Manchester Arena Inquiry

Day 57

January 27, 2021

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Wednesday, 27 January 2021

(10.00 am)

SIR JOHN SAUNDERS: Mr Greaney, good morning.

MR GREANEY: Good morning, sir. First this morning, we will hear from Mr Horwell on behalf of Greater Manchester Police.

SIR JOHN SAUNDERS: Thank you. Mr Horwell.

Closing submissions on CHAPTER 7 (continued)

Submissions by MR HORWELL

MR HORWELL: Good morning, sir.

SIR JOHN SAUNDERS: Thank you for the speaking note.

MR HORWELL: Not at all, sir, I'm glad to help.

Our closing submissions are set out in a 43-page document replete with 203 footnotes. I have no intention of diluting those submissions by summarising or repeating some of them today. They stand as our response to the relevant evidence in chapter 7. It is for that reason that these oral submissions will be short and, I hope, a good deal shorter than the time allocated.

This morning, my purpose is first to respond to some of the points raised by other core participants and, second, as this chapter is at its end, to make some general comments with a view to assisting this inquiry in its task to consider recommendations and improvements

for the future.

Blame or criticism is commonplace in a public inquiry. Sometimes it is justified, but it can also be directed by a core participant at other organisations or individuals in order to mask its own inadequacies or deficiencies. Mr Upham has been criticised, and that is the correct word, for causing SMG to have a false sense of confidence in its protective security measures, for not advising SMG to extend the perimeter, and for not giving SMG documents.

In short, SMG claims it was misled and poorly advised. We do not accept that the evidence supports those contentions and we suggest that SMG simply did not devote enough time and the attention required to ensure that its protective security measures were properly and effectively applied.

Mr Upham was a police employee and had been trained by NaCTSO. But any suggestion that SMG as an organisation was vulnerable or inadequate or unable to understand its responsibilities and how to discharge them does not survive scrutiny.

On one side, Mr Upham, a single person who of course represented a large organisation, a trained and competent CTSA who delivered a free and limited service. It is worth noting what he did not have. First and

foremost, time. Like every other CTSA, he did not have the time to spend days or weeks at this or any other site. The time he could devote to the arena was very limited and perhaps best exemplified by the fact that he was required to make just two formal visits each year, each visit lasted about 2 hours only, and we contend that the limited amount of time he had would have been obvious to SMG.

Of course his involvement was greater than that, but those meetings were fundamental to his relationship with the site and they were held to discuss the action plan, a document which Mr Upham brought with him on each occasion. Those discussions were directed at the progress, if any, which SMG had made since the last visit.

Second, he did not always receive accurate reporting. At each visit Mr Upham was reliant on what he was told. Any misunderstandings by SMG as to what was in fact happening at the arena became his misunderstandings, and the evidence has shown quite clearly that there were misunderstandings: misunderstandings between the different iterations of SMG as to their respective responsibilities and misunderstandings between SMG and ShowSec as to the precise service the latter was providing. None of this

was Mr Upham's fault. He was not told the full facts because SMG did not know them.

Third, Mr Upham did not conduct an audit or an inspection of the protective security measures in operation and neither was he required to. His role was clear and could not have been misinterpreted. As someone who never witnessed the manner in which security was delivered, he was never in a position to give any assurance about its quality.

On the other side, however, was SMG, a global conglomerate, the size, history and experience of which we have set out in our written submissions. At every one of its arenas throughout the world, no doubt, it was responsible for the safety of its customers. Searching, patrolling, stewarding and checking were intrinsic to its core business. A company cannot be in the business of live mass entertainment without keeping the masses safe.

As such, SMG had a responsibility to ensure that those it put in charge of safety and security had an adequate knowledge of basic guidance and procedures, together with the time and appetite to expand that knowledge. Safety was not secondary to its business, it was central, and if employees did not have the necessary time or training, that was not their fault.

SMG was entitled to have confidence in the arena itself. It had been well designed and constructed to protect those inside. The protective security measures were such that Salman Abedi would never have been able to enter the arena with his rucksack, but as to the surrounding areas, the City Room and of course elsewhere, security was only as good as the proficiency with which it was delivered and the degree to which plans and procedures were followed. None of that had anything to do with Mr Upham and nor should it have done.

On the evidence you have heard, Mr Upham did discuss the City Room with SMG and had been told that SMG had queueing rights only. That can only have meant that it had no other rights or control over any other persons or businesses in that area. It is likely, therefore, that the concerns and limitations of the City Room had featured in their meetings. There is no reasonable basis, in our submission, for finding that Mr Upham should have taken this further. It was not for him to unravel the legal niceties or to embark upon a quest which, on the evidence, was bound to fail.

SMG had considered extending the perimeter and had rejected the idea and, in any event, the security measures were in fact adequate and were sufficient to

have either deterred or mitigated this attack if only they had been implemented.

As for the suggestion that it was Mr Upham's responsibility to tell SMG that they should employ an in-house security expert, we make four points.

First, the need for such expertise may seem obvious now, but that is after 3 months of detailed and wide-ranging evidence. The inquiry has much more information than Mr Upham had. As I have said, the measures which were purportedly in place, sufficient CCTV coverage, patrols conducted by CT trained and briefed stewards, wall-to-wall pre-egress checks and so on, were adequate.

Second, even if Mr Upham had told SMG they should employ a CT expert, the response, we submit, would likely have been that such a post was unnecessary as SMG employed ShowSec, an organisation with extensive CT experience and whose role included a CT element. This was the understanding of Ms Stone and Mr Allen at the time.

Third, one must not lose sight of the context of the CTSA system as it operated in 2017. Proposing to a site that it should employ a CT expert was not an aspect of the PSIA process and there was no NaCTSO guidance on the matter. Indeed, for most sites, including charities

like the National Football Museum, employing such a person would not have been a financial possibility. If this is a flaw in the CTSA regime then it is not the fault of the CTSA working within that system.

Fourth and finally on this point, any criticism of Mr Upham or the wider system in this regard ignores the responsibility of SMG. First and foremost it was for SMG to identify what expertise it needed in order to keep its concertgoers safe. Dr BaMaung noted that if Ms Stone and Mr Allen realised that they lacked expertise and felt that CT security measures were important then, to use his words, there was an onus on them to get that expertise.

Responsibility is a straightforward concept, but the following examples demonstrate a tendency by SMG either to blame others for its inadequacies or to distance itself from taking an active role in matters concerning security. Even as late as yesterday, SMG has continued to criticise Mr Upham for not only failing to inform it of the existence of PAS127 but also for not sending it the PAS127 guide.

PAS127 is the Government's guide to good practice for checkpoint security screening of people and their belongings at buildings and large events and is intended for those concerned in the delivery of security systems

and procedures for checkpoint security, and that includes manual searches.

If we just pause there for a moment, SMG, responsible for the searching of every bag and some of its visitors on every event day at its multiple sites in the country, did not know about the Government's guidance for good searching practice. That might be thought surprising. SMG then criticises Mr Upham for not sending it the guide, a guide which Colonel Latham thought cost £250, and which an internet search has revealed costs, at least now, £90.

There is not a police force in the country which would give such a guide to anyone, let alone a company the size of SMG. Responsibility implies being aware of such guidance and paying for it. In any event, PAS127 appears twice on two drop-down boxes in the PSIA scoring tool, and for that reason alone it is more likely than not that the existence of this guide would have been the subject of discussion between the CTSA and SMG.

Mr Upham is adamant that he took Ms Stone and Mr Sinnott through each section of the PSIA scoring tool on his first visit to the arena on 29 August 2014. A similar comment applies to another document, the NaCTSO publication, "Terrorism Protective Security Advice for Stadia and Arenas". This is a publicly

accessible guide of which surely an arena manager and specialist should have been aware, with or without Mr Upham. It was the practice of Mr Upham's predecessor to give a document with an identical title to each site and the NaCTSO process again introduced SMG to it a year before the attack.

Miriam Stone read that document and would have been aware of the content and the wholly unremarkable statement in it that stadia have the responsibility of seeking out advice and acting upon it. That is no more than a reflection of the duty of care which such organisations have to ensure the reasonable safety of everyone who visits their venues.

Then finally on this point, it has been suggested that SMG was passive and not active when it came to some aspects of security. Three examples immediately come to mind. First, the interminable saga of the distinction, if any, between a bag search and a bag check. This dispute could so easily have been resolved by contacting the SIA. SMG did not so.

Second, the monthly Bridge calls, a worthwhile and informative connection to other businesses to discuss their CT planning and practices and CT generally. SMG did not take part in a single call.

Third, the Business Sentinel newsletters,

a well-researched and helpful summary of current terrorist attacks and methodologies and how to deter them. They should have been more widely distributed at the arena but were not. The reason given was that it was thought that access was limited. The simple solution would have been to ask Mr Upham, but no request was made. Horses and water again and again come to mind.

As for what Mr Upham did and said, you have his evidence from his three witness statements, evidence from a man who has been commended in large measure by the experts and described by CTPHQ as being plainly a dedicated and hard-working police professional. You also have the evidence of Mr Scally. This is important because it provides an example of how a smaller organisation, a charity, responded with such enthusiasm to Mr Upham, who Mr Scally described as a helpful, though cautious, adviser. Why should his approach to SMG have been so different? I shall return to Mr Scally in a moment.

I now deal with some specific points raised by Mr O'Connor in his oral submissions yesterday. First, Mr O'Connor said that Mr Upham's advice went well beyond that which should have been given by a CTSA. This is a submission too far. You have heard no evidence that

Mr Upham went well beyond the advice which was proper in the circumstances. At most, you have the evidence from Miriam Stone that Mr Upham said that he was happy with the security arrangements. That is slightly contradicted by the evidence of Mr Upham, who states:

"I am confident I never advised the arena that SMG were doing all that it was being advised to do or that I was happy with the security procedures in place at the arena on both event days and dark days."

He was patently not happy with the security arrangements because there were outstanding actions on the PSIA action plan.

Importantly, Miriam Stone's characterisation of Mr Upham's approach is also at odds with the evidence of Mr Scally, one of those rare witnesses who has no interest in the proceedings and no axe to grind. As just stated, Mr Scally described to you the circumspect and caveated way in which Mr Upham gave advice. Mr O'Connor invites you to consider reasons why Mr Upham may have adopted a different approach to Mr Scally than he did to the arena, including the fact that Mr Upham had engaged with Mr Scally 7 months after he had done so with the arena.

There is nothing in these supposed differences and no reason to think that Mr Upham would have taken

a different approach with the arena than he did with the Football Museum. Yes, it is a sample of one, but a sample which is random, unbiased, and we would suggest worthy of consideration.

Second, Mr O'Connor conceded that there was some force in the point that Mr Upham was given incorrect information by SMG. We are grateful for that concession but note the understated way in which it was made. There is actually a great deal of force in the point.

A CTSA is wholly reliant on the information provided to him or her by a site. Where a site is itself ignorant of security problems, it will pass that ignorance on to the CTSA. Mr O'Connor reminded you of Miriam Stone's evidence and how she had discussed patrols and pre-egress checks in the City Room with Mr Upham before the attack.

In respect of these crucial aspects of security it is clear that Miriam Stone would have given Mr Upham incorrect information. She was under the impression that wall-to-wall checks of the City Room were being undertaken by ShowSec prior to egress, exactly the type of pre-egress check which would have discovered Abedi hiding in the blind spot.

It is also difficult to understand SMG's approach. On the one hand, it has failed to meet one of our

principal points, which is that Mr Upham could never have provided any form of assurance for security measures which he had never seen delivered. But then it suggests it was entitled to take confidence from whatever Mr Upham said about security in the City Room when it also accepts that Mr Upham had been provided with incorrect information.

Third, Mr O'Connor said that the CCTV in the City Room was not taken into account by Mr Upham as part of the PSIA process, so whether he was told about the blind spot is neither here nor there. That is not correct. While it is right that the PSIA focuses on the site itself, scores can also be awarded for measures outside the venue which protect the crowd inside.

In relation to the arena, this included the CCTV in the City Room. Mr Upham specifically addressed this in his first witness statement and said as follows:

"The PSIA scoring took into consideration the CCTV and security staff deployed by the arena within the City Room."

In this context, it is important to note that Mr Upham would not have been told about the CCTV blind spot in the City Room because Miriam Stone did not know of its existence. The existence of a CCTV blind spot may or may not have been unusual at a complex site but

what matters is that if a blind spot exists, it is discovered so that the deficiency can be mitigated by, for example, extra patrols.

Fourth, Mr O'Connor submits that GMP's position can be characterised as follows: because SMG is a large international business, it did not need to approach a CTSA, let alone rely on the advice of a CTSA. That is clearly not GMP's position. Rather, we say that it does not become SMG, a global conglomerate, to suggest that engagement with Mr Upham fully or principally discharged its responsibilities for CT security and that because of that engagement it was not required to seek advice and to be aware of guidance from other sources. CTSA engagement was but one piece of the jigsaw of CT advice which SMG had at its disposal and which it should have utilised.

Similarly, Mr O'Connor suggests that it was not necessary for SMG to employ an in-house CT security expert at the time because it was being advised by Mr Upham. The difference between a specialist employee whose sole focus would have been security at the arena and who would have been able to witness the operation in practice day in and day out and a CTSA who makes two short formal visits a year and does not attend any event is obvious. It is obvious now and it should have been

obvious then.

In their written submissions core participants have sought to criticise Mr Upham for suggested failures in the system. He has been criticised for not involving ShowSec in his meetings with SMG and effectively for not performing an audit of the security measures in operation. Neither of those actions were NaCTSO requirements, nor do they represent practice at the time. Mr Upham did not set the policies; he worked in accordance with them.

Our point is simply this: Mr Upham made mistakes, the limited impact of which we have analysed in our written submissions. He was not perfect, but the spectacle of SMG blaming him for its deficiencies and inadequacies has been as unattractive as it has been unfair.

Public inquiries tend to polarise organisations and individuals. No doubt there is some common ground here, but the responsibility for the safety of visitors was that of SMG alone, and part of that responsibility involved being aware of relevant guidance and good industry practice. An even greater part comprised the central importance of vigilance, for which there was a plethora of advice.

Patrols, checks and vigilance were under the control

of SMG and not Mr Upham and, as stated at some length in our written submissions, the problem was not the advice, the problem was the implementation of that advice.

Now some general points. First, contrary to one suggestion, there is no competition or rivalry between GMP and BTP for policing primacy of the arena. It should be taken as read that both organisations want the same, namely the best for the site and those who visit it. If, once this debate has concluded, BTP retains primacy, then it must do so with a clear memorandum of understanding between the two forces and, should BTP's primacy continue, GMP will offer the services of its CTSA to work together with the BTP CTSA within the terms which must be set out in the memorandum, which will make clear which CTSA has primacy.

This is not a struggle for power or dominance between two organisations. However this is ultimately resolved, the two organisations will work together collaboratively, but, and this is the important part, within the clear terms of a written understanding, and that should be the case for the arena as it should also be for every other site which fits into this same BTP and local force category.

Second, for any audit to be worthwhile, it has to be detailed. An audit of the arena would only have been of

use if it had found the CCTV blind spot and the confusion regarding the scope of pre-egress checks. That is not the work of a moment. Indeed, it has taken this public inquiry to unearth those problems.

Third, on Monday, Mr Weatherby raised some important questions at pages 79 to 81 of the transcript {Day55/79:1} and out of respect to him and those he represents, I will do my best to respond to them. This is part of what he said:

"GMP 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."

And later he added:

"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?"

To the first part, it was clear to SMG that the service was purely advisory. Miriam Stone accepted that. To the second part, as reference has already been made, it was not part of NaCTSO guidance that such advice should be considered, let alone given, and we do

not say that in any desire to be defensive or protective of Mr Upham; that is the evidence.

But putting the merits of the evidence to one side for the moment, GMP does believe that there is value in a memorandum of understanding between the CTSA and the site that would resolve once and for all one of the disputes which has arisen here. GMP also believes that NaCTSO should consider making it part of the system that CTSAs should contemplate whether certain major and complex sites should seek either external advice or the appointment of an internal expert and, if so, to make that recommendation to the site. We believe that the evidence has demonstrated that such a change to the system may be of benefit to the site itself and those who pay to attend it. We would support such a change.

In what is a relatively unusual relationship between CTSA and site, there should be as much clarity as possible. Furthermore, a national body such as CTPHQ does not need the support of a local force, but for the avoidance of doubt GMP supports the observations in CTPHQ's written submissions concerning the introduction of a Protect duty. The fact that taking appropriate protective security measures is optional for the owners and operators of crowded places does not provide sufficient protection for the public.

In conclusion, sir, this: a person unaware of this attack and this inquiry, who happened to stumble across certain parts of these proceedings on YouTube, might have gained the impression that in 2017 we were ill-prepared to meet a terrorist attack. That would not be right. Much had been done and was being done to deter hostile acts. There had been considerable efforts from both public and commercial organisations to prepare and protect.

More could have been done, and that will always be the case, but that does not mean that nothing was done or that that which was done was wholly inadequate. In the multiple forensic confrontations of a public inquiry, it can be too easy to forget that the responsibility for this appalling attack lies with two irrational and wicked minds, who thought that their perverse ideology could justify the slaughter of adults and children.

It is also too easy to forget that all of us here, notwithstanding our differences, want the same outcome: improved preparedness, deterrents and detection in the future.

Those, sir, are our submissions.

SIR JOHN SAUNDERS: Mr Horwell, I'm very grateful. I just wonder whether you can help me on one matter. The issue

of primacy of, in particular, policing events which take place at the arena, it is possible that matters raised in chapter 10 will have an influence on that. Could you remind me: has any agreement been reached as to primacy in dealing with an emergency at the arena?

MR HORWELL: Sir, not to my knowledge. I cannot believe there would be circumstances in which, if there were to be a major incident at the arena, that GMP would not take primacy of that for obvious reasons, but there has been, to my knowledge, no discussion or agreement to that effect. But that is plainly what happened on the night of this attack and, in my view, is likely to happen again.

SIR JOHN SAUNDERS: Right. We will obviously be hearing more about that in chapter 10. All it means is that any recommendations I made about primacy, it might not be possible to do that simply on the matters in chapter 7, it might have to wait. In the meantime, of course I'm perfectly prepared to make recommendations if required, but the reality is that the police forces in general and policing in general are probably in a better position to make those objective decisions than I am with the cumulative knowledge that they do have and therefore I would urge them to carry on with their discussions to try and reach some sort of agreement if at all possible

and not simply await my recommendation.
MR HORWELL: Those words, sir, will be very helpful in driving forward the discussions and hopefully a conclusion between the two organisations, so thank you for that.
SIR JOHN SAUNDERS: Thank you, Mr Horwell.
Mr Greaney.
MR GREANEY: Sir, just before we turn to Mr Laidlaw, you are quite right that the issue of primacy is something that we will be considering in further and considerable detail in chapter 10. In particular we will be hearing from Deputy Chief Constable Pilling of Greater Manchester Police who was one of those involved in the correspondence that we've looked at and we'll hear again from Assistant Chief Constable O'Callaghan of British Transport Police, and the policing experts, of course, will help us to draw the strands together in relation to that and other issues.
Having made those remarks, we'll next invite Mr Laidlaw to make his submissions on behalf of ShowSec, and could we ask him, please, to identify a time round about 11.30 that is convenient to him for a break, please.
MR LAIDLAW: Yes, of course.
Can I check, sir, that you can hear and see me?

SIR JOHN SAUNDERS: I can hear and see you and I'm grateful for your speaking note as well, which I have up in front of me.
Submissions by MR LAIDLAW
MR LAIDLAW: Thank you very much.
The nature and the scale of the atrocity that took place on 22 May, the loss of so many lives and the grievous and permanent damage done to the lives of many, many others, along with the task that the Home Secretary has set for you, sir, requires, as ShowSec understands, that the company's policies, procedures and its approach to the management of the crowd attending the concert and others should be very carefully examined, the purpose of that examination plainly being to see whether it, the company, could have done more to prevent or mitigate what happened and to ensure that lessons are learned for the future. Where criticism is merited in those parts of your first report may make for uncomfortable reading for the company, but ShowSec, as its behaviour throughout this inquisitorial process has already demonstrated, is determined to react in a positive way.
Neither the company nor its workforce will forget that Abedi's attack resulted in the murder of 22 innocent people and it is they, but also the broader public the families wish to see protected in the future,

who lie at the centre of the inquiry.
Just a few words or observations by way of introduction before I come to the substance of our submissions as well as dealing with a number of the points more recently made, primarily by the families. There are seven in all in this introductory chapter and perhaps I could start at your paragraph 4, please, which is the approach of the company to these proceedings.
In our written closing submission, we have laid emphasis upon the conspicuous candour and openness with which ShowSec and its directors have acted in this inquiry. That, of course, was both their moral and their legal obligation under the statute, which has given life to inquiries of this sort, but that honesty and decency goes further than that. And contrary to the submissions of some of those who act for the families, it is the clearest of indications that they did care about safety at the arena and that the company was not cutting corners at the expense of security or anything like that.
What do I mean by behaviour indicative of candour and openness? Well, throughout these proceedings and beforehand, material potentially damaging of the good reputation ShowSec enjoys was promptly disclosed and failings and shortcomings were frankly acknowledged.

Where reflection revealed shortcomings, as will inevitably be the case for every state and corporate entity involved in this inquiry, ShowSec has been prepared to acknowledge those failings and to address them. The significant changes and the improvements brought forward since the attack, as set out by Mr Harding in his witness statements and you have the references to them, should serve to remind us all, as we promised at the outset of these proceedings, that ShowSec would and has reacted in a positive and not an entirely defensive way to the terrible events of May 2017.
Second, fairness. Along with this inquiry's obligation to provide the families with the thorough and fearless investigation they call for, ShowSec is also, as we know you will readily accept, entitled to fairness. In light of the withering criticisms made of the stance taken by the company we represent, let me set out what I mean.
Fairness requiring, we submit, not simply that ShowSec's policies, procedures and actions be considered and judged in a way which is balanced, but crucially in a manner which is also reflective of and proportionate to the role it played in the public areas of the City Room, the extent to which the company had CT

responsibilities and the position that it occupied in the hierarchy of security providers.

