

OPUS2

Manchester Arena Inquiry

Day 72

March 9, 2021

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Tuesday, 9 March 2021

(10.00 am)

MR DE LA POER: Sir, good morning. The gentleman on his feet there -- and I'm sure he can remove his mask if he wishes to do so -- is Mr Andrew Dark. What I would ask, sir, is that he's sworn and then I'm just going to invite you, sir, to make some introductory remarks if you have some and then I have some of my own to add.

MR ANDREW DARK (affirmed)

Questions from MR DE LA POER

SIR JOHN SAUNDERS: Please do sit down. You have water and documents, so please refer to them whenever you wish to do so.

What I wanted to say before we start is this. First of all, I'm very grateful for you coming and making the time to assist me in this inquiry. You have prepared a very detailed and comprehensive statement at my request for which I'm very grateful. I have read it all and I will take all of it into account when reaching my conclusions on what happened and on recommendations to make.

I have discussed with Mr de la Poer in particular the matters which I want to deal with in detail in this open session in the inquiry. He's going to concentrate on those parts of your statement which are most relevant

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to my terms of reference and what I'm most interested in focusing on in this live session. You will then be asked questions by others which may bring up other issues.

You are represented by counsel. Your counsel will ask questions last so she can bring up any further matters which are relevant and you can have a discussion with her beforehand if there are things you haven't been able to say during the evidence you have given in answer to other questions.

Is that satisfactory to you?

A. Very much so, yes.

SIR JOHN SAUNDERS: Thank you very much for that.

As I've said, I have read it all. There's a lot of detail in there and I think it's actually going to be quite difficult to get across some of the detail in this sort of session. Thank you very much.

MR DE LA POER: Can I say, as is the case with every witness, Mr Dark and I have spent some time just talking through the issues that you have raised, sir, and also I've explained to him the structure that I'm going to adopt. He understands, if I may speak for him, where I'm going with my questions.

SIR JOHN SAUNDERS: Thank you.

MR DE LA POER: Mr Dark, it's important that I say on behalf

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of the inquiry legal team this: firstly, thank you very much, as the chairman has said, for your comprehensive witness statement and for attending today. Before we start, it's important that I issue a reminder to everyone who might be asking you questions. Parts of your witness statement have been marked as operationally sensitive under a restriction order made by the chairman. These parts have nothing to do with the events of 22 May and the lead-up to them. They relate to the arrangements as they exist today.

They have been marked in this way because that information, if it was known publicly, is capable of assisting terrorists. That is the very last thing anyone involved in this inquiry or the British public want. It is essential that that restriction order is observed strictly.

In the event it is necessary for a questioner to explore anything about the current arrangements, then they should let the solicitor to the inquiry know if those questions are likely to provoke an answer that will go towards operationally sensitive material and we, the inquiry legal team, will arrange a restricted session for that purpose.

Equally, Mr Dark, and I have said this to you before you came in, and you know I'm going to repeat it now so

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that everybody knows what I've said, in the event that you believe that any answer you may wish to give involves you needing to refer to information which has been marked as operationally sensitive in your statement, then please do not give that answer but indicate that you can only do so in a restricted session and we will then arrange for that to happen.

Thank you very much indeed.

SIR JOHN SAUNDERS: Sorry for that extended preamble, but I'm sure you'll understand the necessity and now you'll be allowed to say something, I think.

MR DE LA POER: Not quite. Mr Dark, so that you and everybody else knows where I'm going, I propose to deal with your evidence in seven parts. I'm going to begin with your career history, which we will be able to summarise together.

Second, we will consider the FBU so that everybody listening can understand what that organisation is and what its objectives are.

Third, we will consider a chronology of events which involves the FBU, which led up to the arena attack in which the role of the Fire and Rescue Service in providing a marauding terrorist firearms response was discussed.

Fourth, we will consider what the FBU considers went

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1 wrong in relation to the arena attack and there we will
 2 spend a little more time and detail.
 3 Fifth, we will consider the events after the attack,
 4 which we'll be able to do in summary form.
 5 Sixth, we will go to the part of your statement
 6 where you deal with issues raised by the inquiry.
 7 Seventh, I will invite you to address the chairman
 8 in relation to the recommendations that the FBU have
 9 identified .
 10 So to the first , your career history . In your
 11 witness statement you provided a potted history of your
 12 involvement with the FBU; is that right?
 13 A. That is correct .
 14 Q. And you did so based upon your recollection and it's, to
 15 the best of your knowledge and belief, correct?
 16 A. Yes, sir .
 17 Q. So based on that witness statement, I'm just going to
 18 invite you to agree some key dates. Firstly , is it
 19 right that in 1981 you joined the London Fire Brigade?
 20 A. Yes, sir .
 21 Q. Two years later, in 1983, did you become the branch
 22 secretary of the fire station you were at, namely
 23 Chelsea Fire Station?
 24 A. Yes, sir .
 25 Q. After that, did you become further involved in the FBU

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1 in the joint divisional level negotiation and
 2 consultation committee?
 3 A. Yes.
 4 Q. In 1985, were you appointed the lead FBU joint secretary
 5 for those committees?
 6 A. Yes.
 7 Q. Were you covering the boroughs of Westminster,
 8 Kensington and Chelsea?
 9 A. Yes.
 10 Q. In 1986 did you become the lead FBU official covering
 11 the south-east of London?
 12 A. Yes.
 13 Q. As well as the lead FBU secretary for the committee I've
 14 referred to?
 15 A. Yes.
 16 Q. In 2001, were you promoted within the London Fire
 17 Brigade to a rank termed crew commander, which is the
 18 equivalent of a rank we're familiar with, namely crew
 19 manager?
 20 A. Yes.
 21 Q. In 2004 were you transferred to a staffing pool in order
 22 for you to undertake trade union release activities at
 23 the London FBU regional office?
 24 A. Yes.
 25 Q. Were you then elected London regional chair?

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1 A. Yes.
 2 Q. Does that capacity mean that you are the joint secretary
 3 of the London Fire Brigade's joint health and safety
 4 committee?
 5 A. That's what I became, yes, sir .
 6 Q. That's what you became. And to bring us up to date,
 7 although it was some time ago now, in 2005 were you
 8 elected as the National Assistant General Secretary of
 9 the FBU?
 10 A. Yes, sir .
 11 Q. And you've been re-elected a number of times since then,
 12 is that right?
 13 A. That is correct .
 14 Q. Does that role mean that you are the lead FBU official
 15 dealing with operational and technical Fire and Rescue
 16 Services matters on behalf of the FBU?
 17 A. That role means that I will lead on a number of national
 18 matters and those that were allocated included those
 19 functions, yes.
 20 Q. And those functions are, of course, what give you the
 21 position of authority that you have to speak on behalf
 22 of the FBU in relation to some of the correspondence
 23 that we'll come to?
 24 A. Yes.
 25 Q. So having introduced you, we'll turn to our topic 2,

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1 please, which is to introduce the Fire Brigades Union.
 2 What you say in your witness statement is that:
 3 "The Fire Brigades Union is the democratic
 4 professional voice of firefighters and other workers
 5 within the Fire and Rescue Service across the
 6 United Kingdom"; is that right?
 7 A. That is correct .
 8 Q. Does the FBU seek to improve the pay and conditions of
 9 its members?
 10 A. It does.
 11 Q. And does it have a number of objectives under its
 12 rulebook?
 13 A. It does, sir .
 14 Q. And do those objectives include -- I'm not wishing to do
 15 a disservice to any that I don't mention, but for our
 16 purposes do they include:
 17 "Liaison and engagement with the Government and
 18 other administrations in relation to matters related to
 19 the FBU"?
 20 A. Yes, sir .
 21 Q. And:
 22 "To secure the highest standards of health, safety
 23 and welfare at work, consistent with the provision of
 24 front line emergency services"?
 25 A. Yes.

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1 Q. Just before I move on from the objectives, and I meant
 2 it when I said it was no disrespect to the other ones,
 3 are there any of those objectives that I haven't
 4 mentioned that you think might be relevant to what
 5 we are about to talk about?
 6 A. Yes, sir. Both in terms of objectives and in the
 7 foreword to the rulebook, which is an integral part of
 8 the rulebook, not just in word but actually in action,
 9 is that our objectives are to ensure that firefighters
 10 are skilled in their craft and, secondly, our objective
 11 is to ensure that we give the best performance and
 12 delivery to the public. I think they are key ones. So
 13 it's not just inward-facing towards the members, it's
 14 outward-facing towards making sure that the public get
 15 the best service from the Fire and Rescue Service.
 16 I think they also are important.
 17 Q. Thank you.
 18 Turning then to the membership of the Fire Brigades
 19 Union, to give everybody listening a sense of the size
 20 of your organisation, as at 31 December 2020 did the FBU
 21 have a total membership of 32,632 firefighters?
 22 A. Yes, sir.
 23 Q. Of that number, were 1,239 employed by
 24 Greater Manchester Fire and Rescue Service?
 25 A. Yes, sir.

1 Q. You expressed the membership in your witness statement
 2 in a different way. Perhaps I can -- I've taken it from
 3 your witness statement -- invite you to agree with this,
 4 that in March 2019 were 90% of whole time firefighters
 5 members of the FBU?
 6 A. To the best of our knowledge, that is correct, sir. It
 7 may be slightly higher.
 8 Q. Is the way the data captured -- is it necessarily an
 9 estimate to some degree?
 10 A. Yes, it is. It's a very good estimate, but it might
 11 slightly understate the case. It might slightly
 12 underestimate the case because some of our members have
 13 two jobs in the Fire and Rescue Service, but they're
 14 only recorded as one member.
 15 Q. I understand. So that's the whole time firefighters.
 16 Retained firefighters, three-quarters of retained
 17 firefighters --
 18 A. Yes, sir.
 19 Q. -- are FBU members? And two-thirds of control staff?
 20 A. Yes, sir.
 21 Q. If we look specifically at the organisations that the
 22 inquiry is concerned with, again expressing these
 23 numbers in a different way, so far as Greater Manchester
 24 Fire and Rescue Service is concerned, is it the FBU's
 25 belief that 90% of the staff were FBU members?

1 A. Yes, sir.
 2 Q. And that in relation to North West Fire Control, 50% of
 3 staff were members?
 4 A. Yes, sir.
 5 Q. That's the membership. We're going to now deal in very
 6 brief terms with the structure of the Fire Brigades
 7 Union, so everybody can understand these terms.
 8 Is the government of the FBU vested in its
 9 conference?
 10 A. Yes, sir.
 11 Q. That is, as people might expect it to be, a meeting
 12 which is held annually or more often if required?
 13 A. Correct, sir.
 14 Q. In terms of the day-to-day general administration, is
 15 the senior body the executive council?
 16 A. Between conferences, certainly they are the ones that
 17 shape and form the direction of travel. On a day-to-day
 18 basis that's really something which is carried out by
 19 the officials at head office. But certainly between
 20 conferences, we meet, I would guess, monthly as an
 21 executive council to shape the work that is done by the
 22 General Secretary, myself and others.
 23 Q. So you've mentioned the General Secretary. For the
 24 relevant time periods that we're talking about, is that
 25 a gentleman by the name of Matt Wrack?

1 A. Correct.
 2 Q. And your role was as Assistant General Secretary, which
 3 under the rules required you to assist Mr Wrack in
 4 carrying out his duties?
 5 A. Correct.
 6 Q. Beneath the executive council are there regions, each of
 7 which have a committee?
 8 A. That is correct, sir.
 9 Q. And within each region does each Fire and Rescue Service
 10 have what's called a brigade committee?
 11 A. It does, yes.
 12 Q. So there are layers from the national level down to the
 13 local level; is that right?
 14 A. That is correct, yes.
 15 Q. The penultimate topic to deal with in relation to the
 16 FBU -- and I'll make sure you have an opportunity to add
 17 anything you think I may have missed that is important
 18 at this stage -- is the Fire Brigades Union in relation
 19 to health and safety. Does the Fire Brigades Union view
 20 itself as having a role in relation to health and
 21 safety?
 22 A. Very much so, sir, yes.
 23 Q. Does your rulebook, and I'm again reading out a sentence
 24 that I've already read out, underline the objective:
 25 "To secure the highest standards of health and

1 safety and welfare at work, consistent with the
 2 provision of front line emergency service"?
 3 A. That is true, sir .
 4 Q. Bearing in mind that objective, does that inform a lot
 5 of your work in the role that you had?
 6 A. Yes, it does.
 7 Q. We'll come to that in a moment.
 8 The final area, just when we're looking at terms and
 9 how the FBU operates, relates to what is shortened as an
 10 acronym to NJC, namely the National Joint Council for
 11 Local Authority Fire and Rescue Services. I'd just like
 12 to introduce that as a concept for those who may not be
 13 familiar with it.
 14 Is that a body that is responsible for the national
 15 supervision of all questions affecting the conditions of
 16 service of employees of Fire and Rescue Services?
 17 A. Not so much the supervision of, but certainly for
 18 setting and agreeing the major tenets of the terms and
 19 conditions of firefighters across the UK. But it
 20 doesn't supervise them, it simply agrees them as
 21 a framework of key areas such as minimum annual leave,
 22 minimum pay and so on.
 23 Q. So that is an organisation which is separate from the
 24 FBU?
 25 A. Yes, sir . It's a joint committee with the employers.

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1 Q. It's a joint committee, and on that committee there are
 2 representatives from employers, as you say, and also
 3 representatives on behalf of employees, which include
 4 FBU representatives?
 5 A. On the NJC all the representatives are from the Fire
 6 Brigades Union.
 7 Q. On the employee side?
 8 A. On the employee side, apologies, yes.
 9 Q. Just so everybody understands, that is the organisation
 10 that the FBU will seek to make change through; is that
 11 right?
 12 A. Yes, sir . Yes, it is .
 13 Q. Obviously there are other organisations such as Central
 14 Government, which the FBU will seek to influence through
 15 lobbying.
 16 A. Yes, sir . In terms of national terms and conditions,
 17 that is processed through the National Joint Council on
 18 those key areas, including, if you like, the — broadly
 19 the job description of a firefighter . They can be and
 20 are supplemented by local negotiation and consultation
 21 at the brigade level , which you mentioned earlier, and
 22 indeed on a sort of wider level . Clearly the terms and
 23 conditions, the way that firefighters work, the
 24 functions of the Fire Service, clearly are conditioned
 25 by governments, it being a devolved matter, not just at

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1 Westminster, but also Holyrood and so on.
 2 Q. I'm going to move on.
 3 SIR JOHN SAUNDERS: There's no Government representative on
 4 the joint committee?
 5 A. No, not at all, sir .
 6 SIR JOHN SAUNDERS: Thank you.
 7 MR DE LA POER: I'm going to move on from what I accept is
 8 a highly selective summary of an awful lot of
 9 information that you've given in your witness statement,
 10 just to look at the chronology of certain correspondence
 11 and meetings which took place before the arena attack.
 12 Before I do, I want to give you an opportunity, Mr Dark,
 13 to indicate whether there's any part of the FBU that you
 14 think needs to be introduced in summary form now that
 15 I have missed out.
 16 A. I don't think you've missed anything out, but certainly
 17 I would want to give clarity , absolute clarity , in terms
 18 of the role of the Fire Brigades Union. We have, as
 19 I see it, two arms. One is terms and conditions, pay
 20 and the like, the other one is what I call our
 21 professional arm. Some organisations have two separate
 22 arms; we are a trade union and they're both encompassed
 23 in what we do. I would guess that probably 70% of what
 24 we do is engaged in what can broadly be described as
 25 health and safety, dealing with operational matters,

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1 perfecting operational procedures, reviewing operational
 2 procedures, training and so on.
 3 I would say that the greater part of our work is
 4 actually on the professional side, the operational side
 5 encompassing health and safety and coming under that
 6 umbrella. I think that's about the right balance,
 7 I think.
 8 Q. Thank you very much indeed. It's important, isn't it ,
 9 to remind ourselves that the chronology that we're going
 10 to run through in summary form now is very much
 11 a selection of correspondence and activity in relation
 12 to a particular issue? Plainly it sits in the context
 13 of much wider work that the FBU is doing. Is that fair?
 14 A. Yes, sir .
 15 Q. Let's focus on that now, bearing in mind that we're
 16 focused upon the arena attack in this inquiry. In March
 17 of 2012 did the FBU issue a circular entitled "The Fire
 18 Service involvement in terrorist incidents: the
 19 contractual position"?
 20 A. Yes, sir .
 21 Q. We can look at any of these documents if you wish to,
 22 we can bring them up, but I know that you are very
 23 familiar with them. Does that say to members that they
 24 are not contractually obliged to participate in
 25 responses to marauding terrorist firearms attacks?

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1 A. It does, yes.
 2 Q. I'm going to quote a part from it. As I say, I can put
 3 it up, but can you confirm that it includes this:
 4 "The members were advised to make clear to their
 5 line managers, 'Until and if agreement is reached within
 6 the Fire Brigades Union at a national level any such
 7 activity which you do carry out will be performed on
 8 a voluntary basis only'?"
 9 A. Yes, sir. Could I expand on that.
 10 Q. Of course you can. It's important that this is not so
 11 selective that it's misleading.
 12 A. The purpose of putting the circular out was against
 13 a background whereby we had previously been approached
 14 by Government to say -- to ask if we would be prepared
 15 to extend the role of the service and the role of the
 16 firefighter, of whatever rank, to engage in a new area
 17 of work that was being considered for the Fire and
 18 Rescue Services as a result of the Mumbai attacks, that
 19 being MTFA.
 20 Essentially, we said, yes, very happy to look at it,
 21 but the devil is always in the detail, and that's the
 22 way it was left. But what became apparent was that
 23 individual Fire and Rescue Services were saying to
 24 firefighters, our members, "The union have agreed it,
 25 they've agreed it all, it's now contractual, this is

1 where you're going to go, this is what you're going to
 2 do".
 3 So the purpose of the circular was to say to the
 4 members: what you're being told isn't accurate, we are
 5 not opposed to it, we have agreed that we're going to
 6 look at it, so it's important that you say to your
 7 employer that we're going to do it and if you want to do
 8 it, you're going to do it, but do it on a voluntary
 9 basis. The reason for that being is if you continue to
 10 do any kind of activity for an employer, an employer at
 11 some stage will turn round and say, "Well, simply by
 12 custom and practice it's become an implied part of your
 13 contract".
 14 So it wasn't to stop people from doing it, it wasn't
 15 to say that we don't want you to do it, it's to say
 16 that -- it wasn't to say that this isn't a form of work
 17 that we would ever entertain, it was to establish, if
 18 you like, a counter to what the local employers were
 19 saying, which was false. That was the purpose of it.
 20 SIR JOHN SAUNDERS: Just help me: was this limited or
 21 defined as being limited to an MTFA? I say that because
 22 of course you often don't know whether it's an MTFA
 23 until afterwards. So the Manchester attack was in fact
 24 not an MTFA, but no one was to know that. So was the
 25 circular limited to that or any sort of terrorist

1 attack?
 2 A. No, it was specifically limited to MTFA attacks, sir.
 3 SIR JOHN SAUNDERS: Thank you very much.
 4 MR DE LA POER: What I hope we're going to be able to do now
 5 is just move through some of the key moments in the
 6 chronology so that everybody understands what the
 7 context was in terms of the disagreement that was taking
 8 place. What I would like to do, to help everybody
 9 understand it, is perhaps give what you'll tell me is
 10 a simplification of it and, if necessary, you will tell
 11 me if I've got any part of it wrong.
 12 Did the disagreement that was then taken forward in
 13 the correspondence really amount to this: that it was
 14 being said to the FBU and other firefighters, "It is
 15 within your role map to do this work", so in other words
 16 it is already an existing part of your obligation?
 17 Whereas the FBU's position was: it's a new role, we're
 18 happy for it to come into the role map, but before that
 19 happens a number of steps need to be taken, including
 20 a change in the terms and conditions of contract?
 21 Is that a fair summary of the two sides of the
 22 disagreement?
 23 A. That is a fair summary of the substance of the
 24 disagreement, yes.
 25 Q. And obviously we are not in this inquiry going to go

1 into the detail of it or seek to adjudicate upon it.
 2 Let's move through those dates after that circular.
 3 Did you write to Bob Neill MP on 10 July in relation to
 4 this issue? 10 July 2012.
 5 A. Yes, sir. He was the Minister for Fire Service matters
 6 in the Government at Westminster.
 7 Q. So engagement by you with Central Government on this
 8 issue?
 9 A. Yes.
 10 Q. After that, was a further circular issued on
 11 18 July 2012, headed "New risks/marauding terrorism --
 12 recent developments and advice to members"?
 13 A. Yes, sir.
 14 Q. Did that circular focus upon the need for, among other
 15 things, safe systems of work, suitable and sufficient
 16 equipment?
 17 A. Very much so, sir.
 18 Q. On 15 to 17 May 2013, did the FBU's conference pass an
 19 emergency resolution entitled "MTFA -- securing national
 20 agreement"?
 21 A. Yes, it did.
 22 Q. What you say in your statement about it is that a key
 23 purpose of the resolution was to highlight the position
 24 of the FBU, that participation in responses to MTFAs was
 25 not "within the role of Fire and Rescue Service

1 personnel".
 2 A. That was one of the elements within the resolution, sir,
 3 yes.
 4 Q. And that, as a consequence, participation was voluntary?
 5 A. Yes, sir.
 6 Q. On 23 January 2015, did Mr Wrack write to
 7 Penny Mordaunt MP about this issue?
 8 A. Yes, sir.
 9 Q. In June of 2015 did the NJC, so that's the national
 10 joint committee, publish a circular, which included
 11 touching upon this issue?
 12 A. Yes, sir.
 13 Q. Did Mr Wrack write to Mark Francois MP on 3 July 2015
 14 in relation to the work that was ongoing about this?
 15 A. Yes, sir.
 16 Q. And did you attend a number of meetings involving the
 17 Chief Fire and Rescue Advisers Unit and chief officers
 18 in order to gather technical information?
 19 A. Yes, sir. Could I expand on that?
 20 Q. Of course, yes.
 21 A. In terms of that last question, yes, we did attend
 22 a number of discussions with the lead officers, dealing
 23 with MTFA on behalf of the sector. They were carrying
 24 out that role on behalf of the sector.
 25 If I could, I think the -- one of the things that

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1 we've always been mindful of, and I think it's important
 2 in respect to get an understanding of what a role map
 3 is, the role maps emerged some time prior to 2004. They
 4 were absorbed into firefighters' contracts in 2004. But
 5 they didn't arise as a consequence of trying to
 6 establish job demarcation or issues like that, which
 7 may -- some people may think is the case.
 8 Actually, what happened was that there was a number
 9 of fire deaths that occurred during the 1990s and the
 10 Health and Safety Executive came forward with some
 11 improvement notices on, actually, the London Fire
 12 Brigade, but being on the London Fire Brigade,
 13 essentially what the HSE said is: these deaths, fire
 14 deaths might have occurred in London, and the London
 15 Fire Brigade is the employer, but actually the
 16 underlying problems, the underlying flaws in the way
 17 that people are promoted, in the way they're trained,
 18 in the way that their job is defined, and therefore what
 19 training they receive for those, is UK-wide and it is,
 20 if you like, a systemic, generic problem across the UK
 21 Fire and Rescue Service. So they were applied to the
 22 employer, which was London Fire Brigade, but it was
 23 said: this could be anywhere and the improvement must be
 24 made across the Fire and Rescue Service sector across
 25 the UK.

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1 There was a whole body of work done through the
 2 Training Support Group, which looked at what is required
 3 for firefighters, what jobs should they do, how could we
 4 ensure that they are trained appropriately, equipped
 5 appropriately, but more importantly trained
 6 appropriately, and most important of all that they're
 7 assessed as being competent. That was at all ranks.
 8 That's what got absorbed into the 2004 pay
 9 discussions, which aligned pay, not just with the new
 10 managerial roles, including that of firefighter, which
 11 isn't a managerial role, but the new roles and the
 12 underpinning role maps is that essentially it was not
 13 a way of job demarcation, but it was actually a means by
 14 which to ensure that firefighters and other firefighters
 15 with rank were able to be assessed and verified as being
 16 able to do their job, not just safely but proficiently.
 17 That, as I say, arose because of what wasn't seen to
 18 be chaotic before, but clearly was, whereby there were
 19 different systems of being promoted and in some cases
 20 wholly inadequate processes on which to evaluate whether
 21 someone should hold a higher rank.
 22 SIR JOHN SAUNDERS: So you needed to know what fire officers
 23 had to do in order to design the correct training?
 24 A. Precisely, sir. That didn't arise from the Fire
 25 Brigades Union, it arose through the HSE and then the

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1 whole of the sector, including Government looking on,
 2 looking in, designing this work, and it became what's
 3 known as the IPDS system, which got absorbed and
 4 reflected in the role maps. So changes to role maps
 5 aren't cloth-cap trade unionism: if you're going to do
 6 it, you've got to know what comes with it --
 7 SIR JOHN SAUNDERS: You have to do the training, you have to
 8 provide the right sort of gear for people to do that job
 9 if it is going to be part of their job?
 10 A. Exactly, sir.
 11 SIR JOHN SAUNDERS: Thank you.
 12 MR DE LA POER: That is very much the context, you would
 13 say, we should all have in mind as we go through this
 14 chronology, which is obviously picking out one aspect in
 15 particular?
 16 A. Yes.
 17 Q. I think where we had got to in the chronology that
 18 I have selected from your witness statement is that, in
 19 2016, the FBU conference passed resolution 21, titled
 20 "The national standards for MTFA for training, equipment
 21 and procedures for all firefighters".
 22 A. Yes, sir.
 23 Q. And I'm going to read out an extract. We can look in
 24 your statement, but I'm sure you know this sufficiently
 25 well to take it from me. Does that state:

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1 "Conference notes that people living within the
 2 British Isles are at a greater risk of terrorism in all
 3 its brutal forms, like the atrocities we witnessed in
 4 Paris. It is accepted that early recognition could come
 5 directly from first responders attending what appeared
 6 to be a more routine incident prior to a full MTFA
 7 incident being declared. With this in mind, Conference
 8 instructs the executive council to campaign for an
 9 appropriate mechanism of support for Fire and Rescue
 10 Authorities, including funding from the DCLG, which
 11 would also Fire and Rescue Services to provide a minimum
 12 national standard of training, equipment and procedures
 13 for all operational personnel who have the likelihood to
 14 attend one of these incidents."
 15 A. Yes, sir, that is correct.
 16 Q. We're going to move from that to a letter dated
 17 6 September 2016 from Daniel Greaves. Was he a minister
 18 in the Home Office?
 19 A. No, sir, he was a senior civil servant within the Home
 20 Office Fire Department.
 21 Q. Did that letter engage in a discussion about whether or
 22 not pension and compensation and private insurance
 23 provisions were in place in relation to MTFA duties?
 24 A. Yes, sir. As much as in that letter he said that those
 25 things were in place, I don't think he really understood

1 the point that we were trying to make, but essentially
 2 that was the substance of the correspondence.
 3 Q. I think that what he was asserting, and I accept that
 4 the FBU disagrees with this perspective, was that
 5 attending such incidents was within firefighters'
 6 operational duties.
 7 A. He asserted that, yes.
 8 Q. He asserted that, consistent with the position that
 9 Central Government was taking, which is that it was
 10 within the role map?
 11 A. Yes, sir. That is their general assertion.
 12 Q. Following that letter, did Mr Greaves meet with two
 13 bodies, and you'll help me with the acronyms here
 14 because I failed to make a note. The CFOA, the Chief
 15 Fire Officers' Association?
 16 A. Yes, sir.
 17 Q. And the OSCT, which is the Office for Security and
 18 Counter-terrorism?
 19 A. He will have had many meetings with those people, sir,
 20 yes.
 21 Q. Did that all give rise to an improvement plan dated
 22 December 2016?
 23 A. It was never brought to our attention. The first I'm
 24 aware of that document was as a result of this inquiry,
 25 sir, in the last week.

1 Q. So that was something that was happening outside the
 2 knowledge of the FBU at the time?
 3 A. Yes, sir. If I could expand?
 4 Q. Of course.
 5 A. As I said earlier, we did have meetings quite early on
 6 after the Government minister had approached us to say,
 7 would we be prepared to consider doing this new work,
 8 and, as I said, we said yes, but the devil's in the
 9 detail. We did have some meetings with CFOA leads,
 10 mainly on practical measures and on some procedural
 11 issues. It was all quite guarded on their part, but as
 12 contained within my statement, as a true reflection of
 13 the way things are, as with the documentation and the
 14 meetings you were just referring to, it wasn't just not
 15 done with the Fire Brigades Union or outside of our
 16 knowledge — it's that there really has been no
 17 engagement at all on this matter.
 18 So that's why I'm saying it's no surprise to me that
 19 there will be a whole raft of documents and agreements
 20 and whatever, but they've never been made known to the
 21 FBU, nor have we been aware that they've been published,
 22 promulgated.
 23 Q. Perhaps I can bring us right up to the point of just
 24 before the arena attack with a document which you'll
 25 certainly have known about at the time because it was

1 an FBU circular. Was there an FBU circular dated
 2 7 February 2017, titled "MTFA response — offers of
 3 contracts by Fire and Rescue Services"?
 4 A. Yes, sir.
 5 Q. Would I be right in the conclusion that I've reached
 6 from reading your statement that that was the last
 7 circular by the FBU relevant to this issue before
 8 22 May 2017?
 9 A. Yes.
 10 Q. Obviously, to the best of your knowledge and belief?
 11 A. Yes. Could I expand on that circular?
 12 Q. I was going to ask you about the contents of it and
 13 perhaps if —
 14 A. Of course.
 15 Q. Again, I'm dealing in summary form and it's very
 16 important, Mr Dark, particularly bearing in mind that
 17 this is the document, the last document from the FBU on
 18 this point to its members, that if we need to look at
 19 it, we can. But I hope that a summary will be
 20 sufficient.
 21 Does that circular express a need for a number of
 22 things, and I'll identify them all and you can tell me
 23 whether I've got it right or if I've missed anything.
 24 Firstly, an increase in pay for firefighters?
 25 A. Yes.

