

Monday, 27 November 2023

(10.30 am)

LADY HALLETT: Mr O'Connor.

MR O'CONNOR: Good morning, my Lady.

My Lady, just before we call our first witness, my transcript screen is blank, and I imagine yours is too. We understand that there is a technical problem with the computer system which in fact is a widespread problem going far beyond the bounds of this Inquiry. It's affecting transcription across at least London, as we gather.

The position is that the transcriber is present, she will be making a transcript of this morning's proceedings. We won't sadly be able to see it on our screens as long as the problem lasts, and of course steps are being taken to remedy it, and I understand that as soon as the problem has been resolved, our screens will click into action and we'll be able to get the usual contemporaneous transcript.

LADY HALLETT: Thank you, Mr O'Connor.

MR O'CONNOR: My Lady, may we please call our first witness, Mr Khan.

MR SADIQ KHAN (sworn)

Questions from COUNSEL TO THE INQUIRY

MR O'CONNOR: Could you give us your full name, please.

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the Mayor of London throughout the period of the pandemic, 2020-2022.

A. That's right.

Q. And that is, of course, going to be the focus of our questions this morning.

Before we move to the events of the pandemic, Mr Khan, I'd like to ask you just a few questions about the role the Mayor of London, the powers, what the job entails and so on.

Of course the Mayor of London is the senior elected politician with territorial responsibility for London, and on our ready reckoner we think that there are something like 9 million people within the area for which you have responsibility. Is that right?

A. That's right. So in London there are more than 9 million who live and, during the normal working day, more than 10 million come to London, workers, tourists, visitors and so forth.

Q. Yes. And using another ratio, that 9 million people equates to something like 13% of the UK population?

A. That's right.

Q. Let's look at your statement, please, at paragraph 14, which is on page 3. It's here that you give us a detailed explanation of the role or powers of the Mayor, and we're not going to go into all of that

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A. My name is Sadiq Khan.

Q. Mr Khan, you have kindly prepared a witness statement for the Inquiry, which is coming on the screen now.

It's a lengthy statement, and we're grateful for it. The last page, we don't need to look at, but it was signed by you on 16 June of this year, and immediately above your signature there's a statement that you believe the facts stated in the witness statement to be true. Is that right?

A. Correct, yeah, thank you.

Q. Mr Khan, you are currently, of course, the Mayor of London. Casting our eyes back over your career, it's right, I think, that you were a Labour MP, in fact the MP for Tooting, between 2005 and 2016?

A. Yep, that's right.

Q. And within that period, you undertook various ministerial government roles between 2008 and 2010?

A. Between 2007 and 2010, yeah.

Q. 2007, thank you. Then after the 2010 election you had various shadow ministerial roles in opposition until you left Parliament in 2016, and that was the year on which you were first elected the Mayor of London, and you're currently serving your second term in that post.

A. That's right, yeah.

Q. It's obvious from that chronology that you were

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detail, but let's just try to summarise the position.

As you state here, the powers of the Mayor, in fact the mayoralty itself, is established, is it not, by the Greater London Authority Act of 1999?

A. That's right.

Q. And Act creates and then describes the powers of this institution called the Greater London Authority, which itself is formed of the mayor and the Assembly; is that a fair summary?

A. It is, yeah.

Q. The mayor has, as we will see in a moment, some strategic powers as well as other duties, and the principal role of the Assembly is to hold the mayor to account?

A. Correct.

Q. If we look at paragraph 15, and we'll go over the page in a moment to paragraph 16, we see that the power under section 30 of the Act allows the mayor, in the words of your statement, to do anything which furthers one of its so-called "principal purposes", which are then described as promoting economic development, wealth creation, social development or the improvement of the environment in Greater London. So high level powers, high level purposes.

Then as you go on to make the point under

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1 section 31, that the Act under that section expressly
 2 prevents the Authority, the mayor, from providing any
 3 health or social services which could be provided by
 4 a London borough council or any other public body.
 5 Just going on to paragraph 16, you make the point
 6 that:
 7 "The [Authority] is therefore limited to carrying
 8 out the functions expressly conferred on it ..."
 9 And that it is:
 10 "... a strategic authority ... quite different from,
 11 for example, the local authorities in London, which have
 12 responsibility for the delivery of services ..."
 13 So is it, then, Mr Khan, a fair summary that the
 14 role of the Mayor is to perform these sort of high level
 15 strategic functions rather than sort of operational
 16 decisions which are more -- which are the preserve, in
 17 London, of borough councils and other bodies?
 18 **A.** It is, but it brings with it huge convening powers, so
 19 I can work -- I do work very closely with those
 20 authorities you're talking about, yes.
 21 **Q.** Yes. And we'll come to see, in terms of the sort of
 22 role of the mayor in an emergency, that's a rather good
 23 description, it's about convening other people more than
 24 actually performing executive functions yourself?
 25 **A.** Exactly.

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1 **Q.** So as you say, with that in mind, the mayor does have
 2 responsibilities in an emergency as what's known as
 3 a Category 1 responder under the Civil Contingencies
 4 Act. That's a point you make, if we look at
 5 paragraph 19 of your statement, on page 4.
 6 **A.** That's right, yep.
 7 **Q.** Again, your statement then goes on to provide us with
 8 some very useful detail about all of the different
 9 bodies that were established in order to perform your
 10 role and the role of the Authority more generally in
 11 that civil contingencies context?
 12 **A.** That's right.
 13 **Q.** Again, I'm not going to go into all of that in as much
 14 detail as there is in the statement, but shall we try to
 15 identify the critical parts of it.
 16 If we go on to paragraph 20, we see there you refer
 17 to the GLA being a member of something called the London
 18 Resilience Forum and, reading on in that paragraph, this
 19 London Resilience Forum you describe as being the
 20 "vehicle required by statute to facilitate the
 21 cooperation of statutory responders in London".
 22 So it's the high-level body performing that sort of
 23 bringing together, facilitative role?
 24 **A.** As (unclear).
 25 **Q.** You say in the next sentence that Fiona Twycross chaired

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1 **Q.** If we just think about the pandemic and about the NPIs
 2 that were adopted during the pandemic, we think,
 3 for example, of ordering people to stay at home, closing
 4 schools, closing hospitality venues and so on; these
 5 were not executive decisions for you to take during that
 6 time, were they?
 7 **A.** They weren't. There's a separate piece of legislation,
 8 which we'll come to, I'm sure, which is the Civil
 9 Contingencies Act which states, basically that Mayor,
 10 the GLA, is the voice of London, so in civil emergencies
 11 he or she has an important role in being that that
 12 voice, particularly when it comes to message carrying --
 13 **Q.** Yes.
 14 **A.** -- for letting us know what to do.
 15 **Q.** Just to be clear, I'm certainly going to come to the
 16 Civil Contingencies Act and that sort of facilitative
 17 role, and you're absolutely right, in your statement you
 18 use that term, being the "voice of London", but just to
 19 be clear, it's right, isn't it, that it wasn't actually
 20 your role to make those --
 21 **A.** No.
 22 **Q.** -- executive decisions, closing schools --
 23 **A.** Correct.
 24 **Q.** -- ordering people to stay at home and the like?
 25 **A.** Correct.

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1 the London Resilience Forum on your behalf. I think
 2 it's right, isn't it, that you have a sort of power or
 3 a duty either to chair that forum yourself or to
 4 nominate someone to do that; is that the position?
 5 **A.** That's right. So Fiona Twycross, or Baroness Twycross,
 6 is the Deputy Mayor for Fire and Resilience, and I asked
 7 her in June 2016, a month after I became mayor, to chair
 8 the London Resilience Forum, because obviously they have
 9 work to do not just at times of civil emergency but at
 10 other times as well.
 11 **Q.** Yes, so as we'll see, some of these committees and
 12 groups that were operational during the pandemic had
 13 existed previously --
 14 **A.** Exactly.
 15 **Q.** -- sometimes known as "in peacetime", others were
 16 brought into being to perform a specific role during the
 17 pandemic?
 18 **A.** That's right.
 19 **Q.** And the London Resilience Forum was one of those that is
 20 always sitting, it's always considering matters. And so
 21 did you consider sort of taking over the chairmanship of
 22 the London Resilience Forum during the pandemic or not?
 23 **A.** There were meetings I did chair, but as far as the LRF
 24 is concerned, we appointed a number of co-chairs to work
 25 with Fiona, John Barradell and Eleanor, the chief

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1 executive from Southwark, performed different roles.
 2 I should explain, there is different furniture to do
 3 with different pieces of work, so there's a strategic
 4 co-ordination committee, there's a London Resilience
 5 protocol -- or Partnership, and so a number of different
 6 fora. I chaired some of them. For continuity, Fiona,
 7 John Barradell and others chaired others.

8 **Q.** Yes. So you didn't become the chair of the London
 9 Resilience Forum but you worked very closely with it?

10 **A.** Yep.

11 **Q.** And as you have said, there were a number of other
 12 organisations, groups running alongside it.

13 If we can go down to the next paragraph, please, if
 14 we look at paragraph 22, there's a reference there to
 15 another of these groups which I think you mentioned
 16 a moment ago, the Strategic Coordination Group. Is this
 17 one of those groups that didn't exist or at least wasn't
 18 sort of up and running during so-called peacetime but
 19 which became operational during the pandemic?

20 **A.** That's right. So in early March, on 2 March, I chaired
 21 a Mayor's advisory group, and we decided to do a number
 22 of things flowing from our concerns from the media about
 23 the pandemic arriving, and the SCG is one of the things
 24 that we set up.

25 **Q.** So that's the Strategic Coordination Group, and we see

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1 If we can look at paragraph 25, please, which is
 2 over the page on page 6, this is, I think, a summary of
 3 this description. And picking it up four lines down,
 4 you say, and this is where we come back to your point
 5 about the voice, you say:

6 "My role is to support the operational response to
 7 an emergency in London by providing a unified statement
 8 of information and guidance -- acting as a 'voice' for
 9 London."

10 Can you, with that in mind, expand on your role in
 11 all of this, this structure of various committees and
 12 forums?

13 **A.** So it's worth explaining this -- explaining that. So
 14 there are certainly functional bodies that I'm in charge
 15 of, the police, the fire service, the transport system,
 16 there are number of others I'm not in charge of. This
 17 multi-agency approach means that we can work together in
 18 a collegiate way, and that includes working with the
 19 councils, we've got 32 councils in London, plus the City
 20 of London Corporation, a cross-party working incredibly
 21 collegiately, and I'm ostensibly the chair, working
 22 really closely with colleagues. It means we can pass on
 23 messages from the government, and I'm deemed to be,
 24 according to statutory guidance and government,
 25 generally speaking, the voice of London. But also when

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1 in paragraph 22 the description of its role is really
 2 the implementation of plans. Would that be including
 3 the implementation of plans designed by the Resilience
 4 Forum?

5 **A.** Exactly.

6 **Q.** So it's the sort of -- it's the operational arm of that
 7 organisation?

8 **A.** And in this case specifically to do with coronavirus
 9 rather than other issues that the fora has to deal with.

10 **Q.** Last point on this, we can see in this paragraph that
 11 the Strategic Coordination Group measures its work
 12 alongside something called the Strategic Coordination
 13 Protocol. Again, was that a Covid-specific document or
 14 was that a protocol which had been designed before the
 15 pandemic?

16 **A.** So the protocol was designed before the statutory
 17 guidance in relation to the role of the GLA and
 18 pan-London governance, but it was -- the SCG was set up
 19 because of coronavirus, using the protocol as a basis of
 20 who should be on this and so forth.

21 **Q.** Yes. So we're getting a picture of this sort of
 22 network, hierarchy of organisations, some of which were
 23 there all along, some of which were brought into being
 24 for the sake of the pandemic. You are very much
 25 involved one way or another in this system.

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1 we reach decision, I can channel up to the government as
 2 well. So it's a two-way process, being the voice,
 3 advocate for London but also downwards from government
 4 down to London as well.

5 **Q.** Yes. We'll come to see as we look at some of the
 6 documents and some of the notes of meetings and so on,
 7 that you were very much sort of advocating, if you like
 8 lobbying government during the period of the pandemic
 9 for them to take action that you regarded as being in
 10 London's interests. Was that also part of this role?

11 **A.** Yes. So a lot of the information we had was from all --
 12 open source data, me just reading the newspapers,
 13 watching the news, and colleagues doing the same, and so
 14 we decided to set up, you know, the SCG in advance of
 15 any information from the government.

16 I was writing to the government, we were contacting
 17 the government to ask for information, that wasn't
 18 coming, January, February or March, at the first half of
 19 March. But notwithstanding that -- that's unusual, by
 20 the way, I can give you examples of other emergencies
 21 where it hasn't happened, there has been co-operation.
 22 But in this case we were doing this, getting the
 23 furniture set up, the architecture set up because of the
 24 legislation, but also our experience from previous years
 25 we knew this may be useful.

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1 **Q.** Let me just ask you about your experience of other
2 emergencies, and I think it's obvious that this
3 particular emergency was unlike anything that certainly
4 anyone had come across before in their own career. But
5 of course you had been involved in other emergencies,
6 both during your time as mayor and, before that, in
7 government. I mean, as far as your time as the mayor is
8 concerned, the Grenfell Tower disaster took place while
9 you were mayor, and in the same year there were also the
10 terrorist attacks at Westminster and London Bridge.

11 We're going to come to talk about COBR in the
12 context of Covid, but it's right, isn't it, that you had
13 experience of COBR in those emergencies as well?

14 **A.** Look, there's nothing magic about COBR, it's just the
15 room where we meet, but COBR is really important,
16 both -- when I was a minister, when Gordon Brown was
17 Prime Minister, on a couple of occasions COBRs were
18 called and I was invited to -- incredibly collegiate
19 environment. When Theresa May was Prime Minister
20 in 2017, a number of COBRs I was invited to to do with
21 the terrorist attacks in London, to do with Grenfell --
22 and it's a really useful fora for colleagues to come
23 together, politicians, experts in their own field,
24 people from different parts of the country, to provide
25 their expertise, to discuss ideas, and then the chair,

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1 give a description of a Question Time event that you
2 were conducting in London, and you -- actually, this was
3 the first time you received a detailed briefing from
4 your staff about Covid. Is that right?

5 **A.** It is, but I should just say, my staff's knowledge of
6 this was from open source data, from newspapers, from
7 world wide web and so forth, it wasn't from a briefing
8 from the government. But at People's Question Time
9 a member of the public had asked me about Covid and my
10 response was to that question asked by members of the
11 public, and so my knowledge was limited but it was being
12 discussed, clearly, because it was raised at People's
13 Question Time.

14 **Q.** Yes. So that was your own personal sort of knowledge
15 and that was an occasion when you were briefed. The
16 London Resilience Forum, which we've already mentioned,
17 was right from the start analysing the ongoing position;
18 is that right?

19 **A.** Well, that's right. Again, the job of the London
20 Resilience Forum is to prepare for any emergency. It
21 could be worried about flash flooding, it could be about
22 this, and so they, again, using open source data, had
23 realised this may be an issue, and to their credit in
24 February they'd started doing work to look into this
25 virus.

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1 the Prime Minister, makes a decision.

2 In fact, post the pandemic, when Liz Truss was
3 Prime Minister, I again attended COBRs to do with
4 Operation London Bridge. they're incredibly useful --

5 **Q.** Just pause there. That was the operation that followed
6 the death of the Queen?

7 **A.** Yeah, the death of Her Late Majesty, yeah.

8 **Q.** You were going to say?

9 **A.** Because a lot of these things required co-ordination and
10 working together, at the very least you can provide
11 coalface experience, you can feed into the
12 decision-makers, the Prime Minister in particular, but
13 also you can -- you're read in earlier about why things
14 are happening, so as the voice of London you can with
15 confidence explain to Londoners what they should and
16 shouldn't be doing.

17 So COBR in the past, and since, has worked
18 incredibly well as this place to discuss various
19 responses to prepare for civil emergencies.

20 **Q.** Let's turn, then, Mr Khan, to 2020 and initially your
21 sort of developing understanding of the pandemic.

22 In your witness statement, I think you say that you
23 of course initially gained an understanding in January
24 simply, as with the rest of us, hearing about it on the
25 news and so on, and it was late January, 23 January, you

14

1 **Q.** Let's just go, if we may, to paragraph 59 of your
2 witness statement, which is on page 14, and this picks
3 up the point, Mr Khan, you have been making. You say:

4 "We [and I take it you should have meant you, your
5 office, the Greater London Authority] were heavily
6 reliant on the information coming from Paul Plant and
7 PHE at this time ..."

8 Again, I think "at this time" you mean sort of early
9 February, judging by the sequence of events in your
10 witness statement:

11 "... as we were not receiving any information
12 directly from Government."

13 First of all, can you tell us, please, who
14 Paul Plant was at the time?

15 **A.** Sure. So one of the statutory duties of the Mayor is to
16 address health inequalities, and I have a statutory
17 health adviser, Professor Paul Plant, at the time, who
18 works for Public Health England. It tends to be the
19 regional director for London PHE, as it was known then,
20 who advises me in relation to health inequalities, and
21 Paul was a person who I'd meet regularly to discuss
22 a variety of issues.

23 **Q.** So just going back to this sentence, Paul Plant was
24 himself I think one of the directors of PHE?

25 **A.** Correct.

16

1 Q. What's wrong with receiving information about
2 a developing infectious virus from PHE, which was the
3 very body that was supposed to monitor these things?
4 A. Nothing wrong at all. In fact I was asking Paul about
5 this virus we'd heard of, and you will see from --
6 I think we disclosed the agenda where this was
7 discussed -- this was one of a variety of issues that
8 we'd discuss at PHE. The point is in relation to
9 "directly from Government". You talked about the
10 responsibility I have from the Civil Contingencies Act,
11 the Greater London Act, and bearing in mind what was to
12 transpire, you'd have expected the government speaking
13 to me -- by "government" I mean -- ostensibly
14 Downing Street, because we now know in February there
15 were COBR meetings taking place, we knew nothing about
16 these. And probably Paul Plant didn't either because
17 it's above his pay grade. The point being is that we're
18 the capital city, we know what happened, had we been
19 aware of some of the things that the government were
20 concerned about in February or March we could have taken
21 preventative action.

22 Q. So, to summarise, just to make sure we've understood,
23 one of PHE's functions was to inform local authorities
24 like you and no doubt around the country of their
25 developing understanding of the virus. I think what

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1 you're answering questions.
2 Mr Khan, were you chasing the government this early
3 in sort of early February? We'll come to see some of
4 the exchanges a few weeks later in late February and
5 March. Perhaps you didn't realise how serious the
6 position was becoming at this stage?
7 A. No, in February I wasn't chasing the government.
8 I wasn't aware how serious it was.
9 Q. So to the extent you're criticising the government for
10 not contacting you earlier, that's something --
11 an observation you're making perhaps with hindsight;
12 would that be fair?
13 A. The government generally does give us information about
14 a variety of things happening. I'm disappointed the
15 government weren't giving us information in February
16 about what they knew then.
17 Q. Knowing what you know now.
18 A. Knowing what we all know now, yeah.
19 Q. Yeah.
20 LADY HALLETT: Of course it depends on what they knew then.
21 A. Well, what I'd say, my Lady, is that we were in contact
22 at this stage, in February and March, early in March in
23 particular, with other cities around the globe. So
24 we've not got a foreign office in City Hall, but what we
25 were doing is speaking to mayors. So I was speaking to

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1 you're saying is that there would have come a time
2 where, judging by the sort of severity of the virus, the
3 concerns about what may happen, you would have expected,
4 in parallel to your exchanges with PHE, to have started
5 being briefed by central government, you say
6 Downing Street, but that, as we will come to see, didn't
7 happen at that time or in fact for some time later?
8 A. Absolutely.
9 Q. Are you saying that on the basis of any experience or on
10 the basis of hindsight, or simply a feeling you had at
11 the time?
12 A. Well, without wishing to breach confidences,
13 for example, we were in close contact with the
14 government in advance of Operation London Bridge going
15 live, I don't want to be indelicate, but -- so there's
16 often conversations with the government about things in
17 advance of them becoming -- you know, us having to press
18 "go" on issues. And so that sort of stuff does happen.
19 It can be offline conversations, it can be direct
20 communications with me and my office.
21 We were chasing the government for information.
22 I've shared correspondence with you right into the
23 government saying, "Look, we've heard about this thing
24 happening, what do we do?"
25 Q. If I can just ask you to try and slow down a little when

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1 the mayor of Milan, we were speaking to colleagues in
2 Seoul, the mayor of Seoul, and colleagues in China, from
3 early March, in advance of any information from the
4 government. Now, my international relations team is,
5 I think, three people. I'd have hoped that the
6 Foreign Office was speaking to colleagues in China or
7 South Korea or Italy. We were in late February, early
8 March.
9 LADY HALLETT: Yes. I think we've moved on to March.
10 I think Mr O'Connor was at the moment dealing with early
11 February.
12 MR O'CONNOR: Yes, well, let's move on, Mr Khan, because the
13 paragraph we were looking at was, I think, located in
14 early February, but let's move forward a few weeks to
15 the period around the end of February and the beginning
16 of March.
17 As you say, there had been a number of COBR meetings
18 during February, to which you hadn't been invited. We
19 come, then, to Friday 28 February, and a request, we
20 know, was made on that day for you to attend a COBR
21 meeting that was due to take place at the beginning of
22 the next week, on 2 March, the Monday.
23 We can, for these purposes, just look at an email
24 exchange.
25 This is INQ000118997.

20

1 We see here sort of about -- the lower half of this
2 page, an email being sent from someone in your office
3 whose name has been redacted -- to I think it's
4 Clare Brunton in Number 10. It says this:

5 "The Mayor's Chief of Staff has asked whether
6 Number 10 intend to invite the Mayor to the Cobra
7 meeting regarding Coronavirus on Monday?"

8 That's 2 March.

9 "Given its large number of airports, hospitals, and
10 international visitors, London is of course potentially
11 one of the most at risk places."

12 I'm going to come back to that, but just to finish
13 off with this email, we can see that in fact on the same
14 day, on the Friday, later on in the evening, the reply
15 comes back no:

16 "... spoken to those leading ... the Mayor ... will
17 not be invited to the COBRA on Monday."

18 But just going back to your email, please, the
19 proposition is London is one of the places most at risk
20 because of its airports, hospitals, international
21 visitors and so on; that, of course, had been true since
22 the beginning of the virus. Did sending this email on
23 this day reflect some sort of developing understanding
24 on your part, or not?

25 **A.** It's the point I was making to Baroness Hallett, the
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1 not required but the PM has asked for a separate meeting
2 to take place with a Cabinet Minister."

3 Let's just look, if we may, at another set of
4 emails, this time internal at Number 10, to show how
5 that decision to refute -- not to invite you on that
6 occasion was reached.

7 So if we can look at INQ000214135, please.

8 At the bottom of that page we see the same email
9 from your member of staff, and then if we look, going up
10 the page, first of all Clare Brunton says to -- emails
11 saying she assumes "the answer is no again?" Then we
12 see the email from Eddie Lister, who was, was he not,
13 one of the Prime Minister's chiefs of staff or his chief
14 of staff --

15 **A.** Yeah.

16 **Q.** -- we've heard oral evidence from him -- saying that no,
17 he does think there needs to be a meeting of mayors,
18 perhaps with Matt Hancock.

19 Then another email from Clare Brunton saying that it
20 had been discussed at the 8.15 meeting and that the
21 general view was that there was in fact an argument for
22 you to be at the meeting.

23 Then at the very top, the sort of final response
24 from Eddie Lister:

25 "You can't have him without Street, Burnham
23

1 conversation we were having, but also open source data
2 showed this virus travels, we knew about what's
3 happening in northern Italy, we also knew it was
4 half term, and we also knew that London has a number of
5 airports that serve our city, Heathrow, Gatwick,
6 Stansted, City, the Eurostar and so on and so forth, so
7 I wouldn't be surprised if London was the first place
8 this virus came to. So I was cognisant of all that
9 in real time, without the benefit of hindsight. And it
10 just appears to me if we knew this in City Hall, and
11 we've not got at our disposal the expertise
12 Her Majesty's government has, why didn't they?

13 **Q.** If we just move the chronology on a week, we will see
14 that something very similar happened a week later.

15 If we could go, please, to INQ000119008.

16 If we look at the bottom of the page, there is
17 an email dated 8 March, which was a Sunday, again from
18 someone in your office to Clare Brunton. A request to
19 attend COBR, which was going to happen on the next day,
20 the next Monday. Very similar request: can the mayor
21 come to COBR? The reason being the "potential impact on
22 London and Londoners". This time, if we -- well, we can
23 see that the same response is received, if we can go up
24 to the top of that page, please, there's a response, in
25 fact, on the Monday morning, at 9.50: no the Mayor is
22

1 et al ..."

2 Reference to the mayors of Birmingham
3 and Manchester.

4 "... or is London more important than Manchester."

5 We heard from Lord Lister that that reflected his
6 view. In other words, one either invited all the
7 metro mayors, to use that term, or none of them. And
8 that is why, as we saw in the previous document, you
9 were not invited.

10 What's your reaction to that analysis and that
11 reasoning behind you not being invited to COBR at that
12 stage?

13 **A.** Well, firstly, I think it may well have been sensible to
14 invite Andy Street, Andy Burnham and other metro mayors
15 to COBR meetings rather than bilaterals, but secondly
16 they knew then, I knew subsequently, that London was
17 different. I knew subsequently London was different
18 because I was subsequently told that the pandemic was
19 having an impact on London ahead of the rest of the
20 country. The government were aware the challenges in
21 ICU, the challenges in our hospital, and the government
22 were aware about community transmission in London. So
23 there is an argument for London to be treated
24 differently at this particular time.

25 But secondly actually we know, and it was the case
24

1 then and it was the case in 2009, there is an ability
2 for COBR to have some people joining virtually anyway.
3 So there's no reason at all why others couldn't join as
4 well.

5 **Q.** I wanted to pursue that point with you. We've already
6 seen that the sort of headline reason, the justification
7 for the request for you to be at the COBR was because
8 London was special in this context, and we'll come back
9 to that. But the other point you made was: well, why
10 not invite the metro mayors? I mean, we know that the
11 devolved administrations were being invited to COBR at
12 that stage.

13 Leaving aside what you thought was, and as it turned
14 out was in fact the sort of advanced position of London,
15 imagine it was just a national emergency with no
16 particular region ahead of the other, in that context do
17 you think there's an argument for inviting a series of
18 metro mayors to a meeting like this?

19 **A.** It depends on the circumstances. So, for example, I had
20 no objection when there was a -- you know, a terrorist
21 attack in an arena in Manchester for the metro mayor
22 being present for those COBRs, because obviously it
23 affects Manchester. But we know that London's
24 population, as you've said before, is more than
25 9 million. It's more than Scotland and Wales put

25

1 documents like this amongst your -- the exhibits to your
2 statement. They are transcripts. Most of them, like
3 this one, say that they're a transcript of
4 David Bellamy. He was your chief of staff, was he not?

5 **A.** Correct. He still is, yeah.

6 **Q.** So can we take it that documents like this are typed-up
7 versions of contemporaneous written notes that he took
8 at meetings like this?

9 **A.** Correct, yeah. His handwritten notes are awful to read,
10 so I think the typed version means you can read then
11 what he's written, but I think the handwritten notes
12 have been disclosed as well.

13 **Q.** Yes. Yes, just so everyone knows that's what these
14 documents are.

