

OPUS2

Manchester Arena Inquiry

Day 106

May 19, 2021

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Wednesday, 19 May 2021

(9.30 am)

DCC DEBBIE FORD (continued)

SIR JOHN SAUNDERS: Good morning.

MR GREANEY: Good morning, sir. I'm going to invite

Mr Weatherby to pose his questions on behalf of the families.

Questions from MR WEATHERBY

MR WEATHERBY: Good morning, Ms Ford. Can you hear and see me?

A. I can, yes.

Q. Thank you. I'm going to ask you some questions on behalf of the families, and I'm going to start with a few discrete topics and then I am going to concentrate on the line of command on the evening and what did and perhaps should have happened.

I'm going to start with some questions about training. Mr Greaney in his questions to you yesterday established that there were two errors in your training records. Would you agree that it is essential with all police officers, but in particular senior police officers, command officers, to have accurate records of their training?

A. Yes, I'd agree. I think that's what I said yesterday as well.

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Q. And not least because, in terms of commanders in particular, it's absolutely essential to the assessment of competence for command roles?

A. Yes, that's right.

Q. Is there in fact an obligation or a responsibility on individual officers to make sure that their training record is up to date and correct?

A. I think it's important that we know what training we have undertaken and keep a record of that. I think what this has shown us is that over the course of extended careers and experience of many years, perhaps we haven't done that as carefully as we should have done in the past, but when it comes to College of Policing accredited courses, I think the records are there.

Q. A learning point might be to actually impose a responsibility on individual officers to make sure that their own records are correct and up to date?

A. I agree there should be a solution to doing that and while there's always individual responsibility, I think organisationally we could find a solution that would assist in that.

SIR JOHN SAUNDERS: Can you always access your training records to check it?

A. No, sir, you can't. They will be held in discrete IT systems within the force, whether it is HR or training,

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and there are a number of systems that are utilised. In my experience, in GMP and in Northumbria they're entirely different and that is an issue --

SIR JOHN SAUNDERS: So there is a practical difficulty, at the moment anyway, of an individual officer checking their records?

A. Yes. Notwithstanding though we could all document our own records but there should be an organisational way of doing that.

SIR JOHN SAUNDERS: Thank you.

MR WEATHERBY: I don't want to dwell on this, but really there's no reason why a police force should have anything but simple and straightforward training records for each of its officers and there's no reason why there shouldn't be a responsibility on the individual officer and on the force to keep accurate records, is there?

A. No. As I said yesterday, it's an important point.

Q. In terms of the force, would you agree that responsibility on line managers to check records and to do what they can to rectify deficits would also be a sensible measure?

A. Not necessarily line managers. I think line managers should be aware of the training undertaken by staff members working with them and making sure that training is complied with and undertaken and ultimately then

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recorded, yes. But there should be a system to assist with that, as I say.

Q. In respect of the error over the SFC and the TFC point, a line manager certainly wouldn't be expected to pick that up, would they? But in terms of the non-attendance at the JESIP course, that's something that on an appraisal a line manager should pick up and, if that's correct, we need to rectify that training deficit; do you agree with that?

A. Yes, that would be correct if there's a deficit. But as I said yesterday, I attended that training and that's a record issue.

Q. You were asked some questions about the specialist SFC course that you attended in May, just before the bombing, and about Plato. But I didn't completely understand, I think, your answer so I just want to ask you a few more to clarify.

Am I right that that course was not about Plato but there was some reference to the deployment of specialist assets, which I think are beyond the terms of this inquiry, that might be deployed in some circumstances?

A. Yes, that's correct.

Q. So it was a specialist SFC course that dealt with some CT matters, counter-terrorism matters, but the course content wasn't Plato, except for this discrete issue of

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1 some specialist assets?
 2 A. That's correct, yes.
 3 Q. In terms of your training on Plato, you'd had some
 4 awareness training as part of your continuing
 5 professional development; is that right?
 6 A. Under the firearms command, yes.
 7 Q. But otherwise, you'd had no specific training on Plato?
 8 A. I think the training is delivered through the firearms
 9 command training, so the annual refresher or CPD events
 10 covered Plato. I'm not aware there is any other type of
 11 training on Plato.
 12 Q. That's very helpful to clarify. I wasn't being critical
 13 of you; I'm just trying to establish what you'd had. So
 14 you'd had refresher CPD awareness training on Plato?
 15 A. Yes.
 16 Q. And you had not been on any live Plato exercise, is that
 17 right, prior to the outrage?
 18 A. That's right, yes.
 19 Q. You said that you looked at the Plato plan prior to the
 20 course that we've just been discussing and you clarified
 21 with Mr Greaney yesterday that you were referring to
 22 this document we are terming the Whittle document. This
 23 was a document that was emailed round to GMP firearms
 24 commanders, including you, on 12 May. Are you able to
 25 assist us with how you looked at it prior to the course?

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1 A. Yes. My belief is that I requested our Plato plans
 2 because I was going on the course and that's what I was
 3 provided with.
 4 Q. Okay. This was a plan that was drafted on the 4th and
 5 I think supplied to Mr Giladi on the 5th and your course
 6 started on the 7th. Are you sure that in fact it was
 7 this plan that was the one that you looked at or
 8 (overspeaking)?
 9 A. That's my recollection. I think I started the course on
 10 9 May and it's likely that if I made a request of
 11 firearms training via my staff officer, I would have
 12 been supplied with the document which is why I believe
 13 I was supplied with —
 14 Q. Yes, okay. I'm paraphrasing here, so please correct me
 15 if I'm doing it unfairly. I think you told Mr Greaney
 16 that much more could be done in terms of Plato awareness
 17 and understanding and application in Greater Manchester
 18 Police. That was your view yesterday, I think.
 19 A. Yes.
 20 Q. Would you agree, in the context of a severe terrorist
 21 threat level, which is of course what there was at the
 22 time, that all firearms officers and commanders should
 23 have been trained on the Plato plan and thoroughly
 24 exercised on it well before this outrage?
 25 SIR JOHN SAUNDERS: I need to clarify that. Are we talking

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1 about the Whittle Plato plan or are we talking about the
 2 earlier one or any relevant one?
 3 MR WEATHERBY: The one that was relevant at the particular
 4 time for this question. If it was 3 May it would be the
 5 previous one, if it was 5 May we're not too sure. But
 6 whatever plan was in place, would you agree that
 7 firearms officers and commanders should have been
 8 trained on it and thoroughly exercised on it long before
 9 this outrage had occurred?
 10 A. I would agree that when plans are put in place, that
 11 at the earliest opportunity all that staff that's it
 12 relevant to should be trained on it and understand their
 13 roles within that.
 14 SIR JOHN SAUNDERS: I'm not sure that's really the question
 15 that was being asked. Do you just agree they should
 16 have been trained on the plan and exercised on the plan?
 17 A. I was about to follow that up with — but the logistics
 18 of doing that and the time available to do that would be
 19 the challenge given the number of staff that need to
 20 achieve that. But in all plans, we should train in
 21 them. Testing and exercising on that plan is
 22 a different matter altogether, so it'd be hard for me to
 23 agree that it's achievable, albeit I would accept that
 24 it's a position that would be the best position, but the
 25 logistics would defy that, I would suggest.

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1 SIR JOHN SAUNDERS: Can I break that down? We're talking
 2 about firearms officers because you have drawn
 3 a distinction between firearms and non-firearms
 4 officers. They do regular training as we have heard.
 5 A. Yes.
 6 SIR JOHN SAUNDERS: So there is absolutely no reason why
 7 they all should not have been trained in Plato planning.
 8 A. Yes.
 9 SIR JOHN SAUNDERS: The difficulty, as I understand it, is
 10 in providing exercising for them all.
 11 A. I think it's slightly different, sir. When you talk
 12 about our AFOs who train and have a training week
 13 allocated to them, it's much more straightforward to
 14 train the operational staff in changes to either
 15 legislation or plans. When it comes to the wider
 16 commanders who need to train together, whether it's
 17 tactical advisers, OFCs, TFCs, SFCs, you have to bring
 18 us together to do that and that is far more difficult if
 19 a plan has been produced because it would need to be
 20 scheduled in and they would need to be trained in it,
 21 have their inputs, and then the other point Mr Weatherby
 22 made was that rigorous testing programme. Again, that's
 23 difficult to achieve in a short timescale.
 24 SIR JOHN SAUNDERS: Thank you.
 25 MR WEATHERBY: Yes. I realise there are huge resource

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1 problems, but here we were facing, in 2017, this severe
 2 threat and here we had both national guidance and local
 3 policies to deal with that threat. And there isn't much
 4 point in having those policies and plans unless you can
 5 actually carry them out in practice, is there?
 6 A. I agree that at the earliest opportunity, but the
 7 reality is on the day the plan was produced, we could
 8 have faced that very same incident and we wouldn't have
 9 been able to train our staff. So I accept the point
 10 and, believe you me, every police officer involved wants
 11 to know they've had the most up-to-date training, but
 12 achieving that is a different thing.
 13 Q. Okay. Moving on to unarmed officers, would you agree
 14 that non-firearms officers likewise needed to have at
 15 least a firm grounding in what Plato is and the parts
 16 that affected them?
 17 A. Yes.
 18 Q. Things like Stay Safe and RVPs and the need for robust
 19 lines of command?
 20 A. Yes.
 21 Q. And none of that (overspeaking) --
 22 SIR JOHN SAUNDERS: It didn't happen, did it?
 23 A. To be honest, sir, I'm not aware what training was
 24 provided in GMP in the preceding months or year for
 25 unarmed staff around Plato. But there was an

1 expectation that there would be awareness of Plato
 2 within the force.
 3 MR WEATHERBY: Moving on. Yesterday, Mr Greaney asked you
 4 about various notes that you'd recorded or had recorded
 5 by your staff officer. The first of those notes by your
 6 staff officer at 23.25 -- we have looked at it, I don't
 7 think we need to put it up -- the very first entry is an
 8 action that you've requested, which is, "Obtain Plato
 9 plans"; yes?
 10 A. Yes.
 11 Q. As I understood your evidence yesterday, that was
 12 because you were concerned that other commanders and
 13 other staff did not have an awareness of what Plato was.
 14 A. Yes, that's right.
 15 Q. So in the thick of it, if you like, the first action
 16 that you request is to obtain a plan that effectively
 17 commanders had not been made properly aware of. Did
 18 that in fact extend to you as well?
 19 A. No, it didn't. I said yesterday it became clear to me
 20 that Arif Nawaz and my staff officer who I'd requested
 21 an update from in terms of where was the force duty
 22 officer at in terms of notifications, they didn't know
 23 what Operation Plato was. It didn't apply to me because
 24 I'd been trained in it.
 25 Q. In fact, beyond that, would you agree that in fact

1 having the Plato plan in the command suite was
 2 a sensible option or a sensible action in any event
 3 because it would provide effectively checklists or
 4 prompts for all of you, including you?
 5 SIR JOHN SAUNDERS: Sorry, are we talking about the -- the
 6 Silver command suite now?
 7 MR WEATHERBY: Yes, the command suite where Ms Ford was.
 8 SIR JOHN SAUNDERS: Okay.
 9 A. Sorry, Mr Weatherby, could you repeat the question?
 10 SIR JOHN SAUNDERS: He said should you have the Plato plan
 11 there in the suite where you were.
 12 A. It should have been available in the suite, yes.
 13 MR WEATHERBY: You had to call for it, that's a point I'm
 14 about to come on to, but in fact having it there --
 15 you've answered my question about Mr Nawaz and
 16 Ms Thornton, in particular, about awareness of Plato,
 17 but moving on from that, it would be sensible to have
 18 the Plato policy in the room on a Plato operation in any
 19 event, wouldn't it, as a reference?
 20 A. Yes, but when I made the request I wasn't expecting them
 21 to have to make the request of the force duty officer.
 22 I would have expected that plans were available in the
 23 room bearing in mind the emergency planning team sit in
 24 the office next door.
 25 SIR JOHN SAUNDERS: Are you looking for a hard copy? Aren't

1 they stored on a computer and wouldn't they be on
 2 a computer terminal --
 3 A. To be honest, sir, I didn't actually consider what the
 4 actual request would look like other than saying, "Get
 5 a copy of the plan", because they needed to understand
 6 what the plan looked like. If they read it on the
 7 screen -- I'm presuming it was in the database.
 8 SIR JOHN SAUNDERS: Thank you.
 9 MR WEATHERBY: Yes, I mean, again, I was about to come on to
 10 that. You had to obtain it from the FDO or from one of
 11 the FDO's staff; is that right?
 12 A. (Inaudible: distorted) but I now know that's where my
 13 staff officer went for the plan. I didn't ask --
 14 Q. Do you know why, as has just been raised with you, there
 15 wasn't apparently a database of plans available in the
 16 command suite?
 17 A. I would expect that the access to the emergency plans is
 18 on all the systems. Maybe, and I can't speak for the
 19 individual, they didn't know how to access the plan at
 20 that point.
 21 SIR JOHN SAUNDERS: Did they physically go and get a hard
 22 copy?
 23 A. I have no idea, sir.
 24 SIR JOHN SAUNDERS: Right. We know it's 20 minutes there
 25 and 20 minutes back if you actually go to the FDO.

1 A. They didn't leave the room, so I'm presuming
 2 (overspeaking) --
 3 SIR JOHN SAUNDERS: So they got it electronically?
 4 Thank you.
 5 MR WEATHERBY: It's a fair question though, Ms Ford, isn't
 6 it, because in a few minutes we're going to come to some
 7 questions about lack of communication with the FDO? You
 8 had a general lack communication with the FDO, didn't
 9 you?
 10 A. I had difficulties with contact with the FDO, yes.
 11 Q. I think that may be an understatement: you didn't have
 12 any contact with the FDO, did you?
 13 A. No.
 14 SIR JOHN SAUNDERS: Can you just stop, Mr Weatherby?
 15 I think Mr Greaney was trying to correct me or help me
 16 with something I had forgotten.
 17 MR GREANEY: The position is that we hear on the FDO's
 18 dictaphone recording Mr Myerscough indicating that he
 19 has received a request from the ACC's staff officer .
 20 The FDO essentially says, I'm too busy to deal with that
 21 now but they might be able to locate it in a particular
 22 place, which is an electronic database.
 23 SIR JOHN SAUNDERS: Thank you.
 24 MR GREANEY: So I do not believe a hard copy is ever
 25 supplied by the FDO or his staff.

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1 SIR JOHN SAUNDERS: Thank you. I'm grateful.
 2 Sorry, Mr Weatherby.
 3 MR WEATHERBY: That's extremely helpful because it slipped
 4 my memory as well, so thank you very much, Mr Greaney.
 5 When we come to the Kerslake discussion, I don't
 6 think it's necessary for me to put it up, I'm sure
 7 you'll remember, you tell Lord Kerslake about
 8 presentations that you gave after this incident where
 9 you stressed to those attending the presentations the
 10 importance of familiarity with the Plato plan, and
 11 indeed with the major incident plan, for whatever force
 12 you were in at the time. You were stressing this very
 13 much after the fact as a learning point, weren't you?
 14 A. Yes.
 15 Q. Therefore it was a reflection back by you on a failure
 16 by Greater Manchester Police that there was a lack of
 17 awareness of Plato?
 18 A. Yes.
 19 Q. And a failure in terms of the major incident plan; yes?
 20 A. It was a learning point to identify to people I was
 21 speaking to that having knowledge of the plans is
 22 an important point in a major incident or Plato and
 23 suggesting that, from my experience, that was something
 24 they would wish to consider.
 25 SIR JOHN SAUNDERS: Mr Weatherby, this is a point which

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1 interests me. Do I mind if I ask one thing about this?
 2 The major incident plan is, I think we're told,
 3 a 100--and--something pages.
 4 MR GREANEY: 225.
 5 SIR JOHN SAUNDERS: So it's enormous?
 6 A. Yes.
 7 SIR JOHN SAUNDERS: You could read through it but unless
 8 you have a remarkably retentive memory, the chances of
 9 taking it all in and remembering it is minimal. Could
 10 it be simplified, do you think, and reduced in size to
 11 something which is more easily memorable to people when
 12 they actually have to deal with it? You can't have
 13 people suddenly reaching for it and flipping through it
 14 when you're in the middle of an emergency (overspeaking)
 15 difficult?
 16 A. It's difficult. It's a bit like the point Mr Greaney
 17 made yesterday about the checklist. If key commanders
 18 know their role within the command structure and there's
 19 relevant plans, it's eminently sensible that the
 20 checklist could be made available, and we talked about
 21 action cards to understand, and in priority order, what
 22 are the things that I should be doing at this point and
 23 check that they're being done. I think that's the way
 24 to simplify it. And again, applying the kind of rule
 25 that it's flexible to the circumstances, but it would

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1 simplify and if you understand what your role is in the
 2 command structure, you go to that checklist and say,
 3 "Have I done those things?"
 4 SIR JOHN SAUNDERS: Thank you.
 5 MR WEATHERBY: Thank you. Yesterday I think you accepted
 6 that the command suite and those at the command suite,
 7 including you, had very little or no influence on what
 8 happened on the ground during the golden hour and
 9 perhaps beyond; yes?
 10 A. Yes.
 11 Q. Do you think with more focused training and more
 12 awareness of Plato and the MIP, the major incident plan,
 13 that a more proactive approach would have been taken in
 14 establishing lines of command and dealing with the
 15 overloading of the FDO and reviewing what had and had
 16 not been done?
 17 A. I think the gaps in the structure, the initial response
 18 and then the link back to the tactical command was
 19 an issue, but in terms of the initial response and those
 20 on the ground knowing what to do and responding under
 21 Operation Plato, whilst the response was effective to
 22 that point, in terms of achieving what we needed to,
 23 that was done in the golden hour, but there should be
 24 more awareness and understanding of how it all fits
 25 together because the initial response is one bit, but

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1 other things then have to follow, and I think that's
 2 the bit for me where I go back to the point of initial
 3 response, what happens in the there and then bit, and
 4 then subsequently what you do set tactical command up to
 5 do which are the broader issues and the wider
 6 consequence management.
 7 Q. The broader issues, and we'll come on to this in
 8 a little while, but the broader issues included, first
 9 of all, communicating and mobilising your partners and
 10 then providing situational awareness and joint working
 11 with them. And if you'd had greater understanding of
 12 Plato and prompt cards, or whatever, in the command
 13 suite, then you'd have been in a position to better
 14 prompt omissions by others and to require lines of
 15 communication, wouldn't you?
 16 A. I think the issue here is that, and I said it yesterday,
 17 JOPs makes it clear that an on-scene commander needs to
 18 be identified and if in -- that on-scene commander, in
 19 the absence of a TFC, is the person who is charged with
 20 dealing with the incident and taking that coordination
 21 function. If in JOPs, and again as -- I think this is
 22 clear, that could have been on the night either
 23 Mike Smith or, more likely, the OFC -- and the Whittle
 24 plan says the OFC will be at the FCP and coordinate. If
 25 the FDO hasn't identified an on-scene commander in that

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1 very first response then we haven't got the person who
 2 is standing at the FCP or RVP and coordinating. But
 3 I suppose if we've decided not to notify our emergency
 4 service colleagues, then perhaps that's why an on-scene
 5 commander wasn't identified in that clear way.
 6 Q. Yes, but in terms of what was or what wasn't done, first
 7 of all you didn't know about it, and secondly,
 8 you weren't prompting for matters that hadn't been done
 9 to be done or checking that things had been done?
 10 A. Again, yes, I know that. If however you are responding
 11 to an incident where a plan has been initiated, I have
 12 a lot of responsibilities in terms of the response, but
 13 is it the role of the strategic commander to be checking
 14 what should have already been done in the plan? Because
 15 that is going to take an inordinate amount of my time to
 16 do. And you would have to, bearing in mind this is
 17 a spontaneous response, presume that people are
 18 initiating the plan that we have all been trained to
 19 work to.
 20 Q. Yesterday you agreed that the buck stopped with you, and
 21 whereas I agree that other people's deficits are other
 22 people's deficits, where you have a command structure,
 23 you were the manager and one of your roles was to make
 24 sure it all worked.
 25 A. It is and that's the role of the strategic commander.

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1 However, I can't check every single thing that every
 2 person in that command structure is doing.
 3 SIR JOHN SAUNDERS: There is a difference between the buck
 4 stopping with someone and them actually having to check
 5 everything which is being done.
 6 A. Yes.
 7 MR WEATHERBY: I don't wish to be unfair. I am going to
 8 come back to this, if I may, when I deal with the actual
 9 lines of communication.
 10 Can I just deal with a couple of other discrete
 11 topics before we do. First of all, records. As we went
 12 through, or as Mr Greaney took you through yesterday,
 13 your schedule of communications, there were quite a lot
 14 of mobile calls which weren't recorded and we had
 15 a number of questions about notes that, perfectly
 16 reasonably, you weren't able to fully answer because of
 17 the passage of time and, certainly within at least one
 18 area, there appears to be a dispute about one of the
 19 communications, the fire reference.
 20 We've heard other roles in this operation were
 21 subject to quite substantial recording, either radio
 22 communications or, in the case of the FDO and Mr Dexter,
 23 the use of dictaphones. Why were your communications
 24 and orders not subject -- beyond, of course, to having
 25 a staff officer, why were they not recorded?

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1 A. I didn't have a dictaphone at the time and yes,
 2 that would be something in the future that I would use.
 3 Q. Again, it is a deficit, isn't it, because it would be
 4 much easier for you in compiling your statement or
 5 replying to questions 4 years down the line to actually
 6 be able to rely on recordings?
 7 A. Yes, it certainly would. It would show the things that
 8 were done. One of the challenges for me would be you
 9 would probably expect that to be a continuous recording
 10 and because I had to work with CT very closely on the
 11 night, I was often not in the room and speaking
 12 elsewhere, so I'd have to turn that off.
 13 Q. I understand there may have been some problems with
 14 that, but as a generality you would accept, wouldn't
 15 you, that really your communications and orders and
 16 command decisions should have been recorded to the best
 17 degree possible?
 18 A. Yes, I think you could put ambient recording into the
 19 command suite or I could wear a dictaphone. There would
 20 be a challenge with that in terms of the amount of
 21 people in there and other commanders' recording devices,
 22 but I accept there has to be a solution to recording
 23 decisions.
 24 Q. Okay. Just briefly about the casualty bureau, and you
 25 were asked questions about this yesterday so I'll be

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1 brief about it, but it is an area of acute concern to
 2 some of the families. You did, to your credit, raise
 3 this early in the process and in the list of actions
 4 I referred to earlier you raised the establishment of
 5 the casualty bureau. And of course this was something
 6 that was in your mind because you were aware of previous
 7 deficits in other contexts; 7/7 is the best known of
 8 them. But there have been problems, haven't there,
 9 in the rapid provision of information to people who were
 10 looking for loved ones or identifying where casualties,
 11 injured people, were? That's why you were acutely aware
 12 of the need for that to happen early; is that right?
 13 A. Yes.
 14 Q. It's right, I think, that at least some family members
 15 on 22 May were in fact left driving around hospitals
 16 trying to find loved ones. And that was most
 17 unfortunate, wasn't it?
 18 A. Yes, very much so.
 19 Q. You explained that this was down to an IT problem with
 20 Vodafone and not Greater Manchester Police.
 21 A. That's correct.
 22 Q. Is that the full picture?
 23 A. Yes, it is. You'd have to go back to the
 24 Kerslake Review, but my understanding is Vodafone have
 25 accepted the issues.

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1 Q. So in terms of the rest of the set-up of the casualty
 2 bureau, that would rely on joined-up working with
 3 hospitals and others, having liaison officers deployed
 4 to hospitals; is that right?
 5 A. Yes, so Denise Worth, the SIO, had had family liaison
 6 officers deployed to the hospitals that we knew
 7 casualties had been taken to.
 8 Q. Okay. So in terms of the IT hitch, had there been
 9 any -- you may not know the answer to this, and if you
 10 don't you'll say, but had there been any consideration
 11 of resilience and what happens if a communication system
 12 doesn't function and then a back-up system?
 13 A. I don't know what the outcome was. There's been
 14 reassurance provided nationally that casualty bureau
 15 would function if this was to happen again but I can't
 16 speak for the actual solution that has been put in
 17 place.
 18 Q. But at the time there wasn't?
 19 A. At the time there wasn't what, sorry?
 20 Q. At the time you were reliant wholly on Vodafone; is that
 21 right?
 22 A. No, the solution that we came up with was an 0161 number
 23 but without the staffing that goes with that.
 24 Q. Indeed.
 25 Plato. I want to pick up --

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1 SIR JOHN SAUNDERS: Okay. Before you leave the casualty
 2 bureau I have one question.
 3 Somewhere, and you'll forgive me for not remembering
 4 where, it says that the setting-up of the casualty
 5 bureau is the responsibility of the FDO to initiate, but
 6 then approval by Gold is required before it's done. Why
 7 does it have to be initiated by the FDO?
 8 A. The FDO sends a text message to the staffing needed for
 9 it, so he doesn't set it up --
 10 SIR JOHN SAUNDERS: So it's initiated?
 11 A. Yes. There's a text message that's sent by the force
 12 duty officer. There's a regional casualty bureau
 13 coordinator, Helen Palfrey, who was contacted on the
 14 night, so the initial text goes out, staff are notified,
 15 and then Helen is responsible for setting it up.
 16 SIR JOHN SAUNDERS: I'm not sure that happened. Did the FDO
 17 actually send that text? No? That's what I thought.
 18 It was one of the things which again, perfectly
 19 understandably, got overlooked in the rush of all the
 20 phone calls coming in. Why would that be the FDO's
 21 responsibility?
 22 A. I don't know, sir, and I don't know whether it's because
 23 they have the technology in the comms room to deliver
 24 the text message or not.
 25 SIR JOHN SAUNDERS: So actually you had to pick it up

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1 because it hadn't been done and you started it, didn't
 2 you?
 3 A. I did, yes.
 4 SIR JOHN SAUNDERS: Okay. Thank you, Mr Weatherby. I just
 5 wanted to clarify that.
 6 MR WEATHERBY: Thank you very much. It is a point of acute
 7 concern, as you know, sir.
 8 Plato. The chair late in the day yesterday raised
 9 a series of points about the initial response to Plato
 10 and I just want to pick those up and make sure we've all
 11 understood them or at least I have.
 12 We heard evidence that there was a credible report
 13 of a bomb and multiple casualties to Greater Manchester
 14 Police coming from the arena control room shortly after
 15 the detonation and that around the same time there were
 16 less verifiable reports of gunshots. Would you agree
 17 that that would be a sufficient basis for a justifiable
 18 declaration of Plato?
 19 A. On that early information that an explosion had occurred
 20 and gunshots -- it's very difficult to put yourself
 21 in that situation unless you're receiving the
 22 information but on that basis, yes, I could understand
 23 why Plato would be declared.
 24 Q. It's difficult, isn't it, to see what else you would
 25 need to properly declare a Plato if you had credible

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1 bomb and casualty reports and less verifiable but
 2 nevertheless reports of gunshots?
 3 A. Again, the interpretation of Plato and a marauding
 4 terrorist firearms attack will always depend on the
 5 commander who is looking at the information in the
 6 context in which they are sitting .
 7 SIR JOHN SAUNDERS: Just let me stop you again, sorry.
 8 That's actually quite concerning to me. Because you
 9 told me that when you went round talking about it with
 10 other police forces and other commanders there was quite
 11 a varied opinion about whether in those circumstances
 12 they would declare Plato or not. Is that because the
 13 guidance isn't clear? What more do you want than a bomb
 14 and reports of gunshots, as Mr Weatherby says?
 15 A. It sounds very straightforward when you put it like
 16 that, sir, but there are always interpretations of
 17 information, people will approach the risk assessment or
 18 the information and intelligence in slightly different
 19 ways. Plato, I think, has tried to make it clear but
 20 there's always been that evolving threat picture of —
 21 previously it absolutely had to be people with guns
 22 shooting people at a location. It's evolved over the
 23 years into actually there are other indicators that
 24 could be precursor attacks. So there's a lot of factors
 25 that come into it.

25

1 So I would always suggest that if people are
 2 uncertain as commanders that they call Plato, because
 3 that's a good response to this situation, and if it's
 4 not Plato, obviously something in error, it could be
 5 rescinded. But firearms command can be complicated in
 6 its decision-making.
 7 SIR JOHN SAUNDERS: I'm sure that's true, but JOPs is
 8 perfectly clear, isn't it: if in doubt, call a Plato?
 9 A. Yes.
 10 SIR JOHN SAUNDERS: At some stage yesterday you said it's
 11 not very easy to rescind Plato, but it must be possible
 12 to put it on the back-burner in some way, even if
 13 you have to bring it back later.
 14 A. The back-burner issue, I think, is the thing that we
 15 learnt on that night when Mark Dexter went to standby,
 16 in my view correctly, because we were able to stand by
 17 and wait to see what happened next.
 18 SIR JOHN SAUNDERS: Thank you, Mr Weatherby, I was just
 19 concerned about that.
 20 MR WEATHERBY: Thank you very much, that's very helpful.
 21 As the chair says, of course looking at JOPs, and
 22 indeed the police guidance that Mr Butt took you to
 23 yesterday afternoon, the point is that if you declare
 24 early and it turns out to be an error or a hoax or you
 25 just get it wrong, what you do is you cause some

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1 inconvenience at most, but delay on the other hand may
 2 well cost lives. That's the principle of declaring
 3 early, isn't it, with Plato?
 4 A. Yes.
 5 Q. Just on this rescinding point, would you agree with me
 6 that the rescinding point here is a bit of a red
 7 herring, that if Plato continues, it's the effect Plato
 8 has rather than the fact it continues that is important,
 9 the operation of it rather than the fact that it remains
 10 in place?
 11 A. Yes, I think I'd agree with that.
 12 Q. Just to develop that, I'm sure we're going to agree on
 13 this, but just so we have some clarity on it: if it was
 14 right to declare Plato at a very early point, or indeed
 15 at the time it was declared, it's right that there were
 16 ongoing reports, happily they turned out not to be real,
 17 but there were ongoing reports of threats in various
 18 places, Oldham Hospital, the cathedral, whatever, and
 19 I think the point you made yesterday about not
 20 rescinding Plato is that if you rescind it too soon,
 21 then effectively you withdraw your firearms capability;
 22 is that right?
 23 A. Yes, that would naturally follow if there's no threat.
 24 Q. So although it's very important to review Plato, the
 25 critical issue wasn't whether it was brought to an end

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1 quickly but how it was applied and what ongoing effect
 2 it had?
 3 A. Yes.
 4 Q. So if it carried on, because it should have done or even
 5 in error, it didn't necessarily impede the emergency
 6 response if it was properly applied; is that right?
 7 A. Yes, if it was managed correctly, yes, it shouldn't
 8 impede what's going on.
 9 Q. So a critical issue on the application of Plato, once
 10 the firearms side is put in motion, is getting the
 11 emergency services to casualties immediately that it is
 12 safe to do so?
 13 A. Yes.
 14 Q. Plato, of course, is a rapid firearms response that is
 15 expressly a rapid multi-agency response, isn't it?
 16 A. Yes.
 17 SIR JOHN SAUNDERS: Okay. I want to take that up, if you
 18 don't mind. Am I right in thinking that one of the
 19 changes in JOPs arising, and I won't go into any detail,
 20 out of what happened in May is the emphasis put in it
 21 that it is not simply a firearms operation but it is
 22 also just as much a joint agency operation?
 23 A. Yes.
 24 SIR JOHN SAUNDERS: And do you think that was put in because
 25 it wasn't — it was treated rather as a firearms

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1 operation rather than an across—the—board operation?
 2 A. That's my understanding why it's changed, yes.
 3 SIR JOHN SAUNDERS: Okay.
 4 MR WEATHERBY: Critical to that rapid emergency service
 5 response is the immediate sharing of the declaration
 6 because that puts the other emergency services on
 7 a mobilisation if you like; yes?
 8 A. Yes.
 9 Q. And also the immediate sharing of situational awareness
 10 and zoning throughout the operation?
 11 A. Yes.
 12 Q. It's right that the FDO, Mr Sexton, gave evidence that
 13 he wasn't involved in any zoning discussion or made any
 14 directions regarding zoning or tasked anyone at the
 15 scene to do so. Did you follow that?
 16 A. His evidence, yes.
 17 Q. Yes. But likewise, it's right, isn't it, that you
 18 didn't deal with zoning or direct that it should be done
 19 or check that it had been done, at least in the period
 20 until all the casualties had been removed from the
 21 City Room?
 22 A. That's correct. It's the role of the TFC.
 23 Q. Yes. Now, in some, perhaps many, Plato circumstances it
 24 will be necessary to consider an area as hot, at least
 25 initially; yes?