1 Q. Secondly, nationally agreed guidance and protocols to
 2 ensure interoperability and intraoperability between
 3 Fire and Rescue Services and other agencies?
 4 A. Yes.
 5 Q. Adequate training and provision of equipment?
 6 A. Yes.
 7 Q. Confirmation at that time that Fire and Rescue Services
 8 would under no circumstances work within the hot zone of
 9 an MTFA incident?
 10 A. Yes.
 11 Q. A scheme such as the AIS scheme to be indemnified by the
 12 employers or Government?
 13 A. Yes.
 14 Q. Adequate resourcing that did not compromise the existing
 15 activities of Fire and Rescue Services?
 16 A. Yes.
 17 Q. Professional standards and operational procedures with
 18 adequate training, competency standards and assessment
 19 processes?
 20 A. Yes.
 21 Q. That Fire Service personnel to be under the control and
 22 command only of Fire Service operational managers at all
 23 incidents?
 24 A. Yes.
 25 Q. I'm going to come back to that one in particular when we

1 look at the arena.
 2 The mobilisation of Fire Service personnel and in
 3 call incident handling of fire operations to be
 4 undertaken by emergency Fire Control personnel and not
 5 other agencies?
 6 A. Yes.
 7 Q. Adequate staffing of Fire Control rooms and welfare
 8 arrangements for personnel?
 9 A. Yes.
 10 Q. FBU representation rights in all controls where FBU had
 11 members?
 12 A. Yes.
 13 Q. And I think we can miss out the next one, which is to do
 14 with inoculations.
 15 Finally, that there are satisfactory pension
 16 arrangements for injured firefighters and lifelong
 17 household income stability in the event of permanent
 18 incapacity or death?
 19 A. Yes.
 20 Q. So those were the things that the FBU were calling for
 21 at the time in a circular to its members?
 22 A. Yes.
 23 SIR JOHN SAUNDERS: Tell me the paragraph you're at.
 24 I tried to keep up.
 25 MR DE LA POER: Sorry, sir, I have moved.

1 It's paragraph 67, page 20 of the witness statement.
 2 SIR JOHN SAUNDERS: I don't require you to wait for me or
 3 anything, I can read the transcript later, but just for
 4 that particular bit, it helps me. Thank you.
 5 MR DE LA POER: The last date in our --- sorry, sir.
 6 Mr Dark, I was going to move on and you did mention
 7 you had something you might wish to add.
 8 A. Yes, if I could. The context of that --- there was
 9 essentially a twofold purpose, which may not be clear
 10 from the circular, but a twofold purpose or driver
 11 behind putting that circular out. The first was that we
 12 had engaged with the National Joint Council, we were
 13 building towards what became --- what was called the
 14 broadening of the role on a contractual basis to have
 15 firefighters doing MTFA work, on a contractual basis for
 16 them to do other areas of activity such as emergency
 17 medical response, primarily co-responding, which
 18 essentially is that firefighters --- co-responding is
 19 where firefighters will mobilise to someone who's had,
 20 for example, a heart attack, and invariably will get
 21 there before the ambulance. We can carry out stability
 22 measures to ensure that the patient survives long enough
 23 for the real experts, the paramedics, to come along,
 24 ensure that that stability is made more permanent, and
 25 then obviously to transport.

1 So there was a whole range of work taking place.
 2 One of the purposes of putting that circular out there
 3 is to say, "This is what we're taking forward", all of
 4 the norms that you would expect as members for us to do.
 5 But secondly, the second motivation was that from
 6 within the Government, we do know that... The
 7 Government's position was: this is contractual, it's
 8 within the role map, which of course doesn't really
 9 explain then or why the actual employers --- the
 10 Government is not the employer --- why the employers are
 11 then negotiating with us because they know it isn't
 12 contractual or within the role map ---
 13 But as much as the Government were promoting that
 14 view --- and I can understand why, if it's already in the
 15 role map, if it's broadened, if it is introduced on
 16 a more fundamental basis or widespread basis, they don't
 17 have to give additional funding because they would say
 18 we're already funding Fire and Rescue Services for this
 19 work. So I can understand the logic of their position.
 20 But as I say, the second motive behind that circular
 21 is, despite that asserted view by the Government, those
 22 within the relevant department, the Fire Department,
 23 were contacting Fire and Rescue Service managers, chief
 24 officers, to say, "We want you to agree some resilience
 25 contracts". In other words, at the same time the

1 Government was saying, "It's already part of the
2 contract", they were telling Fire and Rescue Services to
3 try and get firefighters to sign an additional contract,
4 a separate contract, specifically around MTFA response.

5 Our concern was, well, that's all well and good,
6 firefighters don't write contracts, they know what
7 a contract is, but they've never written a contract. So
8 I think it was duplicitous of the Government to say on
9 the one hand they genuinely believed it was part of the
10 role map and already contractual, so why then were they
11 going out trying to encourage Fire Services to get
12 firefighters to sign these different resilience
13 contracts?

14 SIR JOHN SAUNDERS: Mr Dark, that's helpful for
15 understanding the context of that particular circular.
16 As I've said, the last thing I want to do is get too
17 deeply involved in disputes between you and the
18 Government. Doing that publicly may not help ultimately
19 decide things. But I appreciate why you've told me that
20 within the context of that particular circular.

21 Just so I understand, you negotiate contracts on an
22 area basis with individuals Fire Services? So are you
23 negotiating pay with them or are you doing that with the
24 Government?

25 A. Issues such as pay are negotiated at national level,

1 sir, through the NJC.

2 SIR JOHN SAUNDERS: Right.

3 A. The key elements of the employment contract, the number
4 of days of leave, the entitlement to sick pay and so on,
5 those key elements are, if you like, part of the NJC
6 contract. But they can be supplemented at local level
7 within the individual contract between the individual
8 employer and the individual -- the local trade union.
9 Essentially what happens is that the local contract
10 says, "This contract encompasses all of these issues
11 from the national Grey Book", as it's called, "and this
12 is the way your leave will be taken, this is your duty
13 system".

14 SIR JOHN SAUNDERS: The national terms are agreed between
15 all of the Fire Authorities, if that's the correct word
16 for them, and you as the union?

17 A. Representatives of all the Fire and Rescue Authorities,
18 yes, sir.

19 SIR JOHN SAUNDERS: And then there may be individual
20 variations locally, depending on local conditions and
21 how they want to operate it?

22 A. Yes, sir.

23 SIR JOHN SAUNDERS: But in none of that does the Government
24 play a direct part?

25 A. No, sir, not at all. They don't play a direct -- they

1 influence it through funding.

2 SIR JOHN SAUNDERS: Yes, okay. Thank you very much.

3 I should have understood that, I appreciate. I now do
4 understand it better.

5 MR DE LA POER: Mr Dark, I'm going to wrap up this section,
6 and thank you very much for your assistance, because
7 we have covered tens and tens of pages, haven't we, in
8 your witness statement and in a number of exhibits, so
9 thank you for your assistance with that.

10 We've covered the FBU's resting position as it was
11 on 7 February 2017, you've explained to us why that was
12 so. To put the other side in terms of what the resting
13 position was of the Government, on 20 February did
14 Mr Greaves, the civil servant we have mentioned, inform
15 the NJC that he was unable to see a case for the
16 Government funding additional responsibility costs
17 because the MTFA duties, he said, appeared to be already
18 within the scope of the firefighter role map?

19 A. Yes.

20 Q. And I think you have explained it to us in some detail
21 now. So there we have the two sides of the dispute
22 which had not been resolved when we get to May 2017.

23 So we're going to move from what was my section 3 to
24 section 4, which is to deal with the arena attack. If
25 I can ask you to open up your witness statement, which

1 I know you have in front of you. Sir, for your
2 reference, we're going to be looking at page 4,
3 paragraph 15, where helpfully this has been dealt with.
4 A. Could you just say that again?

5 Q. Page 4 of your statement, paragraph 15, under
6 the heading "The Manchester Arena attack".

7 Mr Dark, one of the downsides of the structure that
8 I have adopted is that we may -- you may find yourself
9 saying the same thing more than once in different
10 sections. If that happens, I'm sure you'll work with me
11 to summarise answers where you've already given them
12 fully, but this is the first time we'll be looking in
13 detail at what the FBU understands went wrong and we'll
14 just explore that.

15 So firstly, is this right, that the FBU, after the
16 arena attack, did seek to understand why it had happened
17 by speaking to its members?

18 A. Yes, sir.

19 Q. So the perspective that you are speaking to is
20 effectively information that has been passed to you and
21 others within the FBU by members as well as looking at
22 other matters which may be in the public domain?

23 A. Yes, sir. Originally, our intention was to carry out
24 what we would call a full safety accident investigation.
25 That was the intention for some time. That changed

1 essentially because we weren't going to be able to get
 2 sufficient information, not least because of the
 3 criminal inquiry and subsequently the
 4 Manchester Arena Inquiry itself. But our original
 5 intention was to carry out quite a thoroughgoing one.
 6 But whether we had intended to do that or not, certainly
 7 what we did do was to gather basic information, just
 8 simply so we had an understanding of what happened and,
 9 if anything did go wrong, what might have gone wrong.
 10 But it wasn't superficial, but it wasn't a deep
 11 thoroughgoing --
 12 SIR JOHN SAUNDERS: Of course we know the Kerslake Inquiry
 13 took place as well, which looked in depth at these
 14 things. Were you involved or were the union involved
 15 in the Kerslake Inquiry?
 16 A. They did approach us, and myself and one of our
 17 executive council members for the north-west region did
 18 meet with representatives of the inquiry, sir.
 19 SIR JOHN SAUNDERS: Right. And you'll appreciate that I've
 20 heard from a number of firemen already. Some of the
 21 conclusions that you've come to are obviously
 22 conclusions I will also have come to following the
 23 evidence, although I'm not making my mind up definitely
 24 at the moment until we have heard everything. But
 25 certainly quite a lot of what you say are things that

1 we've already heard in general terms.
 2 MR DE LA POER: So with that understanding of where you have
 3 got your information and understanding from, let's just
 4 follow through what you say in your statement and get to
 5 the conclusions that have been drawn by the FBU.
 6 Firstly, is it important to understand the way in
 7 which firefighters normally operate? Here I'm looking
 8 at your paragraphs 16 and 17. Namely that they do not
 9 self-deploy; is that right?
 10 A. Correct.
 11 Q. That is a difference, is it, to other emergency
 12 services?
 13 A. If I'm honest, I can't -- I genuinely can't answer for
 14 how the other services deploy or otherwise.
 15 Q. But in terms of the Fire Service, they don't
 16 self-deploy. When they are at scene, they are working
 17 to the incident commander's plan; is that right?
 18 A. Correct.
 19 Q. Is the incident commander the most senior rank on site?
 20 A. Not always, sir, no. At normal incidents, yes, at more
 21 complicated incidents you will ... In some, probably
 22 most, Fire and Rescue Services, it is possible to have
 23 a more senior officer in attendance, either in
 24 a specialist role, but more importantly as a monitoring
 25 officer to give advice and so on. But generally

1 speaking -- I need to be accurate, obviously, I'm on
 2 oath, but generally speaking, yes, at most incidents
 3 that we attend the incident commander is the most senior
 4 officer at the scene.
 5 SIR JOHN SAUNDERS: Just to help me, we've heard quite a lot
 6 of that. At normal incidents, fire engines go to the
 7 scene, the most senior officer in the first fire
 8 appliance is the incident commander and he then
 9 identifies what further is needed. Presumably, as other
 10 people turn up to have the next most senior person take
 11 over as incident commander presumably could cause chaos?
 12 A. Yes, sir, so what will often happen is that there will
 13 be a -- often there is a lag. As more appliances come
 14 on, that needs more command and control, so
 15 automatically you will get more senior officers coming
 16 along. But there will be a lag between that more senior
 17 officer taking over, they'll wait for a lull in
 18 decision-making, they'll wait for circumstances to be
 19 right, and then say, "Have you got time to give me
 20 a debrief? Give me the debrief. I now understand,
 21 okay, I am now taking over", and that's practical
 22 officership.
 23 SIR JOHN SAUNDERS: Thank you.
 24 MR DE LA POER: So that is business as usual, the way in
 25 which Fire and Rescue Services operate when attending.

1 I wonder if you can just identify in summary form
 2 those matters which you think or FBU thinks went wrong
 3 at Manchester.
 4 A. In terms -- in relation to this ...
 5 SIR JOHN SAUNDERS: Just let me encapsulate what seems to
 6 have been said to me and see whether that's the FBU
 7 position as well. This is what we've got from fire
 8 officers so far. The normal procedure is what I've
 9 said: a fire appliance goes, gets local intelligence,
 10 sees what's going on, the incident commander is there.
 11 When you're dealing with an MTFA, because there are
 12 dangers in just going straight to the scene, we have
 13 a system whereby a NILO takes immediate charge. What's
 14 been suggested to me is that's where the problem may
 15 arise because it's a different system. You've got
 16 a NILO, who'd not normally be an incident commander,
 17 who's taking charge. From what I've read of your
 18 statement, that seems to be very much the FBU position
 19 too.
 20 A. Not quite.
 21 SIR JOHN SAUNDERS: I've misunderstood the position in your
 22 statement.
 23 A. At a normal incident what's described there, as we've
 24 just discussed, is the norm. There are what I'll call
 25 special kinds of incidents, for example, say, at a big

1 chemical works, where things will be slightly different .
 2 Because of the expanse of the site, because of the
 3 number of appliances, both from within the service and
 4 to an extent from outside, they will have rendezvous
 5 points and they will have forward control points.
 6 Sometimes they will set up a main control unit,
 7 particularly if it is a developed incident, where, if
 8 you like, the incident commander will be quite remote
 9 from the firefighters . They won't be in line of sight
 10 of the firefighters for a start at most incidents as at
 11 most incidents they are.
 12 In terms of Manchester Arena, the Manchester Arena
 13 event, in terms of -- I don't think that in itself was
 14 the problem. We are used to those kinds of, let 's call
 15 it, remote management, remote command at other incidents
 16 within the service, and they go off largely without
 17 a hitch.
 18 The key problem, I think -- well, the key problem
 19 for the Fire and Rescue Service on the night was being
 20 starved of information and, to an extent, not accessing
 21 information by other means. And I think it was -- the
 22 reason the information wasn't accessed was because it
 23 was expected to come in rather than taking, perhaps, an
 24 approach of, "This is never going to come in, we have to
 25 do something slightly different to get hold of that

1 information".
 2 In terms of the NILO, as the incident commander,
 3 I think that was essentially a role that was taken --
 4 I don't think that is the -- is currently the role or
 5 should currently be the role of the NILO. A NILO in
 6 other -- on a different night, when they're not at that
 7 kind of incident, would easily become an
 8 incident commander, you know, at a fire at a big
 9 warehouse or whatever, a normal kind of incident, so
 10 they are used to command.
 11 But in essence one of the problems I think with
 12 having -- and I think this needs examination at some
 13 stage because I know there are suggestions that the
 14 NILO -- it has been said by the chiefs' organisation
 15 that the NILO should be the incident commander, it
 16 should be allowed. I'm just not convinced that that
 17 doesn't mean that you've got someone who is trying to do
 18 too much, trying to get information, process
 19 information, and also carry out command, and also
 20 communicate that to Gold command. I just think it's --
 21 in my personal view, I think it needs evaluation.
 22 Rather than someone saying the NILO will be the
 23 commander, I think that needs proper evaluation, good,
 24 thorough and quick, to make a decision as to what policy
 25 should be, but I'm not convinced that -- I'm just not

1 convinced that that should be done as a sort of
 2 knee-jerk reaction because of what happened at the
 3 Manchester Arena. I think there's a whole number of
 4 factors that came into play, which caused the problems
 5 on the night --
 6 SIR JOHN SAUNDERS: I'm sure that's true.
 7 A. -- with the Fire Service response.
 8 MR DE LA POER: There is one matter you mention in your
 9 witness statement that I just want to try and understand
 10 and see how it relates to what you've told us already.
 11 Can I ask you to look at paragraph 24?
 12 What you say there is that:
 13 "Senior Fire Service managers, rather than command
 14 the situation, instead compensated by people--pleasing,
 15 seeking to appease the fire crews by seeking permission
 16 from more senior commanders to deploy crews despite
 17 knowing that necessary intelligence regarding scene
 18 safety had not been received. Deploying firefighters
 19 into a warm zone in inevitably risky and should only
 20 occur when firefighters are both properly trained and
 21 equipped."
 22 And you go on to cite from JESIP. Help us to
 23 understand what you mean by people--pleasing and how that
 24 fits into what you've told us already about what you say
 25 went wrong.

1 A. Essentially, what happened on the night was that there
 2 was very little information being received by crews or,
 3 as it transpired, being received any anyone on the Fire
 4 Service side. They were starved of information. There
 5 was a lot of tensions because of social media,
 6 general -- firefighters knew something big was
 7 happening. They knew that there'd been a bomb. They
 8 expected to be deployed. They couldn't understand why
 9 they weren't being deployed.
 10 In terms of senior managers, again they knew
 11 something serious had occurred. They didn't have the
 12 details sufficient -- well, any -- sufficient details to
 13 determine what action plan they should put in place to
 14 deal with that in terms of deployment. And as
 15 a consequence, what we were aware of is that at some
 16 stage during the night, senior managers or middle
 17 managers were saying, "Shall we just not go? Shall we
 18 just not send the crews?"
 19 We're also aware that the crews that were sent were
 20 not MTFA trained, bearing in mind that the question of
 21 whether this was an MTFA incident was in the minds of
 22 those senior managers.
 23 SIR JOHN SAUNDERS: Okay, I'm sorry, I just want you -- let
 24 me say frankly to you that if we're talking about the
 25 NILOs, which I assume you are by the senior managers who

1 were people-pleasing, because I can't think of anyone
 2 else who would fit into that category, I'm not sure that
 3 I've got that impression that they were somehow
 4 people-pleasing. They were undoubtedly waiting for
 5 instructions, but whether you can say they were
 6 people-pleasing by doing that, I just wonder whether
 7 that's an appropriate phrase. Do you understand my
 8 concerns?
 9 A. Maybe not, but certainly what the phrase is trying to
 10 get across is that on the night, the firefighters -- not
 11 venting their frustrations in anger, but keep chivvying,
 12 "What are we doing? Let's go. We need to do
 13 something". But what happened was that the commanders
 14 at the rendezvous point, Philips Park and so on, were,
 15 "I'll see what I can do, I'll see what I can do", as
 16 opposed to saying, "Look, you know the way it works, I'm
 17 not happy, you're not happy, you've just got to stay
 18 calm here, I will find out what I can, I will chivvy",
 19 as opposed to, "I'll see if we can go, I'll see if we
 20 can go". That's what I meant by the people-pleasing.
 21 SIR JOHN SAUNDERS: Okay.
 22 A. They didn't deploy them without permission from senior
 23 management, but perhaps people-pleasing is too strong
 24 a phrase.
 25 SIR JOHN SAUNDERS: I'm grateful for that. It hasn't been

1 particularly my impression so far, but we've still got
 2 more to come.
 3 Just help me about this. One reaction has come from
 4 some firefighters to say: actually, when there's
 5 a communication gap going on, we know the
 6 Ambulance Service are sending their ambulances in there
 7 and they are coming there and back, so we know it's
 8 perfectly safe to go there, let's use our own discretion
 9 and go. Now, you say they shouldn't do that and I just
 10 wonder why.
 11 A. I think it's about -- certainly in terms of
 12 paragraph 15, which we looked at, the point I was trying
 13 to make there is that firefighters, individual
 14 firefighters or in teams of two or three, don't
 15 themselves deploy without the incident commander knowing
 16 they are deploying. So if the fire truck is parked
 17 around the corner, the incident commander is round
 18 there, and they can see flame, they don't -- well, put
 19 some BA sets on, grab the hose reel, go in and fight it.
 20 One of them might start putting the set on, but they'll
 21 let the incident commander know there's a fire round
 22 here, "Me and Bill, me and Joanne, we're ready to go
 23 in". And he would verbally answer, "Yeah, go and do
 24 it".
 25 That's what I'm saying: you don't self-deploy, you

1 must do it so the incident commander (a) knows where
 2 you are and, secondly, he might say, "I know about the
 3 fire round there, but the fire round here has got
 4 people involved, that one's going to have to burn for
 5 a couple of minutes because I want to save the people".
 6 That's what I mean about self-deploying.
 7 In terms of the --
 8 SIR JOHN SAUNDERS: We had a phrase, and I can't actually
 9 remember the phrase from someone, which says that doing
 10 the job, out on the job, you're very hierarchical --
 11 that wasn't actually the phrase used -- but in the
 12 station you're very democratic.
 13 A. That's certainly ... I mean, I was a junior officer and
 14 for me, at the station -- democratic, I'm not so sure,
 15 but very collegial, very consensual. On the fire
 16 ground, certainly the way I think it should be is
 17 a dictatorship.
 18 SIR JOHN SAUNDERS: Thank you. I've interrupted too much.
 19 Carry on.
 20 MR DE LA POER: Not at all, sir.
 21 So setting aside the phrase that you've used,
 22 if we just focus upon that, if somebody at
 23 Philips Park -- senior, I'm not talking about the junior
 24 officers -- had the authority to say, "Let's go", would
 25 that be a good thing, do you think, or do you think that

1 that hierarchy needs to go above those who are actively
 2 operational?
 3 A. On the night, I think -- I imagine it would have had
 4 benefits. But on a different night at a different
 5 incident, it could have been that actually had our
 6 people gone into -- had self-deployed as units, as
 7 crews, on vehicles, which would have upset a plan that
 8 was in operation. But on the night, there was no plan,
 9 there was no information, and it could well have been,
 10 and I think it probably would have been that, if crews
 11 had been allowed to go as crews to a different place and
 12 closer to the incident in the way that ambulances did,
 13 where they had a different rendezvous point, they didn't
 14 have the cathedral, they went to Hunts Bank, neither of
 15 which -- which hadn't been, what's the word --
 16 recommended by Greater Manchester Police, undoubtedly
 17 I think it would have made a difference.
 18 But whether it's correct that actually -- the point
 19 I'm trying to make is I don't think it is correct that
 20 people should have a good idea, let's go with that if
 21 they don't -- because they don't know what's happening
 22 in terms of a strategic plan, planning that's being
 23 done, say, at Gold command level.
 24 As it turned out, there was no strategic plan
 25 because they had no information on which to make

1 a strategic plan or a detailed strategic plan --
 2 Q. I understand what you're saying. Your view is that the
 3 command structure needs to remain intact and that there
 4 shouldn't be, even though in particular circumstances it
 5 might be advantageous, because it might be
 6 disadvantageous there ought not to be autonomy below the
 7 strategic level just to say, "We have enough information
 8 to know that it's safe to deploy, we should do it"?
 9 A. Yes. I wish I could have put it as well as that.
 10 SIR JOHN SAUNDERS: He hasn't had many compliments, so
 11 that's nice --
 12 A. That's enough, is it?
 13 SIR JOHN SAUNDERS: Help me with another point and I will
 14 stop asking all these questions in a moment. But one of
 15 the problems may have been that the NILO who was
 16 actually deciding what went on was located a long way
 17 away and, for one reason or another, couldn't get to the
 18 scene for a long time and everybody appeared to be
 19 waiting for him. Would it not be a good idea, and this
 20 didn't work with the police, to have a duty officer who
 21 is there, who in this sort of situation is actually
 22 local on the scene, so in the Manchester fire station or
 23 whatever, located locally, and had that happened he
 24 would have been the incident commander in the early
 25 stages and could have made decisions? "Let's go in,

1 everyone else has gone in, it's absolutely pointless us
 2 sitting here while everyone else has gone in close to
 3 where it must be safe"?
 4 A. I agree. There's two key issues there. In terms of
 5 what happened on the night, all the three services
 6 should have formed a forward control point, which would
 7 have meant what there will have been three officers
 8 together but most importantly, in terms of the context
 9 of fire, a Fire and Rescue Service officer closer to the
 10 scene.
 11 I don't know why that didn't happen. I do know that
 12 a forward control point wasn't -- a joint forward
 13 control point wasn't put in place.
 14 SIR JOHN SAUNDERS: I'm really concerned about whether it's
 15 a good idea to have someone closer, that whoever is on
 16 duty for this sort of event is actually located close to
 17 the centre of Manchester.
 18 A. I think you're right. Certainly I think with
 19 hindsight -- well, I know, that is the sort of thing
 20 which would now be put in place. But you're correct,
 21 actually, if you're not getting information off the
 22 phone, if you're not getting information through the
 23 control officers, then, yes, you would deploy another
 24 officer to drive up to the incident, and up until the
 25 point where a policeman says, "I don't care what rank

1 you are and what service, you're going no further",
 2 because chances are, as would have happened, they'd have
 3 got right to the doors and would, like the ambulance
 4 personnel, have walked in and got the first-hand --
 5 SIR JOHN SAUNDERS: And done what they were able to do
 6 later. I'm going to stop as I am doing too much. I've
 7 also seen Mr Suter provide a note, which always tends to
 8 indicate we're doing something wrong.
 9 MR DE LA POER: Not at all, sir.
 10 SIR JOHN SAUNDERS: You don't need to read the note if it's
 11 private.
 12 MR DE LA POER: It's not private. I will read it out. It
 13 was the quotation, sir, that you were referring to.
 14 SIR JOHN SAUNDERS: Thank you.
 15 MR DE LA POER: Mr Helmrich said on 3 March:
 16 "It is a hierarchical organisation, but within that
 17 we are autocratic on the fire ground and democratic
 18 in the fire station."
 19 SIR JOHN SAUNDERS: Okay. It's rather a memorable phrase.
 20 I don't know whether he's invented it or whether it's
 21 well-known within the Fire Service.
 22 A. I don't think it is, but I've got to say, it's ... two
 23 monkeys in the same forest. It's very similar to
 24 a phrase I've used in London many a time.
 25 SIR JOHN SAUNDERS: Thank you very much, Mr Suter. It is

1 quite extraordinary how these things can be located.
 2 MR DE LA POER: It is. Sir, we're approaching the time at
 3 which I might invite you to take a break. There are two
 4 more aspects on Manchester because we've digested a lot
 5 of information and I'm not at all -- it's not my
 6 objective to stop you saying important and relevant
 7 things for the chairman's consideration, so I'd just
 8 like, before I ask you to consider one particular issue,
 9 to reflect on the answers that you have given so far.
 10 Is there anything you want to add to what you have
 11 said about what went wrong in Manchester in the
 12 assessment of the FBU, bearing in mind that we'll also
 13 be looking at the section in your statement where you
 14 deal with issues raised by the inquiry and
 15 recommendations. Those are yet to come. But just
 16 before we move on, I would like to give you that
 17 opportunity.
 18 SIR JOHN SAUNDERS: You were going to raise the fact of
 19 specialist crews not being sent there. I think
 20 I understand what happened there. Whether it's correct
 21 or not or whether it should have happened is more
 22 difficult. But by the time someone was actually looking
 23 to send them in, and we got to the point of sending
 24 people in, for one reason or another, rightly or
 25 wrongly, it was actually agreed that it was a bit

1 pointless at that stage to do it and that's not what
 2 they wanted.
 3 A. Mm—hm.
 4 SIR JOHN SAUNDERS: I hope that summarises that point too.
 5 A. Yes. In terms of the general point, at this stage
 6 I don't think there's anything huge that's been missed,
 7 but obviously if I think on reflection there's something
 8 I haven't said, perhaps —
 9 MR DE LA POER: Yes. I'm going to invite the chairman to
 10 take a break in a moment. You will have an opportunity
 11 to think then and I'll check with you before I move on
 12 to my next section.
 13 Before I invite the chairman to take a break, can
 14 I just ask you to consider one idea, and I make clear
 15 that I am not suggesting this to you as being right or
 16 wrong, but just to seek your comment upon it.
 17 The inquiry has in paper form only at the moment an
 18 expert opinion from policing experts who have considered
 19 as part of their work all of the emergency responses by
 20 all of the services. They have offered the opinion that
 21 there was a different approach taken to risk by the Fire
 22 Service as compared to ambulance and the police, which
 23 is obviously GMP and BTP. Whether that's right or wrong
 24 will be a matter for them to give evidence about in due
 25 course and the chairman to determine if that's where

1 they rest when they are called. But just considering
 2 that idea for a moment, we know from the correspondence
 3 that we've summarised between ourselves that at the time
 4 of the Manchester Arena attack, there was a dispute
 5 taking place about whether or not, going into MTFAs, the
 6 crews were properly trained, whether they were properly
 7 equipped, whether they were properly remunerated, and
 8 whether or not it was voluntary or contractual. And
 9 there I'm summarising a lot of what we have said
 10 already. Does the FBU have a view on whether or not
 11 that background to the incident was capable of playing
 12 a part in the decisions that occurred on the night or
 13 is that really just a question that we need to ask the
 14 people who made the decisions?
 15 A. I'd like to offer a genuine and honest view on that.
 16 I don't think it impacted at all. From beginning to
 17 end, whatever our view has been with regards — as our
 18 view is with regards to MTFA work being done, we have
 19 never tried to stop it, we've never tried to encourage
 20 members to stop it and not to do it. And we haven't
 21 tried to individually impact and say, well, you'll only
 22 do it under these circumstances.
 23 So for me, I say with real confidence, having spoken
 24 to the union reps up there and some of those
 25 firefighters, not all, some of those firefighters that

1 did attend who were on duty on the night at or around
 2 the arena, I'm in no doubt at all that nothing they said
 3 or did will have impacted that way. I don't believe it
 4 affected the managerial decisions. I have seen no sign,
 5 no hint, no whisper of that.
 6 If I was to venture a view, I think that the
 7 difference between the British Transport Police, GMP and
 8 NWAS is that their risk assessment or their assessment
 9 of risk on the night in terms of what they did will have
 10 been very much different to the Fire and Rescue
 11 Service's, because the Fire and Rescue Services,
 12 frankly, were way back there, but those three
 13 organisations had people in the City Room and were
 14 confronted with it.
 15 I have no doubt at all, none whatsoever, if there
 16 had been a firefighter of whatever rank, in whatever
 17 number, in that City Room, you'd have found firefighters
 18 with their hands deep in it, looking after the
 19 casualties, and not concerning themselves perhaps
 20 enough, but concerning themselves with risk. I don't
 21 believe there is a single officer or firefighter who was
 22 on duty that night in Manchester or across the UK, or
 23 those like myself, 15 years out of uniform, that would
 24 have done anything different other than have mucked in.
 25 I just ... If anyone says anything different,

1 I fundamentally disagree with that.
 2 SIR JOHN SAUNDERS: Okay. Certainly none of the firemen on
 3 the ground have indicated any reluctance to have gone in
 4 at all and indeed, as you know, they wanted to go in,
 5 they wanted to do their bit. They weren't saying: look,
 6 until those things have been sorted out, I'm not going
 7 in. No one has suggested that.
 8 Some have suggested that they believe that
 9 management, or more senior officers, may have been risk
 10 averse. We'll obviously have to look at that when we
 11 hear from them.
 12 A. On that, though, is that ... I do believe that of any
 13 other rank, if there had been firefighters of whatever
 14 rank within the City Room that were communicating that
 15 to managers, what was on the ground, as was known by the
 16 Ambulance Service, British Transport Police or Greater
 17 Manchester Police, "It is a bomb, a bomb has gone off,
 18 there doesn't seem to be any sign or concern by the
 19 police that there are active shooters here, let's get on
 20 and do the job", however far back the chief may have
 21 been, his intermediate officers, they would have said,
 22 "Roll up your sleeves, get in there", but they didn't
 23 have that information.
 24 SIR JOHN SAUNDERS: Just before I do have a break, and you
 25 can think about this if you like, one of the things

1 we've been talking about is how these things are meant
2 to operate. You would have the three services at the
3 forward control point, a determination would then be
4 made as to where it was safe to go in, and armed police
5 would have gone in, done a sweep, looked to see if there
6 was anyone there, and then they would have reported back
7 and there would be a discussion about whether it was
8 safe to go in.

