

Friday, 1 March 2013

1

2 (10.00 am)

3 THE CORONER: Good morning. Good morning, Ms Sidney. Do  
4 help yourself to a glass of water while the jury are  
5 coming in, and please remember to direct your answers  
6 across the room into the microphones so the jury hear  
7 your voice.

8

Housekeeping

9 MR MAXWELL-SCOTT: Just before the jury come in, we need one  
10 or two minutes to update some of the electronic files.  
11 It will be just one or two minutes.

12 THE CORONER: Okay.

13 MR MATTHEWS: Madam, can I mention the Ryan Martin  
14 submissions.

15 THE CORONER: Yes.

16 MR MATTHEWS: Could I possibly have until the end of Monday  
17 to make submissions to you?

18 THE CORONER: All right.

19 MR MATTHEWS: That will allow me to chat to others as well,  
20 and it may spare you multiple emails that all say the  
21 same thing.

22 THE CORONER: Right. Mr Maxwell-Scott, can we accommodate  
23 that in the timetable?

24 MR MAXWELL-SCOTT: Yes, I don't see any problem with that.

25 THE CORONER: In that case that's fine, thank you very much,

1 Mr Matthews. Okay, shall we leave it then that we  
2 postpone the timetable for everybody and if, as you say,  
3 Mr Matthews, that avoids the need for multiple  
4 submissions that would be very helpful to everybody I'm  
5 sure. Thank you.

6 (Pause)

7 MR MAXWELL-SCOTT: Apologies for that.

8 THE CORONER: Thank you, I'm sorry if I was quick off the  
9 mark.

10 Ms Sidney, I'm sorry we've kept you waiting.

11 Yes, could we ask the jury to come in, please.

12 (In the presence of the Jury)

13 THE CORONER: Members of the jury, good morning. We're  
14 going to continue this morning with Ms Sidney's  
15 evidence.

16 Mr Maxwell-Scott, had you finished the questions  
17 that you were going to put to Ms Sidney?

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

19 THE CORONER: Thank you very much.

20 ANNABEL SIDNEY (continued)

21 Questions by MR HENDY

22 MR HENDY: Ms Sidney, my name's Hendy, I represent some  
23 members of the families of all the bereaved. Can we  
24 start, please, by just examining your position in the  
25 London Borough of Southwark. You were employed to work

1           within Southwark Building Design Services (SBDS), right?

2    A.   Yes, that is correct.

3    Q.   That's part of the council, part of the London Borough

4           of Southwark?

5    A.   Yes, it is.

6    Q.   Although you've referred quite often in your evidence to

7           "the client" on the Lakanal House project, there is in

8           fact only one client ever for SBDS, and that client is

9           the council, right?

10   A.   I -- I don't know, my -- my understanding was that our

11           client was the housing department, which obviously is

12           part of Southwark Council.

13   Q.   SBDS, because it was part of the council, they never did

14           any work for anybody else, did they?

15   A.   They did work for other departments, I believe,

16           directorates within the council.

17   Q.   Other departments within the council.  So at the end of

18           the day, there was only one client for SBDS, and that

19           client was the council, the London Borough of Southwark?

20   A.   Well, if you put it like that, then yes.

21   Q.   So far as your own line of reporting went, above you was

22           Mr Menlove, the deputy client manager, right?

23   A.   (The witness nodded)

24   Q.   I think you're going to have to say yes or no, because

25           of the transcript.

1 A. Yes, yes.

2 Q. Then above him was Christine Kennedy, who was the client  
3 manager for the central team --

4 A. Yes.

5 Q. -- and she reported to a strategy manager.

6 A. Yes.

7 Q. The strategy managers reported to the borough  
8 architect --

9 A. Yes.

10 Q. -- and the borough architect was the nominal head of  
11 SBDS.

12 A. Yes.

13 Q. The borough architect reported in turn to the chief  
14 officer for environment and leisure, which became  
15 housing and sustainable services --

16 A. Yes.

17 Q. -- and the chief officer reported in turn to the chief  
18 executive officer of the London Borough of Southwark.

19 A. Yes, that's my understanding.

20 Q. The housing department which was the client in the  
21 Lakanal House project had a comparable line of command,  
22 which stretched up to the chief executive officer,  
23 correct?

24 A. Yes, I -- I would imagine so, yes.

25 Q. Likewise, the Building Control department, another

1 section of the council, had a comparable line of command  
2 stretching up ultimately to the chief executive officer  
3 of the London Borough of Southwark.

4 A. Yes.

5 THE CORONER: Is that something that you know, Ms Sidney, or  
6 are you just assuming that that's the case?

7 A. Well, I have a reasonable understanding of how local  
8 authorities are organised --

9 THE CORONER: Very well.

10 A. -- so that would be my understanding.

11 THE CORONER: Yes.

12 MR HENDY: You had worked in the field of building since  
13 1966?

14 A. Since 1996.

15 Q. 1996, forgive me.

16 A. Do I look that old?

17 Q. You don't, far from it. In 1996, you were working in  
18 the private sector; am I right?

19 A. Yes, that's correct.

20 Q. What sort of work were you doing in the private sector  
21 then, when you first began in building work?

22 A. When I first graduated, I was working within  
23 a specialist party walls and rights to light practice in  
24 central London, and then I changed jobs and I worked for  
25 a multi disciplinary practice in London.

1 Q. Doing what sort of work?

2 A. Working on estates -- well, a number of things, small  
3 projects, and also helping on estate regeneration.

4 Q. Housing estates?

5 A. Local authority housing estates.

6 Q. Local authority housing estates. What was your  
7 particular role at that time?

8 A. I was undertaking my RICS training.

9 Q. What were you doing by way of paid work?

10 A. Well, I was undertaking my diary experience as paid  
11 work.

12 Q. Just give the jury an inkling just in broad terms of  
13 what sort of work that was from day to day: managing  
14 projects, designing, what?

15 A. Certainly I wasn't managing projects, I was under  
16 supervision.

17 Q. I wasn't asking you what you weren't doing, what were  
18 you doing?

19 A. I'm trying to remember. I'm sorry, it was a long time  
20 ago.

21 Q. Of course.

22 A. Small schemes, helping out on larger schemes, helping to  
23 put together schedules of specifications for PPM.

24 Q. That's planned maintenance projects?

25 A. Yes. Party wall matters. I was also training -- one of

1 my directors did a little bit of Employer's Agent work  
2 as well.

3 Q. Then you worked for another local authority,  
4 I understand.

5 A. Yes, I did.

6 Q. Can you tell us which one that was?

7 A. I worked for the TMO for the Royal Borough of Kensington  
8 and Chelsea.

9 Q. "TMO", you'll have to help us with that.

10 A. I think it stands for tenant management organisation and  
11 I've also worked for Greenwich Council.

12 Q. So big London Boroughs?

13 A. Yes, that's correct.

14 Q. You told us that the qualification for the Royal  
15 Institution of Chartered Surveyors is four years, doing  
16 it on a part time basis.

17 A. No, I undertook a full time sandwich course with a year  
18 out. I started the first year of my RICS diary, which  
19 I then continued when I graduated from college for  
20 a further -- well, longer than usual, for a further two  
21 and a half years.

22 Q. So the diary is a daily note of the sort of work that  
23 you're doing, which you give to your tutor or mentor, or  
24 whatever you call it, just to ensure that you're doing  
25 the sort of work that is appropriate for somebody that

1 is going to become a member of the Royal Institution?

2 A. Yes, that's correct.

3 Q. Part of the course is a year out, full time, and that's

4 a year out full time studying, presumably?

5 A. No, I spent my year out -- I worked for Railtrack

6 Property Services.

7 Q. Other examinations?

8 A. The process is that you complete your diary, a certain

9 number of hours against the various competencies --

10 I call them "competencies" but I don't think they were

11 quite described as competencies. When you're ready to

12 undertake a assessment of professional competence, you

13 prepare a project -- can everyone hear me?

14 THE CORONER: Do you just want to bring the other microphone

15 closer to you?

16 A. Is that a bit better?

17 THE CORONER: Yes, that's fine, thank you.

18 A. You have to prepare X number of words outlining a role

19 you've taken in a project, and I think there was

20 something else, which is then submitted to the RICS, and

21 later at that time you go and undertake a --

22 an interview.

23 MR HENDY: Presumably there's some studying that has to be

24 done; is there not?

25 A. Well, there was certainly studying as part of my



1 building surveying degree. I can't recall whether I was  
2 studying when I was completing my diary. I'm not quite  
3 sure what you mean. Perhaps you could expand on that,  
4 please?

5 Q. Do you not have to read books?

6 THE CORONER: Well, at what stage, Mr Hendy?

7 MR HENDY: In order to complete the Membership of the Royal  
8 Institution of Chartered Surveyors. Let me ask it  
9 another way: do you have to go to lectures, for example?

10 A. As a member of the RI -- well, as a member of the RICS  
11 you would have to undertake CPD, continuous professional  
12 development. During the training, I imagine I would  
13 have gone to a number of seminars.

14 Q. But CPD is an element of continuing in membership of the  
15 Royal Institution; you have to get so many points per  
16 year, don't you?

17 A. Yes, you do.

18 Q. For the members of the jury that don't know, that's  
19 continuous professional development, which means you  
20 have to attend so many seminars and each seminar has  
21 a number of points attributed to it and you have to get  
22 so many points in the course of a year, am I right?

23 A. That may well change since -- since I was a member of  
24 the RICS.

25 Q. We're only concerned with the period in which you were

1 a member. Now, you've done a degree in building  
2 surveying. That was presumably prior to 1996, was it?

3 A. Yes, I went back to university in 1992.

4 Q. Was that a four year course?

5 A. Yes, it was.

6 Q. Where did you do that?

7 A. At South Bank University.

8 Q. Part of the training for that degree involved studying,  
9 amongst other things, the building regulations?

10 A. No, I don't believe it did cover them.

11 Q. It didn't cover the building regulations at all?

12 A. There would have been -- I'm going back a long way here,  
13 there are various -- various different elements to the  
14 course, one of them, which would have been, I think,  
15 construction, which would have been shared by various  
16 people taking degrees, so quantity surveyors, building  
17 surveyors and construction managers would attend that  
18 particular module of the degree course.

19 Q. By the time you joined the London Borough of Southwark  
20 you were familiar with the building regulations, at  
21 least insofar as they applied to the sort of work you  
22 were likely to do.

23 A. Yes, that's correct.

24 Q. We see, perhaps if we could just put up page 4467, which  
25 is part of your job description when you joined the

1 London Borough of Southwark -- if we could just blow  
2 that up a fraction -- we can see that under the heading  
3 of "Knowledge" --

4 THE CORONER: Please, Mr Hendy, could you just wait for the  
5 page to be found.

6 MR HENDY: I'm so sorry.

7 Under the heading of "Knowledge" the first  
8 requirement was that you had knowledge of the relevant  
9 statutory codes and controls, building regulations, CDM  
10 regulations -- construction design management  
11 regulations -- et cetera, yes?

12 A. Yes, that is correct.

13 Q. Indeed, we know that this project was originally  
14 budgeted at 3.5 million, although ultimately it cost  
15 2.8 million. To be the project manager on a project of  
16 that size, clearly one would have to have sufficient  
17 knowledge of the building regulations; do you agree?

18 A. You would certainly need to -- to have an understanding  
19 of the general principles of the building regulations  
20 and to know where to look. You wouldn't have  
21 an intimate knowledge of what each approved document  
22 said.

23 Q. Lakanal House was what is known as a section 20  
24 building; is that right?

25 A. I'm familiar with the term section 20, but I can't --

1 I can't remember what -- what that means.

2 Q. Section 20 comes from the London Building Act's  
3 Amendment Act of 1939 and permitted residential  
4 buildings to rise above 100 feet, which is 30 metres,  
5 more or less, subject to particular conditions; does  
6 that bring it back to you?

7 A. Vaguely, but --

8 Q. It's not a memory test, Ms Sidney, but I just want to  
9 ask you one other point about section 20. The reason  
10 that a building is designated a section 20 and requires  
11 particular protections against fire risk, because it's  
12 over 100 feet high, is because there is a special fire  
13 risk for high buildings; is that right?

14 A. Yes, I think that is right.

15 Q. One of those fire risks is, of course, that in 1939 --  
16 perhaps not today -- but in the decades following, it  
17 was, if not impossible, very difficult for firefighters  
18 to get up to 100 feet from their ladders; is that right?

19 A. Well, you're telling me, so I'm sure it is right, yes.

20 Q. I wonder if we could have the building regulations put  
21 up on the screen, please. If I asked you in general  
22 terms what sections 3 and 4 of the building regulations  
23 were, just in general terms, is that something that you  
24 would be familiar with? I know you've been out of the  
25 trade for a while, but is that something you could just

1 answer off the cuff?

2 A. I don't think I could, I would need to refer to the  
3 document.

4 Q. Fair enough. Shall we just look at it together then?  
5 Can we look at section 3? Perhaps I can deal with this  
6 more quickly. If I said to you that section 3 gives  
7 a definition of building work as a material alteration  
8 of a building, and a material alteration is defined in  
9 two ways: (1) where the work would result in a building  
10 not complying with the relevant requirement where  
11 previously it did, that's a material alteration; and  
12 (2), where work in a building which before the work  
13 didn't comply with the relevant requirement, that that  
14 work should not become more unsatisfactory in relation  
15 to the particular requirement. You would be familiar  
16 with that?

17 A. Yes.

18 Q. Well, that deals with section 3. Can we just look at  
19 section 4? Section 4 says that:

20 "Building work shall be carried out so that it  
21 complies with the applicable requirements contained in  
22 schedule 1."

23 Section 4(2) says:

24 "Building work shall be carried out so that, after  
25 it has been completed, any building ... to which

1 a material alteration is made [leaving out the  
2 irrelevant words] ... complies with the applicable  
3 requirements of schedule 1 or, where it did not comply  
4 with any such requirement, is no more unsatisfactory in  
5 relation to that requirement than before the work was  
6 carried out."

7 That too, in general terms, was familiar to you?

8 A. Yes, it was.

9 Q. I don't think the jury has looked at schedule 1, but  
10 perhaps we can look at it together for a moment. Can we  
11 look at part B of schedule 1. B1 says:

12 "Means of warning and escape. The building shall be  
13 designed and constructed so that there are appropriate  
14 provisions for the early warning of fire, and  
15 appropriate means of escape in case of fire from the  
16 building to a place of safety outside the building  
17 capable of being safely and effectively used at all  
18 material times."

19 That, too, whilst you were at the SBDS, is  
20 a provision that was familiar to you?

21 A. Yes, I was certainly aware of part of the document  
22 being -- that it covered matters relating to fire, fire  
23 safety.

24 Q. We'll just look at two more parts of this. Can we look  
25 at B3, which is on the next page. B3(3), which reads:

1            "To inhibit the spread of fire within the building,  
2            it shall be subdivided with fire-resisting construction  
3            to an extent appropriate to the size and intended use of  
4            the building."

5            You were familiar with that whilst you were at SBDS?

6            A. Yes, I was.

7            Q. Finally, at the bottom of that page in the left-hand  
8            column, B4(1):

9            "The external walls of the building shall adequately  
10           resist the spread of fire over the walls and from one  
11           building to another, having regard to the height, use  
12           and position of the building."

13           You were familiar with that provision?

14           A. Yes, I believe I was.

15           Q. Mr Maxwell-Scott asked you yesterday about the service  
16           level agreement between SBDS and the housing department,  
17           so this is between the section of the council as the  
18           consultancy and the section of the council that acts as  
19           the client; am I right to summarise it in that way?

20           A. I think one could summarise it in that way, yes.

21           Q. Yes. You said that you weren't familiar with the  
22           service level agreement, which is some 50 pages in  
23           length, and I can understand that, but I want to take  
24           you back just to one reference that Mr Maxwell-Scott  
25           took you to. We find this in volume 3 at page 978.

1           There, under the consultant's responsibilities --

2   THE CORONER:   One moment, please, Mr Hendy.

3   MR HENDY:    I'm so sorry, madam.

4           There under the consultant's responsibilities, which  
5   is appendix C, we see in the third bullet point that one  
6   of the consultant's responsibilities was:

7           "Where required, make applications for approval  
8   under the building regulations 1991 (latest amendment),  
9   or other applicable statutory requirements (including  
10   negotiations and waivers or relaxations)."

11          Now, although you weren't familiar with this  
12   document, presumably when you were given an induction  
13   into your new job, somebody explained that point to you,  
14   that that was part of the consultant's responsibilities;  
15   would I be right?

16   A.   No, I -- I don't recall that being part of my induction  
17   into the job.

18   Q.   Let's leave aside the formal induction into the job.  
19   Did nobody explain to you that as a consultant and  
20   a project manager it was part of your responsibilities,  
21   where required, to make applications for Building  
22   Control approval?

23   A.   I don't think anyone specifically told me that that  
24   was --

25   Q.   Part of the job?



1 A. -- part of the job. I mean it would be -- it depends on  
2 what sort of job you're doing. I was employed as  
3 a project manager. It might not have necessarily been  
4 expected that I would be undertaking planned -- PPM  
5 projects.

6 Q. But as project manager, did you understand that it was  
7 your responsibility to make applications to Building  
8 Control where required?

9 A. If I was asked to, I would --

10 Q. Asked by whom?

11 A. I could -- I see what I can -- I'm sorry, I'm just  
12 trying to formulate what you're trying to seek.

13 Q. I'm just trying to understand -- I hope the jury is  
14 trying to understand -- what you thought your job was in  
15 relation to applications for Building Control approval,  
16 because this document makes it clear that where required  
17 that's the consultant's responsibility, so I'm trying to  
18 understand what you understood about that. Did you  
19 think it was somebody else's responsibility?

20 A. What, in general?

21 Q. In general, yes.

22 A. It really would depend on what sort of commission, what  
23 sort of job you were undertaking. There may be jobs  
24 where there's no Building Control -- where building  
25 regulations don't apply in project management jobs --

1 Q. Of course.

2 A. -- in terms of master planning.

3 Q. Of course, that goes without saying. If the job doesn't  
4 require Building Control approval then nobody's going to  
5 make such an application and it wouldn't fall to you to  
6 do it, but where a job needs Building Control approval,  
7 was it not your understanding that that was your  
8 responsibility as the consultant project manager on  
9 a particular job?

10 A. No, I don't think it was -- was my understanding.

11 Q. All right, well, let's just look at one other aspect.  
12 Can we go to 976? Again, this is part of the  
13 consultant's responsibilities, and I'm looking at the  
14 bullet point at the bottom of the left-hand side. This  
15 is under "Option appraisal and feasibility". This is  
16 what the consultant's responsibility is, to:  
17 "Advise on the need to obtain planning permission,  
18 listed building consent, approval under the Building  
19 Regulations or other statutory requirements."  
20 Presumably you understood that, that that was your  
21 role, to advise whether or not approval under the  
22 building regulations was required or not on any  
23 particular job, on any job?