Fairness also requires that when criticism is made or points are taken against ShowSec, those criticisms or points should be examined for a solid factual basis. There are some striking examples of criticism of ShowSec and its witnesses where regrettably that is not the case. These are particularly to be found in the submissions of Mr Atkinson and Mr Cooper, to which I will come.

These amount to points which are bad, which lack any sort of evidential basis, and which should not have been made. No doubt, I hope, having reflected upon the submissions to come, those points and certainly the most egregious of the personal attacks launched upon Mr Harding's integrity by Mr Atkinson in particular will be withdrawn.

Fairness also requires that we are not simply required, as appears to be the position taken by both Mr Weatherby and Mr Cooper, to accept the opinion of the experts where they appear to lack the appropriate expertise or are making points which require examination and testing. That is what the process of calling evidence and affording the opportunity to challenge provides and it is the testing, although whether it has

all been helpful is for you to determine, it is the testing which allows you, sir, to make informed decisions and recommendations.

In this context Mr Weatherby on Monday, and I provided the reference to the transcript, said, and I quote:

"[He could] not recall objection having been taken to the appointment of the experts."

That is not in fact correct, although I am not suggesting that this would necessarily have come to Mr Weatherby's attention. Concern was expressed by those representing the company in its correspondence with ILT.

(3), the hierarchy. As for the hierarchy of those with responsibility for the safety of the public attending the arena and the importance of placing ShowSec's obligation within these, there are Mr Weatherby's submissions on the issue of whether the Government has discharged its Article 2 obligation. We will not seek to add to his points but we would suggest he is plainly right that the correct and logical approach for the inquiry to take is first to analyse the responsibilities of the state and its agencies and how they discharge those responsibilities before turning to those of the corporate CPs at work in those areas.

We make this submission because there can be no doubt the primacy for securing the safety of the public in the City Room lay with the state and with the police. As it was put by the policing experts in their final report, and I quote:

"We have latterly been advised that there may be an issue in relation to whether or not the City Rooms fell under the operation and control of those managing and providing security for the arena itself and may be a matter for the inquiry to consider. That does not alter the situation from a policing perspective as the City Rooms were demonstrably a public place at the time of the attack. The primary access to the City Rooms is via a high-level walkway between the City Rooms and the public area of Victoria Station. The walkway was also an area open to public access."

Whether it was appropriate for BTP to have primacy for the policing of the arena did not feature as an issue which was the subject of evidence within chapter 7, although it is plainly of considerable importance and we will come on to set out the opinion of the policing experts in due course.

However, when considering the security arrangements on 22 May 2017, the inquiry will no doubt have to consider which force it was that was best placed to

secure the safety of the public in that area and what, if any, was the impact of responsibility being placed upon a relatively small national force that did not specialise in the policing of mass public entertainment and in 2017 had no meaningful counter-terrorism experience or capacity.

Regardless of the shortcomings of the operator of the venue and its provider of crowd management services, our submission is that the inquiry is bound as a matter of both law and logic to look as its starting point at the performance of the police, whether or not the policing function should have been discharged by BTP or GMP, and the extent to which, if at all, the state through the police had turned its mind to the risks of a terrorist attack in the City Room and the mitigation of that risk, along with the question whether it gave effective direction to ShowSec on event days, who were at work managing the crowds in that area.

There can be no doubt, as we imagine you will find, what was plainly required was the coordination of ideas and resources of both the state and private businesses, which echoes a submission that Mr Horwell has just made. That was plainly not achieved just by the CTSA PSIA system, but it could have been achieved by a far more rigorous focus on security issues by police, the local

authority, the emergency services, along with private businesses at multi-agency meetings and at ground level by greater coordination and information sharing between the police, SMG and ShowSec.

ShowSec's role and its responsibility in terms of the security of the crowd entering and leaving the venue was not simply subordinate to that of the state and its agency, but also to SMG. It's not a matter of passing the buck or of ignoring its responsibility, that is a fact and that again is the legal position.

The situation which confronted ShowSec had important consequences. In particular and by way of example, as against the arrangements in place in May 2017 it was certainly not possible for ShowSec staff to have prevented an individual intent on carrying out a suicide attack from entering that part of the Victoria Station complex where Abedi detonated his device.

Contemporaneous standards. One further observation about approach and it is, we suggest, another feature of the striving for fairness in the approach to be adopted, which, as we know, you will be anxious to achieve for all, and it's this: if ShowSec is found wanting in any respect then it is submitted, as was made clear during the cross-examination of Dr BaMaung and Colonel Latham, that the inquiry should also consider whether the

company fell short of recognised standards or whether in fact there were at the relevant time clear and readily accessible standards against which to judge and measure its performance.

That becomes more important when regard is had to the scathing tone of the criticisms made by Mr Cooper at paragraph 3.1 of his document, where he asserts that those failings were failings, and I quote "as judged by the standards of 2017". Neither are we alone in making this submission because you will have noted and heard Mr O'Connor yesterday that SMG is encouraging the inquiry to take a similar approach. ShowSec's position, for the reasons set out in the written closing and to which we will turn, is that careful scrutiny of the available evidence shows by way of example that at the time of this attack there was a general lack of clarity as to how to compile a risk assessment that dealt with risks of terrorism and that much of the available information was in fact difficult to access.

Further, despite the security experts referring to the availability of the external advice, they were unable when pressed to identify where in 2017 that might be found. They also conceded that there were no standards in relation to counter-terrorism training at the time. Nor apparently can either Dr BaMaung or

Colonel Latham assist as to ShowSec's standing amongst its competitors.

I promise ShowSec understands the point you made about the standard of training, but the company maintains that this can only be done fairly by giving some consideration as to whether there existed any contemporary standards that it failed to meet and that is all the more important in light of the position that Mr Cooper has taken.

If there is to be criticism, then the appropriate way to present that failing, if of course it be appropriate, will be making it clear, as Mr O'Connor has submitted, that the failing has not been identified by reference to any standard contemporary to those in place in 2017 but as a forward-looking recommendation.

(5), the limitations of expert evidence and hindsight. ShowSec, as you know, has been critical of the approach of the security experts in a number of respects and expresses a concern whether they have truly understood their duties both to the inquiry and to the CPs. It could not sensibly be said that Colonel Latham and Dr BaMaung do not have considerable expertise in security matters, but neither had any expertise in crowd management and both accepted, as I've said, that they had not considered ShowSec's performance by the context

of prevailing industry standards.

Further, Colonel Latham appeared to regard his own regime at the O2 as the gold standard from which other policies and procedures could be judged. Not only was he plainly wrong as to that, but his stance in that regard is an indication that he had failed to understand the role of the expert in proceedings of this sort. Furthermore, and despite their protestations to the contrary, there are examples, in particular in relation to hostile reconnaissance, as we've set out, of the experts applying a considerable measure of impermissible hindsight to their analysis and conclusions.

As to hindsight, ShowSec accepts that the inquiry is entitled to look to the situation that prevailed in 2017 from the perspective of 2021 and that that necessarily involves an element of hindsight. That, however, is very different from criticising those in 2017, who did not and perhaps could not have appreciated then what has become or seems obvious now. And you made that point in the passage which we have set out below.

So ShowSec endorses the approach that you have set out with the caveat that it should extend to events not just on the night of 22 May but also to the period leading up to it.

(6), the approach to fact-finding. The company, in

common with SMG, does not take issue with the general approach to fact-finding as advanced by Mr Atkinson at paragraphs 5 to 19 of his written submissions or to the families' invitation that you should take a flexible approach to the issue, the starting point being the civil standard of proof. We have one reservation and I hope this is not contentious, it's this: the more serious the allegation being made, the more cogent the evidence needed to prove it.

When serious allegations such as misleading the inquiry or profit before safety are raised, then there is the requirement for cogent evidence before the allegation could be said to have been proved on the balance of probabilities. We have given you reference to a speech with which you'll be well familiar.

(7), ShowSec's position. In striking contrast to the allegations of ducking responsibility that litter the submissions of the families, ShowSec has accepted, and it accepted this at the outset of this hearing, that there are areas in which it has fallen short, namely in respect of its risk assessment and of bag-checking procedures. However, our submission is that neither of these flawed processes caused or contributed to either the bombing or the extent of the casualties. Neither, we suggest, were they reflective of a relaxed or

complacent approach to security generally.

The company, as you know, also finds itself criticised for making these causation-type points even though your own legal team explicitly called for submissions on this very issue.

Our position is that the evidence has established that ShowSec provided a well-trained and experienced workforce to SMG on 22 May 2017. It was in fact a far more experienced workforce than its contractual obligations required or for which it was being paid. We submit that its training was not simply appropriate, it was thorough and consistent with the nature of the services it provided.

Although Mohammed Agha may not have completed his training with the diligence ShowSec was entitled to expect, that training did not stop with the induction CT module. The training was further supplemented and enhanced by briefings and experienced supervisors. The core message delivered via the training and briefings was the need for vigilance and prompt upward reporting, which, as Dr BaMaung and Colonel Latham accepted, and I provided the references to you, the company had achieved. In this respect, ShowSec's message to its staff was completely aligned with the national guidance.

In pointing out that its staff, including Mr Agha

and Kyle Lawler, were trained to know what to do when confronted by a suspicious individual, ShowSec is not seeking to shift blame or to scapegoat. Why Mr Agha and Mr Lawler did not act in accordance with their training must be for you and you will note that the company did not seek to examine either young man, to whom it continues to offer its support. ShowSec's point is different. It is that if there were failures on the part of those two, then these cannot be attributed to a lack of appropriate training.

Finally, and whether or not there were failures on the part of ShowSec or members of its staff or indeed SMG and/or BTP, the fact remains, as you were to acknowledge in your opening words at the beginning of this hearing, that Salman Abedi was plainly determined and entirely committed to killing himself and as many others as he could. Whilst his unchallenged presence at the mezzanine level raises important questions that you will address in due course, there can be little doubt that even had he been spoken to by a member of ShowSec staff or a police officer before egress, he would still have detonated his bomb.

I set out for you, sir, as you can see in the speaking note the structure to the submissions which are to come, along with the cross-references. Can I pick it

up, please, from paragraph 26 for you. This is chapter 1, ShowSec's role at the Manchester Arena, its place in the hierarchy and the question whether that involved the provision of specialist CT services and the assertion of profit before safety.

I begin with the role at the arena. I return to a submission I made by way of introduction. In order to determine whether any inadequacies in the security arrangements constituted a failure by the company we represent, we argue, as I've said, that it is necessary first to establish and delineate the nature of ShowSec's role and responsibility and the place that a crowd management company occupied within the hierarchy of those bearing responsibility for the safety of those attending events.

There's a danger of being rather deflected from this task, which we can illustrate, with reference to the written policies and procedures of the company we represent. These written documents have been the subject of the most searching of examinations during the course of the chapter 7 evidence. But that exercise, I hasten to add an entirely understandable exercise, should not obscure by way of example the lack of any significant or contemporary documented policies and procedures produced for the arena by BTP.

You'll remember that they had no written risk assessment, there were no written briefings and the like, and as a result it may have seemed to some that SMG and ShowSec bore exclusive responsibility for the safety of those in the City Room. Perhaps more to the point, some of the closing submissions, both in writing and those made during the course of the last 2 days, have somewhat lost sight of what it was reasonable or practicable for a crowd management company to achieve within this hierarchy.

As I have said, primacy for combating the risk of a terrorist attack lies with the state and it is exercised through its security and police services. It is these organisations that have access to expertise, information and resources far in excess of those available to a crowd management and event security company. The role of the police in overseeing the security arrangements at the arena, whether that which was actually performed by BTP or that which ought to have been performed by GMP with their greater CT experience and resources, and who there are strong grounds for arguing should have taken responsibility for this major venue, have again, as I have submitted, barely been touched upon in chapter 7.

Dr BaMaung and Colonel Latham in expressing their

views have almost entirely ignored the part the public might have expected the police to play, both before and during events such as the Ariana Grande concert and the role of the security services has yet to be explored.

There were just passing references to BTP's part in policing the arena in the first iterations of their report. This topic then occupied just 15 pages out of 500-plus in the final version, and much of that was an attempt at an analysis of which officers had actually been available for duty on 22 May and which was, in that respect, inaccurate.

But the evidence has shown, and BTP have frankly conceded this, significant failures in the manner in which BTP delivered its CT function. Instead the focus, at least thus far in the inquiry, for securing the safety of the crowd attending events on the arena has fallen, so it might appear, almost exclusively upon SMG and ShowSec, although, as Mr Weatherby has correctly pointed out, that is primarily a policing function to maintain security and to keep the public safe, as he put, and I quote "particularly at times of high crowd density".

In due course the inquiry will have to consider whether both the public and indeed these two companies were and are entitled to expect rather more in terms of

ownership from the state's agencies in respect of the responsibility for the safety of those attending events and those employed by SMG and ShowSec in the areas surrounding a venue such as the arena.

Can I turn then to the legal position and the opinion of the policing experts. The duties of the police include the protection of the public and the prevention of crime. That is not contentious, but if authority is needed for the proposition then we have provided it. The City Room, as is clearly established, was a public area, accessible to a huge number and variety of people. Those attending the arena, those escorting or accompanying attendees to and from it, those travelling to and from the railway station or the car park, those using the area as a shortcut or part of their journey to and from work, those attending the go-kart circuit and those working at the sites within the complex, such as JD Williams.

In May 2017, and for many years before, although this appears to have been almost entirely ignored in the submissions of Monday, it is beyond doubt that ShowSec's staff had no right to prevent anyone from entering the City Room or to search anyone who was not intending to enter the arena. If a person attending the event refused to be searched, the only sanction available to

ShowSec staff was to refuse that individual entry.

Now that there is an extended perimeter, the manner in which ShowSec discharges its responsibilities has changed because its staff can now search people prior to entering the City Room and to refuse entry to anyone not attending an event. However, in 2017, the responsibility for security in the City Room, and we'll come to an attempt to define the limits upon that obligation, was discharged by its training of its staff to remain alert and vigilant and having effective reporting systems and evacuation procedures.

In stark contrast to the limits upon ShowSec's ability to secure safety, the police, whether it be an event day or a dark day, always retained responsibility for the safety of the public in the entire complex. They did have the ability to intervene founded on well-established legal principles.

The arena, as I've said, sat in an area to which at the time the public had unrestricted access, whether they were attending the arena or not. They could not be protected by ShowSec, they were entitled to be protected by the police. And it is inaccurate as a matter of law to assert, as GMP do in their closing submission, and I quote:

"Either SMG or ShowSec or a combination of both was

responsible for the provision of CT mitigation and security [and then these words] in the areas outside of the arena during an event."

If by making that assertion GMP is contending that the police bore no responsibility at all, the areas outside the arena are plainly within the jurisdiction of the police when dealing with counter-terrorism.

As I have said, Dr BaMaung and Colonel Latham have not provided any views that they may have on the next important issue, which is which force should have primacy, although it is a matter that Mr Weatherby has touched upon at paragraph 40 of his written submissions. His view, as is ours, reflects the position taken by the policing experts in their final report. Let me set that out so those listening can understand the point, conscious of course that this is evidence to come.

This is what they have said:

"We are not persuaded that the routine provision of policing at the arena by BTP is the best way in which the safety of users of the arena may be assured. BTP are experts in the policing of the high-risk railway network, which contains complex hazards and restrictions."

BTP are not experts, as far as we know, in the policing of places of mass public entertainment. For

BTP to have primacy in such places simply on the basis of commercial ownership by Network Rail appears to be counter-intuitive.

Next they say:

"The arena is described as one of the busiest venues in the world and the largest indoor arena in Europe. This means that policing one of the busiest venues in the world is not the responsibility of one of the largest police forces in England, which surrounds the arena, GMP, instead it is policed by a transport police force that is spread thinly and is commanded from Birmingham and London."

And they repeat the point about BTP's specialisation:

"This may appear to be a semantic difference [the policing experts continue]. However, consider the reality of the situation on the ground. Any BTP officer deployed to Victoria Station and the arena are not routinely connected to GMP, they are not deployed or briefed by GMP. Generally speaking, BTP will have little knowledge of events in the centre of Manchester and conversely, GMP will have little knowledge of events taking place in Victoria Station or the arena."

They continue:

"One effect of the application of primacy on the

night of the arena concert was that the BTP officers on duty for the concert operated as an isolated island unconnected to GMP and the policing of Greater Manchester. The BTP focus appeared to us to be exclusively inward rather than recognising that the arena was part of a much wider policing and social environment. We do not believe that BTP officers on duty on 22 May had been in touch with the surrounding GMP division to exchange information, explore emerging risks or to coordinate policing action to protect the 14,000 audience, comprising many children and young people, attending the arena concert, many of whom may have been considered vulnerable leaving a concert late at night. We have seen no evidence of any prepared BTP/GMP policing operation for that night. Equally, we have seen no specific operation order which addresses the BTP operation of the arena on 22 May 2017 or for any other arena event. The deployment of largely parallel police agencies between whom there was minimal contact and an absence of joint planning likely increased the risk to users of the arena."

And then this:

"It is our view in light of the events at the arena that it cannot continue to be appropriate for a specialist railway transport police force to have

primacy over a majority public entertainment venue. The Manchester Arena could be more effectively policed and public safety enhanced by GMP so the planning, preparation and response are exerted through a single police agency employing cohesive and comprehensive integrated emergency management."

Again, setting out these views, and I absolutely accept that this is evidence to come, is not an example of ShowSec seeking to distract or deflect responsibility. The fact remains that primary responsibility for the safety of the public in the City Rooms rested with the state through its police services.

The point is this, that if it is the view that in due course you were to reach the view that the policing of the arena was not in the hands of the most appropriate police service then it obviously reflects first an important missed opportunity properly to analyse, plan for and mitigate the risks of terrorism. Secondly, as far as ShowSec are concerned, it provides the important context to its position and its asserted failings and shortcomings, and that is particularly so when the company and its staff find themselves being criticised by GMP, the Home Office force who the policing experts view as far better placed to take up

the policing responsibility.

And again you may think that Mr Weatherby at his paragraph 42 has captured the point neatly. He put, and I quote:

"The failure of liaison between the GMP and BTP was a missed opportunity to achieve more coherent and effective CT planning across the arena and Victoria Station complex."

The question also has impact on your consideration of the value of some of the points made on behalf of the families, and perhaps I can take the point Mr Cooper makes at paragraph 3.4 of his written submissions. There he submits that:

"There was a failure to adequately plan or review the security provision in light of the changing methodology of terrorist attacks", meaning PBIEDs.

In respect of that sort of a point, is it unreasonable for counsel representing a private company in 2017 at an arena with the complexity and challenges that Manchester presented to pose the question: isn't that the role of the state through the police who could be expected to bring their expertise to it so as to ensure that the crowd management company doing what was expected of it?

And again, you may think that Mr Weatherby has the

point at his paragraph 16. There he wrote:

"Individual failings by SMG, ShowSec managers with respect to risk assessment, security layering, monitoring and patrolling system and supervision would have been addressed by competent and adequately resourced CT expertise. Likewise, proper systems, audited in operation would have reduced the room for individual failings by stewards such as Mr Agha, Mr Lawler, or a lack of coordination by BTP."

The inquiry will have to await the evidence of the policing experts, but would they have expected GMP, in seeking to assess the risk to eventgoers at the arena, to have reviewed ShowSec's methods of operating at that venue? And if GMP had done that, would the experts have expected GMP to have picked up the failings, or at least some of them, in the operation that Mr Horwell now points to at paragraph 4 of his written closing?

Next in the hierarchy of responsibility to SMG. It was and is SMG, as occupier and operator of the arena, who had responsibility for security in the City Room. In terms of its relationship with ShowSec, as is accepted, it was SMG who occupied the dominant position in that contractual relationship, contracting as they did services from ShowSec. It was by way of illustration SMG who determined how many staff ShowSec

were to provide for any event. It was SMG who had the relationship with GMP's CTSAs and BTP, and it was SMG who were invited to the various events and training, such as the Sherman exercise provided by GMP.

It follows that any assessment of ShowSec's contractual duties must start with its stewarding services agreement with SMG, which set out and defined the limits of its contractual obligations along with an analysis of what it was the company was obliged to do pursuant to any statutory or common law duties.

As set out in the agreement, and we dealt with this in the opening note, ShowSec was contracted to provide crowd management and event security services. CT was not a specified service in the schedule to the agreement, although as part of its wide-ranging duties, and as the company plainly recognised, in providing stewarding and event services ShowSec was required to identify the threats to attendees at the arena associated with terrorism, plan to mitigate those risks, and then to implement that plan.

Over and above its contractual duties, ShowSec of course shared both with SMG and the police statutory duties to its staff and certain members of the public under sections 2 and 3 of the Health and Safety at Work Act 1974, that ShowSec owed a duty under section 3 to

members of the public queueing to enter the arena, inside the arena and leaving the arena appears clear.

However, the extent to which that duty extends to preventing an act of terrorism rather than dealing with or seeking to mitigate the consequences of such an attack is less easy to define, nor is it by any means clear that it was ShowSec who owed any protection-type duty to members of the public who were not attending an event, whether they were in the City Room to meet those who had attended an event or whether they were passing through.

In contrast, you'll have noted that Mr Cooper seeks to argue that sections 2 and 3 applied to members of the public at large and in parallel he suggests they owed duties at common law. At 2.3 of his document he says this:

"There can be no dispute that both SMG and ShowSec owed duties to protect both concert attendees and members of the public in the City Room from, amongst other risks of harm, the threat from terrorism."

As I have said, it is accepted that ShowSec owed a duty pursuant to section 3 to those who were attending the arena. However, the statutory duty, as you will know, and as a matter of statutory interpretation, arises from the conduct of its undertaking. So the

first question must be: what was the nature of ShowSec's undertaking? Further, the scope of any duty is far from clear. Did it encompass a duty to prevent a terrorist attack or to take all reasonably practicable steps to avoid the consequences of a terrorist attack? Are those duties in fact two ways of saying the same thing? Whatever the nature of the duty, did it extend to those attending the event, those waiting for attendees and/or the public at large?

As you'll well know, sir, the criminal law does not generally impose a duty on any individual to prevent crime, and when it does, it does so in clear terms. Section 7 of the Bribery Act and those sections of POCA are examples which we have cited.

