

# OPUS2

Manchester Arena Inquiry

Day 94

April 27, 2021

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Tuesday, 27 April 2021

(10.00 am)

CHIEF SUPERINTENDENT ALLAN GREGORY (continued)

SIR JOHN SAUNDERS: Mr de la Poer.

MR DE LA POER: Sir, good morning. We are going to resume the evidence of Chief Superintendent Gregory with questioning from core participants, the first of which on behalf of Greater Manchester Police is Mr Horwell Queen's Counsel.

SIR JOHN SAUNDERS: Thank you.

Questions from MR HORWELL

MR HORWELL: Good morning. Mr Gregory, a question or two, please, on the various means of communication between BTP and GMP. So far, we have heard a lot of evidence of attempts by BTP to contact GMP by telephone. There is another means of communication between the two forces, isn't there?

A. There's certainly the use of Airwave, that's right.

Q. There's a Hailing group channel?

A. Yes.

Q. Through which BTP can contact GMP and, because it is a Hailing channel that might be used in an emergency, GMP monitor that channel 24 hours a day?

A. I think you're right. I probably would not be usually aware of the Airwave opportunities to reach GMP, I would

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probably have to rely upon individuals within the control room to give me that advice.

Q. BTP did not attempt to contact GMP that night through the police Hailing group, did it?

A. I'm not aware of anyone else's efforts to make contact. As you know, I attempted contact through conventional means.

Q. Yes. I'll ask you directly, Mr Gregory: did you attempt to contact GMP through the police Hailing group?

A. No, I didn't, and I don't think I would know how to do that without some advice.

Q. But you knew of the existence of the Hailing group channel?

A. I wouldn't say that was foremost in my thoughts at the time (overspeaking) --

Q. I'm not asking, Mr Gregory, whether it was foremost in your thoughts. You were aware of that Hailing group channel, weren't you?

A. Vaguely, but it wasn't in my thoughts and I have to maintain that, so no, it didn't come to mind.

Q. So you were relying on the advice of others?

A. I was operating from a control room where the professionalism around Airwave is at its most apparent. I am not a regular user of Airwave systems or Hailing channels; that expertise would lie within the control

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room.

Q. So Mr Gregory, I think the answer to my next question is an obvious one, but no one in that control room suggested contacting GMP through the police Hailing group?

A. They didn't, Mr Horwell, not to me directly.

I understand that subsequent to the Manchester Arena attack, and reflecting upon both the attack on Westminster and London Bridge, that British Transport Police have now trained tactical advisers in Airwave at communication supervisor level. So that knowledge and that advice would be available within the room if it was --

Q. No one to your knowledge on the night mentioned the police Hailing group channel?

A. No, not to me.

SIR JOHN SAUNDERS: Just help me about the tactical advisers: would you have come within that category as Silver on the night, so have you had training on Airwave channels since?

A. No, sir -- I see what you mean, no. The tactical adviser, I understand, has been trained so that each control room has a supervisor who now will be mindful of the opportunity of being able to reach out or contact organisations using Hailing channels, potentially

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setting up a tri-service channel, whatever that may be, in a way to better manage an incident. That would not apply to me as a piece of training.

SIR JOHN SAUNDERS: This is not done in any aggressive way but I wonder how it can be that there is this channel of communication for emergencies between the two of you, and of course it's not just BTP who didn't use it to contact GMP, GMP didn't use it to contact BTP --

A. That's correct.

SIR JOHN SAUNDERS: -- so why does nobody use it when we have clearly got an emergency?

A. I think it's probably got caught up -- in all of the chaos of the night, I think it simply fell by the wayside. It wasn't something that I thought about. It was something probably I would have been aware of in the past or had some notion of it, but on the night it completely passed my mind and I didn't receive any advice to say that was a possibility and I'm not sure whether that advice, that understanding, was even within the room on that night. I now am assured that it would be if a repeat of events --

SIR JOHN SAUNDERS: Because of the training?

A. Indeed.

SIR JOHN SAUNDERS: So you had a facility for an emergency which appears people, at BTP anyway, had not been

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1 adequately trained on?  
 2 A. I can't say, sir, around the level of training in the  
 3 room. What I do know is that that wasn't a facility  
 4 that was offered to me --  
 5 SIR JOHN SAUNDERS: No one came over (overspeaking) --  
 6 A. -- to try to overcome that challenge of not being able  
 7 to reach GMP.  
 8 SIR JOHN SAUNDERS: Thank you. Sorry, Mr Horwell, please  
 9 carry on.  
 10 MR HORWELL: Sir, not at all, your observation, may I say,  
 11 is entirely accepted: BTP did not use the channel to  
 12 contact GMP and we didn't use it to contact BTP; it  
 13 works both ways.  
 14 SIR JOHN SAUNDERS: Mr Horwell, that's why I said it.  
 15 I wasn't expecting any dissent from GMP.  
 16 MR HORWELL: And there is none. We thought we should  
 17 mention this because there is going to be some evidence  
 18 next week in relation to this channel and we thought in  
 19 fairness we should at least investigate the matter  
 20 through one of BTP's witnesses and I'm grateful to  
 21 Mr Gregory.  
 22 That's all I ask.  
 23 SIR JOHN SAUNDERS: It's appropriate that you did raise it,  
 24 clearly. Thank you very much, Mr Horwell.  
 25 Mr Gibbs, we've had two officers who have given

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1 evidence already from the control room -- who were  
 2 in the control room or next door to the control room who  
 3 may have some observations about this, the Hailing  
 4 channel, and their knowledge of it. If BTP wish to put  
 5 in further statements relating to it I'd obviously be  
 6 very glad to hear what they have to say about their  
 7 knowledge about that particular channel.  
 8 MR GIBBS: Certainly. I should have thought on my feet  
 9 that -- and Mr Dawson might be able to help us.  
 10 SIR JOHN SAUNDERS: Certainly Mr Dawson is the obvious  
 11 person who may be able to help.  
 12 MR GIBBS: I'll be in contact and I'll get something for  
 13 you.  
 14 SIR JOHN SAUNDERS: Thank you very much, Mr Gibbs.  
 15 MR DE LA POER: Sir, next Mr Atkinson Queen's Counsel,  
 16 please, on behalf of the bereaved families.  
 17 MR ATKINSON: Sir, just on that point, Mr Dawson was asked  
 18 some questions on behalf of the families about the use  
 19 of Airwave, I think not specifically the Hailing  
 20 channel, and we'll dig out the reference to help you  
 21 in relation to that.  
 22 SIR JOHN SAUNDERS: Thank you. I'll have to remind myself  
 23 of what he said.  
 24 Questions from MR ATKINSON  
 25 MR ATKINSON: Mr Gregory, good morning.

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1 I wonder if, Mr Lopez, we could have {INQ000788/3}.  
 2 You were shown this by Mr de la Poer yesterday. The  
 3 question:  
 4 "From your own role perspective, what aspects of the  
 5 Operation Newtown strategic multi-agency response did  
 6 not go well?"  
 7 It's a blank.  
 8 A. That's correct.  
 9 Q. If we go back a page, Mr Lopez, if you would, just to  
 10 understand, and enlarge the indented box.  
 11 {INQ000788/2}. We can see the purpose of this  
 12 questionnaire was, as it says by the bullet point:  
 13 "To provide the Greater Manchester Resilience Forum  
 14 with the means by which it can review the strategic  
 15 multi-agency response to the Manchester Arena terrorist  
 16 attack, looking to capture early lessons, and other  
 17 sessions will then be held..."  
 18 Just to understand that process, I think it's right,  
 19 Mr Gregory, that you had a role in BTP's response to  
 20 Mr Argyle, who was the then chair of the resilience  
 21 forum, and feeding back into this process; is that  
 22 right?  
 23 A. That's right.  
 24 Q. We'll look in a moment or two at some emails in relation  
 25 to that. But --

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1 SIR JOHN SAUNDERS: And roughly the date? I'm sorry,  
 2 Mr Atkinson, it may be of some significance. We can  
 3 find out.  
 4 MR ATKINSON: I'm just looking to see if there was a date at  
 5 the end, but I don't think ...  
 6 MR GIBBS: It's on the first page.  
 7 SIR JOHN SAUNDERS: Can we look on the first page?  
 8 MR ATKINSON: Sir, we can: 19 July.  
 9 SIR JOHN SAUNDERS: That's really helpful, thank you very  
 10 much. It just gives some indication of whether people  
 11 had time to think about it or not.  
 12 MR ATKINSON: So what I would like, on behalf of the  
 13 families, your help with, Mr Gregory, is to see if  
 14 we can fill in that empty box with some areas of things  
 15 that BTP accepts did not go well in relation to its  
 16 response and to see what can be learned from them.  
 17 A. Yes, of course.  
 18 SIR JOHN SAUNDERS: I'm really sorry, I need some definition  
 19 on this: are we asking what BTP think didn't go right or  
 20 are we asking what the witness thinks didn't go well?  
 21 MR ATKINSON: We'll ask him because he's here and he can  
 22 indicate if he feels it's something that's accepted by  
 23 the force or just his own view.  
 24 SIR JOHN SAUNDERS: Thank you.  
 25 MR ATKINSON: I will make sure I make that clear.

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1 SIR JOHN SAUNDERS: Thank you.  
 2 MR ATKINSON: The first area I suggest is actually one that  
 3 you, in fairness to you, identified because if we go,  
 4 please, to {INQ000788/5} of this document, would it be  
 5 fair to say that you addressed as recommendations an  
 6 area where you thought things could have been done  
 7 better in relation to training?  
 8 A. That's exactly right.  
 9 Q. Are the key words to take out of this "joint training",  
 10 JESIP and large-scale scenarios?  
 11 A. I agree with that, plus I would also make reference to  
 12 that sheer sense of scale.  
 13 Q. Dealing with that first, clearly this was an incident on  
 14 a very considerable scale and, realistically, training  
 15 for something on this scale is always going to be  
 16 difficult.  
 17 A. I agree.  
 18 Q. But would you also agree that the more training for this  
 19 kind of joint response you do, the less daunting the  
 20 scale will be?  
 21 A. I agree with that.  
 22 Q. In terms of joint training, is what you had in mind  
 23 practical scenarios, role-playing exercises, involving  
 24 those who would be dealing with such an incident, which  
 25 obviously would not just be BTP?

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1 A. I think there's a variety of ways to do that. I think  
 2 that you've described role playing. I think another  
 3 very effective way is to use immersive paper feed type  
 4 training, it's called Hydra. It's regularly used within  
 5 College of Policing circles, it's very effective. That  
 6 can also be used. That can provide you with almost  
 7 a desktop-based approach with a number of agencies  
 8 involved or you can go for a fuller scale live role play  
 9 type, which I think, my estimation, is far more  
 10 difficult to organise.  
 11 Q. But also more effective in the sense that you have  
 12 everybody involved?  
 13 A. I think you can have everybody involved in both types of  
 14 training. I think the point is I think that we need --  
 15 I would certainly -- my recommendation from everything  
 16 I experienced on that difficult night is that joint  
 17 training is very important in this area. More of it.  
 18 Q. In terms of training up until the point of this, up  
 19 until May of 2017, had you been involved in any joint  
 20 training exercises of the kind that we are talking  
 21 about?  
 22 A. I'd certainly been involved in joint training and sort  
 23 of desktop-based exercises. You will have heard  
 24 reference yesterday to the opening of Birmingham New  
 25 Street by Her Majesty the Queen and there was a good

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1 deal of facilitated desktop learning which was run by  
 2 West Midlands Police in anticipation of that,  
 3 a significant number of desktop-based events, and that  
 4 gave a number of feeds of potential things that might  
 5 have happened during the course of that opening. That  
 6 was probably the most significant amount of that type of  
 7 multi-agency training in one place.  
 8 There will have been other instances and during the  
 9 course of the Silver command course, I will have trained  
 10 with other Home Office forces as well in terms of joint  
 11 exercising on that.  
 12 SIR JOHN SAUNDERS: Mr Atkinson, do you mind again if I just  
 13 interrupt briefly?  
 14 We have heard that, unhappily, BTP need to deal  
 15 quite frequently with deaths on the railway.  
 16 A. That's right, sir.  
 17 SIR JOHN SAUNDERS: Do you do training for that,  
 18 multi-agency training?  
 19 A. Less -- well, I can't actually recall any multi-agency  
 20 training around that because primarily, you know, the  
 21 primacy around that is very well understood to be  
 22 British Transport Police and that's our -- a level of  
 23 expertise that is unique to the force. We will clearly  
 24 interact with other agencies on the scene, but that's  
 25 not to a high level of complexity and it's also not for

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1 a significant protracted amount of time.  
 2 SIR JOHN SAUNDERS: The training is how regular for the  
 3 people at BTP?  
 4 A. They will receive that training on initial intake, they  
 5 will have some input there, and then they will  
 6 experience the realities of that during the course of  
 7 probation and then, of course, on-the-job learning.  
 8 SIR JOHN SAUNDERS: Thank you very much.  
 9 MR ATKINSON: I wonder, Mr Lopez, if we could go to  
 10 {INQ001933/3}, please.  
 11 Just about a third of the way down the screen we can  
 12 see this is an email in an email chain with you. We saw  
 13 in the introductory remarks in relation to the  
 14 questionnaire that there was going to be further rounds  
 15 of review with the resilience forum in  
 16 September/October. This, we can see from the subject  
 17 matter, relates to Paul Argyle, the chairman of the  
 18 resilience forum. And we can see it's an email  
 19 conversation between yourself, Michelle Wedderburn, who  
 20 we know was an inspector for the BTP, based in the  
 21 north-west --  
 22 A. Yes.  
 23 Q. -- and Peter Cooper, who I think was also an inspector,  
 24 also based in the north-west.  
 25 A. That's right.

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1 Q. They had been clearly doing some work in preparing  
 2 answers from BTP in relation to a conversation that was  
 3 ongoing, reviewing what had happened at the arena and  
 4 what could be learned from it. And this is you  
 5 involving yourself in that conversation with this email.  
 6 A. Could we just be clear on the role of Paul Argyle?  
 7 You'll note it does say after that "the independent  
 8 review team". My understanding of that is probably  
 9 underlined in the second paragraph, which is that some  
 10 of this fact-finding will be ready for a planned  
 11 telephone conversation with Lord Kerslake as part of his  
 12 review. So my understanding of Paul Argyle's role is  
 13 he is supporting that Kerslake Review; is that correct?  
 14 Q. That, I'm afraid, we'll have to clarify through others  
 15 rather than me. If I give you an answer, it's bound to  
 16 be wrong. But certainly it was -- this is an email sent  
 17 in the context of looking at lessons to be learned from  
 18 what had happened in May?  
 19 A. Yes.  
 20 Q. If we go down to {INQ0019933/4}, please. The bits in  
 21 red are you, so this is your -- an earlier email from  
 22 Ms Wedderburn to you and you're putting questions or  
 23 comments in in red. All right?  
 24 A. Yes.  
 25 Q. We can see that the first topic is preparedness and

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1 there's a reference there to Operation Sherman, which  
 2 was a tabletop exercise in July --  
 3 A. Yes.  
 4 Q. -- involving the railway station --  
 5 A. Yes.  
 6 Q. -- but not, on the face of this, involving BTP.  
 7 A. Yes.  
 8 Q. Is that right, that they had a training exercise at  
 9 a railway station that they didn't invite BTP to?  
 10 A. That's what the reference would suggest. In all  
 11 honesty, I don't know whether that is simply BTP being  
 12 left off the sentence or whether BTP was not involved  
 13 in the exercise. I'm afraid I don't know.  
 14 Q. The next topic is risk assessment. You had been the  
 15 chief superintendent with responsibility for territorial  
 16 policing in C Division for some little time by then.  
 17 A. That's correct, yes.  
 18 Q. Which meant that Manchester was part of your, in  
 19 fairness to you, quite large patch?  
 20 A. Yes.  
 21 Q. If this is not an operationally sensitive question, how  
 22 many other entertainment venues fell within your  
 23 responsibility other than the arena?  
 24 A. There are other entertainment venues in respect of the  
 25 use of railway arches in parts of Leeds, which are used

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1 by nightclubs and bars, that plays into the night-time  
 2 economy there, but nothing like the arena.  
 3 Q. What was being referred to here is a document that we  
 4 looked at with Ms Wedderburn a very long time ago,  
 5 I think in December, or even November, which was an  
 6 email from Mr Wood, which set out policing arrangements  
 7 for events at the arena, and some question from you,  
 8 we can see in the red there, as to how old it was and  
 9 asking about wider guidance and matters of that sort.  
 10 Had you in the time that you had been the  
 11 chief superintendent for this division had any  
 12 involvement in any venue-specific planning for major  
 13 incidents at the arena?  
 14 A. No, I hadn't.  
 15 Q. Either in terms of drawing up a plan or in terms of  
 16 rehearsing scenarios BTP-wise --  
 17 A. No.  
 18 Q. -- for an incident there?  
 19 A. No, I hadn't in my time.  
 20 Q. Are you aware of whether any such thing had happened in  
 21 your time?  
 22 A. Sorry, you're talking about...  
 23 Q. Either drawing up a plan --  
 24 A. Contingency plans?  
 25 Q. -- for the arena --

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1 A. Yes.  
 2 Q. -- or rehearsing for a major incident at the arena.  
 3 A. Certainly I am not aware of anything that I instigated.  
 4 I'm aware that clearly there were contingency plans for  
 5 the arena but I don't know about exercises prior to my  
 6 time, I'm afraid.  
 7 Q. That can come down, Mr Lopez, thank you.  
 8 Just to understand in terms of contingency plans, we  
 9 know that the arena had its own contingency plan. Was  
 10 that a document with which you were familiar?  
 11 A. That's the one I think I'm referring to. I was aware of  
 12 the existence of that. Was I familiar with it? Not  
 13 significantly, no. I will have seen it, it will have  
 14 been talked about in meetings that I will have had with  
 15 operations department colleagues, so I was aware of the  
 16 existence of it, but I wouldn't have read that.  
 17 Q. Again, in terms of looking at things that could have  
 18 been done better, given that this was the only  
 19 entertainment venue of scale --  
 20 A. Yes.  
 21 Q. -- for which BTP had jurisdiction and therefore given  
 22 your role for which you had jurisdiction --  
 23 A. Yes.  
 24 Q. -- do you consider that that was an omission, that there  
 25 was no BTP contingency plan for the arena?

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1 A. I ... I would have to... In light of that awful event  
 2 in May 2017, clearly that's a conclusion I would have to  
 3 agree with.  
 4 Q. Moving on to a third thing that could be put in that  
 5 blank box, an aspect that such a contingency plan could  
 6 have addressed was the tricky question of primacy, would  
 7 you agree?  
 8 A. Well, my own view of that is that is adequately catered  
 9 for, actually.  
 10 Q. We'll explore that in a moment, but just looking at what  
 11 a contingency plan could deal with, it could recognise  
 12 that this is a venue that is not only on top of the  
 13 railway but also in the middle of a large city.  
 14 A. Yes.  
 15 Q. And that therefore, if there is a major incident,  
 16 inevitably it will involve the local ambulance force,  
 17 the local Fire Brigade and almost certainly the local  
 18 police force. And indeed, we understand from your  
 19 answers yesterday that you saw it, and whether "a  
 20 no-brainer" was your phrase or something the notetaker  
 21 from Kerslake put down --  
 22 A. It wasn't my phrase.  
 23 Q. -- it was obvious to you that in a situation like this,  
 24 where there was a major terrorist incident on your  
 25 jurisdiction but in the middle of Manchester, that it

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1 was the Manchester force rather than you that would have  
 2 to take the lead.  
 3 A. Absolutely right.  
 4 Q. And a contingency plan could very easily have said that,  
 5 couldn't it?  
 6 A. If it did say that, it would only underline the  
 7 understanding that I would have about the expectation  
 8 that GMP, with all its concentration, its expertise, its  
 9 specialisms concentrated around Manchester, would be in  
 10 a far better position to adopt primacy immediately and  
 11 begin to act on that, whereas BTP is arrayed across the  
 12 country, clearly, and will not have that concentration  
 13 of expertise and resource around a singular location.  
 14 Q. BTP is, as a number have told us, a national force --  
 15 A. Correct.  
 16 Q. -- because it covers a national thing, which is the  
 17 railways?  
 18 A. Yes.  
 19 Q. And there will be any number of types of incident on the  
 20 railways for which BTP has the training and the skill  
 21 set, be it people on the line, be it derailments?  
 22 A. Yes.  
 23 Q. Be it any number of things in between. But a bomb going  
 24 off, whether it be in a station or at a venue attached  
 25 to a station, is different to any of that, isn't it?

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1 A. It is.  
 2 Q. And inevitably involves a multi-agency response?  
 3 A. I agree.  
 4 Q. That has to be geographically located?  
 5 A. I agree.  
 6 Q. In an area that the local force has all the connections  
 7 for and BTP doesn't?  
 8 A. And which BTP can support, that's correct.  
 9 Q. If we look at a document that the chairman was asking  
 10 about yesterday but hasn't I think yet been seen in  
 11 a hearing, {INQ001870/1}, please.  
 12 SIR JOHN SAUNDERS: I have actually read it last night  
 13 again.  
 14 MR ATKINSON: Very good. I won't take long, that being the  
 15 case.  
 16 SIR JOHN SAUNDERS: No, no, that's entirely proper, but  
 17 I have some questions about it in any event.  
 18 MR ATKINSON: This is, I think, the protocol that you made  
 19 reference to by its reference number yesterday.  
 20 A. Yes.  
 21 Q. Home Office circular 25 of 2002. Am I right in my  
 22 understanding that this was still the protocol that  
 23 regulated the relationship between the BTP and  
 24 Home Office forces in 2017?  
 25 A. It still defined that term "primacy" and there was

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1 a good deal of training input and a good deal of  
 2 briefing on this document when it first arrived and that  
 3 was still my understanding of the process in the event  
 4 of a terrorist act on the railway.  
 5 SIR JOHN SAUNDERS: Do you consider it makes clear who's got  
 6 primacy for a terrorist act on the railway?  
 7 A. I do, sir, yes. I absolutely do.  
 8 SIR JOHN SAUNDERS: We'll have a look at it then.  
 9 MR ATKINSON: So we can see -- if, Mr Lopez, you could  
 10 enlarge the bottom part of the page -- this is a little  
 11 covering note from the Home Office to the chief officer  
 12 of whichever force is reading this.  
 13 A. Yes.  
 14 Q. And we can see in the second paragraph that it has been  
 15 agreed by the Home Office, the Association of Chief  
 16 Police Officers, and the other organisations there  
 17 listed, applying to England and Wales. Then it says  
 18 this:  
 19 "The protocol sets out the arrangements which will  
 20 apply between the British Transport Police and the  
 21 Home Office police forces in the exercise of the British  
 22 Transport Police's jurisdiction, as extended in the  
 23 Anti-terrorism, Crime and Security Act 2001."  
 24 Pausing there, that was an act that, amongst many  
 25 other things, gave the BTP a role in responding to

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1 terrorist incidents in support of Home Office forces --  
 2 A. That's correct.  
 3 Q. -- rather than giving BTP a particular unique  
 4 counter-terrorism role?  
 5 A. Yes, that's my understanding.  
 6 Q. "More generally, the protocol outlines areas of  
 7 responsibility and accountability between BTP and Home  
 8 Office forces and makes provision for consultation and  
 9 cooperation between the parties with the aim of  
 10 delivering the best policing on the ground."  
 11 So its aim is to, as you say, address the question  
 12 of primacy, but also, I suggest, recognises that that is  
 13 something that needs to be discussed between the BTP on  
 14 the one hand and local forces on the other to reach  
 15 agreements as to how primacy is going to work in  
 16 particular situations.  
 17 A. That's correct.  
 18 Q. If we go down, please, to the next page, Mr Lopez,  
 19 {INQ001870/2}.  
 20 Paragraph 1:  
 21 "Primary responsibility for the maintenance and  
 22 enforcement of the criminal law throughout England and  
 23 Wales rests with the chief officers."  
 24 Is that effectively the Home Office forces?  
 25 A. Yes, that's my understanding.