24 A. Yes, certainly, yes.

25 Q. Can we assume that that was your understanding in

1 relation to the Lakanal House project, when you became  
2 a project manager of that?

3 A. Yes, as I said in my -- may have said in my statement,  
4 that there was certainly consideration that Building  
5 Control approval would be required.

6 Q. So if we just put it absolutely clearly: you understood  
7 that in relation to the Lakanal House project it was  
8 part of your responsibility as the consultant project  
9 manager to advise on whether there was or was not a need  
10 to gain approval under the building regulations.

11 A. It's -- it would have -- it would have been discussed as  
12 part of the --

13 Q. No, that's not the question, Ms Sidney, as you well  
14 know. You understood in relation to the Lakanal House  
15 project, as consultant and project manager, that it was  
16 your responsibilities to advise whether or not there was  
17 a need to obtain approval under the building  
18 regulations, right?

19 A. Yes, that's right.

20 Q. I think we can put that volume away. When the  
21 Lakanal House project was getting underway, you  
22 undertook a visit to the building and inspected the  
23 existing decorations and the general safe repair of the  
24 building and its common parts and any particular items  
25 which your housing department client had specifically

1 identified. In answer to a question from  
2 Mr Maxwell-Scott, you said that you didn't expect to be  
3 doing building surveying work, and that's rather what  
4 I gathered you thought you were doing by carrying out  
5 that inspection; would I be right about that?

6 A. Yes, that's right.

7 Q. Nevertheless, it was a task for which you were well  
8 qualified and well experienced, weren't you?

9 A. Well, I was a member of the RICS, and I did have  
10 a number of years' experience under my belt, but it was  
11 still going through, as anyone does -- as you progress  
12 your career, you're still going through a learning curve  
13 and gaining more experience.

14 Q. But you'd worked on local authority housing estates  
15 before, you were familiar with the sorts of things that  
16 you might expect to find, and you'd done building  
17 surveys before?

18 A. Could you explain what you mean by building surveys?

19 Q. I thought you'd explained to the jury earlier that you'd  
20 done building survey work in earlier jobs. Did  
21 I misunderstand that?

22 A. There are a number of different types of surveys that  
23 one can undertake, depending on the brief that you're  
24 given.

25 Q. Okay, let's not get distracted, Ms Sidney. The work

1           that you described doing in relation to Lakanal House --  
2           let's put your statement up, 620 at the top of the page.  
3           Mr Clark is going to give you a hard copy, it's easier  
4           to read. (Handed)

5           There we see your own description in your words of  
6           what the work was:

7           "... visit the building and inspect the existing  
8           decorations and the general state of repair of the  
9           building and its common parts in accordance with the  
10          client's instructions and the items the client had  
11          specifically identified. I also undertook a 10 per cent  
12          survey of the flats as required and arranged for  
13          asbestos surveys to be carried out. The flat surveys  
14          included looking at items such as kitchens and  
15          bathrooms."

16          I put it to you, Ms Sidney, that was work for which  
17          you were well qualified and well experienced.

18   A. Yes, I had done -- done some of that type of work  
19          before.

20   Q. Were you aware when you -- sorry, let me ask a different  
21          question.

22          When you went into the flats, did you notice that  
23          the undersides of the stairs were not properly protected  
24          against fire?

25   A. No, I didn't.

1 Q. Were you aware that there'd been complaints by tenants  
2 in the past about infestations of cockroaches and mice  
3 and that there was a suggestion that that might be  
4 through lack of stopping around where pipes came into  
5 the flat?

6 A. It may have come up during -- during the works.

7 Q. Did you look to see whether there was adequate stopping  
8 around where pipes came into the flats?

9 A. No, I didn't.

10 Q. Just give me one moment. (Pause)

11 We have your file notes of your inspection, and  
12 I wonder if you could just look at that. The page  
13 I want from it is at 1017, and it's in volume 3.

14 (Handed)

15 To save Mr Atkins putting up another page, this is  
16 under the heading of "Flat corridors" and the fourth  
17 entry down says:

18 "Ceiling -- laminated/formica type removable panels  
19 with services above."

20 First of all, can I just confirm, this is what you  
21 would call a file note, isn't it --

22 A. Yes, it's a -- it's a note I made for myself, yes.

23 Q. -- and it would go into the Lakanal House file?

24 A. Yes.

25 Q. Was that a file for this particular project, or a file

1 about Lakanal House generally?

2 A. There were a number of files for the project.

3 Q. But this would go into your personal file on the  
4 project, would it?

5 A. I don't think I've had a -- had a personal file, it  
6 would have gone into the project files.

7 Q. Since you were the project manager, presumably you had  
8 your own files related to the management of that  
9 project; am I right?

10 A. Yes.

11 Q. Obviously other people could access them if they  
12 wanted --

13 A. Yes.

14 Q. -- but they were close to your desk and easy for you to  
15 pull down and look at if you needed to.

16 A. Yes.

17 Q. This file note's obviously been typed onto a computer  
18 and printed out. Was the file note printed out and then  
19 put in the file near your desk or did you just simply  
20 keep it on the computer?

21 A. I can't remember.

22 Q. Anyway, let's get back to the entry I've look at: the  
23 ceiling, removable panels with services above. I think  
24 you told Mr Maxwell-Scott that you can't recollect ever  
25 having looked at the services above; am I right?

1 A. Yes, that's right.

2 Q. But somebody must have looked at the services above on  
3 behalf of SBDS, am I right, for this project?

4 A. I -- I can't -- I can't remember. I imagine that the  
5 mechanical and electrical team may have needed, as part  
6 of the emergency lighting --

7 Q. Well, in fact this job involved rewiring all the flats,  
8 didn't it?

9 A. Yes, it did.

10 Q. Yes. If we could just put that volume away and pull out  
11 3681, which is in volume 10. (Handed)

12 This would appear to be the specification for the  
13 electrical works in relation to the Lakanal House  
14 project, and it's a lengthy document, as they always  
15 are. Could we go, please, to 3702? I'm sorry, that's  
16 my error, 3703. If we look at the top, we can see at  
17 paragraph 100.033B that:

18 "The contractor shall provide new lateral mains  
19 cables to each dwelling and shall strip out the existing  
20 in a phased manner.

21 "The new lateral installation shall be carried  
22 utilising heavy duty 2 core 16 millimetres squared  
23 cross-sectional area MICS/LSF cable to each dwelling in  
24 galvanised steel trunking fitted with tamper proof  
25 fixings. All conductors shall be copper. The sheath



1 colour shall be black. The cables/trunking shall be  
2 routed so as to be visually unobtrusive as possible and  
3 all routes shall be agreed with the contract  
4 administrator.

5 "The contractor shall survey all cable routes during  
6 the tender period and shall include for all cable sets,  
7 bends, et cetera. The lateral cables shall generally  
8 follow a high level route within the lift lobby and  
9 shall be installed within the suspended ceiling system  
10 in the corridors. The contractor shall include for all  
11 builders' work required including all removal and  
12 reinstatement of the corridor ceilings."

13 Now, presumably in order to draw up that  
14 specification, somebody from SBDS looked inside the  
15 suspended ceilings to see whether or not it was suitable  
16 to carry this new trunking; am I right?

17 A. I don't know.

18 Q. You were the project manager; isn't it part of your job  
19 to know -- wasn't it?

20 A. SBDS was divided into five different teams, and one team  
21 was the mechanical and electrical team, and they were  
22 very -- they carried out those elements of the work, and  
23 specified them.

24 Q. So you were hands off this part of the project, were  
25 you: not really to do with you, it's all down to them?

1 A. Well, I wouldn't put it quite like that.

2 Q. How would you --

3 A. But they were -- they had a very sort of clear remit on  
4 what they had to do. They produced the specification  
5 and they pretty much -- they ran and monitored that  
6 element of the works on the site.

7 Q. Let's look at another page in this specification, which  
8 is 3758. There under the heading Y60.3010A, "General",  
9 your colleagues have specified:

10 "Ensure entire system is electrically and/or  
11 mechanically continuous [to the relevant British  
12 standard].

13 "Fire barriers. Comply with the requirements of  
14 British Standard 7671 wherever the conduit or trunking  
15 passes through the perimeter of a fire compartment  
16 (wall, floor or ceiling)."

17 You agree with me that it would appear that your  
18 colleagues at least were being careful to ensure that  
19 there was no compromise of a fire compartment by the  
20 work that they had specified?

21 A. Yes, I would agree with that.

22 Q. That, as we've seen, is something that's required under  
23 the building regulations, is it not: the integrity of  
24 a fire compartment?

25 A. Yes, it is.

1 Q. Were you aware of this, these provisions, in general  
2 terms?

3 A. I can't remember.

4 Q. Did anybody report to you what the condition of the  
5 suspended ceiling was when one looked inside, behind  
6 a panel?

7 A. I have no recollection of any such report.

8 Q. In relation to your preliminary inspection I'd like to  
9 ask you about some photographs. Can we look please at  
10 page 1045, which is in volume 3. (Handed)

11 Mr Clark, in an moment we're going to need  
12 page 4457, which is in volume 11.

13 Yes, at page 1045, we have a kitchen door, and next  
14 to it a panel; am I right?

15 A. Yes, that's correct.

16 Q. Keep that open for a moment, and can we look, please, at  
17 4457? I apologise to the jury that they can't have both  
18 photographs open together. If Mr Atkins would kindly  
19 bring up the top photograph on the right-hand side.  
20 There we can see the inside of a kitchen. This kitchen,  
21 as it happens, has a half-glazed door. Let's leave that  
22 aside. We can also see what lies behind the panel next  
23 to the door that we looked at from the outside a moment  
24 ago. As originally constructed, there was a larder  
25 there and we can see that larder in the photo, can't we?

1 A. Yes, we can.

2 Q. In fact, next to the larder there's a cupboard, and then  
3 one comes to what appears to be a gas stove. So the  
4 larder had, on the exterior wall, a panel?

5 A. Yes, it did.

6 Q. That panel was one of the panels that was tested for  
7 asbestos.

8 A. Yes, it was.

9 Q. It was found not to be asbestos but it was found to be  
10 fire-resistant; am I right?

11 A. I can't remember the composition of the panel, I believe  
12 it was ply on internal and external face with something  
13 sandwiched in the middle, which wasn't asbestos.

14 Q. I think we can put away 4457. Just give me one moment  
15 to find another page.

16 Now, could we have, please, volume 4, and look at  
17 page 1490. (Handed)

18 This is a photograph which I think originally you  
19 thought was yours, but Mr Maxwell-Scott explained that  
20 it originally came from SAPA, but it shows Lakanal House  
21 prior to the project being undertaken, doesn't it?

22 A. Yes, it does.

23 Q. Mr Maxwell-Scott put to you that the doors on the  
24 balconies were of a different type, some glazed, some  
25 solid, so that it wasn't possible to understand what the

1 norm was. I look at this photograph somewhat  
2 differently to him. If we look at the fourth floor up,  
3 we can see three dwellings in from the left that there's  
4 a glazed door; do you see that?

5 A. Yes, I do.

6 Q. That glazed door is clearly the lounge, because on  
7 either side of it one can see a kitchen -- you remember  
8 these are opposites, aren't they, first there's  
9 a lounge, then there's a kitchen, then there's a lounge,  
10 and so on -- on either side we can see the kitchen. So  
11 if one looks at the fourth dwelling from the left, one  
12 can see the kitchen door and that panel that we  
13 observed, that's on the back of the larder, yes?

14 A. Yes, that's correct.

15 Q. Now, if you look along that floor, if the jury are still  
16 with me, do you agree with me that the only glazed door  
17 is that one in the third dwelling?

18 A. From what we can see on -- on the photograph, yes.

19 Q. Of course, I accept that the trees make it difficult to  
20 tell with more than a few. If you look to the next  
21 balcony down, which is the second floor, one can see  
22 once again that solid doors are the preponderance, in  
23 fact I can only see solid doors on that view of the  
24 second floor; do you agree with me?

25 A. Yes, I do.

1 Q. As one goes up, some doors are of different colours, but  
2 it's quite difficult to pick up any other doors which  
3 may be glazed. I'm not saying there aren't, there may  
4 well be some others -- indeed in the photograph of the  
5 interior we saw there was a glazed door -- but would you  
6 agree with me that it would be reasonable for the jury  
7 to conclude that this building was built originally with  
8 solid doors on the balconies, both lounge and kitchen  
9 side?

10 A. Built originally, did you say?

11 Q. Yes.

12 A. I don't think that they can conclude that.

13 Q. Right. All right, well, let's put it another way, that  
14 by the time you came to inspect in 2004, most of the  
15 doors to the balconies and the kitchens were solid  
16 doors?

17 A. I don't -- I don't recall.

18 Q. Well, looking at this photograph it's pretty clear that  
19 that is the preponderance of doors, isn't it?

20 A. We're only looking at one elevation.

21 Q. Yes. No reason to assume that it's not a typical view,  
22 though, is there?

23 A. No.

24 Q. Let's put it another way: glazed doors clearly were  
25 an exception.

1 A. They might have been an exception, I can't recall.

2 Q. The reason that the specification in the project was  
3 changed to glazed doors was because the tenants were  
4 saying "We don't like our solid doors, we want more  
5 light in our kitchens and in our lounges"; am I right?

6 A. I believe that was some of the feedback that came back  
7 from residents, yes.

8 Q. Indeed, you mention that in your witness statement, you  
9 mentioned it twice, but let's just look at one.  
10 Page 709 and paragraph 20, in the last sentence but one,  
11 you say:  
12 "The specification had specified that the kitchen  
13 door should be fire-resisting, but there was a change to  
14 half-glazed doors in order to meet residents' requests  
15 for more light."

16 A. Yes, I do say that.

17 Q. Yes. You looked at the original drawings of these  
18 flats, didn't you, at that time, at the as-built  
19 drawings?

20 A. I certainly looked for the as-built drawings. I can't  
21 remember what was found.

22 Q. If we look at page 707, we see in paragraph 10 that you  
23 say that:  
24 "There may have been conversations with Building  
25 Control, when I was preparing the specification and

1 looking at the building as I would have been looking for  
2 as-built drawings of the building to assist with the  
3 process."

4 So one of the reasons for getting on to Building  
5 Control was to say "Can we have a look at the as-built  
6 drawings?"

7 A. I would have contacted a lot of people, trying to find  
8 out information about the building.

9 Q. Sorry, just give me one moment. (Pause)

10 Did it occur to you that the reason why the doors to  
11 the lounges and the kitchens were fire-resistant was  
12 because they opened onto a fire escape and fire escapes,  
13 under the building regulations, have to be kept as safe  
14 as possible for people to escape along them?

15 A. I don't recall what occurred to me at the time. That  
16 may well have, but I don't have a specific memory.

17 Q. Those solid doors that were taken out were  
18 fire-resistant doors, weren't they?

19 A. I don't -- I don't recall. Certainly, I believe the  
20 kitchen door was fire-resistant, yes.

21 Q. The lounge door also?

22 A. It is likely that it was, but I can't -- I can't  
23 recollect, because in the specification, it wasn't  
24 specified as being fire -- fire-resistant, and there  
25 must have been some reasoning behind that when



1 preparing --

2 Q. Yes, well, let's see if we can work out what the  
3 reasoning was. On the sides of the balcony, we had  
4 block-work on either side of the door, both lounge and  
5 kitchen, right, which was inherently fire-resisting,  
6 yes, and the windows above. We had, on the kitchen  
7 side, a panel next to the door which was fire-resisting,  
8 albeit not asbestos, yes?

9 A. We don't know the properties of the -- the panel.

10 Q. Well, perhaps you didn't know, but the jury know because  
11 they've had Mr Crowder's evidence about that. We had  
12 solid doors, right, which were probably, you say,  
13 fire-resisting?

14 A. Yes.

15 Q. That's on one side of the balcony. On the other side of  
16 the balcony, we had panels, which after the asbestos  
17 survey turned out to be made of asbestos cement.

18 A. That's correct.

19 Q. Do you not think that it follows, as night follows day,  
20 that those precautions were taken in order to protect  
21 the fire escape, the integrity of the fire escape  
22 balcony?

23 A. If that is what was there.

24 Q. But that thought didn't occur to you at any point during  
25 this project, before or during?

1 A. Yes, I -- I don't -- I don't recall. I know that we did  
2 discuss issues about fire and the means of escape, and  
3 certainly the sort of compartmentation issues.

4 Q. You were familiar with provision B1 in the schedule of  
5 fire regulations which says that:

6 "... the appropriate means of escape to a place of  
7 safety outside a building, capable of being safely and  
8 effectively used at all material times."

9 That you knew.

10 A. Well, I wouldn't have known it off by heart, no, I would  
11 have known where to find it, yes.

12 Q. You knew the thrust of it.

13 A. Yes.

14 Q. You knew that the escape balconies on Lakanal House had  
15 to be capable of safe and effective use at all material  
16 times, in particular if there was a fire?

17 A. Yes, that's right.

18 Q. It must have occurred to you that the reason why  
19 asbestos was used in the balcony panels, and  
20 fire-resisting doors on the kitchen and lounge, and  
21 block-work up to the windows, was in order to ensure  
22 that those escape balconies were capable of being safely  
23 and effectively used if there was a fire. You must have  
24 done, mustn't you?

25 A. Well, the asbestos panels in the balcony were there --

1           was there for structural reasons.

2    Q.   I will put it to you again: it must have occurred to you  
3           that the reason for the block-work, the fire proof panel  
4           next to the kitchen door, the fire-resisting doors on  
5           the lounges and the kitchens, and the asbestos in the  
6           cement of the balcony panels, was in order to ensure  
7           that the balconies were capable of being safely and  
8           effectively used in times of fire.

9    A.   I don't remember what I recall at the time. Looking at  
10           it now, I -- you're right, there's -- the  
11           compartmentation of the lounge and the kitchens along  
12           the balcony, certainly with the balcony panel -- I would  
13           not agree with -- with the -- the totality of the  
14           statement you've just made.

15   Q.   Well, there's two possibilities, Ms Sidney: either you  
16           thought of it at the time or you didn't think about it  
17           at the time. Can I put this to you: if you didn't think  
18           about it at the time, that was an appalling error of  
19           judgment; do you agree with that?

20   A.   Yes, if I didn't think of it at the time, I would agree  
21           with you. But we know that there was consideration  
22           about fire and means of escape.

23   Q.   Let me ask you a little more about the change to the  
24           half-glazed doors --

25   THE CORONER: Well, Mr Hendy, before we get onto that, we'll

1           have a short break.

2   MR HENDY:   Certainly.

3   THE CORONER:  We'll have a ten minute break, so if everyone

4           could be back in ten minutes, please.

5           Ms Sidney, we'll have a ten minute break, so you

6           mustn't talk to anyone about your evidence in the break.

7                           (In the absence of the Jury)

8   MS CANBY:  Sorry, madam, may I raise one matter before the

9           break, I do apologise.

10   THE CORONER:  Yes, please.  Shall we ask Ms Sidney whether

11           she'd like to go outside?

