

1 Tuesday, 26 February 2013

2 (10.00 am)

3 THE CORONER: Yes, good morning. Do sit down. Are there
4 any issues to raise before we ask the jury to come in?

5 MR ATKINS: Madam, only to mention that we haven't received
6 any submissions regarding Perry White. The position is
7 that he has been removed from the witness list, but we
8 understand that he will be available if necessary after
9 Mr Cousins has given evidence.

10 THE CORONER: Okay, that's helpful. Thank you very much.
11 Yes. Any other points to raise? In that case could we
12 ask the jurors to come in.

13 (In the presence of the Jury)

14 THE CORONER: Yes, good morning, members of the jury. We're
15 going to begin the evidence this morning with evidence
16 from Mr Campbell from Symphony Windows. Mr Campbell,
17 are you in court? Would you like to come forward.

18 THOMAS CAMPBELL (affirmed)

19 THE CORONER: Thank you very much, Mr Campbell. Do sit
20 down. Please help yourself to a glass of water if you
21 would like. We have a sound system, but it is quite
22 difficult for people in the room to hear what's being
23 said, so please could you keep your voice up. If you
24 direct your answers across the room towards the members
25 of the jury, who are sitting opposite you, then that

1 will help them to hear your evidence and also help to
2 keep you close to the microphones. Thank you.

3 Mr Atkins, who is just standing up, is going to
4 begin by asking you questions on my behalf, and then
5 there will be questions from others.

6 A. Okay.

7 THE CORONER: Thank you.

8 Questions by MR ATKINS

9 MR ATKINS: Good morning. Could you please tell the court
10 your full name.

11 A. Thomas Campbell.

12 Q. Mr Campbell, is it right that you are a director of
13 a company called Symphony Windows?

14 A. That's correct.

15 Q. I think it's right that company was set up in about
16 1998?

17 A. Yeah, that's also correct.

18 Q. And that in 2006 the company had two directors, and that
19 was you and somebody called Nick Coupe?

20 A. Yes, correct.

21 Q. Is it correct that Mr Coupe is in fact no longer
22 a director because in 2011 he decided to try his hand at
23 something else?

24 A. Yes, Mr Coupe officially handed in -- resigned as
25 a director of Symphony and went on to -- to do other

1 things.

2 Q. In 2006, could you just give us an idea, please, of how
3 the two of you divided responsibilities between
4 yourselves?

5 A. When Symphony Windows was first set up, which was in
6 1998, I was primarily responsible for the sales side of
7 the business and the pricing side. Nick was responsible
8 for the operations side of the business, operations
9 including the installation side and the running of the
10 teams, once -- once we'd been awarded a contract.

11 Q. Did Symphony manufacture windows or doors or panels or
12 frames?

13 A. No, at the time we were a supply and installation
14 company. We sourced our products, whether they would be
15 PVC products or aluminium products. We then did carry
16 out the installation, providing basically a complete
17 service to the client.

18 Q. So a client would come to you and you would agree to
19 supply windows, but in fact the parts that made up those
20 windows would be provided to you by other companies?

21 A. Slightly -- slightly different. We -- we are
22 a commercial company, commercial in the sense that
23 90 per cent of our work is local authority, social
24 housing, housing association works. What tends to
25 happen, we would get an inquiry from Apollo, or a --

1 a building contractor, and we would be given
2 a specification of works to work to. Those
3 specifications would basically, in some cases, tell us
4 what type of windows they wanted, what product, and even
5 in some cases actually -- actually name a product.

6 Q. In the case of Lakanal House, is it correct that you
7 were approached by Apollo and that as a result you were
8 working for Apollo and ultimately for the London Borough
9 of Southwark?

10 A. Yes, that's correct.

11 Q. Before that project, the Lakanal House project, had you
12 done work on behalf of the London Borough of Southwark
13 before?

14 A. Yes, we'd done -- we'd done various blocks,
15 predominantly PVC as opposed to aluminium.

16 Q. Did your work in Southwark include work on high rise
17 buildings?

18 A. Not high rise, no. Nothing as high as Lakanal House.

19 Q. Had you worked with Apollo, the contractor, before?

20 A. Yes, we did lots of work with Apollo.

21 Q. Could I please show you page 1283 of the chronological
22 bundles. Mr Clark will just hand that to you now. It's
23 in file number 4. (Handed) This will hopefully help us
24 to understand how Symphony Windows came to be involved
25 at Lakanal House. So we have a letter here, do we see,

1 on Apollo headed paper, dated 23 August, marked for your
2 attention?

3 A. Yeah, that's correct.

4 Q. Looking down to the middle of the page, we can see that
5 Apollo wrote to you and said:

6 "We are currently tendering for the above project
7 [Lakanal House, Sceaux Gardens] and would be pleased to
8 receive your most competitive quotation on a supply or
9 supply and fix basis for the aluminium windows
10 requirements."

11 Could you explain to us in simple terms, please, the
12 difference between quoting for the supply of windows and
13 quoting for the supply and fix of windows?

14 A. Quoting for the supply would be basically pricing the
15 specification and supplying them to the main contractor
16 as opposed to supplying and installing the product.

17 Q. Do we see from this letter that as at August 2005,
18 Apollo were preparing their tender, or their bid, to do
19 work on behalf of Southwark?

20 A. It would appear from -- from this letter that Apollo,
21 along with another -- a number of other main
22 contractors, would have been invited to submit a tender
23 price to Southwark.

24 Q. They were asking you how much it would cost them to have
25 your company do this part of the work so that they could

1 build that into their quote?

2 A. Yes, that's correct.

3 Q. Could you give us a sense, please, of whether this was
4 a particularly large project so far as Symphony were
5 concerned?

6 A. Yes, yes, by -- well, as far as any company -- any
7 window company were concerned, yes, it's a large
8 contract.

9 Q. We can see on that page that this letter attached
10 a number of other documents. If we just go through them
11 in turn, perhaps. We have, at page 1284, what are
12 called the preliminaries pages. These are no doubt
13 documents in a format that you're familiar with?

14 A. Yes.

15 Q. So these are documents, are they, which set out the
16 nature of the works to be carried out?

17 A. That's correct.

18 Q. And what it is that Apollo were asking you to price for?

19 A. That's correct, yes.

20 Q. So you were sent the project particulars. There was
21 then, at page 1287, this picture, showing where the
22 building was?

23 A. Yes.

24 Q. There is a document at page 1288 entitled "Requirements
25 for the replacement of window/panel/door units" and we

1 can see that it included some information about the
2 window designs.

3 A. Yes.

4 Q. A little further on, please, at page 1297, a document
5 the jury have seen before, which is the "Performance
6 specification for the provision of polyester
7 powder-coated aluminium windows and doors", prepared by
8 a company called SAPA.

9 A. Yes, that's correct.

10 Q. At page 1306 onwards, there are some documents which
11 look like this. This one's headed L10. Again, is this
12 a document which provides information about the type of
13 windows to be installed and how they are to be
14 installed?

15 A. Yes, it is, yeah.

16 Q. The last document that I'll take you to that was
17 attached to that letter is at page 1337. This is
18 something which is referred to either as the schedule of
19 works or a bill of quantities.

20 A. Yeah, bill of quantities, yeah.

21 Q. Is this document essentially a line-by-line list of the
22 different bits of the work that are to be done? If we
23 just follow it through perhaps from 1338 to 1339, just
24 to get a sense of the document. Is this a list of the
25 work to be carried out?

1 A. That's a schedule. Yeah, that is a schedule of the
2 works to be carried out.

3 Q. You were then sent, as I understand it, at page 1265,
4 a fax from Apollo. I'll just put that on the screen.
5 This came on 2 September 2005?

6 A. Sorry, what page was that on?

7 Q. 1265, please.

8 A. Yes.

9 Q. We can see it's a fax from Apollo which refers to
10 another recent fax. We have that over at page 1266.

11 A. Yes.

12 Q. Attached to this page, again on 2 September, were some
13 diagrams?

14 A. Yes.

15 Q. Is that correct?

16 A. That is correct. What -- what happened was when the
17 original enquiry came in on page 1283 --

18 Q. I'll just go back to that for you. 1283, yes.

19 A. If you notice some writing at the top -- very top of the
20 page. It's actually dated the 26th of the 8th. It
21 says:

22 "Waiting for drawings to be sent."
23 When the enquiry was actually sent and all of the
24 list of the items, the window drawings weren't sent with
25 the enquiry. That fax was back -- sending us the

1 designs of the windows.

2 Q. Because we can see on this list here that about half way
3 down the list of documents to be attached is drawing
4 LW1?

5 A. LW1, correct, yeah.

6 Q. You're saying at the time this letter was received it
7 didn't actually attach that drawing --

8 A. No.

9 Q. -- and it was received later on, at the start of
10 September, with the faxes we were just looking at?

11 A. That's correct, yeah.

12 Q. If we want to see a copy of that diagram, we have it at
13 pages 1267 to 1268.

14 A. Yeah, that's correct.

15 Q. The page we're looking at here has various handwritten
16 comments and perhaps some information about pricing.
17 Can you remember, are those notes that you made?

18 A. Yeah, that's my handwriting. I was actually
19 responsible -- I priced the project.

20 Q. So we have this page with your handwritten comments and
21 over the page at 1268, the other part of drawing LW1,
22 again with your handwritten comments.

23 A. Yeah, they are in my writing, yeah.

24 Q. I'd like, please, to look in a little bit more detail at
25 what you were being asked to price for, what specific

1 works you were being asked to consider. If we look at
2 1303, this is part of the SAPA specification document.
3 I'd just like to pick out a couple of points. We can
4 see under the heading "Glazing" at number 11, there's
5 a paragraph which is marked. Someone has drawn
6 a bracket around it. Can you see that?

7 THE CORONER: Can you just increase that. Thank you.

8 MR ATKINS: That is a paragraph that says:

9 "Solid infill panels where required are to be
10 28-millimetre insulated sandwich panels with facings of
11 polyester powder-coated aluminium, finished to match
12 framing."

13 A. Yeah, that's correct.

14 Q. If we could go, please, a few pages earlier than that to
15 1300, there's some information about doors. There's
16 a heading at the top of the page, "Window and door
17 construction", and a little further down, "Doors
18 (residential)".

19 A. Yes.

20 Q. You're with me? And it says:

21 "To be Dualframe 75-millimetre HP doors system with
22 three numbered hinges."

23 Could you just help us with the detail of that.

24 What is "Dualframe"?

25 A. "Dualframe" is the actual name of the profile and

1 "75-millimetre" is the actual thickness of the profile,
2 the front-to-back dimension.

3 Q. And what about "HP"?

4 A. "High performance".

5 Q. What does that refer to?

6 A. High performance would refer to watertightness and wind
7 loadings.

8 Q. Looking at this section on page 130 that we have in
9 front of us, this specification doesn't say whether or
10 not the doors should be solid -- that is fully
11 panelled -- or fully glazed or something in between,
12 does it?

13 A. No.

14 Q. Could we have a look, please, at the bill of quantities,
15 this time at page 1360. In the version we're looking at
16 here, there are handwritten comments on the right-hand
17 side.

18 A. Yes, again, that's my handwriting.

19 Q. Was this you working out how much you should offer to do
20 the work for?

21 A. Yes, and also putting comments against anything which
22 I didn't think was part of our remit of the works.

23 Q. So we can see, at the top of that page again:

24 "Windows and doors. New polyester powder-coated
25 aluminium windows as in the performance specification."

1 And that refers back to the SAPA document that we
2 were looking at a moment ago?

3 A. Yes, it does.

4 Q. In that main paragraph that I'm just zooming in on, do
5 you see where I've put the cursor, about half way down
6 the screen, there's a sentence which begins:

7 "Supply and install new polyester powder-coated
8 aluminium window units to comply with all current
9 u-values as required by the building regulations
10 part L."

11 Just pausing there, is it right that part L is the
12 part of the building regulations which is concerned with
13 insulation?

14 A. Yeah. Energy conservation, insulation, yeah.

15 Q. Could you just sum up for us in simple terms what the
16 u-value is?

17 A. The u-value is the ability for heat to transmit through
18 something. In short -- say, for example, single glazing
19 has an u-value of 5. So the lower number, the better
20 the u-value. Double-glazed -- modern double-glazed
21 units have a u-value of around 1.2.

22 Q. So all of that is a reference to the insulation
23 properties --

24 A. Insulation, yes.

25 Q. -- of what was going to be installed. If we could just

1 carry on reading from that section, please. We have,
2 a little further down, a sentence that starts:

3 "Ventilators to comply with building regulations and
4 gas regulations."

5 A. Yes. Again --

6 Q. Sorry, I just highlight that. I'll come back to it in
7 a moment if I may.

8 Over the page at 1361, there's some information
9 about the doors to be used on the upper floors of the
10 flats. In the top paragraph, we see:

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

14 Do you understand that to be a reference to part B
15 of the building regulations?

16 A. Yes, I do.

17 Q. Then in the second paragraph:

18 "Lounge window type 3 comprising of tilt and turn,
19 fixed, bottom and top hung windows, glazed door and
20 panel."

21 A. That's correct, yeah.

22 Q. So in this document, we see that the type of door which
23 is to be used first of all in the kitchen and secondly
24 in the lounge is specified in the document, whereas in
25 the SAPA document, there isn't a specification of what

1 type of door.

2 A. That's correct, yeah. That's correct.

3 Q. If we could look, please, at the documents that start
4 with the letter L at page 1307. Towards the bottom of
5 that page, there's a paragraph marked 790.

6 THE CORONER: Just give Mr Campbell time to find it.

7 MR ATKINS: I'm sorry, do you have that now, 1307?

8 A. Yeah.

9 Q. Toward the bottom of page there's a numbered
10 paragraph 790.

11 A. Yeah.

12 Q. Which says:

13 "Fire-resisting frames."

14 A. Yeah, that's correct.

15 Q. Are you able to remember whether you were being asked to
16 price for a system with fire-resisting frames or not?

17 A. No, the system specified wasn't a fire-rated window
18 system.

19 Q. That is the system specified in the SAPA document we
20 were looking at earlier?

21 A. That's correct.

22 Q. Could we go on, please, two pages to page 1309. This
23 time we're looking at the paragraph numbered 115, and
24 there's a subheading "Fire-resisting doors/door sets and
25 assemblies"?

1 A. That's correct, yeah.

2 Q. A little further down that page, there's a paragraph
3 numbered 230 under the heading "Components"?

4 A. Yes.

5 Q. Which says:

6 "FD30S fire-resisting and smoke control wood flush
7 doors."

8 A. That's correct.

9 Q. First of all, could I ask you: these documents which
10 begin with the letter L which we've just been looking
11 at, were they part of the specification? Were they
12 telling you that these were the sorts of things which
13 should be installed, or are these general purpose
14 documents from which a specification might use one
15 paragraph but not use another?

16 A. I -- it's a bit of both, really, but I've taken the
17 components on 2230. There were fire doors being
18 replaced in the corridors of the building, and I take it
19 as read that they were the fire doors that they were
20 replacing in the communal areas as opposed to the flats.

21 Q. So perhaps for the purpose of the balcony doors, then,
22 we can ignore that paragraph?

23 A. Yes.

24 Q. On the subject of the frames, was it a difficulty for
25 you when you were pricing the works that one document

1 referred to fire-resisting frames and the other document
2 didn't?

3 A. Again, I would have assumed that the -- that the
4 fire-rated frames was to do with the communal areas, the
5 fire doors and adjacent screens.

6 Q. Is that something that you would check with Apollo, who
7 had sent you the specification, or was that
8 an assumption that you would make and work on the basis
9 of?

10 A. Any doubts at pricing stage, we would go back to Apollo.
11 We would ask Apollo for clarification and usually the
12 answer was "as per the specification" or "as per the
13 bill's pages".

14 Q. Can you remember whether, in relation to this contract,
15 you did actually query any of these points?

16 A. Honestly, I can't remember.

17 Q. When you were drawing up your quotation, did you visit
18 Lakanal House? Do you remember?

19 A. I remember clearly no. I definitely didn't, and the
20 reason being I was on holiday at the time. I was on
21 holiday at the time when the enquiry was -- was received
22 by my office. I returned to work on 5 September, and
23 I think the quotation had to be back that week, so I --
24 I didn't have time.

25 Q. Was that unusual or would you quite often draw up prices

1 without visiting?

2 A. No, no, it's very unusual. Nine times out of ten,
3 especially on a big job, I would go to site, I would get
4 a feel for the job and I would take lots of photographs
5 to keep on the file.

6 Q. Why would you do that in normal cases?

7 A. Why would I do that?

8 Q. Yes.

9 A. Just to get a feel for the whole job, what the site
10 set-up would be like, what the access would be like,
11 what the fitting side of things would be like, identify
12 any potential problems.

13 Q. On a visit like that, would you be looking to see what
14 materials were already in place?

15 A. In place? As far as possible, yes.

16 Q. In the case of Lakanal House, did you know what
17 materials were in place that you were --

18 A. No, no, only from the description of -- of what I'd
19 read.

20 Q. Were you aware, for example, of what sort of panels were
21 underneath the bedroom windows?

22 A. No, no.

23 Q. Did you know at the time you were putting your pricing
24 together what sorts of doors were currently in place in
25 the kitchens and the lounges of the flats?

1 A. No. On lots of projects you actually get a plan of the
2 block and a layout of the buildings. We didn't get
3 that, no, no, just -- all I had to go off as what was in
4 the bill of quantities.

5 Q. When plans of that sort are provided, where do they come
6 from?

7 A. They usually come in with the enquiry provided to Apollo
8 or another by the client.

9 Q. Did you know whether the balcony doors that were in
10 place before the work you priced for were fire-rated or
11 fire-resistant?

12 A. No, I don't know.

13 Q. Did you consider it part of your role in all of this to
14 consider whether what was being specified in the
15 documents sent to you would comply with the building
16 regulations?

17 A. To be perfectly honest with you, on a -- on a project as
18 large as Lakanal House, I would have expected the
19 council, or a consultant for the council, to have gone
20 through Building Control.

21 Q. We've seen that the bill of quantities specified that
22 the kitchen side door would be fire-rated but that
23 lounge side door would not be.