Further it is not accepted that ShowSec owed a common law duty of care to anyone to prevent a terrorist attack. Again, although it is no part of the inquiry's function to determine liability, the inquiry will understand that the general principle is that a person is under no duty to take care to prevent harm occurring to another through a source of danger not created by that person unless that individual has either assumed responsibility to protect the other from danger, the person has a special level of control over the danger, or that person's status creates an

obligation to protect. Again, we've cited authority there for you.

Neither does the reference to ShowSec's opening statement, to be found in footnote 109 of Mr Cooper's submissions, in which he says there is no dispute that ShowSec owed duties to members of the public in the City Room from the threat of terrorism, neither does that accurately set out what was said there. One needs to read from our document, the entirety of paragraphs 1.8 to 1.13 to see the full context to the point.

Next, within this chapter, ShowSec's role —— sorry, I can see Mr Greaney come on to the screen.

SIR JOHN SAUNDERS: I was just going to say. Would it be convenient for you to have a break now, is that all right?

MR LAIDLAW: Of course, absolutely, I should have realised the time.

SIR JOHN SAUNDERS: Not at all. We'll rise for 15 minutes. If I haven't managed to completely finish my cup of coffee, I hope you won't find it disrespectful if I drink it during your submissions. I meant to say that to Mr Cooper yesterday. We'll adjourn for 15 minutes. Let's say 11.50.

(11.33 am)

(A short break)

(11.50 am)

SIR JOHN SAUNDERS: Mr Laidlaw, just before we start again, can I mention one thing. You mentioned the statement by Lord Nicholls about the burden of proof and the balance of probabilities, the more serious allegation requiring more cogent evidence. My recollection, which may be inaccurate, is that the Supreme Court may have revisited that topic in the meantime. If I discover that's correct, I will make sure you get to know and if it requires any further submissions —— it's not the most central part of your submissions, I understand —— we'll give you the opportunity to respond if we do find that it has been revisited. But as I say, I may be entirely incorrect about that.

MR LAIDLAW: I don't think you are incorrect. It is a topic, isn't it, which has exercised, in the civil context, the minds of the Supreme Court on a number of occasions? We'll also look and, if we find anything, send it through to you.

Sir, I'm at your paragraph 55. For those who are looking at the written submissions, ShowSec's written submissions, it's 28.

Against those observations I made before we broke about ShowSec's position within the hierarchy, as I have

described it, the submissions as to the legal duties which were placed or were not placed on ShowSec, what was it that could reasonably have been expected of the company by way of the part that it undoubtedly had in helping to secure the safety of those attending the events at the arena?

At paragraph 28 of the written, but 55 of the note you are presently looking at, I have set out what we said at paragraphs 17 to 19 of the oral opening submissions, which I won't read out in its entirety. But we made the submission, which we maintain, that the limits of that which could reasonably be expected of ShowSec staff were really summed up by two words: vigilance in terms of its management of the crowd, both in terms of hostile reconnaissance and suspicious behaviour of the sort which might present risk to concertgoers, and then, if there were concerns of that sort, that those would be escalated promptly.

So we would ask you, please, when you have resolved the various issues which come before it to turn your mind as to whether you think that is a submission which can survive the examination which we have been undertaking.

The issue, of course, is whether ShowSec, as has been maintained by SMG, held itself out as providing

specialist counter−terrorism advice. This gave rise to one of the few disputes between SMG and ShowSec. There has been something of a retreat by SMG, but despite the evidence of Dr BaMaung and Colonel Latham it is not a point, as is clear both from Mr O'Connor's written and oral submissions, that SMG are prepared entirely to abandon.

I accept of course it is no part of your job leading a public inquiry, with all that you have to contend with, to settle disputes between the CPs, but it is a question which is not without significance. Our position, as we set out at your paragraph 57, is this: that the written and oral evidence of Mark Harding, Mark Logan, the statement of Simon Battersby, who delivered with Mr Logan the NAA/EAA event in April 2016, and who also undertook the stewarding audit, along with the lack of any relevant contractual term, the fact that any training that ShowSec provided was based on publicly available material and the fact that after the bombing, SMG sought specialist advice from Guidepost −− all those factors go to demonstrate that ShowSec was not, as we submitted, offering, purporting to offer or providing specialist CT services.

Further, Dr BaMaung in agreeing that there were other companies employing ex−service personnel that did

provide such specialist services and which in more years had become prevalent said this:

"I don't believe it's [that's reference to ShowSec] a company that markets itself as having significant CT expertise at all."

And we submit that the views expressed by Miriam Stone and James Allen as to ShowSec's purported expertise and the extent to which they relied upon it were not reasonably held and we would invite you, sir, to reject them.

There is a crossover between the concepts of crowd management security and counter−terrorism, but those concepts are still distinct. Crowd management, as the name suggests, deals with the management of groups of people into, within and from an event. Event security is concerned with preventing either people or items from entering a venue, and other SIA−licensable activities such as controlling access to back of house and stage areas, and CT is a highly specialised area traditionally falling within the remit of the police and the security services. That distinction was accepted with some qualification by Dr BaMaung.

More generally, when dealing with security providers at the O2 and in response to a direct question from you as to whether crowd management companies were security

specialists in a CT specialised way, Colonel Latham expressed the view they were, and I quote:

"Crowd safety people first and I felt that I was, without being disrespectful to them, teaching them terrorism."

Whether or not the inquiry accepts the totality of his evidence, and there is good reason why in part it should not, this passage, we say, gives a true reflection of the capabilities and experience of a crowd management and event security company in its place in the industry in 2017 in relation to CT.

I turn next, please, to the question whether in performing its role, did ShowSec put profit before safety? The point has already been made: every business will seek to maximise revenue and minimise cost. This is far removed from putting profit before safety, which in this case would involve a decision not to perform a particular task or to implement a particular policy on the grounds of cost in the knowledge that, by doing so, safety was being compromised.

Contrary to the assertions made by some CPs, ShowSec is not in the scheme of things a large company, nor does it generate profits at anything other than acceptable levels. On a proper analysis of the evidence it was plainly not in ShowSec's economic interest to agree with

SMG to supply too few staff generally or fewer SIA−licensed staff than were required effectively to perform ShowSec's obligations. SMG paid ShowSec per member of staff supplied and at a higher rate for SIA−licensed staff. It inevitably follows the more staff, the more qualified staff employed by SMG, the greater the profit for ShowSec.

As to numbers, as I've said, those were imposed on ShowSec by SMG.

Putting to one side the cold economic arguments the inquiry has also had the benefit of seeing the evidence of the directors, Mr Harding, Mr Logan, the regional manager Tom Bailey, and the head of security on the night, Tom Rigby. We would submit for your consideration that ShowSec is plainly a well−established company run by experienced, thoughtful and highly motivated individuals. Nothing in their evidence or the manner in which they gave their evidence even begins to justify an allegation of putting people at risk for the sake of profit.

Despite that clearly being the position and for reasons which appear unclear, Mr Atkinson has chosen to impugn the integrity of Mr Harding. At paragraph 39 of his written closing −− and I am afraid he repeated this on Monday −− he said:

"Regrettably it appears that Mr Harding attempted to mislead the inquiry through his assertion that it would be to ShowSec's commercial advantage for SMG to order more SIA staff in that they were more lucrative. ShowSec's 2017 accounts, which were signed by him, identified 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 activity for commercial gain."

What is really regrettable is that Mr Atkinson chose to make this serious allegation on the basis of a partial reading of the document upon which it relies. And to compound that error of judgement and the unfairness of the assertion, Mr Atkinson did not give Mr Harding any opportunity to deal with the point.

Turning then to the statement accompanying the 2017 accounts, the entirety of what Mr Harding said, having identified that recruitment and retention of staff was one of the principal risks facing ShowSec, along with operational risk, competition and regulation and legislative impact was as follows, and I draw from the words in the accounts which were as follows:

"Of these, the largest risk facing ShowSec is the potential impact of the shortage of SIA workers in the UK. ShowSec is working to help develop possible solutions to this problem in the interests of itself, the SIA and the Government. A reduction in the supply of licence-holders could lead to a significant increase in wages and a more measured approach by ShowSec regrading which contracts it can maintain, especially at times of peak demand."

The 2017 accounts then reveal how ShowSec chose to deal with the problem of the lack of SIA-qualified staff and the answer was, as it says, it trained them at its own expense.

After a further reference to the key risk of the potential shortage of SIA workers in the UK, the document at page 5 states:

"ShowSec is providing SIA training to increasing numbers of its own workers."

The document shows that in 2017, which was the first year ShowSec was able to provide its own SIA training, it trained 216 of its staff. At page 6 of the document, under the heading "Future developments", it reads and I quote:

"During 2018 ShowSec aims to continue upskilling its workforce through SIA training to address this

significant issue of the potential shortage of SIA workers."

Mr Atkinson has also chosen to refer to later sets of accounts, his footnote 64, that are not in evidence in order to bolster the point. In fact, as will be apparent to anyone reading that document, these show that in 2018 it trained a further 259 members of its personnel and in 2019 a further 301. Thus, from a casual workforce of approximately 4,000, by the end of 2019, ShowSec had provided SIA training to 776, a figure which does not include those who'd already been SIA trained by other providers. That is not the action or the response of a penny-pinching organisation. ShowSec had identified the problem prior to 2017 and gained authorisation to provide SIA training by 2017 and had continued to do so.

Those were serious allegations and again, as a matter of fairness, they should be roundly and explicitly rejected.

Further, Mr Atkinson's attack upon Mr Harding ignored the evidence of Mr Logan given in response to Mr Atkinson's own questions. We have provided the reference to the transcript on Day 39.

Having agreed it was better for ShowSec for more SIA staff to be employed within the limit of the numbers of

SIA staff available, Mr Logan did not agree with the suggestion that the possible limit to the number of available SIA staff was always a factor, and we have set out his evidence on that issue where in terms he said and I quote from within paragraph 68:

"We in Manchester had a staffing pool of 744 staff of which 400 stewards and the remaining 344 were SIA, plus supervisors, plus management."

The question which was asked was this:

"So does it follow from that that whatever other explanation, there was for non-SIA staff at the arena doing SIA jobs, it wasn't because there was a shortage of SIA staff available?"

And Mr Logan's answer was:

"That's correct."

Mr Cooper on this issue of penny-pinching has claimed that the only reason for Agha's position at the grey doors was revenue protection.

In support of that contention he refers to a footnote in Miriam Stone's evidence from Day 30. However, the transcript, when read in full, as we have set out, reveals that Miriam Stone said precisely the opposite. Again, it was another allegation of revenue protection, penny-pinching, profit before safety, however one describes it, made without any evidential

foundation and in fact against evidence which was precisely to the contrary.

Finally, Mr Atkinson sought to argue that the evidence demonstrates that staffing cuts were made. The evidence demonstrates nothing of the sort. The documents cited by him are evidence of a discussion that was taking place between SMG and ShowSec as a result of the increase in the minimum wage. It is clear from those documents that reductions in personnel did not take place, although there were redeployments and efficiencies. Again, it is regrettable that Mr Atkinson asserts that a document states something that it does not. He wrote:

"Mr Harding was asked directly, 'Were you aware of SMG at least investigating a reduction in staffing levels?', to which he replied no. That was untrue, he co-wrote the email with Sharkey, Setting a 4% target in reduction."

In fact, the document he cites states this:

"The starting point of this journey will be to consider how we deploy stewards and SIA personnel with a view in the short-term to reduce our hours by 4%, ie 4 hours in a 100."

It is abundantly clear that staffing levels were not to be cut but the way in which personnel were deployed

was to be reviewed and the email continues:

"The idea would be to take each role and timeline it across the evening to see where later starts and earlier finishes would be possible."

And this was part of the process that led to the stewarding audit carried out by Mr Battersby. There are a number of recommendations for the more efficient deployment of staff at pages 4, 6 7 and 8 of that document, but there is no recommendation for personnel numbers to be cut.

In short, ShowSec rejects any suggestion that it deliberately or otherwise compromised safety in the pursuit of profit. It is very easy to do damage, as has been done, by the use of the headline-grabbing language "Profit before safety" and the like, which we've heard again over the course of the last couple of days. What will not or may not be reported is the analysis in response, which shows that there is no basis for such allegations.

I turn then to chapter 2, the adequacy of the risk assessment, the best way in which to assess risk, and the difficulties in this regard confronting a company in ShowSec's position in 2017.

Whilst it was for SMG to assess the risk to those attending at the venue, in its opening statement and in

its schedule of responses to the criticisms of the experts, ShowSec accepted in terms the inadequacy of its Manchester Arena risk assessment, {INQ001477/1}.

Without in any sense seeking to detract from this concession, we suggest that the inquiry should be prepared to acknowledge the following. First, that there was little or no guidance available to a company in ShowSec's position as to how to compile a CT risk assessment. The author of the risk assessment, Mr Rigby, gave evidence that he had completed an IOSH course on the assessment of risk from a health and safety perspective, but this course did not include any CT element.

(2), the information that was available to the industry was to be found in a variety of locations, not all of which were immediately obvious or accessible.

(3), even now there is confusion as to the best way to construct a risk assessment and the issues to this day that remain unidentified or unresolved include whether the risk of a terrorist attack should fall to be addressed as part of a health and safety risk assessment or as a wholly distinct issue, to what extent if at all the threat level should feed into the assessment of risk, and how likelihood should be calculated if it is to be calculated at all.

Can I turn to those three submissions and to us seeking to make them good. First, we have suggested there was little or no guidance available to a company in ShowSec's position as to how to compile a CT risk assessment and the point, I think, can be made shortly. None of the documents, whether from NaCTSO, CPNI or any other source that have been scrutinised in chapter 7 have identified whether and to what extent the same risk assessment can or should encompass both terrorist-related and non-terrorist-related risks.

Next, we've submitted that the information which was available to the industry was to be found in a variety of locations, not all of which were immediately obvious or accessible, and we have submitted that in 2017, on an analysis, there was no clear publicly available guidance as to how to construct a risk assessment that focused on terrorism.

The Green and the Purple Guides refer to the guidance offered by NaCTSO and CPNI. None of the NaCTSO guidance documents provided that information, instead they refer to the CPNI document "Protecting Against Terrorism". This in itself is an example of the difficulties facing a company in ShowSec's position in 2017 and it is something of a pattern.

One document refers the reader to another, which, as

can be seen, may itself refer the reader elsewhere. The CPNI document "Protecting Against Terrorism" poses the question in short: how likely is it that the business or its staff could be a direct target of a premeditated attack? To which the answer in a vast majority of cases is going to be, as you have said on more than one occasion, not very likely at all. And it later states:

"The risk assessment process involves making logical assumptions about the likelihood of a threat and its potential impact should current security measures fail to protect it."

Which is of course a reflection of the traditional health and safety approach.

The risks identified in this document range from a bomb in or near the main entrance, a suspect package received through the post, an employee using access to sell confidential information, the introduction of an IT virus, to petty theft. However, there is nothing about the six most common forms of attack, such as VBIED, MBIED and MTFA and so on. And the identification of impact includes not only injuries and fatalities but financial loss, impacts on productivity, reputation and client confidence.

The document purports to signpost further guidance on conducting risk assessments. Therefore to find the

information the starting point was a NaCTSO guidance document that then directs the reader to a CPNI document which in turn leads on to other CPNI documents. Those documents are in fact of limited relevance given that one is risk assessment for personal security, or personnel security, which focuses on the risks posed by employees and the second, operational requirements, contains a further reference to yet another CPNI document entitled "Principles of Risk Assessment", which itself requires a log—on and password to access and is therefore not publicly accessible.

As you will recall, Dr BaMaung and Colonel Latham referred extensively to PAS127, the "Checkpoint Security Screening of People and Their Belongings" guide, both in the context of risk assessments and search regimes. There is no doubt that this is an important document and, further, that neither SMG or ShowSec were aware of it notwithstanding the fact that it dates from 2014. Certainly there is no evidence of CTSA Ken Upham drawing SMG's attention to PAS127.

In terms of its content, it provides useful guidance on checkpoints and searches, but it also deals with how risk is to be assessed. DAC D'Orsi, as she was, gave evidence as to NaCTSO's aim to have all relevant information on a single IT platform, which ShowSec fully

supports.

PAS127 was not on either the NaCTSO or the CPNI websites and even its title does not necessarily suggest that it is CT specific it's an example of a document that would only be found if the searcher knew where to look but not otherwise.

In fact, PAS127 is not produced by NaCTSO or CPNI but by BSI, the British Standards Institution, which is not a body that is primarily focused on CT, and there are over 50,000 standards books and related publications in the BSI shop. Browsing by subject there's nothing specific to CT, although there are general categories of risk, security and health and assessment.

At the bottom of the first column at page 7 of PAS127, there is yet another example of being sent to the website of a different organisation, in this case the Institute of Risk Management where in order to access any publication one needs to be a member of the institute.

The third point we made, as you recall, is that even today confusion remains as to the best way to conduct a risk assessment. As to the assessment of risk, traditionally it's assessed by giving both likelihood and impact numerical values which are then multiplied. The Purple Guide refers to risk as the product of

probability and impact, in other words a mathematical calculation. In discussion during the evidence called in chapter 7, you, sir, have pointed out the inadequacy of this method when assessing the risk of terrorism because the likelihood of a terrorist attack occurring in any given location may be minimal, but should it take place, the impact may be enormous.

Colonel Latham's evidence, you may think on this point, was inconsistent. At times he spoke of material risk, which did not focus on the likelihood of an event occurring, and on a model of threat vulnerability impact. However, his initial answer to one of your enquiries referred to a mathematical computation of likelihood, and he said:

"Sir, one of the things I would expect to be considered would be likelihood and any risk assessment mechanisms look at likelihood and come up with a mathematical computation as to whether something was judged to be impossible, unlikely, highly, highly likely, or something similar on a sliding scale. Many risk assessments would make that sort of assessment."

Even PAS127 refers to the likelihood of a risk eventuating. It is suggested that organisations should pose the following question: how likely is this organisation operating at locations A, B and C to be

vulnerable to an attack or incident utilising threat items X, Y and Z and what would be the impact of a successful attack? This may not be a helpful way of looking at risk and you indicated that what might be an approach to be preferred was to consider material risk.

In other parts of the document the question is posed somewhat differently:

"Consider the likelihood of a successful attack and the likelihood of a successful attack should be considered from different threat scenarios explicitly taking into account existing security measures."

The point which you will readily see -- if this document is to be helpful it should be clear and unambiguous. There is nothing in it that clearly and unambiguously states that the risks of terrorism should be assessed differently from other risks or sets out how likelihood should be measured.

Colonel Latham was also to say that the risk assessment should be compiled by somebody with, and I quote:

"The necessary knowledge and experience to conduct robust risk assessment and who can defend those risk assessments and, if that isn't the case, then the organisation should seek expert advice or should seek appropriate training to put them in a position where

they conduct an effective and robust risk assessment".

There are a number of difficulties with that view. It is not clear whether terrorism can or should fit within a standard risk assessment. No one has provided an example of a suitable risk assessment. There is no evidence of any available training on the topic of risk assessments in 2017, or where such training or advice would be found.

So I turn then to ShowSec's position in respect of risk assessments by way of summary. It is accepted as a general statement of principle that a risk assessment cannot be a static document, it must be flexible enough to deal with new threats and/or changed circumstances.

In practice, however, the threat level in 2017 had not changed since August 2014 and nor had the identified terrorist methodologies. ShowSec's response to the Bataclan and to the Stade de France attacks involved immediately contacting senior management to ensure they reviewed policies and procedures with their clients and updated its staff via a mailshot in which they were reminded of:

"The importance of being vigilant at all times and making sure you listen to instructions given out in briefings is heightened in such circumstances. Please remember that the CT module on our e-learning platform

is always open if you wish to refresh the key points in it."

Mr Atkinson has asserted that the evidence disclosed by ShowSec reveals that only 5.28% of the recipients clicked the link contained in this mailshot. In fact, as is obvious from the face of the document from which he drew that figure, the 5.28% refers to those who clicked on the link in the first 24 hours. Further, this figure does not include those who accessed material through ShowSec's e-learning portal.

No evidence has been adduced to show where a company in ShowSec's position could have gone in 2017 in order to obtain the necessary expertise to construct a risk assessment that focused on the risk of terrorism or as to whether such expertise was even readily available in that year.

You'll remember the evidence provided right towards the end of chapter 7 by the present chair of the UK Crowd Management Association. He said at paragraph 33 of his statement:

"Today there are a number of companies that offer specialist CT advice, but they are rare and were even more unusual in 2017."

The information available referred, sometimes in the same document, the likelihood both in terms of the

likelihood of an attack occurring and the likelihood of a successful attack given current security measures. In short, as we have submitted, the available guidance lacked both clarity and consistency. And again, it was Mr Weatherby, who you may think neatly summarised the position at paragraph 13 in his team's document, where he wrote:

"However helpful, the publicly available NaCTSO and CTSA service was inadequate for the challenges provided by the arena."

Notwithstanding the criticisms advanced by some of the families' counsel on Monday that ShowSec had not sought specialist advice since the bombing, Mr Harding has actually set out very clearly the steps that ShowSec have taken.

Can I set those out at this point. In terms of training, ShowSec has secured places for its senior management on a CT risk management course at the University of Cumbria and has commissioned further CT risk management courses for its area managers and operational executives. These courses are all delivered by Storm 4 Events Limited, a company consisting of former CT SECOs. Storm has also undertaken a review of ShowSec's CT risk assessment process and further enhancements to the risk assessment process are set out

in Mark Harding's statement.

We have submitted that the flaws in the risk assessment were not causative and neither should the risk assessment be looked at in isolation. Consideration, we know, will be given by you to the other documentation, such as the CT awareness document produced in response to the attacks in France, which Tom Rigby said were intended to, and I quote, "dovetail into the other risk assessment". And in particular, the training and briefings given to the staff along with the evidence of the security experts, as set out in the final report, that staff had been appropriately trained to identify and report suspicious activity.

Finally, there is no evidence that ShowSec's risk assessment influenced SMG's choice of either control measures or staffing numbers. Indeed, as we know, these were not shared between the two companies and, as Mr Atkinson has said, responsibility lay with SMG.

I come then to chapter 3, the searching of those attending events at the arena. ShowSec has accepted that bag checks at ingress, a licensable activity, were being carried out by non-SIA-licensed staff. Whether there were insufficient SIA-licensed staff to carry out this activity will be for SMG to address.

