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Monday, 4 March 2013

(10.00 am)

Housekeeping

THE CORONER: Good morning everybody. Are there any issues to raise before we ask the jury to come in? Mr Hendy.

MR HENDY: Madam, just at the end of Friday, I raised the question of whether Mr Bullivant should be called to give evidence and I said I would speak to other advocates. I haven't spoken to other advocates, but I now realise that in fact -- is this on? Sorry. I now realise that we don't consider that there is a necessity for him, and I wonder if I could just indicate why that is, madam. It's because I read the transcript of Ms Sidney's evidence over the course of the weekend and at page 43 -- this is for 1 March -- there was a discussion between myself and Ms Sidney about what Mr Bullivant had said to her and the basis upon which he said it. May I just read that out. At page 43, line 5, I asked the question:

"The essence is that he [Mr Bullivant] thought that it was acceptable to have half-glazed doors?

"Answer: Yes, that was --

"Question: That's really all you can recall about the conversation.

"Answer: Just give me a minute to -- to think,

1 please, thank you. (Pause)

2 "My -- what I think he -- what was -- what was the  
3 outcome of that discussion is that we would achieve  
4 a door that was half -- half-glazed with  
5 a fire-resisting panel beneath.

6 "Question: That's what you told him? That's what  
7 you would have told him, you think, your best guess?

8 "Answer: I -- it would have to be a best guess, but  
9 I -- I don't know, I can't remember, the exact  
10 conversation. I'm sorry.

11 And it goes on from there. So the best evidence  
12 that we have as a best guess of recollection is that the  
13 outcome of the discussion between Ms Sidney and  
14 Mr Bullivant was that the door would be half-glazed with  
15 a fire-resisting panel underneath and on that basis we  
16 can't see that there's in fact a necessity to call  
17 Mr Bullivant.

18 THE CORONER: Sorry, so you're saying that you don't want  
19 him called?

20 MR HENDY: I can't see the necessity.

21 THE CORONER: Well, I agree with you entirely, Mr Hendy.

22 I can see no necessity for calling Mr Bullivant, so I'm  
23 grateful to you for that. Thank you.

24 Yes, any other points to be raised? All right,  
25 thank you. Can we ask the jurors to come in, please.

1 Yes, Mr Menlove, good morning. Do you want to come  
2 back to the witness desk, thank you. Help yourself to  
3 a glass of water. You are giving your evidence on oath  
4 still. I'm sorry you've had a break over the weekend.  
5 Please, if you could remember to keep your voice up so  
6 we can hear what you are saying that would be very  
7 helpful. If the sun is in your eyes then we'll have to  
8 close the curtains.

9 A. It's fine.

10 THE CORONER: Thank you.

11 (In the presence of the Jury)

12 THE CORONER: Yes, members of the jury, good morning. We  
13 have some lovely sunshine. It seems a shame to shut it  
14 out. We're going to continue this morning with  
15 Mr Menlove's evidence and then we're going to shift the  
16 focus a little bit and we're going to be having a look  
17 at fire risk assessments which were introduced as  
18 a statutory requirement, as you'll hear when the  
19 evidence is given, and towards the end of the week we're  
20 going to have some more expert evidence. Thank you very  
21 much. So we're going to continue with Mr Menlove.

22 JOHN MENLOVE (continued)

23 THE CORONER: Mr Maxwell-Scott, had you finished your  
24 questions?

25 MR MAXWELL-SCOTT: Yes, I had, thank you.

1 THE CORONER: Thank you very much. Yes, Mr Hendy, do you  
2 have any questions?

3 Questions by MR HENDY

4 MR HENDY: I do, madam. Mr Menlove, my name's Hendy.  
5 I represent members of all the bereaved families. Can I  
6 begin by asking you about FENSA and the FENSA  
7 certificate which you've told the jury on Friday you  
8 understood to provide proof of compliance with the  
9 building regulations.

10 In your witness statement at 633 -- I wonder if we  
11 could just put that up. In the paragraph at the top of  
12 the page, if we look some six lines up from the end of  
13 that top paragraph, there's a line that begins with the  
14 words "the responsibility of the contractor". Do you  
15 have that point?

16 A. I can't see it just at the moment.

17 Q. Is the sun a bit of a trouble there?

18 A. No, I'm just trying to see.

19 Q. Six lines up from the bottom of the end paragraph, the  
20 line beginning with the words "the responsibility of the  
21 contractor"?

22 A. Yes, I've got it.

23 Q. Right. If we could just read together the sentence that  
24 follows:

25 "I am aware that in relation to, for example,

1 windows, a FENSA certificate is a form of  
2 self-certification which confirms that the windows  
3 comply with the building regulations, codes of practice  
4 and British standards."

5 No issue with that, that the FENSA certificate  
6 confirms that windows comply with the building  
7 regulations, but was your understanding at the time that  
8 a FENSA certificate could apply to panels that were not  
9 windows?

10 A. That was my understanding at the time.

11 Q. I think -- sorry.

12 A. Perhaps I could explain my thinking behind that. The  
13 specification in terms of the responsibility for design  
14 under condition 10 talks about "composite windows", and  
15 my belief and my understanding was that at the time that  
16 would have meant the whole of the window arrangement.  
17 So obviously the word "composite" means a combination of  
18 the parts, which in this case would have included the  
19 frame, the glass, and the panels. I think that's  
20 further borne out by the performance specification,  
21 which -- which deals with all three of those elements.

22 Q. I think you have learned since then that in fact a FENSA  
23 certificate doesn't cover anything other than the  
24 windows?

25 A. Yes, I've -- I've heard information to that effect as

1 a result of this inquiry.

2 Q. The coroner's going to stop me arguing with you about  
3 what the building regulations actually say, but the  
4 important thing is to probe your understanding at the  
5 time.

6 Even on the assumption that a FENSA certificate  
7 covered panels, do you accept that SBDS had a duty to  
8 ensure that the panels, regardless of the windows,  
9 complied with the building regulations?

10 A. I -- I believe that was clearly covered within the  
11 contract documentation. It was -- from SBDS's  
12 perspective, it was a standard and what we considered to  
13 be a robust document, which had several documents within  
14 that -- that tender. The principal document or the head  
15 document would have obviously been the GC works  
16 contract, and that made it absolutely clear what the  
17 design responsibility was, and so we -- we would have  
18 believed at the time that we would have covered that  
19 point by ensuring that the contract documents were --  
20 were robust.

21 THE CORONER: Mr Hendy, if that's Mr Menlove's belief at the  
22 time, I don't think that it's appropriate to be asking  
23 him questions as to whether or not, as a matter of law,  
24 that's a correct proposition.

25 MR HENDY: Yes. It doesn't quite answer the question that I

1 was putting to him, though, and that was whether you  
2 understood that SBDS had a duty to ensure that the  
3 panels complied with the building regulations.

4 THE CORONER: Well, I think Mr Menlove has given his answer  
5 to that.

6 MR HENDY: The answer is that that duty was fulfilled by  
7 ensuring that the contract provided that the contractor  
8 should ensure that the panels comply with the building  
9 regulations; is that putting it shortly?

10 A. That -- that's correct, yes.

11 Q. Yesterday you looked at the service level agreement.

12 I don't think we need to go there again, but I think you  
13 accept that one function of SBDS was to advise the  
14 London Borough of Southwark, the appropriate  
15 departments, whether or not building regulations  
16 approval was required for a particular project.

17 A. That's -- that's correct. I could perhaps give a bit  
18 more information on that if it's -- if you'd like me to.

19 THE CORONER: Yes, if it's evidence which is relevant to the  
20 issues we're looking at, then make a start, Mr Menlove.

21 I'll stop you if it looks like we're going astray.

22 A. Thank you. I think it's important to understand that at  
23 the time when we were putting together the tender  
24 documentation for this particular contract, the decision  
25 was made to place the responsibility for design on the

1 contractor and therefore a full application or a full --  
2 a full application for building regulations clearly  
3 couldn't have been made at that time because we didn't  
4 know the design, and therefore we went down the route of  
5 wanting the contractor to do the design and therefore  
6 the contractor would put in the building notice, and  
7 that, for us, would have fulfilled the requirement to  
8 comply with any requirements from Building Control in  
9 terms of fire.

10 Q. So the duty to advise the London Borough of Southwark  
11 whether or not building regulation approval was required  
12 or not was again a matter which was delegated through  
13 the contract to the contractor; is that right?

14 A. Yeah, that would -- yes, that would have been our belief  
15 at the time, certainly.

16 Q. What about this proposition: that SBDS had a duty to  
17 ensure that the contractor itself complied with the  
18 building regulations?

19 A. Well, again, I -- I need to come back to the tender  
20 documentation. Condition 11 of -- of the GC works  
21 contract makes that absolutely clear in terms of the  
22 responsibility on the part of the contractor.

23 Q. Mr Menlove, that's understood, that the contract  
24 provided that the contractor had to comply with the  
25 building regulations. What I'm putting to you is that



1 SBDS had an obligation to ensure that the contractor  
2 complied with that obligation.

3 THE CORONER: Well, Mr Hendy, I think the answer which  
4 Mr Menlove has given you already is that his belief was  
5 this was something which had been passed down to the  
6 contractor, and I think that discussion as to where the  
7 duties and obligations and responsibilities lay is not  
8 a matter for further discussion with him in detail.

9 MR HENDY: I understand, madam. Then can I just conclude  
10 that by putting the converse proposition, which is this,  
11 Mr Menlove: that having ensured that within the contract  
12 there was an obligation that the contractor should  
13 comply with the building regulations, do I understand  
14 your understanding to be that SBDS had no further  
15 obligation to make sure that the contractor complied  
16 with the --

17 THE CORONER: Well, I think that's the same question,  
18 Mr Hendy, as you asked before.

19 MR HENDY: Yes, well it is, madam.

20 THE CORONER: And I've said we've dealt with that.

21 MR HENDY: I'm guided by you, as always, madam. Let me move  
22 on.

23 You gave evidence on Friday that there would have  
24 been discussions with Building Control but of course  
25 with the passage of time you can't now recall, and we

1 all understand that you didn't have day-to-day control  
2 of this project. But in order to have discussions with  
3 Building Control, one has to know whether there is  
4 likely to be a material alteration to the building; am  
5 I right? So far as part B is concerned?

6 A. Yes, correct.

7 Q. So as far as the doors to the lounges and the kitchens  
8 were concerned, the original specification was that they  
9 were fire doors, so it wouldn't have been thought that  
10 there would be any material alteration to what was there  
11 before by replacing what was there before with fire  
12 doors; am I right?

13 A. Correct.

14 Q. But so far as the panels below the bedroom windows are  
15 concerned, until those panels had been specified, SBDS  
16 couldn't say whether there was going to be a material  
17 alteration or not; am I right?

18 A. We -- we wouldn't have known the design of those panels  
19 at that stage, certainly.

20 Q. No. We know that the panels below the bedroom needed to  
21 be fire-resistant in order to comply with regulation  
22 B4(1), to stop the external spread of fire; am I right?

23 A. Correct.

24 Q. Do you accept -- I know it's not a matter of expert  
25 evidence from you and the jury's had their evidence from

1 others, but just let me get your understanding at the  
2 time -- that the Trespa panels below the bedroom windows  
3 provided less fire resistance than the asbestos panels  
4 which were there?

5 A. That wouldn't have been something that I would have had  
6 knowledge of at the time.

7 Q. Did you not appreciate that Trespa panels were going to  
8 be put in during the course of this project?

9 A. I was aware of that, yes.

10 Q. Did you not know that there were asbestos panels which  
11 were being taken out?

12 A. I -- I would have been aware of that, yes.

13 Q. So there was a point during the course of this project  
14 when you did appreciate that asbestos was being  
15 substituted by Trespa panels?

16 A. Yes, that's correct.

17 Q. SBDS itself made no enquiries as to whether the Trespa  
18 panels were less fire-resistant than the asbestos panels  
19 as far as you know?

20 A. That's correct.

21 Q. Can we look at page 2073, please, which is in volume 6,  
22 I think. (Handed) Mr Maxwell-Scott took you to this  
23 exchange of emails on Friday. I just wanted to ask you  
24 a little more about it. Here we are dealing, on 26 May,  
25 with a change to the composition of the panels below the

1 bedrooms and indeed the panel in the bottom half of the  
2 lounge and kitchen doors and the panel next to the  
3 kitchen door. We have an email from Annabel Sidney at  
4 the bottom of the page, which says in the second  
5 paragraph:

6 "Symphony Windows have suggested replacing the  
7 powder-coated aluminium panels on the external side with  
8 a 3-millimetre Trespa panel. One of the reasons for  
9 this is the possible problem of the different reflective  
10 surfaces of the balcony panels, which are specified as  
11 Trespa, and the window panels, which are specified as  
12 powder-coated. Symphony think this may look odd on the  
13 building. The other reason is that Trespa is very  
14 strong/robust and might be better suited to the larder  
15 panel and doors on the fire escape balconies. There may  
16 also be a third reason in that aluminium is very  
17 expensive and I think prices have gone up ..."

18 You are asked for your views. I'm sorry, there's  
19 one further point at the penultimate paragraph of her  
20 email:

21 "One of my main concerns is which material retains  
22 its colour for the longest, ie the effect of the sun  
23 over a period of time."

24 Then you replied:

25 "I don't have any strong views one way or the other

1 but I can offer the following thoughts. This is  
2 a suggestion from the contractor so we need to be clear  
3 about this in order that he doesn't then use it for  
4 an EOT. In principle, it's not good to change the  
5 specification once on site but if there are sound  
6 reasons then it is sometimes unavoidable. I would  
7 suggest that you get samples of both, along with any  
8 cost implications and other fors and againsts, and make  
9 a joint decision with the client. If it is going to  
10 cost more then there will need to be very good reasons  
11 for changing and obviously one of them cannot be that  
12 the price of aluminium has increased since tender stage.  
13 This is contractor's problem, not ours."

14 As Mr Maxwell-Scott put to you on Friday, the  
15 concerns within SBDS are effectively the reflective  
16 surfaces, the strength of the panels, the cost of the  
17 panels, the retention of colour of the panels, and we  
18 also heard in earlier evidence there was a concern about  
19 the aluminium panels getting scratched as well. But of  
20 course everyone, including the jury, immediately see the  
21 elephant which is not mentioned, namely nothing about  
22 fire resistance. Mr Menlove, I put it to you that it  
23 was an omission on the part of SBDS not to raise the  
24 fire-resisting qualities of the panels.

25 A. The comments that -- that I've made in my email response

1 to Annabel related to the colour and the -- whether  
2 the -- the Trespa panels would perform better in terms  
3 of their aesthetic properties. I acknowledge that my  
4 response wasn't related to any issues of fire  
5 resistance. What I can say, as I've read this email now  
6 several times, is that that wouldn't have been something  
7 that I would have considered. I think by clearly  
8 stating that it was a request from the contractor, that  
9 no extension of time claim would be entered into, there  
10 would be no consideration of additional costs in terms  
11 of the price of aluminium going up -- by making those  
12 statements within the email, I believe that what I  
13 was -- my belief at the time would have been that the  
14 design of those panels, again, was with the contractor,  
15 and any change would have been the responsibility of the  
16 contractor in terms of complying with the regulations.

17 Q. One can well understand, Mr Menlove, that you were  
18 dealing with the problem that was put before you and  
19 addressing yourself to that and raising the particular  
20 implications of any change that might come about in  
21 terms of what had been put to you. Nevertheless, this  
22 was an opportunity, was it not, to query whether the  
23 substitution of Trespa panels did or did not provide  
24 proper fire resistance?

25 A. I have to agree with that, yes.

1 Q. No doubt you'll agree with me also that compared to the  
2 reflective properties of the surfaces, the strength of  
3 the panels, the cost of the panels, the scratching of  
4 the panels, the retention of colour of the panels, none  
5 of these had a priority like fire resistance?

6 A. Clearly not. Having said that, my belief was that that  
7 was covered in other ways.

8 Q. "Covered in other ways" is a reference to the  
9 contractual obligations placed to the contractor?

10 A. Yes, that's correct.

11 Q. Can we then look briefly at the specification which  
12 formed part of the contractual documents. We have this  
13 in a number of places, but I think it most convenient,  
14 to me at least, if we take the first specification that  
15 was drawn up at 1297 in file 4. (Handed) We know that  
16 this wasn't drawn up by SBDS but it was drawn up at  
17 SBDS's request by SAPA, and it was attached to the  
18 contractual documentation ultimately, was it not?

19 A. That's correct.

20 Q. If we look at page -- sorry, just give me one moment.  
21 (Pause) If we look at page 1303, we see, under 1, the  
22 reference to solid infill panels, "28-millimetre  
23 insulated sandwich panels with facings of polyester  
24 powder-coated aluminium finished to match framing".  
25 That was the original specification which, as we

1           were discussing a few minutes ago, was subsequently  
2           changed to Trespa facings. There's nothing in that  
3           provision requiring those panels to conform to any part  
4           of the building regulations; agreed?

5    A. Yes, yes, I do agree. However, I need to again say that  
6           this was covered in other parts of the contract.

7    Q. I understand that. There's no dispute between us,  
8           Mr Menlove, that the contractual terms and conditions,  
9           independent of the specification, say the contractor has  
10          to comply with the building regulations.

11                 Can we look, please, at page 1304, the very next  
12          page. We do notice that the specification under  
13          "Hardware" in item 12, right at the bottom, says:

14                         "Fully drained low threshold, to comply with the  
15          requirements of building regulation approved  
16          document M."

17                 If we look under "Ventilation" in 13 at the bottom  
18          of that page, again the last paragraph says:

19                         "Trickle ventilation shall also comply with approved  
20          document J."

21                 If we go over the page at 1305, we can see in the  
22          footnotes, right in the middle of the footnotes, that:

23                         "Certain window configurations may not meet the  
24          requirement of approved document B of the building  
25          regulations for a fire escape window."



1           So the specification, you no doubt agree, sets out  
2           various parts of building regulations which various  
3           aspects of the project must comply with but nothing in  
4           relation to the panels below the bedrooms and in the  
5           doors to the lounges or next to the kitchen door?

6   A.   That's correct, yes.

7   Q.   If we look at the bill of quantities.  It's in the same  
8           volume at page 1360.  This was drawn up by Symphony,  
9           I think.  I stand to be corrected on that.

10  THE CORONER:  The document itself will not have been drawn  
11           up by Symphony, Mr Hendy.

12  MR HENDY:  No, I agree, madam.  My mind's gone blank for the  
13           moment.  At any rate, this document --

14  THE CORONER:  The evidence we've heard is that it was  
15           prepared by Franklin & Andrews on behalf of SBDS.

16  MR HENDY:  I'm very grateful, madam.

17           This document too was part of the contractual  
18           documents, wasn't it, Mr Menlove?

19  A.   That's correct, yes.

20  Q.   If we look at page 1360, we can see in the second  
21           paragraph the requirement is to:

22           "Carefully remove existing metal windows, doors and  
23           louvres (note asbestos panel removed elsewhere) and make  
24           good all disturbed finishing.  Supply and install new  
25           polyester-coated [sic] aluminium window units to comply

1 with all current u-values as required by the building  
2 regulations part L."

3 Now, whether that goes beyond the requirement to  
4 comply with part L that we've just looked at and extends  
5 to the panels or not is not entirely clear, not clear to  
6 me.