24 A. Yes.

25 Q. Was that something that struck you as odd or unusual?

1 A. No, it's quite -- quite often possible to go into
2 a flat, depending on the size of that flat, or
3 a maisonette, and have a door which is designated as
4 a fire escape door, which is slightly different to
5 a means of egress because your door could arrive onto
6 a private balcony, in which case you'd give people
7 a means of fire egress as opposed to having a fire-rated
8 door.

9 Q. So that isn't something by the sound of it which would
10 cause to you query the specification?

11 A. No.

12 Q. On a similar topic, did it seem strange to you that the
13 specification specified a fire-rated door within frames
14 which were not themselves fire-resistant? Just to
15 explain what I mean, the jury have heard evidence
16 yesterday that it was a possibility that if you had
17 a fire-rated door and frames that were not
18 fire-resistant, one might find either that the door
19 would come away from the frames if the frames deform, or
20 that fire might spread either side of the fire-rated
21 door and so it wouldn't be effective as a barrier.

22 A. I agree with that. I agree with what was said
23 yesterday. However, when we received the -- the enquiry
24 and we're given the specification of works, we don't
25 know what other works are being carried out within the

1 block by the main contractor.

2 Q. Do we understand, though, that the SAPA document that
3 you were sent, which was the specification for the
4 windows and the doors, was a specification for the whole
5 of the facade that the fire-rated door would be in?

6 A. Yeah, I understand that, but the -- the SAPA
7 specification was really there as a guideline for the --
8 for the client.

9 Q. On the face of the documents you had received, though,
10 did it not appear that there would be a fire-rated door
11 within frames and possibly panels that were not
12 themselves fire-resistant?

13 A. It -- it did appear that way. It actually says, if
14 I recall from memory, that a solid door should be put
15 there. We actually made provision to provide a solid
16 door, whether it be a timber door or a composite door,
17 and that was subsequently later changed.

18 Q. Was that something which you queried with Apollo at the
19 time?

20 A. Possibly -- possibly. I really can't remember. It was
21 back in '05.

22 Q. In general, is it the case then that you would simply
23 price what was in the specification without --

24 A. Well, as you read through the specification, that
25 particular part actually refers to part B, which is --

1 which is to do with fire, which -- so I did pick up
2 that. So obviously someone along the way had given some
3 consideration to -- to that particular door.

4 Q. Could we go then, please, to page 1358. We can see that
5 this is a letter dated 8 September to Apollo. Is this
6 your letter to Apollo attaching your quotation for doing
7 the works?

8 A. Yes, it is, yeah.

9 Q. We can see in that second paragraph the sum that was
10 being proposed was about £857,000 excluding VAT?

11 A. That's correct.

12 Q. Your letter explains, two paragraphs below that, that
13 your quotation was based on the use of the SAPA
14 5-millimetre and 75-millimetre range of internally
15 glazed, tilt-before-turn-style windows?

16 A. Yeah.

17 Q. Does that mean that you had adopted the SAPA
18 specification set out in their document?

19 A. Yes, we had.

20 Q. A little lower down on that page, there's a paragraph
21 which starts:

22 "Our quotation includes the following ..."

23 Then the first bullet point:

24 "All glazing is to meet the requirements of part L
25 of the building regulations."

1 A. That's correct.

2 Q. Lower down in that list, there's a bullet point:

3 "FENSA registration."

4 Is that a reference to the fenestration

5 self-assessment scheme?

6 A. It is, yeah.

7 Q. I'll ask you about that in more detail a little later

8 on. Is it right in summary that that is a scheme which

9 a company such as Symphony Windows can join which

10 entitles you to certify windows that are installed as

11 compliant with building regulations?

12 A. That's correct, yes.

13 Q. Certain aspects of building regulations?

14 A. Yeah, that's correct.

15 Q. So where in this list we see a reference to FENSA

16 registration, is that shorthand for saying as part of

17 the installation your company would FENSA-certify what

18 was being installed?

19 A. That is -- that is what -- that is what FENSA is, but

20 can I -- well, when we -- when we do a quotation, we

21 have a standard set template, and I honestly feel

22 that -- I was -- it was an error on my part. That

23 should have been struck out or taken out because I don't

24 believe that this contract, Lakanal House, should have

25 fallen under the remit of FENSA. I think it should have

1 come under Building Control.

2 THE CORONER: Mr Atkins will be coming to that point
3 shortly.

4 A. Okay.

5 MR ATKINS: Yes, I'd like, if we can, to look in a little
6 more detail at FENSA later on. Your position --

7 A. As far as the quote letter goes, I left the FENSA
8 registration in in error. There was an IBG,
9 an insurance-backed guarantee, which was deemed to be
10 included with the tender. We also use FENSA for the
11 insurance-backed guarantees but I should have omitted
12 that line.

13 Q. It shouldn't appear in that list, you say?

14 A. Yeah.

15 Q. In due course, if we go, please, to page 1557 which is
16 in the fourth bundle. Is that the bundle you have there
17 already? 1557, please. This is a letter from Apollo to
18 your company, dated 17 March 2006, which says:

19 "Dear sirs, Lakanal House. Please find enclosed our
20 subcontract order."

21 So was this Apollo, having themselves won the
22 contract with Southwark, appointing you to carry out the
23 work that you had quoted for?

24 A. Yes, that's correct.

25 Q. We can see that this letter is marked "For the attention

1 of Nick Coupe", notwithstanding that it was you that had
2 prepared the tender information?

3 A. Yes, that's correct.

4 Q. Do you know why that was?

5 A. Yeah, yeah, what would normally happen, I would be
6 involved with the price -- possibly bringing in the
7 enquiry, in some cases pricing the enquiry. Once any
8 enquiry became live, it was then dealt with by Nick, who
9 looked after the operations side of the business, who
10 would then deal with Apollo and anyone at Southwark.

11 Q. From this point on, then, when the order was placed with
12 Symphony, would it be Nick Coupe who would be dealing
13 with the project?

14 A. Yes, it would be.

15 Q. Can you recall whether there was any change in the
16 specification that you received at this stage compared
17 with what you had priced for?

18 A. At this stage, I would say not.

19 Q. On the next page, which was attached to this letter,
20 page 1558, we can see some more information from Apollo
21 about what you were being asked to do. So on the
22 left-hand side we have:

23 "Subcontractor: Symphony Windows."

24 And then, in the lines below:

25 "Powder-coated aluminium windows and doors."

1 Then, further down that page, the handwritten
2 section headed "Description of work in brief". Do you
3 see that, towards the bottom of the page?

4 A. I do, yes.

5 Q. Apollo have written there:

6 "Design (fit for purpose) supply, delivery of
7 windows, removal and installation of new windows and
8 doors as per specification."

9 Did you consider that the use of the words "fit for
10 purpose" there required Symphony to carry out any
11 assessment of what had been specified and whether that
12 was in the specification was adequate?

13 A. I actually read that as fit for purpose as per the
14 specification and as per the design drawings which had
15 already been provided to us.

16 Q. Your view was, then, that provided you installed what
17 was in the specification, that would deal with the
18 question of being fit for purpose?

19 A. That's correct, yes.

20 Q. Of course, in order to do this work, Symphony Windows
21 were going to have to obtain some panels to use in the
22 facade; is that right?

23 A. That's correct, yes.

24 Q. And those wouldn't be manufactured by Symphony; they
25 would be brought in by another company?

1 A. That's correct, yes.

2 Q. Could I ask you to look at page 1642, which is just over
3 into the next bundle, the fifth bundle. (Handed) We
4 have here a letter dated 27 March 2006, addressed to
5 Symphony Windows. It's marked for the attention of
6 Alison Campbell. Could you just help us, who is she,
7 please?

8 A. Alison Campbell is my wife. Alison works with the
9 company.

10 Q. Does she have a particular role in the company?

11 A. She -- she does -- does the accounts and she takes on
12 an admin -- admin role as well.

13 Q. I've just scrolled down the page to the bottom. We can
14 see this is a letter from a company called Commercial
15 Panels. Were they a supplier of the sorts of panels
16 that you thought you would need for Lakanal House?

17 A. Commercial Panels is a company that we'd never used
18 before. What's quite common practice is companies track
19 projects. Once a specific company gets awarded
20 a contract, it's quite often that they'll come to you
21 offering you a quotation in order for them to supply you
22 with -- with their goods. Commercial Panels is
23 a company we'd never used previously.

24 Q. That may help us with my next question, because if we
25 look at the start of the letter, the writer says:

1 "Dear Alison, further to our recent telephone
2 conversation, please find below our prices for standard
3 panels."

4 If we look at what's being mentioned, the first is
5 a Plastisol panel and then the next type of panel
6 mentioned is powder-coated aluminium, and then the third
7 type of panel is Trespa panels. What I wanted to ask
8 you was why it is that we have Commercial Panels talking
9 about three different sorts of panels when we've seen
10 that in the specification documents the requirement is
11 for powder-coated aluminium panels. Can you help with
12 us that?

13 A. I can try, but this is -- you've got to bear in mind
14 this is six months on from when I -- I sort of helped
15 put the pricing together. Going through the -- going
16 through the bill of quantities -- and there's an area of
17 the bill of quantities where they've actually specified
18 Trespa panels for the balconies, and -- so I don't know
19 how -- how it got about, but there was talk of changing
20 the panels from steel-faced panels in the windows to
21 actually putting in a Trespa panel.

22 Q. The balcony panels, which were to be Trespa panels from
23 the outset --

24 A. Yes.

25 Q. -- was that work which your company was going to be

1 doing?

2 A. No. If you go back to the document and you look through
3 the document, I've actually put "by MC", "MC" being the
4 main contractor.

5 Q. So the only panels which Symphony would have been
6 concerned with would have been the panels to be used in
7 the facade rather than the main balcony?

8 A. Yes, that's correct.

9 Q. If we could just look, please, at the powder-coated
10 aluminium panels and the Trespa panels, we can see that
11 the price quoted for Trespa is £48 per square meter,
12 and for powder-coated aluminium the price depends on
13 whether the panels are two-sided or one-sided.

14 A. Yeah.

15 Q. For two-sided it's £48, the same, or if it's one-sided
16 it's £42. Could you just help us: for the type of
17 panels that were going to be used at Lakanal House,
18 would they have been two-sided or one-sided?

19 A. To be quite honest with you, the reason they do that is
20 quite often what you'll find -- when I first read the
21 specification for Lakanal House and it refers to the
22 panels, it also refers to insulation behind the panels,
23 therefore giving the assumption that there's already
24 a wall in place. What they tend to do is if it's
25 an outer panel for decoration, they put a balancing

1 colour. So say, for example, the building's green all
2 the way throughout, they'll use black, red, green, any
3 other colour on the inside because it won't be seen
4 because there's a back-up wall. That enables them to
5 use product that they've got and give a better -- give
6 a better price.

7 Q. Does it follow that in the case of a project where there
8 isn't a wall behind the panel, where the panel itself is
9 the barrier, that we would be looking at two-sided
10 panels?

11 A. Yes, we would, because the client may go for a colour on
12 the outside and a white colour on the inside or, again,
13 a colour on the inside, but it's most common to have
14 white on the inside.

15 Q. So as far as this particular supplier was concerned, as
16 at the date of this letter, which was 27 March 2006,
17 there was in fact no difference in price between
18 two-sided powder-coated aluminium on the one hand or
19 Trespa panels on the other?

20 A. No.

21 Q. I appreciate you've told us that once the works were
22 underway it would have been Mr Coupe who would have been
23 taken the lead role on the project, so let us know if
24 you are not able to help us with any of these points.
25 Could I show you, please, first page 1729. This is

1 a fax, we can see, on Symphony headed paper. It is
2 addressed to Apollo for the attention of James Cousins,
3 and the date of this is 13 April 2006. It refers to
4 a number of pages which are attached, and if I could ask
5 you, please, to go on to page 1738, there is a diagram
6 with a handwritten comment in the bottom right-hand
7 corner.

8 A. Yeah.

9 Q. Do you recognise the handwriting in the bottom
10 right-hand corner?

11 A. Yes, that's Nick Coupe's handwriting.

12 Q. Are you able to say where the diagram came from? Is
13 that a Symphony diagram, do you think, or did it come
14 from somewhere else?

15 A. I would say that the diagram came from Joedan, who were
16 the window fabricators.

17 Q. Are Joedan the company who would have been assembling
18 the frames?

19 A. Yes, that's correct.

20 Q. Can we then just have a look at that note, please.

21 Mr Coupe, you think, has written:

22 "James, this is as tender. SAPA are now saying the
23 outer frame should be larger. Trying to resolve as the
24 sections were specified by them anyway."

25 Do you recall there being an issue with SAPA's frame

1 design?

2 A. No.

3 Q. Would you have had involvement in resolving any
4 difficulties with the design and drawings when the
5 project was underway?

6 A. No, no.

7 Q. Were you aware that shortly after this a meeting was
8 arranged for 3 May?

9 A. No.

10 Q. And that that was a meeting which Symphony were invited
11 to attend, along with Apollo and members of the team
12 from SBDS?

13 A. No, once the -- once the project became live, really
14 Nick would take over and I would step back away from it,
15 because as I say, I was predominantly on the sale side
16 of things.

17 Q. As we understand it, Mr Coupe did attend a meeting on
18 3 May. Is that what you would expect, that that sort of
19 meeting would occur?

20 A. Yes, that would be common practice, yes.

21 Q. Do you think you were aware of that meeting before it
22 happened?

23 A. No.

24 Q. Do you remember speaking to Mr Coupe after that meeting
25 about it and about what had happened?

1 A. No.

2 Q. Do you know whether Mr Coupe made any notes or minutes
3 of that meeting?

4 A. I haven't been able to -- we've submitted every --
5 everything that we had, so -- I haven't seen any. It
6 wouldn't -- wouldn't necessarily be Mr Coupe who would
7 make notes at a meeting. Either it may be the main
8 contractor or it may be the client if there's -- if
9 there's a site meeting being called, so perhaps one of
10 those have some notes.

11 Q. Do you recall there being any discussion about this
12 contract in around May 2006 about a change in the type
13 of panel to be used?

14 A. Vaguely, yes.

15 Q. Can you remember what the gist of that was?

16 A. Without sort of being definite, the way I see it was we
17 priced the project to use aluminium-faced sandwich
18 panels. The client was keen to match what was being put
19 onto the -- onto the balcony panels, ie in terms of
20 material, ie Trespa panels. Trespa panel is a panel
21 that we'd never used before.

22 Q. Can you remember who you learned that from? Is that
23 something that Mr Coupe had said to you?

24 A. Well, it's just what I picked up through the office. As
25 I say, you know, we worked in the same office.

1 Q. Likewise, do you remember whether there was discussion
2 at around about that time about changing the type of
3 doors to be used in the balcony? That is, whether they
4 should be fully panelled or glazed or partly glazed?

5 A. Yes, I can remember that because again, at pricing stage
6 we had made an allowance, should the client require it,
7 to replace the aluminium door with a solid timber door
8 or a composite door, which would have been a fire door.

9 Q. When you say a "composite door", is that the same sort
10 of thing as a composite panel, or is it --

11 A. It would actually -- it's the same sort of thing but it
12 would be an FD30 -- a fire door, a 30-minute-rated fire
13 door.

14 Q. So both of those sorts of doors, the composite door and
15 the timber door you mentioned, are doors that would
16 resist fire?

17 A. Would both have a fire rating. But having said that,
18 ultimately you'd be putting it next to a -- a window or
19 a panel which -- which wasn't fire-rated anyway.

20 Q. We saw earlier in the specification documents that what
21 was required was a fire-rated door on the kitchen side
22 and a glazed door on the lounge side.

23 A. Yes.

24 Q. Can you remember what the suggested change was in
25 that May 2006 meeting?

1 A. No. All I can recall is that I believe the residents
2 were -- were given three options, whether they wanted to
3 go for a fully glazed door, a door with a mid-rail with
4 glass and glass, or a door with a mid-rail with glass
5 and panel below.

6 Q. Can you remember what it was that was ultimately
7 installed?

8 A. Ultimately installed, I believe they went mid-rail to
9 both doors, glass and panel to the lower part of the
10 door.

11 Q. Could I please show you just a few documents from around
12 that time to see whether it fits with your recollection.
13 At page 1361, which is in the fourth file, please, is
14 the specification we looked at earlier.

15 A. It is, yes.

16 Q. So this is the document, if you like, which set out the
17 original position, which was that the kitchen door was
18 going to be fire-rated and the lounge door was going to
19 be a glazed door.

20 If we could then go, please, to page 1941, which is
21 back in the fifth bundle, if you still have that there.

22 We have an email from Annabel Sidney at Southwark
23 Building Design Services to James Cousins on 10 May.

24 She said:

25 "Hi James, I am out of the office in a couple of

1 minutes so I've only had a quick glance at the drawings.
2 As discussed last week, subsequent to the residents'
3 letter I advised that the doors are to be fully panelled
4 and not semi-glazed as we had previously decided."

5 We can see that you were not copied into this email
6 but do you remember any decision being communicated to
7 you or Mr Coupe that the doors were going to be fully
8 panelled --

9 A. No.

10 Q. -- on both sides of the balcony?

11 A. No.

12 Q. Could you turn, please, to page 2016. Thank you,
13 Mr Clark. It's early on in file number 6. (Handed)

14 We can see that this document is headed "Progress
15 meeting number 2, 16 May 2006". So it's six days after
16 the email we were just looking at.

17 A. Yeah.

18 Q. There's a list of those present and neither you nor
19 Mr Coupe is on that list; is that correct?

20 A. That's correct.

21 Q. Or indeed the list of people who were apologised to
22 because they couldn't make the meeting or a circulation
23 list.

24 A. No.

25 Q. So on the face of it, this was a meeting which nobody

1 from Symphony was involved in?

2 A. That's correct.

3 Q. If we look, please, over the next page on 2017, there's
4 a paragraph numbered 3.8, the third paragraph down, and
5 the text reads:

6 "Planning -- conditions of approval."

7 There is a mention there of the colour scheme and
8 then on the third line:

9 "It was agreed that the kitchen and lounge doors
10 would be replaced to match existing."

11 Do you remember there being a change, perhaps in
12 quick succession, between an instruction that the doors
13 should be fully panelled and then an instruction that
14 they should match what had been there before?

15 A. No, I don't.

16 Q. Then finally at page 2031 we have an email again from
17 Annabel Sidney to James Cousins -- it's not copied to
18 anybody at Symphony I realise -- on 17 May. All of
19 these things are happening in very quick succession. If
20 you look down, there's a heading "W2", do you see, on
21 the left-hand side?

