

1 Thursday, 28 February 2013

2 (10.00 am)

3 Housekeeping

4 THE CORONER: Good morning. Are there any points to deal
5 with before we begin with the evidence this morning?

6 MR HENDY: Madam, just one point. All the submissions about
7 the admission or non-admission of Mr King's evidence
8 I think are with you now.

9 THE CORONER: Yes.

10 MR HENDY: I just had a very brief discussion with my
11 learned friend Mr Walsh, and we just wanted to make the
12 point jointly that it would be, in our respectful
13 submission, preferable if you were to postpone your
14 decision on admissibility until after Mr Davey has given
15 evidence. We appreciate that that has a logistical
16 impact in that if you decide that Mr King can give
17 evidence, then he won't be able to do so the next day,
18 because clearly the parties would need time to prepare
19 cross-examination, and so on.

20 But we do think that the timetable is going so well
21 that you would be able to accommodate a short gap
22 between Mr Davey, the decision and calling Mr King if
23 your decision was in favour of allowing him to give
24 evidence.

25 THE CORONER: All right. Thank you. Does anyone want to

1 add to that? Thank you. Well, I'll give consideration
2 to that, thank you. Yes, any other points? No.

3 Right, can we ask the jury to come in then?

4 (In the presence of the Jury)

5 THE CORONER: Members of the jury, good morning. We're
6 going to hear evidence this morning from
7 Ms Annabel Sidney.

8 Ms Sidney, are you in court? Would you like to come
9 forward?

10 ANNABEL SIDNEY (sworn)

11 THE CORONER: Thank you, Ms Sidney, do sit down, do help
12 yourself to a glass of water. Thank you very much for
13 coming. You've seen that we have a couple of
14 microphones. The sound in this room isn't very easy, so
15 it would help if you could keep fairly close to the
16 microphones, please, when you're giving answers to the
17 questions. If you would look across the room ahead of
18 you towards the members of the jury when you're giving
19 your answers, that will help them to hear your evidence
20 and also help to keep you close to the microphones.

21 A. Thank you.

22 THE CORONER: Thank you very much. Mr Maxwell-Scott, who is
23 standing, will ask questions on my behalf and then there
24 will be questions from others. We'll take some breaks
25 during the day.

1 A. Thank you.

2 THE CORONER: Thank you.

3 Yes, Mr Maxwell-Scott?

4 Questions by MR MAXWELL-SCOTT

5 MR MAXWELL-SCOTT: Good morning, Ms Sidney. Can you give
6 the court your full name please?

7 A. Annabel Tamsin Sidney.

8 Q. If I could ask you first about your background and
9 qualifications. Is it right that at the time that we
10 are focussing on in 2006 and 2007 you were working as
11 a qualified chartered building surveyor?

12 A. I was a qualified chartered building surveyor, at the
13 time I was working at Southwark. I was employed by
14 Southwark Council, Southwark Building Design Services,
15 as a Hay 10 project manager.

16 Q. Is it right that you had worked in related fields since
17 1996 --

18 A. Yes, that is correct.

19 Q. -- and that you qualified with the Royal Institute of
20 Chartered Surveyors in 1999?

21 A. Yes, I qualified with the Royal Institution of Chartered
22 Surveyors in December 1999.

23 Q. Can you briefly explain to the jury what it means to
24 qualify with the Royal Institution of Chartered
25 Surveyors in that way?

1 A. It means that I took a four year sandwich course,
2 degree, a bachelor of science degree in building
3 surveyor -- surveying with honours, it was a sandwich
4 course with a year out, where I undertook the first year
5 of my diary as part of my assessment of professional
6 competence.

7 When I graduated from university, I continued for
8 another two and a half years undertaking my RICS diary,
9 which basically sets out a number of competencies which
10 you have to achieve. You then have to undertake the
11 assessment of professional competence, which is by form
12 of submission of a project, and demonstration that you
13 have achieved the competencies.

14 That's submitted and then you attend an interview,
15 and -- with three chartered -- chartered surveyors, and
16 on the basis of the interview and the documents you've
17 submitted they then decide whether you will be accepted
18 to the Royal Institution of Chartered Surveyors.

19 Q. So was it then in 1999 that you were entitled to call
20 yourself a chartered building surveyor?

21 A. I believe officially I became a member of the RICS when
22 I attended the diploma ceremony the following spring, in
23 2000.

24 Q. But it was as a result of the process you've just
25 described --

1 A. Yes, that's correct.

2 Q. -- which concluded in 1999?

3 A. Yes.

4 Q. Thank you. Then you started work with the London
5 Borough of Southwark in September 2004 in SBDS; is that
6 right?

7 A. Yes, that is right.

8 Q. Had you previously worked for a local authority?

9 A. Yes, I had.

10 Q. To what extent had you been doing similar work before
11 you joined Southwark in 2004?

12 A. Before I joined Southwark in 2004, after I graduated
13 I worked in private practice for a multi-disciplinary
14 practice that was involved in undertaking a local
15 authority regeneration and refurbishment schemes.
16 I then moved to local -- a local -- to work for a local
17 authority. I didn't undertake any similar schemes with
18 that particular local authority, but before --
19 immediately before joining Southwark, I had undertaken
20 much smaller scale schemes than the Lakanal House
21 refurbishment.

22 Q. Within the employment of a local authority?

23 A. Yes, that is correct.

24 Q. I think it's right that you stopped working for the
25 London Borough of Southwark in 2010, and that you

1 haven't worked since?

2 A. That is correct.

3 Q. When you joined SBDS, you joined the central team, which
4 was a reference, as I understand it, to the geographical
5 part of the borough that it dealt with; is that right?

6 A. I believe it -- it was.

7 Q. Your line manager was Mr John Menlove.

8 A. Yes, that is correct.

9 Q. SBDS acted as consultants in relation to matters such as
10 project management and surveying, the role of planning
11 supervisor and architectural services; is that right?

12 A. Yes, that is right.

13 Q. SBDS was restructured in 2007 and, as a result, you
14 moved -- were still within the London Borough of
15 Southwark, and worked in a different part of the London
16 Borough of Southwark for three years until you left in
17 2010; is that right?

18 A. Yes, that is right.

19 Q. The arrangements for the services provided by SBDS to
20 the London Borough of Southwark were governed by
21 a service level agreement, as I understand it, and in
22 your first witness statement, which we'll turn to in due
23 course, you said that you were not aware of the details,
24 but you believed that there was a service level
25 agreement in place between SBDS and the council.

1 What I wanted to ask you was if there ever had come
2 a time when you had looked at the service level
3 agreement?

4 A. I don't recall having looked at the service level
5 agreement.

6 Q. With that introduction in mind, I would nonetheless ask
7 you to look at a small number of passages in it to see
8 if they reflect your understanding of the nature of the
9 services that SBDS were providing to Southwark. If
10 I could ask you to have a look at page 949, which will
11 be in bundle 3. (Handed)

12 That's the first page of the service level
13 agreement, dated April 2004. So it would have been
14 quite new when you joined SBDS. If I ask you just to
15 leaf through it briefly to see if you do, on reflection,
16 recognise it. (Pause)

17 A. I don't believe I have seen it, but it does look -- some
18 elements look familiar.

19 Q. If I could then draw your attention to page 950. This
20 is a one-page foreword which I draw to your attention
21 because it recommends that one starts by reading
22 sections 1 and 2 of the document, which helpfully are
23 only four pages long.

24 Then if you look at page 954, which is one of those
25 four pages, we see at 2.3 "What is included in the

1 service". It says:

2 "Consultancy services shall normally include ..."

3 The fourth point is:

4 "Compliance with statutory requirements, including

5 all building-related regulations and approvals ..."

6 Was it your understanding that that was part of the

7 consultancy services normally offered by SBDS to its

8 client within the London Borough of Southwark?

9 A. I -- bullet point 4 are we talking about?

10 Q. Yes, the one I just read out:

11 "Compliance with statutory requirements, including

12 all building-related regulations and approvals ..."

13 A. I would not know, because I'd only just started at

14 Southwark, so I wouldn't know what -- whether that was

15 normal practice or not.

16 Q. In the three years or so that you worked within SBDS,

17 would you say that what is said here reflected your

18 understanding that the consultancy services offered by

19 SBDS to the London Borough of Southwark normally

20 included compliance with statutory requirements,

21 including all building related regulations and

22 approvals?

23 A. No, I don't have anything to base that on.

24 Q. Then if you look at page 957, there's a setting out here

25 of key project work stages. It says:

1 "All projects, whatever their size or complexity, go
2 through the same set of work stages (see Table 1)."

3 Table 1 is on the right-hand side of the page, and
4 I draw your attention to the pre-tender stage, where one
5 of the tasks is said to be, at the bottom of that stage,
6 "Obtain consents", and then the activity attached to it
7 is:

8 "Planning application, building regulations,
9 et cetera."

10 So thinking about your three years in SBDS, does
11 that reflect your understanding of one of the tasks at
12 the pre-tender stage?

13 A. No, it does not.

14 Q. If I ask you then to look at page 960. This is
15 an overview of the planned preventive maintenance
16 programme. Here it has again tasks and activities and
17 then responsibilities. Can I first ask you to agree
18 that the reference to the consultant here will be to
19 SBDS, because this is an agreement between Southwark as
20 client and SBDS as consultant?

21 A. Yes, I think that's correct.

22 Q. Then if you look at the scheme development
23 task/activity, one of the responsibilities of the
24 consultant here again is "Obtain statutory consents"; do
25 you see that?

1 A. Yes, I do.

2 Q. Am I right in thinking that you don't regard this as
3 reflecting your understanding of the role of SBDS in the
4 three years that you worked there?

5 A. It doesn't reflect my experience of working on the PPM
6 for Lakanal and the form of contract that we used, which
7 set out the various responsibilities in terms of
8 consent.

9 Q. We'll come to Lakanal --

10 A. Yes.

11 Q. -- but I'm asking you more broadly about your three
12 years within SBDS.

13 A. Well, during -- whilst -- whilst I was working at SBDS,
14 I was also working on other projects, which were project
15 management projects, so representing our clients in
16 terms of other -- other projects.

17 Q. Did you work on other planned preventive maintenance
18 projects?

19 A. No, I did not.

20 Q. Then if I ask you to have a look at page 976. This is
21 an appendix setting out consultant's responsibilities,
22 in other words SBDS responsibilities, and it compares
23 planned preventive maintenance works on the left with
24 refurbishment and new works on the right.

25 On the left, at "Pre-tender inception" stage, the

1 bottom bullet point is:

2 "Advise on the need to obtain planning permission,
3 listed building consent, approval under the Building
4 Regulations or other statutory requirements."

5 Does that reflect your understanding of the role of
6 SBDS on planned preventive maintenance projects, or not?

7 A. Yes, we certainly would have brought about a need to
8 obtain planning permission, any listed building
9 consents, any approvals under building regulations and
10 all other statutory requirements. How those are
11 actually obtained is another matter.

12 Q. I'll come back to that in due course. Still within this
13 document, if you could look at 977. Towards the bottom
14 of the page, as I have it on the screen, the fourth
15 bullet point from the bottom, this is again planned
16 preventive maintenance, now the "Scheme development"
17 stage, there's reference to:

18 "Consult with the Fire Officer, Crime Prevention
19 Officer, Highways Authority, Planning Officer and other
20 relevant parties, as required ..."

21 Do you see that?

22 A. Yes, I do.

23 Q. In your time with SBDS, what do you recall about the
24 practice of consulting with a fire officer?

25 A. I don't recall there being a practice of consulting with

1 the fire officer. I'm not sure what context that is
2 related, whether we're talking about fire officer as in
3 a specific job role, or somebody within the Building
4 Control department.

5 Q. It certainly says, as I draw to your attention, "as
6 required", though it's not something that was
7 necessarily automatically required.

8 A. Yes.

9 Q. Did you know who the fire officer was or which part of
10 Southwark they sat within?

11 A. No, I did not.

12 Q. Then just for completeness on the topic of the fire
13 officer, there's reference again in "Operations on
14 site", that stage of the works of planned preventive
15 maintenance, and one of the bullet points --

16 THE CORONER: Sorry, page 980.

17 MR MAXWELL-SCOTT: I do apologise, it's page 980. Do you
18 see that one of the bullet points is:

19 "Arrange inspection and Fire Certificate by Fire
20 Officer ..."

21 Again not always, but:

22 "... where appropriate."

23 A. Yes, I do see that.

24 Q. Do I understand from your previous answers to me that
25 you were not aware of any particular practice within

1 SBDS of arranging for inspections of fire certificates
2 with fire officers?

3 A. I -- can you repeat the question, please?

4 Q. When I showed you the previous reference to a fire
5 officer, you said that at the time you didn't know who
6 the fire officer was or where they sat within Southwark,
7 and there wasn't a practice of liaising with them. Does
8 it follow, as far as you're aware, that there wasn't
9 a practice within SBDS of arranging inspections by fire
10 officers and obtaining fire certificates from fire
11 officers, on planned preventive maintenance projects, as
12 far as you're aware?

13 A. Yes.

14 Q. If you just go back two pages to 978, while we're on
15 this document. Here again, this is about consultant's
16 responsibilities, so generally the responsibilities of
17 SBDS under the service level agreement, and I fully
18 appreciate your evidence that you weren't aware of the
19 details of the document, you don't recollect
20 particularly its contents, or seeing them, but I just
21 draw your attention to the fact that here, again,
22 planned preventive maintenance, at the "Production of
23 tender documents" stage, the third bullet point refers
24 to:

25 "Where required, make applications for approval

1 under the Building Regulations ..."

2 Having looked at that document, I'm going to ask you
3 now about the circumstances in which you gave witness
4 statement in relation to the works at Lakanal House.
5 I think it's right that you were first interviewed in
6 April 2010 and provided a first signed statement in
7 November 2010.

8 A. That must be correct.

9 Q. What I'll do is I'll just show you, in order for you to
10 identify them, the statements that you have made.
11 Firstly, the statements bundle, volume 2, at page 618.
12 (Handed)

13 That, as I understand it, is your first statement.
14 It's dated 22 November 2010, but before I ask you
15 anything about it, let me show you the first page of
16 your second statement at 624, because you'll see here
17 that this is also dated 22 November 2010, but in the
18 first main paragraph, it refers to the fact that you had
19 previously been interviewed on 9 April 2010, so although
20 you have two witness statements that bear the same date,
21 it seems that they were taken perhaps on two separate
22 occasions. Does that refresh your memory of how those
23 two statements came to be taken?

24 A. I certainly know that the statement that I gave at
25 Lewisham police station in April was obviously the one

1 in front of me on the screen here. I believe I may have
2 made an earlier statement.

3 Q. Just pausing there, if you're looking on the screen at
4 624, this would seem to be the second statement,
5 because --

6 A. Yes.

7 Q. -- you talk about a first statement, and you talk about
8 an earlier interview in April --

9 A. Yes, that's correct.

10 Q. -- which I had assumed must be the statement we have at
11 618.

12 A. Yes.

13 Q. Dealing firstly with the taking of that first statement,
14 you had that interview in April 2010, which of course
15 was some four to five years after many of the events
16 that you were being asked about --

17 A. That -- that's right.

18 Q. -- and that obviously poses difficulties for the process
19 of trying to take an account of your recollection of
20 events that occurred some four to five years earlier.
21 To what extent had you been able to access documents
22 from the time to enable you to prepare for that first
23 interview?