Mr Atkinson in his oral submissions gave the

impression that this was a concession only recently made. He used the phrase "it is now accepted". That is simply wrong. It was accepted publicly at the outset of these hearings and it was the company itself which produced the correspondence to show how its error had come about.

It is, however, clear, notwithstanding the shortfall in terms of ShowSec's approach in this regard, that that failing was not causative of the attack. Abedi made no attempt to enter the arena at ingress or at all, and during his reconnaissance he had been present at ingress on 18 May, and he of course would not have appreciated the difference between licensable and non-licensable activity. It may be argued that he plainly had been deterred after his hostile reconnaissance on that date from attempting entry.

Just other points emerging, please, from this issue. At paragraph 1.29 of his closing submission, Mr Cooper wrote this:

"The principal purpose of the check was to determine whether the individual possessed food or drink that had not been purchased at the venue. It should be emphasised that the issue relating to bag searches is very relevant to the approach and attitude of SMG/ShowSec to their security responsibilities."

ShowSec does not accept that the evidence in relation to the search procedures is somehow indicative of a lax attitude to safety. This is also to ignore the clear evidence of Mr Middleton. He said on Day 19:

"Not only revenue protection, it was also a safety aspect. Have they got a big glass bottle in the bag that could cause damage? Yes, it was to identify food and beverage but not purely as revenue, more a safety measure."

And he repeated much the same point in a further exchange later that day.

Nor was it an inflexible policy. Mr Middleton also gave evidence that staff would not confiscate drinks from small children and they would also allow the elderly to decant water from water bottles into a safer container.

Chapter 4, the patrolling or searching of the mezzanine floor and the nature and adequacy of the pre-egress checks. ShowSec does not accept, as you understand, sir, that at any stage it had agreed to provide or had been instructed to provide the patrols that SMG Europe had contracted to provide pursuant to the FM agreement. Neither the contract nor the evidence could possibly justify such a conclusion.

In his written submissions at paragraph 1.19, and he repeated this point late on Monday afternoon, Mr Cooper said this:

"SMG were contractually required to undertake regular foot patrols of the arena complex on a 24-hour basis."

And then this:

"And ShowSec, as SMG's agent, had also been signatories to the agreement establishing that obligation."

The footnote, footnote 22, that purports to evidence this proposition refers to {INQ001420/1}, which is one of four versions of the FM agreement, all of the same date, disclosed to the inquiry. They're each the same. It is that version which Mr Cooper argues has made ShowSec a signatory to the FM agreement and an agent.

Mr O'Connor made the point late yesterday morning that what Mr Cooper appears to have done, because this was not a matter ever explored with Mr Harding, was to seize upon a single one of what are in fact four versions of the same document, and he has focused on the version which, as Mr O'Connor explained, was mistakenly disclosed by SMG with the back-end of the stewarding service agreement to it. That second document does, of course, as we all know, have Mr Harding's signature

upon it.

In fact, had Mr Cooper or his team looked at any of the other three versions of that same FM agreement, including the one reissued by SMG to correct the error, Mr Cooper would have seen ShowSec was not a party or a signatory to the FM agreement. Indeed, nowhere in the evidence has it ever been suggested that ShowSec had been a party to that agreement, which was of course between the two SMG entities.

Within this speaking note at paragraphs 110 to 113 we have provided the references to each of the four versions of the same documents, along with the analysis, so all will be able to see the mistake Mr Cooper has said.

I will travel on, if I may, in your document, please, to paragraph 114, please, next.

We will deal with the question of Deister patrols separately, but in terms of ShowSec's contractual obligation, it is clear beyond any doubt that it had not contracted to undertake SMG's obligations under the FM agreement on either event or non-event days.

That is not, I'm afraid, an end to the errors which emerge from Mr Cooper's document on the responsibility for patrols. Because at his paragraph 1.21, he stated:

"SMG executives have stated that it was their

expectation that ShowSec would discharge responsibility for Deister patrols on their behalf during the hours of an arena event."

It is inaccurate to say that SMG executives expected ShowSec to perform Deister patrols. The only person who did so was the witness Mr Cowley, whose evidence on this topic was met with evident scepticism by both ILT and yourself. And from the transcript of the evidence on Day 26, we have set out the exchanges, both between you and your team with Mr Cowley on that issue to make good that point. And when others have seen the speaking note later today, they will be able to check that again Mr Cooper was in error.

There's another serious inaccuracy at paragraph 1.24 of Mr Cooper's submissions, a point repeated forcefully to you in his oral submissions on Monday afternoon. He said this:

"It was of note to the families, 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 colleagues although [and these are the important words] in seemingly flat contradiction with documentation setting out the scope of CT mitigations ShowSec had agreed to provide at the arena."

A more careful analysis and reading of the document shows that to be another bad point. In fact, the passage quoted at footnote 40, {INQ012031/7}, which comes from ShowSec's CT awareness document for the Manchester Arena does not contradict Mr Beak. Again, for your purposes, and so of course others can check, we have set out in the speaking note those four paragraphs, which I will not take time to read. Instead I will go on to paragraph 119 to make the point.

It is clear that the first three paragraphs from the CT document cited by Mr Cooper, read as a whole, refer to ShowSec staff patrolling inside the arena, and that is confirmed by the terms of the fourth paragraph, which reads as follows:

"Access Control teams positioned on each door can also be deployed outside the immediate vicinity of the venue to investigate areas on the approach to the venue."

And the final six words plainly do not include the mezzanine, which is not an approach to the arena.

Having taken a little time to correct the errors and the inaccuracies to be found in Mr Cooper's document, in respect of patrols can we address, albeit briefly, what we accept to be a more important issue, namely the extent to which ShowSec staff checked the mezzanine

level pre-egress.

The evidence reveals a clear difference between the two companies as to the extent of ShowSec's responsibility for checking the mezzanine level pre-egress. ShowSec staff correctly did not regard the mezzanine as an egress route because it affords no means of exit from the City Room at that level.

Whatever assumptions SMG had made, there is no evidence in fact other than the pre-egress sheet itself that SMG ever directed ShowSec to patrol the mezzanine, no SMG witness spoke of giving that as an instruction. Further, Colonel Latham was of the opinion that SMG had a responsibility to ensure that the work they expected to be done was in fact being carried out and, in answer to a question from you, sir, said that he would not have expected SMG to be ignorant of the fact that for a considerable period of time ShowSec staff were simply checking from the bottom of the stairs.

There was, we would suggest, plainly a breakdown in communication between the two companies, but it is grossly to exaggerate and to distort, as Mr Cooper has said, that this issue was, and I quote:

"... symptomatic of a relationship between SMG and ShowSec which was more dysfunctional than either are prepared to acknowledge."

Such an assertion, we suggest, again cuts right across the evidence, which during the hearing was not the subject of challenge. Whatever the criticisms to be made of either SMG or ShowSec, it is clear that the two companies sought to and did work closely together and they were plainly working hard to deliver a common objective that eventgoers should both enjoy themselves and be safe when they were attending events at the arena.

In terms of a causative failing, even if ShowSec staff had understood that SMG required the mezzanine floor to be inspected pre-egress, the visit to that level would not have taken place until at some point between 10 and 10.15, by that time of course Abedi was in place and the numbers waiting to collect concertgoers had already grown. The terrible reality is, you may feel, even if confronted by ShowSec staff, Abedi would still have detonated the device and the loss of life would certainly or very likely have followed.

Chapter 5 is training, the training of ShowSec staff, how the training model compares both with 2017 and contemporary standards, and then briefings and the experience.

Training. The company's position in respect to training can be made shortly. ShowSec does not accept

that its training, developed through Derby University, was inadequate when considered in the round and certainly not by 2017 standards.

During the course of chapter 7 the company adduced evidence, unchallenged evidence, as to the significant time and money that ShowSec had invested in training. From the witness box, Mr Harding, an individual of considerable experience in this field, said he was not aware of any other company in the industry that offers and can provide the level of training that ShowSec does or commits the same level of resources to that training.

The training records for the full-time staff at work on 22 May demonstrate the depth of training achieved by such permanent members as Perry, Bailey and Rigby. In addition to the compulsory modules it can be seen that they undertook courses in drug awareness, enhanced searching, working in the football industry, business conduct and ethics, IOSH management safety, traffic management, data governance and privacy training. This is true of more of its casual staff as well.

Mr Middleton had completed courses such as understanding disability and discrimination, working in the backstage area of an event, working in a festival environment, drug awareness, and enhanced searching. And even Mr Lawler had completed courses on working in

front of stage pit barriers, working in an incident response team and traffic management.

What did arise during the course of the chapter 7 evidence, but it arose as a result of the disclosure the company made, was the issue whether ShowSec had the capacity to monitor whether staff seeking work with the company had completed appropriately the compulsory training it required of applicants.

Before Mr Agha's evidence, Mr Harding had not understood that its university-provided software package had that capability. It was in order to check Mr Agha's evidence that he'd not spent the time he ought to have done on the CT module that Mr Harding sought help from the service provider as to whether it was possible by interrogating the system to say how much time an individual had spent completing the various relevant modules.

Mr Agha's ability to defeat ShowSec's clear efforts to ensure its workforce were properly trained, if that is what the records show, was then rather seized upon by a number of the parties to the inquiry and indeed the experts. Mr Cooper, at his paragraph 1.49, asserted it must have been obvious that there was a risk that young, minimum-wage employees asked to undertake substantial training may take shortcuts.

It was not so obvious. Until Mr Harding's work, that point had not occurred to either Dr BaMaung or Colonel Latham, and it does not figure in any version of their reports. Neither was it an issue that had struck any CP. And there was plainly, we would suggest, an element of opportunism displayed by some involved in this inquiry.

Two points fall to be made. First, the evidence shows the need for caution in interpreting the data, which has had to be recreated to show what may have been available at any given point in time and reveals only the time spent on the last occasion a staff member accessed the material, and it was for those reasons that Mr de la Poer, when discussing the issue with Mr Harding, urged caution.

Secondly, sir, you will remember the difficulty that Colonel Latham experienced in answering the question how it was he assured himself that his staff, whether subcontracted or sub-subcontracted staff, at the O2 were sufficiently trained. And in short, he relied on the contractors and his monitoring of their performance to ensure that the workforce had been appropriately trained.

In reality, even leaders in this area of the training of its workforce, as ShowSec plainly are, had

not in 2017, in common with Colonel Latham, recognised that it might be possible to monitor compliance with online training expectation.

As for training delivered by way of online courses, there can in truth and in reality be no sensible criticism made of ShowSec given that is how training across the whole host of disciplines is taught. Indeed, I would venture to suggest it is mainly by online courses that training anywhere is now taught, certainly in the early stages. In particular, the present ACT Awareness course, which has replaced Griffin, is only available online.

Mr Harding, during the course of his evidence, has also set out the compelling reasons, which include the geographical spread of ShowSec's work, its part-time and seasonal nature and the like, why it is not open to ShowSec to offer extensive classroom training to those applying for stewarding positions.

The criticism that potential recruits were not paid for their training was also seized upon. That was unfair and unjustified. It ought to have been tempered by an acknowledgement for the reasons explained by Mr Harding that it's reflective of the practice across the industry, as Colonel Latham accepted.

In terms of refresher training, ShowSec encouraged

its staff to visit its e-learning platform, again for the reasons Mr Harding has set out: the casual, part-time and widely spread nature of the workforce. It is simply not practicable to make classroom-based refresher training mandatory.

Counter-terrorism is also but one of a number of topics when regard is had to the sheer variety of events at which this company provides CM services that could be the focus of refresher training along with topics such as ingress and egress, fire safety or emerging risks, topics every bit as important to the safety and management of large crowds at a venue such as the arena.

ShowSec's solution and their way of addressing that issue involved inviting staff to visit the online platform, to read updates by way of carrying out thorough and detailed briefings at every event, a topic to which we will come.

In order to meet what we argue to be the misplaced criticism of the security experts to be found in the various iterations of their reports that ShowSec fell short in the standards of training it offered to its workforce, the inquiry will recall that Mr Harding has set out at some length how the CT element of the training provided by ShowSec in 2017 compared with the SIA door supervision training provided by Highfield, the

NVQ that is taken by those who wish to work as stewards at sports grounds, and the current ACT programme.

The detailed analysis of both the training and the guidance that was and is available to companies such as ShowSec is to be found at appendix B of our closing submissions, paragraphs 114 to 147, and I will not obviously take time to repeat the entirety of that exercise now.

Instead, and confident that you, sir, will either have completed your ACT training and you will remember it, or you will remind yourself of it before the first report is issued, what might be a more profitable exercise on this issue will be to compare the ACT content along with that which NaCTSO had made publicly available at the time of the attack against that which ShowSec was offering its staff by way of a CT induction module back in 2017.

I say that because nobody has sought to criticise the quality of the ACT course, the production of which has been universally praised by Dr BaMaung and Colonel Latham, and which has been held up as something of a template for what might have been made available.

We remind ourselves, of course, that the glossy ACT presentation, which was produced some years later and after the attack, benefits from the resources of the

Home Office and is a course which all of us are to undertake.

Mr Atkinson, at page 46 of his written submissions, paragraph 109, had this to say about the ACT training:

"The evidence also demonstrated that ACT training is widely considered to be the best CT training available. It is in-person, interactive and the understanding of the attendees can be tested."

Two pieces of NaCTSO training have featured heavily in the evidence. The guide for bars, pubs and nightclubs and the guide for arenas and stadia. The arena guidance contains the following:

"It is accepted there is no concept of absolute safety or absolute security in combating the threat of terrorism. It is possible through the use of the guidance to reduce the risk to as low as reasonably possible."

A little later:

"Hillsborough taught us a critical lesson: safety must always have priority over security. Remember terrorism is a crime. Many of the security precautions typically used to deter criminals are also effective against terrorists."

Both documents stress the importance of vigilance and reporting. They say in terms:

"The vigilance of your staff is essential to your protective measures. Staff must have confidence to report suspicions, knowing that reports, even false reports, are taken seriously."

Training is stated to be particularly important.

In the bars and clubs guidance, the role of door supervisors, which in the context of the arena staff means SIA-licensed staff, is set out. Again the touchstone is vigilance and upward reporting.

Both the bar and clubs and the arena and stadia guidance contain more written material on the issue of hostile reconnaissance than appears in ShowSec's CT module. However, ShowSec's module covered all the same material by embedding links to both Operation Fairway and Eyes Wide Open.

In light of the criticisms voiced by Dr BaMaung and Colonel Latham about the amount of space given to CBR attacks in ShowSec's training, it is worth considering the emphasis given to those various different methods of attack in the NaCTSO guidance because PBIED or suicide attacks are given just a single page in each document. By way of contrast, CBR takes up three or four pages in the guidance. Similarly, information security also takes up four times as much space as PBIEDs. It is notable that in dealing with that form of attack, the

first three bullet points deal with vehicles and preventing vehicle access.

The page which was transposed into ShowSec's CT module concludes with the words:

"There is no definitive physical profile for a suicide bomber so remain vigilant and report anyone suspicious of the police."

It is interesting to note the observations of Mr Weatherby at paragraph 13 in his team's written documents. After making the point that SMG and ShowSec did not have dedicated CT expertise in-house, he says in the next sentence:

"However helpful, the publicly available NaCTSO material and CTSA service was substantially inadequate for the challenges presented by the arena, which posed an attractive and vulnerable target for extremists such as IS."

As for the NaCTSO training provided by way of Griffin and Argus, ShowSec's more senior staff on the ground with supervisory roles did attend for Griffin, in some cases on more than one occasion. Casual staff did not attend for Griffin training. The level of detail in that presentation was a good deal more than that required for somebody performing a steward function. Contrary to the point made by Mr Atkinson at

paragraph 56 of his written submissions that only 13 of its staff at work at the arena were Griffin trained, that, as I've said, was deemed more appropriate only for its senior staff.

In any event, Mr Harding has said that in December 2016, when the ability to do so was made available to the company, ShowSec has begun delivering that training shortly before the attack. Although Argus training dealt with issues such as hostile reconnaissance, the main focus of that training was what to do in the event of an attack taking place.

At paragraph 7 of his written closing submissions Mr Weatherby was critical of ShowSec's failure to learn the lessons of Operation Sherman. He has presumably mistakenly overlooked the fact that the police, on this occasion in the shape of GMP, failed to invite ShowSec personnel to that exercise, and again the focus of that presentation was how to respond to an attack that already had occurred.

Next to the ACT Awareness course which, as I have said, post-dates the attack at the arena. There are currently two types of ACT training: one to be taken by the individual on their own and another to be taken through an organisation or a company. At the conclusion of the course, the participant can download

a certificate to prove they have completed it.

In general terms, we submit there is little difference between ShowSec's CT e-module and the ACT course, although, as I accept, the ACT production is more professional in terms of its presentation.

And then in the next few paragraphs, if you just would be good enough to glance through them, we look at the various modules in ACT, making the point that it's a pretty straightforward presentation with quite simple questions being asked, which then permit the participant to move to the next stage.

Can I take you to paragraph 151, please, because there is this point to be made. At the time of the bombing in Manchester, both the NaCTSO guidance on pubs and clubs and on arenas and stadia were out of date, referring as they did to "See, tell and act". In contrast, in fact, ShowSec's CT module dealt with "Run, hide and tell". And it was not until after the attack that NaCTSO's crowded places guidance, which came in in June 2017, referred also to the up-to-date guidance of RHT.

It is also notable, and we make the point at 153, in the version of the ACT course that the individual takes, there is no mention of PBIED attacks. This is not a criticism, I hasten to add, we launch against

NaCTSO. It simply demonstrates there may be more than one way of presenting and explaining important information to a general audience. But it also illustrates in the event of some future attack it'll be possible to unpick the ACT Awareness training for flaws and for missing material, as Dr BaMaung and Colonel Latham have sought to do in preparation of their work on behalf of the inquiry. Whether that would be or is fair and balanced is another matter.

The submission that ShowSec makes when regard is had to the entirety of the analysis which appears at the second of our appendices in our written document, paragraphs 114 to 147, is that its training was at least equivalent to the nationally available guidance and material and in some respects it was superior to it. The limited references to CT in the Green and Purple Guides, the NVQ qualification, the SIA training, reflect the fact that CT is but part of what the target audience of these courses needed to know. CT, by contrast, formed a significant portion of ShowSec's mandatory training.

We recognise, of course, that any training can be improved and we have sought to do so, for example, by providing more written information in relation to hostile reconnaissance. That is not to say that the

training was inadequate in 2017 and there is certainly no evidence it fell below contemporary standards.

In short, we argue that its CT module extracted pertinent material from the publicly available guidance and made it accessible and relevant to its staff.

Some of the criticisms, for example with regards to layout, are little more than nitpicking or criticism for criticism's sake; others are inconsistent. ShowSec is criticised on the one hand for providing too much, but then, on the other, for not including text on the topic of hostile reconnaissance in addition to the Fairway and Eyes Wide Open videos. More importantly, Dr BaMaung was unable to identify where ShowSec could have gone in 2017 to obtain the necessary expertise.

Can I just complete this chapter and then I'll pause if I may for lunch?

Further, the fact that staff were expected to complete training unpaid, another point seized upon, before their first shift was not out of kilter with industry practice. Although Colonel Latham made suggestions as to how the quality of training could be assured, it was clear from his answers later that whilst he trusted his contractor to provide appropriately trained staff, he was in no position to check himself the extent to which the subcontracted staff or indeed

the sub−subcontracted staff had been trained and nor did that workforce necessarily complete any venue−specific training before their first shift.

Dr BaMaung agreed that the two things he would hope a workforce such as ShowSec's had been taught were vigilance and reporting. He agreed it would be unfair to judge ShowSec without reference to contemporary standards, although he had no evidence as to what those standards might have been. And you'll recall that he was taken to the module, ShowSec's CT module, during his cross−examination.

Colonel Latham also accepted that ShowSec required SIA licence−holders who wished to work for them both to undergo the CT module and venue familiarisation. We submit neither should ShowSec's CT training be seen in isolation: the requirement to be vigilant and to report upward was stressed throughout its training.

Mr Harding has identified a number of areas where ShowSec staff were encouraged to be vigilant and to report upwards in the non−terrorist context, which included reporting accidents, issues at ingress or crowd−related issues generally, gas leaks and the like. In short, as we submit, vigilance and reporting were part of ShowSec's culture.

Shall I stop there, sir?

SIR JOHN SAUNDERS: Yes.

MR LAIDLAW: Mr Greaney, do I have about half an hour or 35 minutes left?

MR GREANEY: That's my calculation as well, about 35 minutes.

MR LAIDLAW: Thank you.

SIR JOHN SAUNDERS: Before we break, can I just raise two points with you? The first is simply a question of fact, which I am doing this from memory so I may well have got it wrong, so please forgive me if I have. You said that the Griffin training was designed for more senior staff. I actually thought the evidence was that it was designed for all staff and it was the Argus training that was for senior staff. Perhaps you could check that.

MR LAIDLAW: Certainly.

SIR JOHN SAUNDERS: Thank you. The second matter is something on which I would invite you to make submissions if you wish. This is not said in any sense to make life difficult and it may be you're coming to it later and I haven't noted it, but it is said to give you the opportunity to deal with it.

It's in relation to the SIA training of the people doing the bag checks. I understand perfectly the point you're making about Mr Atkinson's points. I also

completely take on board your submissions and arguments that it was not causative of anything which happened. But we did hear evidence, and again this is from memory, so if I've got this inaccurate in any way you'll forgive me, that as from 2013 ShowSec knew, because they had been told by the SIA, that bag checks should be done by SIA staff. There was also evidence from Miriam Stone that she made an enquiry of ShowSec as to whether there should have been SIA staff and got no response. It follows that from 2013 to 2017, ShowSec continued to employ people on bag checks who they should have known at that stage shouldn't have been doing it, so there were a number of people involved in that conversation who knew that.

An inference that could be drawn is that they knew perfectly well what they should be doing and they simply carried on regardless. I give you the opportunity of dealing with that if you wish to but it is entirely up to you.

MR LAIDLAW: Of course. My team will check, of course. My sense is that, as always, your recollection is sound. That is a perfectly fair ——

SIR JOHN SAUNDERS: I won't remark on that!