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1 A. Yes.
 2 Q. But here we know that in fact, rightly or wrongly, Plato
 3 was declared after the operational firearms commander
 4 and other armed officers were in the City Room and the
 5 operational firearms commander's evidence was that his
 6 view was that the City Room should be treated as warm;
 7 yes?
 8 A. Yes.
 9 Q. And also it was the evidence of the de facto
 10 Bronze commander, Inspector Smith, that he entered the
 11 City Room, within a few minutes, around the same time,
 12 and his view was that it was "safe enough" for him and
 13 his officers to be there to help and to provide
 14 first aid to casualties. Yes? Do you follow that?
 15 A. Yes.
 16 Q. By extension, therefore, his evidence by implication
 17 would be that it was safe for other first aiders or safe
 18 enough for other first aiders at the arena and members
 19 of the public and indeed paramedics to be there; yes?
 20 A. Yes.
 21 Q. So armed officers on scene with the casualties when the
 22 declaration was made, the views that we've just
 23 discussed of both of the commanders at the scene, the
 24 OFC and the Bronze Commander, expressed in the way we
 25 just discussed, would you agree that if zoning had been

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1 considered by the FDO, that it would properly have led
 2 to the City Room being treated as warm from the outset?
 3 A. Yes, I think with that information from the scene, as
 4 you describe, that being a warm zone, yes.
 5 Q. Yesterday when the chair was discussing this with you
 6 towards the end of the day, you referred to the need to
 7 identify on—scene commanders to make the assessments.
 8 A. Yes.
 9 Q. The FDO had appointed the operational firearms
 10 commander, Inspector Smith was there, and quite visibly
 11 there, he appears on the FWIN, the log, visible to the
 12 FDO or those working with him. The proper operation of
 13 Plato should have meant that the FDO would gain
 14 situational awareness from one or both of those, discuss
 15 the zoning with them, and then inform the emergency
 16 service partners of both the situational awareness and
 17 the zoning. That's the way it should work, isn't it?
 18 A. Yes, in the sense of by the information being fed back
 19 to the FDO in the absence of the other emergency service
 20 on—scene commanders being present. However, if they
 21 were then present immediately they would deal with the
 22 on—scene commander directly at the scene to discuss
 23 (overspeaking) —
 24 Q. Until that happens —
 25 SIR JOHN SAUNDERS: Sorry, Mr Weatherby.

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1 Just let me make this absolutely clear: you were
 2 saying the decision about zoning is for the tactical
 3 firearms commander or the OFC —
 4 A. For me, sir, and bearing in mind this is our first
 5 application of it, my training would say to me — and it
 6 says the OFC should stay at the FCP. Once that
 7 assessment is done at the scene, either by an unarmed
 8 Bronze, so it could have been Mike Smith if the OFC
 9 wasn't there, but the OFC is best placed to do it as
 10 a firearms commander understanding the risk and threat.
 11 They should make the assessment, share it with the other
 12 on—scene commanders from the other emergency services,
 13 and clearly feed it back to the control room as well.
 14 SIR JOHN SAUNDERS: So provided he's there at a forward
 15 control point and can communicate with the other people,
 16 it's the OFC? He's got the best vision and he does it?
 17 A. That person, that role is identified in the Whittle plan
 18 as being the person to do it.
 19 SIR JOHN SAUNDERS: Right. The point of referring it back
 20 to the FDO is if he's not there in communication with
 21 other commanders, so the FDO then informs the other
 22 services, is that right —
 23 A. It is.
 24 SIR JOHN SAUNDERS: — of the zoning?
 25 A. It is and they are also the ITFC in that point in the

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1 absence --
 2 SIR JOHN SAUNDERS: I do understand that but I am trying to
 3 get from you whose responsibility is it to decide on the
 4 zoning.
 5 A. The people at the scene.
 6 SIR JOHN SAUNDERS: And so when they are reporting back to
 7 the FDO, they're simply telling him, "This is the zone"?
 8 A. Yes.
 9 SIR JOHN SAUNDERS: Okay. That was one thing. Thank you
 10 for clarifying that.
 11 It's just something you said rather earlier. You've
 12 explained that there are certain things that certain
 13 people have to do and when you come on as Gold commander
 14 you don't actually need to check back on what everybody
 15 is doing because you would never have time to do what
 16 you need to do if you were -- so you assume they've done
 17 it all. Would that apply to zoning or is that something
 18 so important that you actually need to know whether
 19 there is a red zone or a warm zone?
 20 A. Yes. In terms of being the SFC and understanding how
 21 the scene is being treated, it's important that I would
 22 know if a zone or zoning has been applied so, yes,
 23 I would accept I could have probed those issue much more
 24 and asked for that. Because I knew that activity at the
 25 scene wasn't being prevented, and things were happening,

1 perhaps that's something that I've kind of thought,
 2 well, okay, things are there, people are being treated,
 3 casualties are being evacuated, but I do accept as the
 4 SFC I could have asked for more detail about that.
 5 SIR JOHN SAUNDERS: Without being critical, because anyone
 6 can look back on anything and say, "I could have done
 7 that better" --
 8 A. Mm-hm.
 9 SIR JOHN SAUNDERS: -- that is something that now, if,
 10 heaven help not, were to happen again, you would
 11 actually do?
 12 A. Yes.
 13 SIR JOHN SAUNDERS: You would enquire about the zoning?
 14 A. (Overspeaking) zoning and see what's happening at the
 15 scene and make sure --
 16 SIR JOHN SAUNDERS: I am sorry, Mr Weatherby, that was a
 17 long interruption.
 18 MR WEATHERBY: No problem at all, thank you very much.
 19 In terms of where we're at at the point of
 20 declaration, or the period shortly thereafter, the FDO
 21 knows that no FCP has been set up by that point and
 22 therefore it's part of his responsibility to declare to
 23 the other emergency services and to set up communication
 24 with their commanders, their control room, in the
 25 initial stages before an FCP has been set up; that's

1 right, isn't it?
 2 A. Yes.
 3 Q. So the point that I'm making here is that he's appointed
 4 an operational firearms commander and is in
 5 communication with him as we know. He can see that
 6 there is a self-deployed Bronze commander,
 7 Inspector Smith, so what the FDO should be doing is
 8 gaining situational awareness from certainly one, but
 9 probably both, of those commanders at the scene,
 10 establishing what is going on, discussing zoning, most
 11 likely with the OFC, but probably both again, and then
 12 informing the emergency services partners, not just of
 13 the declaration but of the situational awareness, what's
 14 going on, and that would include the fact that armed
 15 officers were in the City Room and their immediate
 16 assessment of the scene? I know that was a long
 17 rambling question, but I think you get --
 18 SIR JOHN SAUNDERS: If in general terms, do you agree with
 19 that analysis?
 20 A. I think what I'm saying yes to, Mr Weatherby, is yes,
 21 that communication line should be established. At the
 22 scene it's important to get joint situational awareness
 23 with partners present, but equally to feed that back
 24 into the control room so that sharing is done through
 25 the other channels as well.

1 MR WEATHERBY: The whole point of that is that if you then
 2 tell the emergency services that there is no immediate,
 3 obvious threat and therefore unarmed police are in the
 4 epicentre, if you like, of the bombing, and there is
 5 protection effectively from armed police as well, then
 6 you put those emergency services in a position where
 7 they can apply not only their own policies on entering
 8 warm zones but also operating the discretion that they
 9 may have in so doing? Is that right?
 10 A. Yes, they understand the risks and therefore they can
 11 make informed choices.
 12 Q. And in fact because there was no declaration to the
 13 emergency service partners, and because there was no
 14 situational awareness communicated to them, they were
 15 simply not put in a position where they could make any
 16 joint or individual proper risk assessments; is that
 17 right?
 18 A. Yes, in relation to the Plato application, yes.
 19 Q. I want to go on and discuss with you the command
 20 structure and its effectiveness. So I was suggesting to
 21 you before that, of course, you have a lot of your own
 22 strategic roles. Being at the top of the command chain,
 23 one of your roles was to make sure that that command
 24 chain functioned properly and effectively; is that fair?
 25 A. Yes.

1 Q. And that fundamentally started with establishing
 2 communications down the line of command?
 3 A. Yes.
 4 Q. If you can't communicate, then you have no idea whether
 5 the person next to you down the line of command, here
 6 the FDO in the initial stages, you have no idea whether
 7 they're doing a fantastic job or a terrible job or
 8 somewhere in the middle?
 9 A. Yes, that's true.
 10 Q. Therefore what became almost immediately apparent to you
 11 on the evidence that you have given so far, I think,
 12 is that there was a real and serious problem in
 13 establishing even communication with the FDO. You were
 14 effectively blindsided, weren't you?
 15 A. Yes. The information that I would have wanted from the
 16 FDO I couldn't get in the early stages because it wasn't
 17 possible to contact him. However, in a firearms
 18 situation, it's not unusual for the ITFC to not make
 19 immediate contact and be waiting for an opportunity to
 20 brief the SFC.
 21 Q. Okay, but it is one of the initial list of things that
 22 the FDO is supposed to do, isn't it, brief the SFC?
 23 A. I think it says to contact the SFC; briefing again is
 24 different and that requires time.
 25 Q. Okay. But in terms of you being able to do that part of

1 your job, ensuring that the command structure is
 2 effective, that would involve a briefing, wouldn't it?
 3 A. Yes.
 4 Q. Proper communication; yes?
 5 A. Yes.
 6 Q. And you knew, and you made it quite clear when you gave
 7 your — you had your discussion with Lord Kerslake that
 8 you were aware that there was a long list of tasks that
 9 the FDO had to do. So as the minutes passed when you
 10 were unable to contact the FDO, am I right that there
 11 would be a rising realisation that the FDO was in fact
 12 overloaded?
 13 A. Perhaps not overloaded but that they were prioritising
 14 the activity that they needed to undertake. It's clear
 15 in terms of the notifications, but equally there's an
 16 expectation that they would have been delegated in part
 17 as well because some are more important than others.
 18 SIR JOHN SAUNDERS: Are you watching the log?
 19 A. No. No, sir.
 20 MR WEATHERBY: (Overspeaking).
 21 SIR JOHN SAUNDERS: (Overspeaking).
 22 A. Yes, if he was updating that he had done those
 23 notifications, but again it's quite difficult to follow
 24 our logs and I'm not sure they were being put on there.
 25 It's another way of finding out from within the Silver

1 command.
 2 SIR JOHN SAUNDERS: Thank you.
 3 MR WEATHERBY: As the SFC, it was clear to you certainly,
 4 and it should have been clear to the FDO, that you
 5 needed situational awareness; is that fair?
 6 A. It is, but it's... He is acting as the strategic
 7 firearms commander until he briefs me, which sounds like
 8 an onerous responsibility but that's the way firearms
 9 command does work. So the point at which he either
 10 needs something or needs to brief me and he's wanting
 11 ratification of his firearms authority, that is the most
 12 obvious point at which, but until then he has, rightly
 13 or wrongly, got that strategic responsibility as well.
 14 Q. Yes, indeed. There is no strategic commander until you
 15 yourself are mobilised 21 minutes after the detonation
 16 of the bomb. He assumes that role until you take it
 17 over, doesn't he?
 18 A. They do anyway as the ITFC, he assumes the
 19 responsibilities of the strategic firearms commander,
 20 but not the Gold commander.
 21 Q. Yes. So once mobilised, given the urgency of the
 22 situation, you would be anxious to get up and running
 23 and take that over and to make sure everything works?
 24 A. Yes.
 25 Q. The fact that he doesn't contact you as the minutes go

1 by must have alerted you to the fact that there was
 2 a problem?
 3 A. Not necessarily a problem, no, because I have done a lot
 4 of firearms operations where we do a spontaneous
 5 response through the force duty officer as the ITFC and
 6 it can be some considerable time before they contact me
 7 at a suitable point. But equally, I knew in that first
 8 20 minutes/half an hour, that I had tactical firearms
 9 commanders who had been contacted and would also be
 10 seeking to take that responsibility away from the ITFC.
 11 These are experienced people in that world. I believe
 12 if Dale had needed to speak to me for specialist
 13 authorities around certain aspects he would have
 14 contacted me, but it's not unusual to not be contacted
 15 in the early stages by the ITFC.
 16 Q. Yes. You mention other TFCs and of course
 17 Chief Inspector Buckle was contacted, but in fact she
 18 never takes over as TFC, does she?
 19 A. No.
 20 Q. In fact, Mr Dexter self-deploys and volunteers to get
 21 involved, but because of where he is, it takes him quite
 22 a long time to get in a position to do anything
 23 practical to help. That's no criticism of him, it's
 24 just the fact of his geography.
 25 A. He arrives at 23.23, roughly the same time Rachel Buckle

1 would have arrived at force headquarters. Again, in
 2 terms of the way we structure it, the expectation does
 3 sit with the FDO in the initial stages.
 4 Q. In terms of the FDO and the line of communication, it's
 5 in all of the relevant documents, both the old Plato
 6 plan and the Whittle document, that the FDO should
 7 certainly contact the SFC, and in fact the NPCC
 8 Operation Plato, the national guidance, it in fact says,
 9 "Inform and brief the SFC". It says that:
 10 "The initial TFC should contact an SFC as soon as
 11 practicable as part of building an effective command
 12 structure."
 13 That's what should have happened and didn't
 14 happen --
 15 A. Yes. The point there, Mr Weatherby, is "as soon as
 16 practicable". That's always the point in firearms
 17 command. The point, I can't speak for Dale, at which he
 18 felt it was practicable to speak to me and brief me
 19 would be a matter for him in that sense.
 20 Q. Well, in fact it never arrived, did it, that point?
 21 A. No, subsequently the tactical firearms command structure
 22 was in place, therefore the responsibility sitting on
 23 Dale at that point and my direct access to the TFCs that
 24 have taken over, accepting that in your eyes that's
 25 a considerable amount of time, that was in place. So

1 I then have contact with the TFC and the TFCs.
 2 Q. Yes. I'm trying to ask my questions with the
 3 understanding that I'm a barrister in a hearing room
 4 4 years down the line with all of the evidence. So
 5 I understand the difference is that this was
 6 a cold-start, spontaneous incident in extraordinarily
 7 different circumstances. But the reality is, as we've
 8 heard evidence before, that he was the tactical firearms
 9 commander for an hour and 45 minutes and didn't brief
 10 you at all.
 11 A. No, but in the interim, Mark Dexter was at the scene,
 12 Rachel Buckle was in the room, there were opportunities
 13 to hand that over and if he'd wanted to speak to me, he
 14 could have spoken to me if he needed further support, if
 15 he was feeling overwhelmed or he wanted me to accelerate
 16 the handover of command between the TFCs. And again,
 17 that wasn't something I was made aware of, so yes.
 18 Q. Yes, well, you describe in your statement as once you'd
 19 been mobilised and you were on the way to HQ, so before
 20 23.15, you were trying to contact the FDO "several
 21 times". You understood the importance of gaining
 22 situational awareness as Gold, as SFC, from the FDO
 23 straightaway, didn't you?
 24 A. I did. As I do in any command situation, I want to get
 25 access to information as quickly as possible, but I also

1 understand that people have to do their jobs within that
 2 command structure as well.
 3 SIR JOHN SAUNDERS: Okay. Let's just draw a bit of a breath
 4 on this. I think we're all agreeing you wanted to speak
 5 to him and it would have been a good idea if you'd been
 6 able to speak to him.
 7 A. Yes.
 8 SIR JOHN SAUNDERS: He's got too much to do, he's suggested
 9 that actually the role of the interim tactical firearms
 10 commander and the other duties of the FDO should be
 11 separated off so he would have more time to be doing
 12 things like that. Whether it's lack of communications
 13 or him having too much to do, it would have been a good
 14 idea if he could have spoken to you?
 15 A. Yes.
 16 SIR JOHN SAUNDERS: But you're saying: I understand why he
 17 couldn't because he had too much to do?
 18 A. Yes.
 19 SIR JOHN SAUNDERS: Is that all right, Mr Weatherby, or...
 20 not quite?
 21 MR WEATHERBY: I'm saying it goes a little bit further than
 22 it would have been a good idea. My point to Ms Ford at
 23 the moment is that it effectively meant that you
 24 couldn't do that part of your job and that's why you
 25 were so anxious in real time to speak to the FDO.

1 A. I don't think I couldn't do my job. Being an SFC for
 2 quite a while, I've often been in this position where
 3 I don't have the information. I was concerned because
 4 it was important to understand what was happening and
 5 what decisions had been taken and what information Dale
 6 had and where he was at in terms of his contact with
 7 people. That's what I would say my anxiety was over,
 8 and equally, making contact with him to make sure that
 9 he was okay.
 10 Q. Okay, but there was effectively a complete disconnect
 11 between his level and any line of command above him
 12 because there was no communication?
 13 A. He had contact with Mark Dexter and he had contact with
 14 Rachel Buckle in that first period so I think there were
 15 definitely command conversations taking place.
 16 Q. Let me try and move on a little quicker, but I do want
 17 to stay with this theme for a little longer.
 18 Once you get to HQ about 23.15, you then continue
 19 the theme of wanting to speak to the FDO, because you
 20 ask Mr Nawaz and your staff officer to try and contact
 21 the FDO for situational awareness, don't you?
 22 A. Yes.
 23 Q. And you're still unable to get -- between the three of
 24 you, you are still unable to contact him, so you then
 25 send Chief Superintendent Evans, presumably in a car, to

1 the control room where Mr Sexton is to establish what
 2 he's done so far.
 3 A. Yes. I mean, my view on that was -- and it was later
 4 on, so this was not the only way in which we were
 5 communicating with the control room -- Neil Evans came
 6 in, was going to take over as the Night Silver and
 7 I asked him to attend that location. Obviously I don't
 8 think he agrees with this, but it was around the welfare
 9 of Dale because we were so far into the incident and
 10 command and control had been taken over into the room at
 11 that point.
 12 Q. I understood from your statement of 6 July that you'd
 13 sent Mr Evans to find out how far the FDO had got and
 14 what he'd done and what the situation was.
 15 A. Yes, that would be part of it.
 16 Q. So that's indicative, isn't it, that you were, putting
 17 it mildly, very keen to play your role in the line of
 18 command and you were unable to do so in that regard
 19 because you had no contact with Mr Sexton?
 20 A. In the sense of, at that stage, the tactical command
 21 suite was running, people were there. I still wanted to
 22 speak to the FDO but the imperative to do so diminished
 23 over that time period as people came into the structure,
 24 specifically the firearms commanders.
 25 Q. I'll come to what you might have discussed with

1 Mr Sexton in a moment if I may, but just one further
 2 point on this. At the time you were tasking Mr Nawaz
 3 and Ms Thornton at HQ to try and get situational
 4 awareness from Mr Sexton, and it didn't come, and at the
 5 time you sent Mr Evans to do the same, you had
 6 Chief Inspector Buckle at HQ, didn't you?
 7 A. Yes.
 8 Q. It would have been a possibility, wouldn't it, to have
 9 sent her or tasked her to go to the FDO, bearing in mind
 10 that she was in fact the natural person to take over
 11 from the FDO, so either send her to the control room to
 12 take over from Mr Sexton or indeed provide direct
 13 assistance to him given that he appeared to be in
 14 a position not to be able to communicate?
 15 A. I don't think it was necessary to send her over but she
 16 had contact with him while she was in the room. They
 17 had a conversation about handover or not and Dale said
 18 he would keep it until Craig arrived.
 19 Q. Would you accept that it was a serious failure --
 20 SIR JOHN SAUNDERS: Sorry. I think he said, "We'll wait
 21 until you're fully briefed before you take over", and
 22 then I think he was told later that it wouldn't be
 23 (overspeaking) --
 24 A. Okay.
 25 MR WEATHERBY: So would you accept that it was a serious

1 failure in the system that there was no communication
 2 between Mr Sexton and yourself?
 3 A. I'd accept that it would have been much more beneficial
 4 on the night if I'd had a conversation with him. But
 5 I understand the reasons why we were unable to do from
 6 his perspective and I did make efforts --
 7 SIR JOHN SAUNDERS: I think we understand that you're not
 8 blaming Mr Sexton for it.
 9 A. Not at all, no.
 10 SIR JOHN SAUNDERS: It's a failure in the system, you wanted
 11 to talk to him and you couldn't?
 12 A. Yes.
 13 MR WEATHERBY: You say again in your statement that:
 14 "It was absolutely necessary to get into a position
 15 where I can get command and control at the earliest
 16 opportunity and grip the situation as soon as possible."
 17 And this disconnect in the line of command between
 18 you and Mr Sexton meant that that was simply
 19 unachievable? Isn't that the position?
 20 A. It created a gap in my ability to get command and
 21 control, albeit, as I say, I had other commanders coming
 22 into those situations.
 23 Q. Okay. Let me just round off this topic, and I don't
 24 have very much more, by going through with you what
 25 might have been said, had you gained a line of contact,

1 a line of command, with Mr Sexton.
 2 You would, first of all, have obtained situational
 3 awareness from the person at the centre of the response,
 4 Mr Sexton?
 5 A. Yes.
 6 Q. You didn't really have any -- you had the minimum of
 7 situational awareness until you spoke to Mr Dexter at
 8 23.41, didn't you? You had some very limited
 9 information before that, but you had no real situational
 10 awareness until then?
 11 A. I had the information that Mr Nawaz had provided to me
 12 and the information from Mike Smith at the scene.
 13 Q. Yes. If you'd managed to connect with Mr Sexton you
 14 would have learned the reasons why he declared Plato and
 15 you'd have been in a position to check that it had been
 16 reviewed and to keep it under review; yes?
 17 A. Yes.
 18 Q. But perhaps most importantly you'd have learned what
 19 he had done and what he hadn't done?
 20 A. Yes.
 21 Q. You could have prompted the things that we now know
 22 weren't done; yes?
 23 A. I could have done, but bearing in mind NAWAS were in the
 24 room with me, it's probably not something I would have
 25 said to him, which is: have you notified our emergency

1 service partners (overspeaking)?
 2 Q. But why not?
 3 A. (Overspeaking).
 4 Q. Bearing in mind --
 5 A. -- and NWS are in the room with me.
 6 Q. Sorry, I cut across you.
 7 SIR JOHN SAUNDERS: (Overspeaking) because they are there
 8 they would have known Plato had been declared?
 9 A. That was the premise on which I was working, sir, and
 10 also because the Plato plan and JOPs very clearly says
 11 that's what we should do. When I speak to my commanders
 12 generally, I don't go back and say, "Have you followed
 13 the plan and done these things?"
 14 SIR JOHN SAUNDERS: No, okay. There's absolutely no reason
 15 however why Mr Sexton shouldn't have said to you, on the
 16 basis of what he told us, "Actually, I have made
 17 a decision not to tell them", and then you would have
 18 been aware of that at that stage?
 19 A. If he'd told me that, yes.
 20 SIR JOHN SAUNDERS: Okay. One would hope he would.
 21 MR WEATHERBY: By this point you've got the Plato plan and
 22 however aware you were or weren't of that plan, you've
 23 effectively got a checklist and part of your role as the
 24 buck stops with you is to make sure that the actions
 25 have been taken; that's right, isn't it?

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1 A. It is my responsibility to make sure that the response
 2 is as good as it can be.
 3 Q. Yes.
 4 A. And you could say, yes, I could go through that
 5 checklist and make sure those actions had been taken.
 6 But I would take it that they had been because that's
 7 what people are expected to do in the plan.
 8 Q. Okay. Well, you could have, for example, checked
 9 whether there'd been a declaration of a major incident?
 10 A. I could have, yes.
 11 Q. An obvious point to raise would be zoning and reviewing
 12 zoning?
 13 A. I could have, yes. That's fair, yes.
 14 Q. Whether or not you were going through a checklist, the
 15 zoning issue was absolutely central to any response,
 16 wasn't it?
 17 A. It was. As I said, though, my understanding from the
 18 scene was that there was no conversation about zoning as
 19 we know except between myself and Mark Dexter later on.
 20 If I'd thought zoning was impacting on the response
 21 at the scene, I would have talked about it, but to me
 22 the scene was being managed and casualties were being
 23 treated and evacuated. And at that point, by the time
 24 I was in the command suite, and then by 23.39, I believe
 25 everybody was out so the zoning issue was not something

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1 that was in my head as affecting activity at the scene.
 2 Q. Yes.
 3 SIR JOHN SAUNDERS: Can I break in? Sorry, Mr Weatherby.
 4 You have told us that looking back on things, the
 5 response to what happened focused too much on the
 6 activities of armed police and not enough on bringing
 7 the other agencies into it.
 8 A. Yes.
 9 SIR JOHN SAUNDERS: So it all just has too much emphasis on
 10 the armed police, not on anybody else?
 11 A. Yes.
 12 SIR JOHN SAUNDERS: Were you aware of that at the time?
 13 Because zoning in a way is actually concerned with the
 14 other agencies, isn't it?
 15 A. Yes.
 16 SIR JOHN SAUNDERS: And I just wonder whether that gets lost
 17 a bit in it, in the same way as other things relating to
 18 the other agencies got lost in it all.
 19 A. Yes, I think that's a fair observation, sir. If zoning
 20 has not been applied and used at the scene and therefore
 21 been discussed amongst agencies then it's not something
 22 that is really apparent to everybody, so it becomes
 23 quite police-focused in that sense.
 24 SIR JOHN SAUNDERS: Thank you.
 25 MR WEATHERBY: That's precisely where I was heading next.

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1 If you'd got this briefing contact with the FDO you'd
 2 have said to him, "How is the working with the emergency
 3 service partners going? Do you have communication with
 4 them", wouldn't you?
 5 A. Yes, if I thought they were absent I'd have probably
 6 said to him, or they weren't in the room, but because --
 7 again, it just seemed so obvious that we would have
 8 notified and they were already responding and, as I say,
 9 NWS were in the room with us, it wouldn't have occurred
 10 to me to say, "Dale, have you notified the emergency
 11 services", because again that is -- I think it's kind
 12 of point 3 in terms of what we do.
 13 Q. It's axiomatic, isn't it, in the response? But I take
 14 your point on that. But you would have assumed that he
 15 would have immediately communicated the declaration and
 16 you would have assumed that he would have set up
 17 communications with the other emergency services,
 18 wouldn't you?
 19 A. Yes, because otherwise the point of Plato is completely
 20 lost.
 21 Q. Absolutely. But having said that, you, on a line of
 22 command basis, you would have asked him how that was
 23 going, wouldn't you? You'd have said, "Have you managed
 24 to set up the communications, is it working?"
 25 A. I'm not sure I would have had that conversation with him

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1 bearing in mind people were at the scene and commanders
 2 were arriving at the FCM. I'm not sure that
 3 conversation would have taken place between myself and
 4 Dale in that way as in, "How is it going", because the
 5 response was ongoing and people were arriving, people
 6 were at the scene.
 7 Q. And there would have been a number of other matters that
 8 you might have raised with Mr Sexton. For example, you
 9 knew that Mr Dexter was coming, so you may well have
 10 discussed with him the command relationship between the
 11 two of them; yes?
 12 A. Yes, so the command protocols -- and Mark Dexter and
 13 I talked about that as well, so I knew that he had the
 14 arena and at that stage Dale was continuing with the
 15 rest of the force area.
 16 Q. But as the overall commander you'd be wanting to make
 17 sure that everybody had grasped that and they understood
 18 their roles?
 19 A. Again, I said this yesterday, I think it's important
 20 that people did understand the roles and if I had to do
 21 this again, that's something that I would be much more
 22 clear on, albeit I'd hope the training would rectify
 23 that because doing it in live time would be difficult.
 24 But I knew that Mr Dexter had had a conversation, so
 25 I had one end of the communication channel through

1 Mr Dexter confirming that he'd set command protocols
 2 with Mr Sexton.
 3 Q. And you would have discussed with Mr Sexton the unarmed
 4 response, had Stay Safe advice been given, was there
 5 proper Bronze command, and did he have contact with
 6 them, wouldn't you?
 7 A. In terms of the briefing he gave me bearing in mind his
 8 briefing initially would be in terms of ratifying the
 9 criteria for deployment of firearms, would I have gone
 10 through the whole checklist of things that he is
 11 expected to do under Plato? I'm not sure. It would
 12 depend on what he briefed me in the first stage.
 13 Q. Okay. You take my point that there is a whole list of
 14 things that you as the overall commander are effectively
 15 responsible for even though they are tasks that are
 16 within other people's roles, it's part of your role to
 17 make sure they actually happen?
 18 A. It's always the overall responsibility of the Gold for
 19 the things that happen.
 20 Q. And we can see from your evidence that you made -- you
 21 were concerned about the lack of communication with
 22 Mr Sexton, you were trying, as we have discussed, to get
 23 in contact with him from your car on the way into HQ and
 24 you were tasking people to get in touch with him and go
 25 to where he was to gain situational awareness. If I'm

1 going too far with the checklist that I have just been
 2 going through with you, what was it that you were
 3 actually wanting to speak to Mr Sexton about?
 4 A. Firstly to find out where he's at, so I agree around
 5 situational awareness. I agree there are points within
 6 the notifications that I would have been concerned about
 7 in terms of military support, that type of thing. As
 8 I say, I would want to know from him where he's at --
 9 and I've repeatedly used that phrase, where he's at --
 10 and is there any gap in that response that we've got.
 11 I think you've articulated that I perhaps would have
 12 gone through the checklist, I don't agree entirely that
 13 I would, but the issues you raise around what would
 14 I have wanted to know do accord with what's in the Plato
 15 plan.
 16 Q. So you think I might be being a little bit too 4 years
 17 after the fact with all the evidence, being a bit too
 18 forensic about an actual list? But as a generality, you
 19 wanted contact with Mr Sexton to do your job to make
 20 sure that you had situational awareness for your own
 21 roles, but also to make sure that the command structure
 22 was effective? Is that a fair way of leaving it?
 23 A. Yes, I'd agree with that.
 24 Q. Can I just take you to one specific point about on-scene
 25 commanders. I'm switching to a different and short

1 topic now. It was the issue that you had been asked
 2 questions about already about whether there should be an
 3 unarmed Silver at scene. There was just one point that
 4 I don't think you -- well, you weren't taken to
 5 yesterday. I want to take you to it now. Is it your
 6 evidence, just before I do, that an unarmed Silver
 7 should have gone to the scene or not at any point?
 8 A. No, my view is that the command roles are filled in
 9 a different way and that the unarmed Silver was best
 10 placed at the FCM.
 11 Q. So the unarmed command in your view should have been
 12 dealt with by Bronze commanders, so Mr Smith and
 13 Mr Cooklynn initially, and then Mr Dexter should have
 14 assumed command for them once he arrived; is that right?
 15 A. Yes.
 16 Q. That's very clear, thank you very much. Just on that,
 17 can I ask you to have a look at the structured debrief
 18 that Mr Greaney took you to yesterday. There's one
 19 point he didn't raise with you, which I want to do now.
 20 Mr Lopez, {INQ000790/1}, please. That's the same
 21 document that you looked at yesterday. This is the
 22 July 2017 debrief that you took part in together with
 23 Mr Sexton, Mr Dexter, Mr Nawaz. I fully understand your
 24 evidence yesterday that this doesn't mean that you
 25 actually sign up to all of the recommendations, so we'll

1 have that in mind. But I just want to clarify .
 2 {INQ000790/2}, please.
 3 It 's the third entry from the bottom, D10, and it's
 4 under "Recommendations following the debrief":
 5 "GMP to consider a skills review of Gold/Silver
 6 qualified staff . Consider increasing numbers as/if
 7 required and deployment of a Silver commander to scene
 8 happen at all major incidents."
 9 As I read that, the Silver commander is the unarmed
 10 Silver commander; would you agree?
 11 A. I think that's what it's meaning, yes.
 12 Q. Bearing in mind you took part in this debrief, is that
 13 something that you agree with?
 14 A. No, and as I said yesterday, there is debate over this.
 15 Q. Yes. So a recommendation following a debrief, I take
 16 it -- I understand your evidence that you take part
 17 in the debrief and you don't necessarily sign off the
 18 recommendations, but that's something that you don't
 19 agree with; yes?
 20 SIR JOHN SAUNDERS: Mr Weatherby, let me interrupt again.
 21 The argument we've been hearing on the other side,
 22 which seems to be the view of most armed commanders, is
 23 actually if you're ground-assigned commander you have
 24 too much to do handling the armed police and actually to
 25 give you an overall command is just giving too much to

1 you.
 2 A. That's probably a question for Mr Dexter in terms of his
 3 experience, sir , but --
 4 SIR JOHN SAUNDERS: It is, but you're saying firmly, "No
 5 unarmed Silver to the scene", so it is a matter for you
 6 as well, I think.
 7 A. Yes, absolutely. My rationale for that would be that
 8 JOPs says we should do it and the purpose behind having
 9 that commander at the scene is, in my view, to share
 10 situational awareness and look at joint assessment of
 11 risk and the person best placed to assess risk in this
 12 scenario are the firearms commanders and that's why
 13 I think it sits with them because an unarmed tactical
 14 commander at the scene is almost adding to the
 15 discussion and debate about who does the risk
 16 assessment, who owns the responsibility for declaring
 17 the zoning and saying we've got mitigation and control.
 18 And if you put too many commanders into a situation, it
 19 causes discussion and debate which we don't want, we
 20 want clarity here, and saying, "This is the situation ,
 21 I've made an assessment with the information available
 22 to me, shared it with my partners, fed that back to the
 23 command suite", so we understand it, "This is what's
 24 going to happen here", and we move forward on that
 25 basis.

