

Tuesday, 12 March 2013

1

2 (10.00 am)

3

(Proceedings delayed)

4 (10.09 am)

5 THE CORONER: Good morning, sit down. Could we have the
6 jury in please.

7 Yes, is that Mr Coupe? Yes, would you like to come
8 forward and have a seat. Do help yourself to a glass of
9 water. If you haven't been in court listening before
10 today, you may not know, but the sound in this room
11 isn't always very easy. Please if you could keep your
12 voice up --

13 A. Yeah, will do.

14 THE CORONER: -- and keep close to the microphones. That
15 will help. The members of the jury will be coming in in
16 a moment. If you give your answers across the room
17 towards the members of the jury, that will help them to
18 hear what you're saying and help to keep you close to
19 the microphones. It may feel be a bit artificial but it
20 works.

21 A. Okay, thank you.

22 (In the presence of the Jury)

23 THE CORONER: Members of the jury, good morning. Apologies
24 for the slightly delayed start. The sun is lovely. If
25 it's affecting people adversely and anyone would like

1 the curtains closed then please say, but at the moment
2 we'll bat on and see how it goes. Thank you. Yes,
3 members of the jury, we're going to hear evidence this
4 morning from Mr Coupe. Could you be sworn, Mr Coupe.

5 NICHOLAS COUPE (affirmed)

6 THE CORONER: Mr Coupe, thank you very much. Do sit down,
7 thank you. Mr Atkins, who is standing, is going to ask
8 you questions initially on my behalf and then there will
9 be questions from others.

10 A. Okay, thank you.

11 THE CORONER: We're going to have a break mid-morning.

12 Thank you.

13 Questions by MR ATKINS

14 MR ATKINS: Good morning, Mr Coupe.

15 A. Good morning.

16 Q. Could you please tell the court your full name?

17 A. Nicholas John Coupe.

18 Q. I think in 2006 you were a director of a company called
19 Symphony Windows?

20 A. That's correct.

21 Q. Had you been a director of that company since it was
22 started?

23 A. Yes.

24 Q. In about 1998?

25 A. Yes.

1 Q. Is it right, though, that you're no longer a director?

2 A. That's correct.

3 Q. I think you moved on to other things in about 2011?

4 A. A bit before, but yes.

5 THE CORONER: Mr Coupe, can I just remind you just to keep

6 close to the microphone.

7 A. Sorry.

8 THE CORONER: What you might like to do actually is just

9 pull the microphone heads towards you slightly. You can

10 play with them to get them close to you.

11 A. Okay.

12 MR ATKINS: In 2006, was your co-director Tom Campbell?

13 A. Yes, he was.

14 Q. I think it's right that your job title at the time was

15 operations director?

16 A. Yes.

17 Q. Could you just explain to us briefly, please, the

18 division of responsibility between the two of you?

19 A. Yes. Tom was primarily responsible for estimating and

20 quoting the works that would come our way, so a tender

21 would arrive for window work on -- on social housing

22 schemes, predominantly, and if we were successful in

23 securing a contract, effectively at that point it would

24 move across to me to operationally get that project up

25 and on to site.

1 Q. Prior to Symphony's involvement at Lakanal House, had
2 the company done work in London for other local
3 authorities?

4 A. Yes. From its formation, really, we were a social
5 housing provider for many boroughs in -- in London.

6 Q. Had you, on occasion, done work on behalf of the
7 London Borough of Southwark, perhaps through another
8 contractor but ultimately for Southwark?

9 A. Yes.

10 Q. Had Symphony Windows worked previously with Apollo?

11 A. Yes.

12 Q. Did you, as a company, have experience of working on
13 high rise residential blocks, whether in Southwark or
14 elsewhere?

15 A. Yes.

16 Q. Did Symphony manufacture, for example, windows or doors
17 or frames, any of the component parts of the windows?

18 A. No. All the products were all bought in through
19 manufacturers, specialist manufacturers.

20 Q. Mr Coupe, what I'd like to do, please, is to ask you
21 about how Symphony became involved in the works at
22 Lakanal House. I think it's right that you weren't able
23 to attend on the days when other witnesses such as
24 Mr Campbell gave evidence?

25 A. That's correct.

1 Q. So the jury, in fact, have seen many of the documents
2 I'm about to show you before, but you haven't had the
3 opportunity of seeing other witnesses look at them in
4 court, so it's fair that I should show them to you as we
5 go through.