12   MS CANBY:  Yes, please.

13   THE CORONER:  Ms Sidney, if you'd like to go outside.

14                           (The witness left the court)

15   MS CANBY:  It may be that I missed something in terms of

16           Mr Crowder's evidence and if I have then I would be

17           grateful if it could be pointed in the right direction,

18           but I'm not sure whether we have heard what the

19           fire-resisting properties of the kitchen larder panel

20           were before the 2006/2007 refurbishment, and I just want

21           to make sure that what is being put to this witness is

22           in fact correct and evidence that we've heard already.

23   THE CORONER:  All right, that's helpful.  Perhaps a little

24           bit of research could be done in the next ten minutes

25           and see whether we can find an answer to that.

1 MR HENDY: Madam, if I've made an error about that, of  
2 course we'll accept that. We'll do our best to check  
3 that.  
4 THE CORONER: Okay, thank you very much.  
5 (11.09 am)  
6 (A short break)  
7 (11.20 am)  
8 THE CORONER: Has that been looked at, Mr Hendy?  
9 MR HENDY: It has, madam, and that can properly be better  
10 addressed in the presence of the jury.  
11 THE CORONER: Yes, thank you.  
12 Could we have the jury, please?  
13 (In the presence of the Jury)  
14 THE CORONER: Thank you. Yes, Mr Hendy.  
15 MR HENDY: Madam, Ms Sidney, after the jury went out, as you  
16 know, the question was raised to what the evidence was  
17 that the jury had heard about the fire-resisting  
18 qualities of the panels next to the kitchen doors.  
19 THE CORONER: Yes --  
20 MR HENDY: We've done a little research --  
21 THE CORONER: -- backing onto the larder?  
22 MR HENDY: Indeed, madam. The evidence for the advocates  
23 that need to know, Mr Crowder deals with it in his  
24 report number 278607 at page 23, and that passage was  
25 put to Mr Crowder in evidence by my learned friend

1 Ms Al Tai at Day 25 in paragraph 48, where he stood by  
2 what he had written.

3 It's probably helpful to Ms Sidney and to the jury  
4 if I just read out the passage that he said.

5 THE CORONER: Yes.

6 MR HENDY: He says:

7 "During the reconstruction and modelling, it was  
8 demonstrated that under direct flame impingement, the  
9 panels in the window sets of flat 79 that were installed  
10 during the 2006/2007 refurbishment could have burnt  
11 through and allowed the fire to enter the flat within  
12 five minutes. Following the fire at Lakanal in 1997,  
13 the window frames and panels were still in situ, despite  
14 severe damage having been sustained by the flat. Whilst  
15 information regarding the 1997 incident is scant, damage  
16 on photographs, in my opinion, indicate that it is  
17 highly likely that these panels were able to survive  
18 a fully flashed over fire for some time, possibly  
19 30 minutes or more."

20 So, madam, there may be other evidence buried in the  
21 thousands of pages of documents, but we've yet not been  
22 able to turn it up, but what I'd like to do is show  
23 Ms Sidney the photographs which led Mr Crowder to that  
24 conclusion. I'm not going to ask her to comment on it,  
25 but just to see the basis on which I put the submission.

1           For the purposes of the rest of my questions, I'm  
2           going to ask her to proceed on the assumption that the  
3           panel next to the kitchen had some fire-resistant  
4           properties.

5   THE CORONER:   Can I just stop you there?

6           Ms Sidney, we've just been debating the questions of  
7           the fire-resisting properties of that panel which are  
8           backed onto the larder.

9   A.   Yes.

10   THE CORONER:   Mr Hendy has just read out the passage you've  
11           just heard, do you actually need to be taken to the  
12           photographs of the 1997 fire and taken through that or  
13           do you agree with that general proposition as to the  
14           likely fire-resisting properties of the panel?  If you  
15           you'd like to be taken to the photograph, that's fine.

16   A.   I believe I saw the photographs when Mr Crowder gave  
17           evidence, yes.  I don't need to be taken to them.

18   THE CORONER:   All right, thank you.

19   MR HENDY:   Let's go back to where we were, and I was asking  
20           you about the change in the course of the project to the  
21           half-glazed doors in the kitchen and the lounge.  What  
22           I wanted to move on to was your evidence that you had  
23           a discussion with Building Control, you think it was  
24           a gentleman called Andrew Bullivant, and he told you  
25           that the new arrangement was acceptable; am I right?

1 A. Yes, that's my recollection, yes.

2 Q. You think that you would have written a file note about  
3 that --

4 A. Yes, that's right.

5 Q. -- you think that Mr Bullivant would probably have made  
6 a file note about that, but of course you couldn't  
7 know --

8 A. I don't know.

9 Q. -- and you discussed the matter with somebody from  
10 Apollo.

11 A. It certainly would have been brought to Apollo's  
12 attention, yes.

13 Q. There doesn't appear to be any written evidence from any  
14 of those sources. What about your day book, is that  
15 something that you might have made a note in?

16 A. My distinct recollection is that I did write a file  
17 note, because I thought it was important.

18 Q. Yes. What about your day book, would you have made  
19 an entry in there as well?

20 A. I may well have made an entry in there, yes.

21 Q. You tell us your day books have been archived.

22 A. I don't -- I don't know the whereabouts of my day books.  
23 When -- when we -- when SBDS was reorganised, there was  
24 lots of things going on and lots of archiving. I was  
25 changing jobs at the same time, so I -- I don't know the



1           whereabouts of my -- my day books.

2   Q.   Your day book is what: as it sounds, a book in which you

3           enter up significant events during the course of any

4           particular day at work?

5   A.   Yes, any notes from telephone conversations, site notes,

6           et cetera.

7   Q.   Can we just look at 1451, please. This is in the

8           minutes of 13 February 2006, and at 1451,

9           Mr Maxwell-Scott took you to it, paragraph 5.1 is that

10          you were to check with Building Control re requirements

11          for roof re-covering. Now, that matter concerning the

12          changes to the half-glazed doors obviously came later,

13          didn't it?

14   A.   Yes, it did.

15   Q.   There's no entry in the minutes in relation to that.

16          Can you explain why that might be?

17   A.   In these pre-contract meeting minutes?

18   Q.   No, in any of the minutes, there's no reference to you

19          speaking to Building Control about the change to

20          half-glazed doors.

21   A.   I don't know why there isn't a reference to it in the

22          minutes, and I can't recall why -- why that is.

23   Q.   Well, one explanation would be that it was never raised

24          in a meeting?

25   A.   Quite possibly, but it would have been raised in one

1 form or another.

2 Q. Can we just ascertain what it is that you asked Building  
3 Control about. Presumably you said "Look, we're redoing  
4 Lakanal House", Mr Bullivant's said, "Yes, I'm familiar  
5 with Lakanal House"; in fact he'd had dealings with  
6 Lakanal House for 20 years, hadn't he?

7 A. I don't know.

8 Q. Anyway, he said he was familiar with it, didn't he?

9 A. Yes, yes he did.

10 Q. You said "We're thinking of changing the doors to the  
11 lounges and the kitchens, and we're going to put in  
12 half-glazed doors", right, "We're thinking of putting in  
13 half-glazed doors".

14 A. Well, you're giving an account of what you think I said.

15 Q. You tell us.

16 A. I can't recall what I said, but I would have given him  
17 an account of what the situation was.

18 Q. Yes, well that's what I'm anxious to find out. What is  
19 it that you would have said to him?

20 A. I can't -- I don't think you can say now what I said to  
21 him then, because it wouldn't be an accurate reflection.

22 Q. Shall we see if we can make a reasonable surmise about  
23 what you didn't say to him? You didn't tell him that  
24 the panel below the glazing on the half-glazed doors was  
25 to be made out of a combustible material.

1 A. I don't think we -- I don't think we can say that,  
2 because I -- I don't recall the exact -- I don't recall  
3 what I -- what I spoke to him about, apart from the  
4 essence, which is why we're here today.

5 Q. The essence is that he thought it was acceptable to have  
6 half-glazed doors.

7 A. Yes, that was --

8 Q. That's really all you can recall about the conversation.

9 A. Just give me a minute to -- to think, please, thank you.

10 (Pause)

11 My -- what I think he -- what was -- what was the  
12 outcome of that discussion is that we would achieve  
13 a door that was half -- half-glazed with  
14 a fire-resisting panel beneath.

15 Q. That's what you told him, that's what you would have  
16 told him, you think, your best guess?

17 A. I -- it would have to be a best guess, but I -- I don't  
18 know, I can't remember, the exact conversation. I'm  
19 sorry.

20 Q. Because it was of course crucial if you were going to  
21 get Building Control to give you a view on whether the  
22 arrangements comply with the building regulations that  
23 Mr Bullivant knew the critical facts: agree?

24 A. Yes, because otherwise he wouldn't have been able to  
25 arrive at a view.

1 Q. If you told him that the panel below the glazing was to  
2 be fire-resistant, it might well have been on that basis  
3 that he said the arrangement was acceptable?

4 A. Well, it was certainly my belief that the window and  
5 door arrangements were fire-resistant.

6 Q. I think you said yesterday that you thought that it was  
7 appropriate to make this suggestion because there were  
8 four means of escape open to tenants within the flats;  
9 is that right?

10 A. That was my -- my recollection of what I was told, yes.

11 Q. In that process of thought, did it occur to you that it  
12 was critical that the integrity of the means of escape  
13 via the balcony was preserved?

14 A. I don't know what occurred to me at the time.

15 Q. It should have done though, shouldn't it?

16 A. I'm not sure I understand what -- what you're trying to  
17 establish.

18 Q. As a professional chartered surveyor, consultant in  
19 charge of the project, it should have occurred to you  
20 that the changes that you made to the door preserved the  
21 integrity of the balcony escape route.

22 A. Yes.

23 Q. Can we talk about the panels below the windows in the  
24 bedrooms. These were, as you discovered, asbestos  
25 panels originally, with one hour fire resistance, would

1           you think?

2    A.   I don't know the specific fire resistance time for  
3           asbestos.

4    Q.   It's not a test.  I'm just suggesting to you that you  
5           would have assumed that it was a one-hour fire-resistant  
6           asbestos panel; do you disagree?

7    A.   Certainly the asbestos would have fire-resisting  
8           properties, that's correct.

9    Q.   Well, how long did you think it would be fire-resistant  
10           for?

11   A.   I don't -- I don't recall.

12   Q.   The importance of having fire-resistant panels below  
13           windows on one storey above another is because of the  
14           building regulation B4(1) that we looked at before: to  
15           resist the spread of fire over the walls of the  
16           building; am I right?

17   A.   Yes, that's right.

18   Q.   Whether or not these asbestos panels conformed to the  
19           fire-resistant qualities required by the building  
20           regulations, you had a duty to ensure that whatever was  
21           put in its place was no less resistant to fire; do you  
22           agree?

23   A.   Yes, that's correct.

24   Q.   Ultimately, you agreed to 3-millimetre Trespa panels,  
25           two of them, with a sandwich filling in between, yes?

1 A. Yes, that's right.

2 Q. We all know, we've all seen the photographs, that that  
3 was less fire-resistant than the asbestos panels that  
4 were there before, agreed?

5 A. Yes, that's correct.

6 Q. It was part of your duties to make sure that the panels  
7 you were putting in were no less fire-resistant than the  
8 panels you were taking out, agreed?

9 A. Yes, it would have been part of my role to ensure that  
10 the -- the contractor was complying with the -- with the  
11 contract, yes.

12 Q. It was part of your role to make sure that the building  
13 work complied with the building regulations, wasn't it?

14 A. Yes, and that can be done in a manner -- in an number of  
15 different ways.

16 Q. What are you seeking to say to the jury, Ms Sidney: that  
17 it wasn't your responsibility to ensure that the new  
18 panels were as fire-resistant as the old, it was  
19 somebody else's responsibility; is that what you're  
20 saying to them?

21 A. I'm not trying to shift any blame. It was a large  
22 contract, it was a contract put together by Southwark  
23 Council's legal department, it was a very robust  
24 contract, and we specifically asked the contractor to  
25 design certain elements within the contract, and to

1 ensure that those elements complied with building  
2 regulations, and so my role would be to ensure that the  
3 contractor did that. I -- and that was -- that was what  
4 I believed the contractor was doing.

5 Q. You never made any enquiry at any stage as to whether  
6 the panels you were putting in were as fire-resistant as  
7 the panels you were taking out, correct?

8 A. No, I don't believe that is correct, I don't have  
9 a recollection of what conversations we had.

10 Q. Are you telling the jury that at some stage you told the  
11 contractor, or asked the contractor, whether he could  
12 assure you that the panels going in were as  
13 fire-resistant as the asbestos panels coming out; is  
14 that what you're saying?

15 A. No, I'm not saying that.

16 Q. What are you saying?

17 A. I'm saying that I don't recall specific conversations  
18 regarding the fire-resisting properties of the panels  
19 going back in.

20 Q. Ms Sidney, it is evident on the documents that you never  
21 asked the contractor at any time, or anybody, whether  
22 the new panels were as fire-resistant as the old ones.  
23 That's the truth of it, isn't it?

24 A. I don't -- I -- I don't know whether that is the truth  
25 of it.

1 Q. Mr Maxwell-Scott has put it to you that the  
2 contemplation of Trespa panels in substitution of the  
3 aluminium panels that you had in mind was in a meeting  
4 at the beginning of May 2006 and that's your  
5 recollection, isn't it?

6 A. Sorry, could you repeat the statement, please?

7 Q. Yes, the suggestion that Trespa panels should be  
8 substituted in place of aluminium panels was made in the  
9 meeting of 3 May 2006?

10 A. No, I don't believe it was made on 3 May 2006.

11 Q. All right, Ms Sidney, just tell us when you say it was  
12 made then.

13 A. It was made at a meeting in May, I can't -- I don't  
14 believe it was that specific meeting.

15 Q. Right, a change was made at a meeting in May 2006, yes?

16 A. The suggestion by the contractor was made at that point,  
17 yes.

18 Q. Could you look, please, at page 1084? (Handed)

19 This is an email from you 18 months earlier, in  
20 January --

21 THE CORONER: Just wait for the moment.

22 MR HENDY: I'm so sorry madam, Ms Sidney.

23 This is an email from you 18 months earlier, on  
24 7 January 2005. You're writing to Daniel Wallace and in  
25 the second paragraph you say:



1           "Regarding the asbestos, we are still awaiting the  
2           survey results ... preliminary advice is that the  
3           internal panels under the bedroom windows are asbestos  
4           insulation board and the panels to the balcony  
5           balustrade are asbestos cement.

6           "Please can you factor in a cost for their removal  
7           and also a cost for the replacement panels (Trespa or  
8           powder-coated aluminium) to the balcony."

9           So 18 months earlier, you were thinking about  
10          Trespa; am I right?

11         A. Yes, that's right.

12         Q. That was to the balustrade of the balcony, presumably,  
13          was it --

14         A. Yes, that's correct.

15         Q. -- not for the bedroom, the panels below the bedroom?

16         A. No, certainly not.

17         Q. The panels below the bedroom were to be aluminium  
18          sandwich.

19         A. That's correct.

20         Q. I'm right in saying, aren't I, that at no stage did you  
21          ever ask what the composition of the infill was, either  
22          for the aluminium or for the Trespa?

23         A. I don't believe I did.

24         Q. You're aware, as a chartered surveyor -- you were aware  
25          then as a chartered surveyor -- that infills could

1           differ in their combustible properties. You could  
2           indeed have ceramic fibre infills which was inert in  
3           a fire; am I right?

4    A. There are a number of different infills, I believe.

5    Q. There are a number of different infills, including, for  
6           example, ceramic fibre, which is inert in a fire,  
7           correct?

8    A. Yes.

9    Q. Whereas a high density polyurethane core would not  
10           merely be combustible, but would also give off toxic  
11           fumes when heated.

12   A. Is that a question?

13   Q. That's a question. I'm asking you whether you knew that  
14           back in 2006.

15   A. I don't -- I don't know whether I did.

16   Q. I'll put it more generally then. You were aware in 2006  
17           that there were sandwich infillings to composite  
18           laminated panels which both gave off toxic fumes when  
19           heated and also combusted when exposed to flame.

20   A. I'm not sure that I was aware, no.

21   Q. Let's put it more generally still: in 2006, were you  
22           aware that some infilling to composite panels was more  
23           likely to be combustible than others?

24   A. I don't think I'd had any experience of composite panels  
25           before 2006.

1 Q. You're a member of the Royal Institution of Chartered  
2 Surveyors, you're a consultant, you're a project  
3 manager, you must have appreciated that the infillings  
4 of laminated sandwich panels differed in their reaction  
5 to fire?

6 THE CORONER: Can you answer that question?

7 A. This is the first time that I've been involved in  
8 a project which involved the replacement of large window  
9 wall panels, so I'm not -- my expectation was that the  
10 panels' arrangement would be fire-resisting for the  
11 situation that they were in, and that consideration was  
12 the contractor's.

13 MR HENDY: If you didn't know what the properties of the  
14 infilling were in 2006, do you agree with me that it was  
15 incumbent on you as the project manager to find out?

16 A. I'm not sure that it was incumbent upon me to find out.

17 Q. But you knew that the building regulations required  
18 steps to be taken to resist the spread of fire over the  
19 walls of the building, in particular in panels below  
20 windows separating one storey from another.

21 A. That's correct.

22 Q. So you had an obligation to discover whether the panels  
23 that you were going to put in -- what their qualities  
24 were in relation to fire, in order that they should be  
25 resistant to the spread of fire.

1 A. If you put it like that, it was a large project with  
2 a lot of things that it entailed. Would you be  
3 expecting me to check every single thing that the  
4 contractor was responsible for doing? I don't think  
5 that would have been possible, otherwise we would have  
6 had a team of some ten people looking at the project.  
7 There's a huge amount of work as you will have seen from  
8 the files and the specification.

9 Q. So you're saying to the jury, you're saying to Mr Cervi  
10 and Mr Udoaka, who sit behind me, that it was simply  
11 something that was overlooked.

12 A. I don't think it -- I think you need to look at it --  
13 look at it in the -- the contract as a whole and the  
14 works, and the responsibilities of the contractor. The  
15 design was the contractor's responsibility.

16 THE CORONER: I think we've probably covered that  
17 sufficiently, Mr Hendy.

18 MR HENDY: Could you, please, have a look at page 1058. You  
19 remember Mr Maxwell-Scott took you to this yesterday.  
20 This was the first performance specification provided by  
21 SAPA via Apollo to you. We can see the date in the  
22 bottom right-hand corner: December 2004, yes?

23 A. Yes.

24 Q. If we go, please, to page 1063, we can see that under  
25 the heading "Glazing (continued)", paragraph 11 at the

1 foot, it says:

2 "Solid infill panels where required are to be  
3 28-millimetre insulated sandwich panels with facings of  
4 polyester powder-coated aluminium finished to match  
5 framing."