24 A. For the first interview, I can't -- I can't recall,
25 I think I may have looked at the project emails.

1 Q. Then you gave a six page statement. To what extent were
2 you shown documents in the course of the interview in
3 April 2010 to assist you to give as accurate
4 a recollection of events as possible?

5 A. I can't remember if I was shown any documents when I was
6 being interviewed at Lewisham police station.

7 Q. When you gave your second interview, I assume from the
8 fact that your second statement is dated the same date
9 as the first statement that you had access to the first
10 statement when preparing the second.

11 A. I can't -- I can't remember.

12 Q. Do you remember to what extent, if at all, you were
13 assisted by other documents when putting together the
14 second statement?

15 A. No, I can't.

16 Q. Then very recently, in order to assist the coroner, you
17 provided a third statement, and we can see that at
18 page 706, I'm afraid you have to move on a bit in the
19 hard copy documents. 706 is the first page of your
20 third statement, and if you go through to 710, we can
21 see that you signed it on 26 February.

22 A. That's correct.

23 Q. Just a couple of days ago. Would I be right in thinking
24 that at the time that you prepared this third statement,
25 you did have greater access to documents from the time?

1 A. Yes, I did.

2 Q. If I take you back to your first statement at page 622,
3 I wanted to draw your attention to the paragraph at the
4 bottom of the page, which says this:

5 "As I have stated above, the contract stipulated
6 that the window/wall panels would be the contractor's
7 design and that it was the contractor's responsibility
8 to obtain Building Control approval."

9 In other words Apollo.

10 A. In other words?

11 Q. Apollo.

12 A. Yes.

13 Q. The reference to contractors is Apollo?

14 A. Yes, it is.

15 Q. Then:

16 "My role in respect of the window design was to make
17 comments on the design drawings provided by the
18 contractor."

19 As far as I can see, in your first six page
20 statement, that is the only reference to any
21 consideration of whether Building Control approval was
22 required, and the only reference to any discussions with
23 Building Control or about Building Control. What I
24 wanted to ask you was whether you think you were given
25 the opportunity, when making that first statement, to

1 say more about those two topics if you wished to, those
2 two topics being firstly what consideration, if any, was
3 given to whether Building Control approval was required,
4 and, secondly, whether there were any discussions with
5 the Building Control department in relation to Lakanal.

6 A. I don't recall.

7 Q. What I'd like to do next -- just so that the members of
8 the jury can understand how you fit in to other evidence
9 that they have heard about -- is very briefly to run
10 through in outline the key events you were involved in
11 from your starting work on the project to the end of it,
12 and we'll look at your role in detail a little later on
13 but just so we have our bearings.

14 If I could ask you, firstly, to look in the
15 documents bundle at page 1014, which is at bundle 3.

16 What we have here are some site visit notes from
17 16 September 2004, and if you leaf through them, they
18 conclude on page 1017. What I wanted to ask you was
19 simply this: whether they're your notes.

20 A. Yes, they are my notes.

21 Q. That being so, I think this is the first document we
22 have indicating your involvement in the Lakanal House
23 project?

24 A. I think that is highly likely, as I only started working
25 at Southwark Building Design Service, I believe, on

1 13 September.

2 Q. That's very helpful. So you were thrown straight into
3 the beginning of this project?

4 A. Yes, I was.

5 Q. That being the case, can I break off from the outline of
6 events to ask you about what sort of information or
7 induction you were given to prepare you to work on this
8 project, and to what extent you needed one, whether it
9 was the case that you were carrying out a task that was
10 essentially similar to something you'd done before for
11 a different local authority?

12 A. Well, I -- I have to say I was surprised to be given
13 a building surveying project when I started at SBDS,
14 because I had joined Southwark Building Design Service
15 as a project manager, so it was not my expectation that
16 I would be undertaking building surveying work when
17 I joined, because I was moving my career into project
18 management. So I -- I can't remember whether there was
19 any -- any induction to undertaking the PPM project, if
20 I've answered that correctly.

21 Q. Then in due course, is it right that you were involved
22 in meetings about the proposed works which at the
23 initial stages were going to be planned preventive
24 maintenance works only, because that was all that there
25 was money for?

1 A. That is my recollection.

2 Q. Then in due course money became available for the works
3 also to include parts of the Decent Homes programme --

4 A. Yes.

5 Q. -- and you were involved -- we'll look at this in more
6 detail later -- in works to do with preparing the
7 specification documents that would be sent out to those
8 who wanted to put in a tender?

9 A. Yes, I had a role in that, together with the consultant
10 quantity surveyor.

11 Q. In June 2005, a planning application was submitted.
12 I can show you the document, if necessary.

13 A. Yes.

14 Q. Page 1181, in the same bundle. 1181 is an email from
15 you to Sharon Shadbolt, asking her to fill in the form,
16 and at 1182 we see the form, and it's the planning
17 application form. Then at 1183, whilst you're in the
18 same bundle, you can see in June 2005 an email from
19 Sharon Shadbolt to you:

20 "PS I'm pleased to advise that the DCRB gave its
21 approval to proceed with the tendering of this scheme
22 this morning."

23 A. Yes, it does say that.

24 THE CORONER: Can you explain DCRB for us, please?

25 A. I can't. I can't recall what DCRB means, sorry.

1 THE CORONER: Okay. Maybe someone else can help.

2 MR MAXWELL-SCOTT: Then I'm going to have to jump around
3 a bit. I'll show you this firstly on the screen. If
4 necessary you can have a look at a hard copy. Page 3167
5 in file 8. Here we're in August 2005 and here the
6 London Borough of Southwark was sending the necessary
7 documents to, in this case, Apollo, to enable them to
8 submit a tender to carry out the works.

9 A. Yes, that's correct.

10 Q. Presumably, similar documents would have been sent to
11 other main contractors who might wish to apply to carry
12 out the contract?

13 A. Yes, we had a -- I can't remember the name of it now, we
14 had an approved list from which contractors were
15 selected in rotation, and it's my recollection that the
16 client, or possibly the client in consultation with the
17 consultant, were able to recommend two additional
18 tenderers from the approved list.

19 Q. Then if I ask you to look at page 1386. This now is in
20 file 4. (Handed)

21 Again, this is just by way of introduction to the
22 project and key stages in it. Here the London Borough
23 of Southwark granted planning permission for the works.

24 A. Yes, it did.

25 Q. We know and we've heard that Apollo was the contractor

1 who were chosen to carry out the works as main
2 contractor, and a pre-contract meeting was held with
3 them in February 2006?

4 A. Yes, it was.

5 Q. Then we heard that Apollo came on site to start work on
6 20 March 2006?

7 A. Yes, that's correct.

8 Q. Then, if I could ask you to look at page 1657. This is
9 in file 5. I'll put it up on the screen, because you
10 may not need it in hard copy, but you must say if you
11 do. What we see here is Sui-Te Wu, who was the
12 nominated construction project manager, informing
13 Mr Cousins of Apollo that she had delegated her powers
14 and duties under the contract as construction project
15 manager to both Mr John Menlove, your line manager, and
16 you.

17 A. Yes, that's right.

18 Q. Pausing there, we see that those powers were delegated
19 to both of you. In practice, what were your respective
20 roles in the project?

21 A. I believe I've set this out in one of my statements. My
22 role was to administer the contract on a day to day
23 business, with guidance and input from my line manager
24 John.

25 Q. The works, in due course, were completed and

1 a certificate of completion was issued in May 2007?

2 A. Yes, that's right.

3 Q. From what you said a few moments ago, in that period,
4 March 2006 to May 2007, so 14 months, were you
5 administering the contract on a day to day basis for
6 SBDS?

7 A. Yes, I was.

8 Q. What I'd like to do next before looking at events in
9 detail is to ask you to two short topics to do with some
10 general principles, firstly about your knowledge at the
11 time of the building regulations. It's not going to be
12 a test of specific regulations, but what I wanted to put
13 to you was two propositions.

14 Firstly this: that it is a general principle of the
15 regulations that a person carrying out building works
16 must not make the performance of the building any worse
17 than it was before the works were carried out. Is that
18 a proposition that you would agree with --

19 A. Yes, I would agree.

20 Q. -- and it's one you would have been aware of at the
21 relevant time?

22 A. Yes, I would.

23 Q. Secondly, this proposition: in some circumstances, doing
24 work on a building will trigger a requirement to bring
25 the building up to current standards, depending on the

1 nature and extent of the works. Is that a proposition
2 that you'd agree with?

3 A. Yes, yes I would.

4 Q. Is it one you would have been aware of at the time we're
5 interested in?

6 A. I think so.

7 Q. Just on that same theme, I'll refer you to what you said
8 in your second statement at page 627. On 627 in the
9 second main paragraph, you said:

10 "I have a working knowledge of the building
11 regulations and have previous experience of seeking
12 Building Control approval on other projects. In
13 general, building works where there is a material
14 alteration would require Building Control approval.
15 Like for like building works that do not result in the
16 worsening of a building are generally unlikely to
17 require Building Control approval."

18 Was that your knowledge and understanding at the
19 time we're interested in, in 2005 and 2006?

20 A. Yes, that's correct.

21 Q. If I could ask you then to turn to your third statement
22 at page 706. I wanted to ask you about paragraphs 4 and
23 5 which discuss in general terms the circumstances when
24 one might make contact with Building Control, and when
25 you might do it. Paragraph 4 says:

1 "Whether Building Control approval was needed would
2 be a consideration at the start of a project when
3 discussing the scope of works, regardless of whether the
4 onus was in fact on the contractor to obtain Building
5 Control approval."

6 Then the first sentence of paragraph 5 says:

7 "In relation to the decision whether to involve
8 Building Control, LBS would rely on SBDS and SBDS would
9 in turn rely on the contractor."

10 I wanted to ask you about that, because it seemed to
11 me that there was perhaps some tension between what is
12 being said in paragraphs 4 and 5, for this reason:
13 because paragraph 5, that first sentence ends by saying
14 that SBDS would rely on the contractor, but the
15 contractor, as I understand it, would not necessarily be
16 involved, or even appointed, at the start of the
17 project. Paragraph 4 says that "Whether Building
18 Control was needed would be a consideration at the start
19 of a project".

20 A. Yes, that's correct. We're thinking about the --
21 scoping out the works that were to be included within
22 the specification, there would need to be some -- there
23 would be some consideration as to which elements of the
24 works required Building Control approval.

25 Q. In the very brief chronology that I covered with you, we

1 saw, for example, that planning permission was something
2 that was being dealt with in the summer of 2005, and
3 that the application was put in before any documents
4 were sent to any main contractors inviting them to put
5 in a tender.

6 So what I wondered was whether, when you talk in
7 this statement about whether Building Control approval
8 was needed would be a consideration at the start of
9 a project, by start of the project you might mean, in
10 essence, the same sort of time that one's thinking about
11 planning permission?

12 A. No, there -- there would have been consideration when we
13 were putting together the specification as to whether
14 there would be elements that would require Building
15 Control approval.

16 Q. I'll ask you about those --

17 A. I think you'll come onto that.

18 Q. We'll come onto that, but the short point is this: some
19 of the earlier documents we looked at, for example the
20 service level agreement, seemed to put the obtaining of
21 planning permission and the obtaining of Building
22 Control approval in a package together called "Obtaining
23 statutory consents".

24 So what I wondered was, in your experience, whether
25 that is what would normally happen: in the ordinary

1 course of events you would think about both Building
2 Control approval and planning permission and whether
3 either of them was necessary at the same time?

4 A. I'm not sure I understand what you mean. Both would
5 clearly be in consideration at the beginning of any
6 project.

7 Q. I think you're agreeing with me that at the time in
8 a project when one would be thinking, "Is planning
9 permission required?" you would also normally be
10 thinking to yourself, "Is Building Control approval
11 required?" Do you agree?

12 A. Yes, I do agree.

13 Q. We looked a few moments ago in your second statement at
14 a passage where you said that you had previous
15 experience of seeking Building Control on other projects
16 but on the page we have open at the moment, 706, in
17 paragraph 6, you end it by saying:

18 "During my time working at LBS I do not recall
19 making any Building Control applications on behalf of
20 LBS."

21 A. That's correct, as far as I recall.

22 Q. What was your previous experience of seeking Building
23 Control approval on projects?

24 A. I believe in a previous employment, I had -- had been
25 involved in obtaining Building Control approval.

1 Q. When you help us with whether that was at a time when
2 you were working for a local authority, or at a time
3 when you were in private practice or both?

4 A. I really -- I really can't remember. I mean the project
5 I do remember obtaining Building Control approval for
6 was when I was working in private practice.

7 Q. If I could just try to test your memory on that. If
8 you're working in private practice and you're putting in
9 an application for Building Control approval and
10 considering it, how in broad terms, does it work?

11 A. Well, you put an application in on behalf of the client.

12 Q. You put in a written application; is that right?

13 A. Yes.

14 Q. Before you put in a written application, would you have
15 any informal contact with the Building Control
16 department, or would you just send in a written
17 application?

18 A. I can't -- I can't remember. You -- I think there is
19 a process where you can have pre-application
20 discussions.

21 Q. Again, trying to stretch your memory from your time in
22 private practice, can you assist us with whether any
23 such reapplication discussions would be accompanied by
24 formalities in the sense of written records being kept?

25 A. No, I can't remember.

1 Q. Can I perhaps just suggest to you, disagree if you wish,
2 but if you're employed by private practice, and you're
3 making informal contact with the Building Control
4 department about whether you need to make
5 an application, or how to make an application, you would
6 be expected, in the interests of your client, to keep
7 a written record of such contact, would you agree?

8 A. Yes, I would agree.

9 Q. Madam, I know there was some discussion about taking two
10 short breaks through the morning. If we were going to
11 do that, now would be the right moment.

12 THE CORONER: Yes, I think that's a good point for a break.
13 Ms Sidney, we'll have a ten minute break. During the
14 break the strict rule is you must not talk to anyone
15 about your evidence or indeed this matter.

16 A. Okay.

17 THE CORONER: Members of the jury, we'll have a ten minute
18 break. Thank you.

19 (11.00 am)

20 (A short break)

21 (11.12 am)

22 THE CORONER: Yes, thank you.

23 MR MAXWELL-SCOTT: Ms Sidney, having covered those
24 introductory matters about your role and the outline of
25 the chronology and some thematic points about building

1 regulations and Building Control, I'm now going to take
2 you in more detail through the events of the project
3 that you were involved in, focussing on the ones, of
4 course, that we're particularly interested in for the
5 purposes of these inquests.

6 If I could ask you therefore firstly to look at your
7 notes of the site visit on September 2004 at page 1014
8 in file 3. As you told us, this was within your first
9 week of working for SBDS; that's right, isn't it?

10 A. Yes, that is correct.

11 Q. As far as you can recall it, what was the brief that you
12 were given when you were sent off to do this visit?

13 A. I don't have any recollection of the brief, I'm sorry.

14 Q. If you take a moment to look through the notes, as long
15 as you need, and then just let us know if that helps you
16 to work out why you'd been sent there.

17 A. Well, clearly I must have been sent there because I was
18 undertaking the PPM project, so it would just be
19 an initial site visit, probably to familiarise myself
20 with the building, just get a feel for some of the
21 elements that might need to be covered when preparing
22 the specification and perhaps meeting the client.