22 A. I do.

23 Q. And she said:

24 "Note we have asked for a solid door. Please could
25 you provide some more detail on its appearance."

1 So this again is a reference to a solid door,
2 compared to what had been said at the progress meeting
3 the day before. Are you able to help us at all with
4 what was specified at different times and why these
5 changes were being made?

6 A. No, no.

7 Q. Are you aware of anybody at any stage asking either you
8 or Mr Coupe for any advice about the implications of
9 using different types of doors or changing one door to
10 another?

11 A. No. As I said, once the -- once the project became live
12 I didn't have any involvement on site.

13 Q. On the subject of the composite panels, if we look at
14 page 2056, please. There is an email towards the bottom
15 of the page, again from Annabel Sidney to James Cousins,
16 this time on 25 May, so about a week later. She said:

17 "Hi James, when we met with Symphony last Wednesday,
18 Nick said that he was looking into replacing the
19 aluminium panels with Trespa. I understand that his
20 colour match Trespa samples are now on site."

21 There's a mention there, of course, of this meeting
22 with Symphony. Can you remember whether that's
23 a meeting that you would have attended?

24 A. It wasn't with me, no.

25 Q. The suggestion in that email is that Mr Coupe had

1 referred to replacing aluminium panels with Trespa-faced
2 panels. Do you remember whether that was a suggestion
3 that he was putting forward or whether he was talking
4 about that in response to a suggestion that somebody
5 else had made?

6 A. Again, I -- I don't know.

7 Q. It's possible, is it, with the sort of changes that
8 we've been looking at, that they might have financial
9 implications if one thing cost more than another?

10 A. It's possible, yes.

11 Q. If changes were suggested which might have a bearing on
12 the cost of the project, is that something that the two
13 of you would discuss as the two directors of the
14 company?

15 A. Well, yeah, I mean, if it's going to have drastic cost
16 implications. It depends on who instigated the changes.
17 If the client came to us and said, "Could you change
18 that because ..." then they would usually pay the
19 difference.

20 Q. Would it be in Symphony's commercial interest to suggest
21 a change that the client hadn't asked for?

22 A. No, I wouldn't see that we would do that. We would work
23 to a specification. We wouldn't look to change the
24 specification. Again, as I touched on earlier, Trespa's
25 a product that we'd never used before so we certainly

1 wouldn't have put it forward.

2 Q. If we could just follow this through together, please.

3 If we go to page 2099, another email the jury will be
4 familiar with. That is email from Annabel Sidney on
5 2 June 2006 to James Cousins again, and she says:

6 "Hello James, I've just spoken with Nick at Symphony
7 and I am happy to proceed with Trespa. Formal
8 instruction to follow."

9 There was an email the same day at page 2101, this
10 time from James Cousins of Apollo to Nick Coupe, saying:

11 "Nick, the panels are to be Trespa at no cost
12 adjustment."

13 So it appears that that was the instruction to
14 Symphony Windows, to use Trespa rather than
15 powder-coated aluminium. Do you agree?

16 A. That's how it would appear, yes.

17 Q. Do you know whether at that time, in June 2006, there
18 was any cost difference in fact between the two
19 products?

20 A. I've seen prices which have come in obviously since this
21 started. There was no cost difference between a Trespa
22 and a steel-faced panel.

23 Q. Because in principle, looking at this email, 2101, where
24 Mr Cousins says that the panels are to be Trespa at no
25 cost adjustment, is what he's saying that Symphony are

1 expected to provide them for the same price that had
2 previously been agreed, and so it might be that in fact
3 the two things cost the same amount?

4 A. That's how I would interpret that. They're changing the
5 panels but they don't expect to be paying any more
6 money.

7 Q. Yes, so if the two things happened to cost the same
8 amount then it would be neutral for Symphony, whereas
9 had in fact the Trespa been more expensive, Symphony
10 would have lost money?

11 A. Yes, that's how it would appear, yes.

12 Q. Do you know whether any new drawings were issued after
13 that change was made to show the change in the type of
14 panels to be used?

15 A. I wouldn't have thought we -- drawings would be issued
16 to -- to show a panel. Drawings would only be issued to
17 show the window configurations. There was some changes
18 later because they introduced mullions to accommodate
19 the high wind loadings which were required on
20 Lakanal House.

21 Q. So you wouldn't have expected there to be new drawings
22 to show the difference of panels. Do you know whether
23 there were in fact any new drawings?

24 A. I don't remember if there was but I wouldn't have
25 thought so.

1 Q. Do you recall anybody approaching either you or Mr Coupe
2 to talk to you about the implications, so far as fire
3 safety was concerned, of changing one sort of panel to
4 the other?

5 A. No.

6 Q. Just one final topic on the question of panels, please.
7 If we could look at page 2419, which is in file
8 number 7. (Handed) This is on the subject of where the
9 panels were in fact obtained from. Again, this is on
10 Symphony paper. It's a fax to somebody called Martin
11 Steward of Commercial Panels and it's dated
12 4 August 2006. Is this an order being placed with
13 Commercial Panels for panels to be used at Lakanal
14 House?

15 A. Yes, it is.

16 Q. We can see that what was being ordered -- I'll just zoom
17 in to make it easier to read. At the bottom right hand
18 corner of the page, we see all of the panels are to be
19 28-millimetre Trespa, white inner, Reseda, with
20 mid-green outer?

21 A. Yes, that's correct.

22 Q. So these were 28-millimetre panels which were white
23 Trespa on one side and mid-green Trespa on the other?

24 A. That's correct, yes.

25 Q. Do you recall that at a later stage, Commercial Panels

1 in fact went into receivership?

2 A. Yes, I do.

3 Q. With the result that there was a need to obtain panels
4 from another company?

5 A. Yes, I do.

6 Q. Can you remember who the other company was?

7 A. I believe the other company was a company called
8 Laminated Supplies, which was a company that we use
9 quite often.

10 Q. Could we return, then, to the subject of the FENSA
11 certificates. It's right, isn't it, that Symphony
12 issued FENSA certificates in respect of the work at
13 Lakanal?

14 A. Yes, it is, yes.

15 Q. And those were sent on to Apollo and then ultimately by
16 Apollo to Southwark?

17 A. Yes, that's correct.

18 Q. I bear in mind your answer earlier, that in fact you had
19 meant to take out the reference to FENSA from that list
20 of bullet points in your letter to Apollo.

21 A. Yes.

22 Q. But in general terms, is it right that FENSA
23 certification is an alternative to inspection by
24 Building Control?

25 A. It is, yes.

1 Q. So it's a way of certifying that what is being installed
2 complies with certain aspects of the building
3 regulations?

4 A. That's correct.

5 Q. There was, I think, one certificate per flat, so 98 in
6 total?

7 A. That's correct, yes.

8 Q. We have a copy of one of the certificates just as
9 an example at page 4431, which is right at the back of
10 the 11th file. I'm sorry, it hasn't made it into your
11 copy of the bundle. I have a spare to hand. (Handed)
12 Is it right, first of all, that these certificates are
13 double-sided?

14 A. Yes.

15 Q. So at 4431 we have the front of the certificate, and
16 then over the page, 4432, is the back of the same
17 document.

18 A. Yes, that's correct.

19 Q. Could we look, then, please at the front on 4431 just to
20 get our bearings. We can see that it says "FENSA" at
21 the top. About two-thirds of the way down the page it
22 says "the fenestration self-assessment scheme", which is
23 what "FENSA" is short for, and we can see that this is
24 a certificate issued in respect of flat 62 at
25 Lakanal House.

1 A. Yes.

2 Q. The certificate states that the installation is being
3 certified by the installer and then names Symphony
4 Windows; is that right?

5 A. That's correct, yes.

6 Q. If we look under the large type "FENSA" at the top of
7 the certificate, we can see that the certificate refers
8 to five windows and two doors installed in flat 62.

9 A. Correct.

10 Q. Could I ask you, please, to look at tab 18 of the jury
11 bundle. (Handed) At tab 18, we have three pages which
12 show different parts of the facade of the flats at
13 Lakanal House. Have you seen these diagrams before?

14 A. I have, yes.

15 Q. So if we look through them quickly. On the first page
16 we have the bedroom, which was on the odd-numbered
17 floors. On the second page, we have the kitchen facade.
18 In the top diagram we just have the facade by itself and
19 in the bottom diagram the balcony panels in front of it
20 are shown as well. On the third page, we have the
21 lounge, again with the facade at the top and the diagram
22 showing the balcony panels as well at the bottom.

23 A. Yeah.

24 Q. We should remind ourselves, of course, on the first page
25 that there are in fact two bedrooms side by side.

1 A. Yes.

2 Q. So it's as if we have two of the first page for every
3 flat; is that right?

4 A. Yes.

5 Q. We know there were two doors because there was one on
6 the kitchen side and one on the lounge side. Could you
7 just identify for us, please, the five windows, how you
8 considered it divided up into five windows.

9 A. Looking -- looking at this, I would say they counted the
10 bedroom windows as two.

11 Q. One per bedroom?

12 A. Yeah. They counted the kitchen as a unit, which was
13 three, the lounge -- the lounge as a window, and the
14 other side of the door as a window.

15 Q. So looking at the first page, the whole of the glazing
16 across the width of the bedroom would be one window?

17 A. The bedroom window -- I would have said two. One for --

18 Q. Just to follow it through, looking at page 1, all of the
19 glazing on that page would be one, though there would be
20 two bedrooms, so that would be two windows; is that
21 right?

22 A. Yes, yes.

23 Q. And then if we look at the kitchen, we ignore for
24 a moment the glazing in the door, but all of the glazing
25 shown to the left of the door would be one window?

1 A. Yes.

2 Q. So that brings us up to three?

3 A. Yes.

4 Q. And then on the lounge diagram, again ignoring the door,
5 there's glazing to the left of the door as it's shown,
6 and that would be another one?

7 A. Yes.

8 Q. And then the glazing to the right of the door would be
9 the five?

10 A. That's correct.

11 Q. At the time these certificates were issued, is it right
12 that Symphony considered that the reference to the
13 windows included, in the case of the bedroom windows,
14 the panels underneath the windows?

15 A. Yes, that's correct. That was also -- that was my
16 understanding, that the panels made up part of the
17 fabric of the window.

18 Q. And in relation to the door, was it intended that the
19 certificates were also certifying the panel that we can
20 see in the bottom part of each of the doors?

21 A. Yes.

22 Q. If we could just turn back, please, to the certificate
23 to see what it is that's being certified. On the first
24 page, 4431, under the name of the company in the middle
25 of the page, it says that Symphony Windows are

1 certifying compliance with sections 4 and 7 of the
2 building regulations 2000.

3 Then, if we turn over the page, please, to 4432,
4 it's a little bit hard to see but on the right-hand side
5 of the page, there is a section which would be cut off
6 and sent off to FENSA; is that right?

7 A. That's correct, yes.

8 Q. I'll see if I can rotate the page to make things easier.
9 We're now looking at the bottom, as it's shown on the
10 screen, of the section that would be cut off and sent to
11 FENSA. If we just look at the first paragraph, please,
12 we can see that it says:

13 "FENSA is solely a registration service for
14 companies to self-certify that the windows/doors they
15 install comply with sections 4 and 7 of the building
16 regulations."

17 That's what was referred to on the page before.

18 A. Yeah.

19 Q. We can see that you were certifying that "the following
20 building regulations are not compromised by the
21 replacement". And there's a list there which includes,
22 the second item, B, escape in case of fire?

23 A. Yeah.

24 Q. So this isn't every aspect of the building regulations,
25 but it does include part B?

1 A. Yes, it does.

2 Q. So in your view, at the time these certificates were
3 issued, you were certifying that the windows and the
4 panels under the bedroom windows and the glazing in the
5 door and the panels underneath the glazing in the door
6 complied with, among other requirements, those in part B
7 of the building regulations?

8 A. Yes.

9 Q. Is it the case that since the fire at Lakanal House, you
10 have learned that FENSA themselves take a different view
11 and that FENSA do not consider that the certificate
12 extends either to the panels under the bedroom windows
13 or to the panels in the doors?

14 A. That's -- that's correct. I've also learned that FENSA
15 do not cover any -- any major project where there's
16 other works going on apart from windows.

17 Q. Were you surprised to learn that FENSA didn't take the
18 same view as you of what was covered by the certificate?

19 A. In hindsight, no. I mean, looking at part B, it says on
20 the FENSA certificate "escape in case of fire". This
21 would mainly apply to domestic dwellings. What you
22 would basically do, if someone had a -- you've got
23 a ground and first floor, you've got to try and give
24 people a means of escape, whether that escape is through
25 a window or through a door, and that's what we tried to

1 achieve.

2 Q. Would you accept that on the face of it you were issuing
3 certificates to Apollo which might have caused them, or
4 anyone else who received the certificate, to think that
5 you were confirming that part B had been complied with?

6 A. Well, as I said earlier, I think the FENSAs were issued
7 in error. My understanding is that the project should
8 have been -- and I thought that it was -- under the
9 remit of Building Control.

10 Q. Can you explain what you mean, please, by "issued in
11 error"? Do you think that Symphony ought not to have
12 issued them at all?

13 A. By me -- by myself doing the quotation letter and not
14 omitting the line from the occasion, because if you read
15 through the specification, there's nothing requesting
16 a FENSA certificate in that specification.

17 Q. In practice, who would it be who would actually issued
18 these certificates from Symphony?

19 A. One of the girls who do the admin works, but again,
20 it's -- it's quite complicated because we do issues the
21 insurance-backed guarantee through FENSA, so it's likely
22 that she would have done them both at the same time.
23 And it may also be possible that because of the quote
24 letter, Apollo have written to us asking for copies of
25 the FENSA certificates.

1 Q. These certificates are issued, aren't they, once the
2 work has been completed in each flat?

3 A. Yes.

4 Q. Is it the case that the person who would be issuing
5 them, who is actually drawing them up and sending them
6 to Apollo, would look back to your original quotation
7 letter to Apollo?

8 A. It's possible. Yes, it's possible. I think FENSA was
9 reasonably -- reasonably new. FENSA came in at around
10 about, I think, 2002, and everybody assumed that every
11 single project that went ahead that had windows and
12 doors in had to be covered by a FENSA certificate,
13 ourselves included.

14 Q. Is it your position, then, that first of all you had
15 intended that your letter to Apollo wouldn't have
16 referred to FENSA, ought not to have done, and in due
17 course these certificates ought never to have been
18 issued?

19 A. Yes.

20 Q. Given that they were in fact issued, could you help us
21 with just one other point: do you still consider that
22 they are valid, or you would you agree with FENSA that
23 they do not cover the parts of the facade which you
24 thought they covered at the time of issue?

25 A. I -- I agree with what FENSA say.

1 Q. Mr Campbell, thank you. Those are all the questions
2 I have, but if you could wait there, please, there may
3 be questions from others.

4 A. Thank you.

5 Questions by MR EDWARDS

6 MR EDWARDS: Thank you. I'm Mr Edwards on behalf of some of
7 the families. Mr Campbell, I just want to start by
8 asking you about your knowledge of the products your
9 company was selling in 2005/2006. Presumably, you had
10 a pretty good knowledge of the things that your company
11 was selling and installing?

12 A. Yes, we did.

13 Q. Do you think you had a good knowledge of any potential
14 dangers posed by the products you were selling?

15 A. No, I -- no, I -- again, I would say that the size of
16 the product -- of the project -- we were given
17 a specification, and the specification is normally
18 produced by what I would consider to be experts in the
19 field of building. We -- we aren't experts. You know,
20 we're usually given a specification of works by somebody
21 who's a member of the Royal Institute of Chartered
22 Surveyors, or a building surveyor, or a professional in
23 the area, in that field of works.

24 Q. Perhaps let me put it another way, and correct me if I
25 am wrong. Was it your understanding in 2005/2006 that

1 the windows and window installations -- by which
2 I include doors, panels and like -- that your company
3 was selling could essentially injure people or hurt
4 people in one of two ways: they could fall out and hit
5 someone, or they could become a danger in case of
6 a fire? Now, I can't think of any other ways they might
7 hurt someone. Perhaps you can?

8 A. No, I can't.

9 Q. Did you have any familiarity with those potential
10 dangers of your product? Falling out and hitting
11 someone, fire dangers?

12 A. No, no.

13 Q. When did you first start working in windows, double
14 glazing?

15 A. I came into the industry in 1992.

16 Q. So you'd been working in the industry for something like
17 15 years when the Lakanal House project was carried out
18 but you didn't have any knowledge of the dangers double
19 glazing window installations might pose to people?

20 A. Well there's dangers in every project, hidden dangers,
21 isn't there?

22 Q. All right. Now, you said you'd never visited
23 Lakanal House before doing the pricing --

24 A. That's correct.

25 Q. -- for this particular project, and that was something

1 that was rather unusual?

2 A. Only -- only because I was away on holiday at the time,
3 and there was quite a short return date on the tender,
4 so that was the reason.

5 Q. Do you think Nick Coupe visited before you did the
6 pricing and the two of you might have discussed the
7 project?

8 A. He -- I know he didn't, but in other circumstances, if
9 I was on holiday, Nick would cover for me, as I would
10 cover for him.

11 THE CORONER: But you say you think he didn't here?

12 A. Sorry?

13 THE CORONER: Are you saying you think he didn't?

14 A. I don't think he did. I don't think he did attend site.

15 MR EDWARDS: I just want to look at some of the documents
16 you had in front of you. You've already been referred
17 to these, but if you can open bundle 4, please, at
18 page 1307. To start at 1306 may be easier. Do you
19 think you had -- sorry, do you have that?

20 A. Okay.

21 Q. Do you think you had this document at the time you did
22 the pricing?

23 A. Yes, I did.

24 Q. You've already been referred to it, but over the page at
25 1307, please, 790, "Fire-resisting frames". Then 1309,

1 a few pages on, at paragraph 230, "Fire-resisting and
2 smoke control wood flush doors". You said in
3 evidence -- and correct me if I have misunderstood
4 this -- that you thought those references to
5 fire-resisting were to the communal areas of the
6 building?

7 A. Yes, if you go through the bills pages, they -- they
8 clearly specify timber doors.

9 Q. Why did you think that?

10 A. Because our part of the -- the specification, the bills
11 of quantity didn't refer to any timber doors.

12 Q. All right. If we go back to 1307, though,
13 "Fire-resisting frames". Did you think that referred to
14 communal parts of the building?