7 If we go on from there to page 1361 on the next  
8 page. At the top of the page, this is talking about the  
9 bedroom -- well, it begins with the bedroom window.  
10 Let's read on:

11 "Kitchen window type 2 comprising of tilt and turn  
12 and fixed windows, solid fire-rated door to meet part B  
13 and panel containing flue aperture, overflow  
14 aperture..."

15 And so on. So the solid fire-rated doors that we  
16 spoke about earlier must meet part B of the building  
17 regulations.

18 Now, what I suggest to you, Mr Menlove, is that the  
19 failure to specify that the Trespa panels should meet  
20 part B was an oversight on the part of SBDS. Do you  
21 agree with that?

22 A. The Trespa panels weren't specified within the original  
23 contract documentation.

24 Q. Sorry, my mistake. Let me rephrase the question: the  
25 failure to specify that the panels below the bedroom

1 windows in the half-glazed doors to the lounge and the  
2 kitchen and in the panel next to the kitchen window --  
3 the failure to specify that those panels didn't meet the  
4 requirements of part B of the building regulations was  
5 an oversight on the part of SBDS?

6 A. I'm afraid I don't agree with that.

7 Q. Why not? If you're specifying that other parts of the  
8 work should comply with various aspects of the building  
9 regulations, why not specify that this vitally important  
10 component should also comply with part B of the building  
11 regulations?

12 A. I probably need to refer back to my belief that the GC  
13 works contract, and particularly condition 11, would  
14 have made it absolutely clear that the contractor needed  
15 to comply with Acts of Parliament and statutory  
16 requirements in terms of the works.

17 Q. Right.

18 Just some final matters now I need to deal with.  
19 Ms Sidney was not aware of some surveys that had been  
20 undertaken by SBDS in the year 2000 and 2001. To save  
21 time this morning, do you remember me showing those to  
22 Ms Sidney last week, or would you like to look at them  
23 again?

24 A. I -- I can't remember you showing them to her.

25 THE CORONER: In that case let's look at them, thank you.

1 MR HENDY: Let's look at them. In the new bundle of  
2 documentation, which is on fire risk assessments, it's  
3 page 13. Perhaps I should just remind you what this  
4 document is. I believe it begins at page 1. Shall  
5 I just show you that --

6 THE CORONER: Can we just get it.

7 MR HENDY: Of course. (Handed)

8 THE CORONER: You're on page 13, are you, Mr Hendy? Is that  
9 right?

10 MR HENDY: Madam, I invite everybody to put their finger in  
11 at page 13 and just remind ourselves of what this  
12 document is by looking at page 1.

13 THE CORONER: Right, that's helpful, thank you.

14 MR HENDY: So this is a document emanating from Southwark  
15 Building Design Service and the brief was that you were  
16 approached by the Housing Department to comment on  
17 matters arising from the fire risk posed by external  
18 cladding applied to high rise buildings. Stock with  
19 external cladding needs to be assessed and made safe if  
20 necessary. The brief was developed to include initial  
21 research of the original fire incident in a block at  
22 Glasgow, the government report and action taken by other  
23 authorities. You, of course, were at SBDS at this time,  
24 were you not?

25 A. That's correct.

1 Q. And you no doubt remember that fire at Irving(?), was it  
2 not?

3 A. I have a vague recollection, not in any detail.

4 Q. Fair enough. The second bullet point is:

5 "Analyse whether the problem is related to certain  
6 building systems or to overclad buildings constructed at  
7 that time. Assess the Southwark Condition Survey to see  
8 whether we have similar blocks. Assess the need to  
9 carry out investigative work on site to discover the  
10 adequacy of fire breaks behind cladding systems.  
11 Produce an initial report outlining the extent of the  
12 problem with options to address it."

13 You were instructed on 17 October 2000, and you  
14 carried out a survey, and if we look at page 3, we can  
15 see that the properties were grouped by risk -- low risk  
16 and then medium risk, which are:

17 "Buildings which are not overclad and where the  
18 external elements of construction may pose a fire risk  
19 or a risk of fire spread, or are partially overclad with  
20 the overcladding on non-critical end walls not  
21 penetrated by windows or doors, and buildings where  
22 there are small sections of cladding with finishes in  
23 isolated panels which may pose a risk of localised fire  
24 spread."

25 Then high risk:

1           "Buildings which possess a combination of  
2           overcladding and windows and doors with ineffective fire  
3           stopping at the wall junctions."

4           And unknown risk, where the risk couldn't be  
5           assessed.

6           Then if we could go, please, to page 13, looking at  
7           Lakanal House as it was back in late 2000 or early 2001.  
8           We can see the fourth entry down is Sceaux Gardens  
9           estate, block: Lakanal. It tells us a little bit about  
10          it, and then it says:

11          "Reasons why block placed under this category."

12          This is a medium fire risk. It's in a conservation  
13          area, existing forms of windows may have to be retained  
14          and there is a risk of localised fire spread between  
15          wall-panelled sections.

16          Now, of course this is before the substitution of  
17          asbestos by Trespa panels. Would you have been aware of  
18          the outcome of this survey by your department in 2000?

19    A. I -- I can see from the reference that it was carried  
20          out by one of the other teams within SBDS, the west  
21          team. Unfortunately, I've -- I've no knowledge of it.

22    Q. Ms Sidney was quite unaware of it. I wondered if you  
23          could help as to why surveys of this kind, or the  
24          substance of them, weren't disseminated amongst the  
25          SBDS? Since you have no recollection of it either, you

1           may not be able to help us on that.

2    A.  No, I'm afraid I can't.

3    Q.  We can put that bundle away and can I ask for bundle 3  
4           at page 846, please.  This is an SBDS report on three  
5           sites at risk, prepared in response to instructions  
6           received from the Housing Department in January 2001.  
7           We can see that the three sites didn't include  
8           Lakanal House.  Were you aware of this survey when it  
9           was concluded?  Was this disseminated to you?

10   A.  Again, it was carried out within the west team and  
11           unfortunately I've no knowledge of it.

12   Q.  If we could look, please, at page 850.  We're now  
13           looking at one of the three sites, Crystal Court, and at  
14           page 850, under the heading "Proposed works", the  
15           recommendation is that:

16                 "When the windows require replacement, the infill  
17           panels should also be replaced by a more substantial  
18           fire-resisting construction.  The frames themselves may  
19           also require renewal so that they may carry both the  
20           windows and the panels.  This work would ensure improved  
21           fire integrity of the external walls of the building."

22                 Of course, another block of flats and a different  
23           problem, and well ahead of the removal of the asbestos  
24           panels from Lakanal House and their substitution by  
25           Trespa.  But it does show that Southwark Building Design

1 Service was alive to the risk of fire spread on the  
2 external walls of its high rise buildings and in  
3 particular the susceptibility of panels, doesn't it?

4 A. Yes, that's certainly what we can see here.

5 Q. Do you think it would have been perhaps better if these  
6 pieces of research had been disseminated amongst the  
7 SBDS?

8 A. Well, they may well have been but I have no recollection  
9 of it.

10 Q. Just to conclude with this, if you go to page 853,  
11 please, "Conclusions and recommendations". The third  
12 paragraph says:

13 "The problems, which were perceived under our full  
14 survey of the council's stock of high rise buildings,  
15 are certainly not as great as feared. The remedial  
16 works may be phased in with the scheduled external  
17 decoration program for these properties. This will mean  
18 that the works would be completed within seven years of  
19 the start of 2001."

20 Can you help us as to whether that programme was  
21 mentioned and indeed concluded by 2008, as intended?

22 A. Unfortunately, I can't.

23 Q. Right, we can put that away. I just have a few short  
24 points with you.

25 Part L of the building regulations, as we've seen



1 reference to, deals with insulating a property from heat  
2 and cold; am I right? In general terms?

3 A. That's correct.

4 Q. Miss Catherine Hickman found smoke coming through her  
5 floorboards at an early stage of the fire which came in  
6 subsequently to flat 79. Does that suggest to you that  
7 there may have been some leakage between the base of the  
8 panels below the bedrooms and the floor of flat 79?

9 MR MATTHEWS: Madam, sorry, I'm a little surprised by that  
10 question.

11 THE CORONER: Yes, is this not a matter of expert evidence?  
12 We've heard some evidence on this.

13 MR HENDY: I'm happy to deal with it in a different way, if  
14 that's more convenient.

15 THE CORONER: Yes, see how you want to deal with it.

16 MR HENDY: Of course.

17 Mr Menlove, could we come to another point. Could  
18 we have page 631 of your witness statement up. In the  
19 third paragraph from the bottom, the one that begins:

20 "The contract used for PPM was a standard GC works  
21 contract with LBS amendments, which included the  
22 specification of works. SBDS had a procedures manual,  
23 which contained various standard forms and processes to  
24 assist in the management of the scheme."

25 That procedures manual, is that something that was

1 available on the desks of all the project managers?

2 A. It -- it was -- it was a fairly large document, so there  
3 may be -- there may have been one or two copies  
4 within -- within each team, for reference purposes.

5 Q. Where you say that it contained processes to assist in  
6 the management of the scheme, what sort of processes?  
7 How to apply for building regulation control approval,  
8 that sort of thing?

9 A. I'm not sure that it included that specific item. What  
10 I recall is that it would have given proformas for  
11 agendas for various types of meetings, examples of  
12 minutes and those kind of general procedures.

13 Q. Then penultimately, can I ask you something about the  
14 contract itself. These are not legal questions at all.  
15 In your witness statement, you say at 636 -- and we've  
16 had your evidence on that -- that it was for the  
17 contractor to design the window assembly.

18 THE CORONER: Mr Hendy, we have been round that.

19 MR HENDY: Indeed we have, madam.

20 At 632, you say, at the bottom of the page:

21 "I do not now have any specific recollection  
22 regarding discussions that took place about the  
23 change..."

24 That's from aluminium to Trespa:

25 "... but I believe the change was instigated by the

1 contractor."

2 Do you agree that such a change required the  
3 approval of SBDS?

4 A. A change of that nature would certainly have been  
5 something that would have needed to have been provided  
6 to the contract administrator, SBDS. More relevant, it  
7 would have been something that the client would have  
8 needed to be aware of and have a view on.

9 Q. Isn't it more than that, Mr Menlove? The client,  
10 through SBDS, needed to agree such a change?

11 A. The reason I'm hesitating is I'm trying to recall the  
12 conditions in the contract that allow for that.

13 Q. Well, let me help you. Can we take up volume 11 at  
14 page 4116. (Handed) In paragraph 10, headed "Design",  
15 10(1) says --

16 THE CORONER: Could you just wait for it to be turned up.

17 MR HENDY: Of course. I apologise to the jury that it's  
18 quite difficult to read the left-hand side of it this,  
19 but could I just read with you:

20 "Where the contractor, either by himself or by means  
21 of any employee, agent, subcontractor or supplier, is  
22 required under the contract to undertake the design of  
23 any part of the works, he shall, in accordance with the  
24 contract or as instructed by the project manager, submit  
25 to the project manager for approval two copies, or other

1           such other number as is stated in the abstract of  
2           particulars, of a suitable drawing."

3           So just pausing there, it's for the project manager  
4           to approve designs, is it not?

5    A.   That's what it says in the contract, certainly.

6    Q.   And that's your understanding of the contract, isn't it?

7    A.   Yes, it is, yes.

8    Q.   Yes.  If we just read on, if we leave sentence alone and  
9           read the penultimate sentence in the paragraph:

10           "The contractor shall not commence any work to which  
11           such drawing, design document or design information  
12           relates, unless the design has been approved in writing  
13           by the project manager, and the contractor shall not  
14           alter that design without the further written approval  
15           of the project manager."

16   A.   That's correct.

17   Q.   That's your understanding?

18   A.   Absolutely.

19   Q.   So the final decision is that of SBDS, is it not?

20   A.   I -- I think the reason for my hesitation was that the  
21           final paragraph -- or the final sentence within that  
22           section relates to the fact that the approval given by  
23           the project manager won't relieve the contractor of  
24           liability.

25   Q.   Of course.

1 A. So I was kind of hesitating over that point, but  
2 I certainly agree that approval needs to be given by the  
3 project manager -- construction project manager.

4 Q. So the ultimate decision on the provision of Trespa  
5 composite panels was in fact that of SBDS on behalf of  
6 the London Borough of Southwark?

7 A. In conjunction with our client, yes.

8 Q. The final thing -- we can put that volume away -- is  
9 this: that there was, I think, in the bill of  
10 quantities -- we needn't pull it up but for those who  
11 need to know it's page 1411 -- a provision for  
12 thermalite block-work under windows. Other witnesses  
13 have been unable to help us as to what that provision  
14 related to, and I wonder whether I could suggest to you  
15 that the requirement for thermalite block-work, which  
16 wasn't proceeded with, could not have been in  
17 substitution for the block-work which ran along the  
18 lounge and kitchen walls and must have been, therefore,  
19 a proposal to be the panels below the bedroom windows in  
20 Lakanal House. Is that a reasonable supposition?

21 A. I really don't think I'm familiar enough with the -- or  
22 was familiar enough with the scheme at the time, the  
23 detail, and certainly my memory is -- is -- would be  
24 vague on that point now.

25 Q. Perhaps I could just be indulged by asking you to look

1 at page 1411 to see whether that refreshes your memory  
2 in any way. This is the tender report prepared by  
3 Southwark Building Design Services, or on its behalf,  
4 rather. At 1411 --

5 A. I'm sorry, I think I have the wrong page. Which number  
6 was it?

7 Q. 1411.

8 A. Okay, thank you.

9 Q. Headed "Southwark Building Design Services" at the top.

10 THE CORONER: Could you just introduce Mr Menlove to the  
11 document, please.

12 MR HENDY: Of course, madam. What we have here is -- it was  
13 prepared by Franklin & Andrews. If we look at 1406, we  
14 can see, under cover of a letter from Franklin &  
15 Andrews, that they sent to Ms Sidney two loose copies of  
16 "our tender report", and at 1407, we can see the cover  
17 of that, "Lakanal House external refurbishment and  
18 Decent Homes tender report 27 September 2005". Okay?

19 A. Yes.

20 Q. Within that, at the third page of the four, at 1411,  
21 there's a heading "Energy considerations" and below  
22 that, at 6.01:

23 "Southwark council's commitment to energy  
24 considerations is demonstrated in this contract through  
25 the following: new block-work under windows to be

1 constructed of thermalite shield blocks, increasing the  
2 insulation value of this element of the elevation."

3 Then there's an overlay of the roof, and then below  
4 that:

5 "Renewal of existing windows and balcony doors to  
6 new double-glazed units (all to the standard of building  
7 regulations part L)."

8 All I'm suggesting is that where the proposal is  
9 thermalite shield block-work under windows, which  
10 increased the insulation value of the elevation, the  
11 likelihood is that that was a proposal for putting in  
12 thermalite shield blocks below the bedroom windows.

13 A. I'm trying to remember what that would relate to.  
14 Unfortunately I'm not sure I can be a great deal of help  
15 on that.

16 Q. Mr Menlove, final question then. Let me just reverse  
17 the proposition: can we take it that you were not aware  
18 at any time that the existing block-work to the lounge  
19 and kitchen sides, which abutted the escape balconies --  
20 there was never a proposal that that block-work should  
21 be proposed and replaced?

22 A. I -- I really can't remember, sorry.

23 Q. Thank you very much, Mr Menlove.

24 THE CORONER: Thank you. Mr Dowden? Ms Al Tai? Thank you.

25 Mr Walsh? Thank you. Mr Compton?

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Questions by MR COMPTON

MR COMPTON: Good morning, just one matter, please.

Ben Compton, Mr Menlove. I act on behalf of Apollo Property Services. It's this -- and forgive me, it may be that you've dealt with this in your evidence on Friday, but if we could just look at your statement, page 633. We'll wait until that's up on the board. It's the last paragraph, four lines down. It's simply for your confirmation that you did not and do not have a detailed knowledge of the building regulations, nor would you be expected to in your role.

A. That's correct.

Q. That is correct, is it?

A. I'm sorry, could you repeat the question?

Q. That's correct? You confirm that?

A. I can, yes.

Q. Thank you. I have no further questions.

MR HENDY: Madam, I think in fairness he ought to be asked to look at the second sentence in that paragraph as well.

THE CORONER: Right, could you read that second sentence?

MR COMPTON: Yes. Do you see that:

"I am aware that planning approval would be sought and obtained by SBDS, where required, prior to any project going out to tender. Planning approval is



1           necessary if the external appearance of a building is  
2           changed."

3           I thought you'd dealt with that actually on Friday,  
4           but if I'm wrong on that, please confirm.

5   MR HENDY:   Mr Compton's misunderstood me.  I meant the  
6           second sentence in the paragraph.

7   MR COMPTON:  Oh, I see.

8   THE CORONER:  Well, read that to yourself, Mr Menlove.

9           (Pause)  Thank you.

10   A.  I'm sorry?

11   THE CORONER:  Sorry, we're just about to have the test of  
12           the fire alarm.

13           Okay, we can carry on, thank you.

14   MR COMPTON:  Me we deal with it: do you confirm that at SBDS  
15           you had a good relationship with the Southwark Building  
16           Control department and if any issues surrounding  
17           building regulations arose this would be something that  
18           would be raised with them?

19   A.  Yes.

20   Q.  Thank you.

21   MR HENDY:  The second sentence.

22   THE CORONER:  Mr Hendy, I think we've dealt with that.

23           Mr Leonard, any questions?  I'm sorry, Mr Compton,

24           I thought you'd finished.  I apologise.

25   MR COMPTON:  I was looking for the second sentence.

1 THE CORONER: Mr Leonard?

2 MR LEONARD: I think the second sentence starts:

3 "I have a general understanding of the building  
4 regulations."

5 I think that is what Mr Hendy was --

6 THE CORONER: We have covered that point. Do you have any  
7 questions, Mr Leonard?

8 MR LEONARD: I have no questions.

9 THE CORONER: Thank you. Ms Canby.

10 Questions by MS CANBY

11 MS CANBY: Mr Menlove, I am Ms Canby and I have a few  
12 questions to ask you on behalf of SAPA. Three topics  
13 please. The first is in relation to the kitchen and  
14 living room balcony doors. It was put to you by  
15 Mr Hendy that the original specification was for fire  
16 doors to both the kitchen and the living room balcony  
17 doors and you agreed with him.

18 THE CORONER: Can I just stop you there, Ms Canby. I was  
19 concerned about that question but I think in fact -- and  
20 that was how the question did actually pan out in the  
21 end -- Mr Hendy was asking questions about the doors  
22 which had been in place before the replacement works in  
23 2006/2007.

24 MS CANBY: I'm grateful for that clarification, madam.

25 I'll move on to my second point then please,

1 Mr Menlove. In relation to the requirements in relation  
2 to the bedroom window composite panels, do you  
3 understand the difference between a material which has  
4 class 0 properties and a material which has  
5 fire-resistant properties?

6 THE CORONER: Sorry, do you follow the question, Mr Menlove?

7 A. I do follow the question, yes.

8 MS CANBY: Perhaps if I can give you a brief summary of my  
9 understanding and see whether or not you agree.

10 A. Thank you.

11 Q. In relation to a class 0 material, the principle  
12 property is that it will have a high performance  
13 classification in relation to how flame or fire spreads  
14 over its surface, and that's commonly referred to in  
15 shorthand as the "surface spread of flame". Is that  
16 your understanding as well, Mr Menlove?