1 So I believe because this is a Plato firearms
 2 response -- I understand what they're saying, it's a bit
 3 like the operational firearms commanders wouldn't want
 4 to stand back and not go in with their troops because
 5 the natural instinct is to go in because they're
 6 firearms officers , but somebody has to take that
 7 position of stepping back. So in my view, on the back
 8 of this, albeit it's challenging, but if you put the
 9 structure in place at the scene, it has to be a single
 10 command, it can't be multiple commanders at the same
 11 level all having a view on the risk and the situation .
 12 As I say, that's my view on it logically . Whether
 13 I'm right and other people are wrong and it's a matter
 14 for yourself to draw that conclusion ultimately, but
 15 that's how I see it and therefore I think the tactical
 16 commander unarmed has more responsibility under the
 17 delivery of the major incident plan issues than they do
 18 at that scene, and if there are other scenes that follow
 19 it logically follows to me that that unarmed Silver is
 20 still with the overview and removed. That's how I view
 21 it.
 22 SIR JOHN SAUNDERS: Thank you.
 23 You were asked yesterday by Mr Greaney about what
 24 Mr Dexter needed to know. If he is going to be the
 25 on-scene commander, he needs to know that that is his

1 job and his responsibility ?
 2 A. Yes.
 3 SIR JOHN SAUNDERS: Do you say he ought to have known that
 4 anyway because of what's in JOPs?
 5 A. In JOPs it says that, that you will take that
 6 multi-agency role. Plato, in the firearms training
 7 we've had, alludes to that in terms of the role .
 8 I think much more clarity could be brought to it now
 9 we've had to deploy it in this way and it may be that
 10 National Firearms Command and Mr Thomas take a different
 11 perspective on it, but clarity has to be brought to what
 12 are the responsibilities for the commanders at the scene
 13 for their benefit as well as everybody else.
 14 SIR JOHN SAUNDERS: Do you accept there was not clarity
 15 at the time?
 16 A. I believe the training in that previous year talked
 17 about the issues but didn't set in stone: this is what
 18 will happen --
 19 SIR JOHN SAUNDERS: So it talked about the issues, they had
 20 different views --
 21 A. (Overspeaking) --
 22 SIR JOHN SAUNDERS: -- and they were left to go away with
 23 different views?
 24 A. I think that's the issue with training sometimes, isn't
 25 it? As I say, we'll all interpret a situation in

1 a particular way and as the commander with the
 2 information and intelligence, you take the
 3 responsibility for the decision you make and then you
 4 explain your rationale. There will always be people who
 5 say, "The criteria's met in that circumstance, the
 6 criteria's not met in that", which perhaps doesn't sound
 7 too reassuring to people hearing that but it's how you
 8 apply that decision-making. There will always be
 9 differences in people's viewpoints, but certainly if you
 10 just say, "If this is the on-scene commander role in
 11 Operation Plato, this is what you must do", then even if
 12 you have a desire to go running into the scene, then you
 13 won't, you'll stand back and say, "This is the job that
 14 I need to do".

15 SIR JOHN SAUNDERS: Okay, so it could be clearer?

16 A. Yes.

17 SIR JOHN SAUNDERS: Mr Weatherby, there was something
 18 I wanted to ask previously which I didn't. If you don't
 19 mind, I will do it now.

20 When you were asked by Mr Weatherby about not
 21 getting the information because you couldn't get contact
 22 with the FDO, you said you were getting information from
 23 Mr Smith at the scene and, I'm really sorry, I have
 24 forgotten how that was happening.

25 A. It came via my staff officer, I think there was

1 a telephone call from the scene to Alison Thornton is my
 2 recollection of where she got that information.

3 MR GREANEY: Sir, that's correct, and there's a note in the
 4 staff officer's notebook to that effect.

5 SIR JOHN SAUNDERS: It may be it was said yesterday and
 6 I have forgotten and, if so, I apologise.

7 MR GREANEY: I was wondering whether now would be
 8 a convenient moment for a break, but I'll leave that
 9 decision in the hands of Mr Weatherby.

10 MR WEATHERBY: I'm very close to finishing. I'll certainly
 11 be less than 10 minutes. So with your leave and, if
 12 Ms Ford is okay, I wonder whether I might finish.

13 MR GREANEY: And if the stenographers are fine. I'm told
 14 they are.

15 SIR JOHN SAUNDERS: Are you happy to go on for another
 16 10 minutes?

17 A. Yes, sir.

18 MR WEATHERBY: Just finishing on this point, {INQ000790/4},
 19 "Areas for improvement", and {INQ000790/5}, the top
 20 half, please.

21 It's rounding off this point and I just wanted to
 22 make sure we're all aware of it. The last point on
 23 "Areas of improvement":

24 "There is a shortage around major incident
 25 commanders within the force trained in the JESIP model

1 and no Silver arrived at scene to act as police
 2 commander."

3 That just rounds that point off.

4 Just picking up the further point that the chair's
 5 just asked you about in terms of the communication with
 6 Mr Smith. Communication with Mr Smith was minimal,
 7 wasn't it? There was this communication with your staff
 8 officer and some information was gleaned from that, but
 9 wasn't it really the role of the Silver at HQ, Mr Nawaz
 10 at this point, wasn't it his role to establish
 11 communication with the unarmed Bronze at scene?

12 A. Yes, there would have been an expectation that Arif had
 13 contact with the scene, yes.

14 Q. And I think it's right, isn't it, that there wasn't any
 15 effective communication between Mr Nawaz and Mr Smith at
 16 all?

17 A. Yes, I understand that was the case, yes.

18 Q. Was that something that you were aware of at the time?
 19 Did you think to prompt Mr Nawaz and get that
 20 established? That would have been another route to
 21 situational awareness, wouldn't it?

22 A. It would have been, yes, and having the conversations
 23 with Arif and then the briefing I received when
 24 I arrived, I think I said yesterday there was a gap in
 25 the information, so I would have expected he would have

1 received information via the scene in order to brief.

2 Q. Yes. Final topic, the ground-assigned TFC. We know
 3 that Mr Dexter called you at just before 23.15, I think
 4 it was 23.13, and left you a voicemail. You next
 5 communicated with him at 23.41 when you called him; yes?

6 A. Yes.

7 Q. Can you help us why it took you so long to get back to
 8 Mr Dexter?

9 A. I can't remember exactly in terms of my arrival at HQ
 10 and my conversation with him, whether there was some
 11 other form of communication in the meantime which wasn't
 12 recorded before that, but certainly I wanted to speak to
 13 him as quickly as possible. I had other things to do.
 14 Certainly within that period I was briefing
 15 Denise Worth, the SIO, the casualty bureau issue, I had
 16 to brief Russ Jackson, give direction around that,
 17 trying to obtain information/intelligence about the CT
 18 side of business as to potentially what we were dealing
 19 with. So again, I can't account for every minute within
 20 that period of arrival. But certainly speaking to the
 21 press officer, the warn and inform, all of those things,
 22 and I'm not sure on his availability but that was the
 23 time I spoke --

24 Q. Yes. If you had been able to, if you'd had time to do
 25 it, then even as he made his way to the scene, you could

1 have discussed with him the command arrangement, you
 2 could have discussed with him the need for you to have
 3 situational awareness as soon as he arrived because of
 4 the communication difficulties; yes?
 5 A. Yes, and I think Mark fully understands that and I think
 6 we had some situational awareness. As I said, I knew
 7 the TFC structure was coming into place, Rachel Buckle
 8 was there, albeit she didn't take over, I accept, so
 9 there was communication ongoing, but Mark has to get to
 10 the scene and do an assessment so he can share his
 11 situational awareness with me. So there has to be time
 12 for commanders to understand what's going on before they
 13 brief.
 14 Q. When you did manage to speak to him at 23.41, he
 15 informed you, I think, that he'd redeployed ARVs to
 16 Piccadilly; yes?
 17 A. That's right.
 18 Q. Was that his job?
 19 A. Yes, in the sense of I think him and Dale had
 20 a conversation about it because they'd agreed the
 21 command protocol was he would deal with the arena and
 22 Dale would deal with the wider city and GM. Again, and
 23 this is where people are thinking about the potential
 24 threat and ongoing risk management, I thought it was an
 25 eminently sensible suggestion from Mark to do that, he

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1 was thinking about other potentially crowded places
 2 in the city that night, bearing in mind the target of
 3 this particular attack, and the discussion was him
 4 saying that in his mind that was the only other place at
 5 that time where he saw a potential target that was a
 6 crowded place and that we should send staff down there
 7 to protect it.
 8 Q. I'm not suggesting it was or wasn't sensible, I'm
 9 perfectly -- it's not for me to say. The point I'm
 10 making is that he has a very specific role, he's the
 11 ground-assigned tactical firearms commander for scene.
 12 The deployment to other scenes or potential scenes is
 13 why you have an HQ TFC or an ITFC, isn't it? You have
 14 a TFC who is responsible for multiple scenes, if they
 15 develop, and you have this TFC at the scene who is the
 16 tactical firearms commander for the assets at the scene?
 17 A. I know what you're saying and all the TFCs and myself
 18 would be thinking about the wider risk across the city.
 19 I don't think -- I know you're not doing this to
 20 criticise Mark for thinking more broadly because I think
 21 he has acted in the right way and considered where we
 22 can best place the assets to protect Manchester, because
 23 that's our overarching aim. I agree it's outwith his
 24 current command position at the arena, but it was a very
 25 sensible thing to do, and neither myself or Dale or

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1 anybody else had considered it at that stage, so it just
 2 made sense.
 3 I think people do operate very often outside and
 4 don't stick within that very defined role. Again,
 5 that's okay -- if you do that, it's okay as long as you
 6 communicate with others that you're doing those things.
 7 Q. That's the key to it, isn't it, having an effective
 8 command structure and having effective communications?
 9 A. Yes. He made it clear that's what he was doing,
 10 accepting that it wasn't within his entire command
 11 protocol.
 12 Q. On the same point, finally, he refers to the Etihad
 13 being a reception centre for walking wounded?
 14 A. Yes.
 15 Q. Again, that's really not his role, is it, that's
 16 somebody else's role? It may have been sensible, it may
 17 have been effective commanding, but really someone else
 18 should have been thinking of that?
 19 A. Yes. In JOPs again, it talks to all of those issues in
 20 terms of the deployment, but as the on-scene
 21 commander -- yes, and they're the types of things that
 22 can be tasked back to the command suite to be done,
 23 which is effectively what happened in there. He
 24 nominated the Etihad and that was done by
 25 Manchester City Council from within the room.

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1 SIR JOHN SAUNDERS: And sending for buses?
 2 A. Absolutely. And TfGM did that, sir, on behalf of them
 3 as well.
 4 MR WEATHERBY: Those are my questions, thank you very much,
 5 Ms Ford.
 6 SIR JOHN SAUNDERS: I just want to ask something: what's
 7 become apparent from the questions of Mr Weatherby is
 8 the difficulty of you getting situational awareness --
 9 A. Mm-hm.
 10 SIR JOHN SAUNDERS: -- no doubt perfectly understandably,
 11 and you don't want to keep trying to ring the FDO
 12 because you know he's got an awful lot of things to do.
 13 So he is getting some of his situational awareness off
 14 the radio?
 15 A. Yes.
 16 SIR JOHN SAUNDERS: And off the log?
 17 A. Mm-hm.
 18 SIR JOHN SAUNDERS: Is there any reason why your command
 19 suite shouldn't be connected in to the radio and the
 20 log, not for you to be watching -- but how many people
 21 were in that suite that night, did you say?
 22 A. About 80 to 100.
 23 SIR JOHN SAUNDERS: Somebody could be monitoring it and
 24 could actually bring you up to date with things.
 25 A. I completely agree. I think Arif was using the log and

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1 Arif — I asked for a Silver loggist as well who turned
 2 up to do that. So we had full access to the FWIN within
 3 the room, so the information can be gleaned from there,
 4 accepting that the information is then interpreted and
 5 given. But it's there, it's available. And the
 6 communications side is covered by the fact that the OCB,
 7 and you've heard from Ian Randall, come in and they set
 8 up the communications systems within our room. So we
 9 move on to the events channels and the communication
 10 with the scenes are there.
 11 SIR JOHN SAUNDERS: So have you got the radio, can you
 12 monitor the radio which the FDO is listening to?
 13 A. (Overspeaking), yes. We would have access to any of the
 14 Airwave system because the operators come and work from
 15 the room, so once that is done, it's part of the FCM
 16 activation, Ian Randall's team came across and set up so
 17 the communication was there.
 18 SIR JOHN SAUNDERS: So is there someone who specifically is
 19 monitoring those things for the purpose of keeping you
 20 updated?
 21 A. No, but in terms of expecting me to ask for an update,
 22 that's a system and a process by which they can get
 23 information in order to brief me or others.
 24 SIR JOHN SAUNDERS: And were you asking for the information?
 25 A. I was constantly asking.

1 SIR JOHN SAUNDERS: Off the radio?
 2 A. Not off the radio, but just for a briefing and
 3 information as in, as I keep saying, where are we at,
 4 what is going on --
 5 SIR JOHN SAUNDERS: I just wonder whether it's systematic
 6 and organised enough. Could it be better?
 7 A. Based on my experience of this incident it needs to be
 8 clearer, but I'm always very conscious as well whilst
 9 people will look to me in my role and say, "That's the
 10 person", there are people who need to do their jobs and
 11 there's a balance between the Gold commander constantly
 12 asking for information because the thirst for
 13 information is vast and the need for information. And
 14 that goes to how confident are we in those in the
 15 structure doing their jobs and delivering and how
 16 well-trained are they and have we given them the
 17 opportunity to do that job and how much intrusion do
 18 I place into the situation, accepting that every time
 19 I do that I'm adding work to people who are doing other
 20 things? So there's a balance to be had there which I'm
 21 probably not explaining particularly well, sir --
 22 SIR JOHN SAUNDERS: That's all right.
 23 A. -- it feels when you demand information in a way from
 24 certain people, they're then distracted from doing other
 25 things, whereas actually, do we just let people get on

1 with it, accepting that there are issues that need to be
 2 identified within that as well?
 3 SIR JOHN SAUNDERS: Okay, thank you.
 4 We'll have a break, shall we?
 5 MR GREANEY: Yes, please, sir.
 6 SIR JOHN SAUNDERS: A quarter of an hour. Thank you.
 7 (11.08 am)
 8 (A short break)
 9 (11.29 am)
 10 MR GREANEY: Thank you, sir. Mr Horwell.
 11 MR HORWELL: Sir, can I first of all clarify a few loose
 12 ends?
 13 SIR JOHN SAUNDERS: Does this mean mistakes I've made?
 14 MR HORWELL: No, no, the chairman never makes mistakes;
 15 that's the first lesson I learned.
 16 The communications schedule. If we could look at
 17 that, the first page, simply as an example. This was
 18 a query that was raised 2 days ago when it was observed,
 19 obviously correctly, that the start times cannot be
 20 correct.
 21 The explanation is this: these details have either
 22 exclusively or in the main been taken from Vodafone
 23 invoices, billing records, and when you look at
 24 a Vodafone invoice, it gives the start time in hours and
 25 minutes only. We know that somewhere on the system will

1 be the seconds as well, but on the invoice it is simply
 2 the hours and the minutes. That is why every single
 3 start time ends with 00 seconds.
 4 What the invoice also contains is the duration of
 5 the call, so if we look at the first entry, the Vodafone
 6 record would simply state 22.52 and the duration of the
 7 call, 2 minutes and 58 seconds.
 8 SIR JOHN SAUNDERS: That's really helpful.
 9 MR HORWELL: That's why it is compiled in that way.
 10 SIR JOHN SAUNDERS: What's really critical is we know the
 11 length of the call is right, that gives us an idea of
 12 whether there was contact and, if so, how long.
 13 MR HORWELL: Yes. Secondly, you asked yesterday whether or
 14 not Winchester Accord was at the Trafford Centre. It
 15 was.
 16 SIR JOHN SAUNDERS: Yes, I'm sorry, I've discovered that.
 17 MR HORWELL: No, not at all.
 18 Third, a question arose as to when Mr Thompson
 19 arrived in the Silver room. As we will hear tomorrow,
 20 if he is called, it was at 11.45.
 21 SIR JOHN SAUNDERS: Thank you.
 22 MR HORWELL: Fourth, we heard some evidence, both today and
 23 before, concerning the activation of the casualty bureau
 24 and what part, if any, the FDO plays in that and we
 25 heard this morning that there is a text system. If one

1 looks at the statement of Helen Palfrey, she says that
 2 she received a telephone call from Buckle at 11.20.
 3 A few minutes after that, she received a call from Hill.
 4 Then she says at paragraph 42 of her witness statement:
 5 "I believe I then contacted the predesignated
 6 casualty bureau activation group by sending a text
 7 message saying the casualty bureau was being activated
 8 regarding the arena."
 9 And the system that is employed is that those who
 10 are going to go to the bureau respond to that text.
 11 SIR JOHN SAUNDERS: Thank you. Tell me whose statement
 12 that is again?
 13 MR HORWELL: Helen Palfrey.
 14 SIR JOHN SAUNDERS: Thank you. That's the lady you said you
 15 talked to?
 16 A. I didn't talk to her, sir. She's the regional
 17 coordinator for the casualty bureau.
 18 SIR JOHN SAUNDERS: Thank you.
 19 MR HORWELL: Finally, some evidence has been given as to
 20 whether or not Mr Nawaz contacted Mike Smith at the
 21 scene. The note that I have is that he attempted to
 22 contact him at 23.26 and 23.27, unsuccessfully, but did
 23 contact him at 23.38 and there was a call of just over
 24 3 minutes.
 25 SIR JOHN SAUNDERS: Thank you.

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1 Questions from MR HORWELL
 2 MR HORWELL: There is a lot to cover and I will do so as
 3 quickly as possible, referring to documents as
 4 infrequently as possible, but obviously if you wish to
 5 see the full text, please say so.
 6 Plato and major incident. Plato principally is
 7 a firearms response to a potential firearms incident,
 8 sitting behind that of course is the JESIP tri-service
 9 approach. But if there is either a conflict or
 10 a difference in approach between the two plans, Plato
 11 and major incident, which should take primacy in your
 12 view?
 13 A. In JOPs it will tell us that the JOPs contingency plans
 14 for the emergency services should take primacy over the
 15 major incident plan, accepting that it inevitably will
 16 be a major incident, but JOPs is the plan that we
 17 follow.
 18 Q. Is that because it's a firearms response?
 19 A. Yes, because that's the primary response, because that
 20 will affect the protection of the public and achieving
 21 the aim, so yes, it would be the firearms response.
 22 Q. To a terrorist threat?
 23 A. Yes, absolutely.
 24 Q. We've perhaps heard enough about the location of Silver.
 25 Flexibility, should that be used in relation to that

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1 issue? You've given your evidence and you've very
 2 clearly expressed what your opinion is, but a degree of
 3 flexibility?
 4 A. There's always flexibility to be applied in any
 5 situation, and my explanation of the location of silver
 6 is directly in connection with my experience of this
 7 incident.
 8 Q. Now, Plato and the decision to rescind. Now it's
 9 obviously very straightforward, Plato could have been
 10 rescinded within a very short time, looking back. But
 11 on the night, you have given evidence of these factors:
 12 a sophisticated device and therefore a degree of
 13 planning --
 14 A. Yes.
 15 Q. -- may have been a lone actor, may have been part of
 16 a terrorist cell. You didn't know?
 17 A. No.
 18 Q. Possible use of a firearm. The other reports, there are
 19 many of them, but the most dramatic is that at
 20 Oldham Hospital --
 21 A. Yes.
 22 Q. -- where it was thought that a terrorist attack was
 23 underway.
 24 At the start, the identity of the bomber was not
 25 known and that leads, obviously, to much uncertainty.

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1 A. Yes.
 2 Q. And even when the bomber had been identified, you need
 3 to know what addresses can be linked and what
 4 individuals can be linked?
 5 A. Yes.
 6 Q. And I'm sure there are many other factors, but looking
 7 at those and this operation in general, did you ever
 8 believe in the first hours of your taking command and
 9 control that Plato should be rescinded?
 10 A. No, I didn't.
 11 Q. Your concern was the safety of Manchester?
 12 A. Yes.
 13 Q. In view of the mounting concern that there was that
 14 night, is the fact that the UK threat level was raised
 15 to critical the following day relevant?
 16 A. Yes.
 17 Q. And that was kept at that level until 27 May?
 18 A. Yes.
 19 SIR JOHN SAUNDERS: I well understand what you're saying
 20 about Plato, the continuing threat, which went on for
 21 a long time. So what we're perhaps looking for is the
 22 effect of Plato at the arena and in the complex actually
 23 being reduced, which in a way may be what Mr Dexter
 24 meant by saying, "It's on standby". It wasn't on
 25 standby for the rest of Manchester, was it, after

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1 Mr Dexter said that?
 2 A. No, because of the ongoing threat, but that's the point,
 3 sir, isn't it, around the zoning.
 4 SIR JOHN SAUNDERS: I understand that. But when he's saying
 5 it's on standby, he's actually not talking about Plato
 6 as a whole being on standby, we're talking about the
 7 zoning in the arena?
 8 A. Again, probably a question for Mr Dexter in terms --
 9 I wouldn't want to speak for him. But Plato is on
 10 standby in my head because the arena doesn't have
 11 a situation that requires anything further. But the
 12 necessity to have Plato as a capability continues to
 13 exist based on the ongoing threat and uncertainty around
 14 who the attacker is and what else may be happening. So
 15 having Plato on standby, my interpretation of this is
 16 that we are still ready to respond with the assets and
 17 capabilities available to us.
 18 SIR JOHN SAUNDERS: Okay. Thank you.
 19 MR HORWELL: You've read an awful lot of material, including
 20 the police experts' report, and you've had a great deal
 21 of time to reflect. Any regrets about your decision not
 22 to rescind Plato?
 23 A. No.
 24 Q. Plato itself. You've given evidence as to the fact that
 25 Plato evolved and was evolving, and two aspects of JOPs

1 that we should look at. If we could have it put on the
 2 screen, please. {INQ008372/6}.
 3 SIR JOHN SAUNDERS: This is JOPs 3?
 4 MR HORWELL: This is JOPs 3, yes.
 5 SIR JOHN SAUNDERS: Thank you.
 6 MR HORWELL: If we look at the top half of that page,
 7 please. This is a page that we looked at a few days ago
 8 and it states:
 9 "A terrorist attack involving the use of firearms in
 10 a way designed to inflict large numbers of casualties
 11 and fatalities would present significant challenges for
 12 the emergency services. A marauding terrorist firearms
 13 attack (MTFA) may involve: shootings..."
 14 So it's not a requirement. But in terms of how
 15 clear this document is on this point, could we go to
 16 INQ008372/10? I don't think we have looked at this
 17 before. 4.3, so the top section.
 18 "The response to an MTFA will be police-led. An
 19 attack of this kind will probably involve the use of
 20 firearms and potentially explosives or other types of
 21 weapons used by the terrorists."
 22 A. Yes.
 23 Q. So from that sentence, it doesn't appear to be saying it
 24 must involve firearms?
 25 A. That's correct, and that's my interpretation when I say

1 evolving in terms of methodology.
 2 Q. If we look at the Police National Guidance, this is
 3 {INQ016688/1}, and you will recognise that document.
 4 March 2017.
 5 If we go to {INQ016688/4}, please, 3.1:
 6 "A marauding terrorist firearms attack does not have
 7 a single recognised definition; there are many factors
 8 that could be seen in isolation or as a combination of
 9 events that indicate an MTFA is taking place."
 10 If we turn over the page to {INQ016688/5}, 3.8:
 11 "Indications that an MTFA is underway could include
 12 the following."
 13 And if we go to the top of {INQ016688/6}:
 14 "The use of improvised explosive devices."
 15 A. Yes.
 16 Q. As you've said, this is part of your understanding that
 17 Plato was evolving?
 18 A. Yes.
 19 Q. Even at the time of this attack?
 20 A. Yes.
 21 Q. And we know of course it has changed significantly
 22 since.
 23 Both JOPs 3 and the national guidance encourage an
 24 early declaration of Plato?
 25 A. Yes.

1 Q. If we keep that same document on the screen, please, but
 2 go to {INQ016688/7}, 4.3, and I want to ask you about
 3 the mobilisation of assets. At 4.3 it states:
 4 "The declaration of an Operation Plato incident
 5 triggers a multi-agency response designed to rapidly
 6 inform, mobilise and operationally deploy the most
 7 appropriate resources in order to identify, locate,
 8 confront and neutralise the threat and save life. In
 9 order to support an effective response, it is important
 10 that the relevant partner agencies and specialist
 11 national assets are informed as a priority."
 12 So it is inherent in Plato itself that the
 13 declaration will trigger a multi-agency response?
 14 A. Yes, that's the purpose of it.
 15 Q. You've been asked about the late declaration of major
 16 incident. Your understanding on the night was that
 17 Plato had been declared at 10.47?
 18 A. Yes.
 19 Q. You believed that the emergency services had been
 20 informed?
 21 A. Yes.
 22 Q. Did you therefore believe, in accordance with 4.3, that
 23 that declaration would have triggered a multi-agency
 24 response?
 25 A. Yes.

1 Q. Was the response to this attack disadvantaged by that
 2 late declaration of major incident in your view?
 3 A. No.
 4 SIR JOHN SAUNDERS: Is that because it had already been
 5 disadvantaged because the emergency responders were
 6 never told about Plato and you just don't think there was
 7 any disadvantage at all?
 8 A. Because we're responding under Plato and that's the
 9 primary response, again it triggers that multi-agency
 10 awareness and understanding.
 11 SIR JOHN SAUNDERS: Should.
 12 A. Yes, should, I accept that, sir. The major incident
 13 aspect, the major incident obviously is when the service
 14 is going to be overwhelmed, as you know. I'm not sure
 15 what difference that declaration would have made at the
 16 initial stages. It is a major incident. It does
 17 require major incident plan activity, I accept that, but
 18 the actual declaration of it as a major incident is
 19 covered in the fact that we've gone with Plato.
 20 SIR JOHN SAUNDERS: So had the Plato declaration gone
 21 according to plan, then not declaring a major incident
 22 would have made no difference?
 23 A. In my view, no.
 24 SIR JOHN SAUNDERS: Okay, thank you.
 25 MR HORWELL: {INQ016688/16}, 7.2. This is the topic of

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1 command and control at the scene and the police on-scene
 2 commander. Again, I well understand that much has been
 3 said about this topic. Mr Butt referred to this
 4 yesterday, so I hope I can take it quickly. At 7.2:
 5 "In particular forces should review their
 6 Operation Plato plans in relation to their ability to
 7 deploy a TFC(s) to undertake the role of on-scene
 8 commander (or ground-assigned TFC)."
 9 So is there any doubt in your mind that
 10 ground-assigned TFC and on-scene commander are one and
 11 the same?
 12 A. They are the same thing, yes.
 13 Q. "A ground-assigned tactical command function is
 14 essential in order to develop command situational
 15 awareness, the overall ability to resolve the incident,
 16 and to meet the requirements of the multi-agency
 17 approach to an Operation Plato incident."
 18 So does that both define and provide some of the
 19 central functions of an on-scene commander?
 20 A. Yes.
 21 SIR JOHN SAUNDERS: Mr Horwell, can you help me? Maybe I'm
 22 getting this entirely wrong. The purpose of this
 23 document is to inform police forces in preparation of
 24 their own plans for Plato, so this is not a document
 25 which you'd be expecting police commanders themselves to

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1 read. What they would be reading is the plan that, in
 2 this case, Greater Manchester Police prepared as
 3 a result of that guidance; is that right?
 4 MR HORWELL: I'm not sure that is right. If I could ask the
 5 witness.
 6 A. Sir, I think your interpretation is correct in the sense
 7 of it's -- the guidance was issued to enable forces to
 8 attend the seminar and then produce the plans.
 9 SIR JOHN SAUNDERS: Which led to the Whittle --
 10 A. Which led to the Whittle report. But this document was
 11 circulated in the email on 12 May, I believe, as well.
 12 But whether it was said, "And you must read all the
 13 documents", is another matter but this was issued as
 14 guidance in the form of --
 15 SIR JOHN SAUNDERS: I just need to know its status. I'm not
 16 doubting...
 17 MR GREANEY: I don't believe it is accurate to say that this
 18 version of JOPs generated the --
 19 SIR JOHN SAUNDERS: This isn't JOPs. We've moved on from
 20 JOPs.
 21 MR GREANEY: Is this the -- I'm so sorry.
 22 A. It's the NPCC guidance of 23 March.
 23 MR GREANEY: So the point I was about to make may be good in
 24 any event: what triggers the Whittle plan, as I have
 25 understood the evidence, was the refreshed CTPHQ Plato

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1 guidance issued in the March of 2017.
 2 MR HORWELL: And that's what we're looking at.
 3 MR GREANEY: I'm so sorry.
 4 MR HORWELL: No, not at all.
 5 We've seen it so many times I'm not going to ask for
 6 it to be put on the screen, but JOPs 3 has a very clear
 7 definition of on-scene commander. We looked at that
 8 yesterday. JOPs 3 also sets out other responsibilities
 9 for the on-scene commander: limits of exploitation and
 10 determining zones.
 11 A. Yes.
 12 Q. Responsible for identifying the FCP in consultation with
 13 fire and ambulance?
 14 A. Yes.
 15 Q. That's 4.8. And 4.10:
 16 "Police on-scene commander to lead a joint
 17 assessment of risk at the FCP."
 18 A. Yes.
 19 Q. And 4.12:
 20 "On-scene commanders from each service need to
 21 ensure that there is a clear understanding to the agreed
 22 boundaries of hot, warm and cold zones."
 23 A. Yes.
 24 Q. Mr Dexter became the police on-scene commander when he
 25 took that role soon after his arrival at 11.23/11.24?

