

1 Thursday, 21 February 2013

2 (10.00 am)

3 Housekeeping

4 THE CORONER: Yes, good morning. Are we ready to begin,
5 Mr Atkins? Oh sorry, Mr Hendy has risen. Which one of
6 you is going to go first?

7 MR HENDY: If Mr Atkins is going to call the next witness,
8 I wonder if I could mention a couple of points before
9 the jury come in.

10 THE CORONER: Of course.

11 MR HENDY: Two issues, madam. One relates to our
12 application that you should call Mr King, the expert:
13 Two points on that.

14 First of all, it's been suggested to me, I think
15 quite rightly, that it might be helpful if I was to
16 identify the particular issues that we feel that Mr King
17 could, with benefit to the inquest, give evidence about
18 that go beyond or are different from the proposed
19 evidence of Mr Davey and, madam, if you give me over the
20 weekend to do that, I'd be happy to do that if that's of
21 assistance to all parties and you.

22 THE CORONER: Well, I should welcome that, and I imagine
23 that others would find that helpful too, in which case
24 yes please, it might be helpful if we extended the
25 suggested time limits.

1 MR HENDY: Exactly so, madam, so perhaps if you allow other
2 parties to respond some time later next week, we would
3 still have ample time.

4 The second point in relation to Mr King is that it
5 may be sensible if, madam, you were to defer your
6 decision on whether Mr King should be called to give
7 evidence or not until after Mr Davey has given evidence.
8 I won't elaborate on the reasons for that, but plainly
9 it may not be necessary for us to pursue our
10 application.

11 THE CORONER: All right. Well, I can I understand that,
12 there may be some force in that. We just also do need
13 to bear in mind timetabling issues.

14 MR HENDY: Of course.

15 THE CORONER: But we'll try and accommodate that if
16 necessary.

17 MR HENDY: I mention that, and then the logistics can be
18 tailored to suit. If it can't be done, it can't be
19 done.

20 Madam, the only other point I wanted to raise was
21 this: that Mr Edwards has had email communications with
22 Mr Maxwell-Scott in which Mr Edwards asked for the job
23 descriptions of the employees of the London Borough of
24 Southwark who are yet to give evidence, and
25 Mr Maxwell-Scott reported back that this has been

1 a matter that has been discussed with you, madam.
2 Inquiries have been made, and the report from the
3 London Borough of Southwark was that there aren't any to
4 be found.

5 Madam, it's a matter I've raised with Mr Matthews
6 this morning. From our perspective, we find it very
7 difficult to accept that any local authority anywhere in
8 the country doesn't have a record of the job
9 descriptions of its employees, and therefore we would
10 ask again that a search be conducted on the computer
11 records in the human resources departments to show what
12 the job descriptions of the relevant employees were at
13 the respective times that they're giving evidence about.

14 THE CORONER: Well, Mr Hendy, in fact I wrote by email this
15 morning to Mr Bastable instructing Mr Matthews, asking
16 precisely that question. So I hope to have
17 a substantive reply from the London Borough of Southwark
18 fairly soon.

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

20 THE CORONER: Mr Matthews?

21 MR MATTHEWS: Just to say, Mr Hendy did rather tell me off
22 this morning about that subject, and informed me of his
23 expertise on employment law, which I know is better than
24 mine. My understanding, though, is that it's the SBDS
25 witnesses, and I think the difficulty may be that SBDS

1 effectively ceased to exist very soon after these
2 events, but a number of them are here today and can
3 probably help about that. But we will make further
4 inquiries, either Mr Bastable will --

5 THE CORONER: Well, Mr Matthews, all I ask is that a proper
6 search be made and a substantive response be given so we
7 know where we are.

8 MR MATTHEWS: We will ensure that that happens.

9 THE CORONER: Do you have an idea of timescale?

10 MR MATTHEWS: No, I think the urgency is understood, so as
11 soon as practically possible.

12 THE CORONER: Well, thank you. I think it's a request that
13 has been outstanding for a while, so I hope that some
14 urgency can be injected into it.

15 MR MATTHEWS: It is something that has been addressed and so
16 far the answer is not with success, but we'll make
17 further efforts.

18 THE CORONER: Very well, thank you very much. Could I just
19 inquire of all then, just going back to Mr Hendy's first
20 points concerning Mr King, if we extended the suggested
21 time limit for response until, what, the close of
22 business on Tuesday, close of business on Wednesday, is
23 that manageable, is that reasonable given the
24 timetabling?

25 MR WALSH: Madam, I wonder if we might have Wednesday. It

1 all depends upon how much of the report, as it currently
2 stands, Mr Hendy would like leave to adduce. So we'd be
3 grateful for Wednesday.

4 THE CORONER: All right. Mr Maxwell-Scott, can we
5 accommodate that within the timetable?

6 MR MAXWELL-SCOTT: Yes, I think so.

7 THE CORONER: Okay. Well, it seems to me it would be
8 helpful for everybody to have time to reflect on it and
9 to come up with constructive suggestions for ways
10 forward, so let's extend that time limit until close of
11 business on Wednesday. All right, thank you very much.
12 Any other points anyone wants to raise?

13 MR ATKINS: Madam, only to mention that we have not received
14 any objection to the proposal which was circulated that
15 Mr Nuhu's second and third witness statements should be
16 read and that he would then be removed from the witness
17 list.

18 THE CORONER: Well, it seems to me that that's a very
19 sensible way forward, so I'm content with that if
20 everybody else is as well. Thank you, yes. Good. Are
21 we then ready for the next series of evidence?

22 MR ATKINS: Madam, yes. The first witness this morning will
23 be Ejovi Awaritefe.

24 THE CORONER: Thank you very much. Could we ask the jurors
25 to come in, please? Thank you.

1 (In the presence of the Jury)

2 THE CORONER: Yes, members of the jury, good morning. I'm
3 sorry that we've had a delayed start but we've been
4 dealing with couple of administrative matters.

5 We're going to continue today with evidence from
6 witnesses from the London Borough of Southwark, thank
7 you. Ms Awaritefe is the first witness.

8 Would you like to come forward, thank you?

9 EJOVI AWARITEFE (sworn)

10 THE CORONER: Ms Awaritefe, thank you very much. Do sit
11 down. I think you brought a document with you. You
12 won't need that, so if you could just give that to
13 Mr Clark he'll look after it for you, thank you. Do
14 help yourself to a glass of water or if you feel that
15 you would like one at a later stage then don't hesitate,
16 thank you very much. Mr Atkins, who is standing, is
17 going to ask you questions initially on my behalf.

18 A. Okay.

19 THE CORONER: Then there may well be questions from others
20 to follow. It may feel a little artificial, but if you
21 could direct your answers across the room towards the
22 jurors who are facing you, then that will help them to
23 hear your evidence and keep you close to the
24 microphones.

25 A. Okay.

1 THE CORONER: Thank you very much.

2 Questions by MR ATKINS

3 MR ATKINS: Good morning. Could you please tell the court
4 your full name?

5 A. My name is Ejovi Josephine Veronica Awaritefe.

6 Q. Is it right that you started to work for the London
7 Borough of Southwark in about 1990 --

8 A. Possibly a few months before that, yes.

9 Q. -- and that when you were working for the London Borough
10 of Southwark you were always in the housing section --

11 A. Yeah.

12 Q. -- but that over time you fulfilled different roles?

13 A. Yes.

14 Q. Do you still work for the London Borough of Southwark?

15 A. I left in August 2011.

16 Q. I think it's right that in about 2002 you joined the
17 Camberwell investment team --

18 A. Yes.

19 Q. -- and that involved working on refurbishment projects.

20 A. Yes.

21 Q. Did Lakanal House fall within the scope of that team?

22 A. Yes.

23 Q. I think it's correct that you moved out of the
24 Camberwell team, albeit that you stayed working for the
25 London Borough of Southwark, in about 2008?

1 A. Yes, I moved to Rotherhithe.

2 Q. When you were working as part of the Camberwell
3 investment team, was your job description investment
4 programme officer?

5 A. Yes.

6 Q. Did you report in that role to somebody called
7 Sharon Shadbolt?

8 A. Yes, Sharon was my line manager.

9 Q. I think for a period of time her role was fulfilled
10 temporarily by somebody called Robert Pearce, because
11 she was on maternity leave --

12 A. Yes.

13 Q. -- and that was from about January 2006 until July of
14 the same year?

15 A. I recall she was on maternity leave, I cannot give you
16 the specifics, but she was off for six months.

17 Q. If we could think, please, about the work that the
18 investment team would do. Would it be fair to say that
19 your team would identify where work needed to be done
20 and produce a briefing setting out what needed to be
21 done?

22 A. The investment work basically incorporated any work
23 that's over 30,000 and the repairs the day to day repair
24 people could not do, Up to several millions, and it's to
25 do with major works.

1 Q. The works which were carried out at Lakanal House in
2 2006 and 2007, then, fell into that category that you've
3 just described?

4 A. Yes.

5 Q. Once a briefing had been prepared for a particular set
6 of refurbishment works, is it correct that the
7 specification for those works would actually be drawn up
8 by a consultant?

9 A. Yes.

10 Q. Could that consultant be either internal to Southwark or
11 an external consultant?

12 A. Yes.

13 Q. Would you, or any of the members of your team, the
14 investment team, have any responsibility for designing
15 the works, that is, for example, choosing what materials
16 should be used?

17 A. The investment team don't have an input as to what
18 material, because we have technical people from the
19 design team who would work on the specification and the
20 details as to what need to be used. The majority of the
21 investment team are not technically minded people.

22 Q. Of course, ultimately the refurbishment works that would
23 be carried out would benefit the tenants of the
24 building, the people who were living there. Is it right
25 that from the point of view of the consultant who was

1 designing the works, the investment team were the
2 client?

3 A. Yes.

4 Q. I think on occasion you might be called the client
5 officer.

6 A. Yes. Investment team basically were representing the
7 interest of the people.

8 Q. How many projects in general would be underway at the
9 same time within the Camberwell team?

10 A. Various, but for a specific officer, for instance for
11 myself, I probably would have about three, four on the
12 go at the same time.

13 Q. So the team would have a number of projects and they
14 would be allocated to investment officers such as
15 yourself --

16 A. Yes.

17 Q. -- and you would look after some of them and other
18 officers would look after others of them?

19 A. Yes.

20 Q. When works on a project started, what would your role
21 be, if you could just summarise it for us?

22 A. As an investment programme officer, my job would entail
23 having a public meeting to basically bring the residents
24 together with the contractor, to introduce them, to
25 regularly brief the residents as to the progress of the

1 programme, to liaise with the contractor to make sure
2 that the programme is progressing according to plan, and
3 if there are issues raised by the residents, to bring
4 them up in meetings, to flag them up, and to ensure that
5 aesthetics are met on colours and things like that.

6 So I would also have meetings with my consultants,
7 and my technical people, to make sure that everything is
8 working. As the client, it's my responsibility to make
9 sure that the programme is being progressed.

10 Q. So you would be looking, then, in two directions. You
11 would be speaking to the residents of the block where
12 the work was being carried out --

13 A. Yes.

14 Q. -- to deal with any complaints or queries that they
15 might have --

16 A. Yes.

17 Q. -- and, as you say, any matters such as the aesthetic
18 look of the building, which they might be consulted
19 about?

20 A. Yes, to make sure that the whole estate -- because
21 sometimes you might be working on maybe a couple of
22 blocks, you need to make sure that those blocks are not
23 looking so different from the others. You want to make
24 sure that the whole estate is uniform and is
25 aesthetically acceptable.

1 Q. Then, on the other hand, you told us you would be
2 dealing with the consultant, the designers --

3 A. Yes.

4 Q. -- to make sure that the project was going along --

5 A. Being progressed.

6 Q. -- smoothly and that the objectives of the project were
7 being met.

8 A. Also the QS.

9 Q. The quantity surveyor?

10 A. The quantity surveyor, who would be holding the purse.

11 Q. Just to expand to that a little bit if we can, is it
12 right that a certain amount of money would be allocated
13 for a particular project --

14 A. Yes.

15 Q. -- and that would be coming, would it, out of the
16 investment budget?

17 A. Yes.

18 Q. Then that money would in effect be entrusted to the
19 consultant, would it, to run the project?

20 A. Yes, and to make sure that the work that is being at
21 each stage, the contractor will be paid, and the QS will
22 make sure that he valued the work that's being done by
23 the contractor, so that they can be paid according to
24 the work that they've done.

25 Q. Was the quantity surveyor in a project somebody who

1 worked for your team or someone who worked for the
2 consultant?

3 A. Worked for the consultant.

4 Q. Would you or any of your colleagues in your team issue
5 instructions to the contractors who were carrying out
6 the building work directly?

7 A. No.

8 Q. In practice, who would be issuing instructions to the
9 contractors?

10 A. We would have a lead designer.

11 Q. I'm sorry, the lead designer, is that the consultant?

12 A. The consultant, yes. You would have a discussion and
13 then any instruction need -- you will need to direct
14 your instruction through that person, because obviously
15 they have the technical know how.

16 Q. If it should happen during a project that there was
17 a suggestion that a change should be made to the design
18 or to the specification, would the decision about that
19 be something that you would be involved in?

20 A. It's a -- it's a decision that a discussion would have
21 taken place, but the ultimate decision would be made
22 based on technical know how. Because for you to make
23 such a decision, you need to know the composition of the
24 material.

25 Q. Would it be relevant for you to satisfy yourself that

1 the new material -- to take that example, that was being
2 suggested -- was of the same or better standard than the
3 one that had previously been specified?

4 A. If such a decision should be taken, it would be based on
5 that. It has to be of equal, similar, or superior.

6 Q. If a suggested change had a financial implication, if it
7 was going to cost more, is that something where the
8 consultant would have to get your team's approval,
9 because it affected the budget?

10 A. If it's going to cost more, then we will have to make
11 sure that the budget is revisited to find out whether or
12 not it can be accommodated within the budget allocated.

13 Q. Is that something which your team would have to look at
14 and that you would have to approve before the change
15 could happen?

16 A. It's something that we would have to have a meeting with
17 the QS to see whether or not we can accommodate the
18 change within the budget.

19 Q. If there was something like that came up on the project,
20 would you discuss it with the manager of your team, or
21 would it be left to you to speak to the quantity
22 surveyor and the consultant?

23 A. If it's going to mean that I'm going to overrun on my
24 budget, then I will have to escalate such a decision to
25 involve my line manager.