15 A. Yeah, because the -- the product which had been
16 specified, the Dualframe 55 and the 75, was not
17 a fire-rated product.

18 Q. You knew that. How did you know the contractors or the
19 client would know that the product wasn't
20 fire-resistant?

21 A. The client should have known what product they were
22 specifying. Surely they would have had to put
23 an application in to Building Control to change the
24 fabric or a change to the building.

25 Q. You assumed?

1 A. I priced as per -- as per the document at tender stage.

2 Q. We've heard some evidence on Trespa panels, and your
3 evidence what is you've never used Trespa panels before
4 this project?

5 A. No, Trespa's a panel we've never used before this, no.

6 Q. Had you used other high pressure cellulose resin panels
7 before?

8 A. No, we mainly used aluminium-faced panels.

9 Q. You say "mainly used". What other types of panels are
10 there? Aluminium-faced?

11 A. You can get plastic-faced panels. There's all different
12 make ups. A polycore foam. Panels -- primarily, the
13 emphasis on panels was for thermal performance more than
14 anything else, through the window, so it would give
15 a good u-value.

16 Q. Do I take it from that you had used plastic-faced panels
17 before?

18 A. Yes, we had.

19 Q. Were you aware at the time of the Lakanal House project
20 of any differences between aluminium-faced panels and
21 plastic-faced panels in terms of fire safety?

22 A. No.

23 Q. Are you able to say whether Mr Coupe had used Trespa
24 panels before?

25 A. I would -- I would say he hadn't.

1 Q. I appreciate you may not know, but is it likely he would
2 have used plastic-faced panels before, like you had?

3 A. On -- on other projects, yes.

4 Q. We've seen an order placed for Trespa panels by someone
5 called Martin Steward, who worked for Symphony. Are you
6 able to say whether he was somebody who would have
7 known --

8 A. Martin Steward didn't work for Symphony. The order was
9 placed by Tom Goult.

10 Q. Sorry, to Martin Steward, forgive me. And Tom, would he
11 have known anything about --

12 A. No, he would have just been placing the order on behalf
13 of Nick.

14 Q. In terms of changes to panel specifications, we see
15 originally the panels are specified as aluminium.
16 Ultimately Trespa is used. Presumably you can't speak
17 for Nick Coupe as to what he may have said to the client
18 about suggesting a different panel and the like?

19 A. No.

20 Q. If he had suggested a change to Trespa panels and this
21 was a material, as you say, that he was unfamiliar with,
22 do you have any comments to make? Would that have been
23 the right thing for him to do, the wrong thing for him
24 to do?

25 A. Only comment I can make on that is I don't think Nick

1 Coupe would have changed the material of the panels.

2 Q. If he had suggested a change to a material he didn't
3 know about, hadn't used before, would that be the wrong
4 thing to do?

5 THE CORONER: Well, you've covered that already, Mr Edwards.

6 MR EDWARDS: In respect of these panels -- do say if you
7 don't know, but they can be made up of a number of
8 things. We've heard evidence that they can contain
9 ceramic infills rather than polythene, polystyrene --

10 A. Yes, MDF, CP, which is a cement particle board. Yes,
11 various -- various --

12 Q. Do you have any particular knowledge of the infills of
13 these panels?

14 A. I have more now than I did before.

15 THE CORONER: Is that subsequent to these events?

16 A. It is, yes.

17 MR EDWARDS: I want to ask you a little bit more about the
18 error that you made in putting the reference to FENSA in
19 your letter at 1358. It might help you just to have
20 that in front of you. I think your evidence has been
21 that you essentially put that reference to FENSA
22 registration in this letter by mistake. I'm trying to
23 get a better understanding of why that mistake came to
24 happen. Do you think part of the reason for that
25 mistake was that you hadn't visited Lakanal House?

1 A. No, absolutely not.

2 Q. I appreciate it's a long time ago, but are you able to
3 say how that mistake came to happen? Is it a cut and
4 paste on a Word document?

5 A. Yeah, human error on my part.

6 Q. Is it something you even thought of, or is it something
7 that's just crept its way in?

8 A. No, the likelihood is it was a template, it was
9 an Apollo quotation, and what we'd do is I would
10 strike -- add clauses, remove clauses, you know, and the
11 ten-year insurance-backed guarantee's been left there
12 and I've overlooked FENSA.

13 Q. I think the jury may be able to understand that. What
14 they may be struggling to understand a little bit more
15 is how, after this error has crept in, your company then
16 comes to actually issue 98 paper certificates, one for
17 each flat.

18 Can we turn to the certificate at page 4431, please,
19 which is the very last page of bundle number 11. I just
20 want to understand the process of actually producing
21 these documents. Firstly, so the jury understands, your
22 company produced one FENSA certificate for each of the
23 98 flats at Lakanal House?

24 A. That's correct, yes.

25 Q. And they were all essentially identical?

1 A. Yes.

2 Q. The only difference being the flat number; is that
3 right?

4 A. Yes, it's actually applicable to the property. The way
5 FENSA works is if you and I have any window replacements
6 carried out on the house and then you go to sell the
7 property, the likelihood is because you've had window
8 replacements, you'll have to provide a Building Control
9 certificate to say your windows comply or you'll produce
10 a FENSA certificate.

11 Q. In basic terms, what did you understand this certificate
12 to cover? What is FENSA certifying? What is this
13 certificate certifying?

14 A. If you turn over to the second page and you look at the
15 part that's actually standing on the vertical. If you
16 can turn that round, and can we just go to the bottom of
17 the page, please. Right, if we go to the very bottom of
18 the page, basically my understanding of FENSA, it
19 covers A, which is structure; B, which is escape in case
20 of fire -- now, whether that be through a fire escape,
21 through a door which could be used as a means of fire
22 escape, or through a window -- F, which is ventilation;
23 M, access for disabled; J, which is gas regulations; and
24 K, guarding. That's my understanding.

25 Q. Escape in case of fire, B. That's the section you just

1 referred us to. What, in 2005/2006, did you understand
2 that to refer to? Is it just if there's a fire someone
3 who is inside a building can get out through the
4 windows?

5 A. Or through a door.

6 Q. Or through a door?

7 A. Yeah.

8 Q. I take it you didn't understand that to be referring to
9 any other fire safety measures, such as fire resistance?

10 A. No, no, I thought that would have been covered under --
11 on the Building Control side of things.

12 Q. What do you mean by that? Because your evidence earlier
13 was the FENSA certificate applied and the local
14 authority Building Control didn't apply to the windows.

15 A. No, I would have thought a project -- I said earlier
16 I thought a project like Lakanal House would have come
17 under the remit of Building Control.

18 Q. But if you've made a mistake and the contractors think
19 FENSA certification applies --

20 A. But there's -- there's no mention of FENSA in any of the
21 specification. I've -- I've had enquiries coming in
22 since Lakanal House which have asked for FENSA
23 registration, which we've then wrote back and told them
24 it doesn't come under the -- under the remit of FENSA.

25 Q. Physically producing these 98 certificates, how does

1 that work? Does someone have to go round to each flat
2 and individually check?

3 A. No, it's done online.

4 Q. So what, is it someone sitting in a office simply
5 changing the flat number on a certificate for each flat
6 number?

7 A. No, each -- every property throughout the company is
8 actually on a database, and any works which are carried
9 out -- we have a password. We would go in, put down
10 basically what works had been carried out, and that
11 would generate a FENSA certificate, along with, in this
12 particular case, an insurance-backed guarantee.

13 Q. We can see at page 4432 the name. Can you scroll up,
14 please? We're going to need to turn the document
15 45 degrees. We can see it contains Alison Campbell's
16 name. Is the certificate issued in her name?

17 A. No, Alison is the one who would have registered the job
18 through FENSA.

19 Q. So she's just the point of contact?

20 A. Yeah. Yeah, what would happen, we would apply for the
21 certificates, the certificates would then be forwarded
22 to us as a company, and we would pass them on to the --
23 if it's an one-off property we would post it out to the
24 individual. On a project -- something like this, or if
25 it's 100 street properties, whatever, we would then pass

1 those back to the main contractor to either give to the
2 client or to distribute.

3 Q. As you said earlier, this is one of the office girls
4 who's responsible for the admin that generate these
5 certificates?

6 A. It is, yeah.

7 Q. Is the generation of one of these certificates then just
8 a purely administrative task?

9 A. Yes, nothing more than that.

10 Q. So the person generating the certificate has, frankly,
11 no idea whether the certificate is correct or not?

12 A. No.

13 Q. I referred you a few moments ago to the bottom of 4432.
14 We don't need to look at it again, but where it says
15 "building regulations B" --

16 THE CORONER: I think we do. If you're going to be reading
17 it out, we do need to look at it, please. Thank you.

18 MR EDWARDS: Where it says "building regulations B, escape
19 in case of fire", were you familiar with document B in
20 2005 and 2006?

21 A. With regards to the -- where the FENSA goes, yes.

22 THE CORONER: Sorry, would you say that again?

23 A. Yes, with regards to FENSA, or FENSA requirements, yes.

24 MR EDWARDS: To put it bluntly, had you read document B in
25 2005/2006?

1 A. My understanding of document B was to do with fire
2 egress from windows or doors to properties.

3 Q. I understand that. My question was: had you read it in
4 2005/2006?

5 A. Not that I recall, no.

6 Q. Do you know whether anyone in your company had read it
7 in 2005/2006?

8 A. I can't answer that.

9 Q. Thank you.

10 THE CORONER: Mr Campbell's been going for quite a long
11 time, and I think we all need a short break, so shall we
12 be back here in ten minutes, please? Thank you.

13 Mr Campbell, because you're part way through giving
14 your evidence, the strict rule is you must not talk to
15 anyone at all about your evidence or indeed this matter.

16 A. Yes.

17 THE CORONER: So if you would be back here in ten minutes.
18 (11.42 am)

19 (A short break)

20 (11.53 am)

21 (In the presence of the Jury)

22 THE CORONER: Thank you. Yes. Mr Dowden, questions?
23 Ms Al Tai? Mr Walsh?

24 MR WALSH: No thank you, madam.

25 THE CORONER: Mr Matthews.

1 Questions by MR MATTHEWS

2 MR MATTHEWS: I think we all understand --

3 THE CORONER: Sorry, could you put it your microphone on.

4 MR MATTHEWS: I'm so sorry.

5 I think we all understand that you've had an element
6 of hindsight and had to have an element of hindsight.
7 You've looked back over these events that happened
8 a long time ago and thought about what you thought at
9 the time and what you think now; is that right?

10 A. Absolutely.

11 Q. Can we go back to 1358. It's right that you should have
12 it in front of you.

13 THE CORONER: Do you have that on the desk?

14 MR MATTHEWS: It's 8 September 2005, this bullet point with
15 FENSA registration on. Is it now, looking back, that
16 you think, "Oh, I should never have put FENSA
17 registration there"?

18 A. No, I -- I -- FENSA registration should have never -- on
19 a major project -- it wasn't a FENSA project. That was
20 left in purely human error.

21 Q. So there are projects where you haven't put FENSA in?

22 A. Yes, there is, yeah. If they fall under the remit of
23 Building Control then they wouldn't come under FENSA.

24 Q. Can I ask you to go to what you were provided with by
25 Apollo, the contractor. That's the specification.

1 A. Yeah.

2 Q. Hang on, I'll get the right page. The beginning is
3 1283. That's August 2005. Had you worked -- sorry.

4 THE CORONER: Just let Mr Campbell get there.

5 MR MATTHEWS: By August 2005, had you worked for Apollo
6 before?

7 A. Yes, we had. Yes, we had.

8 Q. Many times?

9 A. Yes, we had.

10 Q. And had you received, then, many specifications similar
11 to this?

12 A. Not high rise. We -- we'd done medium rise, but we
13 hadn't done anything on the scale of Lakanal House.

14 Q. Right.

15 A. We -- we did lots of street properties with them and
16 sort of mid-rise blocks.

17 Q. Mid-rise blocks?

18 A. Ground, first floor, yeah. Not high rise.

19 Q. Had you provided FENSA certification to them before?

20 A. Off the top of my head I -- I don't know. Possibly,
21 possibly.

22 Q. What do you think? Likely or not?

23 A. It's likely that we did, depending on the project.

24 Q. Okay. Well then, have a look at 1288. You have the
25 paper copy. If I can ask Mr Atkins just to scroll

1 through from 1283 so we can see what's sent to you.
2 1284 is -- sorry, I'm asking a lot, but I think for the
3 jury's understanding, 1284 -- we don't need to look at
4 it. It's headed "Project particulars". At 1285, there
5 are also project particulars. It has the parties. 1286
6 is entitled "Tender and contract documents". At 1287,
7 we have the map, the plan we looked at. Then 1288 is
8 "Window designs". In fact, it's headed "Requirements
9 for the replacement of window/panel/door units to 1-98
10 Lakanal". Under "Drawings", it's telling you:

11 "A. The contractor shall be responsible for
12 preparation of drawings which must be submitted to the
13 CPM for consideration at least two weeks before the
14 intended date for starting any fabrication."

15 By "contractor", would you understand that to be
16 Apollo?

17 A. Yes. Yes, I would.

18 Q. Right. 1289, then, is headed "Aluminium windows" and it
19 says:

20 "Supplier (your attention is drawn to the relevant
21 clauses within the preliminaries) ..."

22 And at A, it says:

23 "The system supplier shall also be the system
24 manufacturer and the system designer."

25 Do you see that?

1 A. I do.

2 Q. Do you understand you to be the supplier? When I say
3 "you", I mean Symphony.

4 A. Yes, I do.

5 Q. Then if we go on on the same page, "Guarantee":
6 "The window is to be guaranteed as described above
7 for the following:
8 "Material, workmanship, finish and performance: ten
9 years ... all subject to manufacturer's standard
10 installation and maintenance procedures."
11 If we go on then, the next page is talking about
12 delivery, 1290, and then 1291 says:
13 "A. Windows incorporating a panel either above
14 and/or below the window/balcony ..."
15 Then can you see at number 3 there it says:
16 "Insulation behind the panel to meet the relevant
17 requirements of the current building regulations."
18 A. Yeah, that's correct.

19 Q. Would that not say to you: "Well, I need my FENSA"?

20 A. No, what that says to me is -- "insulation behind the
21 panel" would indicate to me that behind the panel,
22 behind the facade, there was a back-up wall.

23 Q. Let's go then to 4432, just to remind ourselves of this
24 FENSA certificate. Sorry, I've managed to lose my copy.
25 You understood FENSA to apply to windows, doors and

1 panels?

2 A. Yes, I -- yes.

3 Q. That's not something with hindsight; that's something
4 you understood at the time?

5 A. At the time, yeah, but with hindsight I now know that
6 FENSA don't cover panels.

7 Q. Had you ever looked at what we have at 4432? If we
8 could go onto the box that says "Window/door
9 definitions" and also "does not fall into the remit of
10 FENSA". Had you looked at that?

11 A. I had, yes.

12 Q. That tells you what does not fall into the remit of
13 FENSA. That says:
14 "Conservatories, porches, new build."
15 So if you were part of a new build project, you
16 wouldn't be issuing FENSA?

17 A. No.

18 Q. So again, thinking back, and stripping out hindsight,
19 this project was replacement?

20 A. That's correct.

21 Q. Are you sure that at the time you didn't just assume
22 that FENSA should apply?

23 A. No, I -- it's since been pointed out to me that because
24 of the nature of the job, it wouldn't have been covered
25 under FENSA, and again, my understanding of FENSA,

1 Q. You, in the past, have worked on some fairly big
2 projects; would that be correct?

3 A. Yes, we have.

4 Q. I know that this one is in the region of £850,000, that
5 sort of amount?

6 A. Yes.

7 Q. You've worked on projects for 1.2, £1.3 million?

8 A. Yes, we had, yes.

9 Q. Did they involve window installations?

10 A. Yes, they had.

11 Q. The only other matter is just going back to this
12 document at 1358. If we just get it up on the screen.
13 It's that reference -- forgive me if I'm being a bit
14 slow. It's a sort of template document, is it, where
15 you cut and paste things?

16 A. Yes, it is.

17 Q. So the FENSA registration there, is that on your
18 template, so to speak?

19 A. It may have been off a previous project that we did.

20 Q. But certainly FENSA was something that you'd used
21 previously in previous project?

22 A. Yeah, again, we would tend to be led by the
23 specification. If the specification didn't call for it,
24 then we would assume it was being done under the realms
25 or the remit of Building Control and we wouldn't

1 automatically submit it.

2 Q. Well, you've been very frank about the error that's been
3 made. You understand that people would rely on that?

4 A. Oh, absolutely. As I say, I was away on holiday at the
5 time. I've back-checked my diary. It was a case of
6 getting back on the Monday and having to sit down and by
7 the Thursday put together a full quotation.

8 Q. Yes, and the ten year insurance-backed guarantee, would
9 that be something that would normally go with the FENSA
10 certificate?

11 A. No, not necessarily. We use FENSA to supply the IBGs,
12 but there's independent companies on the market who
13 offer insurance-backed guarantees.

14 Q. So that's separate, but it would have been on a previous
15 document that --

16 A. On a separate document, yeah.

17 Q. Yes, thank you very much.

18 THE CORONER: Ms Canby? Ms Petherbridge? Thank you very
19 much. Mr Leonard.

20 Questions by MR LEONARD

21 MR LEONARD: Thank you. Can I ask you to look at 1291
22 again. I've lost my map of the bundles.

23 File 4, which you've got open in front of you. You
24 were asked questions by Mr Matthews about this page, and
25 you replied that paragraph 3 related in your mind to the

1 existence of a back-up wall, was the expression you
2 used, I think. Can you just elaborate on what you
3 thought was being referred to here? What is a back-up
4 wall in the context of a panel?

5 A. A -- a back-up wall would be -- if you have a situation
6 like Lakanal House or a high rise building, the window
7 gives the appearance of being floor to ceiling, so full
8 height, so that the panels would be seen from the inside
9 and the outside. In lots of cases, there's actually
10 a back-up wall or a wall internal of the window which
11 is -- that's what we refer to as a back-up wall. So
12 externally, it would appear it's full height.
13 Internally, there could be a block wall or some sort of
14 partition.