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1 A. Yes.
 2 Q. That is why you say that the role under JOPs 3 is clear?
 3 A. Yes.
 4 Q. And that is why you say that the police on—scene
 5 commander is in charge of both armed and unarmed police
 6 officers ?
 7 A. Yes.
 8 Q. And you say, looking at that logically as well, that
 9 should apply because there can only be one in command
 10 and the person best placed is the person who's going to
 11 make the risk assessment?
 12 A. Yes, and it's based on that risk assessment. You've got
 13 Bronze commanders to task at the scene as part of that
 14 role to undertake direction to the unarmed staff, but
 15 that's my view on it in terms of the on—scene commander
 16 function.
 17 SIR JOHN SAUNDERS: Mr Horwell, again I'm going to interrupt
 18 so I understand.
 19 I understand there is this issue, and we're going to
 20 hear from Mr Dexter soon and we will find out his view
 21 on this as well, but as you have said, clearly
 22 a debating point, whether it should be or not is another
 23 matter, as to whether the ground—assigned is the
 24 on—scene commander. You have identified a gap which you
 25 say is responsible for a coordinated response not taking

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1 place, which is that there was no on—scene commander.
 2 Now, that, as I understand what you were talking about,
 3 is the time until Mr Dexter gets there.
 4 A. That's correct, sir, yes.
 5 SIR JOHN SAUNDERS: The fact that he did not regard himself
 6 as the on—scene commander, rightly or wrongly, did that
 7 mean the gap still existed after he came so far as you
 8 were concerned on your review of what happened? Or were
 9 you satisfied that whether he thought so or not, he was
 10 actually doing the job?
 11 A. I think it's the latter, sir, to be honest.
 12 SIR JOHN SAUNDERS: You don't think it actually made any
 13 difference?
 14 A. No, and again I think those questions would be more for
 15 the people at the scene under that command, ie
 16 Mr Smith —
 17 SIR JOHN SAUNDERS: You've obviously looked at this whole
 18 thing, not surprisingly, being Gold commander?
 19 A. Mm—hm.
 20 SIR JOHN SAUNDERS: Okay, thank you, Mr Horwell.
 21 MR HORWELL: Just in case it is thought otherwise, as the
 22 police on—scene commander in command of armed and
 23 unarmed assets, he did a good job?
 24 A. He did, a very good job.
 25 Q. You were asked about those who may enter a warm zone and

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1 some questions were put to you on the basis that only
 2 those with full ballistic protection may enter the warm
 3 zone. Simply for clarification, if we could go to
 4 JOPs 3, which is {INQ008372/17}.
 5 At the top of the page, 4.16, please:
 6 "Emergency personnel who are not in possession of
 7 full ballistic protection for the threat will not
 8 normally be deployed into the warm zone."
 9 Below that it states:
 10 "A police commander, however, may consider that the
 11 prevailing circumstances require that unarmed officers
 12 with standard personal protective equipment (PPE) be
 13 deployed to support warm zone activity."
 14 A. Yes.
 15 Q. So police officers wearing their normal protection —
 16 A. Yes.
 17 Q. — in those circumstances, under JOPs 3, may be
 18 permitted into the warm zone?
 19 A. Yes.
 20 SIR JOHN SAUNDERS: Does this deal with FRS and ambulance as
 21 well or is it left to their individual commanders and
 22 their own standard directions?
 23 MR HORWELL: They would have their own ballistic protection,
 24 so they would come under that heading. This exemption
 25 or this exception, from my reading of JOPs, applies to

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1 police officers only.
 2 SIR JOHN SAUNDERS: But the Ambulance Service and maybe
 3 NWAS, who in this circumstance would be making their own
 4 decisions on that?
 5 MR HORWELL: Yes.
 6 SIR JOHN SAUNDERS: Thank you. I note you're nodding your
 7 head (overspeaking).
 8 A. Yes (overspeaking) on behalf of them but they would, on
 9 the basis of the risk assessment, make their own
 10 judgement.
 11 MR HORWELL: The whole hope of JOPs is that everybody gets
 12 together, discusses the risk, obtains situational
 13 awareness, and comes to the same decision. But that's
 14 not always going to happen, is it?
 15 A. No.
 16 SIR JOHN SAUNDERS: It's certainly not going to happen if
 17 you don't get together to discuss it.
 18 MR HORWELL: Absolutely not, sir. We can never approach
 19 this on the basis that even if everything under JOPs is
 20 taking place that each organisation is going to come to
 21 the same decision as to risk?
 22 A. That's correct, and we make our decisions based on our
 23 own operating principles and procedures in full
 24 possession of the facts and you make that decision based
 25 on that.

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1 Q. You've been asked about what enquiries you made about
2 zones when you came to force headquarters that night.
3 You were in the operations room at about 11.20?
4 A. Yes.
5 Q. And 19 minutes later, 20 minutes later, at 23.40, you
6 had a telephone call with Dexter?
7 A. Yes.
8 Q. We know that at 11.39, so just before this call, the
9 last casualty was evacuated from the City Room. And
10 a minute or two after that moment, you are speaking to
11 Dexter, who told you:
12 "We have evacuated the MEN Arena. The only people
13 that are left in the arena now are the security staff."
14 A. Yes.
15 Q. That is entry 7916 of the communications schedule.
16 So within 20 minutes or so of your coming on duty,
17 you had been informed that the last casualty had been
18 evacuated?
19 A. That's correct, yes.
20 Q. If you had been informed that the classification of
21 zones was impeding the evacuation of casualties, would
22 you then have taken an obvious and direct interest in
23 zones?
24 A. I would have had a conversation with Mark, as the TFC
25 at the scene, to understand the zoning.

1 Q. Were you ever informed that the classification of zones
2 was causing any problem at the scene with the treatment
3 of casualties and their being taken to hospital?
4 A. No.
5 Q. And again, if you had been so informed, would you have
6 then taken an obvious and direct interest?
7 A. Yes.
8 Q. The purpose of the FCM or the Silver control, the Gold
9 and Silver room, whatever title is used. Is it
10 forward-looking? You've obviously got to know what has
11 happened, you've obviously got to have situational
12 awareness, I'm not suggesting otherwise, but is it
13 principally forward-looking?
14 A. Yes, it needs to be to make sure that beyond the initial
15 response, all the other things listed, obviously, in the
16 major incident plan, amongst others, are then
17 implemented. Equally, that there's coordination between
18 the agencies at a location in order to achieve that.
19 Q. Is one of the objectives resilience?
20 A. Yes.
21 Q. For how long did that Gold and Silver room operate for,
22 just to give us an idea of its purpose and what it
23 achieved?
24 A. So it remained open until 31 May, effectively, when we
25 moved from strategic coordination across to recovery,

1 and its purpose — obviously it changed as we moved
2 through the next few days. There was a lot of partners
3 still working in the room and we were obviously
4 undertaking significant executive action across
5 Manchester in terms of arrests, et cetera, and
6 enquiries. But it functioned as a coordination centre
7 effectively until the 31st.
8 Q. There is inevitably going to be a degree of hindsight
9 that is used whenever looking at these events, but
10 you have enormous experience as a police officer, and
11 knowing what you did at 11.30 that night, if you had
12 been able to speak to Mr Sexton, would you, in those
13 real-life circumstances, ever have contemplated going
14 back in time and asking him if he had performed some
15 very basic and fundamental aspects of the Plato
16 operation?
17 A. No.
18 Q. You would have expected him to have done that?
19 A. Yes.
20 Q. The Silver control itself, it takes time to set up,
21 obviously?
22 A. Yes, it does, yes.
23 Q. That is why Ian Randall took some radio operators with
24 him from the OCR?
25 A. Yes.

1 Q. Why he took radio operators from another operations room
2 and why he asked, I think, at least one person who was
3 off duty at the time to come in, another radio operator?
4 A. Yes.
5 Q. At what time was Silver control fully functional,
6 roughly?
7 A. About midnight.
8 Q. By that time, were there radio operators monitoring the
9 channels?
10 A. Yes, to my recollection. I wouldn't claim to know the
11 exact time, but I thought it was about midnight.
12 Q. At or about that time?
13 A. Yes.
14 Q. Because the chairman asked you what was your awareness
15 of what was happening at that very time, and would
16 important information be relayed to you from the radio
17 operators?
18 A. It could be, yes, but more likely direct to Silver and
19 then referred to me.
20 SIR JOHN SAUNDERS: It could be. Do you remember was it,
21 whether directly or through Silver?
22 A. Silver, whether it was Arif or Chris, whoever, staff
23 officers or loggists or anybody else, there was a lot of
24 information coming from them in terms of conversations
25 to me as well as the TFCs in the room so there was a lot

1 of information being shared in the room.
 2 MR HORWELL: And as you have said, there was access to the
 3 FWIN?
 4 A. Yes.
 5 Q. It has become an operations room?
 6 A. Yes.
 7 Q. You know that one of the issues raised by the police
 8 experts is the timing of the SCG.
 9 A. Yes.
 10 Q. We have your thoughts when you received a similar
 11 indication of some criticism in relation to the timing
 12 of the SCG from Kerslake.
 13 A. Yes.
 14 Q. There's no need to put the document up, it's
 15 {INQ040512/1}, but your thoughts were these:
 16 "I note the review team felt it should have occurred
 17 sooner, however, have not said why or when it should
 18 have taken place or what detriment occurred to the
 19 emergency response by it not taking place until that
 20 time."
 21 SIR JOHN SAUNDERS: Is that your response to Kerslake?
 22 Because that's more or less what the report says.
 23 A. They were my notes in terms of the warning letter
 24 I received about the SCG and I think they formulated
 25 a response, sir, back to Lord Kerslake.

1 SIR JOHN SAUNDERS: Thank you.
 2 MR HORWELL: In the real world, was it possible to have held
 3 the SCG at an earlier time?
 4 A. Not on that night and you know that I moved the time
 5 backwards because of the other issues.
 6 Q. And again, with all the time that you've had to reflect,
 7 would anything have been achieved by holding it earlier?
 8 A. I would suggest not in the formal process of SCG with an
 9 agenda and a sitting down and a gathering together of
 10 commanders. But knowing now the issues in terms of
 11 communication with Fire and Rescue and ambulance, sir,
 12 yes, there would have been some merit in some earlier
 13 conversation as opposed to an SCG. That's my view on it
 14 now.
 15 Q. You were asked yesterday that an earlier SCG would have
 16 revealed that fire hadn't attended the scene.
 17 A. Possibly, yes.
 18 Q. That's an issue that was raised?
 19 A. Yes.
 20 Q. One simple question from that: there was an SCG, was it
 21 revealed at that SCG that fire had not attended the
 22 scene?
 23 A. No.
 24 SIR JOHN SAUNDERS: But fire were actually there then for
 25 the SCG when that happened?

1 A. Yes, the Gold commander was in the meeting, sir.
 2 SIR JOHN SAUNDERS: And he didn't tell you, "We've not
 3 actually gone there"?
 4 A. No.
 5 SIR JOHN SAUNDERS: So when you're discussing the response
 6 from everybody, it's never said to you, "Actually,
 7 we haven't done anything because we're not there"?
 8 A. It wasn't mentioned hence my response yesterday about
 9 being told in the afternoon that they'd taken time to
 10 get there.
 11 SIR JOHN SAUNDERS: Okay.
 12 A. I suppose you could suggest, I'm not speaking for the
 13 chief fire officer, that at that stage was it relevant
 14 to raise some of the issues rather than looking at what
 15 the kind of pertinent questions were for that SCG and
 16 dealing with the response.
 17 MR HORWELL: By the time of the SCG, of course, fire had by
 18 then attended the scene, but long after the event.
 19 SIR JOHN SAUNDERS: Sorry, yes.
 20 MR HORWELL: There remain only a few more topics.
 21 Debriefs. We've seen a lot of debriefs and we're
 22 more than familiar now with the document, the type of
 23 document. You said yesterday that the debrief report
 24 was not a consensus.
 25 A. Yes.

1 Q. And that not all of the views expressed found their way
 2 into the debrief report.
 3 A. Yes.
 4 Q. Did that surprise you?
 5 A. No, because the way that debriefs are conducted, it's
 6 a safe learning environment, views are sought,
 7 discussions are had, and recommendations are made by
 8 those who make them.
 9 SIR JOHN SAUNDERS: Recommendations are made just on
 10 a straight majority?
 11 A. Sir, I don't actually know how the process determines
 12 what the eventual recommendations are, whether that's
 13 QA-ed or qualified in any way. I can't speak to that.
 14 SIR JOHN SAUNDERS: Thank you.
 15 MR HORWELL: Two final matters. You were asked about the
 16 evidence of your arrival, literally your arrival, at
 17 force headquarters in your car, and you said you were on
 18 blues and twos.
 19 A. Yes.
 20 Q. You had been with GMP nearly a year by this stage?
 21 A. Yes.
 22 Q. Did you have to show your warrant card to anyone to gain
 23 admission to the car park?
 24 A. No.
 25 Q. Did you have to have a discussion with anyone before you

1 would be let into the car park?
 2 A. No.
 3 Q. How did you gain entry to the car park that night?
 4 A. Usual way: your pass uses a keypad, I enter a PIN code,
 5 and the gate opens.
 6 Q. So you don't have to speak to anyone?
 7 A. No.
 8 Q. And did you speak to anyone that night?
 9 A. No, I didn't.
 10 Q. Finally, this. You were asked about the evidence of
 11 Rachel Buckle. I'm going to keep this as short as
 12 I possibly can because to refer to transcripts will take
 13 time.
 14 SIR JOHN SAUNDERS: Could that be the length of questions?
 15 MR HORWELL: Not at all, sir.
 16 SIR JOHN SAUNDERS: Okay.
 17 MR HORWELL: I'm going to refer to a short paragraph in
 18 Rachel Buckle's witness statement, {INQ029004/1}. It's
 19 paragraph 30:
 20 "I recall making a call to the GMFRS NILO to
 21 ascertain why he -- I think his name was Neil -- was not
 22 in Silver. I believe I was asked by ACC Ford to make
 23 this call, but cannot now be certain. GMFRS were not in
 24 Silver control when I arrived, which I thought was
 25 unusual, because they were usually the first to arrive.

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1 I am unable to recall now when this call was made. As
 2 I recall he confirmed to me that he was the on-duty NILO
 3 and that he was on his way into Silver. I do not recall
 4 having any further conversations with the NILO and
 5 informed ACC Ford that he was en route. I cannot now
 6 recall what time the NILO arrived in Silver."
 7 May Rachel Buckle have informed you that the fire
 8 NILO was on his way?
 9 A. Quite possibly, but I don't recall the conversation.
 10 SIR JOHN SAUNDERS: I do think we had some discussion about
 11 who Neil might be.
 12 MR HORWELL: We did and we had two offers.
 13 SIR JOHN SAUNDERS: I remember.
 14 MR HORWELL: I don't think that matter has been resolved.
 15 SIR JOHN SAUNDERS: Thank you.
 16 MR HORWELL: That's all I ask, thank you.
 17 MR GREANEY: Sir, I don't have any further questions.
 18 Do you?
 19 SIR JOHN SAUNDERS: No.
 20 I'm very grateful. I'm sorry we've inconvenienced
 21 you by having to stay another day. I'm grateful for the
 22 insights that you've been able to provide on what
 23 happened that night and the candour with which you have
 24 answered the questions. So thank you for that.
 25 I look forward to your recommendations. It will be

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1 a great help to me to know, as you were the person in
 2 charge on the night, what we can do to improve things.
 3 A. Thank you, sir.
 4 SIR JOHN SAUNDERS: Thank you.
 5 You'd like a break?
 6 MR GREANEY: Yes, sir. Could we have a break so that the
 7 deputy chief constable can leave the witness box and the
 8 next witness come in?
 9 SIR JOHN SAUNDERS: We'll say a minimum of 10 minutes. If
 10 you want longer, obviously we'll have it.
 11 (12.13 pm)
 12 (A short break)
 13 (12.35 pm)
 14 MR GREANEY: Sir, I'm sorry that took a little longer than
 15 I had hoped. What I propose, so long as it doesn't
 16 inconvenience anyone, is we should sit for an hour or so
 17 and then take a slightly later lunch.
 18 Could Superintendent Dexter be sworn, please.
 19 SUPERINTENDENT MARK DEXTER (sworn)
 20 Questions from MR GREANEY
 21 MR GREANEY: Would you begin by telling us your full name,
 22 please?
 23 A. Mark Robert Dexter.
 24 Q. Are you a superintendent with Greater Manchester Police?
 25 A. I am, sir, yes.

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1 Q. And currently the district commander for South
 2 Manchester?
 3 A. That's correct.
 4 Q. In May 2017, were you a chief inspector?
 5 A. That's correct, yes.
 6 Q. Working within the specialist operations branch of GMP?
 7 A. Yes, sir.
 8 Q. And on the night of 22 May of that year, did you perform
 9 the role of ground-assigned tactical firearms commander
 10 in the response to the Manchester Arena attack?
 11 A. I did, yes.
 12 Q. Superintendent, I'm going to begin with your background,
 13 your experience and your training, but with a focus on
 14 those matters to the extent, and I hope only to the
 15 extent, that they bear upon the role you performed that
 16 night.
 17 First, did you join GMP in September 1999?
 18 A. I did, yes.
 19 Q. In late 2004, were you promoted to the rank of sergeant?
 20 A. That's correct.
 21 Q. In May 2005, did you attend a course in what was then
 22 the new Civil Contingencies Act 2005?
 23 A. That's correct, yes.
 24 Q. Did that take place at the Emergency Planning College?
 25 A. It did, yes.

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1 Q. And in very simple terms, given the age of the course,
 2 did it provide you with some instruction in the role of
 3 category 1 and 2 responders in the event of a major
 4 incident?
 5 A. It did, yes.
 6 Q. You are a little softly spoken. I'm going to check that
 7 everyone can hear your evidence.
 8 In June 2005, so the same year, did you attend what
 9 you describe in your statement as a combined
 10 Bronze/Silver commander's programme hosted by the Public
 11 Order Training Unit of GMP?
 12 A. I did, yes.
 13 Q. Was that, as might be expected, focused on public order?
 14 A. It was.
 15 Q. And did it give you some instruction on tactical options
 16 in that particular context?
 17 A. It did, yes.
 18 Q. In the result, is it the position that you weren't able
 19 to operate as a commander, for instance, at that stage
 20 because the then rule was that you had to be an
 21 inspector to do so and you were a sergeant?
 22 A. That's correct, yes.
 23 Q. In 2008 did you transfer to the specialist operations
 24 branch?
 25 A. I did, yes.

1 Q. And work within what was at that point a new department
 2 within the branch?
 3 A. Yes, correct.
 4 Q. Was that department known as the operational planning
 5 department?
 6 A. Yes, and specifically I worked in the resilience
 7 development unit, which was brought in in response,
 8 really, to the Civil Contingencies Act that came in.
 9 Q. This is my understanding of your statement, it could be
 10 wrong, was the purpose of the unit in which you worked
 11 to look at how GMP developed and tested emergency plans?
 12 A. Yes.
 13 Q. In the result, did you spend about 12 months in that
 14 unit?
 15 A. Yes, I did.
 16 Q. The inquiry, as I believe you will appreciate, has heard
 17 some criticism of both the number, length and
 18 penetrability of some of the GMP plans. I'll ask this
 19 in hope, rather than expectation, bearing in mind when
 20 you worked in that unit. Do you have any particular
 21 insight, given your work in that department at that
 22 stage, on the issue that I have just identified?
 23 A. As I recall, we had identified, sir, that we had a
 24 myriad of plans across the organisation and it's been
 25 heard in evidence that the expectation for all

1 commanders to understand those plans in great detail is
 2 almost unachievable and so we did start some work to try
 3 and rationalise some of those plans so that
 4 site-specific plans or threat-specific plans were
 5 necessarily short and to the point and detailed -- for
 6 example, if you take the arena as an example, it would
 7 detail pre-nominated FCPs, RVPs, any risk-specific
 8 issues at that location. And likewise for COMAH sites,
 9 where you can coordinate fire and ambulance, et cetera.
 10 I had to try and use the major incident plan as
 11 a generic set of instructions to drive the activity
 12 around those specific issues and risks.
 13 Q. That was what you were seeking to achieve back in 2008?
 14 A. It was.
 15 Q. Are you in a position to agree that by 2017 it doesn't
 16 look as if as much progress as you would have hoped had
 17 been made?
 18 A. You'd probably be right on that, yes. I think the work
 19 to condense the plans, if you like, probably never got
 20 underway. I don't think the unit lasted much longer
 21 after 2009/2010 maybe in its form as it was, but that
 22 was definitely the motivation. Whether it was ever
 23 brought to reality, I doubt.
 24 Q. Thank you. It turned out you did have an insight.
 25 In 2008, did you attend a number of courses in what

1 might be summarised as crisis management?
 2 A. Yes. I did, yes.
 3 Q. In October of that year, 2008, did you take part in an
 4 exercise called Red Rose? I'm at paragraph 7 now of
 5 your second statement.
 6 A. Yes. It was a tier 1 exercise for actually a marauding
 7 terrorist firearms attack, as I recall.
 8 Q. This is what I wanted to ask you about. The subject
 9 matter of the exercise was?
 10 A. It was a marauding terrorist firearms attack, if
 11 I remember rightly, it was at Funny Girls in Blackpool.
 12 I think the primary aim of the exercise was to try and
 13 test whether police capability was sufficient to deal
 14 with the developing Islamic extremism terrorism. On the
 15 understanding we had, the Olympics were coming up in
 16 2012, was it? Police capability at that time wasn't
 17 fully understood at ministerial(?) level, so it tested
 18 what was then the MACP process, which is Military Aid to
 19 Civil Powers, and their understanding of police
 20 capability essentially outside of the Met, which clearly
 21 had better capability than the regional forces.
 22 It tested the MACP process through government
 23 ministers and tested how the CTP world interacted with
 24 SIO.
 25 Q. What was your particular role within that exercise?

1 A. Just a planner, unfortunately. Not much of my time
 2 in the resilience development unit was spent doing the
 3 planning for Exercise Red Rose, because they are big
 4 issues, they are big exercises to plan.
 5 Q. Did you take, in the result, any of the command roles,
 6 the defined command roles?
 7 A. No.
 8 SIR JOHN SAUNDERS: Was it a live exercise or a table top or
 9 a mixture?
 10 A. The marauding terrorism element of, I forget the word
 11 they used now, but it was notional. But all the
 12 conversations in the CTP world, the intelligence feeds,
 13 how CT Policing intelligence feeds in, how the security
 14 services feed in, how the relationship between
 15 government and local police forces interacts, that was
 16 all tested live. I remember Lord West was the then
 17 minister that was involved in the MACP application.
 18 MR GREANEY: What is interesting, or may be interesting
 19 about this, is that it shows a period during which GMP
 20 had been exercising for the type of thing that was to
 21 occur on 22 May.
 22 So there was -- obviously you were testing the
 23 police response. Were other emergency service partners
 24 also participants in that exercise?
 25 A. You're testing my memory a little bit but I don't think

1 so. It was more around -- and I am not sure if this
 2 operationally sensitive or not but I'll be generic
 3 around it -- it was more around how effective the
 4 guidance was for the management of major terrorism
 5 investigations.
 6 Q. So that was its focus? I'm not at this stage going to
 7 ask you what you learned from that course, if anything,
 8 because I'm going to ask you some questions about
 9 exercising and training with that in mind a little later
 10 on in my questions. So that was Red Rose in
 11 October 2008.
 12 In the same month, did you qualify as a public order
 13 Bronze commander?
 14 A. I think so, yes. I think that's in my statement, yes.
 15 Q. I've taken all these dates from your statement.
 16 Thereafter, did you undertake the role of public order
 17 Bronze commander at many events?
 18 A. I did, yes.
 19 Q. In April of 2009, were you promoted to the rank of
 20 inspector?
 21 A. I was, yes.
 22 Q. Did you return at the end of that year to the specialist
 23 operations branch?
 24 A. Yes.
 25 Q. Working in what was known as the roads policing unit?

1 A. Yes.
 2 Q. In the 7 years that followed, did you perform on
 3 a number of occasions the duties of an acting
 4 chief inspector?
 5 A. I did, yes.
 6 Q. Were those all within the specialist operations branch?
 7 A. Yes.
 8 Q. In June 2014 did you attend the Silver commander course
 9 and, in May of the following year, become an accredited
 10 Silver commander?
 11 A. I did, yes.
 12 Q. I just want to ask you a few questions about your
 13 experience as a Silver commander. Did you perform the
 14 duties of a Silver commander on occasions after
 15 May 2015?
 16 A. I will have done, yes.
 17 Q. The way in which you describe that in your witness
 18 statement is that you performed that role at:
 19 "... low to medium--risk football matches and some
 20 protests."
 21 A. That's correct, yes.
 22 Q. Did you perform the role of Silver commander, so far as
 23 you recall, on any occasion at an event that was not
 24 planned, in other words that was spontaneous?
 25 A. No.

1 Q. So in May 2017, would you have described yourself as an
 2 experienced Silver commander so far as public order was
 3 concerned?
 4 A. Relatively, but it wasn't my preference.
 5 Q. Did you undertake JESIP training in July of 2014?
 6 A. I did, yes. I think it was the JESIP tactical
 7 commander's course.
 8 Q. And in December of 2014, did you undertake your tactical
 9 firearms commander course and become accredited in early
 10 2015?
 11 A. I did, yes.
 12 Q. Was that the first time that you had entered the
 13 policing firearms world?
 14 A. Yes, sir, yes.
 15 Q. In 2016 were you promoted to the rank of
 16 chief inspector?
 17 A. Yes, sir.
 18 Q. Did you then become responsible for the specialist
 19 operations unit within the specialist operations branch?
 20 A. Yes.
 21 Q. Which meant that you had responsibility among other
 22 things for the tactical vehicle intercept unit?
 23 A. Yes.
 24 Q. The Tactical Aid Unit, of which we know Sergeant
 25 Kam Hare was a member?

1 A. That's correct.
 2 Q. And also the armed policing function?
 3 A. Yes.
 4 Q. At paragraph 21 of your witness statement you address
 5 your role within that unit in May of 2017.
 6 A. Yes.
 7 Q. You observe that you had a wide portfolio of
 8 responsibilities ; is that correct?
 9 A. That's correct, yes.
 10 Q. But was something to happen within the department more
 11 generally or had it happened?
 12 A. I think as I took over, it had already been subject to
 13 a number of reductions in staff, both at constable level
 14 and at command level.
 15 Q. It seems likely that that increased the burden upon you;
 16 is that right?
 17 A. It did, yes.
 18 Q. In addition to your burden within that unit, was part of
 19 your role also overseeing a national programme?
 20 A. Yes, I wouldn't want to exaggerate on that, but yes,
 21 certainly the implementation of the uplift programme
 22 within the firearms department of Greater Manchester,
 23 yes.
 24 Q. So the way in which you put it in your statement, you're
 25 not wishing to overstate this, was that part of your

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1 role was overseeing the National Armed Uplift Programme,
 2 implemented by government to increase the capability of
 3 the UK to respond to an MTFA?
 4 A. Yes.
 5 SIR JOHN SAUNDERS: You were doing that in Greater
 6 Manchester?
 7 A. Yes. I didn't want to over-egg that part.
 8 MR GREANEY: Now I do understand.
 9 To move things on in time, between 7 and
 10 12 May 2017, did you attend the specialist tactical
 11 firearms commander's course?
 12 A. I did, yes.
 13 Q. As we know, that was the same course that was attended
 14 by ACC Ford, as she was?
 15 A. Yes, it was.
 16 Q. Was the aim of that course, as you understood it, to
 17 prepare operationally competent strategic and tactical
 18 firearms commanders for the additional demands and
 19 complexities of the policing response to, among other
 20 things, counter-terrorism operations?
 21 A. Yes, sir.
 22 Q. I asked you about your experience as a Silver commander
 23 in public order in May 2017. In that same period how
 24 would you describe your experience as a firearms
 25 commander?

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1 A. I was probably one of the more experienced commanders in
 2 GMP at the time.
 3 Q. Indeed, did you have by that date experience of dealing
 4 with a number of complex firearms incidents?
 5 A. Yes.
 6 Q. Both pre-planned and spontaneous?
 7 A. Yes.
 8 Q. Although generally, in the context of crime
 9 investigations and operations?
 10 A. Yes.
 11 Q. Given your role within the special operations unit, and
 12 given your experience as a firearms commander, was it
 13 a reasonable expectation in May 2017 that, in the event
 14 of an MTFA, you might be called upon to play a part in
 15 the response?
 16 A. It was a realistic prospect, yes. The cadre of tactical
 17 commanders is relatively small, given the demands of
 18 commanders' day jobs, then certain of those from the
 19 specialist operations department would step in and do
 20 more covers than the average commander, so in all
 21 likelihood, yes, I would be likely to be involved.
 22 Q. You couldn't say for certain but there was a likelihood?
 23 A. Yes.
 24 Q. Given that, and just leaving to one side the issue of
 25 exercises for a moment, to which I will turn, but given

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1 that, what training had you received in Operation Plato?
 2 A. So -- and this is where I try and draw a distinction
 3 between training and exercising and testing.
 4 Q. That's what I would like you to do at the moment. I am
 5 just interested in training.
 6 A. My recollection, if you take the guidance, I think --
 7 I can't recall having received specific training on the
 8 guidance. What I would say around that is the purpose
 9 of that training is to gain consistent understanding
 10 between commanders of what it means. I have seen some
 11 of the evidence already, so my interpretation of when
 12 you should activate Plato might be different to another,
 13 and the purpose of that training would be to almost
 14 standardise that understanding.
 15 Q. And you're saying you didn't have such training?
 16 A. I can't recall any training in that respect. I read the
 17 plans but I don't remember specific joint training with
 18 other commanders that explored definitions and
 19 application. I might be wrong, but I don't recall that.
 20 Certainly on the guidance, the Whittle plan, as it has
 21 been referred to, that hadn't happened by that point.
 22 Q. I want to ask you about the debate plans in one moment.
 23 So as far as you recall, and I have no doubt Mr Horwell
 24 will put us right if your recollection is inaccurate,
 25 you had not received specific training on a Plato plan?