17 A. Yes, it is.

18 Q. Then a separate property of a material is  
19 a fire-resistant property, and by "fire-resistant" we  
20 mean the ability of a product to resist the passage of  
21 fire from one side to another, so the extent to which it  
22 represents a physical barrier. So for example, if you  
23 have an FD30, a fire door 30, that means it should  
24 resist fire for 30 minutes. Do you agree with that,  
25 Mr Menlove?

1 A. Yes, I do agree.

2 Q. Mr Hendy put to you that we know that the composite  
3 bedroom window panels should have been fire-resisting,  
4 and you agreed with that proposition. Can I ask you  
5 firstly: when did you have that knowledge? Is that  
6 knowledge subsequently obtained, or was it knowledge  
7 that you had in 2006/2007?

8 A. Could I -- could I just confirm, you're talking  
9 specifically in terms of the Lakanal House project?

10 Q. I am, and I'm talking specifically in terms of the  
11 bedroom composite panels. Not any of the others; just  
12 the bedroom ones.

13 A. I'm not aware of any specific consideration in my own  
14 mind to the -- the make-up of those panels in terms of  
15 part L of the building regulations. My understanding is  
16 that that was something that was discharged to the  
17 contractor.

18 Q. It's just that you agreed with the proposition that was  
19 put to you that those panels should have been  
20 fire-resisting, and I'm just trying to see where that  
21 agreement came from and whether or not you remain of  
22 that view.

23 A. Yes, I do.

24 Q. Do you accept, however, that the bedroom window panels,  
25 the bedroom composite panels, did not form part of

1 an external wall adjacent to an external escape route?

2 A. I'm not sure I can be clear with you on that point.

3 Q. Well, they weren't on the escape balcony, were they,

4 Mr Menlove?

5 A. They were.

6 Q. They were not?

7 A. I'm sorry?

8 Q. They were not. The bedroom window panels were not on

9 the escape balcony; they were one floor below.

10 A. That's correct, yes.

11 Q. My last point, please, Mr Menlove, is in relation to the

12 SAPA specification. If we could have on screen, please,

13 page 636 of your witness statement. It's the first four

14 lines at the very top of this page, in which you say

15 this:

16 "During the tendering process, the contractors would

17 have been fully aware of the SAPA specification and

18 would have had had the option to either: tender; tender

19 but challenge the specification and offer

20 an alternative; not tender."

21 Is that still your evidence?

22 A. Yes, it is.

23 Q. Thank you very much, Mr Menlove.

24 THE CORONER: Ms Petherbridge.

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Questions by MS PETHERBRIDGE

MS PETHERBRIDGE: Mr Menlove, my name's Bridget Petherbridge and I ask questions on behalf of Trespa UK Limited. Could I just briefly take you back to page 2073, which we now have on the screen and I think we've seen a number of times now relates to your exchange with -- do you have it?

A. I can see it on the screen, thank you.

Q. Is that good enough?

A. Yes, it is.

Q. We've looked at it a number of times and it relates to your exchange with Annabel Sidney about changes to be used in the materials in the panels under the windows, amongst other places. It's clear, isn't it, from Annabel Sidney's email to you that what she's proposing is a change in relation to the 3-millimetre facing of sandwich panels. We can see, don't we, she refers to replacing the powder-coated aluminium panels on the external side with a 3-millimetre Trespa panel?

A. Yes, that's correct.

Q. It was always proposed, wasn't it, from the outset, that these would be sandwich panels with a facing and some form of insulating core?

A. Yes, I believe that that -- that would have been the requirement in terms of design in order to fulfil the

1 building regulations, the aesthetic face of the  
2 building, so that would have been certainly the  
3 understanding.

4 Q. Always a sandwich panel. Mr Hendy has referred, in his  
5 questions to you, to the panels which replaced the  
6 previous asbestos panels as Trespa panels. That may be  
7 an understandable shorthand, but can I suggest to you  
8 it's not entirely accurate. I do not know if you heard  
9 the evidence from Mr Laing from Trespa, who made clear  
10 that in fact Trespa don't make sandwich panels. Were  
11 you aware of that?

12 A. No, unfortunately I didn't hear that evidence and  
13 I haven't read the transcript.

14 Q. If I could just tell you what the jury is aware of. He  
15 made clear that Trespa don't make sandwich panels.  
16 They're made by third parties, albeit Trespa do make the  
17 thin 3-millimetre facing. Do you in fact know who did  
18 make the sandwich panels that were used under the  
19 windows?

20 A. No, I haven't got that knowledge, I'm sorry.

21 Q. There's no mention in the email from Annabel Sidney to  
22 you, or your response, of the filling that was to go  
23 within those panels, is there, unless I've missed  
24 something? Would you agree?

25 A. I would agree, yes.

1 Q. We've heard some evidence from Mr Laing about the  
2 possibility of using non-combustible filling in such  
3 a sandwich panel. Do you have experience of that?

4 A. No, I don't. What I can say to you is that, again, this  
5 would be contractor's design.

6 Q. I make no comment at all on contractual  
7 responsibilities; I'm just exploring your understanding.  
8 I'm not suggesting at all that you should or shouldn't  
9 know any of the things I'm putting to you, to be clear.  
10 But since Mr Hendy did ask you about fire resistance --  
11 and of course, it might be useful to remember we have  
12 a glossary at tab 22 of the jury bundle, which confirms  
13 the definition that Ms Canby put to you, which means the  
14 ability of fire to pass through an angle. Would you  
15 agree, as a matter of common sense and your general  
16 knowledge, that if you have a sandwich panel with  
17 a non-combustible core then it would resist the passage  
18 of fire from one side to another, because the middle  
19 wouldn't burn, in simple terms?

20 A. Yes, that's correct, yes.

21 Q. Did you -- and again, I make no comment about what you  
22 should or shouldn't have asked; I just ask if you did.  
23 Did you at any stage ask, or wonder, what the filling of  
24 these sandwich panels was intended to be?

25 A. I -- I have no memory of that.



1 Q. Thank you. That's all I ask, Mr Menlove.

2 THE CORONER: Thank you. Mr Matthews.

3 Questions by MR MATTHEWS

4 MR MATTHEWS: Mr Menlove, can I ask you to look at one  
5 document, and that's all I'll ask you questions about.  
6 My name's Matthews. I ask you questions on behalf of  
7 the London Borough of Southwark. The page in our  
8 bundles is 3181.

9 While it's being found for you, just to reassure  
10 everybody I'm not embarking upon an examination of  
11 contract terms; it's just to get your help with this  
12 document. (Handed) Am I right that this is what Apollo  
13 in this case send back, having filled out some details,  
14 having had the tender documentation that's listed at  
15 page 3181 in paragraph 1?

16 A. Yeah, yes, I agree with that.

17 Q. So we can see on 3181 it has Apollo's stamp on it, and  
18 if we look to the bottom of 3181. It's paragraph 6, and  
19 paragraph 6 says this:

20 "Only applicable if the abstract of particulars  
21 states that condition 8A (professional indemnity  
22 insurance for design) shall apply."

23 We can see then what's set out is Apollo's  
24 handwriting, writing that their professional indemnity  
25 insurance for design is attached; is that right?

1 A. That's correct, yes.

2 Q. On the following pages of that document, then, after it,  
3 they've filled out various other details and they've  
4 attached a copy of their professional indemnity  
5 insurance. We don't need to look at it but it's in  
6 respect of the design element of the contract; is that  
7 right?

8 A. That's correct, yes.

9 Q. Thank you. That's all I ask.

10 THE CORONER: Thank you. Members of the Jury, do you have  
11 any questions for Mr Menlove?

12 Questions by THE JURY

13 THE FOREMAN OF THE JURY: Thank you, Madam Coroner. I think  
14 it's about four or five.

15 Mr Menlove, we've heard from Ms Sidney earlier on  
16 about where her day books went, but we've also heard  
17 about how there's documents from 2002 on Lakanal in the  
18 SBDS archive, for want of a better word. How formal is  
19 the archive of past surveys and papers at SBDS, as far  
20 as if there are papers in there, how does one go about  
21 finding them?

22 A. I -- I left SBDS in -- forgive me.

23 THE CORONER: I think you told us 2010.

24 A. 2010.

25 THE FOREMAN OF THE JURY: Sorry, I was just meaning at the

1 time in 2005/2006.

2 A. Sorry, the dates are becoming a little bit confused for  
3 me, but at -- the time when I left SBDS was also the  
4 same time when SBDS was actually winding down, and at  
5 one point the number of staff employed by SBDS was in  
6 excess of 100, so the archiving system was fairly  
7 extensive and the winding up of SBDS, most of that  
8 happened after I'd left.

9 THE CORONER: I think your question is about the position  
10 during the time when SBDS was operating; is that right?

11 THE FOREMAN OF THE JURY: Yes.

12 THE CORONER: Yes, so can you just tell us briefly how the  
13 archive worked at that time?

14 A. Within each team, there would have been a system for  
15 saving files on the computer. We were certainly moving  
16 towards not having hard copies within the office, so  
17 information regarding reports would have been held on  
18 a computer system.

19 THE FOREMAN OF THE JURY: And so not shared across teams as  
20 we've heard, perhaps with these documents being by the  
21 west team; is that what you're meaning?

22 A. Well, I think they could well have been, and I would  
23 have expected them to be available to other teams.  
24 Unfortunately I've got no recollection of it.

25 THE FOREMAN OF THE JURY: Thank you.

1           We've seen very early on, I think it was, in  
2           Ms Sidney's evidence, an email delegating the project to  
3           yourself and to Ms Sidney. I think the lady's name  
4           delegating it was Sui-Te Wu. I think she was down as  
5           project manager but I may be wrong. It's been a while  
6           since we saw it. Do you happen to recall anything  
7           behind why the project was delegated so early in  
8           Ms Sidney's time with SBDS?

9    A. Yes, this is a standard procedure. Within the contract  
10   documentation, the head of division is always named as  
11   the construction project manager. That's the way the  
12   documents are put together on all our -- on all the  
13   contracts that were led. That was then delegated down  
14   to the particular project manager that would have been  
15   running the project, and two names were there, both  
16   Annabel and myself. Annabel was, as we know, the lead  
17   officer on this project, but I was named in case for any  
18   reason she was off sick or on long-term leave or unable  
19   to administer the contract.

20   THE FOREMAN OF THE JURY: So it's not in fact that Miss Wu  
21   had other projects; it's just always done this way?

22   A. Absolutely, yes.

23   THE FOREMAN OF THE JURY: Were you familiar with Trespa as  
24   building material before the Lakanal House project?

25   A. Yes, I was certainly aware of it as -- as a building

1 material.

2 THE FOREMAN OF THE JURY: With the clerk of works that we've  
3 heard mentioned on a number of occasions -- and again,  
4 this is not so much a question for yourself but if you  
5 could just clarify the role for me -- is it up to the  
6 clerk of works, seeing as they're on site almost every  
7 day -- is it part of their role to ensure that the  
8 contractor does indeed comply with the building  
9 regulations or is a building inspector brought in for  
10 that part of the work?

11 A. It would -- it wouldn't be the clerk of works'  
12 responsibility to monitor and check that the work  
13 complied with the building regulations, no.

14 THE FOREMAN OF THE JURY: But does somebody?

15 A. Well, this, again, would be done through the contractor  
16 under a building notice.

17 THE FOREMAN OF THE JURY: Okay, so it's certainly not taken  
18 for granted that because you've requested the building  
19 regulations to be adhered to, they will automatically do  
20 so? It is actually followed up by a site visit, whether  
21 the contractor arranges that or it's done by the clerk  
22 of works to arrange that?

23 A. The clerk of works wouldn't arrange it. The process is  
24 that if a building notice is put in by -- by the  
25 contractor, then the Building Control department would

1 liaise directly with the contractor.

2 THE FOREMAN OF THE JURY: Thank you. I think that covers  
3 everything.

4 THE CORONER: Thank you.

5 Mr Menlove, thank you very much for coming and thank  
6 you very much for the help that you've been able to give  
7 to us. You're welcome to stay if you would like, but  
8 you're free to go if you would prefer. Thank you very  
9 much.

10 A. Thank you.

11 (The witness withdrew)

12 THE CORONER: Shall we have a break now and continue with  
13 the evidence after a break. So, members of the jury,  
14 a ten minute break. Thank you very much.

15 (11.20 am)

16 (A short break)

17 (11.33 am)

18 THE CORONER: Yes, Miss Keogh, are you in court? Would you  
19 like to come forward and have a seat for a moment,  
20 whilst the jury come in. Help yourself to a glass of  
21 water. When you're giving your evidence, please, if you  
22 could keep your voice up and speak closely to the  
23 microphones, that would help a lot.

24 (In the presence of the Jury)

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SHEILA KEOGH (sworn)

THE CORONER: Thank you, Miss Keogh, do sit down. As I've just said, please, if you could keep your voice up that would be helpful. If you give your answers across the room towards the members of the jury then that will help them to hear your evidence and also keep you close to the microphones.

A. Okay.

THE CORONER: Mr Maxwell-Scott, who's standing, is going to begin asking questions on my behalf and then there will be questions from others. Thank you.

Questions by MR MAXWELL-SCOTT.

MR MAXWELL-SCOTT: Ms Keogh, could you give the court your full name please?

A. Sheila Eileen Julia Keogh.

Q. Is it right that you worked as a health and safety adviser for the London Borough of Southwark, starting employment with them in the summer of 2008?

A. Yes.

Q. Just to introduce you to the members of the jury and the topics that I'm going to be asking about, the Regulatory Reform (Fire Safety) Order of 2005 came into force on 1 October 2006?

A. (The witness nodded)

Q. I can see you nodding.

1 A. Yes.

2 Q. I'll refer to it when I ask you questions as the Fire  
3 Safety Order. The topics which the members of the jury  
4 are going to hear about today, through you, are as  
5 follows: firstly, when the London Borough of Southwark  
6 first started carrying out fire risk assessments under  
7 the Fire Safety Order of the communal areas of  
8 residential premises.

9 A. Okay.

10 Q. Secondly, why the London Borough of Southwark didn't  
11 start doing so earlier -- and pausing there, I fully  
12 appreciate that you didn't start working for them until  
13 the summer of 2008.

14 A. That's right.

15 Q. So some of the topics I'm going to ask you to help the  
16 court with will be assisted by looking at some of the  
17 documents we have but which pre-date any time when you  
18 could have had any influence on what the programme was  
19 or what decisions were taken, okay?

20 Then, coming back to the topics we're going to look  
21 at, whether the London --

22 THE CORONER: Sorry, could you just stop a moment. Do you  
23 have a problem with your monitor?

24 THE FOREMAN OF THE JURY: I've just created one,  
25 unfortunately. I was angling it back from the sun and



1           now it's turned itself off.

2   THE CORONER:   Right.  Well, two things.  Do we need the  
3           curtains closed?

4   THE FOREMAN OF THE JURY:  The sun has actually moved now.  
5           Before the break it was problematic, and I tilted the  
6           screen.  I'll just fiddle with some leads, sorry.  
7           (Pause)  We're back.

8   THE CORONER:   Is that all right?

9   THE FOREMAN OF THE JURY:  Thank you.  Sorry for that.

10  THE CORONER:   Yes, Mr Maxwell-Scott, you were just outlining  
11           the topics you were going to cover with Miss Keogh.

12  MR MAXWELL-SCOTT:  I'm going to ask you whether, to the best  
13           of your knowledge, the London Fire Brigade knew that the  
14           London Borough of Southwark had not carried out any fire  
15           risk assessments under the Fire Safety Order up to  
16           a certain point in time.

17  A.  Okay.

18  Q.  Then, looking at the London Borough of Southwark's  
19           programme for carrying out fire risk assessments, I'm  
20           going to ask you how, if at all, properties were  
21           prioritised, so how it was chosen which ones to do  
22           first, why the decision was taken that all fire risk  
23           assessments should be kept in-house, and whether the  
24           programme for carrying out fire risk assessments would  
25           have been speeded up if some fire risk assessments had

1           been outsourced to external consultants or contractors.

2    A.   Okay.

3    Q.   As I've said, I appreciate that not all of those matters  
4           are going to be within your direct personal knowledge,  
5           certainly not all within your remit as health and safety  
6           adviser, but hopefully you'll help us as best you can --

7    A.   As best I can.

8    Q.   -- and distinguish whenever appropriate between what was  
9           part of your job and what wasn't, and what was part of  
10          your direct knowledge and what you're inferring from the  
11          documents.

12   A.   Okay.

13   Q.   Having made that introduction, I'm going to state that  
14          the London Borough of Southwark have been asked to find  
15          a job description for you and also for Ljubinka  
16          Taslaman, the health and safety manager, and have  
17          confirmed to us that they have not been able to find any  
18          such job descriptions, so we don't have the benefit of  
19          one of those.  So can I ask you some general questions  
20          about your appointment and the job that you were  
21          appointed to carry out, firstly by asking you, as best  
22          you recall, when you took up your post.

23   A.   I think it was -- it was 16 June 2008.

24   Q.   If I ask you to look in the fire risk assessment bundle.  
25          There are three files, Mr Clark, and it's the first file

1 at page 167. (Handed)

2 I draw the bottom of page 167 to your attention,  
3 because as far as I can see it's the first reference to  
4 you in the documents that survive from the time. It's  
5 an email that you sent on 3 July 2008, and it goes over  
6 the page. It talks about discussions with potential  
7 third party providers of fire safety training; is that  
8 right?

9 A. That's right.

10 Q. If I could then ask you to have a look at page 848 in  
11 file 3. File 3 of the same set of 3.

12 THE CORONER: It might be in file 2. (Handed)

13 MR MAXWELL-SCOTT: This is a document headed "Environment  
14 and Housing Department, July 2009, detailed FRAs  
15 chronology", so "detailed fire risk assessments  
16 chronology". It says:

17 "Fire risk assessments for communal areas  
18 chronology."

19 I'm assuming -- but help us if you can -- that this  
20 was a chronology that was put together internally within  
21 the Environment and Housing Department after the fire on  
22 3 July 2009?

23 A. I believe so. This isn't one that I put together.

24 I believe this to be my manager's.

25 Q. In other words, Ljubinka Taslaman?

1 A. Yes.

2 Q. I draw it to your attention at this stage because  
3 there's an entry on 13 May which says:  
4 "Meeting with Robert Pearce regarding fire  
5 consultants."  
6 Then, in brackets, "LT", who I assume is Ljubinka  
7 Taslamani, and then your name, "Sheila Keogh". I was  
8 wondering whether that was correct or whether it might  
9 be a mistake or, more specifically, how it fits with you  
10 not starting your job until 16 June?

11 A. Yeah, I'm presuming she's got a date incorrect because  
12 I definitely wasn't there until June.

13 Q. So we may need to treat this document at page 848 with  
14 a certain degree of caution?

15 A. Yeah, unless she means 13 June, because the next date is  
16 19 June. So it may have been 13 June.

17 Q. Anyway, your recollection is that you started on  
18 16 June. Can I ask you then in broad terms what your  
19 job was?

20 A. My job was to advise the various divisions within the  
21 Housing -- Environment and Housing Department, so the  
22 divisions and business units, which were smaller team  
23 groups.

24 THE CORONER: Miss Keogh, can I just stop you again. Please  
25 can you make sure you look this way, rather than

1           answering Mr Maxwell-Scott, and please could you speak  
2           slowly because the transcribers need to be able to  
3           follow what you're saying. Perhaps you could start  
4           again.

5    A. I'll start again. The larger department was environment  
6           and housing. Within that department, there would be  
7           divisions. So there would be the culture division with  
8           museums and libraries, for example. There was the  
9           housing division. Then, within each division, there  
10          would be teams, which were known as business units.