9 Just looking objectively from my point of view, the
10 question I asked of some people is: well, why do you
11 actually need a discussion? If the police are coming
12 back and saying it's absolutely clear and you can go in,
13 then why doesn't everyone just go in? And the response
14 has been: well, in reality that is what would happen,
15 but we would still have the discussion. And I do notice
16 that the FBU have been insistent on the fact that the
17 decision of whether to send firefighters in has to be
18 theirs and theirs alone. So the police can come back
19 and say that it's completely clear, in you go, and still
20 the incident commander will have to say to himself, "Do
21 I think it's safe to go in?"

22 A. Yes, sir, absolutely.

23 SIR JOHN SAUNDERS: Okay.

24 A. And I think that probably needs an explanation. I think
25 the word "discussion", and it is used, and it's

1 certainly used within all the documentation and the
2 procedures -- if the police come back and say, "We've
3 done the sweep, there's no shooter", there wouldn't
4 really be a discussion about that, it would be -- the
5 fire officer might ask a supplementary, "What, at both
6 ends, in the centre?", that would be the kind of
7 question, "Yes, that is right". Then it would be
8 a simple case of influencing that. It wouldn't be
9 a debate over how accurate that was or otherwise.

10 So I think that's an important thing, that it is
11 very dynamic and fire officers, fire managers, would
12 ensure that actually the Fire and Rescue Service
13 resources were deployed, essentially instantly, on the
14 basis of getting the all-clear, because that's what we
15 do. That's what we do. We do it day in, day out.

16 I think on the second point of the -- and I can see
17 it's an important one. We have a ratio on every
18 appliance of at least one officer on each appliance for
19 the crews. So we're talking about 1 in 4, maximum 1 in
20 6 -- I can't remember the last time we had 1 in 6, but
21 either way, 1 in 4 -- plus the middle managers and the
22 intermediate officers and then the senior managers.
23 I don't think it ... I can't imagine that any
24 category 1, category 2 responder would allow or want
25 a facility whereby they could be ordered and instructed

1 by managers of another organisation.

2 SIR JOHN SAUNDERS: Okay.

3 A. I just ... I can't imagine that at all.

4 SIR JOHN SAUNDERS: So that is a caveat on joint working?

5 That's essentially a caveat on JESIP?

6 A. Yes, sir.

7 SIR JOHN SAUNDERS: Okay. Sorry, I've gone on for a long
8 time. Let's have a quarter of an hour break. If you
9 need longer breaks at any time -- because you're going
10 to be here for a while, I'm afraid.

11 Thank you. 11.40.

12 (11.26 am)

(A short break)

14 (11.44 am)

15 MR DE LA POER: Mr Dark, before the break I indicated that
16 I'd give you an opportunity to reflect on the answers
17 you've given so far in relation to what the FBU has
18 identified as having gone wrong at the arena in the
19 light of the topics we're yet to cover and I drew your
20 particular attention in the break to the paragraphs in
21 your witness statement we've been across. Is there
22 anything you would like to add to what you've said so
23 far?

24 A. No, sir.

25 Q. Thank you very much.

1 I'm going to move to my fifth of seven topic areas,
2 where we're going to move through the chronology in much
3 the same way as we did before, this time in relation to
4 the events after the attack. I'm here looking at
5 paragraph 67 of your statement, which is page 20.

6 On 31 May 2017, did the FBU issue a circular that
7 was prompted by what had taken place on 22 May?

8 A. We did, yes, sir.

9 Q. You're expressing some uncertainty. If you look at
10 paragraph 67, I think that you deal with this at that
11 point, if my referencing is correct.

12 SIR JOHN SAUNDERS: I think it just doesn't have a date on
13 it.

14 MR DE LA POER: It may be that I've taken that from the
15 circular itself, which is an exhibit to your statement
16 -- I have forgotten the number.

17 SIR JOHN SAUNDERS: It is (c) we're looking at, I think,
18 67(c).

19 MR DE LA POER: Yes.

20 I'll just tell you what that circular says and again
21 we can turn it up if we need to. The FBU officials had:
22 "... started the process of speaking to every FBU
23 member who attended the incident in order to establish
24 the details of the incident, mobilisations, operational
25 and related matters."

1 And you describe that as being consistent with the
 2 importance attached to health and safety matters by the
 3 FBU.
 4 A. Yes, sir .
 5 Q. I think you've already touched upon that in your
 6 evidence before the break, in terms of the efforts that
 7 the FBU then went on to try to establish the facts so
 8 far as it was able to.
 9 Then of course we had Lord Kerslake's report. Did
 10 that prompt a further circular , dated 29 March 2018, by
 11 the FBU?
 12 A. Yes, sir .
 13 Q. We don't need to linger on that other than to note that
 14 it remarks upon the fact that the FBU had met with
 15 members of the review team in the previous year.
 16 A. Yes, sir .
 17 Q. We're going to cover, again in summary form, events
 18 which took place after that, which pick up the
 19 chronology in terms of MTFA discussions between the FBU
 20 and other bodies.
 21 So firstly , did Dave Keelan of GMFRS, on
 22 13 September 2018, write to the FBU brigade secretary,
 23 who at the time was Gary Keary, proposing an MTFA
 24 allowance for £1,500 per annum for existing MTFA
 25 operatives?

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1 A. Yes, sir .
 2 Q. Was that followed up by a further letter dated
 3 11 October 2018 in which Mr Keelan expressed, and I hope
 4 I'm using a neutral word, disappointment as he saw it
 5 that the FBU had verbally rejected that proposal?
 6 A. Yes, sir .
 7 Q. Seven days later, did the FBU issue a circular, this is
 8 18 October 2018, entitled "Pay discussions with Fire
 9 Service employers and Government"?
 10 A. Yes, sir .
 11 Q. There was a proposal, which we don't need to go into the
 12 detail of, in terms of the rate of pay increase that
 13 should be made?
 14 A. Yes.
 15 Q. On 25 October 2018, did Mr Keelan meet Gary Keary to
 16 discuss formally the MTFA response and capability in
 17 Manchester?
 18 A. Yes, sir .
 19 Q. Was there a discussion there about pay?
 20 A. Yes, sir . If I could add, I would hate for you to think
 21 I'm distancing myself from those discussions, but I was
 22 not a party to or alive to those discussions at the
 23 time. I'm aware of them subsequently.
 24 Q. And you're able to confirm they took place, obviously,
 25 but you can't, from the position you're in, provide any

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1 detail about what was going on at the time?
 2 A. Precisely, sir .
 3 Q. You are simply reporting, and I would hope that your
 4 evidence will simply track, a neutral summary of the
 5 fact that there were interactions taking place within
 6 Manchester, specifically around the MTFA capability?
 7 A. Absolutely, yes.
 8 Q. Was there correspondence back and forth over the balance
 9 of 2018 about this issue?
 10 A. Yes, sir .
 11 Q. So we'll come to 8 February 2019, which is an important
 12 date for Manchester. On that date did Mr Keelan, on
 13 behalf of Greater Manchester Fire and Rescue Service,
 14 write a letter informing the Home Office that GMFRS
 15 could no longer provide a full MTFA capability?
 16 A. Yes, sir .
 17 Q. Did the Home Office write in reply on 22 February 2019,
 18 asking that GMFRS reconsider that decision?
 19 A. Yes, sir .
 20 Q. Again, I'm not going into the detail, I know that there
 21 is some heat around this issue, but in fact given where
 22 we've got to, it's not going to benefit anyone to go
 23 over that, is it?
 24 A. No, sir, but I think it is worthwhile saying, actually,
 25 the — and I think it is worth emphasising that the

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1 heat, as you put it, wasn't from FBU officials, it goes
 2 back to why the firefighters in Greater Manchester
 3 basically gave the kit back, the fire kit back, the
 4 special equipment and so on. It was as a result of the
 5 frustration over what had happened on the night of
 6 22 May 2017, the pressures they felt under on the night,
 7 the pressures that they felt under afterwards in terms
 8 of — I'll use the word, it's not a word that's actually
 9 been used, used to me, but the way I would summarise
 10 it is they felt humiliated, sir .
 11 Q. Can I just ask you to turn up page 43 of your statement,
 12 where you provide a summary of a reason why there was
 13 a dispute. Do you see paragraph 141? I will read it
 14 into the record and give you an opportunity to expand on
 15 it:
 16 "One reason why there was a dispute with GMFRS was
 17 a concern on the part of the FBU that an agreement with
 18 the GMFRS would undermine the national position."
 19 Can you just help us understand what you're meaning
 20 by that?
 21 A. Certainly within the — as I say, there were two
 22 factors, two drivers. There'd always been a concern
 23 with regards to MTFA being carried out by firefighters
 24 across the UK, you know, from 2011 onwards, 2012, it was
 25 really 2011 onwards, that if we were to get a national

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1 agreement, actually, by volunteering it would, as it has
2 done, elongate those negotiations, but we never stopped
3 it. What happened -- it wouldn't have been appropriate
4 to stop it, to turn that tap off. It made things more
5 difficult, we lived with the difficulty and we continue
6 to live with that difficulty.

7 In Manchester, as I say, the firefighters were well
8 aware that there was a contradiction between doing it
9 and how it inhibited essentially getting the Home Office
10 to put some oomph into getting a national agreement, but
11 they carried on doing it, but actually their experiences
12 on the night had nothing to do with pay, their thoughts
13 and actions afterwards had nothing to do with pay as
14 such, it was, as I say, because of the humiliation.

15 What was happening locally is that it was also seen
16 as actually we haven't helped ourselves here, we haven't
17 helped ourselves here, what happened on the night is
18 chaotic, was chaotic, and perhaps the union is right and
19 perhaps we should start -- it was not made... To be
20 absolutely clear, it was not made after dialogue or with
21 dialogue with the national union. It was a decision
22 made by those members for the reasons I've said. That
23 paragraph there, it is true that part of that dispute
24 within Greater Manchester was partly driven, undoubtedly
25 partly driven, by a reflection on that matter.

1 As I say, it's not distancing myself from those
2 members, or from those officials representing those
3 members, but it was not a decision by the national
4 union.

5 Q. Let's bring ourselves up to date and bear in mind that
6 we are talking about how matters were being dealt with
7 locally. In March 2020 did the FBU and GMFRS make
8 a joint referral to the NJC?

9 A. Yes, sir.

10 Q. That was titled "Failure to reach agreement on
11 maintaining a marauding terrorist attack specialist
12 responder capability"?

13 A. Yes.

14 Q. And effectively that was a request for external
15 assistance resolving the dispute that was taking place
16 locally?

17 A. Exactly, sir.

18 Q. Did there then follow a number of meetings, which we
19 should all bear in mind took place during those stages
20 of lockdown or restrictions under the pandemic, between
21 May and December of 2020?

22 A. Yes, sir.

23 Q. And did all of that culminate in a collective agreement
24 to reintroduce the MTA specialist responder capability
25 within Manchester, dated 10 December 2020?

1 A. Yes, sir.

2 Q. On the same day were FBU members notified of that?

3 A. Yes, sir.

4 Q. Again, we're not going to go into the whys and
5 wherefores of that agreement, but that is an interim
6 agreement, isn't it, made in the context of an ongoing
7 national dialogue?

8 A. Yes, sir. If I could expand slightly on that?

9 SIR JOHN SAUNDERS: Feel free. Do.

10 A. It has been made for a period, which at the time was
11 8 months, obviously some months have gone past since
12 then, with a view to extending it. The reason for
13 that is twofold. One is because it was important that
14 we got the -- that members understood that if you don't
15 see any change, and there's reasons why you withdraw
16 in the first place, if this new chief, if this new
17 understanding, if their reflections on what happened at
18 Manchester Arena don't change, then obviously you, the
19 membership, have still got that decision to make whether
20 you extend. I'm confident, new chief, the lessons
21 learned from Manchester Arena, will mean that actually
22 the training and the measures that are necessary will be
23 put in place as we approach that 8-month cut-off next
24 July, next August, as we approach that, that it will be
25 extended because those things will have been put in

1 place.

2 It also does give recognition to the fact that
3 we are still trying to reach national agreement. And
4 certainly there are paragraphs within the agreement --
5 let's say, for example, the local agreement has issues
6 X, Y and Z but the national agreement says A, B and C,
7 that A, B and C will be implemented, not X, Y and Z, if
8 that makes sense.

9 MR DE LA POER: It does, thank you very much indeed. So we
10 understand the position, we don't need to name the area,
11 but during the period that there was no operational MTA
12 capability within Manchester, was there an agreement
13 that a local area would provide cover?

14 A. Certainly there was an arrangement and an arrangement
15 which the FBU locally did not in any way attempt to stop
16 being that cover arrangement, yes. I'm not sure if it
17 was formally actually -- I don't believe it was actually
18 formally agreed. I think it happened and the FBU
19 locally and with FBU -- you know, we did know at
20 national level and just went, "Fine, that's what it is".

21 Q. That concludes my section 5, where we have reviewed
22 events since the attack and brought ourselves up to
23 date. Is there anything, before I move to my next
24 topic, that you need to add to what's been said about
25 that? I have two left. One dealing with your "Issues

1 raised by the inquiry" section of your statement and the
2 final one dealing with your recommendations.

3 A. No, sir.

4 Q. Thank you very much indeed.

5 So let's turn then to your section 6. For that,
6 I think it will be helpful to have your witness
7 statement open at paragraphs 164 and following.

8 Helpfully, if you don't mind me saying so, each of
9 the issues has been the subject of a sub-heading and
10 we'll just move through those and summarise them.

11 The first heading that you've given there,
12 paragraph 164, is the heading "Training". Can you
13 please summarise what the FBU's position is in relation
14 to training?

15 A. Yes, sir. There are broadly, I suppose, in terms of
16 MTFA, there are two types of firefighter, specialist and
17 non-specialist. In terms of specialist training -- in
18 terms of the specialists, I suppose you could sub-divide
19 those into managers, NILOs, and station-based crews. So
20 just dealing with those, certainly I think that -- well,
21 we know that there is ongoing training updates and so on
22 given to NILOs, almost continuous development.

23 One concern that we do have, principal concern,
24 is that -- it was mentioned earlier today -- is that in
25 most instances it will be the bog-standard fire on the

1 bog-standard appliance, which what I was when I was
2 in the service, the bread and butter appliance, the red
3 fire engine that you see going down the street, which
4 will be called to an incident which transpires to be
5 a marauding terrorist attack. And there is, and I think
6 it's spelled out within here, insufficient training on
7 that aspect. Very, very deficient training for the
8 ordinary firefighter, the everyday firefighter of
9 whatever rank.

10 In terms of the specialists, I believe there is
11 a degree of training, but the one thing which is
12 missing, both for the specialists, whether managers or
13 firefighters who are specialists, and even more so for
14 the non-specialist, is lack of practice and
15 demonstration through exercises.

16 There are exercises that are carried out. This is
17 not something we're used to, it's not something that any
18 of the emergency services are really used to,
19 particularly ambulance and particularly fire. For that
20 reason, it needs to be practised and practised and
21 practised. Thoughts, errors, in both -- not so much --
22 let's call it behaviours, but also process, identified
23 through that process, shortcomings identified.

24 It's absolutely essential that that happens. There
25 is totally insufficient training, especially as it is

1 multi-agency between the three services, and also if
2 there was an MTFA event, especially if it was a Bataclan
3 -- of the scope, say, of Bataclan, it would involve the
4 Fire and Rescue Services concerned, not just the teams
5 from a particular location, but it would be supported
6 and augmented by firefighters from other services. None
7 of that is practised.

8 I think within the document I say that response to
9 marauding terrorism is resource-hungry. It has to be
10 because -- I suppose the example that I always think in
11 my head is when they first set up the first Fire
12 Brigades in London, in modern terms they would look
13 quite amateur. Not because of the equipment they had
14 but simply because they wouldn't have been
15 well-organised and it wouldn't have been well-planned.
16 But as time went on, it was perfected and perfected and
17 perfected and we end up with the modern Fire and Rescue
18 Service: efficient, effective, knows what it's doing.

19 I think we are in those early days with regards to a
20 marauding terrorist response by the Fire and Rescue
21 Service. And rather than go through a century of
22 learning on the job, we need to learn it through
23 demonstration and practice. That's essentially,
24 I suppose, a summary of the FBU's view.

25 SIR JOHN SAUNDERS: It is even more important, isn't it,

1 because when you're talking about the improvement in the
2 general Fire Service and what they did, happily they're
3 attending fires day in, day out, so they get practice
4 because they're doing the job. But hopefully that will
5 never happen with marauding terrorist attacks and
6 therefore the only way you can actually prepare for
7 it is to put on exercises.

8 A. Yes, sir, I agree.

9 SIR JOHN SAUNDERS: We have heard in detail about
10 Winchester Accord. Are you familiar at all with that?

11 A. Yes, sir. I wasn't then, but I'm certainly aware now.

12 SIR JOHN SAUNDERS: Is that the sort of exercise you're
13 thinking of and are you saying it should happen more
14 often or what?

15 A. Yes, it needs to happen more often. I don't think they
16 necessarily need to be as large scale. I think
17 intermediate -- you can have exercises which are more
18 tailored, more detailed, more specific over command and
19 control arrangements. Certainly involving -- an aspect
20 has to involve the control rooms, in the Manchester
21 sense NWFC, and the control rooms of surrounding
22 brigades for overflow calls if nothing else.

23 They do need to be more frequent, more targeted, and
24 I think the most important thing is the lessons learned
25 from them shouldn't just be identified and tabulated as

1 they are, but there should be a follow-on process that
2 actually the lessons learned or identified, that the
3 necessary measures have been implemented so that
4 actually the next exercise -- you know, the next
5 exercise will show that they've been recognised, the
6 plan to address them has worked, and that's a good
7 thing.

8 But actually if they're simply made, tabulated, put
9 on a record but not acted on, and then tested to see if
10 actually they were the right solutions that have been
11 put in place, and/or that the solutions have been
12 adopted, I think that's the really important aspect.
13 And the last thing I would say is, also different
14 scenarios.

15 SIR JOHN SAUNDERS: Different sorts of attacks?

16 A. Different sorts of attacks and also different sort of
17 environments.

18 SIR JOHN SAUNDERS: Just help me: there is a process in
19 place through the resilience providers of actually
20 making -- having feedback about what went wrong and
21 it is meant to be checked on to make sure it's put
22 right. Does that not happen at the moment?

23 A. I see no process for that to happen, but what I do see,
24 and I'll be frank, through the evaluation of the
25 inquiry, lessons that were clearly identified, some

1 lessons clearly identified through the exercise process,
2 for example the overloading of the FDO --

3 SIR JOHN SAUNDERS: I understand the examples. I just
4 wonder, you're saying the process was inadequate in some
5 way or just the process wasn't carried out properly in
6 these particular cases?

7 A. I don't see there is a process. If there was a process
8 it would be -- and I'm not just talking about Manchester
9 here, I'm talking about across the sector. Frankly,
10 I think Home Office should take ownership of it, they
11 should have a process which is published within the
12 sector, not out there in the outside world for the --
13 public assurance is important, but we're not there to
14 give assistance to the terrorists. But within the
15 sector to say: this is the joint operational learning
16 that we've had or the internal operational learning that
17 we've had, this is the process that we've followed to
18 rectify it, and we believe that we can tick these off.
19 We can tick these off, we have got the measures in
20 place, we just need to make sure there's continuation of
21 training to ensure that those actions, those decisions,
22 that decision-making process is continually followed.
23 I just don't see that it's in place. I don't believe
24 it's in place. I have never been told that it's in
25 place.

1 For example, I don't expect people to report to me,
2 but when I say these things, I would expect someone to
3 say, "Yeah, but we do". No one's ever done that, which
4 tells me that there is a gap.

5 SIR JOHN SAUNDERS: Okay, thank you.

6 MR DE LA POER: Moving on from training, we can deal with
7 equipment, which you mention in your paragraph 169. In
8 summary, is the FBU's position that the equipment needs
9 to be fit for purpose and the proposal is that it
10 complies with BS EN standards?

11 A. Yes.

12 Q. Your next category starting from paragraph 170 is "Scope
13 of activities" --

14 SIR JOHN SAUNDERS: I'm really sorry, I just need to go back
15 for a moment to something.

16 So you're saying that there should be MTFA training
17 for all firemen, not just the specialist responders?

18 A. Yes, sir.

19 SIR JOHN SAUNDERS: What sort of training and in what topics
20 would you have in mind?

21 A. One thing I think -- I suppose to list them, certainly,
22 situational awareness. I will call it the signs and
23 symptoms of a terrorist attack. This is not a car that
24 has bumped up the kerb and hit people, this is a car
25 that is being driven by someone that wants to get back

1 off the kerb or carry on down the road, hurting more
2 people if they get a chance.

3 Awareness about what to do if you find yourself
4 in the middle of a hot zone which, for instance, would
5 be to run away. We do not run away. Firefighters do
6 not run away. In an MTFA attack, it is to run away, not
7 to run away never to return, but to ensure that -- you
8 know, guide people to safety, drag them with you if
9 you have to, if they're standing there gawping, gawping
10 not realising what's going on. That would be aspect.

11 The key aspect is there are specific dressings for
12 people who have gunshot wounds, for example -- I'll
13 stick with gunshot. I want our firefighters not just
14 trained in advanced first aid -- and most firefighters
15 are given far better training than I was ever given,
16 which was, you know -- mine was what you might call
17 residual first aid training when I joined in 1981. It
18 is far better now. But the application of those
19 dressings is specific for life-saving. I would expect
20 firefighters to be given that.

21 SIR JOHN SAUNDERS: We know that on each appliance there is
22 a special trauma-trained firefighter whose job is (a) to
23 be trained himself and (b) pass on parts of his training
24 to his crew. Is that not included in that sort of
25 training?

1 A. The advanced training given to firefighters in
 2 Greater Manchester is very similar to most other -- I'll
 3 stick with most other Fire and Rescue Services, and
 4 I believe it is most, it probably is all, but I can't be
 5 absolutely certain about that. But the dressings aren't
 6 carried, the specific dressings for those kind of wounds
 7 aren't carried on every fire engine in
 8 Greater Manchester or --
 9 SIR JOHN SAUNDERS: Okay. So that's helpful, but that's
 10 equipment rather than training. Are they not already
 11 trained in that sort of thing?
 12 A. Well, I think ... With the equipment comes the training,
 13 on that specific aspect, but I do accept that that is
 14 quite narrow. But if we are to engage in multi-agency
 15 working, the training received by the specialist crews
 16 in terms of joint triage arrangements with the
 17 Ambulance Service, who is going to do what, who's going
 18 to do, "These are the P1s, these are the P2s, the P3s",
 19 and so on. Do you see what I'm saying?
 20 SIR JOHN SAUNDERS: And they don't get that training?
 21 A. They don't get that training. They have no awareness of
 22 that.
 23 SIR JOHN SAUNDERS: What about sending METHANE messages?
 24 Would they receive that training?
 25 A. They would receive that kind of training because of

1 major incident procedure training that they receive.
 2 SIR JOHN SAUNDERS: So they would know in the first
 3 instance, if you find yourself in a hot zone, one of the
 4 most important things to do is keep yourself safe so you
 5 can send a METHANE message to someone to get the right
 6 people in at the right time?
 7 A. Yes, sir.
 8 SIR JOHN SAUNDERS: And that would be known?
 9 A. Yes, sir. It's not an aspect I've looked into, but
 10 I know that major incident training is given across all
 11 Fire and Rescue Services.
 12 SIR JOHN SAUNDERS: It's just a matter of interest. One
 13 talks about training for everybody and I'm just
 14 wondering how much training would actually be involved
 15 and how simple it would be to give it. What you might
 16 do, if you were prepared to do this, with perhaps
 17 assistance from other people in the FBU, is just
 18 identify for me those bits of training in dealing with
 19 these sorts of events that they don't have, the ordinary
 20 firemen, that you think they need. Could you do that
 21 for me or get someone to do that for me?
 22 A. I will do it, I will do with it others to make sure it
 23 is --
 24 SIR JOHN SAUNDERS: Thank you.
 25 MR DE LA POER: Thank you, sir.