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1 A. No, not the guidance. So the -- I think ACC Ford
 2 mentioned it, it did form part of the CPD for firearms
 3 commanders to do some element of training. It was very
 4 focused about the capabilities as opposed to the
 5 implementation or the understanding of the plans. So
 6 it would be jointly with OFCs and tac advisers, TFCs,
 7 SFCs, and that would be that raising awareness of
 8 national capabilities, the CTS phone network, the
 9 military assets, and the on-call procedures, et cetera.
 10 Q. I think I've understood. Capabilities, what that work
 11 as part of your continuing professional --
 12 A. Yes.
 13 Q. -- development didn't give you was: these are the
 14 circumstances in which we expect Plato to be declared,
 15 this is the way in which we expect you, if you are on
 16 the ground, to consider zoning?
 17 A. No, it wasn't as specific as that. It was more on
 18 general capabilities. If I'm corrected on that, then
 19 fair enough, but that's my recollection.
 20 Q. If you are correct that you, as a chief inspector at
 21 that stage, hadn't received such training with police
 22 colleagues, am I right to conclude that you certainly
 23 hadn't received such training with commanders from other
 24 emergency services?
 25 A. This is where I think you bring in exercising. So

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1 I think that's the stuff that we did do reasonably well.
 2 Q. I just want to park exercising for a moment because I do
 3 have some separate questions about that --
 4 A. Can I cover that in terms of the joint commanders?
 5 Q. Of course.
 6 A. The Plato plan is a police-only doctrine.
 7 SIR JOHN SAUNDERS: Can you say that again?
 8 A. The Plato document, so the NPCC guidance and the
 9 resultant Whittle plan, is a police-only doctrine. So
 10 we wouldn't necessarily train that doctrine with other
 11 commanders from other agencies. What we would do is
 12 deal with JOPs, essentially.
 13 MR GREANEY: The point is the declaration of
 14 Operation Plato, I fully appreciate, only the police can
 15 declare it, but if it is declared, it has, or at any
 16 rate should have, major implications for other emergency
 17 services?
 18 A. It does, but you can deal with that through JOPs,
 19 I think. So the activation and -- I know you are going
 20 to come on to it later -- the purpose of the police
 21 doctrine is around activation, notification, and scaling
 22 up capability and capacity. And then JOPs is the
 23 multi-agency element of that.
 24 Q. I understand the distinction you're drawing.
 25 SIR JOHN SAUNDERS: One of the recurring themes of this part

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1 of the inquiry has been a suggestion, often from the
 2 other agencies, that actually what the police were
 3 interested in was the armed police part of Plato and the
 4 other part, the JOPs part, as you described it, got
 5 a bit sidelined. Do you think that's fair or not?
 6 A. I think it's very slightly unfair, actually, because the
 7 exercising was aimed towards JOPs because we wouldn't
 8 deal with Plato, as in Whittle, in those joint
 9 exercises. JOPs was the basis for the exercising
 10 regime, really.
 11 MR GREANEY: I don't want to interrupt your questions,
 12 sir --
 13 SIR JOHN SAUNDERS: I've finished.
 14 MR GREANEY: -- but I wanted to reassure the superintendent
 15 that in just a few moments I'm going to get to
 16 exercises, although I have probably built it up a bit
 17 too much.
 18 Before that I just wanted to ask you about whether
 19 you were aware of the debate around which GMP Plato plan
 20 was in force at the time of the arena attack.
 21 A. I have seen that debate, yes.
 22 Q. And there are witnesses who have had different views.
 23 On the one hand, some consider that
 24 Superintendent Giladi's iteration of SOP 47, v5,
 25 including in fact Superintendent Giladi himself, think

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1 that was the one people should have been working on. On
 2 the other hand, other witnesses, such as ACC Ford,
 3 although she's not the only one, considered it was the
 4 Whittle plan that was the plan to which officers ought
 5 to have been working. So can I ask you which, if
 6 either, were you working to on the night of the arena
 7 attack?
 8 A. The Whittle plan.
 9 Q. How had that plan been drawn to your attention given
 10 that it was so recent?
 11 A. Email, I think.
 12 Q. So do you think you received it along with others on
 13 12 May?
 14 A. Most likely. I can't 100% remember, but I do remember
 15 that plan being circulated and I remember reading it
 16 before I went on the specialist course. I thought there
 17 might be something more specific on the specialist
 18 course around Plato and there wasn't.
 19 Q. If you read it before you went on the specialist course,
 20 you must have got it before the email that went out to
 21 others because that went out on the 12th.
 22 A. I think I got a version before that one. When this came
 23 out in evidence -- I keep a bag with plans in that
 24 I think might be relevant and I think the one I printed
 25 out is still in my bag and I think it's on the 5th. I'd

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1 have to double-check. OS

2 Q. We would be interested to hear that. Shall we put it on

3 the screen just to make sure we are both talking about

4 the same thing? It's {INQ029178/1}.

5 It's dated, in the bottom left-hand corner, 4 May.

6 It's v2 for reasons that Sergeant Whittle explained to

7 us. It's entitled:

8 "Initial response to an MTFa by North-west Region".

9 With the NWAPC badging at the top.

10 Are you saying that you think you had a version of

11 the Whittle plan but you think yours was dated 5 May?

12 A. It might be the 4th May and it's my reading of it.

13 I know I got a copy of that plan and certainly I'd read

14 that and the NPCC guidance as well.

15 Q. And I believe you're saying to us that you had read the

16 Whittle plan before, on 7 May, going on your course?

17 A. I think so, unless I'd read the NPCC guidance. That's

18 the potential confusion. Because that came out

19 in March, didn't it? Is that correct?

20 Q. So are you talking about the CTPHQ refreshed guidance --

21 A. Yes.

22 Q. -- that came out in March 2017?

23 A. Yes.

24 Q. But looks very different from this.

25 A. It does, but actually most of that plan is cut and paste

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1 from that document.

2 Q. So let me just make sure that I've understood. As of

3 22 May, you were aware of the Whittle plan?

4 A. Yes.

5 Q. You had read it?

6 A. Yes.

7 Q. Were you familiar with it, would you say?

8 A. Yes. Not as familiar as I am now.

9 Q. To what extent on the night was the Whittle plan helpful

10 to you?

11 A. Um... I understood what Plato was and I understood that

12 from SOP 47, in fairness, albeit I wouldn't -- I would

13 say it was probably nowhere near as much of a plan as

14 what we've got now. But -- I understood what it was,

15 I understood the implications of it, I understood the

16 command structure that it almost preordained.

17 I think what I would say about the new guidance, or

18 the later guidance -- and maybe I drew this from the

19 NPCC guidance as opposed to this particular document --

20 but it was almost an evolution from a very fixed

21 position around MTFa to actually recognising that some

22 of the lessons or some of the activity that we'd seen

23 nationally was more the precursor to Paris.

24 Q. Yes.

25 A. I know we'll probably come on to it later, but I think

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1 that's in my thinking when we talk about Plato on the

2 night around is this a precursor to more potentially

3 planned or coordinated attacks.

4 Q. I understand. You can rest assured we will get to that

5 because I know it was within your thinking.

6 A. So the plan itself I understood when we activate Plato,

7 I understood the issues around military and again we'll

8 probably come on to that later. So I --

9 Q. Although not really because of the sensitivity around

10 it.

11 A. In general terms.

12 Q. Yes.

13 A. Yes. So I understood the implications of it and what it

14 meant, but I'd also read JOPs.

15 Q. I have now asked you what I want to about the training

16 or instruction that you had received prior to 22 May.

17 So let me ask you a very open question: did any training

18 or instruction that you had received at any stage equip

19 you adequately for what you had to deal with on the

20 night of the arena attack?

21 A. I think it would be unfair to say no. I think some of

22 exercising we'd done gives a reasonably good idea of how

23 things should work. I have a background from the

24 emergency planning work that I'd done in 2008. I had

25 done one of the exercises in March, I think it was --

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1 was it March 2017 --

2 Q. Yes.

3 A. -- with Greater Manchester Fire. I had a --

4 Q. The Thompson Street exercise?

5 A. Yes. So I had a broad understanding, I think. Does

6 that necessarily make you perfect on the night of

7 something like this? Probably not. How do you recreate

8 that, really, and the humanity of it and the human

9 reaction to it? I don't think you could ever recreate

10 that. But to some degree, yeah, I think the exercising

11 did help.

12 Q. I have sought to divide out training from exercising.

13 That probably wasn't in the result helpful. So let's

14 just ask about exercises and then I'll return to my

15 question about the extent to which you were equipped to

16 cope on the night of the arena attack.

17 SIR JOHN SAUNDERS: Just before we do that, it sounds quite

18 impressive the amount of stuff you'd actually read of

19 the plans that were there. Do you think that is as a

20 result of you having been in the department that was

21 producing that sort of thing rather than what everyone

22 may have done?

23 A. I had a residual interest in it because I'd done it in

24 2008, so the plans, the major incident plan, you know,

25 the Beetham Tower plan, there's plans for all sorts of

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1 things, I would periodically read, so they are available
 2 on what's called an operational planning database.
 3 Those plans are updated on there, you need a password to
 4 get on, so I would periodically go in and see if it had
 5 changed and refresh my memory on it. I'm a bit of
 6 a planning geek, I suppose.
 7 SIR JOHN SAUNDERS: Okay, thank you.
 8 MR GREANEY: Exercises. Were you involved in Exercise
 9 Winchester Accord?
 10 A. Yes.
 11 Q. That was in, as we know, May of 2016 and centred around
 12 the Trafford Centre.
 13 A. Yes.
 14 Q. What role or roles did you have in Exercise
 15 Winchester Accord?
 16 A. So on day 1, which was the MTFA element of the exercise,
 17 I think I might have been the Gold room manager which,
 18 as it played out, didn't get particularly involved in
 19 the exercise and the Gold on the night used her staff
 20 officer probably more than she used me. But I did
 21 observe how the Gold room operated on the night.
 22 Q. Did you have a different role on a different day?
 23 A. Yes. On the -- I don't know if it was day 2 or 3, but
 24 on the -- what's called the CTD element of the exercise,
 25 which is counter-terrorism detention, so it's the

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1 covert --
 2 Q. Probably not relevant to what I'm asking about. Let's
 3 go back to day 1 then.
 4 We have heard a lot of evidence about Exercise
 5 Winchester Accord and our understanding is that it
 6 revealed a number of issues, to use a neutral word. One
 7 issue that it revealed was the risk of the FDO being
 8 overloaded in the event of an MTFA, albeit I understand
 9 that what was being tested was the FDO in a different
 10 environment from that that he was in on the night of the
 11 arena attack.
 12 The second issue, not that there were only two, that
 13 were identified was that the Fire and Rescue Service
 14 didn't turn up for a long time. At the time were you
 15 aware that those issues had been identified by Exercise
 16 Winchester Accord?
 17 A. No.
 18 Q. What do you think you did learn from day 1 of Exercise
 19 Winchester Accord?
 20 A. If I remember correctly, I think my observation was that
 21 those operating -- the commanders and those operating in
 22 Gold and Silver needed some additional support. I think
 23 I phrased it at the time as almost a role of a major
 24 incident tactical adviser to try and inform those in
 25 command roles who might not have the detailed knowledge

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1 of major incident plans or processes, procedures, and
 2 suggested that might be something we consider. Because
 3 the transient nature of command roles, people move on
 4 into different functions and promotions, and to keep
 5 people up to speed on numerous plans is quite difficult.
 6 So actually, if you think about the public order
 7 model or the firearms model that we've talked about,
 8 you have a tactical adviser to give that specialist
 9 advice and I think I mentioned something about that.
 10 I think there are other ancillary issues, but that was
 11 the biggest thing.
 12 Q. I understand. Did you also observe an exercise that was
 13 based around an MTFA at an airport?
 14 A. I did, yes.
 15 Q. I did mean to just check the name and date of this
 16 exercise before I came into court and I didn't. Can you
 17 remember when abouts that exercise was?
 18 A. I think it was before. I may be wrong, but I think it
 19 was before 22 May.
 20 SIR JOHN SAUNDERS: I understood -- wasn't it January
 21 or February or am I just making that up?
 22 A. In fairness, those exercises at the time ran annually,
 23 so we would go through a series of those exercises every
 24 year.
 25 MR GREANEY: When I next come into court I will make sure

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1 I have got the name and the date.
 2 I have used the word observed, is that correct,
 3 is that what you did?
 4 A. Yes.
 5 Q. So you didn't have a defined role within the exercise?
 6 A. No, sir, it was really observing how the tactics worked
 7 with the AFOs on the ground.
 8 Q. So given you were observing the AFO's on the ground,
 9 were you therefore observing at what might be described
 10 as an operational rather than a tactical level?
 11 A. Yes.
 12 Q. What did you learn from observing that exercise?
 13 A. My recollection of that exercise was that to deal with
 14 an MTFA in that environment would be very difficult.
 15 Q. Then, as you have mentioned already, on 1 March 2017,
 16 did you take part in a tabletop multi-agency exercise at
 17 Thompson Street Fire Station in this city?
 18 A. I did, yes.
 19 Q. Did that involve a number of paper feed scenarios
 20 replicating a developing MTFA?
 21 A. As I recall, yes.
 22 Q. Was that then used as an opportunity to allow commanders
 23 from the different services to discuss how they would
 24 approach such a situation?
 25 A. Yes.

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1 Q. Was that exercise helpful?
 2 A. Yes.
 3 Q. What do you think you learned of from that that was of
 4 value on the night of the 22nd?
 5 A. The FDO who played that role or one of the FDOs on one
 6 of the tables didn't actually declare Plato so it kind
 7 of exposed people's different threshold of risk, if you
 8 like.
 9 Q. Yes.
 10 A. And then we got capability awareness out of it so from
 11 fire and ambulance and how they would approach it.
 12 Q. Let's get to the question that I tried to ask a bit
 13 earlier. Did any of the training that you'd received,
 14 including exercising, ready you for what you had to deal
 15 with on the night of the 22nd?
 16 A. Yes, to a degree.
 17 Q. I need to see whether that qualification, "to a degree",
 18 is an important one. Do you mean that nothing can
 19 really ever prepare you for something like that or do
 20 you mean that there was training that could have been or
 21 exercising that could have been delivered in
 22 a different, better way?
 23 A. I think there's always opportunity to give training in
 24 a better way. I think going beyond that point, I think
 25 trying to replicate the realities of something like

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1 that is very, very difficult in any exercise
 2 environment.
 3 Q. I'm going to ask you, but you don't need to answer now,
 4 but if you have any recommendations about how training
 5 or exercising could be improved to better prepare
 6 someone who has to do your job in the future, heaven
 7 forbid such a person has to, we would invite you to
 8 provide that to the inquiry.
 9 A. Yes, sir.
 10 Q. Let's turn to 22 May. On 22 May, were you on leave?
 11 A. I was, yes.
 12 Q. At 22.45 that night, were you at home and in fact in
 13 bed?
 14 A. I was, yes.
 15 Q. We know obviously you weren't on duty. Were you however
 16 on call?
 17 A. No.
 18 Q. At that time, 22.45, did you receive a telephone call
 19 from a colleague?
 20 A. I did, yes.
 21 Q. Did you receive that call as a result of an agreement
 22 that you had reached with that colleague?
 23 A. Yes. A legacy, really, from my time when I worked at
 24 Stretford Police Station at the tactical vehicle
 25 intercept unit. I don't know how much detail you want

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1 me to go into on this but --
 2 Q. Let's do it this way: I'll ask you some questions, you
 3 give as full an answer as you want.
 4 First of all, is there any reason why we should not
 5 know the identity of the person who made the call to
 6 you?
 7 A. No.
 8 Q. Who was it?
 9 A. Kevin Winyard.
 10 Q. And he is a police constable?
 11 A. Yes, he was.
 12 Q. And in May 2017, where was he posted?
 13 A. He was in the specialist operations team and he was
 14 co-located so it'd be -- the changes we talked about,
 15 the reductions in staff resulted in an amalgamation of
 16 all the teams brought together under one roof where they
 17 had previously been discrete units in separate
 18 buildings. Kevin was based in an office which monitored
 19 NP activations and intelligence around stolen vehicles
 20 and crime, which was co-located with the firearms,
 21 what's called WIO, the weapons issuing officer, who sits
 22 in there and monitors the firearms activity and within,
 23 I think, a couple of metres is the firearms tactical
 24 adviser. So it's all together in -- virtually within
 25 a couple of metres of each other.

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1 Q. We now know who he is and what he was. You had an
 2 arrangement with him that pre-existed 22 May. Just in
 3 simple terms at the moment, what was the nature of the
 4 arrangement, what had you agreed would happen?
 5 A. So in the event of any serious incidents involving my
 6 staff or my team, let me know.
 7 Q. What was the purpose of that agreement?
 8 A. More of a leadership issue really. We'd had in the past
 9 numerous officers injured or pursuits that had either
 10 resulted in serious injuries or fatalities and I would
 11 expect to be involved in that and informed -- because
 12 specialist operations staff don't have line managers on
 13 duty all the time, so they are left a little bit in the
 14 lurch if something goes wrong, so I always said I would
 15 make myself available if I was available and something
 16 serious had happened and then I would have come and
 17 supported and helped out.
 18 Q. So I understand what you mean, the roles that you were
 19 responsible for, so the TVRU and the TAU, might be
 20 described as being at the sharp end of policing?
 21 A. Yes, but cut across Greater Manchester, so no one
 22 ownership in terms of line management at senior level on
 23 duty.
 24 Q. So the arrangement was: if anything serious happens
 25 I want to know about it whether I'm on duty, on call or

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1 not?
 2 A. Yes.
 3 Q. And so as a result of that agreement, at 22.45, you
 4 received a call from that constable; is that right?
 5 A. That's correct, yes.
 6 Q. What did he say to you?
 7 A. My recollection of what he said was that there'd been an
 8 explosion at the arena and that Operation Plato had been
 9 declared. I don't think the conversation went much
 10 further than that to be honest.
 11 Q. What did you decide to do?
 12 A. I got out of bed, I got dressed, I got my things, got in
 13 the car, I made a few phone calls, which we may come on
 14 to --
 15 Q. We will come on to those, yes.
 16 A. -- and I headed in towards work.
 17 Q. Did you have it in mind at that stage that you were
 18 going to deploy to the arena? I know that you had to go
 19 to where you were located generally, but did you have it
 20 in mind you were going to go there and then go to the
 21 arena?
 22 A. I think in my head at the time, I knew we only had one
 23 firearms commander on call at that point, the tactical
 24 firearms commander. If you look at the Plato plan it
 25 requires a minimum of two. The natural assumption would

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1 be, right, they're going to need someone else to come
 2 in, so I thought I will offer and help. If I'm honest,
 3 I think I probably thought I'll go to the arena, the
 4 on-duty will probably take the primary role in the
 5 control room --
 6 Q. This is the cadre on-duty TFC?
 7 A. Yes. And ultimately I made contact with Chief Inspector
 8 Buckle.
 9 Q. I'm going to come on to those calls. Am I right that
 10 even at that early stage, as you were getting dressed
 11 and leaving home, you thought it likely that you were
 12 going to be deploying to the scene and into the role of
 13 ground-assigned tactical firearms commander?
 14 A. Yes. That's my recollection.
 15 Q. I'm just going to ask you to help us with two aspects of
 16 that. Whose job is it to put the command structure in
 17 place for a response to an incident such as the arena
 18 attack?
 19 A. In theory, the ultimate is the ACC, the SFC for
 20 a firearms operations.
 21 Q. So ACC Ford in --
 22 A. Yes.
 23 Q. -- in our facts? And what was happening here was that
 24 you self-deployed, is that a fair way of putting it?
 25 A. Yes.

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1 Q. And initially, at least, you did so without consultation
 2 although I do know you spoke to people and we will come
 3 to those calls.
 4 A. Yes and I suppose the reason for that is almost
 5 preordained in the policy, it talks about the need to
 6 get a ground-assigned commander allocated fairly soon,
 7 so it is inevitable that that command structure would be
 8 implemented but I accept your point and I know you will
 9 come on to it, but ultimately the sign-off is for the
 10 SFC.
 11 Q. I just want to put the proposition to you and seek your
 12 response, really. But I ought to preface my remarks by
 13 saying your decision to self-deploy to the arena, no one
 14 could doubt it was well motivated, indeed brave, and, as
 15 we are going to see, you did help on the night. I hope
 16 I can say that without risk of contradiction.
 17 But do you think there is a risk that where an
 18 officer self-deploys, as you did, into a senior role
 19 that one or both of two things might happen? First of
 20 all, that proper structured decision-making is subverted
 21 and, secondly, that confusion might be introduced?
 22 A. It's possible if people don't know you're doing it, yes.
 23 Q. So does that mean that it's a bad idea to do what you
 24 did that night?
 25 A. No, I could have always turned around and made contact

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1 with the relevant people, but time is of the essence,
 2 it's not something I was sitting around waiting for
 3 a phone call or waiting for people to answer -- for
 4 phones to be picked up is probably a little bit
 5 impractical and doesn't really lend itself to the
 6 urgency of what we were dealing with.
 7 Q. So is the point that you are making that you got on your
 8 way to get to the arena intending to suggest that you'd
 9 be the ground-assigned tactical firearms commander but
 10 if, before you got there, you'd told, "You're not
 11 needed, I've already appointed someone to that role",
 12 you could just have gone home?
 13 A. Absolutely, yes.
 14 Q. The second point I want your help with is this: as
 15 you will, I am certain, appreciate there is a debate
 16 about whether you had tactical responsibility, I hope
 17 I'm summarising the debate accurately, whether you had
 18 tactical responsibility at the scene for both armed and
 19 unarmed assets.
 20 A. Yes, I have seen that debate yes.
 21 Q. And I have no doubt during the course of questions
 22 you'll be asked, probably tomorrow, you will be pressed
 23 by those who represent interests on both sides of that
 24 debate.
 25 A. Yes.

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1 Q. At this stage, I hope I won't be thought to be running
 2 away from the point, what I'm going to do is simply set
 3 the ball rolling by give you an opportunity to express
 4 your position.
 5 That night, once you'd arrived at the arena and at
 6 any stage until you left at about 3.30, did you consider
 7 that you were Silver for the unarmed assets at the
 8 scene?
 9 A. No.
 10 Q. Did anyone tell you at any stage that you were?
 11 A. No.
 12 Q. Are you able to explain why you didn't consider that you
 13 had that role?
 14 A. First of all, can I clear one thing up?
 15 Q. Yes, of course.
 16 A. I completely accept on the night that I did take on and
 17 do additional roles beyond that of the ground-assigned
 18 tactical firearms commander or the on-scene commander as
 19 it's described in JOPs. So I completely accept that
 20 point.
 21 There's a reason I did that because there was an
 22 absence of that role at the scene. But there's quite
 23 a few and I could talk about this for some time no
 24 doubt.
 25 But specifically --

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1 Q. Just before you get to it, because you've made
 2 an important point, in the end -- whether you call it
 3 stepping in or stepping up -- you did perform that role
 4 as on-scene commander?
 5 A. Yes.
 6 Q. So in the result, on the night, if your understanding is
 7 correct, and there ought to have been a separate Silver
 8 at the scene for unarmed assets, but on the night do you
 9 consider that the absence of such a person made
 10 a material difference?
 11 A. It certainly would have helped with the coordination
 12 earlier on, I think.
 13 SIR JOHN SAUNDERS: Again, there are -- we've already
 14 heard -- did you hear ACC Ford's evidence?
 15 A. I've heard most of it, yes.
 16 SIR JOHN SAUNDERS: Right. So where she says the lack was
 17 was an on-scene commander prior to your arrival.
 18 A. That's true.
 19 SIR JOHN SAUNDERS: So that's where she says it really made
 20 a difference because, after you got there, whatever you
 21 believed your job to be, you filled that gap.
 22 A. Yes.
 23 SIR JOHN SAUNDERS: So essentially, you're saying: there
 24 should have been an on-scene commander there before me
 25 and he should have continued to do that job?

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1 A. Yes. I think this is where you have to separate Plato
 2 from a major incident.
 3 MR GREANEY: It is important that you take the opportunity
 4 to explain to us your position in relation to this for
 5 a number of reasons, in fairness to us and also so
 6 a lesson can be learned.
 7 A. Yes. Plato deals with the cause of a major incident and
 8 in this case, it was an explosion, but we were then
 9 anticipating something more than that, or maybe
 10 secondary explosions or potentially a firearms attack.
 11 Plato is specifically written to deal with that threat
 12 and mitigate that threat as quickly as possible in order
 13 to get to as many casualties as possible.
 14 That is in contrast to how we used to operate. So
 15 we used to operate -- if you look at the PIRA threat not
 16 the Northern Irish threat, a very different type of
 17 threat. So it's a static, it's planned, it usually
 18 tries to avoid members of the public being killed, it
 19 might target military or police, and the offenders want
 20 to escape without being caught.
 21 The threat that we were facing and had been facing
 22 since Mumbai is a much different threat. The ideology
 23 is very different and the recognition -- and this is why
 24 Plato was written -- there's recognition that we cannot
 25 just contain and negotiate because Article 2 kicks in.

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1 If we take the worst case scenario of the marauding
 2 firearms attack, whilst we're all on containment on
 3 a cordon, waiting for the firearms teams to go in and
 4 find the assailants and kill them or neutralise them,
 5 people are dying every couple of seconds. So we had to
 6 change the way we deal with things and we couldn't have
 7 a static cordon and we had to move and go with it.
 8 So essentially Plato -- and some people have touched
 9 upon this in a different way -- some people interpret
 10 Plato as we lock everything down and don't go in. It's
 11 the opposite. The whole purpose of Plato was to go in,
 12 but there has to be a limit to what risk we will take as
 13 emergency services if the terrorist capability is such
 14 that we are not achieving it, we are ourselves -- we are
 15 getting killed ourselves.
 16 So it's a staged bite-by-bite approach to an area
 17 where active terrorists are present to get to as many
 18 casualties as we safely can, save saveable lives, and
 19 hand them over for treatment. So once we have made that
 20 area safe, cold, we get them into a cold zone and hand
 21 that over.
 22 The Plato deals with the type of incident and the
 23 command arrangements with multi-agency partners who had
 24 the specialist training to get in and get the casualties
 25 out of a dangerous area. That's the purpose of Plato

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1 and JOPs taken together.
 2 Q. That's the starting point of your analysis. I'm
 3 following this so far.
 4 A. The major incident deals with the consequences of what's
 5 created the risk, so the mass casualties, the
 6 implementation of cordons, traffic cordons, casualty
 7 reception centres, the ambulance loading point officers,
 8 the ability to get details of information of victims who
 9 are leaving at the ambulance loading point and the
 10 hospital documentation teams to be able to marry up all
 11 that information for the casualty bureau. All those
 12 things happen under the major incident plan as a
 13 consequence of the cause later.
 14 Q. How does this feed into or start to feed into whether
 15 you should have a separate tactical commander at the
 16 scene?
 17 A. So the Plato on-scene commander is an operational role.
 18 It's very clear that, in JOPs. It's a group of
 19 operational commanders from police, fire and ambulance
 20 only, and that's a clear distinction between a major
 21 incident FCP, if you look at the definitions or the role
 22 requirements. It's three commanders who deliver that
 23 capability or that effect to get to the casualties
 24 inside and that's an operational role.
 25 The reason it's called police on-scene commander is

1 to distinguish it from the OFC. If you look at
 2 footnote 3 in the glossary, it makes reference to the
 3 use of the term police on-scene commander and
 4 essentially to avoid confusion, because if I go down
 5 there as a tactical firearms commander, I'm delivering
 6 an operational role, you're going to get confusion about
 7 am I an operational firearms commander or is that an
 8 operational firearms commander? So they changed the
 9 name to distinguish between the two. So you are an
 10 on-scene operational commander to deliver the Plato
 11 effect.
 12 The aim is to get areas made warm and cold as
 13 quickly as possible. What you then do is, and it's in
 14 JOPs, I think, I can't remember which paragraph it's in,
 15 that commander then liaises with the tactical commanders
 16 in the tactical coordinating group to then release
 17 non-specialist assets in to deal with the casualties
 18 that we've managed to get out of the dangerous area.
 19 In my view, and I accept people have different
 20 interpretations, is the scope of that role of the
 21 on-scene police commander doesn't go beyond the threat
 22 because the natural OS
 23 OS OS
 24 OS OS
 25 OS OS

1 OS
 2 OS
 3 OS OS
 4 OS
 5 OS
 6 OS OS
 7 OS I can't overcommit to a threat if it's not
 8 achievable.
 9 So if I'm sending six AFOs in to deal with
 10 12 terrorists, I'm going to have to think of a different
 11 way of doing it because you can't just go in on an
 12 emergency search as you have heard because that would
 13 put them at risk. You'd have to look at contain by --
 14 and tactics that are going to reduce the risks to the
 15 AFOs.
 16 Q. So I hope I have understood what you mean. Obviously we
 17 need to be careful that we don't go into any
 18 operationally sensitive areas. If I'm oversimplifying
 19 what you're saying, please tell me, but where
 20 Operation Plato is declared then armed officers are
 21 obviously going to play a crucial role in that
 22 operation.
 23 A. Yes.
 24 Q. After all, the whole idea is that they go into a hot
 25 zone and they shoot dead a terrorist who is threatening

1 the lives of civilians.
 2 A. Yes.
 3 Q. And obviously those officers will need command, and
 4 command at the scene?
 5 A. Yes.
 6 Q. And in a true Plato situation, that commander of those
 7 armed assets is going to be very busy?
 8 A. Yes.
 9 Q. And very focused on the firearms aspect of the
 10 operation?
 11 A. Yes. But critically, working back with the other two
 12 emergency services to say, "That area is now safe for
 13 you to work in, move forward, move forward, move
 14 forward", but I can't look far back.
 15 Q. So the person who has that role, he isn't going to be
 16 wanting to think about or make the arrangements for
 17 precisely where a cordon is --
 18 A. No.
 19 Q. -- and those sorts of things?
 20 A. No and...
 21 SIR JOHN SAUNDERS: Dealing with eliminating the threat and
 22 dealing with zoning?
 23 A. Yes, this is where it falls between the gaps in this
 24 incident because it wasn't quite a Plato as we know
 25 now --

1 MR GREANEY: As we know now.
 2 A. So it did release some ability for me to do other
 3 things — and this is my motivation for making this
 4 point: if we were to go forward in the future and say
 5 the on—scene commander is responsible for everything,
 6 we have just completely set ourselves up to fail .
 7 SIR JOHN SAUNDERS: This all happened now very nearly
 8 4 years ago and clearly you sound on the face of it ,
 9 I haven't heard anyone else asking you questions about
 10 it , to have a compelling interpretation of Plato and
 11 your role in it as ground—assigned. We've heard from
 12 the assistant chief constable giving her interpretation
 13 and referring to the documents as well. So clearly ,
 14 a real reasoned division of view about this. Has it
 15 been resolved yet?
 16 A. I assess on the national specialist course and
 17 commanders that I work with on that assessment have the
 18 same view as I have.
 19 SIR JOHN SAUNDERS: Okay. So say someone, Greater
 20 Manchester Police for example, take the view you're
 21 wrong?
 22 A. Yes.
 23 SIR JOHN SAUNDERS: I don't know, I think Counter—terrorism
 24 Police probably take that view listening to the
 25 cross—examination yesterday.