23 Q. If you could just keep your voice up a little. I think
24 probably the best way, it's rather artificial, but
25 instead of looking at me when you answer, if you look

1 straight ahead at the members of the jury, the
2 microphone will pick it up better.

3 A. Okay.

4 Q. That's better, thank you. If you go in those notes to
5 the final page at 1017, I just draw your attention to
6 the fact that at this very early stage it would have
7 been clear to you from your survey that the means of
8 escape in the event of fire from flats were through
9 corridors to an internal staircase, and also through
10 external balcony from flat kitchens/lounges.

11 A. Yes, that's correct.

12 Q. If I ask you then to look at a document at page 4438,
13 which is in bundle 11. This is a meeting a few days
14 later on 21 September 2004. You were present and
15 John Menlove, and somebody called Chris Ayton, who's
16 down as contracts manager. Was this a meeting in effect
17 with the client within the London Borough of Southwark?

18 A. Yes, that's my -- my understanding.

19 Q. We can see under the heading "Decent Homes":

20 "Chris advised that the budget does not include for
21 Decent Homes. Additional money may be available."

22 So at this point in time the project which you were
23 being asked to work on as pretty much the first thing
24 you do when you join the London Borough of Southwark is
25 planned preventive maintenance of Lakanal House, but not

1 Decent Homes at this stage?

2 A. Yes, it is.

3 Q. Then if you could look within this document at
4 page 4440, there's a reference at the end to corridor
5 ventilation and it says:
6 "Check end louvre panels -- can these be reduced in
7 size.
8 "Chris advised that the grilles on the doors had
9 been installed to prevent the doors from slamming."
10 Then this:
11 "Check re fire/smoke dispersal -- Building
12 Control/Fire Officer."
13 You probably haven't seen this document for some
14 time, but are you able to help us with that reference to
15 "Building Control and Fire Officer"?

16 A. No, I'm not.

17 Q. Do you know whether afterwards any steps were taken to
18 liaise with Building Control on this particular point?

19 A. I -- I don't recall liaising with Building Control,
20 although I think there were -- sorry, I think there were
21 some -- there may have been a discussion with Building
22 Control, but I can't remember in what context.

23 Q. I think from answers that you gave earlier in your
24 evidence, would it be fair for us to conclude that you
25 didn't liaise with a fire officer on this point?

1 A. Not that I can recall.

2 Q. Can you assist the jury with a brief explanation of the
3 difference from your point of view between a planned
4 preventive maintenance project, which is what you
5 thought this was going to be the start of, and the
6 Decent Homes project?

7 A. A planned preventive maintenance project deals with
8 aspects -- as the words imply, it's a planned preventive
9 maintenance, so you're not reacting to something that
10 comes up at a later time, so you're planning to
11 redecorate, the redecorations probably take place every
12 seven -- seven years, checking concrete for concrete
13 repairs, making sure that the doors are in good working
14 order, replacing things like ironmongery that's worn
15 out, and other such elements like that, flooring,
16 redecorations internally and externally.

17 Q. So in broad terms would that mean dealing with wear and
18 tear type issues to bring things back-up to the standard
19 where there had last been similar preventive
20 maintenance?

21 A. That's my general understanding, yes.

22 Q. What about the Decent Homes programme?

23 A. The Decent Homes programme was brought in by the
24 government and it's my understanding that primarily it
25 was brought in to deal with improving thermal comfort,

1 thermal performance, of certain building elements.

2 THE CORONER: When you talk about thermal, you're talking
3 about insulation and the like?

4 A. Yes, generally making properties warmer and more energy
5 efficient.

6 MR MAXWELL-SCOTT: Is it right that in due course approval
7 was given for Decent Homes work to be added to the
8 project?

9 A. Yes, that's correct.

10 Q. Once that approval had been given, it was then time to
11 agree more formally within SBDS and with the client what
12 the scope of the work was going to be, in other words
13 what the money was going to pay for?

14 A. I believe so.

15 Q. Once the scope of the works is agreed, is the next step
16 to prepare a more detailed specification of the works?

17 A. Yes, that's right.

18 Q. Was the preparation of the detailed specification of the
19 works a task that fell to you within SBDS, but you had
20 some outside assistance with it?

21 A. Yes, that's right.

22 Q. In terms of that outside assistance, is it right that
23 SBDS engage the services of a surveying and consultants
24 practice called Franklin & Andrews?

25 A. Yes, they did.

1 Q. Can you just explain, as best you recall, the nature of
2 the service that they were providing to assist you in
3 the preparation of the specification?

4 A. My understanding, and I'm not 100 per cent sure this is
5 correct, is that they provided pre-tender QS services to
6 SBDS, and possibly an audit of the specification, the
7 tender documents, prior to going out to --

8 Q. "QS", you're referring to the quantity surveyor?

9 A. The quantity surveyor.

10 Q. That would very much include work on the costings; is
11 that right?

12 A. That would include work on the costings and putting
13 together the -- basically the tender document, so the
14 various elements that make up a tender document.
15 I believe that is what they did.

16 Q. But they would not themselves be choosing the
17 specification that formed part of those documents, is
18 that correct?

19 A. No, they would not.

20 Q. So you would take the lead within SBDS on choosing the
21 content of the specifications that were in the tender
22 document and then Franklin & Andrews would assist you to
23 put the documents together in the correct format to be
24 sent out to potential main contractors; is that right?

25 A. Yes, that's correct.

1 Q. What I want to ask you about now in particular is the
2 process of putting together the specification in
3 relation to the replacement of doors and windows.
4 I think it's right that the replacement of the doors and
5 the windows was, certainly in financial terms, by some
6 measure the most significant part of the Lakanal House
7 refurbishment project.

8 A. I believe it was.

9 Q. If I could ask you to turn to page 1021 in bundle 3. We
10 are now in October 2004, and this is a fax cover sheet
11 from Franklin & Andrews, contacting you, and it says:

12 "Annabel, please find attached query sheets numbers
13 1 to 3 relating to the abstract of particulars and
14 preliminaries, would you please complete and return to
15 ourselves to allow us to proceed with these sections of
16 the tender documents."

17 Unless the members of the jury are familiar with the
18 construction industry, not all those terms may be
19 familiar to them, so can you assist us with what is
20 meant by the "Abstract of particulars and
21 preliminaries"?

22 A. I will -- I'll do my best. I haven't been practising
23 building surveying for quite a while now, but the
24 abstract of particulars sets out certain conditions that
25 we want the contractor to comply with, I think it's

1 an extract, and the preliminaries set out a whole host
2 of requirements that we want the contractor to comply
3 with, along with everything from health and safety
4 programming, site set up, they also set out what my role
5 is as well, in terms of the contract, so a sort of very
6 large document with lots and lots of requirements in it.

7 THE CORONER: So the the preliminaries are setting out the
8 broad rules of the work to be carried out and not
9 relating to specific elements of the work?

10 A. Yes, that's right.

11 MR MAXWELL-SCOTT: You're probably relieved to hear I'm just
12 going to ask you about one particular query that comes
13 behind this document, over at page at 1022. What I'm
14 interested in here is query number 1.03, "Condition 10
15 (Design)" and the query is this:

16 "Would you please advise us as to whether the
17 contractor is required to design any items under this
18 project, if so on please provide details."

19 We get the gist of the query. Now the reply, is
20 that in your handwriting?

21 A. Sorry, where's the -- where is the query?

22 Q. We're on page 1022, query 1.03, about condition 10,
23 design.

24 A. Yes, that is my handwriting.

25 Q. So the reply column is all your handwriting, is it?

1 A. Yes, it is.

2 Q. What you've written in the reply is:

3 "Composite windows/wall screens and doors, corridor
4 end louvre panels, roof re-covering and electrical
5 installation."

6 Is that right?

7 A. Yes, that is right. Those were the elements that we
8 wanted the contractor to specifically design within the
9 contract.

10 Q. So we're at an early stage here, we've looked at the
11 outline chronology, there is no contractor yet, there is
12 no appointment of Apollo, there are no tender documents
13 ready to be sent out to Apollo or others who were
14 interested in this work, but you are liaising with
15 Franklin & Andrews to ensure that the documents that are
16 sent out to people who might want to be able to do the
17 work have this specific condition about design included
18 in them; is that right?

19 A. Yes, that is correct.

20 Q. Are you able to say, this many years on, why it was that
21 you wanted to specify that the contractor would have to
22 design those aspects of the work?

23 A. I have -- have thought about it subsequently. My --
24 I believe the reasons why we wanted the contractor to
25 design these elements was: (1) that they were elements

1 that would require Building Control approval; (2) they
2 were also the elements -- or certainly the first two
3 that would fall under Decent Homes, and would require
4 improvements to the thermal insulation of those
5 elements; and (3) because there would not necessarily be
6 something that would fall within my expertise of
7 designing the large window?

8 Q. If we look at what happened next, if I could ask you to
9 turn to page 1032. It's an email that you sent to
10 somebody called David Sales at Marsland Windows on
11 11 November. You said that you were currently preparing
12 the specification for refurbishment works at Lakanal,
13 you wanted to meet with him to discuss options for
14 window replacements.

15 Had you worked with Marsland Windows before, or if
16 not, how had you come across their name?

17 A. I don't recall working with Marsland Windows before.
18 I believe that I spoke to John and asked --

19 Q. Is that John Menlove?

20 A. John Menlove, and asked who SBDS might usually normally
21 go to in helping us -- giving assistance in preparing
22 the specification.

23 Q. Can I ask you this: that assistance they were going to
24 give you, did you envisage that that would be paid or
25 unpaid?

1 A. I envisaged that that would be unpaid.

2 Q. If I could ask you to turn then in file 11 to page 4444.

3 This is a letter marked for your attention,

4 29 November 2004, from Marsland Windows, setting out

5 an estimate cost of works about which there'd been

6 a recent inquiry. If I can ask you to turn over the

7 page, 4445, it says "Please note," and I want to ask you

8 particularly in point 7, which says this:

9 "Building Control/FENSA. It is the responsibility

10 of the client/principal contractor to confirm if the

11 contract will be run by Building Control or needs to be

12 FENSA registered."

13 Of course at this point in time, in any event, there

14 is no principal contractor, and what I wanted to ask you

15 first is, at this point in time, in November 2004, did

16 you know what FENSA was?

17 A. I don't recall if I did know what FENSA was. I might

18 have, I might not, I can't honestly remember.

19 Q. Do you recall at any later stage in the Lakanal project

20 taking steps, either by talking to people or by

21 conducting your own researches, so find out what FENSA

22 was?

23 A. I do believe that at a later stage I did do some checks

24 to find out what FENSA was, and whether -- whether it

25 was an acceptable way of obtaining compliance with

1 building regs.

2 Q. I think you dropped your voice a bit. I think you said
3 at a later stage you looked into what FENSA was and
4 whether it was an acceptable way of complying with the
5 building regulations; is that what you said?

6 A. Yes, that is what I'm saying.

7 Q. But that's not something you did at this stage, as you
8 recall?

9 A. Not that I recall.

10 Q. If I could ask you then to turn, following the
11 chronology, to page 1037 in file 3. There's an email
12 that starts at the very bottom of the page in
13 December 2004. It goes over onto 1038, and you're
14 providing an update to Sharon Shadbolt, and you say:

15 "The specification of works is progressing well and
16 I've now completed the Decent Homes surveys for the
17 block."

18 To what extent had you personally carried out Decent
19 Homes surveys?

20 A. I undertook the Decent Homes surveys.

21 Q. What did that involve doing?

22 A. There was a standard proforma document, and I believe
23 the client -- the housing client asked me to do
24 a 10 per cent -- a 10 per cent survey, and I used
25 a standard proforma. I made arrangements to visit

1 a number of flats within Lakanal.

2 Q. If I could ask you to have a look at page 4457 in
3 file 11, which I think you had a moment ago, and
4 Mr Clark will pass it back. (Handed)

5 THE CORONER: It might be worth putting that file you have
6 there on the chair beside you, because I think we'll be
7 coming back to it.

8 MR MAXWELL-SCOTT: I think where we want to start in fact is
9 at 4450. Just take a moment to refresh your memory. Is
10 that a standard form for completion if you're carrying
11 out a Decent Homes survey?

12 A. Well, that was the form that was pointed to, so
13 I would -- I would assume that it was.

14 Q. So you were given blank forms like that, and you filled
15 them out for each of the properties that you surveyed?

16 A. I believe I filled them out -- I -- yes, I would have
17 printed them out and then filled them out on the
18 computer on completion.

19 Q. Then just leaf through the form. Behind it, we have
20 some photographs here, from 7 December 2004.

21 I want you to note in particular the photograph at
22 the top right which are enlarged for others, and I'm
23 assuming that that is taken in an kitchen and therefore
24 we're looking at the door from a kitchen out onto
25 a balcony?

1 A. Yes, we are. Can I say something about this?

2 Q. Of course.

3 A. I did come across this, actually, when I was looking
4 through the project files last week, and it was
5 something that I thought was -- that was useful for the
6 inquest to look at. I had not realised it formed part
7 of the documents.

8 Q. Recently added. Thank you for providing it.

9 THE CORONER: Yes, thank you for that.

10 MR MAXWELL-SCOTT: What I want to show you then is also some
11 other photographs that we have.

12 THE CORONER: Sorry, just looking at that, the kitchen door,
13 we're looking at this kitchen door with a glazed panel,
14 right?

15 A. Yes.

16 MR MAXWELL-SCOTT: I want to compare that with some photos
17 that we have, starting at page 1045. This is probably
18 in the bundle that you have on your chair. There are
19 three photos which I'm going to ask you to look at, and
20 there are two which are close-up.

21 1045 looks like it's showing a door that is
22 completely solid without glazing; 1046, which clearly,
23 closest to the camera, shows a door not dissimilar to
24 the one in your photo, with the glazed panel at the top,
25 and then 1052 is looking at the building from

1 a distance. These photos, that I'm showing you -- these
2 three here, 1045, 1046 and 1052 on the 2006/2007
3 project, so they should also be representative of how
4 Lakanal House was when you did your surveys in
5 December 2004. In fact, you can help us with that: does
6 that look representative of how the building looked when
7 you first saw it, do you think?

8 A. Yes, it does, these are probably my photographs, unless
9 they've come from someone else.

10 Q. I think they may be from a potential subcontractor who
11 came to have a look at the building.

12 A. Okay.

13 Q. I don't know if you can help us by reference to your
14 memory and these photos with whether there was any
15 pattern of consistency in terms of how the doors from
16 the lounge to the balconies looked and how the doors
17 from the kitchens to the balconies looked, or whether
18 they were different in different flats?

19 A. I really can't -- can't remember, and I have tried to go
20 through everything to establish what it was like, but
21 I can't -- I can't recall.

22 Q. I appreciate that this is eight and a half years ago,
23 but you can't recall one way or another whether in every
24 flat the lounge to balcony door was the same as in every
25 other flat, for example? You're not able to remember

1 that, is that right?

2 A. I imagine that there would have been some standard of
3 uniformity, but that --

4 Q. Are you just assuming that there ought to have been, or
5 can you actually remember that?

6 A. I don't think I can remember.

7 Q. That's fine. The reason that I ask, when we come to it,
8 is when you came to have choices to make about what the
9 door from the kitchen to the balcony should be, and what
10 the door from the lounge to the balcony should be,
11 whether you had something in mind "Well, this is how
12 they currently are because they are all the same" or
13 whether in fact that wouldn't have been a consideration,
14 because there wasn't consistency in the building?