15 Q. Let's just look at the jury bundle, tab 18, if we may.
16 The first of the pictures, schematics there, referred to
17 as the --

18 THE CORONER: Wait a moment.

19 MR LEONARD: Yes, of course. (Handed) So looking at that
20 picture -- and if it's helpful, using the colour scheme
21 and the numbering, if you like -- where would the
22 back-up wall be in relation to what we see in the
23 facade?

24 A. The back-up wall would be to the lower part of the
25 window where the panel is indicated. It would be behind

1 the panel.

2 Q. Behind the two panels marked 2 and 2 in the green
3 hatching?

4 A. Yes, it would.

5 Q. In relation to what is described on 1291 at 3 -- and
6 I quote -- if I could just have that back again, I would
7 be grateful. Thank you:

8 "Insulation behind the panel to meet the relevant
9 requirements of the current building regulations."

10 What's being described there to your best
11 understanding?

12 A. Well, that the -- they've already given us -- provided
13 us with a specification for the panels, so they've told
14 us what material they want us to put in the actual panel
15 itself, the core of the panel, but behind the panel,
16 there would be other works going on.

17 Q. Between the panel and the wall there would be something
18 else?

19 A. Between the panel and the back-up wall. It says
20 behind -- behind the panel.

21 Q. Let's just look at page 1411, if we may, which will be
22 found again in divider 4. I wonder if Mr Atkins could
23 put that up. It's a document we looked at last week
24 with a witness or two from Southwark, and looking
25 particularly at paragraph --

1 THE CORONER: Wait a moment.

2 MR LEONARD: I beg your pardon. (Pause) Looking
3 particularly at 6.01 -- I don't know if it can be made
4 a little bit bigger. Thank you very much. At the first
5 dash point, if I can call it that, underneath the
6 introductory words, it says:
7 "New block-work under windows to be constructed of
8 thermalite shield blocks increasing the insulation value
9 of this element of this elevation."
10 Does that appear to describe, in your mind,
11 a back-up wall, in terms?
12 A. That would appear to be that they were looking to
13 construct a back-up wall behind these windows.
14 Q. You never saw this document at the time? No reason why
15 you should.
16 A. No, no.
17 Q. But is that consistent with your understanding of what
18 we've look at on 1291?
19 A. Well, that would run in line with my thinking, thinking
20 that they were going to put something in between the
21 panel and the back-up wall.
22 Q. I wonder if we can now look, please, in perhaps a little
23 more detail than has been touched on so far, at 1360
24 onwards. What's the correct way to refer to this
25 document?

1 A. Bill of quantities.

2 Q. Bill of quantities. Does this provide the basis upon
3 which you provide the quotation that you're being asked
4 to fulfil?

5 A. It's -- yes and no. It's -- we already have
6 a performance specification.

7 Q. Yes.

8 A. And then we have a bill of quantity with a description
9 of works, and sometimes it's hard to sort of interpret
10 between the two of them.

11 Q. At this stage in the process, being asked to quote as
12 you were, would Symphony actually take any initiative,
13 as it were, in the context of how the design was
14 specified or would you simply react to what you're being
15 asked to look at?

16 A. We'd really react to what we're being asked to look at.
17 We may go back to the estimating department of Apollo
18 and -- as I say, we've got a good working relationship
19 with Apollo, and they would basically say price as per
20 the bills. That's -- you know, don't deviate from what
21 you're being asked to price for.

22 Q. If we look forward between 1360 and 1366, we see
23 a collection of pages of a similar format. All right?
24 If that can be done, I would be grateful. To your
25 understanding, does this collection of pages represent

1 the bill of quantities for the whole refurbishment work?

2 A. No, no. With our scope of works, we would only be given
3 the pages which Apollo thought were applicable to the
4 window replacement. So from the information we were
5 sent, I have no -- absolutely no idea of what other
6 works were being carried out. Electrical works, fire
7 door replacement works -- I would have simply no idea at
8 all. Roofing works, nothing.

9 Q. Looking, by way perhaps of example, at 1362, if we may.
10 Your handwriting appears against the first of those
11 entries but the rest of the entries beneath it seem to
12 be accompanied by the words "by MC". What does that
13 mean?

14 A. Main contractor.

15 Q. And what does that mean in the context of Symphony's
16 involvement with it?

17 A. Well, that's works that we couldn't be carrying out. It
18 would be passed back for the -- for the main contractor
19 to put pricing against.

20 Q. Looking at, by way of example, C:

21 "Renew metal cladding panel to part of wall between
22 lounge and kitchen/wall arrangements. Renewal of
23 division/cladding panels; allow for the careful removal
24 and disposal of existing cladding panels to part of wall
25 between kitchen and lounge; make good surfaces ready to

1 receive new; supply and fix."

2 Is that anything to do with Symphony at all?

3 A. No, I've made a note against it. I -- "MC". I've
4 actually asterisked it and I can't remember why I've
5 asterisked that. I think it's because there was a gas
6 balance -- gas flue coming through and an overflow pipe.

7 Q. To your understanding, would that sort of undertaking
8 normally require the scrutiny of the Building Control?

9 A. Well, yes, because again, if there's gas flues going
10 through, you'd need gas tests doing, and -- again,
11 there's no indication of what the material is as well.
12 It may be asbestos, and then the asbestos would have to
13 be removed.

14 THE CORONER: Do you know that to be the case or are you
15 rather guessing at what that might be about?

16 A. No, I didn't know at the time, no.

17 MR LEONARD: Over the page on 1363, again, all under the
18 heading "Main contractor". E and F, for example,
19 "replace existing fire escape signage" and so forth.
20 Nothing to do with Symphony? Do you see? "Replace
21 existing fire escape signage over fire escape doors",
22 et cetera. Anything to do with Symphony at all?

23 A. No.

24 Q. Likewise over at the top of page 1364, "replacing
25 asbestos infill panel to external fire escape balcony

1 balustrade", that, as we know, is being undertaken by
2 an entirely separate contractor altogether, yes?

3 A. Yeah, that's correct.

4 Q. So what about this document made you think at times, as
5 I understand your evidence to be, that Building Control
6 was going to be involved with this project as a whole?

7 A. Well, they would have had to go on -- to planning
8 anyway, and it's just the fact that -- just the nature
9 and the size and the number of works that were going on.

10 Q. Is that something that you recall going through your
11 mind at the time?

12 A. I can't say at the time but, you know, obviously since,
13 and -- just purely the size of the job, you know.

14 Q. You were asked, moving on to an entirely separate topic,
15 about whether or not you knew, I think -- and
16 I paraphrase slightly -- anything about windows falling
17 out and hitting people. Are you actually responsible
18 for the design of the fixings in these windows into
19 their respective aluminium windows?

20 A. We -- we have a -- we have BS8213. 8213 is a British
21 Standard that we took upon ourselves to take on board --
22 not every window company has it -- and it all goes
23 around -- revolves around the survey and installation of
24 windows. So we -- there is a method of fixing windows
25 and we adhere to those and we are subject to random

1 inspections by BSI.

2 Q. So insofar as that might be relevant to the safety of
3 the products that you're installing, is that something
4 you're well aware of and take note of?

5 A. Yes, it is.

6 Q. Likewise, in respect of such danger in relation to fire,
7 whether it be fire escape or whether it be fire
8 retardancy, if I can call it that, if you, as a company,
9 are asked to provide fire-rated panels or products of
10 any sort, is that a difficulty?

11 A. No. If the specification had read "fire-rated",
12 "zero-rated", "fire-retardant", then I would have priced
13 that.

14 Q. Just looking, by way of example, where fire-rating does
15 appear to be relevant in the document we've looked at,
16 1361 at the top:

17 "Solid fire-rated door to meet part B and panel
18 containing flue aperture."

19 Insofar as the solid fire-rated door is required
20 there to meet part B, did you price for a door
21 accordingly?

22 A. We -- I discussed it and we proposed to -- to give them
23 an alternative to the aluminium door, and we could have
24 put in either a solid timber fire door or a -- as
25 I touched on earlier, a composite fire door.

1 Q. So let's just imagine for a moment in this document, on
2 the page previously where it refers to panelling, units,
3 base panels, if those had been specified in this
4 document as being relevant to part B. Would you have
5 ensured that they were?

6 A. Well, somebody's obviously considered that, because
7 they've actually mentioned part B with reference to
8 the -- to the kitchen doors.

9 Q. And just to remind ourselves, further up the page, where
10 it talks about "supply and install new polyester
11 powder-coated aluminium window units to comply with all
12 current u-values as required by building regulations
13 part L", what does "part L" mean?

14 A. Part L is -- this -- Lakanal House and -- at the time,
15 there were a lot of projects going on, which was
16 a government initiative. It was called Decent Homes,
17 and the plan was to bring all properties up to what they
18 call a decent standard, which could entail replacing
19 kitchens, bathrooms, windows. Part L was based around
20 energy conservation, so it was based on getting the
21 u-values down low to make the places insulated.

22 Q. I want to know directly from you -- and no doubt in due
23 course Mr Coupe will be able to say as well -- were you
24 ever asked specifically by anyone asking you to
25 undertake this work, whether it be Apollo, Southwark, or

1 do just to say I've seen the project and I know what I'm
2 talking about if somebody's got any queries. I tend to
3 take more photographs now than anything else with
4 digital cameras and I can store them all, and if you're
5 pricing a job and you can't remember exactly at the time
6 what something was like, you can always go back and
7 refer to photographs.

8 THE FOREMAN OF THE JURY: Okay, thank you. Going back to
9 the FENSA certificate, we've noticed -- I'm not sure if
10 that could be brought up so it's a little clearer what
11 I'm talking about. Thank you. One of my colleagues has
12 noticed that here on the front of the certificate it's
13 saying that these parts of the building are certified by
14 the installer to be compliant with sections 4 and 7 of
15 the building regulations 2000.

16 However, on the back of the certificate, it states
17 that the windows comply with building regulations that
18 came into force in April 2002. To the best of your
19 knowledge, are these regulations the same or is one of
20 the dates misleading or wrong?

21 A. Well, 2002 is when FENSA was actually introduced, so
22 there may have been a change since the point of
23 introduction up until that project was carried out.

24 THE CORONER: Members of the jury, it might just help you to
25 know we're going to be having some evidence from FENSA

1 this afternoon, so it may be that that will be a better
2 way of trying to deal with that question, if that's all
3 right, Mr Campbell.

4 A. Yeah, absolutely.

5 THE FOREMAN OF THE JURY: Thank you. I was hoping you could
6 tell us whether there's much difference in cost between
7 fire-rated products and regular products. I don't
8 expect exact figures, but ...

9 A. On a panel, £15/20 a square metre, from the panel
10 specified to a fire-rated panel.

11 THE FOREMAN OF THE JURY: So about that much difference
12 each?

13 A. Yeah.

14 THE FOREMAN OF THE JURY: Thank you. Again, please do tell
15 me if this is not something within your knowledge. It
16 might be more for the Joedan people. I was hoping you
17 could tell me more about why argon is used in the
18 cavities of double glazing. Is it a stability factor,
19 it reacts well to heat, something like that?

20 THE CORONER: Can I just stop you there. I don't think
21 that's going to be relevant to any of the issues we're
22 going to be looking at within these inquests, so I don't
23 think we need to explore that.

24 THE FOREMAN OF THE JURY: Okay, no worries. That's all.

25 THE CORONER: Thank you.

1 Mr Campbell, thank you very much for coming and for
2 the help that you've been able to give us. You're
3 welcome to stay if you would like, but you're free to go
4 if you would prefer. Thank you.

5 Yes, Mr Atkins?

6 MR ATKINS: Madam, the next witness to be called will be
7 Mr Wilson from FENSA. He will be here this afternoon.
8 Madam, in the meantime there are some statements to be
9 read.

10 THE CORONER: All right. Thank you very much.

11 MR ATKINS: The first of those statements is that of
12 Firefighter Simon Towler. His statement is at page 373
13 of the bundle. I've put that on the screen for the
14 jury.

15 THE CORONER: Thank you.

16 Witness statement of SIMON TOWLER read

17 MR ATKINS: Mr Towler's statement is dated 28 July 2009. He
18 says:

19 "I work as a firefighter for the
20 London Fire Brigade. I am currently based at Lewisham
21 fire station, where I have been for the past eight
22 years. I have a total of 13 years' service in the LFB.

23 "On Friday, 3 July 2009, I was working a day shift
24 between 9 am and 6 pm. I am on Green Watch. I was
25 posted on the fire rescue unit E216 with Crew Manager

1 Mark Niblett, Firefighter Bob Geddes, Firefighter Steve
2 Gilbert and Firefighter Steve Hill. I was the driver of
3 the unit. The vehicle is a specialist unit that does
4 not carry water or ladders. It is equipped with
5 chemical protection suits and more heavy duty cutting
6 tools. This unit has responsibility for firearm safety
7 and uses the extended duration breathing apparatus in
8 orange covered cylinders.

9 "During the shift, I was aware that the command unit
10 based at Lewisham had gone out to a four-pump fire. The
11 signal was then received calling us to the fire. As
12 driver, I went and collected the call slip from the
13 printer. From records, we were assigned at 1650 hours
14 when it went to an eight-pump incident. I drove to the
15 scene through quite heavy traffic using blue lights and
16 two tones. We travelled along Peckham Road and pulled
17 up in Havil Street, where I stopped behind the command
18 unit. Crew Manager Niblett headed to the command unit
19 to show us in attendance and this is logged at
20 1702 hours.

21 "On arriving, I dressed in my personal protective
22 equipment. With three or four of my colleagues, I went
23 through a passage towards the block. I could initially
24 see a lot of smoke. I got to a bin area on the Peckham
25 Road end of the lower block. There were members of the

1 public standing around. I also saw a pump unit between
2 the tower block and Havil Street. As I walked around to
3 the glass area on the Marie Curie side of Lakanal, I saw
4 that there were two adults, both back, in their 40s to
5 50s on a balcony near the top of the building. It was
6 a male and a female and they had tied yellow sheets
7 together and put it over the side of the building to try
8 and escape. I couldn't hear that the couple were saying
9 but firefighters were shouting up to them, instructing
10 them to say where they were and not to lower themselves.
11 The smoke on this side of the block was grey and white,
12 free-flowing and non-combustible. The smoke on the
13 opposite side was black and a heavier burn with little
14 oxygen. A flat on this side was well alight with debris
15 falling.

16 "I was not there long when Crew Manager Niblett
17 joined us to tell us we were going in. I was aware of
18 members of the public asking about helicopters to save
19 people and that I overheard people were trapped in
20 flat 81. People were slightly aggressive because
21 I don't think they understood our roles.

22 "I returned to our vehicle and put on my EDDBA
23 equipment and conducted our safety checks of colleagues
24 and equipment. This took about five minutes, and we
25 then went to the holding area on the Marie Curie side of

1 the block. We waited around for about another five
2 minutes or more until we got a briefing from an officer.
3 It was an officer in a white helmet, but I do not know
4 who he was.

5 "I was told that there was people trapped in 81 and
6 we were told to search flats 81, 82 and 83 on the 11th
7 floor. We were asked whether we were happy to go in
8 because at that point there were no other units
9 available to back us up or relieve us. We were told
10 that there shouldn't be a fire on the 11th floor but
11 were asked whether we wanted to take hose. We were
12 given no instructions on where the flats were or their
13 make up. I didn't know how many floors the building had
14 and I didn't know whether the 11th floor was above or
15 below the fire.

16 "Between us, we decided to take up two lengths of
17 45-millimetre hose and a branch (squirter). At this
18 time, we were assigned an LAS HART team as well. This
19 crew was taking a long time to put on their BA equipment
20 so we split our unit in two.

21 "Steve Gilbert, Bob Geddes and I took our tally over
22 to the entry control officer. I later discovered
23 I entered at 5.35 pm from the tally. I only had
24 a personal radio on my tunic. I was in third place,
25 going up the stairs. On the 5th floor I noticed that

1 smoke was logging and building up. It was grey and
2 light in colour.

3 "Around the 7th floor, we let a standard BA
4 firefighter us. He was cradling a small black girl aged
5 approximately 3 to 4 years in his arms. He had his mask
6 off and placed it over the face of the child. There was
7 no noise coming from the child and she appeared just
8 unconscious. She had a lumpy hairstyle. Behind the
9 fireman was a black lady in her late teens or early 20s.

10 "When we reached the 9th floor the hose became
11 heavy. To preserve air, we decided to leave it here as
12 we didn't believe there was a fire on the 11th and we
13 knew we could always return and collect it. The smoke
14 was heavier but you could still see ahead and walk up
15 with it. I think Steve Gilbert then identified we were
16 on the 11th floor.

17 "There was a hose running up to the 11th and the
18 door was propped open between the stairwell and the
19 lobby area. The door to our right was not open but
20 black due to the fire. It was obvious that the fire was
21 this way. We opened the door and found that the lobby
22 was filled with thick black smoke. There was blue flame
23 licking across the ceiling above us. This colour flame
24 is an indication of burning gas. I walked forward into
25 the lobby and reached the slatted ventilation side of

1 the building. It was obvious that there were no other
2 exit points on this floor. I saw lone standard BA
3 fireman using the hose. He was on the right side of the
4 lobby as you exit the stairwell. This was clearly the
5 worst side and the door entrance to the corridor was
6 almost completely burn away. I think the whistle was
7 going on his BA and Steve took the hose from him and he
8 left.

9 "As I looked down the corridor there was limited
10 vision. I could clearly see the flat to the left. The
11 door was burnt away, as was part of the wall. The fire
12 damage was so severe that you could see clearly outside,
13 as the front of the flat had gone as well. There was no
14 point entering this flat due to the extensive damage and
15 the impossibility of being able to survive here.

16 "The smoke and flames were being fanned by the air
17 flow from this flat. This created a chimney effect down
18 the corridor. I could see that the ceiling, floors and
19 walls were all alright. The heat was unbearable and
20 there was thick black smoke to the point at times you
21 couldn't see your hand in front of your face. As the
22 hose sprayed an area it created steam immediately which
23 was then falling onto us, making it even hotter.

24 "Between the three of us, we were taking it in turns
25 to work the hose and hold the hose up off the floor to

1 stop it getting burnt through. On several occasions we
2 tried to progress down the corridor. The heat was so
3 intense we were beaten back. I tried this at least
4 three to four times. The most we could manage to get
5 was about five metres down the corridor. The problem
6 became harder because as soon as we stopped putting
7 water on an area, it reignited. This meant it was
8 starting up behind us as we progressed so we had to
9 re-apply water here so we had an escape route. There
10 were no numbers of flats visible and I still didn't know
11 where flat 81 was.