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1 MR GREANEY: I agree, sir.
 2 SIR JOHN SAUNDERS: So what it requires is somebody who's in
 3 charge of Plato saying, "This is right and that is wrong
 4 and you'll do what I tell you, not what you think", and
 5 that hasn't happened in 4 years.
 6 A. People have taken the literal meaning of police on—scene
 7 commander and applied it as most people would if you
 8 took it out the dictionary: you are on the scene so
 9 therefore you are the commander of everything. That is
 10 not, as I understand it, what is intended by Plato or
 11 JOPs. I think there is a little bit more clarity around
 12 that, but I would probably agree with you, I don't think
 13 it's completely nailed —
 14 SIR JOHN SAUNDERS: There clearly is a difference of view at
 15 a high level and no one has said there must be someone
 16 out there who can actually say, "This is what is meant
 17 by it, not what you're saying, you know, good idea but
 18 you're not right", not you personally, one side or the
 19 other, and it hasn't been resolved.
 20 A. It's resolved in my head, sir.
 21 SIR JOHN SAUNDERS: But that's because you think you're
 22 right .
 23 A. Yes, potentially . When I speak to other professional
 24 colleagues, I think the view is that the on—scene
 25 commander cannot be responsible for that wider major

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1 incident plan because that's consequence management.
 2 SIR JOHN SAUNDERS: It's not a matter for a referendum.
 3 A. No, it's not, no. It needs resolving .
 4 MR GREANEY: It's obvious that you entirely understand the
 5 chairman's point.
 6 On this particular night, as ACC Ford said, you made
 7 it work and did a good job, as she put it. But are you
 8 making the point that in a different situation, if there
 9 is a true MTA, as we are now told to call it, then it
 10 might be very different?
 11 A. That's true. That's why I have taken this position
 12 because I have been there and I've done it and I know
 13 that to do both roles is not achievable.
 14 For practical reasons, the unarmed staff, the
 15 cordons, the traffic management, they're all on
 16 different radio channels.
 17 There's one final point, and I hope I've not lost
 18 the point —
 19 SIR JOHN SAUNDERS: Sorry, that'll be my fault.
 20 MR GREANEY: Let me make my point and see if it brings you
 21 back to it because we have spent more time on this than
 22 I was intending.
 23 The point is that intelligent people who are
 24 experienced in the firearms world, who have been on
 25 exercises and have been trained have completely

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1 different views about this issue and that is plainly, do
 2 you agree, an unsatisfactory state of affairs that needs
 3 to be sorted out?
 4 A. It is. And the point I was going to make actually is
 5 the LMO(?) issue, if that had turned out to be correct,
 6 I wouldn't have been at Manchester Arena any longer, I'd
 7 be over to Oldham Royal and it would have left a command
 8 vacuum, wouldn't it?
 9 Q. I asked you to help me with those two things and
 10 you have so thank you. I am going to press on a little
 11 longer, sir .
 12 SIR JOHN SAUNDERS: Not too long, otherwise it becomes tea
 13 rather than lunch.
 14 MR GREANEY: I'll go on to quarter to.
 15 We left you at home and on the phone and when that
 16 call ended you got dressed and got into your car;
 17 is that right?
 18 A. Yes.
 19 Q. And in your car, without referring to any channels by
 20 specific reference, what did you do?
 21 A. I can't remember the sequence of this, but I switched on
 22 the Talk Group and I spoke, I think, to the force duty
 23 officer, Mr Sexton.
 24 Q. So I can help you and so I could have dealt with it in
 25 a fairer way, because I know the order in which things

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1 happen -- let's just deal with the basics first of all .
 2 In your car, was a decision made to operate
 3 a particular back-to-back channel?
 4 A. Yes.
 5 Q. Was the benefit of that switch that it would give access
 6 to the conversation not only to GMP but to forces that
 7 you anticipated would be responding?
 8 A. Yes.
 9 Q. On the radio, really from the outset, could you hear
 10 from what was being said that something very significant
 11 had happened?
 12 A. Yes.
 13 Q. We have the benefit that I don't think you will have had
 14 when you made your witness statement of being able to
 15 piece things together from call records, radio messages
 16 and so on, so I can help you with the order in which
 17 things happened.
 18 You'd received the call at 22.45 hours. At
 19 22.51.45, you called up the FDO on the radio.
 20 Sir, you won't have the schedule in front of you
 21 because it's one we used with Mr Sexton. For the record
 22 the relevant line number is 2570, timed at 22.51.45.
 23 Over the radio, you said:
 24 "Mark Dexter to FDO."
 25 There was a pause of 8 seconds and again you said:

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1 "Mark Dexter to FDO."
 2 14 seconds. Then you said:
 3 "Have we got a ground-assigned TFC yet, please?"
 4 So that's within minutes of you getting into the
 5 car, at the most, and what are you seeking to achieve by
 6 that communication with the FDO?
 7 A. As it says, really, establish whether or not a commander
 8 has been allocated to that role.
 9 Q. Then in what I think is a continuation of that, that
 10 radio message, line 2605, at 22.52.04, you have
 11 a discussion with principally Mr Randall and you say:
 12 "Roger. Can you get her to go to the force control
 13 room, please?"
 14 I'll start a little earlier. Over the radio,
 15 Mr Lawton, the tac, is heard to say:
 16 "Chief Inspector Buckle is making her way in."
 17 You then say:
 18 "Roger. Can you get her to go the force control
 19 room, please, initially and I'll stay ground-assigned
 20 initially?"
 21 A. Yes, correct.
 22 Q. So what is happening in that radio message?
 23 A. Essentially, I'm trying to communicate with the ITFC,
 24 Mr Sexton, that I take the ground-assigned function,
 25 I think, and in that radio transmission I have tried to

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1 find out who is the duty TFC and I think Mr Lawton has
 2 mentioned it's a Chief Inspector Buckle --
 3 Q. Chief Inspector Rachel Buckle.
 4 A. -- and I have tried to engage -- ultimately, it leads to
 5 a phone call anyway but I pass on the message.
 6 Q. Here we are at 22.52, you have discovered that the cadre
 7 TFC is Chief Inspector Rachel Buckle. You're on your
 8 way and you are saying: this is how I think things ought
 9 to be dealt with, she should go to the force -- to the
 10 area where it's going to be managed, Silver/Gold, and
 11 I will go to the scene and be ground-assigned?
 12 A. Yes.
 13 Q. What seems to happen -- and this is slightly at odds
 14 with your recollection of the chronology -- is that
 15 after passing that message over the radio, you
 16 telephoned Chief Inspector Buckle.
 17 A. That's correct, yes.
 18 Q. Was Chief Inspector Buckle someone that was known to
 19 you?
 20 A. Yes.
 21 Q. That call is timed at 22.53, and is recorded as having
 22 lasted for just over a minute. How do you recall that
 23 discussion with Chief Inspector Buckle developing?
 24 A. As I recall, and I can't recall exactly what was said,
 25 I spoke to her and I asked her where she was. She was

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1 on her way in. I said look out -- something along the
 2 lines of do you want me to go ground-assigned and you go
 3 to the room, offered her the option. A perfectly
 4 reasonable conversation with Rachel and we agreed that
 5 I would go ground-assigned.
 6 I think -- and I saw some of the evidence about
 7 Chief Inspector Buckle around the question around travel
 8 time. Certainly, as I recall, there was no clear
 9 indication that I would arrive significantly after her
 10 or before her. Whether it was a conscious discussion
 11 around that, I honestly can't recall. But certainly if
 12 Rachel had said, "I'm virtually there, I'll be going
 13 ground-assigned", that's how we'd have done it and I
 14 would have taken up the control room role.
 15 Q. Really, that was the very issue I was going to ask you
 16 about. I think you're saying to us in your mind there
 17 was no particular issue between the two of you --
 18 A. No.
 19 Q. -- as to who could get there soonest, there was
 20 a conversation between two professional police officers
 21 of the same rank, which reached the conclusion that you
 22 would go to the scene and be ground-assigned tactical
 23 firearms commander and she would go and be the TFC in
 24 the command suite?
 25 A. That's correct. And the advantage of that is, having

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1 done the specialist course, some of my other experience
 2 as a firearms chief inspector in the department, I had
 3 a reasonably good understanding of some of the
 4 specialist capabilities and some of the military
 5 capabilities .
 6 Q. So was that a point of distinction between you and
 7 Chief Inspector Buckle, that you had attended the
 8 specialist course but she had not?
 9 A. Yes.
 10 Q. Should we in any sense get the impression that you were
 11 pulling rank, to use that phrase in a general sense, or
 12 was it a different kind of discussion?
 13 A. It was a very adult, professional conversation, and
 14 Rachel — I would never pull rank on Rachel.
 15 Q. Whilst you were still in your car, did you receive
 16 a call from Superintendent Thompson?
 17 A. You may have to remind me. I know I tried to ring
 18 Superintendent Thompson quite early doors and he hadn't
 19 answered, so it may be that he rang me back, yes, while
 20 I was in the car still .
 21 Q. The information we have is that at 23.02 hours you
 22 received a call from Superintendent Thompson.
 23 A. Okay.
 24 Q. I'm at paragraph 32 of your statement.
 25 A. Yes.

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1 Q. It does accurately record the time. Who in relation to
 2 you was Superintendent Thompson?
 3 A. Mr Thompson was my line manager, in the same department,
 4 and Craig was also a specialist TFC.
 5 Q. In the conversation that you had with him, were any
 6 further decisions made and in any event what was the
 7 discussion?
 8 A. As I recall , I said something to the effect of: you
 9 might want to assist Rachel or take over from Rachel,
 10 given the CT element of it. There's a — do you want me
 11 to expand on the reason being?
 12 Q. I want to make sure I've understood correctly first of
 13 all . Where you'd left things with Chief Inspector
 14 Buckle was that she was going to go to the command suite
 15 and be the tactical firearms commander there.
 16 A. Yes.
 17 Q. And I think what you're saying to us is that in that
 18 call that you had with Superintendent Thompson, you
 19 suggested that he might go to the command suite and take
 20 that role that she was on her way to perform?
 21 A. I don't think it's quite like that. So the —
 22 Q. You tell us how it was.
 23 A. The — I definitely asked Craig to come in, there's no
 24 doubt about that, but there's an expectation in this
 25 sort of attack, certainly in our planning assumptions,

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1 that the command and control of the firearms operation
 2 will transition to CTPOR at some point and Craig was
 3 fulfilled to take the CTPOR role so it would
 4 naturally —
 5 Q. Just remind us what the CTPOR is.
 6 A. I was going to say: it's the Counter—terrorism Policing
 7 Operations Room.
 8 Q. Yes.
 9 A. There would almost certainly be, and as was, a
 10 transition to the CTPOR and Rachel wasn't qualified to
 11 do that role and Craig was, so it's essentially planning
 12 forward for that. There was no discussion around taking
 13 over from Rachel immediately or Rachel not taking the
 14 role as I recall .
 15 Q. Did the superintendent also have the benefit of having
 16 attended the specialist course that you attended a short
 17 time before?
 18 A. He had, earlier than me, but yes.
 19 Q. In the period that then followed, once you'd arrived at
 20 the arena, to whom were you working in the hierarchy?
 21 A. Mr Sexton.
 22 Q. Mr?
 23 A. Sexton.
 24 Q. We'll just take this up to your arrival at the arena and
 25 then I'll invite the chairman to say that we should take

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1 lunch.
 2 We know that at 23.13, you made a call to
 3 Debbie Ford. Was she someone that you knew?
 4 A. Yes.
 5 Q. Did you know that she was duty Gold that night?
 6 A. I must have done.
 7 Q. What was the purpose of that call?
 8 A. Probably to discuss where I was going and what was going
 9 on.
 10 Q. But in the result , do you agree with her that you
 11 weren't able to get through and so left a message on her
 12 voicemail?
 13 A. That's correct, yes.
 14 Q. Did you travel in your car, first to the location at
 15 which you are based?
 16 A. Yes.
 17 Q. And did you do that in order to obtain equipment that
 18 you considered you might need, including body armour?
 19 A. I did, yes. I also some logistical arrangements for
 20 some specialist capabilities that we were expecting to
 21 receive as well .
 22 Q. Yes. You've framed that appropriately carefully .
 23 And did you then, having equipped yourself, make
 24 your way to the arena?
 25 A. Yes.

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1 Q. As you made your way there, did you realise that there
 2 had been or might well have been a terrorist attack?
 3 A. Yes.
 4 Q. What were your thoughts as you made that journey?
 5 A. I think, if I recall correctly, there was some confusion
 6 on the radio or certainly some suggestion on the radio
 7 that there might be a second attacker, he may have been
 8 with somebody prior to detonation. My thought process
 9 and expectation and the reasons being is that the
 10 briefings that we were getting as firearms commander
 11 were talking about methodology and how these things may
 12 play out. My thinking was that it would potentially
 13 result in multi-seated attacks.
 14 Q. You're right at 11.16, so 7 minutes before you arrive
 15 at the arena, there is a message passed to the effect
 16 that there might be a second offender. Is what you're
 17 saying to us that bearing in mind everything that you
 18 were being briefed about that had been happening in the
 19 world, bearing in mind this message, you were fearful
 20 that this might be a multi-site attack?
 21 A. Yes.
 22 Q. And did that influence any of your actions when you
 23 arrived at the arena?
 24 A. Yes.
 25 MR GREANEY: Sir, it's gone 1.45.

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1 SIR JOHN SAUNDERS: I have one question to ask and then
 2 I want to say something then.
 3 Self-deployment. I know that actually you didn't
 4 really self-deploy because you'd been discussing with
 5 Chief Inspector Buckle. Are there any rules and
 6 regulations as far as GMP are concerned about
 7 self-deployment?
 8 A. Not that I'm aware of, no. I can see how it can create
 9 problems, there's no doubt, I think I've seen it since,
 10 but people are keen to help and get involved.
 11 SIR JOHN SAUNDERS: Yes. And then get in the way?
 12 A. And can get in the way, yes. Not that I'm aware of,
 13 I think. I suppose the on-call arrangements we had
 14 at the time we knew weren't sufficient to deal with that
 15 scale of incident. That's understandable. How many
 16 people do you have on call every day of the year?
 17 SIR JOHN SAUNDERS: So more people would need to have been
 18 called in?
 19 A. Yes, there's absolutely a requirement for more people to
 20 come in than the on-call arrangements would deliver, but
 21 it's how you manage that. I forget who it was, it might
 22 have been Chris Hill, who said there's now a more
 23 established system, similar to a text messaging system.
 24 SIR JOHN SAUNDERS: Thank you.
 25 Mr Horwell, you're probably not the appropriate

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1 person to say this to, but you're the most appropriate
 2 of people who are actually present rather than behind
 3 a screen, so I'll address this to you if I may.
 4 You will have heard the discussion we've had about
 5 the disagreements about what is meant by Plato. I am
 6 probably being over-simplistic, and it's very easy to be
 7 over-simplistic in my situation, but at the moment there
 8 doesn't look like any reason why that shouldn't be
 9 resolved. What I don't want anyone to do is think they
 10 should wait for any recommendation from me before they
 11 resolve it, so I just want that to be made clear.
 12 As I say, I may be being unduly simplistic and there
 13 may be much more complicated issues arising out of it,
 14 but if it is a fairly straightforward issue, please
 15 don't wait for me to resolve it. You'll pass that on to
 16 the relevant person?
 17 MR HORWELL: Of course I will.
 18 (1.48 pm)
 19 (The lunch adjournment)
 20 (2.48 pm)
 21 MR GREANEY: Sir, as you know, we can't sit with the witness
 22 beyond 3.30 because you need to hear submissions on the
 23 Ismail Abedi application.
 24 Where we were was that you were on your way to the
 25 arena, having secured your equipment, and you told us

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1 about what your thoughts were during that part of your
 2 journey.
 3 We know that you arrived just outside the railway
 4 station at 23.23, and I don't know, have you seen these
 5 images of yourself?
 6 A. I have, yes.
 7 Q. Good. Mr Lopez, the INQ for the sequence of events that
 8 we're going to show a number of times is
 9 {INQ035612/302}.
 10 It's 5 seconds before 23.24. You have arrived on
 11 Station Approach in, it's described as a plain vehicle,
 12 with flashing emergency lights. Was that your own
 13 private vehicle with some additional equipment?
 14 A. No, it was a car collected from where I work.
 15 Q. The vehicle is parked up opposite the station, you
 16 alight from the driver's seat, you speak briefly to an
 17 officer before you run along Station Approach, heading
 18 towards the war memorial entrance.
 19 When you arrived outside the railway station, and
 20 in the short number of moments before you entered, what
 21 if anything struck you about the scene?
 22 A. It was very busy, and the entrance past the war
 23 memorial -- there seemed to be a lot of casualties,
 24 seemed to be a lot of NAWAS-type of activity.
 25 Q. Let's take it in stages. Outside on Station Approach,

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1 was it busy there or quiet?
 2 A. My recollection is a number of ambulances. I remember
 3 seeing people around -- I think some ambulance people --
 4 further down from that image, I think, probably.
 5 I don't remember recognising anybody or seeing any kind
 6 of formal sort of forward command point.
 7 Q. As you entered the railway station, what struck you as
 8 you got into that area?
 9 A. As you'd imagine, quite a bit of chaos, a lot of noise,
 10 people have spoke about the tannoy, I noticed, as
 11 I recall, firearms officers being in there, a large
 12 number of unarmed police officers, and medics.
 13 Q. Did you know the railway station?
 14 A. Not particularly well. I had passed through it but it
 15 is not somewhere I knew particularly well, no.
 16 Q. Did you know the City Room and the arena?
 17 A. No. Again, I'd probably passed through it going to
 18 concerts but, no, I did not, not particularly well.
 19 I think actually I asked somebody to take me up there.
 20 Q. As you entered the railway station, what was your
 21 intention?
 22 A. I was looking for the OFC, so my recollection of this
 23 is that, I'm not sure how, but I'd been told that the
 24 FCP or a meeting point or where the OFC would be was
 25 at the top of Hunts Bank.

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1 Q. If we just pause for a moment: you had been told that
 2 the FCP, you think, was at the top of Hunts Bank?
 3 A. My recollection -- bearing in mind I don't know the
 4 area, I find it odd that I seemed to go straight to that
 5 point. My recollection is somebody told me where to go.
 6 Whether that's happened, whether I've picked it up off
 7 radio transmissions or whether I have picked it up when
 8 I have visited, my parading location, from the tac,
 9 because I briefly spoke to Paul Lawton, but in any event
 10 for some reason I went to that location.
 11 Q. When you say that location, are you talking about the
 12 location where you parked your car or a different
 13 location?
 14 A. Yes, but I had specifically gone to Victoria Approach,
 15 Hunts Bank.
 16 Q. So your immediate priority, you were telling us, was to
 17 locate the OFC at the scene?
 18 A. Yes.
 19 Q. To what end?
 20 A. My expectation was that the OFC was the on-scene
 21 commander in absence of a tactical firearms commander
 22 being present, so I needed to find him and find out
 23 what was going on.
 24 Q. Your purpose in finding out what was going on might be
 25 obvious, but please explain, why did you need to know

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1 that from him?
 2 A. Bearing in mind the position I was in at that point is
 3 that I had fairly limited information, though I had
 4 gathered some from the radio transmissions on the way
 5 in, a little bit from visiting my work location, but
 6 I wanted to try and understand what the risk was inside.
 7 I obviously knew that Plato had been declared, so
 8 I'd want to know what have we got because I think it was
 9 becoming clear through the radio transmissions at that
 10 point that it was an explosion and a PBIED. But
 11 obviously the secondary issues had been playing out on
 12 the radio: was there a firearms attack or not? It
 13 appeared not, but it's all those things you'd want to
 14 clarify.
 15 Q. Those are all going round your head and you wanted to
 16 find the person (overspeaking) --
 17 A. Situational awareness would sum it up.
 18 Q. You begin to tell us that as you entered the station you
 19 became aware of casualties and staff treating them and
 20 I do not want to go into any details, but in the most
 21 general terms, just describe the situation that
 22 confronted you as you entered the station itself.
 23 A. It was clearly a serious mass casualty incident.
 24 Q. Were you able to see that there were casualties who were
 25 being treated by members of the Ambulance Service?

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1 A. Yes.
 2 Q. We know from the imagery that we've got that you headed
 3 more or less straightaway for the City Room; is that
 4 correct?
 5 A. Yes.
 6 Q. So we'll look at images, everyone will be familiar with
 7 these images now, they're the ones that have been
 8 heavily redacted --
 9 SIR JOHN SAUNDERS: You were looking for an FCP but there
 10 wasn't one?
 11 A. It's difficult -- I'd gone there thinking that's
 12 essentially where the commanders would meet and that's
 13 where I was told the OFC would be. Clearly that wasn't
 14 the case because I had to go and find him.
 15 SIR JOHN SAUNDERS: Right.
 16 MR GREANEY: You thought you would find the OFC on Station
 17 Approach?
 18 A. Yes, and my recollection isn't that great on this but
 19 actually when you see -- I think it's the next image --
 20 you can see an NWS commander there with a tabard on.
 21 Maybe that's what signposted to me that it's the FCP,
 22 I'm not sure.
 23 Q. You're plainly struggling for a definitive recollection.
 24 Let's see the next image and see if it's the one you're
 25 hoping it was. {INQ035612/307}, please. You have now

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1 entered the railway station, it's 23.24.37, and you're
 2 together with Police Sergeant Sharples, who escorts you
 3 to the scene in the City Room. Does that accurately
 4 reflect what happened?
 5 A. Yes.
 6 Q. Were you expecting to meet Sergeant Sharples or did he
 7 just happen to be there?
 8 A. He happened to be there.
 9 Q. What did you say to him?
 10 A. "Can you take me to the OFC," or something to that
 11 effect, "Where's the OFC?"
 12 Q. Did you know in saying that, or in reply, that you were
 13 going to be taken to the area where the explosion had
 14 occurred?
 15 A. No, not necessarily. I think I just knew I was looking
 16 for the OFC and I would be taken to or the OFC was as
 17 opposed to knowingly going to where the explosion was,
 18 if you like.
 19 Q. Do you know who the OFC was at that stage?
 20 A. No.
 21 Q. We'll next look at page {INQ035612/308}, please. Now
 22 it's 23.25.02. You and Sergeant Sharples are running
 23 along the footbridge towards the City Room in both of
 24 those images.
 25 We're next going to see an image which does show the

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1 City Room albeit, as I've said, heavily redacted. The
 2 image is going to show you entering just seconds later,
 3 still at 23.25. So {INQ035612/310}, please.
 4 There we are. At 23.25, you are present within the
 5 City Room.
 6 If we look at {INQ035612/335}, we'll see for how
 7 long you spend there — remain there. It's now 23.30.
 8 You are leaving the City Room, have left it, you are on
 9 the footbridge and walking back towards the railway
 10 station. So it follows that you were in the City Room
 11 for a period of 5 minutes?
 12 A. Yes.
 13 Q. There are a number of things I need to ask you about.
 14 What was happening during that 5-minute period? First
 15 of all, at 23.26, we know from the records that whilst
 16 in the City Room you got on to the radio to the FDO.
 17 A. Yes.
 18 Q. Sir, this is 6499 in our schedule, timed at 23.26.03.
 19 Mr Sexton invites you to speak, you say, "TFC to FDO".
 20 Mr Sexton says:
 21 "Go ahead."
 22 And you then ask:
 23 "Dale, have we deployed any protected resources down
 24 to Piccadilly for the thinking that we've got a second
 25 male?"

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1 The FDO replies:
 2 "Not Piccadilly, no, that's a negative."
 3 You then say:
 4 "Dale, the first received resources from our force,
 5 please go straight to Piccadilly. I want..."
 6 And you then identify a number of ARVs minimum at
 7 Piccadilly to put a protective cordon on there.
 8 Mr Sexton then indicates the steps he is going to
 9 take with visiting resources to achieve that.
 10 So this is obviously at a very early stage. You're
 11 now aware, because of where you are broadcasting from,
 12 that there has been the most terrible event and an
 13 explosion, and you have been aware that people were not
 14 only injured but dead?
 15 A. Yes.
 16 Q. Why was that it you broadcast that message about
 17 Piccadilly Railway Station?
 18 A. The thoughts of second attacks. We've already covered
 19 the issue of a potential second offender that might have
 20 left the arena. In my mind, rightly or wrongly, the
 21 attack had taken place at the arena, next to
 22 Victoria Station, and the natural assumption being that
 23 a significant number of those people would want to
 24 travel home by train. That clearly wasn't something
 25 that would happen at Victoria because of the situation

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1 and they would naturally migrate to Piccadilly. If
 2 there was a second attacker, based on methodologies that
 3 we talked about previously, that's the obvious place to
 4 target next.
 5 Q. Your concern was this may be multi-site attack?
 6 A. Yes.
 7 Q. People may have been displaced from this area to
 8 Piccadilly?
 9 A. Yes.
 10 Q. "I need to get armed resources there to", as you say,
 11 "put a cordon around it"?
 12 A. Yes, to, one, reassure and, second, if there was
 13 a suspicious person there that was causing issues and
 14 people were raising, then to challenge that person if
 15 that was necessary. And clearly, you know, going back
 16 over old ground that many witnesses have talked, but
 17 when you talk about Paris, the detonation of the IEDs at
 18 Stade de France led to firearms attacks at restaurants,
 19 numerous, then led to the actual attack and then siege
 20 at the Bataclan. So the thinking, rightly or wrongly,
 21 at the time was that potentially might happen here so
 22 get armed resources into the next crowded location.
 23 Q. It is easy for me to ask this question nearly 4 years
 24 later, but do you think that you sufficiently briefed
 25 the FDO about why you wished to deploy resources there?

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1 A. Probably not, but I would say it's fairly obvious and
 2 I think the reaction that Dale gave was -- I think he
 3 understood what I meant.
 4 Q. The second question about that decision. You were the
 5 ground--assigned tactical firearms commander for that
 6 area; am I correct?
 7 A. Yes.
 8 Q. Did you give thought to who would command the firearms
 9 assets being deployed to Piccadilly?
 10 A. Resources coming in from other forces would have an OFC,
 11 so the OFC can command a deployment at the location. We
 12 routinely operate a system where the TFC's not
 13 co-located with the operational firearms commanders.
 14 The role of ground--assigned tactical firearms commander
 15 in other aspects of armed policing has a specific
 16 role --
 17 Q. Can I just be clear: you were not going to be in command
 18 of the assets that were being deployed to Piccadilly?
 19 A. No. Initially, there's no reason why I couldn't if Dale
 20 was busy, but I asked Dale to deploy them, they
 21 technically came under his command and I think that
 22 ultimately becomes the case later. But essentially what
 23 we're talking -- I asked an obvious question --
 24 Q. I think we're going to see later that there did remain a
 25 degree of confusion about who was in command.

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1 A. Yes.
 2 Q. But your plan was: not me, there will be an OFC --
 3 A. Yes.
 4 Q. -- within that group?
 5 A. Yes. So the packet of resources that was coming over
 6 from Merseyside will have almost certainly have come
 7 with an OFC because that's the way firearms resources
 8 are configured nationally. So an OFC could have taken
 9 command of that. I accept your point, there's probably
 10 a little bit of confusion in who owned them, which
 11 I think gets cleared up later, but yes.
 12 Q. The next issue I want to ask you about in relation to
 13 that period whilst you were in the City Room is this: we
 14 know that at 23.27 you activated a dictaphone that you
 15 had with you.
 16 A. I did, yes.
 17 Q. Why did you do that?
 18 A. It became quite clear early on that making any sort of
 19 written records would be quite difficult.
 20 Q. We can all understand that. You didn't have a loggist
 21 with you, of course, did you?
 22 A. No. I had a dictaphone, so the reason I had
 23 a dictaphone -- I used to be a negotiator, negotiators
 24 carry dictaphones so I had one. Most commanders in GMP
 25 in place at that time -- they do now, but at that time

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1 they didn't have personal issue of dictaphones.
 2 Q. So at that time that I have given, you activated the
 3 dictaphone?
 4 A. That's correct, yes.
 5 Q. So that we have a recording of what you were saying and
 6 what was being said to you over a period that then lasts
 7 for 4 hours and 12 minutes?
 8 A. That's correct, yes.
 9 Q. What we don't have, or don't have to any substantial
 10 extent in that lengthy recording, is you recording in
 11 any sort of formal way the decisions that you were
 12 making, let alone why you were making those decisions.
 13 A. No. I think I've said in my statement, I accept that in
 14 an ideal situation I would maybe pause, almost signpost
 15 the decision and why, but the reality of it, the pace --
 16 I know some will have listened to the dictaphone, but
 17 the pace, the discussions, the phone calls coming in to
 18 me, the radio transmissions, it just didn't feel
 19 practical to be able to do it. So it was the
 20 second--best option.
 21 Q. So the position is that you recognised that decisions
 22 ought to be recorded?
 23 A. Yes.
 24 Q. But the pace of the situation you were dealing with
 25 meant that that was not practicable in your view?

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1 A. And would have felt unnatural, if I'm honest, yes.
 2 Q. Whilst we're dealing with the dictaphone, I just want to
 3 set the context and I hope the chairman will excuse me
 4 doing this.
 5 The best way to gain an impression of the pressure
 6 that you were under and the way in which you went about
 7 your work would be to listen to that recording; do you
 8 agree?
 9 A. Yes.
 10 Q. But do you also agree that it would not be responsible
 11 for us to play that recording, certainly for the first
 12 hour or so, and to do so publicly because of the
 13 locations that you were in at various times and the
 14 background noises that can be heard?
 15 A. Yes.
 16 Q. It would just not be appropriate to do that, would it?
 17 A. Absolutely not.
 18 Q. I have listened to the recording, all of it, as I have
 19 indicated to you I have, and to the first hour a number
 20 of times, and it would only be fair for me to indicate
 21 that the impression that would be gained, and that
 22 I gained, is one of your commitment to your job, hard
 23 work, and decision--making. I'm not inviting you to
 24 comment, I am just stating that is the impression,
 25 although of course whether the right decisions were made

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1 is or may be a different matter.
 2 A. Yes.
 3 Q. So that, I hope, sets in a way that will be
 4 understandable and fair what we're going to be looking
 5 at in the transcript that we will review.
 6 The next matter in relation to that period whilst
 7 you were first in the City Room is this: whilst you were
 8 there, you had a number of conversations, did you not?
 9 A. I did, yes.
 10 Q. At this stage I'm going to ask that we look at the
 11 transcript from the dictaphone. We most certainly
 12 will not be looking at every line or even at every page,
 13 but we'll look at the critical conversations and we're
 14 first of all looking at the conversation that you had
 15 in the City Room. The INQ reference, Mr Lopez, is
 16 {INQ040657/1}.
 17 One of the conversations that you had at that stage
 18 was with Police Sergeant Cawley of British Transport
 19 Police? Do you recall?
 20 A. I don't recall a conversation but I do know it took
 21 place having seen it in the transcript. I wasn't able
 22 to identify him when I'd seen it originally, but having
 23 heard his evidence and then seen the correlation, yes,
 24 it definitely took place.
 25 Q. He did describe the conversation.