15 A. I believe when I prepared the specification, there would
16 have been consideration for what was there, and
17 replacing what was there with similar.

18 Q. But the difficulty is that we aren't able to work out
19 precisely what was there, and you can't remember to that
20 level of detail; is that right?

21 A. Well, I'm sure we'll come onto this later. I can't --
22 I can't remember.

23 Q. I'll move on then and ask you to look at page 1056,
24 where we see an email from you to David Sales of
25 Marsland Windows asking for a specification for windows

1 and doors for Lakanal by 5 January. Then if we turn to
2 1068, we see at the top that Mr Sales succeeded in
3 sending you the specification within the deadline, and
4 he sent it to you on 4 January.

5 Then if you look at page 1058, you'll see the first
6 page of that specification. Just by way of
7 introduction, is it right that this is a specification
8 that would have been provided to you without you having
9 to pay any fee for it?

10 A. Yes, that is correct.

11 Q. It's obviously a long time ago, but have you had
12 a chance to look at this more recently?

13 A. Yes, I have looked through it recently.

14 Q. Can you recall the extent to which you would have read
15 through the fine print of it at the time you received it
16 in January 2005?

17 A. I don't recall. I imagine that I would have read it.

18 Q. Let me ask you about some specific points within it. At
19 point 4, we see reference to standards:

20 "The frames are to comply with any current British
21 Standard specification, code of practice, and statutory
22 requirements."

23 I make the point there for you to comment on if you
24 wish, that that is specifically talking about frames
25 rather than other aspects of the works, do you agree?

1 A. Yes, I would agree.

2 Q. Then if you turn to 1061, we're given details of the
3 doors to some extent, but do you agree that we're not
4 told whether they're going to be solid or part glazed or
5 fully glazed in this passage at the top of 1061?

6 A. Yes, I do accept that.

7 Q. Then if you look at 1063, at the bottom of that page,
8 point 11, there's reference to:

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

13 Do you agree that that does not specify a particular
14 panel, it's more general than that?

15 A. Yes, that's right.

16 Q. Then if you go to the footnotes at 1065, these are in
17 slightly smaller print, it's fair to say. The first of
18 them says:

19 "Information is given on an advisory basis only and
20 specifiers are particularly recommended to contact
21 suppliers of non-SAPA Building Systems Limited products
22 to ensure that such products are suitable."

23 Then before I ask a question about this, I'll show
24 you the next footnote I want to you look at over the
25 page. The third one on 1066:

1 "Certain window configurations may not meet the
2 requirement of Approved Document B of the building
3 regulations for a fire escape window."

4 Were you aware of what "Approved Document B" was at
5 this time?

6 A. Yes, I was.

7 Q. Do you think you would have read these footnotes at the
8 time?

9 A. I'm sure I would have, yes.

10 Q. When we look at the footnote at the bottom of 1065, what
11 understanding do you think you would have had about
12 which of the features of this specification were SAPA
13 products and which of them were non-SAPA products?

14 A. Sorry, can you repeat the question, please?

15 Q. The footnote is giving you a warning that in relation to
16 non SAPA products, one is particularly recommended to
17 contact suppliers to check the products are suitable.
18 So it's drawing a distinction between the SAPA products
19 and non-SAPA products, and what I wonder is whether you
20 had any understanding of which of the features of the
21 specification were SAPA products and which were not?

22 A. Yes, I was -- I think some of the hardware would not be
23 SAPA products, and the insulating material.

24 Q. For example, the solid infill panels which were going to
25 be 28 millimetres insulated sandwich panels, was it your

1 understanding that they were SAPA products or non-SAPA
2 products? It's the bottom of 1063 if you need to see it
3 again.

4 A. 1063?

5 Q. So at the bottom of 1063 --

6 A. I don't -- yes, I understand. I don't recall what
7 I thought at the time, but that does look to me like it
8 was a SAPA product.

9 Q. You see, what we have been told is that only the frames
10 for the windows themselves are SAPA products, everything
11 else is not. To what extent do you think your
12 understanding at the time differed from that?

13 A. It's difficult -- it's difficult to recall now, but --
14 it's hard to ask -- answer that with the passage of
15 time.

16 Q. In your most recent witness statement at page 707,
17 paragraph 11, you say that:

18 "[You were] given guidance by John Menlove that the
19 performance specification should be obtained from
20 Marsland Windows. Apollo would then designed the window
21 sets. I would not have designed a window or panel
22 because that would be outside the scope of my
23 professional competency."

24 Then you say this:

25 "I relied on Marsland Windows and SAPA for the

1 performance specification of the windows and the panels
2 underneath the windows."

3 Obviously the potential difficulty with that is that
4 if you look, as we have just done, at the footnotes to
5 what SAPA had sent you, and had sent you without
6 receiving any fee for doing so, the footnotes would
7 discourage any sort of blanket reliance on the
8 specification, wouldn't they?

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

10 Q. Do we understand from this statement that you made
11 a couple of days ago that you did, in fact, place quite
12 heavy reliance on the SAPA performance specification
13 that we've been looking at?

14 A. Well, there was an element of reliance on the
15 specification, but you have to bear in mind that this --
16 this specification was getting taken forward to the
17 contractor to then design up in accordance with the
18 requirements of the building regulations, so when one is
19 undertaking design work, there is a -- I imagine there's
20 a process that one would go through, so it -- I don't
21 believe it was fully designed up at this stage, that's
22 how I see it now.

23 Q. If I could ask you then to look at page 1067, back in
24 the documents. This is drawing LW1, January 2005,
25 "Lakanal windows". In the bottom left-hand corner it

1 says: "Southwark Building Design Service". What
2 I wanted to know was: firstly, is it right that this was
3 a drawing prepared within Southwark Building Design
4 Service?
5 A. Yes, that's correct, it was prepared by one of the
6 architects.
7 Q. At your request --
8 A. Yes, that's correct.
9 Q. -- with the intention that in due course it formed part
10 of the document sent out to main contractors who might
11 bid for the project?
12 A. Yes, that's right.
13 Q. Would this have been prepared after the specification
14 had come in from SAPA?
15 A. Well, we can see the date is January 2005 on the bottom
16 of the drawing.
17 Q. Yes. You got the specification on 4 January, so
18 I assume this was probably prepared afterwards.
19 A. I really -- I really can't recall. It may -- it may not
20 have been.
21 Q. Madam, if we were going to take another break in the
22 course of the morning, now would be a good time to do
23 so.
24 THE CORONER: Yes, all right, we'll have a five minute
25 break. Five minutes, members of the jury, thank you.

1 Ms Sidney, please remember, no talking to anyone in
2 the break, please.

3 (12.04 pm)

4 (A short break)

5 (12.10 pm)

6 THE CORONER: Yes, thank you.

7 MR MAXWELL-SCOTT: Ms Sidney, I can probably help you on
8 that last point about what came first, the specification
9 from SAPA or the drawing we were looking at on 1067. If
10 you look at 1079, this is now 5 January, an email from
11 Mr Sales:

12 "Dimensioned sketches as discussed."

13 Then over the page at 1080 are those dimensioned
14 sketches. So you would have received those on
15 5 January. If you compare those with 1067, does that
16 help you to work out how 1067 may have come into being?

17 A. Yes, it looks -- there is a -- there is a difference in
18 one of the doors, which I'm assuming was made post
19 Marsland's sketch.

20 THE CORONER: So you think you got the Marsland sketches in
21 and then the more formal drawings were prepared, is that
22 what you're saying or doesn't that help you?

23 A. It's hard to recall.

24 MR MAXWELL-SCOTT: Let me then move on to another event,
25 unless there's anything else you think you can add from

1 compare those two drawings.

2 A. Not at the moment.

3 Q. I want to ask you about something that, as it happens,
4 occurred at very much the same moment in time. If we
5 could look at 1081. We're now on 6 January 2005, so two
6 days after you're sent the performance specification
7 we've just been looking at, and one day after you're
8 sent the dimensioned sketches, and here you're getting
9 advice about the extent to which there is asbestos
10 present within the building. It's all happening at very
11 much the same time, and what you're told here is:

12 "Subject to analysis of the samples, it appears that
13 the internal panels under the windows are asbestos
14 insulation board and the balcony balustrade is asbestos
15 cement."

16 So if you compare what you're being told there with
17 what we happened to have on the previous page, 1081,
18 what you're being told is that the area shaded in grey
19 underneath the windows is thought to be asbestos
20 insulation board currently; do you agree?

21 A. Yes, that's right.

22 Q. The performance specification that you had received two
23 days earlier was in effect suggesting replacing asbestos
24 insulation board, as you were now led to believe it was,
25 with a 28-millimetre insulation panel; is that right?

1 A. Yes, but I have thought about this, and -- I mean, it's
2 hard to recall, but there may well have been an idea
3 that there was asbestos present in the building prior to
4 confirmation by ALS.

5 Q. Well, it's a fairly clear email, isn't it, it's being
6 sent from ALS on 6 January from the head of the asbestos
7 section saying, I accept:

8 "Subject to analysis of the samples, it appears that
9 the internal panels under the windows are asbestos
10 insulation board."

11 A. Yes.

12 Q. So at that moment in time, the best evidence you have
13 from the head of the asbestos section at ALS is that, on
14 the one hand, you have areas under the windows that are
15 asbestos insulation board, and on the other hand you
16 have a specification suggesting replacing them with
17 28-millimetre insulation panels, and my question is
18 obvious, isn't it: what thought went through your mind
19 at around this time about the comparative fire-resisting
20 properties of these two different types of product?

21 A. I don't recall what thoughts went through my mind at the
22 time. What I would say is I wasn't designing the --
23 going to be designing the windows, and that would be
24 left down -- left to the contractor for their
25 consideration.

1 Q. Well, I accept that, but the contractor is some way off,
2 isn't he?

3 A. Yes, they are.

4 Q. The contractor's identity isn't even known at this
5 stage. Yes, of course, there will be one, but who it is
6 is completely unknown at this point in time, and here
7 you have two pieces of information coming to you on
8 virtually the same day. It wouldn't take very much
9 thought, would it, to recognise that the fire-resisting
10 properties of the 28-millimetre insulation panels in the
11 specification would, or at least might be, less good
12 than those in the asbestos insulation board; do you
13 agree?

14 A. I'm not sure that I do -- do agree.

15 Q. Well, can you explain why not?

16 A. Because -- I'm not a design expert, but an element of
17 the fire resistance would be from the -- the composite
18 panel.

19 Q. You're going to have to explain that in more detail.

20 A. Can you take me back, I'm just going to go back to the
21 specification.

22 Q. It starts at 1058. You need the bottom of 1063.

23 A. Yes, sorry.

24 Q. Take a moment to look at it. Let me put the question in
25 this way: at a minimum, what is said there about the

1 potential product, the solid infill panels, it wouldn't
2 take much thought to form the provisional view that the
3 fire-resisting qualities of such a product might be less
4 than those of an asbestos insulation board; do you
5 agree?

6 A. I -- I'm still not sure that I do agree, I'm not sure
7 that's what I thought at the time.

8 Q. No, I'm saying it wouldn't take much thought to realise
9 that there might -- I emphasise, I'm just saying
10 "might" -- be a lesser fire-resisting quality to what is
11 described at the bottom of page 1063 than asbestos
12 insulation board.

13 A. There might.

14 Q. If you accept that as a first step, then the next
15 logical step would be, would it not, to investigate the
16 issue further, do you agree?

17 A. If that was what I had thought at the time, I may have
18 done that. I might not, but I was relying -- the
19 contract was looking towards the contractor to undertake
20 the design elements of the -- the windows and wall
21 panels.

22 Q. Well, once the tender documents were sent out, and once
23 they'd been returned, and a contractor appointed, yes,
24 a design responsibility would fall to them, but at this
25 moment in time, 4, 5 and 6 January, you are presented,

1 are you not, with an opportunity to consider the
2 respective fire-resisting properties of what you're
3 being advised is probably in place, and what is being
4 suggested might be put in place of that asbestos
5 insulation board; do you agree?

6 A. It could have been an opportunity to question, but we
7 don't know what the insulation was going to be at this
8 stage.

9 Q. As in, we don't know what solid infill panel will be
10 chosen, is that what you mean by that answer?

11 A. Yes.

12 Q. Just in the interests of completeness on what the panel
13 under the bedroom windows in fact was, let me take you
14 to the asbestos survey from a month later, at 1156.
15 That's very difficult to see on the screen, but it marks
16 up and labels different parts of the flats. I think
17 what I need to take to you is 1158 --

18 A. Yes.

19 Q. -- which is the report. This is prepared for you, we
20 see, 14 February, by the very same Mr Firmin, head of
21 asbestos section at ALS, who had emailed you a month
22 earlier. If we look at 1172, the results in relation to
23 samples taken from infill panels under bedroom windows
24 was that they were, as had been thought to be the case,
25 asbestos insulation board; do you see that?

1 A. Yes, I do.

2 Q. So if there had been any doubt back in January 2005,
3 that doubt was removed by the results of this test; do
4 you agree?

5 A. Yes, that's correct.

6 Q. Then just over the page, while we're in this document,
7 at 1173, we can see that the balcony balustrade panels
8 were asbestos cement.

9 A. Yes, that's correct.

10 Q. There had, I think, been a time when it was thought that
11 there were other areas of asbestos, particularly the
12 full height panel outside the kitchen doors, but that
13 turned out not to be. But the point for my purpose to
14 focus on is the fact that it's completely clear from the
15 test results that the infill type panels in place at the
16 time for the refurbishment were asbestos insulation
17 board.

18 A. Yes, that's right.

19 Q. If I could ask you then to go to page 1086. This is
20 a letter from you to Franklin & Andrews, who were the
21 consultants assisting you to put together the tender
22 documentation, and you say:
23 "Please find enclosed amendments to draft
24 specification."
25 Then if you go to 1087, we can see that one of the

1 amendments that you are seeking is in relation to
2 asbestos removal, so it was obviously something that you
3 had absorbed at the time, where asbestos needed to be
4 removed from.

5 Then if you look at 1093, you ask for an amendment
6 in relation to the kitchen window. You want it to read:

7 "Kitchen window type 2 comprising of tilt and turn
8 and fixed windows, solid fire-rated door to meet
9 part B ..."

10 That's your handwriting, isn't it?

11 A. Yes, it is.

12 Q. The reference to part B is to building regulations; is
13 that right?

14 A. Yes, it is.

15 Q. Are you able to assist us, now we've looked at that
16 document, with why you were asking for that amendment?

17 A. No, I can't remember. Do you have a document that will
18 help me remember? I don't remember why that was
19 changed.

20 Q. We'll see in due course that that was incorporated into
21 the final documentation, but what I was wondering is why
22 it was that you had asked for a change in relation to
23 the kitchen to balcony door, and asking that it be
24 a fire-rated door to meet part B of the building
25 regulations.

1 A. Do we know what -- what it was amended from?

2 Q. I might have to check that and ask you about that after
3 the break.

4 A. Okay.

5 Q. But at the moment you don't recall why you asked for
6 that change?

7 A. I don't.

8 Q. Actually, if you look at 1113, I think you have the
9 answer to your question. Am I right?

10 A. Thank you.

11 Q. That is what it previously said, and then you have
12 marked against it "Amend, see sheet" and then we have at
13 1093 the amendment that you wished for; is that right?

