1	Wednesday, 6 March 2013
2	(10.00 am)
3	(Proceedings delayed)
4	(10.47 am)
5	THE CORONER: Yes, good morning. Where are we?
6	MR MAXWELL-SCOTT: We are ready to proceed with the second
7	half of my questions to Mr Walker in relation to fire
8	risk assessments. Once that is concluded, I suggest
9	that would be an appropriate moment to take another
10	break and see what representations may be made.
11	THE CORONER: All right. Is everyone content with that?
12	Thank you very much. Yes, please, could we invite the
13	jury to come in. Mr Walker, do come and sit down. I'm
14	sorry you've been kept waiting so long. Do help
15	yourself to a glass of water, and if you could switch on
16	the microphones, please, that would be helpful.
17	(In the presence of the Jury)
18	THE CORONER: Members of the jury, good morning. My
19	apologies for having kept you waiting for so long.
20	We're going to continue with Mr Walker's expert
21	evidence. So Mr Maxwell-Scott, if you'd like to take
22	over the questions, please.
23	DAVID WALKER (continued)
24	
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1	Questions	DY	MR	MAXWELL-SCOTT	(Concinued)

2 MR MAXWELL-SCOTT: Good morning, Mr Walker.

3 A. Good morning.

4 The point we had reached is we had finished your expert Ο. 5 evidence to my questions in relation to the first of the б two main topics you were asked to address, the first one 7 being Building Regulations and Building Control issues. 8 So we now turn to the second main topic, which is fire 9 risk assessments, focussing in particular on the fire 10 risk assessments after the Fire Safety Order came into force. 11

12 A. Right.

Q. I know that in your report you've tended to describe the Fire Safety Order as the RRO, but just so that the members of the jury can follow it, we'll stick, if possible, to the phrase "Fire Safety Order" in your evidence.

18 A. Okay.

Q. You start to give your expert opinion on this topic at
 page 24 of your report.

21 A. Yes.

Q. Is it right that fire risk assessments of blocks of
flats were not commonplace before the Fire Safety Order
came into force in October 2006?

25 A. Yes, that's correct.

1	Q.	And that before that order came into force, local
2		authorities had limited experience of undertaking fire
3		risk assessments?
4	A.	Yes, my experience is that the knowledge and the
5		frequency of them being undertaken was very limited.
б	Q.	Is it right that whilst formal fire risk assessments
7		were not commonplace for blocks of flats before
8		1 October 2006, local authorities were nonetheless
9		carrying out general inspections of their property
10		portfolio, which would have included some consideration
11		of fire safety issues?
12	A.	Yes, that's correct. The maintenance schedules that
13		local authorities operated included upgrades of
14		buildings, which included fire works as well.
15	Q.	If we look, then, at the introduction of the Fire Safety
16		Order. I'm looking now at page 26 of your report. The
17		Fire Safety Order was made in June 2005, originally due
18		to come into force on 1 April 2006 but in fact came into
19		force on 1 October 2006; is that right?
20	Α.	Correct.
21	Q.	Is it right that in your experience, very few
22		organisations started their planning until the Fire
23		Safety Order had in fact come into force?
24	A.	Correct.
25	Q.	Can you help us with what sort of planning would be

required, in principle, by a housing provider such as a local authority to begin a programme of fire risk assessments? I'm assuming it is rather more complicated than simply sending people out the next day and telling them to get on with it?

Yes, first of all they would have to review a -- their б Α. 7 policy of how they were going to undertake that and 8 to -- for housing providers who have many buildings to 9 do a risk analysis of their property portfolio. So they 10 would need to make sure that the high priority buildings, those with greater risks, whether through the 11 12 age of them, the height of them or the number of 13 occupants in these buildings, were perhaps brought 14 forward in that programme.

Also the -- somebody called a "responsible person" has to be put in charge of the process, so effectively a person that will take charge of organising and making sure that those buildings do comply with the RRO --

19 sorry --

20 Q. The Fire Safety Order.

A. The Fire Safety Order. The process that they would put
in place is making sure that any fire risk assessments
that were undertaken were undertaken by a competent
person doing that.

25 Q. Just pausing there to break some of these points down,

1 firstly, is it right that one would have to decide upon 2 a strategy and a policy setting out who would be 3 responsible for organising fire risk assessments? A. Yes, yes. 4 Is it right that the Fire Safety Order does not apply to 5 Q. б domestic premises but does apply to the communal parts 7 of blocks of flats? A. Correct, yes. 8 9 Q. So would it be necessary to identify which residential 10 blocks of flats in a property portfolio had communal areas and were therefore caught by the Fire Safety 11 12 Order? 13 A. Yes, that's right. Would it be necessary to develop some form of standard 14 Q. 15 documents to be used when conducting fire risk assessments? 16 17 A. Yes, it's far easier to try and promote consistency by having a standard document, and standard documents were 18 available and are available, although very limited back 19 20 in 2006. These have been developed since, but there were standard documents available. 21 22 Q. Let me ask you then about if one had taken those steps 23 and begun to think: "Which blocks of flats shall we start with?" Because one has to start somewhere with 24 a programme of fire risk assessments. Firstly this: 25

does the Fire Safety Order itself say anything about the 1 2 desirability of prioritising and how to prioritise which premises to fire-risk-assess first? 3 4 A. Yes, is the answer to that. I can't recall exactly what it says in there but it highlights that the -- you 5 б should prioritise high-risk buildings. 7 Q. Just on this point of detail, I'm looking at the bottom 8 of page 26 of your report. In fact, here you say: 9 "One would need to have a strategy prioritising the 10 blocks to be assessed first. There isn't a provision in the fire safety record requiring owners to prioritise 11 12 high-risk buildings but it was generally accepted by the 13 fire service that it would be desirable to deal with high-risk blocks first." 14 15 Sorry, yes, that's correct. That is correct. Α. If I ask you then about points that you make on page 27 16 Q. of your report. Firstly, in your experience, what sort 17 of progress had housing providers made with their fire 18 risk assessment programmes by July 2009? 19 20 A. It was very mixed. The programme was taken seriously by some housing providers, and some had taken action 21 22 straight away, but there are many gaps in that, and it 23 wasn't until the fire at Lakanal House that people then started to take things more seriously and put things in 24 25 place.

б

1 Q. In paragraph 3.4.18 of your report, you say:

2		"It is difficult to estimate what percentage of
3		blocks of flats, both nationally and in London, had
4		suitable and sufficient risk assessments by July 2009,
5		but in my opinion it is likely to have been a low
б		percentage."
7	A.	That's correct. My experience is that we have been
8		involved we, Ridge and Partners, have been involved
9		in undertaking a lot of fire risk assessments following
10		that period and a lot have been undertaken for the first
11		time during that period, so a very low percentage, in my
12		view.
13	Q.	So your practice gets commissions, does it, from owners
14		of premises, including local authorities, to conduct
15		fire risk assessments?
16	A.	Yes, it does.
17	Q.	What change have you seen in the volume of instructions
18		since the Lakanal House fire?
19	Α.	Since the Lakanal House fire, our instructions have been
20		increased dramatically. We did some before then but
21		very limited in tower blocks and residential
22		accommodation. But since then certainly 2010/2011
23		it has taken off enormously, where people are now taking
24		it seriously and implementing the fire risk assessments.
25	Q.	When you are instructed nowadays to carry out fire risk

1 assessments, will it always be the case that at least 2 somebody has done a fire risk assessment under the Fire Safety Order before you are brought in, or do you 3 sometimes find that you're the first person asked to do 4 5 them? Yes, we're still finding that out now. This year б Α. 7 already, we're doing some that have never been 8 risk-assessed before. 9 Q. May I then ask you about your views on Lakanal House as 10 part of a portfolio of properties and about whether there are any features of it that, in your view, would 11 12 suggest it ought to be given relatively high priority 13 for fire risk assessment? Yes, there's a list of items that I believe you would 14 Α.

have looked at at Lakanal House: the height of the building; the number of residential units within that building; the unusual construction of the building, with the maisonette structure on two floors with a corridor on alternative floors; the age of the building; the single fire escape staircase; and previous history of fires.

Q. For those reasons, do you take the view that Lakanal House was a high-risk building which ought to have been prioritised and assessed early in any programme of carrying out fire risk assessments?

1 A. Yes, I do.

2	Q.	If I ask you then about the knowledge and training and
3		competence required to carry out fire risk assessments.
4		I'm looking now at page 31 of your report. If I
5		approach it first in this way: is there any requirement
б		in the Fire Safety Order for persons carrying out fire
7		risk assessments to have specific qualifications?
8	A.	No, it just says they have to be competent.
9	Q.	So no requirement for specific qualifications, and does
10		it follow no requirement for specific training to have
11		been undertaken?
12	A.	The wording in the document is:
13		"A person is to be regarded as competent for the
14		purposes of this article where he has sufficient
15		training and experience or knowledge and other qualities
16		to enable him to properly assist in the undertaking of
17		preventive and protective measures."
18		So the but there is no set level of training.
19	Q.	If I then put two alternative propositions to you so
20		that you can help us with which you think to be more
21		accurate: firstly, the proposition that if you're
22		competent to do one fire risk assessment, you're
23		competent to do all fire risk assessments, and then, on
24		the other hand, the proposition that it depends on the
25		nature and complexity of the building, and that somebody

1		might be competent to fire-risk-assess a small, simple
2		building but not necessarily a complex building. Which
3		of those would you tend to agree with?
4	Α.	It's the second. The guidance is that a simple building
5		could be undertaken by, for example, a housing officer
б		up to a height of three stories, so a simple building.
7		However, if there's a complex building complex in
8		many ways from a construction point of view, but
9		certainly a high rise building then it should be
10		somebody with a good technical knowledge of construction
11		that undertakes that fire risk assessment.
12	Q.	Does it follow from what you have just told us that in
13		your view, housing officers would be potentially
14		competent to carry out some fire risk assessments?
15	Α.	Yes, I agree.
16	Q.	Would you be able to assist the court with the extent to
17		which you would regard Lakanal House as a complex
18		building, and therefore more difficult to carry out
19		a fire risk assessment on?
20	Α.	Yes, the Lakanal House is more complex because of the
21		communal services such as the heating, such as
22		cross-ventilation requirements and, as we've heard, the
23		requirement of various compartmentations and separation
24		for Building Regulations, fire resistance in materials.
25	Q.	What implications would that have, in your opinion, for

1		the level of competence required to be sufficiently
2		competent to carry out a fire risk assessment of
3		Lakanal House?
4	Α.	The person undertaking the fire risk assessment should
5		have some technical knowledge. Now, they don't need to
б		be a construction person, but they do need to have
7		a good construction knowledge to be able to assess what
8		the risks are.
9	Q.	Then if I ask you about the format of fire risk
10		assessments when they are carried out. I'm looking now
11		at page 32 of your report. Is it right that there's no
12		prescribed format prescribed by the Fire Safety Order?
13	Α.	Yes, that's correct.
14	Q.	But as you've indicated earlier there are standard forms
15		for persons to complete?
16	Α.	Yes, there are.
17	Q.	Were there such standard forms available before the
18		Lakanal House fire?
19	Α.	Yes, there were forms available in 2005, and they were
20		continually improved, and then, as the years went on,
21		there are more forms available. And even now, you know,
22		there are being published additional forms with more
23		detail.
24	THE	CORONER: Who is making these available? Who's
25		publishing these?

A. There's a wide variety of people. The public access
 specification, known as PAS 79, was probably the guide
 at the time. There are numerous -- I don't know all the
 publications.

5 THE CORONER: Thank you.

6 MR MAXWELL-SCOTT: If I ask you then in principle about the 7 action points that might arise once a fire risk 8 assessment has been carried out on site. I'm looking at 9 page 33 of your report. What, in general terms, is the 10 outcome of a fire risk assessment?

A. The outcome is that you have to identify the hazards, you have to identify the people at risk, you then have to evaluate what you found in identifying the hazards, evaluate those, and you should make a record and an action of those that need work undertaking to it. So the outcome should be that there is a recommendation for action to be taken.

18 Q. Was that the case before the Lakanal House fire as well?19 A. There -- to my knowledge, no, not effectively.

20 Q. Your report refers to action plans, which would

effectively be recommendations that work be carried out to remedy problems identified in the fire risk

23 assessment; is that right?

24 A. Yes.

25 Q. Would recommendations, in your experience, simply be

1		expressed as "This needs to be done" or would it be
2		normal practice to provide slightly more guidance than
3		that and to indicate which action points were higher
4		priority and which were less urgent?
5	A.	Yes, the guidance is to give it a priority, so whether
б		that be high priority, medium priority or low priority.
7		Some of the forms and guidance differ and have different
8		categories, but generally the one that is used are the
9		three categories: high, medium and low.
10	Q.	In your experience, were forms being used before the
11		Lakanal House fire as detailed as that? Did they, at
12		that time, enable one to say whether matters were high,
13		medium or low priority?
14	A.	No, there was no specific guidance on the action
15		required on many of the points.
16	Q.	So that feature of industry practice has become more
17		sophisticated since this fire; is that right?
18	A.	Yes, it has, and even now you still get reports that are
19		prepared that don't set out the action and the
20		priorities correctly.
21	Q.	You have had the opportunity of a site visit to
22		Lakanal House. Bearing that in mind, what I now want to
23		ask you is to give a broad description of, in your view,
24		how long it would take to carry out a suitable and
25		sufficient fire risk assessment of Lakanal House and

which parts of the building one would expect to look at.
 A. Okay.

I'm looking at pages 33 and 34 of your report. 3 Ο. Yes. The inspection of Lakanal House would be 4 Α. undertaken to the common parts of the building, so those 5 б areas that effectively are everywhere that the landlord 7 would go but not necessarily inside the flats, but I'll 8 come back to that in a second. My view is that it would 9 take four to six hours to carry out an inspection of 10 those common parts, and those common parts would include the stairwell, would include the balcony, if it was 11 12 accessible, and all plant rooms, the undercroft, the 13 external areas to look at the access and any cupboards 14 and risers within the common parts.

15 Q. Just pausing there, can you just explain to the members of the jury what you mean by the "undercroft" and the 16 "plant room", and where they are at Lakanal House? 17 Sorry, the plant room is on the roof, which has the lift 18 Α. motor room, water tanks, et cetera. So it's a place of 19 20 work for caretaker, maintenance et cetera, also on the roof. And the undercroft of Lakanal House is an area 21 22 underneath the first floor accommodation, basically, 23 that is an open -- or partly an open area beneath the building. 24

25

So I would expect four to six hours to be on site

for the inspection, perhaps one hour or thereabouts for looking at documentation that is available -- although that's not always available when you look at sites and buildings -- and then somewhere around probably four hours to write the report, so to clarify what action points are needed from the items that you've raised, the hazards you looked at.

8 So in total around 11 hours for the site inspection, 9 looking at the documentation and producing the report. 10 Q. I'll come to inspection of flats in a moment, but before 11 I do so just a couple of short matters. Is it right 12 that we need to be clear that a fire risk assessment is 13 not a structural survey of the building?

14 A. That's correct.

Q. It's therefore not a guarantee by any means that all
fire safety issues have been discovered?
A. That's correct. A lot of -- a lot of the construction
will be hidden behind suspended ceilings, behind panels
on walls, that you're not able to view while you're

20 doing the fire risk assessment.

21 Q. In your report you say:

22 "It is not uncommon that a fire may reveal 23 deficiencies in the structure that could not have 24 reasonably been seen by the fire risk assessor."