15 I just want to draw your attention to a couple of
16 entries on this document, the notes of the meeting that
17 you had with Chris Whitty on that Wednesday 11 March.

18 First of all, only two lines down, we see an entry:
19 "CMO ..."

20 That's Chris Whitty, saying this is "going to be
21 a global pandemic". And then some detail.

22 Did Chris Whitty give you detail there that you
23 hadn't previously understood?

24 **A.** Well, firstly, it's just worth explaining, this meeting
25 was at my request. I'd contacted his office and said,

27

1 together. For example, did those COBR know most people
2 in London travel by bus or tube? More than 5 million
3 journeys by bus, more than 4 million by tube. So the
4 transmission is going to happen very, very quickly of
5 this virus. How many of those around COBR knew issues
6 around diversity, comorbidity, intergenerational
7 households, overcrowded accommodation? How many people
8 around COBR knew, for example, in London there are more
9 people who work on zero hours contract, work in the gig
10 economy, you know, work in frontline jobs where they can
11 catch this virus.

12 So my point being, it's not -- it's horses for
13 courses. In this particular case I can see no
14 explanation at all why, you know, the GLA, the Mayor of
15 London, we weren't around that table. I think lives
16 could have been saved if we were earlier.

17 **Q.** That was Monday 9 March, that COBR meeting, the second
18 COBR meeting to which you were not invited took place.
19 I want to move on and now ask you about a meeting that
20 took place a couple of days later, on Wednesday
21 11 March. That was a day on which you and some of your
22 staff met with Chris Whitty.

23 Shall we look first of all at a record of that
24 meeting, it's up on screen now. Before I ask you about
25 the detail of this document, Mr Khan, there are a few

26

1 "Look, we know about this pandemic I'd like to meet with
2 you to discuss this". Second, just to clarify,
3 Mr O'Connor, 2 March was the first time I was aware of
4 COBR, but there had been many COBRs in February, as
5 you're well aware, and in January, and so this was me
6 asking to meet Chris Whitty and, although I'd read the
7 phrase "global pandemic", Chris Whitty telling me
8 there's going to be a global pandemic, you know, was
9 shocking to hear from him, but it's a first time I'd met
10 with him since we knew about this virus and he was
11 telling me this is going to be a global pandemic.

12 **LADY HALLETT:** Mr Khan, could you go slower, there is
13 a stenographer --

14 **A.** I do apologise.

15 **LADY HALLETT:** No, it's easily done, I understand.

16 **MR O'CONNOR:** Let's just scroll down a little, please.

17 Yes.

18 Can you see the paragraph there that says:

19 "Think actual ... number 5-10k; London lead as
20 transport hub and density; no more than 2-3 weeks."

21 What was the information that Chris Whitty was
22 giving you there?

23 **A.** So what Mr Whitty, Professor Whitty, was telling us was
24 the numbers of people in London he thought had the
25 virus, the reasons why we were, if you like, ahead of

28

1 the others, why it was worse in London: because we are
2 a transport hub, airports, Eurostar, et cetera, and our
3 density, you know, the disease can be passed far quicker
4 because we're a dense city.

5 I think the reference to no more than two to
6 three weeks is in relation to before things get really
7 bad, because if you see later on he mentions priorities
8 next week, two to three weeks. He was worried,
9 you know, about the virus, about its impact on London.
10 That's how I received it.

11 **Q.** And just picking up on the point about London, the
12 position in London being ahead of the rest of the
13 country, if we could just go down a few more lines,
14 please. Yes.

15 If you can see just a little bit above the bottom of
16 the screen there, there's an entry "Get timing right for
17 London; too early for others but regional approach is
18 too confusing". That, again, seems to be consistent
19 with the idea that London is ahead of the rest of the
20 country and the measures that were being planned were
21 going to be designed to address the position in London
22 even if it meant they might be a bit early for the rest
23 of the country; is that right?

24 **A.** Without a doubt. Look, it's difficult to articulate the
25 impact this meeting had on me in relation to hearing
29

1 me about the impact of the virus. This was in advance
2 of me going to the first COBR. I think Saint Patrick's
3 Day was going to take place, the event in Trafalgar
4 Square, that Sunday.

5 **Q.** Yes. Let's pick up the chronology again, then. So that
6 was the Wednesday 11 March. At the end of that -- no,
7 sorry, the next day, in fact, on Thursday 12 March,
8 there was another COBR meeting. We can look briefly at
9 another of these email exchanges.

10 INQ000118843, please.

11 Quite a familiar exchange by now, at the top half of
12 the page, an email on that day, early -- at lunchtime on
13 12 March, to Clare Brunton asking if you could attend.
14 Presumably the meeting was in the afternoon. Simply
15 repeating the request, really, and saying:

16 "... we think it important that he is there
17 representing London."

18 And the answer comes back:

19 "... checked with the team and I'm afraid not."

20 You've already described your frustration at not
21 having been at the earlier meetings, presumably coming
22 the day after your meeting with Professor Whitty.
23 Perhaps you were even more frustrated at that?

24 **A.** Can I just go back to a point you've mentioned about the
25 powers or lack of in relation to NPIs. So the only

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1 this from the CMO. It was quite clear it was coming our
2 way, this virus, and we'd be affected badly, but also
3 the response from him was trying to explain to me the
4 reasons why the other parts of the country weren't yet
5 affected, because us being the transport hub and so
6 forth, it made sense when he explained it the way he
7 did.

8 **Q.** And in summary, what Professor Whitty was telling you at
9 this meeting was confirming, obviously, also adding much
10 more detail, the consideration, the suspicion that you
11 had had before, which is that London, because of its
12 status as a transport hub and proximity of so many
13 people living together, would be ahead of the rest of
14 the country in the development of the virus?

15 **A.** Absolutely. I think at this stage, Mr O'Connor, we may
16 have had an example where a school had pupils who had
17 the virus and that school may have closed down because
18 of a skiing holiday in Italy. So that was also at the
19 fore of my mind, I was aware that the virus was in
20 London because of the school closure. But it's clear
21 from what Chris Whitty was saying, the impact on London
22 was going to be huge.

23 An example of how I received it was that week
24 I decided to cancel the Saint Patrick's Day event on the
25 Sunday just on the basis of what Chris Whitty had told
30

30

1 powers I had was to do things like enhanced cleaning on
2 the Underground, which I did that week cancelling
3 St Patrick's Day on the Sunday, so that's me not being
4 properly briefed by everybody but just by the CMO. So,
5 yeah, to say I was frustrated is a fair understatement.

6 **Q.** We then go into the weekend. You've mentioned you
7 cancelled the St Patrick's Day event. There was yet
8 another COBR meeting on Monday 16th. Of course,
9 the Inquiry has heard a lot of evidence about meetings
10 and so on that took place at Downing Street and the
11 Cabinet Office on the Friday, the 13th, and over that
12 weekend, in fact. But then there was another COBR
13 meeting on Monday 16 March, and on this occasion you
14 were invited to attend.

15 Were you given an explanation at that point as to
16 why you were being invited then but hadn't been invited
17 previously?

18 **A.** No.

19 **Q.** Let's look, if we may, back at your witness statement
20 where you provide an account of that meeting on Monday
21 16th. It's paragraphs 82 and 83 on page 19 of your
22 statement.

23 We can see then at paragraph 82 you refer to
24 attending that meeting on the Monday the 16th. You
25 refer to it being stated at the meeting that:

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1 "... London was 'a few weeks' ahead of the rest of
2 the country."

3 Then in the paragraph below, you say that this was
4 a moment you'll never forget.

5 Can you expand on all of that for us, please.

- 6 **A.** I mean, I was told for the first time by the
7 Prime Minister and others how bad things were. I'd been
8 briefed by the CMO the week earlier, but not with the
9 colour that the current meeting presented the challenges
10 in London. When I told -- which is, the concentrations
11 of the cases in ICUs in London are really serious. The
12 Prime Minister is using words like "This is the biggest
13 challenge we're going to face since the Second World
14 War. Draconian measures are going to be needed". And
15 this is not in any way, you know, sort of delusions of
16 grandeur, but I had been kept in the dark as the elected
17 mayor of London, but also realising there are things we
18 could have done in relation to some of these issues,
19 some we did -- St Patrick's Day, enhanced cleaning on
20 the Underground -- others we didn't do. And I was quite
21 clear -- not in any way to sound panic driven, but I was
22 alarmed by what I was being told in relation to where we
23 were and where we may go to. And I will never forget
24 that sort of feeling of lack of power, lack of
25 influence, not knowing what's happening in our city.

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1 coalface of London and can respond.

2 So I'll give you an example, in relation to some of
3 the lobbying in the absence of power to the
4 Prime Minister that led to action. The lockdown was --

- 5 **LADY HALLETT:** Well, I think Mr O'Connor is going to come to
6 that. Sorry, my question may have pre-empted.

- 7 **A.** The point I was making, my Lady, was had I been at any
8 of the COBRs, I could have pointed out some of the
9 reasons why community transmission was going to
10 accelerate in London. Because I wasn't present there,
11 those views weren't aired and weren't responded to.

12 **LADY HALLETT:** Thank you.

- 13 **MR O'CONNOR:** As my Lady says, Mr Khan, let's come then to
14 the next period. We know there was a week in fact
15 between that COBR meeting we were just discussing on
16 Monday 16th and the following Monday when the national
17 lockdown was announced by the Prime Minister.

18 You had a number of exchanges with the
19 Prime Minister during that week. And first of all,
20 I want to ask you about a meeting that took place on the
21 Thursday of that week, Thursday 19th, which you give us
22 some detail about in your witness statement.

23 If we could go on, please, to paragraph 88 of your
24 witness statement. You say here that you requested
25 a meeting with the Prime Minister, and it would appear

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1 **Q.** Now --

2 **LADY HALLETT:** Sorry, could I just ask what you would have
3 done -- I mean, you'd been told on 11 March by the CMO
4 that there was going to be a global pandemic, and it was
5 coming to London, and the impact was going to be huge,
6 but you said you had limited powers. Had you --
7 supposing that message had come from government as
8 opposed to Chris Whitty, who obviously is a government
9 employee, what would you have done differently in those
10 five days?

- 11 **A.** Some of the things that happened subsequently. So it's
12 me that lobbied the Prime Minister to go to lockdown.
13 It was me that lobbied the Prime Minister in relation to
14 the inability to keep social distancing on public
15 transport, so people shouldn't be using public transport
16 unless they had to.

17 **LADY HALLETT:** So we're talking about lobbying; we're not
18 talking about specific actions because your powers are
19 limited.

- 20 **A.** That's the joy of COBR, my Lady, that you can put your
21 views forward to people with the power, and they can
22 take power. So because COBR is chaired by the
23 Prime Minister, he can act, if you like, as a referee
24 between different points of view between the Cabinet,
25 but take some more representations from somebody at the

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1 that request was granted, and it was on that day,
2 Thursday 19th, that you and your chief of staff
3 David Bellamy, actually went in person to Downing Street
4 and had a meeting with the Prime Minister.

5 Moving on in your statement, at paragraph 89,
6 please, you describe -- if we can go to the rest of the
7 paragraph, please, over the page -- drawing on your
8 knowledge of what was happening in other countries, you
9 say:

10 "Many other countries had introduced some form of
11 lockdown by this point ..."

12 You felt strongly that, in summary, hospitality
13 venues should be closed, and this is something that you
14 said to the Prime Minister at that point; is that right?

- 15 **A.** It is. But can I explain? We had a massive advantage
16 as a country, which was that the pandemic was happening
17 elsewhere weeks in advance of us, so we could see what
18 was working elsewhere and see what wasn't working, and
19 it seemed to me that advantage wasn't being used.

20 And so we knew from the proactive work we'd done
21 from City Hall what was happening elsewhere. I'd spoken
22 to the leaders of other cities around the world to see
23 what actions they had taken, and we were an outlier.

- 24 **Q.** The Inquiry has heard that the sort of Number 10
25 machine, if you like -- politicians, civil servants,

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1 scientists -- had spent much of the weekend before this
2 Thursday locked in meetings, trying to understand the
3 data, discussing which NPIs should be imposed. A series
4 of NPIs had been imposed, had they not, a day or two
5 before this Thursday? And certainly the evidence we've
6 heard is that what came to be described as lockdown had
7 been considered and was under consideration during this
8 period.

9 Is that something you understood at the meeting, or
10 did you think you were raising something that the
11 Prime Minister hadn't already heard?

12 **A.** No, it was clear that some of these things were -- had
13 been surfaced, but the Prime Minister wasn't persuaded.
14 So I'll give you an example in relation to my surprise.

15 The Prime Minister wasn't aware that in other parts
16 of the world they had lockdowns in place and fines could
17 be issued if you breached the lockdown. I was surprised
18 he wasn't aware of that in relation to what's happening
19 elsewhere.

20 **Q.** He said that, did he?

21 **A.** Yeah, because my chief of staff gave the example of
22 Milan in relation to the imposition of fines. The
23 Prime Minister wasn't aware, for example, in France
24 there were some tensions because Parisians were going to
25 other parts of the country, and so it was important to

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1 powerful. You're Conservative, I'm Labour, that's
2 a really powerful thing for both of us to be addressing
3 London." And that point landed with Dom Cummings and
4 with the Prime Minister, I thought. And he said,
5 "You're right. Let's have a press conference together".
6 And so I left Downing Street to return to City Hall
7 because it was going to be some hours left, the press
8 conference, so I could get my words together and so
9 forth.

10 **Q.** Let's just look, if we may, at paragraph 92 and towards
11 the end of that paragraph, because it's here that you
12 describe, after you had gone back to City Hall,
13 receiving a call from Dominic Cummings to say that the
14 decision had been made not to go ahead with the press
15 conference.

16 His explanation for that, partly, was that the
17 matter would be discussed further at COBR the next day,
18 but also this: he was concerned about the impact on the
19 financial markets and thought an announcement on the
20 Friday, as the markets were about to close for the
21 weekend, would be better.

22 Now, one of the broad themes the Inquiry is
23 addressing is this question of balancing economic
24 considerations against the health benefits of imposing
25 NPIs. That would seem to be a perfectly logical way of

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1 keep people confined to where they were. That was the
2 conversation we were having. And I was surprised at the
3 lack of awareness of some of these things.

4 **Q.** You go on in your statement, Mr Khan, to describe the
5 exchanges at this meeting, and in summary, tell me if
6 I've got this right, you and Mr Johnson agreed that
7 there would be a press conference that day, later on, on
8 the Thursday, where you would both appear together and
9 ask hospitality venues to close. And subsequently, you
10 got a message to say that that wasn't -- I mean --
11 sorry, I've leapt ahead.

12 You then left Downing Street to go back to City Hall
13 to prepare for the press conference, but you then got
14 a message to say that there had been second thoughts and
15 that the press conference wasn't going to go ahead after
16 all. Is that a -- I'm going to come -- take you to that
17 particular part of your witness statement in a moment,
18 but is that a summary of what was discussed at the
19 meeting?

20 **A.** It is, but it's just worth explaining. It was quite
21 clear during the meeting that the Prime Minister was
22 hesitant to bring in measures. I made the point to him:
23 "Look, you're a libertarian. I'm somebody who's
24 passionate about human rights. If we're both saying to
25 London we've got to have restrictions, that is really

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1 balancing those competing considerations, on one view,
2 Mr Khan.

3 **A.** In isolation, yes, but what it does, it avoids the link
4 between lives and livelihoods. The link between the
5 health of individuals and the health of the economy. We
6 know and they knew at the time that community
7 transmission -- community transmission means people
8 catch this virus very, very quickly, which inhibits
9 their ability to be good workers, productive workers,
10 and so forth. So I couldn't disagree with him saying
11 the impact on the markets and so forth. My frustration:
12 a further 24 hours of this virus spreading, what impact
13 would that have on the financial markets, on our
14 productivity and so forth?

15 **Q.** It's an example of, in this case, the Prime Minister
16 trying to balance the health impacts against the
17 economic impacts of taking these decisions.

18 **A.** We didn't get a chance to discuss it.

19 **Q.** Well, you're right. He'd already taken that decision
20 and told you of his decision.

21 **A.** That's right.

22 **Q.** We see there a reference to the COBR for the next day.
23 That was Friday 20 March. You attended that COBR
24 meeting as well, did you not?

25 **A.** Yes, I did. Yeah.

40

- 1 **Q.** And it was this COBR meeting, if we look at paragraph 94
2 of your statement, please, about four lines down you
3 say:
4 "The PM was not at this COBR meeting, which I found
5 extraordinary given the circumstances."
6 Were you -- did you ask, were you told, why the
7 Prime Minister was not at that COBR meeting?
8 **A.** I can't -- I can't remember. It must have been raised
9 but I can't remember the explanation why he wasn't
10 there.
11 **Q.** Do you remember having any reaction to whatever
12 explanation you were given?
13 **A.** It surprised me, because one of the huge advantages of
14 the Prime Minister chairing COBR is often, not
15 unreasonably, there will be different points of view,
16 and the Prime Minister, as the boss, can arbitrate on
17 the different points of view. To paraphrase you, he can
18 balance those points of view. And with respect to
19 Michael Gove as the Chancellor of the Duchy of
20 Lancaster, if there was a difference, it's quite
21 difficult for him to arbitrate and decide, although, to
22 give Michael Gove credit, he did.
23 **Q.** In any event, you can't -- we may well hear from
24 Mr Johnson, but you can't remember why it was that --
25 **A.** No.

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- 1 **Q.** -- from home.
2 **A.** Yeah.
3 **Q.** And sent it to him by email, one assumes?
4 **A.** Yeah.
5 **Q.** If we can go down to about the fourth paragraph, please.
6 Yes, sorry, one more paragraph, thank you.
7 So we can see in the paragraph that starts "I am
8 hearing time and again" your concerns about the measures
9 that had been imposed to date. And at the end of that
10 paragraph, you refer to the fact that -- we've talked
11 about at some length -- that London being a few weeks
12 ahead of the rest of the country and so on.
13 And it's in the next paragraph that you make your
14 sort of request or you advocate a particular step for
15 the -- that you think the Prime Minister ought to take.
16 You say:
17 "There needs to be an immediate strengthening of the
18 public health messaging to London. Advice is being seen
19 as something that can be ignored. I do not use the
20 phrase lockdown lightly, but I believe Londoners must be
21 told to stay home unless they are an essentially worker,
22 are buying food, or collecting medication from
23 pharmacists. Alongside this, there must be clear
24 reassurances ..."
25 And so on.

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- 1 **Q.** -- he wasn't at that meeting.
2 Later on in this paragraph, you describe a sort of
3 shifting. Initially, a -- the meeting being in favour
4 of pushing off the closure of hospitality venues into
5 the weekend but a counterargument being made that it
6 should be that day, at the end of the day, on that
7 Friday.
8 **A.** That's right.
9 **Q.** And in the end, that other argument, the Friday
10 argument, prevailing.
11 **A.** That's right. And this was to Michael Gove's credit.
12 He decided to agree with those of us lobbying for Friday
13 night rather than Saturday.
14 **Q.** There's one more sequence of exchanges between you and
15 the Prime Minister that I want to ask you about in this
16 part of the chronology, and that is a letter you wrote
17 and then a call you had with him on Sunday 22 March.
18 Let's look, please, at the letter first.
19 So that is INQ000118939.
20 So let's remind ourselves. As I say, Mr Khan, this
21 was the Sunday just before the lockdown was announced,
22 in fact, the next day.
23 One gets the impression from your statement you were
24 at home on that day, but you wrote this letter --
25 **A.** Sure.

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- 1 So you are at that point advocating for what became
2 known as a mandatory lockdown.
3 If we could just go over the page, please, one more
4 paragraph, you say this, at the end of the letter:
5 "... alternatively, if you insist on continuing with
6 the same course [by inference that means not adopting
7 a mandatory lockdown], I will be left with no choice but
8 to speak directly to Londoners with a tougher message if
9 it means thousands of people's lives could be saved."
10 What do you mean by you are -- you're not
11 threatening him, but you are indicating that if he
12 doesn't do what you're to asking him, you will take
13 a different course. What exactly were you proposing
14 there?
15 **A.** Well, in a crisis, it's really important there's one
16 message being given to citizens, otherwise that can lead
17 to confusion. My frustration at the lack of clarity
18 from the government's messaging, "Don't use public
19 transport but go to work", "These shops are closed down
20 but you can go out and about and keep town centres
21 busy", and so forth, was leading to confusion. And the
22 point I was trying to get across is, if it's the case --
23 and I knew this from the conversation I had with him and
24 Dom Cummings on the Thursday -- if it's the case you
25 yourself for a variety of reasons don't want to have

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1 a stricter message, I will say to Londoners, you know,
 2 do certain things to save your lives, which will save
 3 livelihoods.
 4 **Q.** So as we've explored, it wouldn't have been open to you
 5 to order a mandatory lockdown yourself, what you're
 6 describing there is, as it were, departing from the
 7 government's messaging. You would be saying something
 8 different to the government, you would be encouraging
 9 Londoners to do more, by way of staying at home and so
 10 on, than the national government was telling them?
 11 **A.** Yeah, I have very limited statutory powers in relation
 12 to the NPIs, for the reasons you've said. It's about
 13 the messaging.
 14 **Q.** Yes. So that was a letter that was sent by email to the
 15 Prime Minister on that Sunday, and it's right, isn't it,
 16 that you spoke to the Prime Minister on the telephone
 17 later that day?
 18 **A.** That's right.
 19 **Q.** If we could have on screen, please, INQ000118944.
 20 Now, this is a similar transcript, are you able to
 21 help us with who wrote this? It doesn't say that it was
 22 Mr Bellamy that wrote it.
 23 **A.** No, this was written by, I think, Ali Picton, who is the
 24 director of operations in my office.
 25 **Q.** Was he listening in to the call --
 45

1 say:
 2 "There is a trade off, we can't just completely
 3 screw up the economy."
 4 Then still further, down to the next page, please,
 5 that first entry at the top of the next page.
 6 Again Mr Johnson is saying:
 7 "We don't want to cripple the economy."
 8 I'll ask you about that in a minute, but more
 9 generally, was it your understanding at this stage, on
 10 the Sunday, that Mr Johnson still hadn't decided in his
 11 own mind whether to take that step of imposing
 12 a mandatory lockdown?
 13 **A.** That's right.
 14 **Q.** Then, help us, these repeated references to the
 15 economy --
 16 **A.** Sure.
 17 **Q.** -- does that give us a clue as to what Mr Johnson was
 18 thinking on that day?
 19 **A.** I mean, you'll see from the contemporaneous records of
 20 our meetings that I'd raised the issue of the economy as
 21 well. The first time I met with him I raised the issue
 22 of my concern about those on a zero hours contract,
 23 those in the gig economy. I'd in fact after the first
 24 COBR written to the Prime Minister and suggested
 25 a sub-COBR dealing with the economy. I was also
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1 **A.** She was, yeah.
 2 **Q.** Sorry, she.
 3 **A.** I mean, when it goes through a switch you can have more
 4 than two people on a call. Number 10 Downing Street has
 5 a switch and they connect more than two people on
 6 a call.
 7 **Q.** So this was a note taken by your official of the call
 8 between you and Mr Johnson --
 9 **A.** That's right.
 10 **Q.** -- on that day.
 11 We can see then there was a discussion which, as it
 12 were, continued the debate from your letter, because we
 13 can see in the first line Mr Johnson saying he had seen
 14 that letter. One of the things that's notable about
 15 this conversation is Mr Johnson repeatedly stresses his
 16 concern about the economic costs of the lockdown,
 17 Mr Khan.
 18 If we scroll down a little we see the entry
 19 saying -- starting:
 20 "BJ: Will talk to team overnight."
 21 We can see at the end of that entry he is saying:
 22 "But this comes at great economic cost."
 23 Just scroll down a little further, please.
 24 So the entry starting "It's better if we can
 25 co-ordinate as much as possible". Again, he goes on to
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1 cognisant of the impact on the economy.
 2 I was also aware by this stage a lot of Londoners
 3 had already lost their lives. I think 148 Londoners had
 4 lost their lives by this Sunday. And the point I was
 5 trying to get across to the Prime Minister was the link,
 6 as I've said, between lives and livelihoods. And
 7 actually had we got a grip of the virus earlier, had
 8 an earlier lockdown, in my view, it would have been
 9 shorter and have had less of an impact on the economy.
 10 **Q.** We'll come back to this point in the context of the
 11 debates later in the year, Mr Khan, but tell us what
 12 your understanding was of how the discussion was left at
 13 the end of this call. Had Mr Johnson made his mind up,
 14 or was he saying that he would reflect further and let
 15 you know?
 16 **A.** Oh, no, it's quite clear from -- you'll see the last
 17 four interactions that he was considering what -- he was
 18 considering what I'd said, but he hadn't been persuaded
 19 to the points I was making. But you will see it ends by
 20 saying let's speak again tomorrow.
 21 **Q.** Yes. Did you in fact speak again the next morning? We
 22 know that the next day, at the end of the day,
 23 Mr Johnson made his announcement. But did you, the two
 24 of you, speak again, or can you not remember?
 25 **A.** I suspect by the next morning we'd have known there was
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1 a COBR taking place that day, which may be the reason
2 why we didn't speak.

3 **Q.** Yes. In any event, it's right, isn't it, that it was
4 the next day, after the COBR, that the announcement was
5 made that the mandatory lockdown was to come into force?

6 **A.** That's right.

7 **Q.** Let me move on. I've got a couple of shortish series of
8 questions to ask you perhaps before we have a break.

9 Following the imposition of the lockdown, there were
10 concerns, were there not, about the availability and the
11 way in which -- the availability of PPE within London
12 and the way in which it was being passed out, allocated
13 to the workers who needed it.

14 If we look at paragraph 292 of your statement, you
15 address this issue there. It's on page 64.

16 Now, as you observed, Mr Khan, this issue will be
17 the subject of another module within the Inquiry, so I'm
18 not going to take you into great detail about PPE, but,
19 as we can see, this was a matter that concerned you in
20 the early months of the first lockdown. Perhaps you can
21 just explain in general terms what you understood to be
22 the problem?

23 **A.** So if I can explain, one of the things I was doing was
24 chairing a London leaders meeting. That was the leaders
25 of councils, who are responsible for a lot of

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1 So this is a letter of 13 April, Mr Khan, though you
2 refer in it to two earlier letters, of 31 March and
3 8 April.

4 It's the first paragraph underneath the heading
5 "PPE", where you refer to what you describe, it's
6 a phrase that comes up twice in this paragraph,
7 "inconsistent supply" of PPE. Was that an issue that
8 you were concerned about, it would seem, both in March
9 and as late as 13 April?

10 **A.** Absolutely. Just to be clear, I was hearing stories
11 about care workers, you know, doing DIY PPE because
12 there was no PPE in some of these care homes.

13 **Q.** So is this then an example of you raising these problems
14 that you had heard through that sort of web of --

15 **A.** Absolutely.

16 **Q.** -- contacts that you had?

17 **A.** Absolutely.

18 **Q.** Without going into detail, were these problems resolved
19 in your experience or did they carry on?

20 **A.** They carried on for some time. At some stage later on
21 we offered the London Fire Brigade to take
22 responsibility for logistics, so they would be sent
23 a lot of the PPE, be told where it needs to go and the
24 LFB would organise, in Croydon, from where the PPE
25 should go. But that happened some time later though.

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1 social care. And they were telling me the challenges
2 they had in getting personal protective equipment to
3 their social care workers who were in the frontline
4 looking after people in social care. There was
5 a separate conversation from those in the police
6 service, those in transport, those elsewhere, about what
7 kit they should have, and there was a separate lobbying
8 taking place from those in the healthcare profession
9 about a lack of proper PPE for their members as well.

