

THE CHIEF CORONER OF ENGLAND AND WALES

SITTING AT THE CENTRAL CRIMINAL COURT

THE INQUESTS INTO THE
DEATHS OF THE VICTIMS OF THE TERROR ATTACK ON
LONDON BRIDGE AND IN BOROUGH MARKET ON 3 JUNE 2017

SUBMISSIONS ON PREVENTION OF FUTURE DEATHS
TRANSPORT FOR LONDON

Introduction

1. These submissions are made on behalf of Transport for London (“TfL”) in response to the submissions on prevention of future deaths (“PFDs”) on behalf of the parents and partner of Xavier Thomas dated 2 August 2019 and the submissions on behalf of the families represented by Hogan Lovells dated 5 August 2019.
2. TfL remains committed to learning lessons and continually improving. These submissions are made to provide the Coroner with details of TfL’s current practice and understanding in respect of the complex issues arising.

Response to submissions on behalf of the parents and partner of Xavier

Thomas

3. It is noted that the parents and partner of Xavier Thomas seek PFDs in respect of bridge security (para 10 to 16). These are mainly directed to the Office for Security and Counter-Terrorism (“OSCT”), Department for Transport (“DfT”), Secretary of State for the Home Department (“SoS”), National Counter Terrorism Security Office (“NaCTSO”), Metropolitan Police Service (“MPS”) and City of London Police (“CoLP”).

4. As explained in evidence given on behalf of TfL at the inquests, since October 2017, TfL has adopted threat based planning assumptions to assist road designers and engineers to consider protective security when designing and developing new road layout schemes or proposals.

5. TfL agrees that there should be consideration by the relevant stakeholders as to the future scope of a Highway Authority’s duty to implement counter-terrorist measures. Since the conclusion of the inquests, TfL has met with NaCTSO in relation to these issues and would welcome ongoing consultation in the policy-making process.

6. At paragraph 15, the parents and partner of Xavier Thomas submit that CoLP, TfL and the City of London Corporation (“CoLC”) need to review their procedures so that swift action can be taken to implement temporary HVM when necessary. Since the inquests concluded, representatives from both

CoLP and TfL now attend the CoLC's Public Realm Security Advisory Board ("PRSAB"), which meets monthly.

7. The PRSAB was established with clear Terms of Reference for CoLP, security agencies and key City of London stakeholders to work together to develop, innovate and improve the security provision within the Square Mile.
8. One of the aims is also to ensure that there is sufficient capacity, capability and availability of HVM resources to respond in relative 'fast time' to emerging security threats and vulnerabilities. The PRSAB provides operational support to its Senior Security Board, which has oversight of their overall Security Plan.
9. TfL also now attends the Security Review Committee chaired by the Deputy Assistant Commissioner of Specialist Operations at the MPS which oversees the national response and preparations in relation to terrorism. TfL has also commissioned work through the Centre for the Protection of National Infrastructure ("CPNI") to develop a number of protective security measures that are immediately available for deployment.
10. At paragraph 16, the parents and partner of Xavier Thomas seek PFDs that:
(a) permanent solutions are implemented on London's bridges as soon as practicable; and (b) TfL's review of the height of parapets on bridges should include consideration of netting on bridges as a means of preventing falls.
11. As to (a), this work is progressing and the design works are funded. However, the delivery programme for the permanent solutions will depend upon collaboration between various agencies and arrangements as to funding. As

the Chief Coroner will be aware, there are several different highway authorities and owners responsible for the bridges in central London.

12. As to (b), TfL's review of the height of parapets on bridges (following the PFD arising out of the Westminster Bridge inquests) has been completed, although it did not specifically consider safety netting. However, safety netting has been considered in the past and is not used on bridges due to a number of factors including: a) high installation, maintenance and cleaning costs; b) uncertainties about its effectiveness; and c) planning restrictions. Safety netting on bridges is normally used only as a temporary measure, for example during construction works but not as a permanent solution.

13. Paragraph 23(a) of the submissions on behalf of the parents and partner of Xavier Thomas, asks that a PFD be directed to TfL to consider whether its systems for vetting candidates and in particular its online checks are adequate. TfL continually considers the effectiveness of its systems for vetting candidates and updates them where necessary. The systems it currently has in place, meet the Government's current requirements for vetting, but TfL would be content to carry out a further review in light of any future response or recommendations from the Home Office.

Response to the submissions on behalf of the families represented by Hogan

Lovells

14. At paragraph 32 of the submissions, it is suggested that a PFD should be made that police forces, highway authorities (which would include TfL) and the Home Office should review and enhance their capability to install

temporary hostile vehicle mitigation with reasonable speed where a threat is identified.

15. As indicated in paragraphs 7 to 9 above, TfL has commissioned work in this area and is also developing internal procedures to establish a 'fast-time' process for responding to identified threats. TfL appreciates, however, that the suggested PFD is directed to all highway authorities.
16. It is acknowledged that the evidence of PC Hone, Richard Woolford and Siwan Hayward demonstrated the need for all organisations involved in protective security to understand the respective capabilities of each organisation. TfL and CoLC appreciate the need to work closely on protective security issues and since 2017 have actively collaborated on risk review processes.
17. In addition, as mentioned above, TfL is now represented on the PRSAB where issues of public protection in the City of London jurisdiction are considered.
18. At paragraph 37, the families represented by Hogan Lovells seek a PFD that consideration be given to devising a system which ensures that before a job applicant is given a job at a significant site on the transport network (such as the London Underground) checks are conducted against terrorist subjects of interest. It appears that this suggestion is directed to the Home Office and/or DfT rather than TfL.

19. The evidence in relation to the current arrangements, so far as TfL is concerned, was set out in the witness statement of Kevin Clack dated 17 June 2019. The DfT is currently consulting with London Underground Limited on a revised set of security instructions which include a new framework for considering the risks that may be posed by employees. TfL would be content to liaise further with the Home Office and/or DfT.

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