lack of recognition as to their own organisational failures,

lead us to invite you to recommend that primacy for the policing of all large scale events attended by members of the public, including events at the Manchester Arena, be transferred to the local Home Office force. That does not prevent BTP policing railway stations or even Victoria Station. It does not prevent them being involved at the railway station on event night and coordinating with the local force, but it will place primacy firmly in the hands of the local force that has a great number of local assets and resources, that is familiar with challenges in the locality, and has experience of policing public order events in that locality.

BTP have already been invited by GMP to cede primacy to the local force for the Manchester Arena. The fact that BTP continues to resist this suggestion only serves to reinforce the importance of you, in our submission, making a recommendation in this regard.

Sir, unless I can assist further, those are the submissions.

SIR JOHN SAUNDERS: Thank you very much, Mr Welch, particularly your timekeeping, which was impeccable. Thank you.

Mr Greaney, if we start again at 3.20?

MR GREANEY: Yes, please, and at that stage we'll hear

finally, so far as today is concerned, from Mr Cooper on behalf of the families represented by Slater & Gordon.

SIR JOHN SAUNDERS: Thank you very much. Twenty past.

(3.05 pm)

(A short break)

(3.38 pm)

MR COOPER: Can I say how grateful I am for the patience of the inquiry. I'm afraid it was one of those things that had to happen to someone, and unfortunately it happened to me.

SIR JOHN SAUNDERS: We can quite understand, thank you.

Submissions by MR COOPER

MR COOPER: Thank you so much.

We address the inquiry on behalf of the 12 that we represent, submissions made on behalf of the families of John Atkinson, Kelly Brewster, Georgina Callander, Wendy Fawell, Megan Hurley, Nell Jones, Martyn Hett, Lisa Lees, Angelika Klis, Marcin Klis, Eilidh MacLeod and Elaine McIver. Names now that are very familiar to this inquiry since we've been sitting and hearing evidence since the beginning of September.

The families who we represent have sat in person or remotely, heard the evidence presented over the last few months, and for them none of the time taken by this inquiry to explore the evidence was wasted. It was all

a necessary exercise by which I can say immediately they have gained as much catharsis and understanding and insight that could have been achieved.

Realising as I do that I address you, sir, fourth in the list of CPs, I am conscious of attempting to assist the inquiry with perhaps new issues or new approaches. But obviously, what comes with coming last is that sometimes one has to nuance perhaps all the able submissions that have been made on other families' behalves and try to assist you with an insight we particularly have on the issues raised.

Through chapter 7 it is right to say the families have obtained a much greater understanding of a number of parts and facets of this inquiry. The limits of the security regime that was in place on 22 May 2017. The level of protective security that ought to have been in place.

Thirdly, the systemic reasons why the provision for the Ariana Grande concert fell short of the standards at the time. And we emphasise "at the time", and I'll address you in due course, sir, a little about how that is an important aspect and one that, despite some of the submissions of the corporate CPs that we've seen in advance of our address to you, it does not get them off the hook.

And fourth, the improvements that must be made now, guaranteed in order to give as much meaning as possible to the loss of those lives.

We ask you, sir, as part of your process of consideration of this section of the inquiry to consider the evidence in those same four broad categories. And we know, sir, you have our written submissions in advance, whereby we put into place the arguments we make within those four categories.

The families submit that at the close of the evidence in chapter 7, the inescapable truth is that there was a failure of security at the arena, singularly and cumulatively, which enabled the terrorist, Salman Abedi, to succeed in his murderous activities. And whilst it is a matter for this inquiry to resolve whether he could have been prevented from detonating his evil bomb in the City Room, it is without doubt, we submit to you, sir, on the evidence, clear that but for the multiple failures that you've been addressed on and we'll continue to address you on a little this afternoon, the multiple failures of parties who are responsible for the arena and the protection of public in it, some lives could have been saved.

Indeed, sir, it is our overall submission that these failures were not slight or marginal failures, they were

fundamental failures and they were chronic failures. There may be multiple reasons for these failures on behalf of those responsible to protect the public: ignorance, passivity, poor training, complacency, turning a wilful blind eye, a dereliction of duty, a lack of funding, a lack of communication, a lack of leadership, a failure of systems, a failure of equipment, a failure to take responsibility and an overriding drive to penny-pinch. A virulent and, we submit, ultimately fatal cocktail.

Of course, sir, you'll be hearing from other core participants in the days ahead and we've had the advantage of reading their written arguments. In particular, we have read carefully the arguments of SMG, ShowSec and the British Transport Police, and we have read their written submissions not only with great care but not a little disappointment.

During the course of my address to you, sir, this afternoon, we'll look a little more closely at those submissions, but we must mark now, with profound anxiety, if not, on behalf of those we represent, anger, as to the various failures of SMG, ShowSec, British Transport Police in particular, those three, the failures of them to accept responsibility and the sheer distasteful spectacle of them blaming each other for

this tragedy. It is demonstrative, we submit, of their dysfunctional nature, the dysfunctional nature of all three, the dysfunctional nature of their relationships, which existed in 2017 and from reading their submissions, still exists now.