12 "Our job assessment changed to firefighting rather
13 than rescue. This is because until the fire was under
14 control we would only put them in more danger trying get
15 them out with no protection. It was inevitable that
16 this would cause more harm than good. In addition, we
17 just couldn't progress any further because of the heat.
18 I was aware during this stage that Crew Manager Niblett
19 and Firefighter Hill had joined us and the HART team
20 were in the stairwell.

21 "The firefighting was extremely hard work. We
22 couldn't stand up due to the flames above us. We
23 couldn't crouch down too low as the debris was alight in
24 pockets around us on the floor. The walls were also too
25 hot to lean against or touch. This is amongst the

1 hottest and hardest fires I have ever experienced.
2 I cannot be sure how long we'd been firefighting for
3 when the audible distress signal unit on Firefighter
4 Steve Hill went off. Crew Manager Niblett checked him
5 and he began to make his way down the stairwell. I was
6 then told to escort him down. Steve must have gone very
7 quickly as by the time I got to the floor below
8 I couldn't see him. I decided I couldn't keep up with
9 him so went to go back-up. On this 10th floor I found
10 a door out onto a balcony. I couldn't see anyone and
11 could not access any flats and the windows were filthy
12 with black smoke ash.

13 "There was still smoke rising up from beneath me
14 here. I returned to the 11th floor and informed Niblett
15 that Steve had gone down. I then continued to assist
16 Bob and Steve to fight the fire. We managed to get to
17 the first front door on the right hand flat. This was
18 past a burn out rubbish area door. The front door was
19 burnt away and all I could see was thick black smoke top
20 to bottom. I made a decision not to enter the flat as
21 again there was no chance of anyone surviving inside.
22 I also had control of the hose and could now see that
23 the fire was the full extent of the corridor. As the
24 fair flow changed so would our view through the smoke.
25 I could see at one point that a window at the far end of

1 the corridor had blown out. The whole length of the
2 corridor was alight. I realised we had been lucky not
3 to run past the initial seed of the fire at the entrance
4 because we would have had no relief and wouldn't have
5 made it back. The fire was so bad we returned closer to
6 the lobby. Bob and Steve then decided that they had to
7 leave and went to the stairwell.

8 "There was metal framework and wiring hanging from
9 the ceiling and plaster gone from walls. You could not
10 see had the ceiling at all through the smoke and damage.
11 I became entangled in some wiring around my BA set.
12 I had to get Steve to help free me. Mark Niblett then
13 showed us that the fire was starting up again behind us
14 in the lobby area and spreading to the opposite
15 corridor. Our priority changed again to
16 self-preservation as fires were nearing the stairwell.
17 We managed to put this out quite quickly, although there
18 was heavy smoke log. I then ran down this left side
19 corridor. I banged on the first three flats I came to
20 on either side. I got no response. I looked through
21 the letterbox and saw light smoke within flats.
22 I couldn't go any further as the visibility was down to
23 nothing as the smoke dropped to the floor. We probably
24 remained here for about five minutes longer than Bob and
25 Steve had gone. By then I was exhausted. We all

1 decided to leave and left the hose on the floor. We
2 were not relieved by another EDBA crew. We passed the
3 HART team on the stairwell and told them they would need
4 the hose. I estimated we'd been in there for 40 to 45
5 minutes. On the way down I had to stop to catch my
6 breath as I felt a bit of a head rush. I did not see
7 any residents on the way down.

8 "Once outside I returned to the entry control
9 officer and had my tally returned. I took off my BA
10 mask. I think I had used about three quarters of the
11 set and had about 100-bar left. I was physically
12 exhausted. Crew Manager Niblett was speaking with the
13 next EDBA crew and briefing them as to the situation.
14 I heard Mark tell them that the fire was on the right
15 hand corridor. I told members of this unit that the
16 best chance of survival of residents would be down the
17 left hand corridor. I also said that we were still not
18 100 per cent sure where flat 81 was as the numbers had
19 melted or doors were missing burnt.

20 "I then returned to our vehicle to take off my kit
21 and take on some water. I rested up for ten to 15
22 minutes and took the sets back. I then went back to the
23 casualty holding area with Crew Manager Niblett. As
24 I approached the area, Mark warned me not to look in
25 a certain direction as there were LAS staff working on

1 a small child. I only saw LAS staff there and couldn't
2 really see the casualty. I looked to my left towards
3 the building. I saw a HART team member carrying a small
4 boy in his arms. The HART member was calling for
5 assistance and running directly towards me. There was
6 a salvage sheet on the floor beside me. I took off my
7 tunic and helmet. I took hold of the boy's head to
8 support it as I assisted the HART member to place him on
9 the floor. At the time I estimated he was about six
10 years old and of slight build. He was wearing three
11 quarter length tracksuit bottoms which I think were
12 blue. I can't remember what his clothing on his top
13 half looked like. It may have been ripped open because
14 I could see his bare chest. It was obvious the child
15 was unconscious and not breathing. He was limp with no
16 movement, just dead weight.

17 "I checked for a pulse in his wrist and the HART
18 team member checked his neck. I couldn't feel a pulse
19 so started compressions start away. The HART member
20 told me to count aloud and do 15 to his two breaths.
21 I did the compressions with two hands as I needed to
22 balance whilst kneeling over him. I did the
23 compressions about one third deep due to him only being
24 a slight child. I did not have to use a lot of
25 pressure. The HART member was happy with the

1 compressions identification doing.

2 "The boy's windpipe looked swollen. The HART member
3 was struggling to get air into the child. We had to
4 readjust his head position right back to get the air in.
5 I think we did about four to five cycles with no
6 indication of any improvement in his condition. We were
7 then joined by an LAS member dressed in green uniform
8 with a defrib.

9 "A pad was placed on the boy's chest once I'd
10 completed a cycle. I then continued and once stopped
11 the next cycle lifted the boy up towards me so a pad
12 could be placed on his back. I know from my training
13 that a defrib doesn't start a heart, it puts it back in
14 rhythm, so I checked with the paramedic and continued
15 the compressions.

16 "Around the same time, another LAS member in green
17 suit arrived with an airway tube and oxygen mask. It
18 was clearly hard to get the tube in and the boy's head
19 was tipped right back, though it kept trying to drop
20 forward. I continued with the compressions as the LAS
21 used the mask and bag for his air supply. I don't think
22 the HART member had been using a mask prior to this.

23 "I may have completed one more cycle when a
24 stretcher arrived and the boy was placed onto it. At
25 this stage, I changed positions with an LAS member.

1 I now supported the boy's head backwards to keep the
2 airway as much open as I could. By this time there was
3 a motorbike paramedic with us. He tried to put a needle
4 into the boy's hand. He did this and left it
5 unattached. A HEMS doctor (grey hair lady) came over to
6 us. She had some liquid in a syringe. The boy's
7 trousers were cut from him and the syringe was placed in
8 his right thigh area. There was difficulty getting the
9 fluid in with the syringe. The HEMS doctor had left us
10 after giving instructions to the paramedic.

11 "We then decided to take the boy to an ambulance.
12 We ran the 50 metres to Dalwood Street and the first
13 ambulance we came to. I continued to support the head
14 for this run whilst LAS did the compressions and air.
15 Other LAS members took over from me. The boy was placed
16 in the rear of the ambulance on a stretcher and the
17 doors were shut. I didn't see the ambulance leave and
18 noticed no members of the public around. The boy's
19 condition did not change throughout the my time with
20 him. At no point did I see any signs of life.
21 I estimate I was with him for ten to 15 minutes working
22 on him continually. Unfortunately I now inside that
23 this boy tragically never regained consciousness and
24 died.

25 "I returned to the holding area and waited with my

1 colleagues. Whilst there I witnessed a firefighter
2 being dragged out by two colleagues. The fireman was
3 stripped down to his T-shirt and trousers. He was
4 placed on the floor and his warms were thrashing around.
5 He appeared to be suffering from heat stress. LAS and
6 other firefighters transferred him to a stretcher and
7 cut off the remaining clothing. He was then also taken
8 off to an ambulance.

9 "Later on I assisted colleagues with equipment
10 requests and refreshments. Around 7.45 pm I took some
11 breaking gear up to the 3rd floor where the bridgehead
12 had been set up. This included axes and sledgehammers.
13 We left the scene at around 8 pm and arrived back at
14 Lewisham around 8.30 pm. This was the end of my day.
15 I have not returned to the scene before or since the
16 fire.

17 "I have completed four days of first aid training
18 this year. This consists of a two day refresher course
19 and a two day defrib and airway course. I have been
20 contacted by the Fire Brigade counselling service and
21 I know where to go should I need help.

22 "In my experience it was a combination of events
23 that led to this fire spreading the way it did and how
24 quick it did. The fascias are only plastic with netting
25 and bird repellent spikes that were catching the falling

1 debris. It was also a hot day and breezy. At that
2 height it would have fanned the flames.

3 "I would have preferred to have greater detail of
4 the layout of the building before entering. At no stage
5 had I realised this was a single staircase block. It
6 should also have filtered down that there was fire on
7 the 11th floor. It was visible from the outside of the
8 building. The lesson that I think should be learnt is
9 that the communication down to firefighter level should
10 have been better. There was no plan of the building at
11 the bottom which we needed and would have been quite
12 easily completed. In speaking with colleagues
13 I understand that the comms sets didn't work as required
14 and was ineffective to speak with the entry control
15 officer."

16 Madam, that is the end of that statement.

17 THE CORONER: Thank you very much.

18 Witness statement of ROBERT GEDDES read

19 MR ATKINS: The next statement to be read is that of
20 firefighter Robert Geddes. His statement is at
21 page 368. His statement is dated 28 July 2009 and he
22 says:

23 "I am employed as a firefighter, based at Lewisham
24 fire station. I have been in the service for seven
25 years, the last two at Lewisham. I have been asked to

1 describe events on Friday, 3 July 2009, when I was part
2 of a crew that attended a major fire at Lakanal in
3 Peckham, a residential block of flats. On the day I was
4 working the day shift, that is 9 am to 6 pm, the first
5 of four days on; we usually do two day shifts followed
6 by two night shifts, and I am on Green Watch.

7 "On this occasion I was posted as part of fire and
8 rescue unit. This is a slightly different role to that
9 of a firefighter and includes separate courses. FRUs
10 normally have a remit of attending larger fires, traffic
11 accidents, water rescues, et cetera. The rest of my
12 crew on that day were Crew Manager Niblett, firefighters
13 Towler, Gilbert and Hill. Our equipment consisted of
14 EDBA, that is extended duration breathing apparatus.
15 This unit consists of twin cylinders, coloured orange,
16 and gives approximate air time of about 40 minutes. As
17 with all BA, the time limit is a guideline only and the
18 actual use would depend on the individual's fitness
19 level, the type of activity they are engaged in and the
20 surrounding circumstances, for instance the heat
21 intensity/conditions they are working in. All BAs are
22 fitted with warnings to tell a firefighter when the air
23 supply is getting low. Normal protocol is that
24 a firefighter wearing EDBA would generally only go into
25 a scene once. Normal breathing apparatus lasts for

1 about 20 minutes, so the protocol would generally be for
2 a maximum of two trips. It is a firefighter's
3 individual decision and responsibility to say if they
4 were feeling unwell or unfit to do a particular task.

5 "I have refreshed my memory of the timings of this
6 incident from [the incident log]. Other than the fact
7 that we received our initial call at 1650 hours and
8 arrived on scene at Lakanal at 1701, I have no
9 particular recollection of how long I was doing
10 particular tasks. I think we eventually left the scene
11 at about 8 pm. Other than that I cannot be specific
12 about any timings.

13 "Because we were monitoring the calls before we were
14 assigned, I was aware that there was a four pump fire in
15 a tower block that other fire units had already been
16 assigned to. At that stage I wasn't aware of the exact
17 location. We were mobilised when the call had become
18 an eight pump fire. I have never been to Lakanal
19 before, and am not familiar with the Peckham area or the
20 particular layout of this block.

21 "From the incident look I can say we arrived on the
22 scene at 17.01. Our vehicle was directed into the
23 vicinity by police officers. Police cordons had already
24 been set up across the junction with the main road, at
25 I believe Havil Street. Although this was shown as

1 an eight pump fire, other units would also have been in
2 attendance, including the command unit, and ambulance
3 service vehicles, et cetera, so this naturally increases
4 the number of emergency vehicles on site to a good deal
5 more than just the eight pumps.

6 "When we arrived on scene, firefighter Towler parked
7 our vehicle in I think Havil Street. I had been
8 travelling in the rear of the vehicle with firefighters
9 Gilbert and Hill. Crew Manager Niblett had been sitting
10 up front with Firefighter Towler.

11 "When we arrived, our crew manager made his way to
12 the command unit basically to check in and tell them who
13 we were and from which station. The rest of us stayed
14 at our vehicle. We moved slightly away and towards
15 Lakanal itself to try and get a better look at what was
16 happening. The block appeared to be well alight at this
17 point generally from the middle of the block and
18 upwards. I now know it was the 9th floor that was
19 alight at this point. I could see smoke and flames
20 coming from the building and other fire crews were
21 already at the base of the building and dealing. At
22 this point I was approached by a female with black hair,
23 I was say she was of Hispanic appearance, in her late
24 20s or early 30s and wearing a brown top. She tapped me
25 on the shoulder and she said, 'My friend's in there.'

1 I said, 'Where?' She replied, 'There's a woman and five
2 children in flat 81.' I immediately walked with her to
3 the command truck. I spoke to a station manager (ADO).
4 I don't know him by name or face but I identified him as
5 station manager by his white fire helmet. He was
6 wearing a plain red tabard, although I didn't see the
7 back of it. I told the station manager what the lady
8 had said and left her with him. At this point I saw
9 Crew Manager Blest coming back from the command truck so
10 I returned to our vehicle and rejoined my crew. We all
11 rigged with EDDBA and made our way to entry control.
12 I briefly returned to our vehicle to collect some more
13 equipment but rejoined the others within a couple of
14 minutes.

15 "The crew manager briefed us to go to the 11th floor
16 and search flat 81. He also mentioned a couple of other
17 flats by number but I can't remember which now. We took
18 it as read at the time we would be searching all the
19 flats anyway. The OIC mentioned at this point there was
20 no emergency crew available and were we happy to deploy
21 anyway. An emergency crew consists of the same number
22 of firefighters that have been deployed. Their job is
23 to be on standby outside a location in case the inside
24 crew need help. We said we were okay to go in. I was
25 aware that an LAS HART crew was to come in with us.

1 They are also equipped with EDBA, but were taking
2 a while getting rigged. Firefighters Gilbert, Towler
3 and I made a start, taking two lengths of 45-millimetre
4 hose and a branch with us. The crew manager and
5 firefighter Hill waited for the HART team. We made our
6 way up the central staircase. Smoke logging increased
7 as we went up. It wasn't breathable without BA but
8 visibility was quite good. As we got to the 5th or 6th
9 floor I saw a firefighter coming down the stairs holding
10 a small child. He had put his BA mask on the child.
11 I also saw an adult female making her way down the
12 stairs but don't remember seeing any fire crew with her.
13 I don't remember anything about her. We carried on up
14 the stairs. The smoke was getting thicker and the
15 temperature was going up. By the time we reached the
16 9th floor, we dropped off the hose. We had been tasked
17 for search and rescue, not firefighting, so we decided
18 we could come back for the hose if we needed it. We
19 carried on to the 11th floor. Here the visibility was
20 not quite restricted. In the stairwell/lobby area there
21 was another firefighter on his own, with a branch,
22 fighting flames in the roof above. Firefighter Gilbert
23 took over the branch from him and the other guy left.
24 We tried to orientate ourselves and identify where
25 flat 81 was.

1 " There was a placard on the right somewhere that
2 indicated it was off to the right. There was thick
3 smoke, visibility was down to a couple of feet, and
4 there were flames in the roof at this time. We pushed
5 our way through the fire door from the stairwell into
6 the corridor on the right. It had burned right through,
7 although the frame was still intact. Flames were
8 filling the whole corridor at this point. I could only
9 see as far as the first flat. I could see that the
10 outside wall of the flat was missing. I could see the
11 trees outside. Flames were coming out from the flat and
12 into the corridor. I could tell that the wind was
13 coming through the flat, fanning the flames. I could
14 see the flaming changing as a result, funnelling down
15 the corridor away from us. The corridor floor was also
16 alight, there were burning embers dropping down from
17 above. We were trying to put these embers out as well
18 the rest. It was a narrow corridor and only two
19 firefighters at a time could stand side by side. We
20 were taking it in turn on the branch. We were trying to
21 progress down the corridor but couldn't because we were
22 fighting the fire. I have no idea of timescales at
23 a point. I remember seeing a blue flame burning on the
24 ceiling of the lobby area and on the corridor ceiling.
25 This indicated to me that a gas line had been breached

1 and that was what was burning. I couldn't tell where
2 the flame actually originated. We continued to fight
3 the corridor fire. We managed to force our way into
4 a flat on the right of the corridor. It was
5 smoke-logged, with zero visibility. No flames that I
6 was aware of. Firefighter Gilbert carried on using the
7 branch as I started to search the rooms. I can't recall
8 the layout of the flat. I searched a couple of rooms on
9 the right and then I started to feel dizzy. It was
10 always down to the individual to take responsibility and
11 say whenever they're not feeling well. I made my own
12 judgment call and came out of the flat. I spoke to my
13 crew manager and then returned to the lobby area. I lay
14 down on the floor for a couple of minutes to try and
15 recover. Then I got up again and returned to the
16 corridor and started moving the hose. Again I felt
17 dizzy, worse than the last time. No warnings had gone
18 off on my BA. I know it was time for me to get out and
19 told the crew manager that. He assigned firefighter
20 Gilbert to help me down to ground level.