10 Your point earlier on about the role of the Mayor,
11 what it means is you get lots of different people coming
12 to me raising concerns, from health workers to council
13 leaders responsible for social care, to those bodies
14 that I'm responsible for, and others. And I was
15 articulating to the Secretary of State the concerns that
16 were being raised to me and asking for a proper
17 response.

18 **Q.** Yes.

19 One of the themes that appeared to have been raised
20 and which you referred to there, was a logistical issue,
21 so not so much whether the PPE was available but how it
22 was passed out to those who needed it, and we can see
23 this referred to in fact not in the letter you refer to
24 in that paragraph, but in a slightly later one.

25 If we can go to, please, INQ000118830.

50

1 **Q.** One more topic, it's related, which is the question of
2 face coverings. Can we look, please, at paragraph 170
3 of your statement on page 38.

4 Just to be clear, Mr Khan, in broad terms, when we
5 speak of PPE, we are talking about specialist kit
6 provided to emergency services, healthcare staff and so
7 on. In contrast, this debate that you engage with about
8 face coverings was really focused on people, ordinary
9 people not necessarily at all associated with the
10 emergency services or health staff, whether they should
11 wear, as we will see, in some -- many cases, home-made
12 or simple fabric face coverings.

13 **A.** Your question raises a really important point, which is
14 there was an understandable concern about finite PPE.
15 It was being rationed as a consequence. So
16 I deliberately didn't use the word "face mask" where
17 I could avoid it, because that would conflate a finite
18 rationed resource with something that's available
19 infinite, which is face coverings which you can make at
20 home and all the rest of it, which in itself, we'll come
21 to later on I hope, can be really helpful in stopping
22 the virus spreading.

23 **Q.** Yes, so there is that distinction and we're on the right
24 ground. As you say, this is something that you
25 advocated for over some time, was it not, during the

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1 pan?

2 **A.** I think the first time I wrote to the government about
3 this was in early April.

4 **Q.** Yes, I'm going to take you to that letter in just
5 a moment.

6 Just the starting point, Mr Khan, you say here at
7 paragraph 170 that:

8 "In the very early stages of the pandemic,
9 particularly before the first national lockdown ... the
10 effectiveness of wearing a face covering as a general
11 public health measure was unclear."

12 I just want to ask you whether it was at that stage
13 particularly unclear, because in fact in this paragraph
14 and, in fact, the paragraph that follows, you then
15 recite a series of views or judgements made by
16 individual scientists, scientific bodies, the World
17 Health Organisation, who were all in fact unanimous in
18 the early stages that face masks were not going to be
19 a helpful tool -- face coverings were not going to be
20 helpful or useful in the context of this pandemic.
21 That's right, isn't it?

22 **A.** That's very fair. And this is the point about, as the
23 scientific knowledge evolves, as we discover more,
24 because we're -- because, thankfully, we got the various
25 after others, we can see what's working elsewhere and

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1 on this issue, Mr Khan?

2 **A.** I should explain, the Prime Minister was unwell in
3 hospital so Dominic had taken over, and so that's why
4 I was writing to Dominic Raab rather than the Prime
5 Minister.

6 **Q.** Indeed. So we will -- this is something we've already
7 heard evidence about, that by 8 April Dominic Raab was
8 taking the place of the Prime Minister because of his
9 illness.

10 Now, in the first line of this letter you refer
11 there to the use of non-medical face coverings, and does
12 this pick up on the point you've already made, which is
13 that you were wanting to distinguish what we have been
14 describing as face coverings from the sort of PPE-style
15 specialist equipment?

16 **A.** Spot on. The other key word in that first line is
17 "reviews". To your point, I appreciate the initial view
18 may have been not a sensible use but I'm saying to the
19 government: review that in light of -- what I go on to
20 say.

21 **Q.** Yes. In fact just to finish off this point, if we could
22 briefly look at the end of this letter on the next page,
23 you -- yes, so the paragraph starting "I recognise", you
24 are there explicitly recognising that there is an issue
25 about reserving specialist equipment for those in the

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1 then learn from it. And this is a really good example
2 of initially the view being face coverings don't really
3 make much of a difference, very soon though, across the
4 globe and including in our own very SAGE on 21 April,
5 the evidence of the conclusions changed, yet the
6 decisions taken by our government didn't.

7 **Q.** Surrounding ourselves on this very early stage, as you
8 recite, there was really, certainly within the UK
9 scientific community, a consensus that they weren't
10 helpful.

11 **A.** Up until April 20th, yeah.

12 **Q.** Including -- we haven't touched on STAC, that stands for
13 the London Science and Technical Advice Cell; in
14 summary, is this right, it was your own London sort of
15 version of SAGE?

16 **A.** That's a very fair summarily.

17 **Q.** So you in fact asked them about face coverings, having
18 seen what SAGE had said. And they agreed, we can see
19 here, they provided a briefing note suggesting that the
20 disadvantages would outweigh the benefits?

21 **A.** That's fair.

22 **Q.** So that at least was the context for the letter that
23 you've just mentioned. And let's look at that, please.
24 It's INQ000118829.
25 I think you said this was the first letter you wrote

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1 NHS and other services who need it and that you are
2 expressly not talking about competing with them --

3 **A.** Exactly, exactly.

4 **Q.** -- for these face coverings.

5 But then if we can just go back to the first page,
6 please, most of this letter is taken up with you
7 referring to other countries where the practice is
8 different and countries where, in one way or another,
9 face coverings among the general population have been
10 encouraged, some in different settings than others?

11 **A.** That's right. Our own research had shown, from the
12 Centers for Disease Control in the USA, to the chief
13 medical officer in Canada, to these other mayors from
14 cities we were speaking to, that they were using face
15 coverings to -- if you've got the virus, it could be
16 asymptomatic, it prevents the droplets spreading to
17 somebody else who may catch it. And also in April read
18 articles in the BMJ and Lancet which were also talking
19 about how useful face coverings can be.

20 **Q.** So if we just scroll down, we can see you refer to the
21 Austrian government, then there are a series of examples
22 taken from the United States, a little bit further down,
23 I think for the last one, Canada?

24 **LADY HALLETT:** Have I misrecorded, I thought you said that
25 your expert advisory body said on 6 April that the

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1 disadvantages outweighed the benefits?
 2 **A.** That's right. So there's two things happening: one is
 3 the evidence given by Professor Paul Plant to the London
 4 health assembly; two is the work of STAC, which is the
 5 London -- call it SAGE for shorthand. In addition you
 6 had all this stuff taking place across the globe, so I'm
 7 asking the government to review -- because they've got
 8 the advantage of SAGE -- STAC is not quite SAGE -- so
 9 I'm asking the government to review the advice from SAGE
 10 based upon all these things that I point to.

11 **LADY HALLETT:** So is the answer: did I misrecall? I thought
 12 you had said the 6 April advice you received from your
 13 expert body was the disadvantages --

14 **A.** Outweighed, correct.

15 **LADY HALLETT:** Have I got it right or wrong?

16 **A.** You've got it correct.

17 **LADY HALLETT:** Right. So had anything changed between
 18 6 April and you're writing this letter of 8 April, so
 19 you had had expert advice, disadvantages outweigh
 20 advantages, and then on 8 April you reference what's
 21 happening abroad. Had anything changed in those two
 22 days?

23 **A.** The evidence from abroad, which I had managed to get
 24 together from our own desktop research, which I'm not
 25 sure -- I'm not sure STAC had. So I'm saying, "Look,

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1 "I was disappointed by this response, which I felt
 2 gave short shrift to the legitimate concerns I had
 3 repeatedly raised on face coverings. Notwithstanding
 4 the science" --

5 **LADY HALLETT:** I think this is going too political, the
 6 second part.

7 **MR O'CONNOR:** Well, can I just ask you a general question,
 8 Mr Khan.

9 We've heard a lot in this Inquiry about following
 10 the science. Is it fair to say that on this issue of
 11 face coverings, the UK government did in fact follow the
 12 science, in the sense of repeatedly asking expert bodies
 13 to review the position and, when the scientific
 14 understanding changed, more or less, changing the
 15 guidance, in some cases making mandatory requirements?
 16 So in that context, at a high level, were they not, in
 17 fact, on one view, acting appropriately?

18 **A.** No, because the SAGE group of experts who met -- who
 19 concluded face coverings would make a difference
 20 concluded that on April 21st. The use of face coverings
 21 only on public transport became mandatory some months
 22 later, in June. The use of face coverings in shops only
 23 became mandatory in late July. The use of face
 24 coverings in museums, galleries and so forth only became
 25 mandatory in August. Had the government been following

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1 I've done this research, can you review your expert
 2 advice based upon this research that I've gathered?"

3 **LADY HALLETT:** Thank you.

4 **MR O'CONNOR:** I'm close to the time. Just a couple of final
 5 points to finish off this point, Mr Khan, if I may.

6 Your witness statement addressing this issue then
 7 takes us through the following months where, bit by bit,
 8 as you've, said the scientific advice changed and, stage
 9 by stage, the UK Government changed its advice and then
 10 its mandatory -- it imposed various mandatory conditions
 11 about where face coverings had to be worn, different
 12 places, transport networks, and so on.

13 Just with that in mind, I'd like to take you to look
 14 at paragraphs 184 and 185 of your witness statement. On
 15 page 41.

16 184 refers to a letter from Matt Hancock, in fact
 17 replying -- not replying to the letter we've just looked
 18 at but one which had been written a few days later, but
 19 stating that government expert groups had considered
 20 that face masks -- rather, had considered the use of
 21 face masks, decided there was not sufficient evidence to
 22 recommend their use but that they are "currently
 23 re-reviewing" the position in the light of the "latest
 24 available evidence".

25 Then you say this:

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1 this scientific evidence after that SAGE meeting on
 2 April 21st, they would have advised people, in fact made
 3 it mandatory, to wear face coverings on public
 4 transport, shops, museums and galleries from the end of
 5 April rather than, eventually, August.

6 **MR O'CONNOR:** Right, Mr Khan, I'm not going to ask you any
 7 more about that issue. My Lady, I wonder if that's
 8 a convenient moment.

9 **LADY HALLETT:** Certainly. I shall return at 12.05.

10 (11.50 am)

(A short break)

12 (12.05 pm)

13 **LADY HALLETT:** Mr O'Connor.

14 **MR O'CONNOR:** Mr Khan, I want to move on and ask you some
 15 questions about your engagement with, first of all,
 16 other mayors within England, and, secondly, with the
 17 leaders of the devolved administrations during the
 18 pandemic.

19 So addressing the mayors first, of course we have
 20 had a discussion about the sense in which London was
 21 a special case in those early weeks and months of the
 22 pandemic, the virus being ahead in London compared to
 23 other parts of the country. But it's right, isn't it,
 24 you describe in your witness statement, following the
 25 first lockdown, a degree of engagement and discussion

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1 between you and the other elected mayors in the country?
 2 **A.** It's true. At the time, there were nine metro mayors
 3 across the country, and we meet regularly -- we met more
 4 regularly during the pandemic -- and it's cross-party.
 5 I think there were two Conservative, seven Labour, and
 6 it's a very collegiate fora for us to discuss what's
 7 happening in our respective regions.
 8 **Q.** Just let me interrupt you, and let's look, if we may, at
 9 paragraph 48 of your witness statement where you address
 10 this issue.

11 The M9/M10 group of mayors, as you say, the number
 12 increased by one during the pandemic. Do we take it,
 13 from what you just said, that this was an arrangement
 14 that pre-dated the pandemic?

15 **A.** Yeah. We used to meet less frequently before the
 16 pandemic, and it has become less frequent since the
 17 pandemic ended, but during the course of the pandemic,
 18 lots of regular meetings, and our staff were on
 19 first-name terms because of the good collabs of working.

20 **Q.** And then if we scroll down to the next paragraph of the
 21 statement, you then talk about calls with leaders of the
 22 devolved administrations.

23 Was this something that took place between you and
 24 individual leaders of the devolved administrations, or
 25 was it linked in some way to the M9/M10 meetings?

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1 and shift in what direction?

2 **A.** Yeah, I think the last COBR had happened on 10 May, and
 3 there was a concern about the mixed messages on the one
 4 hand, ostensibly return to work on the other hand, don't
 5 use public transport. And there was a concern that
 6 there were these mixed messages about speaking to us and
 7 our experiences on the coalface. I'd argue
 8 Nicola Sturgeon or Mark Drakeford or Arlene Foster knows
 9 a lot more what's happening in their respective regions
 10 than a civil servant in Whitehall or DFT, and that was
 11 the frustration that they were sharing with me. That
 12 was my frustration in London as well.

13 **Q.** We have seen evidence that at around this time, and then
 14 as 2020 progressed, Mark Drakeford and others, he in
 15 particular, was writing letters asking for more COBR
 16 meetings. Is this part of that same dialogue?

17 **A.** Correct. I mean, from memory, the last COBR I attended
 18 was 10 May. I'm not aware if there were other COBRs
 19 with the First Ministers and without me. But it goes to
 20 my point earlier on, Mr O'Connor, about the usefulness
 21 of COBR in relation to that place where you can all come
 22 together, discuss these things. And there's a huge
 23 strength, by the way, of being cross-party because you
 24 take away the single message, and you've agreed it after
 25 discussion. Those weren't happening.

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1 **A.** No, these were separate meetings between me and the
 2 respective First Ministers that took place after my
 3 invitation to the first COBR. And when Michael Gove
 4 took over some of the work when Boris Johnson was in
 5 hospital, we'd meet, the First Ministers and myself,
 6 with Michael Gove and others.

7 **Q.** What were the themes of the discussions, both between
 8 you and the other mayors, and separately with your
 9 discussions with the leaders of the devolved
 10 administrations?

11 **A.** It was sharing our experiences in our respective areas.
 12 What was working, what wasn't working, some of the
 13 papers that have been presented at COBR, our responses
 14 to those, those sort of conversations. Sometimes with
 15 the CDL, Michael Gove present; other times, us meeting
 16 separately.

17 **Q.** There is one example that you give later on in your
 18 witness statement. It's paragraph 236 on page 51. So
 19 this is an example of a call with First Ministers of the
 20 devolved nations in May, and you record there everyone
 21 apparently expressing concern that the government wasn't
 22 engaging sufficiently, a feeling there had been
 23 a co-ordinated and a deliberate shift in the
 24 government's approach.

25 Can you just expand on that. What sort of shift,
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1 **Q.** We've heard evidence from others, Mr Khan, that
 2 notwithstanding those benefits of COBR, the view was
 3 taken that it was just a -- it was a -- COBR is best
 4 utilised as a short-term measure and that it wasn't
 5 an appropriate sort of forum to co-ordinate long-term
 6 pandemic management. What's your view about that?

7 **A.** Whether it's held in COBR or elsewhere, you can't beat
 8 colleagues working together collegiately. It needs to
 9 be one where the Prime Minister is there because there's
 10 the gravitas of being the Prime Minister -- he can pull
 11 a lever and things will happen -- but have everyone
 12 around the table. And there was an absence of these
 13 meetings between 10 May until September, by which stage
 14 things had got really bad. I was then invited to the
 15 September ones. In my view, had there been better
 16 processes, that would have led to better
 17 decision-making. In my view, poor process leads to poor
 18 judgement leads to poor decision-making, and that's what
 19 we saw here.

20 **Q.** I'm going to move on, Mr Khan, and just ask you a few
 21 questions on the subject of inequalities. There will be
 22 others who will ask you more detailed questions about --
 23 on that issue shortly.

24 You have already mentioned, in the course of your
 25 oral evidence, that one of the sort of -- one of the

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1 group of duties, responsibilities, that you have as
2 mayor is a duty to consider structural health
3 inequalities and to prepare a strategy to address those
4 inequalities; is that right?

5 **A.** That's right.

6 **Q.** We know that, from a very early stage of the pandemic,
7 it became apparent that the virus was having an unequal
8 effect, and in particular on ethnic groups within
9 London, that they had a more severe, pronounced effect
10 on them.

11 Is that something that you became aware of at
12 an early stage?

13 **A.** It was, yeah.

14 **Q.** How did you become aware of it?

15 **A.** It was clear from a number of metrics. One is, if you
16 see the photographs of the first ten doctors who lost
17 their lives, I think what strikes you is they're all
18 people of colour. We -- for example, in relation to
19 transport workers, I'm afraid in London we lost 105
20 transport workers. They lost their lives. I would
21 write to every transport worker whose details I had,
22 their bereaved families, and I noticed the names I was
23 writing were all ethnic minority names. We knew from
24 the conversations with health workers, social care
25 workers, from transport workers, the issue of

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1 a fair summary to say that at this early stage it was
2 flagging up the obvious signs of unequal impact and
3 advocating more research, more data, more understanding
4 of the problem?

5 **A.** Absolutely.

6 **Q.** We know that it was Professor Fenton who went on to
7 prepare sort of PHE inequality reports later in the
8 year. Did you have any involvement in those?

9 **A.** I spoke to Kevin almost daily, so I can't say what
10 direct involvement I had in the paper, but yeah.

11 **Q.** Let me move on, Mr Khan, and ask you questions about
12 events later in 2020. For these purposes, if we can
13 start with paragraph 123 of your statement, on page 28.
14 You've described there attending in September of 2020
15 a summit meeting. It's described as a London Covid-19
16 summit meeting, with representatives of the UK
17 Government. We see Matt Hancock; I think he was at that
18 stage Sir Edward Lister, who was the Prime Minister's
19 chief of staff, and, on your side, London's political
20 leadership.

21 As you say, a meeting that had been requested by the
22 government to agree the escalation process for London in
23 response to any further outbreaks.

24 I'm going to take you to a slide in a moment, just
25 so we can see in a bit more detail what was being

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1 disproportionality. The phrase I used at the time is:
2 we all might be facing the same storm, but people are in
3 different sized boats.

4 **Q.** Can I just ask you to look at a particular document in
5 this respect, Mr Khan, and that is INQ000118888.

6 Now, we mentioned the group -- did you call it STAC,
7 or S-T-A-C -- your version of SAGE in any event. And
8 this is a report that appears to have been prepared by
9 that body dealing with health inequalities. And it's
10 a relatively early document, in terms of the pandemic.
11 It's 22 April.

12 Did you commission this document, or did someone
13 else ask them to do this work?

14 **A.** No, I'd have asked them to look into this.

15 **Q.** It's drafted, I think we see at the end of the document,
16 by Professor Kevin Fenton. Yes, if we look, perhaps, at
17 page 6.

18 He was the chair of STAC, was he?

19 **A.** If I explain, Kevin took over from Paul Plant. So if
20 you remember the name you gave to me before,
21 Professor Paul Plant, Professor Kevin Fenton took over
22 from Professor Paul Plant, so Kevin became my statutory
23 health adviser.

24 **Q.** Yes. I'm not going to take you all through this report;
25 it's relatively detailed, Mr Khan. But would it be

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1 discussed, but can you just introduce it for us and tell
2 us what this meeting was all about.

3 **A.** This was an example of an excellent initiative from the
4 government. The government saying, let's work together
5 in relation to a process where central government,
6 regional government, local government, can work towards
7 how we decide to escalate the process, and I'd hope
8 de-escalate it as well, and that builds confidence and
9 engenders confidence, but also, very importantly, it
10 means the centre knows what's happening at the coalface,
11 so, you know, that's describing what this meeting was,
12 and I think it was an excellent initiative.

13 **Q.** Let's look, then, if we can, at INQ000118968.

14 We start off on the first page. If we go over to
15 page 3, please, we can see the date.

16 These were a series of slides that were used at that
17 meeting, Mr Khan; is that right?

18 **A.** Yes, it's basically agreeing the metrics by which we
19 decide to, you know, go up or down.

20 **Q.** Then if we go over to page 4, I absolutely am not going
21 to invite us to go into all the detail of this, Mr Khan,
22 but perhaps the diagram tells a fairly simple story.
23 The phrase that was used was "escalation", and does this
24 demonstrate that the detailed thinking that was being
25 done about how a process should take place from

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1 a consideration of enhanced measures in a particular
2 area, how the debate would take place, starting at the
3 bottom and ending with a decision made by the
4 Prime Minister?
5 **A.** Yeah, that's right.
6 **Q.** I wanted to come to your views on this process, which
7 you've described in your witness statement as being very
8 good, but this was a meeting requested by the
9 government, and as you've said, you regarded it as being
10 a very helpful initiative.
11 **A.** Yeah, we did a lot of this work in advance of the
12 meeting, but it really was a good example of them
13 recognising London is different to other parts of the
14 country maybe, but also you need to have partnership
15 between the centre, regional and local.
16 **Q.** Just to be clear, this was something that was agreed
17 prior to the introduction of the so-called tiers
18 system --
19 **A.** Right.
20 **Q.** -- which came in October?
21 **A.** Correct.
22 **Q.** Was there discussion of a possible tier system at that
23 stage, or was this taking place, as it were, completely
24 independently of that plan that was to follow?
25 **A.** It was -- it was independent. The tiering came later

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1 "It is increasingly likely that additional measures
2 will soon be required to slow the spread of the
3 virus ..."
4 You were of the firm view:
5 "... we should not wait for this virus to again
6 spiral out of control before taking action and the best
7 thing for both public health and the economy is new
8 restrictions imposed early, rather than a full lockdown
9 when it's too late.
10 "London was too late into lockdown in March."
11 You say:
12 "This decision cost lives ... We simply cannot
13 afford to be slow to respond again."
14 Before I ask you to expand on those views, Mr Khan,
15 the Inquiry has heard a lot of evidence from government
16 officials and also from scientists on SAGE and SPI-M and
17 so on who were analysing the position at that stage and
18 reaching their own views on, as it became known,
19 a circuit breaker at around this time.
20 Did you have access to your own independent
21 scientific views which led to this advocacy of
22 a lockdown or not?
23 **A.** No. Our information is from -- the information we had
24 from the partners we've got across London, they could be
25 because we're seeing more admissions in hospital, more

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1 on, I think in October-ish, from memory.
2 **Q.** Do you know -- we can obviously ask others; we have
3 other witnesses today -- but do you know whether similar
4 discussions were being held around the country or not?
5 **A.** I'm not sure if they were, but I would have shared this
6 with the metro mayors when it came to our meetings
7 because we did tend to share best practice, so I've just
8 said it's (unclear) initiative, so I'd have said -- I'm
9 sure I'd have shared with the metro mayors this
10 initiative.
11 **Q.** So that was the plan for escalation, and, as we've said,
12 the meeting was on 11 September. In fact, as you also
13 describe in your statement and as we will come to see,
14 really quite shortly after that, I think we'll look at
15 a letter dated 18 September, you were writing to
16 Boris Johnson advocating in fact just what this plan
17 anticipated, which is increased measures in London, were
18 you not?
19 **A.** That's right. This is in advance of any tiering system,
20 but yeah.
21 **Q.** Let's look at the letter of 18 September.
22 It's INQ000118973.
23 A letter from you to the Prime Minister, Mr Khan.
24 Picking it up about four paragraphs down, please, you
25 say:

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1 use of ICUs in the hospitals. It could be in relation
2 to prevalence. There was problem with a lack of
3 testing, so we were using other metrics to assess how
4 good or bad things were. We were also aware of the some
5 of the measures used in other parts of the country
6 because of concerns they had.
7 **Q.** All of those things would have been available to the
8 Prime Minister, to SAGE, to the Cabinet?
9 **A.** Yeah, yeah. All of it is all open source data. At most
10 the advice from Professor Kevin Fenton, which again was
11 accessible to the government as well.
12 **Q.** There was, as we can probably recall and we can
13 certainly see in the evidence, a debate that was raging
14 at this time as to whether a circuit breaker should be
15 imposed. You were expressing your view but not putting
16 before the Prime Minister any new evidence --
17 **A.** No.
18 **Q.** -- on the subject.
19 **A.** No. No.
20 **Q.** We mentioned the tiers a moment ago, and it was in
21 October that the tiering system was introduced.
22 As I imagine we'll hear later on today, that was the
23 subject of some controversy amongst other mayoral
24 regions, particularly in the northwest. It's apparent
25 from your statement that, in fact, there wasn't the same

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1 degree of dispute about the tiering system in London; is
2 that right?
3 **A.** Because colleagues in the northwest went into a higher
4 tier, so hospitality was seriously affected and there
5 was a lack of financial support, there wasn't that
6 tension in London because we'd not got to there.
7 **Q.** Yes, exactly, so when the tiers were introduced, you
8 were initially in Tier 1.
9 **A.** Correct.
10 **Q.** And you actually asked to go up to Tier 2. Was that by
11 means of the escalation process that we were just
12 looking at?
13 **A.** Correct, because the metrics we had, the data we had,
14 was showing us things were getting worse. We were
15 saying, look, let's go into Tier 2 to avoid a leapfrog
16 from Tier 1 to lockdown because that will hopefully
17 address some of the concerns we have. That's a good
18 example of partnership working.
19 **Q.** Yes, and as you say, that debate was taking place, as we
20 now know, in the run-up to what became the second
21 lockdown.
22 **A.** Yeah. Just to complete the story, in advance of the
23 second lockdown in November, I had lobbied the
24 Prime Minister for a circuit breaker. I'd seen the SAGE
25 advice but also half term at the end of October was

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1 and, in fact, the UK families as well.
2 I have been granted permission to ask you questions
3 on two topics. The first is the disproportionate impact
4 of the pandemic on certain sectors of our society, and
5 as was alluded earlier, there are additional questions
6 on that.
7 You said in your witness statement, in fact on
8 a number of occasions, that it became clear as the
9 pandemic progressed that the crisis had not only exposed
10 but really increased deep-seated inequalities in London
11 and across the country and that it became clear also
12 that it had disproportionately impacted on our black and
13 minority ethnic communities, those on the lowest
14 incomes, Londoners in particular living in the most
15 deprived areas for whom perhaps overcrowding and poverty
16 may be an issue.
17 And you called this evidence of structural racism at
18 a relatively early stage. Would you agree?
19 **A.** That's what I said, yeah.
20 **Q.** Now, you also called for a new social contract that
21 advances the twin causes where we see racial and
22 economic inequality, and you've told us something about
23 that today. But one of the issues that you identified
24 early on was that ethnicity was not being recorded on
25 death certificates, particularly in -- obviously in

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1 an opportunity for that circuit breaker. The government
2 didn't listen to my lobbying. Subsequently, in
3 November, went into lockdown.
4 **Q.** Yes, and you describe in your statement your reaction
5 when that lockdown was finally announced --
6 frustration -- but also you make the point about the
7 degree of warning that you received about that decision.
8 **A.** Here's the point, Mr O'Connor. Before lockdown 1, we
9 knew what was happening around the world. We delayed
10 and we dithered. Lockdown 2 may not have even been
11 needed had the government taken the advice from SAGE,
12 for example, for a circuit breaker, the lobbying from
13 people like me. So another example of delay
14 necessitating a second lockdown. And that's relevant to
15 your point about crippling our economy. Had action been
16 taken sooner, I argued there would not need to be
17 a lockdown maybe and means less damage to the economy.
18 **MR O'CONNOR:** Mr Khan, thank you very much. Those are all
19 my questions. There will now be some questions from
20 others.
21 **THE WITNESS:** Sure.
22 **LADY HALLETT:** Ms Campbell.
23 **Questions from MS CAMPBELL KC**
24 **MS CAMPBELL:** Mr Khan, the questions I ask are on behalf of
25 the Covid Bereaved Families for Justice Northern Ireland

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1 hospitals and that the disproportionate impact of Covid
2 on our black and minority ethnic communities therefore
3 was not being properly understood and properly recorded.
4 I wonder if we can look at a document, please.
5 It's INQ000118895.
6 This is a letter that you wrote to Matt Hancock on
7 7 May 2020, urging him to take action to introduce
8 routine ethnic data collection within death
9 registrations in England.
10 Could we focus in, please, on the top two
11 paragraphs, or perhaps top three paragraphs. We can see
12 the date being 7 May 2020. You write to seek the
13 government's urgent action to introduce routine ethnic
14 data collection within death registrations in England,
15 and you set out why that is, that evidence is emerging
16 of how black, Asian and minority ethnic communities may
17 be disproportionately affected by Covid-19, including
18 sadly by deaths complicated by this deadly virus. And
19 in the third paragraph, your concerns were that:
20 "... lack of ethnic data recording in death
21 registrations is holding us back from getting a full
22 picture ..."
23 It would seem, and correct me if I'm wrong, that you
24 received no immediate reply to that letter; is that
25 right?