1 Q. In the case of your team, you would be escalating it to
2 Sharon Shadbolt, or in the time that she was on
3 maternity leave, to Mr Pearce?

4 A. Yes.

5 Q. Did your team ever have any need to speak to or to send
6 documents to the building control part of Southwark
7 Council?

8 A. On that specific scheme?

9 Q. No, on schemes generally, would that be part of your
10 role, or would you leave that to somebody else? If you
11 can't remember, please say so.

12 A. I can't remember.

13 Q. Again, thinking about projects generally, can you
14 remember whether there would be inspections by
15 inspectors from the building control departments while
16 the work was being done or when it was finished?

17 A. There would be.

18 Q. Was that a normal part of a refurbishment project, that
19 there would be people inspecting the quality of the
20 work?

21 A. Yes.

22 Q. Is it right that there would be somebody, in any such
23 project, with the job description "Clerk of works"?

24 A. Yes.

25 Q. I think, in the case of the works at Lakanal, that was

1 somebody called Keith Roberts?

2 A. Yes.

3 Q. Am I right in thinking that he was part of the

4 consultant's team, he worked for SBDS?

5 A. Yes.

6 Q. Are you able to explain to us just in a line or two what

7 his role would be in the project?

8 A. He's the basic -- he's a technical know how person who's

9 on site 24/7 to make sure that things are carried out

10 the way that they're supposed to be carried out. He's

11 the eyes and ears of the consultant on site to make sure

12 that the right material and everything is carried out as

13 it should be.

14 Q. If we just think about that, please, in a little more

15 detail for a moment, "making sure that things are done

16 as they should be" could mean a number of different

17 things. I wonder if you could just help us with the

18 detail of that. For example, it could mean checking

19 that what was being done complied with the specification

20 and the drawings that were there for the work.

21 A. Yes.

22 Q. Would that be part of their job?

23 A. Yes.

24 Q. There are, of course, also requirements in building

25 regulations relating to different aspects of

1 construction which have to be complied with when
2 somebody carries out building work. Would it be part of
3 the role of the clerk of works to check whether the work
4 that was done met those sorts of requirements, in your
5 experience?

6 A. I would say so.

7 Q. Would the clerk of works also be checking the quality of
8 the workmanship generally --

9 A. Yes.

10 Q. -- to see, for example, that the finishes were
11 acceptable, that sort of thing?

12 A. Yes.

13 Q. Could I move on, then, please, to ask you about the
14 Lakanal 2006/2007 works in particular. As I mentioned
15 to you earlier, the documents suggest that Mr Pearce was
16 filling Miss Shadbolt's role from about January 2006,
17 and you've told us that in relation to that project you
18 were the investment programme officer; is that right?

19 A. Yes.

20 Q. So did you have day to day involvement in that project?

21 A. Yes.

22 Q. The consultant that was involved with SBDS -- is that
23 right --

24 A. Yes.

25 Q. -- and the construction project manager, who was

1 somebody who worked for SBDS, was a lady called

2 Annabel Sidney; is that right?

3 A. Yes.

4 Q. You told us a few minutes ago that part of your job
5 would be to set up a meeting where you would introduce
6 the residents of the block where the refurbishment was
7 happening to the team that was going to be doing the
8 work.

9 Could I just ask Mr Clark, please, to hand you
10 a document? It's page 1501 of the chronological
11 bundles, and it is in file number 4. (Handed)

12 I've just put that up on the screen as well but it
13 may be easier to read it on paper.

14 A. Okay.

15 Q. There were just two things I wanted to show you and just
16 ask you to confirm. First of all, we can see it is
17 an email from Annabel Sidney, the project construction
18 manager, to somebody called James Cousins, who I think
19 worked for Apollo, the contractor, and she said that you
20 had set up a meeting with the residents to introduce
21 them to the team. So this was something which happened
22 before the work started --

23 A. Yes.

24 Q. -- and this is the sort of meeting that you were telling
25 us about earlier.

1 A. Yes.

2 Q. Then in that second paragraph, we can see that
3 Annabel Sidney was saying to him:

4 "Please can you confirm that your full team will ...
5 attend [and] we will also require a window sample to
6 show to the residents."

7 Was that for the purpose of looking at the
8 aesthetics that you were mentioning earlier, that you
9 would be showing residents the sort of thing that was
10 going to be put into the block?

11 A. Yes.

12 Q. Are you able to remember whether before the work started
13 any plans or any building notices were submitted to the
14 building control department in relation to this
15 particular project; is that something you would know
16 about?

17 A. I can't remember, but that is usual. The consultant
18 would have sent all necessary documentations.

19 Q. Would you leave it to the consultant to work out what
20 was required and to get on with it?

21 A. Yes.

22 Q. Do you know whether or not anybody from the consultant
23 did in fact speak to anybody at building control to
24 consult with them on any aspect or to get advice about
25 any aspect of the work?

1 A. I don't know. I can't recollect, but that is usual,
2 that the lead designer would have liaised with the
3 building control people to make sure that all the
4 documentations are in place.

5 Q. I was asking you a little earlier about inspections,
6 either during the work or when the work had finished, by
7 a building inspector from the building control
8 department. Did you ever come across such a person
9 carrying out an inspection at Lakanal?

10 A. Not in person.

11 Q. We've seen in that email that we have on the screen
12 there at page 1501 that there were going to be samples
13 of windows to be shown to the residents. Is it right
14 that the tenants in this block were given a choice about
15 the colour of the panels and the internal decorations
16 that would be used, and there was a consultation about
17 it?

18 A. That would have been the usual procedure.

19 Q. There was also, I think, a pilot flat which was put
20 together first, so that residents could go and see what
21 was going to be put into the rest of the block; is that
22 right?

23 A. Yes.

24 Q. You were telling us earlier about two sorts of meetings,
25 I think, one with residents, and then also meetings that

1 you might have with the consultant.

2 A. (The witness nodded)

3 Q. I think it's the case, looking at the documents, that
4 those two sorts of meetings would be held on the same
5 day as a pair --

6 A. Yes.

7 Q. -- with the meetings with the residents coming first and
8 then the progress meeting with the consultant coming
9 afterwards --

10 A. Yes.

11 Q. -- so it could take into account anything which had been
12 raised by the residents.

13 Could I just ask you, please, to look at page 2016,
14 which is on file number 6? Again, I'll put it on the
15 screen for the jury. (Handed)

16 If we just look, please, at the top of the page, we
17 can see on the left-hand side in the top corner, numbers
18 "1 to 98 Lakanal", in other words the whole of the
19 block, and then the heading "Minutes, progress meeting
20 number 2" and the date, 16 May 2006.

21 First of all, I think then this is one of the
22 meetings that you were having with the contractor
23 essentially, rather than one of the meetings with the
24 residents; is that right?

25 A. Yes.

1 Q. Would you have received minutes like this at the time
2 the project was going on? We can see that you attended
3 the meeting in the list of those present --

4 A. Yes.

5 Q. -- in the middle of that page, but would you have been
6 sent the minutes as well, do you know?

7 A. Yes.

8 Q. Could I ask you then, please, just to turn over to
9 page 2017. There's a paragraph, the third paragraph
10 down, which is marked 3.8 on the far left-hand side.

11 The paragraph reads:

12 "3.9 -- Planning -- Conditions of Approval. The CPM
13 [Annabel Sidney] confirmed that the colour scheme
14 options had been selected by the client ..."

15 Your team, I think, for these purposes:

16 "... and that samples were currently awaited on
17 site. It was agreed that the kitchen and lounge doors
18 would be replaced to match existing."

19 Are you able to help us with what the kitchen and
20 lounge doors on the upper floor of each flat were like
21 before these works were carried out?

22 Perhaps, if we take it in stages. Can you remember
23 whether the two doors were the same as one another?

24 A. We're talking about seven years ago, I can't recollect.

25 Q. Do you remember, in the course of the project at any

1 time, a discussion about what sorts of doors should be
2 used and changes being made to the sorts of doors that
3 would be used?

4 A. It's a long time ago.

5 Q. Was it the case that at one stage some of the residents
6 had said to you that they would prefer there to be more
7 light --

8 A. Yes.

9 Q. -- and that that was a reason for having a larger glazed
10 section in the door?

11 A. Yes. That happened after the pilot, that they needed
12 more light. I -- I remember that statement.

13 Q. Did that come about because the residents who made that
14 suggestion had looked at the pilot flat to see what was
15 going to be put into the block?

16 A. Yes.

17 Q. So they were saying, in effect, "Well, we've seen this,
18 but we think there should be more light"?

19 A. More light, yes.

20 Q. What would happen with a suggestion like that? Would
21 you then pass that information on to the consultant?

22 A. I would have mentioned it, yes, in the meeting.

23 Q. Would you have required that change to be made, or would
24 it be somebody else's decision ultimately?

25 A. I would have mentioned what the residents have said,

1 then it's up to the lead designer to take it and make
2 an informed decision as to whether or not it should be
3 taken forward or ignored.

4 Q. If there were any technical questions which had
5 a bearing on whether a change like that should be made,
6 would that be something for the consultant to consider?

7 A. Yes.

8 Q. In line with what you told us earlier --

9 A. Yes.

10 Q. -- could I show you then page 2310, which is further on
11 in the same file; do you have that page?

12 A. Yes.

13 Q. So we can see at the top it's an email from Annabel
14 Sidney again to Mr Cousins for Apollo, and then
15 immediately under that we can see that it was cc'd to
16 you and also to Mr Pearce. So, on the face of it, this
17 was an email which you would have received at the time.
18 It's a little later on than the document we were looking
19 at a moment ago, this is 6 July 2006, and in that first
20 paragraph, Annabel Sidney said:

21 "I'm disappointed that we haven't achieved
22 uniformity of these windows within your [that is
23 Apollo's] tendered price, as the drawings clearly show
24 that this is what is required. If Symphony were able to
25 achieve this then well we should have been offered it in

1 their original design drawings."

2 Then they refer to some concerns over the planning
3 aspects of the pilot windows, so the windows in the
4 pilot flat. Then in the second paragraph, Annabel
5 Sidney says:

6 "With regard to the doors, these are to have a mid
7 rail with Trespa panel below and double glazing above."

8 Is that a reference to a door where part of the door
9 is glazed, and the other section is made up of a panel?

10 A. Yes.

11 Q. Can you remember whether that sort of door, a partially
12 glazed door, was a change from what had been in the
13 pilot flat? If you can't recall, just say so.

14 A. I can't recall. It can't be a vast difference between
15 that or the original, but I can't recall if there's
16 a major difference between the two.

17 Q. Did you know whether the doors that had been there
18 before the work was carried out, or the doors that were
19 going to be put in, were fire doors; was that something
20 that you were considering?

21 A. The new door would have an element of fire resistance in
22 them. I'm not sure if the previous ones were fire
23 doors.

24 Q. Moving on to the panels in the bedrooms that were under
25 the new windows, do you remember there being

1 a discussion at any point about changing them from what
2 had been included in the original specification, which
3 was a powder coated aluminium based panel, to something
4 else?

5 A. There was a change from powder coated aluminium to
6 Trespa window -- to Trespa panels.

7 Q. Was your understanding that the Trespa panels that you
8 have just mentioned were panels made up of a number of
9 different things with a Trespa facing or did you not get
10 involved in the technical detail of it?

11 A. I didn't get involved with the technical details, but
12 the change would have been a similar material or equal
13 or superior to aluminium powder coated.

14 Q. When we're talking about things being of equal or
15 superior standard, from what point of view are we
16 looking at: is it about aesthetic quality or strength or
17 some other property?

18 A. All qualities.

19 Q. So from any point of view?

20 A. Yes.

21 Q. If the suggested replacement was not of equal or
22 superior quality, from any point of view, is that
23 something which you would have expected would have been
24 brought to your attention?

25 A. Yes.

1 Q. Who would you have expected to point it out?

2 A. Lead designer.

3 Q. Could I show you, please, page 1802, which is in the
4 fifth file? I'm sorry to keep switching between
5 folders. (Handed)

6 This time it's an email from Annabel Sidney to
7 Mr Cousins, again copied to you and Mr Pearce, we see
8 there, and this email was sent on 25 April 2006.

9 Annabel Sidney says there:

10 "Dear James, please find attached our response."

11 To a letter he had sent, and that is on the next
12 page, 1803. If you have 1803 in front of you, that is
13 letter from Annabel Sidney to Mr Cousins, dated
14 25 April 2006.

15 THE CORONER: Sorry, Mr Atkins, do you think you could make
16 it just a bit larger, please?

17 MR ATKINS: Yes, of course.

18 THE CORONER: Thank you.

19 MR ATKINS: There she said to him:

20 "Thank you for your letter of 20 April and
21 enclosures regarding the windows you have sent through
22 in advance of the drawings and information required as
23 detailed in the specification."

24 In the second paragraph she says:

25 "In order for us to respond to your queries and

1 enable you to make a full presentation of the
2 information required, may I suggest that we meet at our
3 offices with yourselves, our client, SAPA and Symphony
4 at 3 o'clock on Wednesday, 3 May 2006."

5 I just wanted to ask you, please, a few questions
6 about that meeting. Is it right that that was a meeting
7 you were asked to attend, initially, on 3 May?

8 A. Likely.

9 Q. Could I show you, please, page 1816, just a little
10 further on. It's a number of different emails, one
11 after the other. If I could ask you, please, to look at
12 the bottom of the page. There is a email from Annabel
13 Sidney to Mr Pearce on 2 May 2006 at 12.25. Do you have
14 that email?

15 A. Yes.

16 Q. In that she said:

17 "Hi Robert, hope you're feeling refreshed after the
18 bank holiday weekend. Are you or Ejovi able to attend
19 this meeting tomorrow at 3 o'clock?"

20 So that would appear to be a reference to the same
21 meeting, wouldn't it, on 3 May?

22 A. Mm-hmm.

23 Q. Immediately above that, there's his reply, sent a few
24 minutes later:

25 "Annabel, I have an area management team meeting at

1 this time. I will be asking if Ejovi can attend."

2 A. Okay.

3 Q. But it appears -- and I'll ask you to confirm if this
4 matches your memory of it -- that you weren't able to
5 attend because there was confusion about where the
6 meeting would be held.

7 A. Yes.

8 Q. So if I could show you, please, 1863. Again, there are
9 two emails on that page. If we could look at the bottom
10 one it's Annabel Sidney to you, 3 May at about 6.30 in
11 the evening, so that's the day that the meeting was
12 supposed to be happening, 3 May:

13 "Hi Ejovi, I'm so sorry there was confusion
14 regarding the meeting venue for the windows today.
15 There were quite a lot of technical issues and
16 a difficult meeting which we have only just finished --
17 so on a positive front perhaps it was better that you
18 weren't here."