25 Is that your view?

1 A. Yes, that is my view.

2	Q.	If we turn then to the question of inspection of flats.
3		I'm looking at page 35 of your report. You make the
4		point that before 2009, it was more normal not to
5		inspect flats, and that since 2009 it has become more
б		common to carry out more thorough inspections, including
7		inspecting a sample of flats; is that right?
8	Α.	Yes, that's correct.
9	Q.	That's the general background. We're interested not
10		only in industry practice at the time but also more
11		specifically in your expert opinion of what would have
12		been required in order to carry out a suitable and
13		sufficient fire risk assessment of Lakanal House. What
14		is your view on whether a suitable and sufficient fire
15		risk assessment of Lakanal House should include
16		inspection of flats?
17	A.	Okay, my view is you cannot put a good risk assessment
18		together without carrying out an inspection of flats.
19		Not all of the flats, because access is particularly
20		difficult, and I anticipate that it's around 10 per cent
21		that I would advise should be done on the flats, just to
22		get a sample of a couple on every floor if possible. It
23		might not always be possible because of access problems,
24		but from my point of view, if you're going to do a risk
25		assessment, the most important area of risk assessment

is clearly fire escape, fire protection, and the fire 1 2 compartmentation, so the separation of living accommodation from the communal corridors, and unless 3 4 you enter one or two flats, you cannot assess whether or 5 not there is a problem within the flat that might not be б seen from the communal corridor side. 7 Q. So since the Fire Safety Order came into force in 2006, 8 the basic requirement to carry out suitable and 9 sufficient fire risk assessment has remained unchanged; 10 is that right? A. Yes, it is. 11 12 In your view, in order to do that, it's necessary in Q. 13 respect of Lakanal House to inspect, say, 10 per cent of 14 the flats in the block? 15 A. Correct. 16 If one then thinks about this by reference to industry Q. practice, is it right that before the Lakanal House 17 fire, many risk assessors were not inspecting sample 18 flats and some landlords were making no inspections of 19 20 sample flats? A. Correct. 21 22 In fact, you say in your report that some landlords Q. 23 continue to produce risk assessments without there being inspection of any sample flats? 24 25 Correct. Α.

1 Q. Focussing on Lakanal House and on what is required to 2 carry out a suitable and sufficient risk assessment, you've said it doesn't need to be a structural survey, 3 4 but can I ask you to what extent the risk assessor would need to consider issues such as the fabric of the 5 б building and the materials that make up the building? 7 I'm looking at page 36 of your report. 8 The materials are important, clearly, and somebody with Α. 9 a technical background should be able to make 10 an assessment of materials, although you cannot obviously always tell what a material is. But obvious 11 12 ones: if you have a hardboard cover over a timber 13 partition, for example, rather than an asbestos material or an obvious fire protection material, then the risk 14 15 assessor should be able to pick that up. Q. In terms of equipment that one might take with you to 16 carry out a fire risk assessment, is it right that it's 17 not normal to take ladders or other specialist equipment 18 to enable one to open up concealed parts of the 19 20 building? A. Correct. 21 22 Q. Does it follow from that that if the necessary equipment 23 isn't available on site, you have to note that in the fire risk assessment and consider whether to recommend 24

25 a further inspection?

1	Α.	Yes, that's right, it would be a recommendation. If you
2		feel that it's really important to access somewhere
3		because you might see some deterioration but you can't
4		get there, then it's got to be a recommendation in the
5		fire risk assessment.
б	Q.	If I could ask you then to take up the jury bundle at
7		tab 13 and look at photograph 17, which is in one of the
8		corridors. (Handed) We can see there a corridor with
9		a suspended ceiling intact in Lakanal House.
10	Α.	Yes.
11	Q.	Of course, while it is in that condition, one cannot
12		know what lies above it, and in order to find out what
13		lies above it, one would, to some extent, have to open
14		it up; is that right?
15	A.	Correct, yes.
16	Q.	What is your expert opinion on whether or not a suitable
17		and sufficient fire risk assessment of Lakanal House
18		would recommend the opening up of part of the suspended
19		ceiling in order to see what lies above?
20	A.	From the condition that I saw on the ceilings during my
21		brief visit, there were quite a lot of small defects and
22		small repairs that had been undertaken, and the ceiling
23		was generally in a very tired condition, and because of
24		that, I would have recommended further action to open up
25		the ceiling to carry out an inspection.

1 Q. Of course, we should state for the purposes of

2 completeness that your inspection was in January of this 3 year.

4 A. Yes.

Q. So you can't be sure what condition the ceiling would
have been in three or four years ago; is that correct?
A. Yes.

8 Q. I'm then going to ask you about some features of the 9 building that we have heard about already in these 10 inquests and have, in some cases, photographs of, and 11 ask you if a suitable and sufficient risk assessment had 12 been carried out, what, in your expert opinion, it would 13 have said about such features. I'm moving on now to 14 page 43 of your report.

Firstly, if I ask you about doors. We've heard and seen that individual flats had two doors onto the communal internal corridor: a front door and an escape door.

19 A. Yes.

Q. Firstly, what can one discover, if anything, from
looking at a front door from the corridor? So in other
words, without opening it and without going into a flat.
A. Okay, well, clearly all you can see is the face of the
door, and in this case a letterbox, and the letterbox
wasn't -- didn't have any fire protection, ie

an intumescent strip that would expand if there was
 a fire inside or outside of the flat.

The only other thing that you could see whilst 3 4 looking at the door is if there are any gaps around the edge, which would indicate that perhaps there was 5 б a problem with the fitting of the fire door. 7 Q. You've already explained to the members of the jury that 8 you would have expected a risk assessment to look at 9 perhaps 10 per cent of the flats and therefore to open up some of the doors to individual flats. 10 Yes, correct. 11 Α. 12 Therefore if one were to open up a front door or Q. 13 an escape door, what additional information would one 14 gain that one wouldn't get just from looking at the door 15 when it's closed? 16 The seals around the perimeter of the door would become Α. visible, so we'd see the smoke and fire seals then, or 17 lack of them. Sorry, also the thickness of the door, so 18

19 that you could judge what the fire-rating of the door 20 may be.

Q. What would you have expected a fire risk assessor to say
about the front doors and the absence of smoke seals?
A. That they would have been an item for action, in that
they should have been upgraded to 30-minute fire doors.
Q. What about the smoke seals?

- A. Sorry, that's what I meant by upgrading, that if the
 smoke seals weren't evident, that smoke seals with
 placed in the door.
- 4 Q. So that would be part and parcel of a 30-minute fire5 door?
- 6 A. Yes.

Q. If we move then to the panels above the front doors to the flats. If we look in photograph 20, please, in the same tab. That is a view of a panel above the front door. It's, of course, a view that you can only get if you do decide to inspect sample flats, because it's a photo taken from inside a flat.

13 A. Yes.

14 Q. Is that a more informative view than the one that you 15 would get from the corridor if the suspended ceiling 16 were in place?

17 Α. Yes. It's not possible to view the panel from the 18 corridor to make any judgment, so not until you enter the flat could you actually see that there was a panel 19 20 there and -- and then, even the situation of seeing that panel, it's difficult to assess just by looking at it 21 22 whether or not it's got any fire resistance. 23 Q. In your report, you make the point that unless you open

24 up the suspended ceiling, you cannot be fully aware of 25 the thickness or construction of that panel.

1 A. Yes, that's correct.

2	Q.	Does it follow from that that your views on what would
3		be recommended in relation to those panels are dependent
4		upon the fire risk assessor opening up the suspended
5		ceiling?
6	А.	Yes, correct.
7	Q.	With that qualification, if the suspended ceiling were
8		opened up, therefore making it possible to better assess
9		the nature and construction of those panels, without
10		getting too heavily into approved document B again, is
11		it your view that the fire performance of those panels
12		would be recommended to be either 30 minutes or 60
13		minutes?
14	A.	Yes.
14 15		Yes. CORONER: That's because, in effect, it's one of the
15		CORONER: That's because, in effect, it's one of the
15 16	THE A.	CORONER: That's because, in effect, it's one of the elements that separates the flat from the corridor?
15 16 17	THE A.	CORONER: That's because, in effect, it's one of the elements that separates the flat from the corridor? Yes, it's part of the compartment wall, yes.
15 16 17 18	THE A.	CORONER: That's because, in effect, it's one of the elements that separates the flat from the corridor? Yes, it's part of the compartment wall, yes. MAXWELL-SCOTT: Then if I ask you essentially the same
15 16 17 18 19	THE A.	CORONER: That's because, in effect, it's one of the elements that separates the flat from the corridor? Yes, it's part of the compartment wall, yes. MAXWELL-SCOTT: Then if I ask you essentially the same point about boxing in, and if we refresh our memory
15 16 17 18 19 20	THE A.	CORONER: That's because, in effect, it's one of the elements that separates the flat from the corridor? Yes, it's part of the compartment wall, yes. MAXWELL-SCOTT: Then if I ask you essentially the same point about boxing in, and if we refresh our memory about what that is from photograph 27. Firstly, is it
15 16 17 18 19 20 21	THE A.	CORONER: That's because, in effect, it's one of the elements that separates the flat from the corridor? Yes, it's part of the compartment wall, yes. MAXWELL-SCOTT: Then if I ask you essentially the same point about boxing in, and if we refresh our memory about what that is from photograph 27. Firstly, is it right that one can't discover anything about the boxing
15 16 17 18 19 20 21 22	THE A. MR A.	CORONER: That's because, in effect, it's one of the elements that separates the flat from the corridor? Yes, it's part of the compartment wall, yes. MAXWELL-SCOTT: Then if I ask you essentially the same point about boxing in, and if we refresh our memory about what that is from photograph 27. Firstly, is it right that one can't discover anything about the boxing in without opening up the suspended ceiling?

1 to consider the adequacy of the boxing in?

2 A. Correct.

Q. So with that qualification, if a fire risk assessor had opened up the suspended ceiling and had had the opportunity to view the boxing in, in your opinion would they have recommended that boxing in be fire-resistant to either 30 minutes or 60 minutes?

8 A. Correct.

9 ο. Can you just explain briefly the logic behind that? Okay. The boxing in is basically the underside of the 10 Α. internal staircase in the maisonette from the --11 12 downstairs to the bedroom accommodation, and as such, is 13 a compartment wall which needs to be fire-resistant and 14 is very important, in my view. The protection that was 15 in place that I viewed during the inspection that I had 16 wasn't brilliant and had numerous defects in the actual 17 undercloaking that was there.

18 So there was some protection, but in my view it 19 wasn't good enough, and the important thing is that it's 20 a separation of a compartment not only from one side of 21 the wall to the other but also from one floor to 22 another.

Q. So if the boxing in were viewed on a fire risk
assessment, is it your view that the recommendation in
the fire risk assessment ought to be that it be

1 upgraded?

2 A. Correct.

3 Q. Would that be a low, medium or high priority?

4 A. A high priority.

What recommendations would you expect to be made in 5 Ο. б respect of the suspended ceiling itself? 7 Α. If it had been opened up, you mean, as --I think you're right; we perhaps need to consider that 8 Q. 9 in terms of two scenarios: firstly, if, for whatever reason, the risk assessor decided not to open it up? 10 Yes. If a risk assessor was just looking from the 11 Α. 12 corridor and not opening up, my view would be that he 13 should be -- well, the risk assessor should be recommending further action to have an inspection to 14 15 open up to find out what the integrity is. There are 16 pieces that were visible during my inspection in January that had chipboard visible, there were screws missing --17 some of that might have happened since the fire, I don't 18 know, but it was in a condition that would actually 19 20 direct me to saying, "I'm not happy with this. I need to put it as an action for further inspection." 21 22 Before I then go on to ask you about recommendations, Q. 23 elsewhere in your report you refer to the fact that the communal heating system we now know was replaced some 24 time in the history of the building, probably the 1980s? 25

1 A. Yes.

2	Q.	Is it your view that if a fire risk assessor knew that,
3		that fact alone might be sufficient to lead the fire
4		risk assessor to recommend opening up the ceiling?
5	A.	Yes. It's a common problem when refurbishment of
б		heating, ventilation or electrical systems have taken
7		place that people run new pipework, cables, et cetera
8		through compartment walls and perhaps don't make good as
9		well as they should do, from a fire separation point of
10		view. So with that knowledge that works had been
11		undertaken, the fire risk assessor, in my opinion,
12		should be recommending a further inspection.
13	Q.	But on that specific point, am I right in thinking that
14		it is dependent upon knowing that the communal heating
15		system had been replaced?
16	A.	Correct.
17	Q.	If the suspended ceiling were opened up, for whatever
18		reason, what recommendations would you expect a fire
19		risk assessor to make in relation to it?
20	A.	That the first of all, the pipes et cetera, the
21		fire stopping in there, be made good, so action if
22		there's a seam where there are gaps. Likewise if the
23		undercloaking to the staircase is visible, so the
24		boxing in of the staircase is visible, that that would
25		be reformed to create the fire resistance.

Q. If I move on, then, to the question of the works that were done in 2006/2007, and if we look in the jury bundle now at tab 18. We can refresh our memory from these photographs of the fact that new windows and panels were installed in 2006/2007. Is it your view that composite panels are known in the construction industry to pose a fire hazard?

8 A. Yes, it is.

9 Q. If a fire risk assessor was aware that these windows, 10 panels and doors were of recent installation, is that 11 a fact that might lead them to assume that there was 12 probably no particular issue with them from a fire 13 safety perspective?

14 A. Yes, I believe that's the case, because visually, 15 externally, you wouldn't be able to make an assessment 16 of the material, and if I attended site and had seen 17 that the works had only just been undertaken, I would 18 have assumed that that work would have been undertaken 19 to the correct standards.

Q. If, perhaps contrary to that, one were to form the view that there was a desirability to replace aspects of those works, is it right that firstly there would be considerable practical problems with replacing them, and that in your view such replacement would not be a high priority, and indeed might be a low priority?

1	A.	The access to the some of the panels is very
2		difficult, and would require full scaffold of the
3		building, and the if it had been had highlighted that
4		those panels did need to be replaced, it would be put
5		forward as a recommendation and it would be then
6		prioritised, but it would take some time to obviously
7		carry out that work, due to access to the to the
8		areas.
9	Q.	Presumably, the panels underneath the bedroom windows
10		would pose greater access problems?
11	A.	Yes, yes.
12	Q.	If I ask you then about the cross-ventilation scheme, as
13		you describe it. Firstly if I could show you some
14		photographs to help us identify what you mean by that.
15	Α.	Okay.
16	Q.	If we look at tab 13 in the jury bundle. At page 11, we
17		have a photograph of doors from the lift lobby area onto
18		the corridors.
19	Α.	Yes.
20	Q.	There is a ventilation element to those doors because of
21		the large panel metal grills on them provide
22		ventilation, don't they?
23	Α.	Yes.
24	Q.	Then if we look on to photograph 39, that is the grill
25		at the end of one of those corridors?

1 A. Yes.

2	Q.	Then photograph 40 shows the grills in the centre of the
3		building, near the lobbies and central staircase.
4	A.	Yes, yes.
5	Q.	Having identified those three photographs, which of
6		those features form part of what you describe as the
7		cross-ventilation scheme?
8	A.	All of these impact on the cross-ventilation. The most
9		important ones are the ones in 39, which are the ends of
10		the corridor, and obviously through the door.
11	Q.	In your report and I'm looking at page 50 you make
12		the point that smoke ventilation is a key part of fire
13		safety, especially for taller buildings, and you would
14		have expected a fire risk assessment to have identified
15		the nature of the ventilation system.
16	A.	Yes.
17	Q.	We have heard some evidence from you yesterday to the
18		effect that the Building Regulations do not always
19		require one to bring a building up to current standards?
20	A.	Yes.
21	Q.	Having that fact in mind the fact there isn't
22		necessarily a requirement to bring features of
23		a building up to current standards what would you
24		have expected a fire risk assessment to say about the
25		smoke ventilation system?

1	Α.	I would have expected it to be raised as further
2		investigation, because visually the louvres are
3		particularly small and there is fly-mesh attached to the
4		back of the louvres which collects dirt and prevents the
5		transfer of air. So I would have expected it to be
б		raised as an issue to be investigating further.
7	Q.	Did the cross-ventilation scheme in Lakanal House at the
8		time in fact comply with current standards, as at 2006?
9	Α.	Did it comply with current standards?
10	Q.	I think in your paragraph 3.6.39, you say you would have
11		expected an assessment to have identified that it
12		deviated from current standards.
13	A.	Sorry, that it did?
14	Q.	That it did not comply with current standards.
15	A.	That did not. Sorry, I misheard you. I thought you
16		said "did".
17	Q.	Deviated from.
18	Α.	Deviated from. Right, okay. It's difficult to tell
19		whether it complies or not, and because of that reason
20		you would have raised it as an issue.
21	Q.	You explained to us yesterday how a building needs to be
22		viewed as a whole, as a system, and that one can't look
23		solely at individual aspects of it in isolation.
24	Α.	Yes.
25	Q.	I think at the top of page 51 you explain how the

1 possible problems with the cross-ventilation scheme have

2 implications for how one views fire safety in the

3 building as a whole; is that right?