21 "I had some difficulty walking down. Kept missing
22 the steps. I don't remember much of the descent. We
23 reported back to entry control, collected our tallies
24 and we went over towards a wall where I sat down, took
25 some of my gear off to cool down. I don't know how long

1 I was there for but the rest of my crew eventually
2 joined me. We took on water and rested. A bit later we
3 helped rig up some shielding at the LAS
4 station/treatment area, for privacy of the casualties.
5 I remember a small child being worked on by the LAS and
6 saw a second child being brought out of the block.
7 I also saw a firefighter being carried out by two
8 colleagues. He had no BA set on. I helped by cutting
9 off his clothing to help him cool down. He had burns
10 gel put on him to help, although I didn't see any burns
11 injuries. We helped out with the LAS, putting people on
12 trolleys. After a while, once we had had a break at the
13 Salvation Army wagon, we were tasked with getting hold
14 of as much breathing in equipment as we could find.
15 I think my crew went to three or four pumps to get kit.
16 We brought what we had back to the block and up to the
17 bridgehead on the 3rd floor. We didn't wear BA at this
18 time. At this point the whole area was very busy with
19 emergency crews, a lot of traffic in and out of the
20 staircase. We returned to the screened off area, and
21 eventually we were ordered to stand down, I think about
22 8 pm."

23 Madam, that's the end of Mr Geddes's statement.

24 THE CORONER: Thank you very much. Let's have a break for
25 lunch now, thank you very much for that. Shall we

1 continue at 2.10? Thank you. Members of the jury,
2 2.10, thank you.
3 (1.00 pm)
4 (The short adjournment)
5 (2.10 pm)
6 (Proceedings delayed)
7 (2.17 pm)
8 (In the presence of the Jury)
9 THE CORONER: Yes, good afternoon, members of the jury.
10 Apologies for the slight delay. Thank you. Yes,
11 I think Mr Wilson is our next witness?
12 MR ATKINS: Madam, yes.
13 THE CORONER: Yes, would you like to come forward,
14 Mr Wilson.
15 GILES WILSON (sworn)
16 THE CORONER: Mr Wilson, thank you very much. Thank you for
17 coming. Do sit down.
18 A. Thank you.
19 THE CORONER: Do help yourself to a glass of water. You'll
20 probably see that the microphones are switched on in
21 front of you. The sound in the room isn't that easy, so
22 if you could speak close to the microphones that will
23 help, and if you try and direct your answers across the
24 room to the members of the jury who are sitting opposite
25 you, that will help you to hear your evidence and also

1 keep you close to the microphones.

2 A. Okay, thank you.

3 THE CORONER: Mr Atkins is going to begin by asking some
4 questions on my behalf and then there may be questions
5 from others. Thank you.

6 A. Thank you.

7 Questions by MR ATKINS

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

9 A. Giles Dominic Wilson.

10 Q. Mr Wilson, is it right that you are the deputy chief
11 executive and director of technical affairs of the Glass
12 and Glazing Federation?

13 A. That's correct.

14 Q. Is it right that the federation is a trade association
15 which represents companies who make, supply or fit glass
16 or glazing products, both in the UK and internationally?

17 A. That's correct.

18 Q. I think you've come to give evidence about the FENSA
19 self-certification scheme and the detail of that scheme?

20 A. Yes.

21 Q. The jury have already seen one of the FENSA
22 certificates. Is it right that "FENSA" is short for
23 "the fenestration and self-assessment scheme"?

24 A. Yes.

25 Q. Which was a scheme established in 2002?

1 A. Yes.

2 Q. I think it's right that it's one of a number of
3 so-called competent person schemes?

4 A. Yes.

5 Q. And those are schemes which allow people who are
6 registered in a certain way to self-certify building
7 work that they carry out?

8 A. That's correct.

9 Q. Is it right that in fact the FENSA scheme at the time it
10 was established was the first of the competent person
11 schemes?

12 A. That's correct.

13 Q. Is it a scheme which relates to the installation of
14 windows and doors?

15 A. That's correct.

16 Q. Subsequently, first of all there are now other competent
17 person schemes dealing with those matters?

18 A. Correct.

19 Q. And also competent person schemes that deal with other
20 aspects of construction, for example roofing?

21 A. That's correct.

22 Q. Would it be fair to say that the reason that the FENSA
23 scheme was introduced was that in 2002, a change was
24 made to the building regulations which required
25 replacement windows and doors to be covered by the

1 regulations?

2 A. That's correct.

3 Q. Because of the number of such installations that are
4 carried out each year, the view was taken that the
5 number would be overwhelming for local authority
6 Building Control departments and so self-certification
7 was a sensible alternative?

8 A. That's correct.

9 Q. I'd like to ask you a little more in detail about what
10 it is that somebody who self-certifies their work under
11 the scheme is, in fact, certifying compliance with. The
12 jury have heard already that the building regulations
13 include a number of different aspects which are
14 identified by different letters. Is it correct that
15 when somebody using the FENSA scheme self-certifies work
16 they are certifying that the work done complies with two
17 aspects of the building regulations in particular, that
18 is L, which is thermal performance, and N, which is
19 safety glazing?

20 A. That's correct.

21 Q. I've just put on the screen in front of you the bottom
22 of page 4432, which, as the jury know, is the back of
23 one of the FENSA certificates. We can see that there
24 is, on the third line, a list of other requirements, so
25 not either L or N but other aspects of the building

1 regulations, and what's said there is that the company
2 will be self-certifying that in the respects listed
3 those aspects of the building regulations are not
4 compromised by the replacement of the windows or the
5 doors. So is it the case that for the subjects listed
6 there -- so for example, A, structure, B, escape in the
7 case of fire and so on -- the person certifying the work
8 is certifying that they haven't made the performance of
9 the windows or doors any less satisfactory than it was
10 before?

11 A. That's correct.

12 Q. I'm sorry, that was an extremely long question, but the
13 distinction is between L and N, where the person is
14 certifying that what is installed complies with the
15 current regulations, and this list we see here, where
16 they're certifying that they haven't made the position
17 any less satisfactory?

18 A. Yes, that's correct.

19 Q. In order to be permitted to use the FENSA
20 self-certification scheme, is it necessary for
21 an installer of windows and doors to register with the
22 scheme?

23 A. Yes.

24 Q. We've seen what it is that they would be certifying when
25 they issue a certificate. Would you expect somebody who

1 was registered with the scheme to satisfy themselves
2 that they understood what was required by these
3 different aspects of the building regulations?

4 A. Yes, they would need to understand the -- what they'd do
5 with the replacement of windows and how they do comply.

6 Q. Where could a company who installed replacement windows
7 and doors find out what was required by the building
8 regulations?

9 A. There's several routes. The approved documents which
10 have been listed are freely available for download or
11 they can be purchased. That said, many installers will
12 not use those because they're quite complicated to read.
13 FENSA, as a competent person scheme, we produce guidance
14 as -- on how to comply with the building regulations for
15 just replacing windows and doors. The confusion with
16 the approved documents, that is primarily designed for
17 new build, for all aspects of construction. So if
18 you're just replacing the window or door, it can be
19 a lot more detail than the installer would have to find.
20 So we would extract the relevant sections as guidance.

21 Q. But by one of those routes, the company who was carrying
22 out this work would aim to understand what was required
23 by the building regulations so that when they issued
24 these certificates they knew what it was they were
25 certifying?

1 A. Completely. When they register the job, they are
2 confirming that they comply with the building
3 regulations.

4 Q. We've heard that the scheme was established in 2002.
5 I think the first date it operated from was 1 April of
6 that year?

7 A. Correct.

8 Q. In order to join the FENSA scheme at that time, is it
9 right that the requirement was simply to register but
10 that subsequently FENSA would conduct sample inspections
11 of work carried out?

12 A. That's correct. To register, you'd have to complete
13 an application form which would be processed and then
14 you'd be classed as FENSA registered. FENSA then do
15 an inspection of the work which has been installed.

16 Q. Would FENSA inspect every single installation that
17 a company registered with the scheme carried out?

18 A. No, that's never been the intention or requirement, due
19 to the sheer volumes. I think in the peak -- probably
20 in the year 2006, there was something like 1.5 million
21 registered installations, so it wouldn't be feasible to
22 inspect them all. Instead, we do a sample selection of
23 the jobs registered, there being a minimum of two
24 installations per company, up to a maximum of 100, based
25 on 1 per cent of the installations that they register.

1 Q. If we could just take the different aspects of that.
2 First of all, there would be some inspection, would
3 there, each year for each company registered with the
4 scheme?

5 A. Correct; every company should have an inspection every
6 year.

7 Q. And there would be not fewer than two inspections of
8 installations each year?

9 A. Correct.

10 Q. And the total number that FENSA would inspect would
11 depend on the total number of installations that that
12 company did in the course of the year?

13 A. Correct.

14 Q. Just so that we understand the position, is it right
15 that things are now moving towards a system where rather
16 than inspecting a sample of the work in that way,
17 instead FENSA will be looking for installers to show
18 that the people carrying out the work are competent, for
19 example because they have a particular qualification?

20 A. That's correct. That's recent changes which we've been
21 working with a government department who runs building
22 regulations. They want to see the actual competency of
23 actual installer operatives.

24 Q. But at the time that the jury are concerned with, in
25 2006/2007, the system was based on the sort of sample

1 inspections that you've described?

2 A. Correct.

3 Q. When an inspection is carried out, could you explain
4 what it is that the FENSA inspector will be checking?
5 So for example, we've seen already that the certificate,
6 in effect, confirms that compliance with part L, which
7 is thermal performance, so would the inspector look at
8 the thermal performance of what has been installed and
9 satisfy themselves that it complies?

10 A. That's correct. An inspector would check the glazing
11 and with the relevant technical knowledge, looking at
12 the glass and with different meters, you can check to
13 see that that meets the regulatory requirements.

14 Q. In relation to the list that we have on this tear-off
15 slip at page 4432, this is the list you told us where
16 the point is that the person installing the replacement
17 doors and windows must not make the performance less
18 satisfactory than it was previously. Does that mean
19 that the inspector in principle will try, so far as they
20 can, to work out what had been in place previously to
21 make that assessment?

22 A. That's correct.

23 Q. Will that be possible in every case?

24 A. Not in every case. Sometimes we will raise
25 a non-conformance against one of those requirements but

1 the installer can demonstrate that they haven't made it
2 less compliant by photographs of what the building
3 looked like previously. So it's really just looking at
4 the evidence you can see when you're doing an on-site
5 inspection.

6 You've also got to take into account that a window,
7 when installed, you cannot check every aspect, unless
8 you were to take it out and take it to bits, which isn't
9 particularly favourable to the home owner, so we can't
10 do that practically in every case.

11 Q. When somebody who is registered with the scheme
12 installs, for example, a new window set, is it correct
13 that they will then register that with FENSA and that
14 that can be done by completing an online form, which is
15 submitted?

16 A. That's correct.

17 Q. The issuing of the certificate itself is something which
18 is done by FENSA, having received the registration?

19 A. That's correct.

20 Q. You've explained already that the inspections that FENSA
21 carry out are a sample for each of the registered
22 companies. So we take it, do we, that FENSA don't
23 inspect every installation which is registered before
24 issuing a certificate?

25 A. Correct.

1 Q. Is there any requirement that the company doing the
2 installation has to conduct any sort of inspection of
3 the work done before registering that work with FENSA?

4 A. We can't dictate how an installation company -- what
5 process they go through but when they register their
6 job, they're actually registering and confirming that
7 the installation complies with the relevant regulation,
8 so when they're doing that declaration, even though it's
9 online, they are making that declaration every time.

10 Q. Could we think now, please, about the sort of work which
11 it is permissible to self-certify through the FENSA
12 scheme. It may be helpful to turn up tab 18 of the jury
13 bundle. (Handed)

14 Mr Wilson, as you'll see, what we have are three
15 diagrams which show the facade in different parts of the
16 flats at Lakanal House. So on the first page, the
17 bedroom, the kitchen on the second page and the lounge
18 on the third page. These diagrams indicate which parts
19 of the facade were glazed and which parts were made up
20 of perhaps composite panels or block-work. You can see
21 that there's a key on the right-hand side.

22 If I could ask you first of all, please, to look at
23 page 1, the bedroom page. We can see that that part of
24 the facade is made up of glazed areas on top and
25 composite panels on the lower part. If someone were to

1 remove a section of wall like that and install that
2 arrangement, which parts of that arrangement is it
3 possible to certify through the FENSA scheme?

4 A. That would be just the section marked "1", glazing.

5 Q. So one can self-certify the glazing, but not, do we
6 understand, the panels underneath the glazing?

7 A. Not under the FENSA scheme.

8 Q. So if we look, then, please, at page 2, the kitchen
9 page, and just look at the top diagram. We can see that
10 there's a glazed section on the left above some
11 block-work, and the block-work is marked with a 4. Then
12 on the far right-hand side of the diagram there is
13 a full height composite panel. So again, in that
14 arrangement, which parts of that could be self-certified
15 through the FENSA scheme?

16 A. The areas which are marked "1", which is for glazing,
17 and then the door can be registered through FENSA,
18 depending on the area of the glass.

19 Q. I'll come back to the door in a moment, if I may. But
20 leaving the door aside, the answer is, again, that one
21 can self-certify the part marked "1", the glazed part,
22 but not either the block-work or the panel to the
23 right-hand side?

24 A. That's correct.

25 Q. Is the position the same on the third diagram, that one

1 could certify the glazing to the left and right-hand
2 side of the door, but not the block-work wall
3 underneath?

4 A. That's correct.

5 Q. Thinking, then, about the doors, as we can see in these
6 diagram, there was a door on the kitchen side and there
7 was a door also on the lounge side. It may be helpful,
8 please, to turn up page 31 of tab 13 in that bundle,
9 where we have a photograph of one of the doors.

10 Just to help us get our bearings, if you could turn
11 back momentarily to page 30. You can see the door as it
12 sits in the wall, and we can see by comparing it with
13 the diagram at page 3 in tab 18 that that's the lounge
14 arrangement. On page 31, we have the close-up of the
15 door itself, and over the page, in case it's helpful, we
16 have a picture of the same door part open. I think it's
17 right that doors potentially can be covered by FENSA
18 certification, providing that they meet certain
19 criteria. Could you just explain to us when a door can
20 be certified and when a door can't be certified.

21 A. Yes, a door can be certified if the glazed area is more
22 than 50 per cent of the overall door set. So the
23 majority of the door has to be glass.

24 Q. Is the door set made up of both the frame and the part
25 of the door that opens, or are we only looking at the

1 part of the door which opens?

2 A. It's the whole -- it's the frame and the door. The bit
3 which opens is known as the door leaf, and the door set
4 is a combination of the leaf and the frame.

5 Q. So looking at page 31, although at first glance it might
6 appear that the glazed section is about half the size of
7 the part of the door that opens, it isn't perhaps as
8 much as half of the whole of the frame and the door
9 together?

10 A. Correct.

11 Q. And so where the glazed area of the door set, the door
12 leaf and the frame together, is not as great as 50
13 per cent, it isn't possible to use the
14 self-certification scheme for that door?

15 A. That's correct.

16 Q. So looking back to the facade diagram, please, at page 2
17 and 3 of tab 18, is the effect of what you have just
18 told us that these doors could not have been certified
19 through the FENSA scheme, or ought not to have been?

20 A. The doors, because the area of glass is less, should not
21 be covered by the FENSA scheme.

22 Q. And so looking at these two diagrams on page 2 and 3,
23 the only elements which could have been properly
24 certified through the FENSA scheme are the glazed
25 section to the left of the door on page 2, and on

1 page 3, it's the glazed sections to the left and to the
2 right of the door?

3 A. That's correct.

4 Q. If someone were to issue a certificate, for example, for
5 a door such as this which doesn't properly fall within
6 the scope of the self-certification, does it necessary
7 follow that the door is defective in any aspect?

8 A. Not at all. You'll probably find that it meets thermal
9 performance requirements, safety glazing requirements,
10 and all other aspects of the building regulations. It's
11 just not covered by the legislation for establishing
12 FENSA or the competent persons schemes for windows and
13 doors.

14 Q. If we could look, please, at the certificates that were
15 issued in respect of Lakanal House. We have an example
16 at page 4431 of file 11. Mr Clark will hand you it in
17 a moment. (Handed) Sorry, Mr Clark, it may be helpful
18 just to keep the jury bundle to hand as well, please.

19 We're now looking at the front of one of the FENSA
20 certificates, as it happens, the certificate that was
21 issued in respect of flat number 62. Under the heading
22 "FENSA" at the top, the first thing we see is
23 a reference to five windows and two doors. You've
24 already explained to us that in your view the doors
25 could not be covered through the FENSA scheme. Are you

1 able to identify for us, using the diagrams at tab 18 in
2 the jury bundle, which are the five windows referred to?

3 A. Yes. If we start off under tab 18, page 1, the bedroom,
4 the whole of the area marked "1" would be classed as one
5 window, and I believe there's a duplicate window of the
6 same on the property, so that would be window "2".

7 Q. Because there are the two bedrooms side by side?

8 A. Correct.

9 Q. On page 2, the kitchen, that will be the window which is
10 to the left of the door marked "1". So that will be
11 window 3. On page 3, you've got the area marked "1" to
12 the left of the door would be window 4, and to the right
13 of the door, window 5.

14 So where the certificate that we have on screen
15 refers to five windows, in your view, is that the
16 correct number of windows?

17 A. It appears to be, yes.

18 Q. Just in case anyone is wondering, does the cost of
19 registering an installation depend on the number of
20 windows or doors that are being registered?

21 A. No. We just charge a fee for an installation,
22 regardless of the number of windows or doors registered.

23 Q. Did FENSA in fact carry out any inspections of the
24 installations at Lakanal in 2006/2007?

25 A. No, no.

1 Q. You've told us that there would be an inspection of
2 a sample of the installations carried out by a company
3 such as Symphony Windows who were installing replacement
4 windows and doors. Does it follow, then, that Symphony
5 must have had installations elsewhere which would have
6 been sample tested?

7 A. Correct.

8 Q. I think it's right that Symphony were first registered
9 with FENSA from April 2002, in other words from the
10 outset of the scheme?

11 A. Yes.

12 Q. Are you able to help us with whether or not any of the
13 inspections of work carried out by Symphony have led to
14 adverse findings or comment?

15 A. From our database and records, there's no record of
16 non-compliance or problems with the company.

17 Q. In respect of these certificates, then, that were issued
18 for Lakanal House, I can tell you they were all
19 identical save that they referred to different flat
20 numbers. You've explained your view is that Symphony
21 ought not to have self-certified the doors. What, then,
22 is the status of these certificates, so far as FENSA is
23 concerned?