19 You said:

20 "Hi Annabel, your apology is accepted."

21 So is that right, that at one point you were asked
22 to go to the meeting, but in the event you weren't able
23 to go because of that confusion?

24 A. Yes.

25 Q. Moving on to a different point, please, do you remember

1 that in flat number 79, which was a flat on the 11th
2 floor, part of the wall between the internal staircase
3 and one of the bedrooms had been removed?

4 A. Possibly. I can't recollect.

5 Q. I just wanted to ask about the decision that was made
6 about that and, again, I can show you some documents
7 from the time that may help to you remember.

8 A. Okay.

9 Q. If we go, please, to page 2777, which is in file
10 number 7. (Handed)

11 Looking at that page, this is an email from you to
12 Annabel Sidney dated 31 October 2006, so a bit later on
13 in time than the other emails we've been looking at.

14 You said:

15 "Afternoon Annabel, I've had a word with Sharon ..."

16 Presumably Sharon Shadbolt?

17 A. Yes.

18 Q. "... and we've both agreed to the following:

19 "Flat 79 wall not to be reinstated as demolition has
20 no affecting on flat nor block structure."

21 Does that remind you about this issue of part of the
22 wall having been removed?

23 A. It's several years ago, I can't recollect.

24 Q. You refer in that email to the fact that the removal of
25 this wall doesn't have an impact on the structure.

1 A. On the structure.

2 Q. Is the question of whether the removal of the wall was
3 structurally significant something which is within your
4 expertise and your knowledge or would you have taken
5 advice from somebody else about that? Again, if you
6 can't remember, just let us know.

7 A. I can't remember.

8 Q. Just one final matter, then, please. In the communal
9 corridor of Lakanal House, the jury have heard that
10 there was a suspended ceiling, and there was then
11 a space above the ceiling as well. Do you know whether
12 in the course of the works there was a need for anybody
13 to do any work that involved either removing part of
14 that suspended ceiling or looking above it?

15 A. It's possible that we probably would have done some
16 repair to it, but not to renew it in total, because it
17 had utility services running through the -- above the
18 suspended ceiling.

19 Q. Does that mean that if anybody needed to do work to
20 those utility services, in order to get at the cables or
21 the pipes, it would be necessary to move the panels of
22 the ceiling out of the way, do the work and then put
23 them back?

24 A. Yes.

25 Q. Thank you very much. Those are all the questions I have

1 for you. It may be that there are some questions from
2 others.

3 THE CORONER: Thank you. Mr Hendy?

4 Questions by MR HENDY

5 MR HENDY: Ms Awaritefe, my name's Hendy, I represent some
6 of the bereaved families.

7 Just a couple of points I wanted to ask you about,
8 please. The false ceiling in the corridors at Lakanal
9 House, were you involved or did you have any knowledge
10 of the installation of entry phones into the flats at
11 Lakanal House?

12 A. I don't think it's part -- it was part of the major
13 works.

14 Q. It wasn't major work, so does that mean that you
15 wouldn't have had any dealings with that?

16 A. If it was part of the major work, then yes. If it's
17 not, no.

18 Q. Well, I don't know whether it was classed as major works
19 or not. Can you help us as to whether you recollect
20 having had dealings with that change or not?

21 A. The intercom system?

22 Q. Yes.

23 A. No.

24 Q. You can't recall, or you didn't have anything to do with
25 it?

1 A. I don't believe that the investment team were part of
2 that intercom system installation.

3 Q. So you have no recollection of being involved in it?

4 A. No.

5 Q. The specification for works, you tell us, is drawn up by
6 the consultant, the lead designer, but who approves the
7 specification on behalf of the London Borough of
8 Southwark?

9 A. It would have been higher up than me, senior officers.

10 Q. Yes, which senior officers?

11 A. I cannot be specific as to who.

12 Q. Well, what would their roles be -- I don't need to know
13 their names -- in which department would they lie?
14 A specification comes in for a plan of works, you and
15 your colleagues look to see whether it's within your
16 overall budget, you find that it is, but who approves
17 the specification and says "Yes, let's spend that
18 money"?

19 A. Probably departmental managers.

20 Q. Departmental managers --

21 A. Yes.

22 Q. -- of which department?

23 A. Housing.

24 Q. Your investment team, as you mentioned, represent the
25 residents, and one of your key considerations is to make

1 sure that the residents and the London Borough of
2 Southwark are getting value for money, am I right --

3 A. Yes.

4 Q. -- so that the investment team, as one would expect of
5 a team with that name, has access to all the costings?

6 A. Yes, we have a QS.

7 Q. I'm so sorry?

8 A. We have a quantity surveyor that we work with, and also
9 the clerk of work, to make sure that we are paying,
10 we're getting the quality that we're paying for at the
11 price that we're paying.

12 Q. But you know all the costs which had been provided for
13 in relation to a particular project which you're
14 overseeing?

15 A. I have the budget, I will know the budget for --
16 allocated for the project.

17 Q. Yes, not quite the same point. You have the budget,
18 obviously, you know what your budget is --

19 A. Yes.

20 Q. -- you know what the programme of works is, you know
21 what the works involved in the project are, and you know
22 what the costings of each item are --

23 A. To a certain extent, yes.

24 Q. -- and in answer to Mr Atkins, you said that if an item
25 in a specification changes and costs more, then the

1 question is whether that can be accommodated in the
2 budget, and you would have meeting with a quantity
3 surveyor to see if it can be accommodated, and if it
4 exceeds your budget then you would have to go to your
5 line manager for approval, yes?

6 A. Yes.

7 Q. But if the cost is less than that provided for,
8 presumably you wouldn't have to go to the line manager.
9 That is something that you could sanction.

10 A. I would still have to flag it up.

11 Q. Presumably any saving on the original costings is
12 something that you would welcome, because that's money
13 that can be spent on another project?

14 A. Or on that project on something else.

15 Q. Indeed, indeed. But you'd welcome any savings that
16 could be made.

17 A. I believe we're all human.

18 Q. I'll take that as a yes.

19 A. I believe we're all human. Savings are welcome and
20 savings, especially if it would be beneficial to the
21 estate, it could be used on the estate on -- on other
22 means.

23 Q. So if we look at page 1806, which is in volume 5 of the
24 chronological bundle, we can see an email which was sent
25 by Annabel Sidney on 27 April 2006 to a number of people

1 and copied to you. If we look at 1807, we can see that
2 the contractor, Apollo group, have been instructed to
3 omit item D from the original specification, which was:

4 "Asbestos panels adjacent to kitchen balcony doors."

5 That saved Southwark some £26,754 on a contract
6 which was originally 2.8 million and was by this means
7 reduced to 2.5 million and a bit, right? So that would
8 have been a welcome saving, would it not?

9 A. A saving of 26 -- let's say 27,000 in a budget, or in
10 a project of 2 million is like a drop in the ocean.

11 Q. Of course it's a drop in the ocean, and we can see the
12 comparison of the size of the saving to the size of the
13 budget, but nonetheless it's money that can be spent, as
14 you say, either on something else within this project,
15 or indeed on another project, and welcome for that
16 reason; am I right?

17 A. Decisions are made based on whether or not the change is
18 necessary. It's not because the 27,000 is more
19 important than the -- than the omission.

20 Q. Of course. I'm not suggesting that at all. Obviously
21 somebody thought that it wasn't necessary to provide for
22 asbestos panels adjacent to the kitchen balcony door, or
23 removal of asbestos panels adjacent to the kitchen
24 balcony door. It turns out later that there weren't
25 such panels, that may have been the reason.

1 Anyway, the reason for it is neither here nor there.
2 All I am putting to you is that if there's good reason
3 to make the saving then the saving is welcome; am
4 I right?

5 A. If there's a good reason.

6 Q. Yes. If you look, please, at page 1808, we can see that
7 at this stage, which was just a day after you've been
8 copied into that email, I appreciate you weren't copied
9 into this one at 1808, but we can see that on 28 April
10 the panels below the bedroom windows, which is the
11 seventh line down, were still to be:

12 "Powder coated aluminium RAL, colour allowed for."

13 A. Mm-hmm.

14 Q. Yes, thank you very much.

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

16 MS AL TAI: No, thank you madam.

17 THE CORONER: Mr Walsh? Sorry, Mr Compton?

18 MR COMPTON: No, thank you, madam.

19 THE CORONER: Mr Leonard, yes?

20 Questions by MR LEONARD

21 MR LEONARD: I do have one or two questions, I hope they
22 won't take very long.

23 I wonder if we could have up on screen page 1407; do
24 you have that in front of you? Can you see it on the
25 screen?

1 THE CORONER: Can you just tell us which file number we're
2 in, that would help Mr Clark find it.

3 MR LEONARD: That's a very good question.

4 MR ATKINS: File 4, madam.

5 MR LEONARD: Thank you. I filleted out some of the
6 documents, I apologise.

7 THE CORONER: Thank you.

8 MR LEONARD: Just have a look at that for a moment and see
9 if you can familiarise yourself with it. Flipping over
10 the next few pages, which we don't need to do for the
11 moment, can I ask you if you recall seeing this
12 document? It calls itself a tender report. If we look
13 on 1409, you can see that those who have tendered have
14 their quotes identified, and as I perceive it, I may be
15 wrong, this is a report to help Southwark decide who to
16 use, in short. Do you remember seeing this report at
17 the time?

18 A. I don't believe I was involved in the tender process.

19 Q. You may not have been, and it's not a memory test, so do
20 say if you can't remember.

21 A. No.

22 Q. It's important that you don't guess. I wonder if we
23 could just look, though, together at 1411 and
24 paragraph 5. Again, if you can't help with this and
25 don't know, please say so.

1 This document is dated September 2005, we can see
2 that back on 1408. You told us essentially that you
3 would anticipate there to have been a dialogue about
4 compliance with building regulations between those
5 involved in commissioning the project and building
6 control; is that a fair summary?

7 A. Yes.

8 Q. You may find some support for that proposition in these
9 paragraphs. 5.01, this is September 2005:

10 "Building Regulation approvals for the works have
11 been obtained."

12 Do you see what I mean there?

13 A. Yes.

14 Q. "The detailed requirements of the Building Regulation
15 approvals are included in the works as tendered."

16 You're not the author of this document, plainly, and
17 you told us you can't really remember, but does this, to
18 your understanding, provide some support that there was
19 the dialogue about which you've spoken in this
20 particular case?

21 A. Yes. It's virtually impossible for any major work to
22 take place without a dialogue between the lead designer
23 and also planning. You can't do any work without
24 getting planning approval.

25 Q. Well, that's planning. This is slightly different,

1 perhaps. This is about building regulation compliance;
2 do you understand the difference?

3 A. Yes, and building regs.

4 Q. I assume that your answer holds good for building
5 regulations as much as it does for planning, yes?

6 A. Yes.

7 Q. Things were a little different at this stage in
8 September 2005. If we look at paragraph 6 entitled
9 "Energy Considerations", 6.01:

10 "Southwark Council's commitment to energy
11 consideration is demonstrated in this contract through
12 the following ..."

13 The first little dash point there reads as follows:

14 "New blockwork under windows to be constructed of
15 Thermalite Shield blocks increasing the insulation value
16 of this element of the elevation."

17 Now, I hope I can say properly that, as I read that,
18 we know that didn't happen here, panelling was used
19 instead. If we look two dashes down it says this,
20 doesn't it:

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

24 Do you know what part L is? You may not, and it's
25 not a test, so do say so.

1 A. My lead designer would know --

2 Q. Of course.

3 A. -- the details of it.

4 Q. If I was to suggest that part L is in fact that part of
5 the building regulations that relates to insulation, and
6 energy conservation, much as this paragraph suggests,
7 does that accord to your answer?

8 A. Yes.

9 Q. Again, if you don't know, can't say, do say so. Does
10 that make sense to you?

11 A. Yes.

12 Q. Thank you.

13 THE CORONER: Thank you. Ms Canby?

14 MS CANBY: No thank you.

15 THE CORONER: Mr Matthews?

16 Questions by MR MATTHEWS

17 MR MATTHEWS: Only this. I ask questions on behalf of the
18 London Borough of Southwark. It may be something that
19 we can take very shortly. It's just to clear up any
20 confusion. In 2006, Southwark weren't putting in
21 asbestos into buildings, were they, it would all be
22 asbestos removal?

23 A. There was a period where there was a drive to remove
24 asbestos --

25 Q. Right.

1 A. -- and to replace them with an alternative material.

2 Q. Again, taking it shortly, part of the 2006 works
3 involved the identifying provisionally of where asbestos
4 was suspected and part of the contract was going to be
5 to remove that suspected asbestos; is that right?

6 A. It's likely that that is the case.

7 Q. Right, and so where we see an adjustment to something,
8 a figure, described about asbestos, that will be because
9 it turned out that asbestos wasn't present where it was
10 suspected.

11 A. It's likely.

12 Q. Thank you.

13 Questions from THE CORONER

14 THE CORONER: Thank you. Could we just turn, please --
15 perhaps, Mr Atkins, you could turn up page 2777?

16 If you just look at this on the screen, it's a very
17 short point. Ms Awaritefe, can you see towards the
18 bottom of that document, it reads:

19 "Pigeon netting to be installed throughout blocks."

20 Do you see that, does that ring any bells with you,
21 do you remember that?

22 A. Yes.

23 THE CORONER: So perhaps you could just tell us what you
24 recall about that, was netting to be installed?

25 A. Basically the block had a pigeon infestation problem,

1 and when we're doing a Decent Home we tend to put
2 a pigeon netting down the whole face of the block to
3 prevent the infestation.

4 THE CORONER: Do you know whether that was done?

5 A. It's highly likely.

6 THE CORONER: Right. Do you remember any issues relating to
7 the netting after it was installed at that time?

8 A. In every block you usually have some objection by some
9 tenants.

10 THE CORONER: So was there removal of some or did it fall
11 away through getting to the end of its life, or anything
12 of that sort?

13 A. Some tenants cut holes in it.

14 THE CORONER: I see. All right. So is that something that
15 you paid any attention to after this work was carried
16 out?

17 A. I left the area.

18 THE CORONER: I see. All right. Thank you very much.

19 Members of the jury, do you have any questions?

20 Ms Awaritefe, thank you very much for coming and
21 thank you very much for the help that you've been able
22 to give us. You're welcome to stay if you would like,
23 but you're free to go if you would prefer. Thank you
24 very much.