11                 My job, as health and safety adviser, was to help  
12          give health and safety advice to them and, as necessary,  
13          to give risk assessment training, other training as  
14          required, and be a source of information and contact and  
15          to support my colleague at the time that was there, and  
16          to support my manager, Ljubinka.

17   MR MAXWELL-SCOTT: So was that a service that you were  
18          providing to the entire division?

19   A. To the entire department. To the entire department.

20   Q. You mentioned having a colleague. Was there somebody  
21          else of equivalent standing carrying out this function  
22          with you?

23   A. There was another guy in the team who was nearly -- he  
24          was doing his qualification at the time, but yeah,  
25          basically of an equivalent standard to me.

1 Q. As far as you understood it, were you replacing someone  
2 or had a new post been created for you?

3 A. I was replacing somebody, I think.

4 Q. Your line manager was Ljubinka Taslaman?

5 A. Yes.

6 Q. Before you joined, what were you told, if anything,  
7 about the steps being taken within the London Borough of  
8 Southwark to carry out fire risk assessments under the  
9 Fire Safety Order?

10 A. I don't recall hearing anything about it until I joined.

11 Q. You made a statement within the last few weeks to assist  
12 the coroner. We'll turn to it if necessary, but in it,  
13 you say that when you joined you were told that  
14 Southwark's approach to the fire risk assessment of its  
15 housing stock was to be your priority; is that right?

16 A. Yes, yeah, after I joined. Within the first couple of  
17 days.

18 Q. When you joined, within the first couple of days, and  
19 you were told that, what were you told, or what did you  
20 discover, about the extent to which Southwark had been  
21 carrying out fire risk assessments before that?

22 A. I don't recall much of the conversation other than that  
23 it was a priority job for me to make sure that  
24 consultants were brought in. That was the plan at the  
25 time. Consultants were brought in to train staff to

1 undertake fire risk assessments of communal areas.

2 Q. What I'm going to do now, Miss Keogh, is to run through,  
3 with your assistance, some of the documents indicating  
4 what had been going on between 1 October 2006  
5 and June 2008. Then, when we've got to the end of that,  
6 I'll ask you to what extent you learned of those past  
7 events when you came to start your first few weeks of  
8 work.

9 A. Okay.

10 Q. I appreciate that all of the documents I'm going to show  
11 you now before I ask you questions are relating to  
12 events before you started work at Southwark.

13 A. Okay.

14 Q. The jury need to hear about them and you're the witness  
15 we have who's going to help us generally with these  
16 issues.

17 A. Okay.

18 Q. If I could ask you to turn to page 129 in file 1. If we  
19 start at page 130. (Handed) Starting towards the  
20 bottom of 130, it's an email chain, so the oldest in  
21 time is at the bottom. 21 November 2006, a Mr Martin  
22 Green emails Gill Davies and Phil Davies. It looks like  
23 it says:

24 "For your information -- article about fire safety  
25 in communal areas and the move away from fire

1 certificates to risk assessments. Are arrangements in  
2 hand?"

3 Just pausing there, can you help us, if you can,  
4 with who Martin Green was?

5 A. He was a divisional, I think, head for one of the -- one  
6 of the divisions within environment and housing.

7 I don't know what the division was called at the time.

8 Q. And Gill Davies?

9 A. She was the director of environment and housing at the  
10 time.

11 Q. And Phil Davies?

12 A. I don't know who he was. I think he may have been --  
13 I don't -- I don't know, actually. I know the name but  
14 I don't know who he was. I believe he left before  
15 I joined or around about the same time.

16 Q. I think it may be that he was head of housing management  
17 until May 2008, and therefore, as you say, left just  
18 before you joined.

19 So that was the request, and then if we go up the  
20 page, 29 November 2006, we see Ljubinka Taslaman -- she  
21 was in post already at this time --

22 A. Yeah.

23 Q. -- forwarding the email to Dave Partington, whom we  
24 understand was a member of performance and compliance,  
25 and saying:



1           "Can you please confirm if risk assessments have  
2           been completed for communal areas and will you have  
3           copies?"

4           If we then go to page 129, the upshot seems to be --  
5           and I'll show you another document that supports this --  
6           that about 70 had been done, and these were to staff  
7           sites. We see in the middle of the page a breakdown of  
8           what's been done: housing offices, sheltered units,  
9           temporary accommodation units and office complexes. The  
10          point is then made by Mr Partington:

11          "... and this without any consideration to 60,000  
12          properties, 140,000 tenants (et cetera). To conclude,  
13          housing was a big department."

14          If I show you another document from around the same  
15          time, which was at page 115. 115 is the front sheet of  
16          a performance management work plan for Mr David  
17          Partington. If you turn to 116, you can see that at  
18          this time, which is April 2006 to March 2007, one of his  
19          objectives was "ensuring legal compliance with Fire  
20          Safety Order", and one of his tasks was:

21          "Organise a programme of fire risk assessments for  
22          each staffed site. 68 sites."

23          And he had completed all of those. So it seems that  
24          the position in November 2006 was that all Southwark  
25          sites where staff worked had had fire risk assessments

1 carried out on them --

2 A. (The witness nodded)

3 Q. -- but that residential premises had not.

4 A. Yes, it looks that way.

5 Q. Then if we look at page 848. We looked at it before,  
6 it's in file 2, probably worth keeping it open. For the  
7 reasons that you've given earlier, we may need to treat  
8 this with a certain amount of caution, but this records  
9 that on 16 January 2007, David Partington advised  
10 housing management business unit managers on the  
11 requirement and asked for comments on proposed fire risk  
12 assessment templates.

13 Pausing there, I will then inform you, in case  
14 you're not aware, and remind the jury that on  
15 25 May 2007 the works at Lakanal House were certified as  
16 completed. So the next event we're going to look at is  
17 in August 2007 and is therefore after all the work at  
18 Lakanal House in 2006/2007 had been completed. So keep  
19 848 open, because we may come back to it, and then turn  
20 with me, please, to page 144 in file 1.

21 At the top of that page, we see an email from  
22 Ljubinka Taslaman dated 21 August 2007, and in the final  
23 paragraph she says:

24 "Regarding fire risk assessment for communal  
25 areas -- draft template has been offered to area housing

1 managers for comments (none received). The template  
2 will be finalised by the end of this week; we will also  
3 train managers allocated responsibilities to carry out  
4 fire risk assessment as soon as we receive nominations."

5 If you turn over the page to 145, on 22 August 2007,  
6 so a day later, Mr Coombs, who had received the previous  
7 email, said in the second paragraph:

8 "I spoke with Andrew Bullivant, who stated that the  
9 council has to do a fire risk assessment for all  
10 communal areas on the blocks -- presumably this has been  
11 delegated to the area managers as per Ljubinka's  
12 comments below."

13 Then if I take you to the top of the page. We've  
14 moved on a couple of months to October. It's now  
15 31 October 2007, and Ljubinka Taslaman says in the  
16 second half of the email:

17 "For fire risk assessments on common parts as per  
18 message from Dave Coombs -- not much progress has been  
19 made since; my proposal was to develop further fire risk  
20 assessment templates, allocate responsibility to carry  
21 out assessments, train staff and complete assessments;  
22 both Phil Davies and Denise Hadfield have been advised."

23 Then if we look at 848, which I think you have open.  
24 For whatever reason we don't have the email that  
25 supports this, but it states that on 10 September 2007,

1 Ljubinka Taslaman sent an email to Denise Hadfield  
2 outlining the in-house process for fire risk  
3 assessments.

4 It then states in relation to November 2007 that  
5 Ljubinka Taslaman sent an email to Phil Davies  
6 "re identifying staff to be trained to carry out the  
7 assessments".

8 If I ask you then to go back to the first file at  
9 page 146. If we look at the longer of the emails first.  
10 This is from Ljubinka Taslaman on 12 December 2007 to  
11 Martin Green, and it says:

12 "Fire risk assessments for common areas have not  
13 been completed. To ensure compliance I have suggested  
14 we ..."

15 Then there are seven points. Point 1 was:

16 "Develop two templates for fire risk assessments."

17 That is said to have been completed. But the other  
18 matters are said to be outstanding or are not indicated  
19 as having been completed. Do you see that?

20 A. I see that.

21 Q. If we then go to the top of the page, Ljubinka Taslaman,  
22 on 11 January 2008, is sending an email to Phil Davies.  
23 It's addressed "Hi Tina", who may have been his PA -- we  
24 don't know -- and says:

25 "As discussed, this needs to be drawn to Phil's

1 attention -- can you stick 15 minutes meeting in his  
2 calendar for me, please. Thanks."

3 Then if we go over the page to 147. At the bottom  
4 of it, you'll see the beginning of an email dated  
5 22 January 2008. Ljubinka Taslaman to Gill Davies,  
6 22 January 2008. She was the head of a whole  
7 department; is that right?

8 A. Yes, she was.

9 Q. So she is the most senior person who's been involved in  
10 this issue we've seen thus far; is that right?

11 A. Yes.

12 Q. If we turn over to 148 to see the continuation of the  
13 email, I draw attention to what is said to be the  
14 subject matter, which is this:

15 "Breach of Fire Safety Order 2005."

16 The email says:

17 "Hi Gill, we are required to carry out fire risk  
18 assessment for common parts of houses in multiple  
19 occupancy, flats and maisonettes to comply with the  
20 regulations. I have emailed Denise Hadfield and Phil  
21 Davies several times and suggested way forward to ensure  
22 compliance but haven't had any reply."

23 Then if we go back to 147, we can see what happened  
24 as a result of that email. On the same day,  
25 22 January 2008, Gill Davies replied to Ljubinka

1 Taslaman, saying:

2 "I would have thought this issue was more down to  
3 estate property management (engineering or investment)  
4 rather than Denise? Iain, what are your thoughts?"

5 That seems it be a reference to Iain Smith. Do you  
6 know who he was?

7 A. I think he worked on the waste management side of  
8 things, but he was, I believe, the head of that  
9 division.

10 Q. Then the next day, 23 January, Iain Smith replied to  
11 Gill Davies and Ljubinka Taslaman, saying:

12 "Predominantly yes, although Denise's area needs to  
13 appoint some safety reps too."

14 Then if we go back to 848 in file 2. We are told in  
15 this chronology that on 31 January 2008 there was  
16 an email from Gill Davies to housing managers "re  
17 Ljubinka to get one-off resources to carry out fire risk  
18 assessments", and then on 5 February 2008, there was  
19 an email to Kevin McCarthy providing details of three  
20 fire safety consultants. Do you know who Kevin McCarthy  
21 was?

22 A. I've never heard of him.

23 Q. If we then go back to file 1, we now reach April 2008 at  
24 page 157. On 9 April 2008, Ljubinka Taslaman emailed  
25 Phil Davies and said:

1           "Hi, decided that assessment should be completed by  
2           a consultant employed by the estate property management  
3           (repairs team). I emailed contact details of three  
4           consultants to K McCarthy (as instructed by Gill) and  
5           never heard again. We are in breach of fire safety  
6           regulations."

7           If we go immediately up the page to the next day,  
8           10 April 2008, Phil Davies emailed Daniel Hollas and  
9           said:

10           "Dan, any thoughts on this? Phil."

11           Do you remember who Dan Hollas was?

12   A. He was in the repairs team. I think he was quite  
13       senior. I don't know his job title.

14   Q. Was he the estate property manager?

15   A. Possibly, but I couldn't be sure. I mean, I know  
16       roughly he worked in that area but I couldn't be sure.

17   Q. And was quite senior in it?

18   A. He was quite senior, yes.

19   Q. Then he replied a few minutes later at the top of the  
20       page, 157. He emailed Ljubinka Taslaman, 10 April  
21       again:

22           "Could you send me the details of the three  
23           consultants and I will arrange. Do you think we should  
24           do communal areas in converted flats or just concentrate  
25           on blocks?"

1           Then if you turn to page 159, please. We're now on  
2           11 April 2008, an email from Ljubinka Taslaman to Phil  
3           Davies, copying in Daniel Hollas:

4           "Hi Phil, to clarify issue of fire risk assessments  
5           for ALL communal areas, it will be useful to advise all  
6           managers within housing that Dan Hollas will make  
7           arrangements. I've emailed him contact details of three  
8           consultants."

9           Then if you turn to page 162, please. Towards the  
10          bottom of the page, we can see that Phil Davies' PA sent  
11          an email to Ljubinka Taslaman:

12          "Ljubinka, could you please draft something for Phil  
13          to send out? Many thanks."

14          Then, towards the top of the page, she does just  
15          that. In the bottom of that email, within quotation  
16          marks, she appears to be setting out some kind of draft  
17          for Phil Davies to send out. Would that be how you  
18          would interpret it?

19   A. I would interpret it that way, yes.

20   Q. What the draft says is:

21          "To ensure compliance with the regulatory reform  
22          Fire Safety Order 2005, fire risk assessments for all  
23          communal areas must be completed as soon as possible.  
24          We have agreed to engage a fire safety consultant to  
25          complete the assessments. Dan Hollas, repairs manager,



1 will lead on this and will be able to advise on  
2 progress."

3 Then if you turn to page 165, please.

4 11 April 2008. This is an email from Ljubinka Taslaman  
5 to Dan Hollas, subject "Fire risk assessment for  
6 communal areas":

7 "Hi Dan, we must do this as soon as possible -- all  
8 communal areas must be assessed."

9 Then if we move to the month when you joined but  
10 a few days before you joined, on page 166, please.  
11 Towards the bottom of the page, Lesley Callaghan,  
12 technical support officer for the Peckham and Camberwell  
13 area, sent an email to Robert Pearce:

14 "Rob, should I start price testing, or what do you  
15 advise?"

16 Are you able to help us with what she might be  
17 referring to there?

18 A. I don't know, I'm afraid.

19 Q. Then if we look up towards the top of the page, to  
20 9 June, an email from Robert Pearce to Dan Hollas:

21 "Lesley and I met with Ljubinka, who agreed to be  
22 involved in selecting a consultant to lead on this  
23 during June. I nevertheless asked Lesley to look at  
24 neighbouring authorities' progress, the most advanced  
25 seemingly being Wandsworth, who brought in consultants

1 to train their staff rather than get the consultants to  
2 complete the exercise themselves, but we do not have the  
3 resources here. Unless you advise to the contrary,  
4 Lesley will use knowledge acquired from Wandsworth and  
5 invite the three consultants/Ljubinka in for price  
6 testing asap."

7 Then at the top of the page, Mr Hollas replied the  
8 same day saying:

9 "Okay."

10 It's a few days after that that you joined the  
11 London Borough of Southwark, and having had that quite  
12 extensive run through some previous documents, for which  
13 I apologise, can you help --

14 THE CORONER: Before you do, Mr Maxwell-Scott, this is  
15 a brand new topic for the members of the jury, and this  
16 is no criticism of you or Miss Keogh but it is quite  
17 dry. I think it might just be helpful if we had -- not  
18 a recap but a summary of the position that is in place  
19 at the point where Miss Keogh joins the organisation.  
20 I think that might just help the jurors to set this in  
21 context a bit.

22 MR MAXWELL-SCOTT: So having looked through those documents,  
23 would you agree with the following propositions:  
24 firstly, the London Borough of Southwark was aware that  
25 the Fire Safety Order had come into force

1 in October 2006?

2 A. Yes, it was.

3 Q. And had started its attempts to comply with it by

4 carrying out the fire risk assessments on premises it

5 owned where staff worked?

6 A. Yes, it seems to have, yes.

7 Q. But not, initially, residential premises?

8 A. Yes.

9 THE CORONER: We appreciate, Miss Keogh, that you weren't

10 there, so it's simply what one's gleaning from the

11 documents that we've looked at in some detail.

12 A. Yes, thank you.

13 MR MAXWELL-SCOTT: There were then emails pointing out the

14 need to take steps in relation to residential premises.

15 A. Yes, there were.

16 Q. And those emails changed in tone in terms of beginning

17 to expressly refer to the fact that the London Borough

18 of Southwark were in breach of the Fire Safety Order?

19 A. Yes.

20 Q. There were then considerations to how best to get the

21 fire risk assessments done and which particular division

22 of the department ought to be carrying them out or

23 whether one ought to engage external consultants to

24 carry them out?

25 A. Yes.

1 Q. Contacts were made with external consultants and  
2 contacts were made with other boroughs, certainly with  
3 Wandsworth Borough Council but the suggestion is with  
4 other unnamed boroughs as well?

5 A. Yes.

6 Q. The approach decided upon was to follow the example of  
7 the London Borough of Wandsworth and invite three  
8 consultants in for price testing?

9 A. Yes, that's right.

10 Q. At that time, the idea of getting those consultants in  
11 was not to get the consultants themselves to do the fire  
12 risk assessments but to get them to train Southwark's  
13 own staff to do them themselves? That's what we see to  
14 see at page 166.

15 A. Yeah, I think so. I think when I joined there was still  
16 some uncertainty whether in-house staff would be trained  
17 or whether the consultant themselves would undertake the  
18 works.

19 Q. Well, I think that's certainly right, in the sense that  
20 no concluded decision is set out at 166 in the email  
21 we're looking at of 9 June.

22 A. Yes.

23 Q. Then if you look at 848, please. This is the chronology  
24 we've seen before. We don't have the documents to  
25 support this, but this Southwark chronology suggests

1           that on 19 June 2008 there was a meeting between LT,  
2           whom we understand to be Ljubinka Taslaman, and MOB, who  
3           I understand was Margaret O'Brien --

4   A.   Yes, it was.

5   Q.   -- about breach of fire safety regulations. Do you  
6           recall what Margaret O'Brien's position was?

7   A.   She was the head of the housing division. That was all  
8           in the Environment and Housing Department.

9   Q.   There's nothing on this chronology to suggest that you  
10          yourself went to that meeting, but if your recollection  
11          is that you did or you can recollect hearing anything  
12          about it, then please tell us.

13  A.   I didn't attend the meeting. I wasn't invited.

14          I didn't know who Margaret O'Brien was at that point.

15  Q.   Is it right that your first involvement in the decision  
16          making process and the steps taken to get fire risk  
17          assessments carried out within Southwark on residential  
18          premises was in July 2008, when you attended a meeting  
19          on 16 July?

20  A.   I was involved in the process almost from the day  
21          I joined. With regards to decisions, I didn't really  
22          have a say in the decisions. The decisions were made  
23          and I had to carry out the task of getting consultants  
24          to come in and either do the fire risk assessments or  
25          train staff to do them.

1 Q. It would probably be useful, in that case, at this  
2 stage, to explain to the members of the jury what it  
3 meant for you to be a health and safety adviser --  
4 obviously that title has the word "adviser" in it -- and  
5 therefore to what extent you had power or were expected  
6 to make decisions, or whether you were giving advice to  
7 others.

8 A. Within a -- an adviser's role, you do give other members  
9 of staff and their senior managers advice on what they  
10 need to do to comply with the law. You assist them  
11 sometimes. You help them with whether it's risk  
12 assessments or training, and you give them the best  
13 advice and you recommend where it needs to be followed.  
14 You cannot make them do it. We don't have -- we weren't  
15 enforcers. As advisers, we advise but not enforce.

16 Q. Was that true of Ljubinka Taslaman as well, as health  
17 and safety manager?

18 A. I believe it was, yes, and also to obviously raise the  
19 issue further, as she did, if she saw nothing had been  
20 done, as she did when she took the situation higher up  
21 through the chain of command.