1 I'm going to hopefully accurately summarise the next
 2 section that you have, the scope of activities. I'm
 3 going to do it in a particular way.
 4 You've already mentioned the importance of every
 5 firefighter having a minimum level of training related
 6 to marauding terrorist attacks. Is that because -- is
 7 one of the reasons for that that the FBU's view is that
 8 having just small teams of specialists is not adequate
 9 for the reasons that you expressed?
 10 A. There's a number of factors. I hope I will list them
 11 all, it's not a list I carry around in my head.
 12 The first is, particularly if it's, let's call it
 13 a low-level kind of attack, let's say if it is done with
 14 knives. Actually, once the attacker has moved on, it's
 15 not like a bullet which can travel -- I know some of
 16 them up to a mile, but let's say, 300 metres,
 17 400 metres. That hasn't got the same kind of hazard.
 18 Those casualties on the floor, the firefighters don't
 19 need to run away, to use the phrase, they don't need to
 20 withdraw, to use perhaps a better phrase. They can do
 21 the treatment for those particular kind of wounds.
 22 That's what they can do.
 23 I want that to happen earlier rather than later.
 24 Let's stick with Manchester. At a bombing incident, if
 25 our people have that kind of training, have worked

1 alongside ambulance crews dealing with mass casualties,
 2 because that's what we're talking about, which is
 3 a different sort of set of techniques and processes --
 4 I'm not talking about the application of the dressing,
 5 but just working with ambulance crews for mass
 6 casualties that would improve survivability. It can
 7 only improve survivability.
 8 So there are a whole host of reasons why I want
 9 firefighters to do it. I do actually think firefighters
 10 want to do it -- I know they want to do it. It's about
 11 survivability of the public.
 12 SIR JOHN SAUNDERS: I'm going to try and tie you down a bit
 13 more, and if you want more time, by all means, in
 14 response to the questions, come back to me.
 15 The people that went in on this event eventually
 16 were ordinary firemen. That's an inappropriate word, to
 17 call them ordinary: they were firemen who weren't
 18 specialists. They worked with ambulance staff and they
 19 worked successfully and they did what was required and
 20 everyone says, once they went in, they absolutely
 21 performed extraordinarily well.
 22 So that worked. They didn't have to have extra
 23 training for it and they have told me: actually, at
 24 quite a lot of incidents we go to, we're there with the
 25 Ambulance Service, we are always working with them, so

1 we know how to work with them. So what's the extra bit
 2 required from them in that scenario that they don't have
 3 already? They did fine when they got there.
 4 A. In terms of treatment of casualties, it was -- and
 5 I know this is going to sound insensitive, and I don't
 6 mean it to sound insensitive, it was a relatively small
 7 number of casualties in a relatively confined space,
 8 which isn't the -- I was going to say the norm.
 9 It isn't necessarily what you would find with an MTFA
 10 attack, because of course our policy is around, or the
 11 issue, the dispute, the disagreement, is around MTFA.
 12 The hazards involved with an MTFA attack, where
 13 there is still a continuing active risk from someone who
 14 is armed with a rifle or a pistol, are very much
 15 different to what you might call a static risk.
 16 SIR JOHN SAUNDERS: No, no, I entirely understand that.
 17 That wasn't really what I was getting at. I was just
 18 really getting at, trying to nail you down, in a way, as
 19 to the training that the firemen who went in on the
 20 night -- what additional training they could have had
 21 which would have made them even better at the job they
 22 were doing. It sounds like what you're saying is
 23 actually treating injuries and having the capacity to do
 24 that, recognising the indications that there might be
 25 a marauding terrorist attack going on, and knowing how

1 to respond to it; is that fair?
 2 A. It is, and also an awareness and experience of working
 3 within the specific, let's call it, command structure
 4 that operates at marauding terrorist incidents.
 5 SIR JOHN SAUNDERS: Okay. Thank you.
 6 MR DE LA POER: Your next category, paragraph 176, is North
 7 West Fire Control. So that we put it on the record what
 8 the FBU's position is, the FBU, having heard criticisms
 9 made of control room staff within North West Fire
 10 Control, doesn't accept those criticisms, does it?
 11 A. Sorry, I missed your question.
 12 Q. I'm looking at your paragraph 177, where in your second
 13 sentence you specifically say that the FBU doesn't
 14 accept the criticisms made of control room staff.
 15 A. Yes, sir.
 16 Q. I think the reason for that is that, on your
 17 understanding, looking at paragraph 176, you understand
 18 that on the night of the attack, North West Fire Control
 19 took decisions and actions which were entirely in line
 20 with their training?
 21 A. Yes.
 22 Q. So it's on that understanding that you reject the
 23 criticism?
 24 A. Yes, sir. Essentially, they had -- let's call it a set
 25 system of work for a set incident type and that's what

1 they followed. If they're too narrow, if they are too
 2 rigid, that is --
 3 SIR JOHN SAUNDERS: It's the process which is wrong rather
 4 than the individuals; is that fair?
 5 A. That's precisely our position, sir, yes.
 6 MR DE LA POER: You do go on to make some comments in the
 7 ensuing paragraphs about the concept of North West Fire
 8 Control being a control centre for a number of different
 9 areas. Could you just please summarise for us what the
 10 FBU's position is in relation to that structure that
 11 existed and exists back in May 2017?
 12 A. I suppose... In terms of actually how it applies,
 13 applied then, if it had been a singular control -- let's
 14 say it was Greater Manchester's own control room rather
 15 than a joint one. I don't think I can say that it
 16 specifically would have made any kind of difference.
 17 The reason, to be frank, I individually, but also as the
 18 union, and control members, I would say in the main,
 19 there may be exceptions, believe there should be
 20 a control room for each Fire and Rescue Service --
 21 is that arising from this incident or other kinds of
 22 incidents is that if a procedure within the control room
 23 needs to change is that it should be done thoroughly and
 24 properly. But it must involve a negotiation between
 25 four Fire and Rescue Services and the control room, and

1 if they differ, if there's a nuance of difference, that
 2 just elongates the process. That's one example of it.
 3 Also what it does mean is that the number of control
 4 officers on duty at any one time may be adequate for the
 5 norm, but they're not adequate for the exception. So
 6 the norm might mean that you've got a ratio of
 7 six people to so many calls, but we do show in the
 8 appendix the fact that there's a huge variety in the
 9 number of control officers in the control room. That
 10 control room operates for four different Fire and Rescue
 11 Services and that is unique in the UK.
 12 SIR JOHN SAUNDERS: Okay, I understand the concerns about
 13 understaffing and we have heard some, too. Actually on
 14 this particular night, is there any evidence that
 15 you have seen or the union has seen that understaffing
 16 made a difference in some way? Are you saying this
 17 particular -- not generally, but on this particular
 18 incident?
 19 A. No, sir, I'm not. If there had been more staff, yes,
 20 they would have been able to deal with more calls more
 21 quickly. But no, I'm not saying on this occasion --
 22 I can't point to any evidence.
 23 SIR JOHN SAUNDERS: I quite understand if you have other
 24 fires coming from other places, you can get a situation
 25 and getting the balance of the right number is quite

1 difficult . Thank you.
 2 MR DE LA POER: We'll move on from North West Fire Control.
 3 I'm looking here at your page 56. I think we've
 4 probably covered this in sufficient detail , but I'll
 5 flag it for you so you can add anything. You identify
 6 the incident commander and NILO as being an issue
 7 arising . Is that really what you've covered already
 8 with us in terms of the understanding of the role of the
 9 NILO, the fact that an incident commander is different
 10 and the fact that the ordinary operation defaults to the
 11 incident commander, so in a sense the NILO has an
 12 unusual role, not specifically practised on a daily
 13 basis? Is that an encapsulation of your concern?
 14 A. Yes, sir , on the evidence I've given earlier , I think
 15 all of that has been captured.
 16 Q. "Tactical deployment and decision-making" is your next
 17 sub-heading. I think that where the FBU rests is that
 18 there should not be self-deployment by crews. Again,
 19 I think we've covered your reasons for that. The FBU's
 20 position is that that structure all the way up to
 21 strategic should be maintained?
 22 A. Yes, we have covered that.
 23 SIR JOHN SAUNDERS: We have and yours is: never, never,
 24 never. You don't use your own discretion to do
 25 something about it ever?

1 A. Apologies, sir .
 2 SIR JOHN SAUNDERS: Sorry. I understand what's being said,
 3 that people do not self-deploy. Is that absolutely
 4 rigid and you just never self-deploy? Can you see no
 5 circumstances in which that would be -- anyone can use
 6 their own discretion?
 7 A. I can't see any benefits, any benefits, that would arise
 8 other than taking some small amount of time to let
 9 others know what you're doing. But the risks, I think,
 10 far outweigh any benefit for those saved moments in
 11 time.
 12 SIR JOHN SAUNDERS: Okay, thank you.
 13 MR DE LA POER: Your next heading is "Adequacy of
 14 Greater Manchester Fire and Rescue Service's
 15 arrangements and policies", and perhaps all we need to
 16 say here, because it's a matter for the chairman to
 17 investigate , is the FBU regards those as being
 18 inadequate and relevant to what took place on
 19 22 May 2017.
 20 A. Yes.
 21 Q. I'm sure the chairman will bear that in mind when he
 22 considers those policies .
 23 The final substantive area you have headed
 24 "Assessment of decision not to commit crews for such
 25 a long period", and you go on in that paragraph to

1 identify that:
 2 "In the FBU's understanding, poor communication was
 3 the key reason for the delay in deployment."
 4 You also indicate in your paragraph 189 that:
 5 "In the FBU's understanding, the assessment of risk
 6 was inadequate and poorly communicated."
 7 Is there anything you want to add to what you've
 8 said there?
 9 A. Yes, sir , if I could. I think I did cover it earlier ,
 10 which is that if fire officers had known at whatever
 11 level , whether that be -- they weren't there at a
 12 tactical level , but at a strategic level , whether at
 13 Gold or Silver , if they had been informed of the matters
 14 in hand, if they'd been given the information as it
 15 existed and was known to the British Transport Police,
 16 GMP and the Ambulance Service, if they had had that
 17 information their decision-making, their actions, the
 18 deployment would have been far quicker, far better and
 19 you'd have had firefighters' boots on the ground in that
 20 City Room far, far earlier . It really does come down to
 21 the fact that, without pointing fingers of blame at any
 22 person -- I seriously mean that -- again, the
 23 communication process was inadequate, communications
 24 into the Fire and Rescue Service but equally,
 25 compensating for that, the Fire and Rescue Service

1 didn't compensate for the absence of information
 2 adequately to get out there and get the information.
 3 Q. Can I pick up on that last part because you pointed out
 4 that there's a lack of information coming in. Should
 5 there be sufficient resilience within the processes
 6 which are in place to recognise that in a chaotic
 7 incident, information flow may be slow to start with and
 8 therefore there needs to be a plan B in the event that
 9 information is not coming through fast enough?
 10 A. Yes, that is true, but... I think everyone would choose
 11 their own time. But after 20 minutes, half an hour,
 12 40 minutes of no information, it would tell you: this
 13 isn't going to come through, something isn't working,
 14 we've got to find a way around it. Whether that is
 15 chief fire officer to the chief constable, banging on
 16 his door -- they weren't at the same place -- ringing
 17 him up, using the hotline, whatever it is. If you've
 18 got a problem and the current systems aren't addressing
 19 the problem, then you find a way around it. I just
 20 don't think enough was done at that time to get round
 21 the problem, the shortage of information.
 22 Q. Might one of those solutions rather than focusing on the
 23 communication, which has plainly broken down, include
 24 deploying one or more people to gain that situational
 25 awareness themselves? Should the risk assessment allow

1 for that to happen?
 2 A. I think that's part -- I think it's one and the same.
 3 I think that is part of the communication problem, that
 4 if there's a lack of communication, you can't get the
 5 information yourself. So, if you like, the deployment
 6 in terms of a risk assessment that's made -- I don't
 7 think that's a big element of risk assessment: we need
 8 more information, go and get the information. As I say,
 9 you would follow that path until you were stopped. So
 10 if a police officer 200 yards or 100 yards from the
 11 arena, was to say, "I can't let you further forward",
 12 then you know that you have got a real problem. But
 13 actually, as would have happened, the police officer
 14 would have just waved them through, they'd have ended up
 15 in the City Room and got that information. Am I being
 16 a bit long-winded?
 17 Q. Not at all. You said it's nothing to do with risk
 18 assessment and we've got a long way to go with this
 19 evidence and we have to hear from the people who are
 20 making the decisions and it's important that I stress
 21 that.
 22 But on one view, it may have been the case that
 23 there was a sense of, "Until we get the information,
 24 it's too risky for us to go to the scene". Do you see
 25 that as a possible explanation? So there is an element

1 of risk assessment in that thinking because until we get
 2 that information via a completely safe route, there's an
 3 element of inertia. What I'm proposing is whether or
 4 not, speaking for the FBU, providing a person to go to
 5 the scene to find it out, as an alternative to that safe
 6 route of information, is that an acceptable thing to
 7 occur or must that information always come through
 8 a completely safe route and the people shouldn't
 9 mobilise until they've received that?
 10 A. No, I see what you're saying. The word flexibility
 11 always sends hackles up my back because flexibility can
 12 mean, "Actually, do as you like", or it can mean
 13 logically and rationally moving slightly away from the
 14 norm. I agree with slightly moving away from the norm,
 15 but the extreme is: we don't know anything, self-deploy.
 16 That's the extreme end: let's just throw people at the
 17 incident, let's just throw them at the incident. That's
 18 the sad end of flexibility.
 19 But the problem that we do have -- the problem that
 20 we had, and I will say this: the problem that we had on
 21 the night was people being too inflexible. I don't
 22 believe that systems were ever put in place that there
 23 had to be absolute rigidity. But what flexibility was
 24 allowed and the logical flexibility that it did allow
 25 just wasn't exercised.

1 I have no doubt at all genuinely that the sector,
 2 let alone Greater Manchester Fire and Rescue Service and
 3 indeed NWFC, will be building in more flexibility that
 4 that doesn't happen again, but on the night it was the
 5 expectation -- the plan, the pre-plan was too rigidly
 6 stuck to and no one thought outside the box, "How can we
 7 take some safe measures to get what we need?", which was
 8 information.
 9 Q. I'm now going to move to my final topic area, Mr Dark,
 10 which you deal with in your paragraph 193, which is
 11 where the FBU makes recommendations over the course of
 12 three or four pages in your statement. I'm not going to
 13 invite you to read all of that out. Instead, what I'm
 14 going to propose is -- the chairman has read it, those
 15 recommendations can be published, and so you and I don't
 16 need to go through them line by line now.
 17 What I would like you to do is just headline for us
 18 what recommendation or recommendations, focusing on the
 19 most important, the FBU invites the chairman to make by
 20 reason of the matters within his terms of reference in
 21 this inquiry.
 22 A. Well, from a trade union perspective, I would want to
 23 say, actually, there has to be engagement with the
 24 union. That's what I would say. Engagement with the
 25 union so that we can bring our expertise -- and in some

1 ways not even expertise, I would actually call it
 2 someone thinking outside the box. That's what as
 3 a trade unionist I suppose I would say, but if I had to
 4 narrow it down to one: training. Increase the training,
 5 increase the scope of those who receive the training,
 6 increase the scope and quality of the training. And
 7 alongside that, the lessons coming out of that training.
 8 Professionally, let's put it like this. If I was
 9 a member of the public who couldn't care about the
 10 contracts -- and understandably, what do they care --
 11 what they care about is their safety as the public.
 12 It's the training.
 13 SIR JOHN SAUNDERS: Okay. Can I just say this? We've got
 14 a long way to go on the evidence and it may be that the
 15 union would like to consider different recommendations
 16 and things like that in the light of it. So it's not
 17 stopping now, as it were. I am very happy for the union
 18 to come back with other recommendations and indeed at
 19 some stage we're going to consider recommendations
 20 specifically and I would very much like to have your
 21 input into that.
 22 How we do it exactly, whether I draft some suggested
 23 ones and then ask for your comments, I don't know, or
 24 whether we just get the suggestions in and then we mull
 25 over those, we'll have to decide as we go along.

1 MR DE LA POER: Thank you very much, Mr Dark. That
 2 concludes the questions that I have for you.
 3 Looking at the advocates who have provided notice,
 4 I think that we will have time, sir, to have North West
 5 Fire Control's, given the timing. Can I just say
 6 this --- and I don't want to put Mr Smith on the spot ---
 7 I had anticipated that we would start with GMCA and
 8 I don't want to put Mr Smith --- because I think that
 9 they lead the agenda with the questioning. If Mr Smith
 10 is content to do those questions now, given the time
 11 that we have, I would propose that. Alternatively, he
 12 only needs to state it, as far as I'm concerned, that
 13 his preference is to go after GMCA and then I would
 14 propose we take an early lunch for a clean start for
 15 what will be a longer period of questioning.
 16 Questions from MR SMITH
 17 MR SMITH: Sir, I'm entirely content to deal with my
 18 questions now if that's acceptable to you.
 19 SIR JOHN SAUNDERS: Certainly. Thank you. Are you happy to
 20 carry on?
 21 A. Of course, sir, yes.
 22 SIR JOHN SAUNDERS: Thank you, Mr Smith.
 23 MR SMITH: Mr Dark, you'll appreciate, as you probably just
 24 heard, that I act for North West Fire Control in this
 25 inquiry. My questions are directed to issues which

1 involve them but which also touch upon
 2 Greater Manchester Fire and Rescue Service.
 3 It is the case, isn't it, that your union, the Fire
 4 Brigades Union, acts for control room operators who are
 5 not just operators within a Fire Service's own control
 6 rooms within the country but also regional control
 7 rooms?
 8 A. I wouldn't call them regional control rooms, but if by
 9 that you mean mobilised to calls in more than one Fire
 10 and Rescue Service area, yes, you're correct, we do have
 11 control rooms which operate for more than one Fire and
 12 Rescue Service. That is true, that is correct.
 13 Q. And some of those employees are members of the union;
 14 is that correct?
 15 A. Yes, sir.
 16 Q. And the union fully represents them, just as they do
 17 firefighters?
 18 A. Yes, sir.
 19 Q. I would like to turn briefly, if I may, to the question
 20 of staffing levels. You've already given some evidence
 21 in relation to your views. But is the concern of the
 22 Fire Brigades Union that where you have one control room
 23 servicing a number of different Fire and Rescue
 24 Services, in other words from different regions, there
 25 are concerns that it may not be as efficient as a Fire

1 and Rescue Service's own control room?
 2 A. Yes, sir, that would be a fair summary.
 3 Q. Could you very briefly set out your reason, or the
 4 union's reason, for adopting that position?
 5 A. Yes, sir. It's that we have had instances of control
 6 rooms failing, the communication system itself failing,
 7 sometimes it's just down to the power failing, but where
 8 you have one control room mobilising or being
 9 responsible for the mobilisation of calls for more than
 10 one fire and rescue service, it means that if one fire
 11 control room goes down then it's more than one Fire and
 12 Rescue Service area that's affected.
 13 When a Fire and Rescue Service control room goes
 14 down, another Fire and Rescue Service control room,
 15 through the buddy system, will take over, effectively,
 16 they'll cover the work. That's a good contingency
 17 arrangement to have, but the bigger, if you like, the
 18 individual fire control room is --- and by big I mean
 19 the number of Fire and Rescue Services that it has to
 20 cope or does mobilise for --- it means that equally the
 21 buddy Fire and Rescue Service needs to be able to
 22 accommodate and cope with the demand of that multi-FRS
 23 control room which they're covering for. Have
 24 I explained that --- does that make sense?
 25 Q. Certainly it does to me.

1 SIR JOHN SAUNDERS: It does to me too.
 2 MR SMITH: Mr Dark, may I just be clear therefore: is that
 3 the extent of your concern in relation to a situation in
 4 which North West Fire Control, operating out of
 5 Warrington, services four Fire and Rescue Services?
 6 A. It's not the full extent and I suppose the other
 7 significant one --- and you know, to expand, is
 8 essentially what happens is, for a single Fire and
 9 Rescue Service control room, the Fire and Rescue Service
 10 has a suite of operational policies, standard operating
 11 procedures of how they will deal with a certain incident
 12 or incident type. So it'll start with the predetermined
 13 attendance, we will send this number and type of
 14 appliances, and/or this number or type of skill
 15 level/technical qualification level of officer.
 16 It starts with the PDA and they will have a set
 17 procedure or a broad procedure on what operations will
 18 be carried out and who will carry them out at that type
 19 of incident. That's fine because there's a continuity
 20 between the service policy and then the operation of the
 21 control room.
 22 If, though, you've got --- and this isn't confined to
 23 North West Fire Control, but if what you've got is
 24 you've got one or more Fire and Rescue Services, whose
 25 policies need to be implemented and followed by the

1 control room procedure requirements of that service
 2 policy, it becomes more complicated. Not only does the
 3 software need to cope with up to, in North West Fire
 4 Control's position, up to four different variations on
 5 a theme, the control officers themselves need to be
 6 conscious of the nuances of the four variations on
 7 a theme. But also where the — and I think North West
 8 Fire Control does try to do this, obviously, in close
 9 collaboration with each of the four parent Fire and
 10 Rescue Services, is to have common standard operating
 11 procedures as much as possible. In other words to get,
 12 if you like, a —
 13 SIR JOHN SAUNDERS: I think I understand.
 14 A. — operational procedure common to all four. If that
 15 needs to change, then it does mean that it involves
 16 a negotiation between all four. You know, professional
 17 officers in each of those four services will operate and
 18 look at it professionally, I know that, but sometimes
 19 the operational policy is dependent upon actually
 20 what — I'm not trying to make a political point here,
 21 but quite often the deployment policy, the mobilisation
 22 policy, is dependent upon the fire cover that the Fire
 23 and Rescue Service can afford to give.
 24 I'm not trying to make a political point, but those
 25 variations somehow need to be accommodated by the

1 multi—Fire and Rescue Service control room.
 2 MR SMITH: So the position, then, is this, isn't it, that
 3 these concerns that you've expressed can be managed if
 4 the operation is conducted efficiently? Do you agree?
 5 A. Yes, sir. If there is sufficient resources to allow
 6 that to happen. I'm certainly not saying — certainly
 7 not saying — it is impossible for that matrix, if you
 8 like, to be accommodated within a control room. I am
 9 not saying it is impossible to do that at all.
 10 Q. My understanding of your position, or rather that of the
 11 union, is that there is no specific criticism of North
 12 West Fire Control's actions on the night of the attack.
 13 A. No, sir, you are correct. That there is nothing which
 14 the control room procedures required or laid down that
 15 were not carried out. I think North West Fire Control
 16 can improve on its procedures, as every Fire and Rescue
 17 Service, as every fire control room, does in the light
 18 of experience, the ongoing review, review and improve.
 19 That happens in every industry and every sector and
 20 every part of every organisation and sector.
 21 Q. So what I would like to do is to read to you, if I may,
 22 two paragraphs from a report that has been prepared for
 23 the inquiry by a fire expert, Mr Hall, and then ask for
 24 your views as to whether you disagree in any way with
 25 Mr Hall's conclusions. Is that acceptable, Mr Dark?

1 A. Of course, sir, yes.
 2 Q. Mr Hall's report, and I only cite this for reference,
 3 {INQ032503/10} at paragraph 22 reads as follows — and
 4 this comment applies to both the Fire and Rescue Service
 5 and North West Fire Control:
 6 "The evidence that I have reviewed indicated that
 7 both Greater Manchester Fire and Rescue Service and
 8 North West Fire Control were in an operational position
 9 to respond adequately and effectively to 'business as
 10 usual' as well as to the events that subsequently
 11 occurred on the night of 22 May 2017."
 12 The second reference is paragraph 51,
 13 {INQ032503/19}:
 14 "The overall impression from the evidence provided
 15 is that North West Fire Control was trained and ready to
 16 respond to any reasonable worst—case scenario
 17 eventuality with a suitable number of properly trained
 18 staff on duty, supported by managers, either in the
 19 building or readily available to be recalled to ensure
 20 the smooth running and execution of their service
 21 agreement."
 22 I don't know whether you've had an opportunity of
 23 reading that report or whether it's ever been shown to
 24 you, Mr Dark. Has it?
 25 A. I have seen it, sir, yes. I can't say that I've read it

1 back to front, but I am aware — I recognise those two
 2 paragraphs.
 3 Q. Have you any basis for disagreeing with them?
 4 A. It's a trade union answer: it's a yes and it's a no. On
 5 the first paragraph — of the comments made within the
 6 first paragraph, I think that is true, that there was
 7 sufficient capacity, both within GMFRS and within NWFC,
 8 to deal with that incident or the demands that would be
 9 expected of the Fire and Rescue Service at that incident
 10 with that explosion in that place with that number of
 11 casualties, bearing in mind that there was also clearly
 12 the presence of the personnel from the other emergency
 13 services.
 14 So I think that is true. I'm not so sure at all
 15 about the second paragraph. In terms of the control
 16 room, it's because of the phrase "any worst—case
 17 scenario", and I just don't think that is ... I just ...
 18 I just don't think that can be true. I think of two
 19 events, if you like. In terms of a terrorist —related
 20 event, I don't think that could be true of
 21 a reasonable — and it's always got to be a reasonable,
 22 ie it can be expected to happen or has happened,
 23 a Bataclan—style event and the number of calls and so on
 24 that would have been received. But also in terms of
 25 Grenfell, the facts of which I'm very well — very

1 conversant with those facts. The volume of calls that
2 came into the London control room, which is a very big
3 control room in terms of numbers and staffing, and the
4 fact that we had calls coming in which had to be fielded
5 to a large number of Fire and Rescue Services, including
6 Northern Ireland, although not many went to
7 Northern Ireland.

8 So it's a qualifying -- that why I'm qualifying my
9 response in terms of whether I agree with the second
10 paragraph by Matthew Hall. I can't say that I agree
11 with that because the reasonable worst-case scenarios,
12 I don't think -- I don't know, I don't know what was in
13 his head. But for me, I just think the worst-case
14 scenarios will and have required far more resources
15 than -- in the case of Grenfell, which overwhelmed the
16 biggest control room in the country.

17 Q. You will appreciate Mr Hall uses the words "reasonable
18 worst case scenario"?

19 A. Yes, sir, and for me "reasonable" isn't something which
20 can -- and I think it's a really good use of the word,
21 I want to make that clear. I don't believe in
22 speculative or fantastical worst-case scenarios, but
23 reasonable worst case scenarios are those that may not
24 have happened but it's not beyond likelihood or reason.
25 Likelihood or reason. And also, as in the case of

1 Grenfell and Bataclan, those which have been
2 experienced.

3 Q. Mr Dark, could that sort of extreme situation overwhelm
4 any control room?

5 A. I think there's a strong argument for that. I think
6 there is a strong argument for that. But I do think
7 that's because -- I don't think any of our control rooms
8 are sufficiently large for a reasonable worst-case
9 scenario. London, I think, just about managed. It
10 didn't manage in terms of satisfying the needs of the
11 public, particularly those who were calling from within
12 the building for assistance.

13 SIR JOHN SAUNDERS: I think I've got the picture and I would
14 like to avoid taking on the problems of Grenfell.

15 A. I apologise. Sorry.

16 SIR JOHN SAUNDERS: That's all right.

17 MR SMITH: I thought to actually suggest that to you,
18 Mr Dark, that the inquiry might not be assisted by
19 trespassing into Grenfell, so I'm going to move on now.

20 SIR JOHN SAUNDERS: I get the picture. Thank you.

21 MR SMITH: I'm going to move on now to the issue of the
22 safety of firefighters, if I may.

23 One of the things you've said is that:
24 "Too many of our members are being killed or
25 seriously injured. We must improve the safety record

1 within the Fire and Rescue Service"; is that correct?

2 A. Sir, that is true, yes.

3 Q. You've also made specific comment in paragraph 172 of
4 your statement that in relation to the decision not to
5 deploy the SRT capability on the night of the attack --
6 shall I just pause while you find it, Mr Dark?

7 A. Could you, please? Thank you.

8 Q. The deployment of non-specialist responders into a warm
9 zone -- I think your word is "unacceptable"; is that
10 correct?

11 A. Yes, sir.

12 Q. That's something, do you agree, that Fire and Rescue
13 Service senior officers should be well aware of?

14 A. Yes, I agree, sir. The whole -- all of the thinking,
15 not so much the thinking, all of the policy I've seen
16 with regard to the warm zone is that only specialist
17 responders -- only specialist responders should enter
18 warm zone, something that I agree with.

19 SIR JOHN SAUNDERS: Mr Smith, do you mind if I interrupt you
20 just for a moment?

21 I just wondered what the evidence is for
22 non-specialist responders going into the warm zone. By
23 the time they arrived, I actually thought they were
24 working in the cold zone and that's where they were
25 removing people who were at the area where -- the

1 casualty area, which I think was in a cold zone.

2 MR SMITH: I think, sir -- I'm sorry, I didn't mean to
3 interrupt you -- if I may say, there is some evidence
4 that when Mr Berry arrived at the station, he was given
5 a message or information that was not entirely clear to
6 him. "Cold or warmish" were the words that were
7 conveyed to him.

8 SIR JOHN SAUNDERS: Thank you very much. Obviously this is
9 a matter I will look at. I am not criticising you for
10 having said that in there, but it is something we'll
11 need to look at. Certainly, whether it was called
12 a cold or warmish zone, whether it should have been may
13 be a matter for some debate.

14 A. I know you don't want to prolong it, but I do recall
15 that what happened was that crews were deployed and the
16 question was asked of the chief that essentially gave
17 the order, and it was sort of questioned in terms: well,
18 we shouldn't really be sending these crews, they're
19 non-specialist. And the chief said, "Well, I sort of
20 know that, but I want to hold them back in case
21 something else more warm was to happen within the warm
22 zone".