25 (The witness withdrew)

1 Yes?

2 MR ATKINS: Madam, the next witness is Mr Robert Pearce.

3 THE CORONER: Thank you. Yes, Mr Pearce, are you in court?
4 Could you come forward, please.

5 CHARLES ROBERT PEARCE (sworn)

6 THE CORONER: Mr Pearce, thank you. Do sit down. Do help
7 yourself to a glass of water. Thank you. Mr Atkins,
8 who is standing, is going to ask questions on my behalf
9 and then there will be questions from others. Please,
10 it may seem a little artificial, but if you could direct
11 your answers across the room towards the members of the
12 jury, then that will enable them to hear your evidence
13 and help to keep you close to the microphone.

14 A. Thank you.

15 THE CORONER: Thank you.

16 Questions by MR ATKINS

17 MR ATKINS: Could you please tell the court your full name?

18 A. My full name is Charles Robert Pearce, I'm known as
19 Robert Pearce.

20 Q. Is it right that from early you were employed by the
21 London Borough of Southwark?

22 A. That's correct.

23 Q. I think you started there in about 1978 --

24 A. Yes.

25 Q. -- and that at the time that we'd been hearing evidence

1 about, around about 2005 to 2006, your usual position
2 was as the contracts manager for the mechanical
3 ventilation and water team; is that correct?

4 A. At what time, what date?

5 Q. You tell me: in, say, the end of 2005, what was your
6 role?

7 A. In 2005 I was the contract manager, but not for
8 mechanical and electrical ventilation.

9 Q. I see, thank you. Is it right that you were then
10 temporarily the area programme manager for the
11 Camberwell investment team?

12 A. Yes, it's called the area investment programme manager.

13 Q. Did you fulfil that role when Sharon Shadbolt was on
14 maternity leave?

15 A. That's correct, I assumed that responsibility from,
16 I believe it was 23 January 2005 -- 2006.

17 Q. 2006.

18 A. 2006, I beg your pardon.

19 Q. Can you remember when you handed that responsibility
20 back to Ms Shadbolt?

21 A. That would have been in July of that year.

22 Q. We've heard that that is the team which organises major
23 refurbishment work; is that right?

24 A. Within the Camberwell area, that's correct.

25 Q. How many people were part of that team at the time when

1 you were in charge of it?

2 A. There were seven total members of staff, seven or eight.

3 Q. So there would have been you, Ms Awaritefe --

4 A. Yeah.

5 Q. -- were there other investment programme officers?

6 A. There were four other -- sorry, four in total investment
7 programme officers, and two programme assistants, as
8 well as admin support.

9 Q. Is it right that any given project would be assigned to
10 one of those investment programme officers --

11 A. That's correct.

12 Q. -- and they would then have the day to day contact with
13 the consultant and the contractors who were involved?

14 A. That's correct, but for smaller schemes the assistants
15 would have had a responsibility for a project
16 themselves.

17 Q. Just in outline, then, is it correct that the investment
18 programme team would be identifying blocks where work
19 should be carried out or could be carried out, and
20 producing a briefing for that work?

21 A. That's correct, in accordance with I think it was the
22 five year improvement programme at that stage.

23 Q. When a block was identified for refurbishment works, who
24 would draw up the information for those works?

25 A. It would be the consultant.

1 Q. Is it correct that that could be either an internal
2 consultant, such as Southwark Building Design Services,
3 or an external consultant?

4 A. In Camberwell's case, that's correct.

5 Q. For any given project?

6 A. Yes.

7 Q. You may have heard me ask the question already this
8 morning: is it right that in relation to those projects,
9 your team was in effect the client, representing the
10 interests of the people who lived in that block?

11 A. That's correct.

12 Q. During the time that you were managing that team, can
13 you give us an impression of how many projects were
14 underway?

15 A. The investment programme comprised a number of schemes,
16 between 30 to 40 schemes, at various stages of
17 gestation. This would be from the very beginning of the
18 scheme, trying to get a brief together, trying to get
19 residents' opinions as to what they wanted with their
20 properties, what technically was required to be done,
21 any Decent Homes contributions that would need to be
22 required and then at the other end of the spectrum we
23 had schemes which had been completed, were in defects --
24 ceased defects, and so you have a wide spectrum of jobs
25 within that 30 to 40 range scale.

1 Q. Yes. So there might be a large number of projects going
2 on, but they wouldn't all be at the same stage: some of
3 them would be just starting and others would be well
4 underway or finishing?

5 A. That's correct.

6 Q. When it came to designing aspects much the works, was
7 that something that any members of your team would be
8 doing, or would it be done by somebody else?

9 A. No, essentially the information that we had from the
10 client or from residents would have been presented to
11 our consultants who would have provided the technical
12 detail for actually achieving delivery of that scheme,
13 that idea.

14 Q. Did your team include people such as building surveyors
15 or quantity surveyors?

16 A. No.

17 Q. So if people like that were to be involved, they would
18 be people employed by the consultant; is that correct?

19 A. That's correct, the consultant would provide the full
20 range of technical support services.

21 Q. Once a project was underway, what would the role of your
22 team be?

23 A. To ensure that -- slightly different roles. My role as
24 the manager, or the programme manager, was to ensure
25 that the programme was kept in accordance with the

1 anticipated programme, that things were running on
2 course.

3 The individual project officers would also be in
4 attendance at monthly meetings that took place to again
5 monitor the progress, and would also be involved in
6 making sure that residents' concerns during the course
7 of those works were also taken on board and fed within
8 the progress meetings that were taking place at that
9 time.

10 Q. So would there be day to day involvement from the
11 investment programme officer who was looking after that
12 project, both with the residents and with the designer,
13 the consultant?

14 A. It wouldn't necessarily be day to day, but yes, they
15 would be managing issues arising from the development of
16 that scheme.

17 Q. Whereas your role would be to oversee that.

18 A. Yes, and to pick up any problems that were arising from
19 that, particularly common or recurring problems that
20 were arising.

21 Q. Would there be occasions when the investment programme
22 officer would bring problems to your attention?

23 A. Yes.

24 Q. What sorts of problems would be brought up to your
25 level?

1 A. It might be particular issues with members of staff
2 within the design team, it might be issues where we've
3 get -- we are receiving conflicting requests from
4 residents as part of the delivery of a scheme, it might
5 be a colour scheme, it might be various procedural
6 matters.

7 Q. If it were to happen that once works had started -- that
8 is there's been a specification, works have begun, but
9 then somebody wants to make a change to that
10 specification -- would you expect to be consulted or
11 would you expect your team to be consulted?

12 A. Yes.

13 Q. Thinking about the financial aspect of it, if it was
14 a change which had an impact on the cost of the work,
15 would your team have to sign that off?

16 A. Yes.

17 Q. If the proposed change had a bearing on an aspect of the
18 design, for example what materials were to be used or
19 where certain materials were to be put in the building,
20 would you seek advice from anybody else about that
21 before making a decision?

22 A. I would rely on the consultant that's been appointed.
23 If there was a -- a significant change to
24 a specification, then I wanted -- I would have wanted to
25 have found out the reasons why that change was required,

1 and why it wasn't specifically identified when the
2 specification was drafted first time round.

3 Q. You mentioned there the idea that there would be some
4 changes which are significant, and by implication
5 perhaps others that wouldn't have been. What sorts of
6 things would make a change to the specification
7 significant, from your point of view?

8 A. A change of materials, change of the scope of the works,
9 change of the duration of the contract period, change of
10 the financial circumstances of the contract, and that
11 includes plus and negative.

12 Q. Just pausing there. The financial aspect I'm sure we
13 understand, because there's a budget for the work and
14 the work has to be done within that budget unless the
15 budget can be changed.

16 A. Yeah.

17 Q. On the subject of a change in materials, why is that
18 something which is potentially significant from your
19 point of view?

20 A. Because I would be concerned that the specification
21 would have established standards, and I would have
22 needed to have satisfied myself, or to have satisfied
23 the client, that those standards were being maintained
24 should any change take place.

25 Q. On that question, would you rely on the advice of the

1 consultant?

2 A. Yes, I would.

3 Q. I think it's right that within Southwark there was
4 a separate building control team or department. Did you
5 in this role have any involvement with them?

6 A. No.

7 Q. Would it be part of your role or any of the members of
8 your team's role to submit, for example, plans or
9 building notices to the building control department?

10 A. No, we -- we were insufficiently qualified to do that.

11 Q. Who would identify whether there was a need to submit
12 any documents to building control?

13 A. The consultant, and that would have been communicated as
14 part of the approval process to actually go out to
15 tender in the first place, or to get the scheme approved
16 in principle, and the various stages by which we then
17 got approval to go out to tender and then got tender
18 approval for the actual schemes itself.

19 Q. Just so we understand that, does that mean that if plans
20 were to be submitted or building notices were to be
21 submitted, first of all, that isn't something which your
22 team would do; is that right?

23 A. That's correct.

24 Q. Are you telling us that's something which would happen
25 before the specification was finalised and sent out to

1 potential contractors?

2 A. Yes, I would have expected that to have happened.

3 Q. Would you be asked about it by the consultant or would
4 you know whether or not there was a requirement for
5 plans to be submitted in particular case, or would you
6 leave that to --

7 A. I would expect the consultant -- sorry, I beg your
8 pardon. I would expect the consultant to advise what
9 building control, what building regulation requirements
10 were needed to be met as part of the scheme development.

11 Q. Is that something which you would discuss with the
12 consultant, or is it something where you would leave it
13 to them to work out whether there was a requirement to
14 do it, and if there was to get on and do it?

15 A. That would have been contained within the consultant's
16 brief at the time of their procurement, effectively.

17 Q. In the course of a refurbishment of a block, that sort
18 of project, would there be inspections by a building
19 inspector from the building control department?

20 A. I'm not sure, to be honest. Not necessarily from
21 building control. They might undertake spot inspections
22 or just to make sure that any requirements were being
23 adhered to, but I was not party to their inspection
24 regime or the detail of that.

25 Q. You have mentioned that the time when you were filling

1 this role ended in July 2006.

2 A. That's right.

3 Q. So you were no longer in that role by the time the works
4 at Lakanal House had finished?

5 A. No, I'd moved across to another area.

6 Q. Did you have any experience on other projects of
7 building control or building inspectors carrying out
8 inspections of a project when it had been finished?

9 A. No, not building control. Obviously, as part of the --
10 the clerk of work visits and inspections by surveyors,
11 et cetera, was part of the scheme development, as I've
12 said.

13 Q. Could we just take each of those in turn, please?
14 You've mentioned the clerk of works. What is that
15 person's job, in summary?

16 A. Right, the clerk of works is a member of -- for Lakanal,
17 if I may speak of Lakanal specifically?

18 Q. No, just in general terms, on a project.

19 A. Is the clerk of works is required to be essentially the
20 eyes and ears for the consultant who in turn acts on
21 behalf of the client to ensure that the purpose and the
22 methods of the specification are being properly
23 delivered by the contractor or their subcontractors.

24 Depending on the -- the brief given to the
25 consultant and the payment to the consultant, the clerk

1 of works will be in attendance for a number of days or
2 for each and every day during the course of that
3 project.

4 Q. Sorry to interrupt, but just to expand upon that, then,
5 there would be a specification which is sent out to
6 tender, so that would go to a contractor --

7 A. Yeah.

8 Q. -- and eventually a bid would be accepted from one of
9 those contractors to do the work.

10 A. Yeah.

11 Q. But then there would be this second question, would
12 there, that once the work was done there was a need to
13 check that the work that was done conformed to that
14 specification --

15 A. That's correct.

16 Q. -- and that is part of the clerk of works' function?

17 A. Yes.

18 Q. Does the clerk of works work for the consultant in that
19 context?

20 A. Yes, yes, not the contractor.

21 Q. As well as checking whether or not the work carried out
22 complied with the specification, would you also expect
23 the clerk of works to be looking to see whether the work
24 complied with the requirements of building regulations?

25 A. Yes.

1 Q. Does it follow, then, that the clerk of works is
2 somebody who has qualifications in that sort of area?

3 A. Qualifications/experience, I would say, but yes.

4 Q. In order to carry out that function, then, does the
5 clerk of works have access to the specifications --

6 A. Yes.

7 Q. -- so that they know what it is that's supposed to be
8 done and then they're in an position to check whether or
9 not it has been done?

10 A. Yes, more frequently there will be an office designated
11 by the contractor within their site compound that will
12 be for the exclusive use of the clerk of
13 works/consultancy team, and the clerk of works would
14 have a copy of the specification and the daily records
15 of what they've actually signed off for.

16 Q. Would the clerk of works be at the building when works
17 were being done pretty much every day?

18 A. Again, it would depend on the scope of -- of the works
19 itself. I've experienced some schemes where we've
20 required a full time clerk of works, and others where
21 they've been required to work two or three days per
22 week, and again it would depend upon the nature of the
23 works that's taking place at that particular point in
24 time. There will be certain peaks and certain troughs
25 during the course of the work that would need to be

1 administered more closely.

2 Q. Why would that be? Would there be some parts of the
3 work that were more complicated or more intricate?

4 A. As example, the first few days of setting out the site
5 compound, et cetera, after that's been done, there would
6 then be a lull before generally scaffolding gets
7 erected. So again, would you need the clerk of works to
8 attend on those days when that lull was taking place?

9 There would be other times when individual
10 properties are being visited by contractors where you
11 would expect the clerk of works to pay closer attention,
12 so it's very much a swings and roundabouts within SBDS,
13 as it then was, in terms of how those resources were
14 allocated.

15 Q. In order to fulfil that function of checking and passing
16 on information of whether the work was up to scratch,
17 would the clerk of works attend the progress meetings
18 that would happen throughout the project?

19 A. Within the monthly progress meetings, it was a standard
20 agenda that was used, and yes, there was a slot for the
21 clerk of works report, or there would have been,
22 I should say, sorry.

23 Q. In answer to my question a little while ago about
24 inspections when work finished, you mentioned two sorts
25 of people. The first was the clerk of works, which

1 we've just been discussing. You also mentioned
2 surveyors who might be carrying out checks. I just
3 wanted to ask you where they fit in. They weren't part
4 of your team, because you told us that your team didn't
5 have surveyors.