6 A. Okay.

7 Q. Could I begin by showing you page 1283, which is in file
8 number 4.

9 THE CORONER: We appreciate you haven't seen these,
10 Mr Coupe, so take your time if you need to read
11 something.

12 MR ATKINS: It will be handed to you on paper in a moment.
13 You should also have it on the screen just in front of
14 you to your left. It may be easier to read there. The
15 page number was 1283, please. (Handed)

16 A. Yeah.

17 Q. So if we just look at this document, we can see it's on
18 Apollo headed paper. The date in the top left is
19 23 August 2005 and it's marked for the attention of your
20 co-director, Mr Campbell.

21 A. Okay.

22 Q. Do we understand that this is the letter from Apollo
23 inviting Symphony to tender for the works at Lakanal
24 House?

25 A. Yes, it looks that way, yeah.

1 Q. I appreciate that this letter was addressed to
2 Mr Campbell, rather than to you.

3 A. Yeah.

4 Q. But is it right that the purpose of this letter was that
5 Symphony could provide a quotation to Apollo and then
6 Apollo could in turn include that within their own
7 quotation to Southwark?

8 A. Yes, yeah, and I have seen this, because it's my writing
9 at the top.

10 Q. Ah, where it says "waiting for drawings to be sent"?

11 A. Yes.

12 Q. That's helpful. We'll come back to that in a moment.
13 You've explained to us that it would be Mr Campbell who
14 would deal with estimating and compiling the tender; is
15 that right?

16 A. Yes.

17 Q. Was this a particularly large project by Symphony's
18 standards?

19 A. It's not the biggest job, but it's right up there with
20 them, yeah. The value of the project, we -- at the
21 time, if I can explain, the -- we were predominantly
22 a PVC window supplier and the market -- this market we
23 were getting into about 18 months beforehand, and the
24 value of aluminium is -- is quite a lot higher than PVC
25 from a sales value point of view, so it's -- we've done

1 jobs that were over £1 million plus, but had this job
2 been PVC it would have been quite a bit less. So it
3 wouldn't have fallen into a scary, large job for us; it
4 was ...

5 Q. So a large job, but not the largest the company had
6 looked at?

7 A. Yeah.

8 Q. If we could please look into the middle of this page.
9 There's a list of the various documents that were sent
10 together with this letter from Apollo, and I'll take you
11 to each of them in turn. You can see part way down that
12 list there's a heading, "Drawings", and then "LW1"?

13 A. Yeah.

14 Q. We'll come back to that because I think it's linked to
15 the handwritten note at the top of the page you showed
16 us a moment ago.

17 A. Okay.

18 Q. If we just follow on through the pages after this
19 letter, at page 1284 there's a document called "Project
20 particulars"?

21 A. Yes, I see that.

22 Q. At 1287, there's a map which shows where Lakanal House
23 is?

24 A. Yes.

25 Q. At 1288, there's a document headed "Requirements for the

1 replacement of window/panel/door units at Lakanal
2 House"?

3 A. Yes.

4 Q. Quite a few pages on, at 1297, there's a document that
5 the jury will now be very familiar with, which is the
6 performance specification for the provision of polyester
7 powder-coated aluminium windows and doors, which was
8 prepared by a company called SAPA.

9 A. Yes.

10 THE CORONER: Mr Coupe, if you do need to stop and look
11 through some of the documents, please say.

12 A. Okay.

13 MR ATKINS: Yes, Mr Coupe, we'll look at some of the
14 documents in a little while. This is really just
15 an overview of the various documents your company was
16 sent.

17 A. Okay.

18 Q. At 1306, there is a document headed "Windows/roof lights
19 and screens", which says that it's to be read with the
20 preliminaries and general conditions. Was this
21 a document which gave general guidance about the way in
22 which the documents were to be carried out?

23 A. Yes, I would think it -- it was. It appears that way,
24 yeah.

25 Q. Lastly, please, if we could go to 1337 -- I'll just wait

1 for you to have the page -- we have the first page of
2 a section of the schedule of works or bill of
3 quantities.

4 A. Yeah.

5 Q. We saw already on the first page, the letter, that there
6 was the handwritten note. I'll just take you back to
7 it. So 1283, right at the top of the page, you say
8 that's your writing?