It is our submission to you, sir, overall that the families deserve a better spectacle than they're about to receive this week from them. This is a matter, sir, of them passing the buck or trying to save a buck. It might be one or the other, but for the families who seek accountability we submit it is not a very pleasant spectacle.

We ask you first to consider, as we have laid out in our document, the protective security provision on the actual day, on 22 May 2017, and the limits of it. This is our paragraph 1 onwards.

It should be marked that Manchester Arena, which opened in 1995, was a significant venue. It was one of the largest arenas, and still is, in Europe, with a capacity of 21,000. Indeed, on the tragic night of the 22nd, there were about 14,000 young people, along with their families who were waiting to pick them up and take them to the safety of their homes on this particular night.

Those charged with protecting those young people and

those charged with indeed protecting those who were coming to take them home failed miserably in their duties. When considering, as we do, the individual responsibilities and consequent dereliction of them, we also emphasise that the levels of communication and cooperation between different stakeholders failed to meet the standards required at such an interrelated venue.

For all the alleged intimacy of the relationship between SMG and ShowSec, that piece of evidence is perhaps in the same category as much of the evidence we've heard from them: fine words and fine talk, with little substance.

Dr BaMaung made it crystal clear. He said this:

"The security operation at the arena would have been greatly improved if there had been closer liaison and planning between all the organisations involved on event days including SMG, ShowSec and British Transport Police, but also the Greater Manchester Police."

Your expert said this:

"That as far as Greater Manchester Police were concerned, although not involved in events, they should have been made aware of the dynamics to be able to make an appropriate response if required to assist British Transport Police."

These are not the words of any partial witness, these are the words of your experts, and we echo the observations made, and we need repeat them, by Mr Weatherby concerning what we would submit was the disgraceful treatment of those witnesses, who were independent individuals appointed by you to assist this inquiry, who were needlessly vilified by certain parties during the course of examination.

We accept that by virtue of the structure, the ownership and the interrelationship between a number of people and a number of organisations in and around the arena, that relationship was complex and that indeed a level of cooperation, understanding and willingness was required to keep the City Room safe. We say that particularly having in mind issues relating to the security perimeter, which of course you've been addressed on already.

SMG, though, bear a fundamental responsibility, we submit, and they cannot shirk from it, for providing the safety to young people and those attending in the City Room and at the arena. In many respects, the forthcoming submissions to be made on behalf of SMG come as no surprise to those we represent. Astoundingly, on the face of the evidence, and despite the fact that we have all heard it and sat in the same room with them,

they continue to deny and to shift blame, a trait not exclusive to them but again profoundly disappointing.

We précis that with the evidence that SMG will now have to deal with, to put into clear focus, and to question themselves before they make their final address to you, sir, later on this week whether that prevarication, finger-pointing and blaming other parties is really appropriate in the context of what you and the families require.

Because so it is that SMG were at all times responsible for security and safety of all those within the complex, neither SMG or ShowSec's documented risk assessment process took any sufficient account of the subsisting threat of terrorism, despite, as you know well by now, and many people have heard it said on a number of occasions, despite the level, the national threat level as being severe.

Let's remind ourselves, if we may, that severe means that an attack was highly likely. ShowSec were not provided with the SMG risk assessment, an example of that breakdown of communication between this so-called intimate set of corporate bodies.

Furthermore, the minutes of the multi-agency planning meeting betray a complete lack of appreciation of the particular and distinct requirements to protect

the demographic which made up the audience for an Ariana Grande concert.

At SMG, no one individual appears to have been seized of responsibility for coordinating protective security provision at the arena. And as you heard, SMG neither employed nor commercially contracted for specialist counter-terrorism advice.

Again, sir, we're acutely conscious that you've been addressed all of the day on these particular issues, but it is worthy of repeating just a few of the highlights, knowing full well that the defence, if one can call it that, of SMG and ShowSec to all this is effectively passing the buck or arguing, "Well, we go by contemporary standards". We'll meet that in a moment.

They appear, SMG, to have expected the CTSA, Ken Upham, to audit or sign off their protective security provision, but that was a misunderstanding of his role and, we submit, an abdication of their ultimate responsibility to determine sufficiency and effectiveness. One of the words which, we submit, pervades the whole of the attitude of either SMG, ShowSec or even British Transport Police is the word "passive".

Time and time again when you were hearing the evidence, sir, we submit that that was an element of the

attitude by all parties at certain different stages of this process to their duties: passive and reactive. And perhaps it's indicative of that passive and reactive approach that they continue to try and pass the buck and finger-point at each other.

But they cannot have been unaware of the risks of the day. SMG were acutely aware of the European terrorist attacks that had preceded May 2017 and discussed them. At no stage did they structurally review their security operation as they had been advised to do by NaCTSO. It's sometimes, with all the evidence that we've heard, some complex evidence, and some evidence given astutely by experts or other leading figures in the field, to actually stand back and appreciate the crass misunderstanding of these individuals who were supposed to protect the public.

We perhaps can get lost at times, we submit, in the detail. When we hear from SMG and ShowSec, as we no doubt will, dealing with contemporary positions, well, things have changed, we've learned our lessons, it's all hindsight -- those, as it were, sprigs of garlic against having to take accountability. It is important, sir, for us to get back to the basics, in our submission.