6 A. Yeah.

7 Q. Were they surveyors from the consultant?

8 A. From the consultant, yes.

9 Q. Well, in that case, could I move on, then, please, to
10 ask you about works at Lakanal specifically?

11 THE CORONER: Before you do, Mr Atkins, would that be
12 a convenient point to have a break?

13 MR ATKINS: Madam, yes.

14 THE CORONER: Thank you very much. We'll have a ten minute
15 break, so if everyone could be back just before 11.45,
16 please, that would be helpful. Members of the jury, do
17 leave your papers on the desk, if that would help.

18 Mr Pearce, we'll have a ten minute break, as you
19 heard me say. The strict rule is because you're part
20 way through giving your evidence, you must not talk to
21 anyone about your evidence or indeed this matter, so if
22 you could bear that in mind, and be back here at just
23 before 11.45, please.

24 A. Okay.

25 (11.34 am)

1 (A short break)

2 (11.47 am)

3 THE CORONER: Yes, thank you, Mr Atkins, yes.

4 MR ATKINS: Mr Pearce, we were just coming onto the question
5 of the works at Lakanal House in 2006, and we know that
6 you took over Sharon Shadbolt's role in January of that
7 year. Is it right that by that stage the Lakanal House
8 project had already gone through, first of all, the
9 process of your team preparing a briefing and also the
10 specification being drawn up?

11 A. That's correct.

12 Q. So you joined part way through the life of that project?

13 A. Prior to the pre-contract meeting, yes.

14 Q. Yes, so you joined after the specification, but before
15 the pre-contract meeting. Is that a particular stage in
16 a project --

17 A. Yes.

18 Q. -- that there would be a meeting before the works
19 actually start on-site?

20 A. That's correct, yes.

21 Q. We gather from the fact that you were on the secondment
22 that of course it wasn't your normal role. I just
23 wanted to ask you, please, about your experience of
24 working on these sorts of projects. Before you filled
25 Sharon Shadbolt's role temporarily, did you have

1 experience of working on large refurbishment projects?

2 A. Yes, in other areas.

3 Q. In other contexts?

4 A. Yes.

5 Q. Did you have experience, as part of that, of working
6 with a clerk of works, for example meeting them at the
7 site and discussing issues?

8 A. Yes.

9 Q. In the course of those sorts of discussions, would you
10 be talking to them about the extent to which works
11 matched the specification, for example?

12 A. Not in detail, my main contact was always the Southwark
13 building design or other consultant liaison, or the
14 lead -- or the project manager.

15 Q. Yes. When it came to the question of whether works that
16 were completed met the requirements of the building
17 regulations, again, is that something that you would
18 have discussed explicitly with the clerk of works, or is
19 that something where you would really be dealing with
20 the consultant?

21 A. No, again, I'm not qualified to discuss, other than to
22 establish that that discussion is taking place, that
23 that dialogue continues.

24 Q. Sorry, the dialogue between the?

25 A. The clerk of works and the lead -- lead designer.

1 Q. And the designer, I see. Well, in relation to the
2 Lakanal House project, we know of course that the
3 consultant was SBDS, or the designer, and the
4 construction project manager was Annabel Sidney.

5 A. Correct.

6 Q. Your involvement, then, lasted from January of that
7 year, just before the pre-contract meeting, until July,
8 when Sharon Shadbolt returned to fill that role.

9 A. Yes.

10 Q. Do you recall whether any plans or building notices were
11 submitted to building control in the time that you were
12 looking after that project?

13 A. I do not recall specifically that being mentioned, no.

14 Q. Do you recall whether when works were going on at
15 Lakanal House there were any inspections being carried
16 out by somebody from the building control department as
17 opposed to either the clerk of works or someone from
18 SBDS?

19 A. I was not aware of that, no.

20 Q. I think it's right that you attended the pre-contract
21 meeting which was on 13 February 2006 --

22 A. Correct.

23 Q. -- and that you then went to both the first residents'
24 meeting and also the first progress meeting, both of
25 which took place on 18 April?

1 A. I remember attending the first progress meeting, but
2 I do not recall attending the residents' meeting.
3 I stand to be corrected if there are minutes that will
4 be presented, but I don't recall attending that meeting.
5 THE CORONER: We appreciate it was a while ago, Mr Pearce.
6 A. I appreciate that a meeting did take place.
7 MR ATKINS: Simply for completeness, if I show you, first of
8 all, page 1446 -- there's no need to turn it up on paper
9 if you can read it on the screen -- we have here the
10 minutes of the pre-contract meeting, and we can see
11 a list of people who attended there at the top, and we
12 have your name; is that right?
13 A. Yeah, yes.
14 Q. So that's the pre-contract meeting on 13 February. If
15 I move to page 1764, we have the minutes of the
16 pre-progress residents' meeting, number 1, so it was the
17 first such meeting, on 18 April. It looks there, about
18 halfway through the list of those present, that you did
19 attend that meeting.
20 A. I stand to be corrected, apologies.
21 Q. We then go on to page 1770. This is the minutes of
22 progress meeting number 1, on the same date of
23 18 April 2006, and again we have your name in the list
24 of those present.
25 A. Yes.

1 Q. So it seems there were the two meetings on that day, the
2 residents' meeting and the progress meeting and, as it
3 happened, you attended both of those?

4 A. Evidently, yes.

5 Q. If I were to suggest to you that after that, for one
6 reason or another, you didn't attend any of the
7 subsequent residents' meetings or progress meetings on
8 this project, would that sound right to you?

9 A. That would be correct.

10 Q. Thinking first of all about the pre-contract meeting on
11 13 February, is it right, in summary, that the purpose
12 of you attending was to represent the Camberwell
13 investment programme team and thereby the residents of
14 the block?

15 A. Yes.

16 Q. Shortly after that meeting, the award of the contract to
17 Apollo was confirmed.

18 A. Yes, it was shortly after, I recall, yeah.

19 Q. Because by that stage Apollo had satisfied, first of
20 all, the consultant and, secondly, yourselves that they
21 were capable of carrying out the works that were
22 required.

23 A. The normal procedure for the pre-contract meeting is
24 that the letter of award will be handed across at the
25 end of that meeting to the contractor, but I seem to

1 recall that there was an issue relating to this
2 particular award that prevented me from doing that, that
3 required the letter to be changed, I seem to recall, but
4 I can't -- I don't know the circumstances or the detail
5 for that.

6 Q. Without going into the details of any contracts between
7 the different parties involved, is the handing over of
8 a letter of award in practical terms the confirmation
9 that that contractor is going to carry out the work?

10 A. That's correct.

11 Q. I'd like to ask you, please, whether you recall that
12 there was a change in the type of panels that were going
13 to be used underneath the windows in the bedrooms?

14 A. No, I don't recall that.

15 Q. Do you recall that to begin with in the specification
16 they were going to be powder coated aluminium panels but
17 that later on they were changed to something else?

18 A. I'm aware that the specification would have called for
19 powder coated panels, but I was -- do not recall any
20 change of circumstance, change of specification.

21 Q. I think it's right that there was consultation with the
22 residents about the colour scheme for the block, and
23 that that would have included the panels?

24 A. Yes, I mean I had concerns in terms of -- Lakanal formed
25 part of Sceaux Gardens, Sceaux Gardens had a number of

1 different coloured green panels and in terms of Lakanal
2 being a flagship building, it was important for me,
3 being new to Camberwell, that the design aspect, the
4 aesthetics of Lakanal, remained in keeping with the
5 remainder of the estate that had already had work done
6 by previous contractors.

7 So it was just an issue as to what colour green it
8 should be. I did not change or request a change of
9 material to make sure that that colour was uniform
10 throughout the estate, because the colour was not
11 uniform throughout the estate, it was slightly
12 different.

13 Q. So by the sounds of it, to your recollection, if there
14 was a change in the type of panel to be used that change
15 was not instigated by your team?

16 A. Not -- no.

17 Q. If the change in material had been brought to your
18 attention and it seemed to you that it might have
19 consequences, because it was a different material to the
20 one originally specified, would that be something where
21 you would be relying on SBDS to advise you?

22 A. That is correct.

23 Q. Can I please just show you a couple of pages quickly,
24 starting with page 1803, which is in bundle number 5?

25 (Handed)

1 I'm sorry, I should have gone to 1802 first.

2 You can see here that this was an email from
3 Annabel Sidney at SBDS to James Cousins, who worked for
4 Apollo, the contractor, but cc'd to various people,
5 including you.

6 A. Yes.

7 Q. It was sent on 25 April 2006 and she said:

8 "Dear James, please find attached our response to
9 your letter of 20 April."

10 Could I ask you then to turn over to 1803? It's
11 a letter that we were looking at earlier on this morning
12 from Annabel Sidney to Mr Cousins, same date,
13 25 April 2006, and in the second paragraph she made the
14 suggestion that there should be a meeting at SBDS's
15 offices with you, the client, SAPA, Symphony, and that
16 that should happen at 3 o'clock on 3 May.

17 A. Yes, that's correct.

18 Q. Can we turn on then please to page 1816. This is the
19 page with several different emails on it. Do you see
20 towards the bottom of the page there is an email from
21 Annabel Sidney to you of 2 May at 17.25, where she said:

22 "Hi Robert ..."

23 Then a little later on:

24 "Are you or Ejovi able to attend this meeting
25 tomorrow at 3 o'clock?"

1 A. Yes.

2 Q. You replied that you couldn't go because you had an area
3 management team meeting, but you would ask instead Ejovi
4 to go along?

5 A. Yes, I -- having seen this email, it's obviously my --
6 my email, so yes.

7 Q. Annabel Sidney wrote back to you at the top of that
8 page, we can see:

9 "Thanks Robert. There's a problem with the design
10 of the new windows, ie they are saying that they cannot
11 match the existing appearance. Could be a problem with
12 planning, hence the meeting to thrash out what can or
13 cannot be done. Would be useful if we could have
14 a client presence please."

15 I'd just like to ask you about a few aspects of
16 that. When Annabel Sidney refers to a client presence,
17 do we take it that she's referring to somebody from your
18 team attending?

19 A. A representative from Camberwell, yes.

20 Q. In that first line she says:

21 "... they are saying they cannot match the existing
22 appearance."

23 Can you remember now who she is referring to? If
24 you can't please say so.

25 A. No.

1 Q. In the second line, there's a reference to it being
2 a problem with planning. Do you understand planning
3 permission to be a separate issue from questions to do
4 with building regulations?

5 A. Yes, but my -- I do not have any technical
6 qualifications to speak in detail on that. I know
7 there's a distinction between the two.

8 Q. Would the aesthetics and whether the colours of
9 different parts of the relevant building matched one
10 other be something that might have a bearing on planning
11 permission or planning requirements?

12 A. Planning requirements would take precedence. The view
13 of the client that I would try to represent would be to
14 change the aesthetics, not the structural integrity of
15 the windows or, as it said here, the windows, rather
16 than the panels, or indeed the panels themselves.

17 Q. Could I ask you to turn then, please, to 1853, which is
18 an email from Annabel Sidney again to Mr Cousins, but
19 copied to you, sent on 5 May 2006. So that's after the
20 date of the proposed meeting, where she says:

21 "James, colour details for powder coated aluminium
22 to kitchen and lounge doors, larder panel and panels
23 under window as agreed."

24 Then later on, under that list of colours, she said:

25 "I will arrange for Trespa samples to be delivered

1 direct to site."

2 Lastly:

3 "Also, to confirm that we require solid powder
4 coated kitchen and lounge doors, please."

5 So again, could I just ask you about a number of
6 different aspects of that email. In the first part of
7 that email, where colour details are being discussed and
8 there's a list of colours, can you help us with what
9 those colours were for, which part of the building is
10 being discussed?

11 A. No, no, I cannot recall this email.

12 Q. Because on the face of that email, those seem to be
13 colours that relate to powder coated aluminium kitchen
14 and lounge doors, larder panels and panels under the
15 windows; do you see that in the first paragraph?

16 A. Yes.

17 Q. Then underneath that list of colours, there's this
18 reference to Trespa samples being delivered direct to
19 site. Is it right, first of all, that Trespa is
20 a different material to powder coated aluminium?

21 A. So I understand.

22 Q. Do you know whether the Trespa samples that were going
23 to be delivered were for the same part of the building
24 referred to in the first paragraph or whether they were
25 for something else?

1 A. I do not know.

2 Q. We see there as well that Annabel Sidney was talking
3 about solid powder coated kitchen and lounge doors. Do
4 you know whether at any stage during the project there
5 was a change in the specification about the balcony
6 doors?

7 A. Not that I was aware of or not that I recall.

8 Q. Could I ask you, please, to turn to page 1869. This
9 time it's an email from Annabel Sidney to
10 Ejovi Awaritefe, but again we see that it was sent to
11 you as well, this time on 8 May 2006, where Annabel
12 said:

13 "Morning Ejovi, Robert popped over to our offices on
14 Friday so it won't be necessary to meet today."

15 That was Monday, 8 May, referring to Friday the 5th.
16 We've seen already that you had said you couldn't attend
17 the meeting on 3 May, because you had another
18 engagement. Do you recall going to speak to
19 Annabel Sidney on 3 May?

20 A. No. It may not have been to have seen Annabel directly,
21 it may have been to be -- to see some other colleagues
22 within SBDS.

23 Q. Just one more page, please, which is page 2310, which
24 I think we'll find is within bundle number 6. (Handed)

25 This is an email from Annabel Sidney to Mr Cousins,

1 but copied to various people, including yourself, sent
2 on 6 July 2006. If we look, please, at the second
3 paragraph, we can see that in the email she said:

4 "With regard to the doors, these are to have a mid
5 rail with a Trespa panel below and double glazing
6 above."

7 So now the discussion is about a door which has two
8 different sections rather than a door which is solid, so
9 there appears to be a difference from what we saw in the
10 earlier document. Can I just ask: does that remind you
11 at all about a change to the doors or was that something
12 that you weren't aware of?

13 A. I do not recall.

14 Q. Had you yourself looked at the specification document
15 for this project?

16 A. I had a brief -- at the commencement, when I first
17 arrived at Camberwell, I had a quick look through the
18 specification, but as indicated previously, the
19 specification had already been through a process, and
20 there seemed little point at that particular time in
21 trying to refresh my memory or become -- get the
22 detailed knowledge of the specification where we were
23 already at a contract award stage, pending the
24 performance of the contractor at the pre-contract
25 meeting.

1 Q. Were you aware whether or not the specification said
2 that the balcony doors should be fire doors?

3 A. Not specifically, no.

4 Q. Again, if a change had been suggested by anybody
5 involved, which would have involved, rather than
6 installing a fire door, installing a door that wasn't
7 a fire door, is that something which you would have
8 expected to be brought to your attention?