14 A. Yes, that's right.

15 Q. Does that help you at all as to why you asked for that
16 amendment? (Pause)

17 THE CORONER: Can you help us with that, Ms Sidney?

18 A. Yes, sorry, I'm just having a look through the
19 specification, just trying to see what my thought
20 process was. I think I was just updating the initial
21 draft of the specification.

22 MR MAXWELL-SCOTT: Let me ask you then to turn to page 1129.
23 That's an email that you sent on 19 January 2005 to both
24 David Sales of Marsland Windows and Liam Hanson of SAPA.
25 You said:

1 "Please could you have a look at the attached
2 document and ensure that the specification is revised
3 accordingly. Please let me know if anything I have
4 suggested contravenes regulations or what your
5 experience would recommend."

6 Then if we look at the attached document, it's over
7 the page, at 1130. If I draw your attention
8 particularly to point 2, which says:

9 "Both lounge and kitchen window/doors lead onto
10 a fire escape gallery. The doors are only meant to be
11 used as a means of escape and not general access,
12 although residents do have them open for ventilation.
13 They must meet the following requirements."

14 There are two specific ones. One:

15 "Residents must be able to open quickly in the event
16 of a fire."

17 Two:

18 "Lounge and kitchen doors and windows must be as
19 burglar proof as possible as break-ins occur."

20 If we put those two documents together, you have the
21 attachment at 1130 to the email at 1129. It seems from
22 that, would you agree, that your focus in relation to
23 fire safety matters is on being able to open the door
24 quickly in order to escape, rather than on preventing
25 spread of fire; do you agree?

1 A. Yes, it does look -- look like that.

2 Q. At 1129, you have said:

3 "Please let me know if anything I have suggested
4 contravenes regulations."

5 To be fair to you, you have asked that question, but
6 to be fair to the recipient, who I think at this stage
7 is still working without a fee, it wouldn't be right,
8 would it, to expect a vast comprehensive advisory answer
9 to such a very broad question, would it?

10 A. I don't know, actually, I mean in my -- my experience
11 that vast numbers of specifications are obtained through
12 specialists without a fee, and -- and used within --
13 within the specifications to go out to tender, so I've
14 not experienced obtaining specifications by paying
15 a fee.

16 Q. If we look at what happened next at 1131, you have
17 a one-page email with a point by point response?

18 THE CORONER: Do you have the page?

19 A. Yes, I have.

20 MR MAXWELL-SCOTT: On 20 January, answering the questions,
21 keeping the same notation, giving point by point
22 answers, point 2 deals with the thumb-turn ease of
23 escape issue, and then underneath the seven points,
24 you're told:

25 "The attached revised specification takes into

1 account the points that you have raised."

2 Then that revised specification is at 1134. We can
3 go through it if you wish, certainly take your time to
4 refresh your memory, but the amendments that are made to
5 it are not to the parts that I previously drew your
6 attention to about the nature of the infill panels and
7 also the footnotes, which we looked at previously,
8 remain as before.

9 A. The footnote -- could you repeat the last part?

10 Q. I took you previously to the footnotes, that we can see
11 here at 1141. It says, as before:

12 "Information is given on an advisory basis only and
13 specifiers are particularly recommended to contact
14 suppliers of non-SAPA Building Systems Limited products
15 to ensure that such products are suitable."

16 Then at 1142, as before, it says:

17 "Certain window configurations may not meet the
18 requirement of Approved Document B ..."

19 A. "... for a fire escape window".

20 Q. "... for a fire escape window", correct. Then what
21 happened after that, on 24 January, is that you sent
22 this performance specification to Franklin & Andrews,
23 asking them to incorporate it into the tender document,
24 and we see that at 1143; can you see that?

25 A. Yes, I can.

1 Q. Is it fair to say that at this point, if there is going
2 to be any change to the design of the windows and doors
3 and panels from that set out in the performance
4 specification, it is not going to occur for many months,
5 because it is not going to occur until a point has been
6 reached where tenders have been sent in and a contractor
7 has been appointed and that contractor starts to follow
8 through on any design responsibility in the contract?

9 A. Yes, that's correct.

10 Q. If I ask you about some passages in your witness
11 statements at this stage, firstly in your second
12 statement at 626. So this is your second statement, and
13 there's a paragraph that begins "I do not recall" and
14 you then talk about a change in specification regarding
15 the kitchen door. You recall Southwark's Building
16 Control team was consulted regarding this change, I'll
17 ask you about that later. Then you say:

18 "I do not recall any similar discussions with
19 Building Control regarding the Trespa panel in the lower
20 half of the door. That is not to say that it did not
21 feature in those discussions."

22 Then over the page at 627, you say:

23 "With reference to the project at Lakanal House,
24 during the various discussions and consultations that
25 took place, there would have been references made to

1 building regulations but I cannot recall the specific
2 detail of those discussions. However, it would have
3 been discussed and agreed with my line manager ..."

4 That's John Menlove, yes?

5 A. Yes, that's right.

6 Q. "... during the scope of works as to whether Building
7 Control approval was required. There were no formal
8 applications for Building Control approval, although
9 Building Control was consulted regarding certain aspects
10 of the work, such as the roof covering [which I'll ask
11 you about later] and the kitchen door as referred to
12 above."

13 Then this:

14 "With specific reference to the windows, doors and
15 panels, there were various contractor meetings during
16 which there was discussion about the design, drawings
17 and window and door arrangement. Building regulations
18 must have featured in discussions with Marsland Windows
19 and SAPA building systems but I cannot recall the
20 specific detail of those conversations."

21 Then if I ask you about what you said in your very
22 recent witness statement, at page 708, paragraph 19 --
23 let's look at paragraph 18, in fact:

24 "In relation to the windows, panels and doors,
25 I have a memory of discussing Building Control with

1 John Menlove when Apollo had submitted their programme
2 of works."

3 Then you refer to FENSA, and then in 19, you talk
4 about when the panels were replaced with Trespa, which
5 was later on, and then you say:

6 "I had no reason to doubt that what was being
7 installed would comply with the being regulations,
8 because it was being undertaken under FENSA."

9 Then you say at 20:

10 "I understood FENSA certification to apply to the
11 windows and panels, but also to include the doors."

12 So I've taken you to the relevant bits in your
13 second and third statements, and what I want you to help
14 us with and focus on is the period that we've reached in
15 time when you've sent the performance specification to
16 Franklin & Andrews to include in the tender documents,
17 and you will know that nothing's going to change now in
18 terms of the design for many months. At that point in
19 time, do you think that you knew anything about FENSA?

20 A. I can't remember.

21 Q. When in your third statement you say:

22 "I had no reason to doubt that what was being
23 installed would comply with building regulations because
24 it was being undertaken under FENSA ... I understood
25 FENSA certification to apply to the windows and panels."

1 That is not intended to represent your thinking in
2 January/February 2005. You're talking about your
3 thought processes at a much later stage, aren't you?

4 A. I believe I am, yes.

5 Q. What I'm going to turn to now is to ask you about some
6 matters that were included in the tender documents. If
7 we go to 3167. This is in file 8. (Handed)

8 Just to refresh your memory, we're now in
9 August 2005 and LBS are sending out documents to
10 companies such as Apollo who might want to bid to be the
11 main contractor. If you look, then, at what is said to
12 be sent to Apollo, at (a), two copies of the bills and
13 quantities, specifications, and drawings.

14 If you go then to 3173, we can see that Apollo put
15 in a tender, the date of this is clearly wrong. We can
16 see that if we look at 3174. That's what was sent,
17 bills of quantities on 3175, and if you look at 3181,
18 this is a document, as I understand it, which Apollo
19 filled in and sent back, and if you look at 3183, you
20 can see it's dated 8 September 2005.

21 Then if I draw your attention to some features of
22 the tender documents. 3188. This is "Abstract of
23 particulars and addendum". If you go over the page,
24 3189, is it right that what we see at the top of the
25 page, "Condition 10 (Design)" is included in the

1 documents sent to Apollo and returned by them, the very
2 clause that you had asked in your handwritten amendment
3 to be included in the contract?

4 A. Yes, it looks -- looks that way, yes.

5 Q. So it says:

6 "The contractor or a subcontractor is required to
7 undertake the design of the following part or parts of
8 the works: composite windows/walls screens and doors,
9 and door end louvre panels."

10 That was in there because that's something you
11 specifically wanted in, is that right?

12 A. Yes, that's right.

13 Q. If I ask you then to have a look at a document at 1512,
14 which you almost certainly won't have seen before. 1512
15 in file 4. (Handed)

16 This is an internal Apollo document, which is why
17 very probably you haven't seen it before. Mr Cousins
18 who gave evidence yesterday said that there had been
19 a tender handover document, and we subsequently
20 identified that it is likely that this what he was
21 referring to. I draw your attention to the bottom of
22 page 1512, where it says "Scope of works" and there's
23 the opportunity to either tick a box or not.

24 I'll make it bigger for the members of the jury.
25 You see at the very bottom left hand part of screen, it

1 says "Design and build" and then there is a box. If you
2 had been asked "Should that box design and build be
3 ticked or not in relation to the scope of the works?"
4 what would you have said?

5 A. Yes, it should have been ticked.

6 Q. Then if I ask you to have a look at a couple of other
7 documents within the tender papers, 3268, which is in
8 file 9. (Handed)

9 At the bottom of the page, we have 595 and it says:

10 "Fees to local authorities, et cetera.

11 "The Contractor shall conform to all Acts of
12 Parliament and all Building Regulations and By-laws ..."

13 It goes on to say:

14 "... and is to give all notices and pay all fees
15 legally demandable."

16 I just want to ask you about how that would work in
17 practice. To what extent would you expect to be told
18 that a contractor was going to submit, for example,
19 a notice to Building Control, or had done so? You
20 understand the question? What this says is that it
21 falls to the contractor to do it.

22 A. Yes.

23 Q. But if they were to do it, what I want to know is to
24 what extent you would be told, either in advance or
25 subsequently that that was what the contractor was

1 doing.

2 A. I think we would have agreed what areas required

3 building notice to be submitted for. One would usually

4 expect it at the pre-contract meeting.

5 Q. So is this fair, and tell me if it's not, that you would

6 not expect a scenario in which a company like Apollo

7 would put in applications or notices to Building Control

8 and paid fees without you finding out about it at the

9 time?

10 A. Yes, that's right.

11 Q. So if it happened, you would know about it at the time?

12 A. Yes. Yes, I would.

13 Q. Then if we have a look at 3487, please. This is the

14 first page of the section in the bills of quantities on

15 windows and doors. Then if you look at 3670, please,

16 now in file 10. Over the page, 2671, it's presumably

17 an A3 drawing that's been photocopied so you can't see

18 all of it?

19 THE CORONER: Sorry, Ms Sidney, do you have that in front of

20 you?

21 A. Yes, I do.

22 THE CORONER: Yes, on the screen, do you have it on paper?

23 A. No, I haven't.

24 THE CORONER: You haven't, would you like it? What was the

25 file number?

1 MR MAXWELL-SCOTT: 10. (Handed)

2 A. Thank you.

3 Q. It's clear that this must have been an A3 document which
4 was photocopied so we can't see all of its contents, but
5 we can see enough to see that it is drawing LW1, dated
6 January 2005, which we've looked at previously; do you
7 agree?

8 A. Yes, I do agree.

9 Q. If you could then look at 3180 in file 8. (Handed)

10 This again is within the tender documents. It's
11 a schedule of drawings, and you'll see that the drawing
12 we just looked at, LW1, is included. What I wanted to
13 ask you about was the fact that at the top it says the
14 drawings were prepared by you?

15 A. Yes, it does.

16 Q. Is that correct?

17 A. Well, it was prepared by an architect on my behalf.

18 Q. On your instructions?

19 A. Yes.

20 Q. Madam, I note the time, but there's one more topic I can
21 cover in five minutes or so, if that's convenient.

22 If I could ask you then to look at 1406, please, in
23 file 4. What we have here is a covering letter to you
24 from Franklin & Andrews dated 28 September 2005 --

25 THE CORONER: Sorry, could I just stop you a moment. Do you

1 have the paper copy?

2 A. I can see it on the screen and, and I know the document.

3 THE CORONER: You're content to look at it on the screen?

4 A. Yes.

5 THE CORONER: Okay, thank you.

6 MR MAXWELL-SCOTT: If you change your mind when we look at

7 some smaller print, just say so. It attaches two loose

8 copies of the tender report. Over the page is the front

9 cover of the tender report, and if we turn in it to

10 1411, say if you want the hard copy, what I'm asking you

11 about is 5.00, "Planning/listed building/building

12 regulation approval". What it says is:

13 "Building Regulation approvals for the works have

14 been obtained. The detailed requirements of the

15 Building Regulation approvals are included in the works

16 as tendered."

17 That is simply a mistake, isn't it?

18 A. Yes, I saw this document when I was going through the

19 project files last week, and it jumped out at me. It's

20 clearly -- it's clearly an error on the part of the

21 quantity surveyor and myself when I -- when I read

22 through it. Whether it's from a standard -- a standard

23 report that Franklin & Andrews do, these mistakes can

24 occur.

25 Q. Do you think you would have recognised it at the time as

1 a mistake?

2 A. I clearly didn't, but it clearly is a mistake.

3 I don't -- I don't recall.

4 Q. Is it something that could have influenced your thinking
5 in any way at the time, to encourage you to think that
6 there was no further need for building regulation
7 approvals?

8 A. No, absolutely not.

9 Q. Madam, that would be a convenient moment?

10 THE CORONER: All right, we'll have a break for lunch now,
11 so would we please be back for 2.05.

12 Ms Sidney, because you're part way through giving
13 your evidence, you must not talk to anyone at all about
14 your evidence over the lunchtime break. Be back for
15 2.05, please.

16 (1.05 pm)

17 (The short adjournment)

18 (2.04 pm)

19 THE CORONER: Yes, thank you.

20 (In the presence of the Jury)

21 THE CORONER: Yes, thank you.

22 MR MAXWELL-SCOTT: Ms Sidney, before we move on, was there
23 anything else that you wanted to say about the document
24 that's on the screen at the moment, at 1411?

25 A. We had previously been discussing that there was clearly

1 a mistake in the consultant's tender report, and I just
2 wanted to pick up on 5.02.

3 Q. Yes. That says:

4 "Planning approvals were not required on this scheme
5 due to it being a permitted development."

6 A. Yes, that's correct, but I wanted to check the date,
7 because I thought we had got planning approvals.

8 Q. You had planning permission, we saw, some months before
9 the day of this document, that's correct. So that
10 appears to be another mistake in the report that he has
11 sent to you; is that right?

12 A. Yes, that's correct.

13 Q. Just following on, on the same theme, 6.01, there's
14 reference to new block-work under windows. It's not
15 clear which windows are being referred to, but if it's
16 the area under the bedroom windows, then that is also
17 incorrect, isn't it?

18 A. Yes, it is, but I don't think it's referring to the
19 bedroom windows.

20 Q. Are there other windows that you think it specifically
21 is referring to?

22 A. I can't recall all the exact contents of the -- the
23 schedule, but it might have been referring to the
24 windows for the kitchens and lounges, I'd need to check
25 that.