What was happening in Europe? What was happening in the world at the time that Ariana Grande sang her first

song on 22 May 2017? It is not necessarily something which required these individuals, who were supposed to protect young people, to grapple with in any great detail or in any great book or in any great report. Most people sitting in their front rooms watching the news would have told you, sir, at the time, "We live in dangerous times", and it is utterly incredulous and dismissive of those we represent, in our submission, that in some way the decision-making process by SMG, ShowSec and British Transport Police at the time in particular, in some way needed specialist advice in the world that they were living in at the time.

The only analysis of stewarding undertaken at the arena in the years before the attack was commissioned as an efficiency or cost-saving exercise, which again hits the tone that we have been attempting to assist you with over the last few months of penny-pinching. This is what these corporate institutions, in our respectful submission, were about: making a buck, penny-pinching.

This is what drove them and this is what, in our submission, led to a situation where young people were not protected at the arena.

A subsequent review of that exercise sought to fend off further proposed staff reductions by pointing out that many industry peers that had then increased their

staff numbers in the light of the national security climate was a relevant matter to be considered, neither exercise resulted in any uplift to the protective security regime in place at the arena on 22 May.

SMG executives even attended these seminars, one for instance at the Accor hotel, to listen to presentations. One asks oneself rhetorically, what were they doing when they were there, what were they hearing? Were they listening to the importance at those seminars expressed of effective grey space security?

The presentation acknowledged the consequences of the increased security which they proposed would correspond with an increase in cost of about 20% above the regular. Was that one of the reasons why perhaps, when these corporations were attending these warning signal conferences that it was perhaps not necessary to their tastes to provide that protection to young people and members of the public who were attending at the arena?

As Miriam Stone said:

"SMG was a commercial organisation which was resistant to spending more money than was needed. They also did not want to look like Fort Knox."

We are here to submit to you now, sir, Fort Knox SMG and the arena certainly were not.

SMG executives who attended the Accor hotel presentation quickly dismissed applying its teachings to the arena. There's no minute or other record of any subsequent formal or informal discussion, and neither was the matter raised with SMG's landlords or co-tenants.

Approximately 6 months before the attack on the Ariana Grande concert, the McDonald's outlet in the City Room closed, materially altering the make-up and use of the City Room mezzanine, an area which remained part of one of the busiest entrances and exits to the arena bowl. In the months that preceded the attack, there had been no consideration or review by SMG or its agents as to how this change might impact the security challenges presented by the City Room, challenges that they all appear to be aware of that were complex.

CCTV, a protective security system, CCTV system, was in place across the arena site, with cameras covering internal and external locations. And as you know, sir, the system had a substantial and ultimately significant blind spot within the City Room along much of the mezzanine. It bears repetition: a blind spot that Salman Abedi certainly spotted. And if someone like Salman Abedi could spot it, a man that doesn't even have the intellect to open a toilet door without getting into

trouble, one wonders what on earth SMG and ShowSec were doing when attending to that blind spot.

Why was it such a revelation? Despite this, the existence of the mezzanine blind spot was not recorded in any document or plan, and nor were any CCTV operatives or stewards trained that it existed. Few, if any, of the SMG executives, ShowSec senior officers or CCTV operatives themselves even knew of its existence. I emphasise again: a man who couldn't even open a toilet door did.

Of those who gave evidence, only Michael Edwards suggested he'd have been aware of the mezzanine blind spot before May 2017. Indeed some of the SMG executives seemed to learn of the existence of the blind spot only through this process.

Your expert, Colonel Latham, said that the mezzanine place was a significant position in the City Room as far as security was concerned. It was a significant hiding place, a CCTV blind spot. Given that there was a blind spot where the mezzanine was, or this particular part of the mezzanine, your expert, sir, said all the more reason that it needed to be checked on foot as there was no other way to check it.

So we have a proliferation of issues, again coming from and isolated by Colonel Latham. If there is

a blind spot, there shouldn't be. If there is a blind spot, those responsible should know about it. And if they do know about it, they should put in other measures to check a very dangerous area. The fact was that was the area where a terrorist like Salman Abedi was most likely to hide. Indeed, again, this man, who certainly is not presented as being the greatest of intellects, managed not only to know, for instance, that there was a blind spot, but also seems to know the precise position on the mezzanine to hide.

His reconnaissance work paid tragic and evil dividends for him. We ask again, rhetorically, on behalf of the families: if someone like him can work this out, why is it that those responsible for the protection of the families, those that died and indeed those that were going to collect them, why indeed did they not know this and take remedial steps? Because the things go together. If the blind spot had been known of and could not have been for whatever reason corrected, then it is more acute in our submission that your inquiry looks into the patrols on the mezzanine.

Sir, on 22 May 2017, as was typical, as egress approached, the one camera that could provide some limited coverage of the mezzanine was instead trained on the internal arena doors. It had been put in that

position by those in the Sierra Control Room who had primary control at that time. The precise configuration, location and inherent difficulties in viewing of the monitor screens within that control room is well-known and you've had it addressed to you on a number of occasions.

