Grenfell fire: Police block release of key documents on cladding warning

Authority admits there is 'considerable public interest' in releasing the information but says it fears collapsing police investigation

Jon Sharman | Wednesday 18 October 2017 23:09 BST | 96 comments

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Police investigators are seen inside the burned out shell of Grenfell Tower this week *AFP/Getty Images*

The Metropolitan Police has advised Kensington and Chelsea Council (RBKC) to block the release of correspondence that would shed light on what action was taken to mitigate fire risks at Grenfell Tower, *The Independent* can reveal.

Officers are vetting requests for information on the council's response after it was warned by London Fire Brigade about the potential risks of cladding at Grenfell and other buildings.

The fire service wrote to all 33 London councils on 6 April – two months before the devastating fire ripped through Grenfell Tower claiming up to 80 lives – after concluding that cladding had contributed to another fire in Hammersmith, west London.

But despite repeated requests under Freedom for Information laws about what Kensington authorities did following that warning, the council has refused to provide answers.

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In its last response, the council said it had been advised by the police not to release the information amid fears it could interfere with the criminal investigation that officers are carrying out.

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Alex Peebles, a solicitor at law firm Duncan Lewis, told *The Independent* that “a mere assertion from the

police or the council" that the information was exempt from disclosure was "unlikely to be sufficient" to justify the block.

He added: "The information cannot be withheld just because there may be risks associated with its disclosure. The council or the police must be prepared to give detailed reasons that explain why the disclosure would or would be likely to cause prejudice to others."

Moyra Samuels, of the Justice4Grenfell campaign group, said: "For the community, nothing surprises us regarding the behaviour of the council. Of course we demand that they are truthful and transparent but we don't expect them to be."

LFB's assistant commissioner, Dan Daly, warned all London councils they should check cladding was up to standard, and "take account of other fire-safety measures already in place in the building as well as potential mitigation measures to ensure that any potential fire spread does not pose a risk to health and safety".

The warning followed a fire at the Shepherd's Court flats in Hammersmith in August 2016, which the fire service believed was exacerbated by external panels.

The Met has asked to see any information about Grenfell Tower RBKC is considering for release under FoI, *The Independent* has been told.

The council said the fire brigade's letter was addressed to its director of housing and was later forwarded to the Kensington and Chelsea Tenant Management Organisation (KCTMO), which manages properties on behalf of the council. In the wake of the fire, the council is dealing with all Freedom of Information requests relating to the work of KCTMO.

KCTMO, which is a non-profit company at arms length from the council, was stripped of its management of Grenfell Tower after the fire. A KCTMO spokesman said: "All FoI queries regarding Grenfell Tower-related matters are being handled by RBKC.

"We have not consulted the Metropolitan Police directly on Grenfell-related matters, as this is also being handled by RBKC."

The council said it had consulted the Met on a total of seven FoI requests about Grenfell Tower. Four requests have been subsequently denied, including *The Independent*'s, two are in progress and one has been granted.

It said in its rejection notice to *The Independent*: “At this point in time, it is our belief that the public interest in withholding the information outweighs the public interest in disclosure.”

In the same letter the council went on to claim the Met had “expressed a view that disclosure would or would be likely to prejudice the prevention or detection of crime or the apprehension of prosecution of offenders” – but did not elaborate, beyond re-stating the Met’s belief that it had “reasonable grounds” to think the council and KCTMO had committed corporate manslaughter.

It added: “There is a considerable public interest in the disclosure of information held by the council about the refurbishment of Grenfell Tower, and the cause and spread of the fire.

“Where possible, we will be releasing information that relates to Grenfell Tower. However, there is also a significant public interest in withholding this information so as to not adversely affect the criminal investigation.”

But the Met’s advice did not constitute an order to withhold the information, the force said.

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A Metropolitan Police spokesman said: “The MPS is carrying out an ongoing criminal investigation into the cause and spread of the fatal fire at Grenfell Tower. This investigation is one of the most complex carried out by the MPS, outside of terrorism. We are committed to finding answers for all those so deeply affected by the tragedy.

“The MPS will consider taking every possible legal step to prevent this investigation from being prejudiced. As such we are made aware of and consulted on whether the release of material under the Freedom of Information Act, at this stage, may prejudice this ongoing investigation.

“The act allows for such consultation to take place, and there are relevant exemptions for non-release of material that may prejudice, at this stage, an ongoing criminal investigation.

“The release of material remains the decision of the organisation who holds it.”

Emma Dent Coad, the MP for Kensington, said it seemed “strange” that the council was refusing to release the information. “There are a lot of unanswered questions in this terrible case, and unsurprisingly some suspicion from local people as to why they are not being answered,” she said.

Maurice Frankel, of the Campaign for Freedom of Information, said: “It makes no sense to defer answering FoI requests until any prosecutions that may be brought are over.

“The public inquiry taking place [will] be looking into these matters anyway and dealing with much of the same information, and you cannot delay disclosure and the learning of lessons for years until any trial is over.”

A Kensington and Chelsea Council spokesman said: “We are an open and transparent organisation and we are responding to Freedom of Information requests relating to the Grenfell Tower fire tragedy as we would do on any other request of this nature.

“Any item or documentation requested from us, be it Grenfell Tower-related or any other council business, we will disclose in accordance with the Freedom of Information Act and independently of the police or any other external organisation.” ●

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