4 A. Yes, that's right.

5 Q. Can you just explain that to the jury?

б The smoke ventilation in the building, clearly it's Α. 7 important, if you have a fire and the smoke gets within 8 the corridors, that it's taken to the outside as quickly 9 as possible, so what is important is that it's allowed 10 to do that and the cross-ventilation scheme isn't impacted, because the fire escape from the building, 11 12 clearly impedes the escape, both from a visual point of 13 view and obviously from smoke inhalation.

You make the point that in terms of trying to make 14 Ο. 15 a recommendation to deal directly with the 16 cross-ventilation scheme, there would be practical problems. For example, it would have been impractical 17 to install a full smoke vent system; is that right? 18 Yes. Because of the construction detailing of 19 Α. 20 Lakanal House, it's very difficult to put in a full cross-ventilation system, so -- you would have to go 21 22 through the flats, basically, to do that, and it's 23 a very difficult thing to achieve.

Q. Is it your view that the problems with the smokeventilation system and the difficulties of addressing

them directly focus the spotlight on other features of 1 2 the building, and for example make the installation of smoke seals to doors more desirable? 3 A. Yes, absolutely. 4 5 Because the systems for addressing the risks of smoke ο. б spread need to be viewed as a whole, and the simpler way 7 of improving the system as a whole is to look at smoke 8 seals to doors rather than full smoke vent systems? 9 Α. Yes. Q. You finally in your report commented on what 10 an inspection might say about fire safety measures, by 11 12 which we mean things like fire exit signs and fire 13 alarms and the like. Of course, your inspection was 14 in January of this year, at a time when the building had 15 been unoccupied for some three and a half years. 16 A. Yes. Q. So I'm only going to touch on a small number of points 17 that you make in this section. If I firstly ask you 18 about the mechanism for inspecting some aspects of the 19 20 building. Is it right that you would expect a fire risk assessor to test a sample of the drop keys that are used 21 22 by persons such as members of the fire and risk service 23 to inspect a building? Yes, I would. 24 Α.

25 Q. If I then ask you about what is sometimes called a fire

1 information box and sometimes called a premises 2 information box. You make the point that there was no such box at Lakanal, and we've heard some evidence from 3 4 some firefighters about the fact that it would have been of assistance to have one. You say, in agreement with 5 б that view, that the unusual layout of the building means 7 that such information would have been valuable; is that 8 right? 9 A. Yes, correct. Q. However, you say that you don't think most assessors in 10 2009 would have recommended implementing such a box? 11 12 Yes, that's correct. Α. 13 Finally, on sprinkler systems, is it your view that Ο. 14 a sprinkler system would have been extremely beneficial? 15 Α. Yes, it would. 16 Q. However, there was no obligation to install one and the 17 number of sprinkler systems that have been installed in buildings in the United Kingdom not at the time of 18 construction but at a later date is minimal? 19 20 A. Yes. Mr Walker, thank you very much. Those are my questions. 21 Q. 22 That would be a convenient moment for a break. 23 Questions from THE CORONER THE CORONER: Yes, we'll have a break in a moment. 24 I just 25 wanted to raise a couple of things with you, Mr Walker,

if I may. Could I just ask you to look at photograph 18
 in the section of the jury bundle behind tab 13. You
 might have it open already. Photo 18.

4 A. Yes.

5 THE CORONER: Which shows us the suspended ceiling opened 6 up. If a fire risk assessor had opened up a suspended 7 ceiling like this and looked inside, you've referred us 8 to matters that he or she should have been identified 9 regarding pipework penetrating flats and fire stopping 10 and so forth.

11 A. Yes.

12 THE CORONER: Is there anything else that should have come 13 to the attention of the assessor when looking at that 14 ceiling?

15 A. Well, it's possible that they should have identified 16 that there is no barrier in that ceiling to prevent the 17 horizontal spread of flame, but that depends on where 18 and how they accessed the ceiling to actually see that. 19 So where the corridor extends through the communal lobby 20 area, there should be a barrier within the ceiling 21 there.

THE CORONER: So you would expect someone who looked into a ceiling to recognise that there were no barriers, or if they couldn't see any barriers?

25 A. Ideally, yes.

1 THE CORONER: Thank you. Then just a more general point. 2 You have extensive experience, I think, of doing fire risk assessments for local authorities and housing 3 associations? 4 5 A. Correct, yes. THE CORONER: And similar providers of housing? 6 7 Α. Yes. THE CORONER: So large providers, if I can put it that way? 8 9 A. Yes. THE CORONER: In your experience, do any of these bodies 10 keep, for example, a log book for a building, which 11 12 would record details of when it was constructed and 13 refurbishments carried out and, for example, fires which have occurred in the past? 14 15 A. It's very mixed. There are some that have records and 16 can give you documentation but it's very rare, as a fire 17 risk assessor, that you're given comprehensive documentation before you visit site. 18 THE CORONER: Is that something which, in your experience, 19 would be useful to a fire risk assessor? 20 A. Absolutely would, yes. 21 22 THE CORONER: And in your experience of dealing with large 23 scale housing providers, is it your experience that there's one person, or more than one person, in 24 a organisation who has responsibility for collating all 25

of the information which comes in from assessors and who 1 2 has responsibility for prioritising buildings to be inspected and then work to be undertaken, or further 3 4 investigation to be undertaken? 5 Again, it's very mixed. My view is that there are some Α. б organisations that have that person, and in other 7 organisations it's a team or it's a department that 8 carry that responsibility, and it's not always 9 straightforward to find the right person who's going to 10 deal with those instructions and deal with the prioritisation of what's got to happen. 11 12 THE CORONER: But someone needs to have a corporate memory? 13 A. Correct. 14 THE CORONER: Thank you. 15 All right, well, thank you very much, Mr Walker. 16 We'll have a break now. Members of the jury, we'll have a rather longer 17 break than usual this morning. If you could be back in 18 about half an hour's time, so 12.25. 19 20 THE FOREMAN OF THE JURY: Shall we take our papers out? THE CORONER: Sorry, did you say you want to take your 21 22 papers? THE FOREMAN OF THE JURY: Yes. 23 THE CORONER: There's no need to if you don't want to. 24 25 They'll be safe in this room, thank you very much. So

1 12.25.

3 THE CORONER: Yes, I've identified half an hour is 4 an appropriate break. Is that going to be sufficient 5 time? If anyone knows now that they're going to want 6 more then please tell me because then we can tell the 7 jury.	
5 time? If anyone knows now that they're going to want 6 more then please tell me because then we can tell the	
6 more then please tell me because then we can tell the	
זימוול 7	
/ Jury.	
8 MR MATTHEWS: I don't think so. I think half an hour is	
9 actually more than enough, thank you.	
10 THE CORONER: Fine. Well then, 12.25, we'll be back here	
11 Thank you very much.	
12 (11.55 am)	
13 (A short break)	
14 (12.15 pm)	
15 Submissions re cross-examination	
16 THE CORONER: Yes.	
17 MR HENDY: Madam, there have been discussions between the	
18 advocates. Last night, at the close of business, you	
19 indicated that all the advocates, in cross-examining	
20 Mr Walker, should be careful that the jury wasn't	
21 confused. We've all taken that on board but it's qui	te
22 evident that various advocates will have different vi	ews
23 on the proper interpretation of approved document B t	han
24 that expressed by Mr Walker, and they will differ	

table is that the jury will end up confused about the
 proper interpretation of approved document B.

Therefore the idea that I floated with my learned 3 colleagues was that we should approach approved 4 document B as a matter of law and make submissions to 5 you, so that you could then direct the jury on the 6 7 appropriate approach to approved document B. By 8 "appropriate approach", I don't mean necessarily that 9 you would determine that the document definitely meant X or definitely meant Y. You might prefer to give them 10 a couple of options and say it's either one or the 11 12 other, or however you wish to approach it. The 13 advantage would be that the jury would then be free of the burden of trying to construe this rather difficult 14 15 document.

16 That suggestion, however, hasn't met favour all round, and some counsel, I know, think that the only 17 proper way forward is to cross-examine Mr Walker and put 18 their different approaches to him. Madam, if that is to 19 20 be the way forward -- and obviously it's entirely a matter for you -- then we feel very strongly that the 21 22 jury should have, if not the entirety of approved 23 document B in front of them in hard copy, at least all the pages that the various advocates are going to refer 24 to, because I think that it's very difficult -- indeed, 25

I would respectfully submit that it's unfair to expect 1 2 a jury to follow this on their screens where one is going from one paragraph to another, sometimes forward, 3 4 sometimes backwards, in a document. Speaking for myself, I ended up last night with three or four fingers 5 б in the document just to remember where I had come from 7 and how I was going to proceed. So if that is the 8 course, we invite counsel to identify the relevant 9 pages, and we would ask that they be copied. 10 Now, whether that can be done over the lunchtime adjournment or whatever the logistics of that are 11 12 perhaps require further discussion. 13 THE CORONER: I see. Okay, that's helpful. Thank you very much. Mr Dowden, do you want to make any submissions? 14 15 MR DOWDEN: I don't think, madam --THE CORONER: Sorry, I can't hear you. 16 17 MR DOWDEN: I was just going to practically suggest that if we can't use the photocopier, then perhaps memory 18 sticks -- I don't know whether they're available -- so 19 20 that the jury can at least navigate themselves the 21 documents. 22 THE CORONER: Well, we can sort out the logistics but what's 23 your position just on the matters of principle rather than the logistics? 24 MR DOWDEN: I agree with Mr Hendy. 25

1 THE CORONER: Ms Al Tai?

2	MS AL TAI: Similarly, madam, we would support that approach
3	as proffered by Mr Hendy. Certainly, we would agree
4	that it would be unfair that if advocates are to make
5	reference and cross-examine on points that the jury are
6	unable to look at themselves, it would be prejudicial
7	certainly unfair.
8	THE CORONER: Okay. Mr Walsh?
9	MR WALSH: I have no representations to make.
10	THE CORONER: Mr Matthews?
11	MR MATTHEWS: In terms of principle, I don't see any way but
12	that there's cross-examination. The issue having been
13	explored before the jury already, it has to be pursued
14	by the interested persons who can only pursue it through
15	cross-examination. How you come ultimately to direct
16	the jury and to what extent it's really the cart
17	before the horse to consider that at this stage.
18	In terms of logistics, I took your encouragement in
19	terms of cross-examination to be to think about how it
20	was going to be done and to work out a way in advance of
21	ensuring the jury aren't confused.
22	THE CORONER: Well, I think I prefaced that by saying "the
23	extent to which you wanted to challenge".
24	MR MATTHEWS: Yes, and I've thought about the extent and I'm
25	confident that I can do it by showing the witness,

1 I think, no more than five pages. For my part, I feel 2 that with Mr Maxwell-Scott's help in terms of putting it 3 on the screen and taking it slowly, it can be done in 4 a way that won't be confusing, so I myself don't see the 5 need to start copying chunks of material for the jury. 6 It strikes me that the screen is, in many ways, a better 7 way of looking at these documents.

8 THE CORONER: Okay, that's helpful. Thank you. Mr Compton,9 do you want to say anything?

MR COMPTON: Madam, I'm neutral in the sense of whether it's a matter for you to deal with or whether there's to be cross-examination, but I do very strongly support Mr Hendy about documentation. I think it's very difficult for a jury to follow this on screen. If they have the underlining pen and so on, it's a much, much

16 easier exercise for them to follow and it makes it

17 an easier exercise.

18 THE CORONER: All right, thank you. Mr Leonard?

19 MR LEONARD: I agree with Mr Compton.

20 THE CORONER: Sorry, you agree with ...?

21 MS CANBY: Mr Compton.

22 THE CORONER: Thank you. Ms Canby?

23 MS CANBY: I agree with Mr Matthews. It seems to me that

having started along the route of hearing evidence in

25 open court from Mr Walker, we should now be given

1 an opportunity to cross-examine what he's said in 2 relation to that, and it seems to me that there's some 3 difficulty in you making a ruling in relation to what 4 approved document B means. It's arguably not strictly 5 a matter of law; it is, of course, just guidance. So 6 I would agree that there be cross-examination.

7 In terms of how that is presented, it seems to me 8 that if we all put our heads together, there is actually 9 only, as Mr Matthews has indicated, a handful of pages 10 that would need to be provided to the jury. Perhaps if we could do that and avoid the need for them to be 11 12 provided with over 100 pages, that would be a better way 13 of dealing with it, or alternatively, as Mr Matthews has said, dealing with it slowly on the screen. 14 15 THE CORONER: All right, thank you. Ms Petherbridge? 16 MS PETHERBRIDGE: Madam, I support those who submit that 17 cross-examination is the proper way forward. As to logistically how that's achieved, I'll leave it to those 18 who are principally concerned in this area of the 19

20 evidence.

21 THE CORONER: Thank you very much. Mr Maxwell-Scott, do you
22 want to make any observations?

23 MR MAXWELL-SCOTT: In my submission, the interpretation of 24 approved document B is not a matter of pure law. It's 25 perhaps a matter that, within your discretion, you could

decide to deal with on submissions, but it's certainly 1 2 a matter on which it's not inappropriate to hear expert 3 evidence. We have started down that route, and I agree with Mr Matthews that it's perhaps too early to say the 4 extent to which ultimately it's necessary to direct the 5 6 jury on the correct interpretation of approved 7 document B. Therefore to issue a ruling on it now may 8 be to do something which, in the event, will prove 9 unnecessary.

10 THE CORONER: Yes.

MR MAXWELL-SCOTT: I offer no further assistance than that. 11 12 THE CORONER: That's very helpful. Thank you all very much. 13 It's helpful. Well, it seems to me that it's right that I permit those who want to put questions to Mr Walker on 14 15 this to do. We've embarked with his evidence on this topic. So far as the logistics are concerned, I agree 16 17 that it would be helpful if they could have some pieces of paper -- so looking at Mr Atkins for some help --18 perhaps over lunchtime, on the basis that Mr Matthews 19 20 has promised us five pages. So, Mr Matthews, we can copy five pages for all the jurors. Substantially more 21 22 than that is going to be a major logistical problem, but 23 if that could be done over lunchtime, probably by the time we get to your examination after lunch, that would 24 probably be the case. 25

MR MATTHEWS: Certainly. Five was the figure off the top of
 my head. No more than seven.

3 THE CORONER: I note how quickly it's creeping up.

MR MAXWELL-SCOTT: Madam, I think Mr Hendy's likely to have
some pages, and I assume they're going to be different
pages to Mr Matthews, but provided people identify pages
that they want copied, we can copy a set for each juror.
What we could not do in the course of today with the
facilities here is to copy 162 pages.

10 THE CORONER: No, and it would be disproportionate to be 11 doing so, so I'm certainly not going to ask for that it 12 be done. Limited pages, yes, would be helpful, but 13 certainly not the whole lot.

14 Then finally on the question of directions, that's 15 a matter for a discussion at a later stage. I'm not 16 going to make any ruling at this stage.

17 Mr Hendy, are you ready to begin without your five or seven or however many pages it may turn out to be? 18 MR HENDY: Of course, madam, but perhaps we could break 19 20 a little early for lunch, because I don't have that much on other aspects other than approved document B. 21 22 THE CORONER: Okay. Well, we'll make a start, and then when 23 you need to get to approved document B, we'll break for lunch and we'll allow Mr Atkins enough time to copy and 24 people will have to give Mr Atkins over lunchtime, in 25

good time, their definitive version of the number of
 pages they want so that they're done. All right? Okay.
 Yes, can we have the jury in then, thank you. Sorry
 to hold you up, Mr Walker.

5 A. That's okay.

б (In the presence of the Jury) 7 THE CORONER: Thank you very much, members of the jury. In 8 your absence, we've been discussing the way in which the 9 various advocates are going to want to have a discussion 10 with Mr Walker over the matters that he ran through in great detail yesterday afternoon so that we can try and 11 12 do it for you in a way that isn't going to be massively 13 confusing. So we may be photocopying some documents for you over lunchtime but it won't be a massive number. 14

We're going to continue now with Mr Hendy putting some questions to Mr Walker, and then we'll have a break so that over lunchtime the documents can be printed so that you can follow the pages and that will help you follow the questions being put to Mr Walker.