As was their habit, none of those in Sierra Control on 22 May were in fact watching the footage proactively and nor were they looking at the footage for any purpose of detecting suspicious individuals. Instead, the focus of their limited attention on CCTV was crowd management, and they depended upon being alerted to other relevant incidences by messages to them by others.

On the contrary, those in Whiskey understood that during a show, the primary responsibility for monitoring the CCTV rested with Sierra and with it control of the moving cameras. A resting point was that no witness asserted that at any stage during the course of the concert had the camera with the view of the mezzanine steps been operated so to profile individuals or otherwise conduct protective security considerations of those within the City Room. It is, as it were, as far as the mezzanine is concerned, the perfect storm of incompetence when one traces it back from the blind spot to the activities in the control room.

In any event, none of the staff who monitored the CCTV in either control room had received accredited external training on just how to find, detect or even notice individuals involved with hostile surveillance or suspicious behaviour that might indeed be identified through CCTV.

Despite repeated requests being made to senior executives of SMG, none had obtained the relevant SIA CCTV licence, which would have trained them in those very topics and, sir, let those who may submit, if they will, later this week that this is all hindsight or this is all practices of the day, let that be just one, and we'll come to many others, incident whereby on the day, on the day, repeated requests -- I don't mean on the day of 22 May, but on the day, as it were, contemporaneously in 2017 -- at the time, repeated requests being made to senior executives of SMG concerning SIA CCTV licences and nothing done.

We will not, if you'll excuse us from being so assertive, sit here on behalf of those we represent knowing full well what is coming from these individuals allow it to be asserted that it's all hindsight and it's all not judging by what was happening at the time. That is wrong and we submit that is misleading.

The camera operatives received on-the-job training

from an internal trainer. The training received had focused simply on the locations of cameras and the functioning of the system itself and the trainer had last received external CCTV training in 2001 on a course that had covered only data protection issues that might arise in the monitoring of CCTV and not including any element of hostile reconnaissance or the identification of suspicious behaviour.

We read with great interest the submissions of ShowSec in particular when it was asserted that perhaps the appearance of Salman Abedi was only perhaps distinct by his headgear or by a rucksack that he was carrying. Unless of course these submissions change between now and whenever, that is what is being said.

We were surprised to hear those submissions, particularly in the light of what Colonel Latham has told you. Salman Abedi wasn't just a man wearing a cap with a rucksack. Colonel Latham gives you, sir, a list of identifying and concerning features that would have brought an individual like Salman Abedi, or should have brought an individual like Salman Abedi, to the attention of those properly trained to monitor either by camera or on the floor.

His headgear, yes. But not just that. That he was overdressed for the weather. You'll remember, sir,

evidence that you received which indicated that the temperature was in the high 60s, and indeed other individuals reported Abedi as being overdressed for the weather. That Abedi was walking against the crowd. These are all issues that Colonel Latham has raised. That at times he was standing still and looking at the queue. That he didn't fit the demographic. That he was turning around and looking around. That he had two mobile telephones. That he looked nervous. And of course, yes, that he had a backpack.

But let's again, sir, if we may, just deal with that. As Colonel Latham tells you, not just a backpack, but one that was unusually large, heavy, and so heavy that it was affecting the gait of the terrorist, and despite all this it seems that you may hear submissions tomorrow, unless they're changed overnight, you may hear submissions tomorrow that the only worrying feature that Abedi presented at the time might have been some headgear and a backpack. When you, sir, and others hear that submission we submit it should be taken in the context of what we have just submitted to you.

And of course you'll hear the evidence, sir, repeated to you, no doubt, by those tasked with the safety of those we represent that: oh well, this is an area where a number of people may or may not at certain

times carry backpacks. We again commend to you, sir, the evidence of Colonel Latham. He said this to you:

"Not many bags were seen in the City Room."

And Colonel Latham graphically indicated to you, sir, that he played a game, if it can be call that in a crass way, of spot the bag, as he put it. He didn't see, said Colonel Latham, many. You'll remember, sir, that there was indeed an operation going on to prevent that anyway happening.

But Colonel Latham adds, if it be suggested to you, sir, at any stage during the course of the week that there was nothing extraordinary about someone being in that area with a bag, Colonel Latham adds that this bag was extraordinarily large and heavy.

The high point, it seems, of SMG's argument is that Salman Abedi looked suspicious on 22 May 2017 in that he was carrying a large rucksack and remained on the mezzanine floor for a period of time. Listen carefully tomorrow if that's what they're going to repeat and whether they also repeat the other catalogue of identifying features of a potential terrorist that were missed by SMG, ultimate responsibility, and by ShowSec, who were supposed to be doing their job.

SMG had all the advice, the knowledge, the experience and resources required to meet the threat

which emerged on 22 May 2017. The problem was not the advice; the problem was failure to implement that advice. Apologies to Greater Manchester Police because those are their words, not mine. But we adopt that for the purposes of our arguments today. SMG had all the advice, the knowledge and experience and resources required to meet the threat; the problem was the failure to implement that advice.

We on behalf of the families we represent don't take sides. The concerns we have are quite simple: how it came that these people lost their lives and were put at risk. We simply put the competing arguments, which each and every time we look at them highlight the unseemly squabble between those who really should be protecting the public and accepting their accountability.