21

1 Q. 2:  
 2 "Recognising the mutuality of the agreement, the  
 3 chief constable of the British Transport Police and the  
 4 local chief constables will endeavour to ensure regular  
 5 consultation and timely exchange of information on  
 6 matters of shared interest, specifically in relation to  
 7 policing matters under the jurisdiction of the BTP and  
 8 cases on railway property."  
 9 So that suggests that there's going to be discussion  
 10 between the Home Office forces and the BTP as to how  
 11 jurisdiction is going to work where there is an overlap  
 12 rather than actually saying what the answer is. Would  
 13 you agree?  
 14 A. Would you mind repeating that question?  
 15 Q. Not at all. This recognises that there will be areas of  
 16 overlap where there will be jurisdiction both by  
 17 a Home Office force and by the BTP.  
 18 A. Yes.  
 19 Q. Because crimes committed on railway property are still  
 20 crimes that a local police force would be entitled to  
 21 arrest someone for if they saw someone doing it, for  
 22 example, but clearly they're also something that the BTP  
 23 has jurisdiction over because it's railway property.  
 24 A. Correct.  
 25 Q. And there will be issues, policing matters, that will

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1 cross the border between the two that need to be  
 2 resolved.  
 3 A. That's right.  
 4 Q. And this is talking about resolving them rather than  
 5 telling anyone what the answer to that process of  
 6 resolution is?  
 7 A. I'm slightly confused by the question. I think that  
 8 what that is telling me is that the jurisdiction of BTP  
 9 is understood, that layer of jurisdiction around the  
 10 Home Office forces is understood, and there may be times  
 11 when there is a joint interest in what is happening on  
 12 the railway and it may well be that the crime needs to  
 13 be consulted on, discussed, the implications understood  
 14 for the wider community as well as on the railway. So  
 15 I'm not sure -- I can't quite follow the question in  
 16 terms of resolution.  
 17 SIR JOHN SAUNDERS: Doesn't it simply mean that BTP should  
 18 tell the Home Office force about crimes committed on  
 19 their premises because it'll be of interest to the  
 20 Home Office force to know about them and the Home Office  
 21 force, if they know about criminal offences being  
 22 committed on railway property, are to tell BTP about it?  
 23 Or is that too simplistic an approach to what it seems  
 24 to say?  
 25 A. But that is not how I recognise it working in practice.

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1 We wouldn't ordinarily share every crime recording  
 2 instance with Home Office forces, which I thought is  
 3 what you'd said.  
 4 SIR JOHN SAUNDERS: (Overspeaking) they are matters of  
 5 shared interest, so there will be things which are of no  
 6 interest whatsoever to the Home Office force, but there  
 7 are areas where they, as we have said, overlap.  
 8 A. Yes.  
 9 SIR JOHN SAUNDERS: You just talk to each other?  
 10 A. Exactly.  
 11 MR ATKINSON: Paragraph 3. If we could shimmy up the page,  
 12 Mr Lopez:  
 13 "The responsibility for the investigation of  
 14 criminal offences committed within the jurisdiction of  
 15 the British Transport Police and set out under in [the  
 16 full array of that department] will rest with  
 17 chief constable of the BTP."  
 18 4:  
 19 "However, in relation to any crime or suspected  
 20 crime of terrorism, or any incident of murder or  
 21 suspicious death on railway premises, that force will  
 22 take any immediate action necessary, whilst  
 23 simultaneously informing the local chief constable.  
 24 Thereafter, the local chief constable, in consultation  
 25 with the chief constable of the British Transport

24

1 Police, will determine how the investigation should  
 2 proceed."  
 3 Let's see if I've got this paragraph any better than  
 4 the last one. Does that mean that in a case of  
 5 terrorism, the BTP, if it happens on their patch, will  
 6 take immediate action, will contact the local force, and  
 7 the two forces will then decide how to go forward?  
 8 A. That's how I understand that, yes.  
 9 Q. So it doesn't resolve in advance what will happen if  
 10 there's a terrorist act on BTP jurisdiction, it  
 11 envisages that if that happens there will be dialogue to  
 12 resolve who does what?  
 13 A. Yes, it does. It talks about dialogue, yes.  
 14 Q. And it doesn't do any more than that, does it?  
 15 A. No, it doesn't.  
 16 SIR JOHN SAUNDERS: And this is repeated also in the major  
 17 incident plan?  
 18 MR ATKINSON: Yes.  
 19 SIR JOHN SAUNDERS: That we'll all talk about it, once  
 20 we have got a terrorist act, we will talk about who's  
 21 going to be in charge however obvious it may be. Right?  
 22 A. Yes, I think that's right. I think it does concentrate  
 23 heavily on chief constable to chief constable contact.  
 24 I don't know whether that's realistic or whether that's  
 25 actually what would happen and of course on the night of

25

1 the arena attack that wasn't the case. You could see  
 2 that Ben Dawson in the FIM role was indeed ensuring that  
 3 immediate action was taken in anticipation of  
 4 a conversation at some stage about who was leading this.  
 5 SIR JOHN SAUNDERS: Okay, thank you.  
 6 MR ATKINSON: Sir, that's all I seek to take Mr --  
 7 SIR JOHN SAUNDERS: That's exactly the points which  
 8 interested me when I read it.  
 9 MR ATKINSON: Thank you, sir. That can come down, Mr Lopez,  
 10 thank you.  
 11 So going back to your assessment, your assessment  
 12 from when you first learned of this effectively and,  
 13 more particularly, when you heard what was happening in  
 14 terms of deployment, was that this was going to be an  
 15 incident over which GMP would have prime command?  
 16 A. Yes, that was my assessment.  
 17 Q. The protocol that we've just looked at recognised that  
 18 that needed to be agreed between the local force and the  
 19 BTP, didn't it?  
 20 A. It did ultimately, yes, that's right.  
 21 Q. It was a situation, in the immediate minutes after this  
 22 incident had come to the attention of the BTP control  
 23 room, where it was for the FIM, under your major  
 24 incident manual, to take immediate steps so far as BTP  
 25 was concerned, but the expectation, based on the

26

1 protocol, was that, equally quickly, contact would be  
 2 made between BTP and GMP to resolve who was going to  
 3 command this?  
 4 A. Yes. I don't think -- you've mentioned the term equally  
 5 quickly. I'm not sure that is referenced, the speed of  
 6 that contact is referenced, but there is an expectation  
 7 of consultation between the forces as to who will  
 8 ultimately lead this, yes.  
 9 Q. Your major incident manual makes clear that there is an  
 10 expectation of very quick decision--making on the part of  
 11 the FIM, for example --  
 12 A. Yes.  
 13 Q. -- to get the right resources there, to identify key  
 14 locations, for example the rendezvous point, the forward  
 15 command point?  
 16 A. Yes.  
 17 Q. So that in trying to make order out of chaos, the  
 18 structure is put in place very quickly. And for an  
 19 incident like this, that has to be a structure that is  
 20 a multi--agency one, does it not --  
 21 A. Yes.  
 22 Q. -- if it's going to work?  
 23 A. Yes, that's right.  
 24 Q. And critically, if it's going to save lives --  
 25 A. That's right.

27

1 Q. -- which is the primary factor identified in any of the  
 2 strategies that we've seen here?  
 3 A. Yes.  
 4 Q. So whilst it may not be immediate contact between BTP  
 5 and the local force, it has to be very quick, doesn't  
 6 it?  
 7 A. Absolutely right, yes.  
 8 Q. Because the local force needs to know that they are in  
 9 command, they may think they are, they may think, "This  
 10 has happened in our city and it looks to be terrorism,  
 11 so this will be for us to deal with", but they need to  
 12 know they are in command and you need to know they are  
 13 in command so everybody knows who's in charge?  
 14 A. I agree.  
 15 Q. And that has to happen quickly?  
 16 A. I agree.  
 17 Q. And it didn't, did it, here?  
 18 A. I agree.  
 19 SIR JOHN SAUNDERS: Mr Atkinson, I'm really sorry to stop  
 20 you again. As I remember it, the major incident plan  
 21 actually provides for agreement to take place in advance  
 22 of who is going to take command of terrorist activity.  
 23 So the major incident plan anticipates that it will  
 24 already have been agreed between BTP and GMP as to who  
 25 is going to take control of a terrorist incident.

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1 Am I right about that? Is anyone suggesting I'm wrong?  
 2 MR DE LA POER: Can I help with the reference? Mr Lopez,  
 3 if we look at {INQ025700/14}, at the bottom. I think,  
 4 sir, the paragraph you have in mind will be the middle  
 5 one on page 14.  
 6 SIR JOHN SAUNDERS: Maybe you were going to come to this,  
 7 Mr Atkinson.  
 8 MR ATKINSON: No, this is very helpful.  
 9 MR DE LA POER: It's the centre paragraph, sir, of 2.5.  
 10 SIR JOHN SAUNDERS: "Terrorist matters will have separate  
 11 arrangements. BTP and the local police force will reach  
 12 clear agreement on who is responsible for what functions  
 13 relating to the major incident and discuss mutual aid  
 14 dependent upon the circumstances."  
 15 A. Sir, my reading of that is terrorist matters will have  
 16 separate arrangements is a point on its own in  
 17 isolation. And the following sentence relates to the  
 18 dealing -- how the force will deal with major incidents  
 19 again -- sorry, a predetermined arrangement just for  
 20 terrorist matters is not something I think that this  
 21 major incident manual foresees. It's entirely in  
 22 keeping with the Home Office circular --  
 23 SIR JOHN SAUNDERS: Okay.  
 24 A. -- to my reading.  
 25 SIR JOHN SAUNDERS: They will have separate arrangements.

29

1 Were there separate arrangements in existence?  
 2 A. No, nothing predefined to my knowledge, nothing at all.  
 3 But what I think that means is that, from the way I have  
 4 read that in my role on the evening, the local force  
 5 will almost inevitably take primacy and terrorist  
 6 matters, in terms of the investigation, subsequent  
 7 investigation, will all have that lead from the  
 8 Counter--terrorism Policing HQ or counter--terrorist  
 9 resources, specialist resources.  
 10 SIR JOHN SAUNDERS: I think there is a distinction to be  
 11 made between what may be -- for you, it's blindingly  
 12 obvious that it's a terrorist incident and that GMP will  
 13 take primacy and actually what is said there.  
 14 A. Yes.  
 15 SIR JOHN SAUNDERS: But if it is blindingly obvious that GMP  
 16 are going to have primacy in any terrorist matter, why  
 17 was that not just said beforehand so there could be no  
 18 dispute about it, no talking about it, no discussion  
 19 about it, we don't need to talk to each other, you've  
 20 got primacy? You'll need to talk to each other about  
 21 the practical arrangements, obviously.  
 22 A. I agree. It's very difficult for me to understand the  
 23 thinking around the Home Office circular in that regard,  
 24 but you're right in your first assumption, which is  
 25 it is blindingly obvious and I certainly foresaw that

30

1 BTP were going to make a contribution to that response  
 2 on that night. I agree with your interpretation.  
 3 SIR JOHN SAUNDERS: I'll stop interrupting.  
 4 MR ATKINSON: Not at all. It's always very helpful.  
 5 Just to understand how blindingly obvious it was or  
 6 not, {INQ025529/1}. If we could highlight the bottom  
 7 half of the page first, please, Mr Lopez.  
 8 You were shown these emails as part of the  
 9 chronology that Mr de la Poer took you through  
 10 yesterday.  
 11 A. Yes, that's correct.  
 12 Q. Because I cannot improve on his perfection, I'm not  
 13 going to go through the chronology again, but this email  
 14 at the bottom of the page is Mr Gordon asking you about  
 15 command primacy. So on the face of it, it was not  
 16 blindingly obvious to him who had primacy here.  
 17 A. With respect, Mr Gordon is in -- well, en route  
 18 somewhere on the road network heading towards it and  
 19 will not have had that same level of detail and  
 20 information and the thorough reading of the log that  
 21 I have had.  
 22 Q. Mr Cawley, who was on the ground in the arena, over the  
 23 radio had a conversation with Mr Dawson, the FIM, about  
 24 jurisdiction without, between them, resolving that  
 25 question other than, if memory serves, to assert that

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1 BTP had jurisdiction. It appears that they meant  
 2 primacy when they were saying jurisdiction and that's  
 3 certainly what we established with them.  
 4 A. Right.  
 5 Q. So it doesn't appear to have been blindingly obvious to  
 6 them that GMP had primacy here. Does that not underline  
 7 the fact that something so important has to be made  
 8 clear?  
 9 A. I will clearly bow to the wisdom of the chair ultimately  
 10 if that is seen to be necessary to cut through any  
 11 confusion which may have been apparent on the night.  
 12 I can only speak for what I did and what I thought and  
 13 what I thought after that reading of the log was it was  
 14 very clear to me that primacy was with GMP. And quite  
 15 rightly, too.  
 16 Q. If we look at your response in the middle of the page,  
 17 he's said to you:  
 18 "I will take command on the scene when I arrive  
 19 unless otherwise directed. Have we any idea who has  
 20 command primacy?"  
 21 Your answer:  
 22 "Take command on scene initially. Will call GMP  
 23 around command arrangements."  
 24 So not, if you'll forgive me, the clearest assertion  
 25 that GMP had primacy here that you could have put in an

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1 email, is it?

2 A. Well, I couldn't put that assertion in because I had not  
3 at that time had a conversation with GMP to definitively  
4 say that that was the case. I certainly wouldn't ask  
5 Superintendent Gordon to merely attend the scene and  
6 await further instruction. So the important thing is to  
7 do something and to take command on the scene, and  
8 that's behind that email, brief email exchange. And as  
9 you know, I was attempting to have the conversation with  
10 GMP.

11 Q. Which takes me effortlessly on to the next thing that  
12 could have gone in that blank box, which is  
13 communication.

14 A. Yes.

15 Q. Mr Horwell has dealt with this already this morning, so  
16 we can take this shortly. I wonder if we could have  
17 {INQ008372/10}. Pausing on the first page, this is,  
18 just so you know what we're looking at, Mr Gregory, the  
19 JOPs in relation to a marauding terrorist firearms  
20 attack, so looking at an MTFA from the point of view of  
21 JESIP in its version from January 2016.

22 A. Thank you.

23 Q. {INQ008372/10}, Mr Lopez, 4.4:  
24 "The police will instigate a three-way  
25 telecommunication link between the emergency services'

33

1 control rooms. This line of communication should be  
2 maintained until ambulance and fire representatives are  
3 operational within the agreed tactical coordinating  
4 group. All three agencies will agree when it is  
5 appropriate ..."

6 And it goes on to explain, if it needs to be  
7 explained, how important such communication between the  
8 control rooms is in terms of the building-up of joint  
9 situational awareness.

10 A. Yes.

11 Q. And you'd agree that joint situational awareness is  
12 essential if there is to be a coherent and effective  
13 response?

14 A. I agree.

15 Q. So this is what was being said, admittedly in the MTFA  
16 context, but it would apply equally, would it not, in  
17 a major incident context, that you needed to have very  
18 early three-way communication between the control rooms  
19 and between the forces?

20 A. That's correct.

21 Q. Is Airwave a means of achieving that?

22 A. I absolutely believe so, yes.

23 Q. But do we understand that it was not a means of  
24 communication in which, as you understood it, the  
25 control room had been trained at the time of this

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1 incident?

2 A. I think I was making specific reference to the Hailing  
3 channels when I answered Mr Horwell's question.  
4 I wouldn't be able to know what the level of training  
5 and awareness of this arrangement was within the control  
6 room in which I was based on that night.

7 Q. Was there a tactical coordinating group in the time that  
8 you were dealing with it?

9 A. No.

10 Q. Is that in the sense of the Silvers or from the various  
11 different agencies being in contact with each other and  
12 planning together?

13 A. That's exactly what I would envisage from a tactical  
14 coordinating group and that did not happen to my  
15 knowledge.

16 SIR JOHN SAUNDERS: In a way what we needed on this night  
17 was a four-way communication channel, wasn't it? You've  
18 got BTP, GMP, ambulance and fire.

19 A. Yes.

20 SIR JOHN SAUNDERS: You seem to have been rather left out of  
21 this party with the idea of a three-way communication  
22 channel.

23 A. Yes, I think the disadvantage is that when it was -- if  
24 it's clear to me that GMP have primacy, it's also clear  
25 to me that the lead agency will be facilitating the

35

1 communication between the responder agencies. But quite  
2 frankly, I wasn't focused on a three-way link on Airwave  
3 whilst I was in the control room, anyway. It's  
4 an afterthought.

5 SIR JOHN SAUNDERS: But for the future, do we need to learn,  
6 and perhaps it has already been learned, that if we are  
7 dealing with a terrorist incident on railway property,  
8 you need to be involved in the communications?

9 A. Yes.

10 SIR JOHN SAUNDERS: Whether you're there assisting GMP or  
11 the Home Office force, you still need to be involved in  
12 what's going on?

13 A. That's correct, yes.

14 MR ATKINSON: And given that there could be uncertainty as  
15 to who the lead agency was in the immediate aftermath of  
16 something that happened on BTP's patch, a risk, would  
17 you agree, in terms of getting that multi-agency  
18 communication started, is if each of the police forces  
19 is waiting for the other one to call, it could be a long  
20 wait?

21 A. Yes.

22 Q. On this night it was a long wait?

23 A. Yes.

24 Q. And made the longer by the fact that the attempts that  
25 first the FIM and then you made to contact your opposite

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1 numbers at GMP got through to radio operators who  
 2 couldn't actually, in fairness to them, help?  
 3 A. That's correct.  
 4 Q. So the next thing we could put in that box of things  
 5 that could be done better is JESIP, would you agree?  
 6 A. Yes.  
 7 Q. Did you in fact have yourself any contact with a Silver  
 8 at the Fire Brigade?  
 9 A. No, I was very clear on that yesterday. No, I didn't.  
 10 Certainly some learning for me.  
 11 Q. Or the Ambulance Service?  
 12 A. That's correct.  
 13 Q. Although you tried. Nor with GMP, in fact?  
 14 A. That's correct.  
 15 Q. The final thing for our box is in terms of command and  
 16 particularly scene command. If this bomb had gone off  
 17 at New Street, where would you as Silver have gone?  
 18 A. Very straightforward. I would have made my way to the  
 19 scene in the expectation of meeting with other Silvers  
 20 from the other responding agencies.  
 21 Q. Because in terms of getting that joined-up approach  
 22 going, it is always better to be able to do it in  
 23 person?  
 24 A. I agree.  
 25 Q. If that's possible?

1 A. If that's possible.  
 2 Q. And that is always a challenge, is it not, for the BTP,  
 3 being a national force, that things can happen anywhere?  
 4 A. Yes.  
 5 Q. And that they may not have someone of Silver rank  
 6 nearby?  
 7 A. And those are the circumstances envisaged in the major  
 8 incident manual, that's right.  
 9 Q. So in that kind of situation, if we go back to the  
 10 manual, {INQ025700/15}, if we look at the role of the  
 11 BTP Silver commander, and if we can go to the bottom  
 12 half of the page, it's the paragraph beginning "the  
 13 Silver commander will":  
 14 "The Silver commander will assume tactical command  
 15 of the major incident, the Silver commander is likely to  
 16 be in place prior to the Gold commander."  
 17 And pausing there, was that the case here? Were you  
 18 on board before Mr Smith or were you effectively both  
 19 brought on about the same time?  
 20 A. It's a good question I think it's round about the same  
 21 time.  
 22 Q. You had the advantage of being within a very short  
 23 distance of a control room?  
 24 A. Yes.  
 25 Q. He was the other end of the country?

1 A. That's correct.  
 2 Q. It envisages you would make some dynamic decisions:  
 3 "Before the strategy is set, the Silver commander  
 4 will set a working strategy which will be reviewed and  
 5 ratified or amended by the Gold commander."  
 6 Here, is this right, Mr Dawson, the FIM, put down,  
 7 because you asked him to, on paper a working strategy,  
 8 Mr Smith ultimately put down in writing his overarching  
 9 strategy for the incident, but there was no tactical  
 10 strategic plan laid down by you?  
 11 A. I adopted the working strategy from the FIM, I adopted  
 12 it and used that as my own. I covered the absence of  
 13 a tactical plan in yesterday's session and, you are  
 14 quite right, a tactical plan was not written out, and  
 15 neither would I expect it to be given the circumstances  
 16 and all of the things and all of the communications and  
 17 the chaos that was happening at the time.  
 18 My understanding is then that Gold ratified that  
 19 working strategy, therefore adopted it as his own, so  
 20 we were working jointly on the same strategy, working  
 21 strategy.  
 22 Q. It goes on to say that:  
 23 "The Silver commander will take responsibility for  
 24 all the tactical decisions and coordinate all the  
 25 on-scene arrangements and those related to it."

1 The obvious difficulty that you had in doing that is  
 2 that you were in Birmingham and this was happening in  
 3 Manchester --  
 4 A. Yes.  
 5 Q. -- which meant it was essential that you had a commander  
 6 on the ground --  
 7 A. Yes.  
 8 Q. -- as the bridge between you and the people who had  
 9 self-deployed themselves into the arena with commendable  
 10 speed after the bomb went off.  
 11 A. Yes.  
 12 Q. And that had to happen, again, as quickly as possible,  
 13 that you had a commander there?  
 14 A. Yes.  
 15 Q. And that that commander knew that they were the  
 16 commander?  
 17 A. Yes.  
 18 Q. We will explore with Mr Gordon his travel arrangements,  
 19 but whatever you did or didn't know about them, it was  
 20 clear that he was not going to be on scene for an  
 21 appreciable period of that early stage of the response?  
 22 A. Yes.  
 23 Q. And it was in that early stage of the response that  
 24 perhaps you needed a commander on the ground most to  
 25 communicate your strategy to those who would have to put

1 it into effect?

2 A. Yes. I think there's inevitably -- let's go back to the

3 point at which I assumed command. Because it was very,

4 very obvious that GMP had assumed that primacy and were

5 leading the operational response and, given that BTP's

6 command structure wasn't on duty, so to speak, and had

7 to be brought out, wasn't on call but had to be

8 mobilised from a home address, inevitably it meant

9 we were sort of disadvantaged by that. There were

10 individuals on scene who were clearly busy dealing with

11 what they had in front of them and clearly I did make

12 attempts to get a commander, a scene commander for BTP

13 quickly. Sadly, that did not work for me in terms of

14 contact with Superintendent Wylie and then I went to the

15 next most proximate individual, but yes, your point is

16 taken.

17 Q. Wasn't the next most proximate individual the inspector

18 based in Manchester?

19 A. That wasn't what I was thinking at the time. I was

20 heavily just focused on a superintendent. This was not

21 an environment in which those with -- with hindsight,

22 with those judgements which can be drawn now, I was

23 really focused on the senior leadership team being

24 involved in what was clearly likely to be the most

25 serious event for the division, so I wanted

1 a superintendent on scene.

2 Q. Was there a difficulty with the inspector based in

3 Manchester taking on the role of Bronze?

4 A. The inspector or chief inspector?

5 Q. The chief inspector, Mrs Graham.

6 A. There was no difficulty. I hadn't thought of

7 Chief Inspector Graham at that time and, of course,

8 found out very, very quickly thereafter that

9 Chief Inspector Graham had self-deployed and was now on

10 scene and was available to me.

11 SIR JOHN SAUNDERS: So there are two different things: first

12 of all, you're focused on a superintendent; secondly,

13 Chief Inspector Graham didn't occur to you?

14 A. That's correct.

15 SIR JOHN SAUNDERS: Had she occurred to you, would you have

16 appointed her or would you still have gone to

17 a superintendent, or would you have said, "You go now,

18 chief inspector, the superintendent is on his way as

19 well"?

20 A. Yes, I must admit Chief Inspector Graham didn't occur to

21 me initially, that's correct. If I had that

22 opportunity, I would now, of course, look to

23 Chief Inspector Graham to take up that role. But

24 I would also be looking for Superintendent Gordon to

25 attend to reflect the gravity of what was going on.

1 SIR JOHN SAUNDERS: So had you thought of her, you would

2 have got her there to be the initial Bronze commander,

3 but the superintendent coming to take over as soon as he

4 could get there?

5 A. Yes.

6 MR ATKINSON: If we could go back to the major incident

7 manual, {INQ025700/70}, please.

8 Is this the role that you envisaged that

9 Chief Inspector Graham was performing until

10 Superintendent Gordon arrived?

11 A. Yes, not all of it. The attendance or initiation of

12 the, I think, the Silver coordinating group as a sort of

13 tactical coordinating group wasn't what I'd envisaged on

14 the basis that GMP had primacy and seniority on scene

15 much more quickly than BTP. Chairing that meeting isn't

16 what I'd envisaged, so I had envisaged acting as the

17 incident officer at the scene, the most senior officer

18 once she was there, supervising the scene on behalf of

19 me, briefing me on matters relating to the scene, and

20 then carrying out liaison with emergency services

21 there is what I would expect of any individual who was

22 the most senior BTP officer.

23 Q. Perhaps that last was the most important given that you

24 needed to know what was going on at this scene and what

25 the other agencies there were doing.

1 A. Yes.

2 Q. Because, for example, you knew that GMP had deployed

3 armed officers?

4 A. Correct.

5 Q. Would it be fair to say you did not know exactly why

6 they had deployed them?

7 A. Yes, that's correct.

8 Q. There were a number of possibilities, one of which would

9 have been that they were treating this as a marauding

10 terrorist firearms incident.

11 A. Yes. Absolutely a possibility, yes.

12 Q. Which would have significant implications for your

13 decision-making and for the safety of your officers?

14 A. Correct.

15 Q. Which is why you should have been told about it?

16 A. Yes.

17 Q. But that was something that you needed better

18 understanding of and you had tried and had not got

19 through on the phone. So was it for Chief

20 Inspector Graham to fill that gap by finding out for you

21 what was going on with the other agencies?