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1 **A.** I didn't. A couple of weeks later, I then wrote to the
 2 Home Secretary because of my concerns about the lack of
 3 response, but it appeared to me the government didn't
 4 really understand the issues that I was talking about.
 5 You mentioned the phrase "structural inequalities",
 6 "structural racism". They can be for direct reasons or
 7 indirect reasons. It goes to the point I made to
 8 Mr O'Connor about the advantage of the politicians, the
 9 decision-makers and COBR having their own experiences.
 10 It's not a criticism; it's an observation. Very few
 11 Cabinet members around there probably represent
 12 a diverse community, understand overcrowded
 13 accommodation can lead to the virus spreading, more so
 14 in London, inter-generational households, often people
 15 living with granddad, grandfather, parents. But also, to
 16 get around London, you've got to use the buses and
 17 Tubes. And also, you know that people of black, Asian
 18 and minority ethnic background have other illnesses
 19 which means if they get the virus, the consequences are
 20 more serious.

21 I didn't realise, if I'm honest, until the pandemic
 22 that we didn't record ethnicity when it came to death
 23 certificates. So we're asking a basic question: what
 24 percentage of those who have died who had Covid are
 25 black Caribbean or black African or Pakistani heritage

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1 You raise this as a concern in your statement, and
 2 you give an example in your witness statement that on
 3 10 May 2020, you attended a COBR meeting and that one of
 4 the First Ministers there present urged the government
 5 to engage in meaningful conversation, saying that
 6 leaders should not be reading each other's position in
 7 newspapers.

8 Was that a concern that you shared in May 2020?

9 **A.** It was. It was a concern I shared in March as well. If
 10 you recall, one of the reasons why after my first COBR
 11 I asked to meet Boris Johnson was because of things
 12 I was seeing in the newspaper about what the
 13 governmental was considering. It was a common theme in
 14 relation to -- at various stages through the pandemic,
 15 us discovering stuff in the media. And the
 16 conversations I had with, you know, Nicola, Mark, and
 17 Arlene, and Michelle was us sharing our frustration
 18 sometimes about stuff being said in the newspapers that
 19 we either hadn't agreed upon or hadn't said.
 20 **Q.** How did that realising what was happening from newspaper
 21 reports impact on your ability to deliver important
 22 public health messages and to co-ordinate the pandemic
 23 response in London?

24 **A.** Well, by and large, I think the First Ministers, the
 25 metro mayors, work really closely together with

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1 or Bangladeshi heritage? I couldn't be told because it
 2 wasn't recorded.

3 **Q.** It's right, in fact, you did write to the Home Secretary
 4 on 26 May, and we have that letter disclosed to us. It
 5 wasn't, in fact, until 22 October 2020, so five months
 6 after you raised this in correspondence, that the
 7 government eventually announced that it would be
 8 mandating the recording of ethnicity on death
 9 certificates. Did you consider in general terms that
 10 the government were proactive in trying to understand or
 11 to identify and address the disproportionate impact of
 12 Covid on our BAME communities?

13 **A.** No. If you read the letter from the junior minister to
 14 me, I was given short shrift. There was no
 15 understanding of why it's important but also no action.
 16 And, by the way, still to this date, the ethnicity of
 17 people is not recorded on the death certificate. It is
 18 in Scotland, by the way. Not in England or Wales --

19 **Q.** Thank you.

20 **A.** -- or Northern Ireland.

21 **Q.** Yes. And moving then to Northern Ireland, I want to ask
 22 you, please, about the issue of communication and what
 23 you have identified as an absence of engagement by
 24 central government with regional and local leaders on
 25 decision-making.

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1 government. We can be trusted allies. And this is the
 2 frustrating thing. If the government under different
 3 Prime Ministers can trust me on issues to do with
 4 terrorism, counterterrorism and other issues, you'd
 5 think they'd be able to trust us when it comes to issues
 6 to do with a civil emergency, a crisis like the
 7 pandemic.

8 I think there was bad faith on the part of some
 9 members of the government, without getting party
 10 political, and they projected that on us, whether it's
 11 First Ministers or Mayors, which I think is unfair.

12 **Q.** Perhaps we could look a little bit more closely at one
 13 example of something that you learned from a newspaper
 14 report, and it's in the summer of 2020 when you learned
 15 of a major -- of a government exercise to deal with what
 16 may be a major resurgence in cases within London and the
 17 suggestion that the M25 would be used as a quarantine
 18 ring. There we are. Thank you. The date of this
 19 letter is 3 August 2020, which, as it happens, is
 20 a Monday. You say:

21 "Dear Prime Minister

22 "It is with great surprise that we read in the
 23 Sunday papers that [the] Government held a critical
 24 exercise last week in which a major resurgence in
 25 Covid-19 infections in London was a central scenario.

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1 According to media reports, the plans included using the
2 M25 as a quarantine ring ..."
3 You go on that your:
4 "... surprise is that such far-reaching contingency
5 plans have been discussed and tested without the
6 involvement or awareness of London's government. This
7 is clearly totally unacceptable and an affront to London
8 and Londoners."

9 Can we scroll down the page, please.

10 You observe just in the second paragraph from the
11 bottom of the screen it is 12 weeks since you as mayor
12 were:

13 "... last invited to COBR on behalf of London and
14 its nine million citizens. [And the] decisions continue
15 to be taken without consultation with those who run and
16 understand the country's biggest city."

17 Can we go, please, to the next page to see, I hope,
18 that this is a letter that is co-signed by you, if we
19 can just scroll down, but also by Councillor Peter John
20 OBE, who is the chair of London Councils, of which you
21 have told us there were or there are 32; is that right?

22 Now, you learned about this in a newspaper on,
23 presumably, Sunday 12 or 2 August 2020; is that right?

24 **A.** That's right. Can I just explain? It goes back to your
25 previous question about being the voice of London, which

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1 fewer lives may have been lost had there been a more
2 collegiate response from the government. Poor process,
3 poor judgement, poor decision-making.

4 **Q.** It may well be that that answers my final question,
5 because it wasn't until 1 October, some two months
6 later, that you received a response to this letter.
7 A response came from Mr Hancock in which he acknowledged
8 that effective local management of any outbreak was
9 critical.

10 Did you -- having received that response on
11 1 October, and of course we know that's before the
12 second lockdown, did you consider that the response
13 adequately engaged with or addressed the concerns that
14 you had raised?

15 **A.** No. I think if I answer by saying this: the last COBR
16 the directly elected Mayor of London attended was in
17 May. I think that says it all.

18 **MS CAMPBELL:** Thank you.

19 Thank you, my Lady.

20 **LADY HALLETT:** Thank you, Ms Campbell.

21 Mr Thomas.

22 **Questions from PROFESSOR THOMAS KC**

23 **PROFESSOR THOMAS:** Good afternoon, Mayor Khan. Just so you
24 know who I am, I'm representing FEMHO, the Federation of
25 Ethnic Minority Healthcare Organisations.

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1 is these are 32 boroughs of three different political
2 parties plus the City of London Corporation, which is
3 apolitical. One of my jobs is to hold us all together.
4 Some are outer London, some are inner London, some are
5 central London, and you do that by engendering
6 confidence because we're a trusted ally of the
7 government. And it makes working relationships really
8 difficult when we're discovering stuff as trusted allies
9 in newspapers.

10 **Q.** Well, this was a little bit more than even just stuff.
11 This was a plan to deal with a major resurgence in
12 London without incorporating your view, or indeed those
13 of the 32 London Councils.

14 In practical terms, what was the impact of your
15 exclusion from contingency planning such as this?

16 **A.** Well, in my view, us not being trusted meant that we
17 couldn't give the advice from the coalface that may have
18 made a difference. We now know that the entire country
19 went into lockdown in November. I think that could have
20 been averted, had we been involved earlier, but more
21 importantly, more important than that, I think lives may
22 not have been lost. It upsets me when I think that more
23 than 20,000 Londoners lost their lives because of this
24 pandemic. It breaks my heart 105 transport workers lost
25 their lives because of this pandemic. I genuinely think

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1 I've got two questions for you. My first is this:
2 mayor Khan, recognising the challenges posed by the
3 evolving nature of this pandemic, FEMHO is keen to
4 understand the timeline of responses, okay? But they
5 acknowledge the complexity of the situation and the
6 circumstances, so let me put my first question to you.

7 Firstly, in your evidence, in your statement, you
8 refer to a thematic lack of communication between
9 yourself and government during the essential early
10 stages, and you state that you have no doubt that lives
11 were lost as a result.

12 So, question: what impact do you think this had on,
13 in the context of black, Asian, minority ethnic health
14 inequalities, and what could have been done differently
15 from your end in the context of black, Asian, minority
16 ethnic health inequalities? Had there been clearer and
17 earlier communications?

18 **A.** Well, firstly, because we still don't record ethnicity
19 on death certificates, I would argue we're not fully
20 seized of the impact on black, Asian, minority ethnic
21 people across the country.

22 Directly in relation to health workers, I heard
23 stories about Londoners who are Filipinos who thought
24 they had to work in the wards without PPE because their
25 visa may be taken away if they didn't do so. These are

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1 Londoners, by the way, who happen to be Filipinos on
2 work permits. Query, is that properly recorded when it
3 comes to a death certificate and other metrics as well?

4 In relation to Transport for London, for which I am
5 responsible, I asked UCL to do some work straightaway in
6 March/April about the impact on our workers and they
7 reached a number of conclusions which we acted upon.
8 Our buses were made much more safe because we were
9 cognisant of the impacts on our workers, particularly
10 because a big proportion of our transport workers are
11 black, Asian, minority ethnic, by the way. So are
12 social care workers, so are health workers. So
13 a perspex screen, people using the middle door rather
14 than the front door, ventilation on our buses and so
15 forth. That's what I had responsibility for. I can't
16 answer for social care, healthcare, retail, where others
17 had responsibility.

18 I do know this, though: I was reminded over the
19 weekend in preparation for today. Mr O'Connor referred
20 to my meeting with Boris Johnson in between 16 March and
21 20 March. And the minutes of that meeting show I refer
22 to ZHC, zero hours contract, gig economy. Both those
23 have higher than normal representation from black, Asian
24 and minority ethnics. An example of indirectly not
25 seeing the consequences of a lack of financial support

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1 by 11 March 2020, you were told by the Chief Medical
2 Officer that there was going to be a global pandemic.
3 The first proactive step you took in addressing the
4 issue of minority Asian health inequalities was in May.
5 I think that was 7 May.

6 My question is: difficult situation. There's not
7 good communication between the government and your
8 office. Can you just help because my members would like
9 to know: what more could and should have been done?

10 **A.** Well, first to paint the picture, it's worth just
11 stating what did happen to give you the picture in
12 advance of that.

13 So in advance of the meeting with Chris Whitty, we'd
14 organised for enhanced cleaning on public transport.
15 Important for commuters but also workers as well.

16 **Q.** Yes.

17 **A.** As I said, disproportionate number of black, Asian and
18 minority ethnic. In advance of me going to the first
19 COBR, we cancelled St Patrick's Day. Big, big, big
20 Londoners -- big London community with Irish descent,
21 and as they go to St Patrick's Day as was really
22 important.

23 One of the things I raised with the Prime Minister
24 when I met him in between first COBR and second COBR
25 that I went to was the importance of financial support.

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1 for those people. If you can only put food on the table
2 and a roof over your head by working, by going to work,
3 what are you going to choose to do? No financial
4 support given to you because no support for zero hours
5 contract, no support for the gig economy. Those
6 self-employed, by the way, for the first few months only
7 got statutory sick pay. Disproportionately, those
8 people tend to be black, Asian, minority ethnics.

9 **Q.** Let me move on to my final question, and again I just
10 want to put this in context. Given your prior knowledge
11 in relation to the health inequalities, including your
12 statutory responsibility to publish the health
13 inequality strategy, the fact you say in your statement
14 that you were aware of and drawn attention to negative
15 health outcomes because of the pandemic, as well as
16 increasing information that was coming through at the
17 early stages of the pandemic, such as by late January
18 there was concern about the virus building and
19 a considerable amount of work being done looking at the
20 emergency risk. We can also agree that in your
21 statement you say between February and March 2020
22 members of your team were meeting the London Resilience
23 Forum and Public Health England representatives almost
24 on a daily basis. By 2 March 2020, the strategic
25 co-ordination group was established. We know that. And

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1 In fact, after my first COBR on 16 March, I wrote to the
2 Prime Minister suggesting certain things he could do
3 which would address the issue, the core of what it's
4 saying, and that's financial support.

5 I'm not sure -- I'm not sure if the decision-makers
6 understood the indirect impact of lack of financial
7 support, of a city like London which is 40% black, Asian
8 and minority ethnic, how we get around. Issues around
9 housing. I'm not sure if the government understood. If
10 you catch the virus because you go to work in a shop,
11 that's bad enough, but you will go home and -- you will
12 go home and give it to mum and dad who live with you and
13 a child who may have asthma. I'm not sure if the
14 government understood that early doors. Issues about
15 overcrowding, they didn't -- really understood. Issues
16 around: actually, you may not be articulate to advocate
17 for PPE, as somebody who is working class, black, who is
18 a porter, somebody who is a Filipino nurse working in
19 the NHS, a bus driver. And so it's really, really
20 challenging. I'm not sure if the government got that.

21 We worked really closely, though, to reassure with
22 trade unions who were fantastic from Unite doing bus
23 drivers, RMT, ASLEF, TSSA on the Underground and others
24 that I was responsible for. Other trade unions were
25 being proactive in relation to their members, hospitals,

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1 social care. You have been -- it's been pointed out by
2 Mr O'Connor, me lobbying for personal protective
3 equipment. That was the lobbying coming from council
4 leaders as well. It goes back to the point that
5 Mr O'Connor and I began with, which is that as imperfect
6 as it is, the advantage of COBR is those experiences
7 people have around the table with the politicians which
8 adds to the conclusion the Prime Minister makes when it
9 comes to making decisions.

10 I saw the value I added in Grenfell. I saw the
11 value I added as Mayor of London with the terror attacks
12 in 2017. I saw the value I added as Mayor of London
13 when it came to making sure Her Majesty's funeral was
14 successful. I wasn't there. I was absent in February
15 and half of March. One of the things I reflect upon is
16 the difference we could have made had we been trusted
17 earlier to be part of that process.

18 **Q.** Well, it comes to this, does it not: lives -- more lives
19 could have been saved, surely?

20 **A.** That was the conclusion of the UCL report when it came
21 to our bus drivers. And it upsets me as the chair of
22 TfL. It upsets me bearing in mind who my dad was, that
23 the conclusion of UCL was that, actually, had we gone
24 into lockdown sooner, there would have been less social
25 transmission, less community transmission. Had we

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1 **LADY HALLETT:** You're now free to go, thank you.

2 **THE WITNESS:** Thank you.

3 **(The witness withdrew)**

4 **MR O'CONNOR:** My Lady, we're going to move straight to our
5 next witness, who is Mr Burnham.

6 **LADY HALLETT:** Thank you.

7 **MR KEATING:** Yes, thank you.

8 **MR ANDREW BURNHAM (sworn)**

9 **Questions from COUNSEL TO THE INQUIRY**

10 **LADY HALLETT:** Sorry if we've kept you waiting, Mr Burnham.

11 **THE WITNESS:** No problem.

12 **MR KEATING:** Thank you. For the record, could you give us
13 your full name, please.

14 **A.** Andrew Murray Burnham.

15 **Q.** Mr Burnham, thank you very much for attending today.
16 Thank you for assisting the Inquiry by providing your
17 statement which we have seen and which is before us.
18 And you've had the opportunity to read that statement
19 today, haven't you?

20 **A.** I have.

21 **Q.** And you can confirm that that statement is true to the
22 best of your knowledge and belief?

23 **A.** I can.

24 **Q.** Thank you.

25 I'm just going to briefly turn to your professional

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1 brought in the changes we brought in in our bus garages,
2 in our depots, in our buses, in our Tube stations, fewer
3 people would have lost their lives. Had we brought in
4 the lockdown sooner, there could have been social
5 distancing, less transmission of the disease. Had face
6 coverings been brought in sooner, those with the illness
7 asymptomatic may not have been passing it on. Without
8 a doubt, the premise of your question is right: had
9 action been taken sooner, less lives would have been
10 lost.

11 **Q.** And forgive me for putting this, on behalf of those who
12 I represent, it would have had -- it would have been
13 less impact on healthcare and hospitals.

14 **A.** But also our economy. And also our economy. I mean, so
15 this point about the impact on our economy, there seemed
16 to have been a lack of understanding about the
17 inextricable link between lives and livelihoods --

18 **LADY HALLETT:** I think you've made that point, with respect,
19 Mr Khan.

20 **PROFESSOR THOMAS:** My Lady, that's all I ask.

21 Thank you very much.

22 **THE WITNESS:** Thank you.

23 **LADY HALLETT:** Thank you very much indeed for your help,
24 Mr Khan.

25 **THE WITNESS:** Thank you.

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1 background, if I may. You have a long political career.
2 You were a Member of Parliament for Leigh for under
3 16 years between 2001 and 2017; is that correct?

4 **A.** It is.

5 **Q.** And you held a number of ministerial roles in government
6 during that period, including but not limited to: you
7 were Minister of State for Health in 2006 to 2007. You
8 were Chief Secretary to the Treasury from 2007 to 2008,
9 and you held two Cabinet roles between 2008 and 2010,
10 first as Secretary of State for Culture Media and Sport,
11 and then perhaps more relevant for our purposes, you
12 were Secretary of State for Health from 5 June 2009 to
13 11 May 2010.

14 We will come back to it in due course, but it's
15 relevant because during that time you were
16 Secretary of State during the swine flu pandemic.

17 **A.** I walked into the Department of Health in early
18 June 2009, and three days later a global pandemic was
19 declared. And I've always said to the former
20 Secretary of State, Alan Johnson, who walked out of the
21 door in the other direction, that he was a master of
22 political timing always, and I think that demonstrates
23 it.

24 **Q.** Let's see if we can master timings today in relation to
25 your evidence, and we will touch upon perhaps after

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1 lunch and adjournment the position and your observations
2 between the pandemic swine flu and more recently in
3 relation to the Covid pandemic.

4 After you left government, as your party was out of
5 government, you held a number of positions in opposition
6 as the Shadow Secretary of State in relation to
7 education, health, and in fact you were Shadow
8 Home Secretary as well.

9 **A.** I was.

10 **Q.** And it's, of course, a matter of public record, you were
11 elected as Mayor of Greater Manchester in 2017.

12 **A.** Yes.

13 **Q.** And you're currently in your second term of that --

14 **A.** Yes.

15 **Q.** -- position.

16 I want to briefly just set out how the Mayor of
17 Greater Manchester fits in, in terms of structure-wise,
18 and perhaps try and do it simply if I can.

19 Is this a fair summary: there's the
20 Greater Manchester Combined Authority. That's the upper
21 tier of local government where there's -- sitting above
22 but alongside the ten metropolitan borough councils
23 within Greater Manchester.

24 **A.** Yes. The Greater Manchester Combined Authority, or the
25 GMCA, is the ten councils, unlike the GLA, which is

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1 **Q.** A difference in perhaps just --

2 **A.** Yes.

3 **Q.** A difference in relation to the Civil Contingencies Act.

4 **A.** Yes. The GLA and the Mayor, I understand, are
5 designated as a Category 1 responder in the Civil
6 Contingencies Act. That's not the case for the
7 Greater Manchester Combined Authority or indeed any of
8 the other combined authorities across England.

9 **Q.** And pausing there. A Category 1 responder is someone
10 who has a duty under the Civil Contingencies Act to
11 plan, prepare, train and respond to an emergency.

12 **A.** Yes. We played that role in the Covid pandemic at
13 a Greater Manchester level, so I convened a Covid
14 emergency committee to sit above, if you like, the local
15 resilience forum so that we were working in a highly
16 joined-up way across the whole of our city region. But
17 formally, we do not have that designation in the Civil
18 Contingencies Act, and it would be helpful if we did.

19 **Q.** That's something which we'll return to at the end, in
20 terms of a lessons learned or things to improve going
21 forward.

22 You touched upon the London -- forgive me -- the
23 local resilience forum or fora. That's a forum in
24 a region or an area where a number of Category 1
25 responders come together to respond to an emergency or

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1 a separate body above local government.

2 **Q.** Yes.

3 **A.** The ten councils come together to create the GMCA, so we
4 very much sit alongside them. I'm one of 11, you could
5 say, but maybe the captain of that 11.

6 **Q.** And it covers a population of Greater Manchester which
7 is 2.8 million approximately.

8 **A.** Yes.

9 **Q.** And as in your -- you chair the GMCA, as you describe,
10 and your role is to steer the work of the Authority
11 leading on issues such as the economy, transport in
12 particular, and police and fire services.

13 **A.** Yes. I am the police and crime commissioner for
14 Greater Manchester.

15 **Q.** And you don't have, or the Mayor does not have a public
16 health function?

17 **A.** Not directly, no, although we have a very extensive
18 devolution agreement, and the things that I am
19 responsible for, like housing and other things, do
20 impact directly on health and public health.

21 **Q.** Yes. When one compares your role as Mayor of
22 Greater Manchester and the Authority with the
23 Mayor of London and the Greater London Authority which
24 we just heard about, there is a difference, isn't there?

25 **A.** There is.

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1 plan for emergency.

2 **A.** Yes, and the Greater Manchester Resilience Forum played
3 a huge role in steering us through our response to
4 Covid.

5 **Q.** Yes.

6 Let's move on to the next topic, which is the early
7 days and awareness of Covid leading up to the first
8 lockdown. And in relation to that, I can perhaps
9 summarise your evidence, if I may. You can tell me if
10 I'm on the right or wrong track.

11 You say in your statement that you first became
12 aware of Covid through media reports, and your first
13 real engagement was through the local Chinese community
14 in Manchester, and there is a strong Chinese community
15 in Manchester; is that correct?

16 **A.** That is correct. Manchester, as a city, had
17 a long-standing twinning arrangement with Wuhan, so some
18 of the familial connections that our Chinese community
19 had were with that area. So I attended two community
20 meetings in January, and I think one going into early
21 February, when, you know, the community was in a very
22 high state of alarm and was asking for my help to get
23 PPE through Manchester airport, donations sent over. So
24 I really became very aware of just how serious the
25 situation was in China in that period of time.

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1 Q. Yes. And it was an outward looking view, concern for
2 those people in China through that Wuhan lens. You did
3 mention in your statement, again summarising if I may,
4 that there was a first roundtable meeting on 18 February
5 regarding Covid in Manchester, but really was only until
6 1 March that the strategic co-ordinating group, the SCG,
7 we've heard about those already this morning, was set up
8 by the resilience forum, the local resilience forum; is
9 that correct?
10 A. Yeah. Yes, that's right, yeah.
11 Q. That was in response to the first Covid case in
12 Greater Manchester.
13 A. Yes.
14 Q. Thereafter, you describe that in -- it was really only
15 around 13 March that your perception of the seriousness
16 of the threat of Covid changed. Was that the position?
17 A. Well, it was changing all the way through that period.
18 As I said earlier, as someone who had experienced
19 a pandemic in 2009 as Secretary of State, I obviously
20 had an understanding of how the situation might develop,
21 so I was watching it carefully. I was following
22 statements from the World Health Organisation. So
23 I could see the picture changing, and so our
24 understanding was building. And Greater Manchester in
25 that period was starting to develop the arrangements

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1 administration across the city region, it's something we
2 decided to do ourselves, to make sure we were as highly
3 co-ordinated as we could be. So --
4 Q. Could I just ask you a question in relation to that?
5 A. Yeah.
6 Q. We described how Manchester was responding and putting
7 in those structures in March. Was that something which
8 was brought about regionally, self-created, or was that
9 something under direction from central government?
10 A. No, there were some things obviously that are required
11 in statute, but the Greater Manchester Covid emergency
12 committee was a voluntary initiative on our part to make
13 sure, as I said, that the political leadership of the
14 city region was very much knitted in to the
15 administrative leadership of the city region and, as
16 I said, that we were as connected and joined up as
17 possible.
18 Q. Looking back now with the benefit of hindsight, do you
19 think Manchester perhaps should have done more and done
20 more earlier?
21 A. It's hard to say because we weren't getting any guidance
22 from a national -- a national level. It wasn't being
23 made clear to us, you know, what we should be doing. So
24 we were -- as I say, we were putting together the
25 picture ourselves and beginning to develop the

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1 that we would need or we felt we needed. The degree of
2 co-ordination that we would need to pull together was
3 building --
4 Q. In relation to that, if I may, just to assist, is in
5 setting up those arrangements, you mention that it was
6 around 18 March that you, together with the leader of
7 the local councils, established the Greater Manchester
8 Covid-19 committee --
9 A. Yeah.
10 Q. -- on 18th. You mentioned that a few moments ago.
11 A. Yeah.
12 Q. On 20 March, the SCG declared a major incident.
13 A. Yes.
14 Q. The position really was that it was in March where
15 Manchester started to really move into a response phase;
16 is that correct?
17 A. I think that would be fair. I mean, clearly, we'd taken
18 some steps in February to co-ordinate, and we were
19 building our response, but you're right, the response
20 phase began more formally in March. And obviously, the
21 establishment of a Covid emergency committee, which was
22 myself, the ten leaders, the ten directors of public
23 health, senior players in the Greater Manchester system,
24 the chief constable, chief fire officer, you know, that
25 wasn't something we were required to do, but as a mature

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1 structures that we thought we were going to need to get
2 us through what lay ahead.
3 So it's always with hindsight, you would say, well,
4 we would have been better had we done it earlier, but
5 actually, we had started to pull together these
6 collaborative arrangements in February. We had
7 a meeting, for instance, with all of our big, voluntary
8 sector partners in that month as well.
9 So, you know, always you might say, well, in
10 an ideal world it could have been sooner, but in the
11 absence of very clear instructions from central
12 government, I think, you know, we did -- we were quite
13 unique, actually, in establishing our own full
14 committee, that, as I say, united political leadership
15 with more administrative leadership in the city region.
16 Q. Was the seriousness of the pandemic in late February and
17 early March clear to you as the Mayor of Manchester,
18 Greater Manchester?
19 A. It was clear, and in that period, as is referenced in my
20 statement, I started to make more public comment on
21 pandemic policy nationally. Having been
22 Secretary of State in a global pandemic, I felt I had
23 something to contribute that was meant to be helpful.
24 I remember the day when I saw an article from
25 a health minister appear behind a paywall, and I just

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1 thought to myself: this isn't right. The country
 2 isn't -- we're not getting this right. You know, people
 3 need information at this moment in time. You can't have
 4 articles under -- behind paywalls. And I kind of went
 5 public that day with a long thread of tweets, kind of
 6 being honest about my experience as Secretary of State
 7 in the swine flu pandemic. And we made many mistakes on
 8 communications. It's hard communicating in a pandemic.
 9 And I tried to share that honestly and openly, and
 10 I called actually for a daily briefing. I said that
 11 there should be -- and I said there should be a briefing
 12 that's not led by politicians, because a mistake I had
 13 made in swine flu was giving out information which
 14 almost then was seen politically, and then it goes into
 15 the fray and all the rest of it. At that time, we
 16 agreed that the Chief Medical Officer of the time,
 17 Professor Sir Liam Donaldson, would lead our briefings,
 18 without politicians present, and I advocated that that
 19 would have been a better -- a better approach.