You'd finished, I think, Mr Maxwell-Scott?
MR MAXWELL-SCOTT: Yes, I had, thank you very much.
THE CORONER: Yes, Mr Hendy.
DAVID WALKER (continued)

- 24
- 25

Questions by MR HENDY

2	MR	HENDY: Thank you, madam. Mr Walker, my name's Hendy.
3		I represent some of the bereaved families. Can I first
4		of all ask you about the FENSA scheme about which you
5		gave evidence. I just wanted to clarify with you that
6		the effect of a FENSA certificate on a window or windows
7		is that the local authority can accept the certificate
8		as evidence that regulations 4 and 7 of the
9		Building Regulations have been satisfied; am I right?
10	A.	Yes, for windows, yes.
11	Q.	But even in relation to windows, it's not proof that the
12		Building Regulations have in fact been complied with, is
13		it?
14	Α.	That's correct.
14 15	A. Q.	That's correct. You were asked about the Building Regulations in general
15		You were asked about the Building Regulations in general
15 16		You were asked about the Building Regulations in general terms, and there's just one point in general terms that
15 16 17		You were asked about the Building Regulations in general terms, and there's just one point in general terms that I want to explore with you at this stage. That is that,
15 16 17 18		You were asked about the Building Regulations in general terms, and there's just one point in general terms that I want to explore with you at this stage. That is that, as Mr Maxwell-Scott put to you, if you're carrying out
15 16 17 18 19		You were asked about the Building Regulations in general terms, and there's just one point in general terms that I want to explore with you at this stage. That is that, as Mr Maxwell-Scott put to you, if you're carrying out building works, in order to determine whether the
15 16 17 18 19 20		You were asked about the Building Regulations in general terms, and there's just one point in general terms that I want to explore with you at this stage. That is that, as Mr Maxwell-Scott put to you, if you're carrying out building works, in order to determine whether the Building Regulations apply and whether you have to go
15 16 17 18 19 20 21		You were asked about the Building Regulations in general terms, and there's just one point in general terms that I want to explore with you at this stage. That is that, as Mr Maxwell-Scott put to you, if you're carrying out building works, in order to determine whether the Building Regulations apply and whether you have to go through Building Control and lodge plans and building
15 16 17 18 19 20 21 22		You were asked about the Building Regulations in general terms, and there's just one point in general terms that I want to explore with you at this stage. That is that, as Mr Maxwell-Scott put to you, if you're carrying out building works, in order to determine whether the Building Regulations apply and whether you have to go through Building Control and lodge plans and building notices and all the rest of it, you have to know whether

1 A. Correct.

2	Q.	It must therefore follow, as night follows day, that you
3		have to know two things: you have to know what the
4		standard of fire protection was of that which you're
5		removing, and you have to know what the standard of fire
6		protection is for that which you're going to put in its
7		place?
8	Α.	Yes, and also to what regulation did it comply with when
9		it was installed in the first place.
10	Q.	We know from cross-examination by Ms Canby of
11		Annabel Sidney, the project manager, that she didn't
12		have available to her any documentation as to what the
13		standard of fire protection was in relation to various
14		aspects of the work. In order to determine what the
15		fire standard was, do you agree either you have to have
16		documentation or you have to test it?
17	Α.	Correct.
18	Q.	We'll deal with approved document B later.
19		Some other points, if I may. In your report and
20		I wonder if we could just put this on screen. It's
21		page 27 of your main report, paragraph 3.4.19. I'm very
22		grateful for that. There you say:
23		"In my opinion, Lakanal House was a high risk
24		building which out to have been prioritised and assessed
25		early in any programme."

1		You're talking about fire risk assessment programmes
2		there?
3	A.	Correct, yes.
4	Q.	"This view is based on: the height of the building; the
5		number of units; the unusual construction"
б		By which you meant maisonettes which were upside
7		down, as it were, and interlocking?
8	Α.	Yes.
9	Q.	" age of the building"
10		1959/1960?
11	A.	Yes.
12	Q.	What's the indicator there that that makes it high risk?
13	A.	Well, the regulations have changed since and the
14		construction, being the age of the building, will have
15		been repaired and altered during that period, so it
16		makes it a higher risk that people will have messed
17		around in the building, essentially, with the
18		construction.
19	Q.	"Previous history of fires", which the jury have heard
20		about, and you added a sixth element in your answer to
21		Mr Maxwell-Scott: the single staircase?
22	Α.	Yes.
23	Q.	Because a modern high rise block of flats, of course,
24		would have at least two internal staircases?
25	A.	In most situations now, yes.

Q. I wondered whether you thought that one could add to 1 2 that list yet further. You've mentioned the single staircase, but one of the features of that single 3 4 staircase -- and the jury have seen it, of course -- is its narrowness, isn't it? 5 б I don't know about that, I'm afraid. Α. 7 Q. Well, you've seen it as well. Isn't it a relatively 8 narrow staircase? 9 A. I have to say I haven't measured it and I can't recall. Q. We have, but I'm afraid I lost the bit of paper that we 10 wrote it down on. I'm told that it varies between 107 11 12 and 110 centimetres wide. So it's not much wider than 13 a metre. 14 Okay. Α. 15 Ο. Isn't that narrow? I believe it is slightly narrow, yes. 16 Α. 17 Q. You mention the number of units. We know there were 98 units. We know that these were two-bedroom maisonettes. 18 Obviously there'll be some dwellings where, for one 19 20 reason or another, there's nobody living there temporarily. There'll be some which are crowded. We've 21 22 heard about the families that I represent. Four people: 23 two children and two adults. The Nuhus were similar. There will be some where there's only one resident or 24 two residents. But if we assumed, just off the cuff, 25

that the average was, say, three residents, if all 98 1 2 flats are filled, we're talking about just short of 300 people in that block of flats, aren't we? 3 4 Α. Yes. Q. So if we were to imagine a disastrous fire breaking out 5 б at 4 o'clock in the morning, when everybody's at home 7 apart from the night workers, we'd have a lot of people 8 to get down that staircase, wouldn't we? 9 Α. Yes, we would. Therefore I just wonder whether the jury would be right 10 Q. if they were to add to "single stair case" "single 11 12 narrow staircase" as a feature of this building being 13 high risk. Well, without looking at the actual dimensions and 14 Α. 15 without looking at what the regulations say for the number of people, I'm afraid I can't answer that. 16 Q. I'm not asking you whether it's compliant with 17 regulations or not. That's not my question. 18 The question is: when you're looking to see whether this is 19 20 high risk and therefore ought to be prioritised for fire risk assessment, is it not material to take into account 21 22 the narrowness of the staircase, given the number of 23 people residing in the block? I don't think it would have been considered in 24 Α. 25 prioritising Lakanal House.

Q. Associated with that single staircase is another 1 2 feature. We know that there's a secondary means of 3 escape in this building along the escape balconies on either side of even-numbered floors, yes? 4 5 Α. Yes. But those escape balconies lead only to one place, and б Ο. 7 that is the single central staircase? A. Correct. 8 9 Q. They don't have independent means of escape from the 10 balconies. Again, can I suggest to you that that's another feature that makes this a particularly high risk 11 12 building? 13 A. It's not unusual for other buildings of a similar age, 14 again, to have a single corridor with a single 15 staircase, so again, I don't think it is something that would be considered when prioritising the building, 16 unless all of the other buildings were known to have two 17 escape routes, two stairs. So it perhaps would have 18 been considered, but I don't believe it would have moved 19 20 it up the priority level in this particular case. I'm not quite following that answer. The question is 21 Q. 22 not whether it's unusual or not. It may be standard, 23 but nevertheless it makes it high risk, doesn't it? A. Well, it's not higher risk to just having a single 24 25 corridor.

- 1 Q. Another feature of this building is, of course, that it
- 2 has no sprinkler system?
- 3 A. Yes.
- 4 Q. A sprinkler would have lowered the risk?
- 5 A. Correct.
- 6 Q. And given it less priority?
- 7 A. Correct.

Q. We know another feature of this building is that it has 8 9 a wholly uninformative flat numbering system which 10 caused great confusion to the firefighters on 3 July 2009. I imagine you're going to say to me that 11 12 that's not something that a fire risk assessor would 13 normally take into account, but if you are about to say to me, nevertheless it is something that increases the 14 15 risk in this building, doesn't it?

Yes. Having walked up and down the staircase myself, 16 Α. yes, it does, and signage -- fire escape signage and 17 particularly the number of the floor that you're on 18 being particularly well signed should have been 19 20 something that the fire risk assessor picked up, yes. Q. Signage is, of course, one of the features of a fire 21 22 risk assessment. Do I understand from your answer that 23 signage is not just "Fire escape this way" or "Push bar to open" or things like that but it would also include 24 25 the numbers for the flats and the floors that they were

1 on?

2	Α.	I don't I don't think it would include the flat
3		numbers. However, it would be if there were no
4		indication of what floor it was, I'm sure the fire risk
5		assessor would pick that up and make it known.
6	Q.	Because those things are obviously of critical
7		importance to firefighters, aren't they, particularly
8		firefighters in a smokey atmosphere?
9	Α.	Yes, I would think so.
10	Q.	The Fire Safety Order came into effect on
11		1 October 2006. By the time of this terrible fire on
12		3 July 2009 that's two years and nine months later
13		no fire risk assessment had been done. Do you agree
14		with me that that's utterly unacceptable?
15	Α.	Well, I don't think it's unusual for the fire risk
16		assessment not to have been done. However, I do think
17		that perhaps they were a little slow at undertaking it,
18		
		yes.
19	Q.	yes. Can I ask you next about the suspended ceiling above the
19 20	Q.	
	Q.	Can I ask you next about the suspended ceiling above the
20	Q.	Can I ask you next about the suspended ceiling above the main corridors on the access floors. You mentioned at
20 21	Q.	Can I ask you next about the suspended ceiling above the main corridors on the access floors. You mentioned at page 37 if Mr Maxwell-Scott would be kind enough just
20 21 22	Q.	Can I ask you next about the suspended ceiling above the main corridors on the access floors. You mentioned at page 37 if Mr Maxwell-Scott would be kind enough just to put that up, at 3.5.35. Again, the context of that

1 Q. Then you say at 3.5.35:

2		"In the context of Lakanal House, I would consider
3		the suspended ceiling in the corridors to be an area
4		that would have warranted opening up for the following
5		reasons."
б		Then you spell them out:
7		"There are areas of chipped paint where the
8		chipboard was visible and this would give rise to
9		concern over on the materials used;
10		"Suspended ceiling is in a high risk part of the
11		building that should be clear of combustible
12		material"
13		That's because it's on a central corridor on which
14		all of the front doors open
15	Α.	Yes.
16	Q.	and therefore is a primary escape route?
17	Α.	Correct.
18	Q.	"The method of fixing the ceiling is variable, with many
19		screws missing their cups"
20		What does that indicate?
21	Α.	Well, it indicates that somebody has taken it down.
22		They've taken the screws out to put the panels down but
23		have not put the cups back in, which affects the
24		integrity of the fixing.
25	Q.	"A risk assessor would have been concerned about the

1		structure to which the ceiling panels were fixed."
2		Is this a reference to the softwood frame to which
3		the panels were attached?
4	A.	It's really a reference to because it has there are
5		lots of patch repairs that are evident, it makes you
б		wonder what all the patch repairs have actually been
7		fixed to and whether any alterations have been carried
8		out to do that.
9	Q.	"There are access hatches of a different material and
10		the method of fixing is not available."
11		And the worry there is?
12	A.	Just how secure the the hatches are.
13	Q.	The invisibility of the method of fixing, what's the
14		relevance of that?
15	A.	Depending on what it's fixed with, it affects the fire
16		integrity.
17	Q.	"The assessor is likely to have been aware that the
18		heating system had been changed (this is evident from
19		the blocking up of the redundant warm air grills)."
20		Those are warm air grills which can be seen as you
21		walk down the corridor in the walls of the corridor; am
22		I right?
23	A.	Correct.
24	Q.	So the assessor's likely to have been aware that the
25		heating system had been changed, and the implications of

1 making that observation are what?

2	A.	In that as I said earlier, that if the heating system
3		has been changed, there are likely to have been pipe
4		runs in the ceiling void and in common areas that break
5		through the compartment fire walls.
б	Q.	Therefore one would need to know that they'd been
7		fire-stopped properly?
8	A.	Correct.
9	Q.	"The sealing to the perimeter of the ceiling is poor."
10		That's round the edges of the suspended ceiling?
11	A.	Yes.
12	Q.	When you say it's poor, just convey to the jury what you
13		were seeing?
14	A.	There are gaps around the edges of the ceiling.
15	Q.	I appreciate you were talking about a fire risk
16		assessment which should have taken place between
17		1 October 2006 and at least by the time of this fire,
18		but the jury have heard that Miss Annabel Sidney, who
19		became the project manager on the works that were done
20		in 2006, carried out, at an early stage, what she
21		described as a building survey. She went I have her
22		words in her statement. She says she was asked:
23		" to visit the building and inspect the existing
24		decorations and general state of the repair of the
25		building and its common parts in accordance with the

client's instructions and the items the client had 1 2 specifically identified. I also undertook a 10 per cent 3 survey of the flats as required and arranged for 4 asbestos surveys to be carried out." Now, that work was done in either late 2004 or early 5 б 2005. Ms Sidney was, like yourself, a member of the 7 Royal Institution of Chartered Surveyors --THE CORONER: Mr Hendy, we're not in the business of 8 9 criticising individuals in these inquests. That's not 10 part of the process. MR HENDY: I understand that, madam. 11 12 THE CORONER: We're not attaching blame to individuals in 13 any respect. 14 MR HENDY: Of course not, but what I ask Mr Walker is 15 whether carrying out a survey of that kind was that 16 an opportunity to see the things that you saw in relation to the suspended ceiling? 17 MR MATTHEWS: Forgive me, I think there was a bit more 18 detail about "a survey of that kind". I recollect she 19 20 was asked to qualify what she meant by a building survey and said that she'd been given specific instructions 21 22 about the scope of the survey. "Building survey" could 23 cover many different things. THE CORONER: I think that's a fair point, Mr Hendy. 24 MR HENDY: I'm grateful for that. But such a look at the 25

1		general state of repair, if the state of the ceiling had
1		general state of repair, if the state of the certing had
2		been as you saw it of course, this was some years
3		earlier should that have provoked a further enquiry
4		along the lines that you would have suggested a fire
5		risk assessor would look, or not?
б	Α.	Sorry, are you asking me if a fire risk assessor should
7		have picked up
8	Q.	No, I'm saying if you're not carrying out a fire risk
9		assessment because this was done before the Fire
10		Safety Order came in
11	Α.	So a general inspection of the building?
12	Q.	When you're looking around in the way that Ms Sidney
13		was, is this the sort of thing you look for, or not?
14	A.	Well, I think it depends on the scope of what she's
15		looking for. If the inspection is to pick up
16		decorations and is to pick up the removal of asbestos,
17		then perhaps no, I wouldn't expect that to be
18		highlighted.
19	Q.	We know these
20	THE	CORONER: And that was carried out before the Fire
21		Safety Order came into force.
22	MR	HENDY: Absolutely. That's understood. What she was
23		doing was not a fire risk assessment, and I don't think
24		anybody's suggested that it was.
25		In the course of the works that were done in 2006,

1 we know that the flats were rewired and the rewiring was 2 placed into the suspended ceiling along the corridors. Obviously in order to do that they had to get access to 3 4 the suspended ceiling. Was that an opportunity to have 5 a look generally, or would you have expected the work б simply to have been confined to what was necessary to 7 see whether rewiring could be done in that way, and if 8 so to do it?

9 Α. I think clearly there is an opportunity, but whether the 10 opportunity was taken or not is, I think -- you know, it's not certain whether anybody -- it depends who's 11 12 sticking their head up there to have a look where the 13 wiring goes, but if the specification is just for an operative to run the wiring through that void -- and 14 15 the way that electrics are installed, there would be very few openings, I suspect, into the ceiling void, and 16 17 they would thread the wiring through from one flat to 18 the other.

19 THE CORONER: Well, the evidence that we heard, as I recall, 20 is that the electricians down every several third panel. 21 I'll be corrected if I'm wrong, but that was my 22 recollection of the evidence.

A. Okay. So the operative would have clearly had to put
the wiring through there and would have to view the
void, but he would be looking for, I guess, just to see

1 where he can run his wires.