22 A. Yes, and as I recall from the conversation with her, she

23 had already attempted that when I spoke to her. She'd

24 already presented herself, I think, in front of the --

25 I think the GMP senior officer at the time and had not

1 made contact, they had not had a conversation. But  
 2 everything around that conversation indicated --  
 3 everything about my conversation with Andrea Graham  
 4 indicated she would continue to try.  
 5 Q. If she had understood that she was the Bronze commander  
 6 for the time being, that would have given her perhaps  
 7 a bit more clout to make GMP talk to her, would it not?  
 8 A. Perhaps. Andrea is a very, very professional, very  
 9 capable officer. I'm not entirely sure that she would  
 10 have needed the title to drive that kind of activity on  
 11 the scene. But as I said yesterday, I regret not being  
 12 more explicit with her that, "You are Bronze scene",  
 13 instead of that terminology I used around eyes and ears.  
 14 Q. Again perhaps another thing to put in the blank box is  
 15 being very clear --  
 16 A. Yes.  
 17 Q. -- with people as to what their jobs are --  
 18 A. Yes.  
 19 Q. -- so they know exactly what they're meant to be doing?  
 20 A. Yes, I agree.  
 21 Q. So the reality, Mr Gregory, is there were quite a few  
 22 things that should have gone in that box, weren't there?  
 23 A. Yes, and as I said yesterday, I can't quite explain why  
 24 it wasn't completed. But I know that the points in  
 25 terms of the recommendations at the end do cover much of

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1 this. I'm not defending this at all, it just wasn't  
 2 completed. I can't quite account for why.  
 3 MR ATKINSON: Thank you.  
 4 Further questions from MR DE LA POER  
 5 MR DE LA POER: Before we come to Mr Gibbs, given that  
 6 Mr Atkinson Queen's Counsel has introduced the  
 7 Home Office circular with this witness, and I make no  
 8 criticism at all, he told us he was going to do that and  
 9 the inquiry legal team is entirely comfortable with it,  
 10 it just seemed that another document could be also put  
 11 to this witness to see what the witness knew about it,  
 12 which is relevant to what was in writing beforehand.  
 13 SIR JOHN SAUNDERS: Let's do that then.  
 14 MR DE LA POER: Mr Lopez, can we please bring up  
 15 {INQ012487/1}.  
 16 SIR JOHN SAUNDERS: Will the witness have been forewarned  
 17 about this document?  
 18 MR DE LA POER: No, not this document, so we're going to  
 19 take it slowly just to see what, if anything, the  
 20 witness knows about it.  
 21 Chief superintendent, this is, as the header page  
 22 makes clear, the Greater Manchester Multi-agency Generic  
 23 Response Plan. Was that a document which you were  
 24 familiar with before May 2017?  
 25 A. I was aware of it, yes.

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1 Q. Is it a document that you will have seen?  
 2 A. Yes.  
 3 Q. Is it a document that you will have read carefully?  
 4 A. In part I will have read some of this, yes.  
 5 Q. Which parts would you have selected to read carefully?  
 6 A. I think there was a reference in this document to GMP  
 7 primacy around terrorism.  
 8 Q. Let's go to that. {INQ012487/41}, please. Bearing in  
 9 mind it was something you were familiar with  
 10 in May 2017, at the bottom of the page we can see what  
 11 this document says about it:  
 12 "British Transport Police plays a role akin to  
 13 Greater Manchester Police, albeit in a more specialist  
 14 environment. The force takes responsibility for the  
 15 investigation/management of all crime/incidents (except  
 16 terrorism) occurring on the rail infrastructure  
 17 nationally."  
 18 It goes on to give some more detail but it's perhaps  
 19 those first two sentences that we'll focus on.  
 20 A. Yes.  
 21 Q. As you were the divisional commander of C Division,  
 22 clearly Greater Manchester was within your remit?  
 23 A. That's correct.  
 24 Q. Which will mean that plans such as this relating to  
 25 Greater Manchester would come across your desk?

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1 A. Yes.  
 2 Q. Was it the position in BTP that plans of this nature  
 3 would cross all divisional commanders' desks or just the  
 4 one to whom it related directly?  
 5 A. I think just the one to whom it related directly.  
 6 Q. So had it not been you on call that night, but  
 7 a different divisional commander, that divisional  
 8 commander may not have seen this Manchester-specific  
 9 document?  
 10 A. Just to correct that: it's a C Division on-call function  
 11 is what I was on call for.  
 12 Q. So it's (overspeaking) C Division?  
 13 A. So it's either me or it's one of the five  
 14 superintendents who work on C Division.  
 15 Q. I understand. That was my misunderstanding.  
 16 Would this document come across the desk, so far as  
 17 you understood it, of the force incident manager?  
 18 A. I couldn't honestly say, I'm sorry. I very much doubt  
 19 it.  
 20 SIR JOHN SAUNDERS: Just looking at this document, this  
 21 document purports to reflect what is the actual  
 22 situation. It doesn't impose anything on anybody, they  
 23 don't have that power.  
 24 MR DE LA POER: No.  
 25 SIR JOHN SAUNDERS: So if it is reflecting an agreement, do

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1 we have any evidence of when and how such an agreement  
2 was reached?  
3 MR DE LA POER: I think the chief superintendent has given  
4 that evidence already, but it is probably worth  
5 repeating.  
6 A. The way I've interpreted that, sir, and the reference  
7 that I'd read, of course, in this response plan was that  
8 pertaining to the role of British Transport Police. The  
9 line itself, that "force taking the responsibility for  
10 that investigation except terrorism", to me seemed to  
11 replicate the position in the major incident manual and  
12 the position in the Home Office circular on my reading.  
13 SIR JOHN SAUNDERS: Okay. Thank you.  
14 MR DE LA POER: I thought it was fair to the witness to  
15 introduce that document and it may have been that  
16 Mr Gibbs was going to do so anyway, but given that there  
17 was no forewarning, perhaps it was easier for me to do  
18 so.  
19 Mr Gibbs, please.  
20 Questions from MR GIBBS  
21 MR GIBBS: Mr Gregory, could we fill in a few of the times  
22 in the chronology?  
23 A. Yes, of course.  
24 Q. Do you still have the log?  
25 A. I do.

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1 Q. And sir, I see you have it.  
2 My first entry, please, is as you're taking command  
3 at 23.34.56 {INQ002000/60}. I'm interested in Mr Cawley  
4 here:  
5 "Action prompt created."  
6 We know what that means now:  
7 "Silver looking for sitrep, please, from  
8 Sergeant Cawley."  
9 And then that action prompt is cleared, I think, if  
10 we go to 23.51.39 {INQ002000/68}. My question is --  
11 SIR JOHN SAUNDERS: Can you tell me the page, I'm sorry?  
12 MR GIBBS: 67.  
13 SIR JOHN SAUNDERS: Top left-hand corner again?  
14 MR GIBBS: Yes.  
15 So that says, "Action prompt cleared".  
16 Did you speak to Sergeant Cawley, do you remember?  
17 A. No, I didn't.  
18 Q. When Chief Inspector Graham arrived, and I'm not going  
19 to ask you to turn it up, but the reference is 23.57,  
20 we'll remember this, someone on the radio says that  
21 she's just walked past them. Do you remember that?  
22 A. Yes.  
23 Q. Perhaps, sir, you will remember that as well.  
24 Were you looking to speak to her as well?  
25 A. Yes, of course, yes.

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1 Q. When was it that you managed to speak to her, how soon  
2 after midnight? Do you remember?  
3 A. I don't remember the call time, I'm afraid.  
4 Q. In the call schedule which we had on screen and which  
5 I'll ask Mr Lopez to bring up, please, which is  
6 {INQ041120/1}, do we see an entry at 00.13?  
7 A. We do, yes.  
8 Q. In the context of the night, that's quite a long call?  
9 A. Yes.  
10 Q. Do you remember where she was?  
11 A. Andrea Graham was on the scene, as I recall. I can't be  
12 specific around where she was, either the City Rooms or  
13 Manchester Victoria Station.  
14 Q. And you have said that you weren't specific enough with  
15 her about her role?  
16 A. Yes.  
17 SIR JOHN SAUNDERS: Could you stop for a minute? Is anyone  
18 else having some difficulty hearing Mr Gibbs? No? It's  
19 just me going deaf, obviously. I wonder if you could  
20 raise your voice just a bit.  
21 MR GIBBS: Of course.  
22 SIR JOHN SAUNDERS: You know all judges are congenitally  
23 deaf.  
24 MR GIBBS: I think it was an additional layer of Perspex and  
25 I was speaking quietly.

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1 00.13. You told us something about Mr McKinnon  
2 yesterday and you having seen something on the log about  
3 that. What do you remember about that?  
4 A. That Chief Inspector McKinnon, who I'd appointed as  
5 Bronze resources, had not only had a conversation,  
6 I think, with Andrea to check that she knew about this,  
7 but also had a conversation with her to indicate that  
8 she had a role as Bronze on the scene. And I think that  
9 the log was endorsed by Chief Inspector McKinnon at just  
10 after midnight, which gave a clear impression that that  
11 was the briefing he'd given her.  
12 Q. All right, let's look at that, may we. Sir, it's  
13 page 70 of the log. The time is 00.02.07  
14 {INQ002000/71}.  
15 So on the log, if you're looking at the log,  
16 you will have seen this, I suppose:  
17 "Chief Inspector McKinnon -- I've liaised with  
18 CIU Graham who is now on scene and provided a brief  
19 regarding command structure and her role as Bronze  
20 scene."  
21 A. Correct. It may be that some of my thinking around  
22 it is, because I'm clearly monitoring the log at all  
23 times, is that there's an assumption that she is very  
24 clear on that role. But I maintain that I should also  
25 have been more explicit around that.

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1 Q. Can we go forward in time to Chief Inspector Peters. We  
 2 know from the call schedule, and if Mr Lopez could just  
 3 activate that again, INQ041120/1, that at 00.38 you are  
 4 in contact with Chief Inspector Peters. What was that  
 5 about?  
 6 A. That was a call I was making to Chief Inspector Peters  
 7 to her, off duty, and asking for her home address on the  
 8 basis that I had been unable to reach and speak to GMP's  
 9 Silver. So what I wanted her to do was to make her way  
 10 ASAP to GMP HQ and take up a role embedded with GMP to  
 11 act as my contact with GMP's Silver.  
 12 Q. We can follow that and I'm going to ask Mr Lopez to  
 13 leave the document we've got, but you can follow it on  
 14 the log and so can the chairman at page 82  
 15 {INQ002000/82}, please, at 00.40.42:  
 16 "From Silver -- Sue Peters has been dispatched from  
 17 AHQ in Liverpool as Silver link BTP to GMP."  
 18 A. That's correct.  
 19 Q. Then going back to the call schedule which is on screen,  
 20 your next call is to the DCC and then there's  
 21 a 58-second call to the DCC, and the DCC you also speak  
 22 to at 00.42 for 11 minutes and 46 seconds. So putting  
 23 all those together, that's about 14 minutes' worth of  
 24 call. The DCC is the deputy chief constable?  
 25 A. That's correct.

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1 Q. What were you discussing with the deputy?  
 2 A. I can only recall I was briefing him on how the incident  
 3 was developing, the challenges that I'd had in terms of  
 4 communication and what I'd done about that, and all of  
 5 the -- the sort of picture of the scene that I had had  
 6 from Andrea Graham I was sort of sharing with him too,  
 7 sharing situational awareness with a senior officer of  
 8 my force.  
 9 Q. Thank you. We can take that down, please, Mr Lopez.  
 10 On a different topic, could just help us a bit more  
 11 with the difference, if there is one, between a working  
 12 strategy and a tactical plan? You've said:  
 13 "I had a working strategy which I took from the FIM  
 14 and adopted and which was ratified from above me but  
 15 I never wrote a tactical plan."  
 16 What's the difference between those two things?  
 17 A. For pre-planned sort of operations, the tactical plan  
 18 forms part of your thinking about identifying risks,  
 19 mitigating risks. A tactical plan is a slow-time way in  
 20 which you can demonstrate management of an incident.  
 21 A working strategy is a way in which you can deal with  
 22 a dynamic, fast-unfolding situation, a sudden onset type  
 23 situation. A tactical plan is something that would take  
 24 time to do and I did not have time to pull together  
 25 a tactical plan and indeed, as the evening developed,

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1 and it was very, very clear that GMP were leading on  
 2 that, that tactical plan would no doubt be developing  
 3 there in slower time too. That was my view.  
 4 Q. Can we take two illustrations of that and tell us what  
 5 you use for each of them. So here, we've got a sudden  
 6 and spontaneous terrorist incident. You've also told us  
 7 about the Queen coming to Birmingham New Street to open  
 8 a new station, presumably with plenty of notice that she  
 9 was going to do so, but that being an important thing to  
 10 plan for.  
 11 A working strategy for the terrorist incident. For  
 12 Birmingham New Street, did you have a tactical plan?  
 13 A. Yes.  
 14 SIR JOHN SAUNDERS: Can I just develop that a bit more?  
 15 What I have understood hitherto is that in an incident  
 16 like this, we have a Gold appointed, we have a Silver  
 17 appointed, and we have a Bronze appointed, and they have  
 18 different functions. So Gold does the strategy. Very  
 19 much like the strategic plan, "What's the aim? Save  
 20 life, preserve the scene". Big strategic ideas.  
 21 Silver's job then, as I understood it, was to devise  
 22 the tactics which would achieve the strategy, so  
 23 a tactical plan.  
 24 A. That's correct.  
 25 SIR JOHN SAUNDERS: And then you've got Bronze on the

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1 ground, who carries out the tactical plan, puts it into  
 2 operation; is that right?  
 3 A. That's correct.  
 4 SIR JOHN SAUNDERS: So why wasn't it your job to devise  
 5 a tactical plan in accordance with the working strategy?  
 6 A. I think I tried to account for this yesterday. The  
 7 speed and the sudden onset and the nature of the  
 8 incident and all of those incoming calls and the need to  
 9 try to establish who has -- and the primacy issue and  
 10 that conversation with GMP. All of that, I couldn't  
 11 readily sit down and write out a tactical plan which  
 12 would take some considerable time and would take me out  
 13 of a control room environment. It just would not work  
 14 in that dynamic circumstance. It would mean that  
 15 I would add no value to this exercise at all for that  
 16 period of time when I was trying to pull together  
 17 a tactical plan and I had every expectation it would  
 18 rapidly be outdated by incoming information.  
 19 SIR JOHN SAUNDERS: Okay. But this is actually what's  
 20 provided for in every major incident plan, isn't it,  
 21 that you do have these three doing these three distinct  
 22 functions? You're saying in practice, when you have  
 23 a really bad major incident, you just can't do it, you  
 24 can't do the tactical plan?  
 25 A. Exactly right, so you work to the working strategy and

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1 largely your decision and your rationale will find their  
 2 way on to the incident log.  
 3 I think the other point, sir, which I tried to make  
 4 yesterday in terms of that comprehensive run—through of  
 5 Silver responsibilities, is that that envisages the  
 6 responsibilities for the lifetime of that Silver and the  
 7 tactical plan is part of that. So it may well be  
 8 something that could have been delivered in slower time,  
 9 but not at that early stage in my view.  
 10 SIR JOHN SAUNDERS: Okay. Just let's put yourself in the  
 11 position of being GMP and having control of this  
 12 incident.  
 13 Gold devises a strategy very similar to the one  
 14 you've had with "preserve life" right at the top and all  
 15 the other things. So then a tactical plan. How do you  
 16 go about preserving life? Right. We get the firearms  
 17 people there, they do a sweep. As soon as the area is  
 18 clear, then people go in to assist people who are  
 19 injured. This looks to me to be the sort of tactical  
 20 plan.  
 21 So if you'd been GMP Silver, would you have been  
 22 able to do that?  
 23 A. I think you're right in what you've identified as the  
 24 tactical —  
 25 SIR JOHN SAUNDERS: I've only just started and I'm not

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1 a Silver commander, nor have I been on a course.  
 2 A. Taking that early point there, I think I would  
 3 anticipate, if I were in GMP, that would be a fast—time  
 4 decision which would hope to achieve the strategic aim,  
 5 but whether that would be a longhand written exercise —  
 6 SIR JOHN SAUNDERS: No, no, we all have dictaphones or  
 7 something like that, don't we, or you have someone  
 8 writing things down beside you.  
 9 A. Yes, and it may well be that there would be support to  
 10 try to begin to write something of a tactical plan  
 11 around, but I'd be very surprised if commanders  
 12 operating under that pressure were able to pull that  
 13 together very quickly.  
 14 SIR JOHN SAUNDERS: So had you been running this incident,  
 15 had you actually had primacy and as a Silver commander,  
 16 you would have had to do something like that and get  
 17 someone to note it down or something like that? I think  
 18 this is what the experts may be saying: this is the job  
 19 of Silver commander, a tactical plan at the time and in  
 20 real time.  
 21 A. I'm agreeing that it is a job ultimately of the Silver  
 22 commander but I would not have been able to find that  
 23 time to begin to write down a tactical plan. I would  
 24 have worked —  
 25 SIR JOHN SAUNDERS: Let's forget the longhand, shall we?

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1 Let's assume someone ought to provide you with a scribe  
 2 to be taking this down and you are saying, "Right, this  
 3 is what we need to do to put that strategy into action".  
 4 A. It's difficult to know exactly at what point you would  
 5 find the time even to speak to the scribe about the  
 6 things that you would need to, to write into that plan  
 7 to which you'd be happy to put your name. I think the  
 8 challenge here is just that you have a working strategy  
 9 and it's much easier at fast time to begin to work to  
 10 that. And ultimately those component parts might well  
 11 find their way into that tactical plan, but it's very  
 12 difficult to find that time, I think.  
 13 SIR JOHN SAUNDERS: Okay. Finding the way of working to the  
 14 strategy is, I think, exactly what a tactical plan is.  
 15 A. Yes.  
 16 SIR JOHN SAUNDERS: So if you're doing it through your mind,  
 17 you can actually speak it and someone can write it down.  
 18 You're almost saying: it's impossible and this is the  
 19 way most major incidents are meant to be run. And here  
 20 I have a senior police officer saying: actually, you  
 21 can't do it.  
 22 A. You can do it as soon as you are able and as it is  
 23 reasonably practicable to do, but I did not in my  
 24 personal experience on that night find any time to  
 25 consider writing a tactical plan. And as the evening

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1 wore on in any case —  
 2 SIR JOHN SAUNDERS: You thought someone was doing it?  
 3 A. Because of the primacy with GMP, they would be taking  
 4 ownership of that.  
 5 SIR JOHN SAUNDERS: So you accept somehow the Silver  
 6 commander running the show needs to have written out or  
 7 have written out for him or had dictated a tactical  
 8 plan?  
 9 A. Yes.  
 10 SIR JOHN SAUNDERS: You're just saying: to start with I just  
 11 didn't have time and then, by the time I did have time,  
 12 actually I was well aware that GMP were the people who  
 13 would be doing that?  
 14 A. Correct.  
 15 SIR JOHN SAUNDERS: Sorry, Mr Gibbs.  
 16 MR GIBBS: Not at all. I wonder whether we may not still be  
 17 at cross—purposes.  
 18 SIR JOHN SAUNDERS: Okay, absolutely. You and me or the  
 19 witness and me?  
 20 MR GIBBS: I think all three of us perhaps. The difference  
 21 between a strategy and the word strategic. There are so  
 22 many different words here, aren't there: Gold commander,  
 23 strategic commander, Silver commander, tactical  
 24 commander, scene commander, Bronze commander? Any one  
 25 of them can have a strategy, but only one will ever be

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1 the strategic commander, and you as tactical commander  
 2 have to put the strategy into tactical effect. And yet  
 3 you've had a strategy, so can we just separate out the  
 4 words?  
 5 The tactical plan —  
 6 SIR JOHN SAUNDERS: Okay, just stop for a moment, sorry.  
 7 I'm not being rude about this. The FIM developed  
 8 a strategy because at that time he was actually having  
 9 to be everything, Gold commander as well. So he knows  
 10 the strategy would be done, would be confirmed by the  
 11 Gold commander, and indeed it was, so we do have someone  
 12 doing the strategy who's in the position of Gold. So  
 13 now carry on.  
 14 MR GIBBS: May I involve the witness in our discussion as  
 15 well?  
 16 SIR JOHN SAUNDERS: Sorry, I didn't mean to ignore you.  
 17 There is no disrespect.  
 18 MR GIBBS: If there's a point here of any value to you, may  
 19 we get at it this way?  
 20 When you had a tactical plan for, say, the  
 21 completely different thing, the pre-planned re-opening  
 22 of Birmingham New Street, was it five bullet points or  
 23 was it a very much larger document?  
 24 A. A very much larger document, with risks and the measures  
 25 we would take to manage those risks.

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1 Q. Do you remember how many pages it was?  
 2 A. It would be easily sort of 20-plus.  
 3 Q. And the Gold commander for that operation, do you know  
 4 whether Gold had a strategic plan and how long that  
 5 document was?  
 6 A. Yes, there was certainly a strategic plan for it and  
 7 those documents, from my experience, are four, five  
 8 pages.  
 9 Q. Would you have had time to write a 20-page document for  
 10 this incident?  
 11 A. No.  
 12 Q. Would you have time to write a, I don't know, two-page  
 13 document for this incident while it was going on?  
 14 A. No.  
 15 Q. Were you content with the working strategy bullet points  
 16 that you were given by the FIM?  
 17 A. Yes, I was.  
 18 Q. Did you work to them?  
 19 A. I did.  
 20 Q. Did you feel disadvantaged by not having the time to  
 21 write out what you've called the longhand document?  
 22 A. No.  
 23 Q. Why not?  
 24 A. Because I think the working strategy was simple, very  
 25 straightforward. It allowed me to focus on what was

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1 important, and it was also, I think, as you said  
 2 yourself, sir, at one stage when commenting on the FIM's  
 3 evidence, that actually it just feels very instinctive  
 4 and very straightforward. I think that's what it was.  
 5 SIR JOHN SAUNDERS: The strategy does.  
 6 A. The working strategy, yes.  
 7 SIR JOHN SAUNDERS: Save life. That doesn't mean that the  
 8 tactical plan is necessarily straightforward or that you  
 9 can do without it.  
 10 May I make it clear, Mr Gibbs, I am not suggesting  
 11 that he should have been writing out in longhand  
 12 a 20-page tactical plan, and clearly tactical plans  
 13 differ depending on the situation. I have that. What  
 14 I'm saying is that all the documents that I have seen so  
 15 far as to how to deal with major incidents is  
 16 a prescribed Gold does the strategy, Silver does the  
 17 tactical, and there's a record of it all somewhere to  
 18 see maybe after the event whether we've all followed it.  
 19 You've been perfectly clear to me, you didn't have time  
 20 in the first instance to do that. By the time you did  
 21 have time you were assuming, no doubt rightly, that that  
 22 had been done by somebody else?  
 23 A. Yes.  
 24 SIR JOHN SAUNDERS: Are we on the same wavelength now?  
 25 MR GIBBS: Yes, absolutely we are.

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1 SIR JOHN SAUNDERS: Okay, thank you.  
 2 MR GIBBS: Thank you very much.  
 3 May I just pick up a few very small things and  
 4 Mr Lopez can help us with this perhaps. Document  
 5 {INQ000261/1}.  
 6 This is one of those Kerslake notes in somebody  
 7 else's script. We were looking at whether it had been  
 8 correctly recorded or not. If Mr Lopez could just  
 9 scroll down a bit, please. I'm looking at — yes.  
 10 In the middle of the page:  
 11 "Anyone at FCM? Robin was in Birmingham that  
 12 night."  
 13 He wasn't, was he?  
 14 A. No, he wasn't. He was on the south coast in his home  
 15 address.  
 16 Q. And the next paragraph:  
 17 "Allan was nominated as Gold..."  
 18 You weren't, were you?  
 19 A. No, I wasn't.  
 20 Q. "... and attended the SCG."  
 21 I don't think you did, did you?  
 22 A. No.  
 23 Q. And:  
 24 "Karl self-deployed at 4 am at FCM."  
 25 A. No, again that's incorrect.

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1 Q. Yes. The point has been made already perhaps, but --  
 2 SIR JOHN SAUNDERS: Unfortunately not recorded?  
 3 MR GIBBS: Yes. Thank you for that document, Mr Lopez.  
 4 Then a question was raised about Sherman. I don't  
 5 think I need the document on screen, but you were asked  
 6 whether BTP had participated, do you remember, in that  
 7 Sherman exercise?  
 8 A. Yes.  
 9 Q. The one that was run on 26 July 2016. I think,  
 10 am I right, that Mr Cooper and Mrs Wedderburn both  
 11 attended. That was the one they attended, was it?  
 12 A. Thank you.  
 13 Q. And finally, the document where you didn't fill in the  
 14 box of the things that didn't go well, and that was  
 15 document {INQ000788/1}. Could we just for completeness  
 16 look very briefly at the two other documents that relate  
 17 to that same event? If Mr Lopez could bring up  
 18 {INQ000799/1}, please.  
 19 We can see at the top it's the same event,  
 20 19 July 2017, and you are one of the people who attended  
 21 on behalf of BTP.  
 22 A. Yes.  
 23 Q. If we go to {INQ000799/3}, please, we see that you've  
 24 been given the number 3.  
 25 A. Yes.