24 A. Well, the certificate which -- is the self-registration,
25 and we would issue that based on the installation

1 company's data they've put in. They registered the
2 doors, but if challenged or if we did a site inspection,
3 because it has not sufficient glazing in that, that
4 would mean that in fact that FENSA certificate does not
5 cover the doors. It's outside the remit of our scheme.

6 Q. From what you said earlier, though, that doesn't
7 necessarily mean what the doors are defective; it just
8 means that they haven't been certified through the FENSA
9 scheme?

10 A. That's correct.

11 Q. So far as the glazed elements you identified for us
12 earlier in the diagrams at tab 18, are these
13 certificates valid in respect of that part of the work
14 so far as FENSA is concerned?

15 A. The glazed areas of the windows are valid. That's
16 correct. The glazed area of the door, because it's part
17 of the door set, is not covered by the FENSA scheme.

18 Q. Mr Wilson, thank you for the help you've been able to
19 give us. If you could wait there, please, there may be
20 some questions from others.

21 THE CORONER: Thank you. Mr Edwards.

22 Questions by MR EDWARDS

23 MR EDWARDS: Thank you. Just a few questions. You talked
24 about guidance that was produced for fitters by FENSA.
25 Has that been produced since April 2002, do you know?

1 A. Yes, guidance has been provided from the beginning of
2 the scheme. On the early days, it was a very rapid
3 learning curve. Literally, the legislation was laid
4 beginning of April and we had to have a company in
5 operation, so within the first year there was a huge
6 amount of learning to do. We did that through guidance
7 notes to all registered installers who had access to
8 those -- had access to all of those guidance notes. We
9 produced a magazine called "FENSA News", which had
10 technical bulletins to explain what an installer had to
11 do.

12 We also ran -- initially it was mandatory -- every
13 company had to attend a training seminar to explain what
14 are the requirements of the FENSA scheme, what's covered
15 and what is not covered.

16 Q. And presumably FENSA News is sent to registered fitters
17 as it comes out?

18 A. Correct.

19 Q. What happens to a certificate if part of the
20 registration fails, so in this case the door fails? Is
21 the rest of the certificate valid or does the whole
22 certificate become void, as it were?

23 A. With the question you asked, if the door fails --

24 Q. If the door isn't included.

25 A. Oh -- yes. It's not covered by the scope of the scheme.

1 That doesn't -- and so it shouldn't have actually been
2 registered. What has been registered -- it appears to
3 be correctly -- are the windows, so that would still be
4 valid.

5 Q. So do the certificates we have in front of us need to be
6 corrected?

7 A. We haven't corrected them for a variety of reasons. If
8 it was brought to the attention of FENSA that the door
9 wasn't within the scope, as I've explained, we would
10 reissue a corrected certificate. The installer has to
11 correct that on their registration because it's their
12 responsibility. If we go to site and we find that the
13 door isn't within scope, that should be covered. It
14 does become quite complicated, because the consumer will
15 automatically think that their door doesn't comply with
16 the building regulations, which may not necessarily be
17 the case. So it could confuse the consumer a lot. The
18 situation is doors are covered as long as they've got
19 more than 50 per cent glass in them, so it could be
20 compliant if it's got 49 per cent glass, for thermal,
21 safety, everything else. So to remove the certificate
22 would actually confuse the home owner, so generally
23 FENSA does not reissue certificates, but installers are
24 informed that they should only register doors with more
25 than the 50 per cent glazed area.

1 Q. So are you able to say what's going to happen to the 98
2 certificates that are still in force or still exist for
3 Lakanal House?

4 A. We have done nothing with them, because obviously it's
5 been brought to this -- to this inquiry, so we've done
6 absolutely nothing with them. We haven't done a site
7 inspection, we haven't had a formal complaint about
8 them, so we have just left them as they are at this
9 stage.

10 Q. What action, if any, are you going to take against the
11 installer for issuing this certificate?

12 THE CORONER: Well, I'm not sure that's a matter for these
13 inquests, Mr Edwards.

14 MR EDWARDS: Thank you.

15 THE CORONER: Mr Compton?

16 MR COMPTON: No thank you.

17 THE CORONER: Yes, Mr Leonard.

18 MR LEONARD: I think it's actually my turn at this stage.

19 THE CORONER: Of course, yes, I'm sorry. I'm getting the
20 order wrong.

21 MR COMPTON: Not at all. Madam, I'm a little embarrassed
22 because but I might want this witness to look at a
23 statutory instrument which I know is on the website but
24 isn't currently in paper form. Can I see how I get on
25 with him, as it were, reading a section of it before we

1 have to make a decision about whether the jury need to
2 actually see it, or would you like me to do that right
3 away?

4 THE CORONER: If you're going to be reading something out,
5 then the jurors need to hear it as much as anybody else
6 and if it isn't put on a screen -- with the best will in
7 the world, most of us would struggle with a statutory
8 instrument which isn't on the screen in front of us, so
9 if it can be put on the screen.

10 MR LEONARD: I don't know how easy it is for Mr Atkins to
11 obtain the relevant regulations from the website which
12 has been set up for this inquest. I can show him
13 exactly where it is.

14 THE CORONER: Haven't you brought copies with you?

15 MR LEONARD: Well, I've given a copy to my learned friends
16 and we've been -- because this witness has been brought
17 forward. It's not a criticism, just an observation. It
18 might have been done a little differently if we'd
19 arranged it a different way.

20 THE CORONER: I see. How much are you planning to read out
21 and how comprehensible is it?

22 MR LEONARD: I think it's quite comprehensible and should be
23 easy to follow but the jury should probably still have
24 a chance to look at it while I'm doing it.

25 MR ATKINS: Madam, I think we can do it within five minutes.

1 THE CORONER: All right. I think the sensible thing would
2 be to take five minutes to put it up. Otherwise I think
3 it's quite difficult for everybody to do that.

4 So Mr Wilson, sorry to break into your evidence, but
5 we'll take five minutes so we can try and get that up on
6 the screen.

7 A. Okay.

8 THE CORONER: The strict rule is you mustn't talk to anyone
9 during the break about your evidence or indeed this
10 matter. We should be five minutes or so. All right.

11 Members of the jury, we'll just have a five minute
12 break, thank you.

13 (2.54 pm)

14 (A short break)

15 (3.06 pm)

16 MR ATKINS: Madam, I'm sorry that my estimate of five
17 minutes was wrong, but I'm pleased to say that we do now
18 have the document on the screen, and Mr Wilson has
19 a copy.

20 THE CORONER: Thank you very much for your help with that.

21 That's very helpful.

22 Yes, Mr Leonard.

23 Questions by MR LEONARD

24 MR LEONARD: Thank you. Just reminding ourselves

25 momentarily -- I think this was a question of the jury

1 earlier on today -- there's a reference on the back of
2 our certificates at 4432 to building regulations in
3 force in April of 2002, yes? Do you see that?

4 A. Correct.

5 Q. And that, as I understand it, is a reference to the
6 regulations that effectively brought the FENSA scheme
7 into operation; is that right?

8 A. That's correct.

9 Q. I think -- and I don't know if you've looked at these
10 today. I'm about to ask you about those very same
11 regulations. So if Mr Atkins could kindly go back to
12 the other viewing screen, I would be grateful. These
13 regulations came into force, as we see, at paragraph 1
14 on 1 April 2002, and what they in fact do is amend the
15 building regulations as a whole, don't they?

16 A. Correct.

17 Q. In two particular ways. The first of those amendments
18 of substance is to be found at 2(1)(2), which amends
19 regulation 12 of the relevant regulations of the
20 building regulations 2000. And it says this, doesn't
21 it:

22 "A person who intends to carry out building work
23 consisting only of the work described in column 1 of
24 schedule 2A is not required to give a building notice or
25 deposit full plans if the work is to be carried out by

1 a person described in the corresponding entry in
2 column 2 of that schedule."

3 Let's just turn to page 3 of the regulations, if we
4 may. If you could scroll down the page for me, I would
5 be grateful. The relevant part of this page -- do you
6 agree, Mr Wilson? -- is where we see:

7 "... installation as a replacement of a window, roof
8 light, roof window or door in an existing building."

9 And reference to the fenestration self-assessment
10 scheme on the right-hand side; is that right?

11 A. That's correct.

12 Q. So do we gather from the way in which 2(1) on the first
13 page of this document is drafted that if someone is
14 intending only to carry out window work in the way we've
15 just looked at, which is being carried out by a person
16 suitably registered, they may not have to comply with
17 Building Control, but conversely, if they're doing more
18 than that, that may well still be relevant? Do you see
19 what I mean? The Building Control aspect of it?

20 A. Can you repeat that? I didn't quite understand the last
21 bit.

22 THE CORONER: I think we'd all be grateful for a repetition
23 and a bit of clarification of your question, please,
24 Mr Leonard.

25 MR LEONARD: Certainly. This section as amended seems to

1 suggest, doesn't it, that if someone is doing building
2 work and they're only doing work by way of window
3 replacement and that work is being done by
4 a FENSA-registered operative, they needn't give building
5 notice or deposit full plans with the relevant local
6 authority, right?

7 A. They don't need to; that's correct.

8 Q. Conversely, if the person carrying out the building work
9 is doing more than that, one might be forgiven for
10 thinking that building notice, deposit of full plans,
11 would still be required?

12 A. If it's covered by regulations and they're doing other
13 works, you're correct.

14 Q. Yes, you may not be absolutely the right person to ask
15 about this, but you're familiar with the statutory
16 instrument, aren't you?

17 A. I'm familiar with the statutory instrument but in
18 relation to window and door replacements.

19 Q. I see. So how it may interplay between Building Control
20 in relation to other work is perhaps not your specialty?

21 A. It's not my specialty and we restrict the FENSA scheme
22 to look just at windows and doors. If it's covered or
23 not covered, we just explain that we cannot cover other
24 works -- other building works.

25 Q. Likewise on page 2, just for the sake of completeness,

1 regulation 16A of the building regulations 2000 was
2 amended similarly:

3 "Where the building work consists only of the
4 installation as a replacement of a window ..."

5 Et cetera. That's over the page, on the second
6 page, Mr Atkins.

7 In that circumstance, a local authority is entitled
8 to accept the issue of a certificate by an installer,
9 but again, if the work only relates to the installation
10 of a window in the circumstances described, yes?

11 A. That's correct.

12 Q. Thank you. The principal application of the FENSA
13 scheme was directed towards dealing with replacement
14 windows and doors with regard to thermal requirements;
15 is that the position?

16 A. That's correct.

17 Q. And that is covered in fact by part L of the building
18 regulations, which you are probably familiar with?

19 A. Yes, L1B, to be precise. Part L goes into four parts.

20 Q. The scheme would not apply where additional
21 instructional works, for example, were required to
22 install windows or doors?

23 A. Sorry, I didn't quite hear -- the acoustics, sorry.

24 Q. The FENSA scheme does not apply where additional
25 structural works are required to install windows or

1 doors?

2 A. That's correct.

3 Q. Yes, thank you very much.

4 THE CORONER: Thank you. Yes. Members of the jury, do you
5 have any questions for Mr Wilson?

6 Questions by the Jury

7 THE FOREMAN OF THE JURY: Thank you, Madam Coroner, we have
8 three.

9 We've heard from Symphony that they have not worked
10 on a high rise building of this size before. Given that
11 they've stated this to us and that they requested 98
12 certificates to go with the building, is there anything
13 within the FENSA system that might flag that up as far
14 as triggering an inspection of that work?

15 A. No, that wouldn't trigger necessarily. It's all
16 registered through a database online. We just take
17 a random sample of any of the jobs which they've
18 registered throughout the year. The fact that it could
19 be a block of 98, one single house -- it could be by
20 random, whatever we would check. So the fact they got
21 a block together, that wouldn't create any difference at
22 all to the system, and with the volumes which get
23 registered -- the volumes of installations registered
24 and the number of registered businesses -- we couldn't
25 do that precise analysis. So it really is very random

1 which sites we would check.

2 THE CORONER: Thank you.

3 THE FOREMAN OF THE JURY: That does touch on another one of
4 our questions. You say it's a random selection of
5 properties and jobs. Is that generated by the database
6 you've mentioned, or does somebody say, "I'll have
7 anything that starts with D"? Is there a system to
8 random?

9 A. There is a system, because we will select by
10 geographical area where we have inspectors on a day. It
11 sounds a bit random, but for us to undertake
12 an inspection after the job has been installed, the home
13 owner has to be present, so an inspector would have
14 literally a list of addresses to go to which has been
15 generated by the database, and they would go to the
16 first address and the second address, third address, and
17 they may get 50 addresses given on a day and they may
18 only get to see ten -- ten sites, because the home owner
19 may not be present. So a lot is generated. So it's
20 random generation of the site to inspect, then it has to
21 be feasible that we can gain access, because a FENSA
22 inspector has no right of access to a property.

23 THE FOREMAN OF THE JURY: Thank you. Just one more. We've
24 seen on the FENSA certificate that there are a number of
25 categories which are tied in, whether it is

1 fire-related -- but I think one of the others is also
2 disability access. In order to be valid for a FENSA
3 certificate off the back of the company who are issuing
4 that, does the property need to cover all of those
5 categories or can you get a certificate that just covers
6 fire but disability is not an issue?

7 A. The certificate would cover all aspects of the
8 regulations, but I'd like to remind you that that is --
9 those other categories, you don't have a lesser level of
10 compliance than the original installation. So if the
11 original window was not compliant with those other
12 requirements, the replacement does not have to be
13 compliant with the latest regulations. It is only for
14 thermal performance, ie the glass and the window going
15 in has to meet the latest regulation, and for safety
16 glazing. All the other aspects, as long as it meets the
17 same requirements as the previous window -- and as
18 I stated earlier, that sometimes can be hard to
19 determine because the previous window is no longer
20 there, so you have to look at surrounding property for
21 a clue as to what sort of installation it was.

22 THE FOREMAN OF THE JURY: Thank you. That covers
23 everything.

24
25

1 Questions by the Coroner

2 THE CORONER: Thank you very much. Mr Wilson, if
3 an inspector does one of his random inspections and
4 concludes that something that he's looked at is not
5 compliant, then what is the consequence?

6 A. If we have a non-compliant installation, we will inform
7 the installation company and they have to correct the
8 non-compliance, and then they have to pay for
9 a reinspection to ensure that what was non-compliant has
10 been put correct. Sometimes it could be done that they
11 can prove that it was compliant. That's really on
12 thermal performance, because they can demonstrate the
13 glass actually meets the thermal performance
14 requirements. If in doubt, the inspector will raise
15 a variation or a non-compliance, but if it's
16 non-compliance, usually what will happen, we will do
17 a reinspection to check that it is fully compliant, then
18 the work can be -- the certificate can be released.

19 THE CORONER: Thank you very much. Just to finish on that
20 point, I think your evidence was you had no evidence of
21 non-compliance on the part of Symphony?

22 A. That's correct.

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

1 A. Thank you.

2 THE CORONER: You're free to go if you would like.

3 A. Thank you.

4 (The witness withdrew)

5 THE CORONER: Members of the jury, sorry to get you up and
6 down so often. We are a just go to take a break of just
7 over five minutes just to get something sorted out
8 before we deal with the last matter on the agenda for
9 today.

10 (In the absence of the Jury)

11 THE CORONER: Yes, Mr Atkins -- don't worry, Mr Hendy. Do
12 stay if you would like.

13 MR HENDY: Forgive me, madam, I thought we were adjourned.

14 THE CORONER: I'm about to go. I was just going to say that
15 Mr Atkins is just going to get the recording equipment
16 set up for the jurors. It will be set up so they can
17 hear it. Mr Atkins has brought in some speakers. It
18 may be the sound isn't so easily heard in the rest of
19 the room but the rest of you had the opportunity in any
20 event. All right? So about five minutes.

21 (3.20 pm)

22 (A short break)

23 (3.30 pm)

24 THE CORONER: Thank you.

25 (In the presence of the Jury)

1 THE CORONER: Members of the jury, thank you very much for
2 coming back. This is the last matter we're going to be
3 dealing with today. Over the last few weeks, we've made
4 a number of references to the transcript of
5 Catherine Hickman's telephone call, and we've given very
6 careful thought from the beginning in preparation for
7 these inquests as to whether it would be appropriate to
8 be playing the recording of the call or not. You can
9 see just from reading the transcript that it seems, as
10 it seems to me, something that's intensely personal and,
11 although not entirely private, somehow a very private
12 matter. But after very careful thought and particularly
13 discussion with those acting for Catherine Hickman's
14 family and those acting for Mark Bailey, we've concluded
15 that it would be right that you should listen to part of
16 the recording, and we're going to play part of it to you
17 now.

18 We're not going to play the whole of it and because
19 we want to stop it at a particular point, Mr Atkins will
20 be sitting using the laptop to make sure that we can run
21 it through and stop it at an appropriate point. It
22 seems to us that it's really only by listening to the
23 call itself that you can get a sense of the tone of the
24 conversation and the dynamics of the relationship
25 between Catherine herself and the brigade control

1 officer who was on the other end of the telephone
2 speaking to Catherine. It is upsetting, but I think
3 that if we can ask you, please, to listen to at least
4 the first part of it. You have the transcript, of
5 course, in your jury bundle. It's entirely a matter for
6 you whether you want to follow the text of it by looking
7 at the transcript the same time or not. I leave it
8 entirely to you to decide what to do on that, but what I
9 do ask you to do is to listen, because that's why we're
10 playing it to you. Does that sound a sensible way
11 forward? All right.

12 Yes, Mr Atkins, if you would be good enough to play
13 that.

14 Extract of Catherine Hickman's 999 call played to the court

15 THE CORONER: Thank you very much for listening to that.

16 We'll continue at 10 o'clock tomorrow morning. Thank
17 you.

18 (In the absence of the Jury)

19 THE CORONER: Thank you. Yes, Mr Maxwell-Scott, tomorrow?

20 MR MAXWELL-SCOTT: Yes, one witness tomorrow, madam:

21 Mr James Cousins.

22 THE CORONER: Okay. Thank you very much. Does anyone have
23 any points that they want to raise before we continue?

24 All right, tomorrow then. Thank you very much.

25 (3.50 pm)

1 (The Court adjourned until 10 o'clock the following day)

2

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Lakana1 House Fire
Inquest (CORRECTED) 26/02/13