20 **Q.** So your view would be: a scientist alone giving
 21 a scientific briefing, and politicians giving a briefing
 22 separately?

23 **A.** I think so, and I think some of what's come out though
 24 this Inquiry is how sometimes those different views were
 25 there, and they weren't clear to the public because

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1 politicians to do. That is for -- I would say, for
 2 experts to do. I think the public receive it
 3 differently from an expert than they do from
 4 a politician, and I think there is -- there is a role
 5 for people standing together, as I said, but at the same
 6 time just giving more factual information to the public,
 7 in my view, is better done without politicians in the
 8 room.

9 **LADY HALLETT:** But then you have the second risk I'm going
 10 to put to you, which is that some members of the public
 11 associate the expert with the decision-making. In other
 12 words, they attribute responsibility for the
 13 decision-making to the expert if you put them up front.

14 **A.** I think what I would say, Chair, is better separate the
 15 roles of different people so that the public can see
 16 those different roles. It was all merged together,
 17 I would say, in the communications through the Covid
 18 pandemic, particularly in 2020.

19 I think if the expert said, "This is our view and
 20 this is what we see in the evidence and these are the
 21 options for ministers," and the next day the minister
 22 said, "Well, we -- and now we're doing this", I think
 23 that -- I'm not going to sort of put a huge emphasis on
 24 this because it's hard to communicate in a pandemic, as
 25 I said, and I made mistakes as Secretary of State in

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1 people wouldn't be invited to the press briefing at
 2 Number 10. I mean, it needs to be better than that. If
 3 there's a disagreement between the scientists and the
 4 experts and the ministers, I think people need to know
 5 that, and therefore that separation is helpful.

6 I'm not saying that every briefing should be done in
 7 that way, and it would be appropriate for the
 8 Prime Minister and members of the Cabinet to stand with
 9 experts from time to time, but every day? The problem
 10 with that is it just makes communications too political.

11 **Q.** Thank you. And that's your reflection from your time as
 12 Secretary of State.

13 **A.** Yes, it is.

14 **LADY HALLETT:** There are two questions on that, Mr Burnham.

15 Firstly, don't you then have a problem potentially
 16 of inconsistent messaging?

17 **A.** Well, hopefully not, Chair. So you would try as
 18 a government not to allow that. You would hope, would
 19 you not, that ministers would be following -- following
 20 the advice. I think the experts' briefings should
 21 relate more to the epidemiological information, the
 22 profile of the virus, the advice to the public.

23 I always felt uncomfortable saying: oh, you know, wash
 24 your hands, sneeze and this -- you know. You know,
 25 don't do this; do that. That's not really for

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1 that area, which I tried to share in the spirit of
 2 getting it right. But I think mistakes were also made
 3 in the Covid pandemic. There should have been a more --
 4 the drum beat of briefings should have been more
 5 officials and experts, but occasionally then ministers
 6 would come in together where, "We're now taking
 7 a decision based on the evidence you've been hearing for
 8 the last few days, and our decision is this". I just
 9 think that would have helped everybody. Certainly, as
 10 I'm sure we will come to over tier 3.

11 I don't think it was understood at the time that
 12 SAGE had given very different advice to ministers. It
 13 looked like everyone was joined up.

14 **MR KEATING:** Mr Burnham, I think we're going to come back to
 15 that. I don't want us to get too much out of order.

16 My Lady, there's one small topic which is linked to
 17 this, perhaps I could deal with that, which is linked to
 18 communication.

19 So, Mr Burnham, I want to stick with
 20 communication --

21 **A.** Yep.

22 **Q.** -- and how difficult it is but also in terms of
 23 chronology, we're around just before the first lockdown
 24 and the announcement around that time from Mr Jenrick
 25 in -- around 22 March or a little bit earlier, about the

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1 need for shielding and shielding those people. And in
2 particular I have been asked to explore with you in
3 relation to domestic abuse those who were at risk of
4 domestic abuse, your concerns at that time in relation
5 to those announcements and the impact for those who were
6 at risk of domestic abuse.

7 **A.** Well, we were immediately on that issue, principally
8 because the Right Honourable Beverley Hughes, who was my
9 Deputy Mayor for Policing and Crime at the time, was
10 very concerned about those issues. And I think this is
11 where you have politicians in the room with officers,
12 those issues perhaps get brought out more quickly.

13 We were always conscious of the social impact of
14 lockdowns. You know, what would be the effect of
15 shielding, of lockdowns of different forms, and we were
16 concerned, given, sadly, the high rate of domestic abuse
17 in parts of Greater Manchester that that could
18 exacerbate those concerns and who would be there to help
19 people in situations when they were trapped in a very
20 abusive situation.

21 **Q.** And did you raise those concerns with central
22 government?

23 **A.** We did. We discussed this issue a number of times. As
24 I said, we always had the chief constable or his deputy
25 at our Covid emergency committee. And, you know -- and
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1 Baroness Vere, who was a junior minister in the
2 Department of Transport at that time, and that was in
3 relation to funding as to public transport.

4 The second meeting was on 12 March, and this was one
5 of more relevance perhaps, it was a meeting with
6 Robert Jenrick, who was the then Secretary of State for
7 the Ministry of Housing, Communities & Local Government,
8 MHCLG as it was then known as, now the Department of
9 Levelling Up.

10 In relation to that meeting on 12 March, can you
11 assist us, what did that relate to?

12 **A.** That meeting was to inform us about the commencement of
13 the delay phase, and in effect I think it was the
14 introduction of the shielding arrangements, but there
15 were also some strange announcements about people not
16 taking cruises or school holidays not happening, it was
17 not an announcement that was in the sort of -- you know,
18 getting close to the heart -- the enormity of what lay
19 ahead a few days later. I think we talked about PPE,
20 how were we getting on with local arrangements. It was
21 quite a relaxed meeting, if I remember rightly.

22 **Q.** But an opportunity for you to speak with the
23 Secretary of State for MHCLG which was the liaison
24 department between central government and local
25 government?

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1 they took very seriously what we were saying, and we did
2 relay those concerns to central government.

3 **MR KEATING:** Thank you.

4 My Lady, is that a convenient time?

5 **LADY HALLETT:** Certainly.

6 We will complete your evidence this afternoon,
7 Mr Burnham.

8 2.05, please.

9 **(1.07 pm)**

(The short adjournment)

11 **(2.05 pm)**

12 **MR KEATING:** Thank you, my Lady.

13 Mr Burnham, welcome back. Before we continue
14 evidence, can I invite you just to slow down a little
15 bit, because there's a record being kept of what you're
16 saying. And also answers, if you could try to make them
17 a little bit shorter, I think paradoxically we will
18 cover more, if that's all right. Let's see how we get
19 on.

20 In terms of the timeline, we were just coming up to
21 the first lockdown in March 2020 and I just wanted to
22 deal with the initial contact with central government in
23 the lead-up to the first lockdown. You touch upon this
24 in your evidence. There was three meetings. The first
25 on 11 March, which I'll summarise. You met
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1 **A.** Yes. And if I remember, I think we were beginning to
2 say to him, you know, "We're becoming more worried, it
3 feels like it's changing". And it was a good
4 opportunity. And although relations would get more
5 difficult later in the year, at that point the fact that
6 he was convening the mayors to have that type of
7 discussion was a good thing.

8 **Q.** The last meeting before lockdown, in fact, was on
9 23 March, which was the day lockdown was formally
10 announced by the then Prime Minister, and you had
11 a meeting that evening at 6.30 with the
12 Secretary of State for Transport, who was Grant Shapps
13 at that time, and that was with other metro mayors and
14 that was in relation to transport as well.

15 Was there any indication at that stage that lockdown
16 was about to be announced?

17 **A.** I see -- from my memory of that period it wasn't so much
18 what was happening in those meetings, it was what was
19 happening outside of them. From the meeting with
20 Robert Jenrick up until 23 March, I can remember things
21 becoming increasingly fraught, to the point where on the
22 Monday of 23 March I think I appeared on Good Morning
23 Britain and called for lockdown, you know, a national
24 lockdown. And I remember debating with my team,
25 you know, it felt strange to say it when the government
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1 weren't saying it at that time, and we decided it was
 2 right to say it because of what was coming through our
 3 directors of public health.
 4 So it felt like the whole world was kind of saying,
 5 "This -- we can't carry on like this", and yet, from
 6 memory, I think Grant Shapps possibly alluded to, "There
 7 might be an announcement coming later, you can probably
 8 guess what it is" type approach in that meeting, but
 9 I -- no, we were not sat down and briefed on the
 10 implications of national lockdown.
 11 **Q.** And as a matter of record, two hours later the
 12 Prime Minister made the national announcements --
 13 **A.** Yes.
 14 **Q.** -- on national television.
 15 Another feature in terms of communication
 16 co-ordination, which is the focus of these questions --
 17 **A.** Yep.
 18 **Q.** -- relates to COBR and whether you were invited to
 19 attend any COBR meetings. You've heard questions being
 20 asked of Mr Khan in relation to that. So in the lead-up
 21 to lockdown number 1, were you invited to any COBR
 22 meetings?
 23 **A.** No.
 24 **Q.** Did you ask to attend any COBR meetings?
 25 **A.** Repeatedly.

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1 regarding the actual utility of the COBR meetings,
 2 whether there were much benefit to them, but at that
 3 time, from your perspective, what benefit did you think
 4 there would have been as an attendee at a COBR meeting?
 5 **A.** A structured environment where serious issues could have
 6 been properly raised, for instance one that myself and
 7 the mayor of the Liverpool City Region raised right
 8 through the whole thing, and never got a response, which
 9 was financial support for people on the lowest incomes,
 10 insecure work, to self-isolate if asked to do so. So
 11 people who had no access to sick pay. We repeatedly
 12 raised that issue.
 13 **Q.** We'll come back to that as a topic, if I may.
 14 **A.** Sure. But also people excluded from public support, the
 15 self-employed, freelancers. You know, we were raising
 16 these issues but in some ways they had nowhere to go.
 17 You know, we raised them in the media because we had no
 18 alternative.
 19 If COBR had been properly structured we would have
 20 been able to put these issues on the agenda, have proper
 21 response to them, but we were never afforded that
 22 opportunity.
 23 **Q.** And in relation to that, you touched upon your
 24 colleague, fellow mayor, metro mayor, the Mayor of
 25 Liverpool, and both of you in May and June 2020 made a

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1 **Q.** In what way? Was this via officials, back channels,
 2 requests with secretaries of state?
 3 **A.** I referred to a thread that I put out on Twitter in the
 4 session before lunch. Pretty sure that I said there
 5 that the mayors should be invited to if not all but
 6 certainly some COBR meetings. And the reason I said
 7 that was because I chaired it during swine flu. And it
 8 was a very open environment, it wasn't a small number of
 9 people just meeting in total secrecy and, you know,
 10 keeping it all to themselves. Using the facility of the
 11 Cabinet Office we would often have a meeting with
 12 ministers in the room but then people able to dial in
 13 from around the country.
 14 **Q.** So in your view there was a way in which metro mayors
 15 could have been participants in COBR which was
 16 practical?
 17 **A.** Certainly. I mean, it should have happened. I have
 18 a memory of chairing a weekly meeting during swine flu
 19 where, in the Cabinet Office, with all of the
 20 technology, you know, you could bring in voices from
 21 around the country. And I remember a council leader
 22 here or, you know, an official in the Welsh or the
 23 Scottish Government would intervene in those meetings.
 24 It was, I would say, the way it should have been done.
 25 **Q.** Just in relation to that, we've heard other evidence

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1 number of public announcements seeking that you would
 2 have the opportunity to attend COBR. And in essence, is
 3 this a fair summary, that you wished to have the voice
 4 of the English regions represented?
 5 **A.** 100%. Our worry was that there was a London-centricity
 6 in decision-making, and we properly wanted to create the
 7 balance in people's thinking by saying, "Look, this is
 8 how it seems from here". And genuinely, it was in the
 9 spirit of national emergency. We weren't there to use
 10 it as a platform for politics or anything like that. It
 11 was simply to say, you know, "We are worried, this is
 12 a challenging situation, we want to be heard and just,
 13 you know, taken as seriously as anywhere else".
 14 I mean, a classic example would be the lifting of
 15 the first national lockdown --
 16 **LADY HALLETT:** Sorry, before we get to that, Mr Burnham,
 17 just forgive me for interrupting, rewinding a couple of
 18 stages, you said that you had asked to attend and then
 19 you mention a Twitter feed. Did you contact Number 10
 20 and ask to attend COBR?
 21 **A.** Yes. In many ways, Chair, the request was made. Did
 22 I write formally? I would have to check. I don't
 23 recall ever saying, "Please invite me to COBR", but the
 24 point was made to ministers in conversations. In some
 25 of the meetings, you know, that have been described, we

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1 would often make this point that it would be better if
2 we were invited so we could discuss these things in
3 a structured environment rather than in ad hoc meetings
4 with ministers.

5 **LADY HALLETT:** Second question: I have heard from others
6 that COBR is effective for a shorter term emergency but
7 not for the longer term emergency. What do you say to
8 that?

9 **A.** Well, there needs to be a central co-ordinating body
10 that brings together political decision-makers in any
11 emergency, whether it's short or long, I would say to
12 that, be it COBR or a Cabinet committee.

13 I did not attend one meeting of COBR right through
14 the pandemic, and people need to ask whether a city
15 region with 2.8 million people in it should never have
16 the opportunity to say: well, this is how it looks from
17 here.

18 The only UK government body that I attended was the
19 one of the nations, chaired by Michael Gove, when we had
20 an issue with Scotland and a travel ban. That was the
21 only formal central government committee that I was
22 asked to attend.

23 **MR KEATING:** Which we'll come back to.

24 We're going to stick to a structured approach,
25 following on from your desire to have a structured

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1 actively encouraged informal and private communications
2 about significant decisions And often initiate them.
3 And you use an example: several ministers, including the
4 Health Secretary Matt Hancock.

5 Was this a productive line of communication
6 WhatsApps, texts, with ministers of state and
7 secretaries of state?

8 **A.** It could be. And I often found it helpful that they
9 would reach out in that way, but it wasn't adequate
10 because, actually, there needed to be a place where a
11 mayor might raise something and everybody in the system
12 heard it, and there wasn't such a facility. So it was
13 better than nothing, but it wasn't sufficient.

14 **Q.** In terms of the impact regarding -- we've been talking
15 about communication and coordination between local and
16 central government from your perspective. And you touch
17 upon this in your statement at paragraph 23, and you
18 describe the approach to the pandemic as:

19 "... overly top-down and overly centralised ...
20 there was a lack of adequate consultation and poor
21 communications. It frequently felt chaotic."

22 Is that the view you formed?

23 **A.** Very much so. It was massively centralised. You had
24 a mature system like Greater Manchester that was simply
25 bypassed. And the kind of thing that sticks in my mind

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1 approach.

2 **A.** Can I come back to national lockdown?

3 **Q.** Yes, please, we want to go back to national lockdown,
4 yes. We're going back to March 2020.

5 **A.** I mean, it's just this is the critical thing -- well,
6 that was May 2020, of course, by that --

7 **Q.** This is coming -- I am going to move on to that. You're
8 now talking about leaving national lockdown, which I'm
9 going to move on to in a moment.

10 **A.** Okay.

11 **Q.** Let's stick to communication and then we'll move to the
12 next part in the chronology.

13 You described, used the words "ad hoc" in your
14 statement and indeed a few moments ago your
15 communications with central government. You also
16 mentioned that there was reasonable official level
17 communications between officials, civil servants.

18 **A.** Yes.

19 **Q.** So there was that reasonable communication.

20 **A.** There was.

21 **Q.** There was political communication, we've touched upon
22 some of it, but that was sporadic; is that correct?

23 **A.** Yes.

24 **Q.** And you mentioned this, we don't need to turn to it, at
25 paragraph 76, is that in your experience, ministers

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1 from the period we're talking about is genuine
2 astonishment when word came through from officials who
3 were in good contact with civil servants in the
4 department saying that local testing would be stood
5 down. And to me that was like, you know, I could not
6 even begin to get my head around why local testing teams
7 in our what were CCGs at the time would be stood down.

8 **Q.** So in relation to that, CCGs, to help everybody else
9 stands for?

10 **A.** Clinical commissioning group.

11 **Q.** Yes. And this was on 18 March 2010 is when you were --
12 you've described it as a significant, a key moment that
13 you informed that the local testing was stood down
14 without consultation.

15 **A.** Yes. Mm-hm.

16 **Q.** And then there was -- you express a concern that the new
17 location for testing from a central perspective was
18 going to be at Manchester airport. And that was --

19 **A.** That location was chosen without any consultation with
20 us. So the airport might make sense if you're sitting
21 in an office in Downing Street or in the Cabinet Office
22 or the airport. Well, everyone can get -- well, no,
23 they can't, actually. But there was a huge testing
24 facility that opened that, in the end, people just
25 couldn't get to. If you live in Oldham or Rochdale, you

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1 can't easily get to Manchester airport, but that was not
 2 understood, it would seem, but they didn't ask us.
 3 I mean, fancy opening a testing station in Greater
 4 Manchester without consulting us on the location.
 5 **Q.** Oldham, Bolton, north of the city; airport, south of the
 6 city.
 7 **A.** Correct.
 8 **Q.** And, of course, if one has to travel, costs involved.
 9 **A.** Yes.
 10 **Q.** I want to move on to the metro mayors group and a
 11 meeting on 1 May 2020 which you and your fellow members
 12 of that group had with the Prime Minister. And there
 13 was a document, which is at INQ000202008 -- which we
 14 have right in front of us, thank you so much.
 15 And we see at paragraph 2 just what the metro mayors
 16 are. Covers a number of different regional areas,
 17 represents over 40 percent of the population of England,
 18 and has a combined GVA.
 19 This is where you're going to be tested as a former
 20 chief secretary to the Treasury, GVA stands for?
 21 **A.** Gross value added.
 22 **Q.** We probably don't need to go into the economics too
 23 much, but it really just shows that there is significant
 24 economic output from those areas.
 25 **A.** Yes.

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1 Prime Minister. But this call did not meet with
 2 approval.
 3 And the thing I would just say, you know, the M9,
 4 for people who don't know, this is a cross-party group
 5 of mayors.
 6 **Q.** We've heard this morning that there's -- I think there
 7 was at that time two Conservative mayors --
 8 **A.** Yes.
 9 **Q.** -- and the bulk were Labour elected Mayors.
 10 **A.** In fact, more. There was a Conservative mayor in
 11 Cambridgeshire and Peterborough, in the West of England,
 12 Tees Valley, and in West Midlands, Andy Street.
 13 The thing is, we take seriously our responsibility
 14 as mayors to work on a place first rather than a party
 15 first basis. And that's the strength that we can bring
 16 to UK governance that we can -- and we do, so we were
 17 prepared, you know. You could see this in what we were
 18 saying to the government.
 19 **Q.** Well, a joint document from mayors from different
 20 political fields.
 21 **A.** Yes. And this moment in time, there was still very much
 22 a spirit of: we're all here to help. What can we do?
 23 Work with us. But then that changed through the year as
 24 we -- as the -- we just weren't listened to, and that's
 25 how 2020 proceeded. You know, the goodwill, the offers,

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1 **Q.** 45% of the overall England GVA, 750 billion. And
 2 there's a request there:
 3 "Empowering mayors to lead recovery planning for
 4 their regions will help put robust plans in place ..."
 5 So this is where we're still in restrictions. We're
 6 looking forward to a period where restrictions may be
 7 eased.
 8 I want to move on, please, to paragraph 5, if I may,
 9 and this document which was prepared by the metro mayors
 10 and provided to the Prime Minister; is that correct?
 11 **A.** Yes.
 12 **Q.** And in relation to that it says:
 13 "Recovery will be a national effort. We must work
 14 together to ensure alignment and planning and to give
 15 confidence to the country and our regions. To
 16 coordinate our efforts, we would welcome regular
 17 discussions with government -- a monthly call between
 18 mayors, Prime Minister and Chancellor will help align
 19 our efforts."
 20 And what was the response at that meeting or
 21 thereafter in relation to this request for more regular
 22 communication?
 23 **A.** Well, it didn't happen. I think we had one meeting with
 24 the then chancellor, now Prime Minister, during the
 25 pandemic. One meeting, I think possibly two with the

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1 we're here, how can we help, work with us, use us --
 2 **Q.** Just pause there because we're going to --
 3 **A.** Yes.
 4 **Q.** Just one more part of this document, and then we'll move
 5 on to the deterioration.
 6 So paragraph 9, please, which is on page 2, the
 7 bottom of page 2. Thank you.
 8 So:
 9 "Summary. Next steps.
 10 "... we would welcome:
 11 "A statement from government empowering mayors to
 12 lead regional recovery plans."
 13 And overleaf, please:
 14 "Discussion with Chancellor on flexibilities and
 15 resources ..."
 16 Reference to financial fundings and:
 17 "Regular meetings to align planning and agree
 18 action."
 19 So that was the position on 1 May.
 20 And then on 10 May, there was an announcement
 21 regarding the easing of lockdowns -- easing of lockdown,
 22 forgive me, as the path moving out of restrictions. And
 23 you describe that as a really significant occasion in
 24 your experience from the perspective of Mayor of Greater
 25 Manchester. Why was that?

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1 **A.** Similar to the standing down of local testing. I was
 2 astonished when word filtered through -- it was a
 3 Wednesday morning, I think -- to our Covid emergency
 4 committee that there may be an announcement coming.
 5 Someone said at our meeting about: stay at home is
 6 ending tonight or tomorrow, and it's going to become
 7 stay alert. And I was, what? How? You know, here we
 8 had such a high case rate. Here -- I should say Greater
 9 Manchester, we had a high case rate. And bear in mind
 10 that Covid had spread from south to north. It had moved
 11 up through the country, through the Midlands --
 12 **Q.** So there's a lag -- a lag between London's progress. In
 13 other words, Manchester was further behind in the
 14 recovery than London.
 15 **A.** I think experts would say a two to three-week lag in
 16 terms of the way the peaks were experienced. But we
 17 were still very much closer to our peak than, I say, the
 18 southern half of the country.
 19 **Q.** So you had that surprise shock as to the announcement.
 20 Does it follow that there wasn't any consultation prior
 21 to that?
 22 **A.** There was zero consultation, and this is the point about
 23 COBR involving -- this is a new infrastructure that we
 24 built in this country of combined authorities and
 25 mayors. And in the situation like this, it can add huge

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1 **A.** I mean, of course, everybody wanted to support the
 2 economy, but it was just more difficult for us. And
 3 I recall something from this period that needs to be
 4 remembered which was: a lot of people never left work.
 5 And in the less well-off parts of the country, people
 6 weren't, by and large, sitting in their gardens doing
 7 whatever on Zoom. They were in work. And in boroughs
 8 in Greater Manchester, a high percentage of people were
 9 working in warehousing or in manufacturing or in other
 10 things. The worry we had, and, again, it was one that
 11 I shared with the Mayor of the Liverpool city region
 12 was, the workplace guidance wasn't strong enough. The
 13 regulation said people should keep a 2 metre distance
 14 where possible. Where possible. And we were inundated,
 15 actually, with complaints from distribution centres,
 16 warehouses across the northwest, both of us, people
 17 saying that their workplace wasn't safe.
 18 **Q.** If you had more notice or any notice, would that have
 19 helped being able to respond to these queries on a local
 20 level?
 21 **A.** Always the case. If we had been involved earlier in the
 22 discussion and we could see how the thinking was
 23 building towards regulations or new messages to the
 24 public, we are would have been at least ready for those
 25 messages and we'd have been able to tell our own system

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1 value to the national response to a pandemic. It was
 2 largely bypassed.
 3 **Q.** And if you were consulted, what would you have said?
 4 **A.** Don't lift it because it's too early for Greater
 5 Manchester because we had a higher case rate than other
 6 parts of the country, and it's why I say in my evidence
 7 statement that there was a London centricity in
 8 decision-making. I think were looking more at the
 9 picture in London, and they were more concerned with
 10 that than they were with the picture where we were.
 11 There was pressure to lift it from kind of voices here,
 12 and I think the decision was more influenced by that
 13 than what we were saying.
 14 We didn't -- you know, we -- if we'd have been
 15 asked, we would have told them that they shouldn't do
 16 it. And I think because of that, Greater Manchester was
 17 left stuck with a high case rate throughout the rest of
 18 2020.
 19 **Q.** Which we're going to touch upon in a moment and how that
 20 caused reality difficulties.
 21 Last point regarding the message in May about easing
 22 of lockdowns and return to work, which was one aspect as
 23 well which emerged.
 24 How was the return to work message received by you
 25 and your fellow metro mayors, group members?

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1 how to get ready to implement it. It came mostly to a
 2 head for us in July, which you may want to get on to.
 3 **Q.** We will in a moment, but I want to deal with data, if
 4 I can, very briefly. I know it's not the most exciting
 5 of subjects, but --
 6 **A.** Well, it was a big one for us in this period.
 7 **Q.** And an important subject as well. We're going to deal
 8 with data, and one of the issues you mention in
 9 June 2020 was: you were struggling to manage the
 10 stubbornly case rate in Manchester. That's what you say
 11 in your statement at paragraph 19. And your lead
 12 director of public health was having difficulties in
 13 accessing data regarding those who had tested positive.
 14 And this was something which was causing real
 15 difficulties.
 16 In terms of Test and Trace, that's something which
 17 is going to be considered by the Inquiry at a later
 18 stage, so I want to deal with this quite shortly, but
 19 what was the issue in relation to getting data in
 20 June 2020 for you?
 21 **A.** We couldn't.
 22 **Q.** Yes.
 23 **A.** We asked for patient identifiable data.
 24 **Q.** And that was refused. Is that the position?
 25 **A.** It was refused. It was refused for weeks and weeks and

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1 weeks, and I had to enter another media battle to try
2 and get hold of that data. This was data that they
3 really had no argument with us. In the law that they
4 passed in early March, the Covid emergency legislation,
5 Covid-19 was added to the list of notifiable diseases.

6 **Q.** So local authority was under a duty -- a local public
7 health authority was under a duty to report Covid-19.

8 **A.** It had to be reported.

9 **Q.** Yes.

10 **A.** And yet this new Test and Trace system that they had
11 outsourced said it didn't have to give us this data, and
12 ministers said they didn't either, and we had to show
13 them the law that they had passed, and this was
14 important to us.

15 **Q.** And why was it important, in terms of getting that data?