1 Q. I think that those were block-work, but I wasn't aware
2 that the block-work was replaced.

3 A. No, it wasn't replaced, but there may have been
4 a provisional item. In the event that anything was
5 found on site then we would have had a cost in the
6 contract to cover it.

7 Q. Unless you have any other points on that document, I was
8 then going to move on to a new stage in the chronology
9 some months later, which was the pre-contract meeting in
10 February 2006. We can see the minutes of that starting
11 at page 1446 in file 4. (Handed)

12 Can I start by asking you if you know who would have
13 written the minutes?

14 A. Yes, I would have written the minutes.

15 Q. Would they have been sent to Apollo?

16 A. I imagine they would have been sent to Apollo, yes.

17 Q. If we look on that page, 1446, we can see that it's said
18 that the purpose of the meeting was:

19 "... to introduce the parties concerned with the
20 proposed contract and to present the lines of
21 communication."

22 You gave a brief outline of the scope of the works
23 and reference was made to the form of the contract and
24 the fact that it was as amended by Southwark Council.

25 Then if I ask you to turn to page 1451, you'll see

1 under 5.0, "Approvals/Notices":

2 "CPM [you] to check with Building Control re
3 requirements for roof re-covering."

4 I can summarise for you, and show you the document
5 if necessary, by saying that that same matter came up in
6 the first progress meeting and the second progress
7 meeting, but it then disappeared from the minutes of
8 progress meetings by the time of the third such meeting
9 in June 2006. The documents do not indicate why it was
10 that it stopped being discussed at the progress
11 meetings. So, in other words, there isn't anything
12 saying "This has now been done or resolved or isn't
13 necessary", it just stops being mentioned.

14 If I refer you to what you have said about that in
15 your witness statements, firstly at page 627. In the
16 paragraph that starts "with reference" it goes on to say
17 that:

18 "There were no formal applications for Building
19 Control approval, although Building Control was
20 consulted regarding certain aspects of the work, such as
21 the roof covering."

22 Then if I take you to your most recent statement at
23 709, you say in paragraph 22:

24 "I recall discussions with Apollo about the works to
25 the roof and there is a reference to these in the

1 minutes. I believe that we would have discussed whether
2 Building Control approval was needed. I spoke to
3 Building Control to ascertain whether the roof works
4 needed Building Control approval and, accordingly,
5 whether Apollo was required to submit a building notice.
6 I do not recall who I spoke to, but I was told that no
7 building notice was required."

8 Does that help you at all to remember what you think
9 happened in relation to Building Control and the roof
10 works?

11 A. Yes, it does.

12 Q. You say, continuing in paragraph 22:

13 "I believe I passed on that information to Apollo,
14 either at a contract meeting, on the phone, by email or
15 on site."

16 If you'd passed it on at a meeting, would we expect
17 to see that in the minutes of such a meeting?

18 A. I would have expected it -- to see it in the minutes,
19 yes.

20 Q. If it was by email then of course there would be
21 an email record of that. If you had passed it on
22 verbally, would you have made a note of that?

23 A. I would have expected to make a note in my day books,
24 but I don't have my day books to refer to to establish
25 that.

1 Q. In terms of the discussion with Building Control itself,
2 on the basis of answers you gave me about working in
3 private practice and contacting Building Control, if you
4 had contacted Building Control and been told you didn't
5 need to submit a notice in respect of the roof works,
6 that's something that you should have made a note of at
7 the time; do you agree?

8 A. Yes, that's correct.

9 Q. Where would you have made such a note, if you did?

10 A. Well, most likely I would have made a note in my day
11 book.

12 Q. I think that it's right from the evidence you gave
13 earlier that you didn't recall specifically having
14 experience of dealing with Building Control whilst
15 working for a local authority; is that right?

16 A. I did say that, but I have actually recalled an instance
17 when I did work with Building Control.

18 Q. You dropped your voice a bit there.

19 A. Sorry, I did say that --

20 Q. To me earlier this morning?

21 A. Yes, I did, and just thinking about this now, I -- I do
22 recall a project I worked on where I did liaise with
23 Building Control.

24 Q. When you were in the employ of a local authority?

25 A. Yes, that's correct.

1 Q. How formal was that contact with Building Control that
2 you have now remembered?

3 A. I think it was in both a formal and informal capacity --
4 capacities.

5 Q. I think it's right that Building Control in the
6 London Borough of Southwark was not any part of SBDS?

7 A. That's correct.

8 Q. Do you know where Building Control were based in terms
9 of their office, was it the same building as you or
10 elsewhere?

11 A. I don't recall where they were based, but I'm pretty
12 certain that I picked up the phone to them and made
13 a call.

14 Q. So is it fair to say that it is not as if you have
15 a long past experience of engaging very informally
16 verbally with Building Control, because they're your
17 colleagues, and equally they weren't colleagues in the
18 same office as you in Southwark?

19 A. No, I wouldn't have had a great length of experience of
20 doing with that within Southwark, but I would like to
21 add that Building Control were part of Southwark and
22 essentially colleagues, part of the same working
23 organisation, so it would not be unusual to, even as
24 a new person, to pick up the telephone and introduce
25 yourself and to have a conversation with them.

1 Q. But they weren't people you knew, were they --

2 A. No.

3 Q. -- they were people at the other end of the phone, if

4 you phoned them --

5 A. Yes, that's correct.

6 Q. -- in the same way as if you were in private practice

7 you could get them on the telephone?

8 A. I think it's far easier for a member of the same

9 organisation to -- to establish an answer quickly in

10 relation to say, something like Building Control.

11 I have thought about this, and I think the only reason

12 I would have done that was to be helpful to the

13 contractor and to ensure that we had a smooth and timely

14 contract. It would be nothing other than being helpful

15 and trying to progress the contract and move it forward.

16 Q. Again if you disagree with this, just say so, but it

17 would be reasonable to expect you, in your telephone

18 contact with Building Control at SBDS, to make the same

19 sort of written report of that contract as if you were

20 in private practice; do you agree?

21 A. Yes, and I believe I would have made a record in my day

22 book.

23 THE CORONER: Do I take it, Ms Sidney, that you don't have

24 access to your day books? Do you know what happened to

25 them?

1 A. I -- I don't know what happened to them. They may well
2 have been -- a lot of documents and boxes were archived
3 when SBDS was restructured and I left to work for
4 another division.

5 THE CORONER: Thank you.

6 MR MAXWELL-SCOTT: In terms of establishing a record which
7 both parties would be aware of, it would be simple to
8 send a short email to Building Control, wouldn't it,
9 confirming any conversation you had?

10 A. Yes, I could -- could have done that, I might have done
11 that, but I haven't seen the email.

12 Q. I think you're aware that no such emails have been
13 found?

14 A. I haven't seen an email saying that.

15 Q. If I move on, then, to a separate topic which relates to
16 the appointment of subcontractors and specifically
17 Apollo's appointment of Symphony Windows. In your first
18 statement, I don't think you need to turn to it, but
19 I can tell you that you stated that Apollo told you --
20 they proposed to you Symphony Windows, and that you
21 sought guidance from others within SBDS as to their
22 suitability and competence and didn't recall receiving
23 any negative feedback, and there is an email on that
24 point at 1530 in the documents bundles at file 4.

25 Here we see you emailing Ejovi Awaritefe and

1 Robert Pearce saying:

2 "Apollo have proposed Symphony Windows as
3 subcontractor."

4 Mr Pearce replied to say he was okay with that.
5 Then you told Mr Cousins that there were no problems
6 with Symphony?

7 A. That's what the email says.

8 Q. In your first statement at page 622, if you could have
9 a look at that, please. Here you put all these points
10 in the same paragraph. Apollo notified you they'd
11 proposed Symphony Windows. This is the bottom
12 paragraph. You recalled seeking guidance from others
13 within SBDS, and then a short sentence:

14 "Symphony Windows was FENSA certified."

15 What I wanted to ask you was, at this point in time,
16 when Symphony Windows are being appointed as
17 subcontractors, what was the extent of your
18 understanding of what it meant to be FENSA certified?

19 A. What I recall, FENSA certified's meaning -- I'm not sure
20 certified is quite the right word -- is that Symphony
21 Windows were part of the -- I can't remember the exact
22 nomenclature, that they were registered under the
23 competent persons scheme to self-certify that their
24 works complied with the building regulations.

25 Q. If I show you then a passage in your second statement at

1 page 627 and then ask you on this topic, you say here,
2 in the third line:

3 "FENSA certificates were provided for the completed
4 window, door and panel installations."

5 There you're talking about the provision
6 certificates which we know was in the middle of 2007.
7 Then you go on to say:

8 "It is my understanding and expectation, as advised
9 by my line manager [John Menlove, yes?] that this third
10 party certification route was acceptable to SBDS in that
11 it provided proof of compliance with the requirements of
12 the building regulations. It is also my understanding
13 that the certificates are accepted by Building Control."

14 What I'm trying to narrow down with you is when it
15 was in time that you first had some concept in your own
16 mind about what it meant to be FENSA certified and what
17 significance would attach to the fact that there would
18 be FENSA certificates.

19 A. I really -- really can't recall. I tried -- I've done
20 a timeline and tried to understand myself, but I can't
21 recall.

22 Q. So in short you can't say when it was that it first
23 became part of your thinking that there was some
24 reassurance to be attached to the fact that the work
25 would be FENSA certified and was being carried out by

1 an organisation registered with FENSA?

2 A. Well, I -- I can't -- I can't be certain at what point
3 that that was the route the contractor decided to go
4 down to ensure compliance with the building regulations.

5 Q. I'm going to move on now and ask you about circumstances
6 that led to a change in the specification for the panels
7 under the bedroom windows and also the kitchen door. If
8 I could ask you to look at page 1770, which is the first
9 progress meeting, in file 5. (Handed)

10 Were you also the author of the minutes of the
11 regular progress meetings?

12 A. Yes, I was.

13 Q. Were those minutes sent to Apollo?

14 A. Yes, the minutes would be sent out to all the parties,
15 and anyone on the circulation list.

16 Q. As best you can, are those documents that would have
17 been sent shortly after the meeting, or just before the
18 next meeting, or perhaps handed out at the next progress
19 meeting?

20 A. Well, I -- I've noticed -- I have noted that there's
21 been some criticism about my issuing of minutes.
22 I cannot recall the exact dates, I have not been able to
23 check them to establish how swiftly they were sent out
24 after the progress meetings. I would have done
25 everything reasonably to get them out in reasonable

1 time, but there may have been time variations.

2 Q. Then if you look at page 1772, we can see at 4.8 there's
3 a passage about pilot window drawings:

4 "... there was a delay in the production of the
5 drawings due to a problem with wind loadings for the
6 communal windows."

7 Advice was awaited from SAPA. You're recorded at
8 the end as making the point that:

9 "... A1 drawings required to suitable scales as per
10 the specification and that Apollo were responsible for
11 the design."

12 I imagine you're not able to recall more than is in
13 the minutes, but if you are able to recall anything
14 about what was said about Apollo being responsible for
15 the design, or how those present from Apollo reacted,
16 then please do tell us.

17 A. Well, it was getting on for seven years ago, I can't
18 recall what took place at the meeting apart from what's
19 minuted, or anybody's reaction. Certainly if there had
20 been a bad reaction, then I'm sure that would have been
21 noted.

22 Q. So if, for example, they had said "No, we're not
23 responsible for the design, tell us why you're saying
24 that", that's the sort of thing that you think would
25 have been noted.

1 A. Absolutely, I don't think there was any -- there was no
2 doubt that Apollo were undertaking the design for that
3 element.

4 Q. I'll just draw to your attention what's said at 4.5
5 about larder units, because it may be relevant when we
6 look later at an agenda for the meeting of 3 May. It
7 was something which had come up at this meeting in
8 April.

9 Then if I ask you to look at 1783, please. It's
10 a letter from Apollo to you, enclosing drawings, now with
11 different options, over the page at 1784, asking you to
12 indicate your choice, and your acceptance to some
13 alterations. You replied on 25 April, which we can see
14 at 1803, to Mr Cousins, suggesting that a meeting be
15 held on 3 May and asking for SAPA and Symphony to be
16 asked to attend.

17 A. Yes, that's correct.

18 Q. I don't think I need to take you to it, but I can tell
19 you that Mr Cousins in due course let you know that the
20 window contractor -- in other words Symphony Windows --
21 and SAPA could attend the meeting. Then if you look at
22 1816, this is 2 May, the day before the meeting on
23 3 May, and you emailed Mr Pearce saying:

24 "There is a problem with the design of the new
25 windows -- ie they are saying that they cannot match the

1 existing appearance. Could be a problem with planning.
2 Hence the meeting to thrash out what can or cannot be
3 done.

4 "Would be useful if we could have a client presence,
5 please."

6 Then if you turn to 1819, you can see the agenda for
7 the meeting. Were you able to assist with whether
8 that's something that would have been prepared by you or
9 not?

10 A. It does appear that it was prepared by me, yes.

11 Q. Do you know if it was sent out in advance, or handed out
12 on the day? If you don't remember, just say so.

13 A. I don't remember.

14 Q. In terms of what is on there, point 2 is the "Window
15 Design Existing/Proposed", which I assume relates to the
16 correspondence you'd been having with Mr Cousins and the
17 choices that you were having to make; does that seem
18 likely to be correct?

19 A. Could you explain what you mean by that, please?

20 Q. If you go back to the 20 April document at 1783, he'd
21 sent you some drawings which were partly the tender
22 drawings and partly some alternatives, and then at 1784
23 he'd asked you to make some choices. Then we saw that
24 you responded to him by saying:

25 "Let's have a meeting on 3 May."

1 Then we see on the agenda for at 1819:

2 "Window Design Existing/Proposed."

3 A. Yes.

4 Q. Then item 3 was:

5 "Lounge & Kitchen Doors/Larder Wall Panel."

6 We saw in the earlier minutes that the issue of the
7 larder wall panel had come up. Are you able to recall
8 if this was all one issue or whether there's more than
9 one issue caught up in item 3?

10 A. I really -- I really can't remember on that. What I do
11 know is I think we were having to remove the larder in
12 order to facilitate the windows' installation. I say
13 "we", I mean the contractor.

14 Q. If I take you to your first statement at 623. In the
15 first paragraph there, the bottom half of it, you
16 recalled a meeting took place between SBDS, SAPA, Apollo
17 and Symphony, at which the windows were discussed. From
18 the evidence that we've heard, that can only be the
19 meeting on 3 May, because SAPA didn't attend any other
20 such meetings. You say:

21 "The issue was also discussed with CHSAHO, as would
22 be the case with any change in the specification."

23 Then you say this:

24 "Given the passage of time I do not now recall the
25 exact content of the discussions that took place."

1 So is it fair to say what when you were asked about
2 this at the time of your first statement being taken,
3 you hadn't got any specific recollection of what
4 happened on 3 May?

5 A. That's correct.

6 Q. What I'll do in that case is to take you to some of the
7 documents generated after the meeting so we can see what
8 happened. Most close in time, perhaps the most
9 relevant, is an email you sent immediately after the
10 meeting, which we can see at 1863 in the documents
11 bundles, file 5.