1 Q. And if we go to page 4, please {INQ000799/4}, we can see  
 2 that you kick off the discussion because there's a 3 in  
 3 a circle. Perhaps if Mr Lopez could expand the top  
 4 half.  
 5 It is not your handwriting, I think.  
 6 A. No.  
 7 Q. Can you help? Is this you speaking:  
 8 "First call from CI BTP briefings. Able to draw  
 9 large amount of details from the command and control  
 10 log. Confusions over full details initially. Extremely  
 11 busy to get hold of Silver."  
 12 This is just in the context of whether you were at  
 13 this debrief describing anything that didn't go well?  
 14 A. Yes.  
 15 Q. "Aware enormous amount of work. Chaotic at the time.  
 16 Volume made it difficult to get briefing. Working  
 17 strategy was fit for purpose. Level of detachment as  
 18 not in Manchester control but at Birmingham."  
 19 And that's the question my learned friend  
 20 Mr Atkinson has just asked you. If this terrible thing  
 21 had happened near the railway station in Birmingham, and  
 22 so within 10 minutes' walk of where you were, you said  
 23 you would have gone to the scene?  
 24 A. Yes.  
 25 Q. Is that what you're referring to here:

1 "A level of detachment as not in Manchester control  
 2 but at Birmingham?"  
 3 A. Yes. Inevitably, it's distant.  
 4 Q. And then page 8, please, Mr Lopez {INQ000799/8}.  
 5 SIR JOHN SAUNDERS: And that note is accurate, is it?  
 6 A. Yes, I'm happy with that, sir.  
 7 SIR JOHN SAUNDERS: Thank you.  
 8 MR GIBBS: And there's just the other entry which has got  
 9 a 3 beside it. It's just after halfway down and you're  
 10 echoing a point that's been made by contributor  
 11 number 13 about:  
 12 "The need to look to other local agencies who we  
 13 could use instead of police officers and staff."  
 14 A. Yes.  
 15 Q. Do you remember that?  
 16 A. Vaguely I do remember that. I certainly ...  
 17 SIR JOHN SAUNDERS: Do you know what it means?  
 18 A. A cultural issue around police staff who are not on call  
 19 but they have the abilities to assist but are not  
 20 available. I think that was a conversation, sir, around  
 21 on-call arrangements for police staff and not all police  
 22 staff appeared to be on on-call arrangements and it was  
 23 a conversation around that and I recognised there was  
 24 some element of common theme from BTP as there was with  
 25 that. I can't quite recall what that was about.

1 MR GIBBS: That's what's recorded from you, I think, on that  
 2 document but there's yet another document that relates  
 3 to the same debrief and that is {INQ000730/1}.  
 4 Again, 19 July, 10.15, a typed-up, structured  
 5 report. You can see your name in the second line of the  
 6 participants --  
 7 A. Yes.  
 8 Q. -- on the right-hand side.  
 9 If we go to {INQ000730/4}, please. You're  
 10 contributor number 3:  
 11 "Difficulty on initial set-up of Silver, to be able  
 12 to get to speak to Silver for early update due to volume  
 13 of work Silver was undertaking."  
 14 A. Yes, I recognise that.  
 15 Q. And on {INQ000730/6}.  
 16 SIR JOHN SAUNDERS: Which Silver are we referring to?  
 17 A. I was referring to the challenge around getting to speak  
 18 to GMP's Silver for an early update due to the volume of  
 19 work. I'm not sure whether that is reference to the  
 20 volume of work that GMP no doubt was undertaking or --  
 21 I certainly recognised a volume of work in my own right,  
 22 but I'm afraid it's some distance now since the debrief.  
 23 It relates to my difficulty trying to get to speak to  
 24 GMP's Silver.  
 25 MR GIBBS: {INQ000730/6}, Mr Lopez. In the top box you're

1 one of the contributors, number 3, who has identified:  
 2 "Resource planning around the days after the initial  
 3 incident needs to be considered from all agencies to  
 4 prevent fatigue and lack of staff."  
 5 A. Yes.  
 6 Q. And finally, {INQ000730/10}. Under "Good practice", we  
 7 can see a couple of contributions from number 3 in the  
 8 second half of the page, one about the transport cell,  
 9 and another about the provision of welfare support.  
 10 A. Yes. And I touched on the transport cell yesterday,  
 11 sir.  
 12 Q. I just didn't want it to be thought that the empty box  
 13 meant that you had said in this debrief there was  
 14 nothing that didn't go well.  
 15 A. Correct.  
 16 MR GIBBS: Thank you. Those are my questions.  
 17 SIR JOHN SAUNDERS: Could you stay there for a minute,  
 18 Mr Gibbs?  
 19 I want to take up this question about communicating  
 20 through Hailing. We've seen, and inevitably and  
 21 rightly, there have been a large amount of debriefs,  
 22 lessons learned, all sorts of things coming out of what  
 23 happened in Manchester on that night. Has it ever been  
 24 raised, bearing in mind communications difficulty has  
 25 been one of the recurring features --

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1 A. Yes.  
 2 SIR JOHN SAUNDERS: Has it ever been mentioned to you before  
 3 that you should have been using Hailing?  
 4 A. No, I tried to answer that to Mr Horwell. So the option  
 5 wasn't put to me on the night by anyone in the control  
 6 room environment.  
 7 SIR JOHN SAUNDERS: But has it been part of any feedback  
 8 since, when you have all been getting together, you,  
 9 GMP, lots of other people, and discussing things like  
 10 communications? Has anyone said to you, "Well, why  
 11 didn't you use Hailing if you were having difficulty  
 12 getting through?"  
 13 A. I don't recall that, no.  
 14 SIR JOHN SAUNDERS: Perhaps someone at some stage, I'm not  
 15 asking you, could tell me whether it actually appears in  
 16 any document before today.  
 17 Do you want to ask any more about that?  
 18 MR GIBBS: No, thank you.  
 19 Further questions from MR DE LA POER (continued)  
 20 MR DE LA POER: Just one follow-up question, if I may,  
 21 arising out of the three-way exchange. Can I just ask  
 22 you, please, to go to the Control Works log to page 59  
 23 in the top left-hand corner {INQ002000/60},  
 24 chief superintendent, to the entry 23.34.09, which  
 25 reads:

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1 "CAO1, update from SDO is all noted. Now Silver  
 2 commander for this incident and at FCRB supported by  
 3 loggist."  
 4 A. Correct.  
 5 Q. Did you have a loggist that night?  
 6 A. Yes, I did.  
 7 MR DE LA POER: Thank you very much indeed.  
 8 I don't know whether there's anything arising from  
 9 that, Mr Gibbs?  
 10 MR GIBBS: Nothing from me, thank you.  
 11 MR DE LA POER: That then concludes the  
 12 chief superintendent's evidence. Our next witness will  
 13 be Chief Officer Smith, who was the Gold commander.  
 14 15 minutes, please.  
 15 SIR JOHN SAUNDERS: I'm very grateful. You've answered  
 16 a whole number of questions and you've helped me deal  
 17 with what the problems are and have hopefully helped me  
 18 decide what should be recommendations for the future, so  
 19 thank you very much.  
 20 15 minutes.  
 21 (11.40 am)  
 22 (A short break)  
 23 (11.55 am)  
 24 SIR JOHN SAUNDERS: Thank you, Mr Atkinson, for the  
 25 information.

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1 MR DE LA POER: Sir, the next witness is Chief Officer  
 2 Smith, who is joining us remotely. Can I begin by  
 3 confirming that you can see and hear me?  
 4 THE WITNESS: Yes, I can.  
 5 MR DE LA POER: Chief officer, I'm going to ask for you to  
 6 be sworn. I don't know if you have arrangements at your  
 7 end.  
 8 SIR JOHN SAUNDERS: I understand you've got a Bible and  
 9 you've also got a card to read from. Would you mind  
 10 taking the oath, please, Mr Smith? Thank you very much.  
 11 CHIEF OFFICER ROBIN SMITH (sworn)  
 12 Questions from MR DE LA POER  
 13 SIR JOHN SAUNDERS: Thank you for joining us today.  
 14 MR DE LA POER: We'll begin please with your full name.  
 15 A. Robin Smith.  
 16 Q. And your current --  
 17 SIR JOHN SAUNDERS: Stop. We can't hear you very well at  
 18 the moment. It may be we can turn up the volume at the  
 19 other end or if you move closer to the microphone, that  
 20 might help as well. Thank you very much.  
 21 (Pause)  
 22 MR DE LA POER: What is your current rank?  
 23 A. I'm chief officer.  
 24 Q. We're going to review your career briefly prior to you  
 25 joining British Transport Police. Did you spend more

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1 than 30 years with Sussex and Surrey Police before  
 2 transferring to BTP in September 2016?  
 3 A. That's correct.  
 4 Q. What rank had you attained within the Surrey and  
 5 Sussex Police?  
 6 A. Assistant chief constable.  
 7 Q. Did you join BTP as an assistant chief constable?  
 8 A. Yes, I did.  
 9 Q. In the course of your roles before joining BTP, had you  
 10 received major incident training?  
 11 A. I'd attended a number of events to prepare ourselves for  
 12 major incidents, as well as firearms training and public  
 13 order training as well.  
 14 Q. Had you undertaken the necessary Gold commander training  
 15 before you joined BTP?  
 16 A. Yes, I had.  
 17 Q. Before joining BTP, had you acted in the role of  
 18 Gold commander at any incident?  
 19 A. I'd acted as Gold commander for a number of incidents,  
 20 yes.  
 21 Q. Were any of those terrorist incidents?  
 22 A. One of them was a terrorist incident, but a day or so  
 23 after, so when I was the airport commander at Gatwick,  
 24 following the terrorist attack at the airport at  
 25 Glasgow, I was the Gold commander at Gatwick Airport,

1 but as you might imagine, that was 24 hours in and it  
 2 was at a slower pace. But to answer your question  
 3 specifically, yes.  
 4 Q. So you joined BTP in September 2016. What was your role  
 5 within BTP when you joined?  
 6 A. My role was assistant chief constable for territorial  
 7 policing.  
 8 Q. What does that mean in practice?  
 9 A. In practice, that's delivering the day-to-day services,  
 10 largely to rail users. That's responding to calls,  
 11 dealing with volume crime, the day-to-day policing  
 12 business, one of those things that is slightly different  
 13 from being a specialist, if you like.  
 14 Q. Having joined BTP, did you have to undertake the role of  
 15 Gold commander at any incident?  
 16 A. I undertook the role of initial Gold following the  
 17 Croydon tram crash in November 2016, but upon arrival  
 18 I relinquished that given there were other demands and  
 19 I was requested to do something else.  
 20 Q. I think, although not relevant to your experience in  
 21 May 2017, but it completes the picture, that you were  
 22 the BTP Gold commander for the London Bridge terror  
 23 attack subsequent to the Manchester Arena attack?  
 24 A. That's correct, on the second day.  
 25 Q. So far as training at BTP was concerned, did you receive

1 any further training once you had joined in relation to  
 2 major incident response?  
 3 A. The answer to that question is, no, nothing specifically  
 4 in terms of the rail industry, although I received  
 5 training around track safety and a familiarisation to  
 6 working in a railway environment.  
 7 Q. Had you received or did you receive any training  
 8 in relation to the BTP major incident manual?  
 9 A. No.  
 10 Q. Was that a document that was drawn to your attention or  
 11 which you sought at any point once you had joined BTP?  
 12 A. No.  
 13 Q. So does it follow from that that that was not a document  
 14 that you had read by May 2017?  
 15 A. That is correct.  
 16 Q. Looking back on matters, is that a document you think  
 17 that you ought to have read given the possibility that  
 18 you might act as a Gold commander at a major incident?  
 19 A. I completely agree, yes.  
 20 Q. Again, with the benefit of hindsight, what explanation  
 21 do you think there is for why it was that you hadn't  
 22 read it by the time of May 2017?  
 23 A. I guess it's similar to when you arrive in any new  
 24 organisation, there is so much to do. There was also  
 25 working in a completely, very different organisation,

1 where there is much to learn, and I think it's because  
 2 of other pressures and other demands and other things to  
 3 read that that's the reason why I didn't get to it.  
 4 Q. What we're going to do now is we're going to have a look  
 5 at some of the sections of that manual, bearing in mind  
 6 it wasn't something that you had read at the time, but  
 7 I think it is something that you have since had a chance  
 8 to consider?  
 9 A. Yes, that's correct.  
 10 Q. The purpose of this is just to see whether or not  
 11 anything in that manual, insofar as it's relevant to  
 12 May 2017 and your role, differed from your expectation  
 13 and experience before BTP. I'm sure you understand.  
 14 A. Yes.  
 15 Q. We're going to begin by looking at page 14, please,  
 16 Mr Lopez. Do you have that major incident manual to  
 17 hand? Bear with me a moment. {INQ025700/1}. If we can  
 18 crop in, please, to the top. {INQ025700/14}. We can  
 19 see a reference to the Gold commander in the second  
 20 paragraph:  
 21 "The BTP Gold commander will provide direction in  
 22 respect of how the command structure will be  
 23 implemented. The national guidance states that the  
 24 Silver commander should be suitably located to maintain  
 25 effective tactical command of the incident and the

1 Gold commander will be cognisant of this."  
 2 It then lists a variety of places where the Silver  
 3 commander might place themselves. As a statement of  
 4 principle about the Gold commander's role, does this  
 5 accord with what your expectation of the Gold commander  
 6 was notwithstanding that you hadn't read it here in this  
 7 document?  
 8 A. There are some very subtle changes or differences from a  
 9 Home Office force, particularly in terms of location,  
 10 but largely speaking that's very similar, yes.  
 11 Q. Focusing upon the question of location, we'll hold that  
 12 in our minds and look at one other section of it. It  
 13 says here in the final paragraph under 2.4:  
 14 "During a major incident, many of the responding  
 15 agencies will have their Silver commanders at the scene.  
 16 Where the BTP Silver commander is located away from the  
 17 scene, it is important to ensure that the BTP commander  
 18 on scene is aware of their responsibilities including  
 19 attending (and probably chairing) the Silver  
 20 coordinating group meetings."  
 21 Just help us to understand what the subtle  
 22 differences are between what this manual is indicating  
 23 and what your expectation based on your previous  
 24 experience would be.  
 25 A. I think, unless there was a particularly good reason,

1 I would be expecting the Silver commander to go to the  
 2 scene, as is one of the options in the manual. I think  
 3 that would be unusual if we didn't do that. My view  
 4 is that the reason why BTP have chosen to do that is  
 5 largely the result of the fact that it's a national  
 6 force, covers three countries, and it's probably one of  
 7 those to try and prevent or not being able to get to the  
 8 scene in time.  
 9 Q. We're going to move forward to deal with this question  
 10 of the location of Silver now as it applies to 22 May,  
 11 although we'll move through the chronology in due  
 12 course. You spoke to Chief Superintendent Gregory on  
 13 the night of the incident; is that correct?  
 14 A. That is correct.  
 15 Q. At the time that you did so, as we understand it, he had  
 16 self-appointed to the role of Silver and awaited your  
 17 ratification. Was that your understanding?  
 18 A. Yes, I was informed by the senior duty officer when he  
 19 called me that he had already telephoned  
 20 Chief Superintendent Gregory and that he was close to  
 21 the control room in Birmingham and that he was making to  
 22 that location.  
 23 Q. Was it your role on the night as Gold commander to  
 24 ultimately determine who the Silver commander was going  
 25 to be?

1 A. Yes, and the rest of the command structure.  
 2 Q. So when you made that decision on the night, did you  
 3 understand that by approving Chief Superintendent  
 4 Gregory as the Silver commander, he would not be at the  
 5 scene?  
 6 A. Yes.  
 7 Q. At the time that you made that decision, did you weigh  
 8 up whether it would be better or not to have someone in  
 9 the role of Silver who could go to the scene in a timely  
 10 way?  
 11 A. Yes. My thinking was that given that Chief  
 12 Superintendent Gregory was so close to the control room,  
 13 it was my view that he would be able to get a sense of  
 14 what was going on far quicker -- in fact at the time  
 15 I remember thinking it was actually very fortunate that  
 16 he was located so close to the control room. That, also  
 17 combined with the fact that he is a commander for the  
 18 north of England and he is based in Manchester, so those  
 19 things together made me more confident that he would be  
 20 a very good Silver commander.  
 21 Q. Bearing in mind your expectation that the Silver  
 22 commander in your previous role would ordinarily go to  
 23 the scene, and your knowledge that this Silver commander  
 24 was not going to the scene, what was your thinking  
 25 around the importance of the Bronze commander at that

1 point?  
 2 A. I was already aware that following the initial briefing  
 3 from the SDO, the senior duty officer, that there was  
 4 a sergeant at the scene who was providing information.  
 5 My view is that the initial responder, our first officer  
 6 of any rank, is carrying out that initial -- what  
 7 I would call Bronze scene. So I was content that in the  
 8 medium-term we would have someone there, but again I was  
 9 satisfied that with Chief Superintendent Gregory going  
 10 to the control room, he would be able to get things done  
 11 a lot quicker.  
 12 Q. We'll return to this in due course when we look at the  
 13 chronology itself. The next document to bring up from  
 14 the same overall manual, please, Mr Lopez, is  
 15 {INQ025700/21}.  
 16 Here we are returning our focus to you  
 17 responsibilities personally as Gold commander. Do we  
 18 see at the bottom there, or do you see, a reference at  
 19 3.2 to the strategic coordinating group?  
 20 A. Yes, I do.  
 21 Q. We can see reference firstly that:  
 22 "[It] will be established by the lead coordinating  
 23 authority."  
 24 And in the second paragraph:  
 25 "There is likely to be a discussion between BTP

1 Gold commander and the local police Gold commander as to  
 2 who is best placed to chair the SCG. The chair of the  
 3 SCG will ensure the incident is reviewed from  
 4 a strategic perspective and ensure strategic leadership  
 5 for the duration of the major incident.”  
 6 Is there anything here in the BTP major incident  
 7 manual that differed from your expectation as you  
 8 arrived at BTP?  
 9 A. No, I think that is very standard.  
 10 Q. The final part that I would like to take you to, please,  
 11 is {INQ025700/65}. If we can crop in a little to help  
 12 the chief officer read it.  
 13 We can see that this contains a list of the  
 14 responsibilities of the BTP Gold commander. Can I just  
 15 invite you to look down that list now. I know you’ve  
 16 had a chance to read this document in full in advance,  
 17 and when you’ve had a moment, please indicate and I will  
 18 ask you some questions about it.  
 19 (Pause)  
 20 A. Yes, thank you.  
 21 Q. Does that list of responsibilities accord with your  
 22 expectations going into BTP of the role of the  
 23 Gold commander or are there any which are different?  
 24 A. From memory, they look very similar.  
 25 Q. Let’s have a look at just one or two of them. The third

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1 point:  
 2 "Define policy and responsibilities between BTP and  
 3 local police."  
 4 On 22 May 2017 did you understand that that was one  
 5 of your responsibilities as Gold commander?  
 6 A. I did not know that that was one of my responsibilities,  
 7 but notwithstanding it’s in the list, I can see how —  
 8 given the jurisdictional issues that a national force  
 9 has, I can see why it would be on the list.  
 10 Q. But in terms of your own thinking, bearing in mind you  
 11 hadn’t read this manual beforehand, was that  
 12 responsibility at the forefront of your mind in the  
 13 course of your role as Gold commander?  
 14 A. Not at that stage, no.  
 15 Q. If you could just define for us what you mean by "at  
 16 that stage". Are you talking about the first hour or  
 17 beyond that?  
 18 A. My first — probably within the first hour, I am  
 19 considering ensuring that there is a command structure  
 20 in place and that we have a strategy to follow. They  
 21 are my top two priorities, followed by, frankly, how  
 22 many officers and staff are we getting to the scene.  
 23 Q. So in that list is not, if I’ve understood your evidence  
 24 correctly, defining the responsibilities between BTP and  
 25 the local police force?

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1 A. It depends what we see as defining the responsibilities .  
 2 I suspect that’s longhand for issues around jurisdiction  
 3 and primacy but it’s not clear . That’s what I assume it  
 4 to be.  
 5 Q. Well, we’ll look in due course as to the conversations  
 6 you had focusing upon those two words that you’ve just  
 7 mentioned. We can see the next point down:  
 8 "Liaise with the other responding agencies as  
 9 required, and ensure the attendance at Gold meetings by  
 10 the designated attendees."  
 11 We’ll ignore the second half of the sentence and  
 12 focus upon the first . Did you understand that it was  
 13 your responsibility as Gold commander to liaise with  
 14 other responding agencies as required?  
 15 A. I did believe that was the case and the question is  
 16 when.  
 17 Q. Well, can you answer that question that you’ve just  
 18 posed for us?  
 19 A. I could see that beginning to happen later on in the  
 20 event. Ideally — at an SCG the challenge is,  
 21 of course, that as a national force, which — I guess  
 22 for the inquiry I offered the opportunity to consider  
 23 what it’s like from a Home Office perspective and then  
 24 indeed going into a national force. The challenges that  
 25 you immediately face that hitherto I didn’t consider is

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1 how do you make contact with your fellow Golds.  
 2 So in contrast, in my previous force, I would know  
 3 who the Gold commanders were, I would know who the fire  
 4 chief or chiefs were, and know the local authority chief  
 5 exec, know the chair of the Local Resilience Forum.  
 6 What I discovered on the first significant major  
 7 incident is, of course, the first challenge is trying to  
 8 understand who they are or where they are. So  
 9 I understand why it’s in the list, but it was also  
 10 a challenge not to know who they are because you build  
 11 relationships with those people; certainly that was the  
 12 case in my previous force.  
 13 Q. Do you regard that particular responsibility as being  
 14 an important responsibility for a Gold commander?  
 15 A. I do believe it’s an important responsibility for all  
 16 Golds, yes.  
 17 Q. Is that liaison, as you understood it, in May 2017,  
 18 confined to formal meetings of the strategic group or  
 19 could that liaison, should that liaison take place  
 20 outside that specified circumstance?  
 21 A. I think it’s the latter of those two. In previous  
 22 experience when there’s been an incident, one not of  
 23 this magnitude, so much of the work gets done via mobile  
 24 phones and personal relationships.  
 25 Q. We’ll come to the contact that you had with, as she then

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1 was, Assistant Chief Constable Ford of Greater  
 2 Manchester Police. But let's consider the other  
 3 emergency services. Outside of the strategic  
 4 coordinating group, at any time prior to it, did you  
 5 speak to Fire and Rescue Gold?  
 6 A. No.  
 7 Q. Did you speak to NWS Gold?  
 8 A. No.  
 9 Q. Did you make any efforts to contact them?  
 10 A. Not at that stage, no.  
 11 Q. Thinking about it now, do you think that is something  
 12 that you should have done or do you think that it was  
 13 unnecessary for you to have done so?  
 14 A. No, I think it is far better for the Gold commanders to  
 15 be able to have, if you like, almost an unstructured  
 16 arrangement whereby they can speak to each other. As  
 17 I've already said, so much business gets done when you  
 18 know who they are, and it can, if you like, circumvent  
 19 control rooms. Now, it's not always necessarily  
 20 recorded but it's a good way to ensure that things are  
 21 being done and you're touching base, so yes.  
 22 Q. So if we may take a particular example from events on  
 23 22 May 2017, by 11 o'clock, is it correct that you knew  
 24 that a very significant number of BTP officers were  
 25 operating in the City Room, ie the place in which the

1 bomb had gone off?  
 2 A. I was aware that there was initially four and then  
 3 I think that number went up to around 20, so broadly  
 4 speaking around 20 officers. A significant number, as  
 5 you describe.  
 6 Q. Had you, once you had that information by 11 o'clock or  
 7 so, spoken to the Gold commander of either the North  
 8 West Ambulance Service or the Greater Manchester Fire  
 9 and Rescue Service that would have been information that  
 10 you would have been in a position to give to their  
 11 Gold commanders; do you agree?  
 12 A. I agree.  
 13 Q. Is that the sort of information that you would expect of  
 14 yourself that you would pass on?  
 15 A. I do accept that, yes. That would be useful  
 16 information, important information, both to them and  
 17 indeed their information back to me.  
 18 Q. Back, please, to {INQ025700/65}. Can you find,  
 19 two-thirds of the way down, the:  
 20 "Ratify and review the Silver commander's tactical  
 21 plan"?  
 22 A. Yes.  
 23 Q. Before the strategic coordinating group, which we know  
 24 took place after 4 am, did you see a tactical plan by  
 25 the Silver commander?