MR LAIDLAW: Well, you have almost without exception had an extremely good memory about the evidence. I also think

you're right about the evidence, so it's a problem which had persisted from 2013 to 2017. As far as the inference, which is plainly for you to consider, I would caution you against that in this sense, not that it's an excuse, but that recognition existed at a senior level and I think the explanation, which was either given or was attempted to be given, was: what ShowSec had failed to do, and they had plainly failed to do this, was to make sure that people knew how that issue had been resolved on the ground at Manchester.

SIR JOHN SAUNDERS: Right. Okay.

MR LAIDLAW: Sir, I think you're right, but my team will obviously check and I will tell you if we are wrong in our recollection but my sense is that you are right.

We'll check about the Griffin training, whether I got it the wrong way round.

SIR JOHN SAUNDERS: Right. And follow up in writing if it's more convenient, whichever way you wish. It's simply to give you the opportunity.

MR LAIDLAW: We'll try and give you an answer so there's an end to countless further submissions. Thank you.

SIR JOHN SAUNDERS: Mr Greaney?

MR GREANEY: Just before we rise, if that's the right way of putting it, and as a matter of courtesy to other counsel who are waiting to make their submissions, can we

indicate that if Mr Laidlaw is not much longer than his 35 minutes, we do think there will be sufficient time for you to hear the submissions of each of the four remaining core participants this afternoon.

SIR JOHN SAUNDERS: Okay. Thank you very much. We'll have an hour's break, so 2.05.

(1.06 pm)

(The lunch adjournment)

(2.05 pm)

SIR JOHN SAUNDERS: Mr Laidlaw.

MR LAIDLAW: Can I just deal with those three points, just before we broke. The case in the Supreme Court is Maughan [2020], 3 Weekly Law Reports, 1298. That involved the Supreme Court following Lord Nicholls in H, in other words saying that the civil standard of proof did not involve a sliding scale but for serious allegations cogent evidence was required. Sir, I think that was the case you had in mind.

SIR JOHN SAUNDERS: Yes, probably, thank you.

MR LAIDLAW: As far as the position about checking or searching of bags, these are the 2013 emails produced by Mr Harding, the reference is {INQ035987/45—49}. If I just deal very briefly with the chronology, there was one thing that both you and I overlooked. Miriam Stone had made the enquiry on 15 July 2013. There were some

(inaudible: distorted) backwards and forwards internally at ShowSec, then on 26 July ShowSec were told by the SIA that it was a licensable activity in an email which was copied to Mr Harding and Mr Logan.

Malcolm Wise from ShowSec said he would get the SIA legal team to write a letter, presumably consistent with the advice that he had received, and that they would pass it on to the client, SMG, so there was plainly an intention that ShowSec would tell SMG. That was chased by Mr Harding in October of 2013, and there it appears to have laid, no doubt overlooked, at a management level with all the other things that the management team would have been concerned with.

I ought just to say this, that the disclosure of 2013 material by Mr Harding would, I think, on any view, in proportionate terms, fall outside that which would normally be searched for or looked at, and his bringing that forward, as he did in his witness statement, in our submission is further testament to the openness that ShowSec have demonstrated to your inquiry and more particularly to Mr Harding's integrity and to his honesty.

As far as Griffin is concerned, you are right, I need to retreat and to identify an error I have made. Lucy D'Orsi's statement —— and the reference is

{INQ025466/20}, paragraph 74 -- states that Griffin is both for supervisors and front line staff, so your recollection was sound.

Mr Bailey, you may remember, had said that it was elements of Griffin which had informed the CT awareness document that he produced, so I'm in error, I need to apologise and I need to modify the submission that I have made to you.

SIR JOHN SAUNDERS: There is no apology necessary. I'm grateful for you and your team doing the work you have obviously done over lunchtime. Thank you for that.

MR LAIDLAW: Sir, in your document and the document which we made available to everybody else a little bit later, we're at paragraph 160, so it's back to training and, in that context, briefings and the experience of ShowSec staff.

At paragraph 1.28 of his submission, Mr Cooper turned to stewards, and within that quote that we have set out in your document he said this:

"The stewards' role was to meet and greet customers, scan tickets and direct customers to their seats. They were not expected nor trained to profile the crowd nor to seek to identify suspicious behaviour."

Two points fall to be made. First, we provided a detailed analysis of what stewards were expected to do

in our written submissions -- that's paragraphs 59 to 69, 71, 74 to 79 -- namely to look out for suspicious behaviour and to report it. So there's a clear body of evidence which is undermining of the point Mr Cooper was seeking to make.

Secondly -- and you made this point, sir, on a number of occasions -- stewards, by law, are prohibited from profiling because that's a designated activity and therefore licensable conduct under the 2001 Act.

So when Mr Cooper says, as he did at paragraph 1.33, that:

"Mr Atkinson understood his role as being focused on customer service."

That is in fact an accurate reflection of what the role was. And whilst there may be an issue as to how effective or workable the licensing or licensable system is, those are not issues for ShowSec to answer.

Turning then to training. As well as online training and that on the ground, ShowSec received briefings at every event they attended. The head of security, as you remember, briefed the supervisor who then themselves went on to brief the staff. Mr Lavery, a former policeman of 30 years' experience, who has not worked for ShowSec for several years now and was not, as

you recall, reticent in expressing views about the shortcomings of the industry generally, described the briefings given by Tom Rigby, who was head of security on the night, as:

"Always thorough, always in depth, knew the subject matter back to front. There wasn't really anything he didn't cover."

And he agreed that Tom Rigby always dealt with CT and did so appropriately and well. The keystone was vigilance and then witnessing the supervisors briefing this to the staff.

As far as Mr Rigby is concerned, he had worked, as you recall, for ShowSec since 2007. He had been head of security since 2015. He had held an SIA door supervisor's licence for about 10 years or so. And in fact, he also held an SIA public space surveillance licence. He seems to have completed the course before the attack, but not received confirmation until after it. He too had completed, obviously, ShowSec's CT e-module, he had attended the management development programme and Griffin and Argus training along with tabletop exercises and he always gave CT briefings to his supervisors whether it was the topic of the day or not, which included looking out for suspicious characters, reporting mechanisms, "Run, hide and tell"

and the HOT procedure, which was intended to be disseminated by the supervisors to the staff. He also gave evidence of the briefing room and counter-terrorism literature on the walls.

As for the experience of ShowSec staff, on 22 May 2017, ShowSec provided SMG with an extremely experienced bank of its own staff who had collectively received over 18,000 briefings at the arena alone. That stands in contrast to the position at the O2, as I have described. As against the 17 supervisors and managerial staff SMG had ordered and paid for, ShowSec provided a workforce that was significantly overqualified, namely 33 supervisors and managerial level staff who had an average age of 37 and an average service of 7 years. And the overall ratio of supervisors to staff was just under 1 to 5. Given this degree of experience, the fact there may not have been a specific CT briefing on the night may, as a point of significance, fall away.

The evidence, we suggest, demonstrates that this training and the experience of this workforce was regularly put into practice as the security experts concluded in their finalised report where they wrote:

"Security staff in and around the City Room were sufficiently trained for them to know that they should report suspicious activity and to know how to do so."

Subsequently, Dr BaMaung and Colonel Latham have sought to resile somewhat from that conclusion on the basis they had been persuaded to change position by the evidence of Mr Agha, and I'll come to that in the following chapter.

The company submits through me that the evidence given by the ShowSec witnesses, which in large part appears to have been ignored by the family groups in their written submissions, and which is set out for you below at your paragraphs 167 to 172, clearly demonstrate that its staff at ground level were appropriately trained to recognise and to react to hostile reconnaissance. As I said, I have set out, or we have set out, in the note that you have that material. I will not read it out again. It's also to be found at paragraphs 64 to 69 of our written submissions.

The evidence has not been the subject of challenge and we would submit respectfully that you can safely conclude that the staff on duty at the arena on the night of Abedi's attack had been well trained and they knew perfectly well what to look for and what they should do if such behaviour was noted.

Can I take you on then, please, passing over that summary, to 173 and the beginning of chapter 6. Chapter 6 is the evidence of Mohammed Agha and

Kyle Lawler and the evidence of Colonel Latham in respect of, as he described it, inadequate supervision.

The evidence of both young men obviously presents you, sir, running this inquiry, with difficult problems, perhaps for different reasons. Either Mr Agha deliberately spent as little time as possible on his training for ShowSec, which he accepted included being shown materials that were capable of informing him about the terrorist threat, or he's not telling the truth about this and, in doing so, he is misguidedly trying to minimise his responsibility.

He certainly did not inform ShowSec of the deficiencies in his SIA training such as they may have been. Whichever version is true, his own evidence demonstrates that he knew that his role involved looking out for suspicious people who he would identify by their demeanour or if they were doing anything out of the ordinary. That is what he said. If he became aware of anything suspicious he knew he was to escalate the matter to a radio holder or a supervisor. That state of knowledge may not be surprising given his experience. He'd worked 69 shifts previously of which over 30 were at the arena, and he accepted that he was a highly experienced steward.

Contrary to the oral evidence Colonel Latham gave,

it was only Mr Agha who said that he'd had to ask a colleague what he was supposed to do having been assigned to guard the grey doors. Whether he is truthful about that is of course for you.

In fact, that colleague has made no mention of such a conversation in the witness statement he has provided to the inquiry. In the passage I've passed through, there is reference to Mr Middleton's practice at the end of his briefings of asking those in charge if there was anything they did not understand to speak to him. That, Mr Lawler, confirmed happened on 22 May.

This passage of Colonel Latham's evidence in which he purports to come to a factual finding, based on a misstatement of the evidence, is but an example that underlines, we submit, the care that needs to be taken before accepting the evidence of an expert who appears not to have a full and proper understanding of his role.

As far as supervision and contact with other members of staff is concerned, Mr Agha was relieved by Jordan Beak at 19.31. He spoke to Mr Lawler at 19.44 and 20.38, and he left his post to speak to a ShowSec supervisor, Donald Barrett, at 20.30.

He was approached by and spoke to an unknown member of ShowSec staff at 21.11, who appears to have relieved him, to allow him to go for a toilet break.

In the hour before detonation, there was a radio holder in the City Room for all but 2 minutes of that period and it follows that Colonel Latham's comments about a lack of supervision cannot really withstand an accurate summary of the evidence.

Colonel Latham went on to say that in hindsight it might have been better for Mr Agha to have a radio, though in fairness to the colonel he also said that there were good reasons why he did not, making the point that the supply of radios is limited and there's a need to avoid chatter on the airways.

As for Kyle Lawler, he started work for ShowSec when he was 16; he was 18 by the time of the attack. He accepted frankly, you may think, that the trauma of the incident had had a significant effect on him and his ability to recall precisely what happened. He gave, however, a clear and plainly accurate account of the training he had received.

Early on in his ShowSec career he had gained an understanding of the sorts of behaviour that would raise suspicions, namely avoiding eye contact, fidgeting, sweating, taking in the CCTV cameras, asking staff random questions, not fitting the demographic of the event, being inappropriately dressed for the season or weather, carrying a large bag. He certainly knew what

to look out for.

In summary he would look to see whether a particular person was consistent with what should be happening in the particular environment. During the induction visit to the arena on 6 May, Tom Rigby had said that if staff saw someone suspicious the protocol was to inform control either directly if they had a radio or indirectly through a radio holder. Mr Lawler would make his observations, get the detail through to control so they could find him on the CCTV and then give him advice.

As a result of his training, he understood the HOT procedure in respect of suspicious items. Mr Lawler's SIA training, consistent with the evidence I summarised before we broke, was delivered by ShowSec in a classroom in January 2017. He recalled that the counter-terrorism part was a long, detailed interactive session lasting a minimum of a couple of hours. It covered past terrorist attacks, looking at what might be considered suspicious and what to do in the event of finding someone or something suspicious. Eyes Wide Open was shown.

During the supervisor briefings, Mr Lawler said CT was always mentioned or touched upon. Sometimes it was generic and gone over and it went over, for example, the

HOT procedure, but on other occasions it was more detailed. The threat level was covered in briefing.

He considered that the training he received from ShowSec was adequate to deal with the situation where a suspicious person had been drawn to his attention.

On 22 May 2017, Mr Middleton had not briefed the threat level but did go through the HOT procedure. It was the first time Mr Lawler had worked on the bridge, so after Mr Middleton asked if everyone knew what they were doing, Mr Lawler took time to approach Mr Middleton to ask about his role, which Mr Middleton then explained. We would suggest for your consideration, sir, that against this body of evidence there can be no dispute that both Mr Agha and Mr Lawler were appropriately trained and both knew precisely what they should do if confronted by an individual whose behaviour had given rise to suspicion.

Each had undertaken SIA training in 2017. Counter-terrorism had been a specific briefing topic on 3 to 6 May and on 8 May, so Mr Agha had received that briefing on the 3rd and Mr Lawler had received it on the 3rd, 4th and 8th.

We would argue that you should reject both Mr Agha's evidence that he had not understood what his role on the grey doors was and Colonel Latham's evidence that he was

inadequately supervised.

Chapter 7, missed opportunities both in the days before the attack and on 22 May 2017. ShowSec accepts that there was a missed opportunity when Mr Agha failed to follow his training and briefings and to escalate as a matter of urgency the concerns of a member of the public to the event control room.

Further, if his statements are accurate, it appears Mr Lawler also missed another opportunity at approximately 22.23 when Mr Agha directed his attention to the bomber. The evidence has shown that this was not the result of inadequate training in either case.

Looking then at the hostile reconnaissance prior to the attack, we suggest that the evidence of the security experts in relation to the chances of Abedi being identified as he conducted hostile reconnaissance between 18 and 21 May is unrealistic and tainted with hindsight. By way of example, Abedi walked past Mr Lavery, a former police officer with 30 years experience, on 18 May and stood near him while he watched the queue for no more than 40 seconds. That was the same day that Mr Lavery followed and reported a male he believed was involved in hostile reconnaissance, obviously a different young man.

On 22 May, Abedi can be seen to go briefly to the

mezzanine. The fact that he was a young man wearing a hat cannot possibly make him suspicious, nor is there any reason to regard him as being any more suspicious than the man who was standing at the foot of the JD Williams stairs for the entire period that Abedi was in the City Room on that occasion.

The argument set out in Mr Atkinson's submissions at paragraph 31 that had stills been taken of the man who it is accepted was not Abedi on the 21st and had those stills then been shown to ShowSec staff it would have been more likely that Abedi would have been identified as suspicious on the 22nd does not really stand up to any sort of scrutiny.

Is it seriously to be suggested that ShowSec staff should have been particularly on the alert for young Asian or Arabic looking males who were wearing casual clothes and carrying a bag? That would seem to fly in the face of the official advice, which was not to profile people by reason of appearance or ethnicity.

Turning then to missed opportunities on the night, including the use of CCTV. The experts note that Abedi had started to enter the City Room at 18.34, but had then turned, possibly so it was suggested, as a result of seeing BTP officers. We would suggest it is wholly unrealistic to expect either a CCTV operator or indeed

a member of ShowSec staff at ingress to notice Abedi as he approached the doors, notice that within a matter of seconds he appears to have changed his mind, to notice the presence of BTP officers and then to link the two. Mr O'Connor's cross-examination of Colonel Latham on whether it could reasonably be said that Salman Abedi should have stood out as suspicious as he walked towards the City Room demonstrates, we would suggest, the dangers of hindsight.

At the highest it might be said that if someone monitoring the CCTV had noticed Abedi on one of his visits to the City Room when he was wearing his rucksack they might have been suspicious and called for further investigation. However, the inquiry has heard just how many CCTV screens there were and certainly, so far as the event control room was concerned, the focus was on the movement of the crowd.

The distinction that Colonel Latham sought to draw between the position of BTP officers at 20.48 and ShowSec staff at 20.51 is another example of the unreality of his evidence and of an opinion which verges on the unfair. Nothing had changed in those 3 minutes. The railway station as a transport hub is just as much a target for a PBIED attack as was the arena. Nobody could have sensibly suggested that the BTP officer

should have found Abedi suspicious when he walked past them and Colonel Latham should not have expressed any other view about the ShowSec staff who he passed just 3 minutes later.

It'll be for you to make factual findings, sir, as to whether Mr Agha was or was not trying to contact Mr Middleton after his conversation with Mr Wild, but on the assumption that he was then the issue becomes one of how hard he tried rather than whether or not he knew what to do.

You'll recall what he said. He said:

"I was just thinking, like, what's he up to, what does he have in his bag. My first concern was just getting it reported because I'm not aware of what the situation is. There's nothing clear in my head what it can be so I need to get it reported."

Mr Middleton accepted that he had told Mr Agha he was not to leave the doors unless they were covered by another member of staff but Mr Agha would be expected to contact a radio holder even if that meant shouting. This is in fact advice consistent with the guidance to be found in the Purple Guide, which states under the heading "Conduct of stewards":

"Ensure that stewards understand that they should not leave their place without permission."

Earlier in the evening, as I have said, Mr Agha had in fact left his position in order to speak to Mr Barrett. He accepted that he could leave his position in the event of an emergency, although after he'd spoken to Mr Wild he did not regard the situation as falling within that category.

After failing to attract Mr Middleton's attention, he did attract the attention of a radio holder in the form of Mr Lawler by shouting his name, waving him over and leaving his position.

In fairness to Mr Agha, it is difficult now to get a sense of the degree of urgency with which Mr Wild had approached him. According to Mr Agha, Mr Wild, and I pick from his evidence:

"... wasn't panicked or anything like that, he just said it in like an ordinary way."

Mr Agha accepted he had not directed Mr Wild to Mr Middleton, who was standing a relatively short distance away.

Much, as you'll recall, has been made of the disquiet felt by members of the public when they saw Abedi, but again in fairness to both Mr Agha and Mr Lawler, it is important not to lose sight of the fact that the only person to have actually expressed any concern to a member of staff was Mr Wild. And as

you will see, we have set out the evidence of the other members of the public for you between 191 and 196 of this note and that's 88 to 92 of the written document. So I will pass through those, if I may, just to make sure that I finish within my time slot.

Can I take you, please, to paragraph 196 now. What is of note, again when one ensures that one is looking at Agha's evidence with fairness and with a degree of sympathy to the position he found himself in, is that after Mr Wild had expressed his concern to Mr Agha, he then left the City Room for a period of 6 minutes, leaving his partner behind. If that was an indication of the level of concern that he had expressed then that might explain Mr Agha's desultory effort to attract the attention of others and the manner in which he in turn communicated any disquiet to Mr Lawler.

Certainly Mr Lawler's action, as seen to the CCTV footage when leaving the City Room, are not those of someone who believed that something so terrible was about to occur.

Mr Middleton was shown the CCTV footage of Mr Agha apparently trying to contact him. He said Mr Agha could either have walked over or shouted to him. Sir, you've been to the arena now on at least two occasions and you can judge for yourself the practicalities of that for

yourself.

Had he been informed of Abedi's presence and the concerns from the public, Mr Middleton said he'd have radioed control. Neither had Mr Perry seen Mr Agha trying to attract their attention and he would have expected him to have come over. Mr Beak was unaware of Mr Agha's efforts to make contact and he too would have expected him to raise a voice.

Mr Lawler was the only witness to suggest there was any problem with radios. However, his evidence is that after he left the City Room he cannot recall trying to use the radio. At egress there would be a call over the radio to maintain radio silence unless it was urgent. Neither Mr Perry nor Mr Beak had ever experienced such an issue.

According to Mr Atkinson, Mr Lawler made no mention of any conversation with Mr Agha when he rejoined him and neither did he seem anxious. He was not trying to make calls on his radio, although he may have been fiddling with the press-to-talk button.

The fact that after speaking to Mr Agha and returning to his position on the bridge, Mr Lawler sent three people back into the City Room at 22.29 is a further indication that he was not overly concerned about what he'd been told or had seen. As he put it:

"It suggests I wasn't concerned about what I'd witnessed."

There is, as I have said, also his body language as can be seen on the CCTV footage.

In summary, the evidence demonstrates that ShowSec staff, including Mr Agha and Mr Lawler, were properly trained and knew what to do. Both had recently completed or should have completed SIA training, and as you have already pointed out, and Colonel Latham appeared to accept this, the fact that an opportunity was missed cannot of itself lead to a conclusion that the person who missed it lacked training.

So just in the last 2 or 3 minutes to our final submissions, drawing the threads as it were together.

First, we submit it would be to fall into error to cast judgment on ShowSec and its areas of responsibility without explicit reference to its part in the hierarchy of those charged with securing the safety of the public in the City Room. When those representing the families talk of ShowSec's systemic failings, they too have overlooked this. Thus far, insufficient attention has been paid to the part that the victims of this terrible attack were entitled to expect the state, through the police, to play, be that BTP or, as would have been far more appropriate, GMP, because in truth it was GMP, with

their experience in CT, who should have taken charge of safety at the arena.

A proper risk assessment by the police may well have identified the inevitable cracks in a system or in any system prepared by two private companies without having the benefit of their expertise or the expertise of the police and access to the relevant material. As it was, ShowSec was left to do its best without the support both they and the public were entitled to.

Secondly, what we suggest is absolutely clear and now firmly established by the evidence is that the arrangements in place in May 2017, in terms of public access to the City Room, were not in any sense ShowSec's responsibility. On 22 May its staff had no lawful means of preventing the bomber entering that area or making his way up to the mezzanine level. This is not a question of the company we represent sheltering behind excuses. It is no more or less than a recognition of the challenges the City Room presented and what was permissible and lawful for ShowSec staff to achieve.

The sad fact is that the public's unrestricted access to the City Room provided an opportunity which was ruthlessly exploited by a terrorist who was perpetrating an appalling criminal act. If the bomber had been confronted by a visit from ShowSec staff to the

mezzanine level as part of the pre-egress checks, or indeed any police officer who ought to have been on duty, we can have no real idea of what he the bomber might have done. Would he have set the device off immediately or might he have pushed himself into a similar position as that he was able to take up at 22.31?

Thirdly, much of the criticism made of ShowSec by a number of the advocates representing the families and aspects of the language used to frame the extent of those criticisms has been and is inappropriate, unjustified and unhelpful. Those epithets are easy to employ but the substance to much of it has been found on proper examination to be wanting.

There were failings and failings which the company has accepted: the risk assessment was found wanting and the bag checking was a licensable activity. I have made the point, as for the checking of bags, it's tolerably clear that in his hostile reconnaissance Abedi had in fact seen ShowSec staff at work and had been deterred from any thought he might have had for mounting his attack at the beginning of the event. The admitted failings were not, and plainly not, causative.