6 Yes? That specification was not something that you  
7 had dictated to the contractor.

8 A. Can I give some context?

9 Q. Please.

10 A. My understanding is that as part of the process of  
11 preparing specification that SBDS would go out to  
12 certain parties to -- to obtain specifications. SAPA  
13 was -- certainly Marsland, who I was initially referred  
14 to, and SAPA, I believe, prepared a number of  
15 specifications to go into tender documents for Southwark  
16 Council.

17 It was also my understanding that Southwark were  
18 looking -- or their preferred specification was for  
19 powder-coated aluminium window sets, composite windows,  
20 in taller buildings.

21 Q. When you got this specification, I suggest to you that,  
22 in view of your duties under the building regulations  
23 and because you were the consultant project manager, it  
24 was incumbent on you to say "Make sure that these panels  
25 comply with the building regulations and are

1 fire-resistant"; do you agree?

2 A. No, I don't agree. The design responsibility for that  
3 particular element was the contractor's responsibility,  
4 it was set out in very clear terms within the contract,  
5 and it was my expectation that the contractor would take  
6 the performance specification and develop it into the  
7 building regulation requirements. That is why the  
8 design element was -- I can't remember the legal -- the  
9 legal term for it -- set out within the contract.

10 Q. Well, I'm not going to go through the provisions of the  
11 contract with you, but the gist of your evidence, then,  
12 to the jury is that if the contract said, as you think  
13 it did say, that the responsibility of conformity with  
14 the building regulations rests on the contractor, you  
15 had no further responsibility.

16 A. Of course I had some responsibility, I'm not saying  
17 that.

18 Q. Let me turn to another matter. We've heard about the  
19 Building Control approval. I wonder if you could be  
20 asked, please, to look at page 622 in the witness  
21 statements. It's probably on your desk. Let's see what  
22 you say about what this contract stipulated. At the  
23 bottom of the page, you say:

24 "As I have stated above, the contract stipulated  
25 that the window/wall panels would be the contractor's

1 design and that it was the contractor's responsibility  
2 to obtain Building Control approval. My role in respect  
3 of the windows' design was to make comments on the  
4 design drawings provided by the contractor."

5 You say something similar at paragraph 5 on  
6 page 696 -- no, that's the wrong reference, sorry,  
7 ignore it.

8 Anyway, that's what you say: contractor's  
9 responsibility to obtain Building Control approval. We  
10 understand that there's a dispute between you and the  
11 contractor about who should obtain Building Control  
12 approval. Indeed yesterday you said there was a dispute  
13 between you and the contractor about whose job it was to  
14 design the window and the panels, right?

15 THE CORONER: Well I don't think we need to go into the  
16 detail of that, Mr Hendy.

17 MR HENDY: We don't.

18 But what is incontrovertible, Ms Sidney, is that  
19 both you and the contractor had a responsibility to  
20 comply with the building regulations; do you agree with  
21 that?

22 A. The contractor had a responsibility to comply with  
23 building regulations in work that they were undertaking.

24 Q. Absolutely. The building regulations makes that clear.  
25 But the building regulations don't say that you could --

1           it's only the person who actually physically does the  
2           work, or the contractor or the subcontractor, it says:

3                   "Building works must comply with the building  
4           regulations."

5                   You as the project manager had that responsibility  
6           as well as the contractor.

7   MR MATTHEWS:   Madam, I don't represent Ms Sidney. I'm just  
8           a little uncomfortable with how much law -- propositions  
9           of law are being put to her.

10   THE CORONER:   Yes, that's a fair point. Mr Hendy, we have  
11           covered this point very fully, I'm not sure we need any  
12           more on this particular point.

13   MR HENDY:    Absolutely, madam.

14                   I just have a couple more points. The next one is  
15           this question of FENSA certificates. In the witness  
16           statements, page 627, at the bottom of the page, it  
17           says:

18                   "The contractor, who was responsible for the design  
19           and installation of the windows, doors and panels, has  
20           a contractual responsibility to obtain Building Control  
21           approval where appropriate. FENSA certificates were  
22           provided for the completed window, door and panel  
23           installations. It is my understanding and expectation,  
24           as advised by my line manager, that this third party  
25           certification route was acceptable to SBDS in that it



1 provided proof of compliance with the requirements of  
2 the Building Regulations. It is also my understanding  
3 that the certificates are accepted by Building Control."

4 Now, we've heard, and I won't bring up the  
5 regulations, that in fact FENSA only applies to windows  
6 and not to panels below windows.

7 A. Yes, that's correct. I have looked -- I have obviously  
8 read the subsequent evidence, and your previous  
9 comments.

10 Q. Is that something, then, that you didn't understand back  
11 in 2006?

12 A. Clearly, I didn't.

13 Q. We've also heard that a FENSA certificate doesn't apply  
14 even to windows where it's done in conjunction with  
15 other works; is that something that you learnt  
16 subsequently but didn't know at the time?

17 A. Yes.

18 Q. The third proposition I want to put to you is that  
19 having a FENSA certificate, or going down the FENSA  
20 route, only exempts the person doing the building work  
21 from giving a building notice and/or plans to Building  
22 Control, agreed?

23 A. (The witness nodded)

24 Q. But it doesn't exempt those doing building work from  
25 their duty to comply with the building regulations; is

1           that what you understand now?

2   THE CORONER:  Sorry, I agree with Mr Matthews.  These are  
3           propositions which I'm not expecting Ms Sidney to be  
4           able to answer, not in the way that you're putting them.  
5           I don't expect Ms Sidney to answer questions of law.

6   MR HENDY:  Of course, madam, I accept that.  I'm really  
7           groping for a question which asks her about her  
8           understanding at the time.

9   MR MATTHEWS:  Can I remind Mr Hendy that as a lawyer  
10           I mentioned to him that his second proposition is not my  
11           understanding of the evidence from FENSA, and we'll have  
12           to, as lawyers, clarify it later.

13   MR HENDY:  We will, because I don't agree with my learned  
14           friend.

15   MR MATTHEWS:  Fair enough.

16   THE CORONER:  We'll have that debate at another time, but  
17           this is not a debate in which Ms Sidney should be  
18           engaged.

19   MR HENDY:  I agree, madam.  So let's come back to that last  
20           proposition, that your understanding at the time was  
21           that if you went down the FENSA route that somehow  
22           exempted the works from compliance with the building  
23           regulations.

24   A.  It didn't -- I'm -- you said "exempt the works from  
25           compliance with the building regulations".  It was a way

1 of saying that they did comply with building regulations  
2 but exempted them from putting in a building notice.

3 Q. Let me put it in another way. In your statement, right  
4 at the end there, you say:

5 "... certification route was acceptable to SBDS in  
6 that it provided proof of compliance with the  
7 requirements of the building regulations."

8 Right?

9 A. Yes.

10 Q. What I'm saying to you is that your understanding was  
11 that if there was a FENSA certificate which covered the  
12 panels under the windows in the bedrooms, the  
13 requirement of the building regulations, that the panels  
14 should resist the spread of fire, was no longer  
15 applicable?

16 THE CORONER: Mr Hendy, I don't expect Ms Sidney to be able  
17 to answer that question, I really don't. Ms Sidney has  
18 explained to us her understanding of the FENSA position  
19 and I think that that is sufficient for our purposes.

20 MR HENDY: I'm guided by you, madam.

21 The final matter is this: there were some surveys  
22 undertaken at Lakanal House and other properties in 2000  
23 and 2001. We take it that you were unaware of them,  
24 were you?

25 A. I don't know what surveys you're talking about.

1 Q. Okay, let's have a look. There's a new bundle of  
2 documents that Mr Maxwell-Scott provided a day or so  
3 ago. Page 13, is that available?

4 THE CORONER: Mr Hendy, is this your last topic?

5 MR HENDY: It is, madam.

6 THE CORONER: Right, well, we'll finish with this and then  
7 we'll have a short break afterwards.

8 MR HENDY: Could you just pull it up a little bit further,  
9 just a little more? Thank you very much.

10 This was a survey done in the year 2000. As we saw  
11 at the top of the page, it was undertaken by SBDS. Can  
12 you see it refers to the Lakanal block, and points out,  
13 in the last sentence, that:

14 "There is a risk of localised fire spread between  
15 wall panelled sections."

16 This is before any changes in 2006 to 2007. Can we  
17 assume that you were unaware of that?

18 A. Yes, I was unaware of that.

19 Q. All right.

20 Then the final survey I wanted to refer to is in our  
21 bundles now, at bundle 3, page 846. (Handed)

22 This is a report on three sites at risk, again  
23 undertaken by Southwark Building Design Service. We can  
24 see the date at the bottom of the page, 16 March 2001,  
25 obviously before you were employed by the London Borough

1 of Southwark. At page 850, we're dealing with  
2 a different block of flats called Crystal Court, under  
3 "Proposed works", it says:

4 "When the windows require replacement, the infill  
5 panels should also be replaced by a more substantial  
6 fire-resisting construction. The frames themselves may  
7 also need renewal so that they may carry both the  
8 windows and the panels. This work would ensure improved  
9 fire integrity of the external walls of the building."

10 Is this a report that you had seen or had any  
11 knowledge about?

12 A. No, I wasn't aware of it.

13 Q. If we just look at the last page of it, at 853. In the  
14 fourth paragraph down, beginning with the words "The  
15 problems" it says:

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

23 Do you know anything about that programme of works?

24 A. No, I don't.

25 Q. Thank you very much, Ms Sidney.

1 THE CORONER: So those last documents that Mr Hendy's taken  
2 you to, no-one drew those to your attention?

3 A. No, they didn't.

4 THE CORONER: Thank you.

5 Right, we'll have a five minute break, thank you.

6 (12.10 pm)

7 (A short break)

8 (12.17 pm)

9 THE CORONER: Thank you. Yes, Mr Dowden? No. Ms Al Tai?  
10 Mr Walsh?

11 MR WALSH: No thank you, madam.

12 THE CORONER: Who's next. Mr Compton?

13 Questions by MR COMPTON

14 MR COMPTON: Ms Sidney, good morning. I act for Apollo  
15 Services, my name is Ben Compton. I appreciate you've  
16 been in the witness box a long time now. You'll be  
17 pleased to hear that I'm not going to take you through  
18 the intricacies of the contract, that's not a matter for  
19 this jury.

20 I do want to ask you one or two matters, please,  
21 about the de facto position that you found yourself in,  
22 going back to those years prior to Apollo's involvement  
23 and prior to this dreadful tragedy. Firstly, you were  
24 shown a -- we'll look up documents if we need to -- but  
25 you can remember you were shown a tender document

1           yesterday which had been filled in by Apollo which had  
2           a box for design, or rather for build, and it hadn't  
3           been ticked; do you remember that?

4    A.   Yes, I do.

5    Q.   You don't agree with the failure to tick that box; is  
6           that right?

7    A.   I don't agree with the failure of Apollo to have ticked  
8           that box.

9    THE CORONER:  I think your evidence yesterday was that you  
10           expected that they would have ticked the box to accept  
11           that it was a design and build.

12   A.   Yes.

13   MR COMPTON:  I just want to ask you this:  you in your first  
14           statement -- this is going back a long time -- but your  
15           first statement at page 622 -- let's just put that up on  
16           the screen, in fairness to you -- it's really the last  
17           sentence.  You were asked about this by Mr Hendy, and we  
18           can deal with it very briefly.  In that paragraph you  
19           have referred, as you said on a number of occasions,  
20           about the contract and the contractor's responsibility:

21                 "My role in respect of the windows' design was to  
22           make comments on the design drawings provided by the  
23           contractor."

24                 Now, you see that.  Is that really a fair summary of  
25           what you saw your role to be on this build and design

1 contract?

2 A. Well, that's -- I don't think that's a complete summary  
3 of my role on the contract, it was much larger than  
4 that.

5 Q. But it was your witness statement, being asked about  
6 your role, and I simply ask you about that because it's  
7 something you've put in that early statement.

8 A. Yes, I can't recall the context of how -- of how it was  
9 put to me when I actually made that comment. Is that  
10 the statement from the police station?

11 Q. Yes. The only reason I ask you that is that you were  
12 taken through a large number of documents yesterday by  
13 Mr Maxwell-Scott, dealing with your involvement and  
14 various aspects of this case, one or two that perhaps  
15 I can remind you of: page 1129, where effectively in  
16 an email to SAPA you're asking if there's anything that  
17 suggests that you have breached regulations; do you have  
18 that?

19 A. That's correct.

20 Q. These are just a sample I'm going to take you to and  
21 then ask for your comment. If we go to 1451, this is  
22 the pre-contract meeting, your notes of  
23 13 February 2006, where at 5.1, you've been asked about  
24 this, you're assuming responsibility for the Building  
25 Control requirements for the roof aspect; do you



1 remember that?

2 A. Yes, I do.

3 Q. 2055, there you appear to be getting involved in the  
4 cost difference between Trespa and aluminium; would you  
5 accept that? Just have a look at the document.

6 A. Yes, I was checking that, yes.

7 Q. You talk about aluminium being very, very expensive, and  
8 then we find that at 3180 -- and this is the last of the  
9 documents, really, that I want to take you to -- you're  
10 actually becoming involved in the drawings themselves,  
11 correct? If we just go to 3180:

12 "Drawings prepared by: Annabel Sidney -- Southwark  
13 Building Design Service."

14 I think you told us yesterday that in fact the  
15 drawings had been prepared by an architect at your  
16 request?

17 A. Yes, that's right.

18 Q. Do you know who that architect was?

19 A. I can't -- I can't remember, given the passage of time.

20 Q. So the architect puts together the drawings, gives them  
21 back to you, and what did you do with those drawings?

22 A. Put them in the tender documents.

23 Q. Thank you. Do you think, looking back at this, that  
24 that was part of your responsibilities if this was  
25 a build and design contract?

1 A. It's certainly not like any design and build contract  
2 I've seen in the past. Is that --

3 Q. I'm just asking you, because you've said to the jury,  
4 "Look, the contract, it's down to Apollo to deal with  
5 building regulations, design, and so forth", and I'm  
6 just drawing your attention to one or two documents to  
7 show that your role seems to move away from that, in  
8 other words that you become much more involved in this  
9 project.

10 A. I think that I probably was -- I tried to be helpful  
11 during the project and the contract.

12 Q. I'm sure that's right. Do you think you might have sent  
13 out the wrong messages?

14 A. I don't know. I don't think so, no.

15 Q. Just think about it for a moment. If it's design and  
16 build -- and we'll leave aside the legalities of it,  
17 think about it -- you're saying it all goes over to the  
18 contractors, they do the design, they deal with building  
19 regulations, why are you, for example, dealing with  
20 taking on the responsibilities of the building  
21 regulations over the roof, for example?

22 A. Well, I think you're -- you're taking -- I think you're  
23 taking certain documents in isolation. I think you need  
24 to think about it -- one needs to think about it in  
25 relation to all the conversations and discussions that

1 we'd be having on site and the context of how we came to  
2 me contacting Building Control.

3 Q. I hope I was trying to be fair by taking you to a number  
4 of documents. I don't want to go back through all the  
5 documents, but again and again, we see your involvement  
6 as being, I would suggest, much more than somebody who  
7 is just drawing up a spec and saying "Right, it's over  
8 to the contractors, they have the responsibilities for  
9 it". You seem to dip in all the time, with organising,  
10 occasionally saying you'll deal with building  
11 regulations. Do you see that, do you take that on  
12 board?

13 A. Yes, I do take that on board.

14 Q. You've talked about the role of the designer. Again,  
15 let's avoid the legalities of what is a designer. There  
16 we have you actually putting your name to drawings  
17 yourself, and SBDS, do you agree: an architect from SBDS  
18 involved in the drawings?

19 A. No, I don't think that's a fair comparison to make.  
20 They are existing proposed drawings.

21 Q. You were taken through this yesterday by  
22 Mr Maxwell-Scott, we know the dates, but you put your  
23 name to drawings being prepared by you and you used  
24 those drawings to go through the spec?

25 A. Yes, but the drawings were -- were from my sketches.

1 Q. Why the need to get involved, if this was all down to  
2 Apollo?

3 A. I -- I don't understand what you're driving at, sorry.

4 Q. I just want to ask you about one other matter, forgive  
5 me. A long time before Apollo are on scene, do you  
6 remember that Franklin & Andrews sent this document back  
7 to you, and we've had a look at it, and it starts at  
8 page 1408. If you just have a look there. This is the  
9 tender report -- I'm so sorry. (Handed)

10 This is the tender report, and if you go over 1409,  
11 that you'll be familiar with now, the jury have it, the  
12 various different companies tendering. It's just that  
13 at 1411, 5.5 -- 5.01 and 5.02 you dealt with  
14 yesterday -- this was a document, do you accept, that  
15 must have come back to you?

16 A. Yes, did I sign it? I can't recall.

17 Q. I don't know if you signed it, I don't think we can see  
18 a signature. But this is a document surely you would  
19 have read carefully.

20 A. We can only -- I'm sure I would have read it.

21 Q. 5.01, did anything cause you concern about that, if you  
22 read it carefully, or is it something that perhaps you  
23 thought was underway in the sense that you'd already  
24 made approaches to the Building Control, and so on?

25 A. No, absolutely not, 5.01 and 5.02 are very clearly

1 mistakes made by the consultant quantity surveyor who  
2 wrote -- who wrote the tender report, and it hasn't been  
3 picked up.

4 Q. Thank you.

5 THE CORONER: Thank you. Mr Leonard?

6 Questions by MR LEONARD

7 MR LEONARD: Not very much for you at all, Ms Sidney, I hope  
8 you'll be relieved to hear. I just want to ask you  
9 briefly about the change from -- I'm going to call them  
10 skins -- the aluminium skin panel to Trespa skin panel.  
11 Do you know what I mean by that, for the kitchen and the  
12 bedroom window units?

13 A. Yes, I didn't hear your name, sorry.

14 THE CORONER: Mr Leonard.

15 MR LEONARD: My name's James Leonard. I happen to represent  
16 Symphony, but I never really think who I'm acting for is  
17 particularly relevant.

18 THE CORONER: Well, I think it's quite helpful for witnesses  
19 to know who you're acting for, Mr Leonard.

20 MR LEONARD: Oh, okay, I apologise. I act for Symphony.

21 The change, I don't think you can recall now in any  
22 great detail how it came about; is that fair?

23 A. The change from the powder-coated aluminium to --

24 Q. Aluminium panel to the Trespa skins, we'll call them.

25 A. What I distinctly recall, it was suggested by Nick Coupe

1 from Symphony.

2 Q. Are you saying that he literally and spontaneously, as  
3 it were, put his hand up at a meeting and said "By the  
4 way, let's change the entire specification material for  
5 these panels", in May 2006?

6 A. I don't -- what I said is that there was -- there was --  
7 I think he raised a concern about the colouring and  
8 weathering.

9 Q. Well, can I suggest it came about, if at all, in this  
10 way: that you had a concern about matching the colour  
11 from the balcony panels in their existing Trespa skins  
12 with the colour of the aluminium skins that had been in  
13 the original specification; do you remember that?

14 A. Well, you can put it -- you can put it either way, it  
15 was a -- it was a concern raised by Nick Coupe --

16 Q. I suggest it was a concern raised by you, to which in  
17 some form or another he reacted by perhaps trying to  
18 help with a solution, no more than that.