1 A. No, I didn't.  
 2 Q. Did you receive an oral presentation or description of  
 3 a tactical plan by the Silver commander or anyone on his  
 4 behalf?  
 5 A. No, the answer to the question is I didn't receive --  
 6 I received, if you like, parts of a tactical plan, but  
 7 what would ordinarily be expected as a tactical plan,  
 8 no.  
 9 Q. You say what would be expected. How quickly from taking  
 10 over an incident would you expect a Silver commander to  
 11 have developed a tactical plan in a situation of this  
 12 magnitude?  
 13 A. I would think -- probably have one that would not  
 14 necessarily be in finite detail. Probably, depending on  
 15 the demands of that Silver commander, probably within  
 16 the first half an hour.  
 17 Q. We know from the Control Works log that  
 18 Chief Superintendent Gregory was able to be at the force  
 19 control room in Birmingham shortly after 11 and accepted  
 20 the working strategy just after 11.30. Where in that  
 21 time frame, and it may go beyond the times I've given  
 22 you, would you expect a tactical plan to have been  
 23 developed?  
 24 A. I think certainly within the first hour, dependent upon,  
 25 of course, the amount of demands that are being placed

1 upon him and the support that he could have. So  
 2 ideally, within the first hour.  
 3 Q. At any point did you ask Chief Superintendent Gregory  
 4 for his tactical plan so that you could ratify and  
 5 review it?  
 6 A. No, I didn't.  
 7 Q. Was that something that you ought to have done?  
 8 A. Yes.  
 9 Q. Again, just help us to understand the position that you  
 10 were in: with the benefit of hindsight, why do you think  
 11 it was that you did not ask him for that tactical plan?  
 12 A. I genuinely think that we were so busy dealing with  
 13 various calls that I had made an assumption that he  
 14 would have developed a tactical plan. I absolutely  
 15 accept that I should have asked him how he was going to  
 16 effectively deliver the strategy that we'd both agreed.  
 17 Q. Thank you, Mr Lopez, can you take that down? That's all  
 18 that I want to ask you, chief officer, about the detail  
 19 of that major incident manual.  
 20 I'm going to, before we turn to other matters, just  
 21 ask you a general question about JESIP. Had you  
 22 received training in JESIP by May 2017?  
 23 A. I had not.  
 24 Q. If someone on the morning of 22 May 2017 had asked you  
 25 to list the JESIP principles, would you have been able

1 to do so?  
 2 A. Certainly not all five .  
 3 Q. When you were undertaking your responsibilities as  
 4 Gold commander on the night, did you have any of the  
 5 JESIP principles at the forefront of your mind in any  
 6 form whatsoever?  
 7 A. Yes.  
 8 Q. Which principles do you think you had at the forefront  
 9 of your mind?  
 10 A. Number 1, a shared understanding, what is called in  
 11 JESIP situational awareness, as was clear in some of the  
 12 other incidents , in other words we have a shared idea of  
 13 what's going on. The importance of eventual  
 14 co-location, and from co-location comes coordination.  
 15 And perhaps one that is of most importance, not just  
 16 necessarily associated with JESIP, but throughout any  
 17 incident, whether it's a major incident or otherwise, is  
 18 the ability to communicate.  
 19 Q. So those principles were in your mind as you undertook  
 20 your responsibilities ?  
 21 A. Not necessarily in that list , but certainly those things  
 22 are those things that are pretty fundamental to  
 23 delivering an operation.  
 24 Q. Picking up on the second, I think it was, in the list ,  
 25 co-location, was it your role as Gold commander, as you

1 understood it, to ensure that there was co-location of  
 2 the emergency services at the scene?  
 3 A. I guess ultimately, the Gold commander has  
 4 responsibility for everything, but in terms of the  
 5 co-location at the scene, that's where I would be  
 6 looking for the Silver commander because that would be  
 7 one of the key things to deliver the strategy. So my  
 8 expectation would be that the Silver commander is  
 9 ensuring that that is happening at the scene.  
 10 Q. Bearing in mind that in this particular situation we  
 11 know that the Silver commander was not at the scene, did  
 12 that place any additional requirement upon you to make  
 13 sure that that was happening or does your previous  
 14 answer apply?  
 15 A. Ultimately, the Gold commander is responsible for  
 16 everything, but I was given no information to suggest  
 17 that that wasn't happening, and indeed, the information  
 18 that had come to me via the senior duty officer was that  
 19 there was a sergeant at the scene who was providing that  
 20 information. As to co-location, as yet I was unaware.  
 21 Q. Taking responsibility , as you have, as Gold commander  
 22 for BTP's response, was there a failure of JESIP so far  
 23 as BTP is concerned on the night of 22 May?  
 24 A. I believe there was, yes.  
 25 Q. Can you please identify, based upon your understanding,

1 what you regard as the principal JESIP failures in terms  
 2 of BTP's response?  
 3 A. Certainly at co-location, and by that co-location I'm  
 4 talking specifically around an RVP and a forward control  
 5 point. I think from that co-location, you are much  
 6 better able to deliver the effect , so I'd say  
 7 co-location was a problem, and from that co-location  
 8 comes the coordination. So I would agree too that that  
 9 could have been improved.  
 10 Having said that, of course, I was being given every  
 11 encouragement that we had more and more resources going  
 12 into the scene to support the endeavour, but in terms of  
 13 those, they would probably be the most important ones,  
 14 yes.  
 15 Q. Given the unique perspective you have as BTP  
 16 Gold commander, I wonder if you can help us with  
 17 a matter that the chairman has explored with other  
 18 witnesses, particularly in the light of the answer  
 19 you have just given. Is it inevitable in your view that  
 20 there will be a failure to apply JESIP or is it in fact  
 21 an attainable standard even in circumstances such as an  
 22 atrocity of this gravity?  
 23 A. If I may say so, I think that's a very good question.  
 24 It has occurred to me that JESIP — JESIP seems — JESIP  
 25 is — from the textbook and from the books it is very

1 sensible , but the question I've often asked myself is:  
 2 why is it seemingly JESIP is hard to deliver? This is  
 3 not the first time when I've come across issues around  
 4 JESIP.  
 5 What I think is that the fundamentals for JESIP are  
 6 there, it is fundamentally a good process, but of course  
 7 what JESIP says is it takes time, it takes time  
 8 particularly in an incident like this to bring together  
 9 resources, protocols and structures. So whilst I think  
 10 that JESIP is fundamentally the right way forward, where  
 11 I think we do have a problem is expectation: when can it  
 12 get to where we want it to be functioning properly? And  
 13 that takes time, as indeed it does say in JESIP.  
 14 Q. Chief officer , I'm going to conclude my questioning of  
 15 you by seeking your recommendations to the chairman for  
 16 his consideration as to how things can be done better,  
 17 but that's all I'm going to ask you about at this stage.  
 18 I'm going to move on to one more topic before we  
 19 move to the events of 22 May 2017. And to do so, can  
 20 I invite you, please, to turn up your first witness  
 21 statement and consider paragraphs 10 to 13.  
 22 As you will appreciate, chief officer , we've asked  
 23 a number of witnesses about this and we've had multiple  
 24 perspectives. All that I'm going to seek from you is  
 25 what your understanding was, please, in May 2017 about



1 how primacy worked.

2 A. Primacy — the police service and various others use

3 words that don't relate to what it means. Primacy is

4 used regularly and often for cross-border firearms

5 operations. It's really important to know when you've

6 got a firearms team coming in from one force to the

7 next, who is actually in charge. So that was where

8 I first became aware, as a firearms commander, to issues

9 of primacy: who has primacy?

10 The issue of primacy really is another word or

11 simple word for who's in charge, so the simple question

12 to ask is not necessarily who has primacy, although

13 that's the word we use, but in my view we are asking the

14 question: who is in charge?

15 Q. And what was your understanding in May 2017, and I'm not

16 here talking about the night but in terms of the

17 principles of it, about who would be in charge in the

18 event of a terrorist incident such as in fact occurred?

19 A. Again, it would have been my expectation that that was

20 known and well understood because actually I think it's

21 a very simple question and indeed I think it's a very

22 easy question to answer. I'll answer it if required.

23 I think that —

24 Q. Well — I'm sorry, I spoke over you. Please continue

25 your answer.

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1 A. What surprised me, I guess, is that those questions had

2 not already been asked and I appreciate that a lot has

3 already been discussed around jurisdiction and primacy,

4 and I appreciate you didn't ask me about jurisdiction,

5 but I think on the night and since, those words have

6 been interchanged, meaning the same things.

7 On the night, I asked the question about

8 jurisdiction and the reason I asked that question was

9 one — was from someone who had recently, fairly

10 recently, gone to the British Transport Police. Those

11 questions around jurisdiction feature every day in the

12 British Transport Police, as indeed I'm sure the inquiry

13 has already heard. But on the night, when I was

14 informed of the incident, I was questioning myself, less

15 so about jurisdiction and primacy, but I was puzzled as

16 to why the transport police had responsibility for, if

17 you like, a concert venue.

18 Q. Do you think there is any possibility of

19 a misunderstanding having taken place, bearing in mind

20 that that's what you were driving at, between you and

21 those that you were speaking to?

22 A. There is a possibility that is the case. My simple

23 question from the outset was one of someone new to the

24 transport police simply asking — I was quizzical as to

25 the reason why it wasn't effectively in a railway

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1 station, to be absolutely simple, and I was just asking.

2 The answer that I got was one that was — it wasn't

3 certain and I was interested to know that answer. In

4 all truth, I didn't think for one second that that one

5 question was going to occupy so much time.

6 Q. You indicated that you were in a position to answer the

7 question you posed rhetorically about why you regard the

8 issue of primacy as being straightforward, I think that

9 I've paraphrased you, I hope, accurately. Please

10 could you answer that for us?

11 A. I think it can be straightforward, although it clearly

12 wasn't straightforward on the night. To my mind, and

13 this is work that I did after the event, the British

14 Transport Police quite simply cannot, if you like, spin

15 up the resources that every medium-sized and indeed very

16 large, as indeed GMP is, force can to deal with an

17 incident like this.

18 I think that's where I'm saying that actually the

19 decision, I don't think, is a difficult one. From my

20 experience in a Home Office force, I would have been

21 very, very surprised if the transport police, which

22 of course were part of my last force, would begin to

23 even scratch the surface on an incident like this.

24 Q. Before 22 May 2017, had you given any thought to the

25 scenario that unfolded on that day in terms of the

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1 question of who would take charge?

2 A. No.

3 Q. When you were first told about the incident and given an

4 indication at the very least that it might be on British

5 Transport Police jurisdiction, who did you think was in

6 charge?

7 A. To run the operation of this size, I was absolutely

8 confident that only Greater Manchester Police would be

9 able to run this operation. However, I also believe

10 that the British Transport Police and indeed other

11 emergency services are leading also a Gold/Silver/Bronze

12 structure to deliver the effect. So I think there's

13 a danger if you think that everybody else is going to do

14 something, nobody does anything, and certainly my

15 experience on the night is that did not happen and that

16 everybody did their best in terms of trying to respond

17 to this incident.

18 Q. Given that was your view, what role did you consider

19 BTP, who you were commanding, had to play on the night?

20 A. Very simply, as I ratified in the strategy, to save

21 lives and to work in partnership. That was BTP's key

22 role.

23 Q. Did you have the opportunity to hear the evidence of

24 Inspector Dawson or Chief Inspector Lodge so far as it

25 touched on the issue of who they thought was in command

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1 or at least the way they were acting that night?  
 2 A. I've only seen elements of it, so some but not all.  
 3 Q. I hope I summarise this correctly. Inspector Dawson,  
 4 who was the force incident manager, said that his view  
 5 was that BTP should act as if it was in command until he  
 6 was told otherwise. Does that encapsulate your view or  
 7 did you have a different view?  
 8 A. Well, certainly if the alternative is that he's not  
 9 going to be doing what indeed he did so well under very  
 10 difficult circumstances, he is in command, he is in  
 11 command of BTP resources and he's getting people to the  
 12 scene, which was the number one priority. I question,  
 13 certainly in the first stages of an operation of this  
 14 size, about who has primacy. I wouldn't be expecting  
 15 the likes of Inspector Dawson necessarily to be talking  
 16 about primacy. I'd be expecting him to be getting  
 17 resources in to that location, which indeed, from my  
 18 estimation, he did.  
 19 Q. But if, to use a phrase the chairman has used, BTP is  
 20 not ultimately running the show, does that not place  
 21 a very substantial obligation on BTP to find out what  
 22 those who are running the show want them to do?  
 23 A. Yes, and, as the chairman has referenced, we talk about  
 24 jurisdiction, we talk about primacy, but one of the  
 25 other references or other descriptors used is who is the

1 lead agency. If you ask, who is the lead agency, who  
 2 I think that is, I think at this stage, in fact I'm very  
 3 confident, the lead agency should be, must be, Greater  
 4 Manchester Police.  
 5 SIR JOHN SAUNDERS: Chief officer, do you mind if  
 6 I intervene to ask a question? You've told us that the  
 7 question of whether the arena was or where the bomb went  
 8 off was on BTP land -- bearing in mind that you knew  
 9 that the station, and therefore BTP officers, were close  
 10 by, why did it actually matter to you whether it was  
 11 actually on their land or whether it just happened to be  
 12 close by and therefore they were going to get there and  
 13 do their best to help? What's the significance of whose  
 14 land it's on?  
 15 A. I don't think necessarily there is a significance in  
 16 terms of the rescue effort. I don't think it matters  
 17 for one second where there is a boundary. We are all  
 18 wearing badges, we are all a public service, and frankly  
 19 I have no interest -- the reason I was asking, as  
 20 I probably didn't explain very well at the start, is as  
 21 someone new to BTP, I was simply questioning -- I could  
 22 not understand why the transport police seemingly had  
 23 jurisdiction over what I then found out was a very large  
 24 concert venue. I had not been there myself.  
 25 So that was my question and the answer that I got

1 didn't give me complete confidence. There was  
 2 confidence but not complete confidence. Indeed, chair,  
 3 at that stage it was only the City Rooms, or what I then  
 4 described as the foyer, I thought that just the foyer  
 5 was part of -- and of course I went there later that  
 6 morning and then of course could visualise the  
 7 geography. I didn't realise until a bit later on that  
 8 it included all of the arena.  
 9 So in answer to your question, I agree, it doesn't  
 10 really matter who, it matters just to get in there.  
 11 SIR JOHN SAUNDERS: I am only asking that because the only  
 12 reason why people appeared to be interested in whether  
 13 BTP had jurisdiction at the time was because they seemed  
 14 to believe that with jurisdiction went primacy, so I was  
 15 wondering whether that was why you were interested  
 16 in the question of whether it was on your land or not.  
 17 A. No, it was more around, again, just not understanding  
 18 why BTP would have that sort of, probably naively, but  
 19 frankly I thought it was railway stations and railways.  
 20 I could have also been anticipating the question from  
 21 the chief constable when I briefed him as well.  
 22 SIR JOHN SAUNDERS: Thank you.  
 23 MR DE LA POER: Developing your last answer in terms of your  
 24 understanding of the geography, or lack of it, until you  
 25 were able to put your boots on the ground, as

1 Gold commander would you have been assisted by a plan  
 2 which provided details of the arrangement at  
 3 Manchester Victoria Station, bearing in mind it had that  
 4 very particular feature of a concert venue with  
 5 1 million-plus people visiting every year?  
 6 A. I would have benefited from a plan. I wasn't aware  
 7 there was one.  
 8 Q. Certainly so far as one produced by BTP is concerned, my  
 9 understanding is there wasn't.  
 10 Finally on the issue of primacy, do you think with  
 11 the benefit of hindsight that spelling out in the  
 12 clearest possible terms, in writing and agreed by local  
 13 Home Office forces and BTP, the issue of primacy  
 14 in relation to particular major incidents should be  
 15 captured?  
 16 A. Yes, I do. But to add to that, it is my view that that  
 17 thinking and that discussion should have been done  
 18 before, before the night. If there is to be -- we can  
 19 predict there may be -- obviously we couldn't predict an  
 20 incident of this magnitude and horror, but it would be  
 21 quite simple to say: in the event of a terrorist  
 22 incident, primacy is X. I actually don't think it's  
 23 necessary -- it's unnecessary in my view to do it on the  
 24 night, not least of which it's so difficult to make  
 25 contact.

1 SIR JOHN SAUNDERS: I note from your statement, and we've  
 2 looked today at the Home Office circular, but I gather  
 3 that you weren't aware of that circular at the  
 4 particular time.  
 5 A. That's correct, sir.  
 6 SIR JOHN SAUNDERS: Have you read it since?  
 7 A. Yes, I have.  
 8 SIR JOHN SAUNDERS: And do you think it makes clear who is  
 9 going to have primacy in the event of a terrorist  
 10 attack?  
 11 A. No, I don't.  
 12 SIR JOHN SAUNDERS: Thank you.  
 13 MR DE LA POER: Chief officer, we're approaching 1 o'clock  
 14 and I'm about to turn to the events of 22 May, which,  
 15 sir, my preference would be to do as a piece if that's  
 16 convenient to you.  
 17 SIR JOHN SAUNDERS: If that's convenient to you, chief  
 18 officer, as well, we'll break off for an hour until  
 19 1.45. Is that convenient to you?  
 20 A. Yes, thank you.  
 21 SIR JOHN SAUNDERS: Thank you. 1.45, please.  
 22 (12.47 pm)  
 23 (The lunch adjournment)  
 24 (1.45 pm)  
 25 MR DE LA POER: Chief Officer Smith, can you see and hear

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1 me?  
 2 A. Yes, I can.  
 3 Q. Thank you very much indeed. It may be that you'll want  
 4 to just sit slightly closer to the screen as you were,  
 5 I hope -- thank you very much indeed.  
 6 We're going to turn now to the events of  
 7 22 May 2017. Were you the on-call chief officer for  
 8 British Transport Police that night?  
 9 A. Yes, I was.  
 10 Q. We don't need to know the exact location, but were you  
 11 at home in the south of England at the point at which  
 12 you learned of the arena attack?  
 13 A. Yes, I was.  
 14 Q. At that point were you awake or asleep?  
 15 A. I was awake.  
 16 Q. At the point that the call came in?  
 17 A. Yes.  
 18 Q. We're going to now use the call schedule that has been  
 19 prepared on behalf of British Transport Police relating  
 20 to your mobile telephone calls just to track in some  
 21 detail to start with, at least, who you were speaking  
 22 to.  
 23 Mr Lopez, please can we have on screen, just to  
 24 identify the entry, {INQ041119/2}.  
 25 This is a schedule of the calls that you made that

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1 night, prepared by British Transport Police. Do we see  
 2 in row 7 a call at 22.56.00 lasting 3 minutes and  
 3 58 seconds from the SDO, Chief Inspector Lodge, to you?  
 4 A. Yes.  
 5 Q. Was that your first notification of the incident?  
 6 A. Yes.  
 7 Q. Thank you, Mr Lopez, we'll take that down for the time  
 8 being, although we will undoubtedly come back to it.  
 9 Next I'm just going to take you, but it'll just be  
 10 you and I looking at it, to the Control Works log. Can  
 11 I invite you, and I know that you have it  
 12 electronically, to go to page 44 in the top left -- hand  
 13 corner, which, if you're searching it as a PDF, is  
 14 page 45 of the document but page 44 in the marking  
 15 at the top left {INQ002000/45}.  
 16 A. I have a hard copy, so I should be able to ...  
 17 Q. We heard from Chief Inspector Lodge yesterday that,  
 18 following his conversation with you, he made an entry in  
 19 the Control Works log, which is timed at 23.01.28, to  
 20 reflect the conversation that he'd had with you.  
 21 Do you have that entry?  
 22 A. I do.  
 23 Q. It says:  
 24 "SDO has spoken to on call COG -- ACC Smith and  
 25 given the early facts. I am trying [to establish] which

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1 police force has jurisdiction."  
 2 A. Yes.  
 3 Q. We have heard from Chief Inspector Lodge, as I say,  
 4 already about this conversation. What we want to hear  
 5 is from you, chief officer, about your perspective on  
 6 it. Would it be helpful for us to bring your notes up  
 7 on screen as we do this? We can display them, you won't  
 8 need to dig out a hard copy. The question really is:  
 9 will that help you give your evidence if we have sight  
 10 of those notes as you do so?  
 11 A. It would be helpful.  
 12 Q. Then we will do that.  
 13 Mr Lopez, {INQ001997/1}. We looked at these when  
 14 Mr Gibbs Queen's Counsel was questioning  
 15 Chief Inspector Lodge yesterday.  
 16 The first thing to ask about the entry we see here  
 17 is: does this note reflect the conversation that you had  
 18 initially with the senior duty officer or does it  
 19 include information which goes beyond that first  
 20 conversation?  
 21 A. It goes beyond that, looking down the list. More  
 22 information was provided in other calls, so yes, it goes  
 23 beyond that.  
 24 Q. Just to help us understand where the division is, are  
 25 you able to say, looking at this, which of the notes

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1 we can see on that page relate to the first conversation  
 2 you had with the senior duty officer and which may apply  
 3 to other conversations you had that night?  
 4 A. It's difficult for me to assess necessarily, but  
 5 certainly the bullet point there John Connaghan, from my  
 6 recollection that came a little bit later, a following  
 7 call.  
 8 Q. So far as the early entries are concerned, we can see at  
 9 the fifth marker on the left-hand column, the word  
 10 "bomb". Will that relate to your first conversation  
 11 with Chief Inspector Lodge?  
 12 A. Yes, although whilst bomb was mentioned,  
 13 Chief Inspector Lodge was not absolutely certain at that  
 14 stage.  
 15 Q. But certainly on the basis of what he said to you, that  
 16 was the note that you made at the time?  
 17 A. Absolutely.  
 18 Q. The next entry, "On call" -- can you help us with the  
 19 third word in that line?  
 20 A. Media, "On call media".  
 21 Q. We can see then "Control Works". What was that  
 22 a reference to?  
 23 A. I don't know. I suspect it was, as  
 24 Chief Inspector Lodge was describing things to me,  
 25 he was probably making reference to Control Works,

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1 which, as the inquiry already knows, is probably  
 2 a reference to the log.  
 3 Q. We can then see:  
 4 "BTP territory.  
 5 "Control. GMP jurisdiction.  
 6 "GMP."  
 7 Those three lines of entries, do you know whether  
 8 they related to your first conversation with  
 9 Chief Inspector Lodge or whether that came later?  
 10 A. It's difficult to be certain, but I believe that came at  
 11 my first conversation.  
 12 Q. Just to complete the picture, "Kyle Gordon --  
 13 attending", your first conversation or subsequently?  
 14 A. That could have been the first or second. It certainly  
 15 was one of the very early conversations.  
 16 SIR JOHN SAUNDERS: It had been arranged by then?  
 17 MR DE LA POER: Kyle Gordon was contacted prior to this  
 18 call, sir.  
 19 SIR JOHN SAUNDERS: Okay, thank you.  
 20 MR DE LA POER: But the instruction from  
 21 Chief Superintendent Gregory didn't come until about  
 22 quarter past 11, so that was after.  
 23 SIR JOHN SAUNDERS: Okay.  
 24 MR DE LA POER: But certainly, as I understand it, he was  
 25 aware of the incident before this conversation.

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1 SIR JOHN SAUNDERS: Thank you.  
 2 MR DE LA POER: So let's focus upon the conversation you had  
 3 with Chief Inspector Lodge, that first call for  
 4 3 minutes and 58 seconds. Did he convey to you that he  
 5 understood that a very serious incident had occurred  
 6 in the City Rooms?  
 7 A. Absolutely, very serious, yes.  
 8 Q. We see your note right at the top:  
 9 "At least 100 casualties."  
 10 A. Yes.  
 11 Q. From the moment that you understood that this was  
 12 a serious incident, did you understand that you would be  
 13 the Gold commander for it?  
 14 A. Yes.  
 15 Q. Did Chief Inspector Lodge tell you that, about  
 16 15 minutes or so before this call, Inspector Dawson had  
 17 declared a major incident?  
 18 A. He did.  
 19 Q. Was that a decision by Inspector Dawson that you had any  
 20 reason to doubt or question?  
 21 A. I didn't doubt either, no.  
 22 Q. To the best of your recollection, what was the  
 23 discussion around the relationship with Greater  
 24 Manchester Police?  
 25 A. The initial discussion, as I mentioned earlier, was

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1 around jurisdiction, and I've explained that, I can do  
 2 that again. That was the question that I asked  
 3 Chief Inspector Lodge as I explained earlier.  
 4 Q. And as I understand it, that question was coming, so far  
 5 as you were concerned, from a desire to understand how  
 6 it was that a concert venue of this size fell within the  
 7 jurisdiction of BTP?  
 8 A. Correct.  
 9 Q. Is there anything else that we haven't yet touched upon  
 10 that you can recall about that first telephone call from  
 11 Chief Inspector Lodge?  
 12 A. From memory, I believe he also mentioned that  
 13 Chief Superintendent Gregory had been contacted. That  
 14 was certainly if not the first, the second call, but  
 15 I believe it was the first call. The initial call was  
 16 really to put me on notice. He was going to go and  
 17 collect some more information, but I believe I was  
 18 confident that Chief Superintendent Gregory had already  
 19 been contacted before I was contacted.  
 20 Q. Having, by the end of this conversation, as you have  
 21 told us, concluded that you were to be the  
 22 Gold commander for this incident, I'd just like to  
 23 explore your decision--making around where you were going  
 24 to command the incident from. Did you have access to  
 25 Control Works at your home?