9 A. Yes.

10 Q. Who would you have expected to point it out to you?

11 A. The lead designer, effectively.

12 Q. Does it follow that if a change like that had been
13 suggested to you, you would have sought advice from the
14 lead designer about whether it was satisfactory or not?

15 A. Advice and an explanation as to why that was the course
16 of action that was chosen, or agreed by the lead
17 designer.

18 Q. Mr Pearce, thank you. Those are all the questions that
19 I have for you, but if you would be good enough to wait
20 there, there may be questions from others.

21 A. Of course.

22 THE CORONER: Thank you. Mr Hendy?

23 Questions by MR HENDY

24 MR HENDY: Mr Pearce, my name's Hendy, I represent members
25 of the bereaved families. You started with the council

1 in 1978?

2 A. That's correct.

3 Q. Are you still with the council?

4 A. No, no, I left the council nine months ago.

5 Q. During your many years with the council, presumably you

6 had a number of different roles?

7 A. That's correct, yes.

8 Q. In July 2006, you became the "contract manager

9 (mechanical ventilation and water)".

10 A. Not in 2006, no.

11 Q. When was that?

12 A. That was more recently. I -- approximately 2010.

13 Q. Okay. Presumably --

14 A. That was my last -- sorry to interrupt, that was my last

15 position before leaving Southwark Council.

16 Q. Right. In that position, presumably, you had

17 an alteration to your contract of employment and a new

18 job description setting out what your role was?

19 A. Yes.

20 Q. Would that be true for the posts that you held prior to

21 that last position too?

22 A. Yes, a different job description and the contract would

23 normally follow on, yes.

24 Q. You mentioned in your evidence that something, it

25 doesn't matter what it was, I didn't make a note of it,

1 would have been "within the consultant's brief". Is
2 that a formal document that the consultant has for each
3 project?

4 A. Yes.

5 Q. You use the word "consultant" many times. The
6 consultant on the particular project that we're
7 inquiring into was Annabel Sidney?

8 A. She was the lead consultant, yes.

9 Q. You also used the phrase "lead designer" towards the end
10 of your evidence. She was lead designer as well?

11 A. Yes.

12 Q. She was employed by Southwark Borough Design Services,
13 SBDS, which is in effect a section of the London Borough
14 of Southwark?

15 A. A separate department, but yes, part of Southwark
16 Council --

17 Q. A separate department.

18 A. -- or it was.

19 Q. So you would have been, like her, an employee of the
20 London Borough of Southwark?

21 A. That's correct.

22 Q. The client on this project, as on others, was the
23 investment team?

24 A. Yes.

25 Q. The investment team represents both the interests of the

1 London Borough of Southwark and of their tenants?

2 A. Yes.

3 Q. You were asked by Mr Atkins about a significant change
4 of material, and amongst the things you mentioned as
5 being a reason why you would be concerned about that,
6 you identified the financial aspects, and Mr Atkins put
7 to you that financial aspects were understandable
8 because something might not be within budget. But from
9 your perspective as the investment team, although budget
10 of course was a crucial matter, what you were looking
11 for was that a project would remain within the price
12 that had been agreed; am I right?

13 A. That's correct, or if a variation was required, that the
14 reasons for that variation were properly identified and
15 justified.

16 Q. Yes. In your role as looking after the client, one of
17 the aspects was the visual impact of any changes, am
18 I right?

19 A. Yes.

20 Q. You mentioned that there was consultation about
21 residents and you had concerns about the different
22 colours of green, which pre-existed the works in 2006.

23 There is, in fact, a photograph, which I wonder if
24 we could just look at, at page 1490. The colour has
25 faded a little, but is this illustrative of your

1 concerns?

2 A. It wasn't so much the fading of it, and perhaps if
3 I used the word "concern" that was an overexaggeration,
4 just an interest that there should be some uniformity.

5 Q. Yes.

6 A. Yes.

7 Q. I'm afraid the members of the jury are not going to
8 derive very much from that reproduction, the colour has
9 faded, but one can see there that there's a brown door
10 and on the second level there's a yellow door, and on
11 the third level there's a blue door, and some of the
12 greens are of different hues, are they not?

13 A. Mmm.

14 Q. So you were looking for uniformity, so a change in
15 material, you would have an interest in ensuring that
16 there was some uniformity in overall appearance?

17 A. Yes, consistency, providing it met the terms of the
18 specification.

19 Q. Yes. Can we just identify, then, all the matters which
20 were of concern to you, if there was a change in
21 material: first of all, the financial implications,
22 whether it was within price or not, whether that
23 impacted on budget; secondly, the visual impact, to
24 ensure that the uniformity that you planned for survived
25 whatever change in material there might be -- yes --

1 A. Mm-hmm.

2 Q. -- any effect a change in material might have on the
3 duration of the job, if it prolonged the works; any
4 effect that the change in material might have on the
5 extent of the works, that it was more intense or
6 required more scaffolding or something of that kind. Am
7 I right, those are the factors?

8 A. Yes, those are some of the factors. There will be other
9 factors as well.

10 Q. Yes.

11 A. For example, the original brief, whether the residents'
12 original wishes were still being delivered as part of
13 any change that was taking place --

14 Q. Right.

15 A. -- together with obviously the health and safety aspects
16 of -- of the residents of the building.

17 Q. Right. Well, that obviously is the point I wanted to
18 come to.

19 A. Yes.

20 Q. The health and safety aspects, obviously, you would be
21 concerned that the change in material didn't involve
22 some higher risk. We know there are dangerous
23 materials, asbestos is obviously the most notable
24 example, but there are others which would have health
25 implications?

1 A. The issue is I would not have expected a change of
2 materials to have been suggested to me if there was
3 a change or a diminution of the quality standards that
4 had already been set by the terms of the specification.

5 Q. Quite so, but of course there might be more subtle
6 indirect implications, the fixing of materials, the
7 glues used. That sort of thing might have health
8 implications, might they not?

9 A. But I would also expect that to have been taken into
10 account when it was suggested.

11 Q. Right. Would you yourself make inquiries about that, or
12 would you simply assume that if the change of material
13 was approved by the consultant, the lead designer, that
14 that had been taken into account?

15 A. I never like to use the word "assume", "understand" is
16 what the issue is, and I would have understood that the
17 technical advice would have been complete.

18 Q. It's really a question of whether you would have
19 exercised any independent judgment, whether you would
20 have made any inquiries yourself, or even thought about
21 the health and safety implications, or just taken it as
22 read from the (overspeaking) --

23 A. No, I would have taken all aspects of the change in
24 mind. I might have discussed it with another colleague
25 within Southwark Building Design Services if I felt that

1 was necessary. I had monthly meetings with the team
2 leader within SBDS, who was responsible for delivering
3 the projects within the Camberwell area, and it's
4 possible that those issues would have been discussed at
5 that level as well.

6 Q. The change from powder coated aluminium panels to Trespa
7 in relation to the panels below the windows, and in the
8 door, is that a matter -- I suppose it's too long ago to
9 recollect whether you had any discussions about health
10 and safety aspects of that.

11 A. I don't recall any specific documentation that
12 demonstrates that.

13 Q. Let me just ask you about one particular aspect of
14 health and safety, which is of course one of the primary
15 concerns of the jury, which is safety.

16 A. Indeed.

17 Q. Is that something you would have assumed -- I've used
18 the word "assumed" deliberately, is that something that
19 you would have assumed that the consultant would have
20 taken into account in making such a change or is that
21 something that you would independently investigate?

22 A. I would have expected that to have been taken into
23 account.

24 Q. Then I think the final matter I wanted to ask you about
25 was at page 1853, if we could have that up again. It's

1 just really, Mr Pearce, to clarify something which you
2 said you didn't know about but I think appears from the
3 text of the document. Yes, you said you weren't aware
4 what the Trespa was for, but I wonder if we could --

5 THE CORONER: We're just getting the document itself.

6 MR HENDY: Forgive me. (Handed)

7 That, we remind ourselves, is the email from
8 Annabel Sidney on 5 May copied to you, and you
9 identified the powder coated aluminium of which the five
10 samples are listed in the middle of the email as being
11 for the:

12 "... kitchen and lounge doors, larder panels, and
13 panels under windows as agreed".

14 We can see that in the first two lines of the
15 documents:

16 "... 5 number samples for resident consultation."

17 Then I think we can see what the Trespa was for,
18 because if we read the next sentence, it says:

19 "As discussed, we will be using one colour for the
20 powder coated aluminium elements and a Trespa colour for
21 the balcony panels."

22 That brings us to the penultimate line of the email:

23 "I will arrange for the Trespa samples to be
24 delivered direct to site."

25 So does that show us that on 5 May it was apparently

1 the case that powder coated aluminium was for the panels
2 under the windows and the Trespa was for the balcony
3 panels?
4 A. That's what this email says, yes.
5 Q. Yes, and of course the balcony panels are the panels on
6 the -- let's call it the fence along the edge of the
7 balcony?
8 A. Yes.
9 Q. Thank you very much, Mr Pearce.
10 THE CORONER: Ms Al Tai?
11 MS AL TAI: No, thank you.
12 THE CORONER: Mr Walsh? Mr Leonard?
13 MR COMPTON: No questions, thank you.
14 THE CORONER: I'm so sorry, Mr Compton, I do apologise.
15 Questions by MR LEONARD
16 MR LEONARD: Can we have a look, please, at page 1823, which
17 I think is going to be in volume 3?
18 THE CORONER: Sorry, could you just get closer to the
19 microphone.
20 MR LEONARD: I beg your pardon, I was just making sure I was
21 getting the bundle correct, 1283.
22 THE CORONER: Just wait for it to be fetched, please.
23 MR LEONARD: It's 4, I'm being told, I'm so sorry. Do you
24 have that?
25 A. 1283, yes.

1 Q. I'm not suggesting you've ever seen this particular
2 document before, so don't worry about that, I'm just
3 going to set the context of one or two other things
4 I want you to look at.

5 This is a letter sent to an organisation called
6 Symphony Windows Doors and Conservatories by Apollo in
7 August 2005, all right? I hope I might be permitted to
8 put it in this way: that the document if you flip
9 forward to 1337 is likely to be established by other
10 evidence, including, as part of that letter, one of the
11 enclosures.

12 Could you just have a look at 1337; do you see that?

13 A. Yes, I do.

14 Q. Do you recognise that? It's part of what I believe to
15 be the schedule of work.

16 A. The specification, it's contained within the
17 specification.

18 Q. Yes. Is that a Southwark document?

19 A. Yes.

20 Q. You recognise that to have been sent out in that format
21 by Southwark at the time that you were involved in the
22 capacities you've told us about?

23 A. In that form, yes.

24 Q. Okay. Have a look at the bottom in the middle, it says
25 7/19, do you see that? Right in the middle at the

1 bottom of the page, above the page 1337, there's 7/19?

2 A. 7/19, yes.

3 Q. Look over the page to 1338, do you see it jumps to 7/21

4 in this document. But if you look now at 1360, I hope

5 I might be permitted to say that you'll see 1337 but

6 with some writing on it, all right?

7 A. Correct.

8 Q. This time, over the page 1360 at 1361, we see what might

9 have been listening from the earlier clutch, namely

10 7/20, all right?

11 A. Okay.

12 Q. So this is the specification document put together by

13 Southwark, as I understand it, from what you have told

14 us, before you were involved, of course. But is this

15 the sort of document that you would have referred and

16 returned to, had you needed to, to consider

17 specification and specification changes if they were

18 relevant?

19 A. Yes. Whether this particular document is the price

20 document of the subcontractor --

21 Q. It is.

22 A. Right, okay. But yes, this is the format in which

23 I would look at the specification.

24 Q. The subcontractor has to get the specification from

25 somewhere and, as I perceive it, you're agreeing with me

1 that this document has come from Southwark. If
2 everybody looks just at 1360 for a moment, that page
3 appears to relate to new polyester powder coated
4 aluminium --

5 THE CORONER: Sorry, could we just stop it a moment? Could
6 we increase it in size because the jury may not be
7 familiar with documents of this sort and I don't want to
8 rush it.

9 MR LEONARD: Madam, I think you're right, this is the first
10 time the jury have looked at anything like this.

11 THE CORONER: So perhaps we could look at it a little more
12 slowly, please.

13 MR LEONARD: Does everybody have it, at the top of that
14 page:

15 "Windows and doors. New polyester powder coated
16 aluminium windows as the performance specification."

17 Does everybody have that? Then reading down the
18 page, there's a paragraph A that refers to the
19 contractor, and the paragraph beneath that starts:

20 "Carefully remove existing metal windows, doors and
21 louvres."

22 The sentence that follows:

23 "Supply and install new polyester powder coated
24 aluminium window units to comply with all the current
25 u-values as required by the building regulations part

1 L."

2 Do you see that, yes?

3 A. Yes.

4 Q. Do you know what "part L" means, off the top of your
5 head? It's not a test question.

6 A. No.

7 Q. It's in relation to insulation which probably makes
8 sense in the context of that paragraph. Just go over
9 the page, 1361. At the top of the page:

10 "Specification of kitchen window type 2."

11 I'm not going to go to it but, broadly speaking,
12 that is the window unit we've seen in other documents
13 and as installed by way of the plan. At this stage:

14 "Kitchen window type 2 comprising of tilt and turn
15 and fixed windows."

16 Then it says:

17 "Solid fire rated door to meet part B."

18 Do you know what "part B" means in that context?

19 A. No.

20 Q. It relates to fire and fire material, in short. But
21 beneath that, do we see at paragraph B:

22 "Lounge window type 3 ..."

23 Relating to your plan:

24 "... comprising of tilt and turn, fixed, bottom and
25 top hung windows, glazed door and panel."

1 Yes, do you have that?

2 A. Yes.

3 Q. Everybody can see it, but it's a matter for comment, it
4 doesn't retain any reference to part B as the door in
5 paragraph above did, does it?

6 A. That's correct.

7 Q. If we go back to page 1360 in this document, 7/19, again
8 I hope this is uncontroversial:

9 The polyester powder coated aluminium window units
10 are there required to comply with all current u-values
11 required by building regulations part L.

12 Do you see that?

13 A. Yes.

14 Q. Again, as a matter of, if I might say so, the blindingly
15 obvious, it doesn't of course refer to part B at that
16 stage?