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1 Could we have on the screen {INQ040657/1}, please.
 2 And we'll enlarge the second half of that page, please.
 3 Sergeant Cawley identified the number of those who
 4 were sadly dead. You asked:
 5 "What cordon have we got on around here?"
 6 He told you the whole station is cordoned off:
 7 "Every entrance [he added] all the roads around,
 8 everything's on... I put your firearms officers on
 9 every entrance, guarding every entrance."
 10 Do you see that?
 11 A. Yes.
 12 Q. So he was making plain, do you agree, that first of all
 13 he, although he was a BTP officer, had deployed firearms
 14 officers of GMP?
 15 A. Yes.
 16 Q. Was that an appropriate thing for him to have done?
 17 A. I don't see any reason why he shouldn't do it.
 18 Technically, it should be done by the firearms commander
 19 but in the urgency of the situation I think it's
 20 a pragmatic thing to do.
 21 Q. And you're certainly not criticising him for having done
 22 so?
 23 A. No.
 24 Q. He was indicating that the entire station was cordoned
 25 off?

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1 A. Yes.
 2 Q. So to that extent, there was a degree of security, would
 3 that be a fair way of putting it?
 4 A. If what he has said had been done, had actually been
 5 done, yes.
 6 Q. By saying that, do you mean that what he said hadn't,
 7 perhaps contrary to his expectations, been done?
 8 A. What I'm suggesting or is potentially the case is when
 9 somebody's asked to do something, it doesn't necessarily
 10 mean it's all been done and done effectively, so you
 11 need to check.
 12 Q. We have by this time a chief inspector of Greater
 13 Manchester Police and a sergeant of British Transport
 14 Police and we've been over this many times with many
 15 witnesses and we'll deal with it shortly with you. Do
 16 you understand what I mean by the term primacy?
 17 A. I do, yes.
 18 (Pause)
 19 Q. You understand what the term means? In your view, at
 20 that moment in the City Room, who had primacy?
 21 A. GMP.
 22 Q. Why?
 23 A. My experience is that for something of this scale, BTP
 24 wouldn't normally have the command resilience and
 25 resources to deal with it, certainly not in the first

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1 hour or so, because of the way that they are structured
 2 as an organisation. So I would have assumed that GMP,
 3 given the size of the organisation, the proximity of
 4 their commanders, they would naturally take primacy in
 5 a major incident such as this.
 6 Q. {INQ040657/2}, please.
 7 We can see, on the top half of the page, you ask at
 8 23.28, so you're still in the City Room:
 9 "Where is the OFC gone? If we're happy this is
 10 secure from an armed point of view, I think we need to
 11 move out. So OFC—wise we need to move out and put
 12 a broader armed cordon on."
 13 Do you see that?
 14 A. Yes.
 15 Q. When you say, "If we're happy this is secure", are you
 16 talking about the City Room?
 17 A. More than likely. Presumably with the timings, that's
 18 where I was at the time.
 19 Q. It is where you were at the time. When you talk about
 20 "putting a broader armed cordon on", without going into
 21 operationally sensitive issues, what do you intend
 22 should occur?
 23 A. To capture the wider complex. People returning,
 24 potentially a suspect returning into an area that has
 25 got quite a heavy footfall, multiple casualties, members

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1 of other emergency services, to try and bubble that area
 2 as well.
 3 Q. I'm going to come on, just in case the chairman is
 4 wondering, to ask you about the issue of zoning in
 5 a very short time. But before we get to that, over the
 6 page, {INQ040657/3}, you have been asking for the OFC
 7 and we can see you start to have a discussion with him
 8 on this page at 23.29.22.
 9 You're told by Eddie Richardson, the OFC:
 10 "We've got the SFO team who are clearing it as
 11 well."
 12 Do you see that?
 13 A. Yes.
 14 Q. That "clearing it as well", is that a reference to
 15 a search that needed to be undertaken?
 16 A. Yes. So that's armed officers and I think that's
 17 a reference to armed officers clearing the main arena
 18 itself.
 19 Q. So you're talking about the arena bowl?
 20 A. Yes.
 21 Q. At the bottom of that page you ask a question. I think
 22 this is probably directed to the OFC, but you may
 23 recall:
 24 "Can you take charge of the arena?"
 25 A. Yes.

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1 Q. And the answer is:
 2 "Yes, of course I can."
 3 Do you remember who you directed that towards?
 4 A. No. I'm guessing it was Eddie Richardson, but I'm not
 5 100% sure.
 6 Q. At all events you were giving the responsibility for the
 7 search of the arena bowl?
 8 A. Yes.
 9 Q. It looks as if it might have been Constable Moore, in
 10 fact, to one of your armed colleagues.
 11 A. Yes.
 12 Q. Then over the page, the top of {INQ0406567/4}, you say:
 13 "Put a cordon on the arena and then control the
 14 extraction from the arena."
 15 When you say "arena", what are you talking about
 16 there? Are you talking about the arena bowl?
 17 A. I think so, yes.
 18 Q. Does it follow that you were aware that there were or
 19 might be people still within the arena bowl and you were
 20 taking steps to ensure that they were extracted?
 21 A. Yes.
 22 Q. On leaving the City Room, you were to have
 23 a conversation, another conversation, with
 24 Chief Inspector Buckle, and we'll get to that, but
 25 before we do so, as we've seen from the timings now, by

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1 11.30 pm, you had walked into and through the railway
 2 station, across the overbridge, and into the City Room,
 3 you had spent time there and then you had left. Had you
 4 gained situational awareness by 11.30?
 5 A. I'd say a reasonable amount, yes.
 6 Q. Was there, in your view, at 11.30 a firearms threat
 7 within the City Room?
 8 A. Not an immediate firearms threat, no -- sorry, a slight
 9 distinction between the two. No ongoing threat but a
 10 potential risk.
 11 Q. Was there any other sort of risk within the City Room
 12 that you had in your mind at that stage, 11.30?
 13 A. Secondary devices.
 14 Q. We have understood that zoning represents a critical
 15 part of Operation Plato; would you agree with that?
 16 A. Yes.
 17 Q. As you left the City Room at 11.30, had you by that
 18 point come to or had you first of all given any thought
 19 to zoning?
 20 A. I think I had. I don't know if it's in the transcript,
 21 but I think when I have walked through with --
 22 Q. Shortly afterwards, you do refer to zoning.
 23 A. Is that what it is?
 24 Q. Just before we get to that, what I want to know is: as
 25 you'd been in that room and left, you no doubt would

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1 have been thinking about many things, as we know, the
 2 search, the cordon and so on, were you thinking, as you
 3 were in that room, about what zoning ought to be applied
 4 to it?
 5 A. Yes.
 6 Q. And what conclusion did you come to?
 7 A. If I recall correctly, I had a conversation with the OFC
 8 and I dropped it from hot to warm.
 9 Q. So had you understood that the City Room had been a hot
 10 zone?
 11 A. I think so. Did that conversation take place before the
 12 dictaphone goes on? I'm not sure. But I distinctly
 13 remember saying, "It's not hot because we haven't got
 14 the active threat".
 15 Q. So that isn't captured by the dictaphone. That would
 16 seem therefore to have been something that was said
 17 between you and someone else, we'll identify who in
 18 a moment, before 11.27.
 19 A. Yes.
 20 Q. Do you remember who it was that you had that discussion
 21 with?
 22 A. I think I had a conversation with the OFC. It might be
 23 I'm mistaken from the passage of time but I do remember
 24 having the discussion around zones and I remember almost
 25 a debate maybe, saying, "I know this isn't a hot zone,

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1 it's a warm zone". Who that was with, I'm not sure, but
 2 I thought it was the OFC.
 3 Q. At all events, as you left that room, your own view was
 4 that it wasn't hot but it was warm?
 5 A. Yes. This is where the application of the JOPs
 6 principles is potentially something we could discuss or
 7 be commented on.
 8 Q. This is exactly the area I'm going into, as you
 9 predicted.
 10 A. You could argue --
 11 Q. Let's take it in stages -- I'm sorry to cut across you.
 12 We've looked at it this morning. In a warm zone, what
 13 sort of persons are permissible?
 14 A. If you take the strict content of JOPs, then it's
 15 protected responders, so armed officers and those from
 16 the HART teams and from the --
 17 Q. SRT.
 18 A. -- SRT, from the Fire.
 19 Q. Just pause for one moment. I do understand that you
 20 want to ensure that we fully understand your thinking.
 21 That was your belief about, on a strict application, who
 22 ought to be permitted to be within that area?
 23 A. Yes, certainly if it's an MTFA.
 24 Q. Were there, within that area, treating and assisting
 25 casualties, people who didn't fall into that category?

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1 A. I think other than the armed officers, everybody fell
 2 into that category, I think.
 3 Q. Obviously we can't look at the images, but there are
 4 a number of such people, are there not?
 5 A. Yes.
 6 Q. Members of ShowSec staff, members of the public, all
 7 trying to help?
 8 A. Yes.
 9 Q. I can jump ahead to this extent. You didn't give any
 10 instruction or make any request that those people leave
 11 the warm zone?
 12 A. No.
 13 Q. This is really where you wanted to come in. In terms of
 14 learning for the future, we need to understand why they
 15 weren't pulled out.
 16 A. Because there was no -- we knew by that point that there
 17 was no active firearms threat. There hadn't been any
 18 discharge of firearms that we were aware of at that
 19 point and the risk was really from the potential that
 20 we'd get one from the secondary attackers that may be
 21 armed, or from IED threat, secondary devices. So the
 22 strict application of what -- the warm status and what
 23 resources could work in a warm zone became almost
 24 irrelevant, you don't need to apply it in that strict
 25 format, and the guidance gives you a little bit of

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1 flexibility on that in terms of if the commander on the
 2 scene thinks that the risk is such that they can make
 3 more pragmatic decisions, but that was my thinking.
 4 But then I think the confliction (sic) in my mind,
 5 I think, is accepting we would have declared Plato and
 6 I believe declared Plato for the right reasons, which we
 7 may come on to.
 8 Q. We will, but not today.
 9 A. But the definition of a warm zone was an area where a
 10 terrorist has passed through but cannot be confirmed to
 11 be safe. So in my mind, it fits the definition. The
 12 terrorist has passed through it and I can't confirm it's
 13 safe because I've got the reports of potential secondary
 14 attackers and the concern about IED. And that naturally
 15 kind of translates into: is it safe? So I've used the
 16 zoning status in effect to articulate risk and, in my
 17 mind, that's what I've done. But what I've been able to
 18 do is say: we don't want to move people from here
 19 because the principles around zoning is actually around
 20 the risk from a firearms attack because we just wouldn't
 21 work in that area with unprotected people if that threat
 22 was so proximate.
 23 Q. Let me just make sure that I've understood, and then
 24 we'll deal with one more short topic, and then you and
 25 I will need to finish for the day. Were you thinking to

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1 yourself at this stage that, really, the rules that
 2 applied meant that those people shouldn't be in the
 3 room?
 4 A. If strictly applied, yes, but I think there are caveats
 5 in JOPs. Whether I was familiar with those caveats
 6 at the time is another issue.
 7 SIR JOHN SAUNDERS: I think the question is: were you
 8 thinking of that at the time?
 9 A. Yes.
 10 SIR JOHN SAUNDERS: Don't let's talk about the justification
 11 later, as it were. Were you thinking that at the time,
 12 there are people in here who shouldn't be working in
 13 a warm zone?
 14 A. Yes.
 15 SIR JOHN SAUNDERS: Thanks.
 16 MR GREANEY: Are you saying to us that you were justifying
 17 leaving them in there on the basis that you were
 18 balancing, on the one hand, the risk to the injured if
 19 you did take away those people against, on the other
 20 hand, the risk to those providing treatment from,
 21 potentially, a secondary device?
 22 A. Yes.
 23 Q. And the way the balance rested in your mind was that
 24 those people should stay in there?
 25 A. Yes.

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1 Q. Finally, before we finish the day and then pick up the
2 chronology tomorrow, a simple point. Was this, what was
3 happening and had happened at the arena, a major
4 incident?
5 A. Yes.
6 Q. And should a major incident have been formally declared?
7 A. Yes.
8 Q. By whom should it have been formally declared?
9 A. There's plenty of people who could have declared it. My
10 understanding, going back years, is that the first
11 officer on the scene can declare a major incident. And
12 then throughout command structures, sergeants,
13 inspectors, force duty officer, Night Silver, any one of
14 those people could have done. If I'm honest -- an hour
15 into the incident, was it, when I arrived, or is it
16 50 minutes?
17 Q. Nearly an hour, yes.
18 A. You would presume --
19 Q. I was going to say, in the result it wasn't called until
20 1 am. From what you've said, you are one of the people
21 who could have called a major incident but you had
22 assumed it had been done?
23 A. Yes.
24 SIR JOHN SAUNDERS: We should perhaps say: not called by GMP
25 until then.

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1 MR GREANEY: Not called by GMP, you're quite right, sir. As
2 we know, the other emergency services did call a major
3 incident much, much earlier, as did BTP.
4 So that's what should have happened, it should have
5 been called much, much earlier in your view. Would it
6 have made any difference to you and the work that you
7 did if a major incident had been called earlier?
8 A. Not a significant impact on the work I was doing there,
9 but what it might have done is brought coordination
10 earlier. So when I arrived, I essentially had a cold
11 start. If we'd brought commanders down -- and this is
12 certainly no criticism of Mike Smith, Mike Smith was
13 performing a role right in the middle of it all. But
14 the whole point of a major incident is that you escalate
15 your command structure, and in a spontaneous, high
16 impact incident like this, the best way to find out
17 what's going on and grip it and take command of it is to
18 get down to the scene. Had a commander been down at
19 the scene, whoever that might be and in whatever role,
20 then --
21 Q. Do you mean a police commander?
22 A. Yes. Well, all agency commanders.
23 Q. That's what I wanted to know.
24 A. The whole point of it is -- well, I think it says it
25 in the major incident plan: quick, decisive actions to

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1 minimise the risk and get coordination. That is the
2 purpose of the major incident plan. Now, I think I'll
3 accept a point that Debbie Ford makes: Plato also does
4 that, but it does it for a different reason, it has
5 a different purpose, which is to tackle threat. So the
6 activation of Plato brings operational commanders
7 together at an FCP, but they are commanders, specific
8 Plato commanders, who deploy specialist resources from
9 that FCP.
10 The major incident FCP includes a much wider group
11 of people that coordinate the emergency response. Now,
12 you can argue, in a rising tide incident, that that
13 takes place remotely at FCM. But in a high impact,
14 spontaneous job like this, coordination takes place,
15 should take place at the scene, because the people who
16 would know what is going on are at the scene.
17 Q. Well, they're the people with situational awareness, or
18 best situational awareness.
19 A. And I don't mean this as any criticism to anybody,
20 I don't, because you can argue different reasons for
21 going to the FCM. But I honestly believe that the
22 better place to be in that incident is at the scene so
23 you can start to take control earlier. This is why
24 I delineate between a major incident plan and Plato
25 because there are other actions that a major incident

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1 plan activates that are not about threat mitigation or
2 casualty clearance and bringing them to the CCE(?),
3 there are other aspects of the plan that you need to
4 start building quite quickly, including casualty
5 reception and build the building blocks for reuniting
6 families.
7 Q. Just to pick up very finally, if that's a phrase,
8 you will be well aware, well aware as anyone, that there
9 exist serious concerns arising out of the events of the
10 22nd about the extent to which there was coordination
11 between the emergency services.
12 A. Yes.
13 Q. This was a situation, do you agree, that was crying out
14 for coordination?
15 A. Yes.
16 Q. Not just because of JESIP, but as a matter of common
17 sense?
18 A. Yes.
19 Q. If the declaration of a major incident would have
20 assisted coordination to take place, the fact that
21 a major incident wasn't declared by GMP is, do you
22 agree, a matter of considerable regret?
23 A. Yes.
24 MR GREANEY: Sir, it's just before 3.30. As I indicated,
25 there is an application that needs to be dealt with at

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1 3.30. I'm going to invite you to rise just for a few
 2 moments and Mr de la Poer will be dealing with the
 3 response to the application.
 4 SIR JOHN SAUNDERS: Okay. Thank you very much, Mr Dexter.
 5 When are we starting tomorrow?
 6 MR GREANEY: Sir, tomorrow we are going to sit shortly
 7 before 10.30.
 8 SIR JOHN SAUNDERS: Okay. So if you could be back ready to
 9 start then, that would be helpful.
 10 A. I will, sir, thank you.
 11 MR GREANEY: Although we will not be starting immediately
 12 with the witness for good reason.
 13 (3.31 pm)
 14 (A short break)
 15 (3.36 pm)
 16 MR DE LA POER: Sir, this is an application made on behalf
 17 of Ismail Abedi, also known as Ben Romdhan, for you to
 18 seek from the Attorney General an undertaking in respect
 19 of any evidence that he may give to this inquiry.
 20 What I propose to do is to say no more by way of
 21 introduction but to invite you to hear, firstly, from
 22 Mr Hawthorn, the applicant, and then turn to those of
 23 the bereaved families who have indicated that they may
 24 wish to make oral submissions, all four teams having
 25 submitted written submissions. At the conclusion of

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1 that, I will address you on behalf of the counsel to the
 2 inquiry team.
 3 SIR JOHN SAUNDERS: Thank you.
 4 Mr Hawthorn.
 5 APPLICATION
 6 Submissions by MR HAWTHORN
 7 MR HAWTHORN: Good afternoon. I'm not going to delay you
 8 long, sir. The application was in a written form, which
 9 I believe you have. It invites you to seek an
 10 undertaking from the Attorney General in line with
 11 the -- of a similar nature to the undertaking that is
 12 given in some of the other inquiries of a contentious
 13 nature so that Mr Ben Romdhan can give evidence without
 14 fear of prosecution for what he may say. This is the
 15 invocation or it follows an invocation of the privilege
 16 against self-incrimination. We've set out the
 17 circumstances in the application.
 18 You'll be aware, sir, that he was himself detained
 19 by the police for 2 weeks in the course of the
 20 investigation. He has always been told that he
 21 remains -- he has never been told he wasn't a suspect
 22 since then.
 23 The interviews previously conducted with him were
 24 under caution, which made it clear he didn't have to say
 25 anything, although it might harm his defence, et cetera.

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1 That has been his primary position.
 2 If an undertaking were given in the terms that
 3 we have suggested, and that is based incidentally on the
 4 Undercover Policing Inquiry undertaking, we've put it at
 5 the end of our application, then he is able to give
 6 evidence to the inquiry without fear that it may land
 7 him in the dock. That's the nature of the application,
 8 sir, and I am hoping that, as it was written in
 9 a slightly greater haste than I'd have liked, but I am
 10 sure you will have the point we seek to make.
 11 SIR JOHN SAUNDERS: I do indeed have the point and
 12 I understand it.
 13 Have you had the opportunity to read, first of all,
 14 the responses from the various CPs who put them in and
 15 indeed the response from counsel to the inquiry?
 16 MR HAWTHORN: I have seen the counsel to the inquiry
 17 response and I have seen four responses from various
 18 Queen's Counsel on behalf of various families. There
 19 are four I have seen, so if there are any more,
 20 I haven't, but I have seen those four. Your solicitor
 21 very kindly sent them to me recently.
 22 SIR JOHN SAUNDERS: I'm grateful. There are certain issues
 23 raised, both by the CPs' responses and by counsel to the
 24 inquiry, about whether we could have -- whether you're
 25 able to answer further detail about these matters in

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1 your actual application. I can either invite you to
 2 deal -- after you've heard from those people, I'll ask
 3 the various counsel to identify what further information
 4 is required and I can either ask you to deal with that
 5 at the end of those submissions, but you will have the
 6 last word whatever.
 7 MR HAWTHORN: I'm grateful.
 8 SIR JOHN SAUNDERS: And then you can deal with them then or,
 9 having seen the written submissions, you can deal with
 10 them now before if you wish to.
 11 MR HAWTHORN: It may be better to deal with it afterwards,
 12 sir, so it's all in one go. It may be that someone says
 13 something they haven't written before.
 14 SIR JOHN SAUNDERS: Right. That will happen then,
 15 thank you.
 16 MR DE LA POER: Unless Mr Hawthorn has anything else to add
 17 at this stage, I would propose to turn to the bereaved
 18 families' representatives.
 19 Mr Hawthorn, anything to add at this stage?
 20 MR HAWTHORN: Thank you, no.
 21 MR DE LA POER: Sir, behind tab 3 of your bundle, you will
 22 see submissions made on behalf of the Hogan Lovells team
 23 and I would like Mr Atkinson to see whether he has
 24 anything he wishes to add to those.
 25 SIR JOHN SAUNDERS: In particular, if you would identify

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1 where you think further material should be supplied by
 2 the applicant to assist with this, I'd be grateful if
 3 you'd identify that in view of what I have just said to
 4 Mr Hawthorn. But say whatever you like.
 5 MR ATKINSON: Within reason.
 6 SIR JOHN SAUNDERS: Within reason, exactly.
 7 Submissions by MR ATKINSON
 8 MR ATKINSON: Sir, we've put in written submissions which
 9 I hope underline the importance the families attach to
 10 this witness and to hearing from this witness. We
 11 entirely agree with the assessment of your inquiry team
 12 as to the relevance of the evidence he is capable of
 13 giving.
 14 We also agree with the inquiry team that it is not
 15 made clear in the application in what respects it is
 16 said that the privilege against self-incrimination
 17 arises in relation to the issues raised by the Section 9
 18 request, nor in what respect the undertaking is
 19 necessary to address that which the privilege against
 20 self-incrimination and any warning that you were to give
 21 him during the course of his evidence would -- that's
 22 really the area.
 23 SIR JOHN SAUNDERS: Let's identify that in practical terms.
 24 So the application says, really generally, there is
 25 a whole raft of terrorist offences which can apply to

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1 things and, as I understand it, you're asking that this
 2 should be tied down a bit more and in relation to which
 3 offences the indemnity is asked for rather than
 4 generally across the board.
 5 MR ATKINSON: There are two areas where, it seems to us,
 6 that the draft undertaking is extremely broad. That is
 7 one, the other is as to its ambit to affect not just
 8 prosecution for anything said but its limitation on any
 9 investigation of any criminal offences.
 10 SIR JOHN SAUNDERS: So the application is made, just so
 11 everybody understands what we're talking about, it's not
 12 only made in respect to any use which is made directly
 13 of the answers to promote any further prosecution, but
 14 that any answers given can't be used as part of
 15 a further investigation as I understand what's asked
 16 for. Which I understand -- I accept it's part of the
 17 Undercover Policing Inquiry, which of course is an
 18 entirely different thing than what we're talking about,
 19 but it's not part of other inquiries, such as Grenfell,
 20 as I understand it, which does not have that part of the
 21 undertaking as part of it.
 22 So I think you're asking how you can justify both
 23 parts; is that right?
 24 MR ATKINSON: Yes.
 25 SIR JOHN SAUNDERS: Okay. And as I understand it, although

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1 unsurprisingly there are mixed views among the families
 2 and various members of the family teams as to what the
 3 correct answer is for me to reach, if it remains part of
 4 the application, that second part, your families would
 5 be united against it?
 6 MR ATKINSON: Yes.
 7 SIR JOHN SAUNDERS: Okay.
 8 MR ATKINSON: I should say that the families are also united
 9 in their desire that, first, this witness gives evidence
 10 and provides the assistance to this inquiry which, on
 11 the face of it, he is capable of giving and, second,
 12 he is seen to be called to give evidence so that the
 13 public can have confidence in this process and the
 14 families can have confidence in this process that it
 15 has, as was promised at the outset, looked at all these
 16 issues and addressed all those who can help.
 17 SIR JOHN SAUNDERS: Part of the submission of counsel to the
 18 inquiry is that we are really too soon, that what needs
 19 to happen is for the witness to come here, to explain if
 20 he's going to say that he won't answer questions because
 21 the answers may incriminate him, to explain that, to
 22 justify that. If at the end of the day, it is
 23 justified, then at that stage is when one should be
 24 considering an application to the Attorney General.
 25 I don't know whether you have views about that or

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1 whether it's necessary to go down those two stages or
 2 not.
 3 MR ATKINSON: It's right to say that your inquiry team's
 4 written submissions do illustrate the patient
 5 persistence of invitations to this gentleman to give
 6 that help before he got here, which could have allowed
 7 for these stages to be dealt with before he arrived. We
 8 don't necessarily accept that a stage would have come
 9 when you would wish to consider inviting the attorney to
 10 provide an undertaking. But certainly, in our
 11 submission, you would be in difficulties in doing so
 12 without more information from him as to why it might be
 13 necessary, which perhaps goes back to the point that
 14 I started with, that it's unclear as to where it is said
 15 the self-incrimination issue arises, and more
 16 particularly where a need for an undertaking is needed
 17 beyond a warning and the existence of the right --
 18 SIR JOHN SAUNDERS: Thank you.
 19 MR ATKINSON: -- which would arise if he gave evidence, as
 20 others have managed to do.
 21 It may be best, sir, subject of course to others for
 22 the families and their submissions, to hear the answer
 23 to those queries and if there's any matter that I can
 24 assist you further on after that.
 25 SIR JOHN SAUNDERS: Right.

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1 MR DE LA POER: Next can I turn to Mr Cooper Queen's Counsel
 2 to see if he has anything to add to his written
 3 submissions.
 4 Submissions by MR COOPER
 5 MR COOPER: Thank you. My original position was that our
 6 written submissions would speak for themselves. But to
 7 assist my learned friend Mr Hawthorn, who I know has
 8 read our submissions in depth and considered them, can
 9 I take you, please, to our observation paragraphs, which
 10 begin at paragraph 14 of our submissions.
 11 In terms of further particularity as far as my
 12 learned friend's submissions go, and in short, sir, we
 13 say there's no enough particularity, not enough detail,
 14 as far as this application is concerned. We submit that
 15 before any consideration take place of the application,
 16 my learned friend be in a position to satisfy you as to
 17 the observations we make.
 18 At paragraph 14, we lay out the general principles.
 19 The application of 10 May, we submit, fails to
 20 adequately specify the areas of questioning which might
 21 give rise to answers which would cause any undertaking
 22 to bite and, we submit, we need more specifics as far as
 23 that is concerned.
 24 Of real concern to us is that there's only one
 25 offence specified in which it is suggested by my learned

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1 friend Ismail Abedi might incriminate himself. It seems
 2 to us that if that is the application based upon one
 3 offence, so be it. But if my learned friend is wishing
 4 to argue other offences then he should specify.
 5 SIR JOHN SAUNDERS: I think, in fairness, what he actually
 6 says at paragraph 9 is:
 7 "The possible offences that might be charged are
 8 many and may include withholding information."
 9 So one is specified but many are contemplated.
 10 MR COOPER: We submit it's incumbent upon an application
 11 such as this, which if granted would have significant
 12 effects upon the evidence received or potential evidence
 13 received, let alone the ramifications as to the
 14 individual who might give that evidence, there is an
 15 onus, we submit, upon my learned friend to be more
 16 specific as to at least a few more of the offences --
 17 let's compromise, a few more of the offences that he has
 18 in mind. He must have them in mind.
 19 We submit in our paragraph 16 it's not sufficient to
 20 say that "the offences which might be charged are many"
 21 without specifying those relevant areas.
 22 At paragraph 17 of our response, we observe this:
 23 "Paragraph 10 of the application observes that
 24 Ismail Abedi has 'never been told no further police
 25 action will be taken against him'."

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1 We submit that is utterly irrelevant so far as the
 2 parameters of your consideration, sir, are concerned as
 3 to this application.
 4 Indeed, in our paragraph 18, we refer to
 5 paragraph 11 of the application, asserting that Mr Abedi
 6 is:
 7 "... entitled to the same protection as was afforded
 8 him in the police station."
 9 We submit that does not logically follow for any
 10 submission made in the context of this inquiry.
 11 At paragraph 19 of our submissions, we submit
 12 generally, and I won't detain you with simply reading
 13 our submissions, they're there in writing, that the
 14 application in any event is far too broad in its terms.
 15 At far as our general attitude is concerned, sir,
 16 you are right to observe that it has been a difficult
 17 exercise we've had to undertake as far as those we
 18 represent are concerned, and there's a spectrum of
 19 views.
 20 Where all coalesce, and I hear from Mr Atkinson and
 21 I entirely agree with him about that, is that any bar to
 22 any further investigation, the third limb if I can put
 23 it that way of the application, is utterly opposed by
 24 those we represent.
 25 But fundamentally, our position and our position as

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1 far as all of our clients are concerned is that if it
 2 can possibly be achieved, this man should come and
 3 assist this inquiry and the inquiry should use whatever
 4 tools it has available to it to ensure that that takes
 5 place. But there is a divergence of opinion as to
 6 precisely how those are exercised.
 7 SIR JOHN SAUNDERS: As I said before, I well understand
 8 that.
 9 MR COOPER: Unless I can assist you any further, sir.
 10 SIR JOHN SAUNDERS: Thank you.
 11 MR DE LA POER: I have received an indication on behalf of
 12 the Addleshaw Goddard team that Mr Gozem doesn't have
 13 anything to add, which is perhaps readily understandable
 14 given the content of what he says on behalf of the three
 15 family groups he represents.
 16 SIR JOHN SAUNDERS: Thank you.
 17 MR DE LA POER: So finally, before making my submission to
 18 you, sir, can I enquire of Mr Weatherby Queen's Counsel
 19 whether he has a submission he wishes to make at this
 20 stage?
 21 Submissions by MR WEATHERBY
 22 MR WEATHERBY: Yes, I do. Very, very briefly, because
 23 having read the CTI submissions, we fully support the
 24 CTI position. Two points and then I will leave it.
 25 If granted, this would be an undertaking which would

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1 potentially protect a person from prosecution for
 2 a variety of terrorist and other offences, including
 3 mass murder, and that could only be justified in the
 4 most extraordinary circumstances. The positives of such
 5 an undertaking in this case are purely speculative and
 6 they are likely to be extremely limited indeed. The
 7 fact that the application doesn't assist us in that
 8 regard is a potent reason why it should be rejected.
 9 The second point --
 10 SIR JOHN SAUNDERS: Before you move on to your second point,
 11 help me really on your first point. You have a great
 12 deal more experience of these sorts of inquiries than
 13 I do. Just help me as to whether in these sorts of
 14 applications you would normally expect to get some
 15 indication from the applicant of the sort of areas in
 16 which assistance would be given if immunity were granted
 17 and the degree of that assistance.
 18 (Pause)
 19 MR WEATHERBY: I'm afraid I can't remember in the
 20 applications that I have seen, being completely --
 21 I don't want to say something that I can't remember.
 22 SIR JOHN SAUNDERS: It may be someone can help.
 23 MR WEATHERBY: I can certainly check, because I've been
 24 involved with three of these that I can think of, but
 25 I can go and check and put in short written submissions.