16 **A.** Because lockdown had been lifted too early. We had a
17 high case rate. Many of our residents were in jobs
18 where they didn't get sick pay. They couldn't go home
19 if they were ill because their employment wouldn't
20 support them being paid if they were off ill. So we had
21 fundamentals that were hard to deal with.

22 We wanted -- the difference between the Test and
23 Trace system and what we wanted to do for our proposals
24 for a more locally run tracing, contact tracing, was the
25 national outsource system was making calls from call
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1 travelling to Scotland, or people from Scotland
2 travelling down to --

3 **A.** 2021.

4 **Q.** 2021, thank you. So that's where we are in the time
5 period. And is this a fair summary, that there was an
6 announcement by the First Minister that those people
7 from -- Scottish people weren't allowed to travel to
8 Manchester, and people from Manchester weren't allowed
9 to travel to Scotland?

10 **A.** The first I knew about it was I was on my weekly
11 phone-in on BBC Manchester. And a lady rang in from
12 Bolton, and she said, "Our walking holiday has been
13 cancelled in the Cairngorms because the guest house says
14 they can't take somebody from a Bolton postcode." so I
15 went back to the office and asked the office to check,
16 and sure enough, we discovered that the Scottish
17 government had put a ban on Bolton people travelling to
18 Scotland without any notification or information about
19 that. And that was the first I became aware of the
20 issue.

21 Then if you go forward a few days later, I was
22 actually sitting in my garden the night after England
23 had played Scotland at Wembley in the delayed European
24 football championships, and there was a picture of lots
25 of people in the fountain in Trafalgar Square, but
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1 centres that nobody was answering. We wanted the data
2 so we could knock on doors, and we said to government
3 right the way through this period: local contact tracing
4 will be much more effective than the call centre
5 approach. And in the end, I had to get Greater
6 Manchester fire and rescue service to kind of put a team
7 together so we could say: please just give us this data.
8 Let us do local contact tracing.

9 **Q.** You got the data in due course after --

10 **A.** After a battle.

11 **Q.** Yes. And was applied? Did you apply that on local
12 level after obtaining the data? Did you do any --

13 **A.** Yes, of course.

14 **Q.** Okay. Going to move on to a different topic. Test and
15 Trace is one which we'll return back to.

16 I want to deal with a topic which perhaps you never
17 thought you were going to deal with when you were
18 elected in 2017 is when you found yourself in a dispute
19 with the First Minister from Scotland. I've been
20 invited to address that with you. Is it --

21 **A.** It was 2021, just -- because we're not just in 2020 now.

22 **Q.** That's correct. Thank you.

23 And in 2021, there was -- was it 2021, or was it
24 2020 when there was an issue between you and the First
25 Minister regarding a ban on the people of Manchester
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1 underneath that photo was a headline that said: Scottish
2 government puts travel ban on Salford and Manchester.
3 That's quite a big deal when you're putting a travel ban
4 on -- that was the first I'd heard of it when they
5 actually banned people from Manchester and Salford
6 travelling to Scotland. No notification. No
7 consultation. Exactly what the Scottish National Party
8 would always have accused Westminster of doing to
9 Scotland. Well, they had done exactly the same to us.

10 **Q.** So pausing there. No consultation in the way you've
11 expressed.

12 Was there any subsequent discussion about how this
13 was going to be enforced? Was there police officers
14 lining the platforms at Manchester Piccadilly?

15 **A.** Well, no, we -- no, there weren't, and you know, we --
16 it wasn't our policy. We had no understanding of what
17 they were trying to do. And as I understood it, the
18 Scottish government wasn't enforcing it because people
19 from Scotland were coming down and getting off the train
20 at Manchester Piccadilly. It was bizarre, if I'm
21 honest.

22 And, as I say, Michael Gove invited me to the
23 committee of the nations, and I had an exchange with the
24 former First Minister at that meeting. In the days that
25 followed, we pointed out that the case rate in Scotland
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1 had gone higher than in Manchester, Salford and Bolton,
 2 and it wasn't long before the travel ban was removed.
 3 But it was another example of how the lack of UK
 4 coordination --
 5 **Q.** A bizarre footnote to the pandemic perhaps, and at that
 6 meeting with Mr Gove, I think there was an agreement
 7 between you and the first ministers, a joint ambition
 8 towards a more unified approach as far as possible.
 9 **A.** Yes.
 10 **Q.** And let's move on then, if we may. We're going to move
 11 well into summer 2020, so we're now going back a year,
 12 but in that summer 2020. And 30 July is the next
 13 significant date in 2020. That's when the UK government
 14 announced local restrictions on household mixing in
 15 Greater Manchester from midnight.
 16 **A.** Yes.
 17 **Q.** How much notice and detail did you receive in advance of
 18 that announcement?
 19 **A.** Minimal. I had a call around about four o'clock from
 20 the health secretary, and he said that we needed to do
 21 something because the case rate in Greater Manchester
 22 had got too high. I said, yes, I can see that it is too
 23 high. We are not against doing something, but I can't
 24 just announce with you that -- I've got to go through
 25 the local council leaders. He asked me if I would do

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1 people saying: I'm a painter and decorator, I work in
 2 people's homes, can I go to work tomorrow? I'm
 3 a childminder, can I go to work tomorrow? I'm
 4 a domiciliary care worker, can I go to work tomorrow?
 5 **Q.** So the lack of notice --
 6 **A.** There wasn't a Q & A. There was not a UK Government
 7 frequently asked questions that we could point people
 8 to. There was nothing. There was nothing put up on the
 9 website. If something went up, I think it was gone 11
 10 o'clock that night, probably even later --
 11 **Q.** Did this also align with the time of Eid? Eid was --
 12 the celebration of Eid was around that time.
 13 **A.** It did. And I think there was a concern there would be,
 14 you know, large-scale household mixing as we saw
 15 similarly played out at Christmas, you know.
 16 **Q.** Yes.
 17 **A.** It was -- the same thing got played out, didn't it?
 18 **Q.** In terms of managing a message, doing it at such short
 19 notice for such a significant religious festival --
 20 **A.** It was as if they hadn't realised that, realised it late
 21 and -- yeah, and hence to the situation we found
 22 ourselves in.
 23 **Q.** I'm going to move on slightly to this period of local
 24 restrictions, inverted commas, Tier 2 (unclear). You've
 25 got 12 areas within Greater Manchester --

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1 that. This, in effect, would become what's known as
 2 Tier 2, so --
 3 **Q.** It wasn't Tier 2 then --
 4 **A.** No, it wasn't called that. It was the first
 5 restrictions on household mixing.
 6 **Q.** Yes.
 7 **A.** It was to be ourselves, parts of Lancashire and parts of
 8 West Yorkshire that would go under these restrictions in
 9 late July, but it was chaotic.
 10 You asked me before when you quoted me as saying it
 11 felt chaotic. This was as chaotic as it gets because
 12 they were putting these restrictions on us. He gave me
 13 an hour to talk to our local leaders, and to those who
 14 claim that we were being obstructive or -- we said we
 15 were ready -- we can see the issue. We're ready to work
 16 with you. But we did immediately start to make the
 17 point that this is going to have an impact on people.
 18 It's going to have an impact on people's businesses.
 19 What I remember is that about 8 o'clock that night,
 20 the Health Secretary made a very cursory announcement to
 21 a TV camera in 4 Millbank that we would be going under
 22 these restrictions, and then all hell broke loose. My
 23 Twitter feed, which was -- I was using it a lot at that
 24 time to have direct communication with people in Greater
 25 Manchester. It was just absolutely inundated with

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1 **A.** Ten.
 2 **Q.** Ten, forgive me. Of those ten areas, were they -- was
 3 the restrictions uniform to the ten areas?
 4 **A.** Initially, but you can imagine that there was lots of
 5 kind of -- people were suffering under these
 6 restrictions. They weren't light. If you can't mix at
 7 home, it has a real impact on people.
 8 **Q.** But there was a variation in Greater Manchester between
 9 cases. Some were higher in certain areas; some were
 10 lower in certain areas.
 11 **A.** That's right. So at the time those restrictions went
 12 in, Wigan borough, where I live, was quite low. And
 13 I would be out walking the dog, and people were saying,
 14 "Why on earth are we in these restrictions?" But then
 15 Wigan's case rate changed while we were in and went
 16 higher, and then the places that had had higher had gone
 17 a bit lower, and then they were complaining.
 18 In the end, we used to have this weekly process with
 19 the government -- it was at their gold committee. They
 20 would work through this whole process every week,
 21 reviewing restrictions. And our ten boroughs would
 22 lobby at the GM Covid emergency committee saying, put
 23 the case forward for us to be taken out. We want to
 24 be -- we tried to stick with a Greater Manchester
 25 approach for a long time, but in the end, it got hard to

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1 manage some of the differences, and I think Stockport
 2 were taken out at one point and Trafford possibly were
 3 taken out at one point.
 4 **Q.** Going forward, ten individual areas, boroughs. Is it
 5 practical having restrictions in Stockport and no
 6 restrictions in Bolton or vice versa?
 7 **A.** No, it's not.
 8 **Q.** And why is that? What's the difficulty?
 9 **A.** Well, it gets you to whether the tier system works.
 10 People are going to travel. Life does not end at a
 11 local government administrative boundary. People are
 12 going over that boundary every day. People don't live
 13 their life within those -- the boundaries of those
 14 boroughs. You know, Greater Manchester, it's a system
 15 where everyone's crossing those boundaries every day,
 16 going around their work. As I say, it's something that
 17 might make sense in an office somewhere, but it didn't
 18 make sense -- the reality of it didn't make sense.
 19 **Q.** So on the ground, with a desire to make things work in
 20 the public interest, we move through summer 2020, and
 21 we're into August, autumn 2020. And on 8 September,
 22 further restrictions were imposed by the UK government
 23 on Bolton. And that was without consultation, and you
 24 describe that as another key moment. Why was that?
 25 **A.** Because, again, from nowhere, all hospitality was closed
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1 that Eat Out to Help Out had caused some of the problems
 2 that Bolton were experiencing.
 3 **Q.** Let's focus in on Bolton, not Bury -- Bolton for a
 4 moment. So you had this background where there was
 5 restrictions which had now been imposed in Manchester
 6 since May.
 7 **A.** Yes.
 8 **Q.** A lack of financial support.
 9 **A.** Yes.
 10 **Q.** No financial support for the people -- the businesses of
 11 Bolton.
 12 **A.** True.
 13 **Q.** And was there -- was this something that you raised at
 14 any stage with Matt Hancock, the Secretary of State for
 15 Health?
 16 **A.** Frequently.
 17 **Q.** And the response?
 18 **A.** To be fair, he was more sympathetic, actually, than some
 19 of the other ministers that I spoke to about this
 20 matter.
 21 We were coming through the summer into the early
 22 autumn feeling increasingly frustrated. We'd spent
 23 pretty much the best part of year by now saying: look
 24 what's happening here. Help us. Help us with the
 25 contact tracing. Give us that data. Help us, you know,
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1 in the borough of Bolton with no package of support for
 2 the businesses affected.
 3 **Q.** So pausing there. Not wishing to be London centric,
 4 Bury has got a proud history. Would it be described as
 5 an area which is economically deprived, or parts of it
 6 have got economic deprivation?
 7 **A.** Bolton?
 8 **Q.** Yes.
 9 **A.** Yes, you would say it's quite mixed, but there are parts
 10 of Bolton that have significant deprivation.
 11 **Q.** So in relation to the need for financial support, was
 12 there any financial support offered when this was
 13 announced?
 14 **A.** None.
 15 **Q.** And did you --
 16 **A.** And the former Conservative leader of Bolton who we
 17 worked really closely during the pandemic who sadly
 18 passed away the following year, he was saying to me,
 19 whatever you can do, Andy, I'll work with you. The
 20 government should not treat a place like Bolton like
 21 this. And the frustration we all felt was -- because
 22 they'd just done it to Bolton. It was like no-one else
 23 could see it, no-one else in the country was bothered,
 24 but the impact there was really huge. And I do just by
 25 an aside just need to say there was a strong feeling
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1 support you to put in place measures, rather than this
 2 chaotic way, and particularly help our people and our
 3 businesses if you're going to ask us to close them. And
 4 it felt like we were just shouting into the abyss in
 5 this period.
 6 **Q.** Let's move on to 5 October, which is a meeting between
 7 the metro mayors and Mr Hancock.
 8 And something you touch upon your statement, and
 9 perhaps we could bring that up, at paragraph 70 of your
 10 statement. You describe how you had that meeting. This
 11 is cases had risen across the country in September.
 12 We're into October. And that's the context. And at
 13 paragraph 70 (a):
 14 "... we wanted to see a clearer role for mayors in
 15 informing decision-making, communication and engagement
 16 since March has been limited."
 17 Again, this request for a regular meeting.
 18 And response from Matt Hancock in relation to this
 19 request for more regularity in contact between the metro
 20 mayors and central government, can you recall?
 21 **A.** I think there was a like a broad: oh, yes, we must.
 22 And: it needs to get better. But I'm just looking at
 23 the date on this note, 5 October. It sticks in my mind
 24 because two days later, it was my 20th wedding
 25 anniversary. And I'd been out in Manchester with my
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1 wife, and we were getting a train home, and on the
 2 train, I remember we were looking at our phones,
 3 tomorrow's front pages, and one of them was: pubs to
 4 close across northern England. So this was the first of
 5 the Tier 3 --

6 **Q.** Yes.

7 **A.** -- issues coming, and that had not been mentioned to us
 8 in this meeting, just --

9 **Q.** So in terms --

10 **A.** -- a couple of days before.

11 **Q.** Okay. So in terms of the timeline, your wedding
 12 anniversary two days after that, and you're going to
 13 refer to something which wasn't mentioned at this
 14 meeting.

15 Let's turn to 70, paragraph (b), please, thank you,
 16 overleaf, and we'll see what else was mentioned at the
 17 meeting so everyone can put into context.

18 You talk about the local restrictions, lockdown
 19 measures. I say "you". You refer to it in statement:
 20 "The tiered approach being developed was helpful."
 21 This is the prospective tier approach:
 22 "The current position at that time was too complex,
 23 and we must take steps to support people to comply. A
 24 crucial element of these plans must be clarity on how
 25 and when places move back out of these measures [i.e.

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1 concerns.

2 We move on to financial support as well, a real need
 3 for financial support at paragraph (c), that:
 4 "The impact of Covid was obviously not only health.
 5 Lockdown could only work if financial support was in
 6 place for those we were asking to close businesses or
 7 limit activity."

8 **A.** This was very much informed by the Bolton experience,
 9 and I was pleased that Andy Street supported it.

10 **Q.** Yes. He's a mayor based down in --

11 **A.** The West Midlands, yes. And he and I and the other
 12 mayors had always worked together in a very practical
 13 way, and we did in that period of time.

14 **Q.** And a Conservative Mayor.

15 **A.** Conservative Mayor.

16 **Q.** And we go up to paragraph 71, please, and the last point
 17 in relation to this:
 18 "... we advised that there were concerns about the
 19 processed tier system [to put in context] with
 20 restrictions and no identifiable support. Support was
 21 most likely to be available from a national circuit
 22 break" --

23 **A.** That's what we were calling for --

24 **Q.** "... rather than the north standing alone."

25 **A.** That's what we -- see, that's what we were saying. There

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1 between the tiers]."

2 So the view at that stage -- this is before you have
 3 experienced Tiers 1, 2 and 3. The view expressed was
 4 that the tier approach would be helpful.

5 Why did you hold that view at that time?

6 **A.** I mean, this was an M9 document if I remember, not a
 7 Greater Manchester document.

8 **Q.** It's quoting -- I think you refer to your statement --

9 **A.** Yes.

10 **Q.** -- (overspeaking) voice from you in that?

11 **A.** Because I was in -- you've always got to remember, I was
 12 in a different position to the other eight mayors in
 13 that we'd been under restrictions and others hadn't, and
 14 I'd grown frustrated about the approach, particularly
 15 the lack of support.

16 I think this was trying to articulate the view of
 17 everybody, and it did touch then on some of the
 18 frustrations everybody had, i.e. there was a feeling
 19 that if you go into these measures, you don't come back
 20 out again. They just -- they stay there, and everyone
 21 wanted a de-escalation sort of regime. When do you come
 22 out if you've gone in?

23 **Q.** So if you pull out of the document again. So a
 24 consensus approach, if this is you producing what was
 25 presented as a metro document, but you had your

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1 should be a national circuit break. Leaving the north
 2 of England under restrictions and the rest of the
 3 country not.

4 **Q.** Was that the view, without being overly emotive about
 5 it, but did you and your fellow metro mayors feel that
 6 the north was standing alone?

7 **A.** Well, the thing was, if you go back to start of the
 8 pandemic, it went up from the south, and it was national
 9 lockdown when it was there, but when we had the high
 10 case rate and it was about to come back down the
 11 country, it was then regional and tiers. And did we
 12 feel like we were standing alone? Definitely. Very
 13 much so. It just felt that we were treated in a way
 14 that other parts of the country wouldn't be treated.
 15 There is no way -- there is honestly no way that a
 16 borough in greater London or I would say in the wider
 17 southeast would be treated like Bolton were treated. No
 18 way at all.

19 **Q.** Going to move on to another topic linked to this which
 20 is the debate about Tier 3 restrictions which occurred
 21 in October 2020, shortly after this meeting. And I'm
 22 going to summarise your evidence and then ask you a
 23 couple of questions if I may.

24 You describe that there was unprecedented engagement
 25 between Greater Manchester and the government around

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1 this time, 7 October, your wife's anniversary -- your
2 anniversary, and over the next few days. And the issue
3 concerned, the sticking point concerned financial
4 support, and you raised the concern that there needed to
5 be sufficient financial support.

6 And to summarise quite a complex issue, the sticking
7 point related to the level of financial support. A
8 national lockdown would have 80% of a person's salary,
9 whereas is it right that what was offered in these
10 discussions was less than that 80%?

11 **A.** So my memory of this meeting is very much that it was
12 dominated by financial support. Because this was about
13 the tier system. In principle, not what they hadn't
14 told us they were about to do within a day or two.

15 But we were really clear at this stage: you can't do
16 this. You can't do a Bolton to everybody. You know,
17 you've got to put in place proper financial support.

18 And to be fair, I think Matt Hancock understood that,
19 and he said he would take it back to the Treasury. I
20 remember him saying that in that meeting. I said, look,
21 I won't be -- I can't support measures without that
22 support. And I said really clearly, at that point, you
23 can't tell people working in pubs, bingo halls, betting
24 shops, that they only get 67% of their wages because
25 that's what was kind of building around at this time,

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1 In relation to this, and this is going to the point
2 to assist my Lady and is in relation to whether a tier
3 system was going to work and, actually, in relation to
4 that, isn't it right that you had a meeting on 14
5 October with Jonathan Van-Tam --

6 **A.** Yes.

7 **Q.** -- and a junior minister for health, and there was
8 expression -- you asked whether the tier system, would
9 it be effective? Would it address rising cases. And
10 what was the response in relation to that?

11 **A.** So we were sceptical about the tier system because we'd
12 been under it since July and it hadn't worked. And we
13 knew if they carried on with the 67% furlough that there
14 would be definite damage to people's lives and people's
15 businesses.

16 So in meetings, and particularly with Jonathan
17 Van-Tam, myself and the ten leaders of Greater
18 Manchester said give us -- if we're going to do this,
19 you have to guarantee to us that this is actually going
20 to work and it's going to bring the cases down, the R
21 number down below one.

22 **Q.** And the response?

23 **A.** He couldn't give us that guarantee. And I think if I
24 could, this gets to the heart, really, of my evidence
25 and what I wanted to say today.

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1 that there would be a kind of Tier 3 package for people
2 whose work places were closed.

3 **Q.** And what would the answer be to someone saying, well, 67
4 percent of someone's wage is sufficient compared to 80
5 percent.

6 **A.** So these, by definition, are people on the lowest wages.
7 So when everyone else was sitting in their gardens on 80
8 percent, why would they get 67 percent? What would
9 be -- possibly be the justification for that?

10 **Q.** Yes.

11 **A.** Other than they were in the north of England in low-paid
12 jobs. Oh, well, you know. That's how it felt to us,
13 and that's why -- this is the issue about the Tier 3
14 debate. It became a point of principle about this.
15 They tried to portray that we were quibbling about
16 75 million or 65. It wasn't. We were saying: you've
17 got to put enough money in the system to give people on
18 very low wages that -- at least an 80% furlough scheme.

19 **Q.** I'm going to return to that in a moment --

20 **LADY HALLETT:** Except we are coming to that in a later
21 module, Mr Keating.

22 **MR KEATING:** Yes.

23 **LADY HALLETT:** Have we had enough for this module?

24 **MR KEATING:** Nearly. We're nearly there, my Lady. I'm
25 going to trespass on your patience just for a moment.

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1 **Q.** I'm going to draw that together and give you that
2 opportunity and draw this topic together. And it's
3 right you didn't -- there was an agreement between you
4 and central government; that's a matter of fact.

5 **A.** We heard the Deputy Chief Medical Officer say the Tier 3
6 approach wasn't going to necessarily bring our case rate
7 down.

8 **Q.** And you're aware that there has been criticism in
9 central government and in wider media of the stance you
10 took, that you were being obstructive and had behaved
11 appallingly. I'm quoting a minute in a meeting. I want
12 to give you the opportunity to be able to respond to
13 that criticism, and then I'm going to move on to another
14 topic.

15 **A.** I've seen that minute, the Covid-O minute. And frankly,
16 it is -- it's nothing short of disgraceful, the points
17 that were made in that minute. They -- to quote back
18 what you just said, "the Mayor of Greater Manchester was
19 with behaving appallingly". It wasn't me that was
20 behaving appallingly; it was the people in that room
21 that were behaving appallingly because they were about
22 to impose a policy on Greater Manchester which they knew
23 didn't work, and that's something that I've only now
24 realised looking at other people's statements to this
25 Inquiry.

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1 And it makes me angry on behalf of the people of
2 Greater Manchester that they sat in that room and they
3 up imposed a policy that they had been advised by SAGE
4 and others would not work. Indeed, I'm reading
5 Matt Hancock's evidence to this Inquiry. I could give
6 you the number if you wish to call it up.

7 **Q.** We're going to have the advantage of him giving evidence
8 himself in a few days' time.

9 **A.** So let me just quote from his written evidence. I
10 won't -- this is critical for us because I think the
11 people of Greater Manchester need to hear this and
12 understand this. He says in his evidence about Tier 3:

13 "I was in despair that we had announced a policy
14 that we knew would not work."

15 **Q.** Did he explain or express that to you around the time of
16 your discussions and negotiations?

17 **A.** No, he didn't.

18 **Q.** No.

19 **A.** And I see this conversation in this Covid-O committee,
20 where they are then starting to talk about a punishment
21 beating for Greater Manchester that Lancashire should
22 have a lighter set of measures imposed than Greater
23 Manchester, since they had shown willingness to
24 co-operate, tougher measures should be imposed on
25 Manchester that day.

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1 messages from the Government were put into languages
2 that could be understood by everybody in Greater
3 Manchester. I think -- if I'm being fair, I think there
4 was some collaboration on these matters between public
5 health information experts in Greater Manchester and at
6 the government level, but it was a constant challenge.
7 The absence of British Sign Language interpreter at the
8 daily briefings was unforgivable, to be honest, all the
9 way through.

10 **Q.** We have dealt with that in evidence already but thank
11 you.

12 I'm going to move on really as a final section and
13 firmly with lessons learned how to do things better
14 going forward.

15 There may be a couple of topics you might want to
16 raise. One of them you have touched upon already, and
17 I promised you I would return back to it, would be
18 that -- your view as to the placement of the metro
19 mayors in the civil resilience structure.

20 **A.** Yeah.

21 **Q.** I think I said I would come back that.

22 **A.** Yes.

23 **Q.** That's something you wanted to deal with?

24 **A.** Yes, I just think it's what should be there in
25 a situation like this.

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1 Because we stood up for people in our city region
2 who would otherwise have really struggled had they gone
3 into that lockdown without the funds to help them.
4 Because we took that stand they decided to make, you
5 know, an example of us.

6 And it was -- it's unbelievable for me now to look
7 at evidence saying they knew it didn't work they knew
8 Tier 3 didn't work, but they were going to impose it on
9 us without enough financial support.

10 **Q.** Mr Burnham, I'm going to invite you to pause there. I
11 wanted to give you that opportunity. I think you've had
12 a reasonable opportunity to deal with that matter, and
13 I'm going to move on and hopefully have your assistance
14 in relation to another topic. Is that okay?

15 **A.** Mm-hm.

16 **Q.** Communications, and another area I have been invited to
17 explore with you is the wider communications from
18 central government and how they were received on a local
19 level from your perspective and in relation to certain
20 communities, certain communities -- minority ethnic
21 communities.

22 From your experience, was there issues with the
23 central communication, central Government communication,
24 or blanket messaging, as you described it?

25 **A.** Yes. I mean, we worked hard to make sure that the core

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1 Here's my central argument: a more devolved approach
2 to the pandemic would have been a safer approach to the
3 pandemic. The way we run this country is often
4 concentrating power in a very small number of hands in
5 Downing Street and in the middle of Whitehall. It's
6 disfunctional in normal times; I would say it's
7 dangerous to run things like that in a pandemic. You
8 look at countries like Germany that adopted a much more
9 devolved approach to these things.

10 **Q.** Just pausing there, in terms of you had the Hine review
11 when you were post the swine flu pandemic. Is there any
12 view that you have regarding the view of subsidiarity in
13 view of this?

14 **A.** Well, that was the central call from the Hine review,
15 which I set up. It said that a future pandemic should
16 be handled in a much more delegated way, devolved way,
17 with much greater subsidiarity. And it would appear
18 that that had not been taken on board.

19 And the thing that I kind of -- we'll come back to
20 and back to, is it just -- the absence of those
21 structures just meant that people, whenever I spoke to
22 them in Downing Street or Whitehall, they just didn't
23 seem to know how people were feeling in our part of the
24 world. It had been miserable, really, all through 2020,
25 with almost endless restrictions, but they just didn't

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1 seem to know.

2 If I could just inform the committee on the kind of
3 final day, when we were about to have Tier 3 imposed on
4 20 October 2020, I had a final call with the then Prime
5 Minister, Mr Johnson, and he was saying, "We just need
6 you to agree to these Tier 3 restrictions and the
7 package of support."

8 And I said, "Well, we can't, it's not enough. You
9 know, we've been under restrictions for a long time."

10 He said, "What do you mean?"

11 I said, "We've been under restrictions since July.
12 You do know about that, don't you?"

13 **Q.** And what was the response?

14 **A.** And to me it didn't seem that he did know about that.
15 He wasn't aware that we had been struggling all of that
16 time. And I think it's the absence of a kind of place
17 every week where people can report in to say, "This is
18 how it feels for us at this moment in time". That,
19 I think, led to a situation where there just wasn't an
20 understanding of what some of the things that Government
21 was doing, what they were actually -- or the impact they
22 were having on people's lives.

23 And that's why I hope this committee -- this Inquiry
24 will make some clear recommendations about a more
25 devolved infrastructure that can then both have its --

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1 a letter from you to Mr Hancock, Secretary of State for
2 Health, setting out a whole raft of proposals for
3 escalation measures to be implemented, quite
4 sophisticated measures to be implemented in Greater
5 Manchester in response to the rising cases across the
6 ten council areas, including support for self-isolation,
7 local food support, services for vulnerable groups,
8 vulnerable people, a call for some changes to local
9 enforcement powers to target enforcement better, and
10 localised enhancement of test, trace and isolate that
11 you've already mentioned.