12 THE CORONER: I think that might be the bundle you have on
13 the desk, is it?

14 A. Document?

15 THE CORONER: 1863.

16 A. Thank you.

17 MR MAXWELL-SCOTT: Just before I ask you about it, the
18 reference in the statement we just looked at to CHSAHO.
19 That was to the Camberwell housing office, effectively
20 your client within LBS; is that right?

21 A. Yes, that's correct.

22 Q. Looking at 1863, it's an email that you sent at 6.32 in
23 the evening on the day of 3 May to Ejovi Awaritefe. You
24 say:

25 "I'm so sorry there was confusion regarding the

1 meeting venue for the windows today. There were quite
2 a lot of technical issues and a difficult meeting which
3 we have only just finished."

4 So pausing there, that tends to suggest that the
5 meeting had lasted for three hours or so; can you recall
6 if it was a particularly long meeting?

7 A. Sorry, do I say that the meeting's only just finished?

8 I can't --

9 Q. You do:

10 "... a difficult meeting which we have only just
11 finished."

12 The second line of your email.

13 A. Well, if that's what I wrote, then that is probably what
14 I meant, unless I was embellishing.

15 Q. Then you say:

16 "... so on a positive front perhaps it was better
17 that you weren't here. There are however a number of
18 issues which will require a very swift client input and
19 answer on things. I wonder whether you and Robert could
20 pop over to our offices to view the colour proposals on
21 the computer tomorrow or as soon as possible. We also
22 need to make some decisions regarding kitchen and lounge
23 doors. These matter are very important."

24 Just on that point about colour choices, if you
25 could have a look at 1997, please. The Apollo document,

1 the way it works is the left-hand column is the
2 information required, and the third column is the date
3 requested. It suggests that information about the
4 choice of colour to window panels was first requested on
5 3 May --

6 A. Yes, it does.

7 Q. -- which tends to suggest it was requested at the
8 meeting; do you agree?

9 A. Quite possibly.

10 Q. If you look, then, at page 1851, please. This is
11 a letter which, on the face of it, was sent by Apollo on
12 4 May to all residents, asking them to express
13 a preference for the design of the external doors.

14 If I could ask you then to look at 1853. It's
15 an email that you sent the next day, 5 May, to
16 James Cousins. At the end of it, you say:

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

19 So on the one hand Apollo seem to be asking the
20 residents what they want, but on the other hand you seem
21 to be saying what you have chosen on almost the same
22 day. I don't know if you're able to explain that at
23 all?

24 A. Well, the first I -- the first time I -- I don't recall
25 this document at all on 4 May. The first time I saw it

1 was last night, I believe, when I was going through
2 various documents before today. I was a bit surprised,
3 because I don't -- I don't recall -- recall this at all.
4 In terms --

5 Q. If you don't recall it -- well, it's not the final
6 decision on the doors, so unless there was a particular
7 point you wanted to make.

8 A. No, just -- because I've looked at everything very
9 carefully, and it just -- I don't recall it.

10 Q. If I ask you then to look at 1856, please. This is you
11 contacting somebody at Trespa directly, asking for some
12 samples. If we just compare that back with something on
13 1853, you're also asking Mr Cousins to get you some
14 other samples for powder coated aluminium. Do you
15 recall whether at this time you were thinking about
16 switching from powder-coated aluminium panels to panels
17 with a Trespa exterior under the bedroom windows and
18 wanted to get samples of each to compare, is that
19 perhaps what was happening?

20 A. No, no, I don't believe so. I mean the email is quite
21 clear.

22 Q. If I could ask you then to have a look at 1941, please.
23 This is now 10 May. You emailed Mr Cousins, you'd had
24 a quick glance at the drawings:

25 "As discussed last week, subsequent to the

1 residents' letter, I advised that the doors are to be
2 fully panelled and not semi-glazed as we had previously
3 decided. Can you get SAPA to revise those drawings,
4 please, to reflect that?"

5 So it does look as if you'd seen the residents'
6 letter at the time.

7 A. Yes, it does.

8 Q. Then if you go to 1972, please. You say in point 5,
9 underneath that:

10 "Also received the A1 window drawings today."

11 They were not what you were expecting because no
12 amendments had been made:

13 "I've asked John ..."

14 Would that be John Menlove?

15 A. Yes, that's correct.

16 Q. "... to look at the drawings this afternoon."

17 You're still looking at colour samples for
18 powder-coated aluminium. So it's certainly not the case
19 that you'd chosen to use a Trespa panel for the area
20 under the bedroom windows, rather than powder-coated
21 aluminium at this stage?

22 A. That -- that's how I see it, from the emails that I've
23 looked at.

24 Q. If you could have a look with me at page 2016. These
25 are the minutes of the second progress meeting. If you

1 turn to 2017. In 3.8, it says:

2 "The CPM [you] confirmed that the colour scheme
3 options had been selected by the client and that samples
4 were currently awaited on site."

5 Then this:

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

8 We looked earlier at the photos and the fact that
9 it's not terribly clear what might be meant by existing.

10 A. It's not, and I have looked chronologically at all the
11 emails and the various correspondence on the project
12 files, and it's -- it is a bit confusing.

13 Q. Do you recall whether any of the doors were solid and
14 made of aluminium?

15 A. No, the -- no, I believe they were timber.

16 Q. If you could look then at page 2031. This is an email
17 from you on 17 May to James Cousins, copying in
18 John Menlove. You say:

19 "John and I reviewed the drawings yesterday."

20 Then under W2:

21 "Note: we have asked for a solid door -- please
22 could you provide some more detail on its appearance."

23 Then just towards the end:

24 "Perhaps we can discuss at our meeting this
25 afternoon please."

1 If I take you to 2056, please. This is an email

2 from you to James Cousins, 25 May, 1418 hours:

3 "Hi James, when we met with Symphony last Wednesday,
4 17 May, Nick said ..."

5 Just pausing there, Nick, would that be Nick Coupe
6 from Symphony Windows?

7 A. Yes, that is correct.

8 Q. When you say "we met with", do you know who is meant by
9 "we"?

10 A. I can't -- I can't remember. Do you want me to make
11 an assumption?

12 Q. Not if it's just speculation.

13 A. I assumed it's when we all met, James and myself and
14 Nick and maybe others, but I think that that is
15 speculation.

16 Q. "... Nick said that he was looking into replacing the
17 aluminium panels with Trespa. I understand that his
18 colour match Trespa samples are now on site. Please
19 could you advise me what thickness of Trespa panel would
20 be required, please, on the external face."

21 Then on the previous page, 2055, if we work from the
22 bottom upwards, Perry White replied a few minutes later,
23 copying in James Cousins:

24 "The overall size of the Trespa panel is
25 28 millimetres and the external face thickness required

1 will be 3 millimetres."

2 At the top of the page, you emailed Amos Adewalure,
3 asking him about whether there would be any cost
4 difference, and that would seem to be cost difference if
5 you switch from powder-coated aluminium panels to
6 sandwich panels with 3-millimetre Trespa outer face; do
7 you agree?

8 A. Yes, I do agree.

9 Q. If you could have a look then, please, at 2073. This is
10 an email exchange between you and John Menlove the next
11 day, 26 May. You said to him:

12 "Wanted to get your thoughts on following:

13 "Symphony Windows have suggested replacing the
14 powder coated ally panels on the external side with
15 a 3-millimetre Trespa panel."

16 Then you go on to look at some of the reasons, and
17 just to paraphrase, the factors that seem to be being
18 considered in the email are the desirability of colour
19 matching with the balcony panels, which were already
20 going to be Trespa; do you agree?

21 A. Yes, that's correct.

22 Q. Then secondly whether or not the products are going to
23 retain colour over time. I can show you something later
24 on that will suggest that's what's meant by
25 "strong/robust", and then thirdly cost. Actually, at

1 the bottom of this email, we can see:

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

5 A. Yes, that's correct.

6 Q. So I would suggest that the considerations that you are
7 having regard to at this time about this potential
8 change from the specified aluminium coated panel to
9 a sandwich panel with a 3-millimetre Trespa outer face
10 are colour matching, retaining colour over time, and
11 cost. Does that fairly reflect, do you think, your
12 thinking at the time?

13 A. Yes, one of the client's considerations is the aesthetic
14 of the building, so that would have to be one of my
15 considerations in terms of the contract. My other
16 responsibility was to ensure that the contract is run to
17 time and to cost. So those are key considerations when
18 running any contract -- and to quality.

19 Q. Then if we look up the page to John Menlove's reply, he
20 says he doesn't have any strong views one way or the
21 other:

22 "It is a suggestion from the contractor so we need
23 to be clear about this in order that he doesn't then use
24 it for an EOT."

25 What's an EOT?

1 A. That's an extension of time.

2 Q. Essentially what he goes on to talk about there are the
3 cost implications; is that right?

4 A. Yes, he does.

5 Q. Then to see how that ends, if I could take you to 2099.
6 2 June, it's an email from James Cousins to you, and the
7 subject is "Lakanal House -- window panel -- additional
8 cost", confirmation that they can supply the Trespa
9 panels in lieu of the specified panels for no additional
10 cost. Does that suggest that by this point in time the
11 only issue in terms of whether or not you're going to
12 ask for the change is cost?

13 A. At that point in time, that -- yes, that's where we've
14 got to.

15 Q. Then if we look up towards the top of the page we can
16 see the decision's then made. You'd spoken to
17 Nick Coupe and Symphony Windows and were happy to
18 proceed with Trespa.

19 A. Yes.

20 Q. Having looked at those relevant emails, is it fair to
21 say that the decision to switch from the specified
22 powder-coated aluminium panels to the Trespa sandwich
23 panels was your decision?

24 A. Well, it was instigated and suggested by the contractor
25 and, as far as I was concerned, there were no

1 implications in terms of what we were trying to achieve
2 with the panels, and on that basis there was agreement.

3 Q. When you say "the contractor", who do you mean?

4 A. I mean Apollo.

5 Q. Given that the concerns were essentially about colour
6 matching and resilience in terms of colours not fading,
7 in other words visual appearance, whilst somebody else
8 may have made the suggestion, this was really an issue
9 for the London Borough of Southwark, advised by SBDS, to
10 reach a decision on, wasn't it?

11 A. Can you repeat the question, please?

12 Q. Well, the factors that we have seen appearing to be
13 taken into consideration at the time, aside from cost,
14 which turned out to be neutral, were factors relating to
15 visual appearance, in other words colour matching with
16 the Trespa balcony panels and whether or not the colours
17 would last over time or fade, and essentially all
18 matters that might be of importance to a client, the
19 London Borough of Southwark, getting advice from you, do
20 you agree?

21 A. Yes, I do agree, and I believe there was a discussion
22 with the client.

23 Q. To what extent do you regard those factors and that
24 choice to switch from one panel to another as being in
25 any way part of what you saw as Apollo's design

1 obligations?

2 A. It clearly fell within Apollo's design obligations --
3 responsibilities.

4 Q. If I take you to a couple of things you've said about
5 this in your statements. Firstly, at 623 in your first
6 statement, where at the top of the page you say:

7 "In approximately May or June 2006, Nick Coupe of
8 Symphony Windows raised the possibility of using
9 composite Trespa sandwich wall panels instead of
10 powder-coated aluminium."

11 Your recollection is that he felt it would weather
12 better. You say that you raised it and discussed it
13 with both John Menlove and Amos Adewalure. Would it be
14 fair to say that the conversation with Amos would have
15 been solely about cost implications?

16 A. Yes, that's correct.

17 Q. Then your second statement at 626. In the second line,
18 you say:

19 "The change was initiated by Nick Coupe and agreed
20 by me after consultation with others."

21 Would it be fairest to characterise what you're
22 describing there as simply being that Mr Coupe made
23 a suggestion, and it was then considered and in due
24 course a decision taken by you to prefer the sandwich
25 panels with the Trespa outer face?

1 A. No, I wouldn't agree with that.

2 Q. How would you see it?

3 A. I would see it as a substitute product offered by the
4 contractor to ourselves in lieu of the aluminium panels.

5 Q. Then you say, in the same paragraph:

6 "I was not aware that the change would impact upon
7 the performance of the structure and did not expect
8 a FENSA registered company to recommend a change that
9 would impact in this way."

10 So here, in this statement, you're tying some
11 significance to a company being FENSA registered to
12 events in May/June 2006, but am I right to understand
13 from answers that you gave me earlier that you don't
14 recall when it was that you first attached, in your own
15 mind, significance to the FENSA scheme?

16 A. That's correct. As I said, I have been through the
17 documents chronologically, and it would appear that at
18 some point from the pre-contract meeting to a point,
19 probably in May, where FENSA was the -- the method of
20 complying with building regulations, a route that Apollo
21 had gone down.

22 Q. Then you finish that paragraph by saying:

23 "I do not recall any performance related
24 conversations regarding the fact that the in fact were
25 replacing asbestos panels, although both Apollo and

1 Symphony Windows were aware of this."

2 Is that right?

3 A. That is -- that is what I've said in my statement, and
4 yes, I don't, with the passage of time, I don't have
5 a recollection of whether there were any discussions on
6 that -- on that particular issue.

7 Q. Of course, in May/June 2006 the focus at that time was
8 perhaps on replacing the specified aluminium panels,
9 which nobody knew precisely what they were going to be,
10 because they were just something in the specification
11 with not a great deal of detail -- with the sandwich
12 panels. But what you rightly point out in this
13 paragraph is that the true comparison is not between the
14 final choice and what was in the earlier specification,
15 but between the final choice and what it was actually
16 physically replacing; do you agree?

17 A. Yes, it would appear so from my statement, yes.

18 Q. Do I understand from your statement that you do not
19 recall at any stage anybody saying "Hang on a minute,
20 what are the comparative fire-resisting qualities of the
21 asbestos panel we're replacing and the sandwich panel
22 that we are installing?"

23 A. I don't recall having that conversation.

24 Q. I was going to move on now just to finish off the story
25 about the decision on the kitchen door in the

1 specification, and turn to page 2310 in file 6. Here we
2 see an email dated 6 July from you to James Cousins, and
3 in the second paragraph:

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

7 A. Yes, that's correct.

8 Q. That is a change from what was previously said about the
9 doors, which were going to be solid when we last looked
10 at them; is that right?

11 A. Yes.

12 Q. Can you recall what was the reason behind that change?

13 A. It's very difficult to remember, but there was an issue,
14 I believe, with the contractor not being able to produce
15 a powder-coated aluminium fire door, but I can't --
16 I can't remember any more than that.

17 Q. You'd gone away from powder coated by now, hadn't you,
18 2 June?

19 A. Yes, I apologise. I think there was an issue about
20 residents wanting more light.

21 Q. Certainly, to be fair to you, that's something you've
22 said in the previous statements. In your second
23 statement you said:

24 "There was a change in specification regarding the
25 kitchen door after residents had expressed a preference

1 for more light."

2 In your most recent statement, you say:

3 "The change to half-glazed doors was done in order
4 to meet residents' requests for more light."

5 Are you able to say what consideration was given to
6 any fire safety implications of that change which was
7 initiated by residents' requests?

8 A. Yes, I can't -- I can't remember how -- who or -- from
9 whom the change was initiated, or the original
10 suggestion. I've mentioned residents, it may have been
11 something that came through from the contractor or from
12 the housing client.

13 Q. I was going to ask you about that, because this does not
14 seem to be something that you've suggested has come from
15 the contractor, does it?