23 SIR JOHN SAUNDERS: Okay. Thank you. We're coming to that
24 part of the evidence later. Thank you, Mr Smith, it was
25 just a query on my part, but thank you for reminding me

1 of that part.
 2 MR SMITH: So a duty NILO arriving at the incident, such as
 3 Mr Berry, you would expect that he would be aware of
 4 concerns in relation to deploying non-specialist crews
 5 into a warm zone, wouldn't you?
 6 A. Yes, sir.
 7 Q. And you would expect that he would have in mind concerns
 8 for the safety of the firefighters?
 9 A. Yes, sir, he would.
 10 Q. Do you agree that all control room operators, not just
 11 FBU members, obviously, but all control room operators
 12 working in Fire Service control rooms are entitled to be
 13 provided with procedures, including predetermined
 14 attendance procedures, which are clear and unambiguous
 15 in their terms in order that they can mobilise crews to
 16 emergencies in a manner which meets the operational
 17 requirements of the Fire Service but which doesn't
 18 expose firefighters to risks to their safety which they
 19 are not equipped to deal with?
 20 A. Yes, I would concur with that. The control room
 21 procedures must -- must -- match, complement and be
 22 derived from the safe operating procedures of the Fire
 23 and Rescue Service, of the Fire and Rescue Service
 24 itself, yes, I agree.
 25 Q. It's entirely part of a safe system of working and

1 method of working, isn't it?
 2 A. Yes, sir.
 3 Q. It is the position, isn't it, that the Fire Brigades
 4 Union provides support to their members who are injured
 5 and, if necessary, they will provide support in terms of
 6 litigation to recover compensation?
 7 A. Yes, sir, that is correct.
 8 Q. You will be familiar, I would suggest, with the
 9 provisions of the Health and Safety at Work Act. Do you
 10 agree?
 11 A. Yes, sir.
 12 Q. And you would expect, wouldn't you, that any Fire and
 13 Rescue Service as an employer will have due regard to
 14 the requirements of that act?
 15 A. Yes, sir, absolutely.
 16 Q. And any control room operating independently of the Fire
 17 and Rescue Service also owes duties under the act,
 18 doesn't it?
 19 A. Yes, it does.
 20 Q. And it owes those duties to persons who are not in its
 21 employment?
 22 A. I apologise, I just didn't hear that last question, sir.
 23 Q. It owes those duties not only to its employees but to
 24 persons who are not in its employment?
 25 A. Yes, sir, it does. It isn't just confined to the -- the

1 responsibility to provide safety extends not just to its
 2 own employees, you're correct.
 3 Q. So the Fire Brigades Union would expect, wouldn't it,
 4 that control room operators should have the safety of
 5 emergency service responders, that's firefighters,
 6 firmly in mind in mobilising resources to a situation
 7 that has all the appearances of an unfolding terrorist
 8 incident?
 9 A. Could you repeat that question again, sir, please?
 10 Q. I'm asking you whether you agree that the Fire Brigades
 11 Union would expect that control room operators should
 12 have the safety of emergency service responders, that's
 13 firefighters, firmly in mind in mobilising resources to
 14 a situation that has all the appearances of an unfolding
 15 terrorist incident.
 16 A. Yes, sir, I would agree with that entirely, yes.
 17 Q. Regrettably, is it the case that annually a significant
 18 number of firefighters are injured, some seriously?
 19 A. Yes, sir.
 20 Q. It is therefore important, do you agree, that when
 21 looking at a suggestion that the Fire Service in
 22 Manchester has been risk averse, it's important, isn't
 23 it, to bear in mind that any organisation such as the
 24 Greater Manchester Fire and Rescue Service must have in
 25 mind the safety of its firefighters?

1 A. If I could give an expanded answer to that one, sir.
 2 Yes, you're absolutely -- on the second part of the
 3 question or the end of the question, absolutely. GMFRS,
 4 just like any other Fire and Rescue Service, must have
 5 procedures, must take actions which protect the safety
 6 of firefighters. The reason I want to give an expanded
 7 answer is that I am just not convinced that
 8 Greater Manchester Fire and Rescue Service is risk
 9 averse. I think it's risk aware, undoubtedly it's risk
 10 aware, but I don't believe it is risk averse. I think
 11 if it was risk averse then the number of non-Fire and
 12 Rescue Service casualties at incidents throughout the
 13 year and the number of fatal casualties, fatalities at
 14 fires -- members of the public essentially is what I'm
 15 talking about -- would be much, much higher.
 16 I have never seen any evidence that suggests that
 17 Greater Manchester Fire and Rescue Service has indices
 18 of fire losses, injuries among members of the public or
 19 deaths of members of the public which are far higher or
 20 outside the norm or the range of norm, shall we say,
 21 amongst all Fire and Rescue Services.
 22 I'm just not convinced that --
 23 SIR JOHN SAUNDERS: I think I understand the point. You
 24 don't think they are risk averse, and of course you have
 25 being risk averse on the one side and you have not

1 taking undue risks with the safety of your employees on
 2 the other side, and getting that balance right is what
 3 we are talking about and, as far as you're concerned,
 4 the balance is right in Greater Manchester?
 5 A. I believe so, and certainly experiences in terms of
 6 where firefighters have died and been killed on duty
 7 in the past suggest that to call Greater Manchester Fire
 8 and Rescue Service risk averse just isn't the case, sir .
 9 SIR JOHN SAUNDERS: No. I just make it clear: we're not
 10 talking about outsiders using that word, we're actually
 11 talking about some of the firemen who were so
 12 disappointed about not going in. But the same applies.
 13 Mr Smith.
 14 MR SMITH: In essence, there's a distinction, isn't there,
 15 Mr Dark, between being risk averse and taking all
 16 reasonable steps to try to avoid serious injury or
 17 fatality ?
 18 A. Yes. That's the balance of operational management --
 19 operational policy making and operational management
 20 at the time of an incident.
 21 Q. I would like to just ask you briefly now about
 22 self-deployment. Do you agree that just because other
 23 agencies are on scene, that is not in itself a reason
 24 for self-deployment of firefighters?
 25 A. Apologies, again, could you repeat that question?

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1 SIR JOHN SAUNDERS: Just before you do, I'm really sorry,
 2 Mr Smith. I think Mr Dark has already said that, in his
 3 terms, self-deployment is never justified, so I think
 4 included in that view would be the mere fact that other
 5 agencies are on scene would not justify self-deployment.
 6 So would it in your view justify self-deployment to
 7 know that the other agencies were on the scene?
 8 A. No, it wouldn't, sir .
 9 SIR JOHN SAUNDERS: Okay.
 10 MR SMITH: And is the situation, so far as you are
 11 concerned, such that the discipline of the command
 12 structure must be respected?
 13 A. Yes, sir .
 14 Q. And likewise, do you agree that the mobilising
 15 procedures and policies which are imposed -- and I use
 16 that word neutrally -- on the control room must also be
 17 followed?
 18 A. Yes, sir, I agree.
 19 Q. You can't properly have a situation, can you, where
 20 control room operators can introduce a degree of
 21 flexibility based on their assessment of the situation?
 22 A. I think that would be a qualified yes. Certainly
 23 control officers shouldn't step outside a process, which
 24 is why obviously they have supervisors or supervisory
 25 managers on scene. The supervisory managers, either of

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1 their own volition, thoughts or on suggestion from the
 2 control officers, if something is missing, if something
 3 is happening, I would hope... if it occurs to them of an
 4 alternative method to get, in this case, let's be frank,
 5 information.
 6 It's a much-abused term and concept in the Fire and
 7 Rescue Service, or increasingly abused, and that's
 8 called operational discretion, which is where an
 9 operational procedure is deficient, is seen to be
 10 deficient, is seen to have a gap, effectively, is that
 11 managers will take steps to, for as short a time as
 12 possible, to achieve a significant safety task, step
 13 outside the procedure, but return to the procedure as
 14 quickly as possible.
 15 And the second aspect, or a key element of that is,
 16 that where it has been identified that there was
 17 a shortcoming, a shortfall or a gap, which is different
 18 to a failing within a process, but where there's a gap
 19 within a process, is that straight after that incident
 20 there must be a review of the policy or the procedure to
 21 see, actually, does this need to be built into the
 22 policy, does it need to be flexible or was this an act
 23 of God, never to occur again.
 24 I'm not being flippant when I say that. I think
 25 that's -- the reason I say it's open to abuse is that

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1 too often we see Fire and Rescue Services saying, "Let's
 2 have totally or very, very, very flexible policies with
 3 very few requirements", which I believe -- well, I know,
 4 certainly believe, are introduced because it's far
 5 easier and less resource-hungry to operate in that way.
 6 But certainly operational discretion, as I've just
 7 described it, was something that was recognised, it was
 8 essentially called for in a number of requests, not
 9 least after a trench collapse up in Scotland, is the one
 10 that always sticks in my mind -- is that if there's
 11 safety involved, you cannot argue, you must stick
 12 rigidly to a procedure. If there is a gap in the
 13 procedure, you have to do something else.
 14 I know that was long-winded, but I hope that
 15 assists .
 16 Q. In essence, does it come to this, Mr Dark, that there
 17 are circumstances occasionally, in situations where
 18 safety is paramount, where a degree of operational
 19 discretion is sometimes necessary to fill a gap?
 20 A. Absolutely, yes. Especially where either personnel or
 21 the public are in real danger or, in terms of the
 22 Manchester Arena event, in circumstances of real harm,
 23 yes, sir .
 24 Q. My final question is this: you've been asked some
 25 questions concerning circumstances in which a member of

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1 the Fire Service might be sent to the incident to obtain
 2 information where there's an information gap, and
 3 I think you used the example that somebody could have
 4 gone, and when they had met the police cordon, that
 5 might be as far as they could have gone, but they could
 6 then have obtained information.
 7 A. Yes, sir, I agree with that. That is what I've said and
 8 I agree with that principle.
 9 Q. My question is this: that wouldn't be self-deployment,
 10 would it? That would be a mobilising decision that
 11 a fire officer was to be sent to the incident to obtain
 12 information. That's different, I would suggest, to
 13 self-deployment.
 14 A. I agree entirely. That would be part of the operational
 15 management of the incident. It would be done with the
 16 knowledge and the authority of incident managers.
 17 That is not self-deployment. That is not acting like
 18 a maverick or a wild card, no, sir. It would not be
 19 self-deployment.
 20 MR SMITH: Mr Dark, thank you for your assistance. Those
 21 are all the questions that I have for you.
 22 SIR JOHN SAUNDERS: Thank you very much, Mr Smith.
 23 MR DE LA POER: Sir, I'm in your hands in relation to the
 24 period of the adjournment. I think there may be value
 25 in seeking to see if we could complete Mr Dark's

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1 evidence today, which on the current estimates would
 2 mean that we would need to take slightly shorter -- we
 3 always recognised the possibility of Mr Dark going over
 4 into tomorrow and I think that he understood that before
 5 he attended today. But I wonder whether a slightly
 6 shorter lunch might give us the best chance of that.
 7 SIR JOHN SAUNDERS: I think I will stick to an hour and I'll
 8 make it 2.15. The reason I'm thinking about that is
 9 Mr Dark may himself think it better to come back
 10 tomorrow if he wants to think about things. I'm not
 11 suggesting you should, but if there are other things you
 12 want to mention to us and talk to your lawyers about and
 13 things like that. So 2.15 and we'll see how we go.
 14 Obviously I'm prepared to sit later today if that would
 15 make it easier for Mr Dark if he had finished.
 16 Thank you very much.
 17 (1.15 pm)
 18 (The lunch adjournment)
 19 (2.15 pm)
 20 MR DE LA POER: Sir, next can I please turn to Mr Warnock,
 21 Queen's Counsel, on behalf of GMCA.
 22 Questions from MR WARNOCK
 23 MR WARNOCK: Thank you.
 24 Mr Dark, good afternoon. As you have just heard,
 25 I represent the GMCA, which, as I know you know, ran the

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1 GMFRS or has run the GMFRS since May 2017.
 2 I just wanted to start by asking you some
 3 questions -- I know you've already had some, but a few
 4 more -- about the response on the night itself and what
 5 went wrong. Could I ask Mr Lopez, please, to bring up
 6 {INQ039410/25}.
 7 That's the exhibit to your statement, Mr Dark, and
 8 it's the emergency resolution which the conference made
 9 following the publication of the Kerslake Report.
 10 If I could ask Mr Lopez to scroll down to the next
 11 page, that identifies the documents but if we could go
 12 to {INQ039410/26}, and if you could enlarge that.
 13 We see there, Mr Dark, some comments attributed to
 14 the Assistant General Secretary. And I think that was
 15 you, is that right?
 16 A. It is me, yes, sir.
 17 Q. In the second paragraph, under the heading "Assistant
 18 General Secretary", you say:
 19 "I think it was raised and explained quite well, but
 20 I do think we need to emphasise it because it's one of
 21 the biggest problems that we've had, those of us on the
 22 executive council and at head office who have been
 23 trying to discuss the question of procedures. That is
 24 that if communications fail then MTFa, if it had been
 25 MTFa, but actually any response to a terrorist incident,

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1 fails. In this instance it was a situation whereby
 2 police communications to Fire omitted to inform Fire
 3 that there was an all-clear. The biggest problem for us
 4 is when those communications fail, when the reverse is
 5 true, and they aren't able to or don't bother to tell us
 6 that. If our people were committed to an MTFa incident
 7 or to a bomb incident, and actually the all-clear
 8 previously given had been compromised, a warm zone has
 9 now become hot, our people are left there in limbo."
 10 Am I right in summarising that what you were
 11 identifying there is that there was the potential, given
 12 what had happened on the night of the bombing, for the
 13 reverse to have been true from what was actually true?
 14 Let me start that again. As we know, on the night
 15 it turns out there wasn't a marauding terrorist, but the
 16 concern you're identifying there, is it not, is that had
 17 that turned out not to be the case and there had been
 18 an MTA, firefighters could find themselves or could have
 19 found themselves committed to an incident where the
 20 all-clear had not been given? Is that right?
 21 A. Yes, sir. The point I was trying to get across, and
 22 I think I did get across, was that, as you've read out,
 23 as it says there, that everything is very much dependent
 24 upon good communications, ie good information, good
 25 intel, because it's on the basis of information that you

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1 design your risk assessment, your assessment of risk,
2 and therefore that determines at one and the same
3 time -- it's not as though you get the pen out and start
4 writing it down -- but that determines your action plan
5 and what you ask firefighters to do -- in this instance
6 ask firefighters to do.

7 On the night, the problem was, if we put it this
8 way, it was the former -- is that the Fire and Rescue
9 Service officers didn't have information, information
10 wasn't passed to them, and essentially it created
11 inertia. I think that's probably the best way to put
12 it: it created inertia.

13 In terms of the presentation to the conference, it
14 went on to say, if you like -- I don't want to call it
15 a hypothetical as though it would never happen, but if
16 you like, it was going on to say: and the other side of
17 communications -- which for you, sir, isn't what I was
18 saying about the Manchester Arena Inquiry, but what
19 I was saying to the conference was: some important
20 communications that if the other thing had occurred or
21 another scenario had presented itself, whereby the
22 all-clear was given too early or that we weren't even
23 notified of an incident being one which was MTFA or one
24 involving secondary or tertiary devices, then it would
25 create a whole different set, but equally tragic, of

1 circumstances for firefighters.

2 It's not just the firefighters, obviously. If the
3 rescuers fall down, then there are no rescues effected.
4 I hope that answers the question.

5 Q. Yes, thank you. You go in the next paragraph to say:
6 "So the lessons of Kerslake. We know it caused an
7 awful lot of problems for our members and what happened
8 on that night. We know how embarrassed our members have
9 been because of the press and the media response. We
10 get that. But I think what it does highlight to us in
11 GMC..."

12 I think that's Greater Manchester, is it?

13 A. Yes.

14 Q. "... across this conference, at head office, the
15 Gold command leads for each of the services hasn't got
16 their act together. They haven't got their act together
17 in a metropolitan authority where they have had the
18 necessary exercises and training. They still haven't
19 got their act together to ensure the primary safety
20 measure for emergency services, which is intelligence
21 communicated by the police. A major failure on that
22 control measure clearly does show why we are right to be
23 reticent in terms of agreeing to MTFA or warm working in
24 regard to bomb incidents or any other kind of MTFA
25 attack. We're right to be reticent and hesitant about

1 rushing into that."

2 In relation to that, were you saying that there was
3 a certain reticence on the part of the union in getting
4 involved in these incidents and a reason for that
5 reticence was a concern that, in the event of such an
6 attack, the police would not share the information?
7 Is that what you were saying or were you saying
8 something else?

9 A. No, I wasn't saying that. What I was saying was -- and
10 I think it's the last sentence which sums it up most
11 correctly or most accurately -- is that it wasn't
12 a condemnation -- that was not a condemnation of the
13 police in general or police services in general that
14 they would be slow in bringing forward information and
15 that is a generic problem that we face with MTFA. I was
16 not trying to say that and I don't believe I did say
17 that.

18 The point I was trying to get across is this: that
19 so much of the planning, the arrangements, in respect of
20 MTFA response have been, frankly, withheld from us --
21 is that we don't agree to -- and I make no apology for
22 this -- we, as the union, do not agree readily, however
23 certain that we are, as we are, that firefighters should
24 be involved in an MTFA response, we don't just blindly
25 sign up to it without knowing that, if you like, the

1 other side, the OSCT, Home Office, ARP, the whole gamut,
2 with the Fire Service, have actually got the plans in
3 place and that they can get on with the job.

4 That's what it was trying to say. As I say in that
5 last sentence, "We're right to be reticent and hesitant
6 about rushing into it", and if I may, just to extend
7 slightly, when I was giving answers earlier this morning
8 I think I touched on that with regards to the collective
9 agreement which has been reached in Greater Manchester
10 from last December, if -- actually that does contain,
11 I will say in contradiction to what I've just said, that
12 does contain a large element of trust and faith and it's
13 one of the reasons, as I said, for the initial 8-month
14 period -- is that it was an act of trust, an act of
15 faith in the new chief in that Fire and Rescue Service
16 post-Manchester Arena that I don't believe they will be
17 complacent, they will make sure that they do have
18 appropriate policies because they have been through that
19 experience.

20 But as a union, as a union official, I make no
21 apology for -- I do want to see the proof in the pudding
22 and that does not mean firefighters staying on stations
23 and not responding, quite the opposite. It means them
24 responding because everything has been put in place so
25 they can do so quickly and safely, both for themselves

1 and for the public. I hope that answers the question.
 2 Q. Well, partly. I just want to be clear, because you're
 3 saying you were concerned about not getting the relevant
 4 information. Who are you talking about not getting
 5 information from?
 6 A. Invariably it will be the police. Invariably it will be
 7 the police. But what I'm saying is it -- invariably, it
 8 will be the police. They're in charge of the incident,
 9 they are going to have most of the information, not
 10 least the fact that the closest people to the terrorists
 11 will be the police, it won't be the Ambulance Service or
 12 any other agency, it will be the police because it'll be
 13 their armed police officers that are saying what's on
 14 the ground at the harmful end, ie by the armed
 15 terrorist.

16 That paragraph that we were just looking at -- the
 17 previous paragraph was all about information and
 18 communication, but it's also about the other aspects.
 19 Now, I will say in that paragraph -- is that I've said
 20 the primary measure is communications. I should have
 21 said, and I didn't, perhaps it's because I was speaking
 22 from a rostrum, that there are two primary measures.
 23 The first is communication but the second one is
 24 actually the control measure which keeps the terrorist
 25 and the threat posed by the terrorist away from the

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1 other responders, ambulance, non-specialist police and
 2 fire, who are trying to do the mass casualty treatment
 3 and evacuation. That is the other -- they are the
 4 control measure that keeps the hazard at bay,
 5 effectively, engaged with that risk.

6 I'm not sure if I'd want to expand on it here, but
 7 certainly in my statement to the inquiry I have given
 8 examples and explained, I hope, accurately, just some
 9 concerns -- I say "just" -- some concerns we've got
 10 about the resilience, the robustness of that other
 11 control measure.

12 Q. The control measure of the police?

13 A. The armed police, yes, sir.

14 Q. Coming then on to, more specifically, the night, in
 15 paragraph 24 of your statement -- and you were asked
 16 about this earlier -- it's the paragraph where you refer
 17 to the senior fire managers people-pleasing by trying to
 18 appease the fire crews by seeking permission from more
 19 senior commanders to deploy crews despite knowing that
 20 the necessary intelligence regarding scene safety had
 21 not been received. And you were asked by the chairman
 22 about the term "people-pleasers" and I'm going to leave
 23 that aside.

24 But what effectively you were saying, is it not,
 25 is that, in your view, the NILOs on the night shouldn't

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1 have been pressing for a deployment to satisfy the
 2 demands they were getting from the firefighters until
 3 they had the necessary intelligence about scene safety?

4 A. Certainly what I felt, and still do, is that some of the
 5 suggestions, proposals being made by those NILOs, by
 6 those senior officers, was as a consequence of the
 7 pressures they were getting from the firefighters,
 8 understandable pressures, the operational imperative.
 9 And perhaps in fairness, a level of internal pressure
 10 from themselves, feeling redundant, feeling a sense of
 11 impotency. That is not what firefighters do.
 12 Firefighters resolve incidents; they don't sit and muse
 13 about them.

14 I just felt that perhaps -- and certainly -- I say
 15 "perhaps felt" -- my feeling is that their
 16 decision-making, their suggestions, their proposals,
 17 were driven by that -- a totally human response by the
 18 way -- but if it was, that is not helpful, and
 19 I certainly felt that the actual proposals and
 20 suggestions were proposed in that way. It was not
 21 suggesting, and I think -- well, my position is, and
 22 what I'm not suggesting is that we should just sit
 23 around musing or waiting until information comes in. If
 24 you've got a problem in front of you, sometimes you have
 25 to go round the problem, and there should have been, in

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1 my view, other actions taken rather than just waiting
 2 for information which should already have come. Other
 3 actions should have been taken.

4 Q. I'll come on to that. I appreciate you're not
 5 criticising the NILOs and, for the avoidance of any
 6 doubt, I am not either. As you say, what they were
 7 doing was a perfectly understandable reaction. But you
 8 have a concern, do you not, and you express a concern in
 9 your statement, that there should not be a deployment
 10 until you've got the necessary information about scene
 11 safety? That's right, isn't it?

12 A. Yes, absolutely. We have seen it on other incidents,
 13 and I'm not going to mention Grenfell because actually
 14 Grenfell isn't one of them, whereby on a non-MTFA
 15 incident where firefighters got killed, totally
 16 avoidably, too many people sent in too quick based on
 17 a lack of information, which didn't help resolve the
 18 incident and actually it complicated the incident --
 19 is that until you've got information on which you can
 20 make a judgement, don't just throw people in there
 21 because you can actually be making the situation worse.
 22 But of course that isn't the same as if you haven't got
 23 information, just wait in the hope that it comes: get
 24 out there and get it.

25 SIR JOHN SAUNDERS: I'm going to interrupt for a moment, if

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1 you don't mind.
 2 This may be my fault, but it seems to me you're
 3 actually saying two rather contradictory things about
 4 the NIOs. The NIOs were getting information from the
 5 firefighters at the stations, but they've seen what's
 6 happening on social media, they can see the ambulances
 7 going backwards and forwards, the ambulances were indeed
 8 coming from Central Station, they saw them going in.
 9 One of them is actually on the phone to his wife, who's
 10 actually working within the arena, and they are being
 11 told by individual ambulance people, "We need you".
 12 In that circumstance, shouldn't a NIO be on the
 13 phone to whoever is the senior officer controlling it
 14 and saying, "Look, this is the information we have got,
 15 now why aren't we going in?"
 16 A. I agree entirely.
 17 SIR JOHN SAUNDERS: So you're not wanting them just to sit
 18 there and wait?
 19 A. Absolutely not.
 20 SIR JOHN SAUNDERS: They feed the information back?
 21 A. There's a number of options. One of those -- it clearly
 22 is one of them, I'm not suggesting they're alternatives,
 23 they'll be done in parallel, including what we discussed
 24 earlier, sending someone to verify the information in
 25 person.

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1 SIR JOHN SAUNDERS: Thank you.
 2 MR WARNOCK: Thank you, sir.
 3 In relation to the first part of what you said, the
 4 best means of getting information from the police, and
 5 I appreciate you say you don't just sit and wait if you
 6 can't get that, I think you are aware that the procedure
 7 which was in place at the time of the attack was that --
 8 and this is between the various emergency responders --
 9 the information would be provided to Fire and Rescue by
 10 the police, in particular by the force duty officer, who
 11 would have a conversation with the NIO. I think you're
 12 nodding that that's your understanding of what was to
 13 happen.
 14 In making deployment decisions, you presumably would
 15 expect, would you, the NIO to have in mind the safety
 16 of the people he's going to deploy?
 17 A. Yes, sir. On your earlier question, yes, I was nodding,
 18 that is my understanding.
 19 On the specific, yes, absolutely. The NIOs would
 20 be conscious that they should not just make decisions
 21 simply because they have been waiting a long time. They
 22 should not simply make decisions and implement them. In
 23 other words, deploy people without permission.
 24 Q. Yes. Does it follow from that that, as far as you're
 25 concerned and the FBU is concerned, you wouldn't

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1 criticise Mr Berry for not deploying resources to the
 2 scene until he tried to speak to the force duty officer,
 3 until he'd made efforts to do that?
 4 A. I totally understand that -- I've seen through it and
 5 I've put myself in those shoes -- I have no doubt he was
 6 torn, but at the end of the day, no, he could not just
 7 simply -- he should not and did not just simply commit
 8 crews because he's got no information. If anything, it
 9 should be the other way, which is to get information.
 10 I do have sympathy with Mr Berry because there was a lot
 11 of officers there that night, all the way up to chief
 12 officer level, who can pick up the phone, pick up the
 13 personal mobile phone of the more senior leads in the
 14 other services, particularly the police, to get the
 15 information because they will be close working
 16 colleagues.
 17 I don't put the blame on Mr Berry, I don't put the
 18 blame on any particular individual person. But clearly,
 19 the system is not adept, isn't flexible enough to ensure
 20 that people will act on initiative, not act in terms of
 21 putting themselves into danger, but in terms of getting
 22 the information, which is the mainstay of an action
 23 plan.
 24 Q. One of the potential means of getting information, and
 25 it has been canvassed with you this morning before

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1 lunch, is sending someone forward to the scene to gain
 2 that situational awareness. You were asked by
 3 Mr de la Poer about that, counsel to the inquiry. He
 4 suggested, well, should somebody go forward, even in the
 5 absence of no information being obtained by the police,
 6 and you may recall that you answered quite memorably by
 7 saying flexibility generally sends the hackles up your
 8 back, but you thought there was, in certain
 9 circumstances, I think, a case for that. I just want to
 10 be clear that I have understood your answer correctly.
 11 Speaking for the FBU, if a similar situation did
 12 arise again where a bomb has been known to have exploded
 13 and, God forbid that this should happen, that there was
 14 a bomb and then a failure of communication again by the
 15 police, is it the case that the FBU would be content for
 16 an officer, potentially one of its members, to be
 17 deployed forward to the scene to get situational
 18 awareness and overcome that information vacuum?
 19 A. Yes, if the event was to happen in the same way --
 20 if that -- there is no question at all in my mind that
 21 both myself as an individual, but also as
 22 a representative, I suppose a lead representative of the
 23 FBU, would have no qualms whatever, member of ours or
 24 not -- we don't have everyone in the FBU but we act for
 25 all of them, we act for all of them. That kind of act

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1 is not a safety—critical action which would put that
 2 person in danger. All it could do is either have no
 3 effect, because they would go forward and not get any
 4 information, or would have good effect, but it would
 5 provide information.
 6 It could not have ill effect. As the person was
 7 driving — if the officer was driving there and came
 8 across a situation whereby there was casualties as they
 9 were trying to get closer to the incident, that person
 10 would stop and go, "This is just chaotic". That would
 11 not have happened. They would have got extremely close,
 12 if not to the front wall of the arena, and spoken to
 13 police officers, who would, I think, would have waved
 14 them into the City Room, and they'd have got more
 15 information they could have coped with.
 16 So the direct answer to your question: that kind of
 17 flexibility I think is common sense officership and
 18 I would not have any qualms whatsoever about that.
 19 Q. Thank you. I just want to be clear on that because
 20 you've referenced it with the facts to what we know
 21 about the arena incident. But of course at the time
 22 that decision to make that deployment forward has been
 23 made, by definition those facts aren't known and you
 24 don't know what potentially you're sending the
 25 firefighter forward to.