12 Is that right?

13 **A.** Yes.

14 **Q.** Then if we can just flick on to the next page --

15 **A.** I think this is what I was saying a moment ago. This is
16 what a more devolved approach to the pandemic in our
17 view looked like.

18 **Q.** Yeah. The reason I wanted to put this up is so we can
19 all see, the Inquiry can see, the level of
20 sophistication and thought that Greater Manchester has
21 have put into this. But the second series of bullet
22 points on the second page is -- then referred to the
23 other side of the coin, which is what you needed from
24 Government. And that included additional funding to
25 help the self-isolation proposals, you needed some

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1 be represented at a national UK level but then be given
2 more responsibility to deal with the pandemic at
3 regional local level.

4 **Q.** Mr Burnham, thank you so much.

5 **A.** Thank you very much.

6 **MR KEATING:** My Lady, I think you've granted permission for
7 questions from one of the core participants?

8 **LADY HALLETT:** I have.

9 Mr Weatherby.

Questions from MR WEATHERBY KC

11 **MR WEATHERBY:** Thank you, my Lady.

12 Mr Burnham, as I think you know, I represent the
13 Covid Bereaved Families for Justice UK group, and you've
14 known of that group since it formed because you were, in
15 fact, one of the first public figures to support the
16 call for this public enquiry.

17 **A.** Yes.

18 **Q.** I've got permission just for two short points, picking
19 up on the matters you have been asked about. I'm just
20 going to ask you about the period in the middle of
21 September and then, briefly, the middle of October.

22 On 16 September you wrote a letter to Mr Hancock,
23 which I will put up just to remind you of it. It's
24 INQ000165174.

25 Now, I'm not going to read through that but it's

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1 legislative changes to support targeted approach to
2 enforcement, and realistic levels of funding to enable
3 local and time-limited interventions, as you have said.
4 So, again, a sophisticated set of proposals from your
5 side. And then as there's a list of asks, and of course
6 the perennial need for resources to support that. Is
7 that right?

8 **A.** Yes.

9 **Q.** So we can take that down, please, and just briefly put
10 up INQ000165173.

11 So the next day Mr Hancock responds in a series of
12 WhatsApp messages with you, and I think this rather
13 evidences what you said earlier about him having
14 a cordial, helpful engagement with you on this level; is
15 that right?

16 **A.** Yes.

17 **Q.** And he's checking with you things which were --
18 essentially just needed to be checked over with the
19 latter. You are making clear -- at the bottom, is that
20 should be prepared to do localised curfews, your concern
21 about the confusing patchwork of restrictions across the
22 ten council areas, and a clear sense that they are of
23 limited and deficient effectiveness. So you are
24 explaining to Mr Hancock the purpose of your letter and
25 what you need, and that seems to be going all fine in

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1 terms of your communication and detail and his
2 orientation to you.

3 Now, in terms of the financial support, am I right
4 that this was particularly related to low paid and
5 vulnerable groups, because without financial support
6 then there was no way of ensuring the effectiveness of
7 these measures to reduce the high case level?

8 **A.** Yes, this was a theme, like I said before we'd raised
9 all the way through. Greater Manchester has a higher
10 number of people who can't access sick pay or who don't
11 get paid if they're not --

12 **Q.** Yeah, so people on zero hours, people in the gig
13 economy. You mentioned some self-employed people.

14 **A.** There was a survey by UNISON North West early in the
15 pandemic that found that 80 per cent of domiciliary care
16 workers in the north-west said they wouldn't be able to
17 self-isolate if they were asked to do so because they
18 wouldn't be paid. It brings home -- you know, if you
19 can't fix that issue, you can't fix the --

20 **Q.** Yes, and you are acutely aware of that as the Mayor for
21 the area.

22 **A.** Yeah.

23 **Q.** Now, we've looked at the immediate response from
24 Mr Hancock by the WhatsApps, but did this letter of 16
25 September, did this actually lead to any greater

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1 common ground, but not on financial support measures."

2 Then in the second bullet point he reaffirms that
3 a hardship fund was not an option tabled by Her
4 Majesty's Government.

5 Later, we don't need to go to it, but later in the
6 document Ed Lister raised, and it was agreed, that time
7 wasn't on anybody's side, given rapidly increasing
8 infection rates.

9 The reference to your request for a hardship fund
10 was again, going back to the things we've just
11 discussed, assistance for the self-employed and those
12 who simply could not afford to stay off work. Obviously
13 hadn't been resourced up to that point. Was there any
14 further financial resourcing for these measures or did
15 the Government stick to its guns in terms of saying,
16 "Well, we like your ideas, but we're just not going to
17 pay for it"?

18 **A.** No, it stuck to its guns. I mean, what we were calling
19 for was money to top up that 67% furlough, that top-up
20 wages point. That's what that refers to. And the
21 government at that point was saying, "No, you can have
22 65 million", which was the core kind of funding that
23 everyone had been offered. And in fact, although they
24 claimed that they were negotiating with us, that was
25 a formula actually that they were applying to everybody

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1 financial resources being provided?

2 **A.** I think there was still modest moves later in 2020, but
3 they were never -- there was a scheme to be administered
4 by local authorities, but it never got close to the
5 simplicity of the scheme that myself and the Mayor of
6 the Liverpool City Region were calling for.

7 **Q.** Yeah, so these extra resources, to a large extent, were
8 not -- you were not able to implement them because of
9 a lack of resourcing?

10 **A.** They never were. Yeah, they -- we never --

11 **Q.** Second point, and briefly, fast forward a month, but
12 same theme, 19 October. I just want to put up a note
13 prepared by the Cabinet Office.
14 INQ000104731.

15 Again, I'm not going to go through it but I just
16 wanted to prompt your memory.

17 So this is a note of a meeting with your counsel
18 leaders and Mr Jenrick, Minister of State, and this,
19 I think, was aimed at reaching agreement on Tier 3 and,
20 from your side certainly, a financial support package
21 for Greater Manchester.

22 I just want to look at the "Headlines" section
23 that's been highlighted there. The summary, and that's
24 Robert Jenrick himself, he:
25 "... summed up by stating there seems to be a lot of

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1 in Tier 3.

2 So the next day we go into the final -- because this
3 was 19 October, the next day the 20th, the final
4 conversation I had with Robert Jenrick, that -- that was
5 the last person I spoke to before they said, "We are
6 imposing" -- well, he told me that -- he said, "You've
7 been through the whole thing now, we're going to
8 impose."

9 And I said, "Well, we've tried to work with you. We
10 don't think what we're saying is unreasonable. So
11 I take it with you imposing, you're imposing what you
12 put on the table, the 65 million."

13 "Oh, oh no, there's no guarantee of that."

14 **Q.** Yes?

15 **A.** And what happened was there was then a -- I went outside
16 to tell the world that we were having this imposed on us
17 and we tried to avoid it and we tried to get the best
18 that we could and we didn't agree with it, and it was in
19 the middle of that when a Greater Manchester MP, Lucy
20 Powell, sent a text to my political director saying,
21 "I'm in a meeting with Hancock, he's telling us about
22 the details of the imposition and he said that we are
23 going to get 25 million."

24 So not only did they not guarantee that, they tried
25 to then initially say they were going to punish us with

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1 this --

2 **Q.** With less money?

3 **A.** Yeah. And this is -- this is how this whole -- at this

4 stage, how this whole thing was handled. It was like

5 classic divide and rule. And should misters be doing

6 that in the middle of a national emergency? No, they

7 should not.

8 **MR WEATHERBY:** I had a third point but you have already

9 answered it, so thank you, Mr Burnham.

10 **A.** Thank you.

11 **LADY HALLETT:** Thank you, Mr Weatherby.

12 Mr Keating, that completes the questions for

13 Mr Burnham?

14 **MR KEATING:** It does, my Lady.

15 **LADY HALLETT:** Mr Burnham, thank you very much indeed for

16 your help.

17 **THE WITNESS:** Thank you very much, thank you.

18 **LADY HALLETT:** Right, for the time being -- encouraged to

19 take a break now. I shall return at 3.25.

20 **(3.10 pm)**

21 **(A short break)**

22 **(3.25 pm)**

23 **LADY HALLETT:** Ms Cecil.

24 **MS CECIL:** Indeed, my Lady.

25 May I call Steve Rotheram, please, the Mayor of
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1 your role as Mayor of the London (sic) City Region; is

2 that correct?

3 **A.** Liverpool City Region, yes.

4 **Q.** Indeed -- sorry, did I say London? I'm sorry, Liverpool

5 City Region.

6 **A.** It's better than London.

7 **Q.** I've got Mr Khan's evidence in my mind.

8 **LADY HALLETT:** Oh, you may not be forgiven for that.

9 **MS CECIL:** I know. I'm off to a bad start already, let's

10 hope it can only get better from here.

11 But just dealing then, perhaps, with your

12 professional background, you were heavily involved in

13 local politics initially, as a councillor. From there

14 you became the Lord Mayor of Liverpool, in 2008-2009.

15 You then were elected as the Member of Parliament for

16 Liverpool Walton and occupied that role from 2010-2017.

17 And then in 2017 you were the elected metro mayor of the

18 Liverpool City Region, and indeed you were re-elected

19 in 2021.

20 **A.** Correct.

21 **Q.** So it's fair to say that you've had perhaps

22 a longstanding commitment but, moreover, knowledge of

23 Liverpool and its surrounds.

24 I want to turn now, if I may, to the structure of

25 the Liverpool City Region combined authority. That is a
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1 Liverpool City Region.

2 **LADY HALLETT:** Sorry to have kept you waiting.

3 **MR STEVE ROTHERAM (affirmed)**

4 **Questions from COUNSEL TO THE INQUIRY**

5 **MS CECIL:** Thank you, Mr Rotheram.

6 Mr Rotheram, if you can keep your voice up, we also

7 have a stenographer who is taking a note, effectively

8 preparing a transcript of what you are saying, so if we

9 can take things slowly. If I ask you to slow down, it's

10 my fault not yours, it's just to ensure that an accurate

11 note is taken. Again, if I ask you to repeat anything,

12 that may well be why.

13 Similarly, if I ask a question and you're not sure

14 what I'm asking or you need clarification, just say.

15 Okay?

16 So, Mr Rotheram, thank you again for assisting the

17 Inquiry. You've also provide a witness statement. That

18 witness statement is dated 17 August of this year. It

19 runs to some 15 pages, and indeed at the outset what we

20 see is a statement and declaration of truth. And if we

21 turn to page 15, we'd ordinarily see your signature, but

22 of course it's redacted. Is that correct?

23 **A.** It's correct.

24 **Q.** Thank you.

25 Mr Rotheram, your evidence today is concerned with
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1 consequence of a devolution agreement that was signed

2 with the government back in 2017. And it is composed of

3 six local authorities, just to run through them very

4 quickly, Halton, Knowsley, Liverpool, Sefton, St Helens

5 and the Wirral. Is that right?

6 **A.** That's correct.

7 **Q.** Thank you. Now if I can just take you to paragraph 3 of

8 your witness statement, this is on the screen here, that

9 sets out the powers effectively that are conferred upon

10 the London City -- Liverpool City, I'm afraid, regional

11 authority, and indeed the Mayor, those are: economic

12 development, transport, housing, planning and employment

13 and skills.

14 We've heard a little bit about this already earlier

15 today but there's one notable exception, isn't there, in

16 relation to the pandemic, and that's health; is that

17 right?

18 **A.** Indeed.

19 **Q.** Indeed. Now, similarly, it's not a Category 1 or

20 Category 2 responder under Civil Contingencies Act and

21 framework, but separately to that you are an active

22 member of the Merseyside Resilience Forum. Can you just

23 tell us a little bit about that, please.

24 **A.** Well, we have statutory responsibility for public

25 transport, and obviously that's an important role in
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1 regard to the Merseyside Resilience Forum, and therefore
 2 we have a seat on that. But as the metro mayor of the
 3 area, we don't have any codified or statutory
 4 responsibilities, believe it or not, because the Civil
 5 Contingencies Act is 2004 and that would pre-date the
 6 metro mayors, which came in in 2017.

7 **Q.** We're going to turn to that in due course in relation to
 8 the structural relationships and potential deficits as
 9 you see them. But just dealing with that resilience
 10 forum, that oversees, effectively, the preparedness,
 11 response and recovery for major incidents within that
 12 region; is that right?

13 **A.** That's correct.

14 **Q.** Similarly, as a consequence of that, it also has
 15 responsibility in relation to financial distribution of
 16 money, effectively, in response to restrictions imposed
 17 upon the region. And that was true within the pandemic?

18 **A.** Yeah, both in regard to settlements with the government
 19 but also to passport funding as a conduit to local
 20 authorities.

21 **Q.** Thank you. If I can then turn, please, to your role as
 22 Mayor, so your individual role, how would you describe
 23 that?

24 **A.** I've seen mayors today give evidence, and it's very
 25 similar to what you've already heard. I believe that

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1 a different political party than me but the real
 2 important issue is that we both did the right things for
 3 the 1.6 million people in the Liverpool City Region.
 4 And so I was very vocal at times to ensure that our
 5 voices were heard over the clamour, you can imagine,
 6 from other areas in the country.

7 **Q.** Indeed. And you have referred to the 1.6 million.
 8 That's residents, isn't it, within the Liverpool City
 9 Region, and that rises to approximately 3 million
 10 people, including people working within the region; is
 11 that right?

12 **A.** The functional economic geography is a little bit more
 13 than that, we think about 3.2 million.

14 **Q.** About 3.2 million, thank you.

15 The second of those roles and responsibilities is
 16 facilitating funding. We touched on that briefly with
 17 regard to the broader structure, but just dealing with
 18 that, that deals with the city region and for the
 19 benefit of local residents and businesses.

20 **A.** It does.

21 **Q.** It has two sides to it in that respect, those who live
 22 there but also the business and economic activity within
 23 the area and the region.

24 **A.** Yeah, there's money from central government, but also,
 25 of course, we have different sources of our own funding,

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1 you need a single voice and there was never a more
 2 opportune time for devolution to work than through
 3 a pandemic, where you had a single point of contact and
 4 somebody who could liaise both with national government
 5 and, through regional structures, with local government.

6 **Q.** Indeed, as you set out within your statement, also
 7 effectively working in the interests of the Liverpool
 8 City Region area?

9 **A.** Always in -- with that at heart.

10 **Q.** At the heart of what you do?

11 **A.** Indeed.

12 **Q.** With regard to your responsibilities as Mayor during the
 13 Covid-19 pandemic, there was not a codified set of
 14 responsibilities with respect to your mayoral role was
 15 there?

16 **A.** That's correct.

17 **Q.** I think certainly within your statement you set out that
 18 there were three broad categories within which your
 19 responsibilities fell. The first of that was civic
 20 leadership and co-ordination, and how did you see that
 21 role?

22 **A.** Well, that was speaking up for our area but also working
 23 with other political partners of all different political
 24 persuasions to ensure that those voices were heard at
 25 central government. Central government may well be from

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1 and all of that is to ensure that we get the flexibility
 2 to spend the money the way we believe it should be spent
 3 in our city region.

4 **Q.** Effectively targeting where you feel it's needed most?

5 **A.** Yes, but some -- we get passported money. In other
 6 words, it's hypothecated to the city region and is
 7 ring-fenced for certain issues that we have no
 8 flexibilities within.

9 **Q.** Of course. Then finally, you describe your third set of
 10 responsibilities as sustaining services, and if you can
 11 just tell us a little bit about that very briefly.

12 **A.** Public transport is probably the main one. And even
 13 throughout the pandemic, of course, public transport
 14 never stopped, and so that's why it was important that
 15 we had that voice in the Merseyside Resilience Forum,
 16 but without having the statutory responsibility to be
 17 there we were all too often reliant on the people who
 18 represented the combined authority on that forum to come
 19 back and to inform us of things that were happening,
 20 plus the goodwill of people like the Police and Crime
 21 Commissioner and the Chief Constable at the time, which
 22 was Andy Cooke.

23 **Q.** Thank you. I will be putting public transport to one
 24 side. It's fair to say that various accommodations were
 25 made by you in your role throughout the pandemic,

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1 including free transport for key workers, those sorts of
 2 accommodations, and then also, of course, you were
 3 trying to deal with the deficit from individuals not
 4 utilising public transport during that time and the
 5 revenues that that would incur; is that right?

6 **A.** One of the benefits of devolution is that we can take
 7 those decisions locally, and we decided that there were
 8 charges against key workers and essential worker and we
 9 wanted to ease that burden during the height of the
 10 pandemic because they were the only people using public
 11 transport and yet we were charging them to use that
 12 public transport. So we tried to reduce the burden.

13 **Q.** And then, if I may just turn to another area in which
 14 there was no authority and that relates to the
 15 regulations and the Covid legislation, and you played no
 16 rule within those, developing those?

17 **A.** No role nationally but not even consulted locally.

18 **Q.** I'm going to move to consultation in just one moment in
 19 relation to both the Liverpool City Region and
 20 Westminster.
 21 Certainly in relation to that if I can just take you
 22 back to the initial stages then of the pandemic. Was
 23 there any engagement from central government through the
 24 months of January, February and up to the lockdown?

25 **A.** No. And people might remember that actually the people
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1 in advance, and that seemed to be the way in which
 2 things were conducted early on.

3 **Q.** Did that continue, as we moved through the March period
 4 into lockdown, again were you consulted at any point or
 5 was that information -- or communication made with you
 6 or your team?

7 **A.** No, there was nothing in particular. Obviously there
 8 was back channels and informal conversations about what
 9 potentially might happen, but in -- within the combined
 10 authority we would sit around that -- you know, 5 to 6
 11 waiting for the evening news way to see whether there
 12 was going to be an announcement at 6 o'clock that we
 13 would be locked down. And that happened for week after
 14 week. And of course we all know when the announcement
 15 happened, but right up until the day of the announcement
 16 by the Prime Minister there was no conversations at all
 17 locally.

18 **Q.** Okay. So as we were approaching the lockdown, and from
 19 February onwards, did you begin to make your own
 20 preparations?

21 **A.** Well, we did in as much as that we started to think
 22 about what the group of people that we would need to
 23 pull together would look like, and I think in -- March
 24 was our first Covid action group, and that was, you
 25 know, MPs, the local police and all the relevant
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1 who came to isolate and to go to Arrowe Park Hospital
 2 from being to Wuhan, they came through many areas and
 3 ended up in the Liverpool City Region, and we weren't
 4 even informed that these people were going to travel
 5 through our area or end up in a hospital environment
 6 being isolated.

7 **Q.** So just before I turn to that, that's in early February
 8 of 2020, were you aware in January or prior to that of
 9 the issues in terms of the pandemic and Covid-19 with
 10 respect to the UK in terms of communication from central
 11 government?

12 **A.** I believe that was 31 January when the quarantine
 13 happened. And obviously we were all aware, weren't we,
 14 as citizens of the world, that something significant was
 15 happening at that stage. Some people believed that it
 16 could be contained and not end up as a pandemic.

17 **Q.** So when individuals were repatriated from Wuhan and sent
 18 to Arrowe Park in the Wirral, when did you first find
 19 out about that?

20 **A.** On the news.

21 **Q.** What did you do in response to that? Did you try to
 22 make any communication with Westminster?

23 **A.** Well, first of all we contacted Wirral Council because
 24 they were the local authority in which Arrowe Park
 25 Hospital is located, and they had had no notifications
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1 agencies all coming together, so that we had a forum
 2 that we could all share information in, outside, of
 3 course, the statutory responsibility of the Civil
 4 Contingencies Act.

5 **Q.** Was that prior to lockdown or post lockdown?

6 **A.** It was the -- our first meeting was on the 20th, which
 7 is the Friday before lockdown, so the planning of that
 8 must have been weeks before.

9 **Q.** Indeed. In your statement you describe also engaging
 10 with the local NHS directors of public health from
 11 February, effectively, onwards; is that right?

12 **A.** Yeah, and one of the problems that we had is that --
 13 again, that was predicated on the goodwill of people who
 14 were leading local authority areas, for me to have
 15 access to their directors of public of health and not
 16 a statutory responsibility.

17 **Q.** Again, going back to that potential lacuna that you
 18 identified at the outset.

19 **A.** Absolutely.

20 **Q.** Now, as the pandemic progressed and post lockdown, did
 21 things improve to any degree, in terms of communications
 22 with the government?

23 **A.** When are we talking about here, what month?

24 **Q.** Effectively post lockdown, from that March, April, May
 25 period.
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1 **A.** Yes, there was some informal communications but there
 2 were no official channels for us to raise any particular
 3 issues and it was much later on that we started to get
 4 the access to the secretaries of state and senior
 5 ministers in the government that we needed to -- so we
 6 could find out the information necessary to put
 7 appropriate measures into what was happening locally.
 8 **Q.** Indeed, we've heard a little bit earlier this afternoon
 9 about attempts to engage with Westminster and to attend
 10 COBR. Were you part of those attempts?
 11 **A.** Yeah, we -- well, we believed as a group -- it was the
 12 -- called the M9 at the time, there were nine metro
 13 mayors, and I think it was four Tories, five Labour, so
 14 it was pretty balanced, and we believed that there
 15 should be representation from that group at COBR. We
 16 hadn't decided who that might be but we did believe that
 17 our voices should be heard because of the enormity of
 18 the population that those nine people had --
 19 represented.
 20 **Q.** With regard to that nine group, the group of metro
 21 mayors, did there ever come a point where you were
 22 represented essentially by one individual in that way?
 23 **A.** No, I don't believe so.
 24 **Q.** Indeed, you did not attend COBR, save for one exception,
 25 which we'll move to later in the chronology, in October

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1 **A.** Well, that we were reacting rather than proactively
 2 working in engagement with central government to
 3 formulate some of those policies.
 4 **Q.** Did that cause any difficulties with your constituency
 5 base?
 6 **A.** Often, especially on messaging, and we desperately
 7 needed a single voice and some coherence around that
 8 message, and that was often lost because things were
 9 quite fluid and changed quite often and things would
 10 flip-flop one way and then a different way and
 11 a different occasion. So it was much more difficult to
 12 take people with you.
 13 **Q.** We're going to deal with some of those challenges later
 14 when it comes to looking at tiers, but were there also
 15 any logistical challenges for the authority?
 16 **A.** Yeah. There was -- I'll give you an example. Both the
 17 Mayor of London, Sadiq Khan, and myself were asking
 18 I think in the April around face coverings, and I wanted
 19 the government to introduce this and I wanted to do it
 20 locally.. And believe it or not I would have had to
 21 change the bylaws locally and get that through the
 22 legislative process to do that before we could enforce
 23 face coverings.

24 So there were lots of things that happened where if
 25 it had have come from central government that would have

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1 of 2020?
 2 **A.** Yes, that's correct.
 3 **Q.** We've heard evidence earlier that you and Andy Burnham
 4 issued joint statements asking government to widen
 5 membership to also include mayors from the north-west.
 6 Did you ever get a response to that?
 7 **A.** No, I don't believe we did?
 8 **Q.** Turning, as we go, again, through the chronology and
 9 into the summer, and looking at engagement, a number of
 10 NPIs were relaxed as coming out of lockdown initially
 11 but then also Eat Out to Help Out was announced. Did
 12 you have any advance notice of either those relaxations
 13 or the scheme?
 14 **A.** We had no notification whatsoever. So that came as
 15 a real bolt out the blue.
 16 **Q.** So were you finding out as the public found out?
 17 **A.** Yeah, on nearly every major announcement we were
 18 watching the telly and -- and we work late anyway in our
 19 office, so we were staying until stupid hour watching
 20 what was happening on the news so that we could then
 21 start to formulate our response to that for the next
 22 day.
 23 **Q.** Did that present any challenges for you?
 24 **A.** Consistently.
 25 **Q.** What challenges were they?

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1 alleviated the local problems that we were facing.
 2 **Q.** We've heard a little bit already this morning about that
 3 issue and engagement on that issue, so I'm going to
 4 leave that there, but mainly because we've got other
 5 points to cover this afternoon.
 6 But dealing then, if I may -- so that's public
 7 communications and messaging. I'm going to now come to,
 8 the tiers, and that takes us somewhat ahead, following
 9 Eat Out to Help Out, the summer time, and then
 10 effectively moving through September and into October.
 11 Now, in October, is it correct there were rising
 12 infection rates in the north-west and in particular
 13 within the Liverpool region?
 14 **A.** There were across the north-west but specifically in the
 15 Liverpool City Region, and one of our areas was the
 16 third highest R rate in Europe.
 17 **Q.** So you had one of the -- the third highest R rates in
 18 Europe. In terms of the situation with regard to the
 19 NHS and hospitals, how did that present itself in the
 20 Liverpool City Region?
 21 **A.** Well, by now we were having regular conversations and
 22 meetings with the directors of public health, with our
 23 NHS representatives and with the scientists, and the --
 24 around mid-October we were getting genuinely concerned
 25 that the NHS didn't have the capacity if the R rates had

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1 have continued and the numbers of people who were
 2 presenting with infections in hospital, then there would
 3 have been no capacity at all within the Merseyside area
 4 for anybody presenting with any other condition that was
 5 non-Covid. So we were literally at capacity and worried
 6 that it might tip over.

7 **Q.** The Inquiry has heard some evidence about the
 8 development of the tier structure in response to
 9 concerns such as the rising R rate and infection numbers
 10 within Liverpool. When did you find out about the
 11 potential for tiering?

12 **A.** So we've had some conversations with the Secretary of
 13 State, Matt Hancock, early in October, I think it was
 14 the 5th, and within that we'd -- he'd said there might
 15 be the need for some additional restrictions, and
 16 I think tiering might have been mooted, certainly no
 17 detail on that, and what we were very concerned with at
 18 that same time was that the government had also floated
 19 the idea that furlough would be reduced from 80 per cent
 20 to 67 per cent, and so that was the main topic of
 21 conversation from my perspective because I was
 22 100 per cent opposed to any reduction, because that
 23 would have hit our area harder than anywhere in the
 24 country.

25 **Q.** Indeed. Presumably you've been listening to the
 173

1 something, collectively.

2 **Q.** In terms of doing something collectively, at that point
 3 was it envisaged that it would be a tiered system, with
 4 increasing levels of restrictions, or were you looking
 5 at something different?

6 **A.** I think that came on the Saturday, the actual -- you
 7 know, "We need to discuss about this new thing, Tier 3".
 8 We started to talk about what that might look like and
 9 what the additional restrictions would be, whether it
 10 would be an a la carte menu or whether it would be
 11 a prescriptive list of things that we had to do. And of
 12 course then on if we did enter into Tier 3, because at
 13 that stage nobody had, if we were first entrants, what
 14 any financial support package would look like, because
 15 obviously that would mean, with another local lockdown,
 16 that businesses would be constrained, and we were very,
 17 very adamant that businesses shouldn't be detrimentally
 18 impacted.

19 **Q.** So were financial considerations a concern for you at
 20 that point?

21 **A.** Massive.

22 **Q.** Now, in terms of discussion with the government, from 9
 23 to 11 October -- spans a weekend in short?

24 **A.** Yes.

25 **Q.** You were involved in a number of discussions,
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1 evidence immediately before you from Andy Burnham in
 2 relation to furlough. I'm not going to go back over
 3 that now, save as to say you are on the same page as
 4 him, presumably?

5 **A.** I didn't hear it all and the connectivity is not
 6 brilliant, so it cut out, but generally we do speak with
 7 one voice, myself and the Mayor of Greater Manchester,
 8 because we were communicating on a regular basis,
 9 a daily basis, during that terrible period.