19 A. I -- I can't recall.

20 Q. So that may be the way round that it occurred, is that  
21 the true position, as far as your recollection is  
22 concerned?

23 A. I -- I can't say that that is the case, because, you  
24 know, you're putting words in my mouth.

25 Q. I'm not saying you can necessarily agree with it, but

1 can you accept the possibility as a reasonable  
2 possibility, that it happened that way round rather than  
3 him suddenly volunteering this as a problem, that you  
4 instigated a concern rather than he?

5 A. That is not my recollection.

6 Q. How confident are you about that recollection now?

7 A. Well, I -- that was my recollection when I wrote my  
8 original statement, and I think I hadn't looked at very  
9 much material then and that was clear -- seemed to be  
10 clear in my mind.

11 Q. Do you remember a gentleman from SAPA being present?

12 A. Was this the meeting -- which meeting was this?

13 Q. Well, as I think Mr Maxwell-Scott point out, a meeting  
14 that you refer to in one of your statements as being  
15 attended by a gentleman from SAPA could only have been  
16 a meeting on 3 May, because that was the only meeting  
17 when they attended, when all of those people were  
18 present.

19 A. Sorry, could you repeat the question?

20 Q. Yes, of course. I think when you were being asked  
21 questions by Mr Maxwell-Scott, it was pointed out to you  
22 that there was a meeting at which SAPA were present when  
23 the windows were discussed, and as I understood it that  
24 was the meeting that you were suggesting had been the  
25 start of the process by which the change was

1 subsequently arrived at.

2 A. I think -- could you refer me to what documents  
3 you're --

4 Q. Well, I'm looking at page 623 in the statements bundle  
5 at the moment, and if I have it wrong I'm sure I'll be  
6 corrected.

7 THE CORONER: Ms Sidney, you remember that we don't have any  
8 notes of the meeting of 3 May 2006. (Handed)

9 MR LEONARD: What you say there --

10 A. Sorry, I just want to be clear what you're trying to  
11 establish.

12 Q. Of course. I'm just trying to establish if anybody from  
13 SAPA was present, to your understanding, when you say  
14 the issue of changing from aluminium skins to Trespa  
15 skins was first raised.

16 A. Well, I've been through the project documents with  
17 a fine toothed comb to try and work out the chronology  
18 of the decision making -- I call it "decision making",  
19 the chronology of what happened -- and I -- my  
20 understanding is that Nick Coupe suggested the change to  
21 Trespa on 17 May.

22 Q. That was the first time it was raised, so far as you're  
23 concerned.

24 A. Well, that's what I -- is inferred from the various  
25 emails on the project files, and I can't recall who was



1 in attendance at that meeting.

2 Q. What about James Cousins, have a think about him, was he  
3 there?

4 A. I -- I think we discussed this yesterday, I -- is there  
5 nothing within the documents that says who was at the  
6 meeting?

7 Q. Well, it's not a memory test, there is an email that  
8 suggests that James was going to be present on the 17th,  
9 but, as there's no note of it that we can find, there's  
10 no clarity as to whether he was or he wasn't?

11 A. I certainly imagine that there would have been  
12 a representative from Apollo there, there is a high  
13 likelihood that that would be James Cousins.

14 Q. Thank you.

15 THE CORONER: Ms Canby?

16 Questions by MS CANBY

17 MS CANBY: Ms Sidney, can you hear me?

18 A. Yes, I can.

19 Q. I'm Ms Canby, and I represent SAPA. I just have four  
20 very brief points that I want to seek your assistance  
21 and clarification on, if I may.

22 The first of those is in relation to the kitchen and  
23 living room balcony doors as they were before the  
24 2006/2007 refurbishment. In answer to questions asked  
25 of you by Mr Hendy this morning, you couldn't recall

1           whether or not the doors before 2006 and 2007 were  
2           solid. Can you recollect whether or not they were  
3           aluminium or wood?

4   A. They were -- I believe they were wood.

5   Q. Can you recollect whether or not they had self-closing  
6           mechanisms?

7   A. I can't recall, and I have tried to -- to see if they  
8           had, and I -- I don't remember. I don't --

9   Q. If they were solid wooden doors, does it automatically  
10           follow that they would have had fire-resisting  
11           properties?

12   THE CORONER: Can I just stop you there, Ms Canby; do you  
13           mean solid wood, or wood panelled?

14   MS CANBY: Well, the questions that were being asked by  
15           Mr Hendy this morning suggested to you that on some of  
16           the photographs it appeared to you that the doors were  
17           solid wooden doors, or solid doors so the majority of  
18           the doors, he said, were doors without panels.

19   A. Well there's a difference between solid, fire-rated and  
20           hollow core, which could look solid from -- from the  
21           outside.

22   Q. So is it fair to say, Ms Sidney, that it's very  
23           difficult to tell by the appearance of a door what its  
24           fire-resisting qualities are?

25   A. It -- it depends.

1 Q. Had you seen any specification that told you what the  
2 fire-resisting properties of those balcony doors were  
3 before 2006?

4 A. Had I seen a previous specification?

5 Q. Yes.

6 A. No, I hadn't.

7 Q. A second topic, Ms Sidney, similar sort of questions, in  
8 relation to the kitchen larder panel: had you seen any  
9 specification or documentation to tell you what the  
10 fire-resisting properties of that panel were before  
11 2006?

12 A. I don't recall I had.

13 Q. The third topic: bedroom window panels. We know from  
14 the testing that they were asbestos. Had you seen any  
15 documentation which told you what the particular  
16 fire-resisting properties of that particular asbestos  
17 were before 2006?

18 A. I don't believe I had.

19 Q. Did you have any knowledge as to whether or not that  
20 asbestos had been installed because of either its  
21 fire-resisting properties or because, for example, of  
22 its insulation properties?

23 A. I -- I don't have any -- I don't -- don't believe I had  
24 any knowledge of why the windows were changed  
25 previously, the composite windows, the panels.

1 Q. I'm trying to seek clarification as to your  
2 understanding of the use of asbestos in those bedroom  
3 window panels before 2006, and I'm trying to establish  
4 whether or not you appreciated that they had been used  
5 because of their fire-resistant properties, or  
6 insulation properties, or any other type of properties.  
7 Did you have any knowledge in relation to why somebody  
8 had chosen to use asbestos panels before 2006?

9 A. It could -- well, most certainly because of its fire  
10 resisting, and they also do have thermal properties as  
11 well.

12 Q. The final topic, please, which is the change from the  
13 powder-coated aluminium to Trespa in relation to the  
14 composite panels. You told Mr Hendy that you do not  
15 believe that the suggestion of the change from aluminium  
16 to Trespa had taken place at the meeting on 3 May 2006,  
17 although you believe that it was made at a meeting in  
18 May 2006.

19 Can we very briefly look at some documents to see if  
20 we can establish when in May 2006 that suggestion may  
21 have been made. If we start by looking, please, at  
22 page 1853, which is in file 5. (Handed).

23 You can see, Ms Sidney, that this is an email from  
24 you to James Cousins, copied to Robert Pearce, dated  
25 5 May 2006. So here we're already two days after the

1 meeting on 3 May. In the first paragraph we see:

2 "Colour details for powder-coated aluminium to  
3 kitchen and lounge doors, larder panel and panels under  
4 windows as agreed."

5 So does it appear that on 5 May 2006, there was  
6 still consideration to powder-coated aluminium being  
7 used in those composite panels?

8 A. It does appear, yes.

9 Q. Could we move on now please in the same file, file 5, to  
10 page 1972? This is an email again, Ms Sidney, from you  
11 to James Cousins, copied to others, including  
12 Vince Edward, John Menlove and Perry White, on  
13 15 May 2006, so we're now 12 days after the meeting on  
14 3 May, headed "Lakanal -- method statements". If you  
15 look right to the end of your email, the last sentence  
16 before you sign off, you ask this:

17 "Also, do we know when we might get the colour  
18 samples for the powder-coated aluminium to site?"

19 So does it appear on 15 May 2006 you were still  
20 envisaging considering powder-coated aluminium?

21 A. Yes, that's correct.

22 Q. Moving on to file 6, please and page 2031. (Handed)

23 Ms Sidney, this is an from you to James Cousins and  
24 copied to John Menlove and Perry White, on 17 May 2006,  
25 so a fortnight after 2006. It's headed "Window

1 drawings" and I wanted to draw your attention to this  
2 again because of the last sentence before you sign off.  
3 You raise various queries in relation to the window  
4 drawings but you then say this, and it's to  
5 James Cousins:

6 "Perhaps we can discuss at our meeting this  
7 afternoon, please."

8 So this was an email you sent at 10.21 on  
9 17 May 2006, and it appears as though you were  
10 anticipating having a meeting with James Cousins that  
11 afternoon; do you agree?

12 A. Yes, that's what it says, yes.

13 Q. Then the final document, please, still in the same file,  
14 file 6, at page 2056. It's the email in the middle of  
15 the page, again an email from you to James Cousins,  
16 dated 25 May 2006, headed "Bedroom window panels". It  
17 says:

18 "Hi James, when we met with Symphony last Wednesday,  
19 17 May, Nick said that he was looking into replacing the  
20 aluminium panels with Trespa."

21 Is it possible that the meeting that you were  
22 considering, or that you earlier referred to in answer  
23 to questions from Mr Hendy, in relation to the change of  
24 powder-coated aluminium to Trespa, was this meeting the  
25 meeting on 17 May 2006?

1 A. Yes, yes it was.

2 Q. As far as we can tell from these emails, it appears that  
3 the attendees at that meeting were yourself, Mr Coupe,  
4 and possibly Mr Cousins from Apollo?

5 A. Yes, that's correct.

6 Q. Thank you, Ms Sidney.

7 THE CORONER: Thank you. Ms Petherbridge? Thank you.  
8 Mr Matthews?

9 Questions by MR MATTHEWS

10 MR MATTHEWS: Ms Sidney, my name's Matthews, I ask questions  
11 on behalf of the London Borough of Southwark.

12 Can I take you all the way back in our bundles to  
13 page 1022, which is in bundle 4.

14 MR EDWARDS: Bundle 3.

15 MR MATTHEWS: Bundle 3, sorry. (Handed)

16 I do not want to go back over old ground, but it's  
17 simply to remind us that this is you writing in relation  
18 to design, composite window, screens and doors, and  
19 that's to go in the specification and particulars that's  
20 going to go out with the tender documentation.

21 A. Yes, that's correct.

22 Q. You're involved in this process, we can see from the  
23 page before, in 20 October 2004.

24 A. Yes.

25 Q. If we then look at 1067. That's the SBDS drawing that's

1           also to go in the specification.

2    A.   Yes, that's correct.

3    Q.   So when you were taken by Mr Compton on behalf of Apollo

4           to that sheet that described drawings prepared by you,

5           this was the one that he's referring to, drawn up by

6           an architect?

7    A.   Yes, that's right.

8    Q.   Can I ask you, then, to look at what you get back from

9           Marsland Windows in terms of a drawing, and I think

10          that's in the additional material, the actual letter,

11          which I don't have electronically.  It's 4444, yes.  So

12          it's going to be two pages on from that, which should be

13          4446.  That's it.

14   THE CORONER:  Ms Sidney, do you want to see the paper copy,

15          or is that enough to refresh your memory?

16   A.   Yes, that's fine, thank you.

17   MR MATTHEWS:  Is LW1, the SBDS drawing, based on that

18          drawing?

19   A.   I -- I can't recall.

20   Q.   Well, the date of the letter is 29 November, at 4444,

21          2004.

22   THE CORONER:  Do you want the file, would that help?

23   A.   I'm -- I'm not sure.

24   MR MATTHEWS:  Okay.

25   A.   It might have been, it might not have been.



1 Q. In any event, all these drawings, and the information  
2 from Marsland and SAPA, is that all to go into the  
3 specification and particulars to be sent out to  
4 prospective companies wishing to tender for the  
5 contract?

6 A. Certainly the SAPA specification, I can't remember  
7 whether the Marsland element was included.

8 Q. Can I ask you then about something later on in time that  
9 you've been asked about, and get you to look at  
10 page 2140, which is going to be in file 6. (Handed)

11 A. 21?

12 Q. 2140. Please take your time.

13 THE CORONER: We haven't looked at this before.

14 MR MATTHEWS: No, indeed, exactly, and it's not particularly  
15 easily set out. It's an email from you sent on  
16 27 April 2006 at 10.30 to James Cousins and Perry White,  
17 and copied to lots of people, Mr Menlove, Steve Scott,  
18 who was from Apollo; is that right?

19 A. (Inaudible).

20 Q. Well, that is right, if you don't remember --

21 A. Yes.

22 Q. -- and Ejovi and Robert Pearce?

23 A. Yes, that's correct.

24 Q. If you look into that email:  
25 "Hello James, further to your email of

1 24 April 2006, please see response from Ejovi as below."

2 We can look just underneath the address of Invicta  
3 Analytical Services, it says:

4 "I note that asbestos removal is programmed to start  
5 week commencing 15th, please could you ensure the risk  
6 assessment and site specific plan of work/method  
7 statement are submitted to the planning supervisor and  
8 myself in sufficient time to allow for the approval  
9 process."

10 Then you say this:

11 "With reference to item D page 7/4 of the  
12 specification -- asbestos panels adjacent to kitchen  
13 balcony doors (larder wall panel) -- this item to be  
14 omitted from the asbestos removal section -- ALS, our  
15 asbestos sampling consultant, has revisited this item  
16 today on site with Perry and has confirmed that the  
17 panel is ply."

18 Do you remember that?

19 A. I'm not sure that I do recall that. I have a vague  
20 recollection.

21 Q. Do you see that that appears to be talking about that  
22 larder panel next to the kitchen door?

23 A. Yes, it does. My understanding is that the panel was  
24 placed on both sides with ply and something in between.

25 Q. Let me then ask you lastly about something else. You've

1           been taken to, now, twice, that series of emails that  
2           put the meetings, if I can put it neutrally, concerning  
3           changes to the balcony panel in May, and we've seen  
4           development on 3 May up to 17th May -- I don't mean  
5           balcony panels, I mean panels beneath the bedrooms,  
6           forgive me.

7           If I can just take to you 17 May now, that's 2056.  
8           It's on this email that you get the date of 17 May; is  
9           that right?

10          A. Yes, that's correct.

11          Q. What I mean by that is you've told us a number of times  
12           that your recollection from having looked at the  
13           documents is that this meeting occurred on 17 May?

14          A. Yes, that's my recollection.

15          Q. The other matter, then, that I'd like to ask you about  
16           is when you were originally asked about when you learnt  
17           about FENSA you gave some parameters and you said you  
18           couldn't say whether it was early on in the project or  
19           up to 17 May 2006.

20          A. Did I say that? Yes.

21          Q. That's what I have recalled you saying.

22          A. Yes.

23          Q. Could you help us a little more then: is the reason  
24           you've given 17th May 2006 as the other part of the  
25           parameter, the end of the parameter, because it was in

1           this context that you heard about FENSA?

2    A.   It was in the context of progress meeting 2 of 16 May,  
3           where there's a reference to FENSA.

4    Q.   Right.  Speak up, if you would.

5    A.   Do you want me to repeat that?

6    THE CORONER:  Yes, please.

7    A.   Sorry, it's a reference to FENSA in progress meeting 2  
8           minutes of 16 May, from recollection.

9    THE CORONER:  Can we pull that up?

10   MR MATTHEWS:  I think we can, and I think that's 2026.  
11           Ms Sidney, it is important that you take your time,  
12           don't in any way feel rushed by me or anyone else.  
13           (Pause).

14   A.   Yes, I don't -- I've got a note somewhere, but I think  
15           it's the -- I don't think there is a specific reference  
16           to FENSA in this minute, but it's -- it's to do with the  
17           vents to the windows, which is at --

18   Q.   Could you tell us what you're looking at?

19   A.   I'm looking at 10.4.

20   THE CORONER:  We don't see there a specific reference to  
21           FENSA --

22   A.   We don't.

23   THE CORONER:  -- so what makes you think that there was --

24   A.   It just triggers something in my -- my mind that there  
25           was a specific reference to FENSA, when those vents were



1 A. The term building surveying -- the building survey is  
2 not a sort of all encompassing -- doesn't encompass  
3 everything, you have to get your specific scope for the  
4 survey, you come from your client as to what they want  
5 you to have a look at.

6 THE FOREMAN OF THE JURY: So you wouldn't --

7 A. So if you were doing a --

8 THE CORONER: Sorry, rather than being too theoretical, if  
9 you could just perhaps confine yourself to when you  
10 carried out the survey on Lakanal House.

11 A. It was in accordance with the client's brief, as -- as  
12 set out from our discussions.

13 THE FOREMAN OF THE JURY: They give you a list of things  
14 they want looked at, and so you look at those things,  
15 yes?

16 A. Yes.

17 THE FOREMAN OF THE JURY: Could you clarify for me whether  
18 smoke alarms were installed as part of the refit?

19 A. Yes, they were.

20 THE FOREMAN OF THE JURY: At the resident meetings that were  
21 held regularly, was fire safety discussed at all either  
22 in regard to existing or planned features?

23 A. Can you repeat the last part of the question, please?

24 THE FOREMAN OF THE JURY: At the regular meetings with  
25 residents, as far as progress of the project, was fire

1 safety discussed at all with the residents in regard to  
2 existing features or changes which might be made?  
3 A. I don't -- don't recall.  
4 THE CORONER: You attended those meetings, did you,  
5 Ms Sidney?  
6 A. Are we talking about the monthly resident progress  
7 meetings?  
8 THE CORONER: Well, you tell us.  
9 A. We had a monthly residents' programme meeting that --  
10 that ran side by side with the meeting with the  
11 contractor, there were also some public meetings as  
12 well.  
13 THE CORONER: So is your evidence that at none of the  
14 meetings that you attended was fire safety discussed,  
15 whether in respect to existing features or proposed  
16 changes?  
17 A. That's correct.  
18 THE FOREMAN OF THE JURY: We've heard that there was a very  
19 short time between when you were actually employed by  
20 SBDS and when you were given the Lakanal project. When  
21 you -- you have however had project planning experience  
22 before. Would it be usual -- when you don't know  
23 anything about the building you've just been handed, as  
24 in the Lakanal case, would it be usual for to you  
25 conduct some research, such as in the -- as in the

1 archives in this case, at the council, to learn more  
2 about the building, or would somebody be responsible for  
3 approaching you and saying "This is the history of  
4 Lakanal" as part of a handover?

5 A. I don't know what is usual practice, but I would -- you  
6 know, in my experience, you would try and seek out any  
7 information you could, for example the archived as-built  
8 drawings.

9 THE CORONER: Yes, you told us in evidence that you had  
10 tried to find that in the archives, so that's you trying  
11 to seek out information. What about information passed  
12 on to you by others, which I think was probably part of  
13 the question?

14 A. I don't -- I -- I don't -- are you trying to establish  
15 if there was a protocol for people to pass on  
16 information?