Fourth and elsewhere, as we sincerely hope the company will have demonstrated from the calibre and the

integrity of its senior management team, ShowSec was plainly determined to do its best. The training it offered was comprehensive, detailed and market leading. Each member of its staff was taught, and more importantly understood, that vigilance was required of them to promptly bring to the attention of the event control room anything of concern. It was also both an experienced but a committed workforce that ShowSec had provided to SMG on the night of this attack.

Fifth and finally, there are the very substantial efforts to make improvements as are set out in the changes made statements which make good ShowSec's promise to learn lessons and to improve on its performance.

Those, sir, are our submissions.

SIR JOHN SAUNDERS: Thank you very much, Mr Laidlaw, I'm grateful.

Mr Greaney.

MR GREANEY: We will next hear from Ms McGahey on behalf of the Secretary of State for the Home Department.

SIR JOHN SAUNDERS: Thank you.

Ms McGahey.

Submissions by MS MCGAHEY

MS McGAHEY: Sir, the inquiry and the core participants have the written submissions made on behalf of the Home

Secretary and her supplementary submissions on the issue of Article 2 of the European Court Convention on Human Rights, and I don't propose to repeat what was said in them now.

But I would like to use this time to address two key issues that were raised by the families in their oral submissions and the first is the progress being made by the Government in respect of the proposed Protect duty.

It is absolutely obvious that the delay in launching the Protect duty consultation is causing great frustration among the families and I can say that that frustration is shared by all who have been involved in developing it and in the process. But getting things right is crucial and the Government has been very concerned that many businesses, especially smaller ones, would really struggle during this pandemic to participate in a consultation exercise.

If the voices of those who would have to implement the duty are not heard and plans are made without their input, then there's a real risk of the Government pressing ahead and promoting obligations that would just not be workable in practice.

However, I can now say that the Government is committed to launching the consultation by the end of next month, so that's by the end of February. The plan

is for the consultation period to last for 18 weeks instead of the usual 12. That will take the consultation period into the summer. It is hoped very much that businesses will be operating more normally by then and they should therefore be in a position to engage meaningfully with the consultation.

The consultation will ask for responses on questions relating to four key issues. Firstly, who would the Protect duty apply to? Secondly, what would a proposed duty require stakeholders to do? Thirdly, how should compliance work? And fourthly, how would Government support those affected by a Protect duty?

The Government will take consultation responses into account as well as any recommendations made in your chapter 7 report, sir, as the Government develops both the draft legislation and the subsequent guidance that is to go with it.

The basic intention behind the proposed Protect duty is that owners and operators of publicly accessible locations will be required to consider and take forward appropriate and proportionate protective security measures and I know, sir, that the question of what would be proportionate is one that you have already raised.

What is proportionate is likely to vary according to

the size and nature of the organisation and, of course, also the activities that that organisation undertakes and there will be detailed guidance to help those who have to implement the Protect duty.

The second major issue that I would like to address is a legal one concerning the relevance of the state's duties under Article 2 of the European Convention on Human Rights to the inquiry's work.

I should emphasise that this issue concerns only the language used by you, sir, to record any findings. The Home Secretary wants to make clear that she does not seek in any way to restrict your right to make findings of fact, however critical they may be of anyone at all, or to make any recommendations that you choose to make. The Home Secretary had previously understood that some of the families were inviting you to record a finding that there was no Article 2 compliant legal or procedural framework in place on 22 May of 2017, and in response to that understanding, last week we filed brief overview submissions on the question of whether an inquiry report can make findings about the state's discharge of its Article 2 duties.

Our proposition then was that any determination as to whether the legal framework governing protective security in crowded places breached Article 2 would

amount to an infringement of the statutory prohibition on the determination of civil liability which is contained in section 2.1 of the Inquiries Act.

But following the submissions of Mr Weatherby Queen's Counsel on Monday, we now understand that that proposition is not controversial. However, Mr Weatherby clarified that the families he represents are inviting you to find that the current framework of laws does not comply with Article 2. He has made clear that the reasons the families seek this finding is to ensure that the Government acts with greater urgency to take whatever steps are necessary to remedy any deficit.

At the outset I should make clear that the Home Secretary absolutely understands the families' concerns that underpin this request. But for the impact of the pandemic, the Protect duty consultation would probably have been launched almost a year ago and the changes that the families and Ms Murray, in particular, have been so instrumental in promoting would have been much, much closer to completion.

But the Home Secretary would like to offer the families her reassurance on this point. She remains wholly committed to the mandatory Protect duty. There is now a firm timetable for the consultation and a huge amount of work has been done behind the scenes. The

process for introducing the legislation is now well underway and, sir, I can say without intending any disrespect at all to you or to the inquiry, the Home Secretary's commitment will continue regardless of the way in which you choose to express your findings of the adequacy of the legal framework.

May I turn now to the question whether you should make the finding that the families seek. The Home Secretary's respectful response is that no such finding should be made. It is for the courts in civil or public law proceedings and not for statutory inquiries to make findings on the state's discharge of its Article 2 obligations. That is for good reason. In civil proceedings the arguments are well-defined at the outset of the proceedings and evidence is called to address those specific issues.

It's the Home Secretary's respectful submission that your task, sir, in this inquiry is to consider the matters set out in the terms of reference. Where you find there to be inadequacies, those inadequacies should be identified in the report and reflected in the recommendations you make, using whatever language you consider to be appropriate. But the wording of any report is subject always to the statutory prohibition in section 2 of the Inquiries Act, so this inquiry should

not make any determination of criminal or civil liability, and our submission is that any finding as to whether the current legal framework governing protective security in crowded places is in breach of Article 2 would amount to an infringement of that statutory prohibition on the determination of civil liability.

There is a distinction between factual findings as to the adequacy or otherwise of the systems and policies and framework governing security in crowded places and a finding as to whether any inadequacies amounted or whether they currently amount to a breach of the state's Article 2 general duty.

Whether there is or whether there was a breach, firstly, requires the scope of the general duty to be defined, and in my submission that's a really complex issue, both in law and evidentially. To take one example, any attempt to isolate protective security fails to take account of the national framework of laws, precautions, procedures and means of enforcement which the state operates as a whole to protect the lives of citizens.

To put it another way, when viewed in isolation, a single piece of the jigsaw may very well appear to be inadequate, but any apparent inadequacy may be negated entirely when that single piece of the jigsaw is placed

within the larger picture of the much wider national framework, and in my respectful submission it's the framework as a whole that has to be considered when the state's compliance with its Article 2 general duty is assessed.

If that is right, any consideration of a breach of Article 2 would then require a detailed analysis of the factual situation, whether in 2017 or today, against the totality of the state system. You asked Mr Weatherby Queen's Counsel, sir, earlier this week whether any other Council of Europe jurisdiction has something similar to the Protect duty, and in my submission that question in itself provides another illustration of the sort of issues that might be raised, the sort of evidence that might be raised, and the level of detail that would be needed in order to address questions of Article 2 compliance.

It is our respectful submission that embarking on such a task is not within the scope of this inquiry, and in any event, just in practical terms, it's absolutely definitely not something that could be achieved to enable you to write a report that could be published in May of this year.

On the question of what happens in other countries we are currently taking instructions, but officials to

whom we have been able to speak so far are not aware of any mandatory protective security duty of the general sort that the current UK Government is proposing. Where there is legislation elsewhere, it tends to protect specific aspects of country's infrastructure such as its transport network.

During the Protect duty consultation period the Government will, through its embassies, be asking other countries for their experiences and learning from them, but at the moment we do not have, I'm afraid, the detailed information that we would need to give you a completely accurate answer to your question.

In summary, the Home Secretary's submission is that you should not consider in the chapter 7 report whether Article 2 was breached on 22 May 2017 or indeed whether the current system breaches Article 2. If, sir, you are still minded to address Article 2 issues in the report then the Home Secretary does respectfully request that you should first require further detailed legal submissions, both from core participants and counsel to the inquiry, addressing, first of all, the law on the Article 2 general duty and, secondly, the question of evidential sufficiency. We would then ask that you determine both the scope of the general duty and the need for further evidence with a view to making a ruling

on those issues before deciding whether to consider any question of breach in your chapter 7 report.

I should make clear that the Home Secretary, for the reasons I have just set out, does not advocate further consideration of the Article 2 issue, but I should emphasise again that a decision not to make a finding on Article 2 compliance absolutely does not prevent you from making the types of findings on the facts that Mr Weatherby Queen's Counsel and the other core participants seek if those findings are supported by the evidence. It is absolutely open to you to find that something was inadequate because it didn't achieve its intended purpose or because the defined purpose was too limited to address the problem that needed to be solved. That difference is one of language, it is not one of substance at all, and we submit not one that should affect in any way findings that you choose to make.

Sir, as I said at the outset, you already have our written submissions in more detail on other issues, so unless I can assist you further, those are the submissions on behalf of the Secretary of State.

SIR JOHN SAUNDERS: You can, Ms McGahey, on a number of things. I just want to clarify a few things that I have said and why I've said them.

First of all, this is not directed to you but it's

directed to Mr Weatherby. Perhaps he would like to either send me a document or tell me that he agrees with your analysis of what he's actually asking me to do. That's first.

The second thing is that my reason for asking about any other country's Protect duty and if they have them was not designed to an Article 2 question at all, it was designed that if I am going to be making recommendations in relation to the Protect duty, it would actually be nice to know if anyone else had gone down this line because it is always quite a good idea not to reinvent the wheel if someone has invented it first. That was the reason for that.

In relation also to the Protect duty, you will appreciate that as the evidence in chapter 7 has gone along, I have been giving that obviously thought and it is not entirely —— when making a compulsory duty, such as is suggested for a Protect duty, actually the mechanics of it and the different stages which have to be gone through, it's not actually entirely straightforward. So you may or may not be able to answer this question, but will the consultation document set out a detailed proposal for how the Government proposes to make the Protect duty work and to be compulsory and the factors it would take into account to

assess proportionality or is it really going to be a series of questions from which the legislation will then go on from that basis?

MS McGAHEY: Sir, I can't answer your question with certainty, I'm afraid. But my understanding is that it's the latter, that it is a series of open—ended questions. I can take instructions.

SIR JOHN SAUNDERS: That's helpful to know. Because some analysis, it seemed to me, of what will be required and what factors need to be taken into account may be of some assistance if I'm making recommendations.

At the risk of being considered to have an obsession which licensing law, which I do not have, can I just raise a couple of issues relating to your response in your written document in relation to licensing and what the Home Secretary at the moment intends to do.

So paraphrasing, it is said that licensing committees will be able to take into account questions of terrorist attacks and the risk of them in deciding whether to grant licences. Indeed, it's accepted in your document that that comes within the terms of the Licensing Act. But the Government says, never mind that, never mind the fact you haven't been doing it so far, we're not going to give you any guidance in the licensing guidance. I just wonder whether someone might

like to reconsider that, as it sounds not entirely logical to me.

MS McGAHEY: Sir, I can certainly take further instructions. As we set out in the document, the underlying reason for that stance is that work is being done on the Protect duty and the guidance to go with it, and the Home Secretary's intention would then be to revisit the Licensing Act guidance if necessary, once that work had been done, because there's likely to be a very significant overlap.

SIR JOHN SAUNDERS: Okay. That's absolutely fine as long as they do have it in mind to do, because I'm sure licensing committees, particularly if they haven't at the moment considered it, if they now feel that perhaps having seen the evidence of this inquiry and what has been said that they do need to, they might like a bit of help with it. Anyway, that is one point.

The second point is this, and I'm afraid this is the sort of misunderstanding which —— maybe it's my fault for the way I expressed it, clearly because a lot of people appear to have this misunderstanding. I am not suggesting, and I do not suggest, that the Licensing Act would cover what is required by a Protect duty.

It would clearly not, because it doesn't cover, apart from anything else, all the other premises that you wish

to cover.

But if there is a Protect duty, the way it is presently phrased, it would come into force after licensed premises —— this is what I'm considering —— have already been built. So if you had licensed premises like the arena being built coming out on to a grey area, people might have concerns about that and it might be impossible to deal with any proper Protect duty which is imposed.

Licensing committees, on the other hand, decide in advance of building whether or not they would grant a licence, so that would allow the Protect duty to be considered at a stage before the building takes place and the developer spends all the money on it. That could easily be achieved by at the same time and in the same legislation as introduced the Protect duty, add compulsory licensing conditions to licensing licences. Certainly you could make it for ones in the future. Because your document, with respect, I don't think expressed what I was thinking about.

It just seems practical and pragmatic, but obviously if someone could just have a look at that again rather than take some idea that I'm trying to replace the Protect duty by the Licensing Act, which I am not in any way.

If you take that away as well, I'd be grateful.

MS McGAHEY: Of course, sir.

SIR JOHN SAUNDERS: The third thing is, as you know, I've had helpful documentation and recommendations from Jeremy Phillips Queen's Counsel and from the Licensing Institute. Would you object to me referring your document, your written document, to them for any further comment from them? Of course it would be provided to you afterwards.

MS McGAHEY: No, sir, not at all. Our submissions are public documents.

SIR JOHN SAUNDERS: I understand that, but I would be asking for someone else's comment on it rather than my own. Thank you very much for that.

Mr Weatherby, you look like you're ready to say something.

MR WEATHERBY: You asked me a question so I thought I'd... I'll happily put in a further short document reiterating what we've done in writing and orally so far.

In respect to whether the analysis that has been put today, we have repeatedly said we're not asking you to determine liability. We want a finding that the system in place was not compliant with Article 2, and there's a distinction which we set out yesterday. We'll happily put in a further document trying to make it more clear.

SIR JOHN SAUNDERS: Okay. I'm not sure that's quite what Ms McGahey was saying in submissions just now, but if we can at least understand where we are in that, that would be a great help. Thank you very much, Mr Weatherby.

Mr Greaney.

MR GREANEY: Sir, thank you, we're going to hear from Mr Butt on behalf of Counter—terrorism Policing Headquarters, and you should in the last 15 minutes or so have received Mr Butt's speaking note.

SIR JOHN SAUNDERS: I will find that, so just give me a moment, please.

(Pause)

Submissions by MR BUTT

MR BUTT: Sir, in an inquiry into the terrible murder of 22 innocent people, it is inevitable that the focus will be upon what went wrong. In doing so, it is important that we don't lose sight of the good work that is done by Counter—terrorism Policing at a national and local level across the four strands of CONTEST. It is no comfort to those who lost loved ones to be told that the UK authorities are highly effective at preventing terrorist attack, but that is the case. We stop terrorists in the vast majority of cases. As DAC D'Orsi said at paragraph 6 of her first witness statement, in

2017 alone 13 attack plots were foiled.

The evidence about national training and guidance has also been reassuring. Overwhelmingly, where the guidance and training provided by NaCTSO has been examined, it has been described positively by those representing the families and other core participants and by the inquiry security experts. The evidence has shown that this guidance and training is both comprehensive and of real benefit in countering the terrorism threat.

Examples of this include NaCTSO products such as Griffin and Argus, training videos such as Eyes Wide Open, and the various advisory messages and guidance issued to both the CTSA Network and the wider industry.

Where concern has been expressed about NaCTSO guidance and training, this in the main part has been to express concern that engagement with the process and implementation of CTSA recommendations is voluntary, hence the universal support in this inquiry for the introduction of a Protect duty, which NaCTSO supports as set out at paragraphs 4 and 5 of our written submissions, and as explained by DAC D'Orsi in evidence.

There has been no serious attempt by anyone in this inquiry to criticise the training of CTSAs and nobody has disputed the evidence of DAC D'Orsi, endorsed by the

inquiry experts, that CTSAs are amongst the most highly skilled CT advisers in the country.

The evidence about Ken Upham and all of those who work so hard in the public interest to keep us safe has also been mainly positive. NaCTSO repeats that Mr Upham is obviously a hard-working and dedicated police professional and my client thanks him and all of the CTSAs who work hard to keep us all safe.

When searching for what improvements can be made, as you must in this inquiry, sir, it is important not to lose sight of the fact that the UK has such a highly skilled resource available free of charge to qualifying businesses and not-for-profit organisations across the country. You have full written submissions on behalf of CTPHQ, which have an important but discrete role in chapter 7, and I certainly will not read out those submissions.

But by reference to them, I wish to address six topics raised by other CPs and the inquiry experts. The first relates to external areas in the context of protective security improvement activity, PSIA.

Obviously, a good deal of PSIA will focus upon ways to protect those within a site. This is unsurprising because an attack within a crowded place would normally cause the greatest number of casualties. That is why

crowded places are targeted by terrorists in the first place and that is why crowded places are afforded a special status and provided special protection by the state.

It is because of the work that has been done to stop an attack where the impact would be highest that target hardening occurs and terrorists have to pick targets which are less attractive to them by reference to impact, but more vulnerable to attack.

That crowds within places such as the arena are well protected shows that the Protect strand of CONTEST is working. It is a sign of the effectiveness of CT measures, including detecting hostile reconnaissance, reporting suspicious activity and search and screening at this and other venues that terrorists look to less attractive targets.

But as I stated in opening, that does not mean that areas outside a site are ignored either within the PSIA process or otherwise. There is no express or implied limitation to be found in the PSIA tool or guidance that restricts CTSA advice to internal areas. The phrase "protecting a crowd within a site" does not appear anywhere in the PSIA tool or guidance, all of which reference protecting people at a site or at a crowded place, and Ms Forster very fairly accepted she could

find no example of this phrase being used. There are no such documents.

All core participants now agree that PSIA is and was in 2017 not solely concerned with activity within a site's demise. GMP accept at paragraph 94.1 of their closing submission that some aspects of PSIA relate to external areas. Work external to a site, of course, is undertaken at the very beginning of the process, with the site survey using the onion layer approach, looking at the site from outside in, from the environment to the external areas, the shell and then the interior itself. This is basic CTSA training and something all CTSAs will be familiar with. That included Dr BaMaung from his own CTSA experience and Liz Forster from hers, as they both confirmed in evidence.

The arena survey conducted by Mr Archibald considered the City Room and was available to Mr Upham, who decided to use this rather than conducting a new survey, which was, on the evidence, a reasonable decision. Of course, some attack methodologies will by definition require advice about PSIA outside the demise of a site. Obvious examples are non-penetrative and penetrative vehicle attacks and placed IEDs.

At paragraph 26 of the CTPHQ submission, I have provided references to the tool and to the PSIA guidance

which set out examples of external PSIA, including traffic exclusion zones, physical stand-off, hostile vehicle mitigation and searching bins and foliage and external areas. The suggestion that PSIA only relates to protecting a crowd within a site is unsustainable.

Neither can it seriously be suggested that when considering person-borne improvised explosive devices, PBIEDs, and their methodology, advice is either explicitly or implicitly restricted to activity within a site.

Suggested activity for PBIED methodology, which the tool invites CTSAs to consider, includes invacuation and evacuation, which we'll look at very clearly in the context of egress, and a capability to increase security at times of increased threat.

In relation to that third example, Dr BaMaung agreed that an obvious consideration for PBIED under this heading would be pushing back the perimeter, as suggested in both the 2015 NaCTSO guidance note number 2 of 2015 and the NaCTSO guidance in force at the time of the attack, and specifically there in the section relating to suicide attack, namely PBIED, and all of references to that NaCTSO guidance are at paragraph 27 of my written submission.

We provide at paragraph 28 an example of this

working in practice, where just such a recommendation was included within the British Transport Police Victoria Station action plan, as agreed at the time of the attack. And indeed, of course it was Liz Forster's evidence that she would have expected Mr Upham to have advised SMG about extending the perimeter or possibly closing the City Room because she believed that he had done so, and whatever factual finding the inquiry comes to in this regard, such a recommendation was included for consideration in the NaCTSO guidance issued to CTSAs and sites at the time of the attack.

For their part, SMG accept that they considered pushing back the perimeter, but decided this was not possible due to the extent of their demise. This is precisely the sort of problem that can be solved by working in partnership with neighbours and by engagement with local authorities under that broad heading of partnership, which brings me to my second topic.

It has been suggested that partnership working is confined to, for example, intelligence sharing with neighbours, and as a result is perhaps of limited practical effect. It has been suggested that hard-edged solutions cannot be achieved under the partnership examples provided in the tool and the guidance.

On behalf of NaCTSO, that is not something we can

accept. It understates the importance of a critical area of CT protective security. It is correct that Dr BaMaung was asked questions about partnership by Mr Horwell on behalf of GMP, but he was only asked about a single example of this in the tool, namely communication-sharing protocols. This does not mean that partnership is only about information sharing and could not therefore include steps to assist in extending perimeters into areas of shared ownership. That is not the evidence.

What Mr Horwell asked Dr BaMaung about -- and this is at Day 42, page 236, line 12 {Day42/236:12} -- related only to communication-sharing protocols. Dr BaMaung said he would take the content of what has been called the drop-down menu, the text embedded in the spreadsheet, from GMP's counsel; of course, it was put correctly to him. But communication-sharing protocols is only one of the five examples of suggested activity under the broad heading of partnership provided in the tool and all five of them are set out at paragraph 30 of my written submission.

These five examples are but examples. Dr BaMaung in fact agreed, returning to the question of extending a perimeter into areas of shared ownership, that this was precisely what partnership working in PSIA can

resolve and, more generally, the experts were of the view that partnership is a means by which CTSAs can advise as to protective security beyond the perimeter of a site.

Partnership has always been one of the key messages that NaCTSO has sought to convey as to how businesses can keep us and their staff safe. It's a theme that runs through the PSIA tool from its launch and all of the guidance. Vital CT work is done by partnership between businesses, local authorities, the police and NaCTSO every day, and my client is anxious that nothing is said in this inquiry to undermine the importance of this.

The third topic is egress. Whilst egress is not specifically mentioned as a location or timing of an attack in the PSIA tool, that is not necessarily a weakness. Egress is not an attack methodology. Any of the six methodologies, with the possible exclusion of a postal IED, could be deployed at an egress point or during egress. I know, sir, that you will be careful not to allow a disproportionate focus to be placed on egress because that was when and where this terrible attack occurred. That could have serious unintended consequences.