22 Q. In the way we see before you joined?

23 A. Yes, yes.

24 Q. Before I take you then to the first meeting that we have  
25 records of you attending on 16 July 2008, can you assist

1 us with whether, in the first month or so when you were  
2 working for Southwark, you began to discover the  
3 limitations of what had been done so far in relation to  
4 carrying out fire risk assessments on residential  
5 premises?

6 A. Ljubinka, my manager, had told me that she'd been trying  
7 to get the issue resolved for a very long time, and  
8 I knew that she'd told me that consultants -- it had  
9 been agreed in January 2008 that consultants would be  
10 used to come in and either do the fire risk assessments  
11 or train staff.

12 Q. Were you surprised at all by what she told you?

13 A. I don't -- I don't know. Maybe. I don't know. It was  
14 a long time after the RRO came in, but ...

15 THE CORONER: When you say "RRO", are you talking about the  
16 Fire Safety Order?

17 A. Yes.

18 THE CORONER: Mr Maxwell-Scott's introduced it by saying  
19 that's the way he's going to refer to it. It's  
20 confusing if people use different things for the same  
21 piece of legislation, so I think if we could all in the  
22 room could refer to it as the Fire Safety Order, I think  
23 we'll all know where we stand.

24 A. Okay, thank you.

25 MR MAXWELL-SCOTT: To what extent did Ljubinka Taslaman

1 express frustration to you?

2 A. She was very, very frustrated and cross that nothing was  
3 really moving fast at all.

4 Q. If I ask you then to look at 170 in file 1. Towards the  
5 bottom of the page, we have an email from Yvonne Drake  
6 to yourself and Ljubinka Taslaman. Do you recall who  
7 Yvonne Drake was?

8 A. Yes, she was the arson reduction officer.

9 Q. Was she an employee of the London Borough of Southwark?

10 A. She had a complicated role where she partly worked for  
11 the borough -- London Borough of Southwark and partly  
12 for the London Fire Brigade.

13 THE CORONER: Sorry, did you say she was the arson reduction  
14 officer? Is that what you said?

15 A. Yes.

16 MR MAXWELL-SCOTT: The subject is "Overview of meeting  
17 discussions" and I think this relates to a meeting that  
18 had taken place the previous day; is that right?

19 A. That's right.

20 Q. Are you able to recall who was at the meeting?

21 A. I -- I don't know whether it was just the three of us or  
22 whether we'd also met with the London Fire Brigade. We  
23 may also have met with two of the London Fire Brigade,  
24 and if we had, I think there would have been -- it may  
25 have been Andy Snazell. I can't remember, but I know in



1 the early days we did meet Andy Snazell and another  
2 chap, and then obviously as the project progressed, we  
3 met less senior officers.

4 Q. But you can't be sure whether there was Mr Snazell at  
5 this meeting?

6 A. I can't be sure.

7 Q. But in a sense, the London Fire Brigade were  
8 represented, because Yvonne Drake was partly employed by  
9 the London Fire Brigade; is that right?

10 A. She was partly employed by them, or lent to them. I'm  
11 not sure it was a -- I don't know how the arrangement  
12 worked.

13 Q. It says:

14 "Hi ladies, just to get this straight in my head,  
15 can you have a look at the bullet points below and let  
16 me know if I've captured the essence of what we  
17 discussed/proposed yesterday? I would like to send this  
18 on to the LFB borough commander ..."

19 Do you know who that was?

20 A. I think that was Andy Snazell.

21 Q. "... Chris McCracken, warden scheme manager ..."

22 Is that a Southwark employee?

23 A. Yes.

24 Q. "... and Chrissie Lowe, emergency planning manager..."

25 Is that another Southwark employee?

1 A. Yes.

2 Q. "... to get their input asap."

3 Then we see:

4 " LFB/ARO/H and S meet to discuss RRO [in other  
5 words, the Fire Safety Order requirements] and communal  
6 fire safety risk assessments and to create risk  
7 assessment template."

8 Can you help us with who "ARO" were?

9 A. I think "ARO" might be referring to her role as arson  
10 reduction officer. "H and S" is "health and safety".

11 Q. That would be you?

12 A. Myself and Ljubinka, yeah.

13 Q. The second bullet point was:

14 "Health and safety instruct consultant to audit all  
15 communal areas in housing residential stock using risk  
16 assessment template as above."

17 The third bullet point was:

18 "Consultant undertakes programme of risk  
19 assessments -- approximate timescale 12 months. During  
20 12-month period of risk assessment work, arson reduction  
21 officer and CWS ..."

22 A. Might be to do with the wardens.

23 Q. Community warden scheme, possibly?

24 A. Yeah, I think so.

25 Q. "... continue to regularly audit high risk housing stock

1 in conjunction with other community fire safety work.  
2 Arson reduction officer and consultant feed results to  
3 health and safety for entry to database."

4 Then we have:

5 "Arson reduction officer to train CWS and/or housing  
6 to conduct annual follow-up risk assessments on communal  
7 areas in housing residential stock."

8 That takes us over the page, where we now find what  
9 I'd forgotten, which is that all of these abbreviations  
10 are helpfully explained for us. But we'd been getting  
11 on quite well without this explanation. So finally we  
12 see:

13 "Arson reduction officer, health and safety and  
14 emergency planning to design area housing office  
15 emergency plan template for housing."

16 Then the Fire Safety Order statutory requirements:

17 "Ongoing risk assessments to be incorporated into  
18 template to mainstream activity and ensure housing  
19 responsibility."

20 Just going back to 170, you'll see the fourth bullet  
21 point refers to "High risk housing stock". Can you  
22 recall anything that was said at this meeting, or around  
23 this time, by what was meant by "high risk housing  
24 stock"?

25 A. I'm afraid I don't know. I don't recall anything --

1 I don't know what the judgments were.

2 Q. It seems to suggest, would you agree, that there was  
3 a concept that some residential housing was more high  
4 risk than others for fire safety purposes?

5 A. Yes, yes, I would agree with that.

6 Q. If I could ask you then to turn to page 254, please. At  
7 the bottom of the page we have an email from you dated  
8 6 November 2008, so it's some months later, to Andy  
9 Snazell, who's the borough commander for the LFB, and  
10 Geoffrey Scudder. I'll come back to him in a moment,  
11 but I draw it to your attention now because it starts:  
12 "Further to our meeting on 19 August, regarding fire  
13 risk assessment of communal areas ..."  
14 Does that help you to recall a meeting on 19 August  
15 with Andy Snazell and Geoffrey Scudder?

16 A. I do recall meeting them. I don't -- unless I've got  
17 notes, I don't recall everything that was discussed. It  
18 was very early stages in the project.

19 Q. 19 August would indeed have been very early stages for  
20 the purposes of your involvement.

21 A. Yes, yeah.

22 Q. Do you remember who Geoffrey Scudder was?

23 A. He was an employee of the London Fire Brigade. He --  
24 I don't know his position there.

25 Q. You say in this email:

1            "At that meeting [in other words, the meeting on  
2            19 August], you did say that you would kindly look  
3            through our draft fire risk assessment form and give  
4            your comment."

5            I don't know if that helps you at all to remember  
6            early discussions with Mr Snazell?

7            A. We -- no, but obviously I would say we were looking at  
8            how we were going to run the whole programme of fire  
9            risk assessment training and assessment itself.

10          Q. Then is it right that on 28 August 2008 you had  
11          a meeting with Mr Snazell and Mr Scudder? You mention  
12          it in your statement. I just wonder whether that might  
13          be the meeting on 19 August instead.

14          A. I don't think I would have got the date wrong because  
15          I was referring to emails and correspondence and notes.  
16          It's possible that we met with the senior members of the  
17          Fire Brigade twice.

18          Q. If I ask you then to have a look at your statement.  
19          This starts on page 696 in the statements bundle, which  
20          Mr Clark will find for you. (Handed) I've just put up  
21          on the screen page 696. Is that the first page of your  
22          witness statement?

23          A. That is, yes.

24          Q. Then if you have a look at page 698, paragraph 12 says:

25                "I understand that it was on 28 August 2008 that

1 I met with Ms Drake, Mr Andrew Snazell, the LFB's  
2 borough commander, and Mr Geoffrey Scudder of the LFB  
3 with a view to possibly engaging the LFB to train LBS  
4 staff."

5 Just pausing there, Mr Sharman, who we'll hear more  
6 about later, he wasn't at this meeting?

7 A. No, I don't think he was at the early meetings, no.

8 Q. Then your statement continues:

9 "My recollection from that meeting is that the LFB  
10 agreed that it was better to undertake in-house fire  
11 risk assessments rather than contract the work out to  
12 consultants, who would have no knowledge of the area,  
13 the properties or the tenants."

14 On the same theme, if you could have a look at  
15 paragraph 10 on the previous page. You say there:

16 "My understanding of the position was that, to  
17 embody the spirit of Fire Safety Order, fire risk  
18 assessments: 1, should be able to be undertaken  
19 in-house; 2, should not require specialist training or  
20 expertise; and 3 should be visual, not intrusive,  
21 inspections, essentially looking for the obvious."

22 Having looked at both of those paragraphs, 10 and,  
23 just before it, 12, can I ask you what was the basis for  
24 your thinking that fire risk assessments should be able  
25 to be undertaken in-house and would be better taken

1 in-house rather than contracted out?

2 A. Yes, in addition to the discussion with the  
3 Fire Brigade, as mentioned in paragraph 12, in  
4 a previous health and safety role at -- a different  
5 organisation, I had a similar -- fairly similar project  
6 of drafting out the fire risk assessment guidance and  
7 template. This was to be ready for the change to the  
8 Fire Safety Order -- for the implementation of the new  
9 Fire Safety Order, and working for a charity, there  
10 obviously wasn't going to be lots of money to spend on  
11 consultants, and I did a lot of research to see what it  
12 meant to be able to do a fire risk assessment and what  
13 it involved, because obviously it's a brand new piece of  
14 legislation and so I based my knowledge on that in the  
15 later discussions with the Fire Brigade.

16 Q. In the previous job you just referred to, what sort of  
17 buildings had you been looking at?

18 A. They were very old -- very old buildings, various sizes,  
19 various states of repair. Not -- because it was for  
20 a charity, they weren't state of the art.

21 Q. In terms of the size, what would have been the larger  
22 ones?

23 A. One of the larger ones that I visited was -- I couldn't  
24 give you dimensions but we may have had 30 or 40 staff  
25 in it. Some of the smaller staff we would have had two,

1 three or four staff.

2 THE CORONER: What sort of buildings are we talking about?

3 Commercial or business?

4 A. Sorry, the larger one I referred to was the ground floor  
5 of a building on an industrial estate with, at the time,  
6 empty premises above that were to be used as storage.  
7 So that came into consideration with their fire risk  
8 assessment. Some of the other buildings were perhaps  
9 above shops and things like that.

10 THE CORONER: Were any residential?

11 A. Ex-residential, yes.

12 THE CORONER: Sorry, could you explain that?

13 A. Sorry, there was -- on the south -- somewhere along the  
14 south coast, there was an office that was -- had once  
15 been a Georgian house but was now shops and offices with  
16 a row of them. So it was a complete variety of  
17 premises.

18 THE CORONER: But no buildings currently being used for  
19 residential purposes?

20 A. Well, not directly by staff but there was supportive  
21 accommodation and hostels and things, yes.

22 THE CORONER: Okay, thank you.

23 MR MAXWELL-SCOTT: What I was going to move on to next was  
24 the fact that you yourself attended a one-day training  
25 course on fire risk assessment run by the



1 London Fire Brigade on 15 October 2008.

2 A. Yes.

3 Q. Unless there's any particular event that you recall  
4 between 28 August and 15 October, I'll move to that.

5 A. I can't recall anything particularly.

6 Q. Is it right that this is a course that you had booked  
7 yourself on to see what it was like?

8 A. I booked to attend the course when I worked at my  
9 previous job, because it was useful -- obviously it was  
10 very relevant to my role at the time. I wanted to  
11 attend it. Subsequently I resigned from the previous  
12 organisation so I had to cancel the training, and when I  
13 joined Southwark, I asked Ljubinka if I could  
14 reattend -- rebook and then attend that training again,  
15 which she agreed to, particularly in the light of my  
16 project on the fire risk assessment programme, and then,  
17 yes, I thought actually it was quite useful -- it was  
18 quite relevant to the project.

19 Q. If you could turn in the second file, which I think at  
20 the moment you have open at 848, and turn in it to  
21 page 860, please. We have here the first couple of  
22 slides from what we understand to be the  
23 London Fire Brigade's one-day fire risk assessment  
24 training course. If you could just flick through the  
25 first five pages to see if that refreshes your memory.

1 A. My training booklet was slightly different --

2 THE CORONER: Sorry, we're losing your voice.

3 A. My training booklet was different on the front pages.

4 The contents might be the same but my cover page was

5 different.

6 MR MAXWELL-SCOTT: So for example on 862, we have the

7 programme. Morning: syndicate exercise, key legislation

8 and definitions, HSE five-step approach to fire risk

9 assessment. Then afternoon, we can see what's set out

10 there. Does that accord with what you remember your

11 training covered?

12 A. It looks very similar, if not the same.

13 Q. Were you given notes or handouts to take away with you?

14 A. Yes, I was.

15 Q. Were they essentially hard copies of the slides you'd

16 seen or was there more to them than that?

17 A. I didn't get hard copies of the slide but I did get the

18 training booklet.

19 Q. If you could have a look in file 3 at page 990.

20 (Handed) This comes from some training materials that

21 the London Fire Brigade have provided to us that's an A4

22 sheet. It's headed "Terms and conditions" and it

23 continues -- just showing you on the screen -- 991, 992,

24 glossary and 993 and at 994. Then we're into some

25 slides. Are you able to help us at all with whether you

1           were given that, or something that looked like that, or  
2           something very different?

3   A.   Definitely something that looked like this, if not the  
4           same.

5   Q.   If you look in the middle of 990, where it says  
6           "Competent person".

7   A.   Yes.

8   Q.   Do you see that it says:

9           "Person who has sufficient training, experience,  
10          knowledge or other qualities to enable them to carry out  
11          a measure correctly.  If this is going to be you, your  
12          employer must provide you with training and avail you of  
13          all relevant information needed to perform this task."

14          Then it says this:

15          "It is nearly always preferable to use in-house  
16          staff with the required level of competence as opposed  
17          to someone from outside your organisation."

18          Are you able to say whether that was a message that  
19          you picked up in the course of that one-day training,  
20          the reference to the fact that it was nearly always  
21          preferable to use in-house staff?

22   A.   It was something I'd learned in my previous role at the  
23          previous organisation anyway, so I may have -- may have  
24          had my knowledge reaffirmed by that information.

25   Q.   Then if I could ask you to go -- you can put that bundle

1 away, I think, and turn to file 1 at page 219. We'll  
2 look at a couple of emails that you sent immediately  
3 after getting back from the one-day course. So here we  
4 are on 17 October, two days later, sending an email to  
5 Israel Ofolughe. Can you tell us who he was?

6 A. He -- as far as I am aware, he was the housing manager  
7 for the Dulwich office but he was -- within the housing  
8 division, he was at that point taking the lead for  
9 ensuring the fire risk assessment -- training and  
10 assessments were being undertaken. So he was my contact  
11 within the housing division to get this done.

12 Q. Was he in the middle of a six-month stint as borough  
13 repairs manager, from June 2008 to December 2008, or can  
14 you not say?

15 A. I don't know that. I don't know.

16 Q. But he was the lead for you on these issues?

17 A. He was, yes.

18 Q. You say to him:

19 "I attended LFB training on Wednesday of this week  
20 on fire risk assessment and have hand-out notes (A4  
21 booklet) and a certificate of attendance."

22 Then a little lower down, you said:

23 "Their specific knowledge on fire safety issues in  
24 housing organisations in Southwark and surrounding  
25 boroughs puts them in an ideal position to advise our

1 satisfy (housing officers) on how to carry out  
2 a suitable and sufficient fire risk assessment."

3 Then if you go over the page to 220, you send him  
4 another email a few moments later. You sent him a link  
5 to the LFB's website on the course, and in the third  
6 paragraph:

7 "The course is designed to take a whole day. If you  
8 would prefer to drop some of the topics (perhaps less  
9 emphasis on legislation and more on actually doing the  
10 fire risk assessment) we can discuss with Mark Sharman,  
11 the head of the commercial training unit at LFB, and  
12 they will accommodate our requirements as long as it not  
13 to the detriment of the course as a whole."

14 Then, towards the end of the email:

15 "We both believe that the best training would be  
16 provided by persons knowledgeable and experienced (ie  
17 competent) in fire safety technical and legal issues."

18 Having seen those two documents that you wrote  
19 shortly after the training, can I ask you to look at  
20 your witness statement at page 698. In paragraph 13,  
21 you refer to having attended the course. Paragraph 14  
22 says that on 16 October, the day after it, you  
23 telephoned Miss Hodgkinson at the LFB to make enquiries  
24 about training, and at the bottom of that paragraph, 14,  
25 you say:

1            "I remember that I then spoke to Mr Mark Sharman,  
2 head of the commercial training unit at the LFB."

3            Then, going back to paragraph 13, you say:

4            "Thereafter, it was agreed that the LFB would be  
5 paid by LBS to train LBS's housing officers to undertake  
6 fire risk assessments of LBS's housing stock. The LFB  
7 told me that LBS's housing officers would be able to  
8 undertake the fire risk assessments after attending that  
9 one-day training course."

10           What I wanted to ask you is who it was at the London  
11 Borough London Fire Brigade who told you that in the  
12 final sentence of paragraph 13, and when?

13 A. I would need to check my file notes from that day, if  
14 that were possible, but the LFB knew that we were  
15 training housing officers, and within our early  
16 discussions, which is recorded in my notebooks, my notes  
17 show that the fire brigade's training was delivered  
18 based on the basis of zero knowledge by the people  
19 attending.

20 Q. When you say "for that day", do you mean for the day of  
21 the training or the 16th?

22 A. The one-day training was designed for people with zero  
23 base knowledge, and the London Fire Brigade knew that we  
24 were training housing officers to do the communal area  
25 fire risk assessments.

1 Q. I'll come back to that point in one moment, but before  
2 I do, if you could also have a look at paragraph 34 in  
3 your statement, page 702, because it's on the same  
4 theme. It says:

5 "The general flavour of the training run by the LFB  
6 was that housing officers were to look for the obvious;  
7 undertaking a fire risk assessment did not involve  
8 looking at the drawings of the building, looking at the  
9 fabric of the building or looking at the outside of the  
10 building. My understanding was that we were not  
11 required to look intrusively for fire risks."

12 Was that your impression from the first training  
13 course you went on?

14 A. Yes, it was.

15 Q. So if we go back to the previous point about when you  
16 were told that housing officers would be able to  
17 undertake fire risk assessments after attending  
18 a one-day training course. Can you help us with whether  
19 that was something you were told on the day of the  
20 training course or subsequently?

21 A. I'm afraid I don't -- I don't know what date that was --  
22 that was dated.

23 Q. I'm going to move on then to a meeting on 29 October,  
24 and we have some notes from that. They start at  
25 page 231 in file 1. This meeting says:

1           "Meeting notes. Meeting to discuss possibility of  
2           feasibility/costs et cetera of London Fire Brigade's  
3           commercial training unit providing fire risk assessment  
4           training to E and H ..."

5           Is that "environment and housing"?

6    A. "Environment and housing", yes.

7    Q. "... department housing officers. Wednesday  
8           29 October 2008."

9           We can see who was present. So Mark Sharman of the  
10           commercial training unit of the LFB, Duncan Phillips --  
11           he was one of the trainers, wasn't he?