Again, on the issue of the mezzanine floor, which we could, and we won't, have gone into far more detail on but adopt the able submissions that have been made in advance of ours. As your expert again says, there were people on the mezzanine floor who also thought Salman Abedi was suspicious:

"If a uniform had gone up, it is likely that Salman Abedi would have been pointed out to them."

That again is Colonel Latham:

"If a uniform had gone up, it is likely that

Salman Abedi would have been pointed out to them."

There's really no getting round this, no getting round this that someone charged with the protective duties that they were charged with should have walked up those steps at the very least and done their job.

Patrols. SMG were contractually required on the position of doing their job to undertake regular foot patrols of the arena complex on a 24-hour basis, and ShowSec, as SMG's agents, had already been signatories to that agreement, establishing that obligation. These are the Deister patrols that you've heard much of and that, certainly as far as we are concerned on behalf of those we represent, has caused profound concern as to the way they were executed.

Those who undertook the patrols were trained to look out for people loitering or otherwise behaving suspiciously. Whilst it's recognised in evidence that such patrols ought to have augmented CCTV monitoring, and in particular taking into account the blind spots, the arena Deister patrol route had not been designed to do so. As it happened, the standard Deister patrol route did in fact include checking the City Room mezzanine and the very space behind the raised area where Salman Abedi secreted himself on 22 May.

How many opportunities, sir, we ask rhetorically,

did the people charged with the protection of these young people and those waiting to see them and all of those attending the concert, and in particular those who tragically had their lives taken away from them -- how many more opportunities do SMG need, do ShowSec need, do British Transport Police need to do their jobs?

Whiskey Control staff were instructed to perform four Deister patrols per 12-hour shift and so eight in any 24-hour period. On 22 May 2017, the last Deister patrol took place at 12.12, only the third to have been conducted that day. From then, no other patrols with a counter-terrorism element were conducted in the City Room. We commend our analysis to you, sir, in our document beginning at paragraph 1.20 on, again, the complete dereliction of responsibility, which may -- may -- have detected, deterred Salman Abedi and, let me add my realistic submission to those that have already been made, it would have been my pleasure to have said that by detecting him, the bomb wouldn't have gone off, but maybe it would, and the point well made by others before me, which we emphasise now in our submissions, the point is: if this evil man was to detonate his bomb, it may have occurred not at the height of egress but on an occasion where tragically others may have been casualties, but fewer and less. Tragedies though they

might be, but the level of this tragedy by people doing their jobs could have been curtailed.

In 2017, the Deister patrols were habitually not performed during the currency of an event. Indeed, SMG executives have stated that it was their expectation that ShowSec would discharge that responsibility on their behalf during the hours of an arena event, at least as much as within the City Room. On the other hand, ShowSec witnesses and representatives stated expressly and repeatedly that they did not accept that they'd been asked to discharge a contractual responsibility for Deister patrols.

Stepping away from that particular dispute, the simple position is that the contractually required site-wide counter-terrorism patrols were never performed during the hours of an event when the need was greatest. An absolute scandal. How it can be that two such close commercial partners, so intimate, we are told, together can have such a failure of communication has never been adequately explained. Your expert, Colonel Latham, says this:

"There's no logic to there being fewer patrols on an event day than on a dark day. It would amount to reducing security when you are busier."

It would amount to reducing security when you are

busier.

Utterly illogical and that's the nicest thing, we submit, about it. The patrols ShowSec performed during the currency of an event, we know, pre-egress checks, and at times during the evidence it appears to be a matter of contention between SMG and ShowSec as to whether such checks should have a counter-terrorism element and whether it has been agreed that they would include a check on the City Room mezzanine. I hesitate for a moment to clumsily pray in aid the reasonable bystander test or the outdated man, person, on the Clapham omnibus, but that there should even be a debate between SMG and ShowSec about whether these patrols should contain a counter-terror element to them is astounding. It's astounding generally and it's astounding that in the context of what was going on in 2017, and we remind your hearing, sir, that there had been most recently about four atrocities already around this period, terrorist atrocities. It is astounding that whether or not these patrols should have incurred a counter-terrorism element before 2017, why is it even a subject of discussion that it shouldn't then?

These are important matters, in our respectful submission, sir, that your inquiry should resolve. From the families' perspective, however, the truly important

facts are not contentious. The pre-egress checks undertaken on 22 May 2017 did not have a counter-terrorism element to them and the mezzanine area was not checked at all, whether for suspicious behaviour or otherwise.

The person charged with undertaking the pre-egress checks was Jordan Beak, and Jordan Beak undertook those pre-egress checks at 20.00 hours and 22.09 hours. On neither occasion did he go to approach the mezzanine. His route across the City Room took him close to the wall on the opposite side on both occasions. Those times, sir, in our submission, as far as Mr Beak's patrols are concerned, are important. We emphasise them again. He undertook his pre-egress checks at 20.00 hours and 22.09 hours. Back to your expert, if I may, Colonel Latham. He said this:

"The opportunities to disrupt Abedi on 22 May are those 20 minutes when he's in the City Room between 20.51 hours and 21.10 hours, and during that hour when he's within the City Room, between about 21.30 and 22.30, with the disruption either by the means of him being spotted by the CCTV or of being spotted by someone on the ground, either by ShowSec or British Transport Police."