Whilst the tool and guidance do not focus

specifically on egress as a risk area, it was a matter that CTSA as an industry would have been aware of from the guidance relating to PBIED methodology. I gave one example earlier of evacuation and invacuation plans being a specific activity the tool would score sites for in relation to PBIED, and Dr BaMaung agreed that these would involve consideration of egress and ingress, and it is not hard to see why, as it involves taking a crowd out of a site to keep them safe or bringing them inside if an attack happens in an external area and this can be safely done.

There is also reference to, for example, the importance of and vulnerability of exits in the guidance, the need to monitor security and CCTV focused upon exits and how hostile individuals or potentially hostile individuals paying attention to exits is likely to be suspicious of itself.

Security advice, though, is not confined to the examples in the PSIA tool or guidance. Your experts agreed that the scheme was designed to be flexible and the examples in the tool were not exhaustive, nor should they be seen as being proscriptive. All relevant witnesses, including Ms Forster, agreed with this, and Dr BaMaung said that the guidance encouraged a creative approach and that CTSAs were encouraged not to be bound

within the box of PSIA. They were encouraged to use their extensive training to conduct their own research and to be flexible and creative in how they provided PSIA advice to a site.

You can see from the references in our submission at paragraph 23 that this was a consistent message NaCTSO conveyed to all CTSAs. Dr BaMaung also agreed that NaCTSO events such as Argus and Griffin were conduits to share an understanding of what the terrorist threat may be.

I have in this regard taken witnesses from GMP and SMG to the Argus stadia facilitator notes, which would have been used not just at the launch of that event in May 2015 but at each and every session when the event was cascaded consistently nationally, including in the north-west, including at the Manchester Arena. It is an important document given some of the evidence and questioning in this inquiry.

It has been suggested, including by ShowSec at paragraph 137 and earlier this afternoon, that as the focus of Argus was apparently what to do in the event of an attack taking place, it is somehow not relevant to preventing an attack. That is not something NaCTSO can agree with. The purpose of Argus events generally and this course in particular is described at various points

in the evidence. Argus focuses upon how to prepare for a terrorist attack, to identify measures to help an organisation prevent, manage and recover from a terrorist incident. This language is used in every document.

For example, GMP produced Business Sentinel newsletters at {INQ034437/180} in which, in a GMP CTSA comment, Argus events are described as being events which explore how to prevent, handle and recover from a terrorist attack. That is exactly how the invites to the Argus stadia launch described the event: how to prevent, handle and recover from a terrorist attack. The speaker notes introduced the event in the same terms and deal with prevention throughout, most notably at pages 14 to 16 and 28 to 32.

This Argus event and all Argus events had exhaustive input upon prevention. It is wrong to suggest that Argus could somehow be ignored in relation to prevention. To do so is to misunderstand training that ShowSec claim in their PowerPoint presentation their staff were familiar with.

Whilst not as strikingly similar as the Argus scenario, the October 2016 Griffin training also includes an input on a 2015 terrorist attack outside a venue in Bavaria, which was delivered by way of PBIED

at the end of the event and during egress.

Can I briefly address you, sir, on the question of "something is better than nothing". At paragraph 46 of the Slater & Gordon submission it is said, and this is in the context of relevance to a different point being made about voluntary engagement with PSIA:

"At the national level the NaCTSO approach of 'something is better than nothing' led to a degrading of standards."

Can I immediately accept that Mr Cooper and his team have very fairly balanced that sentence elsewhere in their document. And as I say, that sentence needs to be read in the context it was entirely properly put in.

I would just respectfully remind you, sir, that there is no evidence to support a degrading of standards under this slogan. The evidence was this was a well-intentioned initiative that aimed to ensure that opportunities to save lives by introducing cost-effective measures were not ignored. So-called gold-standard recommendations were still made and if sites would not agree to these then they would be recorded as not agreed on the action plan, leaving a clear audit trail.

Dr BaMaung agreed that this in fact led to an increase in affordable, achievable protective security,

and that to his knowledge there was no basis to say that it led to penny-pinching or a degrading of standards.

Can I be very clear, though: the point made by the families about the language is well made, it is accepted, and it is not a phrase that is used any more by NaCTSO.

Sir, my final observation relates to a proposed recommendation made by Mr Weatherby on behalf of his clients and supported to an extent by GMP. It is the suggestion that certain crowded places should or must engage private sector CT expertise and this should be something CTSAs advise upon.

NaCTSO can see force in the argument that an organisation such as SMG would benefit from CT advice at the arena above and beyond that which was provided by a CTSA. We find it somewhat surprising that such an organisation would need to be told this by the police and that it would not be something that they would realise via their own risk assessment and governance procedures.

If it were to be recommended that all or many tier 1 and tier 2 sites would be in effect mandated to bring in private sector advice then there could be unintended consequences, certainly if this were to the exclusion of CTSA input. There are excellent private sector

companies out there, but that excellence is not universal. There would be concerns about quality assurance and consistency of delivery.

It was and is always open to CTSAs to advise that sites obtain private security assistance, whether that be by SIA staff, specialist SIA-accredited advice or more sophisticated advice such as external consultants, and no change in approach is required to allow that to happen in the future.

Care must of course be taken, though, with this for the reasons explained by DAC D'Orsi. CTSAs are not experts on strategic governance of the business operating the site. A CTSA will advise on the level of threat, vulnerabilities from the six attack methodologies and potential mitigation. This advice should recognise the particular operating cycle of the site and its physical layout. But whether the complexity of a site requires further private security advice is something the site will always be far better able to understand than a CTSA.

We will, sir, of course constructively engage with any recommendation made and we look forward to doing so. As I say, we can see the force in the argument that the arena would have and now does benefit from private CT advice.

Sir, can I, for the last time in chapter 7, express on behalf of my clients our sincere condolences to those who have lost their lives in this terrible attack. Some of those who work within CTPHQ have had the privilege of meeting the bereaved families, or some of them, and have asked me to pass their gratitude for the generosity and patience the family members have shown in these meetings. Ultimately we all want the same thing in this inquiry and, sir, we hope to continue to work with you towards that goal.

Those are my submissions.

SIR JOHN SAUNDERS: Thank you very much, Mr Butt, I'm grateful.

Mr Greaney.

MR GREANEY: Sir, the next two submissions, which are the final two submissions, are submissions that in our judgement you should hear together, so that's to say they ought not to be separated overnight. We need to have a break at this stage come what may.

We know in the case of Kyle Lawler, his counsel, Ms Naqshbandi, intends to be around 15 or 20 minutes. I'm not certain at the moment how long Mr Williams on behalf of Mohammed Agha intends to be. If he is online, it might be helpful to hear from him what his time estimate is so that you, bearing in mind that we

recognise that it's not easy to listen to these submissions one after another, can decide whether to hear the final two submissions this afternoon or first thing tomorrow morning. I can see Mr Williams is now on.

MR WILLIAMS: I hope to be about 15 or 20 minutes. I have sent a short note through to you and I hope you have received that.

SIR JOHN SAUNDERS: I have. Mr Williams, are you happy to carry on then? We'll have a break now, but are you happy to complete tonight?

MR WILLIAMS: Yes, I think that would assist everybody in the inquiry. Hopefully it will assist you.

SIR JOHN SAUNDERS: Thank you.

Mr Greaney, unless there are any other representations anyone wants to make, we will finish the hearings this afternoon. Would 10 minutes be long enough?

MR GREANEY: Ten minutes will be long enough, I'm certain.

SIR JOHN SAUNDERS: So we will start again at 3.40.

Thank you.

(3.30 pm)

(A short break)

(3.40 pm)

SIR JOHN SAUNDERS: Ms Naqshbandi, it is now your turn. Can

I just say before you start, because you are the last one to start after a break: there may be many disadvantages in remote hearings, but it's very much easier to start on time when you just have to press a button, so thank you very much.

Submissions by MS NAQSHBANDI

MS NAQSHBANDI: Thank you, sir.

By the time Kyle Lawler was told of Christopher Wild's concerns, Salman Abedi was already in the City Room, counting down the final minutes before detonating his bomb:

"Once in the City Room [Colonel Latham concluded in answer to you about the chances of something happening] it's very unlikely that having done all that preparation, got to his attack position and then been rumbled, it is unlikely that he is going to stand up and successfully walk home with his IED."

This was a man who had been spoken to by two members of the public, probed by one as to what he was doing, yet continued undeterred in his plan.

That is part of the context within which we invite you to view Kyle Lawler's actions that night. Had he made the report to control, a supervisor would have been sent to speak to Salman Abedi and it is likely that he would have carried out his plan sooner than he did. It

was highly unlikely that no one would have been murdered. Whatever Kyle Lawler did, the appalling reality is that people were going to die.

He has accepted that he gave untruthful accounts after the attack and he has tried to explain why in evidence to you. You will recollect that he said this:

"I was very emotionally confused. I would say distraught. I think at the time I was trying to protect myself because I was blaming myself for the tragedy. It was a way for me to tell myself that it was not my fault. I could not face the criticism that may have flowed from my actions. I was not strong enough or mature enough to deal with the situation. I felt terrible guilt for what had happened. I was almost crippled by it. I was in a terrible place and I remain so."

It may not be a completely satisfactory explanation in what was a shocking situation to have found himself in, learning as he did that the man he saw had detonated a bomb. However, the criticisms that are made of his various accounts come without any contextual understanding of his situation, of the impact of that night in the days and months that followed.

Giving evidence in this inquiry, publicly live-streamed as it was, in view of those who lost loved

ones, under the watchful eye of the media, probed by highly experienced barristers, in the witness box for a long time, for a young person such as Kyle Lawler was challenging, especially when coupled with his underlying sense of blame.

We ask you, sir, to make appropriate allowances which recognise what it is to be young and human when analysing his answers and scrutinising his conduct.

We have focused our submissions on issues 13 and 14, why didn't Kyle Lawler make the report, did he miss opportunities to stop Salman Abedi from murder?

When considering the question of which factors were potentially causative in the sense described by your legal team that had things been different there would have been an increased opportunity to stop Salman Abedi, and in order to find that 20.50 or 22.23 or thereabouts were missed opportunities, in our submission you must find that identifying Salman Abedi as suspicious and then reporting was the only reasonable course of action for Kyle Lawler to take in the circumstances of who he was and what he knew absent of hindsight.

May I turn to issue 13. Mr Lawler's evidence to you was that:

"From making my observations of him and the behaviours that he was displaying wasn't enough to

justify him being suspicious."

And sir, we have set that out at paragraph 4 of our submissions. Evidence of Kyle Lawler's actions and behaviours we see on CCTV throughout that period of time, from 22.23 onwards, show that ultimately in our submission he did not view Salman Abedi as a suspicious person.

We do say, sir, contrary to the arguments you have heard, it was not obvious that Salman Abedi was suspicious. On Monday of this week, Mr Atkinson Queen's Counsel said this:

"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."

It was by way of example, Mr Atkinson said, the conclusion of the two experts, reached by them having considered objective factors against the background of their considerable security experience. We sound two points of caution about that statement.

First, the experts relied upon factors that Kyle Lawler could never have known about and, sir, we have set those out in detail in our submissions at paragraphs 30 to 43. One example being that Salman Abedi had been in the City Room on more than one occasion for prolonged periods of time.

Secondly, Colonel Latham and Dr BaMaung formed the conclusions that they did on the basis of their experience, which was considerably more than that of the 18-year-old Kyle Lawler.

Our issue 13 submissions are set out in detail, sir, at paragraphs 14 to 54. I don't propose to read those out, but may I just deal with three principal reasons why we say it was not obvious that Salman Abedi was suspicious at the time at which Kyle Lawler saw him.

First, as we say in paragraph 12, identifying suspicious behaviour is not always easy. For example, it wasn't obvious to anyone in the days leading to 22 May, including the vastly experienced former police officer Mr Lavery, who did not spot Salman Abedi in the City Room a few steps away from him intently observing the queue, a known hallmark of hostile reconnaissance. It takes practice and experience to spot and have the confidence to go with a gut feeling. A person's decision-making process must be viewed against the circumstances that they knew at the time when they were called to make the assessment and the environment within which they were working.

Secondly, sir, in our submission, it is instructive to test whether Kyle Lawler's assessment was a reasonable one against the judgement of other people

who saw or who could have seen Salman Abedi on 22 May 2017. The detail of that submission is found at paragraphs 44 to 54. In summary, some of those people had experience of spotting suspicious people: Mr Drysdale, for example. Some were members of the public: Mr Hatfield, Mr Wild, Ms Whitley, Mr McGuffie, Mr McCallum. Some were familiar with working in the City Room: the workers from Serco, Mr Hussain, the JD Williams security officer and the anti-bootlegging operatives and other stewards, such as Mr Atkinson.

Some were in closer proximity to Salman Abedi than Kyle Lawler and some spoke to him. Many saw him dressed in black, wearing headwear, a coat, a rucksack and hiding. Yet in the busy City Room that night only a very few people regarded Salman Abedi as suspicious: Mr Wild, Ms Whitley and Mr Hatfield. And sir, noting that these were members of the public who were unfamiliar with what were common sightings in the City Room to whom a young man with a rucksack was unusual, whereas to those who were familiar with the City Room it was a common sighting and not a factor indicating suspicion.

Those who were familiar with the City Room used language such as "strange", "out of place", "unusual" and "hiding" to describe Salman Abedi, but not

suspicious. And we note that "out of place" was a phrase that Mr Atkinson Queen's Counsel used to describe, as he said, "the obviously suspicious Salman Abedi" when he began his submissions.

Mr Wild, Ms Whitley and Mr Hatfield have described being concerned by the bomber's presence and appearance in the City Room, yet Mr McGuffie, who saw the same man in the same place at about the same time as Mr Wild was not concerned and he told you, sir, he did not find Salman Abedi to be suspicious.

Kyle Lawler had a bad feeling, he told you, but he did not have the evidence to justify it. Neal Hatfield said he had a really bad feeling. It is a matter of fact, not criticism, that Mr Hatfield, who thought instinctively that Salman Abedi was a bomber, remained in the City Room despite his concerns, his bad feeling, as did Mr Wild and Ms Whitley. This, sir, is a matter for you that may be a more accurate reflection of their level of concern at the time.

Thirdly, the information known to Kyle Lawler to inform his assessment of Salman Abedi did not suggest that he was a suspicious person and that detail is to be found at paragraphs 30 to 32 of our submissions. He didn't speak directly to Mr Wild, so he was unable himself to assess the level of concern of Mr Wild or to

ask him questions about what he had seen. All he had to go on was the information he received second-hand from Mr Agha some 9 minutes after Mr Agha had been told and where Mr Agha was relying upon relaying what he could recall from memory.

Kyle Lawler had not, for example, been told that the bomber had been to the City Room on the days before 22 May. He did not hear anyone else at all all evening report anything suspicious. He knew that the pre-egress check was done twice, as he heard this on the radio, but nothing untoward had been reported. He understood that the pre-egress check to include the mezzanine, the area where he then was to watch the bomber.

Importantly, his colleague Mr Agha did not behave in a way either in the content of what he said or in his manner to appear concerned. It was not an emergency to him. Putting all of that together, in our submission, sir, a finding that Salman Abedi was suspicious was not the only and obvious assessment Kyle Lawler could have made. His ultimate opinion that Salman Abedi was not suspicious was the same as a number of others on that night.

Sir, the detail of those submissions, as I have said, is set out more extensively in our written document.

Notwithstanding this, if you take the view that it should have been obvious at 22.23, we submit that Kyle Lawler, whatever his inexpert view was of his training and his experience, was not a person adequately equipped with the tools to make an accurate assessment. Four points, if I may.

First, identifying terrorists or even suspicious people was not his primary function. His was to tell people, "You can't take food and drink into the arena", "Don't sit there", and, "The car park is over there", and so on.

Secondly, he'd never seen a suspicious person before. He'd never been called upon, even in a training environment, to make an assessment. This was his very first time. Inexperience and lack of relevant knowledge can be illustrated by his reaction to seeing Salman Abedi nervous and fidgeting. He initially thought that the man looked calm, just waiting like everybody else in the area. He saw the man fidget with his hands and look nervous, but then relaxed when they stopped watching him. As he said:

"He was fidgeting but it wasn't anything out of the ordinary that would strike me as suspicious and the man did not run away or make any effort to move."

In their first report, Colonel Latham and Dr BaMaung

took the view that:

"In our opinion, when a previously calm individual becomes fidgety immediately upon realising that security staff are paying attention, that behaviour, in the circumstances described, would amount to suspicious behaviour."

That in our submission is a good example of how the experienced are able to identify some suspicious behaviours because to the inexperienced Kyle Lawler the transient nerviness of the man on the mezzanine when watched by security seemed to him to be understandable and innocent. It highlights the danger of analysing the conduct of Mr Lawler not from his 18-year-old shoes but from those of the far more experienced experts.

Third point, sir, training. We have heard a lot about training over the last few months and the last few days and you have our written submissions at paragraphs 17 to 20. One point in our submission that has not been properly addressed is the identification by Colonel Latham and Dr BaMaung of the lack of practical on-the-job training.

Mr Lawler was 16 when he did his initial training, 18 on the night. As Colonel Latham said:

"Practical training I believe is indispensable and the method that I have been taught to use is: explain,

demonstrate, imitate, practice."

You may think, sir, you don't need an expert to tell you that.

Whether it was industry standard or not, Mr Middleton was not, for example, on the bridge for a period of time or on the grey doors talking, asking questions of his staff, encouraging. He was in the interior of the arena for most of the time and close to the City Room doors for the rest.

There was none of the type of practical training suggested by Colonel Latham and whilst Kyle Lawler may have worked at the arena many times before, he had no experience of being confronted with a situation of a potentially suspicious person either in training or in reality. In short, he had no opportunity to put the theory into practice.

Fourth point, sir, our paragraphs 21 to 26. A further unanswered point is what a steward was to do when receiving a report from a member of the public. Report without investigation? That was not the evidence of Mr Rigby and Ms Stone. They expected him to investigate. What if the steward formed a different conclusion? Was he to ignore his own assessment as someone who knew the environment in favour of the opinion of a member of the public? It is not clear and

was not part of the training or briefing. This scenario appears to have been overlooked.

Colonel Latham and Dr BaMaung have found that Agha and Lawler should have been specifically and clearly told in briefings about what to do if a member of the public informed them about suspicious behaviour. It is not clear that happened.

The lack of understood clear procedures and following those on reporting suspicious behaviour generally was also evident from other young stewards' responses. It may be, sir, that that is a consequence of the lack of practical training. Mr Couper-Phillips, for example, wrote what he had seen on his briefing sheet and handed it in, but did not upwardly report what he thought was suspicious behaviour at the time, and Mr Bailey in evidence criticised him for that.

Dimitar Arabadzhiev, whose statement you have, saw two instances of suspicious behaviour. He was going to confront one individual but did not. He meant to write it down, but forgot. He didn't tell anyone about it either.

Had Mr Lawler been clearly told, "If a member of the public tells you something, you must report it, it doesn't matter what you think", that would have in fact been a much easier way forward for him. He would not

have had the agony of the decision−making, worrying he might offend someone, the pressure of making a decision before the show was to end.

As Colonel Latham said, and we have set this out at paragraph 66, it is very difficult in a situation where you're presented with doing something which might stop an Ariana Grande concert, you don't want to make the wrong call.

I turn to issue 14. We have identified at paragraphs 56 to 62 seven points as to why the opinion of Colonel Latham and Dr BaMaung should be rejected on this issue.

Kyle Lawler did not see Salman Abedi at 20.50, neither did Robert Atkinson who was with him. Fundamentally, if you accept that the two factors of not fitting the profile and carrying a rucksack are meaningless anywhere except for in the arena and in the queue to get into the arena, so meaningless on the bridge or in the City Room, then what is described as a missed opportunity by Kyle Lawler and Robert Atkinson at around 20.50 on the bridge to spot Salman Abedi should not be characterised as such.

Indeed, sir, Dr BaMaung appeared to agree with the carrying of the rucksack in the City Room as not being of concern when he first gave evidence. Mr Greaney

Queen's Counsel said this:

"Question: Doctor, if Salman Abedi had walked from the tram station, with his backpack on, up the stairs to the walkway, across the walkway, into the City Room, then down the Fifty Pence staircase and to the Trinity Way tunnel and away, on that journey you would not have expected a steward to have regarded him as suspicious or challenged him in any way?

"Answer: No."

Finally, this: kyle Lawler will never escape from the fact that he was one of the last people to see Salman Abedi. He will always wish he made different choices and blame himself. That is the price of hindsight. It is easy for us to see now with all that we know what he and others, such as Mr Drysdale and Ms Merchant with their spider−senses, as described by Colonel Latham, could not see, that the man they judged not suspicious was in fact the Manchester Arena bomber.

Sir, those are our suspicions on chapter 7.

SIR JOHN SAUNDERS: Thank you very much. I'm very grateful.

Mr Greaney.

MR GREANEY: Sir, finally, so far as the chapter 7 closing submissions are concerned, we will hear from Mr Williams on behalf of Mohammed Agha.

Submissions by MR WILLIAMS

MR WILLIAMS: Thank you, sir. You will have read, I know, carefully the written submissions that were previously provided and so (inaudible: distorted) much in summary and in overview, rather than trawling all those same points again. Before I get into the meat of this short submission, can I flag up one matter, and it's expressly on the instructions of Mr Agha, that he wishes to convey his most sincere condolences to the families of those deceased. He wanted that to be said and heard by them and it is meant most sincerely.

Moving on to the substance then of my submissions. You will have seen from my note that the first issue that I move to is that of the credibility of Mr Agha as he gave his evidence. It's dealt with prior to in my written submission at paragraph 18, and I will deal with that and also with the issue of the grey doors, and both matters I shall deal with particularly in relation to what has been said in these closing oral submissions and particularly those by Mr Laidlaw Queen's Counsel today.

If I understood what he was saying correctly, and I'm willing to be corrected if I'm wrong, but I understood him to be saying that the speaking note relied upon today and in your possession being provided to all the parties, that hasn't reached me or my

solicitor if that is the case. So I'm responding, as I heard it, as it were, and you have seen in my short note that I provided to you what I hope are accurate quotes from what was said orally today. If they are inaccurate, I apologise for it, but it was as (inaudible: distorted).