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1 Nonetheless, I think on the basis of the answer
 2 you have just given, that would not be a problem as far
 3 as you are concerned?
 4 A. No, but if I could expand, it wouldn't be a problem
 5 because as firefighters of whatever rank, we go to all
 6 sorts of incidents where actually there isn't much
 7 information, there might not be a responsible person
 8 there — if it's a work (inaudible: distorted) of some
 9 kind, there may be no one from the household, there may
 10 be neighbours that are giving us contradictory
 11 information. We go in and probe. We go in and probe.
 12 In probing, we're looking for signs and symptoms all the
 13 time. So as I say, an officer driving up towards the
 14 arena would have seen the quite frantic activity of
 15 looking after casualties, but they wouldn't have seen
 16 people running away in fear. If they'd seen people
 17 running away in fear, they would have stopped the car.
 18 They would have stopped the car. That's what we look
 19 for. As human beings we do that, it's not as though
 20 firefighters or people with rank are special people with
 21 special powers. As I say, it's common sense
 22 officership, which we apply in firefighting.
 23 Q. Thank you. I want to turn to a different issue and
 24 that's the FBU's position on the role or duty of
 25 firefighters to respond to MTA events. I just want to

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1 be clear that I have understood this right. As
 2 I understand it, the FBU's position is that firefighters
 3 do not owe a duty to respond to marauding terrorist
 4 attacks; is that right?
 5 A. That is accurate, yes, that is correct.
 6 Q. And that would include operations declared as Plato by
 7 the police?
 8 A. That is correct, yes.
 9 Q. Am I right in understanding that that applies to all
 10 firefighters, including those who have volunteered for
 11 and received specialist training in responding to
 12 marauding terrorist attacks?
 13 A. It does, but if I could expand, I think it's necessary
 14 to expand: once a firefighter has, as many of our
 15 firefighters have done, as they had done in Manchester
 16 prior to 22 May 2017, as they have done again more
 17 recently — is that when you volunteer your services,
 18 it's not there for anyone — I would consider it would
 19 be unprofessional — I think every member would actually
 20 consider it to be unprofessional — to say, "It might be
 21 voluntary, so tomorrow I'm not doing it". That's not
 22 what we would expect or want our members to do. It is
 23 not what our members would do. They would not simply
 24 say, "It's voluntary, I don't fancy it today". They
 25 would give some level of notice and that is what would

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1 happen.
 2 Frankly though, we are not calling on members to
 3 stop. I'll be frank if I'm putting it like this: we
 4 know our firefighters are doing it, we know our members
 5 are doing it, not all of them will be in uproar, very
 6 few of them are being asked to do it, it isn't so much
 7 that we want our firefighters to stop doing it. If I'm
 8 blunt, I want the Home Office to recognise this is
 9 something above and beyond what they are being paid for.
 10 They need the money — the services need a huge amount
 11 of money to ensure there is proper training and for the
 12 equipment on all of the trucks across the UK. That's
 13 what I want to happen.
 14 I don't want the change to be that our people stop
 15 volunteering, I don't want the change to be that our
 16 people take action such as that. If I'm frank, I want
 17 the Home Office and the relevant departments in the
 18 governments of the other three parts of the UK to fund
 19 it and to respect firefighters. That's what I want.
 20 Q. This sounds very much like an issue which, as far as
 21 you're concerned, the GMCA or GMFRS cannot resolve on
 22 their own with the FBU; is that fair?
 23 A. I think there's an awful lot that GMCA/GMFRS needs the
 24 assistance of — does need the assistance of Central
 25 Government. No question at all in my mind is that, as

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1 I say, if that had been an incident of MTFA as opposed
 2 to a single devastating and tragic explosion, but if it
 3 had been something more developed and elongated than
 4 that, it would not have just been Manchester resources
 5 that would have been involved, it would have been
 6 resources from other Fire and Rescue Services. It is
 7 and always has been by its nature, when we talk about
 8 and reference JESIP principles or JOPs — or the JOPs,
 9 which I don't intend to go into it — it's always been
 10 recognised, and it still is, that it needs to conform to
 11 national protocols, national procedures, not just across
 12 the Fire and Rescue Service but also with police forces
 13 in a uniform way across the country and with ambulance
 14 services.

15 But the fact is that reality isn't matching the
 16 words or the necessity. So yes, I agree with that.
 17 Q. Solving this contractual issue, as far as the FBU is
 18 concerned, you see it as a national issue?
 19 A. I think there's two sides to it. There's, if you like,
 20 the contractual issue to make it part of the role map.
 21 Yes, that is one side. But a big part of that as well
 22 is making sure that we are prepared to sign up on
 23 a long-term basis because that's what it would be,
 24 an NJC agreement wouldn't be for a time, it would be
 25 actually until the employers no longer want us to do it.

1 And that is national, yes, and it is beyond GMFRS.
 2 That said, the agreement we made last December,
 3 albeit timed for 8 months, it wasn't by accident we
 4 included the words — I can't remember the exact words,
 5 but essentially with a view to renewal. Words very —
 6 Q. Thank you for that. I'll come back to that. Could
 7 I just in the meantime ask Mr Lopez to put up page 56 of
 8 your exhibit {INQ039410/56}.
 9 This is a letter that you mentioned earlier from the
 10 FBU to Penny Mordaunt when she was Parliamentary
 11 Undersecretary of State. It's a letter dated
 12 23 January 2015.
 13 I'm looking at the second page of it. You will see
 14 the second bullet point, Matt Wrack, your
 15 General Secretary, said:
 16 "Providing assistance to ambulance services and
 17 personnel, which is not within the role of the Fire and
 18 Rescue Service or within the role map of Fire and Rescue
 19 Service personnel."
 20 I just want to ask this: does that remain the FBU's
 21 position, that providing assistance to ambulance
 22 services and personnel is not within a firefighter's
 23 duties?
 24 A. Yes, but if I may expand upon the answer. The answer
 25 is, yes, that is still our position. The reason it

1 specifies ambulance services and personnel, I wouldn't
 2 want anyone to read that as "but not the police". The
 3 reason it specifies the Ambulance Service and the
 4 personnel is that under the respective pieces of
 5 legislation, the responsibility for the treatment of
 6 casualties is that of — falls to the Ambulance Service.

7 It isn't that we would — you know, in a given
 8 situation, you know, if we were to drive past an
 9 ambulance paramedic, if that's the right term, one of
 10 those that rides a motorcycle that was treating someone
 11 at the side of the road, whether we could see that that
 12 ambulance person was in difficulty or not, we would stop
 13 the machine, we would get out, and if he or she was to
 14 say, can you do this, can you do that, we would do it.
 15 We do not have a job demarcation, look the other way,
 16 that's not our job. That isn't the way firefighters are
 17 and it's certainly not the way the union is.

18 But the context of this letter to Penny Mordaunt is:
 19 why would you ever have a situation, why would you as
 20 a minister ever want a situation whereby, whether we say
 21 to our people or not, to make sure you do remind the
 22 employer that it's voluntary, it would be voluntary, and
 23 what they haven't got, what the Government hasn't got is
 24 a secure resource. What we're trying to do is to ensure
 25 they've got a secure resource by saying, "Let's get

1 everything in place, let's make it contractual". That's
 2 what the letter was trying to say. That was longer than
 3 I expected, I apologise for that.

4 Q. I understand your point that if you saw someone,
 5 a paramedic on their bike, needing assistance that you'd
 6 have no problem with that assistance being provided.
 7 I just want to tease out what it is that is being
 8 objected to as not part of the duty of the Fire Service
 9 personnel.

10 In this inquiry, we've heard some evidence, and
 11 there may be more to come, that the former chief fire
 12 officer, Peter O'Reilly, had introduced a role of basic
 13 life support response to the role of whole time
 14 firefighters, with a particular focus on supporting
 15 ambulance services in cardiac arrest incidents. Did the
 16 FBU object to that?

17 A. I think object is the wrong word because certainly
 18 earlier today I was talking about broadening the role,
 19 which is where, with the employer, we engaged in
 20 a number of trials that took place over many months of
 21 firefighters being engaged in — a number of different
 22 forms of work, but a really big part of it was
 23 co-responding, whereby fire crews would be mobilised
 24 with their fire engine to people who had had a heart
 25 attack or a suspected heart attack, and some other kind

1 of conditions, but it's probably easier for shorthand
 2 just to stick with cardiac arrest.
 3 I've got to say, that was a successful trial. What
 4 we went to Government with was a -- they knew we were
 5 doing this and said, "Here's this whole new range of
 6 work that we could do, but it needs to be funded". And
 7 there's two sides of that funding. One is in relation
 8 to pay, but the second is in terms of funding the Fire
 9 and Rescue Services.

10 To answer your direct question on Manchester,
 11 Peter O'Reilly was, and I imagine is, very much an
 12 advocate of that work, as is the union through its
 13 conference policies, but it does come down to the issue
 14 of funding. In Greater Manchester, if there was
 15 a contractual arrangement -- I'm talking there about
 16 a contractual arrangement with the Ambulance Service by
 17 the Fire and Rescue Service, that kind of contract,
 18 it would take on obligations. And as with the employers
 19 across the country, that would have resource impact for
 20 the Fire and Rescue Service.

21 So for example, in Greater Manchester, they are
 22 relatively -- all Fire and Rescue Services reduced the
 23 number of firefighters they employ. Since 2013, the
 24 national average is 14%. In Greater Manchester, it's
 25 a reduction of 18%. The number of firefighters per

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1 thousand, bearing in mind it's a metropolitan area, in
 2 Greater Manchester is 0.5. Across the country that's
 3 0.6.

4 The reason -- whether they would admit it or not, in
 5 fact they would admit it privately, they have admitted
 6 it privately, the reason that Fire Authorities, and
 7 I would say the national employers, their
 8 representatives at the NJC, aren't introducing this
 9 en masse by contract arrangement between the two
 10 services is because it would have a detrimental effect
 11 on Fire and Rescue Services being able to perform and
 12 provide their core service. Not every day, and probably
 13 not every 30 days or every 40 days or maybe every
 14 350 days, but it would have an impact when we have the
 15 bigger jobs, particularly when there's more than one big
 16 job happening in any Fire and Rescue Service.

17 So in essence what I'm trying to say is that this
 18 is -- going back to what the purpose of the letter was,
 19 what underpins why the letter was written, it is about:
 20 fund the Fire and Rescue Service so it can do more, can
 21 relieve the pressures on the Ambulance Service, but
 22 don't just burden the Fire and Rescue Service with more
 23 responsibility, with more calls, which actually means
 24 that the Fire and Rescue Service becomes either
 25 a failing or a more failing sector.

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1 SIR JOHN SAUNDERS: I just want to analyse one part of that
 2 only and that's this: I understand you saying that if
 3 they go and deal with cardiac arrests, which obviously
 4 from what I've heard they really appreciate doing --

5 A. Mm--hm.

6 SIR JOHN SAUNDERS: -- if they do that, then there are less
 7 firemen to respond to fires and therefore if you take --
 8 unless you compensate with more firemen, you're going to
 9 reduce the service provided by the Fire Service. That's
 10 I think what you're saying and I understand.

11 Are you also saying that if within their shift
 12 hours, firemen are asked or required to respond to
 13 cardiac arrests, that should also have an effect on
 14 their pay?

15 A. Yes, sir.

16 SIR JOHN SAUNDERS: Thank you.

17 MR WARNOCK: You were saying it should have an effect on
 18 their pay, is that what you're saying?

19 SIR JOHN SAUNDERS: He did say that, yes.

20 MR WARNOCK: Sorry, it may be my audio feed.

21 I just want to follow through, Mr Dark, with this.

22 That's a specific example of cardiac response. Where
 23 does the FBU stand in relation to Fire Service personnel
 24 assisting, for instance, the Hazardous Area Response
 25 Teams, the HART teams that ambulance services have?

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1 A. I'll happily answer the question. I didn't really hear
 2 the question.

3 Q. I'm so sorry.

4 SIR JOHN SAUNDERS: HART teams, which go into MTFA, do
 5 you have the same position about Fire Service personnel
 6 helping out HART teams, perhaps the special SRTs doing
 7 that? Or is it your position the same as it is --

8 A. The issue is really one and the same. The HART teams
 9 are the specialist teams within the Ambulance Service
 10 that do that kind of work at MTFA incidents and other
 11 kinds of emergencies as well. So it's one and the same.
 12 When we say assisting the Ambulance Service, it is
 13 assisting the HART teams.

14 MR WARNOCK: You've got the same -- so that's the issue
 15 you're covering in the letter to Penny Mordaunt, I think
 16 that's what you're saying, and I think you're saying the
 17 position remains the same as far as you're concerned?

18 A. Yes, it does. And if I can expand on that, the Fire and
 19 Rescue Service does far more activity and different
 20 types of activities than it did when I joined in
 21 whenever that was, 1981. Certainly during the -- from
 22 2004, 2005, 2006, 2007, 2008, the Fire and Rescue
 23 Service did take on more activities for other agencies,
 24 for local government and so on. And really, what it
 25 comes down to is that those agencies and services are

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1 able, on the basis of the Fire and Rescue Service doing
 2 their excess work, helping them and assisting them, but
 3 our budgets are cut, their budgets aren't necessarily
 4 cut or cut to the same degree.
 5 I'm not going to make any apology for wanting to
 6 protect and enhance the performance of the Fire and
 7 Rescue Service and what it does to the public.
 8 Q. I understand all that, Mr Dark, but what I really just
 9 want to understand then is — you have given evidence
 10 this morning that you would like to see the regular
 11 firefighters across the country trained to be able to do
 12 the same sort of things that the MTA specialist
 13 capability can do, in particular working with ambulance
 14 teams in relation to, as you mentioned, triage and the
 15 application of haemostatic dressings.
 16 But it sounds to me, is this fair, that that's
 17 conditional on the Fire Service nationally, employers,
 18 the Government, providing more money both for Fire
 19 Service personnel pay and also to the Fire Services
 20 themselves?
 21 A. Yes, sir. And if I can expand on that. The reason for
 22 that, to be blunt, is in all spheres of life where
 23 people are able to — when they take on more
 24 responsibility, in the Fire and Rescue Service it would
 25 be both more responsibility and, frankly, more risk,

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1 people get paid more. Firefighters are moderately paid,
 2 their pay has not increased, neither in headline terms
 3 or in real terms, for many years now.
 4 I always worry that it sounds as though the union of
 5 itself or on behalf of its members may appear mercenary.
 6 We're not. MTFA, as with marauding terrorism of other
 7 kinds, as opposed to any other work activity, has —
 8 I wouldn't call it residual risk, they work in
 9 environments or you're expected to work in environments
 10 where, contrary to all health and safety requirements,
 11 safety cannot be — is actually said to be not
 12 guaranteed.
 13 I am never going to make any apology for saying that
 14 if our members, firefighters who aren't our members, are
 15 going to be placed into that kind of risk, because they
 16 would do and will do and have done, I think they're
 17 entitled to both more pay and, more importantly, when
 18 they do get killed, and they will get killed, I think
 19 the families are entitled to the compensation, the
 20 slightly enhanced pension that would come or increased
 21 pension that would come, as recompense for the loss.
 22 But like I say, the reason I don't believe it's
 23 mercenary is because we aren't holding the public to
 24 ransom, we're saying to our firefighters, "Don't
 25 withdraw from doing the work, carry on doing it".

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1 I don't think that's a mercenary approach.
 2 SIR JOHN SAUNDERS: And it is not part of my remit to be
 3 deciding that.
 4 MR WARNOCK: I don't think I suggested that you were being
 5 mercenary.
 6 SIR JOHN SAUNDERS: I think we may have done that a bit to
 7 death — sorry, that's a wholly inappropriate phrase.
 8 Can we move on?
 9 MR WARNOCK: I would like to move on to what you have just
 10 said about training and people volunteering.
 11 Could we have {INQ039410/39}, please, Mr Lopez.
 12 This, Mr Dark, was a letter that you sent to the FBU
 13 membership on 7 February 2017 about the offers of
 14 contract which, in the letter, you say some Fire and
 15 Rescue Services were asking personnel to sign. You say
 16 that in the first two paragraphs:
 17 "It has come to our attention that some Fire and
 18 Rescue Services are asking personnel to sign new
 19 contractual arrangements to undertake MTFA response
 20 duties. Members will be aware that MTFA has been the
 21 subject of extensive work within the NJC workstream and
 22 is a key part of the pay terms and conditions settlement
 23 discussions. To date, those discussions have not
 24 concluded. There are important issues which need to be
 25 addressed, not least those of pay, compensation and

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1 pension arrangements for Fire Service personnel."
 2 And you give strong advice not to sign any new
 3 contractual terms. But I really just want to ask you
 4 about the next page, {INQ039410/38}. In the penultimate
 5 paragraph you say:
 6 "MTFA response is not a contractual requirement of
 7 Fire and Rescue Service employees. We have noted in the
 8 past that members had agreed to do so, but on
 9 a voluntary basis. Whilst conference agreed not to
 10 insist that those members should withdraw their
 11 voluntary agreement, conference was also clear that no
 12 more members should sign up to do so until a national
 13 agreement has been reached."
 14 Is that still the FBU's position?
 15 A. Yes, it is. That position is based on two parts. If
 16 I'm entirely frank, there are some members, there are
 17 some officials, I don't believe on — I don't think any
 18 on the executive council. But there are some officials,
 19 there have been voices within the FBU that we should not
 20 be doing any of this work, that we should withdraw the
 21 voluntary working, hence the wording there of "agreed
 22 not to insist".
 23 Within all of the written commissions that we've
 24 done throughout that period, including the — I suppose
 25 it's the signature conference policy of 2013, we were

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1 very clear that we recognised — I think we've actually
 2 respected the fact that firefighters had agreed to do
 3 this work.
 4 On the second — essentially, the last sentence or
 5 last clause of that paragraph, given what was happening,
 6 and it goes back to the first paragraph of this
 7 circular, where it said that some — we noted that some
 8 Fire and Rescue Services had asked our people to sign
 9 a secondary contract, a binding secondary contract.
 10 As I explained earlier, what was happening there was
 11 that at one and the same time as the Home Office were
 12 saying, "Look, we don't even discuss this stuff", with
 13 not just the FBU but also with the national employers,
 14 with the Fire and Rescue Authorities themselves — "The
 15 reason we don't intend doing that is that we, the
 16 Home Office, consider it to be contractual already.
 17 Because it's contractual already we don't need to talk
 18 about funding for anything or increasing funding for
 19 anything".
 20 But at that same time, its people, one in
 21 particular, was phoning Fire and Rescue Services —
 22 I know this because, you know, senior managers told us,
 23 we're getting the phone calls, essentially trying to put
 24 the arm of the chief officers up their back to get them
 25 to sign these secondary contracts. As a union official,

1 I totally understand one side in a negotiation being
 2 absolutely hard-nosed and maintaining a hard-nosed
 3 position of, "I don't want to give you X, I don't want
 4 to do Y". I get that and I could get that if that was
 5 the line of the Home Office.
 6 What I don't accept, and have always had difficulty
 7 with, as an honest trade union official involved in
 8 honest negotiation, is duplicity, and the whole purpose
 9 of this —
 10 SIR JOHN SAUNDERS: I'm really sorry. I can understand —
 11 it's the second time you have used it. I'm trying to
 12 keep out of too much controversy if I can avoid it. I'm
 13 not sure it helps at the end of the day. It certainly
 14 I don't think assists me. You're answering the
 15 questions, I'm not blaming you for it. Some people
 16 might say, maybe it's an indication someone's going to
 17 compromise, which is also good in work relationships.
 18 MR WARNOCK: I'm asking these not to get into these issues,
 19 I have been asking these questions because I want to
 20 tease out to what extent GMFRS could have put different
 21 training in place at the time and to what extent that's
 22 possible at the minute since these issues have been
 23 raised.
 24 SIR JOHN SAUNDERS: I understand there is an agreement at
 25 the moment with GMFRS.

1 MR WARNOCK: Yes, for 8 months.
 2 SIR JOHN SAUNDERS: Okay.
 3 MR WARNOCK: Can I ask you this? This agreement, I want to
 4 touch on that agreement with GMFRS. This ongoing
 5 national dispute, if I can put it neutrally that way,
 6 led, did it not, to GMFRS having to withdraw its MTFA
 7 capability in February of 2019?
 8 A. Two things on that. One, there isn't actually
 9 a national dispute. What there isn't is an agreement.
 10 And that's not pedantry, it's not a case whereby we're
 11 involved in industrial action, it's not a case of the
 12 employer is doing something and we really object to it
 13 and we now want to pull out of an agreement. It's not
 14 a dispute as such, I think that is too strong. It's
 15 actually we haven't yet found the terms on which we
 16 agree.
 17 Q. Fair enough.
 18 A. But in terms of — you know, I think that's important.
 19 But in terms of the — I think probably the more direct
 20 part of your question, which is it that that lack of an
 21 agreement, that not yet being able to find the terms,
 22 resulted in the GMFRS MTFA capability being withdrawn.
 23 That may have been the — it may have been the case
 24 in the minds of some of the firefighters, I can't speak
 25 for every firefighter, but the reason that has been

1 explained to us time and again by members is, as I said
 2 earlier, that sense of, I think, within another document
 3 we looked at just now, that sense of embarrassment, that
 4 humiliation, that those people in those teams had
 5 volunteered, they got no flak from the union for
 6 volunteering ever and never will, but they volunteered,
 7 they were doing this work, they have gone those extra
 8 miles and on the night they weren't used, they knew they
 9 hadn't been used, even when the service knew that they
 10 could deploy — is that they were going to be held back.
 11 And for that, they endured to whatever degree, real or
 12 perceived, public anger.
 13 That was the motivating force that, I understand
 14 from members, drove them to make that — it's almost
 15 disgust. Disgust drove them to do it.
 16 Q. Right. I appreciate my time is coming near its end, but
 17 can I ask you then this. I just want to understand
 18 where the FBU stands on this, if these issues were
 19 resolved in terms of the contractual issues, about what
 20 you consider would be appropriate for firefighters to
 21 engage in.
 22 As I understand it, the FBU would be and is
 23 completely opposed to firefighters working in the hot
 24 zone at any time; is that right?
 25 A. Absolutely. That would never change because the hot

1 zone is a zone of non-survivability.
 2 Q. In relation to a warm zone, is it your position that any
 3 non-specialists who find themselves in the warm zone
 4 should, as soon as they can, be withdrawn?
 5 A. I'm just picking up on the question. Yes, it is,
 6 because the non-specialists wouldn't have had, for
 7 example, the situational awareness training, working
 8 within the command structure and so on. Yes, you are
 9 right, that if they find themselves in the warm zone,
 10 they should withdraw. To be frank, though, for a warm
 11 zone to be established, the police will have established
 12 the limit of exploitation, in other words they would
 13 have determined that side of this, let's call it a line,
 14 that side of this line is the hot zone, this is the warm
 15 zone. Long before that ever happened, firefighters
 16 would have been withdrawn from the warm zone.
 17 The real issue, which is what does confront our
 18 firefighters on occasion, Westminster Bridge, London
 19 Bridge and so on, is that -- certainly
 20 Westminster Bridge -- they find themselves in the hot
 21 zone because what they're attending is, as we had,
 22 someone's fallen in the river, an instance that we do
 23 deal with, a road traffic collision, that's what they
 24 were called to. They would find themselves up close and
 25 personal with the terrorists because they're actually

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1 going to where the terrorists are.
 2 If you like, the question of firefighters being in
 3 the warm zone and withdrawing from the warm zone, they
 4 would be withdrawn, as would all non-specialist --
 5 SIR JOHN SAUNDERS: Once the zones are defined?
 6 A. Exactly, sir.
 7 MR WARNOCK: Sorry, Mr Lopez, I should have asked if you can
 8 take the document down, if you wouldn't mind.
 9 What about in a situation where firefighters find
 10 themselves in a warm zone and members of the public are
 11 there needing assistance? What is your view on that?
 12 Should the firefighters still withdraw? A situation
 13 where you have people who are injured and need help.
 14 A. I can only really answer that in terms of what I would
 15 do as a firefighter, that unless actually me helping
 16 someone... If the situation was this: there's
 17 a casualty on the floor and I find myself and realise
 18 I'm in the hot zone and I'm in immediate and
 19 there--and--then danger, in that I'm looking down the
 20 barrel of a rifle or a pistol, in which case it's
 21 probably too late for me anyway, but I would assist the
 22 casualty, I would drag the casualty. I wouldn't get
 23 down on my knees, I'd be dragging them because there's
 24 no point leaving them in situ in an MTFA situation
 25 in that kind of zone. I would be dragging them.

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1 Q. Thank you. Finally, can I just ask you this, and
 2 I think it's perhaps an issue you touched on in an
 3 answer before lunch.
 4 The theme of some of the evidence that the inquiry
 5 has heard is that there has been in recent years, indeed
 6 somebody put it back as far as 2006, too much emphasis
 7 in Fire and Rescue Services on policies and procedures
 8 at the expense of allowing firefighters to take risk.
 9 Is that something that you would agree with or disagree
 10 with?
 11 A. I'm trying to work out if that's a yes or no answer. In
 12 truth, policies and procedures can and should be written
 13 in such a way that firefighters will take those risks,
 14 can take those risks, which is what we're employed to
 15 do, which we are driven to do, but in such a way that
 16 the risk is mitigated through control measures so that
 17 everyone understands what they've got to do, how they're
 18 doing it, people outside that are manging the situation
 19 know what you're doing through radio communications or
 20 through the PPE that you've got, and you manage the risk
 21 such that we are able to, as firefighters, go and do the
 22 job that we do, which is to effect rescues, and yes,
 23 fight fires and deal with chemical incidents as well.
 24 Rescue is the primary one.
 25 I don't see a contradiction between safe practice,

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1 safe policy and safe procedure and taking necessary and
 2 appropriate risk in order to carry out rescue. I don't
 3 see there's a contradiction and that's why I hesitated
 4 at the beginning. It really is not -- in many
 5 instances, in most instances, actually that's what we've
 6 got in place in Fire and Rescue Services, including
 7 Greater Manchester. But where -- but on occasion,
 8 I will say as a union, we come across -- I won't do
 9 a diversion on to a different issue. But we have
 10 instances, I've got a big one that I'm helping to deal
 11 with now, whereby a policy and procedure is coming in,
 12 which actually creates more risk and other times we get
 13 ones which are too restrictive. We're about making sure
 14 we've got the balance.
 15 At the end of the day we are not a risk-averse union
 16 to use that phrase. We are not risk averse. Our
 17 industry is based upon rescue, our members are based
 18 upon rescue, each of us who are officials have done many
 19 years' service in the Fire and Rescue Service. I did
 20 24 years on the truck. I think our newest national
 21 official has done 18. That's the youngest, the newest
 22 national official we've got.
 23 Normally, it's, as I say, it's more 24, 25.
 24 SIR JOHN SAUNDERS: Okay, so you've all done the job for
 25 a long time?

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1 A. And absolutely ingrained with the ethos of the job, sir .
 2 MR WARNOCK: Mr Dark, thank you very much. That concludes
 3 the questions I have for you.
 4 SIR JOHN SAUNDERS: Thank you, Mr Warnock. Following up one
 5 thing from Mr Warnock, in general terms, not dealing
 6 with specifics but in general terms, do the union and
 7 the employers agree on what is an acceptable level of
 8 risk?
 9 A. Yes, I think we do. Yes, I think we do.
 10 SIR JOHN SAUNDERS: Thank you.
 11 MR DE LA POER: Sir, Mr Cooper, who leads for the families'
 12 group, is next. I wonder whether we could take a short
 13 break before we come to him, please.
 14 SIR JOHN SAUNDERS: Is 10 minutes enough for you to have
 15 a break?
 16 A. Yes, sir .
 17 SIR JOHN SAUNDERS: Just after 3.35. Thank you.
 18 (3.27 pm)
 19 (A short break)
 20 (3.37 pm)
 21 MR DE LA POER: Sir, can I invite Mr Cooper, Queen's
 22 counsel, to ask his questions on behalf of the families ,
 23 please.
 24 SIR JOHN SAUNDERS: Thank you, Mr Cooper.
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1 Questions from MR COOPER
 2 MR COOPER: Thank you, sir.
 3 I ask questions on behalf of the bereaved families
 4 today and we're grateful for your attendance.
 5 Let me say right at the beginning, if I may, that we
 6 on behalf of the families take no sides or take no
 7 position between the dispute, whatever word you want to
 8 use, between yourself and GMFRS and the Government.
 9 That, of course, is a matter entirely for those parties .
 10 So I would like to make that clear: we take no position
 11 and take no sides, and the questions I ask are asked
 12 purely on behalf of the families to try and work out
 13 what went on on the 22nd, what could or might have been
 14 done, and what's happening in the future, if you
 15 understand that.
 16 I'm not going to go over old ground. I do want to
 17 understand the basic position, which is this, is it,
 18 that the GMFRS and the Government were saying during
 19 this dispute that responding to a terrorist attack for
 20 the purpose of firefighting or to rescue any individuals
 21 there is within the role of a firefighter ? That was the
 22 general position, was it, of GMFRS and the Government?
 23 That was their -- I will come to your position in
 24 a moment, but that was their position; is that right?
 25 A. That is correct, sir, yes.

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1 Q. And the position of the FBU was simply: no, it's not,
 2 for the reasons that you've already expressed; correct?
 3 A. Yes, sir , that's correct.
 4 Q. I won't take you to it, but I'll refer to it and if you
 5 need to look at it yourself , it's your paragraph 97 of
 6 your statement where you put it succinctly, if I may say
 7 so. You say that:
 8 "The FBU position is that there is no legal
 9 obligation on firefighters to attend MTFA and MTA and in
 10 particular no obligation to undertake any activity of
 11 any kind in any environment where there is a hazard and
 12 resultant risk which is not either removed or adequately
 13 controlled. As a consequence, no obligation to carry
 14 out activities anywhere except cold zone" --
 15 SIR JOHN SAUNDERS: Okay, we here are rather confused by
 16 your reference to paragraph 98. Is that right as well?
 17 MR COOPER: I referred to 97. Perhaps my reference is
 18 wrong.
 19 SIR JOHN SAUNDERS: Okay, yes. 97.
 20 You have the passage, Mr Dark?
 21 A. I do yes.
 22 SIR JOHN SAUNDERS: It's my fault, I misheard you.
 23 MR COOPER: I hope I said 97. I'll pause, again, sir, while
 24 you orientate yourself on 97. You'll see what I've just
 25 put to Mr Dark.