16 A. What -- could you tell me what we're looking at, please?

17 Q. Well, let's have a look in your most recent statement on
18 709. The second half of paragraph 20:

19 "The specification had specified that the kitchen
20 door should be fire-resisting, but there was a change to
21 half-glazed doors in order to meet residents' requests
22 for more light. As the half-glazed door was a change to
23 the specification, it would also have been discussed
24 with Apollo."

25 So you've mentioned that it's discussed with Apollo,

1 but the suggestion is that it was going to be
2 fire-resisting, the residents wanted more light and the
3 decision was to give them more light with a half-glazed
4 door?

5 A. That is -- that is the suggestion, but I don't know how
6 it was initiated. We had a pilot flat which the
7 residents were able to view, I haven't quite got it in
8 my mind the time that we looked at the pilot flat, but
9 I think the point I'm making is I'm not sure who -- who
10 relayed that information to me, whether it came
11 firsthand to me from a resident or whether it was
12 residents' feedback to the contractor, or residents'
13 feedback to the client, and how that was then
14 communicated to myself. So I think ...

15 Q. Well, my point is, disagree with it if you wish, that
16 there's nothing here to suggest that this is a change
17 that the contractor has said they want to make, and
18 asking you to agree to it?

19 A. Well, that's -- that's what I've written in my
20 statement, but that -- that does not mean that it was
21 not initiated by the contractor. I'm not trying to be
22 funny, but you're just looking at a sentence in my
23 statement.

24 Q. We are, but it is two days ago.

25 A. Yes.

1 Q. So I'm expecting it to represent your current thinking,
2 and I would have expected that if your recollection was
3 that this was a change that was or might have been
4 initiated by the contractor, that you would have said so
5 in this paragraph.

6 A. I'm just trying to get -- collect my thoughts. (Pause)
7 I'm -- I'm not sure whether I said that
8 specifically. I did explain what my thought process was
9 earlier, that it was -- is that sufficient?

10 Q. Yes, I'm going to move on and ask you about the evidence
11 you've given in statements about discussions on this
12 point with Building Control. Firstly, your second
13 statement at 626.

14 Sorry, just before we get to it, there's
15 an important but short point that I'm going to be asking
16 you about your evidence in relation to contacting
17 Building Control on this issue, and then, so you know
18 where we're going, I will then have five extremely short
19 separate topics before I finish.

20 So if you want to have a break now, then do say so.

21 A. Shall we carry on?

22 THE CORONER: If you feel content to carry on, yes, okay.

23 We'll have a short break after Mr Maxwell-Scott has
24 finished.

25 MR MAXWELL-SCOTT: Are you sure?

1 THE CORONER: We're going to have a break at some time.

2 A. Do you think I need a break?

3 MR MAXWELL-SCOTT: It's entirely up to you.

4 THE CORONER: All right, we'll have a five minute break now.

5 Just a five minute break, members of the jury.

6 (3.21 pm)

7 (A short break)

8 (3.31 pm)

9 THE CORONER: Yes, thank you.

10 MR MAXWELL-SCOTT: Ms Sidney, I was going to ask you now

11 about what you've said in previous statements about

12 discussions with Building Control in relation to the

13 kitchen doors. Firstly, in your second statement,

14 page 626, we've looked at the beginning of it, and then

15 in the middle of the paragraph that starts "I do not

16 recall", you say:

17 "I recall that Southwark's Building Control team was

18 consulted regarding this change, which resulting in

19 guidance and agreement to the proposed change, but there

20 was not a formal application/approval process."

21 Can you help us with what you think you meant there

22 by "guidance"?

23 A. I'll -- I'll try and recall to the best of my memory.

24 When there was the proposed change to the kitchen door,

25 I was concerned that it was specified as a fire door,

1 and I don't know, I didn't -- I didn't feel comfortable
2 about that change. I wanted to seek a second opinion,
3 and I contacted Building Control.

4 Q. You certainly say that in the statement, but maybe I'm
5 reading too much into the word "guidance", but
6 "guidance" sounds, if not entirely formal, then not
7 entirely informal either. It sounded to me as if you
8 were implying that you had been given something or told
9 something more than just a few words on the telephone.
10 You tell me what you meant by it.

11 A. "Guidance and agreement" is what I wrote. Is that in my
12 first statement?

13 Q. This is your second statement.

14 A. My second statement, yes. This was the statement taken
15 at the police station; is that correct?

16 Q. There are two statements that you gave to the police.
17 This is the second of them. The first of them, as
18 I indicated when I started asking you questions, was the
19 one which dealt very briefly with Building Control, and
20 only said it was the contractor's responsibility to
21 obtain Building Control approval.

22 A. Yes.

23 Q. I'm trying to find out as best we can what you could
24 have meant here by a discussion with Building Control
25 that resulted in guidance.

1 A. I think the discussion was around fire and means of
2 escape. I can tell you what the guidance or advice that
3 was given is: that there were potentially four means of
4 escape from the maisonette at Lakanal, there were
5 kitchen and lounge doors on the first floor, and there
6 was the front entrance door, which went into the central
7 corridor, and there was the secondary means of escape
8 from the first bedroom.

9 The advice that I was given by Building Control was
10 that the kitchen door could be semi-glazed, because
11 there were alternative means of escape. I did feel it
12 was important, I distinctly remember writing a file note
13 about it, which I've been hunting high and low for.

14 Q. I'll turn to that in a second. Just pausing there to
15 note that in this paragraph in your second statement,
16 you don't refer to the file note, but I'll now show you
17 your third statement where you do. This is page 709.
18 Here in paragraph 20, you recall, in the second
19 sentence, having a conversation with someone at Building
20 Control about the kitchen doors, specifically about fire
21 and means of escape. You name someone you think you
22 spoke to, but you can't be sure. Then in the next
23 paragraph, 21:

24 "I recall that I received a positive response and
25 was told by Building Control that the new arrangement

1 was acceptable, but I cannot now remember the specifics
2 of my inquiries and what exactly was said about the
3 doors and about FENSA. I would, however, have written
4 a file note about it."

5 Then you go on to say:

6 "I recall that the person at Building Control stated
7 that they knew Lakanal extremely well. I would have
8 relayed the response that I received to Apollo."

9 Is that your recollection today?

10 A. That is my recollection. I distinctly recollect
11 thinking that it was important, and I -- and I'm sure
12 I put a note on the file, and I have spent hours looking
13 through the files for the file note to confirm that, but
14 have not been able to find it.

15 Q. The sort of inquiry we're talking about, say that you
16 disagree, but I would suggest that it's a relatively
17 technical inquiry, and for the person at the other end
18 of the phone to understand it they would need to
19 understand a certain amount of information about Lakanal
20 and about the proposed change; do you agree?

21 A. Yes, they wouldn't be able to make a -- make a decision
22 or give me advice without the relevant information.
23 My -- my memory is that -- and I hope it's a true
24 memory -- is that I asked somebody in my team who
25 I should speak to at Building Control, and I'm sure

1 Andrew -- Andy Bullivant's name came up, and I either
2 sent him originally an email -- I subsequently remember
3 that we had a telephone conversation, but I seem to
4 remember there was a gap in the period of time from my
5 initial contact with him to when he came back to me.

6 Q. You said in your answer there you hope it's a true
7 memory. Have you thought to yourself about whether in
8 fact this is what you hope and wish happened, as opposed
9 to what truly and accurately did happen?

10 A. No, I don't think so.

11 Q. If this conversation happened as you said then, firstly,
12 you say you would have made a file note, which as you've
13 told us hasn't been found -- do you agree -- secondly,
14 would it be fair to say that one would expect Building
15 Control to have made some sort of written record of its
16 own, or can you not comment on that?

17 A. I don't think I can give an answer on that.

18 Q. You also say that you would have discussed it with
19 Apollo, which would at the very least have given them
20 an opportunity to make a written record at their end; do
21 you agree?

22 A. Quite possibly. I -- I don't know what Apollo's
23 procedures were.

24 Q. Of course, you can't comment on what they would have
25 done, but if you told them about it, then it would have

1 created an opportunity for them to make a note about it.

2 A. Yes. Yes, it would have.

3 Q. You are aware, I think -- or if not I'll tell you
4 know -- that we don't have any record of this
5 conversation in writing either from within SBDS or from
6 Apollo or from Building Control within the London
7 Borough of Southwark, so in those circumstances how
8 confident can you be that your current recollection is
9 in fact accurate?

10 A. I feel very confident that it is accurate.

11 Q. Let me move on then to my final short topics. Firstly,
12 if you could have a look at page 2992 in bundle file 8.
13 We've moved on now to January 2007, and Mr Cousins is
14 emailing you about fire escape doors. We understand
15 from his evidence, and it makes sense when you look at
16 the numbers and doors, that these are the doors at the
17 end of each of the escape balconies; would you agree
18 with that?

19 A. Yes, that's correct.

20 Q. Then if you look at page 3033, these are the minutes of
21 progress meeting 11. If you turn over the page to
22 3034 -- sorry, if you go back to the bottom of 3033, the
23 bottom item:

24 "It was noted that the quotation provided by Apollo
25 for the fire escape balcony doors was for a timber rated

1 door and not metal. CPM [you] advised that this was not
2 suitable as the existing were metal."

3 Do you agree that this is an example where you did
4 clearly think about the comparative merits of different
5 types of materials, comparing what was in place at the
6 time with what was proposed to be put in place?

7 A. I can't recall my thinking behind this. The -- I'm not
8 sure that this is quite an accurate reflection of my
9 thinking. I think it -- there was an issue around
10 security, as well.

11 Q. Do you know what ultimately happened on this issue?

12 A. It was something that came up, you know, quite a long
13 way into the contract. The doors on the end -- at the
14 end of the fire escape external walkway were quite --
15 well, originally when we looked at them, they -- they
16 looked in pretty poor condition, covered in pigeon guano
17 and flaking paint, and they needed a thorough overhaul.

18 So I think I was just testing to see whether we
19 maybe could change them within the contract, but as it
20 was they were all thoroughly overhauled and redecorated
21 and left in situ, and then checked at the end of the
22 job, and they were all in very good working order.

23 Q. Moving to a separate topic, your most recent statement
24 says that you didn't see the corridor ceiling in the
25 communal corridors down at any stage; is that right?

1 A. That is my recollection.

2 Q. Therefore you wouldn't have had an opportunity to see
3 that the area above suspended ceiling was undivided?

4 A. I don't -- I don't recall seeing that.

5 Q. Do you recall ever been told that?

6 A. No, I don't.

7 Q. Then if I ask you another topic which is the bathroom
8 ventilation system, if I could ask you to have a look at
9 page 2539 in file 7. Just to introduce this topic, if I
10 show you 2537. An email from you to Perry White:
11 "SBDS M&E ..."
12 Can you explain what M&E is?

13 A. It's the mechanical and electrical team in some of the
14 building designs like this.

15 Q. So they were the internal specialists?

16 A. Yes, they were.

17 Q. They had advised you not to change the ventilation
18 grills in the bathrooms without first seeking advice
19 from STS; do you know what STS is?

20 A. It might be Southwark technical services.

21 Q. More specialists?

22 A. Yes.

23 Q. Then if we look at 2539, somebody called Ted Butters
24 sent you a report, and we can see what it says at 2541.
25 Was he an internal specialist on issues like this?

1 A. Yes, Ted Butters was part of the M&E team, and he was
2 a sort of -- he did seem to be a -- a specialist in --
3 in those sorts of things.

4 Q. Then you sent that report on to Sharon Shadbolt, we can
5 see at 2556. At the bottom we can see you'd recently
6 asked Ted Butters to look into it, he visited, he had
7 done the report, which you attached, and it's left to
8 her to make the decision. We can see what she says at
9 the top of this page:

10 "I agree that no works should be done under this
11 scheme and therefore, yes, you should just tile up to
12 the vents."

13 That's how that issue was resolved.

14 Then on my penultimate short topic, to deal with
15 alterations to flat 79. If you could have a look at
16 2689, please. It is a letter to you from a firm of
17 civil and structural engineers about flat 79
18 Lakanal House. He had made a visit to inspect the flat
19 to determine whether the internal alterations carried
20 out by the tenant were of structural significance. In
21 the final paragraph, he says:

22 "I am pleased to confirm that the alterations have
23 no structural significance, either to this unit or to
24 the block as a whole."

25 Then he said:

1 "You may wish to consider whether fire safety is
2 affected but, from our discussions, this seems unlikely.
3 However this is not within my expertise."

4 So two questions on that. Firstly, do you recall
5 what he's referring to when he says "our discussions"?

6 A. No, I don't.

7 Q. Secondly, do you recall what steps, if any, were taken
8 to consider after this whether the fire safety of flat
9 79 was affected?

10 A. I don't -- I don't recall whether any further actions
11 were taken. It was referred to the client.

12 Q. If I take you on that point to 2777. This is an email
13 from Ejovi Awaritefe to you:

14 "Afternoon Annabel, I've had a word with Sharon
15 [I assume Sharon Shadbolt] and we've both agreed to the
16 following: flat 79 wall not to be reinstated as
17 demolition has no affecting on flat nor block
18 structure."

19 So that seems to be where that issue ended.

20 A. Yes.

21 Q. Finally, I want to ask you about a short paragraph in
22 your latest witness statement which is at 710. In the
23 passage immediately above, you've said that you'd signed
24 a completion certificate to say the works were
25 substantially complete, which we know you did in 2007,

1 and then in a freestanding paragraph, 25, you say:

2 "I was not aware of any consultation with the LFB,
3 but I believed that they had inspected the building at
4 some stage."

5 You wrote that two days ago. Can you tell us what
6 you meant by that?

7 A. I think a whole series of questions had been posed, and
8 it was in response to one of those questions. I didn't
9 have any consultation with the London Fire Brigade, but
10 I certainly did believe that they had looked at the
11 building previously. I don't know -- I don't know where
12 that had come from.

13 Q. Do you mean many years previously, or what are you
14 saying there?

15 A. I -- I don't know any more than that. I -- I thought it
16 was more -- more recently, as in recent to the start of
17 the works.

18 Q. I'm only asking you about what you put in your
19 statement, and you put it there two days ago --

20 A. Yes.

21 Q. -- and you chose to put it there, and I just wondered
22 what you meant by it and on what basis you said it?

23 A. Well, it was in response to a set of questions that were
24 posed to Southwark.

25 Q. Thank you very much, I have no further questions.

1 A. Thank you.

2 THE CORONER: Thank you, well that seems a sensible point to
3 finish for today, so we'll continue at 10 o'clock
4 tomorrow morning.

5 Ms Sidney, please remember that overnight you must
6 not talk to anyone at all about your evidence, all
7 right, and please be back here for a 10 o'clock start
8 tomorrow.

9 A. Yes, I will do.

10 THE CORONER: Thank you very much.

11 Members of the jury, 10 o'clock tomorrow. Thank
12 you.

13 (In the absence of the Jury)

14 THE CORONER: Yes, Ms Sidney, do leave, that's fine, you
15 don't have to wait anymore.

16 (The witness withdrew)

17 THE CORONER: Are there any housekeeping points that need to
18 be dealt with before we continue tomorrow? Thank you
19 very much.

20 (3.59 pm)

21 (The Court adjourned until 10 o'clock the following day)

22 Housekeeping1
23 ANNABEL SIDNEY (sworn)2
24 Questions by MR MAXWELL-SCOTT3
25

Day 31 OF Transcription of the
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