9 A. Yes, it is.

10 Q. So we can see the words "waiting for drawings to be
11 sent". Does that mean that when this letter was
12 received, the drawing listed, LW1, was not in fact
13 attached to it?

14 A. Yeah, I would think -- I can't clearly recall if it was
15 all the drawings, but clearly some drawings were
16 missing.

17 Q. Could I show you, please, page 1266, a little earlier in
18 the same bundle.

19 A. Yes, I have it, yeah.

20 Q. We have here a fax from Apollo addressed to Mr Campbell,
21 dated 2 September 2005.

22 A. Yes.

23 Q. We can see that in the subject next to the word "Re" it
24 said "Rennie estate phase 3"?

25 A. Yes.

1 Q. That's been struck through and somebody has written
2 "Lakanal House SE5". Can I just suggest to you, if we
3 look at the page before, 1265, that that's because there
4 was then this second fax from Apollo, where the writer
5 said:

6 "Further to my recent fax, please note that the
7 additional drawing is for the above (that is for Lakanal
8 House) and not for Rennie estate."

9 A. Yes, that's correct, and the writing on page 1266 is
10 also my writing.

11 Q. So having received the fax at page 1266, you then
12 corrected it?

13 A. Correct.

14 Q. Over the page at 1267 and 1268, there are two pages of
15 a diagram entitled "Lakanal -- windows, drawing LW1".

16 A. Yeah.

17 Q. I've just put those on the screen for the jury. There's
18 some handwritten comments and prices on the left-hand
19 side on page 1267. Do you recognise the handwriting?

20 A. Yes, the handwriting is my partner Tom's.

21 THE CORONER: Yes, we heard from Mr Campbell earlier.

22 A. Yeah.

23 THE CORONER: Yes, thank you.

24 MR ATKINS: So -- sorry.

25 A. There's some area -- metrages at the side of a couple of

1 the window types, and that's my -- that's my handwriting
2 in the -- the glazed part of the drawing.

3 Q. If we look at the second part of that diagram, in the
4 middle of the page, into the largest panel --

5 A. Yes.

6 Q. -- or largest glazed section, there's a handwritten
7 note, "2.884".

8 A. Yes, that's my handwriting and that represents the
9 square metrage.

10 Q. Do we take it then that you received this diagram
11 without the handwritten comments and they were all made
12 by either you or Mr Campbell after it was received from
13 Apollo?

14 A. That's correct.

15 Q. In that case, could I then ask you to look in a little
16 bit more detail, please, at what it was that Symphony
17 were being asked to price for. Going back, first of
18 all, to page 1303 -- in fact, just to put it in context,
19 it's probably more helpful to go back to 1297 first of
20 all to show you what we're looking at. So 1297 is the
21 beginning of the SAPA performance specification. Do you
22 have that?

23 A. Yes, I have that.

24 Q. Then if we go forwards, please, to 1303.

25 A. I have that.

1 Q. Several pages into that same document. Do you see,
2 under the heading "Glazing" at the top of the page,
3 about the third section down, there's a line that starts
4 "Solid infill panels"?

5 A. Yes.

6 Q. So the specification said:

7 "Solid infill panels, where required, are to be
8 28-millimetre insulated sandwich panels with facings of
9 polyester powder-coated aluminium, finished to match
10 framing."

11 A. Yes.

12 Q. Then if we go, please, to page 1300, we can see what
13 this document said on the subject of balcony doors for
14 the flats. Do you see we have the heading at the top of
15 the page 5, "Window and door construction (continued)",
16 and a little further down the page, "Doors
17 (residential)"?

18 A. Yes.

19 Q. And we can see it's:

20 "Dualframe 75-millimetre HP door system with three
21 number hinges and internally beaded construction."

22 Is it right that "HP" stands for "high performance"?

23 A. I believe so, yeah.

24 Q. And is Dualframe a brand name, essentially?

25 A. Essentially, yeah. The "75" signifies the front to back

1 dimension. So there's a Dualframe but different
2 thicknesses of frame, but this is saying that it needs
3 to be a 75-millimetre.

4 Q. So if we took this document in isolation, just looking
5 at the passages we've been to, this document doesn't
6 seem to say whether the balcony doors were to be fully
7 panelled or fully glazed or perhaps part glazed; do you
8 agree?