12   A. Yes, he was, yeah.

13   Q. Israel Ofolughe -- he's down here as borough repairs  
14           manager, until 8th December -- and then yourself and  
15           your line manager Ljubinka?

16   A. Yes.

17   Q. You reported back that you'd attended the one-day fire  
18           risk assessment training, it was felt to be of good  
19           standard and you'd gained a lot from the course. You  
20           and Miss Taslaman were recommending LFB to provide fire  
21           risk assessment training to Southwark Council's housing  
22           officers.

23           There was a discussion about cost at the bottom of  
24           231. Then at the top of 232, we see in the second  
25           paragraph:



1           "SK [that's you] has shown MS [Mark Sharman] and DP  
2           [Duncan Phillips] the draft communal fire risk  
3           assessment, the draft procedures and guidance document,  
4           and the draft estates fire inspection sheet. Although  
5           they cannot endorse the documents, they commented that  
6           it would be beneficial to include contractor information  
7           and information on voids."

8           Then you were going to amend the documents and ask  
9           Mr Snazell for his views.

10          A. Yes, that's right.

11          Q. Is it right, as suggested there, that CTU, commercial  
12          training unit, made it clear to you that they couldn't  
13          endorse Southwark's documents?

14          A. They did. They said they can't endorse them but they'd  
15          be happy to look through and look for -- for anything  
16          that was glaring, anything major. I don't know if it  
17          was the CTU that actually looked through the documents.  
18          It may have been a different wing of the LFB that looked  
19          through it to keep the impartiality.

20          Q. Then in the fifth paragraph, we see:

21                 "Housing officers would undertake annual reviews of  
22                 the fire risk assessment of communal areas that would  
23                 not include void properties or lift motor rooms,  
24                 et cetera. D Phillips advised that annual reviews of  
25                 the fire risk assessment should be adequate."

1           There's nothing expressly in the notes of this  
2           meeting to say whether or not the London Borough of  
3           Southwark were already doing fire risk assessments of  
4           residential premises and wanted some top-up or  
5           refreshers, or whether they were, in effect, starting  
6           from scratch. Can you remember whether anything was  
7           expressing said in this meeting on that topic?

8   A. I believed we were starting from scratch but -- from my  
9           knowledge, we were starting from scratch.

10 Q. Well, I think that must be right, but what I'm asking is  
11           whether anything was said at this meeting. It's not  
12           recorded in the minutes.

13 A. No, I don't believe it was. I don't believe it was.

14 Q. So nothing was expressly said to the Fire Brigade at  
15           this meeting on that topic?

16 A. No, it wasn't.

17 Q. Madam, that may be a convenient moment to break.

18 THE CORONER: All right, we'll have a break for lunch.  
19           Could everybody be back to start again at 2 o'clock,  
20           please.

21           Miss Keogh, because you're part way through giving  
22           your evidence, the rule I must ask you to observe,  
23           please, is that you do not talk to anyone about your  
24           evidence or indeed this matter. Could you be back for  
25           2 o'clock.

1 (1.00 pm)

2 (The short adjournment)

3 (2.00 pm)

4 THE CORONER: Would you like to come back? Thank you. Yes,  
5 please could we invite the jury back.

6 Do top up your water if you would like, Miss Keogh,  
7 and please, if you could remember to keep your voice up  
8 and speak as closely to the microphone as possible.

9 A. I will do, thanks.

10 THE CORONER: Thank you.

11 (In the presence of the Jury)

12 THE CORONER: Yes, thank you.

13 MR MAXWELL-SCOTT: Good afternoon, Miss Keogh. Before the  
14 break, I was asking you about the meeting on 29 October.  
15 I'm going to pick up a couple of further points about  
16 discussions with the London Fire Brigade at that time  
17 but before I do so, I need to recap and go back about  
18 three weeks to some emails around 8 and 9 October 2008  
19 that I didn't ask you about this morning. If you could  
20 turn to page 215 in file 1, please.

21 This is 8 October 2008, Ljubinka Taslaman to Gill  
22 Davies, whom you've told us was the head of this  
23 department.

24 A. Yes, she was.

25 Q. The subject is "Fire risk assessment for communal

1 areas -- breach of regulations":

2 "Hi Gill, we have made very big progress on this  
3 since February 2008 (when decision was made to bring  
4 consultant in) ... so still in breach of the regulatory  
5 reform Fire Safety Order 2005.

6 "I have raised this with Margaret O'Brien and all  
7 other managers before her appointment, sent emails, set  
8 up monthly and now fortnightly meetings with housing  
9 repair management team but we haven't progressed much.  
10 After interviewing some of the consultants, housing  
11 repair management team have realised that the cost would  
12 be astronomic (approximately £500 per block!) and now  
13 have a new proposal -- to do it in-house -- bring  
14 someone in to train technical officers to carry out fire  
15 risk assessments and also train housing officers to  
16 carry out estate inspections. Are you happy with this  
17 proposal? This also needs to be agreed by Margaret  
18 O'Brien. Could you help by urging MOB to make decision  
19 so that we can make some progress?"

20 Then we see higher up the page that Gill Davies  
21 forwarded that email the next day to Margaret O'Brien,  
22 saying:

23 "As usual a little harsh, but do you have a plan?"

24 Then we can see Margaret O'Brien's response at 216.  
25 9 October 2008, Margaret O'Brien to Gill Davies:

1           "Yes, but guilty of leaving you out of loop, sorry.  
2           We discussed at DMT this week."  
3           Do you know what that is?  
4    A.   That's the departmental management team.  
5    Q.   Would you have been at that?  
6    A.   No, I wasn't management.  
7    Q.   "... and agreed to progress with training of housing  
8           officers to do in-house inspections of communal areas."  
9           Then we see a little lower down:  
10           "We already have a consultant commissioned. Meeting  
11           next week to finalise training details. Hazel feels we  
12           can inspect all blocks by Jan '09."  
13           "Hazel", would that be Hazel Flynn?  
14   A.   Yes.  
15   Q.   Was she borough housing management coordinator?  
16   A.   It's -- she was senior. I didn't know her title, but  
17           yeah.  
18   Q.   "From then on, we will complete formal quarterly  
19           inspections."  
20           Then at the bottom:  
21           "Also agreed with Chris McCracken that I would meet  
22           with the Fire Brigade if possible to make sure they are  
23           aware of and signed up to this approach. Hope this is  
24           o'clock. Mag."  
25           Were you aware at that time of discussions about the

1 feasibility of inspecting all blocks by January 2009?

2 A. No, I didn't know about that.

3 Q. Then if we go on to 218, this is an email that you were  
4 copied into, 9 October, the same day as the previous  
5 email, from Israel Ofolughe to yourself, Ljubinka  
6 Taslaman and Lesley Callaghan:

7 "Update. This subject was discussed on Tuesday at  
8 housing management DMT meeting chaired by Margaret  
9 O'Brien and the decision was for Daniel Hollas and Hazel  
10 Flynn to meet and agree the council's approach. Given  
11 our discussion on Tuesday and the need to move things  
12 forward, I met with both managers today and pleased to  
13 report that both are in agreement with our preferred  
14 option (Wandsworth approach). Housing officers have  
15 been identified as the group that will carry out the  
16 exercise and the budget for the training is already in  
17 place."

18 Does that assist in completing part of the picture  
19 of how it was that the decision was made to favour  
20 getting someone in to train your housing officers to  
21 carry out the risk assessment themselves?

22 A. Yes, I think so. It was made by that senior management  
23 team meeting of the departmental management team by the  
24 housing division for their housing officers.

25 Q. If I take you back to your knowledge around the meeting

1 of 29 October 2008. Were you aware at that time that  
2 the commercial training unit of the London Fire Brigade  
3 offered a four-day fire risk assessment course as well  
4 as the one-day course?

5 A. Yes, yes.

6 Q. Had you compared the content of the two courses?

7 A. Yes.

8 Q. Was it you who formed the view that the one-day course  
9 was appropriate for Southwark's housing officers and  
10 that the four-day course would have been too advanced?

11 A. No, what it was down to mostly was budget and time out  
12 of office from recollection. So I identified the  
13 availability of the courses and then the housing  
14 management division sourced the budget and, via  
15 Ljubinka, told me what -- what was possible to do and  
16 what wasn't, and initially they actually wanted it in  
17 half a day, which obviously they couldn't have, so we  
18 kept to the one day, which is what the Fire Brigade had.  
19 But I think the four-day was too expensive and had --  
20 required too much time away from the office.

21 Q. Was it your understanding that attendance at the one-day  
22 course did not confer competence on a housing officer?

23 A. Attendance on its own, no, it didn't confer competence.

24 Q. And that was something that the London Fire Brigade made  
25 clear at or around the meeting of 29 October?

1 A. Yes, I believe they did, yeah.

2 Q. At the meeting on 29 October, did Mr Ofolughe say  
3 anything to the effect that he wanted all the training  
4 completed before the housing officers started doing the  
5 fire risk assessment?

6 A. He did, and we disputed it.

7 Q. So the first point is he did say that, and secondly, who  
8 is "we" who disputed it?

9 A. Ljubinka and myself disagreed with his approach. We  
10 said as staff were trained they should commence the  
11 programme, number one to get the programme underway and  
12 number two so they can use the training while it's fresh  
13 in their minds.

14 Q. Did Mr Sharman, at that meeting or some other stage, say  
15 that in his view, in order to achieve most benefit from  
16 the course, delegates should use the knowledge gained  
17 from it as soon as possible?

18 A. Yes, he did.

19 Q. And that was your view too?

20 A. Yes.

21 Q. In effect, it wasn't your decision and the decision that  
22 was taken wasn't the one that you would have favoured?

23 A. That's right.

24 Q. The course was then rolled out by the  
25 London Fire Brigade for housing officers from Southwark,



1           wasn't it?

2    A.   Yes it was, yeah.

3    Q.   On several occasions?

4    A.   About half a dozen.

5    Q.   About half a dozen, as you say, with the course on those

6           occasions being block-booked so that the only attendees

7           on those days were Southwark housing officers?

8    A.   Yes.

9    Q.   During that programme, is it right that a suggestion was

10           made to include some photographs of housing stock owned

11           by Southwark into the slides to try and make the talk

12           more relevant and accessible to the housing officers?

13   A.   Yes, yes that's right.

14   Q.   I'll take you to those in a moment, but other than that

15           addition to the presentation, did the course essentially

16           remain unchanged from the course that you had attended

17           in October?

18   A.   Yes, as far as I'm aware it was completely unchanged.

19           It was a set programme and if we had wanted changes the

20           Fire Brigade would not have been willing to incorporate

21           them because they carefully structured their course, and

22           we accepted that.

23   Q.   So although they were giving it solely to Southwark

24           housing officers, this was their course, given in their

25           way, and they weren't tailoring it to what you asked

1 for, other than including these photos?

2 A. They wouldn't change it if they thought it would be to  
3 the detriment of the course in any way.

4 Q. If I just draw your attention to the photos. We see  
5 those in file 3 at 1061. They're not the clearest  
6 pictures, but if you leaf through from 1061 to 1068.  
7 Can you confirm that those are the photos of  
8 Southwark-owned housing that the LFB agreed to include  
9 in the course materials?

10 A. I think they are.

11 Q. There's no need to turn up the reference but what we  
12 have seen is that those photos were included in the  
13 course by the time of 2 December, about part way through  
14 the programme?

15 A. I think it was the third -- yeah, I think it was the  
16 third course that the photos were included, yes.

17 Q. During the time when the course was being run, is it  
18 right that from time to time you sent to members of the  
19 London Fire Brigade, including Mr Sharman, drafts of  
20 documents that you were preparing for housing officers  
21 to use, such as fire risk assessment templates?

22 A. Yes, if there was material change, I'd then pass the  
23 revised documents to them, because the Fire Brigade  
24 needed to know that this was what we were now passing  
25 out to our staff to use.

1 Q. You received some comments on them?

2 A. Yes, yeah.

3 Q. Is it fair to say that those comments were in the  
4 context of the fact that the London Fire Brigade had  
5 made it clear that they weren't going to specifically  
6 endorse any such documents?

7 A. Yes, they did make that clear.

8 Q. I'm going to then move on to January 2009, when we start  
9 to see the programme of housing officers actually  
10 carrying out fire risk assessments begin. If we look at  
11 page 590 in file 2. This is a fire risk assessment for  
12 communal areas dated 21 January 2009, and it is  
13 an assessment of Glennie Court on the Lordship Lane  
14 estate. Do you remember this assessment being done?

15 A. I remember receiving -- receiving this after it was  
16 done, yes.

17 THE CORONER: Sorry, I'm losing your voice.

18 A. I remember receiving this fire risk assessment after it  
19 was done.

20 THE CORONER: Thank you.

21 MR MAXWELL-SCOTT: Is it right that this was the first one  
22 done and it was done as a sample?

23 A. I'm not sure about that.

24 Q. If we look, then, at page 601, a few pages on. This is  
25 an email from you to Ljubinka Taslaman on 22 January,

1 attaching a document called "FRA project overview".  
2 That document is over the page at 602. It's a table  
3 setting out the activities involved in carrying out risk  
4 assessment of the communal areas, not including service  
5 rooms such as boiler rooms, who's responsible, the  
6 target dates and any comments.

7 What we can see there is, for example, that point 4  
8 was:

9 "Appoint training provider."

10 That decision was made on 29 October 2008, as we've  
11 seen, to appoint the London Fire Brigade. Point 5:

12 "Organise training for housing officers."

13 We've already discussed that that started in  
14 around November 2008 and carried will you  
15 to February 2009, and then we have, at 6:

16 "Give on-site assistance to housing officers to  
17 carry out their first area fire risk assessments."

18 Then in the comments section:

19 "SK [that's you] assisted Dulwich area housing  
20 office on 21 January 2009. Housing officers confirmed  
21 the assistance was very beneficial."

22 Does that help remind you of --

23 A. Yeah, that indicates that 21 January '09 would have been  
24 the first practical assistance with a fire risk  
25 assessment, yeah.

1 Q. Can you just help the members of the jury with what this  
2 practical assistance phase of the programme was?

3 A. I went out -- after the -- after the groups of housing  
4 officers had had the fire risk assessment training, to  
5 help them practice and embed the knowledge they'd  
6 learned, I went out with them the next day or within  
7 a day or two on site, as a small group, to do a fire  
8 risk assessment of council property. So I'd walk round  
9 with them and then they'd go back to their office to  
10 collectively type up the fire risk assessment. They  
11 would email it to me, and then I would track any changes  
12 that I believed necessary or comments to help them along  
13 the way, just to give them the confidence to continue  
14 with the rest of their fire risk assessments that they  
15 had to do.

16 Q. Then point 7 was:

17 "Carry out risk assessments."

18 That was going to be the responsibility of housing  
19 officers, to commence in January 2009?

20 A. Yes.

21 Q. Then if I ask you to move forward to early March 2009 on  
22 page 630.

23 A. Did you say 613?

24 Q. 630, sorry. These are the minutes of a meeting of  
25 environmental lead officers in the Dulwich area. You

1 didn't attend it. It was chaired by Mr Ofolughe, and at  
2 3632, under "Any other business" at 7.2, it says:  
3 "Fire risk assessment of communal areas:  
4 [Mr Ofolughe] advised of the request to AHMs ..."  
5 Is that area housing managers?  
6 A. Yes, it is.  
7 Q. "... for ELOs [environmental lead officers] to take the  
8 lead in their respective areas for this exercise. Still  
9 to reach an agreement on this."  
10 Is that something that refreshes your memory of some  
11 kind of delay or hold up at this stage?  
12 A. Just from what I understand of it, within that housing  
13 division there was still a bit of perhaps passing around  
14 or discussing the finer details which we thought had  
15 already been agreed.  
16 Q. Were you aware of that at the time?  
17 A. I wasn't aware of this at the time. I don't know who  
18 the environmental lead officers even were.  
19 Q. If I can ask you then to look at page 646, please. This  
20 is a letter dated 17 March 2009. If you look on two  
21 pages --  
22 A. Yeah.  
23 Q. -- you can see it's from Steve Turek, assistant  
24 commissioner fire safety regulation. Still on the first  
25 page of it, 646, do you see the date stamp of 26 March?

1 A. Yes.

2 Q. It says:

3 "Health and safety received, director's office."

4 Is that your --

5 A. That's our office.

6 Q. That's your office?

7 A. Health and safety team, yes.

8 Q. So you would have seen this on or around that date?

9 A. I saw it a bit later than that, but yes, I saw it.

10 Q. Just looking at what it says, it starts with a heading,

11 "Fire safety in social housing". I should have said

12 it's addressed to the director of housing. It says:

13 "In the light of a number of recent fires in social

14 housing blocks I am seeking your help in bringing fire

15 safety issues to the attention of your tenants and

16 staff. As an enforcing authority we thought it would be

17 helpful to draw your attention, as a social housing

18 provider, to a number of significant issues relating to

19 your responsibilities under the Fire Safety Order 2005."

20 Then, just looking at the headings, we have "Storage

21 and security", "Fire doors being wedged open", "Empty

22 properties", "Multi-layer paint" -- we're now on 647.

23 A. Yes.

24 Q. -- and then "Replacement windows". The second half of

25 that passage says:

1            "We have also noted that panels on the exteriors of  
2 flats have been replaced with non-fire-resisting uPCV  
3 panels as part of replacement of window units. This may  
4 have contributed to total failure of the windows during  
5 a fire and consequently contributed to fire being able  
6 to pass upwards across the exterior wall to the windows  
7 of flats above, causing them to fail and fire to spread  
8 to those flats."

9            Then we also have as headings "Lack of fire-stopping  
10 barriers in wall cavities", "Lack of fire stopping in  
11 service risers", and then, on 648, "Frost protection and  
12 thermal insulation in roof voids". Then the conclusion:

13           "The issues identified above are all of direct  
14 relevance to emergency arrangements and general fire  
15 precautions for blocks of flats and houses converted to  
16 flats. As an enforcing authority for the Fire Safety  
17 Order 2005, we consider that ..."

18           Then there are four bullet points. The first is the  
19 structure of the building and the changes that have been  
20 made to it, the second is the levels of fire resistance:

21           "... are matters that should be considered as part  
22 of a suitable and sufficient fire risk assessment. I am  
23 sure that you, as a responsible provider of social  
24 housing, would agree, and I would urge to you ensure  
25 that these matters are considered as part of your



1 ongoing programme of fire risk assessment and reviews of  
2 those assessments."

3 Can you recall what your thoughts were when you  
4 first read this letter?

5 A. Well, we sent it on to Israel Ofolughe at the time, and  
6 I think it may have gone to other people in the housing  
7 division because they were working directly then on the  
8 programme. The issues identified as risks were covered  
9 in the fire risk assessment template anyway, and covered  
10 in the training, so it wasn't considered that we, as  
11 a health and safety team, had a lot more we had to do  
12 there, but we highlighted it and sent it on to others in  
13 housing.

14 Q. Then if I move you forward to 2 April 2009, page 665.  
15 These are meeting notes. This is said to be the first  
16 of a series of monthly meetings between Israel Ofolughe  
17 and you to discuss progress of and any issues regarding  
18 the fire risk assessment of communal areas.

19 A. Yes.

20 Q. If we go towards the bottom of the page, we see hovering  
21 on the page the word "prioritisation" with a question  
22 mark, but nothing after it. What, to the best of your  
23 recollection, was said about prioritisation at this  
24 time?