17 THE CORONER: Well, I think it would be helpful to know what  
18 you were given in the way of information in relation to  
19 this project.

20 A. I don't -- I don't believe I was handed any information  
21 about the project.

22 THE FOREMAN OF THE JURY: But you did seek out --

23 THE CORONER: Sorry, you've just lost your microphone.

24 THE FOREMAN OF THE JURY: But it does sound, as

25 Madam Coroner says, that you did actually seek out the



1 archives to a certain degree.

2 A. Yes, that's right.

3 THE FOREMAN OF THE JURY: When looking at replacing like for  
4 like materials or like for better materials, are any  
5 tests or research conducted in order to compare the  
6 materials, as far as existing and planned side by side,  
7 does that occur, or as part of assessing new materials,  
8 or, for instance, do you go on the expertise of others  
9 that this would be a suitable replacement?

10 A. It just depends on -- on the circumstances.

11 THE FOREMAN OF THE JURY: So I guess in this case, for  
12 instance, that's not applicable.

13 A. Sorry, I can't -- I'm struggling to hear you actually.

14 THE CORONER: The question was: in this case it wasn't  
15 applicable. So in this case, you're not aware of any  
16 test that was undertaken or any research that was  
17 carried out in relation to the particular properties of  
18 different materials; does that cover it?

19 A. Not -- not by -- not from SBDS.

20 THE CORONER: What about by others?

21 A. I -- I'm not aware of any.

22 THE CORONER: Does that cover the question?

23 THE FOREMAN OF THE JURY: I think so. The last one may  
24 actually be resolved by us having another look at  
25 a document, if Mr Maxwell-Scott or Mr Atkins could pull

1           it up. We're after an email dated 7 January 2005. It's  
2           page 1084. We've heard --

3   THE CORONER: Sorry, can you see that on the screen  
4           sufficiently, Ms Sidney?

5   A. Yes, I can, thank you.

6   THE CORONER: Yes.

7   THE FOREMAN OF THE JURY: We're just trying to clarify here  
8           when the idea of Trespa panels first came about. We've  
9           heard a number of times about the May 2006 meeting, when  
10          Mr Coupe may have put that forward as a suggestion,  
11          however this email is dated, as I said, from  
12          January 2005, and we can see that a costing is requested  
13          for Trespa or powder-coated aluminium on the balcony, so  
14          we were just wondering if you could clarify perhaps why  
15          Trespa quotes were being asked about at this stage, even  
16          though they hadn't been proposed previously?

17   A. I mean, this is for the balcony and not for the panels  
18          underneath the windows.

19   THE FOREMAN OF THE JURY: Okay, thanks.

20   THE CORONER: Yes, we have to make a distinction between  
21          those two, between the balcony panels and the panels  
22          beneath the windows.

23   THE FOREMAN OF THE JURY: Thank you, that's clear now.

24   THE CORONER: Thank you.

25                Yes, is that the questions you have? Thank you very

1 much.

2 Ms Sidney, thank you very much for coming and thank  
3 you very much for the assistance that you've been able  
4 to give to us. You're welcome to stay if you would  
5 like, but you're free to go if you would prefer. Thank  
6 you very much.

7 (The witness withdrew)

8 THE CORONER: We'll have a break now and continue at 2.15.  
9 (1.15 pm)

10 (The short adjournment)

11 (2.14 pm)

12 THE CORONER: Mr Maxwell-Scott, unless Mr Menlove is going  
13 to need a break, I think we might try and go through  
14 without a break this afternoon.

15 MR MAXWELL-SCOTT: Yes, certainly.

16 THE CORONER: Mr Menlove, I see you nodding at the moment,  
17 but if you feel you need a break just say so.

18 MR MAXWELL-SCOTT: What time should I aim for to look for  
19 a convenient point to stop.

20 THE CORONER: Let's finish by 4. But if there is  
21 a convenient point and you don't want to start a new  
22 topic then before then is fine.

23 MR MAXWELL-SCOTT: Of course.

24 THE CORONER: Not too much before then.

25 (In the presence of the Jury)

1 THE CORONER: Yes, thank you, members of the jury, we're  
2 having evidence this afternoon from Mr Menlove.

3 Would you like to come forward, Mr Menlove? Thank  
4 you.

5 JOHN MENLOVE (sworn)

6 THE CORONER: Thank you, do sit down, Mr Menlove. Do help  
7 yourself to a glass of water. I think you've been  
8 sitting at the back, so you'll realise that the sound in  
9 the room isn't easy, so if you could make sure you keep  
10 your voice up, and if you direct your answers across the  
11 room towards the members of the jury, it might feel  
12 a little artificial, but that helps them to hear your  
13 evidence and helps keep you close to the microphone.

14 A. Thank you.

15 THE CORONER: Mr Maxwell-Scott, who's standing, is going to  
16 ask you questions on my behalf and then there'll be  
17 questions from others. I think that we're not going to  
18 finish your evidence this afternoon, but I gather that  
19 you're free to come back on Monday if we don't finish  
20 you by then.

21 A. Yeah.

22 THE CORONER: Thank you very much.

23 A. Thank you.

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Questions by MR MAXWELL-SCOTT

MR MAXWELL-SCOTT: Good afternoon, Mr Menlove, could you give the court your full name?

A. Good afternoon. My name is John Michael Menlove.

Q. I think it is right that at the relevant time in 2005, 2006 and 2007, you were employed by the London Borough of Southwark and working within Southwark Building Design Services?

A. That's correct.

Q. Amongst other things, you were the line manager for Annabel Sidney.

A. That's correct.

Q. You, like her, were a qualified building surveyor.

A. Yes, I'm a chartered surveyor.

Q. You began working in the local authority sector in 1983; is that right?

A. That's correct.

Q. But at that time you were not a chartered building surveyor, you obtained that qualification in 2003; is that correct?

A. Correct.

Q. Did you work for local authorities continuously from 1938 onwards to 2007?

A. Yes, I did. I worked for the London Borough of Newham to 1996, when I joined Southwark, Southwark Building

1 Design Service, and I left Southwark Building Design  
2 Service in October 2007.

3 Q. Is it right that you started in SBDS as a principal  
4 building surveyor, then in around 2001 you became deputy  
5 group manager and in February 2006 you became acting  
6 group manager?

7 A. That's correct.

8 Q. As acting group manager, did you in turn report to one  
9 of SBDS's strategy managers?

10 A. As acting group manager, I reported to Andy Brown, who,  
11 as you say, was one of the strategy managers.

12 Q. One of two, I think?

13 A. That's correct.

14 Q. I'm going to ask you firstly about the nature of your  
15 involvement with the Lakanal project in terms of support  
16 that you gave in general terms to Annabel Sidney.  
17 Firstly, this is a point you made in your witness  
18 statement, we can turn to it if necessary, but the first  
19 thing to draw attention to, I would suggest, is that, as  
20 I understand it, the two of you sat near each other in  
21 the same shared office.

22 A. That's correct.

23 Q. Was that an open plan office?

24 A. Yes, it was.

25 Q. You would speak on a regular basis --

1 A. That's correct.

2 Q. -- and you would provide her with support and assistance  
3 as and when she required it.

4 A. That's correct.

5 Q. All of those matters which we have just touched upon  
6 would indicate that the evidence that we have of your  
7 interactions with her in the documents, whether from  
8 memos or minutes or emails, will not be the totality of  
9 the interactions that you had, as there will be have  
10 been, I assume, large numbers of informal office-based  
11 contact; is that right?

12 A. That would be correct, yes.

13 Q. On the other hand, is it right that you did not have  
14 a day to day involvement in the Lakanal project?

15 A. That's also correct, yes.

16 Q. Annabel Sidney was running it for SBDS on a day to day  
17 basis, you were her line manager and you were there to  
18 provide, and did provide, support and assistance as she  
19 required.

20 A. Correct.

21 Q. What I'd like to do next is to ask you about some  
22 matters that were mentioned in her evidence yesterday  
23 based on paragraphs in witness statements that she has  
24 given and which were read out in court, and ask you  
25 whether or not you agree with them and what is said in

1           them about your involvement, because that will help me  
2           to assess what sort of topics we need to look at and in  
3           what level of detail.

4           It would be easiest if we do this by putting up the  
5           relevant passages of her statements that were read out  
6           in court on the screen. If I ask you firstly to look at  
7           page 627 in the statements bundle. (Handed)

8           The paragraph that starts in the middle of the page  
9           says:

10           "With reference to the project at Lakanal House ..."

11           Then it talks about references to building  
12           regulations:

13           "... I cannot recall the specific detail of those  
14           discussions."

15           Then in the statement, Annabel Sidney said this:

16           "However, it would have been discussed and agreed  
17           with my line manager, during the scope of works as to  
18           whether Building Control approval was required."

19           To the best of your recollection, do you agree with  
20           that?

21    A. I do agree with that, I can't remember a -- a particular  
22           conversation about that, but I can certainly confirm  
23           that that would have been the kind of conversation that  
24           I would have had with Annabel.

25    Q. I'm going to have to ask you to think about precisely



1           what you mean by that answer, and whether what you mean  
2           by it is that it's very much the sort of conversation  
3           that you speak would have taken place because it should  
4           have taken place or whether you actually mean that your  
5           recollection is that such conversations did indeed take  
6           place, although you can't now remember the details?

7    A.   I can't remember a detailed conversation about the  
8           building regulations with Annabel on this particular  
9           project, but I can confirm that I would have expected  
10          a conversation about the building regulations in  
11          relation to Lakanal House.  I can confirm that I would  
12          have expected that to take place.

13   Q.   Does it follow from what you have told us -- and  
14          I appreciate we're asking you about events a long time  
15          ago -- that if such conversation did take place, you  
16          can't say when in relation to the stage of the project  
17          it did?

18   A.   I -- I could make an assumption, but that may not  
19          happen.  In answer to your question, no I can't remember  
20          a specific time, or the specific time.

21   Q.   Then still on page 627, now the bottom paragraph.  It  
22          says firstly that:

23                 "The contractor, who was responsible for the design  
24                 and installation of windows, doors and panels, has  
25                 a contractual responsibility to obtain Building Control

1 approval where appropriate."

2 What I want to ask you about is the next bit:

3 "FENSA certificates were provided for the completed  
4 window, door and panel installations. It is my  
5 understanding and expectation, as advised by my line  
6 manager, that this third party certification route was  
7 acceptable to SBDS in that it provided proof of  
8 compliance with the requirements of the building  
9 regulations."

10 I want to ask you, to the best of your recollection,  
11 whether you agree with what is said there, focussing  
12 specifically on what is said about the advice you gave  
13 to Annabel Sidney about FENSA certificates.

14 A. Again, I can't remember the -- the specific  
15 conversation, but what I can say is that that would have  
16 been my statement at the time, because that's my  
17 recollection of my understanding at the time.

18 Q. So just pausing there, do we understand from your answer  
19 that, at the time, your personal understanding was that  
20 FENSA certificates were indeed acceptable to SBDS  
21 because they provided proof of compliance with the  
22 requirements of building regulations?

23 A. I wonder if you could ask the question again, please,  
24 thank you.

25 Q. At the time -- and we'll focus a bit more on what we

1 mean by "at the time", but for this question, at the  
2 time -- was it your understanding that FENSA  
3 certificates were accepted by SBDS as providing proof of  
4 compliance with the requirements of the building  
5 regulations?

6 A. Yes, that was my understanding at the time.

7 Q. Then if we focus on what we mean here by "at the time",  
8 because of course the certificates themselves were not  
9 sent to SBDS until, I think, mid-2007, and overtures  
10 were being made to potential companies who could prepare  
11 specifications as early as late 2004, so what I wonder  
12 is if you can help us by pinning down what you mean by  
13 "at the time", whether you are talking about at the time  
14 that you received the FENSA certificates, or whether  
15 you're talking about earlier periods in time as well?

16 A. I'm unable to give you an answer -- a specific answer to  
17 that question, I'm afraid.

18 Q. So should we leave it for the moment that, on receipt of  
19 the FENSA certificates, you were of the view that they  
20 were acceptable to SBDS as proving compliance with the  
21 building regulations and that may also have been your  
22 view for an unspecified period of time before that?

23 A. Correct.

24 Q. Then if we could look at a passage in Annabel Sidney's  
25 third statement at page 707. It's paragraph 11, and it

1 says:

2 "With regard to the replacement of the asbestos  
3 panels with PPC aluminium panels, I was given guidance  
4 by John Menlove that the performance specification  
5 should be obtained from Marsland Windows."

6 In short, it was you who suggested to her to first  
7 approach Marsland Windows. To the best of your  
8 recollection, would you agree with that?

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

10 Q. Then finally, over the page at 708, we're going to be  
11 looking at paragraph 18. It says:

12 "In relation to the windows, panels and doors,  
13 I have a memory of discussing Building Control with  
14 John Menlove when Apollo had submitted their programme  
15 of works. I believe that this was after Apollo was  
16 being considered for the award of contract and before  
17 the pre-contract meeting. I believe that after this  
18 meeting, Apollo advised me that they were going down the  
19 FENSA route and my recollection is that I then spoke to  
20 John Menlove, who agreed that this was an acceptable  
21 approach."

22 A. Again, I -- I can't remember the conversation, but --  
23 but I'm quite happy that that would be a correct  
24 statement.

25 Q. I'm not sure that that 100 per cent fits with what

1           you've said earlier, because what you said earlier was  
2           that you're not able to recall when it was that you were  
3           first of the view that FENSA was acceptable to SBDS as  
4           proof of compliance with building regulations, whereas  
5           this paragraph puts a timeframe on that sort of  
6           understanding, does it not, because it's talking about  
7           events around the time of the pre-contract meeting, in  
8           other words February 2006.

9           So this paragraph, as I understand it, suggests that  
10          after the pre-contract meeting Apollo said they were  
11          going down the FENSA route and that then there was  
12          a conversation with you, who said that that was  
13          acceptable. Does your memory enable you to agree to  
14          such a precise timeframe?

15        A. I -- I believe that the -- the original question was --  
16          was more of a general nature, in terms of when my  
17          understanding was of the FENSA regulations, and I wasn't  
18          able to actually give you a timeframe on that,  
19          whereas -- whereas this relates to a point when we were  
20          talking specifically about Apollo, so the statement at  
21          that point was that, yes, I did have a view on FENSA.  
22          So I may well have had -- understood the involvement of  
23          FENSA before this time.

24        Q. The earlier question was about when you first had the  
25          understanding that FENSA certificates were acceptable to

1 SBDS as proof of compliance with the building  
2 regulations, and I had understood you to say "Yes, at  
3 the time we got the certificates, and possibly before  
4 that as well, but I can't say when". I see you nodding.

5 A. Yes, that's correct.

6 Q. But this paragraph is about events some 15 months before  
7 receipt of the FENSA certificates, because it's tying  
8 things to a point in time around the pre-contract  
9 meeting.

10 A. I can confirm that at the time that we would have been  
11 having a pre-contract meeting, that I -- my  
12 understanding was that FENSA certificates were  
13 acceptable to demonstrate compliance with Building  
14 Control.

15 Q. Thank you.

16 We've heard from Annabel Sidney that she joined SBDS  
17 on 13 September 2004, and was engaged on the Lakanal  
18 project within a matter of days, her first task on it  
19 being to carry out a survey on 16 September 2004. Can  
20 you assist us at all with what induction or briefing she  
21 would have been given to pick up that project so soon  
22 after joining the team?

23 A. I'm unable to remember the -- the specific details of  
24 any induction or advice that Annabel would have been  
25 given at that time. What I can say is that at that

1 particular time I -- I wasn't the group manager. That  
2 was Christine Kennedy, so she would have had a fairly  
3 strong involvement in deciding the work load within the  
4 team and the allocation of work, which obviously  
5 involved Annabel Sidney being asked to work on the  
6 Lakanal House project.

7 So in terms of -- of a formal process for imparting  
8 information, induction, that may well have come from  
9 Christine.

10 Q. You have made two statements, the first in around  
11 July 2010, which seems to have been signed on  
12 25 August 2010, and then the second one also signed on  
13 25 August 2010. If I show you those now, then ask you  
14 about a couple of passages in them. Firstly, 629 in the  
15 statements bundle. Is that the first page of your first  
16 statement?

17 A. That's correct.

18 Q. We will see it's dated 25 August, but the reasons for  
19 that are not completely clear. Something similar to  
20 what happened with Ms Sidney seems to have happened,  
21 because if we then go to 634, we can see a second  
22 statement, also with the same date, but it refers to the  
23 fact that there is a previous statement and that you  
24 previously were interviewed in June 2010.

25 If I take you back, then, to something in your first

1 statement at page 632. At the top of the page you say  
2 that you believe that SBDS received instructions from  
3 the housing client in approximately September 2004. At  
4 that time you were the deputy group manager for central  
5 team. The group manager was Christine Kennedy. Then  
6 a couple of lines below, you say:

7 "Although I do not now recall the specific  
8 discussions, the decision to appoint Annabel as the CPM  
9 for Lakanal would have been taken by myself and  
10 Christine, having first considered the scope of the  
11 project, resources and necessary expertise required."

12 In the next paragraph you say that you and  
13 Christine Kennedy had a shared managerial responsibility  
14 for Annabel. Then if you look in your second statement  
15 at 635. At the top of the page in the second line, you  
16 said:

17 "Given Annabel's experience, I am not aware of any  
18 decisions which she would have been unable to take in  
19 her role as CPM on the project. I am also unaware of  
20 any specific items which she referred to me."

21 Dealing with the first sentence there first, can you  
22 assist us with what you meant by "given Annabel's  
23 experience" in the context that she was first put on the  
24 project within a few days of her arriving at SBDS. What  
25 did you know about her experience at that time?



1 A. I knew that Annabel was a chartered building surveyor.  
2 That would have been the main guidance for me to -- to  
3 ascertain her ability to work on this project. I recall  
4 that Christine Kennedy was on the interview panel and  
5 actually -- actually offered her the job when -- for her  
6 to join the central team, so I would have been relying  
7 on her knowledge of Annabel in terms of the interview  
8 process and also her CV and application form. So  
9 I think it would have been a joint decision between the  
10 two of us, based on what we knew of Annabel's previous  
11 experience and her qualification.

12 Q. At this distance of time, are you able to say if you  
13 knew whether or not she had project management  
14 experience?

15 A. I can't recall that.

16 Q. Then that final sentence at the top of the first  
17 paragraph:

18 "I am also unaware of any specific items which she  
19 referred to me."

20 Are you there contrasting items which she, in  
21 effect, delegated or handed to you with items that she  
22 merely discussed and sought your advice on? If you want  
23 me to rephrase that, I will.

24 A. Well, I can offer you an answer.

25 Q. Certainly.

1 A. I'm certainly not aware of any items which Annabel would  
2 have delegated to me, so my response would be items on  
3 a -- on a referral basis for maybe advice or -- yes, for  
4 advice.