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1 A. No.  
 2 Q. When you received that first notification just before  
 3 11 o'clock, did you consider whether or not you needed  
 4 to travel to another place to be in a better position to  
 5 undertake the Gold command role?  
 6 A. That was definitely going to happen. The question that  
 7 I was thinking is: where?  
 8 Q. Again, I stress I'm not concerned to know exactly your  
 9 location, but approximately how far in terms of travel  
 10 time were you from the force control room in London at  
 11 that point?  
 12 A. Probably in a fast car, maybe an hour, an hour and  
 13 15 minutes.  
 14 Q. In terms of access to a system with Control Works, were  
 15 there any other locations closer than Force Control Room  
 16 London that you might have travelled to so that you  
 17 could see the incident through the Control Works log?  
 18 A. Yes.  
 19 Q. The closest of those, again in travel time from your  
 20 location?  
 21 A. 12 to 15 miles.  
 22 Q. Having established that, what was your decision at  
 23 around 11 o'clock about where you needed to position  
 24 yourself?  
 25 A. As you'll see shortly after, and I don't want to race

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1 through — I know you want to go through the numbers  
 2 but, that was really the conversation that I had with  
 3 the chief constable. When — I first of all called him  
 4 to at least advise him that this had happened, and then  
 5 I called him with more information a short while later  
 6 and him and I discussed where best to locate to.  
 7 Q. Well, then we will come to that when we reach it in the  
 8 chronology. Unless there's anything you want to add to  
 9 that first conversation you had with Chief  
 10 Inspector Lodge, I propose to take down your notes.  
 11 A. Thank you.  
 12 Q. Mr Lopez, can we revert, please, to our schedule of  
 13 calls? {INQ041119/3}. Row 8, which is at 23.05, a  
 14 telephone call from you, lasting 2 minutes and  
 15 12 seconds, to Chief Superintendent Gregory; do you see  
 16 that?  
 17 A. Yes.  
 18 Q. You've already told us that in that first call with the  
 19 senior duty officer you had been told that  
 20 Chief Superintendent Gregory was to be involved; is that  
 21 correct?  
 22 A. That is correct.  
 23 Q. Was that the reason that you then called him shortly  
 24 after you'd finished speaking to Chief Inspector Lodge?  
 25 A. Yes.

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1 Q. In summary form, please, can you tell us what you were  
 2 informed by Chief Superintendent Gregory at about 11.05?  
 3 A. Really, in summary terms, he had the same information  
 4 that I had. He had received the same briefing from  
 5 Chief Inspector Lodge. I believe that by the time I'd  
 6 spoken to — when I'd spoken to him, he was already  
 7 in the Birmingham control room and he was updating  
 8 himself with the latest information.  
 9 Q. We saw that entry on your notes, which we can bring back  
 10 up again if you need to see it, in relation to "Kyle  
 11 Gordon — attending". Do you recall whether that was  
 12 information given to you by the SDO or whether it came  
 13 from Chief Superintendent Gregory?  
 14 A. I believe it came from the SDO.  
 15 Q. We can see your next conversation with the SDO is at  
 16 23.06, a 54-second contact. Do you recall that  
 17 particular conversation or are your two early  
 18 conversations with the SDO effectively amalgamated in  
 19 your recollection?  
 20 A. They're effectively amalgamated, that's a good word. It  
 21 was more information.  
 22 Q. So that call will finish some time before 23.08. Then  
 23 we can see there is a voicemail which we will set to one  
 24 side unless you tell us that you have a recollection of  
 25 that voicemail being relevant to the events we're

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1 concerned with.  
 2 A. I don't know.  
 3 Q. Then we come to the telephone call that you had with the  
 4 chief constable at 23.10. It's marked on here as being  
 5 48 seconds in duration.  
 6 A. Yes.  
 7 Q. You had begun to tell us about that conversation.  
 8 Please can you summarise what the purpose of that call  
 9 was and what you were left with at the end of it?  
 10 A. It was essentially to put the chief constable on notice,  
 11 to inform him of a hugely significant incident, give him  
 12 essentially the information that I had, and I told him  
 13 I would get more information and ring him back.  
 14 Q. By the point at which you spoke to the chief constable,  
 15 did you know who the Silver commander was going to be?  
 16 A. I did.  
 17 Q. Did you tell the chief constable that?  
 18 A. Certainly not on the first call, but I'm fairly  
 19 confident I did on the second call. He'd want to know.  
 20 Q. By the time that you spoke to the chief constable for  
 21 the first time, did you know who the Bronze commander  
 22 was going to be?  
 23 A. I don't believe I did at that stage, or, if I did,  
 24 I don't think I would have given him all the information  
 25 until I knew what the command structure was.

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1 Q. And really here I'm just going back to that note that  
 2 you recorded in that list, "Kyle Gordon -- attending".  
 3 Are you able to help us at all with when in this  
 4 sequence of events you think you learned that and if  
 5 it's necessary to identify a window of time, please do  
 6 so?  
 7 A. I believe it's one of the first two calls that  
 8 I received from the SDO at row 7 or row 9.  
 9 Q. So the effect of that is that by 23.08, it was your  
 10 belief that Kyle Gordon would be attending?  
 11 A. Yes.  
 12 Q. Did you know who Kyle Gordon was at that point?  
 13 A. I did.  
 14 Q. Was he someone that you had met?  
 15 A. I had.  
 16 Q. Did you know where he was in relation to the  
 17 Manchester Arena?  
 18 A. I did not.  
 19 Q. When his name was mentioned, did you understand him to  
 20 be simply one of the people who would be attending or  
 21 did you understand that he was someone to take a command  
 22 role?  
 23 A. He was someone to take a command role.  
 24 Q. Had you been told that it would take him at least  
 25 an hour to get to the scene, would that have resulted in

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1 you saying anything about the appropriateness of him  
 2 taking a command role?  
 3 A. First of all, the answer to your question is yes. One  
 4 of the other observations I have had to -- or I had to  
 5 adjust with BTP is a recognition that it just takes more  
 6 time. So for example, being made aware, not at that  
 7 time, that the duty inspector covering Manchester was  
 8 coming from Newcastle, I believe. This is -- for  
 9 someone from a Home Office force, you know how many  
 10 inspectors would be on duty in GMP on a Monday night,  
 11 probably two or three dozen, so it just illustrates how  
 12 British Transport Police spins up, but certainly if the  
 13 question of being an hour -- I would have asked, "Are  
 14 there any alternatives?"  
 15 Q. Based on your understanding at that early stage, did you  
 16 regard it as essential that somebody of superintendent  
 17 rank undertook the Bronze commander role?  
 18 A. Not essential. It's not essential it's a  
 19 superintendent, no.  
 20 Q. Well, what would be the minimum rank, do you think,  
 21 based upon your understanding in those early stages,  
 22 that would have been appropriate?  
 23 A. Well, in the early stages, it is really not about rank  
 24 and it is about role. It is about seizing the role and  
 25 opportunity to command the scene. So it is about role.

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1 But that should change and it should change fairly  
 2 quickly, even if it's coming from GMP. I would say the  
 3 minimum to be essential -- to answer your question, the  
 4 minimum I probably would have been looking for would  
 5 have been an inspector.  
 6 Q. I'm going to continue moving down the calls, but before  
 7 we do so, you mentioned earlier that the chief constable  
 8 and you had a conversation about where you would locate  
 9 yourself. Did that occur in this first call or in  
 10 a subsequent call?  
 11 A. It occurred in the second call.  
 12 SIR JOHN SAUNDERS: Just before we go on, when we were  
 13 talking in the inquiry about Bronzes and how soon they  
 14 should be able to get there, obviously some senior  
 15 officers will know from their own knowledge where other  
 16 officers live, but is there a comprehensive list which  
 17 is readily accessible in control rooms, which would say,  
 18 "This is where they normally reside", so you have some  
 19 idea of how far they have to come?  
 20 A. The honest answer to that is, sir, I'm not certain. My  
 21 assumption is that, particularly with the British  
 22 Transport Police, where frankly officers and staff  
 23 travel enormous distances to work every day, obviously  
 24 on the rail network, there is a likelihood, I think,  
 25 that they would know where they lived.

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1 SIR JOHN SAUNDERS: Thank you.  
 2 MR DE LA POER: Unless there's anything for you to add,  
 3 chief officer, about your first conversation with the  
 4 chief constable, we'll begin to move through this  
 5 chronology a little quicker than we have. Do we see at  
 6 23.15 we have a conversation, 3 minutes and 2 seconds,  
 7 with the SDO?  
 8 A. Yes.  
 9 Q. Was that providing you with further information from him  
 10 about his understanding of the scene?  
 11 A. Yes.  
 12 Q. Did you undertake any command decision-making in the  
 13 course of that conversation?  
 14 A. In one of these conversations, we talked about the  
 15 command structure, and we also talked about the emerging  
 16 strategy, the working strategy, but I'm not sure which  
 17 one that was. That certainly was discussed from my  
 18 memory.  
 19 Q. We'll come back to the working strategy when we actually  
 20 have a look at it as it appeared in the log, but the  
 21 next entry is line 13, a 4-second contact between mobile  
 22 devices involving you and Chief Superintendent Gregory.  
 23 Might it be the case that that wasn't in fact any real  
 24 conversation between you but perhaps a missed call and  
 25 an answerphone?

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1 A. I believe so, yes. Four seconds would be — yes.  
 2 Q. 23.17. We see the second call with the chief constable,  
 3 this one a very substantial one of 7 minutes and  
 4 29 seconds. Can you summarise for us, please, the  
 5 contents of that call?  
 6 A. Yes. This was a more detailed briefing, given the  
 7 calls, the additional calls that I'd had from the SDO  
 8 and also I was able to talk with a bit more confidence  
 9 in terms of how it was considered to be a terrorist  
 10 attack, it was a bomb, there were sadly a number of  
 11 fatalities as well as injured people, so it was being  
 12 able to speak in more certainty.  
 13 We then talked about command structure, we talked  
 14 about Gold, Silver, I believe I may have also briefed  
 15 him on Bronze. He would want to know. We talked  
 16 about — whilst he was clearly concerned, as we all  
 17 were, as to what had happened, he was also mindful of  
 18 the huge interruption and disruption, rather, to the  
 19 travelling public in Manchester and around the  
 20 north—east. So he was thinking about the likely  
 21 interruption the following day and the impact on  
 22 stakeholders and we talked, I recall, briefly about  
 23 resources. Then we talked about where I should locate  
 24 to.  
 25 Q. What was the conclusion of the discussion about your

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1 location?  
 2 A. He instructed me to make for Manchester to attend the  
 3 SCG.  
 4 Q. Whilst acknowledging that he is your superior in this  
 5 situation, you are the Gold commander with  
 6 responsibility for the incident, was that an instruction  
 7 that you readily agreed to or was it one that you  
 8 disagreed with?  
 9 A. No, I agreed with it, but I wanted to ensure that some  
 10 things were in place before I left.  
 11 Q. At that point what were the things that you wanted to  
 12 ensure were in place before you left?  
 13 A. I wanted to ensure that we had agreed a strategy and  
 14 that we had agreed a command structure, that we were  
 15 looking to build up additional resources so that at  
 16 least the most important things were there and good and  
 17 good to go. They were the key things I wanted to ensure  
 18 were in place, as well as Chief Superintendent Gregory  
 19 in place, before I took the journey to Manchester.  
 20 SIR JOHN SAUNDERS: You were talking about agreeing  
 21 a strategy and a command structure: is that agreement  
 22 with the chief constable or with somebody else?  
 23 A. Not with the chief constable. The chief constable may  
 24 ask if there is one. No, the agreement — or really the  
 25 Gold role is the ratification. Effectively, it's

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1 agreement with Silver.  
 2 SIR JOHN SAUNDERS: Thank you.  
 3 MR DE LA POER: In asking this next question, I should  
 4 acknowledge that this may just be an unfair question on  
 5 you, so you must say so if you regard it as such, but  
 6 I'm looking at the information that we've been provided  
 7 with by British Transport Police and we can see the call  
 8 with the chief constable is 23.17 for 7 minutes and  
 9 29 seconds.  
 10 The next call is indicated to be at 23.18, so just  
 11 1 minute after the start of that call, give or take some  
 12 seconds, and lasting a period of 2 minutes and  
 13 9 seconds. This is an incoming call to your mobile  
 14 device. Do you see that?  
 15 A. Yes.  
 16 Q. I suppose there are two obvious possibilities. One is  
 17 that Chief Superintendent Gregory telephoned you whilst  
 18 you were on the telephone and left a lengthy message on  
 19 your answerphone, which leads to that, or that in some  
 20 way you were able to conduct two conversations at the  
 21 same time. Can you help us with that entry at all?  
 22 A. I hadn't actually noticed that. I saw that as a call  
 23 coming — you're talking about row 15, is that right?  
 24 Q. Row 15, exactly.  
 25 A. Yes. I don't recall a voicemail message. No, I don't

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1 understand that.  
 2 Q. Well, it perhaps doesn't matter. I think that we can  
 3 understand readily from you that you don't have  
 4 a recollection of conducting a three—way call with the  
 5 chief constable and Chief Superintendent Gregory and it  
 6 may be that the person compiling this may be able to  
 7 shed further light, so we can move on promptly from  
 8 that.  
 9 A. In my recollection there was no three—way conversation  
 10 if that is being proposed. It certainly wasn't the  
 11 case.  
 12 Q. Next, 23.26, a reference to a gentleman by the name of  
 13 Andy Wright identified as your staff officer. What was  
 14 your purpose of telephoning Mr Wright?  
 15 A. To seek a view whether or not he could make or meet me  
 16 to go to Manchester because I realised that we were  
 17 going to be in Manchester for at least probably 4 or  
 18 5 days and him and I work together on a daily basis.  
 19 Q. Were you envisaging that Andy Wright would travel with  
 20 you or make his way independently to Manchester?  
 21 A. No, he lives in London, and the idea, the view, was that  
 22 we would meet at an RV point going north.  
 23 Q. Next we can see 23.27, 1 minute and 55 seconds, the SDO  
 24 telephoning you.  
 25 A. Yes.

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1 Q. At around the time that that call concludes, there is an  
 2 entry in the Control Works log which may assist you with  
 3 the contents of that conversation. It is at page 57 in  
 4 the top left —hand corner {INQ002000/58} and it's timed  
 5 at 23.29, so at about the time that call will be ending.  
 6 A. Okay, yes.  
 7 Q. Do you have the entry timed 23.29.26?  
 8 A. I do.  
 9 Q. Your call was with the SDO; is that right?  
 10 A. Yes.  
 11 Q. This is an entry by Oscar 1, namely Inspector Dawson,  
 12 the force incident manager.  
 13 A. Yes.  
 14 Q. But it is timed at approximately the end of your call  
 15 with the SDO. Do you recall at any point discussing  
 16 with the SDO the working strategy for the incident?  
 17 A. I do.  
 18 Q. Is your recollection that that discussion occurred  
 19 around the time of the telephone call we're looking at,  
 20 before it or after it?  
 21 A. I don't recall .  
 22 Q. Please help us with the content of your discussion with  
 23 the SDO about the working strategy.  
 24 A. I'm trying to recall whether the working strategy was  
 25 with the SDO or indeed the Silver commander, but from

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1 recollection , it was the SDO. We went through the key  
 2 elements of it — in fact, from memory I remember  
 3 writing a note down for it, but I couldn't find the  
 4 note, so I could understand exactly what the working  
 5 strategy was, and this is it .  
 6 Q. I will read it out so everybody knows what it is. This  
 7 entry in the log reflects the working strategy of you,  
 8 the Gold commander, at about this time of the evening?  
 9 A. Yes.  
 10 Q. It is as we saw with Inspector Dawson:  
 11 "1, Save life and limb.  
 12 "2, Work with partner emergency services to ensure  
 13 safe working environment.  
 14 "3, Preserve evidence.  
 15 "4, Identify, locate, arrest offenders .  
 16 "5, Media liaison .  
 17 "6, Community liaison and reassurance with GMP .  
 18 "7, Ensure welfare of attending officers ."  
 19 A. Yes.  
 20 Q. At this time, and we're here going back to something  
 21 which you may have answered but let's ask it in the  
 22 context of this strategy, did you regard BTP as being in  
 23 charge of this incident?  
 24 A. I did not see BTP as the lead agency. I certainly saw  
 25 it as very important that BTP had a strategy that it

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1 could communicate to its staff, and indeed in my hope  
 2 that we were communicating with other partners,  
 3 particularly at the scene, we could share that strategy .  
 4 But this strategy particularly was focused on our staff  
 5 and the collective effort to save lives .  
 6 Q. That certainly is number 1, but if in your mind BTP is  
 7 not the lead agency, to use your phrase, after number 1,  
 8 which is clearly the most important, and I ask this  
 9 question acknowledging the language of number 2, is not  
 10 the next one to find out what the strategy of the lead  
 11 agency is?  
 12 A. I guess that would have been a good — I don't know  
 13 whether it would have been the next one on my list, but  
 14 certainly I do think working with partner agencies may  
 15 allow us to find that strategy, but I do think it would  
 16 have been a good idea to add that to the list certainly .  
 17 Q. Because had that been on this list, it would have, do  
 18 you agree, received a very high degree of priority , or  
 19 at least should have?  
 20 A. If it had been on that list, yes, it's a strategy, yes,  
 21 I agree.  
 22 Q. And of course, and I'm not wishing to denigrate this,  
 23 we have heard the efforts made by a variety of BTP staff  
 24 to speak to partner agencies. That's all that I would  
 25 like to ask you about that entry.

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1 We can continue looking, please, chief officer , at  
 2 the call schedule. We can see in quick succession, just  
 3 after that strategy is published on Control Works, two  
 4 telephone calls of relatively short duration with the  
 5 SDO. Do you see those?  
 6 A. Yes.  
 7 Q. The second of those is 23.31. Can I invite you, please,  
 8 to look at the Control Works log for 23.31  
 9 {INQ002000/59}, which appears at the top of the next  
 10 page that we've been looking at. Because the sequence  
 11 appears to be from this telephone schedule that you've  
 12 had that call with the SDO, which was 1 minute and  
 13 55 seconds at 23.27, two subsequent calls at 23.30 and  
 14 23.31, and then we see this entry, can you confirm:  
 15 "From SDO — for a GSB command structure —  
 16 Superintendent Gordon is Bronze, Chief Superintendent  
 17 Gregory Silver, and ACC Smith Gold. ACC Smith has  
 18 ratified this. I will be speaking to GMP senior officer  
 19 in charge to obtain further information"  
 20 Can you agree that, as is implied by that note, that  
 21 has been put there by the SDO arising from those  
 22 conversations we've just been looking at?  
 23 A. I think it's safe to assume that, yes.  
 24 Q. At the point at which you ratified that, and again we've  
 25 touched on this already but let's just confirm it for

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1 this time, did you as Gold commander have a clear sense  
 2 of how long it would take for Superintendent Gordon to  
 3 attend the scene?  
 4 A. I did not.  
 5 Q. Do you think that that was a relevant question for you  
 6 to ask at the time that you were considering ratifying  
 7 this command structure?  
 8 A. Arguably yes, but I would trust my staff to make the  
 9 good decisions in terms of if they made contact with any  
 10 individual, whether it was Superintendent Gordon or  
 11 whatever, and they said, "I cannot attend", then I'd be  
 12 expected to be told. I wouldn't be expecting and asking  
 13 a very senior officer, "Tell me if they can't make it";  
 14 I'd be expecting them to do that anyway.  
 15 Q. The next entry which we should acknowledge, bearing in  
 16 mind it is an important occasion within the command  
 17 structure, is that, as I'm sure you can recall from the  
 18 Control Works log, at 23.34 {INQ002000/60} there is an  
 19 update indicating that the Silver commander is at force  
 20 control room Birmingham supported by the loggist.  
 21 That's just a key part of the chronology which I know  
 22 that you're aware of now, although you wouldn't have  
 23 been able to see the Control Works log at the time.  
 24 Then at 23.37 {INQ002000/62}, an entry in the Control  
 25 Works log:

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1 "Silver ... have noted the details of the working  
 2 strategy. Accepted and taking command of this  
 3 incident."  
 4 The timing of those two at 23.34 and 23.27, did they  
 5 accord with your expectation of what was going to happen  
 6 at that time?  
 7 A. They did.  
 8 Q. Returning to our schedule of phone calls, there was  
 9 a call from a person identified as "Rhianne Pope media"  
 10 in this schedule. That's row 20 at 23.38. That's  
 11 a call, although it's slightly unclear because I think  
 12 a bracket sign has been put in there, but of at least  
 13 a minute, I think, is indicated. What was that call  
 14 about so far as you can recall?  
 15 A. Rhiannon Pope from my -- well, she worked for media, she  
 16 was clearly, I suspect, briefing me on the media  
 17 exposure and I would have probably asked her questions  
 18 about who's leading the media. But I think that was  
 19 a short call, more out of courtesy, contacting Gold from  
 20 a media perspective. She may have even been nominated  
 21 as a media Bronze.  
 22 Q. We have seen throughout the documentation surrounding  
 23 the emergency service response numerous references to  
 24 contact with media officers or attempts by the media to  
 25 contact the emergency services. We're just a few

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1 minutes outside the golden hour at this point. You are  
 2 the Gold commander and you are speaking to a person who  
 3 is, as I've understood your description, a media liaison  
 4 officer on behalf of BTP. Why is that a relevant  
 5 activity for you at that stage of the evening?  
 6 A. It isn't. I wouldn't have phoned media; media phoned  
 7 me.  
 8 Q. Next, 23.39, so just at the conclusion of that call,  
 9 another telephone call to the SDO, followed by a call  
 10 from Superintendent Connaghan. So far as the call to  
 11 the SDO is concerned first, any specific recollection of  
 12 the contents of that call?  
 13 A. In a couple of calls or a call earlier, I had asked him  
 14 to arrange for a car to collect me from my home in the  
 15 south-east, a marked police car, to then convey me to  
 16 Manchester. I think the 23.39 call is possibly me  
 17 calling him to say that I was now in the car on my way  
 18 to Manchester.  
 19 Q. You think that at 23.39 you were in the car?  
 20 A. No, I think it would have been later. I think it was  
 21 more around half past --  
 22 Q. I think you may be confusing that with 37 minutes past  
 23 midnight, which we'll come to. If you're not prepared  
 24 to take that from me, I can take you to your notes.  
 25 A. No, that's absolutely right. When I said it,

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1 (inaudible: distorted) later, yes.  
 2 Q. At all events, you had spoken to the SDO about arranging  
 3 for a car in the course of the evening?  
 4 A. Yes.  
 5 Q. Next, the call from Chief Superintendent Connaghan. Why  
 6 were you speaking to Chief Superintendent Connaghan and  
 7 what was the content of that conversation, please?  
 8 A. Chief Superintendent Connaghan is head of operations for  
 9 the British Transport Police. He is very experienced  
 10 and I wanted him in the control room or in the Silver  
 11 room, rather, in the Silver suite, what we call  
 12 Palestra, which is, as I'm sure the inquiry has already  
 13 heard, one of the rooms we use in a large TfL building  
 14 in Southwark. It's where the London control room is as  
 15 well.  
 16 Q. The next call is from the deputy chief constable,  
 17 3 minutes and 51 seconds, at shortly before midnight.  
 18 Was the deputy chief constable a person that it was  
 19 necessary for you to speak to?  
 20 A. No.  
 21 Q. So what was the purpose of that call?  
 22 A. From memory, the deputy would have been seeking if he  
 23 could support me in any way, how I could -- my  
 24 understanding was he had or was going to deploy to  
 25 Palestra, ie the Silver room, working alongside

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1 John Connaghan, that was my understanding, and then  
 2 it would have been just the latest update. So I knew  
 3 that he was on duty.  
 4 Q. Then at just after midnight, a 4-minute and 15-second  
 5 call from Chief Superintendent Gregory. Do you  
 6 recollect the detail of that conversation?  
 7 A. No, I don't.  
 8 Q. Then we get to your journey to Manchester Victoria.  
 9 We can turn it up if you need to, but you may be able to  
 10 see from recollection. Is there a note in your red book  
 11 timed at 00.37, indicating that you are en route to  
 12 Manchester Victoria?  
 13 A. Yes, there is.  
 14 Q. As you've described it to us, this was in a marked  
 15 police vehicle and you were being driven?  
 16 A. This was a marked police vehicle with blue lights,  
 17 flashing blue lights. It was an emergency journey to  
 18 Manchester.  
 19 Q. This is some time after the call at 23.17 in which the  
 20 chief constable had instructed you to go to Manchester.  
 21 What is the explanation for the fact that it took  
 22 an hour and 20 minutes for that to be arranged?  
 23 A. As I mentioned, first of all I wanted to be sure about  
 24 the strategy, I wanted to be sure about the command  
 25 structure, I wanted to be sure that Allan Gregory had

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1 taken — that's Chief Superintendent Gregory Silver —  
 2 had taken Silver, that he had been properly briefed,  
 3 he was in the right place where he could properly  
 4 command the operation. And also, of course, a car was  
 5 sent from Croydon, which was the nearest car available,  
 6 so waiting for that as well. So that was the reason for  
 7 the time that was taken.  
 8 Q. Next, 00.53, a 41-second call —  
 9 SIR JOHN SAUNDERS: Sorry, do you remember, did you leave  
 10 immediately the car arrived, so was that the last thing  
 11 you were waiting for? Because it might be said the  
 12 other matters, the arrangements, could be made by you  
 13 in the car on the phone, the other things you wanted to  
 14 be sure of.  
 15 A. I left the moment the car arrived.  
 16 SIR JOHN SAUNDERS: Thank you. So that's the real delay  
 17 cause, the car?  
 18 A. Yes, and I don't know what the availability was, whether  
 19 it was all ready, whether they were busy.  
 20 SIR JOHN SAUNDERS: I'm not making any criticism; I just  
 21 wanted to know what the real factor was.  
 22 A. Thank you, sir.  
 23 MR DE LA POER: At 00.53, there is a telephone call from you  
 24 to the deputy, lasting 41 seconds. In your witness  
 25 statement you tell us that in that call you were given

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1 the name of ACC Debbie Ford of GMP; is that correct?  
 2 A. Yes.  
 3 Q. You tell us in your statement that shortly thereafter,  
 4 you received a text with her telephone number.  
 5 A. Yes. The deputy chief constable was going to try and  
 6 establish ACC Ford's telephone number and I believe he  
 7 texted me the telephone number once he'd got it.  
 8 Q. So bearing in mind your call with the deputy was shortly  
 9 before 1 o'clock, was it shortly after or around  
 10 1 o'clock that you received that contact number?  
 11 A. Around that time, yes.  
 12 Q. We can see at 00.55 there is a relatively lengthy call  
 13 between you and the SDO, lasting just over 5 minutes.  
 14 Can I invite you to your red book notes which I think  
 15 are behind tab 5.  
 16 (Pause)  
 17 SIR JOHN SAUNDERS: They're not for me.  
 18 MR DE LA POER: I do beg your pardon, sir. The chief  
 19 officer received a separate bundle from us because of  
 20 the difficulties that we have with the distance.  
 21 SIR JOHN SAUNDERS: Yes. Don't worry.  
 22 MR DE LA POER: I'm sure we'll be able to deal with this in  
 23 a way that makes it clear.  
 24 Do you have those, chief officer?  
 25 A. I have the notes, yes.