(Inaudible: distorted) friend said on behalf of ShowSec today was that Mr Agha may not have completed the training, the online training he was referring to, with the diligence that ShowSec could expect. He went on to say that if Mr Agha had defeated ShowSec's ability to ensure online training was done properly. He also said if (inaudible: distorted) if Mr Agha deliberately spent as little time as possible on the training.

So it's incumbent upon me to deal with those matters in these closing submissions. I suppose it's better that ShowSec have drawn back from their suggestion some months ago that there had been cheating, and we now at least have this softening of approach, but the accusation is still made.

The accusation is essentially, given the evidence that Mr Agha made to you, the suggestion is essentially that you are being invited to decide whether Mr Agha had lied on oath. Obviously, that's a very serious accusation to make.

That accusation is persisted with notwithstanding the developing disclosure as it attaches to the online training. You will recall how the documents were provided piecemeal. Initially we had the schedule and it related to Mr Agha alone, and then some few weeks later a wider schedule was provided, which included other members of staff.

When making an accusation of dishonesty, lack of candour, not telling the truth when giving evidence, my learned friend Mr Laidlaw, in relation to ShowSec's own witnesses, invited you to say that there must be cogent evidence, and I would support that submission that there must be cogent evidence, and perhaps it gives rise to questions of sauce for the goose and sauce for the gander, in my respectful submission, that if my learned friend is to invite you to follow that particular path then it would really require some cogent evidence indeed.

Our submission is that the documentation you were provided with does not show that Mohammed Agha simply clicked on and skipped across videos and did not complete his training properly. Counsel to the inquiry, quite properly, asked him the questions directly. He refuted the suggestion that he had cheated, had clicked on directly, and said that whilst he couldn't remember

the video specifically —— and I'm talking of Eyes Wide Open at the moment as an illustration (inaudible: distorted) passage of time, he certainly had not simply clicked forward.

We maintain that position. That is our basic position in relation to the records. However, my learned friend Mr Laidlaw has suggested some other course. What we say about that is the corollary must be that if the records demonstrate that Mr Agha did simply click on and not watch the Eyes Wide Open video, then that must also be the case for other witnesses. And in particular, two significant and senior members of staff, Mr Middleton and Mr Rigby. If that is correct, then that's indicative of a wider problem, a problem with ShowSec itself, a systemic problem that Mohammed Agha should not be isolated, nor scapegoated for.

I would like to, please, if I may, just briefly illustrate the point, and I hope in advance of my speaking two documents were flagged up for you, sir, that I was going to refer to. The first is {INQ037083/1}. If you have that before you, it should be the Squire Patton Boggs letter of 4 November 2020 written on behalf of ShowSec.

SIR JOHN SAUNDERS: I'm afraid I don't. I am sorry, I don't have the document, but just read it out for me and

I will obviously look at it afterwards.

MR WILLIAMS: What I will do, sir, is I'll go quite slowly and hopefully be clear as to the parts I'm referring to, and you'll then be able to take a note and look at it at your leisure later.

MR GREANEY: Sir, if it helps I believe that Mr Lopez can probably share the document on our screens, but I'll leave it to Mr Williams to decide whether that's the most helpful way of dealing with it.

SIR JOHN SAUNDERS: I have now got it on the screen. It's helpful to have it on the screen, thank you.

MR WILLIAMS: From the first page then, sir, you can see the source of the letter. It's dated 4 November and it speaks of the spreadsheet. You see, after the bullet point list of the people that it refers to, the first paragraph:

"The spreadsheet attached was created by Marked Improvement."

And you have read and we have heard how it was an independent third party that were assisting ShowSec. It's saying that:

"Various matters should be taken into account [the lower half of the paragraph] when considering the data and the weight that can be placed on it."

If we can turn to the second page, please, Mr Lopez,

I'd be very grateful {INQ037083/2}. Four paragraphs in, there's a paragraph that begins:

"The caveats with this are, first, that the database back—ups are snapshots of a particular point in time, that the database was constantly changing as user records were updated by the system and/or course content was added or edited by ShowSec's learning and development team.

"Secondly, the code in the system also evolved over time, as with any web—based system, in response to bugs being reported/fixed and any enhancements requested/implemented. Marked Improvement can identify when major changes are implemented, an example being the introduction of a test in the counter—terrorism at events module in December 2016, but minor changes would not necessarily be documented."

Then this, the following paragraph in relation to column F:

"Completed date shows the date and time on which the page of a particular ShowSec module was last accessed by the user."

So the last access:

"The purpose of the spreadsheets with the completed sections and the timestamp columns was to give an indication of time spent on a module, but as the page

view timestamp was updated, if a user returned to that page it is possible that a user might have spent longer working through a module than appears at first sight. Therefore the spreadsheet may not show how long in total a user spent on the page. It is possible to estimate the time that an individual spent on a page on the last occasion they accessed it by comparing the completed date entries of the different pages within a particular module. However, the data does not and cannot show on how many other occasions, if at all, a user had previously accessed the module. As a result, the data may show the first and only time that an individual accessed the module or the last of two or more occasions on which the individual accessed it. It also follows that if an individual had spent a substantial portion of time on a particular module and had then returned to it for a much shorter time on a subsequent occasion, only the latter would be recorded."

If we can turn to the following page {INQ037083/3}, please, Mr Lopez. On the following page you see, sir, it then moves on to column E, and the third paragraph, last sentence:

"It is not possible to determine whether users watched the videos in full, in part or at all, or indeed when they watched them as they were able to do so

offline from the e-learning platform."

And the finishing paragraph:

"In summary, it is impossible to determine from the spreadsheet, with certainty, for how long or on how many occasions any of the individuals whose record times have been disclosed accessed the modules."

So that is, sir, a very large caveat to be attached to the Excel spreadsheets and I would like now, please, if I may, and if Mr Lopez is able to assist, to then move to those Excel spreadsheets. The reference is {INQ037084/1}. If it is not possible to bring it up, what I can do, sir, is take you through it, you not being able to see it, but I'll go slowly.

I don't see anything appearing on my screen, so presumably Mr Lopez is not able to pull that up. No matter. If it's satisfactory for you, sir, I'll go through it slowly and hopefully you will be able to take a note.

When you do come back to consider this document then, please, sir, you will see, it's an Excel spreadsheet and along the bottom of the spreadsheet it has the different names for the different people to which it relates. We were all taken, quite properly, to the tab that related to Mr Agha. I'm just going to use one part of it as an illustration for the point that I'm

making and it's the part relating to the Eyes Wide Open video. You will remember Mr Greaney Queen's Counsel referred to that particular portion and pointed out that the video was some 12 minutes or so long.

SIR JOHN SAUNDERS: The spreadsheet has now come up on my screen.

MR WILLIAMS: Thank you, it's now up on mine as well, sir.

What I'm focusing on is lines 105 and 106. I think Mr Lopez is interacting with the sheet. Yes, 105 and 106 I think is now available to you.

What you can see at 105 and 106, it is part of module 14, and you can see "14" just before the words "Counter-terrorism at events (CTE)".

If we read across we see, "Eyes Wide Open, acting on suspicious behaviour", and beneath that the word "complete".

And if we look across at the times, Eyes Wide Open is timed at 15.54.37. The complete is 15.57.28. As I recall it, the suggestion put by Mr Greaney was that perhaps that had the potential for demonstrating that 12 minutes or so had not been spent watching the video. And of course that would be a natural question to ask because at that time we did not have the caveats and the explanations. And it was a suggestion adopted with enthusiasm by my learned friend Mr Laidlaw.

What I would like to do then is turn to the tab in relation to David Middleton, if Mr Lopez is able to help with that, at lines 90 and 91. Again, you see it's module 14, "Counter-terrorism at events", "Eyes Wide Open" and "Complete". The times there are 09.34.04 and 09.34.14.

That's a 10-second gap between the two. So if this document is to be used in the way that Mr Laidlaw was potentially putting it forward to be used as, then Mr Middleton has spent 10 seconds watching that video.

If we could move to the tab for Mr Rigby, please, Thomas Rigby, it's lines 56 and 57.

At 56 and 57, sir, you see again module 14, "Counter-terrorism at events", "Eyes Wide Open" and "complete", and reading across, 16.02.55 and 16.09.17. So again, if we are to use that particular interpretation, maybe half or slightly more than half of the video was watched by Thomas Rigby.

I have finished with the document, thank you very much, Mr Lopez.

My short point, sir, is that we do not support this usage or interpretation of the document at all given the caveat, but if it is to be used in that way then it must be used fairly and examined across the various members of staff, and we know that Mr Middleton and Mr Rigby are

very senior members of staff. It seems highly unlikely that they would simply click through a video, particularly not 10 seconds worth of video, and if you are to be urged to interpret the document in this other way than this is what they must have done and it's indicative of some sort of systemic widespread problem which, as I am submitting to you, Mr Agha must not be isolated and scapegoated for.

But I will move on now, sir, if I may.

SIR JOHN SAUNDERS: Before you do, can I just -- this again may be an entire lapse of memory on my part, so please forgive me if it is. My recollection is that Mr Agha himself accepted that he might not have paid as much attention to the training as he should have. Would I be right in saying that?

MR WILLIAMS: Well, I'm not sure that's the phrase that he exactly --

SIR JOHN SAUNDERS: No, no, it certainly wouldn't be the phrase, no. That's a general recollection.

MR WILLIAMS: What I can accept on his behalf is that the mode in which he was accessing the training, using a mobile phone, and if you look at some of the hours at which he was accessing it, is not conducive to the good digestion of that information. That doesn't seem to be anything that was monitored at the time by ShowSec.

SIR JOHN SAUNDERS: Thank you.

MR WILLIAMS: I will move on if it assists you, and you have seen in my note, to the grey doors. Again it was suggested today that Mr Agha has not told you the truth in relation to the grey doors. That's in relation to his evidence that Mr Middleton did not tell him where the grey doors were or what his duties were and he had to ask Dimitri, his colleague. Mr Laidlaw in reply to that says, well, that member of staff's statement is silent on the issue. Well, that's correct, it is silent on the issue, but to be fair, that statement taken from a member of staff was taken a very long time ago and there's no suggestion that he was asked about it either way because at the time it was not a known issue for the police to be investigating, so it's just silent, one can't draw an inference from it one way or the other if one is to be fair. That's my respectful suggestion.

Mr Middleton did give evidence about it and he was for saying that he did tell Mr Agha that he was to be working on the grey emergency doors. We know this was the first shift for Mr Agha as an SIA, so whilst he'd been generally security staff, he had not been an SIA before and we know that profiling is an SIA-accredited activity, so it's the first time he would be profiling in the proper sense. He's been told, according to

Mr Middleton, that he's to be on the doors, and that does not mean that Mr Agha is lying to you, and I will turn to reliability in a moment.

Mr Middleton said that he did tell him to stay at the emergency doors and not to leave them and he also confirmed in questioning that he did not say "except for emergencies". So there was no get-out clause, no caveat, no softening of the instruction to Mr Agha, he was to stay at those (inaudible: distorted) evidence.

I move on to reliability and the question of reliability and there are a number of factors there. One is one has to be realistic and remember that these events will have been deeply traumatic for Mr Agha. They have had their effect upon him, as they would do anybody in that position. There has been the normal passage of time and you know the mental health difficulties that Mr Agha has faced as a consequence of being involved in these events.

There has been some criticism of Mr Agha that his account has changed over the life of this inquiry and that is true to a limited extent. The way in which it has changed is around his timings. He has had the benefit, once he had representation, of going to the police station and being allowed to go through the CCTV with the help of the police officers. He was then able

to pin down the correct times. But he can perhaps be forgiven for having got the times and durations wrong in the first place. It's certainly not an indication of dishonesty or anything like that. One has to be realistic about these matters.

The mental health problems that he has suffered are very significant. I am not going to mention them in any detail at all, but you, sir, have read the reports and I do invite you to take that very much into account because it affects his ability to draw on the memories and then to give an account to you.

There is, on top of that, the pressure of the prospect of being scapegoated. You may well know through the inquiry legal team of the efforts that the media have made to contact Mr Agha, the way he has been doorstepped, he has been stopped in the street, both prior to and post giving his evidence, and he has received a number of threats such that he's now left the family home.

One can only imagine the effect of those sorts of pressures on a man of his young years. I commend him to you, as I did in writing previously, that whatever his failings in memory or perception are, he has done his honest best to assist you, to assist the inquiry, and to assist the families in having a better understanding of

what took place that night that so affected them and their loved ones.

I move forward then into the nub of the incident insofar as Mr Agha is concerned. In my writing and in this oral closing, I have characterised it as before Wild and after Wild because in my submission there are different considerations for each of those parts of the story.

Before Mr Wild speaks to Mr Agha there is the consideration of audience profiling. He's on the grey doors and he's looking at members of the public within the City Room.

You have heard ample evidence that audience profiling, properly so considered, is fairly specific. It relates to those people who are seeking entry into the arena. It's not an exercise that one can simply apply broadly to the whole public. So the question of whether somebody may or may not fit the expected audience profile, young girls or parents accompanying them, the focus is very much on the queue outside the City Room access doors or within the arena itself because this is, at the end of the day, a public space.

So before Mr Wild speaks to Mr Agha, those are part of the proper context. There's been ample evidence that travellers will come and wait. People on trains, buses,

trams, will come and wait in this area, either to get on to transport themselves or to meet people coming off transport, and more than one witness has spoken of that. So that, I would suggest, is part of the common context of that room, and also backpacks, large bags, we have heard that they were relatively common items. So none of those matters in and of themselves should be expected to have caused alarm and suspicion in Mr Agha's mind because he knows all of those things as being general context for that room.

In the experts' agreed document, towards the end of chapter 7, they also introduced the additional factor of wearing headgear. I put that in with clothing, wearing headgear. I invite you, sir, to name it as what it was. It was a baseball cap and I dare to suggest that there's absolutely nothing unusual about a young man in his 20s wearing a baseball cap, be it a warm May evening or not. It's just not suspicious in the slightest. I do invite you, sir, to approach all of the evidence with the lens of common sense and that there is nothing suspicious about a baseball cap, worn day, night, sunny or cold.

What I do suggest is that there is a common strand of a shared view that all of the security staff, the anti-bootlegging staff, Mr Drysdale, the merchandising, Ms Merchant, none of those people saw him, Mr Abedi, as

being suspicious. Mr Drysdale had a good look at him, did not regard him as suspicious in the sense of potentially being a terrorist. Ms Merchant made reference to the fact that he was praying in a public space and she made some derogatory comments about it in her evidence but she did not see it as suspicious or indicating that he might be some sort of fundamentalist Islamist terrorist, as he turned out to be.

So it is a shared view across those people who worked in that area that the various elements that are said to have arisen or should have arisen to suspicion were relatively common items and it didn't raise suspicion for any of those people. And if it didn't raise suspicion for any of those people, my respectful submission is it's rather unfair to suggest that it should have done in Mr Agha's mind and that he should not be judged differently from all those others.

What is interesting is that some members of the public did regard Abedi as suspicious. Perhaps that's because they don't have that contextual information, they don't know that it's relatively common for people to come in with a large bag, et cetera, and that's why concern was raised in their mind. The concern was in particular raised in the mind of Mr Wild, who is to be commended for having come forward in the way that he

did. You have in mind the information that was given to Mr Agha and how. Mr Agha said it was said to him in a relatively calm way, it wasn't said in a panicky way to him, and others said that Mr Wild left his partner in the City Room and left for 6 minutes and then returned, which perhaps again is not indicative of panic or some such.

Mr Agha is on those grey doors, not able to leave them, he does not have a radio, he has not been supervised by Mr Middleton. Mr Middleton did not come out and say, "I know it's your first time on the doors, how is it going? Have you got any concerns?" Nothing like that. So Mr Agha simply relied on his own perception of the situation. You will have in mind his age and his lack of experience in that specific role.

ShowSec have misstated Mr Agha's position within this case. You will recall Mr Agha's evidence. Prior to being spoken to by Mr Wild, he did not have a concern about Abedi. Once he had been spoken to by Mr Wild, he then did start to form a concern and he told you how he had started to think about it, make connections in his mind, and he took some time to think about it. He then formed a view that he needed to communicate it in some way.

It is perhaps unfortunate that ShowSec have

mischaracterised Mr Agha's position at this particular point in time and made such strong submissions that they have against him, whether inadvertently that is because he's no longer employed by ShowSec, but there is a very different tone, you might think, from that that was applied to Mr Lawler, who is still employed by them, but maybe there's nothing to that.

Mr Agha formed a concern arising from that which Mr Wild had said to him and then reviewing the position and thinking it over, but he did not regard it to be an emergency. So he took actions which are proportionate, in his view, to a concern. He raised his hand briefly, I entirely accept, on a number of occasions. He explained how he didn't want to cause alarm, draw undue attention to himself, draw attention from Abedi. Some few minutes passed by and then Mr Lawler came and he then reported it to Mr Lawler.

At that point of reporting to Mr Lawler, he then complied with the procedure. He had reported it to somebody who had a radio and then could pass it on up the chain of command. He was told by Mr Lawler that that would be done. So any criticism thereafter by any other parties perhaps is a little unfair after that point.

They had been referred, Mr Agha and Mr Lawler, very

much all of a piece, but there are different considerations because Mr Agha, once he had formed the concern, made his efforts by raising his hand, then after that report it had to Lawler, he completed his duty as it were, he completed that act.

Whether the arm-raising was sufficient is a matter for you. Mr O'Connor, I think it was, said, well, he could have raised his arm and kept it raised. It was also said that he could have sent Mr Wild over to Mr Middleton. He could have said words to the effect of, "I can't leave here, but please go and speak to that gentleman, he will be able to help you". And they are, I accept, very practical commonsense suggestions.

But the fact that Mr Agha did not take those particular courses of action does not mean that he failed. He was a young man trying to put his training into practice in the first time that he'd ever come across that situation and doing it in a proportionate way to the situation as he perceived it to be.

You might wonder, and the experts certainly did raise this question, whether the training was sufficient insofar as it didn't have any role play or face-to-face element, something that would have allowed somebody like Mr Agha, or any of the other young staff, to develop decision-making skills that would equip them to such

a situation, something that would have refined or improved his judgement.

You'll recall that Colonel Latham spoke of judgement that's gained through experience. Well, unfortunately, this was the first night that Mohammed Agha had performed as an SIA on the grey doors, so he had no time, no time at all, to develop that experience.

It was also suggested that he should have been given a radio because he was positioned at a fixed place and that's something else that perhaps you might want to consider.

So in conclusion, sir, what I am submitting is that you've been invited to consider whether there was an inadequacy of response by Mr Agha in that moment surrounding his conversation with Mr Wild and I have said what I have said about it and you will form a judgement. But if you do form a judgement that there is some inadequacy there, I would urge you to say that in fairness, that inadequacy, if so found, is a symptom of the wider systemic failings and it is not of itself a cause.

In my submissions, what we are seeking to say is that if one approaches the evidence with an attitude of learning so as to assist the inquiry and to assist the families of the deceased and those who were injured,

and you feature Mr Agha's role into the jigsaw of considerations and work towards prevention of repetition, then those last two considerations, whether there should be role play or face-to-face training, and whether fixed positions should have a radio, those two questions and the answers to them might assist you when approaching the question with an attitude of learning.

It only falls to me to finish and to repeat, if I may, the condolences to the families of the deceased.

Thank you, sir. If you have any questions, I'm happy to --

SIR JOHN SAUNDERS: I don't think I have. Thank you very much for your submissions.

Mr Greaney.

MR GREANEY: Could I just pick up on two points that arise out of the submissions? The first is to deal with the recollection that you had as to what Mr Agha had said about his training. The relevant reference is transcript Day 24, I believe, and for your note it's pages 63 to 64 {Day24/63:1}. We can't get this on the screen at the moment, but it's just a very short passage that I will read out. It was a passage during the course of the questioning of counsel to the inquiry:

"Question: We agreed earlier, didn't we, Mr Agha that training is obviously important in terms of

spotting suspicious characters and addressing a terrorist threat?

"Answer: Yes.

"Question: And the extent to which you should have been better supervised in your training is an issue that's not for you but we can agree, I think, that certainly ShowSec made available to you materials that were capable of informing you about terrorist threats, didn't they?

"Answer: Yes."

Then, sir, this question and answer which is what you had in mind, I believe:

"Question: And do you think it's fair to say that if you had attended to your studies properly you would have been at any rate better informed on the night of the attack?

"Answer: Yes."

Sir, the second point, which is something that Mr Williams might want to address now or he might want to address it in writing in due course, we believe he addressed you on the basis that there had been a concession made by Mr Agha during the course of his evidence that he had viewed the training materials (inaudible: distorted) mobile telephone but for our part we certainly recall that Mr Lawler said that that was

his position, we didn't recall that Mr Agha had expressed that position, and our researches over the course of the last half hour have not identified that anywhere in the transcript of the evidence of Mr Agha. So we would just invite Mr Williams to reflect upon whether that does or does not form part of the case of Mr Agha.

Sir, unless Mr Williams want to say anything else at this stage, as we have indicated he may prefer to reply to those observations in writing, I can see Mr Williams has reappeared. I don't want to shut him out, of course.

SIR JOHN SAUNDERS: Mr Williams.

MR WILLIAMS: I am going to take the opportunity to reflect on those. I'm grateful to my learned friend Mr Greaney for flagging them up. You'll be better assisted I think if I look at the transcript and reflect on it.

SIR JOHN SAUNDERS: Certainly, thank you very much, Mr Williams, that would be a help.

MR GREANEY: That seems to us to be a sensible approach, and we raise these points of course just to help. We've now reached the end of all of the closing submissions on chapter 7. That's as much as we can or need to do today and we will resume, as everyone knows, the chapter 10 evidence on Monday morning, when there will be an

in-person hearing in Manchester that at least some of us, may I put it this way, will be able to attend.

SIR JOHN SAUNDERS: Thank you, Mr Greaney. Can I just say to all those who made submissions, first of all they've been extremely helpful and, secondly, I am very grateful for the timekeeping and the only reason why we have gone over at all is because I was not available for the whole time yesterday, so thank you very much for that.

MR GREANEY: Thank you very much indeed, sir.

SIR JOHN SAUNDERS: I will now leave unless anyone wants me for anything.

MR GREANEY: I don't believe so, thank you.

(4.42 pm)

(The inquiry adjourned until Monday, 1 February 2021)

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