2	MR HENDY: Right. One other aspect. Can we look again at
3	the photograph in the jury bundle, tab 13, page 18,
4	which the jury looked at a little earlier and you looked
5	at earlier. Of course, this isn't the corridor on which
6	the fire occurred but we all see that it's very similar
7	to the corridor on which the fire occurred. We can see
8	that the supports for the panels are actually made of
9	what appears to be softwood frames. Is that something
10	that would strike you if you were carrying out a fire
11	risk assessment after the Fire Safety Order came into
12	effect in October 2006?
13	A. I don't think it's more of the panelling that would
14	be fixed to that having the right grade of fire
15	resistance rather than the frame behind.
16	Q. The frames themselves are obviously combustible?
17	A. Yes, they are.
18	THE CORONER: When you say that a fire risk assessor would
19	be focussing on the panel, is that your assumption, that
20	the panel would act as a barrier and so the fire
21	wouldn't get to the softwood frame? Is that what you're
22	saying?
23	A. Yes, it would be a fire-resisting barrier, yes.
24	MR HENDY: So as long as the ceiling itself offered
25	a sufficient degree of fire resistance, in your view,

1 the fact that it was suspended on inflammable supports 2 would not necessarily be a cause for concern? A. I don't think so. 3 4 Q. Madam, I think I've reached the point where I need approved document B. 5 б THE CORONER: All right. Okay, in that case we'll have 7 a break now, and we'll continue. Mr Atkins, is 2 o'clock okay for you, provided you're given the right 8 9 number? 10 All right, members of the jury, we'll stop now and we'll continue at 2 o'clock. That will give Mr Atkins 11 12 the chance to copy the papers that you'll have this 13 afternoon. So please be back for 2 o'clock. Mr Walker, again, please be back for 2 o'clock, but 14 15 in the meantime you mustn't talk to anyone about your evidence, thank you. 16 (12.54 pm) 17 (The short adjournment) 18 (2.00 pm) 19 20 THE CORONER: Thank you. Yes, thank you for arranging copies. I gather they've been put on the jurors' desks. 21 22 Thank you. 23 (In the presence of the Jury) THE CORONER: Thank you, members of the jury. Mr Atkins has 24 25 organised photocopies of the pages which the advocates

1 think might be referred to. If any pages need to be 2 referred to which aren't on your tables, then I think we'll be able to put them on up on the screen and hope 3 4 that that will be sufficient, all right? Yes, Mr Hendy, thank you. 5 б MR HENDY: Thank you, madam. 7 Just before we get to approved document B, can I ask 8 you about two other things very shortly. First of all, 9 we've been given a document called "Fire safety risk assessment for sleeping accommodation" which was 10 published by the government in 2006. 11 12 Α. Yes. 13 I wonder if we could put up page 5 of the introduction Ο. 14 to this. As it's going up, can I ask you, Mr Walker, 15 whether this is a document that you've seen before? A. Yes, it is. 16 17 Q. On the fifth page, after the first few bullet points, there's a paragraph which begins: 18 "It has been written ... " 19 20 I don't know if the jury can read that. Can I read it to you, Mr Walker: 21 22 "It has been written [that's this book] to provide 23 guidance for a responsible person, to help them to carry out a risk assessment in less complex premises. If you 24 read the guide and decide that you are unable to apply 25

the guidance, then you should seek expert advice from a competent person. More complex premises will probably need to be assessed by a person who has comprehensive training or experience in fire risk assessment. However, this guide can be used for multi-occupied buildings to address fire safety issues within their individual occupancies."

8 Two questions I will put to you: do you agree with 9 the proposition that in more complex premises the risk 10 assessment will probably need to be done by a person who 11 has comprehensive training or experience in fire risk 12 assessment?

13 A. Yes.

14 Q. Secondly, do you agree that Lakanal House was a complex 15 premises?

16 A. I do, yes.

Q. The other short point I wanted to deal with you was this: you are no doubt aware of section 20 of the London Building Acts (Amendment) Act of 1939, which I think was repealed on 9 January of this year, yes?

21 A. Yes.

Q. Under that legislation, by-laws were published from time
to time by what was then the London County Council,
subsequently the GLC -- and there have been changes
since then -- for the London Building Acts 1930 on 39

1		constructional laws, the last of which was 1972.
2	A.	Yes.
3	Q.	Would you be aware, in general terms, of that?
4	A.	I am, yes.
5	Q.	To the best of your understanding, was that still in
б		force in the year 2006 to 2007?
7	Α.	Yes.
8	Q.	Does that provide that for buildings over 100 feet in
9		height what was then the district surveyor could specify
10		that the external enclosures of the building would be
11		designated as class 1, A and B, and class 2, A, B and C?
12	Α.	Yes, but that's aimed at new construction or rebuilding
13		of buildings, so it's not aimed at refurbishments and
14		maintenance.
15	Q.	No. But are you aware that Lakanal House was a class 2
16		enclosure under previous London by-laws when it was
17		built?
18	Α.	Yes.
19	Q.	Madam, we'll have a short submission on law on the
20		consequence of that but I won't pursue it with the
21		witness.
22	THE	CORONER: Okay, we'll deal with that at the appropriate
23		time.
24	MR	HENDY: Turning to approved document B, I wanted to ask
25		you, I think, five different points. First of all can I

1 say, just to make it clear to the jury, that there's no
2 dispute with your analysis, and I'm not sure if it's
3 true all the advocates but certainly a number of them
4 agree with your analysis of the requirement in relation
5 to fire spread, so the passage of flame across the
6 surface of a particular substance.

7 THE CORONER: Well, let's wait and see where the discussion8 goes on that, Mr Hendy.

9 MR HENDY: Of course. I'm not going to pursue that with 10 Mr Walker.

I wanted to ask you about something else. Could we 11 12 take up, please, paragraph 13.2, which the members of 13 the jury -- sorry, let me just find it. Page 89. Page 89, as we see, is the beginning of section 13 of 14 15 this document, and it's headed "Construction of external 16 walls". There's an introduction in paragraph 13.1. We 17 can skip the first paragraph of that, but can I just read to you the second paragraph: 18

19 "External walls are elements of structure and 20 relevant period fire resistance specified in appendix A 21 depends on the use, height and size of the building 22 concerned."

23 We don't need the rest of that paragraph. 13.224 says:

25 "Provisions are also made to restrict the

combustibility of external walls of buildings that are 1 2 less than 1,000 millimetres from the relevant boundary and, irrespective of boundary distance, the external 3 walls of high buildings." 4 And those in other groups: 5 "This is in order to reduce the surface's 6 7 susceptibility to ignition from an external source and 8 to reduce the danger from fire spread up the external 9 face of the building." 10 Do you agree with me that these provisions are likely to be relevant because the bedroom windows and 11 12 the panels beneath were clearly an external wall --13 agreed? 14 Agreed. Α. And the windows to the lounge and to the kitchen, and 15 Ο. 16 the block-work beneath, were also external walls? 17 Α. Correct. Q. So let's see what the provisions then require. 18 "Fire-resistant standard" is the next heading, 1373: 19 "The external walls of the building should have the 20 appropriate fire resistance given in appendix A, table 21 22 A1, unless they form an unprotected area under the 23 provisions of section 14." Do you agree with me we don't need to go to 24 section 14 because that specifies limited situations in 25

1 which there can be small areas of unprotected exterior 2 wall? 3 A. Yes. Q. So let's go to appendix A, table A1. This we have at 4 5 page 116. If we run down the left-hand column to 5, б "External walls", we see there are three situations 7 there. A is: "Any part less than 1,000 millimetres from any point 8 9 on the relevant boundary." And B: 10 "Any part 1,000 millimetres or more from the 11 12 relevant boundary." 13 We've already seen that for high buildings, these parts of the document apply irrespective of boundary 14 15 distance. If we read across from that, the first column 16 is "Load-bearing capacity", which I don't think is relevant, but the second column is "Integrity", and that 17 means fire resistance, as we see from the heading 18 "Specific provisions of tests for fire resistance of 19 20 elements of structure ... " et cetera. Do you agree with that? 21 22 A. Yes, I do. 23 Q. So A and B direct us towards table A2. Now, table A2 is found on the next page, 117. Sorry, 119, I'm told. Box 24 number 1 reads: 25

"Residential domestic (a) flats and maisonettes." 1 2 We read across from that. The first two columns 3 deal with a basement storey, and then the last four deal with ground or upper stories. Then it subcategories 4 that into height: not more than five metres, not more 5 б than 18 metres, not more than 30 metres, and more than 7 30 metres. Do you agree with me that Lakanal House was 8 more than 30 metres high?

9 A. I do, yes.

Q. And therefore the fire-resistant quality of the external 10 walls should be 120 minutes, unless those two little 11 12 asterisks apply. So let's just look down to see whether 13 the two little asterisks do apply. We can see that 14 towards the bottom of the page that that total is 15 reduced to 30 minutes for any floor within a maisonette, 16 but not if the floor contributes to the support of 17 a building. We're not talking about floors in or out of maisonettes, so it seems to me -- let's see if you 18 agree, Mr Walker -- that the two little asterisks don't 19 20 apply to the external walls?

21 A. Yes.

Q. Does it therefore follow that the external walls shouldbe fire-resistant for 120 minutes?

24 A. Yes, it does.

25 Q. It may be said that there's some different provision in

relation to the walls of the lounge and the kitchen 1 2 because they are adjacent to escape balconies, so we ought to look to see what the provisions are on escape 3 4 balconies to see whether there's some lesser standard provided for those external walls. 5 б First of all, can I ask you a general question, 7 which is: compartmentation, do you understand that to 8 apply to all the walls, the ceiling and the floor of 9 a maisonette in a block of maisonettes? A. Dividing the dwelling areas, yes. So from flat to flat 10 and floor to floor. Not an external wall. 11 12 What about the external wall? Is the external wall of Q. 13 a maisonette or a flat in a block part of the compartment or is it not, in your view? 14 15 Α. I don't believe it is. Q. You don't think it is? 16 17 Α. No. Q. Well, let's go, if we may, to paragraph 3.9, which we 18 have on page 29. This is headed "Flats and 19 maisonettes". 3.9 is headed "Balconies and flat roofs" 20 and says that: 21 22 "The guidance in section 2 ... on balconies and flat 23 roofs of dwelling houses applies equally to flats and maisonettes. In addition, any balcony outside 24 an alternative exit to a dwelling more than four and 25

1 a half metres above ground level should be a common 2 balcony and meet the conditions in paragraph 3.15." It's a difficult piece of prose to get your head 3 round, but do you agree with me that the escape 4 balconies at Lakanal House would fall into those last 5 б phrases? 7 A. Yes, I do. So that would then take us to paragraph 3.15, which we 8 Q. 9 have on page 32. That says: 10 "To be effective, an alternative exit from a flat or maisonette should satisfy the following conditions." 11 12 Then it sets out a series of conditions which 13 probably are not -- well, they're certainly not relevant 14 for where I want to take you but the note might be. The 15 note says: 16 "Any such access to a final exit or common stair 17 should meet the appropriate provisions dealing with means of escape in the common parts of the building; see 18 paragraph 3.17." 19 20 So let's go there next, to 3.17, which is on page 33. That says that: 21 22 "The following paragraphs deal with the means of 23 escape from the entrance doors of dwellings to the final exit. They should be read in conjunction with the 24 general provisions in section 6." 25

1 Then it says:

2		"Note: paragraphs 3.18 to 3.48 are not applicable
3		where the top floor is not more than 4.5 metres above
4		ground level."
5		It seems to us an unnecessary double negative there.
6		As I read that, it means that those paragraphs 3.18 to
7		3.48 do apply if the top floor is higher than
8		4.5 metres. Is that how you read it?
9	Α.	Paragraphs 3.18 to 3.48 are not applicable where the top
10		floor is not more than 4 and a half metres, so if it is
11		above 4.5 metres, they are applicable. Is that what
12		you're asking me?
13	Q.	That's the way I read it, so if you knock out both
14		"not"s.
15	A.	Yeah.
16		
ΤŪ	Q.	Thank you. Before we come to the provisions of
17	Q.	Thank you. Before we come to the provisions of section 6, which I'm going to come to in a moment, let
	Q.	
17	Q.	section 6, which I'm going to come to in a moment, let
17 18	Q.	section 6, which I'm going to come to in a moment, let me just show you the provision of 3.22, which is on
17 18 19	Q.	section 6, which I'm going to come to in a moment, let me just show you the provision of 3.22, which is on page 35. This is within that set of paragraphs which do
17 18 19 20	Q.	section 6, which I'm going to come to in a moment, let me just show you the provision of 3.22, which is on page 35. This is within that set of paragraphs which do apply. 3.22 is headed "Protection of common escape
17 18 19 20 21	Q.	section 6, which I'm going to come to in a moment, let me just show you the provision of 3.22, which is on page 35. This is within that set of paragraphs which do apply. 3.22 is headed "Protection of common escape routes" and it says:
17 18 19 20 21 22	Q.	<pre>section 6, which I'm going to come to in a moment, let me just show you the provision of 3.22, which is on page 35. This is within that set of paragraphs which do apply. 3.22 is headed "Protection of common escape routes" and it says: "To reduce the risk of a fire in a dwelling</pre>

dwelling and the corridor should be a compartment wall;
 see section 9."

We'll look at that in a moment, but let's just see 3 4 if I'm now going somewhere that I shouldn't go: "To reduce the risk of a fire in a dwelling 5 б affecting the means of escape from other dwellings ... " 7 Our escape balconies at Lakanal House would fall 8 within that description, wouldn't they? 9 A. Yes, they would. Q. "... and common parts of the building ... " 10 Well, I suppose the escape balconies were common 11 12 parts, were they not? 13 Yes. Α. "... the common corridors should be protected 14 Ο. 15 corridors." 16 Would we be right in saying that a common escape balcony falls within the description of a common 17 corridor and thus should be a protected corridor? 18 A. It's -- it's not as simple as that, I'm afraid, and it's 19 20 not defined anywhere to determine one way or the other, and -- it's clearly a corridor but it's not an enclosed 21 22 corridor ad so the rules around -- that the guidance 23 gives around corridors don't all apply to an external corridor with an open area. 24 Q. All right, well let's just see if we can derive anything 25

from section 9 here, and specifically from 9.22. 9.22
 is found at page 70. That says:

3 "Every compartment wall and compartment floor should 4 form a complete barrier to fire between the compartments 5 they separate and have the appropriate fire resistance 6 as indicated in appendix A."

7 I think your view that you've already expressed is 8 that the external walls of the lounge and the kitchen 9 were not, in fact, compartment walls, properly 10 so-called?

11 A. Yes.

12 Q. Is that right?

13 A. Yes.

Q. That point may be perhaps emphasised if we go to 9.15,which is at page 68, which says that:

16 "In buildings containing flats or maisonettes, the 17 following shall be constructed as compartment walls or 18 compartment floors: every floor, unless it's within 19 a maisonette ..."

20 Which we need not trouble with:

21 "... every wall separating a flat or maisonette from22 any other part of the building ..."

23 And "any other part of the building" doesn't include 24 an external balcony or deck access. So that would 25 exclude us from relying on these provisions as

identifying the fire resistance of the walls of the
 lounge and the kitchen onto the fire escape, yes?
 A. I believe so, yes.

Q. Let's just go back -- we needn't turn it up, but we
recall that paragraph 3.17 that we started with said
that when dealing with means of escape, those provisions
should be read in conjunction with the general
provisions of section 6. Let's just see whether
section 6 gives us any assistance. 6.2 is at page 51.

10 So notwithstanding the heading of section 6 is "General provisions common to buildings other than 11 12 dwelling houses", we've already observed that the 13 paragraphs headed "Means of escape in the common parts of flats and maisonettes" specifically direct us to read 14 15 the provisions for means of escape in conjunction with the general provisions of section 6. Let's see what 16 section 6 says. Under the heading of "Protection of 17 escape routes", it says: 18

"Details of fire resistance test criteria and
standards of performance are set out in appendix A.
Generally, a 30-minute standard is sufficient for the
protection of means of escape. The exceptions for this
are when greater fire resistance is required by the
guidance on requirements B3."