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1 And that is the position. Can I take you, please,
 2 to paragraph 138 of your statement, Mr Dark. You say
 3 this at paragraph 138:
 4 "The FBU and GMFRS have disagreed about the
 5 contractual position of firefighters responding to
 6 an MTFA. GMFRS has previously asserted that responding
 7 to a terrorist attack [and you go on to repeat that].
 8 As noted above, this is not accepted."
 9 Then I want to take you to your paragraph (b), if
 10 you go to the top of the next page, please. This is
 11 what I want to ask you about because at the moment the
 12 evidence is that there's a straightforward dispute
 13 between you, the FBU, and GMFRS, but it seems to be
 14 a little more nuanced than that. Let's look at this
 15 paragraph. You say this:
 16 "It is also contrary to the view expressed to me by
 17 the Chief Fire Officer, Peter O'Reilly, as he was then,
 18 in an informal discussion that took place in London on
 19 6 October 2016. In that discussion, Mr O'Reilly made it
 20 unambiguously clear in explicit terms that he knew that
 21 MTFA isn't in the role map. The remark was made because
 22 the conversation was concerned with a range of local
 23 issues in GMFRS, including whether an MTFA was within
 24 the role map."
 25 So up until now we got the impression that in the

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1 events leading up to this tragedy on 22 May, there was
2 a dispute, call it what you will, between the FBU and
3 Greater Manchester Fire Service. But it seems from your
4 evidence and your statement there, Mr Dark, that in fact
5 Peter O'Reilly, within the Greater Manchester Fire
6 Service, was actually agreeing with the union; is that
7 right?

8 A. Yes, sir, and to explain the circumstances, and I'll be
9 honest with you, I've forgotten the detail of the other
10 issues. But there were some other issues which had
11 arisen, which had caused a lot of arguments between the
12 two local parties, local FBU and local management,
13 GMFRS, just before and including, and running after,
14 6 October 2016.

15 Some time prior to that, let's say earlier in the
16 year, because I think it was earlier that same year, out
17 of the blue, the chief officer had declared to the FBU,
18 "As far as I'm concerned, it's contractual. I don't
19 care what position we've adopted in the past, that's my
20 position". That was the start of some arguments in the
21 Fire and Rescue Service. Other arguments arose as well.

22 Come 6 October, we were at a joint presentation,
23 a joint seminar, or jointly at a seminar given by
24 others, and in the aftermath of that we went for a cup
25 of coffee in the bar -- I say the bar, the coffee bar on

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1 those premises. And I said -- we were having a frank
2 collegial discussion, and if you like, within that,
3 I said, "Look, it isn't helping, you know it's not
4 contractual, why are you saying it's contractual? All
5 you are doing is winding my people up with those
6 assertions". And he said, "Look, I know it's not
7 contractual, I know it's not in the role map, but
8 you have to remember I've got my people saying this,
9 I've got the department telling me that that's what I've
10 got to say".

11 And that was the context there. And just to finish
12 that point, so yes, what I've said there is absolutely
13 accurate in that paragraph 138(b), what I've said here
14 is absolutely accurate.

15 And I will also, just to finish the point -- in
16 London the teams are be paid, for other things as well,
17 but the teams that do the MTFA specialist response are
18 paid 7.5% more and some of them are given rank as well
19 or were given rank and that's been a huge frustration
20 from the Home Office. Not because of any other reason
21 than they know that it exposes the falseness of their
22 argument and their positioning that it's
23 non-contractual.

24 SIR JOHN SAUNDERS: Mr Cooper, I'm going to interrupt. I'm
25 very sorry for that.

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1 This may be because I'm a lawyer, but if I've had
2 a contractual dispute running on since 2012 -- earlier
3 than that or 2012?

4 A. Yes.

5 SIR JOHN SAUNDERS: And still running where one side says
6 it's in the contract, the other side says, no, it's not,
7 then what I would do is go to a court and get it sorted;
8 is that just too simplistic of me?

9 A. I'll be frank: it hasn't reached a position whereby it's
10 causing us any concern. The firefighters are still
11 volunteering, the employers are still getting in the
12 main what they wanted. There was a glitch, shall we
13 call it, in Greater Manchester for that time.

14 SIR JOHN SAUNDERS: So both sides are happy and nothing is
15 sorted but both sides don't think it's necessary to --

16 A. That's the way --

17 SIR JOHN SAUNDERS: Don't want to spend the money on
18 lawyers?

19 A. Essentially, yes, sir.

20 SIR JOHN SAUNDERS: Okay, thank you.

21 Right, Mr Cooper, another lawyer.

22 MR COOPER: Indeed, one with an interest.

23 I want to follow on with you, Mr Dark, on the
24 chair's question there. It is very disappointing
25 indeed, would you accept, that at the time when this

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1 atrocity happened, and the families were losing their
2 loved ones, GMFRS, the Government and the FBU were still
3 in dispute over some pretty important matters?

4 A. Yes, I can see why you say that. But it didn't
5 impact -- that disagreement, however we may describe it,
6 didn't impact at all or shape at all the GMFRS actions
7 or response on the evening.

8 Q. Would you accept that was more by luck than judgement?

9 A. No, sir. We have had firefighters respond to other acts
10 of terrorism, marauding terrorism, some of whom have
11 been entirely untrained. That is not something which
12 has impacted at the time, that we have made impacts
13 at the time, would want to make impacts at the time.
14 For us, I'll be frank, it is quite -- it's not quite
15 untenable because for us it's not quite untenable, but,
16 no, it's far from satisfactory, I'll agree. I think
17 it is far from acceptable.

18 Q. The dispute, I'll keep using the word, on the MTFA
19 started when? When did the first dispute between GMFRS,
20 the Government and FBU start? What year?

21 A. I am thinking that was probably in the... It was during
22 2011, back--end of 2011, and 2012, but it wasn't, if you
23 like, a declared dispute. It emerged because, as
24 I think I said earlier, Fire and Rescue Services were
25 saying to members "the union's agreed to all this,

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1 we can do what we want with you with this, you need to
 2 just do it". We didn't actually go into any kind of
 3 dispute, we simply communicated with members to say,
 4 "Look, we know you've been told this, just — the action
 5 we wanted you to take is tell your employer that it's
 6 voluntary", or to clarify to them it hadn't been agreed,
 7 but there had been at that time simply a discussion,
 8 unannounced. We had gone to see DCLG, seen the Fire
 9 Minister. What wasn't announced is what the discussion
 10 matter was going to be. That was, I suppose in some
 11 ways, quite understandably: can you just wait until you
 12 get to the meeting? That's when it was put to us: would
 13 you stand in the way of it? No, more than alive to it,
 14 the devil's in the detail, and that was acceptable to
 15 everyone in the room, not just the minister, but
 16 everyone in the room.
 17 Q. And that was when?
 18 A. I believe that was July 2011. I think I'm right in
 19 saying it was July 2011.
 20 Q. But there's still confusion going on in May 2017; would
 21 you accept that?
 22 A. Yes, I do. I do accept that.
 23 Q. And that's not really acceptable, is it, when it comes
 24 to serving the public generally? Would you accept that?
 25 I'm not taking sides, I would put the same question to

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1 the Government and I would put the same question to the
 2 GMFRS. I'm not having a go at the FBU individually; I'm
 3 asking you about the situation.
 4 A. No, I understand that, and as I said earlier, I agree
 5 it is far from acceptable. You're right, it started
 6 then, it continued through that period, and through that
 7 period when the Manchester Arena event occurred, and
 8 it's still there now, it's still here now.
 9 Q. For instance, was the situation on one occasion at least
 10 referred to as a debacle?
 11 A. Apologies, I didn't —
 12 SIR JOHN SAUNDERS: Was it referred to on one occasion as
 13 a debacle, this contractual dispute?
 14 A. It could have been. It could have been.
 15 MR COOPER: Let me take you to that. I'm not going to take
 16 you to everything because that would take too much time.
 17 Your exhibits, {INQ039410/43}. To give you orientation
 18 of the document itself, let me tell you that it is
 19 a document dated 20 September 2017 from your colleague
 20 Matt Wrack, the General Secretary of the FBU. So this
 21 is just a few months after the tragedy. It's a letter
 22 to all members headed "Marauding terrorism and pay".
 23 It reviews what has been going on and I'll take you
 24 now to {INQ039410/43}.
 25 SIR JOHN SAUNDERS: I think there's a signature on the

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1 bottom of the page.
 2 MR COOPER: Yes. I'm going to page 43. The second
 3 paragraph:
 4 "It is unfortunate that the Fire and Rescue Services
 5 involved, and those advising them, have created this
 6 entirely avoidable debacle."
 7 What did you mean by that? This is just a few
 8 months after the atrocity.
 9 A. Yes, sir. I recall the circular, I'm trying to
 10 contextualise the...
 11 Q. Take your time. It's difficult and there's a lot of
 12 documents and you've been sitting there all day. Take
 13 your time. This is not an endurance test. Gather
 14 yourself, look at the document as a whole if you want
 15 to, and then answer my question. When you said:
 16 "It is unfortunate that the Fire and Rescue Services
 17 involved and those advising them have created this
 18 entirely avoidable debacle."
 19 I'll read on:
 20 "In advance of the executive council discussion
 21 taking place on Friday, the members in the affected
 22 brigades are advised that they are under no obligation
 23 to engage with this training event/exercise and/or
 24 undertake any training or other activity in respect of
 25 MTFA/MTA."

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1 And it goes on. So my question again: what did you
 2 mean by "an entirely avoidable debacle" and how could it
 3 have been avoided?
 4 A. The debacle, sir, is the fact that we continued to have
 5 episodes — there continued to be episodes whereby
 6 periodically the issue of whether it's contractual or
 7 not comes to the fore because the employer, an
 8 individual employer, a group of employers, and/or the
 9 Home Office, make a declaration that it's contractual
 10 and make an insistence on people that they need to do
 11 things.
 12 So periodically we have the thing rise to the
 13 surface, such that we put a circular out saying — we
 14 put information out saying they're wrong and the other
 15 side say, no, no, no, the FBU is wrong. But to be
 16 frank, what we can't do, as a union, we can't move the
 17 thing on. We don't have the money to move the thing on.
 18 We don't have any, sadly, we don't have any —
 19 scandalously, we don't have any involvement in the
 20 construction of protocols and policies and policy
 21 documents and JOPs and goodness knows what else. We
 22 don't have any control over that.
 23 For us, it is a debacle, it is an unacceptable
 24 situation, I've said that already today, including this
 25 afternoon. But we can't move the thing on. We are not

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1 in a position to do it.
 2 Q. So it must be right then, mustn't it, that on the day
 3 this atrocity occurred, just a few months earlier from
 4 this remark that you made, this avoidable debacle was in
 5 existence on 22 May 2017?
 6 A. Yes, sir, it was, the debacle being the unresolved
 7 difference, absolutely, sir. It was in place and it was
 8 in place on 22 May.
 9 Q. And in your view, who was responsible, in short, if you
 10 can, for this avoidable debacle?
 11 A. The Home Office, sir, the Government. The Government.
 12 Q. From the evidence that you've given, do I understand it
 13 that you're saying that the firefighters that you
 14 represent were effectively papering over the cracks then
 15 that the Government have caused through lack of funding
 16 when it comes to terrorist-related incidents and Fire
 17 Service responses?
 18 SIR JOHN SAUNDERS: Mr Cooper, as you well understand, the
 19 Home Office think apparently, I would imagine, that
 20 they're right about the contractual dispute. The FBU
 21 think they're right about the contractual dispute.
 22 Neither you or I, I'm afraid, are in a position to say
 23 one way or the other. I wouldn't have the knowledge as
 24 a contractual lawyer to do that and I haven't seen the
 25 documents either, so I think we have to think they agree

1 to differ unless it's resolved by arbitration or by
 2 a court.
 3 MR COOPER: I was only following on on who was responsible
 4 for the debacle which clearly existed at the time of the
 5 atrocity. I wasn't going widely into a political
 6 discourse on it, but simply at the time.
 7 SIR JOHN SAUNDERS: I know you weren't, but I'm just making
 8 clear that there are obviously two different points of
 9 view here, which no one here is in a position to
 10 resolve.
 11 MR COOPER: (overspeaking) I will move on.
 12 SIR JOHN SAUNDERS: It's a perfectly valid point, Mr Dark,
 13 isn't it, that had this attack happened in late 2018,
 14 and had the system operated correctly and it had been an
 15 occasion for the special units to go in, and if they had
 16 gone in, they could have saved life, that facility would
 17 not have been available in Manchester, despite what had
 18 happened in 2017?
 19 A. Because of what had happened in 2017, yes -- I wasn't
 20 trying to pick -- I certainly wasn't trying to pick you
 21 up. I see what you're saying.
 22 If 2017 had occurred, you're right, there would not
 23 have been a scene -- a Greater Manchester-owned scene --
 24 SIR JOHN SAUNDERS: I know they could be drawn from other
 25 places --

1 A. There would not have been a Greater Manchester-owned
 2 scene, no, sir.
 3 SIR JOHN SAUNDERS: Okay, thank you.
 4 Mr Cooper.
 5 MR COOPER: The only reason I went down this line of
 6 questioning with you, Mr Dark, was you seemed to be
 7 giving some impression that there was some entente
 8 cordiale, as it were, between all parties, despite the
 9 fact that there was some form of disagreement. It was
 10 not entente cordiale, was it, it was an avoidable
 11 debacle? That's a better description, isn't it?
 12 A. Yes, I agree. Yes, very much so. It's not a shadow
 13 game. For me, it's very real that our people should be
 14 paid for it, but more -- I don't want to say more
 15 importantly because the employers will be listening in.
 16 Our people need to be properly trained and it should be
 17 all firefighters because they are the people that are
 18 going to be attending these kind of incidents in the
 19 main, and we want them being dealt with, the members of
 20 the public that are injured, dealt with all but
 21 immediately --
 22 SIR JOHN SAUNDERS: I understand that point, Mr Dark, and
 23 it's one I will obviously deal with when it comes to it.
 24 MR COOPER: Let me leap on to something on the same issue,
 25 which might be extremely pertinent to this inquiry.

1 That is what effect it may have had, this dispute and
 2 the fact that firefighters were voluntarily getting
 3 involved in MTFA on the 22nd and what effect, if any,
 4 this may have had upon the service on the night. Let me
 5 cut to the chase on that if I can. Can you look at
 6 paragraph 139 again of your statement? You say this:
 7 "Despite the lack of agreement about the contractual
 8 position of firefighters responding to MTFA, GMFRS did
 9 have an MTFA capability at the time of the
 10 Manchester Arena attack. Firefighters were willing to
 11 provide MTFA capability on a voluntary basis. There
 12 were problems with this that should be clear from my
 13 earlier evidence. For example, it meant that there was
 14 no certainty about the relevant training that would be
 15 provided."
 16 Do I understand, Mr Dark, from that section of your
 17 statement that the abilities of the MTFA individuals who
 18 might have been at the arena in any event on 22 May,
 19 their training might in the circumstances have been in
 20 some way lacking, deficient or incomplete?
 21 A. Possibly. What that paragraph is trying to say is that,
 22 okay, there was a capability on that night and
 23 firefighters were doing so, albeit on a voluntary basis.
 24 What I wasn't saying within the paragraph is that
 25 because it was being done on a voluntary basis, that

1 therefore there was a deficiency in the training, that
 2 one was causal or connected with the other. That's not
 3 what the paragraph is trying to say.
 4 What the paragraph is trying to say is that, as
 5 explained earlier within the statement, I don't
 6 believe -- I know, it is not just a belief, there is
 7 insufficient training given to firefighters, not as
 8 individuals but as a collective, and within the sector
 9 and within GMFRS, as I explained earlier, I think it
 10 needs to be thoroughgoing, regular, very frequent, very
 11 programmed and very programmed with a clear
 12 objective-based process involved when you're doing that
 13 training: what do we expect to see, what are we
 14 observing, what's the test of whether this is
 15 a successful exercise or other? If the tests aren't
 16 met, if the objectives aren't met, what were the reasons
 17 for that? Okay, that's fine, it was only an exercise,
 18 let's go and fix those problems that we have now
 19 identified (overspeaking).
 20 Q. If it reassures you, I'm going to come on to that aspect
 21 a little later. What I'm drilling down on here is the
 22 capability and training of the MTFA volunteers on
 23 22 May 2017. Was the training they were receiving round
 24 and about that time, this is not a criticism of them,
 25 lacking or deficient in any way because of a number of

1 factors, which you may want to highlight?
 2 A. Yes, I believe it was. Not because of their voluntary
 3 status, but simply because -- no, no, I believe it was.
 4 Not for them individually. In terms of the training,
 5 the inputs that they'd had, I'm not in a position to
 6 say, I can't say that that is my position, but certainly
 7 it's the demonstration, practice and testing to make
 8 sure that what the firefighters of all ranks have been
 9 trained to do, the process works, and the process works
 10 in the way it, by necessity, has to interact with the
 11 other agencies.
 12 SIR JOHN SAUNDERS: Okay. So it needs to be more regular,
 13 from your point of view, and when things went wrong,
 14 they need to be followed up in a way they weren't and
 15 put right?
 16 A. That's right, yes.
 17 MR COOPER: So the issue as far as the 22nd is concerned
 18 is that there were volunteers available and, no
 19 criticism of them for being volunteers, and indeed they
 20 were just as good as if they'd been prescribed to do the
 21 job, but the training at the time of 22 May 2017 was in
 22 your view, for the reasons you've expressed, deficient?
 23 A. Yes, sir. Yes.
 24 Q. If we look at paragraph 140, I would just like you to
 25 flesh that out for me if you can:

1 "Following the arena attack, the specialist teams
 2 withdrew from the work. On 8 February 2019, GMFRS
 3 informed the Home Office that it no longer had
 4 a capacity."
 5 I want to just ask you about that first sentence.
 6 You say:
 7 "Following the arena attack, the specialist teams
 8 withdrew from work."
 9 So from that, was it something that happened during
 10 the arena attack that caused the specialist teams to
 11 withdraw from their work?
 12 A. I don't think it was immediately, and I'll be frank,
 13 I really cannot recall. There was a lag between the
 14 arena event and the withdrawal from the work by the
 15 teams. I promise you, it's not evasion, I can't
 16 remember the actual dates. But I wasn't --
 17 Q. Don't worry about the dates, I'm looking for the
 18 reasons. Why then did the specialist teams withdraw
 19 from their work?
 20 A. The reasons were they were dissatisfied from what had
 21 happened at the arena. I can't explain the lag.
 22 I could speculate on it because there was a lag. But
 23 for me, and from what I've been told, and that's all
 24 I can go on, it was rooted in what didn't happen, if you
 25 like, on 22 May 2017.

1 Q. Well, which specialist teams were they? Who are we
 2 talking about here? Which specialist teams?
 3 SIR JOHN SAUNDERS: SRT presumably?
 4 MR COOPER: Is it SRT?
 5 A. Yes, exactly. The Greater Manchester (inaudible:
 6 distorted) yes.
 7 Q. So this day, Manchester doesn't have an SRT capacity,
 8 does it?
 9 A. It is reforming one because of the agreement reached in
 10 December. It still has a resource that it calls upon,
 11 can call upon, should there be an incident.
 12 Q. So the answer to my question is Manchester still does
 13 not have an SRT capability? Manchester. I will come on
 14 to Merseyside in a minute, but Manchester.
 15 A. No, it doesn't have its own MTFA capability at this
 16 time, it's reforming one, but you're right, yes.
 17 SIR JOHN SAUNDERS: Would you mind leaving Merseyside out of
 18 it? We will explain later why.
 19 MR COOPER: I will, sir. All I will simply ask then -- I'm
 20 sorry if I have transgressed inadvertently.
 21 As a result of anyone else stepping in to fill the
 22 gap, that's going to impact on response times, isn't it,
 23 if there should be an issue in Manchester that SRT was
 24 needed upon? Response times are affected as a result of
 25 this, would you agree?

1 A. It must impact. It must impact on the response time,
 2 yes.
 3 Q. And depending upon where the facility is, wherever it
 4 may be, that response time could be significantly
 5 enhanced, couldn't it?
 6 A. Yes, sir. There would be a direct relationship between
 7 the distance of the, let's call it reserve, let's call
 8 it reserve capability, and the time taken.
 9 Q. The reality is at the moment, and we're just talking
 10 about how we have moved on from the arena, Manchester is
 11 very vulnerable because it hasn't got an SRT capability
 12 and has to rely on that capability coming from outside;
 13 would you agree?
 14 SIR JOHN SAUNDERS: I'm really sorry, Mr Cooper. Can we
 15 just leave the question hanging there (overspeaking), if
 16 that's all right?
 17 MR COOPER: All right.
 18 SIR JOHN SAUNDERS: Just don't answer that question.
 19 MR COOPER: All right, sir, I will.
 20 Going back to the night in question, 22 May 2017,
 21 and going back to paragraph 140, and sorry to keep on
 22 focusing on what is effectively two lines:
 23 "Following the arena attack, the specialist teams
 24 withdrew from the work."
 25 I will press you on this if I can. Because clearly,

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1 SRT decided to withdraw as a result of dissatisfaction
 2 as to what happened at the arena. Can you help us with
 3 what made them make that very, very significant decision
 4 to withdraw from Manchester? A serious decision.
 5 A. No, I agree, a very significant decision. Specifically
 6 why, specifically why they withdrew from the team, that
 7 I can't answer. I do know it was entirely rooted in
 8 what had occurred on 22 May 2017. But on specifics,
 9 actually, I don't know. I don't know either way. Is it
 10 that they had asked for reassurances as to how this
 11 could never occur again and weren't given satisfactory
 12 answers? I can't explain the specific reasons as to
 13 why.
 14 Q. But if it was that, for instance, they are asking the
 15 question in 2019 and are still not given satisfactory
 16 answers, it seems. Therefore they made this very
 17 significant decision to withdraw all services to
 18 Manchester; does that follow?
 19 SIR JOHN SAUNDERS: I think there's a degree of speculation,
 20 if you don't mind me saying so, Mr Cooper. It may be
 21 that we can find someone who --
 22 MR COOPER: I was about to ask Mr Dark whether he could
 23 assist your team with a name that we may be able to ask
 24 these questions of.
 25 SIR JOHN SAUNDERS: Absolutely, thank you.

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1 MR COOPER: Thank you. Can I ask you about something
 2 a little different but allied to the issue. The
 3 equipment that your colleagues had on 22 May 2017,
 4 should it have been deployed in relation to care for
 5 casualties and others? Was that equipment fit for
 6 purpose in your view?
 7 A. This is going to sound like an evasive answer, but
 8 having discussed with crews, both in Greater Manchester
 9 and practitioners from Fire and Rescue Services across
 10 the UK, whilst training has featured, or lack of
 11 training, deficiency in training has featured, I can't
 12 actually recall any written returns or verbal comments
 13 being critical of the equipment that people had -- you
 14 know, the specialists have been in receipt of and are
 15 expected to use. I just can't recall it at all.
 16 Q. All right. Then I won't progress that with you.
 17 What about equipment, and I'm speaking of general
 18 equipment and tools to help and save lives and to help
 19 people with their injuries, the general -- again, I'm
 20 not disparaging these brave people, but I'll call them
 21 the general firefighters -- have on their units? Are
 22 they fit for purpose, were they fit for purpose on
 23 22 May 2017, or could they have been better?
 24 A. The equipment generally that we carry is fit for
 25 purpose. But the equipment that would be carried on

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1 most units in Greater Manchester wouldn't necessarily
 2 have been fit for purpose for the mass casualty triage
 3 treatment and removal at the arena.
 4 SIR JOHN SAUNDERS: Let's just stop for a moment here. We
 5 know a decision was made and we'll have to investigate
 6 it between the chief fire officer and a senior paramedic
 7 who was there and the decision was made to bring in five
 8 ordinary fire engines. The equipment they used -- as
 9 I understand it, at that stage, they weren't short of
 10 equipment because they used the equipment of the
 11 ambulances. I don't think anyone was saying there
 12 wasn't enough, but clearly if they'd been going in as
 13 an SRT, that would have had more equipment, but for
 14 whatever reason it was decided that that wasn't
 15 necessary and it may not have affected it.
 16 Mr Cooper, I'm sorry, I'm short circuiting that
 17 a bit because I think it can become a rather complicated
 18 issue maybe.
 19 MR COOPER: I understand. I was simply going to be more
 20 particular and ask about the tourniquet. My memory
 21 might serve me badly, but I think we were told there's
 22 one tourniquet on these general units. Do you think
 23 that's enough?
 24 A. I'm going to take it as read that you're right with
 25 regard to the number that are available. I can't see

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1 that it would be enough bearing in mind that the
 2 events — MTFA is planned and expected to be mass
 3 casualty, so that does seem an extremely — it is an
 4 extremely low number and I would suggest, yes, it is
 5 a very inadequate number.
 6 SIR JOHN SAUNDERS: We'll find out the evidence about how
 7 many tourniquets are on an SRT. I think it was one on
 8 an ordinary fire engine, but we'll check. I'm not sure
 9 that I got a definitive answer about that, so we'll look
 10 into that.
 11 MR COOPER: You said, I think, this morning, Mr Dark, in
 12 terms of the treatment of casualties on the night of the
 13 22nd, it was a relatively small number. Do you remember
 14 saying that?
 15 A. Yes, sir. I said that in the context of — I said it
 16 was both a relatively ... In planning terms it's
 17 a relatively small number in a relatively confined
 18 space, bearing in mind that — not just Mumbai. Mumbai
 19 was 13 years ago, but we have had more recent events,
 20 obviously Bataclan, I think the figures around Mumbai
 21 were about 300. The planning scenarios, I still think,
 22 are based upon a credible number of 300. That is an
 23 awful lot of people.
 24 Q. I'm just going to, and I hope, but it is necessary, in
 25 my submission — I will give a warning — I'm going to

1 give you the casualty figures now, just the numbers, and
 2 I want you to reassess your view that this was
 3 a relatively small number of casualties. So I pause for
 4 a moment in case some may be distressed by the figures.
 5 That is all I'm giving.
 6 I want to ask you whether you want to change your
 7 mind on that. Effectively there were 200 people
 8 requiring hospital treatment, of which 91 were seriously
 9 or very seriously injured. That breaks down into: very
 10 seriously injured, 28; seriously injured, 63; additional
 11 hospitalisation, 111; and non-hospitalisation, 62.
 12 Do you want to reassess your assessment given that
 13 you quoted 300 from Mumbai? Do you want to reassess
 14 your description of Manchester Arena being a relatively
 15 small number of casualties?
 16 A. Yes, that's a fair comment. I won't reassess it, I'll
 17 change that view and that comment, that element of my
 18 statement. Yes, I will.
 19 Q. Mr Dark, that's very appropriate and decent of you. I'm
 20 not trying to catch you out and make you look a fool.
 21 That's not the purpose of this, but it's important that
 22 the families hear what you have to say on this point and
 23 I'm sure they're grateful to hear you say that.
 24 In terms of the fact that you've reassessed your
 25 assessment on there being a relatively small number of

1 casualties, does that in any way affect your evidence
 2 in relation to any response or any potential facilities
 3 the Fire Service could have provided or should have
 4 provided?
 5 A. No, I don't think it does. The reason being —
 6 obviously it would matter to the families involved,
 7 I know that, but it wouldn't matter if it was 10 people,
 8 20 people or, as you say, 200 people. We were required,
 9 the Fire and Rescue Service were required... The reason
 10 we were required was to ensure the minimisation of
 11 deaths from injuries or injuries becoming life-changing
 12 injuries through the passage of a relatively short
 13 amount of time. I don't think it makes any difference
 14 at all in terms of the number; there were casualties of
 15 whatever number.
 16 The Fire and Rescue Service was required, its
 17 resources were required, so, no, I don't think it does
 18 change my concerns with regards to the reasoning that
 19 the Fire and Rescue Service didn't attend and deploy
 20 earlier. No, I don't think it does, no.
 21 Q. If for instance, I'm not saying people went round and
 22 counted, but if for instance the Fire Service had got to
 23 know by someone going to, as you put it, the boundary
 24 and asking questions, which you said is a perfectly
 25 appropriate thing to do, and had discovered there the

1 broad assessment of the casualties, a police officer
 2 said there are hundreds of casualties here, for
 3 instance, surely that would have affected the response
 4 of the Fire Service?
 5 A. I think if that had happened, they would have received
 6 that information, but I think if the Fire Service had
 7 been told — if the Fire Service had been told it's 200,
 8 estimated to be 200, known to be 200, I think without
 9 a doubt, with the supplementary information, look, we're
 10 just dealing with it in there, we're getting on with it,
 11 we're putting hands on bleeds, we're doing all of that,
 12 yes, it would have done.
 13 Equally, if the person — if our person had gone up
 14 to the cordon and been told it was 50 and was told, "And
 15 we need you because we're in there, we're on our hands
 16 and knees, we're putting hands on bleeds", the response
 17 would have been the same. The only way it would have
 18 changed, if it was 10 people and the people at the
 19 cordon had said, "We've virtually dealt with it now,
 20 it's done with".
 21 So, to answer your question, yes, I do think
 22 it would have had a big impact, in both the number, but
 23 also more importantly — it's a working environment, not
 24 a nice one, but it's a safe working environment.
 25 Q. As you've helpfully indicated, so what would have

1 happened there, if the advanced individual going to the
 2 cordon or the boundary had been told, "There are
 3 hundreds of casualties here, some in a very poorly state
 4 indeed, it's a safe environment", that individual would
 5 have fed that back to the control room, would they?
 6 What should they have done with that information?
 7 A. I don't know what radio communications they were using
 8 at that time, but the answer is yes, in the absence of
 9 any alternative, that information would always go back
 10 to Fire Control.
 11 SIR JOHN SAUNDERS: I think we've heard or we will hear, and
 12 in general terms we know, how the Ambulance Service
 13 responded. So a relatively small number came to start
 14 with, then there was many more, then you send for more
 15 from the RVP. That's how the Fire Service, had they
 16 arrived early, would have responded, presumably?
 17 A. Yes, sir, I agree.
 18 SIR JOHN SAUNDERS: Thank you.
 19 MR COOPER: In your paragraphs 20, 21 and 23, you list some
 20 examples of what you felt went wrong on the night. I'm
 21 not going to ask you, indeed you've dealt with much of
 22 it, but is there anything else in paragraphs 20, 21 and
 23 particularly 23 or anything there that you would like to
 24 add to or develop in terms of your assessment as to what
 25 went wrong? I'm doing it this way for speed. Just have

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1 a look at it and tell me if there's anything you want to
 2 raise. If not, I'll move on to another topic.
 3 (Pause)
 4 A. I think that's probably that, yes.
 5 Q. So effectively, to use a civil expression in the civil
 6 courts, you've read it and you adopt it, effectively;
 7 would that be right?
 8 A. Yes.
 9 Q. Thank you. Again, without taking too much time about
 10 it, just to highlight it, at a later stage in your
 11 statement, at paragraphs 170, 171 and 172 -- in
 12 paragraph 170 you say this:
 13 "There were not enough firefighters there, even if
 14 deployed."
 15 Do you see that in your paragraph 170?
 16 "Not enough firefighters there, even if deployed."
 17 A. Yes, sir. In 170 -- I think paragraph 170 was answering
 18 some of the, I will call them pointers in terms of what
 19 to put into -- or what to cover, not to put into, what
 20 to cover in the statement. I think what it was saying
 21 there is that -- certainly what it's saying is that
 22 firefighters ... We've talked about treatment of
 23 casualties at MTFA and so on events. OS
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 10 OS OS OS OS That's what that
 11 paragraph was saying.
 12 Q. Let me short circuit this, without being rude to you.
 13 Are you saying that generally, on the night in question,
 14 the 22nd, there were not enough firefighters there, even
 15 if deployed, or are you saying there were not enough
 16 firefighters there if the situation had escalated?
 17 A. Yes, what I'm saying is if the situation had been
 18 greater -- in other words, the firefighters they
 19 eventually had and were deployed were sufficient for the
 20 mass casualties. If there had been additional
 21 requirements, because of existing fires or, as you say,
 22 if it had escalated, then there wouldn't have been
 23 sufficient because there was only sufficient -- there
 24 wouldn't have been sufficient for that.
 25 SIR JOHN SAUNDERS: Sorry, I have put a big question mark

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1 beside that. We haven't heard that bit of evidence yet.
 2 I wonder the basis on which you said there weren't
 3 enough fire engines. Clearly you can have so much fire
 4 that you'll never have enough fire engines in a real
 5 catastrophe. But actually, a number for fire engines
 6 were summoned up, they were not all used by any means,
 7 the ones that were summoned, there were others
 8 presumably in the reasonable locality who could be
 9 called up, and then you have reserves that can actually
 10 come in from different areas. I wonder what your basis
 11 is for making that statement and I wonder if it's the
 12 result of enquiries made by the FBU or just based on the
 13 fact that -- just your experience would mean there just
 14 wouldn't be enough.
 15 A. There clearly would have been enough in time, because as
 16 you say, Greater Manchester has more resources than were
 17 deployed to that incident. What I'm saying is at that
 18 time -- it's not a particularly good paragraph, I can
 19 see that when I'm looking at it like this. But at that
 20 particular time, there were -- the crews were -- there
 21 was sufficient crews for the casualty work. There
 22 wouldn't have been enough crews at that time for other
 23 work, but they would have been brought on. There would
 24 have been a make-up and other crews would have come from
 25 other stations.

