

Police announce possible manslaughter charges in connection with Grenfell Fire

By Robert Stevens
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The Metropolitan Police investigation into the Grenfell Tower fire has announced it will pursue “possible” corporate manslaughter charges against the Royal Borough of Kensington and Chelsea council (RBKC) and the Kensington and Chelsea Tenant Management Organisation (KCTMO).

The KCTMO ran the block on behalf of the council under an £11 million contract.

This apparent progress in fact paves the way for a legal cover-up.

On Wednesday evening, the Met sent a letter to survivors of the fire stating it had informed the council and KCTMO “that there are reasonable grounds to suspect that each organisation may have committed the offence of corporate manslaughter, under the Corporate Manslaughter and Corporate Homicide Act 2007.”

The letter gives no time scale as to when the two organisations might be charged, merely stating: “In due course, a senior representative of each corporation will be formally interviewed by police in relation to the potential offence. The interview will not take place immediately, since it is important that all relevant facts and information have been gathered before any such information is conducted.”

The police considering charges under the 2007 Act means that no *individuals* responsible will be brought to justice. The Act stipulates that only corporations as an entity can be found guilty of such a charge, not those leading the companies. The most that will happen, if the council and/or KCTMO are found guilty of corporate manslaughter, is that they will receive a fine and carry on with business as usual. As public entities, the taxpayers will foot the bill.

The entire police criminal investigation is a fraud, with the police refusing to issue any substantive details on the basis that this is *sub judice*.

Despite the investigation being in operation for more than six weeks, not a single person has been arrested or even charged. It is well established that the KCTMO and council for years ignored repeated and detailed complaints from residents that Grenfell Tower was being turned into a death trap.

Thursday’s letter made clear that no individuals may *ever* be arrested or charged. It states: “The legislation under the Corporate Manslaughter and Corporate Homicide Act 2007 does not provide a power to arrest any individual.”

The 2007 legislation was specifically written in order to protect corporations and individuals within them from being brought to justice. Section 18 of the Act headed “No individual liability” states: “(1) An individual cannot be guilty of aiding, abetting, counselling or procuring the commission of an offence of corporate manslaughter.” It adds: “(1A) An individual cannot be guilty of an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) by reference to an offence of corporate manslaughter. (2) An individual cannot be guilty of aiding, abetting, counselling or procuring, or being art and part in, the commission of an offence of corporate homicide.”

The Corporate Manslaughter Act has had no impact at all on punishing the criminal activity carried out by major corporations in the decade since its introduction. All the prosecutions brought under the Act have targeted small and medium sized firms, resulting in only 21 convictions and the largest fine of just £1.2 million. In December 2013, a firm convicted of the death of a worker who was crushed while trying to repair a street-sweeping truck was fined just £8,000.

The Act enables corporations to bypass the Common Law offense of gross negligence manslaughter—under

which those convicted can go to prison—due to its guarantee of individual impunity. Two academics who have studied the impact of the Act, Professors Steve Tombs and David Whyte, wrote this month: “In five of the 21 convictions under the Act so far, the prosecution was accompanied by or as a result of charges of gross negligence manslaughter being dropped against an individual company director and then a guilty plea being entered for the company.”

The former leader of RBKC, Nicholas Paget-Brown, has not been arrested and charged and neither has Robert Black, the resigned chief executive the head of the KCTMO. Robert Bond, the chief executive of Rydon Group Ltd.—the company who oversaw the contract that resulted in Grenfell Tower being entirely encased in flammable cladding—has not been arrested.

There are documents in the public domain indicating collusion between the board of the KCTMO and Carl Stokes, who had been KCTMO’s fire risk assessor for seven years, over the suppression of the fact that Grenfell Tower had failed basic fire safety checks. Stokes was employed by the KCTMO on the recommendation of housing official Janice Wray who, according to reports, stated that Stokes was “willing to challenge the fire brigade on our behalf if he considered their [safety] requirements to be excessive.”

An article published by *Inside Housing* June 27 reported that in his 2012 report on Grenfell Tower, Stokes found an absence of either “sandwich panels” on the building or “unusual elements of building construction that were considered to add an additional contribution to the fire risk.”

After completing his Fire Risk Assessment report in November 2012, Stokes advised the KCTMO to conceal it, warning that the London Fire Brigade “have the power to undertake an audit of the fire risk assessment to determine if it is suitable and sufficient or not.”

Stokes wrote under the heading “Legal Statement”, “You do not have to give a copy of your fire risk assessment to anybody, not even the fire authority. If you do give them a copy, this could be used against you at a later date.”

The *Daily Mail* reported that Stokes advised the KCTMO that if the London Fire Brigade were able to scrutinise the report, the KCTMO could be forced to implement “additional fire safety measures.”

Stokes concluded that there was a failure to maintain or inspect escape staircases, fire extinguishers and emergency escape lighting. He wrote, “The fire extinguisher in the basement boiler room, the lift motor room, the ground-floor electrical room plus other areas were out of date, according to the contractor’s label on the extinguishers.”

“Some [extinguishers] located in the roof level areas [of Grenfell Tower] had ‘condemned’ written on them in large black writing, with a last test date of 2009 or 2010.” He added, “This seems to indicate that monthly occupier inspections are not being carried out.”

KCTMO paid him £244,318 for his services in the six years from November 2010.

Speaking to the *World Socialist Web Site*, David Whyte, who is professor of socio-legal studies at the University of Liverpool, said: “The key point is the political point: that people in the very highest levels of government, including the governments of Thatcher, Major, Blair, Brown and Cameron, presided over a bonfire of regulations and an emasculation of the agencies that are supposed to keep us safe.

“Those governments stripped back fire and building protections and emasculated local authorities’ ability to investigate and enforce building and health and safety regulations. We should be asking why are they not being investigated for their role in the mass killings at Grenfell?”

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