So those times that Beak is undertaking pre-egress

checks but not on the mezzanine are the times your expert says were critical to the detection of this terrorist.

Mr Beak refused to accept during the course of his evidence that what he had done on 22 May was in breach of the requirements of the document that we refer to in our submission:

"Entire City Room area, including McDonald's and JD Williams entrance."

Mr Beak steadfastly refused that what he did was in breach of any description within the documents that he'd been referred to. He asserted that the mezzanine was outside his jurisdiction, that was his word, and that he'd been trained by ShowSec to do just as he had done for the pre-egress check. From his perspective, his only responsibility towards the mezzanine area was limited to the two short staircases and then his function extended only to asking those sitting to move. He maintained that he'd been able to fulfil his function on the opposite side of the room.

When shown footage of himself going up to the mezzanine on that occasion, Mr Beak reiterated his understanding that it was not his responsibility to check the area for suspicious persons.

It is of note to those we represent both that

Mr Beak's view of his pre-egress and mezzanine responsibilities seemed to be in accordance with the working practices of other long-standing and senior ShowSec colleagues, although seeming in flat contradiction, we submit, with the documentation setting out the scope of counter-terrorism mitigations ShowSec had agreed to provide in the area.

This is an important observation we make, we submit, sir, in terms of the passing the buck attitude of ShowSec and SMG and particularly when it comes to picking on individuals. Of course we have our criticisms when it comes to Mr Lawler and Mr Agha and other individuals, but it does not get ShowSec and SMG out of the woods, if we may put it that way, by suggesting that Mr Beak's approach is in some way bespoke to him. We emphasise that what he was doing on the night is very similar to the working practices of other long-standing and senior ShowSec colleagues.

We make our submissions in some depth within our document and we commend them to you. In short, the threat level at the time, as we've emphasised, was severe. The City Room during egress is going to contain many people, as your expert obviously concluded, and is attractive to the terrorist. The mezzanine is where a terrorist may hide. It is therefore somewhere which

should be visited on a pre-egress check. Detonation may not have been prevented, but as your expert, Colonel Latham, said, the loss of lives would have been reduced.

We have addressed you in some depth on profiling, I won't repeat those, but all that should mesh with our submissions on the mezzanine. Should individuals have received training as to profiling? The detection and recognition of Salman Abedi would have been quicker and more efficient.

The failure of pre-egress checks, yes, sometimes and to some degree can be put down to individual responsibility, but that is no way out. Because as you have been told by Colonel Latham, the failure of pre-egress checks is a lack of leadership and management.

So lest again there be finger pointing in the next few days ahead, we urge you, sir, to remember the evidence of Colonel Latham. The failure of the pre-egress check, he tells you, was down to a lack of leadership and a lack of management. He says SMG have a responsibility to ensure sufficient management and supervision. Finger-pointing will not get them out of that one.

We do not subscribe to the corporate scapegoating of

any individual and although we have criticisms, and others have echoed them and we won't repeat them, of the conduct and behaviour of Mr Lawler and Mr Agha, we keep a lot of our focus on the corporate enterprise. We agree that the conduct and behaviour and fulfilment of duties by Lawler and Agha were at times substandard. But equally, we agree with Colonel Latham when he urges you to conclude that it's all well and good to focus on the failures of individuals, but it would not be fair because they lacked direction and supervision.

So again, we agree with your expert on this. Whilst it is right to apportion what accountability you feel is appropriate to individuals, be it Lawler, Agha or others, we echo again Colonel Latham when he says they lacked direction and they lacked supervision.

You've been addressed on, for instance, Mr Agha receiving no briefing or explanation for his role on 22 May. He didn't even know the location of the station to which he had been appointed. He was told the location was like any other event.

The particular purpose, for instance, of the grey door position was not safety but revenue protection, we submit, and you'll remember the tranche of questions that I and others put to witnesses concerning the grey door imperatives.

The twin failures to provide Mr Agha with either a clear briefing of his role or written notes of instructions were each breaches, we submit, sir, of the arena licence. And whilst submissions can be made about individuals, sometimes young individuals with little training and experience, let alone of life or otherwise and where some of it may land and be appropriate, it will not in our submission and should not shift the blame from those who were ultimately responsible: leading corporations, SMG, ShowSec, who should take responsibility and not finger-point.

Kyle Lawler was deployed to other duties away from the bridge for more than an hour between 21.04 hours and 22.23 hours. On his return journey to the City Room, he was intercepted by Mr Agha and had Christopher Wild's information relayed to him. This redeployment meant that Mr Lawler was in no position either to see Abedi leave the City Room at 21.10, nor his return for the final time at 21.36, on each occasion burdened with that heavy rucksack that we've described on previous occasions and we again repeat the description that existed at the time over and above a hat and a heavy rucksack.

Despite observing Abedi's appearance and behaviour, at no stage did Mr Agha seek to approach him or engage

him in conversation and nor did he relay his observation to any colleague. And sir, you've been addressed on the level of training and the approach to training, not only of those corporate organisations but also of the individuals.