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1 SIR JOHN SAUNDERS: Okay, thank you.
 2 MR COOPER: Can I follow on from that, if I may, Mr Dark.
 3 At the time these units, for want of a better
 4 expression, were deployed, it was uncertain, wasn't it,
 5 exactly what was happening at the arena?
 6 A. Yes. When they were deployed, it wasn't entirely clear;
 7 it was just known that they could deploy, essentially.
 8 Q. So would you accept that on that ambiguity, to say the
 9 least, as to what was happening at the arena, this was
 10 potentially an underdeployment?
 11 A. It was potentially a?
 12 Q. An underdeployment of vehicles and equipment given that
 13 we really didn't know at the time just (overspeaking).
 14 SIR JOHN SAUNDERS: We know, don't we, that the numbers went
 15 after a conversation between the chief fire officer and
 16 Mr Hynes, who was the senior, and they agreed --
 17 Mr Hynes said the number he wanted and they went. So
 18 that was the basis for it.
 19 I quite agree it could have turned out to be an
 20 underdeployment depending on what happened, but we do
 21 know the reason why that number went because it's what
 22 the Ambulance Service wanted.
 23 MR COOPER: Sir, I will move on.
 24 I want to take you, please, to your exhibits again,
 25 just one page of them. {INQ039410/25}, please. It's an

1 expression that I have put to another witness who
 2 adopted it as accurate and I want to know what your view
 3 is on it.
 4 If we look down it, about seven paragraphs down:
 5 "Conference notes the open letter to firefighters,
 6 30 March 2018, written by the Greater Manchester
 7 Combined Authority Mayor Andy Burnham, when he stated:
 8 'I know you were desperate to help but were prevented
 9 from doing so by decisions taken above you, and that the
 10 failure is not yours, but one of process, leadership and
 11 culture.'"
 12 "The failure is not yours, but one of process,
 13 leadership and culture."
 14 Do you agree with Mr Burnham?
 15 (Pause)
 16 A. I certainly agree on the question of process.
 17 Leadership and culture, I will say that I don't think
 18 industrial relations in Greater Manchester -- well,
 19 I know that industrial relations in
 20 Greater Manchester -- I'm not just talking about formal
 21 industrial relations between the management and the
 22 union, but actually between management and the workforce
 23 certainly hadn't been historically poor, but it had not
 24 been good for some considerable period of time. I will
 25 say I don't lay all of that at the door of the chief

1 officer of the time, but whether that leadership and
 2 culture led to the failure on the evening, certainly
 3 I would agree with him with regard to process. I'm not
 4 sure of the role of the leadership and culture in
 5 relation to what did or didn't happen on 22 May 2017.
 6 Q. All right. The chair asked a question this morning
 7 about your contribution to Kerslake. I just want to
 8 take you to your Kerslake document very briefly so that
 9 we can cover that. Can we go to {INQ023514T/1}, please.
 10 In particular, {INQ023514T/10}. This is your
 11 Kerslake interview. I want to take you to a small
 12 passage of it and familiarise you with it. You refer to
 13 matters you've already referred to there, Mumbai. And
 14 on to {INQ023514T/11}. You say this:
 15 "You're there in 3 minutes, you're there in
 16 5 minutes."
 17 You're talking about Mumbai, I presume, here:
 18 "Two hundred to 300 casualties, you know, based on
 19 the scenarios of that time. One fire to be there for
 20 the -- actually, no, firefighting was never actually
 21 mentioned. It was that kind of scene, you're used to
 22 the smoke, you're used to the fire on the ground,
 23 triage, casualties, joint teams. We hadn't really
 24 worked it out. It transpired actually what had happened
 25 was there'd been a meeting between the leads of fire,

1 ambulance and police. 'Are we set up to do this?'
 2 Police said, 'No, not entirely, but it's' -- you know,
 3 you've got to adapt to -- you know to have things -- you
 4 know, to how things evolve. We hadn't had this in
 5 Britain, but we can evolve to that very quickly.
 6 Ambulance share -- well, if it's -- that's what we do,
 7 he's thinking, you know, that's what we do. Fire, yeah,
 8 we are all set up for it."
 9 Then you says:
 10 "Absolute nonsense. I mean, absolute nonsense.
 11 That's been a problem since the very outset for us as
 12 a unit. I'm not -- if I go into lecture mode, do shut
 13 me down please, but the problem is..."
 14 And then you're encouraged to go on:
 15 "At that stage, and that's continued through and
 16 that's what I'm saying. From the outset the message to
 17 Government has been: fire is absolutely set up for this
 18 type of thing."
 19 And Ms Lund says:
 20 "To do what, actually?"
 21 And you say:
 22 "Precisely."
 23 Ms Lund:
 24 "Okay."
 25 And then this is just the last page I am going to:

1 "Well, you know, is that no officer, perhaps at
 2 principle level, I don't know, not to our knowledge,
 3 crews have never gone near terrorist incidents until
 4 it's — the absolute all clear is given. I've never been
 5 anywhere near incidents of this kind whereby — we're
 6 used to Irish — we've been to Irish terrorist
 7 incidents, you know, all the way through the '80s and
 8 the '90s. Used to all of that. Where, actually, if a
 9 bomb goes off, clear up, go and have a look, and make
 10 sure and search the rooms, you know, search the
 11 building. That's what we've been — always been
 12 prepared to do, able to do. It doesn't really take an
 13 awful lot of training for that situational awareness
 14 to — in terms of you know, glass hazards, things like
 15 that.
 16 "Moving it on a little bit, is that services are
 17 then encouraged to set up teams. The size of those
 18 teams and where they needed to be, based upon the
 19 planning scenarios has altered as the — as the risk
 20 assessment has altered over time. But essentially
 21 stayed the same. Small teams to go in there to fight
 22 the fire, carry out immediate triage in the warm zone
 23 only, and you're aware of that."
 24 And then you go on to talk about small teams and you
 25 deal with that. But I want to take you back, please,

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1 because that's the only part of Kerslake I'm taking you
 2 to. I want to take you back to the issue when you were
 3 referring to the police. You said this at page 11, and
 4 this is my question now —
 5 SIR JOHN SAUNDERS: We're not there yet.
 6 MR COOPER: I read it on, sir, so you got the whole context
 7 of it.
 8 It's what I read earlier on:
 9 "'Are we set up to do this?' Police said, 'No, not
 10 entirely, but it's' — you know, you've got to adapt
 11 to —"
 12 Can you explain what that means, please, Mr Dark?
 13 SIR JOHN SAUNDERS: I don't know about you, but I always
 14 hate reading transcripts of what I've said.
 15 A. I certainly do on this occasion, I've got to tell you.
 16 Was I drunk? Essentially ...
 17 SIR JOHN SAUNDERS: I should explain for the transcript,
 18 that was a joke.
 19 A. That was a joke, without a doubt. Not a good one.
 20 In terms of where that commentary starts on page 10
 21 and into page 11, essentially what I was saying there
 22 was that this was what was being said to us at the
 23 meeting. And this is what the scenario with the
 24 minister and the scenario that actually played out
 25 over — in subsequent discussions and dialogue and so on

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1 within the sector — that we had within the sector.
 2 The reasons being, yeah, is that we've got boots on
 3 the ground, we're in every village and have firefighters
 4 in every village and every town. They've got the
 5 capacity, they're disciplined in what they do. There's
 6 some transferability of skills, and where they're not
 7 transferable, they're easily learned. These are the
 8 reasons why the Fire and Rescue Service can contribute,
 9 FBU, big time, to assist with the response to marauding
 10 terrorism and for firearms attack. That was what was
 11 being explained to us. That's what the rest of this is
 12 saying.
 13 Specifically when it gets down to the... Where it
 14 starts, if I could go slightly before, to put your part
 15 into context.
 16 MR COOPER: Of course.
 17 A. I think someone must have written this in notational
 18 form. What I was saying is what we subsequently
 19 understood is there had been a big meeting of the
 20 departments, presumably under some kind of
 21 Cabinet Office control or aegis, in terms of, "This is
 22 what we want to do as a Government, who can deliver?"
 23 And the police said, "Well, we can deliver, we've got
 24 armed police, this is what we do. We've been doing this
 25 for decades, it's a slight adaptation for us, they've

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1 dealt with sieges before", they've dealt with sieges
 2 before, this is just an adaptation of what armed police
 3 would do.
 4 Ambulance said, "Yeah, we deal with mass casualties,
 5 we've dealt with casualties on a mass scale at various
 6 incidents and have developed those skills and those
 7 arrangements".
 8 So where it says there, "Police said not entirely
 9 but you've got to adapt to have things, things evolve",
 10 for them it was an evolution.
 11 Ambulance, I think that's supposed to be saying the
 12 ambulance shared that view —
 13 SIR JOHN SAUNDERS: Can I try and short circuit you? What
 14 I understand you to be saying, from what you said, the
 15 police say, "Yeah, we do it all the time or all of the
 16 time", ambulance say, "Yep, that that's what we do, we
 17 go to casualties", but what fire service do is deal with
 18 fires and they're being asked to do something different.
 19 A. Yes, and what I was being told — this is after the
 20 event — is in this room, police had said those things,
 21 ambulance had said those things, and fire had said,
 22 "Yeah, we're all set up for it". That's why it goes on
 23 to say nonsense, absolute nonsense. We have never done
 24 this kind of stuff. We have done cold zone working.
 25 SIR JOHN SAUNDERS: So this is a meeting the FBU were not

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1 at?

2 A. This is a meeting the FBU is not at.

3 SIR JOHN SAUNDERS: How do you know about what's being said

4 at the meeting or don't you want to answer that?

5 A. Informed people that couldn't help themselves to say,

6 "Look, we know you're right, but this is how it come

7 about, this is why there's this big rush on, that's why

8 it's being thrust on us, because Fire has overpromised

9 and now it's overpromised, it's trying to compensate by

10 rushing".

11 SIR JOHN SAUNDERS: Thank you.

12 MR COOPER: So just to top and tail this, this goes back

13 again to where we started, doesn't it, to the MTFA

14 dispute as to what's being expected of the Fire Service

15 and what you at the FBU feel can properly be delivered

16 presently under the funding situation by the Fire

17 Service?

18 A. It's all part of that problem, yes.

19 Q. I will move on then. Thank you, Mr Lopez, we can take

20 that down, please.

21 I want to go on to control rooms if I can. Control

22 rooms have been privatised, haven't they? Or some of

23 them have?

24 A. It could be described as privatised, yes. Yes, I think

25 that works. That does work. It's still got an element

1 of Fire and Rescue Service control over how they

2 operate, but yes, essentially.

3 Q. And North West Fire Control, do I understand this,

4 formed this new system through a merger of individual

5 control rooms for a cost-saving exercise?

6 A. Yes, sir, yes.

7 Q. So we've got North West Fire Control privatising,

8 effectively, control rooms as a cost-saving exercise?

9 That's where we are presently; is that right?

10 A. Yes, sir.

11 Q. And since North West Fire Control have done that, are

12 there still nonetheless control rooms around the

13 country, so far as you are aware, that aren't

14 privatised?

15 A. Very much so, sir. That is the -- a non-privatised,

16 non-limited company set up for the control rooms is very

17 much the norm.

18 Q. The norm? So what North West Fire Control did in

19 Manchester, effectively, as a cost-saving exercise, is

20 unusual when it comes to a national approach?

21 A. I'm almost loath to say it's unique because someone

22 somewhere at some stage will say, no, you're forgetting

23 about so-and-so, but I think it is unique.

24 Q. Is one of the reasons why this is the exception rather

25 than the norm because the non-privatised versions that

1 have been working for many, many years efficiently

2 throughout the country are more efficient?

3 SIR JOHN SAUNDERS: That's quite a generalisation, before

4 you answer it.

5 A. I think they are certainly more effective. They

6 certainly, certainly enjoy far more confidence amongst

7 the workforce. If I use the word preference, the

8 union's preference, the union's policy, my preference

9 for single FRS based control rooms is based upon -- they

10 work well, they've always worked well, there's greater

11 control for any individual Fire and Rescue Service.

12 That's the model, that's the model we support, it's

13 a model that I think is better.

14 MR COOPER: And North West Fire Control introduced

15 a different version to save money in Manchester?

16 A. I imagine it would have been to save money for all

17 four -- I imagine all of them would have made some kind

18 of saving, all those four Fire and Rescue Authorities.

19 Q. So as a result of North West Fire Control's decision,

20 what have Manchester lost out on?

21 A. For me, I think it's -- well, it's lost out on the

22 ability to have... I suppose it goes back to what

23 I said earlier. I can't imagine that in terms of having

24 common... When they've got common control room

25 procedures, I would imagine to some degree there must

1 have been some degree of professionally based, not

2 wilfully agreed, compromises between the Fire and Rescue

3 Services, and I imagine that very much worked in the yin

4 and the yang, where they've got common operating

5 procedures.

6 SIR JOHN SAUNDERS: So you're saying because when you

7 combine four units together, they may all have different

8 operating procedures of some sort, but it's obviously

9 very difficult for a common control room to have

10 different policies, so they may compromise on what they

11 would normally have done to have some sort of unanimity

12 in common --

13 A. Exactly that, sir.

14 SIR JOHN SAUNDERS: An alternative, and I'm not putting it

15 forward, is one force hearing about what another force

16 does says, "That's a good idea, we'll do that too"?

17 A. There is that possibility.

18 SIR JOHN SAUNDERS: I'm saying that, Mr Cooper, because

19 I don't think the witness has made any specific

20 criticism about how North West Fire Control actually

21 operated on this particular night.

22 A. No, no, they operated in accordance with their

23 procedures. The procedures -- we wouldn't be here

24 otherwise, I don't think -- someone needs to have a look

25 at them, but, no, I'm not damning North West Fire

1 Control as such in terms --
 2 SIR JOHN SAUNDERS: Let's look at one practical thing.
 3 Again, I'm sorry for taking over, Mr Cooper. One of the
 4 things that did or may have failed on the night was
 5 general communications. Would it assist to have
 6 communications -- if you've got the control room
 7 actually within the local Fire Service as compared with
 8 what North West Fire Control do? I'm not leading you to
 9 make a particular answer, I want your genuine view about
 10 it.
 11 A. I suppose the only way really for me to answer is this:
 12 when I was in London we had our own control rooms, we
 13 didn't just have... And there was a relationship
 14 between -- actually firefighters, but within the service
 15 there were relationships. People knew each other, they
 16 were always in dialogue, they would socialise together.
 17 So there was that -- how can I put it? If you like, if
 18 someone was having a problem, if someone didn't like
 19 something, they would phone someone up. I am not sure
 20 that would happen when you have this company set out in
 21 there that doesn't have that sort of organic
 22 relationship with the people. They would have it with
 23 some, but there wasn't, if you like, the family thing
 24 you get when you've got a control room in one Fire and
 25 Rescue Service.

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1 SIR JOHN SAUNDERS: Okay. Thank you, Mr Cooper.
 2 MR COOPER: Thank you.
 3 Had that version been in existence rather than North
 4 West Fire Control's version been in existence on
 5 22 May 2017, there's a good chance the Fire Control
 6 would have had far more direct information, accurate
 7 information, as to what was going on at ground level?
 8 Would you agree with that?
 9 A. Given the binary choice of yes or no, I would say yes,
 10 but actually I couldn't evidence that.
 11 SIR JOHN SAUNDERS: No. I was going to say, if you made
 12 that answer, I'd ask why do you say that. There isn't
 13 any evidence, is there, to suggest they would have got
 14 more information?
 15 A. Gut feeling and instinct only, sir.
 16 SIR JOHN SAUNDERS: Okay.
 17 MR COOPER: Let's not decry gut feeling and instinct. Gut
 18 feeling and instinct sometimes is a very essential tool
 19 when it comes to reacting in cases like this, isn't it?
 20 SIR JOHN SAUNDERS: The gut feeling is about whether
 21 it would have made a difference if it had been an
 22 internal control room.
 23 MR COOPER: I'm sorry, I lost some sound at the time.
 24 I just said gut feeling and instinct, forgive me.
 25 Can I simply ask this, and I'm not going to labour

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1 the point: if it was the local version, the version that
 2 happens over most parts of the country, except
 3 Manchester, if it had been that, there would have been
 4 a better understanding, would there not, by these local
 5 command centres as to what was happening in their
 6 backyard? Would you accept that?
 7 A. Certainly there are advantages -- and I suppose I can
 8 only say it on a hypothetical level as it applies to
 9 NWFC. I think what isn't hypothetical is this, that if
 10 your control room is local, invariably you'll live and
 11 certainly you will work -- I'll talk about London. If
 12 you're in London, your control room is in London, you
 13 live in London or certainly work in London, a lot of
 14 your life is based upon London. You tend to know the
 15 streets, you tend to know buildings, you tend to know
 16 what is happening in the town.
 17 If you're in a multi-service control room, which
 18 isn't unique to NWFC -- in terms of having four it's
 19 quite unique, but actually if you live in county X,
 20 you're not going to know the topography, the buildings,
 21 the nature of buildings and so on and streets in
 22 brigade Y.
 23 SIR JOHN SAUNDERS: I think we can understand that. You
 24 don't know the locality in the same way?
 25 A. Yes.

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1 MR COOPER: And when you add to that the NILOs didn't know
 2 the area either, Mr Berry, it wasn't his area either,
 3 it's a bit of an unfortunate cocktail, isn't it?
 4 A. My impression was that Mr Berry did know the topography.
 5 It's not for me to judge in that sense, but when he
 6 decided, "I'm going to make the rendezvous point
 7 Philips Park", he did it on the basis of knowing the
 8 topography. As I say, whether right or wrong, but
 9 I think he did have some local knowledge. I do think
 10 he had local knowledge which he was applying.
 11 SIR JOHN SAUNDERS: We'll ask him anyway and find out from
 12 him.
 13 MR COOPER: Lastly on this, could a local control room have
 14 overridden the rendezvous point if they thought it's not
 15 a good rendezvous point because we know the area?
 16 A. Control rooms don't normally, if ever, make those kinds
 17 of decisions. But certainly -- I have known a lot of
 18 control officers, and I can only go with London, it's
 19 the brigade I worked in, a lot of control officers are
 20 married to firefighters, they were never slow, I will
 21 say, on occasion from saying, "That might be it", but
 22 getting on the phone, nudging someone to say, "You've
 23 got to have a word". That isn't -- that was not
 24 uncommon. Professionally, professionally doing it, but
 25 no, they wouldn't of their own right change anything.

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1 It always has to be the officers on the ground that make
 2 that decision (overspeaking) from the control room or
 3 within the control room.
 4 Q. But with a bit of flexibility that doesn't raise the
 5 back of the hackles on your hair -- your neck, that
 6 would be perfectly appropriate, wouldn't it, if a local
 7 control room had local knowledge and thought that
 8 someone without local knowledge was making a mistake,
 9 they could intervene, couldn't they?
 10 A. I can't say they would intervene and change the
 11 rendezvous point, but they would get on the phone. They
 12 would get on the phone and say, like, "Are you sure
 13 about that?", for reasons X, Y and Z.
 14 Q. All right. Do you know how much North West Fire Control
 15 saved by putting this thing in place?
 16 A. Could you say that again?
 17 Q. Do you know how much money North West Fire Control saved
 18 by taking the privatisation step rather than the normal
 19 local command control?
 20 A. No, I don't. I probably will have done at some stage,
 21 but no, I don't.
 22 Q. All right. Police control rooms. I don't know whether
 23 you know that in a police control room, in a situation
 24 like this, there's a force duty officer in that control
 25 room, effectively a tactical commander, Silver as we

1 know, who would be in the control room as well with
 2 a discretion and a duty to advise. But as far as fire
 3 is concerned, we have predetermined attendance scripts
 4 to follow. Do you think that perhaps fire can learn
 5 from the police approach to control rooms and have in
 6 these circumstances perhaps a force duty officer in
 7 there as well, rather than the predetermined approach
 8 that fire take?
 9 A. What I can say is when I was in London, and that's all
 10 I can do, is say that the officer of the watch, the
 11 person in charge of the control room, did have
 12 discretion, not in terms of changing rendezvous points,
 13 because that's a tactical decision, but if there were
 14 multiple calls, would and could augment the attendance
 15 from the predetermined and send additional units and
 16 inform more senior officers to say, "There's something
 17 about this one that smells a bit wrong, I really think
 18 you might want to at least monitor the radio, maybe go
 19 and have a look yourself".
 20 Q. What about the police (overspeaking).
 21 A. The minimum -- I think the PDA -- a minimum PDA I think
 22 is absolutely essential so that any crew, for whatever
 23 type of incident, any crew knows what they're expecting,
 24 "I've got a call to fire with persons reported, I'm
 25 expecting four pumps". Let's say there's four on each,

1 I can expect 16 people. Do you see what I'm trying to
 2 say? You would know what resources you're having. If
 3 it was purely left to an officer in the -- someone in
 4 the control room to make that decision, then they might
 5 only send you two pumps, it might seriously impact your
 6 en route planning and actually your action plan when you
 7 get there.
 8 Q. Sorry to cut across you, I'm trying to save time. I'm
 9 putting to you the police model with a force duty
 10 officer, a tactical commander, Silver, in the control
 11 room at the time, rather than the Fire Service's
 12 approach of predetermined attendance (inaudible:
 13 distorted) documents, do you agree that perhaps the Fire
 14 Service, with all humility, or perhaps on this occasion,
 15 I'm taking it no further than that, on this occasion
 16 could learn from the police?
 17 SIR JOHN SAUNDERS: I'm going to stop that. Actually,
 18 Mr Cooper, that's precisely the point. This wasn't one
 19 of those where you had a pre-attendance of fire engines.
 20 We will look at it because you remember I actually
 21 raised the question of perhaps for this sort of
 22 occasion, someone in the Fire Service -- I think
 23 Mr de la Poer is standing up to say your time is up, as
 24 it were.
 25 MR DE LA POER: I'm not going to say that, Mr Cooper, and

1 I hope you will forgive the interruption. I've had
 2 a message from the stenographer that a break would be
 3 helpful at this stage, although I think that would be
 4 slightly dependent upon whether Mr Cooper has
 5 a substantial way to go or not.
 6 MR COOPER: I don't think my time is up. I think I was
 7 given an hour. I don't think I've done my hour.
 8 If I have, time flies. What I can say to you is I've
 9 got about 15 minutes.
 10 MR DE LA POER: I think in those circumstances, sir, bearing
 11 in mind the stenographer is asking for a break, if we
 12 could have 5 minutes.
 13 MR COOPER: I'm conscious Mr Dark is coming back tomorrow.
 14 The other alternative is for me to continue tomorrow.
 15 SIR JOHN SAUNDERS: I think we will break. It has been
 16 quite a hard day for me, if not for you. Do you mind
 17 coming back tomorrow?
 18 A. No, sir.
 19 SIR JOHN SAUNDERS: That gives you an opportunity to speak
 20 to your counsel as well and talk about what things you
 21 would like to deal with tomorrow.
 22 So we expect a quarter of an hour from you tomorrow,
 23 Mr Cooper, at 10 o'clock.
 24 MR COOPER: Yes, sir.
 25 MR DE LA POER: There are two things for me to say before we

1 break, if I may. Firstly, those watching these
 2 proceedings via YouTube will experience some, what
 3 I hope to be, modest interruption, where we took some
 4 steps in relation to material that we wanted to check
 5 should go out into the public domain. We hope that that
 6 will be resolved overnight, but there may be some
 7 interruption for those watching that way.
 8 Secondly, in answer to your question, sir, can
 9 I thank GMCA for their speedy response and drawing our
 10 attention to the particular piece of evidence. There
 11 were 14 tourniquets in an SRT deployment.
 12 SIR JOHN SAUNDERS: Okay, and, as I understand it, one in an
 13 ordinary appliance, but we can have that -- no doubt
 14 they'll help with that as well.
 15 MR DE LA POER: I'm sure they will. Anybody who wants the
 16 reference for where that's to be found within the
 17 material that we have on Magnum only needs to contact
 18 me.
 19 SIR JOHN SAUNDERS: I'm really grateful to everyone who
 20 looks so speedily into things and gives me such a rapid
 21 answer before I've forgotten what the question was.
 22 Thank you very much.
 23 MR COOPER: Can I say, sir, before we adjourn, if I have
 24 said anything inadvertent which has caused a problem, it
 25 was utterly inadvertent and I hope it can be resolved.

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1 SIR JOHN SAUNDERS: No, no. You know we're more cautious
 2 than anything else, so we just need to check.
 3 Mr Smith, you've popped up.
 4 MR SMITH: I have. There are two matters I would like to
 5 draw to your attention. When I made mention of
 6 Mr Berry's evidence and the question of whether it was
 7 "cool-ish", that's paragraphs 112 to 114 of his
 8 statement, which is {INQ026733/1}.
 9 The second matter I would like to draw to your
 10 attention, just in the context of questions that
 11 Mr Cooper is asking at the moment about the control
 12 room, is that the circumstances in which the control
 13 room was created is set out in paragraph 1 of
 14 Sarah Wilson's statement, which is {INQ023877/1}.
 15 SIR JOHN SAUNDERS: Right.
 16 MR SMITH: She sets out accurately the circumstances which
 17 resulted in the creation of North West Fire Control for
 18 the specific purpose of creating a regional control
 19 room.
 20 SIR JOHN SAUNDERS: And we will be hearing from her?
 21 MR SMITH: Oh yes, sir.
 22 SIR JOHN SAUNDERS: Thank you. We'll remember that when it
 23 comes. Thank you very much for that.
 24 Right. 10 o'clock tomorrow?
 25 MR DE LA POER: Thank you, sir.

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1 SIR JOHN SAUNDERS: Thank you for your evidence. It's been
 2 a long day and thank you.
 3 (5.02 pm)
 4 (The inquiry adjourned until 10.00 am
 5 on Wednesday, 10 March 2021)
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