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1 Q. Can you see at page 2 there is a timed entry from you at  
 2 00.55?  
 3 A. Yes.  
 4 Q. Which indicates that you are speaking to the SDO,  
 5 Tony Lodge, which accords absolutely with the record of  
 6 your phone contact. Then it's just this that I wanted  
 7 your help with. I can decipher "Latest update", but  
 8 could you just read the next bit for us?  
 9 A. "No reply from GMP."  
 10 Q. So what did you understand Chief Inspector Lodge to be  
 11 telling you at that time about the success or otherwise  
 12 of efforts to contact GMP?  
 13 A. From recollection, and indeed I think it is on the log,  
 14 after we'd agreed a strategy, he was going to speak to  
 15 GMP. I am confident I would have asked him if we had  
 16 spoken to GMP and my note here says there was no reply.  
 17 Q. Then we have at 01.05 a telephone call to  
 18 Superintendent Gordon, lasting 1 minute, line 33.  
 19 Do you see that?  
 20 A. I do, yes.  
 21 Q. If you go to the next page of your red book notes,  
 22 do you see a corresponding entry?  
 23 A. I do.  
 24 Q. 01.06, Kyle Gordon. Can you read that out for us,  
 25 please?

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1 A. "Kyle Gordon just arrived", and that's shorthand for  
2 outer cordon.  
3 Q. So it's perhaps obvious, but tell us, having refreshed  
4 your memory from those notes, what you were being told  
5 in that telephone call by Superintendent Gordon.  
6 A. That Superintendent Gordon had just arrived at the outer  
7 cordon.  
8 Q. What was your understanding about where the outer cordon  
9 was relative to the railway station, the arena or indeed  
10 the City Room?  
11 A. I do not know where the cordons had been done, but it  
12 told me effectively he was essentially at the scene.  
13 Q. We can take down the call schedule, thank you very much,  
14 Mr Lopez.  
15 We're going to deal with a call that isn't in that  
16 schedule but which undoubtedly took place and that is  
17 your telephone call with ACC Ford. Let me see if I can  
18 help you with this and I'll give all core participants  
19 the references.  
20 ACC Ford, as she then was, deals with this  
21 conversation at paragraph 115 of her witness statement  
22 dated 20 December 2019 in which she speaks to mobile  
23 telephone records which she also produces. We know from  
24 those records that the telephone call with you took  
25 place at 01.16 and had a duration of 5 minutes and

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1 32 seconds. So for the time being, accept that from me.  
2 If any core participant think that's wrong, they can let  
3 me know and in any event we'll deal with it with Deputy  
4 Chief Constable Ford, as she is now, when she comes to  
5 give evidence, but we'll work on that basis.  
6 You have a note in your red book timed at 01.15 on  
7 the same page that we've been looking at.  
8 A. Yes.  
9 Q. So it appears that you've timed that note at the start  
10 of your telephone call. The equivalent note for  
11 ACC Ford is in fact timed at 01.21, which indicates  
12 she's timed it at the end, but at all events we can see  
13 you have made a record of having spoken to her; is that  
14 right?  
15 A. Yes.  
16 Q. We won't read out all of the details, but did she  
17 provide you with an update as to how many people she  
18 understood at that time had died?  
19 A. She did.  
20 Q. There are just a few of these entries I would like you  
21 to help me with. You've put, numbered 1 to 4, and "Warm  
22 zone at station" is one of your notes. What to the best  
23 of your recollection were you told or what was said that  
24 caused you to write that note?  
25 A. I don't know. I think I may have just been listing them

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1 as we were speaking, but I don't know, I can't think of  
2 any particular reason or relevance or an action that  
3 would generate to write that.  
4 Q. At the time of this conversation did you know what  
5 Operation Plato was?  
6 A. I did.  
7 Q. Did you know at that time that a warm zone formed part  
8 of the Operation Plato strategy?  
9 A. I did not know that Operation Plato had been declared.  
10 Q. Forgive me, that wasn't my question. My question was:  
11 did you know that in relation to Operation Plato a warm  
12 zone was one part of the strategy?  
13 A. Yes.  
14 Q. Then we get to your answer that you have just given us.  
15 Did ACC Ford mention Operation Plato to you in that  
16 call?  
17 A. Forgive me, no, she didn't.  
18 Q. Sitting there now, are you able to help us with what it  
19 was that she did say that caused you to write, "Warm  
20 zone at station"?  
21 A. I don't know, and in fact I am not altogether certain,  
22 looking at number 3, whether these are directly notes  
23 following my conversation with ACC Ford, largely because  
24 of number 3, it says, "Chief — talking heads". From  
25 recollection, I don't recall ACC Ford telling me — the

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1 talking head is, as you may know, a reference to who's  
2 going to be fronting the media. So I'm not sure she  
3 told me that. It could be that she did, but that's what  
4 that reference is for.  
5 Q. We also have as the final note on that page:  
6 "GMP—led job/CT."  
7 In the course of that conversation did you speak to  
8 ACC Ford about which would be the lead agency in this  
9 emergency response?  
10 A. We did.  
11 Q. Did the substance of your conversation reflect that note  
12 that we can see you've written there?  
13 A. Some of it around the investigation, the SCG and force  
14 headquarters, Central Park, but in terms of the  
15 discussions, we had a direct discussion to talk about  
16 primacy and who should take primacy, which was probably  
17 the quickest part of the discussion that we had.  
18 SIR JOHN SAUNDERS: We've had reference to the note, I'm not  
19 sure we have heard what it says.  
20 MR DE LA POER: "GMP—led job/CT."  
21 The references that have just been made are to  
22 bullet points which appear above which read:  
23 "Investigative. ECT forensic. SCG here. Force HQ  
24 Central Park. SIO at scene."  
25 I think that those are the entries that you were

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1 referring to, chief officer, and I'm sorry that I have  
 2 the advantage over others of being able to see it but  
 3 I hope that is tolerably clear to everybody in the  
 4 context of the chief officer's answer.  
 5 A. Forgive me, I understand now. The SCG where it says  
 6 "here" is -- it's I believe ACC Ford said, "It's here",  
 7 and I asked where here was.  
 8 Q. And that led to the entry, "Force HQ Central Park"?  
 9 A. That's correct.  
 10 Q. Why was it necessary to talk about primacy with  
 11 ACC Ford?  
 12 A. I think it was important that both ACCs, or both  
 13 Gold commanders, had the conversation so that there  
 14 could be crystal clear clarity as to who had primacy.  
 15 We did not use the phrase lead agency, we talked about  
 16 primacy, so it was absolutely clear, and my conversation  
 17 with ACC Ford gave me every confidence that she  
 18 understood that she, or GMP rather, had primacy, indeed  
 19 every confidence that she believed that GMP had primacy  
 20 from the moment of, frankly, detonation.  
 21 Q. Was it acceptable or unacceptable that it took until  
 22 around quarter past 1 in the morning for a conversation  
 23 to take place between BTP and GMP to achieve what  
 24 you have described as crystal clear clarity around  
 25 primacy?

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1 A. The direct answer to your question is it's not  
 2 acceptable. The challenge of course was trying to  
 3 identify who Gold was and I was grateful to the deputy  
 4 chief constable, however he did it, to establish who  
 5 that was on my behalf. I also believe that it would be  
 6 unlikely that GMP would seek to contact me. (1),  
 7 because they are incredibly busy, as indeed ACC Ford  
 8 was, but it was immediately apparent to me that both  
 9 myself and ACC Ford both believed that we both did not  
 10 know what the jurisdiction of the arena was and I formed  
 11 the opinion that ACC Ford believed that that was on  
 12 GMP's patch.  
 13 Q. I expect this will be my last question about primacy --  
 14 SIR JOHN SAUNDERS: Sorry, before that, can I just  
 15 understand why you say that Debbie Ford would be  
 16 unlikely to want to contact you. You are a major  
 17 contributor to the rescue attempt which is going on by  
 18 numbers, you are actually closer than GMP are to the  
 19 scene, so wouldn't she want to know what you could  
 20 provide to help, what resources you could have on the  
 21 scene and did have on the scene?  
 22 A. I'm sure she would, but I'm also cognisant of the fact  
 23 that she is incredibly busy and it may not be one of her  
 24 priorities to contact Gold from the British Transport  
 25 Police, particularly if she believes that the arena is

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1 solely within the remit of GMP. So whilst, as  
 2 Mr de la Poer says, it was not ideal, far from it,  
 3 I think the approach was more than likely going to come  
 4 via BTP than the other way round.  
 5 SIR JOHN SAUNDERS: Thank you.  
 6 MR DE LA POER: Mr Lopez, {INQ000262/3}, please.  
 7 Could you take that down? I think we'll leave that  
 8 for the time being, thank you.  
 9 I'm going to move forward to the strategic  
 10 coordination group. I appreciate that the telephone  
 11 schedule we were looking at does show further calls from  
 12 you, but for my purposes at least the next significant  
 13 action that I would like to focus upon was that, shortly  
 14 before 4 am, is it correct that you arrived at  
 15 GMP Headquarters?  
 16 A. That is correct.  
 17 Q. Did you attend a strategic coordination group at about  
 18 4.15 for a period of about 30 minutes?  
 19 A. That is correct.  
 20 Q. Given your role as a Gold commander, your previous  
 21 training and experience, should a strategic coordination  
 22 group have taken place before 04.15 in the morning?  
 23 A. I think that is similar to the answer I gave about two  
 24 of the Golds, of which of course there were many, having  
 25 a conversation about primacy or whatever. Ideally, yes,

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1 it would have been better, even if it wasn't quite as  
 2 formal, it would have been better, but I have a degree  
 3 of understanding to the size of this job, beyond  
 4 anything that I had experienced in my service. So  
 5 ideally, yes, but I can understand why it took this  
 6 long.  
 7 Q. Was it necessary in your view to wait until you could  
 8 attend that meeting in person for it to occur?  
 9 A. It was not necessary and as I was travelling to  
 10 Manchester it was not my belief that it was being  
 11 arranged around me. In fact, speaking to the deputy,  
 12 I seem to recall that I said I would try and get there  
 13 in time and I recall texting him, saying I'd got there.  
 14 So from my memory, I don't believe the timing was around  
 15 my arrival into Manchester.  
 16 Q. Chief officer, I'm going to conclude my questioning, as  
 17 I have already told you before you started giving  
 18 evidence today, by just giving you the opportunity to  
 19 comment in relation to the independent policing experts'  
 20 report of what they say based upon their review of  
 21 matters on paper. So plainly, their opinion was offered  
 22 before they heard your evidence or indeed the evidence  
 23 of anyone else. But with that caveat, can I seek your  
 24 comments?  
 25 They indicate that during the period up to

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1 03.00 hours, they have not identified any significant  
 2 strategic action by you other than agreeing with  
 3 ACC Ford by telephone that GMP would have primacy.  
 4 Do you agree or disagree with the proposition that other  
 5 than that, there were no other significant strategic  
 6 actions by you?  
 7 A. I disagree, although I accept their point of view,  
 8 accepting of course that I spent just under 3 hours in  
 9 a car. Although decisions can be made from a car, I am  
 10 slightly limited, in fact quite limited, because as we  
 11 covered, my situational awareness, and indeed when  
 12 I read their report, there was an awful lot of  
 13 information that clearly I knew nothing about. That was  
 14 one of the dangers.  
 15 But the fundamentals were done and these are so  
 16 overlooked. So I think it's important that the  
 17 Gold commander is asking, "Is a major incident being  
 18 called?" That will be forgotten. "Has a strategy been  
 19 agreed? Does everyone understand it?" I asked for it  
 20 to be communicated to all of our staff. That's rarely  
 21 done. I followed that by a command structure, sometimes  
 22 forgotten.  
 23 So we often talk about the golden hour. If major  
 24 incidents aren't called, if strategies aren't in place,  
 25 if people aren't identified to deliver it, things don't

1 get done and I believe they are key strategic decisions  
 2 that I made.  
 3 Q. The next one very much is relevant to what you've just  
 4 said and it may not in fact upon analysis be a criticism  
 5 of you, but it is a comment relevant to you. It says  
 6 this:  
 7 "BTP's strategy was in place but it appeared to have  
 8 little or no impact on the police operation, largely  
 9 because, so far as we can establish, it was issued and  
 10 recorded by the BTP strategic Gold command but even  
 11 though ACC Smith asked that it should be 'added to the  
 12 command serial and communicated with staff', we cannot  
 13 establish that it was being used by scene command."  
 14 So I think that they there have acknowledged just  
 15 what you told us, namely that you asked for it to be  
 16 communicated and I think you agree that that is what you  
 17 did. Can you assist us at all with your understanding  
 18 of the incident as to whether or not it is right that it  
 19 was not used by scene command?  
 20 A. No, it's not right. The strategy is what underpins  
 21 everything that we do. Of course, one of the key  
 22 elements for which my previous organisation --  
 23 I recognise their enormous efforts -- is about saving  
 24 lives, so certainly the first part. Clearly for the  
 25 second, there are significant gaps. But ideally, that

1 should have been communicated so people know what the  
 2 priorities are. It's regrettable it wasn't.  
 3 Q. So I think that last comment by you is that it's your  
 4 understanding that that working strategy as recorded by  
 5 the force incident manager was not broadcast to the  
 6 scene commander? Is that your understanding?  
 7 A. That's my understanding from having read it in the  
 8 police report to the inquiry. Until that time, I was  
 9 unaware of that.  
 10 Q. That's all I want to ask you about the policing experts'  
 11 report.  
 12 SIR JOHN SAUNDERS: Just before that, a sort of follow--on  
 13 from that is that having a strategy in order to  
 14 translate it to the people on the ground, it's all very  
 15 well telling a strategy to the police who are doing  
 16 their desperate best actually at the scene. But what  
 17 they need, isn't it, is a tactical plan, "This is what  
 18 you do to save lives the best", and then having someone  
 19 on the scene to actually direct that?  
 20 It never went to stage 2, as I understand it, the  
 21 tactical plan. But is it much good telling people on  
 22 the ground, "Your strategy is to save lives"? They know  
 23 that. Instinctively they know that. Don't they need to  
 24 be told what are the right steps in your situation from  
 25 a commander who knows the overall situation to say,

1 "This is what you need to do"?  
 2 A. Yes, sir, certainly I have seen a very wide variety of  
 3 strategies from Gold commanders that are frankly things  
 4 of beauty that don't really tell you anything. I often  
 5 comment that they are window dressing for a command log.  
 6 I liked what had been prepared, "Save lives, work  
 7 together, preserve evidence", quick and punchy, because  
 8 that's what our staff need.  
 9 So I thought it was a very good strategy. It does  
 10 need to then be turned into some form of plan. When  
 11 that happens is the other issue because, as we have  
 12 seen, they are doing their level best in that first  
 13 really terrible half an hour or so, but frankly  
 14 a tactical plan should have been done.  
 15 SIR JOHN SAUNDERS: I don't think anyone for a moment  
 16 challenges that police officers on the scene were doing  
 17 their very level best to do what they could. It's just  
 18 whether, with better direction, they might have done  
 19 better. I'm not saying they would have done, but maybe.  
 20 MR DE LA POER: Finally from me, chief officer, I would like  
 21 just to see whether from your unique position as the  
 22 Gold commander for British Transport Police there are  
 23 any recommendations that you would propose for the  
 24 chairman's consideration. To start this off, I'm going  
 25 to invite you to consider one which I understand that

1 you have raised previously and that is building on the  
 2 learning that we as a society have derived from the  
 3 coronavirus pandemic and how working virtually can  
 4 occur. So would you like to start with that one?  
 5 A. I'm grateful, thank you. The last 12 to 14 months, as  
 6 we all know, have meant that society works differently.  
 7 I strongly believe that there are lessons that  
 8 particularly the emergency services can adopt from the  
 9 way that we have all learned to live differently .  
 10 A number of times already in the small elements of the  
 11 inquiry that I have seen, and it will not remotely  
 12 surprise me and it may be a statement of the obvious,  
 13 the chair identifies that there is a lack of  
 14 communication, but frankly there always is.  
 15 Mention has been made of action cards and the like.  
 16 I agree with action cards because we are asking for  
 17 human beings to deal with the most inhuman act and it's  
 18 hard. But action cards are of no use if you cannot  
 19 communicate and it's not only about the ability to  
 20 communicate but the knowledge of who to communicate  
 21 with. So I am sure there is technology -- for example,  
 22 as a result of this, and my own reflection, having  
 23 recently got a new phone, one of the first apps that  
 24 I downloaded is the JESIP app. I will not be without  
 25 it. But I would think that if you could put all the

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1 Gold commanders into a JESIP app for any given  
 2 incident -- and I don't wish to trespass into knowledge  
 3 I don't have, but for example a WhatsApp group that may  
 4 be associated with JESIP, because the key thing to try  
 5 and find is: who do you need to talk to.  
 6 So rather than search for it, have on the JESIP app,  
 7 "I am the Gold commander for BTP", it says the incident,  
 8 we all put our details on, it could be a WhatsApp group  
 9 in the same way that we introduced -- BTP introduced  
 10 after one of the incidents, terrorist incidents in  
 11 London, where we had a WhatsApp group with key people.  
 12 It wasn't necessarily all the emergency services, but  
 13 for example it was the Mayor's office and the like.  
 14 I think we could do that and actually I don't think  
 15 it's that difficult. I think we should have technology  
 16 where we're not looking at mobile phones and you are not  
 17 asking me questions on calls that we're not too sure of  
 18 the detail, that we've seen with teams and all those  
 19 other things that all of these can be recorded,  
 20 everything could be recorded, without the need to write,  
 21 frankly, my quite awful scruffy notes.  
 22 So my enduring point is: we can do better if we can  
 23 communicate better, and I have never known a time when  
 24 it has never been so easy to communicate.  
 25 SIR JOHN SAUNDERS: You started that off by saying there was

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1 a lack of communication which has come up and there  
 2 always is lack of communication. Does there need always  
 3 to be lack of communication or do you think that with  
 4 your suggestions we may get rid of that difficulty,  
 5 which I quite understand seemed to always be there?  
 6 A. I don't profess to be an expert on this, sir, but half  
 7 the challenge is knowing who to ring and you're trying  
 8 to ring the busiest people in the operation. There is  
 9 just a sheer capacity issue. That's why I think it  
 10 shouldn't be the case and it shouldn't be the case about  
 11 communication because it has never been so easy to  
 12 communicate and I do not believe that it's beyond the  
 13 wit of man or woman to be able to figure out a form of  
 14 application where you don't have to search for  
 15 Robin Smith, you just go to the place and then you  
 16 discover it's Robin Smith. It may be just overly simple  
 17 but that's what I would have enjoyed on the night.  
 18 SIR JOHN SAUNDERS: Another aspect of that which I wanted to  
 19 ask you about. We notice or I notice that your  
 20 communication with the people who are actually managing  
 21 the incident at the early stage, you're always  
 22 communicating with the SDO rather than the FIM, and the  
 23 FIM, of course, is the person who's actually doing the  
 24 moment-by-moment control. Is there any particular  
 25 reason why you are communicating with the SDO rather

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1 than the FIM and is that something which is laid down in  
 2 BTP, which maybe other forces could learn from?  
 3 A. Yes. Having experience of more than one force, in my  
 4 first force there wasn't an SDO, there was a duty  
 5 chief inspector, but he or she was not operating out of  
 6 a control room. When I first went to BTP, I questioned  
 7 the need for an SDO, largely because the majority of  
 8 trains, as I discovered, stop moving at night. BTP's  
 9 demand really does start cranking up at 5 o'clock in the  
 10 morning, finishes around about maybe 8 o'clock, but  
 11 in the night--time it's nowhere near as -- as  
 12 a Home Office force, so demand is an awful lot less.  
 13 However, should I go to any other force, one of the  
 14 first things I will do, and I was quizzical at first,  
 15 I'd have an SDO and they'll explain very briefly why,  
 16 with a couple of caveats. What the SDO did on the night  
 17 is insulate the FIM. The FIM does not want to be  
 18 talking to Gold. I want the FIM talking to  
 19 Sergeant Cawley. I want the FIM talking to the  
 20 Ambulance Service.  
 21 He doesn't need the array of chief officers who are  
 22 asking questions. That's why I am very supportive of  
 23 the SDO. The only change I would make to the SDO  
 24 process -- and actually the fact that they're nearly  
 25 co-located is also beneficial. As long as the SDO

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1 chooses not to tinker. That's not his or her job.  
 2 The one technical change from my experience of the  
 3 22nd and into the 23rd is that all of those telephone  
 4 calls into the SDO should be recorded because at the  
 5 time I wasn't aware they weren't and I think that that  
 6 would have been — there would be more learning and  
 7 there would be better information for this inquiry.  
 8 SIR JOHN SAUNDERS: Thank you very much indeed for that.  
 9 Thank you.  
 10 MR DE LA POER: Chief officer, are there any other  
 11 recommendations that you would wish now to propose to  
 12 the chairman? And I'm sure if any subsequently occur to  
 13 you, you'll be able to put them in in writing. Any  
 14 others that you want to speak to now?  
 15 A. No, thank you for the opportunity.  
 16 MR DE LA POER: Thank you very much indeed.  
 17 Sir, noting the time, either Mr Atkinson, who is  
 18 next, can make a short start if that would be convenient  
 19 for you or we could take a 10-minute break.  
 20 MR ATKINSON: I think the break will result in me being  
 21 shorter.  
 22 SIR JOHN SAUNDERS: Do you know, every counsel I've ever  
 23 known always says that: "If you adjourn overnight, I'll  
 24 be so much quicker in the morning", they say.  
 25 However, we'll take a 10-minute break.