25 And various other requirements. 6.3:

"All walls, partitions and other enclosures that 1 2 need to be fire-resistant to meet the provisions in this approved document, including roofs [and so on] ... 3 4 should have the appropriate performance given in tables A1 and A2 of appendix A." 5 б And: 7 "Elements protecting means of escape should meet any 8 limitations on the use of glass; see paragraph 6.7." 9 6.7 deals with glazed elements in fire-resisting 10 enclosures and doors and it refers us to the provisions set out in appendix A, table A4. 11 12 Now, just to see where we've got to --13 THE CORONER: So far this is the route that Mr Walker took us through yesterday, with the exception of the alleyway 14 15 which you took us down. So we're on the same route. 16 MR HENDY: I'm sorry, madam, if we're repeating old ground, but the point I make, I think, is a slightly different 17 one. We have a 30-minute standard, which is what you 18 spoke of yesterday. 19 20 A. Yes. Yes? But there's an exception to that where greater 21 Q. 22 fire resistance is required by the requirements of B3, 23 right? 24 A. Yes. And B3 covers, as we've seen, external walls. So where 25 Q.

1		the wall fronting onto an escape balcony is also
2		an external wall, then the external wall requirement
3		would apply. Would you agree with that?
4	A.	Logic says that's right, yes.
5	Q.	We've already seen that the external wall requirement in
6		Lakanal House is 120 minutes, which is obviously greater
7		than the 30 minutes provided in relation to escape
8		routes.
9	A.	Yes.
10	Q.	At the bottom there we have got to appendix A, table A4,
11		and again now I won't cover old ground, madam,
12		because I think your point was that the doors from the
13		lounge and the kitchen, according to the table here,
14		have to be fire-resistant up to 1,100 millimetres?
15	Α.	Yes.
16	Q.	After that they can be glazed?
17	Α.	Yes.
18	Q.	And that applies to the doors
19	Α.	Yes.
20	Q.	Let's not trouble to go there then.
21		Just two other matters I wanted to ask you about.
22		The next one is boxing in under the stairs. We can do
23		this one quite shortly. We want 9. Let me just find
24		this. We want page 68. We've looked at this already.
25		9.15, this is the requirement for compartmentation.

You've excluded it for the walls onto the balconies but compartmentation does apply to every floor, unless it's within a maisonette between one storey and another, and "every wall separating a flat or maisonette from any other part of the building".

6 Now, the wooden stairs inside each of the flats cuts 7 across both the ceiling, or floor, above the common 8 corridor and also cuts into the wall which supports that 9 floor, doesn't it?

10 A. It does, yes.

11 Q. And therefore it does breach the compartmentation which12 9.15 requires. Do you agree?

A. Well, again, it's a difficult detail because the -- it could be argued that compartmentation is the actual external walls of the maisonette rather than the floor in this instance, because the staircase internally in the maisonette breaches that compartment, if you were going to take it completely as a separate floor.

19 Q. Understood. If it simply went to the upper floor of 20 a maisonette, no problem, but because it cuts into the 21 common corridor, and therefore breaches the wall between 22 the flat and the common corridor, and also the ceiling 23 of the common corridor, it does, in fact, breach the 24 compartment, doesn't it?

25 A. Into the corridor, yes.

1 Q. Into the corridor, yes, absolutely.

2 A. Yes.

3 Q. If we go to 9.22 at page 70, that says that:

4 "Every compartment wall and compartment floor should
5 (a) form a complete barrier to fire between the
6 compartments they separate; and (b) have the appropriate
7 fire resistance, as indicated in appendix A, tables A
8 and 1."

9 So the fact that the staircase cuts into the common 10 corridor is only acceptable if it has the fire 11 resistance required by appendix A, tables A and 1; would 12 you agree?

13 A. Yes.

If we just remind ourselves of that. Again, going back 14 Ο. 15 to page 116 at item 7, compartment walls other than in 16 6 -- and as you pointed out, this is not a compartment wall in 6 because it doesn't separate an occupancy, but 17 it's nevertheless a compartment wall, and we look to see 18 the integrity is specified by A2, and if we look at 19 20 table A2 on page 119, we are sent back to residential, line 1, and we've already seen what the result of that 21 22 is. So the boxing in should also have fire protection 23 for 120 minutes?

24 A. Well, I -- no, I don't believe that.

25 Q. Right.

A. My understanding is that that would be 60. I know the 1 2 table leads you to the 120 and it certainly can be interpreted that way, but I believe that the separation 3 4 into the corridor would be 60, and I think that would be part of the discussions with the Building Control team 5 б and the Fire Brigade to look at that particular issue, 7 because the installations, the walls that would go 8 into -- into the building I don't believe would be above 9 60.

10 Q. Right. So 60 minutes, you say?

11 A. I think it would be 60.

Q. Okay. Then the final topic I wanted to raise with you was suspended ceilings, because there's some material about that in this document. Can we go, please, to page 60. Please forgive me if you covered at least the first part of this yesterday, but at page 60, in paragraph 7.1, it provides that:

18 "The surface linings of walls and ceilings should 19 meet the following classifications."

20 And we're in "Other circulation spaces", which 21 require national class 0; is that right? That would be 22 the outer side of the suspended ceiling, wouldn't it? 23 A. Yes, that's right.

Q. Yes. But in 7.5, in the right-hand column, we see "Fire-protecting suspended ceilings":

"A suspended ceiling can contribute to the overall 1 2 fire resistance of a floor/ceiling assembly. Such a ceiling should satisfy paragraph 7.1. It should also 3 meet the provisions of appendix A, table A3." 4 So the ceiling has to have class 0 in relation to 5 flame spread, and appendix A, table A3, if we can just 6 7 turn that up -- it's at page 120, and I'm going to need 8 your help here. Table A3 is in the bottom half of the page, "Limitations on --" 9 Sorry, can I just stop you there, because it's not 10 Α. a fire-protecting suspended ceiling that we have in the 11 12 corridor. Oh right, I thought it was the protection of suspended 13 Q. 14 ceilings. I'm barking up the wrong tree, am I? 15 I think this is aimed at a suspended ceiling that's part Α. of the fire protection to the structure rather than just 16 a ceiling in a corridor, so it's the surface spread of 17 flame that we should be looking at for the ceiling. 18 I see. All right. Well, it won't be the last bad point 19 Q. 20 I take. Okay, let's go to something else in relation to 21

these ceilings. I wanted to ask you to look at concealed spaces, which we find at page 76. This may be a more fruitful area for me. Does it look as if these concealed spaces might be the sort of thing we're

looking for in relation to the suspended ceilings?
 A. Yes.

3 Q. So 10.1 tells us that:

"Concealed spaces or cavities in the construction of 4 a building provide a ready route for smoke and flame 5 б spread, particularly so in the case of voids above other 7 spaces in a building, for example above a suspended 8 ceiling or in a roof space, as any spread that is 9 concealed presents a greater danger and would be a more 10 obvious weakness in the fabric of the building. Provisions are made to restrict this by interrupting 11 12 cavities which could form a pathway round a barrier to 13 a fire, subdividing extensive cavities, and closing the 14 edges of openings."

15Then there's a diagram, 31, of cavity barriers16within a suspended ceiling, which I won't take time on.17Can I take you over to page 79 to look at

18 paragraph 10.5. It says:

19 "As compartment walls should be carried up full 20 storey height to a compartment floor or to the roof as 21 appropriate (see paragraphs 9.2 and so on) it's not 22 appropriate to complete a line of compartmentation by 23 fitting cavity barriers above them. Therefore it's 24 important to continue the compartment wall through the 25 cavity to maintain the standard of fire resistance."

1 So if you've got a compartment wall, you have to 2 take it right up to the ceiling; you can't put a cavity barrier above it and think that's good enough? 3 4 A. Yes, that's true but if you're then aiming at the 5 undercloaking to the staircase, the undercloaking can be б carried out in such a way that it is a continuation of 7 the compartmental wall. Q. Right. Let's see what it says about cavity barriers in 8 10.6: 9 "Every cavity barrier should be constructed to 10 provide at least 30 minutes' fire resistance (appendix A 11 ... However, cavity barriers in a stud wall ... " 12 13 Then it tells us how they might be. 1078 says: "Cavity barriers should be tightly fitted to a rigid 14 15 construction." 1079: 16 "Cavity barriers should also be fixed" 17 And it develops that further. Then over on page 80, 18 if we could look at that, at paragraph 10.10, under the 19 20 heading "Maximum dimensions of concealed spaces", it says: 21 22 "With the exceptions given in paragraphs 10.11 to 23 10.13, extensive concealed spaces should be subdivided to comply with the dimensions in table 14." 24 It's that provision, as I understand it, that led 25

1 you to say this morning that there should have been 2 cavity barriers within the suspended ceilings above the corridors on the 11th floor. 3 4 A. To comply with current Building Regulations, yes, but in 5 place at the time the ceiling, we believe, was б installed, that wasn't a regulation. 7 Q. Just give me one moment. (Pause) There are also, in 8 appendix B, provisions for fire stopping, which I'm not 9 going to take any time on, but -- sorry, excuse me. 10 I do apologise, madam. In divider 11, there's a provision in relation to fire stopping. 11 12 THE CORONER: Can you give us a page number? 13 MR HENDY: I'll just find it, madam. It's page 82. 14 Does that require --THE CORONER: Before we look in detail at the question, is 15 16 this something that was applicable at the time, given that we're looking at pre-2006/2007 work, are we not? 17 I don't know, I'm afraid. 18 Α. MR HENDY: Well, I'll leave it there. I think there was 19 20 something similar before that but I don't need Mr Walker to deal with it. Thank you very much. 21 22 THE CORONER: Thank you very much. Mr Dowden. 23 Questions by MR DOWDEN MR DOWDEN: Yes, good afternoon. My name's Dowden and I ask 24 25 questions on behalf of Mr Francisquini. I'm not going

1 to go down the same route again. Perhaps in a different 2 court I'd be adopting the questions put by Mr Hendy. 3 Ours is a very similar approach. I would, however, like 4 to ask you questions in respect of the fire risk assessment. Perhaps we could turn to the jury bundle at 5 б tab 13 and photograph 17. 7 THE CORONER: Could you all please make sure you've turned 8 off your phones. 9 MR DOWDEN: Do you have that? 10 A. Yes. Thank you. It's a very short point. Looking at the 11 Ο. 12 suspended ceiling there, we can see that the ceiling has 13 been lowered to the extent that it's resting on top of 14 the doorframe; is that right? 15 A. Yes. There are perhaps two reasons why a suspended ceiling 16 Q. 17 would be put in place. Would you agree that one may be to assist with the heating of buildings with high 18 ceilings, and another reason may be for putting in 19 20 services below the original ceiling? A. Well, I think there are numerous reasons why, and those 21 22 two reasons are good reasons. One is to enhance the 23 fire performance as well. Q. Looking at that particular ceiling and the height of it, 24 it's a particularly low ceiling, would you agree? 25

1 A. Yes.

2	Q.	Given that, would you expect somebody conducting a fire
3		risk assessment to look at that and to conclude that
4		perhaps there had been some major works conducted above
5		that when that ceiling was put in in 2006 or 2007?
6	A.	Yes, I think as we said earlier, if they'd known about
7		heating amendments and electrical works and that the
8		ceiling has been altered from the original ceiling, then
9		the risk assessor would have assumed that there was
10		something behind that ceiling.
11	Q.	And it would have been quite a high priority to have
12		opened up and checked the work above that ceiling?
13	A.	Well, again, I think as I said earlier, in the knowledge
14		that there was heating, electrical works, and
15		ventilation works through the common parts, I think it
16		would have been an item that would have been raised in
17		the fire risk assessment as an item to be further
18		investigated.
19	Q.	Thank you.
20	THE	CORONER: Thank you. Ms Al Tai.
21		Questions by MS AL TAI
22	MS	AL TAI: Good afternoon, Mr Walker. I don't have any
23		questions in respect of approved document B, and we
24		would adopt the approach that my learned friend Mr Hendy
25		has taken in respect of taking you through the document

itself. My question merely relates to something you 1 2 spoke about earlier. It's really in reference to your report at page 26. It's not necessary to put it up but 3 4 if you'd like to refresh your memory. It's in respect of the commencement of the Fire Safety Order and when 5 б fire risk assessments should have been undertaken. 7 I believe it's right that the Fire Safety Order came into effect on 1 October 2006; is that correct? 8 9 A. Yes, that's correct.

10 Q. And I believe it was put to you on two different 11 occasions, by Mr Maxwell-Scott and Mr Hendy, that there 12 was obviously a two and a half year period between when 13 the safety order came into effect in 2006 and the date 14 of the fire at Lakanal?

15 A. Yes.

I believe in answer to Mr Hendy's questions, you said 16 Q. that it was a little slow in being undertaken, the fire 17 risk assessment, or the fact that it hadn't been? 18 Yes, I think -- you know, the industry in general has 19 Α. 20 been slow to react to the order, and at the time it came in on 1 October 2006, there probably were very few 21 22 undertaken, and there was no leading period. That was 23 the date that it was actually brought in, and you should have had them done by 1 October, because it had been 24 loitering for so long to get it to be a formal document. 25

1		The thing that I want to raise, I think, is that
2		this wasn't a one-off in that, you know, it was just
3		this one authority that hadn't undertaken risk
4		assessment. It was an industry-wide problem.
5	Q.	Understood, Mr Walker, but regardless of that fact,
б		there was a two-and-a-half-year period between the date
7		at which the Fire Safety Order commenced and the date in
8		which the fire took place.
9	A.	Yes.
10	Q.	Yes. I would put to you that in fact that the day was
11		not just slow but perhaps significantly delayed.
12	A.	Well, again, I would just refer you back to what I've
13		just said. It wasn't unusual for risk assessments to
14		have taken, you know, longer than they should have done,
15		and this was one of those.
16	Q.	That's appreciated, Mr Walker, and I won't push you
17		further, but the fact of whether it was unusual or not
18		is not relevant. It was a delay; is that not correct?
19	A.	It was delayed, yes.
20	Q.	And that delay was significant?
21	A.	Yes, the delay was is significant for a high risk
22		building, yes.
23	Q.	Thank you, Mr Walker.
24	THE	CORONER: Thank you. Mr Walsh.
25		

Questions by MR WALSH

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2	MR	WALSH: Yes, please, madam. Mr Walker, I ask questions
3		on behalf of the Fire Brigade. I'm not going to ask you
4		anything at all about Building Regulations. I'm also
5		going to touch on risk assessments just for a few
6		questions.
7		You said yesterday that you had been doing some risk
8		assessments upon instructions after the order came into
9		force at the end of 2006 but there weren't very many,
10		and it wasn't until 2009/2010 that your major fire risk
11		assessments commissions started. That's how you put it?
12	A.	Yes.
13	Q.	Before your major commissions started, whereabouts
14		mostly were you doing risk assessments or training for
15		the purposes?
16	Α.	Predominantly for housing associations.
17	Q.	In any particular part of the country, as a matter of
18		interest?
19	Α.	I can't recall to be honest.
20	Q.	No, all right.
21	Α.	But generally through the southeast.
22	Q.	Right. What I mean to say is: is your experience
23		national? When you say that people were slow to get off
24		the mark, is it experienced nationally or a particular
25		part of the country?

A. It is national, but predominantly the areas where we
 were undertaking that sort of work was in the southeast
 at the time.

Q. The southeast of England. All right. Thank you very
much. You then make mention -- I won't ask that your
report be put up, but at paragraph 3.4.26, you say that
in July 2007, the LGA, the local government association,
brought out its guide, and it is now the standard that
most fire risk assessors use to assess buildings
against.

11 A. Yes.

I'm going to take you to certain parts of that document. 12 Q. 13 I hope Mr Atkins is in a position to be able to do that. I won't need it for a moment. First of all can you help 14 15 us with this: that guide, which is entitled "Fire safety in purpose-built blocks of flats" was funded by a grant 16 from the Department of Communities and Local Government 17 following calls by what you describe as the industry, 18 those in the housing sector, for more specific guidance 19 20 on how to manage fire safety in blocks of flats? 21 Α. Correct.

Q. It runs to nearly 200 pages, so I'm not going to ask you to look at it all, but it was significant that that guide was produced after the Lakanal fire, which probably played no small part in the incentive to

1 producing that guide?

2 A. Probably, yes.

3	Q.	Now the current guide, then, makes the point that at the
4		point at which the order came into force in 2006 and
5		indeed, all the way up until this guide was published
б		traditionally guidance has referred that is
7		government guidance to the five steps risk
8		assessment?