5 Q. I mean, you're not there saying that "She didn't refer  
6 items to me for my advice and guidance", are you?

7 A. I'm sorry, could you repeat that?

8 Q. I think we have already agreed that you provided her  
9 with support and assistance as and when she required it,  
10 and I had assumed from that that there would have been  
11 a number of occasions in which she did indeed seek your  
12 advice, support and guidance on specific matters; is  
13 that fair?

14 A. That would be correct.

15 Q. So this sentence is not intended to in any way suggest  
16 that she never asked for your advice and guidance on  
17 specific matters?

18 A. Correct.

19 Q. Could I ask you a short topic to do with the role of the  
20 clerk of works? Is it right that SBDS employed more  
21 than one clerk of works --

22 A. Correct.

23 Q. -- because there were several teams within SBDS, and did  
24 each of them have a clerk of works?

25 A. To my knowledge, each team would have had a clerk of

1 works and in some cases more than one.

2 Q. Your team had one or did it have more than one?

3 A. At a certain point we certainly had more than -- more  
4 than one, and possibly up to three, but I can't remember  
5 how many it would have been at this particular time.

6 Q. Was a Mr Keith Roberts one of the clerk of works in your  
7 team?

8 A. Correct.

9 Q. I am going to ask you then about what, as far as you can  
10 recall, his job involved. Perhaps if you could start  
11 just by giving the jury an answer in a few sentences of  
12 what it involved generally, then perhaps we can look at  
13 the Lakanal project.

14 A. The -- the function of a clerk of works is to be the --  
15 the eyes of the client on site, so he would visit the  
16 site on a regular basis, he would -- he would monitor  
17 the works, specifically in terms of the -- the quality  
18 of the works.

19 Q. To your knowledge, was that in essence his role on the  
20 Lakanal House project as well?

21 A. Yes, that's true.

22 Q. When we talk about the quality of works, we could be  
23 measuring that against several different criteria.  
24 I will just offer up three for discussion, there may be  
25 others, but one criteria, perhaps the most primitive

1 would simply be: does the work appear to be being done  
2 on time, does it look like it's going to finish on time?

3 Perhaps I'll just list the three then we can look at  
4 each of them.

5 The second one, which would be slightly more  
6 sophisticated, would be: not only does it appear to be  
7 being done on time, but does it appear to be the work  
8 that is expected, the work that be the specification  
9 requires? Because there's no point having people look  
10 as if they're completing work on time that is actually  
11 not what was requested.

12 Then the third, yet more sophisticated, way in which  
13 one might measure would be whether it is not only work  
14 on time and in compliance with the specification, but  
15 also in compliance with building regulations. There may  
16 be other ways of measuring it.

17 Perhaps if you could help us with each of those  
18 first. Would it be part of the clerk of works' role to  
19 assess whether the work appears to be on time?

20 A. Yes, that's correct. I think it's important for me to  
21 say that the contractor would be working to a programme,  
22 and the contractor at monthly site meetings would be  
23 reporting his progress against his programme. What we  
24 would encourage the clerk of works to do is to give  
25 us -- or to give SBDS and the CPM their assessment of

1           how the contractor was performing. So he would  
2           certainly have a view and an input on the time element  
3           of the contractor.

4    Q.   Secondly, how about assessing whether work is being  
5           carried out in accordance with the specification?

6    A.   The clerk of works would be given the relevant sections  
7           from the specification, which would primarily be the  
8           prelims and the actual specification, and the schedule  
9           of works, and we would expect that he would use that  
10          document in his inspections on site. So in answer to  
11          your question, yes, he would be looking at the works in  
12          relation to the specification.

13   Q.   Then thirdly, what about looking at it in comparison  
14          with what is or might be required under the building  
15          regulation's approved documents. Would that be part of  
16          any clerk of works' role?

17   A.   Not specifically, no.

18   Q.   Perhaps just to illustrate these points with a couple of  
19          documents, if we have a look at an example of a clerk of  
20          works' report at page 2557 in file 7. (Handed)

21                 That is the first page of the report number 23, and  
22                 we can see from the top, and I'm sure you can confirm  
23                 from your memory, that he did weekly reports.

24   A.   I'm sorry, what was the question?

25   Q.   There were weekly reports --

1 A. That's correct, yes.

2 Q. -- using a standard form document?

3 A. Yes, that's correct.

4 Q. This is an example of it. If we look through it, the  
5 second page has a box to record events of interest or  
6 note on each day of that five-day working week?

7 A. Correct.

8 Q. The third page has some other boxes to fill in, site  
9 organisation, CDM, standard of workmanship, anything  
10 that's defective, whether any previously defective work  
11 has been corrected, and progress generally.

12 Then the fourth page of the report has more boxes to  
13 fill in, the extent to which subcontractors have had  
14 persons on site, and then here on the fifth page we see  
15 how the clerk of works indicates the extent to which the  
16 works are now complete, starting with the very first  
17 report with 0 per cent complete, or 1 per cent complete,  
18 and working all the way through to the very end of the  
19 project, when he's able to report it's 100 per cent  
20 complete?

21 A. Yes.

22 Q. Is that a fairly standard example of the sort of  
23 document which the clerk of works would complete on  
24 a weekly basis?

25 A. Yes, it is, yes, correct.

1 Q. Does that capture the essence of his role?

2 A. Yes, it does.

3 Q. Then secondly, if we could look at a job description at  
4 page 4500. It's in the final bundle. There will just  
5 be a slight pause before I can put it on the screen.  
6 (Handed)

7 Do you have that?

8 A. I do, thank you.

9 Q. While I'm waiting for it to come up on screen, if you  
10 could just be thinking to yourself about whether that  
11 would have applied to Mr Roberts, the possible wrinkle  
12 being that I think that is headed "Senior clerk of  
13 works". It may be that he was not a senior clerk of  
14 works. So the question is going to be about how  
15 representative that document is of what his job  
16 description would have been. I'll ask you if you can  
17 assist us on that once we have the document on screen.  
18 (Pause)

19 A. This would appear to be --

20 THE CORONER: Just wait a moment, Mr Menlove, we'll get it  
21 on the screen.

22 MR MAXWELL-SCOTT: We'll get it on the screen and then the  
23 members of the jury will be able to follow it. (Pause)

24 THE CORONER: Thank you.

25 MR MAXWELL-SCOTT: We now have on screen 4500, job

1 description, "Senior clerk of works, Hay 9", I think  
2 that is a reference to a pay scale; is that right?

3 A. That's correct, yes.

4 Q. It is two pages. You have had an opportunity to have  
5 a look at it, and if necessary we can have a look at  
6 particular passages in it, but can you help us to what  
7 extent that would reflect the job description of  
8 Mr Roberts in 2006/2007?

9 A. I can confirm that this is the standard job description  
10 for a senior clerk of works on Hay 9. What  
11 I unfortunately can't confirm is whether Keith at that  
12 time was a senior clerk of works on Hay 9. He was  
13 certainly a clerk of works.

14 Q. Can you help us with to what extent there would be any  
15 differences between the role of a senior clerk of works  
16 and a clerk of works?

17 A. I'm not sure I can.

18 Q. Just on the second page of it, 4501, point 9 is:

19 "To advise the project leader of any problems that  
20 arise on site, including the requirements for the  
21 Building Control officer and statutory authorities and  
22 to assist in their solution."

23 Are you able to help us with what that means in  
24 practice?

25 A. My understanding of that item, that point, would be



1           that, because the clerk of works was on site on a daily  
2           basis, he would be aware of any issues that resulted  
3           from Building Control issues, and would be able to  
4           advise the construction project manager of those issues.

5    Q.   What I was wondering, and help us with this if you can,  
6           is whether that is limited to reacting to Building  
7           Control issues, if for example a Building Control  
8           inspector turns up on site, Mr Roberts is SBDS's  
9           representative on site, and then he will react to  
10          whatever is said and pass it on, or whether you read  
11          that or understand the clerk of works' role as being any  
12          more proactive than that in relation to Building Control  
13          issues.

14   A.   Your first statement would be the correct one,  
15          I wouldn't see the clerk of works as being proactive.

16   Q.   You wouldn't?

17   A.   I would not.

18   Q.   So purely, he is the person who is the client's eyes and  
19          ears on site, so if Building Control happen to send  
20          an inspector, he is the person who will know about it,  
21          he will speak to that person and he will report back as  
22          appropriate?

23   A.   He may not speak to that person, but yes, otherwise  
24          that's correct.

25   Q.   But it's not part of his job to be thinking, "Well

1 nobody's coming from Building Control, we'd better get  
2 an inspector along".

3 A. That's correct.

4 Q. Let me turn away from that topic, then, and ask you  
5 about the service level agreement between SBDS and the  
6 client, in other words the housing side of the London  
7 Borough of Southwark.

8 We looked at this with Ms Sidney, but one had to  
9 bear in mind with her, of course, that this was  
10 a document which had come into existence before she  
11 joined SBDS, and one had to bear in mind her answers  
12 that she had limited knowledge or recollection of it.

13 If we turn to it, it starts at page 949 in file 3.

14 (Handed)

15 We can see from that first page that it was dated  
16 April 2004, so it was issued at a time when you were  
17 working in SBDS?

18 A. That's correct.

19 Q. Can you help us with whether it replaced some similar  
20 document or whether this was a new development?

21 A. What I can remember is that there were, I believe,  
22 a number of versions of the service level agreement,  
23 which over the course of time have been amended and  
24 updated. I can't remember the actual timescale of --

25 Q. Don't worry, I wasn't even asking you to, or certainly

1           wasn't even expecting you to. But the short point is  
2           that there was a service level agreement before this --

3    A. Yes.

4    Q. -- and when this one was introduced, is it something  
5           that you would have read and considered at the time?

6    A. I'm -- I'm certainly aware of this document. Within  
7           central team, there were copies of this document  
8           available to the surveyors that were running projects  
9           that it related to. I can also remember some joint  
10           training on the service level agreement with our client,  
11           the housing department.

12   Q. Then if we look at a small number of passages in it,  
13           firstly at 954. This is the four page introduction, and  
14           2.3, "What is included in the service":

15                 "Consultancy services shall normally include ...  
16           compliance with statutory requirements, including all  
17           building related regulations and approvals ..."

18                 Was that your understanding of part of the service  
19           that SBDS normally offered to the rest of the London  
20           Borough of Southwark?

21   A. Yes, that's my understanding.

22   Q. Then if we look to 976, this is a table that summarises  
23           the consultant's responsibilities -- so, in other words,  
24           SBDS's responsibilities -- on different types of  
25           project. The left-hand column is "Planned preventive

1 maintenance". We see that at the pre-tender inception  
2 stage, the bottom bullet point:

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

6 Does that conform with your understanding of one of  
7 the responsibilities of SBDS to the rest of the London  
8 Borough of Southwark?

9 A. Yes.

10 Q. Then if you look at 960, it's the same point really,  
11 it's a table summarising, by way of an overview, the  
12 entirety of a planned preventive maintenance programme,  
13 starting with preparation of the programme and finishing  
14 with "completion and monitoring" and under "Scheme  
15 development", which is at the stage before companies  
16 like Apollo are invited to tender, we can see at "Scheme  
17 development" stage, one of the responsibilities of the  
18 consultant is to obtain statutory consents; do you see  
19 that?

20 A. I can't actually see where that's written.

21 Q. Okay. "Scheme development" in the "Task/activity"  
22 column.

23 A. Yes.

24 Q. Then if you look across the row to the "Consultant"  
25 column, the second bullet point:

1           "Obtain statutory consents."

2    A.   Yes, I see that.

3    Q.   That is a reference to planning approval, if required,  
4       and building regulations approval, if required; do you  
5       agree?

6    A.   I do.

7    Q.   Would it be your experience that those two types of  
8       statutory consents, planning approval and Building  
9       Control approval, would be considered at the same point  
10      in time of the project?

11   A.   Both of those areas would be considered at a -- at  
12      a fairly early stage, following the surveying of the  
13      building and understanding of the scope of works.

14   Q.   Therefore, well before any contractor was appointed.

15   A.   They would certainly be considered before a contractor  
16      was appointed.

17   Q.   Can I ask you then very broadly about your knowledge of  
18      some principles of the building regulations. Let me ask  
19      you this proposition: it's a general principle of the  
20      regulations that a person carrying out building works  
21      must not make the performance of the building any worse  
22      than it was before the works were carried out.

23           Now, there is a potential exception to that: if one  
24      is going to carry out works that may make the  
25      performance of the building worse, that those are

1           controllable. In other words, they have to do two  
2           things: they still have to comply with schedule 1 of the  
3           building regulations, and there is also a requirement  
4           formally to notify the Building Control department; do  
5           you agree?

6    A. I agree.

7    Q. Then the second proposition: in some circumstances,  
8           doing work on a building will trigger a requirement to  
9           bring the building up to current standards, depending on  
10          the nature and extent of the works?

11   A. I agree.

12   Q. It follows from that that if one may be going to do  
13          works that may make the performance of the building  
14          worse, one would need to think very carefully about  
15          whether there was a need formally to notify Building  
16          Control.

17   A. Agreed.

18   Q. If you knew that the performance was going to be worse,  
19          you would definitely have to notify Building Control  
20          formally.

21   A. I agree.

22   Q. By "formally," we mean something more than written  
23          formality, we mean appropriate standard forms, don't we?  
24          You have to either deposit plans or complete a building  
25          notice.

1 A. There -- there is a formal process that -- to go through  
2 in communications with Building Control, but -- by way  
3 of a full planning -- a full application or a building  
4 notice.

5 Q. If you can help us with your experience, if you were at  
6 a stage where you were not sure whether that was  
7 necessary, and wanted to enquire of Building Control,  
8 what sort of formality would you have gone through in  
9 making that enquiry, in terms of generating for the  
10 keeping a written record of what happened?

11 A. There's an opportunity to speak to Building Control in  
12 advance of an application to seek their advice in terms  
13 of a potential building notice or full plans  
14 application.

15 Q. If I take you on this point to your first statement at  
16 633 in the statements bundle. In the final paragraph,  
17 you say:

18 "I have been asked to comment on my knowledge of the  
19 building regulations. I have a general understanding of  
20 the building regulations. At SBDS we had a good  
21 relationship with Southwark Building Control Department,  
22 and if any issue surrounding building regulations arose,  
23 this would be something that would be raised with them."

24 So that would appear to be indicating that you had  
25 some previous experience of raising matters with

1 Southwark Building Control department; is that right?

2 A. That's correct. I would also add that I was aware of  
3 other team members, both within central team and within  
4 SBDS, that had sought advice from Building Control and  
5 the feedback was that there was a good relationship  
6 there.

7 Q. We've heard from Ms Sidney that they worked in  
8 a separate building from you; is that right?

9 A. That's correct.

10 Q. Tell us from your own recollection, but did you  
11 personally know people who worked at Building Control in  
12 terms of face to face recognition, or were these people  
13 that you knew from talking to them at the end of  
14 a phone?

15 A. Yes, I knew them from conversations on the phone rather  
16 than face to face meetings with them.

17 Q. So any communication with them at its most informal  
18 would be a telephone call rather than a face to face  
19 discussion; is that right?

20 A. That was my experience.

21 Q. But also there would be the opportunity to have email  
22 contact, presumably?

23 A. That's correct.

24 Q. From your own experience, how would matters be raised by  
25 SBDS with the Building Control department in terms of



1           was it by telephone or by email or by letter, or  
2           a combination of those methods?

3   A.  Unfortunately, I can't give you any specific examples,  
4           but my view would be that the method of communication  
5           would have been by any one of those means.

6   Q.  If it was by telephone, that being the only one of those  
7           three that doesn't automatically produce a written  
8           record, what sort of written record would you have kept  
9           of a telephone call raising an enquiry?

10  A.  If -- if the telephone conversation resulted in  
11           an arrangement being made for me to visit Building  
12           Control, then there may not have been a record of that  
13           conversation.  If it was information that needed to be  
14           recorded that wasn't going to have any immediate follow  
15           up, then I would have provided a file note, or possibly,  
16           depending on the nature of the conversation, confirmed  
17           it via an email.

18  Q.  So if it were an enquiry that brought the matter to  
19           an end, because you were getting advice or reassurance  
20           or guidance that Building Control processes did not need  
21           to be gone through, you would make a written record of  
22           that --

23  A.  Correct.

24  Q.  -- in a file note or an email.

25  A.  Correct.

1 Q. If you were to make a note in a day book, you wouldn't  
2 just make a note in a day book, you would also make one  
3 in a file note or an email; is that what you're saying?

4 A. I'm -- I'm trying to recall examples of when that would  
5 have happened -- may have happened. I really believe it  
6 would depend on the nature of the enquiry.

7 Q. I can understand that, but if it were an enquiry that  
8 brought the whole matter to an end and provided you with  
9 the justification, for want after better word, not to  
10 involve Building Control again?

11 A. If it was a significant item, the one you've just  
12 described, then I would have confirmed it via an email.

13 Q. If, on the other hand, in the hypothetical example we're  
14 discussing, you had gone to a meeting with Building  
15 Control to discuss matters, is that something you would  
16 take steps to have recorded somewhere in writing, in  
17 much the same way?

18 A. I would certainly -- I would certainly expect to have  
19 notes in a day file, a day book.

20 Q. Then in terms of your recollections about the  
21 Lakanal House project, if I take you to your second  
22 statement at 636. In the second paragraph that starts  
23 about half way down that page, halfway down that  
24 paragraph, you say:  
25 " ... I have been invited to comment on instances

1 during the project when Annabel Sidney sought guidance  
2 from Building Control."

3 You say:

4 "It may have been both convenient for us at SBDS and  
5 beneficial to Apollo to consult with our Building  
6 Control colleagues within Southwark Council. However,  
7 this in no way detracted from Apollo's contractual  
8 obligations referred to above."

9 Then on 638, your final paragraph in this statement  
10 says:

11 "With reference to the Lakanal project, I do not  
12 recall any specific discussions regarding building  
13 regulations."

14 From your recollection today, is it essentially  
15 that, that you do not recall any specific instances on  
16 which, to your knowledge, guidance was sought from  
17 Building Control?

18 A. That's correct.

19 Q. That was also the case when you were asked to recall the  
20 issues in August 2010?

21 A. Are -- are you referring there to my final statement  
22 on --

23 Q. Yes.

24 A. I perhaps need to clarify that final comment there, with  
25 reference to the Lakanal project, I said "I do not

1 recall any specific discussions regarding building  
2 regulations". To be clear, I don't recall any specific  
3 discussions with Building Control, but by virtue of the  
4 way that the contract documents were put together, there  
5 would certainly have been internal discussions regarding  
6 Building Control.

7 Q. So you don't recall specific discussions by SBDS with  
8 the Building Control department?

9 A. Correct.

10 Q. But you do recall specific internal discussions about  
11 Building Control issues or you recall that there were  
12 discussions but you don't remember precisely what they  
13 were?