17 A. No.

18 Q. Thank you.

19 THE CORONER: Yes. Ms Petherbridge?

20 Questions by MS PETHERBRIDGE

21 MS PETHERBRIDGE: Mr Pearce, just to clarify one matter with
22 you, if I may. There's been reference to Trespa and
23 Trespa panels in two respects in the questions you've
24 been asked so far, one in relation to the balcony
25 panels, and another -- Mr Hendy mentioned the change, as

1 he put it, from powder coated aluminium to Trespa in
2 respect of panels used under the windows and in the
3 kitchen doors and indeed the kitchen larder panels.

4 Could I just ask you to turn, to clarify one matter,
5 back to the document Mr Leonard was just showing you,
6 the schedule of works, but this time at page 1339; do
7 you have that?

8 A. I have that, yes.

9 Q. Do we see at the top there that there's reference to
10 replacing the asbestos infill panel to the external fire
11 escape balcony balustrade?

12 A. Yes.

13 Q. So the balcony panels, in short, and the material that's
14 specified there is to:

15 "Supply and fix new 13-millimetre Trespa Meteon
16 Varitop double sided infill panels to existing metal
17 frame."

18 A. That's correct.

19 Q. Now, you didn't hear, I think, the evidence of
20 Mr Crowder, the expert, but the jury has, to the effect
21 that the material that the balcony panel was made of was
22 throughout a pressed sheet made of cellulose and resin.
23 We also heard from Mr Crowder, and indeed the jury
24 looked at a sample, of the panels used under the
25 windows, and also, as we know, the kitchen doors and

1 larder panels, and he explained that those panels were
2 made of the same pressed sheet in terms of the two outer
3 skins, but filled with something quite different, which
4 he believed to be a sort of polyurethane foam or aerated
5 material, as he referred to it. Were you aware of that
6 difference between the materials used for the balcony,
7 the pressed laminate throughout, and the materials used
8 in the other panels under the windows, which was that
9 pressed laminate, but with another material in between?

10 A. No.

11 Q. Thank you.

12 THE CORONER: Mr Matthews?

13 MR MATTHEWS: I have no questions.

14 THE CORONER: Thank you very much. Members of the jury, do
15 you have any questions?

16 Questions from THE JURY

17 THE FOREMAN OF THE JURY: Thank you, Madam Coroner,
18 I believe we just have the one.

19 This may be apparent in the documents that the
20 advocates have, but not us. We were just wondering what
21 the original budget was located to the works, if that is
22 known.

23 THE CORONER: Are you able to help us with that, or maybe by
24 reference to a document, if you don't remember it off
25 the top of your head.

1 A. I was here when the previous evidence was given and the
2 figure was quoted then. I thought it was nearer
3 3 million, but that is based on recollection rather than
4 a -- and that budget included the fees for the
5 consultants as well, so -- but I cannot speak with
6 certainty on that.

7 THE CORONER: Okay, that's helpful. The previous witness
8 gave evidence that the contract figure, that is looking
9 at the building work element, was 2.8 million
10 approximately.

11 MR COMPTON: Madam, can I assist with 1409?

12 THE CORONER: Page 1409, thank you.

13 MR LEONARD: At the top of that page, under "Budget
14 estimate".

15 THE CORONER: Thank you. Yes.

16 So, members of the jury, do you see the figure set
17 out there, those are the tender sums that were being put
18 in by the contractors.

19 THE FOREMAN OF THE JURY: Thank you very much.

20 THE CORONER: Does that answer your question?

21 THE FOREMAN OF THE JURY: Yes, thank you.

22 THE CORONER: Thank you. Yes, thank you very much
23 Mr Pearce, thank you very much for coming and thank you
24 very much for the help that you've been able to give us.

25 A. Okay, thank you.

1 THE CORONER: You're welcome to stay if you would like, but
2 you're free to go if you would prefer. Thank you very
3 much for coming, thank you.

4 A. Thank you.

5 (The witness withdrew)

6 THE CORONER: Yes.

7 MR ATKINS: Madam, the next witness is Mr Vincent Edwards.

8 THE CORONER: Thank you, Mr Edwards, are you in court?
9 Would you like to come forward? Thank you.

10 VINCENT EDWARDS (affirmed)

11 THE CORONER: Thank you, Mr Edwards. Do sit down. Do help
12 yourself to a glass of water.

13 A. Thank you.

14 THE CORONER: I think you've been sitting at the back, so
15 you've probably realised that the sound in this room is
16 not very easy, so please could you make sure you keep
17 your voice up?

18 A. Sure, will do.

19 THE CORONER: If you give your answers across the room
20 towards the members of the jury, then that will help
21 them to hear what you're saying and also help to keep
22 you close to the microphones.

23 A. Okay, thank you.

24 THE CORONER: Mr Atkins will initially ask questions on my
25 behalf and then there may be questions from others.

1 A. Thank you.

2 Questions by MR ATKINS

3 MR MAXWELL-SCOTT: Could you please tell the court your full
4 name?

5 A. Vincent Edwards.

6 Q. Mr Edwards, is it right that at the time of Lakanal
7 works in 2006/2007, you were employed as part of a SBDS
8 as an architectural building surveyor?

9 A. That's correct, yes.

10 Q. When did you join SBDS?

11 A. 1997.

12 Q. Could you just summarise for the jury, please, your
13 qualifications?

14 A. I'm a building surveyor, I have a HNC and I've taken
15 various courses throughout my period at SBDS.

16 Q. I think it's right that as a result of reorganisations,
17 SBDS was disbanded some time after the Lakanal House
18 works were finished.

19 A. That's correct, yes.

20 Q. Can you help us with roughly when that was?

21 A. I think it was around 2006/2007, although I can't be
22 sure.

23 Q. Can you recall whether that happened once the works at
24 Lakanal House had finished?

25 A. It was during the closing down of the contract that that

1 finished.

2 Q. Is it right that SBDS was a team made up of a number of
3 different sorts of building professionals?

4 A. That's correct, yes.

5 Q. So there were people who had architectural
6 qualifications --

7 A. Yes.

8 Q. -- also building surveyors and quantity surveyors?

9 A. That's correct.

10 Q. I think at that time SBDS was itself divided into teams
11 which included, among others, teams covering different
12 geographical areas.

13 A. That's correct.

14 Q. One of those teams was the central team?

15 A. Yes.

16 Q. Were you part of that team?

17 A. I was, yes.

18 Q. Just to give us an idea of the size of the team, is it
19 right there were about 20 or 25 people in the central
20 team?

21 A. Yes, about that.

22 Q. I'd just like to ask you about a couple of names in
23 relation to the Lakanal House works, so that we can
24 understand where different people fitted in within the
25 team at SBDS. Is it right that from about

1 February 2006, somebody called John Menlove was the
2 acting group manager of SBDS --

3 A. That's correct, yes.

4 Q. -- and that others involved in the project included
5 Annabel Sidney, whose name we've heard already --

6 A. Yes.

7 Q. -- and in relation to this project, she was the
8 construction project manager?

9 A. Yes.

10 Q. There was also someone called Amos Adewalure, who was
11 a quantity surveyor?

12 A. That's correct.

13 Q. You were also involved in the project in a capacity
14 called planning supervisor?

15 A. That's it, yeah.

16 Q. Could you just summarise for us, please, what that role
17 involves in a couple of sentences?

18 A. Yeah, as planning supervisor, I oversaw the health and
19 safety aspects of the projects during the construction
20 works.

21 Q. Just so that we understand that, of course while the
22 work is being done, there will be various health and
23 safety matters which have to be considered, won't there?

24 A. Yeah.

25 Q. So, for example, in the case of a building such as

1 Lakanal House, there would be scaffolding, no doubt.

2 A. Yes.

3 Q. Work that involves working at a height has to be

4 assessed so that the risks are considered and measures

5 can be taken to deal with them.

6 A. That's correct, yes.

7 Q. So when you mentioned there that as planning supervisor

8 your responsibilities related to the health and safety

9 aspect of the work, are we considering there those sorts

10 of things, in other words health and safety

11 considerations to do with how the work itself would be

12 done?

13 A. How the work itself is done and in relation to safety of

14 occupants and the public and people working on the site,

15 yes.

16 Q. You mentioned the health and safety of residents there.

17 Is that again in the context of their health and safety

18 during the work --

19 A. Yes, it is.

20 Q. -- as opposed to questions of the health and safety

21 aspects of the building once the work was finished?

22 A. Yes.

23 Q. Is that a legitimate distinction?

24 A. It's a distinction. I mean, there are -- there are

25 aspects of the work that are carried forward, should

1 further works be carried out on the building, but that
2 is to do with maintenance and safety during that phase,
3 yes.

4 Q. I'm sorry, Mr Edwards, as you turned to answer me,
5 you're moving away from the microphone, I don't know
6 whether the members of the jury were able to hear.

7 THE CORONER: It would be helpful if you would just repeat
8 that answer, please, Mr Edwards.

9 A. Okay, yes, essentially it's during the works, but if
10 there are any residual risks or aspects that need to be
11 carried forward for future maintenance then that is
12 recorded for the next phase of works, if there is one.

13 MR ATKINS: Is it correct that while the works are being
14 planned and then undertaken, there is something called
15 a preconstruction health and safety plan, which is
16 compiled?

17 A. There is, yes.

18 Q. Is the gist of that that while the work is going along,
19 as each part of the work is done and documents are
20 produced about the health and safety aspects of that
21 part of the work, they will be added into the plan?

22 A. That's correct, yes.

23 Q. At the end of the project, will the contractor carrying
24 out the work compile something called the health and
25 safety file?

1 A. Yes.

2 Q. That will be a file which will include the final version
3 of the preconstruction health and safety plan --

4 A. Yes.

5 Q. -- incorporating all of those documents that have been
6 produced along the way.

7 A. Yes.

8 Q. Would it also include, for example, drawings relating to
9 the building work?

10 A. It would include as-built drawings, yes.

11 THE CORONER: Sorry, could you repeat that?

12 A. Sorry, it would include as-built drawings, yes.

13 THE CORONER: Thank you.

14 MR ATKINS: Can you just explain to us what is meant by
15 an "as-built drawing"?

16 A. Very often, when surveys are carried out drawings are
17 produced, but during the works for whatever reason they
18 may change, and the as-built drawings are a record of
19 what those changes are.

20 Q. So if such drawings were put together, they would find
21 their way into the health and safety file which the
22 contractor would provide at the end of the project?

23 A. They would, yes.

24 Q. If there were documents such as test certificates, or
25 approvals that related to any part of the work, would

1 they also be included in the health and safety file?

2 A. They would, yes.

3 Q. To take one example, there is something called FENSA

4 certification, is there not, which is to do with glazed

5 units?

6 A. Yes.

7 Q. It may be that somebody carrying out work involving

8 glazed units will issue a FENSA certificate in order to

9 say in effect that the glazed unit meets the relevant

10 requirements.

11 A. That's correct, yes.

12 Q. If that happens on projects, will those certificates

13 find their way into the health and safety file?

14 A. They do. The health and safety file is split into the

15 file itself, plus there are O&M manuals which are

16 operation and maintenance manuals, and they are all

17 contained within the health and safety file.

18 Q. So in summary then, the health and safety file is

19 a record, first of all, of how the building work was

20 done and the health and safety aspects of that and also

21 of what it is which has been done and the related

22 technical information --

23 A. Yes.

24 Q. -- is that a fair summary? Was it also part of your

25 role as planning supervisor on the Lakanal project to

1 review the programme of works, in other words the
2 timetable of the works, to ensure that it was realistic?

3 A. Yes.

4 Q. Because it might happen that there would be a delay in
5 one part of a project which would have an impact on
6 works to happen later on?

7 A. That's correct.

8 Q. For example.

9 A. Yeah, and it's also to ensure that there's sufficient
10 time that's allocated for the tasks so that they can be
11 carried out safely.

12 Q. I'm sorry, sufficient time for the "tests"?

13 A. For the tasks, for the various elements.

14 Q. Which sort of tests do you mean then?

15 A. Tasks, sorry.

16 Q. Oh "tasks" -- so sorry, I misheard you -- to allow time
17 for the work to be done.

18 A. To allow -- yeah, for it to be done safely.

19 Q. In relation to the Lakanal House works, you were the
20 planning supervisor. Is it though, the case, that in
21 connection with other projects you might take on
22 a different role within the team?

23 A. Yes, at the time I was a CPM and project manager also.

24 Q. So there would be other projects where your role, for
25 example, would be the one that Annabel Sidney was

1 carrying out in relation to Lakanal House?

2 A. That's correct.

3 Q. Is it correct that your team had within it a clerk of
4 works --

5 A. That's correct, yes.

6 Q. -- whose name was Keith Roberts?

7 A. Yes.

8 Q. In fact, every team had one such person.

9 A. Yes.

10 Q. Could you explain to us, please, what his
11 responsibilities on a project such as Lakanal House
12 were?

13 A. Yeah. He would inspect the works and ensure that the
14 quality was carried out as specified. He could actually
15 instruct the contractor to carry out works as long as
16 there was not a change in budgets, but essentially he
17 would monitor the progress on site and the quality of
18 the works.

19 Q. You said that he would check whether the works were done
20 as specified. Does that mean that he would have access
21 to the specification documents?

22 A. Yes, he would.

23 Q. When it came to issuing instructions to the contractors,
24 that is asking them to carry out work, was there anybody
25 else who could issue instructions to them?

1 A. Yes, in the main the CPM issued the instructions.

2 THE CORONER: Could you just tell the jury what you mean by
3 CPM, please?

4 A. Construction project manager.

5 THE CORONER: Thank you.

6 MR ATKINS: So in relation to this project, by the sounds of
7 it, the two people who would be issuing instructions
8 would be Annabel Sidney or Keith Roberts?

9 A. Yes, but Keith Roberts would issue the instructions with
10 the approval of Annabel.

11 Q. Right.

12 THE CORONER: So if there was an instruction that
13 Annabel Sidney wanted to give, she would use
14 Keith Roberts merely as a conduit?

15 A. No, it was more a case if Keith Roberts saw something on
16 site that needed to be amended or adjusted, he would say
17 to Annabel, and depending on the scope of it, she would
18 issue an instruction. If it was -- if it was a day to
19 day change on site, to do with quality, then he could
20 issue an instruction on that, so long as there was no
21 impact on either the project or the budget.

22 MR ATKINS: There was within Southwark a separate building
23 control department?

24 A. There was, yes.

25 Q. Was it part of SBDS's role in relation to a project --

1 whether Lakanal or another project -- to identify
2 whether or not there was a need to submit any plans or
3 building notices to building control?

4 A. Yes.

5 Q. Was it part of SBDS's function as the designer for
6 a project, or as the consultant for a project, to draw
7 up the specification, first of all?