25 A. We had asked about prioritisation. It was something --

1 I knew obviously it was important at the time. We asked  
2 about prioritisation. They hadn't yet got a schedule  
3 in, but I think he was going to come back to us. There  
4 was no definite "We haven't got anything arranged", but  
5 it was -- it was hanging because we'd just -- we'd  
6 mentioned it with him but we hadn't really got an answer  
7 back. By "him", I mean Israel Ofolughe.

8 Q. If I ask you to have a look in your witness statement at  
9 page 704 on this topic of prioritisation. Paragraph 42.  
10 In the second sentence, you start by saying that you  
11 were not involved in rolling out the fire risk  
12 assessment programme, and you would not have wanted to  
13 advise on prioritisation yourself because a lot of the  
14 process of prioritisation would come down to knowledge  
15 of the actual buildings to be fire-risk-assessed. Is  
16 that right? That was your thinking at the time?

17 A. Yes, yeah.

18 Q. Did anyone try to draw you in to advising on  
19 prioritisation?

20 A. No, I don't believe so. It was left with Israel to take  
21 away and arrange with the housing managers for each  
22 area. So you have the housing management and each has  
23 its own area within Southwark, and the managers,  
24 I believe, with Israel were drawing up the  
25 prioritisation plan.

1 Q. I can see that one might not want to be drawn into  
2 advising on how to prioritise for the reason that you've  
3 given in that sentence, but what about advising on  
4 whether, as a matter of principle, prioritisation would  
5 be a good idea as opposed to selecting properties by  
6 random?

7 A. No, they knew they had to do it on a priority basis, and  
8 the housing officers on the patches have the knowledge  
9 of not just the buildings but the residents within it,  
10 and they -- they were best placed, and being new to the  
11 council anyway, I had no idea what groups of residents  
12 were in certain buildings. Some buildings had a higher  
13 proportion of disabled people, for example. I wouldn't  
14 know that; the housing manager and a housing officer  
15 would, and they were best placed to prioritise.

16 Q. Does it follow from what you've said that you at least  
17 had some understanding of what criteria were being used  
18 to prioritise?

19 A. I -- some understanding of what criteria I thought  
20 should be involved. Whether that was used in their  
21 prioritisation, I don't know.

22 Q. What did you think the criteria should be?

23 A. Well, I didn't put really any thought to it because it  
24 was left to them to do and I carried on with other tasks  
25 and other projects that I had, so because I didn't need

1 to consider that aspect, I -- I didn't.

2 Q. So should we understand that your discussions went as  
3 far as indicating that there ought to be some form of  
4 prioritisation?

5 A. Yes, and we left it to them to prioritise.

6 Q. And you didn't know how they were doing that?

7 A. No, I don't believe we knew. I didn't know. I don't  
8 believe my manager knew.

9 Q. Well, just sticking to your knowledge for the moment.

10 A. I don't think I knew, no.

11 Q. In your statement, you go on to say in the next  
12 sentence:

13 "My understanding was that residential properties  
14 above retail establishments (such as restaurants) were  
15 a higher risk than purpose-built residential buildings."

16 Was that your thinking at the time?

17 A. Yeah, yeah.

18 Q. What was that based on?

19 A. In a residential building, it -- you have generally the  
20 same risk within each property. If you are living in  
21 a flat perhaps above any form of shop -- hairdresser,  
22 chip shop -- it's harder to know what's going on in the  
23 property below you, how it's being managed. The risks  
24 are unknown to you as a resident, or to you as  
25 a landlord.

1 Q. Then the statement says:

2 "Certainly I would not have understood high rise  
3 residential buildings to be high risk properties for  
4 prioritisation."

5 Was that your thinking at the time?

6 A. Yeah, yeah. My understanding at the time was they  
7 weren't high risk properties simply because they were  
8 high rise properties. The two weren't necessarily  
9 correlated. That was my understanding.

10 Q. Were you saying here that no high rise residential  
11 buildings were high risk?

12 A. No, I wasn't saying that.

13 Q. Would it have been in your thinking that some high rise  
14 residential buildings might be more high risk than  
15 others?

16 A. Yes, definitely. Some would be, presumably.

17 Q. But that wasn't part of discussions that you had with  
18 people who were deciding on prioritisation?

19 A. No, I wasn't involved at all in those.

20 Q. You finish that paragraph, 42 of your statement, by  
21 saying:

22 "I understand that by the time of the fire at  
23 Lakanal on 3 July 2009, there had not been a fire risk  
24 assessment undertaken on Lakanal, although I am unable  
25 to explain why."

1           That's your recollection, and that is because you  
2           were outside of the decision-making process on  
3           prioritisation?

4    A.   Yes, and also once the fire risk assessments were being  
5           undertaken, other than having initial input into  
6           their first risk assessment and the plans to go and do  
7           ad hoc sporadic checks for quality, I wasn't involved in  
8           the actual daily or weekly timetable for risk  
9           assessments, so I couldn't know which were done or which  
10          were not.

11   Q.   We jumped ahead slightly because we were looking at that  
12          paragraph of your statement.  If I now take you back  
13          to April 2009, we'll see the start of some risk  
14          assessments being done, including on the Sceaux Gardens  
15          estate.  So if you go in the documents at file 2 to 667.

16                 We can see there that you sent an email on 7 April  
17                 to a number of people, including Mr Ofolughe, saying  
18                 that you had just met with Mark Sharman of the  
19                 London Fire Brigade, and one of the issues that you  
20                 discussed with him was the sample fire risk assessment  
21                 at Glennie Court that we looked at earlier.  In the  
22                 second paragraph, you say that:

23                         "Mark [that's Mark Sharman] was impressed with the  
24                         way that Michael [who had done the risk assessment at  
25                         Glennie Court] had approached it and with the

1 notes/comments he made on the fire risk assessment. The  
2 overall feedback from the London Fire Brigade was  
3 good -- well done!"

4 What sort of encouragement did you take from that  
5 meeting with Mr Sharman?

6 A. Well, I took it that to -- obviously at least some of  
7 the housing officers were taking on board and  
8 understanding fully the training, and I fed back to  
9 Michael Gibbs as well that he received good feedback.

10 Q. If we go to 728, please. We have here a risk assessment  
11 that was done on Perronet House on 27 April on  
12 27 April 2009. Then if you go to 741, we're on  
13 29 April 2009 and we are told that certainly for Borough  
14 and Bankside, all housing officers had now been fully  
15 trained by you and were ready to go?

16 A. I didn't do training. I arranged it; I didn't do it.

17 Q. That is obviously right but I draw your attention to it  
18 because Borough and Bankside, are they parts of the  
19 London Borough of Southwark's catchment area?

20 A. Yes, they were one of the areas of the -- I think we had  
21 eight area housing offices, and Borough and Bankside was  
22 one of them. So Camberwell, which Lakanal fell into,  
23 was another one.

24 Q. So Borough and Bankside were ready to start doing fire  
25 risk assessment reports.

1           If you go to 757. This is the second meeting that  
2           you had with Mr Ofolughe. We saw the first one about  
3           a month earlier. This is now 7 May, and we can see in  
4           the second paragraph that:

5           "Borough-wide, the fire risk assessment of communal  
6           areas has now commenced."

7           In May 2009. Does that fit with your recollection?

8   A. Yes, yeah.

9   Q. If you look at the very bottom of the page, Mr Ofolughe  
10          has set a timescale of nine months "for the completion  
11          of the fire risk assessment by all housing officers".

12   A. Yes.

13   Q. So that would have taken one into February 2010?

14   A. Yes.

15   Q. Then if you look at 762, please. This is 9 June 2009,  
16          a fire risk assessment of the communal areas of Florian  
17          on the Sceaux Gardens estate. As far as I'm aware  
18          that's the first risk assessment we have under this  
19          programme for a block on the Sceaux Gardens estate.

20   A. I don't know.

21   Q. You'll note that that is a block of 18 flats and if you  
22          look then at page 775, the same housing officer the next  
23          day did a fire risk assessment of another property on  
24          the Sceaux Gardens estate, Racine. This one is 15  
25          flats, one-level properties.



1           If you go then to 796, this is the same housing  
2           officer, 17 June 2009, and she has now done a fire risk  
3           assessment on Voltaire, the third property we're looking  
4           at on the Sceaux Gardens set, and this one has 30 flats.

5           I appreciate your evidence that prioritisation was  
6           not firstly your responsibility, or secondly a matter  
7           that you were asked to give specific advice on, or knew  
8           what approach was being taken, but can I ask you to  
9           comment on the possibility that what we're seeing here  
10          is housing officers approaching the fire risk  
11          assessments by doing the smallest and simplest  
12          properties first on an estate rather than tackling the  
13          larger, perhaps higher risk, properties, like Lakanal  
14          and Marie Curie, that were 14 floors high with 98 flats  
15          in them?

16        A. I don't know if that was the standard approach.

17           I really don't know.

18        Q. Human nature being what it is, if housing officers  
19          aren't given any guidance on how to prioritise and  
20          they're meant to tick off a number of fire risk  
21          assessments in a month, there must be a risk, would you  
22          agree, that they're going to start by tackling the  
23          simplest ones?

24        A. Potentially, or the ones that they can squeeze into the  
25          rest of the workload for the day or the week, perhaps.

1 Q. Then if you have a look at page 788, please. This is  
2 a draft of minutes of a meeting of housing officers,  
3 health and safety, on 11 June, where we see you in  
4 attendance and Mr Ofolughe in attendance. Under  
5 "Matters arising" there is quite a long section that  
6 deals with the fire risk assessment programme. At 3.1,  
7 we see that:

8 "In general, housing officers have made a good start  
9 on fire risk assessment of communal areas and are  
10 finding it less time-consuming than they had  
11 anticipated."

12 If you go over the page, at 3.3:

13 "Housing offices are preparing the staff fire risk  
14 assessment schedules in relation to the exact numbers of  
15 properties they cover, and are to send these to  
16 Mr Ofolughe and [you] by the end of June."

17 At about 3.3.3:

18 "Monthly reporting on numbers of fire risk  
19 assessments that have been undertaken will be required  
20 by [you and Mr Ofolughe]."

21 Was that the approach that was agreed upon at --

22 A. That was agreed either at a meeting or maybe shortly  
23 before. I don't recall receiving these, actually.

24 Q. Well, they are headed "draft", so it may be that you  
25 didn't receive them.

1 A. No, sorry, I don't recall receiving the fire risk  
2 assessment schedules.

3 Q. Then at 3.7:

4 "[Mr Ofolughe] distributed a letter received from  
5 LFB dated 17 March 2009 highlighting some specific areas  
6 to be addressed during the fire risk assessment."

7 That's the letter we saw earlier from Mr Turek,  
8 isn't it?

9 A. Yes.

10 Q. Then, over the page, we can see the next meeting was  
11 schedule for 9 July.

12 If I could ask you then to look at a couple of  
13 emails from 3 July 2009 itself, so 815 firstly. Just  
14 after 1 pm on 3 July, you emailed Mr Sharman, setting  
15 out the meeting for the two of you and possibly also for  
16 Mr Phillips on 14 July?

17 A. Yes.

18 Q. Then, about an hour and three quarters after that, if  
19 one looks at 817, there's an email from you, also  
20 3 July, to Mr Ofolughe, and one of the points that you  
21 make is the bullet point at the bottom:

22 "Have you received the detailed fire risk assessment  
23 schedules for each housing office? You were due to have  
24 received these by end June and were then going to send  
25 these on to me."

1           So you hadn't received them at that time?

2   A.  No, I hadn't.

3   Q.  As well as emailing Mr Sharman on 3 July, did you also

4       have any other contact with him?

5   A.  I had a phonecall which I think was with Mark as well on

6       the same day.

7   Q.  What was said during that?

8   A.  That was either a phonecall about the tenant -- Resident

9       Association Hall fire risk assessment programme, and it

10      might be a conversation in which he said that he was

11      pleased with the way the programme was being run for

12      fire risk assessment.

13   Q.  You say that he was pleased with the way the programme

14      was being run?

15   A.  I believe in that same phonecall, if it was that same

16      day, he actually said that if it worked well -- we were

17      coming to the end of this fire risk assessment program,

18      our part that involved the fire brigade, and if it

19      worked well, he would consider whether it would be good

20      to recommend the approach to other London boroughs.

21   Q.  We've come through now to a matter of hours before the

22      fire started at Lakanal House.

23   A.  Yes.

24   Q.  I touched on this before but I'll ask you again now: by

25      this time, what was your belief about whether Mr Sharman

1 realised that the training that you had asked the LFB to  
2 provide to you was part of a programme starting from  
3 scratch in carrying out fire risk assessments of  
4 communal areas in residential buildings?

5 A. I don't know whether he knew that the buildings probably  
6 would -- may not have had a fire risk assessment  
7 themselves, but he knew that the staff hadn't  
8 necessarily had any prior knowledge of fire risk  
9 assessment.

10 Q. So in the interests of accuracy, there's two points  
11 there: he would have realised, in your view, that the  
12 housing officers who were going to these block-booked  
13 training courses did not have previous experience of  
14 doing fire risk assessments?

15 A. Yes.

16 Q. But he would not have known one way or the other whether  
17 Southwark had been carrying out fire risk assessment of  
18 its housing stock by other means?

19 A. Yes.

20 Q. How about Mr Snazell? Do you know, or have any view, on  
21 whether he knew that Southwark was effectively starting  
22 from scratch with this fire risk assessment programme?

23 A. I don't really know because I don't know what he may or  
24 may not have heard from Yvonne Drake, who worked part  
25 time with the Fire Brigade and part time with us.

1 Q. You said in answer to me some time ago why it was that  
2 you recommended and took the view that the fire risk  
3 assessments of Southwark's housing stock could be done  
4 in-house by housing officers. It was partly what you  
5 understood to be the spirit of the Fire Safety Order,  
6 which you picked up from your previous employment, and  
7 partly encouragement that you got from attending the  
8 course itself and talking to people at the course. If  
9 you had been told, or if you had taken the view, that it  
10 wasn't appropriate to expect housing officers to carry  
11 out all fire risk assessments on Southwark's housing  
12 stock -- for example because there were some properties  
13 that were too complex or too high risk to expect them to  
14 risk assess -- what advice would you have given?

15 A. If I had a reason to believe or to know, perhaps, that  
16 they weren't -- they shouldn't be expected to be able to  
17 undertake them, I would have said so. But at the time  
18 as well, the housing officers did have experience of  
19 risk assessment per se, and they did used to do estate  
20 fire risk assessment, so they weren't new to the idea of  
21 fire risks and they weren't new to the idea of fire risk  
22 assessment. So they weren't completely cold and the  
23 council's view -- the housing division's view was that  
24 they were best equipped to deal with them.

25 Q. Thank you very much. Those are my questions, but others

1           may have some questions.

2       A.    Okay, thank you.

3       THE CORONER:   Thank you.   Mr Hendy.   Sorry, are you ...?

4           Yes, Ms Al Tai, thank you.

5                               Questions by MS AL TAI

6       MS AL TAI:   Madam, just to clarify, I believe I'll be asking  
7           questions on behalf of all the families of the bereaved,  
8           unless I'm told otherwise.

9       THE CORONER:   All right, thank you.

10      MS AL TAI:   Good afternoon, Miss Keogh.   I act on behalf of  
11           Mark Bailey, one of the bereaved.   Can I ask you to turn  
12           to -- I believe it's volume 2, page 602.   It's  
13           a document you've been taken to previously.   Do you have  
14           sight of that, Miss Keogh?

15      A.    I've got that.

16      Q.    Thank you.   Again just to clarify, it's point 7, which  
17           you've obviously been taken to.   For the members of the  
18           jury, this is the fire risk assessment for communal  
19           areas project overview; is that correct?

20      A.    That's correct, yeah.

21      Q.    Point 7, as we've already been alerted to, indicates  
22           that the housing officers were to carry out risk  
23           assessments by January of 2009; is that correct?

24      THE CORONER:   Was to commence by January 2009.

25      MS AL TAI:   I'm sorry, I apologise, commence

1 in January 2009.

2 A. Yes, that's what I would have been informed.

3 Q. Would you agree, Miss Keogh, that you had put

4 significant time and effort into arranging that housing

5 officers would undertake training in respect of FRAs?

6 A. Yes, it was a major project, yes.

7 Q. Given that the amount of time and energy that you had

8 expended in respect of that, would you have expected

9 that the actual undertaking of the FRAs by the housing

10 officers would have had a higher priority?

11 A. I really would have liked it to.

12 Q. You would have liked it to or expected it to?

13 A. I would have expected it to.

14 Q. Were you alarmed or ...?

15 A. I was concerned, because actually, going back through

16 this today, you can see from them being trained, which

17 began in November 2008, it looks as though fire risk

18 assessments didn't start for another four or five

19 months, and that -- that concerns me a lot. It

20 concerned me at the time.

21 Q. What did you do in respect of it concerning you at the

22 time?

23 A. I emailed and spoke with Israel Ofolughe on a number of

24 occasions to say that the -- the risk assessments ought

25 to be started as soon as possible to get the programme



1 started, and so that we were at least in compliance with  
2 the legislation to some degree, and to utilise the  
3 training while it's fresh in the minds of the housing  
4 officers.

5 Q. What was the general tenor of his response when you  
6 alerted him to your concerns?

7 A. I don't recall the responses but it -- well, I do. He  
8 said he wanted -- he kept saying, at least twice,  
9 I think, that he wanted to wait until everybody was  
10 trained and then they would all start the fire risk  
11 assessments at the same time, presumably for a timetable  
12 purpose.

13 Q. Actually you've broached upon a topic I was going to ask  
14 you more about. Do you know what the rationale was  
15 behind waiting until all the housing officers had  
16 undertaken their training before commencing on the FRAs?

17 A. I don't actually know but I'm -- I'm just presuming he  
18 thought it would be a neater start, but I don't really  
19 know.

20 Q. Thank you, Miss Keogh. I just have one further topic  
21 and that's in respect of something in your statement.  
22 You've been taken to this before. It's page 704 of your  
23 statement and it's paragraph 42. This is in respect in  
24 prioritisation. We've heard evidence that in fact you  
25 didn't have a part to play in the prioritisation?

1 A. No, I didn't, yeah.

2 Q. Was it your understanding that such prioritisation had  
3 been left with Mr Ofolughe?

4 A. Yes. Ofolughe.

5 Q. I apologise, thank you. Given that prioritisation, as  
6 we've heard today, has played such an enormous part, did  
7 you ever think it was incumbent upon you to discuss this  
8 with Mr Ofolughe?

9 A. I did discuss it with him and I discussed it with my  
10 manager as well, so we both had told him it really  
11 should be run out more quickly. As I say, I don't know  
12 whether my manager took it further but it was left with  
13 Israel and I know that he was discussing -- I believe he  
14 was discussing it with Hazel Flynn, who was another  
15 senior manager at the time, and they had our  
16 recommendations, which we kept reminding them, to  
17 prioritise and get it rolled out as soon as possible.

18 Q. Can you give the jury any explanation as to why there  
19 was such a delay in respect of either undertaking the  
20 FRAs or prioritising those?

21 THE CORONER: Only insofar as these are matters within your  
22 own knowledge, Miss Keogh.

23 A. Yeah, I couldn't -- I don't know why there was the delay  
24 for them to do that.

25 MS AL TAI: Thank you, Miss Keogh.

1 A. Thank you.

2 THE CORONER: Mr Hendy.

3 Questions by MR HENDY

4 MR HENDY: Madam, just two small matters in addition to  
5 that. My name's Hendy. I represent the bereaved  
6 families, or members of them.