14 A. I -- I don't recall those discussions internally,  
15 however I -- I feel confident in saying that those  
16 discussions would have been taken place by virtue of the  
17 contract documents that are now in place. Would you  
18 like me to --

19 Q. Let me understand that final answer.

20 A. Well, within the contract documents we've detailed  
21 a responsibility of the contractor to have design  
22 responsibility, and that would have been, I believe,  
23 something that would have been discussed internally.

24 Q. One might think that that would be a factor making it  
25 less likely that any internal discussions took place

1 about Building Control issues, because everybody might  
2 have thought "Well, that's Apollo's job under the  
3 contract, so we'll just leave it to them", that was why  
4 I didn't quite understand the point you were making.

5 A. The discussions would have been related to the elements  
6 that were included within the contractor's design --  
7 that's the point that I'm making -- which would  
8 therefore follow on that we would understand that in the  
9 contractor having design responsibility, that he would  
10 also have a responsibility under Building Control.

11 Q. I'm going to move on then and ask you about some key  
12 events and decisions in the history of the Lakanal  
13 refurbishment project and ask you about your involvement  
14 in and knowledge of them at the time, and particularly  
15 about whether they are matters on which Annabel Sidney  
16 sought your advice and guidance.

17 Firstly, if we deal with it chronologically, if  
18 I can ask you to have a look at page 4444 in bundle 11.  
19 (Handed)

20 That is a letter in November 2004 from Marsland  
21 Windows to Annabel Sidney, and I ask you about it  
22 because of your evidence that you would have suggested  
23 that company to her. If you look over the page, 4445,  
24 there are some notes, and note 7 is:

25 "Building Control/FENSA: it is the responsibility of

1 the client/principal contractor to confirm if the  
2 contract will be run by Building Control or needs to be  
3 FENSA registered."

4 Were you aware at the time that Marsland Windows  
5 asked recipients of letters like this to bear that in  
6 mind? I ask you that either because you might have seen  
7 this letter at the time or because you may have had some  
8 prior dealings with Marsland Windows to enable you to  
9 recommend them to Annabel Sidney.

10 A. I have no recollection of this letter, but I can confirm  
11 that I would have talked to Annabel Sidney about using  
12 Marsland Windows for some advice for the contract.

13 Q. That note seems to draw a distinction between a contract  
14 run by Building Control or one that is FENSA registered.  
15 Can you help us with whether that would have meant  
16 anything to you at the time, and if so what?

17 A. I -- I don't recall that statement within the -- the  
18 document -- the letter. What I -- the way that I would  
19 read it now would be confirm if the contract will be run  
20 by Building Control, in other words passed by them,  
21 sought advice from them, rather than run by them as in  
22 that they will attend site.

23 Q. I think you've been in court during Ms Sidney's  
24 evidence, and you will have heard a lot of evidence  
25 about the process of putting together the documents that

1           went into the material sent out to companies like Apollo  
2           who might want to bid to be the contractor, and in  
3           particular you -- I'll take you to the documents if  
4           necessary -- but we've seen how in January 2005, she  
5           received a specification from SAPA, and at a date very  
6           close to the time she also received information about  
7           the likely presence of asbestos in certain areas of the  
8           building.

9           Can you assist us with whether, to the best of your  
10          recollection, those are matters that she would have  
11          talked to you about at the time?

12        A. I have no recollection of that.

13        Q. Can you recall whether she talked to you at any time  
14          about the SAPA specification before it went in the  
15          tender documents?

16        A. I have no specific recollection of it, however I can  
17          state that -- that that could well have been the case on  
18          the basis of our close proximity within the office and  
19          our working relationship.

20        Q. Then the asbestos survey and the fact that asbestos  
21          removal was part of the works, is that something that  
22          you can recall her discussing with you before the tender  
23          documents were sent out?

24        A. Again, I have no specific recollection of that.

25        Q. Is it also the sort of thing that she may well have

1           discussed with you, for the reasons you've already  
2           mentioned?

3    A.   Very possibly.

4    Q.   Do you recall any discussions taking place about  
5           comparing the nature of the materials being removed with  
6           the nature of those being proposed to replace them in  
7           the area specifically underneath the bedroom windows?

8    A.   I have no recollection of that.

9    Q.   If I could ask you then to turn to page 1446 in file 4.

10           (Handed)

11                   This is the minutes of the pre-contract meeting held  
12           on 13 February 2006, and we can see that you attended  
13           along with Annabel Sidney and others from SBDS, also  
14           Mr Scott from Apollo was there. He was James Cousins'  
15           line manager. James Cousins was also there. If you  
16           turn on in that document to 1451, please. You can see  
17           that at point 5.1, under "Approvals/notices" it says:

18                   "CPM [Annabel Sidney] to check with Building Control  
19           re requirements for roof re-covering."

20   A.   I see that, yes.

21   Q.   Do you have any recollection now of what that was about?

22   A.   Unfortunately, I don't.

23   Q.   I can tell you that that item continued to be on minutes  
24           for the first two progress meetings, but then disappears  
25           from the documents by the time of the third meeting,



1 without it being clear how it had been resolved, or why  
2 it had been removed from the minutes. Are you able to  
3 assist at all with what happened to that item and how it  
4 was resolved?

5 A. Unfortunately, I'm not.

6 Q. Are you able to help us at all with why the roof  
7 re-covering was the only item in relation to Building  
8 Control approvals that one sees in the minutes?

9 A. Unfortunately, I'm not.

10 Q. I'm going to move on, then, to the meeting on  
11 3 May 2006. If we could look at page 1819 in file 5,  
12 please. (Handed)

13 Mr Menlove, I know you've been in court following  
14 some of the evidence, so I'm going to not take you to  
15 most of the documents unless there's something you  
16 particularly want me to take you to, and of course you  
17 weren't dealing with this issue on a day to day basis in  
18 the same way as someone like Annabel Sidney, so I'll  
19 start by just drawing your attention to the agenda which  
20 is on 1819, and then the email sent by Ms Sidney later  
21 that afternoon, which is at 1863.

22 There are other documents and other emails that  
23 you're copied into in the weeks that follow, but just  
24 starting with those, the agenda and then the email that  
25 Annabel Sidney sent very shortly after the meeting

1 ended, can you recall anything of what happened at that  
2 meeting?

3 A. I -- I've heard this meeting mentioned several times  
4 over the last two days. Unfortunately, I can't remember  
5 actually having been at that meeting.

6 Q. Others remember you at it.

7 A. Absolutely, I obviously heard James Cousins' comments  
8 about my presence at that meeting, relating to I believe  
9 that he termed it a "heated discussion" relating to  
10 an extension of time. That will be the kind of  
11 conversation that I would be having with a contractor,  
12 so I am more than happy to accept that I was at that  
13 meeting as suggested in the documents.

14 Q. Other than accepting that you were, in all likelihood,  
15 there, you can't assist the court in what was said, is  
16 that the case?

17 A. That's correct.

18 Q. If I could ask you to look next at page 2031. This is  
19 an email from Annabel Sidney to James Cousins, you're  
20 copied in, of 17 May 2006. I just draw your attention  
21 to the first line. It says:

22 "Hi James, John and I reviewed the drawings  
23 yesterday and have the following questions/comments."

24 Presumably you are the "John" mentioned there?

25 A. Yes.

1 Q. There then follows some, I suggest, relatively detailed  
2 comments. Disagree if you wish, but on the face of it  
3 you would appear to have reviewed the drawings quite  
4 carefully with Annabel Sidney.

5 A. I would agree with that comment.

6 Q. Then if you look at 2056. This is an email on  
7 25 May 2006, but it's relevant because of what it says  
8 about a meeting that took place on 17 May, not an email  
9 you were copied into at the time. It says:

10 "Hi James, when we meet with Symphony last  
11 Wednesday, 17 May, Nick [Coupe] said they was looking  
12 into replacing the aluminium panels with Trespa."

13 Then it goes on. We've asked several people what  
14 might be meant by "we", and I wonder whether you're able  
15 to assist with whether you recall attending a meeting  
16 around 17 May with Nick Coupe, so somebody from Symphony  
17 Windows but not somebody from SAPA?

18 A. I have no recollection of that meeting.

19 Q. You may have gone to it, you may not, you can't help us  
20 one way or the other?

21 A. No, unfortunately I can't.

22 Q. Then if I could ask you to look at 2073. This is  
23 an email exchange on 26 May between you and  
24 Annabel Sidney. Starting with the lower email, the one  
25 sent first in time, Annabel Sidney to you:

1           "Morning John, wanted to get your thoughts on  
2 following:

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

16           Then a little further down:

17           "I would like to know your views on this -- in  
18 particular the durability of the two. One of my main  
19 concerns is which material retains its colour for  
20 longest."

21           Then your reply at the top of the page:

22           "I don't have any strong views one way or the other  
23 but can offer the following thoughts."

24           Then the focus of those thoughts, if I paraphrase,  
25 is about cost implications and extension of time

1           implications, and whether any such change ends up being  
2           characterised as being your problem or the contractor's  
3           problem; is that fair?

4    A.   Yes, that is fair.  I can talk through the email in more  
5           detail if you'd like me to, but that's a fair assessment  
6           of my -- of what I said.

7    Q.   I don't want to stop you from doing so, but I think what  
8           I'm most interested in is your understanding, based on  
9           your recollection refreshed by the documents of what  
10           factors were and were not in play in terms of what  
11           eventually became the decision to switch from  
12           powder-coated aluminium infill panels to a composite  
13           panel with a Trespa outer face, because after this the  
14           question then seemed to boil down to one of cost, and  
15           once it was established there was no cost difference,  
16           the final decision was made.

17   A.   I think in broad terms, my email response relates to  
18           costs or programme overrun from the contractor which  
19           would have been my main concern, given that the job that  
20           I had: to manage the team and monitor finances for the  
21           client.  What I believe I felt when I wrote this email  
22           is that there was no need for me to comment on the issue  
23           of approvals, because my belief was that the contractor  
24           had design responsibility for this element of works and  
25           therefore any cost would have been borne by him.

1 Q. When I asked Ms Sidney about this exchange, particularly  
2 her email lower down the page, I suggested that the  
3 focus at this time, the factors in play, seemed to be  
4 visual appearance, how long the visual appearance would  
5 last and cost; is that a fair assessment?

6 A. Yes.

7 Q. Can you assist us with whether at any time there was any  
8 discussion about the respective merits or properties of  
9 the different options from a fire safety perspective?

10 A. I have no recollection that that was discussed.

11 Q. In your email, one of the things you say in the third  
12 sentence is:

13 "In principle it is not good to change the spec once  
14 on site ..."

15 I just wondered why you said that, and what you mean  
16 by that.

17 A. I can probably relate that back to the statement that  
18 I made before, that the contract has clear ways of  
19 dealing with changes. If a change is instigated by the  
20 contractor, then in principle the contractor needs to  
21 bear either the cost and time related to that change.  
22 If a change is instigated by the client, then the client  
23 may well face an extension of time claim or a claim for  
24 additional costs. So it was important to me when  
25 Annabel talked to me about a potential change within the

1 contract that I made it clear to her that my view was  
2 that, in principle, it would be good not to accept  
3 a change.

4 Perhaps -- sorry, perhaps I could just rephrase that  
5 last statement that I made?

6 Q. Yes, certainly.

7 A. What I -- what I was saying to Annabel was that we  
8 needed to be clear who instigated the change and whether  
9 there was any cost implications attached to it.

10 Q. I just wondered whether it was a comment that might  
11 apply more widely to there being disadvantages to  
12 changing the spec on site perhaps because it wouldn't be  
13 a change that was scrutinised in the same detail.

14 A. That -- that wouldn't have been in my thinking.

15 Q. At around the same time, there were decisions being made  
16 about the nature of the doors from the kitchen to the  
17 balconies, and you were asked about this in your first  
18 statement -- and I can show you it if necessary -- but  
19 what you said at 633 was:

20 "I have also been asked whether I am aware of the  
21 change to the internal kitchen doors. Again I have no  
22 specific recollection now of any such discussion."

23 A. That's correct.

24 Q. I don't know to what extent you saw documents at the  
25 time you prepared that statement, you will have followed

1           some of the evidence in court, I imagine. Has that  
2           refreshed your memory at all of the decision that was  
3           ultimately made to have a half-glazed door with  
4           a composite panel below the glazed element?

5    A. As you say, I've listened to the evidence over the last  
6           couple of days, and this subject's been talked about.  
7           Unfortunately, I've got no recollection now of -- of  
8           those doors.

9    Q. Were you aware that when the project went out to tender,  
10           a fire door was specified, and thus that the final  
11           decision that was made in July 2006 was to have a door  
12           that was less fire-resisting than that originally  
13           specified?

14   A. I wasn't aware of that information.

15   Q. Do you think you may have been at the time but don't  
16           recall it now?

17   A. I -- I wouldn't have been involved in the details of the  
18           specification in the schedule of the works.

19   Q. If I could ask you to have a look at page 2310 in  
20           file 6. This is an email of 6 July 2006 from  
21           Annabel Sidney to James Cousins, copied to you but  
22           copied to many others as well, I fully accept, but  
23           I draw it to your attention because it is effectively  
24           the final decision on what the doors should be. The  
25           third paragraph says:



1           "Please note that all glazings on the lounge and  
2           kitchen windows and doors is to be 6.4-millimetre  
3           laminated outer pane. Doors are to have internal  
4           thumb-turns to satisfy means of escape requirements.  
5           This is as specified."

6           The reference to "Means of escape requirements" is  
7           to a fire safety consideration, would you agree?

8   A. Yes, I would.

9   Q. Is it nevertheless your evidence, as you've indicated  
10       a few moments ago, that you don't recall any wider  
11       consideration of fire safety issues in relation to the  
12       specification for those doors at that time?

13   A. That's correct.

14   Q. My final short topic, Mr Menlove, is completely  
15       different, and I'm not expecting it to be something  
16       greatly within your person knowledge, but it's going to  
17       be a theme we're turning to with witnesses at the  
18       beginning of next week.

19           It is about the fact that on 1 October 2006 the  
20       Regulatory Reform (Fire Safety) Order came into force,  
21       sometimes known as the RRO, and sometimes known as the  
22       Fire Safety Order. Firstly, are you now familiar with  
23       what that is, in broad terms? Is it something you've  
24       heard of it before?

25   A. I've certainly heard of it, but I am not familiar with

1 the details of it.

2 Q. No, I'm not expecting you to be familiar with the  
3 details, but do you think at the time you were aware  
4 that it had come into force?

5 A. I've no recollection of that, no.

6 Q. Because, of course, it came into force in the middle of  
7 the refurbishment project to Lakanal House.

8 A. (The witness nodded)

9 Q. Were you aware at the time which part of the London  
10 Borough of Southwark was taking forward work in relation  
11 to carrying out fire risk assessments of Southwark's  
12 housing portfolio?

13 A. The question was "Was I aware at the time"?

14 Q. Yes.

15 A. No, I wasn't.

16 Q. The reason I ask, and it is certainly not personal to  
17 you in any way, is because -- and I invite to you  
18 comment on this -- there's only a certain amount of  
19 money that's going to be available, and once you've  
20 carried out planned preventive maintenance on a block  
21 like Lakanal, it may well be that it then goes somewhere  
22 towards the bottom of the queue for having further  
23 maintenance work done on it. Is that a fair assessment  
24 of how things might work in local authority social  
25 housing?

1 A. I'm not sure it is, if I'm honest. Those budgets would  
2 be held and controlled within the housing department,  
3 which would be the landlord. SBDS's role was to take on  
4 commissions that were given to them by departments  
5 within the council, but not to get involved in how they  
6 spent their money.

7 Q. I just put it to you for comment, and I accept you may  
8 not be the right person to help us on this, if anyone  
9 can, but if you're in the middle of a major maintenance  
10 programme it's obviously desirable to deal at the same  
11 time with any aspects of works that need to be done,  
12 because one doesn't want to finish a 15-month project  
13 only to be told two months later, "Actually, there was  
14 some other works that still need doing, it's a shame you  
15 didn't do it at the time"; would you agree?

16 A. There would be some logic in that, yes.

17 Q. Again there would be some logic, if one was thinking  
18 about things in a completely joined up way, at the time  
19 that one signed off works on a 15-month project as  
20 complete in also being able to say "And, for example,  
21 we've risk assessed it for fire safety and we've signed  
22 that off at the same time".

23 A. (The witness nodded)

24 Q. I see you nodding, would you agree with that?

25 A. I would agree with it. Again, we didn't hold the budget

1 for the works within SBDS, and obviously that would  
2 influence the -- any decision like that.

3 Q. In terms of any such joined up approach being adopted at  
4 the time, the first obstacle for you is that you didn't  
5 at the time know who was carrying out any such works on  
6 fire risk assessments of Southwark's housing stock; is  
7 that right?

8 A. That's correct.

9 Q. Well, I will leave it there in that case. Thank you  
10 very much, Mr Menlove, it's exactly 4 o'clock and that  
11 does conclude my questions.

12 A. Thank you.

13 THE CORONER: Thank you. Can I just ask for nods or shakes  
14 of heads around the room whether you have questions for  
15 Mr Menlove, so we know whether to ask him to come back  
16 next week. I see a fair number of nods.

17 Mr Menlove, in that case, I shall ask you to come  
18 back next week, thank you very much.

19 A. Thank you.

20 THE CORONER: The strict rule is you must not talk to anyone  
21 about your evidence, so please maintain that over the  
22 weekend, and please be back here for a start at  
23 10 o'clock on Monday, thank you very much.

24 Members of the jury, thank you very much. Please be  
25 back here for a start on Monday. Please remember, as

1           ever, over this weekend, and indeed all the time, you  
2           must not talk to anybody about this case, you must not  
3           carry out your own research. What we want you to do is  
4           to consider when you are all together the evidence that  
5           you hear in this room and not outside it. So thank you  
6           very much, and we'll see you at 10 o'clock on Monday,  
7           thank you.

8                     Mr Menlove, you're free to go if you would like.

9    A. Thank you.

10                                     (The witness withdrew)

11                                     (In the absence of the Jury)

12   THE CORONER: Thank you, are there any housekeeping matters  
13           that need to be raised before we finish?

14                                     Housekeeping

15   MR HENDY: Madam, just one small matter: we heard about  
16           Mr Bullivant from Building Control. I understand from  
17           Mr Matthews that he's no longer employed by the London  
18           Borough of Southwark, but -- well perhaps I shan't make  
19           a request now and perhaps it's best to let the advocates  
20           speak about this, but we have in mind that perhaps he  
21           ought to be asked to give a statement. Shall I see what  
22           the other advocates feel about that before addressing  
23           you?

24   THE CORONER: All right, I am happy for there to be some  
25           informal discussion but I do bear in mind the wealth of

1 evidence that we have so far and the stage that we've  
2 reached and the extent to which other evidence is  
3 necessarily going to help us.

4 MR HENDY: Of course.

5 THE CORONER: Thank you very much. Any other points to be  
6 raised? All right. Thank you very much. 10 o'clock on  
7 Monday then, thank you.

8 (4.03 pm)

9 (The Court adjourned until 10 o'clock on Monday, 4 May 2013)

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12 Questions by MR HENDY .....2  
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