9 A. Yes.

10 Q. I'll go into more detail about that in a moment. That 11 approach was outlined in the government guidance "Fire 12 safety risk assessment sleeping accommodation"?

13 A. Yes.

Q. It is, I hope, unnecessary to take you to the documents. I simply want to establish that up until, really, this document was produced, the guidance which the industry, the housing sector, had for looking at risk assessments was that document, the government sleeping accommodation document --

20 A. Yes.

21 Q. -- together with the document that you've also mentioned 22 earlier on, and that is the PAS 79 guide?

23 A. Correct.

Q. Which speaks for British Standards, which hasa nine-stage process to looking at risk assessments and

- 1 indeed training for risk assessments?
- 2 A. Yes.
- Q. No doubt you may well have conducted some training
 yourself based upon those documents during those years?
 A. Sorry? I missed that.
- 6 Q. Did you conduct training yourself, referring to those
 7 documents --
- 8 A. Not personally, but others in my business did, yes.
- 9 Q. Right, okay. It follows that most proper training or
- 10 risk assessments at the time, up until 2011, would have
- 11 been heavily influenced by those documents?
- 12 A. Yes.
- 13 Q. All right.
- 14 A. Sorry, can I just add --
- 15 Q. Yes, of course?
- 16 A. The PAS 79 was not for -- not -- it was a general form,
 17 not specifically for blocks of flats.
- 18 Q. No. The fire safety risk assessment sleeping
- 19 accommodation guidance, which was issued by the

20 government department, was also fairly general, but it 21 made the point that it was suitable for maisonettes and

- 22 blocks of flats as well.
- 23 A. Indeed.
- Q. Yes, all right. Thank you. I just want to take you tosome basic points of principle which are stated now in

that local government associations guidance. Could you look at page 20, first. I wonder if that could be put up. That is the front cover of the document. That's page 20. I wonder if it might just be increased in size a little bit.

6 THE CORONER: Just remind me of the date of that?
7 MR WALSH: That document was published in 2011. It's been
8 very difficult to find a precise date for it, madam.
9 A. July 2011.

10 Q. I'm most grateful.

11 THE CORONER: Thank you. Yes.

MR WALSH: I'm going to ask you, I'm afraid, to look at the whole of that page, from 11.3 all the way down. I hope it's legible for that purpose. This page touches upon the "stay put" principle and gives the view of the local government association about whether or not it's safe, and then touches upon high rise as high risk.

18 First of all, 11.3. I'm going to ask you whether19 you agree with the LGA on these principles. 11.3:

20 "Once a fire occurs in a block of flats, the
21 likelihood of a death is actually less than the
22 likelihood of a death when fire occurs in a bungalow or
23 a house. The lower frequency of deaths when fire occurs
24 is parallelled by a lower rate of injury. One possible
25 reason for this is that greater protection is afforded

- 1 to escape routes in flats than in bungalows and
- 2 two-storey houses."

3 Do you agree with that?

4 A. I'm not sure that I do, personally.

Q. Right. I'm just interested to know whether you agree or
not. I'm not going to suggest that you're right or
wrong about it.

8 A. No.

9 Q. All right. Put a mental finger on that, as it were,10 then. 11.4:

II "In addition, because in a block of flats, each individual flat is totally enclosed in fire-resisting construction, the vast majority of fires are contained within the flat (and, in the majority of cases, in the room) where they start. It is certainly rare for anyone outside the flat where a fire starts to die as a result of a fire in a flat."

18 Would you agree with that paragraph?

19 A. I think I do, yes.

Q. Then we come to the consideration of whether the "stay put" principle is safe, and with the last two paragraphs in mind, and that which went before it, the LGA say this:

24 "This is the basis for the 'stay put' principle ...25 when a fire occurs within one dwelling (or, less likely,

in the common parts), it is normally safe for other 1 2 residents to remain within their own flat." You would agree with that? 3 4 Α. Yes. "This principle is undoubtedly successful in 5 Q. б an overwhelming number of fires in blocks of flats. In 7 2009/2010, of over 8,000 fires in these blocks, only 22 8 fires necessitated evacuation of more than five people 9 with the assistance of the fire and rescue service." I suppose you wouldn't disagree with the figures, 10 because --11 12 I don't know. Α. 13 The reason I ask you those questions is, I suppose, to Q. 14 emphasise by way of a question the importance of the 15 design features in a high rise block of flats, which 16 includes compartmentation and controls of the external spread of flame over a surface for the purpose of making 17 the block of flats safe. 18 19 Α. Yes. 20 Would you agree or disagree, then, with paragraph 13.1 ο. and 13.2? It is said by the local government 21 22 association that: 23 "There is a common misconception that those living on the higher levels of a high rise block of flats are 24 at greater risk from fire than people living in low rise 25

blocks or in bungalows and two-storey houses. However, statistically, there is no evidence to support this, even though, in principle, the potential risk might be regarded as greater."

5 Would you agree with that general proposition? 6 A. I don't understand why you're asking me to agree or 7 disagree with it. It's a statement that somebody's 8 written in here, and --

9 I'll tell you why I ask you: you're the appropriate Ο. 10 person to answer this question. When the fire and rescue services develop policies for the purpose of 11 12 ensuring that firefighting and rescue is properly 13 carried out, it has to assess risks of various different sorts of types of buildings and many factors come into 14 15 play. Therefore -- I'm not suggesting that this is my view or anybody else's -- I just want to know whether 16 you agree, from your expertise, with the view expressed 17 in this document. 18

19 A. Well, I --

20 Q. If you can't --

A. It's a point of view, and I'm not sure I've got a view
one way or the other. I'm skeptical about the statement
it makes.

Q. Let me just read the last paragraph to you, then, 13.2:"Obviously above first floor level, escape via

windows is impossible and above the third floor, rescue by fire and rescue service ladders is unlikely to be possible; even high reach appliances have their limits. However, this is taken into account in the design, layout and means of escape in modern blocks of flats. They are designed so that escape or rescue via windows should not be necessary."

8 A. Correct.

9 Q. All right. There is then -- this is the last matter 10 which I'm going to ask you to agree with or otherwise that doesn't touch upon about your own evidence about 11 12 your inspection of these premises. If you wouldn't mind 13 looking at page 24. This is a discussion of the guidance and advice given by the local government 14 15 association in relation to fire safety in blocks of 16 flats, and at 16.9, the following is stated:

17 "The design of communal means of escape in 18 purpose-built blocks of flats is based on certain 19 assumptions. These include: the most likely place of 20 origin of a fire will be in a flat itself."

21 I'll read them all and then you can tell me whether 22 you agree or disagree. Secondly:

23 "That there is a high degree of fire separation
24 between flats and the common parts and, therefore, the
25 likelihood of fire and smoke spread beyond the flat of

1 origin is low."

2 The third bullet point: "The materials used in the construction of the 3 4 building or the protection afforded to them are such that fire is unlikely to spread through the fabric of 5 б the building." 7 The fourth bullet point: "That the use of the common parts, and the nature of 8 9 any combustible items present, is such that any fire 10 originating in the common parts is unlikely to spread beyond the immediate vicinity." 11 12 And then finally: 13 "That there will be no external rescue and residents 14 should be able to escape by themselves." 15 Those bullet points are explained in more detail elsewhere in the document, with which you'll be very 16 familiar. Would you agree with those assumptions? 17 In a well-managed building, yes. 18 Α. Q. Exactly, that's precisely the point. So providing the 19 20 construction of the building complies with legislation, building regs and otherwise concerning the development 21 22 and maintenance of premises of these kind, they ought to 23 be safe premises in which to live? 24 Α. Yes. In actual fact, I think buildings with single 25 Q.

1 staircases, high rise, are still built?

2 A. Yes.

-		100.
3	Q.	Providing that they meet those stringent standards, both
4		in relation to compartmentation and the distance of
5		travel from the flats to the escape routes?
6	A.	Correct, and there's fire engineering installations in
7		the buildings these days.
8	Q.	Yes, all right. Thank you. I want to ask you then
9		about who does the fire risk assessments. What you
10		properly pointed out is that the risk assessors must be
11		competent. There's no definition in the order as to
12		what should be competent, but you adopt, I think, the
13		definition of the health and safety executive, which is
14		that they should be trained?
15	Α.	Yes.
16	Q.	But in addition to that they should have sufficient
17		experience and knowledge
18	A.	Yes.
19	Q.	depending upon what they're looking at, and any other
20		factors that might be relevant?
21	Α.	Yes.
22	Q.	No doubt all would agree with that. You made the point
23		that, for example, housing officers would be
24		sufficiently, in your view, well versed in what they're
25		looking at to be able to look at a great many buildings

1 of a less complex nature?

2 A. Yes.

24

3	Q.	But those of a more complex nature should be assessed by
4		people who know what they're looking at so they can
5		identify problems in relation to construction and
6		otherwise?
7	Α.	Correct. I mean, that may be a housing officer as well,
8		dependent on their construction knowledge.
9	Q.	Exactly. It's perhaps not the label so much that I'm
10		looking for. It may well be that in a particular
11		authority that there are housing officers who are used
12		to doing property inspections of the authority's estate
13		and property at various different times with sufficient
14		knowledge of the type of construction of a building to
15		be able to identify problems of the type which you
16		describe.
17	Α.	Yes.
18	Q.	Just finally on that topic, of course, if the risk
19		assessor is looking around the building to see what
20		ought to be identified and what ought not to be, if it's
21		a non-destructive or a non-invasive inspection in
22		other words, looking at the ceiling or looking at
23		potential elements of the building which might require

25 the risk assessor to make a recommendation to the

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looking into in more detail -- what you would expect is

responsible person, the landlord or the owner, for 1 2 a suitably competent contractor, or something of that nature, to open up a void to carry out an inspection? 3 Yes, correct. 4 Α. Rather than to do it themselves? 5 Ο. Well, it could be that you go back and do that yourself, б Α. 7 or somebody else goes back with a technical 8 understanding. But it's -- it depends on who the client 9 is --Q. Of course. 10 -- and whether they want you to follow up on all the 11 Α. 12 actions. 13 All right. Ο. If you wouldn't mind just having a look at 14 15 divider 13 of the jury bundle, pages 28 and 29. I'm coming to the boxing in now, and I'm going to ask you 16 a question which touches not so much upon 17 Building Regulations but risk assessment. 18 At pages 28 and 29, there are slightly different 19 20 aspects to the boxing in under the stairs which we've looked at on page 27 and elsewhere. On 29 we can see it 21 22 closely, and on 29 we can see it more at a distance with 23 some of the ceiling panels removed. My question to you is this: whether or not a risk assessment could have 24 picked up the boxing in under the stairwell that cuts 25

through into the corridor, I think your inspection of 1 2 the way in which it was boxed in was that -- I think the words you used was that it wasn't brilliant, but in your 3 4 statement you said it was of a poor standard? It is of a poor standard, yes. 5 Α. б You told us that your view is it should be 60-minute Ο. 7 fire-resistant? 8 A. Yes. 9 Q. Mr Crowder gave evidence some time ago concerning 10 a reconstruction of this particular element of the building. His evidence was that the reconstruction 11 12 demonstrated that once fire entered that part of the 13 stair area in the flat, the boxing in failed within two to three minutes. Would that surprise you? 14 15 A. No. That obviously had an impact upon firefighting and 16 Q. rescue, which is why I ask you the question. Now I'm 17 going to ask you to look at page 87 of the local 18 government association guidance and look at 19 20 paragraph 58.22. This is on the subject of cavity 21 barriers. There we can see that what the local 22 government association say about this topic is: 23 "False ceilings can sometimes be found in the common corridors and lobbies of blocks of flats. The materials 24

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25

used to construct the ceilings and the surface finishes

- 1 should preferably be non-combustible, or at least
- 2 class 0."

While you would agree?

4 A. Yes.

3

9 Q. "There should be little or no additional fire hazards within the false ceilings. On this basis, there may not be a need for cavity barriers to subdivide the voids, but this would need to be considered in each circumstance."

10 A. Yes.

Q. That's the point about cavity barriers, isn't it? Whatever the position is, there may not be a need for them, but if you look into a suspended ceiling and you see that level of boxing in, the solution is not so much the installation of cavity barriers but the improvement of the boxing in so as to maintain compartmentation to 60 minutes, as you have suggested?

18 A. Yes.

19 Q. Yes, all right. Thank you very much indeed.

20 THE CORONER: Thank you. Mr Matthews.

21 Questions by MR MATTHEWS

22 MR MATTHEWS: Mr Walker, I'm going to have to get your help 23 with document B and some of the evidence you've given. 24 Before we turn to that, because I think we all need to 25 take a deep breath, can I ask you to stand back a little

- and help us understand. When you originally gave your
 answer concerning 30 minutes fire resistance for the
 panels under the bedroom windows --
- 4 A. Yes.
- 5 Q. Do you remember that?
- 6 A. Yes.

Q. Is that something that you arrived at only after
a detailed examination of document B or is that
something where you were able to take one look at the
papers when you first got them and say, "Well, that's
obviously the requirement"?
A. The 30 minutes I believed was the requirement for that,

having my knowledge of the document B, but taking the logic of the steps we've been through today, you could read that it is the 120 minutes with the storeys involved.

17 THE FOREMAN OF THE JURY: I'm terribly sorry, madam. Might18 I just duck out for a brief moment?

19 THE CORONER: Yes, of course, yes.

20 THE FOREMAN OF THE JURY: I'm terribly sorry.

21 MR MATTHEWS: Madam, do you think we ought to take a comfort 22 break?

23 THE CORONER: Yes, all right. Why don't we all have a five 24 minute break. That would be a good idea. Do leave your 25 papers behind.

1 THE FOREMAN OF THE JURY: Thank you.

2 THE CORONER: Yes, Mr Walker, we'll have a five minute break. You mustn't talk to anyone during the break. 3 4 (3.09 pm) 5 (A short break) б (3.13 pm) 7 (In the presence of the Jury) THE CORONER: Yes, Mr Matthews, thank you. 8 9 MR MATTHEWS: So is this fair, Mr Walker? I promise we'll 10 come to 120 minutes, but you, as it were, took a look at the situation you were being asked to consider and you 11 12 thought: "I think the answer's 30 minutes' fire 13 resistance. Now I'm going to go to approved document B and work out where in that document and how I arrive at 14 15 confirmation of my professional instinct"? 16 A. Correct. 17 Q. I promise you I'm not going to take us through the route you gave us all over again but I'd like us to have in 18 mind that route. Is this a good way of placing it in 19 20 our minds: when it came to escape balconies, you were looking at approved document B and saying, "Well, the 21 22 material in relation to external stairs is relevant to 23 that"? A. Correct. 24 We've looked at why that got us to, rather 25 Q.