10 **Q.** In terms of Tier 1, Tier 2 and Tier 3, and potential
 11 Tier 3 restrictions for the Liverpool City Region, when
 12 did you first hear about that?

13 **A.** So we had a meeting with the Chief Medical Officer on
 14 9 October, I think that was the Friday, and within that
 15 he outlined the concerning situation across the
 16 Liverpool City Region with the R rate but with the NHS,
 17 and it was understood that something needed to happen,
 18 specifically in our geography, because we -- we were
 19 genuinely concerned that we wouldn't have any additional
 20 capacity. So that was the first time that that sort of
 21 thing had been discussed.

22 He showed us all of the scientific evidence, so put
 23 charts on the screen. It was along with all the leaders
 24 in the Liverpool City Region, so the six local authority
 25 council leaders. So we basically knew we had to do
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1 negotiations, is that right, in relation to the measures
 2 that would be taken within the region but also the
 3 financial package that would come alongside it?

4 **A.** Yes, with all sorts of people within Number 10 and
 5 secretaries of state and scientists and Uncle Tom Cobley
 6 and all to tell you the truth. But we were -- we really
 7 wanted to understand the science and whether the list
 8 that eventually emerged would do the job, whether that
 9 would tackle some of the problems that were previously
 10 identified.

11 **Q.** Just to be clear, those discussions and negotiations
 12 involved the Prime Minister and Edward Lister, who we
 13 have heard from previously, Robert Jenrick, another
 14 Member of Parliament, and other individuals?

15 **A.** Very much around that list, to tell you the truth. The
 16 others were peripheral. Ed Lister was central to this
 17 and he was the one that constantly we had conversations
 18 with and Zoom and Teams calls, and was somebody who
 19 would pick up the phone to me during the negotiations
 20 and inform me of what the thought of the Prime Minister
 21 were.

22 **Q.** Indeed. And we know from other evidence that he was
 23 dealing not only with you but some of the other areas as
 24 well with other mayors as we've heard today and indeed
 25 earlier in the Inquiry.
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1 A. Yeah.

2 Q. With regard to those negotiations and the debate, did
3 you reach a consensus or effectively an agreement, and
4 at what point?

5 A. Well, we were certainly in dialogue right up until
6 Sunday early evening, and then we sort of had adjourned
7 that and we were going to pick this up the next day, on
8 Monday the 12th, and there was a front page of The Times
9 Online that came out that evening and that basically
10 identified that was a *fait accompli* and we were going
11 into Tier 3 whether we liked it or not. But we still
12 thought that we were negotiating a deal.

13 Q. So did that come as a surprise to you, that
14 announcement, in terms of the paper article?

15 A. Yeah. We were certainly moving towards the same
16 conclusion, but to have the rug pulled under our feet --
17 because we were very concerned at the messaging to the
18 people in the Liverpool City Region. We -- at this same
19 time we had Andy Burnham in Greater Manchester who was
20 trying to push back against the government who'd not
21 supported Greater Manchester for weeks and weeks and
22 weeks when they had been in the highest tier. So for
23 that to be seen that Manchester were opposing something
24 but we were almost voluntarily, as people would have
25 seen it, moving into the highest tier, I thought could

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1 dying prematurely. A middle-ground course of action led
2 locally was required to reduce transmissions of Covid-19
3 and its success critically depended upon the
4 co-operation of the public. And here we see the chair,
5 the Prime Minister, acknowledged a package of support
6 developed by Merseyside to reduce infections within
7 Liverpool.

8 So that's the opening, in short, to the meeting, is
9 that right? That's the context?

10 A. Yeah. And the most important line in all that is that
11 it says its success was critically dependent upon the
12 co-operation of the public. I think that needs to be
13 borne in mind for what we come on to.

14 Q. Public messaging?

15 A. Indeed.

16 Q. Indeed.

17 If I just continue onward, please, to paragraph 2,
18 we see an update from the Chief Medical Officer, and
19 this is specific to your area effectively. He said:
20 "... the rates of COVID-19 amongst the over 60 years
21 old, particularly within Merseyside, were going up and
22 would result in increased hospitalisations and deaths
23 ... COVID-19 was displacing other health conditions
24 which was increasing the burden of disease amongst
25 non-COVID-19 conditions."

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1 be problematic, and certainly that's how it panned out.

2 Q. Indeed. I'm going to move to that in a moment. I just
3 want to deal with the remainder of the 12 October first,
4 if I may.

5 You attended -- that's when you attended the first
6 and only COBR meeting, is that right.

7 And if I can just call that up, please. Thank you.

8 Here we see the minutes of that. We can see it was
9 held on Monday 12 October at 10.30 in the morning.
10 A large number of attendees, Prime Minister sitting in
11 the chair of the meeting. If we go over the page we see
12 further attendees that were present. And over again,
13 it's a very long list, I'm afraid, and you're on, I
14 think, this page, and we can see you on the right-hand
15 side, third up from the bottom, as attending.

16 With regard to that, if I can go to page 5, please,
17 and paragraph 1 of that, initially it opens with the
18 Prime Minister welcoming everybody and thanking you for
19 being in attendance that day, gives an update on the
20 situation, the R rate was between 1.2 and 1.5 and
21 pinpointed various areas where transmission was of
22 particular concern, Nottingham, Londonderry/Derry. Said
23 a full lockdown would interrupt education again, would
24 be very economically damaging. Alternate option,
25 letting disease spread would result in many thousands

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1 A theme that we have already heard evidence on.

2 It continues, and this is the Chief Medical
3 Officer's view, Professor Sir Chris Whitty:

4 "... concluded that implementing baseline 'Tier
5 Three' restrictions would not reduce the R-rate to
6 below 1 and compliance with more stringent measures
7 would be required to successfully reduce the virus."

8 It then continues through the meeting, come back to
9 some scientific advice momentarily, and we go through to
10 your update.

11 It's on page 6, please, and it's paragraph 9.

12 You've been asked for your views on the potential
13 measures in terms of local measures. It says:

14 "... the overall goal was to reduce infection rates
15 and relieve pressure upon hospital beds."

16 That's what we were just referring to earlier.

17 "Measures to reduce infection included improved
18 local capacity to use Test and Trace data. Enforcement
19 remained a challenge for local authorities and that
20 simplified legislation would support [that]. He
21 concluded that ... hospitality ... would be impacted
22 greatly by the new measures and asked that further
23 consideration was given to how to support these
24 workers."

25 Did you go into detail in relation to any further

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1 support within this meeting with the Prime Minister?
 2 **A.** Yeah, I said that it was an absolute red line for us to
 3 still at that late stage enter into any deal with
 4 national government that would see a reduction of
 5 furlough from 80 per cent to 67 per cent, and I think
 6 that's what that's referring to, slightly coded. But it
 7 was the people, the workers is in the city region who we
 8 were trying to protect at this stage. And of course it
 9 also mentions test and trace data. That was something
 10 that we had longed for, for -- and I think -- this is
 11 the bit that I did hear, Andy was explaining it wasn't
 12 until, I think it was, Nadhim Zahawi was appointed that
 13 we started to get access to some of that data, but that
 14 data should have been ours as a right.

15 **Q.** Indeed.
 16 Just continuing, if I may, just to focus on this
 17 meeting at the present time, you have raised the issues
 18 of furlough, you've raised the issues of financial
 19 package. At this point there had been no deal, had
 20 there? It was still being negotiated?

21 **A.** Nothing absolutely concluded but we were very much
 22 moving towards that. And just so that we have a full
 23 picture of this, there are people who spoke later and
 24 the leaders -- so Nicola Sturgeon, Mark Drakeford, and
 25 Arlene spoke later -- Foster -- and they all said that
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1 you were present at at COBR?
 2 **A.** Not just at this meeting but it was something that the
 3 metro mayors had called for for some considerable time
 4 in the build-up to all of this, because we understood
 5 that whilst we had to do stuff to control things within
 6 our own geography, there's a bleed between geographies,
 7 people don't stick rigidly to those administrative
 8 boundaries, so within the (unclear) of the Liverpool
 9 City Region, every single day people flow in and out of
 10 it and we knew that it was much more difficult to do it
 11 in one area but we had to try something. And by the way
 12 what we did was demonstrably successful, because
 13 despite -- that's a generalised statement, isn't it, but
 14 within the Liverpool City Region we did see a fall over
 15 those three weeks, even with a Tier 3 approach.

16 **Q.** Of course it was then -- Tier 3 then moved into the
 17 national lockdown?

18 **A.** Exactly the point, yeah, but we'd already started to go
 19 in the right direction.

20 **Q.** The infections started to decrease?

21 **A.** Yes.

22 **Q.** At that point was your view that Liverpool City Region
 23 ought to enter into a tier system or that there ought to
 24 have been a circuit-breaker?

25 **A.** I think it was an inevitability that we were going to
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1 they had supported my red line, which was no reduction
 2 in furlough.

3 **Q.** Now, moving on through and just dealing with the other
 4 advice that was provided in relation to the tier system
 5 of which you were concerned, or why you were there that
 6 day, if I can go to page 8, please, and paragraph 18,
 7 what we have here is:

8 "The [Government Chief Scientific Adviser] ..."

9 So Professor Sir Patrick Vallance.

10 "... [explained] that the impact of lockdowns and
 11 the impact of doing nothing were known, but the impacts
 12 of interventions between them was not known."

13 And it continues:

14 "However, while the granularity of effects were not
 15 yet known, it was clear a baseline Tier Three approach
 16 would not reduce the R rate to an acceptable level. A
 17 circuit-breaker approach, a hard period of intervention
 18 for a limited time period, such as 3 weeks, was an
 19 option that SAGE had considered, it could reduce this R
 20 rate to below 1 and would allow for a period of reduced
 21 infections to follow. He concluded another positive of
 22 the circuit breakers was that they could be planned for
 23 but that final decisions would be dependent upon
 24 strategic aims."

25 Were circuit breakers discussed at this meeting that
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1 into Tier 3, given The Times headline. What I was most
 2 concerned about was the messaging, and I pointed out
 3 earlier, if you don't take the public with you, it
 4 doesn't matter what those restrictions might have looked
 5 like and the arguments for or against it, it had to be
 6 communicated correctly to the people in the Liverpool
 7 City Region, and I wasn't afforded that opportunity.

8 **Q.** Just going to that and not being afforded that
 9 opportunity, after this COBR agreement was reached and
 10 finalised and at that point is it right that you had
 11 a phone call with the Prime Minister?

12 **A.** Yeah.

13 **Q.** What was discussed in that phone call with the Prime
 14 Minister?

15 **A.** Well, exactly the whole scenario about how we would
 16 communicate to ensure that there was compliance as
 17 widely as possible. And I very much emphasised the fact
 18 that a Tory Prime Minister in an area like the Liverpool
 19 City Region might not be the best person to be
 20 communicating this, and so therefore there should be
 21 a joint comms strategy on this and we needed to get the
 22 messaging absolutely nailed down, and he agreed to that.
 23 So I had my team ready and was expecting a phone call
 24 from Number 10's team so that we could agree some
 25 wording on what that would look like, but unfortunately
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1 that wasn't the case.

2 **Q.** Indeed. Later that afternoon it was announced by the
3 Prime Minister that Liverpool City Region was entering
4 Tier 3, is that right, and then subsequently in a Number
5 10 press conference that evening?

6 **A.** It -- on both of those occasions, yeah, without any
7 notification to me, and then we had to try to pick up
8 the pieces.

9 **Q.** What were the consequences of that in terms of
10 implementing Tier 3 within the Liverpool City Region?

11 **A.** At this stage we were the first, as I say, but
12 Manchester, because of their extended restrictions
13 period, were still trying to get a deal, so it looked as
14 if we were doing a deal but we hadn't had those same
15 restrictions prior to Tier 3, and people didn't
16 understand that outside. It was a confusion of who was
17 saying what and why would Manchester not accept the deal
18 and we would accept the deal. And as I've explained,
19 for all the right reasons we wanted to ensure that we
20 could reduce the R rate but also the deaths, because as
21 the R rate increased the death rate did and we were
22 really cognisant of the fact that far too many people
23 had already succumbed and we needed to do everything we
24 possibly could.

25 What happened was as soon as the Prime Minister
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1 the package and I was told it was a prescriptive
2 package, and then Lancashire went into Tier 3 and their
3 restrictions were different than ours and that caused,
4 again, a hiatus and some problems.

5 **Q.** Indeed. And within your witness statement you set out
6 the correspondence that you subsequently had in relation
7 to that package, financial arrangements and so on,
8 mostly outside of the scope of this particular module
9 but of course the information is there so I don't
10 propose to take you further through that.

11 With regard to that aspect I just want to touch now,
12 if I may, on one other issue and that is, firstly, in
13 terms of the lobbying.

14 You lobbied the government on various issues, one
15 being access to PPE.

16 **A.** Mm-hm.

17 **Q.** You've already mentioned face coverings. A third being
18 the financial support that you've touched upon already,
19 and indeed we've heard evidence earlier today, and there
20 will be some questions on that in due course so I'm not
21 going to deal with that in any great detail now but
22 simply in relation to potential financial support
23 packages to enable individuals to self-isolate. That
24 was your concern in relation to the test and trace
25 programme; is that right?
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1 stood up in the House of Commons, Twitter literally blew
2 up. And my team who, you know, tried to manage the
3 social media side of things just said, "There's
4 thousands". And that resulted in all sorts of threats
5 and unintended consequence, I'm sure.

6 **Q.** When you say "threats", do you mean threats to you or to
7 your team?

8 **A.** I think probably to me more than the team, but there
9 were direct threats, and that resulted in the Chief
10 Constable having to post 24-hour security.

11 And I'm not sure that when the Prime Minister broke
12 that agreement with me that in any way he thought that
13 might have been a consequence, but that's why I was so
14 clear in what we needed to do to prevent those sorts of
15 eventualities.

16 **Q.** Now, with regard to public compliance, the Liverpool
17 City Region did go into Tier 3 the following day.

18 **A.** Yes.

19 **Q.** On 13 October. It remained in Tier 3 up until the
20 national lockdown, the second lockdown, came into force,
21 but initially it was to last for four weeks with
22 a sunset clause; is that right?

23 **A.** It was, and we got a financial package through to
24 support that. But the issue wasn't the four weeks, the
25 issue was the additional restrictions, because we agreed
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1 **A.** This was fundamental really to why I believe that the R
2 rate had spiked, because there were far too many
3 people -- certainly low paid jobs in the Liverpool City
4 Region where them people were faced with the sword of
5 Damocles decision, and that was if they felt that they
6 had symptoms they were choosing whether to stay home and
7 get no pounds, no pence, or to take the chance that they
8 didn't have Covid and go to work, and I think that it
9 was an intolerable position to put anybody in.

10 We explained this time and time again to government,
11 that they needed to support us because we needed to have
12 a package to support those workers so that if they felt
13 that there may have been Covid symptoms that they erred
14 on the side of caution and stayed at home.

15 **Q.** Indeed, and you launched a Time Out to Help Out
16 campaign, a play on Eat Out to Help Out campaign, in
17 terms of words?

18 **A.** Yes.

19 **Q.** Again, you will be asked some questions about that. The
20 other aspect that I wish to touch on very briefly is one
21 particular event that took place that outset of the
22 pandemic on 11 March. Again, you are going to be asked
23 some questions about that but it's the Liverpool match,
24 the Champions League match versus Atletico Madrid that
25 took place, the background to that being that public
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1 health concerns were growing, as you've explained.
2 With regard to that time what you say about that is
3 that it was not clear at this stage if the government
4 was seeking to take a herd immunity approach or was
5 simply waiting to the last minute to implement
6 a national lockdown.

7 That's in relation to the timing of this particular
8 football match that was being played. Why did you
9 consider herd immunity to be a real possibility at that
10 stage?

11 **A.** Because the government didn't seem to have any strategy
12 to tackling the pandemic and it appeared that they were
13 just allowing things to happen. Herd immunity -- look,
14 I'm not a scientist, I hadn't heard of herd immunity
15 beforehand. This was something that we were reading
16 about and learning about and worried about, but we do
17 know, don't we, from evidence to this Inquiry that there
18 were allegations against the Prime Minister about piling
19 up the bodies, and that's how it felt. I was on the
20 front line of this, if you like. It felt as if they
21 were just going to allow it to let rip, and that was
22 a major concern for all of us.

23 **Q.** Thank you.

24 I'm going to leave the questions about involvement
25 in decision-making in relation to that match to others
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1 well, and that was the mantra right the way through it.
2 Because we weren't privy to some of the discussions and
3 deliberations at the Merseyside Resilience Forum it was
4 people anecdotally telling us things that had happened
5 there, and that cannot possibly be the best way that we
6 can run things and there needs to be a statutory footing
7 for metro mayors. Basically our role needs to -- the
8 legislation needs to catch up with the advent of what
9 we've now got across the city -- sorry, across the
10 country with regional mayors.

11 **Q.** Of course, that legislation dates back to 2004
12 devolution agreements, subsequent to that?

13 **A.** Indeed.

14 **Q.** Considerably so. And do you consider that that lack of
15 status played any role in the way you were treated by
16 central government with regard to effectively COBR
17 meetings, Westminster, Number 10, Cabinet?

18 **A.** Possibly. I haven't got the evidence to support this
19 but there was a feeling that because we didn't need to
20 be included that at times we weren't. And I'm slightly
21 more confident that if we did have that codified
22 statutory responsibility within the Merseyside
23 Resilience Forum that only would the information have
24 been readily to hand but also government would have had
25 to included metro mayors, and myself, as part of the
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1 but if I may just ask you, finally now, in terms of
2 lessons to be learned for the future and
3 recommendations, a few questions in relation to the
4 structural aspects concerning the role that you played
5 the Mayor and the devolution agreements and the role of
6 regional authorities essentially within the any civil
7 emergencies response.

8 You have already explained that the Liverpool City
9 Region combined authority is not a category 1 responder
10 under the Civil Contingencies Act. We have also heard
11 that London is. To what extent do you consider that
12 lack of status as a Category 1 responder made
13 a difference to your ability to co-ordinate the regional
14 response in the Liverpool City area?

15 **A.** Massive. Massive difference.

16 As I say, I relied on the goodwill of others,
17 including the leaders of local authorities. We were all
18 from the same political persuasion. It might have been
19 more difficult if we had have had people from different
20 political parties, and therefore the likelihood that
21 people could have played politics at no stage did any
22 individual leader of the local authorities or the
23 combined authority ever put politics before people. It
24 was always about our place and our people and we were
25 about protecting lives but protecting livelihoods as
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1 deliberations round that.

2 **MS CECIL:** Thank you.

3 I have no further questions for you at this stage
4 but if you just pause there.

5 My Lady, there are two sets.

6 **LADY HALLETT:** Mr Weatherby.

7 **Questions from MR WEATHERBY KC**

8 **MR WEATHERBY:** Thank you very much.

9 Mr Rotherham, I ask questions on behalf of the Covid
10 Bereaved Families for Justice UK group and I have just
11 two short topics, the first of which is the Atletico
12 Madrid match. It's of particular importance because
13 a number of the families that I represent believe that
14 their loved ones contracted Covid as a result of that
15 match going ahead.

16 Now, for context, the match took place on 11 March,
17 and that was the day that the Director General of the
18 WHO belatedly, some may say, declared Covid to be
19 a pandemic, and in doing so called for -- called
20 internationally for urgent and aggressive action to
21 combat its spread. His words not mine. Yet on that
22 date the match was allowed to go ahead in Liverpool.

23 The match was attended by, as you know, more
24 than 50,000 people. The attendance included something
25 like 3,000 people from Madrid. And again, by way of
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1 context, at that time Spain generally already had well
2 known high case numbers, Madrid was a particular
3 hotspot, and many Spanish football games were already
4 taking place behind closed doors and there was a partial
5 lockdown there at that time.

6 So, in terms of the match going ahead, were you
7 consulted by ministers or government officials in
8 relation to any decision to allow the match to go ahead?

9 **A.** So this was during March and sort of the pre-lockdown
10 period, although of course, it happened very quickly
11 afterwards. It was this and the Cheltenham Festival
12 I think at the same time and that's when lockdown
13 happened which was too late for some people. At no
14 stage were we consulted by anybody, not just national
15 government, but there was no consultations with
16 ourselves. Quite the opposite, actually. I mean, we
17 were trying to get information, and at that stage the
18 Government said the fixture was low risk.

19 **Q.** Right. So at that time you were concerned about it, and
20 was it your view that the match shouldn't go ahead?

21 **A.** Well, I was personally concerned as well because I'm
22 a Liverpool fan, and I actually went to the game. And
23 I remember it being very different than I think nearly
24 every other game that I've been to because of the fan
25 behaviour. You've already seen people sort of not

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1 Joe Anderson, called for an inquiry into why the game
2 had been allowed to go ahead, and I think you supported
3 that call for an inquiry; is that right?

4 **A.** I think if you get the chronology right, I was the first
5 one the day before to say that there needed to be an
6 inquiry into it.

7 What happened was the Mayor of Liverpool had asked
8 that Matt Ashton, the director of public health, look at
9 a local --

10 **Q.** I see. So you asked for a governmental level inquiry
11 into whether the match should have gone ahead?

12 **A.** Yes. I had concerns, and I had phone calls from people
13 who were genuinely worried that parents had gone to it
14 and, of course, one or two of those subsequently did
15 succumb to the illness.

16 **Q.** Did you get any response from a Government level
17 regarding the rationale for the decision to allow the
18 match to go ahead, or how municipal authorities or
19 anybody else was supposed to manage 3,000 attendees from
20 Madrid? Did you get anything after the match was over,
21 after your call for an inquiry, by way of explanation as
22 to that?

23 **A.** This was, as I say, during the period where the
24 Government just blanked anything. It was a waste of
25 time and energy trying to get them to do or help or

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1 socially distancing because you can't at a football
2 match but being much more cautious, and certainly with
3 goals being scored, which we all know at a moment of
4 unbridled joy, there was -- it was certainly a subdued
5 way which supporters were celebrating.

6 **Q.** I mean, the concerns you had, did you think it should
7 have gone ahead at the time, or not, or were you simply
8 looking for the guidance from official scientists or
9 Government ministers about it?

10 **A.** We had no scientific evidence to support the fact that
11 we were concerned about it, but if the Government had
12 said, listen, this is not going ahead, I think everyone
13 would have breathed a sigh of relief. But there was no
14 evidence presented to us that it was anything other than
15 the low risk that the Government claimed.

16 **Q.** Did you attempt to contact ministers or officials to
17 question that, to say: where is the advice?

18 **A.** We had literally no conversations with national
19 government at that stage about concerns over Covid.
20 I mean, the doors were closed.

21 **Q.** Did you attempt to do so?

22 **A.** No, not directly, no.

23 **Q.** Yes, okay.

24 Now, following the match and later in April, I think
25 it's a matter of public record that the city Mayor, then

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1 assist or advise because it all fell on deaf ears at
2 this stage, and not just in March but right the way
3 through until --

4 **Q.** So you called for an inquiry but got nothing back.

5 Now, the second point, just very quickly --
6 a different topic but about the position later in the
7 summer. Mr Hancock in his second statement at
8 paragraph 454 effectively puts the blame on local
9 leaders or some local leaders making political points
10 rather than following the data, in terms of the problems
11 that you have already been asked about over the summer.
12 How do you react to that? Was it local leaders who
13 should be held accountable for the difficulties in the
14 imposition of these localised regional restrictions, or
15 were there other issues?

16 **A.** There was never an occasion where I was present at any
17 meeting with any political parties or leaders where
18 people tried to play party politics on this. But, look,
19 does politics play a part in the background to this? Of
20 course it does. When you have local authorities that
21 are being hit the hardest in the whole country, they
22 have a feeling that national government aren't listening
23 to them.

24 When you have an NHS that's teetering anyway, they
25 are political decisions. But there wasn't party

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1 politics that were in any way a consideration of the
 2 approach that we took -- (overspeaking) --
 3 **Q.** As you said, nearly half of the mayors, the Metropolitan
 4 Mayors are, in fact, Conservatives?
 5 **A.** Indeed, and within their combined authority areas, there
 6 are a mix of different political persuasions.
 7 **Q.** Thank you very much.
 8 **LADY HALLETT:** Thank you, Mr Weatherby.
 9 Ms Peacock.

10 **Questions by MS PEACOCK**

11 **MS PEACOCK:** I have a few short questions on behalf of the
 12 Trades Union Congress.
 13 You already touched upon in your evidence the Time
 14 Out to Help Out campaign you launched in August 2020
 15 alongside Mr Burnham. My questions focus on that
 16 campaign.
 17 That campaign asked Central Government to continue
 18 to pay workers their full wage when they were required
 19 to self-isolate and they were unable to work from home;
 20 is that right?
 21 **A.** Correct.
 22 **Q.** How did that campaign envisage practically speaking that
 23 workers would be paid to self-isolate? What was their
 24 proposal?
 25 **A.** The proposal was that if anybody felt that they had the

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1 workers and residents in the Liverpool city region?
 2 **A.** I think it was an excellent campaign by the unions to
 3 highlight the issue, but I was in dialogue with Frances
 4 O'Grady at the time, and she'd spoken out that something
 5 needed to happen because too many people, both the
 6 excluded groups, so the people who were self-employed
 7 and freelancers, were being left behind, but so were
 8 people who didn't qualify because they were on zero
 9 hours contract so they were under the threshold.
 10 **Q.** My final question is: do you consider that Central
 11 Government responded adequately to the Time Out to Help
 12 Out campaign and the need for financial support for
 13 self-isolation at any point during the pandemic?
 14 **A.** I think this, like a number of other issues that were
 15 discussed, was something that not only did they not
 16 respond adequately, I don't think they actually
 17 responded.
 18 **MS PEACOCK:** Those are my questions, my Lady.
 19 **LADY HALLETT:** Thank you very much, Ms Peacock.
 20 **MS PEACOCK:** Thank you, my Lady. That concludes the
 21 evidence today.
 22 **LADY HALLETT:** Thank you very much indeed, Mr Rotherham.
 23 Safe journey back to Liverpool. Thank you for your
 24 help.
 25 **THE WITNESS:** Thank you.

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1 symptoms of coronavirus to err on the side of caution
 2 and for them to stay at home. The employer would pay
 3 the statutory sick pay to them, and -- sorry, the bit
 4 between statutory sick pay and what their wage was, but
 5 that would be topped up by the Government. So the
 6 employer would pay, but they would be recompensed by
 7 national government.
 8 **Q.** And in terms of self-employed people, was it envisaged
 9 they could claim for loss of earnings up to a maximum
 10 daily amount as they are able to when on jury service;
 11 is that right?
 12 **A.** That's what we thought. We thought people who have
 13 complied with their public duty to do jury service, for
 14 instance, that's what we were claiming that people
 15 should do with coronavirus. It was about public duty,
 16 and it was about those people -- about if they went into
 17 work with symptoms and those symptoms hadn't been
 18 realised.
 19 **Q.** You explained in your evidence earlier that you
 20 considered this issue was absolutely fundamental to why
 21 the R rate spiked because people on low incomes were
 22 being asked to make that very difficult decision between
 23 self-isolating and going to work and receiving payment.
 24 How did this issue come to your attention? How did
 25 you become aware that this was an important issue for

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1 **LADY HALLETT:** That completes the evidence for today. 10.00
 2 tomorrow?
 3 10.00 tomorrow, please.

4 (4.26 pm)

5 (The hearing adjourned until 10 am on Tuesday,
 6 28 November 2023)

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