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1 SIR JOHN SAUNDERS: Were you involved in the Undercover
 2 Policing Inquiry?
 3 MR WEATHERBY: Yes, I am involved in that, but I can't
 4 remember, I'm afraid, the degree of assistance that was
 5 given on that was, but I can check.
 6 SIR JOHN SAUNDERS: Thank you.
 7 MR WEATHERBY: I'm sorry I can't help on the spot.
 8 SIR JOHN SAUNDERS: I should have given you forewarning,
 9 which would have been a bit more helpful of me.
 10 MR WEATHERBY: The second point is that the privilege is,
 11 of course, a very important legal safeguard, but it only
 12 applies, of course, where there's a significant risk of
 13 self-incrimination and it is again not clear here, on
 14 the application, how that arises. It is not a free pass
 15 to allow witnesses to choose which questions they answer
 16 and it isn't, as we say in our written submissions,
 17 a bargaining chip. Therefore, the summary of our
 18 position is that any speculative positives in such
 19 a request to the Attorney General are far outweighed by
 20 the potential negatives, and frankly, public policy
 21 reasons, and in our submission this is an important
 22 witness, he should be called, and he should be required
 23 to give evidence in the ordinary way, and the ordinary
 24 course of law should (inaudible: coughing) with respect
 25 to any claim of privilege.

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1 Unless I can assist further at the moment, and
 2 I will go and research the --
 3 SIR JOHN SAUNDERS: No, that's very helpful. Thank you very
 4 much. Thank you, Mr Weatherby.
 5 Submissions by MR DE LA POER
 6 MR DE LA POER: Sir, can I just deal with two preliminary
 7 matters? The first, picking up on your question of
 8 Mr Weatherby, my recollection is that in the
 9 Grenfell Tower Inquiry, Mr Laidlaw, who was representing
 10 the core participant who was first to raise the
 11 undertaking, specifically mentioned the health and
 12 safety offences that might be in contemplation as
 13 arising out of the issues raised in the Grenfell Tower
 14 Inquiry, and as I recall it, although it was I think
 15 over 18 months ago, he did in fact draw attention to the
 16 sections of that particular act, the Health and Safety
 17 at Work Act 1974, which may be engaged.
 18 SIR JOHN SAUNDERS: Was any indication given of the degree
 19 of help that the witness might be able to give if an
 20 immunity were granted? Again, if you can't remember --
 21 MR DE LA POER: I wouldn't like to answer that without
 22 reminding myself of precisely what he said. It was
 23 a substantial application that he made and he dealt with
 24 a deal of detail. In fact, I'm told, I hope he won't
 25 mind me saying this, that Mr Laidlaw is in fact on the

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1 BlueJeans link at the moment and he will be the greatest
 2 authority on what he said I would imagine.
 3 SIR JOHN SAUNDERS: I could only ask him to do it as an
 4 amicus and he may not wish to be my friend, I'm not
 5 sure.
 6 MR DE LA POER: At all events, I hope I haven't
 7 mischaracterised what I recall being said in, I think,
 8 January 2019. That's the first preliminary matter.
 9 The second preliminary matter is, just to assist
 10 Mr Hawthorn, I hope, in answering your question, sir,
 11 about what would help. We deal with this in our written
 12 submissions at paragraphs 31 through to 35.
 13 SIR JOHN SAUNDERS: Could you encapsulate them for me?
 14 MR DE LA POER: Yes. Firstly, no assurance has yet been
 15 received, despite a request or at least one request for
 16 it, that if an undertaking were given, that all
 17 questions would be answered. Were such an undertaking
 18 or assurance given that, I submit, would be something
 19 that you could take into account, but at the moment the
 20 matter is left entirely unresolved, which means that at
 21 this stage I submit that it is proper to say that the
 22 applicant may answer questions if the undertaking is
 23 given. There isn't information before you that could
 24 give you any confidence that he would.
 25 Plainly, the enforceability of any such assurance

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1 would be a matter of some question and certainly would
 2 not be determinative of the issue but we don't even get
 3 to the point where the applicant is saying in terms: if
 4 I am the beneficiary of such an undertaking I will
 5 answer all questions asked of me.
 6 So that we deal with at paragraph 31. Secondly,
 7 echoing comments already made, the position as it
 8 currently stands, I believe, is best encapsulated by the
 9 approach that the applicant took to the unsigned witness
 10 statement of 12 August, namely that he says:
 11 "The inquiry can give no guarantee that I will not
 12 be prosecuted on the basis of any replies I may give
 13 now. In these circumstances, I wish to claim the
 14 privilege against self-incrimination."
 15 So it appears to be a blanket claim because, sir,
 16 you'll recall that the request which preceded that was
 17 a Rule 9 request made by the solicitor to the inquiry
 18 for the applicant to deal with 40 different questions,
 19 not a single one of them was addressed in response, and
 20 the correspondence which followed that made it clear
 21 that none of them would be addressed with the ostensible
 22 reason being the privilege against self-incrimination.
 23 That I submit is an entirely unsatisfactory starting
 24 point for this application because matters which plainly
 25 would not engage that privilege, or at least on their

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1 face would not engage that privilege, have not been
 2 responded to, so the parameters are not yet defined.
 3 SIR JOHN SAUNDERS: Are we defining the parameters in terms
 4 of the possible offences which may result or may be
 5 charged if answers are given?
 6 MR DE LA POER: Yes. Certainly more specificity than we yet
 7 have.
 8 SIR JOHN SAUNDERS: So it may be a completely different
 9 thing if I am granting immunity or asking the
 10 Attorney General, I'm sorry, to give immunity where the
 11 possible charges might include murder?
 12 MR DE LA POER: Quite so, sir. I think I could probably
 13 take an even more extreme example although I'm not for
 14 a moment, and I don't want to be misunderstood,
 15 suggesting this arises on the fact its.
 16 SIR JOHN SAUNDERS: But that must be understood by everyone.
 17 We're having a discussion which involves hypothetical
 18 considerations inevitably. That's what happens in legal
 19 considerations.
 20 MR DE LA POER: Certainly, and I will say a little more
 21 about that when I turn to the submission that I want to
 22 make.
 23 Were the applicant concerned that he was going to
 24 reveal involvement in drug dealing, for example, and
 25 that was his concern, something which doesn't emerge

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1 from the application, it must be said, but certainly is
 2 incorporated by the notion of the committing of
 3 offences, then that might be a wholly different
 4 consideration and may be capable of being the subject of
 5 a specific undertaking as against such offences.
 6 So at the moment, it's extremely broad, and we are
 7 in an information vacuum because we don't even have the
 8 structure of the applicant's account in relation to the
 9 issues that we have asked for him to deal with. So
 10 which areas of his evidence, whether it is related to
 11 his family background, whether it is related to his
 12 involvement in events in 2016, whether it is his
 13 involvement in relation to events in 2017, whether it is
 14 his association with particular individuals, none of
 15 that is yet clear to us because we are in a position of
 16 being told -- a blanket undertaking in circumstances
 17 where everything, it is being suggested, is covered by
 18 the privilege against self-incrimination, and that is,
 19 to say the least, a highly unpromising and unhelpful
 20 start to this application.
 21 SIR JOHN SAUNDERS: Okay.
 22 MR DE LA POER: Can I now turn to the submissions I wish to
 23 make, and I'm just going to take a couple of minutes to
 24 develop them, sir, conscious as I am that the public are
 25 watching, as are the press.

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1 The first thing I want to make clear is what an
 2 Attorney General's undertaking is, and I do so with
 3 a view to dispelling myths which have circulated in the
 4 public sphere historically when such undertakings have
 5 been under discussion. I do so by making clear what an
 6 undertaking is not.
 7 An Attorney General's undertaking is not a blanket
 8 immunity from prosecution in relation to all offences
 9 which may be admitted regardless of what evidence may
 10 exist. Rather, and depending on its precise terms, and
 11 I will come to the precise terms sought here in
 12 a moment, it is in effect a promise made by the state
 13 that the answers given within, in this case, these
 14 proceedings will not be used in any prosecution against
 15 that person, whether as part of the evidence in that
 16 prosecution or as the entirety of that evidence.
 17 This application goes a little further, in fact
 18 substantially further than that simplistic description
 19 of it because this application includes an additional
 20 element, which the applicant is quite right, does
 21 feature within the Undercover Policing Inquiry terms,
 22 but does not feature within the terms of the Grenfell
 23 undertaking to take but two examples. Namely, that the
 24 answers -- forgive me, that in criminal proceedings
 25 against that person, any evidence which itself is the

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1 product of an investigation commenced as a result of the
 2 provision by that person of any evidence, document,
 3 thing or information to the inquiry. So it contemplates
 4 circumstances in which a person gives an answer which
 5 leads to an investigation and that would be prohibited.

6 I think it has been characterised as lines of
 7 inquiry and it may be that there is an academic
 8 discussion to be had about precisely what investigation
 9 means, that may become a practical discussion in the
 10 event that the undertaking was granted in the terms
 11 sought, but it is certainly wider than what is commonly
 12 the case, namely that a person's answer cannot be used
 13 as evidence in a criminal proceeding.

14 So the effect of an undertaking is that it does not
 15 of itself prevent a person from being prosecuted
 16 in relation to offences which they may admit if there
 17 exists sufficient evidence for the charging standard to
 18 be met. However, the fact that it does not operate as
 19 a blanket immunity does not mean that it is incapable of
 20 having an important and, for very many, controversial
 21 consequence because it gives rise to the possibility
 22 that a person can publicly and unequivocally admit
 23 deliberate and serious criminality in detail, and where
 24 that is the only cogent evidence of such behaviour,
 25 notwithstanding those admissions, not be prosecuted.

1 So what I hope will be apparent from what I've just
 2 said is that engaging with this application necessarily
 3 requires discussing a scenario which exists as a logical
 4 possibility and I stress the word "possibility".

5 The fact that this scenario is said to exist as
 6 a possibility is not the same thing as saying that it is
 7 true and it is essential therefore that any reporting of
 8 this application or any of the submissions must be
 9 careful not to suggest that that is what is being
 10 asserted by anyone. Nothing that I say is intended to
 11 suggest that the applicant is guilty of any offence,
 12 serious or otherwise.

13 I deal now briefly in summary form, I hope, sir,
 14 with the background. As others have said, there is
 15 consensus, or at least no dispute, that the applicant
 16 has evidence to give which may be of a high degree of
 17 relevance to the inquiry's terms of reference. Counsel
 18 to the inquiry made this clear publicly since the very
 19 outset of the oral evidence hearings back in September
 20 of last year. By reason of this fact, the solicitor to
 21 the inquiry has taken a very significant number of steps
 22 to try to capture that evidence.

23 The chronology for that is set out in the
 24 application. It includes, as I have already mentioned,
 25 a request for a witness statement.

1 SIR JOHN SAUNDERS: It's not in the application, it's in
 2 CTI's response.

3 MR DE LA POER: Forgive me, I beg your pardon, it's in CTI's
 4 response: the request for the witness statement under
 5 Rule 9; correspondence in response to the claim for
 6 privilege against self-incrimination, including an
 7 explanation as to why it was necessary for further
 8 information to be given; a Section 21 notice, requiring
 9 a witness statement to be provided; an indication that
 10 the applicant would be required to attend to give live
 11 evidence in view of the lack of provision of
 12 a meaningful witness statement; and ultimately, and I am
 13 summarising a large number of letters which have passed
 14 back and forth, an indication that the terms which were
 15 sought would require an application to you, which in
 16 turn, sir, has led to this application being lodged on
 17 10 May.

18 Mr Hawthorn has summarised the written submission
 19 that he has made and you, sir, have heard on behalf of
 20 the family groups, both in writing and orally. It is
 21 clear that there is no consensus across the bereaved
 22 families, and I wish to acknowledge that CTI can well
 23 understand why that is the case.

24 We acknowledge that there are, in particular, two
 25 factors which are in play, which operate in opposite

1 directions and ultimately, sir, I submit to you that
 2 those two factors need resolution by your judgment as to
 3 which is the more compelling.

4 On the one hand, I submit, if an undertaking is
 5 given this may result in the applicant answering
 6 questions he would otherwise lawfully be permitted to
 7 refuse to answer. That lawful justification for
 8 a refusal to answer could only attach to those answers
 9 which would tend to incriminate him. He would otherwise
 10 be required to answer all questions in the event that
 11 you deem that he should and a failure to do so is
 12 subject to enforcement powers within the Inquiries Act,
 13 which you have available to you.

14 In the context of the inquiry's terms of reference,
 15 the criminality in question, as expressly acknowledged
 16 by the application, is highly likely to be serious and
 17 connected to terrorism. For this reason, we submit that
 18 in this particular way, your inquiry is different in
 19 a highly material respect to other situations in which
 20 an undertaking has been sought and granted, and for that
 21 reason reference to other undertakings and the decisions
 22 taken by the chairman in those are of limited or no
 23 assistance to you.

24 The giving of such answers by the applicant may
 25 assist you, they may assist the bereaved families, they

1 may assist other core participants and the wider public
2 in obtaining a clearer understanding within the terms of
3 reference.

4 Further, in the circumstances of an undertaking by
5 the Attorney General, the applicant would be prevented
6 from refusing to answer any question on the basis of the
7 privilege against self-incrimination, and this in turn
8 makes the application of the enforcement powers you have
9 available to you much more straightforward because he
10 would not be able to rely upon the shield of the
11 privilege against self-incrimination.

12 However, whilst those are the public interest
13 factors in one direction, the price that would be paid,
14 whatever form the undertaking took, would be that such
15 answers could not then be used as the basis or as part
16 of any prosecution against the applicant.

17 So a potential consequence -- and I stress the word
18 "potential" -- is that the applicant could publicly
19 admit to deliberate criminality of the most serious type
20 and the state would be prohibited from using that
21 admission in any prosecution.

22 I repeat so there can be no misunderstanding: by
23 saying that, I am not to be understood that this is what
24 the applicant would say, nor am I saying that he is in
25 fact guilty of any such offences.

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1 At present, the only person who knows what the
2 applicant would say is the applicant, but in the absence
3 of --

4 SIR JOHN SAUNDERS: And maybe Mr Hawthorn but he couldn't
5 tell us.

6 MR DE LA POER: But at the moment, in the absence of you,
7 sir, knowing what he will say, given his existing claim
8 of the privilege against self-incrimination, that he
9 might make such admissions exists as a logical
10 possibility, and that logical possibility, I submit, is
11 a most powerful reason against you seeking the
12 undertaking from the Attorney General.

13 It would be an unconscionable, to borrow a word
14 from Mr Weatherby's submission, for a person to be in
15 a position to make a full and unambiguous public
16 admission of the deliberate commission of offences of
17 the type with which this inquiry is concerned and for
18 those public declarations to be incapable of forming the
19 basis or any part of any prosecution.

20 That, in counsel to the inquiry's submission, is too
21 great a price to pay for the possibility that the
22 applicant may answer more questions than he otherwise
23 will be required to.

24 So in summary then, sir, counsel to the inquiry
25 submits that the public interest in favour of an

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1 undertaking is very substantially outweighed by the
2 public interest against it. So for those reasons, and
3 the written submissions contain eight separately
4 identified reasons, one of which includes the potential
5 effect of the grant of this undertaking as against other
6 witnesses which may be called, we submit that the
7 application should be refused.

8 SIR JOHN SAUNDERS: Thank you.

9 Mr Hawthorn, can you help on those particular
10 matters which have been raised?

11 Reply by MR HAWTHORN

12 MR HAWTHORN: I will try, sir. There are a number of
13 points, and I won't deal with them in order, I suspect.

14 Can I say that I am very grateful to those
15 representing the families for the care with which they
16 have dealt with the matter and I understand where each
17 one of those is coming from in the replies they give.

18 I am grateful to my learned friend for the inquiry
19 for recognising that there are factors in play both ways
20 on this, which is, I think, an advance on the way I read
21 the written submission that I recently received.

22 A couple of little points. We didn't specify one
23 offence that might be brought into play in this. If
24 anyone's struggling to think of what other offences
25 might be involved they could look no further than my

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1 learned friend Mr Weatherby's submission, paragraph 5,
2 which himself comments that the possible offences are
3 wide-ranging, and mentions a number of possibilities.
4 We all know that the atrocity of the Manchester bombing
5 could be charged in a variety of ways depending on
6 someone's level of involvement, and it really does not
7 require any help from us to set out the possible
8 implications of anybody being accused of involvement.

9 SIR JOHN SAUNDERS: You'll have to excuse me for
10 interrupting just to ask. You will well understand that
11 if I am considering, as I am, whether to apply to the
12 Attorney General for this immunity, it is of relevance
13 to me to know to what criminal offences we may be
14 talking. It's one thing if the privilege against
15 self-incrimination is being sought in relation to
16 a relatively minor matter and then if you're saying
17 across the board -- and I'm talking about any terrorist
18 offence which may have been committed as part of the
19 Manchester Arena bombing -- then that's a very different
20 matter, and clearly the gravity of the offence which
21 immunity may apply to is of great importance.

22 So can I have from you your application for immunity
23 applies to any offence which relates to the
24 Manchester Arena bombing, however serious?

25 MR HAWTHORN: Yes, that is correct. That's really to be on,

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1 if I may put it this way, on the safe side from our
 2 point of view. I don't want to specify five offences
 3 and find there was a prosecution of a sixth available
 4 offence which we happened not to have mentioned. That
 5 would be seriously wrong. It's clearer to specify -- to
 6 say it in the way you suggest.
 7 SIR JOHN SAUNDERS: I will take your answer as being it
 8 covers all the possible offences. I'm not quite sure
 9 a justification to be on the safe side is necessarily
 10 a very good one.
 11 MR HAWTHORN: I'm sorry, it's an informal way of saying
 12 I would not wish to be specifying five offences and find
 13 there was a sixth one I hadn't mentioned by just not
 14 knowing the full range of possible charges.
 15 SIR JOHN SAUNDERS: Right, thank you.
 16 MR HAWTHORN: Sir, that's what I mean by that. I'm not in
 17 any way trying to divert the point.
 18 SIR JOHN SAUNDERS: No, I'm not suggesting you are.
 19 Obviously from my point of view, it's an important
 20 consideration.
 21 MR HAWTHORN: Indeed, of course it is.
 22 SIR JOHN SAUNDERS: I interrupted your submission. So
 23 please --
 24 MR HAWTHORN: The bar to investigation point is, I will
 25 concede, derived from the form of words of the

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1 Undercover Policing Inquiry and I think this has to do
 2 with, and I'll be entirely hypothetical here, if I'm
 3 accused of some offence to do with stolen property and
 4 I say that the property is hidden under the tree on the
 5 left and I can't be prosecuted for admitting that, but
 6 someone goes off and finds it and it has my fingerprints
 7 on it, that's evidence that arises directly from my
 8 admissions.
 9 In a sense it's indirectly related to the --
 10 it would seem logical that that should be likewise taken
 11 out of the calculations as to whether I had committed
 12 the offence in question or not, otherwise if I say
 13 anything it may give rise to someone finding out a
 14 certain fact and then claiming that fact is usable
 15 against me, which they wouldn't have found but for my
 16 mentioning it.
 17 SIR JOHN SAUNDERS: Okay. I understand the implications of
 18 it.
 19 MR HAWTHORN: You have the point.
 20 SIR JOHN SAUNDERS: It would also mean that suppose there
 21 were a situation, and again hypothetical, so please
 22 don't, people, take this as being a likelihood in any
 23 way, of your client making admissions of certain
 24 offences during his evidence, the police having
 25 of course heard those admissions then going and asking

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1 precisely the same questions which had been asked at the
 2 hearing which got those admissions and it would be said
 3 then that those questions could not be asked because
 4 they arise out of the admissions which were given which
 5 were subject to the immunity.
 6 So having that second stage of immunity is actually
 7 quite important. So do I gather from you, and you must
 8 tell me, does your application for immunity cover both
 9 of those stages and is it absolutely founded on both of
 10 those stages or are you saying, "I would like both, but
 11 if I can't have both, I'll have one"?
 12 MR HAWTHORN: I would seek both. It's your decision, sir,
 13 as to what, if anything, you request.
 14 SIR JOHN SAUNDERS: I'm afraid it's not, actually,
 15 I'm sorry. One of the other things that you're being
 16 asked to say is: will there be an assurance that if the
 17 undertaking is given, all questions would be answered by
 18 your client? Now, if you're going to say: well, I want
 19 both parts, but (inaudible: distorted) one of them but
 20 on the other than hand he may not answer all your
 21 questions if I don't get the whole thing. Do you
 22 understand? I need to know your position.
 23 MR HAWTHORN: I understand, but I'm also conscious that
 24 those who have talked of a bargaining chip, I accept --
 25 I understand that and I don't want to get into

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1 a bargaining chip situation here. I'll be -- it's fair
 2 to say that it's some months before the issue may
 3 finally arise, but I do not know the answer to whether
 4 he will give evidence or not. I give no assurance that
 5 I can't keep.
 6 All I can say is that the possibility of being
 7 prosecuted for this very, very serious offence is
 8 obviously a major factor and it's the first factor that
 9 anyone in his position would have to consider
 10 (overspeaking) --
 11 SIR JOHN SAUNDERS: He is more likely to give evidence if he
 12 gets an assurance but there's no guarantee he will?
 13 MR HAWTHORN: Yes.
 14 SIR JOHN SAUNDERS: You do understand that it is quite
 15 difficult for him to claim the privilege against
 16 self-incrimination in order not to answer questions if
 17 he's got an immunity? In fact it's impossible.
 18 MR HAWTHORN: Well, precisely, sir. That I entirely -- it
 19 depends on the nature of the immunity, but yes, that is
 20 indeed correct. So if there were -- there would have to
 21 be other reasons preventing him, which I don't pin down
 22 now and don't form the subject of this application. But
 23 yes, an undertaking would remove the self-incrimination
 24 argument. That's, in a sense, one way in which the
 25 inquiry can deal with the matter.

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1 Can I perhaps indicate, sir, that this is not
 2 a speculative fear on his part. You have seen in some
 3 of the written responses, and certainly in that of my
 4 learned friend Mr Weatherby, that there are features of
 5 the evidence which are awkward, shall we say, and which
 6 give rise to — maybe some people will think he should
 7 have been prosecuted, I don't know. But certainly there
 8 are — and he was, again, detained and no one, I dare
 9 say, can say this was without good reason. He was
 10 detained for 2 weeks for interview as a suspect in the
 11 early stages of this inquiry, so this is not some
 12 abstract fear on his part.

13 I note, sir, also, and it's not been referred to by
 14 my learned friend for the inquiry, but his paragraph, I
 15 think it was 41 towards the end of his submission, spoke
 16 specifically about the purpose to:

17 " ... ensure public accountability of those
 18 responsible for the deaths including through criminal
 19 investigation, prosecution and punishment."

20 There's a clear dovetailing here between the inquiry
 21 process and the prosecution process so far as that
 22 written submission is concerned. It seems to us that,
 23 and you'll appreciate how this might look, that Mr Ben
 24 Romdhan being interviewed at a police station is told
 25 that he doesn't have to answer questions although it may

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1 harm his defence and so on, but he is told he doesn't
 2 have to answer questions there, but come the inquiry
 3 he's threatened with imprisonment if he doesn't come and
 4 when he gets here he finds that he is not told that.

5 Now, it's a different look, if I may put it like
 6 that, but the evidence that he might give to the inquiry
 7 is just as admissible against him in possible criminal
 8 proceedings as what he might have said in the police
 9 station.

10 SIR JOHN SAUNDERS: I think you'll have to complain about
 11 how the law is rather than complaining to me about the
 12 difference, but there is a difference, obviously,
 13 between his claiming privilege at an inquiry when he
 14 would be required to justify why it might incriminate
 15 him to answer the questions. I'm afraid that's the law.
 16 Of course, there is no adverse inference that can be
 17 drawn at an inquiry, whereas there are adverse
 18 inferences that can be drawn in a criminal prosecution.

19 MR HAWTHORN: Yes.

20 SIR JOHN SAUNDERS: So it's a different situation and
 21 there's a different legal requirement but there you are,
 22 that's the law —

23 MR HAWTHORN: His answers are just as admissible against him
 24 in either context.

25 SIR JOHN SAUNDERS: I agree.

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1 MR HAWTHORN: In one case he's told he's cautioned and in
 2 one he isn't.

3 SIR JOHN SAUNDERS: No, no, he would be cautioned.

4 MR HAWTHORN: Sir, at what point — the 40 questions he's
 5 been sent don't have asterisks against them to indicate,
 6 "We think this one might incriminate you", so at what
 7 point is he going to be warned?

8 SIR JOHN SAUNDERS: He will be warned either at the
 9 beginning or in relation to any question he is entitled
 10 not to answer if he believes that the answer will
 11 incriminate him. He can then be asked to justify that.

12 For example, if he's asked, "What's your first knowledge
 13 of your brother Salman Abedi", and he refuses to answer
 14 that on the basis it would incriminate him, it would be
 15 quite difficult to understand that particular basis. So
 16 there are certainly some questions which it's intended
 17 to ask him which couldn't conceivably incriminate him.

18 Therefore I am perfectly entitled to say, "Well,
 19 you have to justify it in some way, you can't just come
 20 along here and say, 'I am not going to say anything
 21 because it they might incriminate me'", when clearly
 22 some of the questions wouldn't.

23 MR HAWTHORN: He is entitled to assume, is he not, that
 24 these questions all relate to the Manchester bombing?

25 SIR JOHN SAUNDERS: Some of them relate to the background of

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1 Salman Abedi being brought up, what happened in that, in
 2 which it is inconceivable to think of how answers to
 3 some of those questions could actually incriminate him.
 4 Question: Did your brother go to Libya? Answer: well,
 5 I'm not going to answer that because it might
 6 incriminate me. How could that conceivably incriminate
 7 him?

8 MR HAWTHORN: Yes, but you then have him having to make an
 9 assessment. Now, is it him who makes the assessment?
 10 Is it you, sir, who says, "I think you're on thin ice
 11 here, you'd better consider whether you answer questions
 12 or not?" Where do the red lights come on?

13 SIR JOHN SAUNDERS: He has been sent these questions. He
 14 has a lawyer to assist him. It is for you, if I may
 15 suggest it, to go through the questions with him and
 16 decide with him whether he actually has any basis for
 17 saying that giving the answer may incriminate him. If
 18 he then, having discussed it with you, considers that it
 19 may incriminate him, then he's perfectly entitled to
 20 refuse to answer, but he can be required to justify it.
 21 Is there any problem with that? That's usually how it
 22 works.

23 MR HAWTHORN: Sorry, I'm being again entirely hypothetical,
 24 but if this were an inquiry about a major bank robbery
 25 and I was being abstract, "Do you know James Taylor",

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1 and I said, "I don't wish to answer that because James
 2 Taylor is a terrible safe-breaker and I don't want to
 3 admit any association with him", that shows my knowledge
 4 by saying that. In declining to answer the question,
 5 that betrays a degree of knowledge which by itself may
 6 incriminate me.
 7 SIR JOHN SAUNDERS: There are ways of dealing with this
 8 without having the negotiation between you and I. One
 9 can say: it might be if I answered it, there would be
 10 some suggestion of guilt by association. I know not.
 11 I'm not here to advise Mr Abedi on how he should answer
 12 questions or not. But there's a perfectly well-known
 13 legal procedure, which you know as well as I do, and you
 14 know how to go about it.
 15 MR HAWTHORN: Indeed, sir.
 16 SIR JOHN SAUNDERS: It's been a lively discussion,
 17 Mr Hawthorn. I will not interrupt again and you can
 18 make what submissions you like -- well, within reason.
 19 MR HAWTHORN: Indeed. I don't think there's a great deal
 20 else. For the record, I stand by our original
 21 submission, in case that's not clear.
 22 SIR JOHN SAUNDERS: Your original submission actually asked
 23 for an indemnity, not just for your client but for
 24 anyone giving evidence to the inquiry who wants it.
 25 Because it has come from the Undercover Policing

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1 Inquiry, it covers a large number of people.
 2 MR HAWTHORN: I fear I may have pasted without amending.
 3 SIR JOHN SAUNDERS: That's all right.
 4 MR HAWTHORN: You have the point. I'm not suggesting that
 5 Mr Ben Romdhan is so unique that he should have
 6 protection that no one else does, but you have that
 7 point, sir, and I'm grateful for the observation.
 8 SIR JOHN SAUNDERS: Thank you.
 9 MR HAWTHORN: I don't think, with respect, there's a great
 10 deal else. Your learned counsel to the inquiry has very
 11 fairly stated that there are factors in play both ways
 12 on this, but the fact remains that if the inquiry is
 13 considering itself to be an instrument that leads to
 14 prosecution, then those who have been treated as
 15 suspects and who have never ceased to be suspects are
 16 entitled to a degree of protection that reflects that
 17 fact.
 18 There are two ways of dealing with it. One is, as
 19 I say, to recognise the risk at which they will put
 20 themselves and to accept an assertion of privilege
 21 against self-incrimination, whether it's partial or
 22 total is another matter, or to seek a general
 23 undertaking which sets people free to say what they have
 24 to say without fear. Obviously, there are difficulties
 25 in the latter course, but they nevertheless lead to

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1 a witness appearing in front of you without being afraid
 2 of walking out into police detention. I don't think
 3 I can elaborate on that any more, sir, without repeating
 4 myself, and I hesitate to do that.
 5 SIR JOHN SAUNDERS: Thank you very much, Mr Hawthorn, for
 6 your submissions and thank you for coming along to
 7 elaborate on the applications that have been made and
 8 the responses.
 9 MR HAWTHORN: Thank you, sir.
 10 MR DE LA POER: Sir, unless you require any further
 11 assistance from me --
 12 SIR JOHN SAUNDERS: I don't, and I said to Mr Hawthorn that
 13 he would have the last word and he has indeed had the
 14 last word.
 15 I suggest we probably start at about 10.25 tomorrow
 16 or something like that.
 17 MR DE LA POER: Sir, I think Mr Greaney Queen's Counsel has
 18 something to say so everybody can understand the start
 19 of tomorrow because it is an occasion of particular
 20 significance.
 21 SIR JOHN SAUNDERS: I know, thank you.
 22 MR GREANEY: Everyone will know this Saturday will mark the
 23 four-year point since the arena attack, and tomorrow
 24 we will commemorate those who died. Everyone who wishes
 25 to be within the hearing room should be within the

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1 hearing room no later than 10.25 am.
 2 Sir, we would invite you to enter the hearing room
 3 shortly before 10.30 am. At 10.31 am, which time has
 4 been chosen for reasons which are perfectly obvious,
 5 a montage of photographs of those who died will be
 6 shown. Whilst that happens, and it will take a little
 7 over 1 minute, all in the hearing room should be silent.
 8 Once that has finished, we will invite you to rise again
 9 for just a short time and we will then resume the
 10 evidence of Superintendent Dexter.
 11 SIR JOHN SAUNDERS: Thank you. I hope that arrangement is
 12 acceptable to everybody. The last thing we would
 13 obviously wish to do is to upset anyone with any of the
 14 arrangements which are being made, so I hope that is
 15 satisfactory.
 16 MR COOPER: May I say, sir, your team have been extremely
 17 sensitive and very kind as far as the families are
 18 concerned, and liaison has been full and complete.
 19 SIR JOHN SAUNDERS: It is no more than they deserve, but I'm
 20 grateful for that. Thank you.
 21 (4.35 pm)
 22 (The inquiry adjourned until 10.25 am
 23 on Thursday, 20 May 2021)
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 25

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