What you will be, in our submission, in no doubt about is that by the end of the evidence there's no dispute that Mr Wild had communicated to Mr Agha that he considered Abedi to be suspicious. Abedi had placed himself out of eyesight and was in possession of his large rucksack and he was being evasive and giving unsatisfactory answers when challenged by Mr Wild, something that chimed with what Agha described as his lingering impression of Abedi.

Agha asserted that he had reassured Mr Wild and told him that his concerns would be acted upon expeditiously. Mr Wild was also to say that had there been a police officer in the City Room at the time, he would have reported the matter to that officer.

Sir, the issue of training is important. ShowSec, rather than SMG, trained the stewards who worked at the arena, and in many respects that is their responsibility so far as that training is concerned, always remembering, as we do, that overall the contractual duties were with SMG. Those stewards were employed on

zero hours at minimum wage and were expected to undertake the training online for commercial reasons in their own time, at their own expense and using whatever devices were available to them.

The independent experts considered that the counter-terrorism and identifying suspect behaviour training provided was inadequate. The gaps in the content of that training was too text based, say the experts, for young and inexperienced staff with poor educational attainment and some had been lifted verbatim from Wikipedia.

Most fundamentally, there was no checking of those who had undertaken the training, no monitoring, and you'll remember the evidence of how speedily some individuals went through their training.

On the back of that, ShowSec say, and will say, that their people were well-trained, an experienced workforce provided to SMG -- this is what they say in their document -- and in fact, a telling expression from ShowSec, they provided SMG with more than was being paid for. An interesting observation. Not sure where that lies, save it shows a mindset, we submit, in the way ShowSec express themselves in their written document. They say that their staff are well-trained and experienced, provided to SMG. In fact they were more

than was being paid for.

One wonders, sir, looking at that written submission from ShowSec, what perhaps they had paid for. What perhaps deficient service, by noting ShowSec's observation there, might have even been provided if ShowSec had not provided a quality above that which was being paid for.

We indicated at the start of our submissions that the families find it, at the very least, distasteful that the passing of the buck, the pointing of the finger continues. And we ask you, sir, at the end of these submissions, as far as the protective element of the arena and the City Room is concerned, to look beyond that. Look beyond the suggestions being made by these parties that they are not responsible for things they clearly are responsible for.

Sir, that applies not only to ShowSec but, as we have indicated before, to British Transport Police. Of course it's said that it was for SMG, ShowSec say, to assess the risk of those attending at the venue and ShowSec accepted the inadequacy of that risk assessment. But ShowSec should not leave it there. They will submit tomorrow that there was little guidance in 2017 to a company like ShowSec as to how to complete counter-terrorism risk assessments.

Sir, again, in our submission, that matters little. One of these organisations, if not both, are responsible for the protection of the public and the arguments between the two bodies are encapsulated, we submit, on the mezzanine issue.

Policing. Again, touched upon by counsel who addressed you only recently and, of course, British Transport Police having primacy for those duties. Whilst it was suggested by British Transport Police in evidence that the 2017 changes in the design of the Victoria Station and the City Room overbridge somehow diminished the relevance of a previous 2014 plan, no evidence has been provided by them that there's ever been a review or re-evaluation of the context of that protective plan. The reasoning relied upon jars with that document.

Had the current tactical plan been followed on 22 May 2017, at least one sergeant, four constables and two PCSOs would have been deployed to police the Ariana Grande concert, with consideration being given to the deployment of additional resources, including explosive detection dogs. The resources that were, as you've heard, sir, in fact allocated were no sergeant, only two constables, and two PCSOs, with the addition of a PCSO in training.

In the event, the senior constable allocated did not attend the arena until after egress and after the explosion as he had been caught up in other duties. The officers allocated to police the concert had been instructed by their sergeant. They were instructed to stagger their rest breaks and to take them between 19.30 hours and 21.00 hours, being present for both egress and ingress, and at those times to patrol four separate locations, expressly including the City Room.

What you've heard from others submitting to you on British Transport Police and what we present to you in summary form now again, we submit, is a dereliction of the duties that British Transport Police held or should have held towards those they were there to protect.

Let me pause a moment before I reflect on the submissions which we submit, made on behalf of British Transport Police and in writing, which we find -- and there's no other word to use -- distasteful, and I'm going to read them to you. I'm going to indicate that the matters that counsel for British Transport Police urge upon you within these paragraphs, 80 to 81, should be completely expunged from your mind.

In two paragraphs, which are some of the most condescending paragraphs that I've read for some time in relation to those we represent, British Transport

Police say this:

"The inquiry has deliberately indulged a certain amount of speculation, partly in an effort to encourage free expression of ideas and feelings, perhaps through therapeutic reasons ..."

How condescending:

"... but that indulgence [says Mr Gibbs] was always contingent on the need at this stage in the process to return to a more judicial stand and analysis ..."

Says Mr Gibbs on behalf of his clients:

"... requiring courtroom wisdom and judicial skill."