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1 (3.08 pm)  
 2 (A short break)  
 3 (3.18 pm)  
 4 SIR JOHN SAUNDERS: Mr Atkinson, but how long has your  
 5 questioning been shortened by the 10-minute gap?  
 6 MR ATKINSON: By half at least, sir!  
 7 SIR JOHN SAUNDERS: Can you see and hear us?  
 8 A. I can, sir.  
 9 SIR JOHN SAUNDERS: Thank you very much.  
 10 Questions from MR ATKINSON  
 11 MR ATKINSON: Mr Smith, as I think you know, I'm asking  
 12 questions on behalf of the families of those killed  
 13 at the arena. I have very little in fact to seek your  
 14 help with, but as a starting point, having worked both  
 15 within a Home Office force and for the BTP, would you  
 16 say that there is perhaps a lack of understanding by  
 17 some in Home Office forces, and indeed in the other  
 18 emergency services, about where the BTP fits into the  
 19 response to an emergency?  
 20 A. I'd say that is an accurate question and a good question  
 21 that you don't really fully appreciate until you move  
 22 from one organisation to the next. They are, BTP, one  
 23 of the most professional forces I have ever worked for.  
 24 They are a specialist force though, and I saw BTP  
 25 working to fantastic effect at the Croydon tram crash.

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1 They are a specialist railway police, and my view, for  
 2 what it's worth, is they should continue to specialise  
 3 in railway policing.  
 4 You ask a question about do other forces know where  
 5 they fit. Sometimes I have considered maybe Home Office  
 6 forces see the British Transport Police as — I can't  
 7 think of a better description — maybe as second-class  
 8 citizens, if you like, I can't think of a better  
 9 description. But that is absolutely not the case as  
 10 long as they continue to work at their specialism.  
 11 Q. That being so, the BTP, as you see it, needs to play to  
 12 its strengths and equally to recognise where another  
 13 force is better placed than they are to deal with  
 14 something?  
 15 A. It's both that, play to its strengths, and those  
 16 strengths are very strong, and equally a recognition,  
 17 that I'm sure has come up many, many times in the public  
 18 inquiry, the fact that it's a national force, it covers  
 19 three countries. The chief superintendent's division  
 20 must be the biggest division in Great Britain. It's  
 21 from Land's End to the borders of Scotland, including  
 22 Wales, and what's excluded is the south-east. So it's  
 23 a huge, huge area with a number of police officers —  
 24 police officers the size of maybe Lancashire  
 25 Constabulary. So it's that as well as a recognition

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1 that it is a national force.  
 2 Q. A consequence of that is that, if you think back to your  
 3 time at Surrey and Sussex, if I have them the right way  
 4 round, and then at the BTP, that at a Home Office force  
 5 level there will be that identification of how to  
 6 contact your ambulance service, your fire service, and  
 7 where to go to find out who your Gold commander, your  
 8 Silver commander at that force is, in a way that is much  
 9 more difficult if you're based in a control room in  
 10 Birmingham and dealing with an incident that could be  
 11 anywhere from South Shields to Southampton?  
 12 A. The police report, I thought, summed this issue up very  
 13 neatly with a quote, I believe it's from  
 14 Sir Michael Pitt, who did the review of the floods in  
 15 2007. I won't get the quote quite right, but it this  
 16 sums it up perfectly from a BTP perspective. I won't  
 17 get the quote quite right but it says:  
 18 "A crucial element of success at a local level among  
 19 Gold and Silver commanders is they know each other in  
 20 a crisis, they have practised, they have built  
 21 a relationship, they have worked within the LRF."  
 22 I think that quote sums up very neatly for me the  
 23 answer to your question.  
 24 Q. That being so, do you think that there ought to have  
 25 been a recognition by BTP in advance of the events of

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1 May 2017 that in the event of a terrorist attack on an  
 2 entertainment venue that was on their patch, it was not  
 3 for them to even think of taking a lead in the response  
 4 to it?  
 5 A. I agree.  
 6 Q. In relation to that topic, I wonder if, Mr Lopez, we  
 7 could have {INQ040967/1}, please.  
 8 To explain, chief officer, what this is, although  
 9 I'm hoping that you have been given notice that I'm  
 10 going to be asking you about it, this is an interim  
 11 memorandum of understanding between the BTP and GMP  
 12 in relation to the arena that was signed by  
 13 Mr O'Callaghan, as deputy chief constable, in March,  
 14 I think, of this year. So therefore clearly after you  
 15 had moved on, I think, from the BTP.  
 16 A. That's correct.  
 17 Q. So I'm going to ask him about the details of this rather  
 18 than you, save in one area, which is if we could go,  
 19 please, Mr Lopez, to {INQ040967/3}, paragraph 11.  
 20 This is the section of this document that deals with  
 21 responding to a terrorist attack and the purpose of  
 22 these questions, chief officer, is to explore whether  
 23 this would have helped you at the time. All right?  
 24 A. Yes.  
 25 Q. At paragraph 11 it envisages that there will be

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1 a jointly drawn-up contingency plan for the arena.  
 2 Certainly at the time of the events that we are  
 3 concerned with in May 2017, were you aware of there  
 4 being any such contingency plan to deal with preparation  
 5 for a response to a terrorist attack at the arena?  
 6 A. No, I wasn't.  
 7 Q. Clearly, such a plan could have addressed how the two  
 8 forces were going to respond together if such an attack  
 9 manifested itself.  
 10 A. Yes, of course, the two forces, the emergency services  
 11 and everybody else, yes.  
 12 Q. Because, taking up your entirely apposite correction,  
 13 it would be foolish to regard a plan that was solely the  
 14 preserve of the BTP and the GMP as being adequate alone  
 15 as a response to a terrorist attack because the  
 16 involvement of the ambulance and fire services would be  
 17 almost inevitable?  
 18 A. Correct.  
 19 Q. And for that to be effective, they ought to be involved  
 20 in the contingency planning as well, rather than having  
 21 to pick it up as they went along after something had  
 22 happened?  
 23 A. I think that's correct. I applaud BTP and GMP for  
 24 responding in the way that they have. You look at these  
 25 documents -- you know, we are, after all, the victims of

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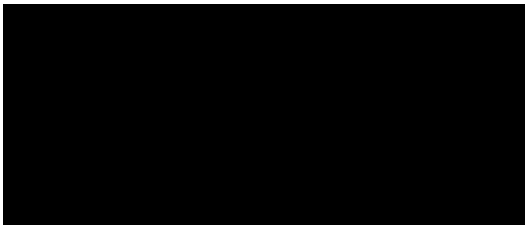
1 our own experience. I look at this document through  
 2 a very different lens following 22 May. There are  
 3 elements within this document that I do not think --  
 4 there's much that would, but there are elements that  
 5 wouldn't necessarily have helped on the night. So  
 6 I understand it is interim, which is understandable.  
 7 Q. Paragraph 12 talks about joint exercising to test the  
 8 contingency planning. Given what you've already told  
 9 us, would you agree that regular hands--on testing and  
 10 exercising in relation to a plan for such a location can  
 11 only help inculcate an effective joint response to an  
 12 emergency?  
 13 A. Remove tabletops and roll your sleeves up is what I'd  
 14 say. You know, do the real thing.  
 15 Q. Again, for it to be effective, that would have to go  
 16 beyond the BTP and the GMP to also include the others  
 17 who would similarly be having to respond if there was  
 18 such an emergency?  
 19 A. Absolutely right.  
 20 Q. Paragraph 13:  
 21 "Where a terrorist incident is suspected but not yet  
 22 formally declared, the default position is that  
 23 Counter-terrorism Policing will have primacy."  
 24 Which I think we understand to be a reference to GMP  
 25 having primacy in the first instance. Can you help us

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1 as to what the circumstances would be of a terrorist  
 2 incident being suspected but not declared? What  
 3 circumstances would those be?  
 4 A. I ...  
 5 SIR JOHN SAUNDERS: Sorry to interrupt for a moment. This  
 6 is an issue which has concerned me. We do all know of  
 7 circumstances in cases where someone has suspected  
 8 a terrorist attack and it's turned out not to be one at  
 9 all. And that is perhaps one of the issues with the  
 10 memorandum as it is at present. You can have a shooting  
 11 which someone thinks initially is terrorist --based or may  
 12 be but no one actually knows. I'm not here to answer  
 13 the questions, obviously, but it does seem to me there  
 14 are those sorts of occasions that can occur.  
 15 Do you agree, Mr Smith, or not?  
 16 A. Partially, sir, yes. It is paragraph number 13 that  
 17 I have the question marks against. Where we talk about  
 18 suspected and declared, I'm asking myself the  
 19 question: who's going to declare it? Because we're  
 20 going to declare a major incident, do you want us to  
 21 declare also a terrorist incident? Is that a formal  
 22 declaration? Are we going to pore over logs to see if  
 23 it was done? And the other thing that I have got  
 24 a question mark against is the default position is  
 25 Counter-terrorism Policing. I have got a question as

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1 who is that because I think we should try and keep it  
 2 simple. If it is a terrorist incident at the arena,  
 3 Greater Manchester Police will lead it .  
 4 MR ATKINSON: Following on from that, chief officer, do you  
 5 think that the answer should be: if it is suspected to  
 6 be a terrorist incident, the local force should lead it  
 7 wherever that is happening in the country rather than it  
 8 being unique to this particular unusual location?  
 9 A.   
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17 SIR JOHN SAUNDERS: We perhaps shouldn't go into too many  
 18 details of possibilities for terrorist attacks. But  
 19 obviously there are other ways in which one can think of  
 20 these things, which could happen, where actually  
 21 deciding who does what and when may be difficult, but  
 22 let's not go into details, it may not be helpful.  
 23 MR ATKINSON: Holding the thought of paragraph 13, because  
 24 we'll come to another paragraph in a moment which may  
 25 tie in with it, we can see that paragraph 14 envisages

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1 that in both a terrorist incident and a major incident,  
 2 both organisations will respond. So that is looking  
 3 at the events of May 2017, what happened here, that both  
 4 forces did, and you would expect that always to be the  
 5 case, that if there was a major incident on railway  
 6 property at a railway station, for example, you would  
 7 expect both the BTP and the local force to respond to  
 8 it?  
 9 A. Yes.  
 10 Q. The challenge is to make sure that there is a command  
 11 structure in place so everybody knows who is in charge?  
 12 A. There's two things there. First of all, if that did  
 13 happen, my experience is try and stop them. My  
 14 experience of the police service is they don't worry too  
 15 much about cap badges particularly on incidents like  
 16 this. The key question, though is, if it is a terrorist  
 17 incident or indeed a major incident, that we know who is  
 18 in charge, and I think that that can be done actually  
 19 quite simply in the way that you just described.  
 20 SIR JOHN SAUNDERS: Mr Smith, again we've heard evidence  
 21 from people on the ground and it's quite encouraging for  
 22 people to know if you're GMP or you're BTP, if he's  
 23 a sergeant and you're a constable, whichever force you  
 24 come from, the sergeant tells the constable what to do.  
 25 Is that how you'd expect it to be?

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1 A. Definitely (overspeaking) the way up.  
 2 SIR JOHN SAUNDERS: Is there some direction that that should  
 3 be the position?  
 4 A. I don't think there's a direction, it's part of the  
 5 service. If a deputy had turned up from GMP and asked  
 6 me to do something, I certainly wouldn't be having  
 7 a conversation about, "You're not my boss". That's the  
 8 way it's done.  
 9 SIR JOHN SAUNDERS: Right.  
 10 MR ATKINSON: Paragraph 15 is perhaps a statement of what  
 11 should be the obvious, that both organisations recognise  
 12 the need to deploy in line with JESIP. And you would  
 13 hope that any deployment in relation to any kind of  
 14 significant incident, major incident, terrorist  
 15 incident, you would hope that any deployment would be in  
 16 accordance with JESIP principles, would you not?  
 17 A. Yes. From what we've learned from the inquiry thus far,  
 18 that's vital, yes.  
 19 Q. We can see, paragraph 16, the default position  
 20 in relation to major incidents being that Greater  
 21 Manchester Police will take command. Again, it would  
 22 make sense, save for the type of incident you've  
 23   
 24 MR DE LA POER: If we can avoid specifics. Thank you very  
 25 much.

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1 MR ATKINSON: Save for specifics that we won't go into, the  
 2 default position should be local force takes command?  
 3 A. Yes.  
 4 Q. If everyone accepts that, that will save, and would have  
 5 saved on the night, a lot of phone calls, would it not?  
 6 A. Yes, and a feeling of — it's this sense that it's not  
 7 been cleared up, so yes, I agree.  
 8 Q. Finally, so far as I'm concerned in relation to this  
 9 document, paragraph 18:  
 10 "Whilst this will provide guidance to senior  
 11 colleagues and therefore operational benefit in the  
 12 first few hours of a major incident, any assumption on  
 13 command of a major incident will be subject to urgent  
 14 discussion between the on-call Gold commanders between  
 15 both organisations who will determine which organisation  
 16 is best placed to have primacy. This position  
 17 reinforces the third JESIP principle regarding,  
 18 'Coordinate by agreeing the lead service'."  
 19 Based on your experience on the night, if there is  
 20 a contingency based on Gold commanders speaking to each  
 21 other, there is the risk that all the good work of  
 22 earlier paragraphs might undone, is there not?  
 23 A. There's only two elements of the document that was sent  
 24 to me last night that I have highlighted. The second  
 25 one I've highlighted is the third line down on

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1 paragraph 18:  
 2 "Will be subject to an urgent discussion."  
 3 Well, that's a wonderful thing, but it's sort of  
 4 hard to happen. By on-call Gold commanders -- we don't  
 5 know who the on-call Gold commanders are currently. So  
 6 the experiences of the 22nd into the 23rd, I think would  
 7 be repeated based on that. I think the option is, as  
 8 I was kindly invited by the chair to think -- find  
 9 a different way of doing that. You first of all want to  
 10 know who the on-call commanders are before you find out  
 11 how you're going to call them and speak to them.  
 12 SIR JOHN SAUNDERS: There's something else I want to say  
 13 about that and this is a convenient place to do it.  
 14 What I'm about to ask you is something that you may well  
 15 feel not able to comment on and I want you to say,  
 16 "I just don't feel able to comment", if you can't.  
 17 Please feel entirely free to say that.  
 18 The issue with or one of the issues with the interim  
 19 memorandum -- and it may be the only one, we'll have to  
 20 see -- which has come up in arguments and submissions at  
 21 the end of chapter 7, which was dealing with security,  
 22 is: if you've got an event going on at the arena with  
 23 large numbers of people attending, would it be better  
 24 for GMP to be the people who police that rather than  
 25 BTP? The logic being, well, actually, those are the

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1 occasions when there could be a major incident going to  
 2 develop, so if there might be one, then it is really  
 3 better to have GMP doing it from the outset and, as  
 4 you've already said, the police are -- BTP are  
 5 specialists in doing what they do, which is railways,  
 6 although of course they do deal with crowds on railway  
 7 platforms as well as part of their job.  
 8 Do you have a view who should police events at the  
 9 arena bearing in mind your surprise of the fact it was  
 10 anything to do with BTP in the first place or would you  
 11 think the other way or would you prefer to remain  
 12 silent?  
 13 A. I'm confident enough to answer the question and I'm  
 14 confident that I'll still maintain the trust and  
 15 confidence of my former colleagues, which I cherish.  
 16 Some of the notes that I made when I saw this document  
 17 is, as you've just alluded to, chair, remove the CT  
 18 element. What for argument's sake if there was  
 19 a crushing incident, a stampede, a fire? In other words  
 20 a major incident that isn't terrorism related. The same  
 21 issue will exist for BTP. It will not be able to spin  
 22 up quickly enough. They will certainly be, as they were  
 23 on the 22nd, bravely the first people in the scene, but  
 24 in terms of just sheer capacity...  
 25 So I would -- and I say this sensitively -- suggest

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1 that it should be the local force, particularly one as  
 2 big as GMP, and there may be other locations in  
 3 Great Britain where BTP may have -- I'm not aware of any  
 4 I might add, but certainly this one, with it being so  
 5 big, I think there is an argument to say all policing  
 6 for the arena is done by GMP, and GMP may not thank me  
 7 for that, nor may BTP, but that's my view.  
 8 SIR JOHN SAUNDERS: Thank you very much. That's what  
 9 I asked for, so thank you.  
 10 MR ATKINSON: Very briefly, a number of topics that were  
 11 flagged up in a conversation that you were a part of in  
 12 preparation for the Kerslake Report. We have a note,  
 13 which I'm not going to ask to be put up on screen  
 14 because of other things that are in it, of  
 15 a conversation that you were a party to with Mr Gregory  
 16 and Mr Cawley, the sergeant who was first on the ground.  
 17 One of the observations you made in that rather  
 18 echoes something you've just said to us, which is  
 19 in relation to self-deployment. It is a reality, isn't  
 20 it, that BTP officers who are near to an incident such  
 21 as this will inevitably deploy themselves to it?  
 22 A. Yes.  
 23 Q. On the one hand, that is very commendable. On the other  
 24 hand, it means that there is no prior plan as to what  
 25 skills and experience will be deploying themselves to

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1 a scene.  
 2 A. Yes, that's correct.  
 3 Q. Which makes it all the more vital that there is command  
 4 for those persons who are bravely self-deploying  
 5 themselves effectively from the outset so that when they  
 6 arrive there is someone there to tell them the right  
 7 things to be doing.  
 8 A. I was following and agreeing your argument or your  
 9 description until the last bit and that is with command  
 10 there. What we've seen in this example, and we will see  
 11 in others, is -- and the point that I made to  
 12 Mr de la Poer -- is from a JESIP point of view it takes  
 13 time, it takes time to get command in there. I'm not  
 14 sure how we can speed that up. But certainly the first  
 15 two elements I agree with, yes.  
 16 Q. Because in terms of ensuring that, first, they are doing  
 17 the right things and, secondly, that they are  
 18 coordinating what they are doing with others who are  
 19 similarly trying to do the right things, there needs to  
 20 be some kind of structure from the outset if that is  
 21 going to happen?  
 22 A. Yes. It's just when you can introduce the structure.  
 23 It talks about structures, resources and protocols  
 24 within JESIP and those are the hard things to do.  
 25 Equally, we want structure because structure we crave

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1 for because it allows us to deal with the chaos, but  
 2 that will take time. So ideally, yes, but it will take  
 3 time.  
 4 Q. One of the difficulties that Mr Cawley spoke of in the  
 5 Kerslake conversation that you were a party to was how  
 6 difficult the radio was in terms of getting clear  
 7 messages through and identifying those on the one hand  
 8 and the things that didn't matter on the other. Really,  
 9 in the very early stages, how else will those on the  
 10 ground get messages other than through radio from some  
 11 form of control room, some kind of leadership?  
 12 A. It would have to be through the radio because the radio  
 13 has people on the end of it who can then move resources  
 14 and make decisions. So if we could expand that  
 15 technology, but I would urge that we let the people on  
 16 the ground have the capacity to use a radio. They're  
 17 very good. It is the more senior people that will not  
 18 use radios and they will use telephones and they are  
 19 good too. Sorry to mention it again, but I think there  
 20 is technology which can make this much easier.  
 21 Q. That technology one can understand, given that I'm  
 22 talking to you now through technology, will give scope  
 23 for those in command roles to be in contact with each  
 24 other without them having to physically co-locate in  
 25 order to do that. That will be much more difficult in

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1 terms of providing command for those on the ground,  
 2 would you agree?  
 3 A. Completely.  
 4 Q. Because there will be as much challenge for someone in  
 5 Mr Cawley's position dealing with the events that were  
 6 around him in trying to follow instructions on  
 7 a WhatsApp channel as there are for him trying to follow  
 8 instructions over his radio?  
 9 A. Yes. I certainly wouldn't recommend WhatsApp channels  
 10 and whatever, it would be clearly on the radio. It is  
 11 quick, it is simple, you just need to make sure there's  
 12 capacity.  
 13 Q. So would it follow for that to work that you would still  
 14 need to be bringing in, as soon as you could, that level  
 15 of operational command in person on the scene and  
 16 perhaps for that to be the level at which there's  
 17 communication by other means, by WhatsApp, for example,  
 18 with those above them in the chain to allow them to be able  
 19 to communicate?  
 20 A. Yes. I mean, I reference WhatsApp just because I'm not  
 21 a techie, but it seems to work. I'm sure there are  
 22 better ways of doing that, but yes, getting someone in  
 23 charge who could then elevate to a different platform  
 24 which may eventually be more efficient and take the  
 25 demand away from control rooms sounds sensible.

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1 Q. The need for at least Bronze command on the ground as  
 2 soon as it can be achieved will remain?  
 3 A. I believe that should always be the case, yes.  
 4 Q. One final very brief topic, again coming from the  
 5 Kerslake conversation, which was in relation to  
 6 equipment available to the BTP officers who were turning  
 7 up at this to deal with the medical challenges that they  
 8 were confronted by.  
 9 You commented in that conversation that on the one  
 10 hand there would be advantages in them having more kit  
 11 available to them but on the other hand that would mean  
 12 they were weighed down by having a lot of stuff. On  
 13 reflection, have you thought of any solution to that  
 14 given that the BTP in particular will be  
 15 station-orientated in what they may be responding to?  
 16 A. I believe BTP did introduce some things in terms of more  
 17 kit, prompted by the chief constable, the former  
 18 chief constable. It's striking the right balance.  
 19 British Transport Police, I forget the absolute  
 20 accuracy of the stat, but British Transport Police deal  
 21 with more sudden deaths per officer than any force in  
 22 the country as a result of fatalities on the railway.  
 23 So they deal with this a lot and very professionally  
 24 too.  
 25 I'm sure there's a way around it, but I think I've

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1 used a reference from memory, a rucksack, I think our  
 2 staff would need rucksack-sized kit, so whether that --  
 3 I'm sure somebody can work out the logistics of that.  
 4 The simple truth is, that's what would be required.  
 5 MR ATKINSON: Thank you very much, chief officer.  
 6 Thank you, sir. That's all my questions.  
 7 SIR JOHN SAUNDERS: Thank you very much.  
 8 MR DE LA POER: Sir, Mr Gibbs, please.  
 9 Questions from MR GIBBS  
 10 MR GIBBS: I just have one thing to clear up at  
 11 Mr de la Poer's invitation and, officer, if you could  
 12 just look at it with us on screen. Mr Lopez,  
 13 {INQ041119/3}.  
 14 It's the reference to line 15 when  
 15 Chief Superintendent Gregory is ringing you for  
 16 2 minutes and 9 seconds at a time when you're on the  
 17 call with the chief constable. Do you see that?  
 18 A. Yes.  
 19 Q. You, I think, didn't remember a voicemail. Could I just  
 20 draw your attention, I don't know whether this is right  
 21 or not, to line 25, when you have picked up a voicemail,  
 22 just after midnight. I note that it was 2 minutes and  
 23 8 seconds long, so almost the same length as the call  
 24 which Mr Gregory appears to have made to you. It  
 25 probably won't jog your memory, but do you remember

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1 picking up a voicemail?  
 2 A. I remember seeing how many voicemails I had when  
 3 I arrived in Manchester on Monday evening. On Monday  
 4 evening after a day's work. That has been brought to my  
 5 attention before and I think the fact that it's exactly  
 6 the same time is the voicemail from earlier, so yes.  
 7 MR GIBBS: That's all, thank you.  
 8 MR DE LA POER: Sir, do you have any further questions for  
 9 the chief officer?  
 10 SIR JOHN SAUNDERS: No, I don't.  
 11 Thank you very much, Mr Smith. I'm very grateful  
 12 for the insights you've been able to give me and the  
 13 assistance with recommendations and what will hopefully  
 14 help in the future. Thank you very much.  
 15 A. Thank you, sir.  
 16 MR DE LA POER: Sir, can I give an indication about the  
 17 shape of tomorrow? Particularly in light of the  
 18 timetable that was circulated at the end of last week.  
 19 We will start at 10.00 tomorrow, sir, with your  
 20 permission, with Superintendent Kyle Gordon of British  
 21 Transport Police. Our current expectation is that his  
 22 evidence will not last the whole day and we hope to be  
 23 in a position some time around 2.30 onwards, once his  
 24 evidence is over, to deal with an issue which will  
 25 involve the calling of a psychiatrist. Much of that

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1 session, if not all of it, will necessarily, because of  
 2 the personal nature of the enquiry with the  
 3 psychiatrist, be in some form of restricted session,  
 4 although we will of course reflect on how much of it can  
 5 be made public bearing in mind its content. So those  
 6 are the two matters for tomorrow.  
 7 The effect of that is that Chief Inspector Graham,  
 8 who was listed in the timetable that was circulated for  
 9 tomorrow afternoon, will now be heard on Thursday  
 10 morning. Our expectation is that her evidence will not  
 11 last that full day and so it may well be that we will  
 12 finish the hearings slightly before our usual finish  
 13 time for a sitting day on Thursday, but as you have  
 14 often observed, sir, there will be plenty for the  
 15 inquiry legal team to be doing once we are not sitting  
 16 and, I have no doubt, others too.  
 17 SIR JOHN SAUNDERS: Okay. Thank you very much. So back  
 18 together at 10 o'clock tomorrow morning.  
 19 (3.56 pm)  
 20 (The inquiry adjourned until 10.00 am  
 21 on Wednesday, 28 April 2021)

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