8 A. Yes, it was a standard specification, and depending on
9 the scope of the works, elements were put together for
10 that particular project.

11 Q. When you say it was a standard specification, was
12 that -- there was a standard specification for work on
13 a particular type of building?

14 A. Yeah, and a particular scope of works. Our works fell
15 into two categories, which was the planned prevented
16 maintenance and the major works. It was the major works
17 that had the building control element within it.

18 Q. As part of drawing up the specifications for either the
19 planned preventive maintenance works or major works,
20 would it fall to somebody within the team at SBDS to
21 make sure that the specification complied with any
22 requirements in the building regulations?

23 A. Yes.

24 Q. Did you in the course of either the Lakanal House
25 project or any other projects ever submit plans to the

1 building control department?

2 A. No, I didn't.

3 Q. Was that something that other people in the team did on
4 projects where you were involved?

5 A. My understanding was it depended on the scope of the
6 works, whether -- there were two routes of which
7 building control could be applied for which was a full
8 plan submission, where we would do plans, or there was
9 a building notice in which elements of work would fall
10 within building control.

11 Q. Maybe my question was too narrow, because I think I only
12 asked you about plans. Did you, in relation to any
13 projects, submit building notices?

14 A. It was the contractor that submitted the building
15 notices.

16 Q. Would SBDS have a role in coordinating that or checking
17 that it had been done?

18 A. Yes.

19 Q. So what would happen, SBDS -- would you identify, first
20 of all, that it was necessary and then ask the
21 contractor to do it, or would it be left to the
22 contractor to --

23 A. Yeah, I mean we'd initially have talks with building
24 control about the particular project prior to tender,
25 and that would -- those discussions would go towards

1 whether it was a full planned application or simply
2 a building notice.

3 Q. Then depending on the answer to that question, that
4 would inform your approach --

5 A. Yes.

6 Q. -- from that point on on that project?

7 A. Yes.

8 Q. Can you remember whether in relation to the work at
9 Lakanal House in 2006/2007 either plans were submitted
10 or building notices were submitted?

11 A. I don't honestly remember.

12 Q. On that particular project, would it have fallen to you
13 to deal with that side of things or would it have been
14 somebody else's job?

15 A. In my role as planning supervisor?

16 Q. Yes.

17 A. No.

18 Q. If it should happen that once works have started
19 a change is suggested to the specification, who is it
20 who should be looking to consider whether or not that
21 has any bearing on the compliance with building
22 regulation?

23 A. In most cases, it's actually a performance specification
24 that the contractor prices and within that performance
25 specification, it would be stipulated that it had to

1 comply with certain regulations and qualities. If there
2 was a change in that material proposed by anybody, then
3 it has to be at that basis that it conforms to those
4 regulations and qualities that's already been said.

5 Q. So we have the specification which is sent to the
6 contractor, which includes a requirement that whatever
7 is done has to comply with the applicable standards.

8 A. Yeah.

9 Q. Then a change is suggested.

10 A. Mmm.

11 Q. Who is it then who considers this question of whether
12 the new material, for example, does in fact meet the
13 requirements? Is that something which the contractor
14 does or is that something which SBDS would consider?

15 A. It's something which the contractor should do, they
16 should offer an equivalent or better product.

17 Q. If it came to the attention of somebody at SBDS that the
18 proposed change would have a detrimental effect, is that
19 something which you would take up?

20 A. The whole issue of the change would be discussed in
21 terms of the material, any impact on the programme, the
22 cost. So there would -- the whole design team would
23 talk about the change, depending on the -- the -- how
24 big the change was, and then a recommendation would be
25 put to the client whether to accept or reject it, the

1 change.

2 Q. Would there be some form of record made of that, that
3 "The specification had been such and such, that there
4 had been suggestions it should be changed to something
5 else, that certain things were considered and this is
6 the decision that's been made and why"? Would there be
7 that sort of process?

8 A. Yes, there would be various -- there would be, within
9 that process, there would be the reasons for the change,
10 there would be risk assessments and method statements
11 put together in terms of the impact of the change in
12 terms of health and safety, and any budgetary factors
13 would be taken into consideration also, and then at the
14 end there would be a -- an instruction that's issued
15 that would authorise the change.

16 Q. The record of the suggested change in the decision, and
17 the risk assessment and so on, would that be recorded in
18 a particular form, was there a proforma template, for
19 example?

20 A. There would within the -- within the health and safety
21 process, there would be the record of the change and the
22 impact on, as I say, health and safety, but there would
23 be an instruction that would go towards -- in the actual
24 contract documents, at the end of the job, in the final
25 account that would be recorded there. So there would be

1 a summary of the works that had been carried out,
2 including changes which would be priced and agreed at
3 the end of the job.

4 Q. So does it follow that by looking at the documents at
5 the end of a project, one ought to be able to compare
6 the original specification documents and original tender
7 documents with what was done at the end, and that there
8 ought to be an instruction in each case saying "Change
9 this to that"?

10 A. Yes. There would be the original specification and then
11 a -- the architect's instructions throughout the
12 contract that accompany that.

13 Q. Could I just return, please, to the subject of the
14 building control department, something I meant to ask
15 you earlier? Are you able to help us with the names of
16 any of the people that you dealt with in 2006/2007 at
17 the building control department?

18 A. No. I didn't deal with it -- with the building control
19 at that period. I acted as planning supervisor on the
20 Lakanal, but I also had another large project that I was
21 dealing with, which didn't involve building control
22 also.

23 Q. Finally, I'd like, please, just to show you two
24 documents, to ask you whether you have seen them before.
25 The first is at page 827, which is in file number 3.

1 I've just put that on the screen and Mr Clark will hand
2 you a copy in the bundle in a moment. (Handed)

3 If we just look at the top of the page, we see it's
4 a Southwark building design service document, and on the
5 right-hand side it's headed:

6 "Fire risk of wall over-cladding in high rise
7 flats."

8 It's a document that goes on from page 827. If you
9 could just have a look at that page and the pages that
10 follow, and then let us know whether that's a document
11 that you think you have seen before. (Pause)

12 A. I don't recall seeing it, no.

13 Q. If you turn on, please, to page 845, there's a second
14 document entitled:

15 "Fire risk to claddings of high rise flats. Report
16 on three sites at risk for Southwark Housing."

17 If we look at the bottom of that page we'll see the
18 date, 15 March 2001. If I could ask you the same thing,
19 please, if you could look at that page and the pages
20 that follow and see if that's a document that you
21 recognise.

22 A. I recall it was done, but I don't recall -- yeah,
23 I recall it was done, I don't remember any of it,
24 though.

25 Q. Was this a document which you ever referred to in the

1 course of any of the projects that you worked on; do you
2 remember?

3 A. No, I don't remember.

4 Q. Are you able to say whether either this document or the
5 one we looked at a moment ago at page 827 was a document
6 that anybody at SBDS referred to in connection with the
7 works at Lakanal?

8 A. I don't know.

9 Q. Mr Edwards, thank you very much. Those are the
10 questions I have for you. There may be questions from
11 others?

12 THE CORONER: Thank you. Please just forgive me a moment,
13 Mr Edwards.

14 Can I just get a very quick idea around the room of
15 whether people have many questions for Mr Edwards?

16 MR HENDY: About five minutes, madam.

17 THE CORONER: Okay.

18 MR COMPTON: No questions, thank you.

19 THE CORONER: Right, in that case, I suggest that we ask
20 Mr Hendy to ask his questions, we'll go over a little
21 bit over 1 o'clock, but I think rather than have a break
22 and ask you to come back just for a very short period.
23 So yes, Mr Hendy?
24
25

1 Questions by MR HENDY

2 MR HENDY: Mr Edwards, Hendy representing members of the
3 bereaved families. In the positions that you held in
4 the Southwark Building Design Service, presumably you
5 had a contract of employment and a job description?

6 A. Yes, I did.

7 Q. When you were working as a construction project manager,
8 as opposed to the planning manager, which you were on
9 the particular project with which the jury is concerned,
10 when you were working as construction project manager,
11 did you investigate issues of fire safety in relation to
12 the particular project?

13 A. Could you be a bit more specific, please?

14 Q. Yes. Let's take a hypothetical project that you're
15 construction project manager on. You're the lead on
16 that particular project, do you look at it to see that
17 there are fire safety implications of the works that are
18 proposed, or do you assume that that's all been dealt
19 with by others in drawing up the specification?

20 A. In drawing up the specification, the elements that are
21 specified have been tried and tested, and in terms of
22 the -- the requirements, they are in place. That's the
23 one option of specifying an element or a material. The
24 other, which is mainly done by SBDS, is the performance
25 specification, in which those -- in which those elements

1 are mentioned and have to be taken into consideration.

2 Q. Well, in any big project there are changes that are made
3 during the course of the works, are there not?

4 A. Yes.

5 Q. If that involves a change in material, is the question
6 of whether the new material is as safe from a fire
7 perspective as the previous material an issue that you
8 would ask about?

9 A. Yes.

10 Q. Mr Atkins asked you about the change in the
11 specification and you said, as I have recorded it:

12 "If there's a change in material, it still has to
13 conform to the specification."

14 In other words, it has to meet the tasks that the
15 specification set out for that particular material --

16 A. Yes.

17 Q. -- and it has to be equivalent or better.

18 A. Yes.

19 Q. If the change of material conforms to the particular
20 specification in the tender documents, the contractual
21 documents and if there are no cost implications of that
22 change, and if there is no lengthening of the duration
23 of the works by making that change, and if there's no
24 extension to the scope of the works in making that
25 change, would you still expect documentation setting out

1 the reasons for the change, the risk assessment, and so
2 forth?

3 A. Yes.

4 Q. Would you still expect a record of that change to have
5 been made?

6 A. Yes.

7 Q. Thank you very much.

8 THE CORONER: Members of the jury, do you have any questions
9 for this witness? Thank you very much.

10 Questions from THE CORONER

11 THE CORONER: Mr Edwards, can I just pick up on that and
12 just understand the two different processes involved if
13 there's a change in the material specification?

14 A. Yeah.

15 THE CORONER: So at the end of that process an instruction
16 is given to the contractor --

17 A. Yes.

18 THE CORONER: -- which you've described to us.

19 A. Yes.

20 THE CORONER: But I want to take you back to the process
21 internally, within SBDS, before that instruction is
22 given, and you've just explained part of that in your
23 answer to Mr Hendy.

24 A. Sure, yeah.

25 THE CORONER: What arrangements were made for recording that

1 sort of decision within SBDS, that is the decision to
2 give the instruction to the contractor?

3 A. Right. It very much depends on what -- what the -- the
4 change is. If it's the material change and it's
5 a material that we've used before, then it's usually
6 confined within that contract that the decision is made
7 and the instructions are issued. We had -- SBDS had
8 regular monthly meetings in which if there were major
9 changes to any of the projects which would have
10 an impact on future projects, it would be discussed
11 then.

12 THE CORONER: So where would we look to find a record of
13 that sort of discussion?

14 A. You would look either in the project file for that
15 particular project, or within the minutes of the monthly
16 design team meetings.

17 THE CORONER: Thank you very much, that's very helpful,
18 thank you.

19 Mr Edwards, thank you very much indeed for coming
20 and thank you very much for the help that you've been
21 able to give to us. You're free to go, thank you.

22 A. Thank you.

23 (The witness withdrew)

24 THE CORONER: Yes, thank you.

25 Yes, Mr Maxwell-Scott. I think that's all of the

1 evidence that we have for today --

2 MR MAXWELL-SCOTT: It is, yes.

3 THE CORONER: -- and indeed for this week?

4 MR MAXWELL-SCOTT: It is. There are no witnesses listed to
5 give evidence tomorrow. On Monday, 25 February, we have
6 listed one witness from Trespa and two witnesses from
7 SAPA building systems.

8 THE CORONER: Thank you very much. Members of the jury,
9 you're now free until Monday morning. So please could
10 you be back for a start on Monday morning at 10 o'clock,
11 and please bear in mind over the weekend the warnings
12 which I have given you on a number of occasions now,
13 please. You must not talk to anyone about the case, you
14 must not carry out any of your own research and, as I've
15 explained, what matters is that you as jurors deal in
16 your discussions only with the evidence which you hear
17 in this court and not from anything outside, all right?

18 So thank you very much, and we shall see you on
19 Monday morning. Thank you.

20 (In the absence of the Jury)

21 Housekeeping

22 THE CORONER: Mr Matthews, I think that we might have some
23 documents to add to your list. We've heard today -- I'm
24 not sure to what extent these have been disclosed, and
25 if they have and I am getting this wrong then forgive

1 me -- but the brief from within LBS to SBDS in respect
2 of this particular project, I'm not sure whether that
3 has been produced?

4 MR MATTHEWS: I think it has, I think it's under a different
5 name, but I'll double check.

6 THE CORONER: Thank you very much, and Mr Edwards has just
7 talked about the project file or the minutes of the
8 meetings of the design team. Have those been disclosed?

9 MR MATTHEWS: Again, I think the relevant minutes are
10 disclosed, but all of it I'll have checked.

11 THE CORONER: Thank you, if you could review that.

12 MR MATTHEWS: Madam, we're, as it were, as it's going along
13 doing exactly that and making a list of anything to
14 check that may not have been picked up, so we're doing
15 the same as you are, as it goes along.

16 THE CORONER: Yes, I'm sure you are, but we need them and we
17 need them now.

18 MR MATTHEWS: Yes.

19 THE CORONER: Yes, okay. Thank you very much. Yes, are
20 there any points that we need to raise before we
21 continue next week?

22 Next week looks to be quite a full week.

23 Mr Maxwell-Scott, is there anything that you need to
24 raise on that?

25 MR MAXWELL-SCOTT: No, I don't think so. Mr Nuhu's now come

1 out of the list, so the four witnesses scheduled on
2 Monday and Tuesday I would hope to conclude by the end
3 of Tuesday. Wednesday is probably the most ambitious
4 day. I may make some inquiries about Mr Wilson's
5 availability on other days, and I may circulate some
6 suggestions or invite comments by email about whether
7 Mr Perry White is a necessary witness in the light of
8 his very short witness statement.

9 THE CORONER: Thank you very much. All right, that's
10 helpful. Does anyone have any issues that need to be
11 raised? Thank you very much.

12 Well, thank you all very much for your help, and we
13 shall continue on Monday. Thank you.

14 (1.10 pm)

15 (The Court adjourned until 10 o'clock on
16 Monday, 25 February)

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