1		counter-intuitively, the section in document B that
2		talks about buildings other than dwellings.
3	A.	Yes.
4	Q.	But we can all agree via a tortuous route that's where
5		you were taken?
6	Α.	That's where you end up, yes.
7	Q.	Yes. So again I hope everyone will be patient with
8		me, because I am going to take this slowly. Can we look
9		at page 53, again, bearing in mind I've taken us rather
10		into the middle of the logic path. The logic path took
11		us to "external escape stairs", paragraph 6.25
12	A.	Yes.
13	Q.	didn't it?
14	A.	Yes.
15	Q.	Can we just look, then, carefully at what 6.25 says,
16		because it says:
17		"Where an external escape stair is provided in
18		accordance with paragraph 3.45, paragraph 3.46 or
19		paragraph 5.33"
20	Α.	Yes.
21	Q.	" it should meet the following provisions."
22		And you then took us to (b) in this following
23		paragraph.
24	THE	CORONER: And (a).
25	MR	MATTHEWS: Sorry, yes, (a) and (b). So (a) was talking

1 about the fire-resisting and self-closing doors? 2 Α. Yes. Q. And (b) is where we'd got any part of the external 3 envelope of the building within 1800 millimetres of and 4 nine metres vertically below. That's where your nine 5 б metres comes from? 7 A. Yes. Q. And this paragraph took us at the end -- and this 8 9 subparagraph (b) -- took us to "See diagram 22", didn't 10 it? A. Correct. 11 I promise you we'll come there in a second, but the 12 Q. 13 external escape stairs have to meet all of the following provisions, and if you look at the last one here, (e), 14 15 it says this: 16 "Glazing in areas of fire-resisting construction mentioned above should also be fire-resisting, integrity 17 but not insulation, and fixed shut." 18 19 Α. Yes. 20 Q. So what this appears to be saying is that anything in that zone, that nine-metre zone -- and we'll look at it 21 22 in the diagram -- also has to have fire-resisting 23 glazing and the glazing has to be fixed shut? 24 A. Yes. So if we look over the page to 54, we've got the diagram 25 Q.

in 22, and in our black and white version, the dirty 1 2 grey shading in the fire-resisting area or zone talked 3 about in the paragraphs, isn't it? A. Yes, indeed. 4 We can see in the top diagram example A. There's just 5 Ο. б one window in there, and that has to be a window with 7 30-minute fire-resisting construction? A. Correct. 8 9 Q. Presumably, then, if external stairs paragraphs apply, all of the glazing in that zone has to be sealed shut? 10 In -- yes, in this location, yes. 11 Α. By your logic, then, wouldn't all the glazing along all 12 Q. 13 of the entire building have to be fixed shut? To comply with this regulation at this time, the logic 14 Α. 15 is: yes, it would. Does that not cause you to doubt your interpretation? 16 Q. A. Well, the practical side of Lakanal House and what we 17 have at Lakanal House is that we've got corridors with 18 opening windows and doors on those -- on that external 19 20 corridor, the balcony escape, and the existing resistance and fire precaution works on that do not 21 22 comply with this, and if you were building a new 23 building to comply with Building Regulations, you would have to comply with this or have some system that would 24 engineer that process to be able to have opening 25

1 windows, in my view.

2	Q.	Well, have a look at page 44 of this. This is the
3		beginning of the section on external escape routes at
4		4.26. Guidance on the use of external escape stairs
5		from buildings other than dwellings is given in
б		paragraph 5.33 and then the next paragraph is 4.27:
7		"Where an external escape route other than a stair
8		is beside an external wall of the building, that part of
9		the external wall within 1800 millimetres of the escape
10		route should be of fire-resisting construction up to
11		a height of 1,100 millimetres above the paving level of
12		the route."
13	Α.	Correct.
14	Q.	Isn't 4.27 the appropriate paragraph and answer?
15	Α.	Well, yes, and if you go back to BS5588
16	Q.	We will do in just a second then.
17	Α.	Okay.
18	Q.	Before we do, so we can understand your logic maybe
19		I'm at fault. It may be my lack of understanding. I'm
20		reading that as telling me that this concerns the
21		situation other than an external stair, in other words
22		other than that diagram that we've just looked at and
23		those paragraphs we've just looked at, and it's saying
24		fire-resisting up to a height of 1,100 millimetres.
25	A.	Yes, correct.

1	Q.	Isn't that the requirement, then, for the fire escape
2		balconies?
3	A.	It is the requirement for a fire escape balcony, yes.
4	Q.	And then the panels under the bedroom windows simply
5		aren't caught by that?
6	A.	Well, the panel under the bedroom windows are are
7		caught by the diagram that we saw at 22.
8	Q.	Forgive me, Mr Walker, they can't be, because you got
9		there by saying: when you're looking at escape
10		balconies, look at the provisions about external stairs.
11	A.	Yes.
12	Q.	This paragraph's saying "Don't look at the provisions
13		about external stairs", isn't it? (Pause)
14	A.	Yes, it does read that way.
15	Q.	It may be, then, I don't need to take to you BS5588,
16		because another thing that document B says is without
17		wishing to sound flippant, it basically says, "Don't mix
18		and match. Stick with one document or the other. Don't
19		take elements out of British Standard 5588 and approved
20		document B", doesn't it?
21	A.	Yes, but if there is no answer in approved document B
22		then you have to go back to the British Standard.
23	Q.	Well, I think we've gone there. I've suggested to you
24		that there is an answer. But out of completeness, let's
25		go to British Standard 5588 then. I can do that, you'll

all be relieved to know, in reference just to four 1 2 pages. Have we handed the jury a copy of that? We 3 have. Page 26. 4 THE CORONER: Members of the jury, do you have a copy of 5 that? Thank you. б MR MATTHEWS: Thank you very much. All of ours have been 7 holepunched. It's the bottom holepunch, number 12, 8 "Escape routes from dwellings with corridor or lobby 9 approach". I just need to start at the commentary, 10 which is 12.1. It says: "In these designs, because of the risks presented to 11 12 escaping occupants by the presence of smoke and heat in 13 the internal corridor lobby and to afford the designer some flexibility, the following methods of securing 14 15 safety should be considered." 16 We can drop down to (b), which is: "The provision of an independent alternative escape 17 route from each dwelling, either by way of a corridor at 18 another level or an external common balcony." 19 20 So external common balcony. We can go over to page 27 and just pick up at 13, halfway down the page: 21 22 "Escape Routes from dwellings with balcony or deck 23 approach." At 13.1 -- we'll only pause there briefly -- the 24 commentary: 25

"If the balconies are relatively narrow, it may be 1 2 assumed that in general there is little risk of them becoming smoke-logged. Therefore the only 3 4 considerations necessary are to ensure that the distance to any dwelling from a fire main is acceptable for the 5 purpose of firefighting and, in the case of single-stair 6 7 buildings, that adequate safeguards are provided for 8 persons wishing to escape past the dwelling on fire." 9 So we can go, with that, to -- oh no, sorry, recommendations then, still on the same page. 13.2: 10 "The following recommendations are applicable ... " 11 12 And (a): 13 "Provision of escape routes should be in accordance with the principles indicated in figure 15." 14 15 Figure 15 is the next page that we provided, and if we look at the third diagram down the page, we can see 16 17 that (a) and (b) are hatched lines. If you look at the 18 key, it says here: "Fire-resisting construction up to a height of 19 20 1.1 metres above deck level." So again, it's saying the same thing, isn't it? 21 22 Yes, it is. You're taking us through the exact route Α. 23 I went through yesterday. Right. So if's just the fire-resisting construction up 24 Q. to a height of 1.1 metres? 25

1 A. Yes.

2	Q.	So it doesn't impact on the panels under the bedroom
3		windows, and to show you why I say that perhaps as
4		forcefully as I do, if we can jump, then, to page 35.
5		Page 35 has a very similar diagram to what we've seen,
6		and if we have a good memory, in document B I think it's
7		diagram 22.
8	Α.	Yes.
9	Q.	This diagram is about external stairs. Figure 16, "Fire
10		resistance of areas adjacent to external stairs". And
11		low and behold, it's saying the same thing, isn't it?
12	Α.	It does.
13	Q.	So it's saying something different about external stairs
14		in relation to escape balconies?
15	Α.	Correct.
16	Q.	Can I then just get you to go back to where we left
17		document page 44, I think it was.
18	MR	MAXWELL-SCOTT: Madam, just before we cover that point in
19		44, I think it might be appropriate to introduce the
20		section which it relates to, which is section 4, which
21		
		I don't think we've been taken to the introduction of.
22	THE	I don't think we've been taken to the introduction of. CORONER: Okay, yes, that would be helpful.
22 23		
		CORONER: Okay, yes, that would be helpful.

2 that 4.1 introduces 4.27. THE CORONER: We didn't look at that yesterday. 3 MR MATTHEWS: I'm sorry, I'm confused. I thought I was 4 doing it in a simple, straightforward way. 5 б THE CORONER: Well, Mr Matthews, either you introduce this, 7 as Mr Maxwell-Scott has suggested, or we ask 8 Mr Maxwell-Scott to introduce this and then we come back 9 to your questions. I don't mind which. 10 MR MATTHEWS: Can I ask Mr Maxwell-Scott, only because I'm

MR MAXWELL-SCOTT: I don't think we've referred to the fact

11 missing the significance of what I'm not doing.

12 THE CORONER: Okay, thank you.

13 MR MAXWELL-SCOTT: I just wanted to draw attention to the

14 interlink between 4.27, which talks about

15 1,800 millimetres, that part of the external wall within

16 1,800 millimetres of the escape route being of

17 fire-resisting construction, and referring back to 4.1,

18 saying:

1

19 "This section deals with the provision of means of 20 escape from any point to the storey exit of the floor in 21 question for all types of building other than dwelling 22 houses, flats and maisonettes, for which refer to 23 sections 2 and 3."

24 THE CORONER: Thank you. Yes, Mr Matthews.

25 MR MATTHEWS: Back, then, to page 44 and paragraph 4.27.

- 1 Can I press you again, then: am I right in my reading of 2 this that this is the relevant matter, and not external 3 stairs?
- 4 A. Sorry, I'm just reading 4.1.
- 5 Q. And --
- 6 THE CORONER: Just give Mr Walker a chance to refresh his7 memory.
- 8 MR MATTHEWS: Sorry. (Pause)
- 9 A. Okay, sorry.

Q. In fact, what I was going to say, while you were 10 thinking, is -- I recognise that is an extremely 11 12 difficult thing to do, especially in the witness box in 13 the midst of giving evidence, so I'm genuinely simply asking you whether, having now reflected on it, isn't my 14 15 reading of that as the relevant paragraph correct? Again, to be fair to you, it may be even that asking in 16 that way is a big ask, as it were. If want some time to 17 reflect --18

19 THE CORONER: Well, Mr Matthews, if the point that you're 20 predicating to Mr Walker is, as you say, correct, where 21 does that take you?

MR MATTHEWS: That where he's described that the panels under the bedroom windows were required to be of 30 minutes' fire resistance because of the diagram 22, that's wrong.

1 THE CORONER: So that's the point that you're pursuing? 2 MR MATTHEWS: That is it, and I stress it's --3 THE CORONER: What do you say that positively the requirement is? Or you say there is none? 4 MR MATTHEWS: From my reading, yes, there is none in terms 5 б of fire resistance. 7 THE CORONER: Mr Walker, do you want some time to think about that, or does --8 9 A. I think it would be useful for me just to recap and just 10 have a look at that, because I also need to have a look at table A2 as well, because table A2 is -- revolved 11 around supporting structure. So I'd just like to have 12 13 a --MR MATTHEWS: Exactly, and why I predicated what I just said 14 15 in that way is because I think I should deal with that 120 minutes now and put to you my understanding, and 16 17 again, it may be that you want to think about it. THE CORONER: Yes, well, why don't you run through that, and 18 then we can leave Mr Walker some time to give some 19 20 thought to it all. MR MATTHEWS: Can I do it with this introduction: can we all 21 22 bear with me, because I have only just heard the 23 suggestion put to you by my learned friend Mr Hendy. Ιt wasn't something I was aware was coming, and it's 24 predicated on page 119, table A2, headed "Minimum 25

1 periods of fire resistance". Don't we have to look and 2 notice that it says "minimum periods for elements of structure"? 3 Yes, as a rule. 4 Α. That's what you were just alluding to? 5 Q. б Α. Yes. 7 Q. Let me just take you to one more paragraph that will 8 help on that, which I've forgotten. I'll be reminded. 9 Page 135. I'm not sure we have page 135, but I think we 10 can do it on the screen, please. It's our definition of "element of structure". Oh, we do. It's page 64, 11 12 sorry. Yes, it needs to be on the screen. Page 64. If 13 we look at the top right, B3.iii. 14 A. Yes. 15 Ο. "'Elements of structure' is the term applied to the main 16 structural load-bearing elements, such as structural frames, floors, and load-bearing walls." 17 18 A. Correct. "Compartment walls are treated as elements of structure 19 Q. 20 although they are not necessarily load-bearing." Pausing there, I think you've already answered that 21 22 when it comes to the exterior wall of the maisonette, 23 it's not a compartmental wall. 24 A. Yes. So table A2, from my understanding --25 Q.

MR HENDY: I'm sorry to interrupt, madam, but I wonder if
 Mr Matthews could read the rest of that paragraph about
 external walls.

4 MR MATTHEWS: Certainly, but I suspect that's taking us down 5 a blind alley. I will do:

6 "Roofs, unless they serve the function of a floor, 7 are not treated as elements of structure. External 8 walls, such as curtain walls and other forms much 9 cladding which transmit only self weight and wind loads 10 and do not transmit floor loads, are not regarded as 11 load-bearing for the purposes of B3.ii(a), although they 12 may need fire resistance to satisfy requirement B4."

So you can confirm that we're not talking about any of that in relation to the bedroom window set and panel? A. Correct.

Q. So it may be as clear as mud. I hope it's not. What I'd like you to consider, then -- I won't repeat the first matter, but the second matter is that table A2, where you get the 120 minutes, doesn't apply because it's about structural elements of which we're not concerned.

I leave those two with you and move to something completely different, if I may.

24 MR HENDY: Madam, I'm sorry to interrupt but I think
25 Mr Matthews has left that in a misleading state. Can I

just indicate to you why that is. At page 64, "elements of structure" is defined in the passage that Mr Matthews has read out, but the passage at the end which I asked him to read is:

5 "External walls, such as curtain walls and other 6 forms of cladding which transmit only self-weight and 7 wind loads ... are not to be regarded as load-bearing." 8 Therefore presumably they're not load-bearing 9 elements, therefore they're not elements of structure. 10 But it continues:

"... although they may need fire resistance tosatisfy requirement B4 (see sections 13 and 14)."

Section 13 is the very section that I put to Mr Walker, "Construction of external walls", beginning at page 89. It's because they're an external wall that they have to comply with appendix A.

17 So I think if Mr Walker's going to reflect on these, 18 I think this is something he needs to reflect on, and 19 not that external walls are simply excluded. I'm sorry 20 to interrupt.

THE CORONER: I have both points. I think the sensible way forward is if we stop now -- Mr Walker has had a long day -- and if we ask Mr Walker please overnight -- are you able to come back tomorrow morning?

25 A. Yes.

THE CORONER: So please, overnight, if you could give 1 2 thoughts to the points which Mr Matthews has raised, in particular under paragraph 4.27, the matter which 3 Mr Hendy has just raised and which you debated a moment 4 ago in relation to paragraph B3.iii on page 64, and then 5 б I think we'll continue tomorrow. Mr Maxwell-Scott? 7 MR MAXWELL-SCOTT: Can I -- because obviously we can't speak 8 to Mr Walker -- also suggest that he has a look at 9 page 17 on the use of the document, which says something 10 about each of the different section numbers, and then looks at the definitions in appendix E, which starts on 11 12 page 134, which includes definitions on "dwelling" and 13 "dwelling house" and so on, and then looks at the introduction to section B3, which starts on page 29 and 14 15 talks about flats and maisonettes and houses in multiple occupation, and also an introduction to section 4 at 16 17 page 38. 18 THE CORONER: Thank you.

19 Mr Walker, do you have a note of the homework so
20 far?

21 A. Yes.

22 THE CORONER: Thank you.

MR MATTHEWS: Can I then add one more, which may help.
I think it's page 89 and it's paragraphs 13.1 and 13.2.
THE CORONER: I appreciate that we haven't yet got to the

remaining advocates, but would any of you three like to add to Mr Walker's list of homework tonight? It would be helpful if he were forewarned so he can give some thought overnight.

5 MS CANBY: Can I also add paragraph 13.3, on the same page.6 A. Sorry, I missed that.

7 MS CANBY: 13.3.

8 THE CORONER: All right.

9 Well, Mr Walker, please if you could be back here
10 tomorrow morning, and we'll continue your evidence then.
11 If you could look at those matters overnight that would
12 be very helpful. Thank you very much.

Members of the jury, we'll call it a day for today. I have to say I find it extraordinary that a document which is intended to be used by contractors and subcontractors and people who want building work done is so impenetrable, but there we are. Please, could you be back for a start at 10.15 tomorrow morning. Thank you very much.

Yes, Mr Walker, if you could be back for a start at
10.15. Please, no talking to anyone overnight about
your evidence, thank you.

23 (In the absence of the Jury)
24 THE CORONER: If everybody else could be here for
25 a 10 o'clock start, because there are a couple of

1	matters that we need to deal with before we deal with
2	the evidence, thank you.
3	(3.51 pm)
4	(The Court adjourned until 10 o'clock the following day)
5	DAVID WALKER (continued)1
б	Questions by MR MAXWELL-SCOTT (continued)2
7	Questions from THE CORONER
8	Submissions re cross-examination
9 10	DAVID WALKER (continued)45
11	Questions by MR HENDY46
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