7 In relation to the fact that no fire risk assessment  
8 was ever carried out on Lakanal House -- we've focussed  
9 on the period from when the Fire Safety Order came into  
10 effect on 1 October 2006 throughout the period up until  
11 the fire on 3 July 2009, a few months short of three  
12 years. Are you aware that there was a requirement to  
13 carry out fire risk assessments before the Fire Safety  
14 Order as a consequence of the passing of the fire  
15 precautions workplace regulations of 1997?

16 A. Yes, I was.

17 Q. Can you confirm that not merely was no fire risk  
18 assessment carried out on Lakanal House in consequence  
19 of the Fire Safety Order but neither was any fire risk  
20 assessment ever carried out as a consequence of the 1997  
21 regulations, as far as you know?

22 A. Well, as far as I know, although I wasn't at the council  
23 at that time.

24 Q. I notice that as Mr Maxwell-Scott took us through the  
25 various fire risk assessments on the Sceaux estate that

1           there's a space which says "Date of previous fire risk  
2           assessment" and the entry is either left blank or  
3           someone says "Not known". Does that accord with your  
4           recollection of prior fire risk assessments on that  
5           estate?

6    A.   Again, I -- I didn't know what -- I mean, even when I  
7           joined the council, until I left last year, I wasn't  
8           involved in what had gone on previously. Record-keeping  
9           wasn't brilliant, to be honest, in some parts of the  
10          council, so I -- I wouldn't have known, and any previous  
11          fire risk assessments would have done -- been done by  
12          the relevant housing offices and kept within those  
13          housing offices, not with the health and safety team, so  
14          we wouldn't actually have known within the team which  
15          had or hadn't been assessed.

16   Q.   Thank you. Then the final matter is just to draw your  
17          attention -- really to draw the jury's attention -- to  
18          a passage in a letter which Mr Maxwell-Scott put before  
19          you. It's a letter which begins at page 646, from  
20          Assistant Commissioner Steve Turek of the Fire Brigade  
21          to the director of housing. He took us to page 647 and  
22          read a paragraph under the heading "Replacement windows"  
23          and then he took us to the headings which are in the  
24          last part of that page. I just wanted to read to you  
25          the text of the last paragraph and ask you something

1 about it. The heading is "Lack of fire-stopping in  
2 service risers". It says:

3 "Lack of fire protection to service riser ducts and  
4 fire-stopping from these ducts into corridors (and  
5 sometimes from the corridors to the residential flats)  
6 has been found on a number of occasions, notably in  
7 comparatively new build properties. This lack of  
8 fire-stopping has resulted in rapid fire spread through  
9 blocks of flats, trapping some residents who were unable  
10 to evacuate due to smoke log and high temperatures in  
11 the means of escape. Lack of fire-stopping between the  
12 means of escape and individual flats has also meant  
13 residents have been trapped in flats where they should  
14 be safe but which in fact filled with smoke and  
15 residents had to be rescued by the brigade using ladders  
16 and hydraulic platforms."

17 Now, the fire risk assessment forms that the jury  
18 have briefly looked at that the housing officers used  
19 were, as I understand your evidence, essentially  
20 dictated by the London Fire Brigade?

21 A. Not dictated by them. I drew them up using the  
22 Department for Communities and Local Government  
23 guidance.

24 Q. Right. Then you showed them to the London Fire Brigade.  
25 Can I ask you: did you ever see this letter yourself?

1 A. Yes, I did, yeah.

2 Q. Your fire assessment forms don't include lack of fire  
3 protection to ducts and fire-stopping from ducts into  
4 corridors and from corridors into residential flats.  
5 I imagine you will say to the jury that's because you  
6 were told not to carry out intrusive fire risk  
7 assessments?

8 A. No, I -- it may have been an oversight. It's not in  
9 there. The fire risk assessment template would have  
10 been amended after that letter. I don't recall that  
11 they were.

12 Q. Should they have been, in retrospect, do you think?

13 A. Yes.

14 Q. Thank you very much.

15 THE CORONER: Mr Walsh.

16 Questions by MR WALSH

17 MR WALSH: Just two or three matters, Miss Keogh. I ask  
18 questions on behalf of the Fire Brigade.

19 A. Okay.

20 Q. Just actually on that very topic that you were just  
21 being asked about by Mr Hendy, fire risk assessments are  
22 not just an one-off --

23 A. No.

24 Q. -- under the Fire Safety Order?

25 A. That's right.

1 Q. You will know, using your experience, that they have to  
2 be subject to review?

3 A. (The witness nodded)

4 Q. As a matter of interest, what was your view about the  
5 appropriate period of time for reviews on risk  
6 assessments in Southwark?

7 A. I don't know -- well, what -- I know what was going to  
8 happen: a full fire risk assessment for the communal  
9 areas was to be done every two years with an annual fire  
10 risk inspection every year. So every year basically  
11 there was some form of formal fire risk assessment type  
12 of review.

13 Q. Yes.

14 A. In the interim, there were the ongoing daily and  
15 six-weekly estate inspections that would pick up on  
16 things like accumulation of combustibles and things.

17 Q. Yes, thank you very much. Of course, what you drew up  
18 from the advice of the government department to which  
19 you have just referred, from the LFB -- and from other  
20 research that you did?

21 A. Yeah, yeah, but mostly I took it from the DCLG.

22 Q. Mostly from the government department -- was a template.  
23 And the template, because it was a template, was capable  
24 of being amended and developed as years went by?

25 A. Yes.

1 Q. So that once a fire risk assessment is done according to  
2 one template, the following year, if it's necessary to  
3 review the risk assessment, then any changes or advice  
4 that may have been received in the intervening period  
5 could be added to the template for the purposes of the  
6 review?

7 A. Yes, yes.

8 Q. Would you mind just having a look at page 281, please,  
9 of the risk assessment bundle. The first we will see is  
10 issue date 2008 at the top. It's an Environment and  
11 Housing Department communal areas fire risk assessment  
12 guidance and procedure and this is the first issue.  
13 This is section 12, which provides fire assessment  
14 guidance, and says:

15 "The following information is provided to assist you  
16 as you go through each question in the fire risk  
17 assessment form."

18 Did you have involvement in drafting this document?

19 A. Yes, I did draft it.

20 Q. Yes. We see the first point is that if a fire has  
21 previously occurred, you advise the risk assessor to ask  
22 to see the investigation report and results, and ask the  
23 question: "Have the causes of the fire been rectified to  
24 prevent recurrence? What are the outstanding issues, if  
25 any, and what is being done to complete these?"



1 A. Yes.

2 Q. Obviously that is dependent on the risk assessor  
3 receiving information that there had been a fire?

4 A. They can find out -- also as I drafted that up,  
5 I assumed that there would be some kind of log or  
6 database, perhaps, of these events.

7 Q. Right.

8 A. I found out that there probably wasn't.

9 Q. Okay, thank you. Well, if we move to the second item on  
10 that document:

11 "If there have been structural alterations ..."  
12 You included in the document partition walls,  
13 different construction materials used to those in the  
14 original building, et cetera:

15 "Structural changes [you advised the housing  
16 officer] can introduce new hazards. Escape routes may  
17 become inadequate or inappropriately placed.  
18 Compartmentation (designed to give up to 30 minutes of  
19 fire resistance) may have become inadequate and may have  
20 lost its level of resistance."

21 These are matters that you ensured housing officers  
22 were trained to look for?

23 A. That was all included in the training by the  
24 Fire Brigade, and yes, we looked for these when we went  
25 out on the half-day practical.

1 Q. Yes. Obviously if one is conducting a non-intrusive,  
2 non-destructive inspection of premises, these things may  
3 not always be obvious?

4 A. That's right.

5 Q. And sometimes it's appropriate to get an independent  
6 view or a contractor to come in and look, if there is  
7 evidence of it?

8 A. And a lot of the housing officers have worked in the  
9 council for decades, even, and knew their sites really  
10 well and could recall major changes or previous fires.

11 Q. Thank you very much. Just have a quick look at  
12 page 267, please, which is an earlier draft -- but it's  
13 been followed through to the later ones -- of the  
14 template. We've already been through one that was  
15 actually completed, but this is a template. I've jumped  
16 straight into the middle of it, really, and we see that  
17 on this particular page, "means of escape blocked" is  
18 identified for the risk assessor to look at, and then if  
19 we come down to -- it's impossible to see, actually, on  
20 the screen, but the darker heading says  
21 "Compartmentation and linings". So the template asks  
22 the risk assessor to be aware of that, and it explains  
23 "Compartmentation breached", if that is so, "(eg holes  
24 drilled through walls, structural alterations)".

25 Then we see what needs to be done across the columns

1           there: repairs, intumescent fillings, and the second  
2           bullet point:

3                 "Survey by competent person for advice and  
4           information."

5                 Obviously if a person identified that there had been  
6           structural alterations and raised concern about it, this  
7           template, according to your training, is informing them  
8           that it is appropriate to advise housing that a survey  
9           by a competent person should be done?

10    A.   Yes, or -- or just confirmation that everything was done  
11       properly.

12    Q.   Yes.   Just a last question.   Just looking at your  
13       statement, it might somebody easier if we put your  
14       statement up, actually.   Page 702.   This is  
15       paragraph 31.   The point that you make here is that:

16                 "Once the housing officers had participated in the  
17       one-day LFB training session [which had been provided],  
18       they were not simply released to undertake fire risk  
19       assessments."

20                 Because as you recognised, the course itself didn't  
21       indicate competence necessarily.   I think the point that  
22       you make is it was necessary for you, as you did, to  
23       take them on site and to identify particular buildings  
24       and take them through the documents and the training  
25       which we've just been indicating?

1 A. Yes, they'd choose a building and I'd go out and  
2 accompany them.

3 Q. Right. You organised, you say, practical training days.  
4 They lasted about half a day and you went along with  
5 each one yourself. About five or ten housing officers  
6 in each practical training session and you took them  
7 around an LBS residential building.

8 There would, you say, then have been a discussion  
9 about what was being inspected and identified and how to  
10 complete the risk assessment report, which would have  
11 included, among other things, the compartmentation  
12 matter to which I've just referred?

13 A. Yes.

14 Q. Yes, all right. Thank you very much indeed.

15 A. Okay, thank you.

16 THE CORONER: Mr Compton?

17 MR COMPTON: No questions.

18 THE CORONER: Mr Leonard?

19 MR DICKASON: No, thank you.

20 THE CORONER: Ms Canby? Nobody there. Ms Petherbridge?  
21 Nobody there. Mr Matthews?

22 MR MATTHEWS: I have no questions, thank you.

23 THE CORONER: Members of the jury, do you have any  
24 questions?  
25

1 Questions by THE JURY

2 THE FOREMAN OF THE JURY: Thank you, we just have two. We  
3 heard some time ago from the Fire Brigade that they keep  
4 track of things like high risk buildings and also that  
5 they work with the council to obtain keys for access to  
6 flat blocks such as Lakanal. Is the record or database  
7 of high risk buildings something that the council is  
8 familiar with, perhaps as part of this --

9 A. I'm afraid I can't answer that, because if there is  
10 a record it would be with housing managers themselves,  
11 I believe.

12 THE FOREMAN OF THE JURY: Okay, and would that follow for  
13 the keys as well?

14 A. Yeah, the -- you know, who has keys and who hasn't,  
15 again, the housing management and offices would have  
16 that information.

17 THE FOREMAN OF THE JURY: Thank you. Did you or anyone in  
18 the team which had responsibility for organisation of  
19 the fire risk assessments speak with members of the  
20 Fire Brigade who might have been able to advise on --  
21 I may discard this -- advising the relative risk levels  
22 of different residential properties so that you could in  
23 turn advise the housing officers, or again is that  
24 something purely for the housing officers?

25 A. No, that wasn't a discussion that I had with the

1 Fire Brigade at all, and I don't think that the  
2 Fire Brigade would have -- I don't know that they had  
3 that directly with housing officers.

4 THE FOREMAN OF THE JURY: Okay, thank you.

5 THE CORONER: Thank you very much.

6 Miss Keogh, thank you very much for coming and thank  
7 you very much for the help that you've been able to give  
8 us.

9 A. Thank you.

10 THE CORONER: You're welcome to stay if you would like, but  
11 you're free to go if you would prefer. Thank you for  
12 coming.

13 A. Okay, thank you.

14 THE CORONER: Thank you. Don't worry about the papers.  
15 That's fine, thank you.

16 (The witness withdrew)

17 THE CORONER: Yes, Mr Maxwell-Scott, is that the evidence  
18 we've planned for today?

19 MR MAXWELL-SCOTT: It is. I could read a statement under  
20 Rule 37 but it would be on an entirely different topic.  
21 You may think it would be better not to.

22 THE CORONER: All right. No, I think that we'll release the  
23 jurors.

24 Members of the jury, if you'd like to go now, but  
25 could I ask you not to leave the building because I just

1 want to have some discussions about some timetabling  
2 issues, so please don't leave the building until we send  
3 a message to say you're free to go. Thank you very  
4 much.

5 (In the absence of the Jury)

6 Housekeeping

7 THE CORONER: Yes, thank you very much. Mr Maxwell-Scott,  
8 I'm just looking at the timetable, and having listened  
9 carefully to what Miss Keogh has to say, I am just  
10 wondering whether we need Mr Sharman.

11 MR MAXWELL-SCOTT: Well, I certainly agree that Mr Sharman  
12 is likely to be much shorter now than I, at one time,  
13 thought, notwithstanding the fact that he's given us  
14 quite a lengthy witness statement, but I would  
15 anticipate that he would now be very short. I could  
16 certainly have discussions, whether people could  
17 indicate whether he's needed at all. I'll sit down and  
18 see what people say.

19 MR WALSH: I don't know why I'm standing really, because  
20 I was just going to say I'll think about it, but on the  
21 face of it I'm taking a similar view. There might be  
22 discrete reasons. I don't know.

23 THE CORONER: All right, probably leave that for discussion  
24 after we've finished in a few minutes' time but give  
25 some thought to that.

1           All right, so subject to that, we're going to want  
2           the members of the jury to come back tomorrow. I'd  
3           forgotten, when I was thinking about the timetable, that  
4           for example, Mr Walker is down for either tomorrow or  
5           the following day. I'd forgotten that we'd already  
6           covered someone as an alternative for tomorrow.

7   MR MAXWELL-SCOTT: Yes, both Mr Crowder and Mr Walker are  
8           available tomorrow.

9   THE CORONER: Yes, all right.

10   MR MAXWELL-SCOTT: Others may wish to raise the question of  
11           which of them should give evidence first.

12   THE CORONER: All right, before we get to that point, the  
13           short point is that we certainly need the members of the  
14           jury back tomorrow morning.

15   MR MAXWELL-SCOTT: Yes.

16   THE CORONER: All right. I wonder if you'd give them the  
17           message that they're free to leave but to be back here  
18           for 10.

19           Yes, the question of Mr Walker and Mr Crowder, does  
20           anyone have points to raise?

21   MR COMPTON: Madam, could I just deal with this? You may  
22           not have had an opportunity of reading the latest --  
23           it's in a letter dated 1 March from David Crowder to  
24           yourself.

25   THE CORONER: Yes, I have read it.



1 MR COMPTON: Thank you very much. In the circumstances,  
2 I would respectfully submit that it would be of  
3 assistance to the jury to clarify this first -- it's  
4 obviously an important part of the evidence concerning  
5 the composite panels and of course the fires from 65 up  
6 to 79 -- before we hear from Mr Walker, simply to park  
7 that particular point, and then the questions can be  
8 asked. If there's any doubt about any issues, they can  
9 be clarified before we then go on to deal with Mr Walker  
10 and the building regulations aspect.

11 THE CORONER: Yes, I see. All right. Does anyone want to  
12 add to that debate? Mr Maxwell-Scott, do you have any  
13 observations on that?

14 MR MAXWELL-SCOTT: I don't have a strong view one way or the  
15 other. As I understand it, Mr Walker may be asked  
16 questions to probe whether he is right when he says that  
17 the composite panels under the bedroom windows should  
18 have been fire-resistant to 30 minutes. Of course,  
19 Mr Crowder has been asked to assume that that is the  
20 case, so if it is the case that advocates are going to  
21 be putting to Mr Walker a different hypothesis, they're  
22 going to also have to put that to Mr Crowder, because  
23 Mr Crowder isn't being called to say what the  
24 requirements were; he's being asked to consider what the  
25 implications would have been for fire performance of any

1 differences between how the composite panels in fact  
2 performed and what they should have been. But it's not  
3 for him to say what they should have been. He has to  
4 consider a range of possibilities.

5 So there's no difficulty with Mr Crowder going  
6 first, but anyone who has a theory they want to put to  
7 Mr Walker will obviously have to explore it with  
8 Mr Crowder so we have his evidence on all of the  
9 different possible requirements of composite panels.

10 THE CORONER: Okay.

11 MR MAXWELL-SCOTT: That may not have been as clear as it  
12 could have been. There are obviously disadvantages and  
13 advantages in whoever goes first, but that's the  
14 reality.

15 THE CORONER: Yes, Mr Matthews?

16 MR MATTHEWS: I was just going to add: I think most of us  
17 agree that it would be sensible to have Mr Crowder  
18 first -- the safer course, in fact -- rather than risk  
19 Mr Crowder having to come back for a third time, as it  
20 were.

21 THE CORONER: That wouldn't be very desirable for him or for  
22 the members of the jury.

23 MR MATTHEWS: No. So I think -- it's that time of the  
24 afternoon, but I thought the almost universal opinion  
25 was that it was a good idea for Mr Crowder to go ahead

1           of Mr Walker. I thought Mr Hendy agreed.

2   THE CORONER: Well, I'm not quite sure you have the troops  
3           following you up the hill at the moment, Mr Matthews.

4   MR COMPTON: I rather agree. I thought there would be lots  
5           in favour but there's silence from the left.

6   THE CORONER: That matters not. You've made a sensible  
7           point. Sorry, do you want to carry on?

8   MR COMPTON: No, madam, I just wondered if Mr Hendy wants to  
9           give his view.

10   MR HENDY: I did think it was a sensible point until I heard  
11           the persuasive arguments of Mr Maxwell-Scott but I'm  
12           very happy whichever way you decide, madam, and I do see  
13           the sense in having Mr Crowder first.

14   THE CORONER: Well, in a sense -- sorry, does someone else  
15           want to say anything? It's a question of where we enter  
16           that particular circle. Whichever way we start, we're  
17           going to have to take care with the premise on which  
18           points are put. Everyone is alive to that, so please  
19           just bear that in mind when putting your questions, and  
20           if Mr Crowder can come tomorrow, then please let's ask  
21           him to do so. That would be fine.

22           Okay, so can I just leave it that we all give some  
23           thought to Mr Sharman before close of business today?  
24           I can't remember; is he still with the  
25           London Fire Brigade?

1 MR WALSH: No, he's retired and in actual fact -- well,  
2 anyway, I'll make a decision from the LFB's point of  
3 view within the next ten minutes.

4 THE CORONER: Well, I think everybody -- I'm not sure if  
5 it's a question of a decision but everybody needs to  
6 give some thought to it.

7 MR WALSH: Of course, madam.

8 THE CORONER: All right, thank you very much.

9 (3.25 pm)

10 (The Court adjourned until 10 o'clock the following day)

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**Day 33 OF Transcription of the**  
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