He goes on:

"It is natural to want to follow one's imagination out of the tangible misery of what actually happened into a sunnier, hypothetical scenery with less ghastly consequences. It is a comfort to be able to imagine the lesser of two evils and the brain longs to believe that the lesser might have been possible. It therefore requires great strength of mind and cold logic to resist a siren of 'if only'."

It gives me no pleasure to make this submission that we submit on behalf of those we represent, those two paragraphs are completely and utterly inappropriate as far as those we represent. Let me make it very clear indeed: your indulgence in allowing questions to be

asked by all counsel in this matter is nothing to do with therapeutic reasons, as my learned friend Mr Gibbs on behalf of British Transport Police seems to think, and one assumes his clients think, it is to do with getting to the root of the matter and finding the truth and allotting accountability where it is appropriate.

As for "following one's imagination out of the tangible misery of what actually happened into a sunnier hypothetical scenery with less ghastly consequences", if it's being suggested that those who we represent, the bereaved, who lost loved ones during this process, are in some way trying to delude themselves into an approach which doesn't hold forensic substance, then we strongly condemn that approach and we would ask in due course whether the terminology at paragraphs 80 to 81, when Mr Gibbs does address you, is completely and utterly withdrawn.

It is condescending and it is inappropriate. You do not allow questions for therapeutic reasons. Those we represent represent an intelligent -- a cohort of integrity and dignity who understand this process and have demonstrated that they understand this process and they understand what questions can be asked and they understand what questions can't be asked and at times have had to take painful positions, understanding the

questions they would like to be asked cannot be asked.
They find, and we find, the approach of British Transport Police here to them within those paragraphs condescending and unnecessary. But perhaps it does belie an attitude of condescension that still pertains here that how dare we perhaps criticise, as other counsel have, the behaviour and the guidance and the instructions given to British Transport Police as if we are in some way going off on a frolic of our own.
We submit to you, sir, that the evidence you have heard and which I am not going to repeat or exacerbate your patience about, late is the hour and others have dealt with it, but we submit there is a wealth of evidence before you about the inept behaviour of British Transport Police, either individually or indeed corporately.
You have been addressed, for instance, on issues relating to members of British Transport Police going to get their kebabs and disappearing for inordinate amounts of time in totally unacceptable ways and for totally unacceptable periods of time. We deal with it at page 32 of our submissions and I won't repeat them here.
But in those submissions, around page 31 and 32 and onwards leading into 33, you will see that we have highlighted, sir, the consequences of those derelictions

of duty. And they were derelictions of duty. And whilst we recognise the heroics performed by at least one of those individuals after the detonation, and after the explosion, that does not take away in our submission accountability for what happened before it.
You have heard, sir, submissions about the possibility of Salman Abedi being detected or indeed being deterred from what he did. And from the way British Transport Police behaved on that night at that time, including the non-attendance of Corke, a man who probably would have walked upon the mezzanine floor and who probably would have spotted Salman Abedi, it is a significant lapse and dereliction of duty, in our submission, that British Transport Police cannot answer by suggesting that in some way the families are performing their duties in relation to therapeutic courses rather than what we are doing here: trying to get to the truth and trying to hold those accountable accountable. We do not take kindly to being patronised. Forget whether I do, the families don't. I'll move on.
I mentioned very briefly, and I'll ——
MR GREANEY: Sir, I can see that you're attempting to talk. Your microphone is on mute. The chairman was, I could see, attempting to address you, but his microphone is on mute.

SIR JOHN SAUNDERS: It doesn't indicate it's on mute.
MR GREANEY: You've come off mute, sir.
SIR JOHN SAUNDERS: Mr Cooper, if I can see you again. We've been listening to submissions now since 10 o'clock in the morning. They are detailed submissions, they're obviously matters I need to take very much into account. I think I want to call an end to it today. Can I just say this, and please don't take it the wrong way. If you had been addressing the United States Supreme Court, they would now have pulled the plug on you and would not allow you to say another word because I think you've probably reached your 1 hour and 15 minutes.
MR COOPER: Have I? I'll have to address that.
SIR JOHN SAUNDERS: I will allow you to go on tomorrow morning, but I have read every word you said in your written submissions and therefore if you could bear that in mind, otherwise we're going to get very behind on the timetable.
MR COOPER: I'm sorry, sir, I shall be brief. I lost my timetabling because when I started, my clock was out of sync because I started later than I thought. Forgive me.
SIR JOHN SAUNDERS: Anyway, for now I think it's a good idea for us to actually stop and we will continue with the rest of your submissions at 10.00 tomorrow morning, and

it gives you time to relook at what you've got to say still, bearing in mind that, as I have said, I have read everything you have written.
MR COOPER: I hear what you say, sir, and I'll focus.
SIR JOHN SAUNDERS: I'm not saying what you have said isn't focused so far, but I want to try and keep within the time limit.
Mr Greaney, did you want to say anything else?
MR GREANEY: No, sir, I didn't want to say anything else. We'll restart at 10 o'clock tomorrow morning, subject to your views.
SIR JOHN SAUNDERS: Yes. 10 o'clock. Thank you very much.
(4.50 pm)
(The inquiry adjourned until 10.00 am on Tuesday, 26 January 2021)

I N D E X