9 A. Yeah, I would agree with that.

10 Q. I'd like, then, to compare that, if we can, with what
11 was said in the schedule of works, beginning at
12 page 1337. If you have that page, do you see there's
13 a section of text which begins "Carefully remove"?

14 A. Yes.

15 Q. Then on the fourth line down there's a sentence which
16 records:

17 "Supply and install new polyester powder-coated
18 aluminium window units to comply with all current
19 u-values, as required by the Building Regulations
20 part L."

21 A. Yeah, I see that.

22 Q. So the reference there to the aluminium units seems to
23 be consistent with what we saw in the SAPA
24 specification?

25 A. Yes, it does.

1 Q. Is it your understanding that part L and u-values are
2 both concerned with insulation requirements?

3 A. Yes, that's my recollection of it.

4 Q. I'm afraid in this copy I think we may be missing
5 a page. If you just look towards the bottom of the page
6 that we have in front of us, do you see in the middle of
7 the bottom of the page there's the number 7/19?

8 A. Yes.

9 Q. Then if we go onto the next page, 1338, we're on to
10 7/21.

11 A. Yes.

12 Q. Could I ask you then, please, just to look forwards to
13 a different copy of what I think may be the same
14 document. It's page 1360.

15 A. 7/19.

16 Q. So this is another copy of 7/19. I'm sorry, I'll just
17 show that to the jury who don't have it in paper form.
18 So page 1360 is another copy of 7/19, and if we look to
19 the top of that page, just to double-check, we can see
20 the same phrase again, can't we:

21 "Supply and install polyester powder-coated ..."
22 And so on.

23 A. Yes.

24 Q. If we go over to 1361 and look at the bottom of that
25 page, we see 7/20.

1 A. Yes, I've got that.

2 Q. Which seems to be the missing page from the previous
3 copy.

4 A. Yeah.

5 Q. Looking then at the top of that page, 1361, there's some
6 further detail, isn't there, about the balcony door?
7 Against the subheading A, we see:
8 "Kitchen window type 2 comprising of tilt and turn
9 and fixed windows, solid fire-rated door to meet
10 part B."
11 A. Yes.

12 Q. Can you help us with part B. What did that relate to?

13 A. Part B, from my recollection, was a means of escape
14 in -- in case of a fire.

15 Q. So that's the description of the kitchen windows and
16 doors. Then, against the subheading B, just beneath it,
17 we have:
18 "Lounge window type 3 comprising of tilt and turn,
19 fixed, bottom and top hung windows, glazed door and
20 panel."
21 A. Yes.

22 Q. So would you agree that on the basis of this document it
23 seems there were to be different sorts of doors on the
24 kitchen side compared to the lounge side?

25 A. Yes, I would agree.

1 Q. If we could step back, please, to page 1358, we can
2 perhaps understand where that second copy of the
3 document fits in. This is a letter now dated
4 8 September 2005. Is it right this was a letter from
5 Symphony to Apollo, in which you say at the beginning of
6 the letter:

7 "Thank you for your recent enquiries. With
8 reference to the above project, please find our
9 quotation as follows."

10 A. Yes.

11 Q. So this was Symphony's response to Apollo's request for
12 a tender?

13 A. Agreed.

14 Q. This document attached to it on the pages that follow,
15 starting at 1360, a version of the bill of quantities
16 where somebody has included handwritten comments on the
17 right-hand side?

18 A. Yes.

19 Q. Including some prices?

20 A. Yes, I recognise the handwriting, and it's -- it's Tom
21 Campbell's handwriting.

22 Q. So does this show that Mr Campbell, or somebody at any
23 rate, at Symphony had been through the list of work that
24 Symphony were being invited to tender for and had worked
25 out how much you should offer to do the work for?

1 A. Yes.

2 Q. And then this was being sent back to Apollo so that they
3 could include it in their tender to Southwark?

4 A. Yes.

5 Q. Please just going back to 1358, which is the letter
6 attaching that version of the bill of quantities. If we
7 look down towards the bottom of the page, there's a list
8 of bullet points.

9 A. Yes.

10 Q. Do you have that? The first one says:
11 "All glazing is to meet the requirements of part L
12 of the Building Regulations."

13 A. Correct.

14 Q. You've explained to us that that is a reference to
15 insulation. Sorry, I should first of all have gone to
16 the paragraph about three sections above that, which
17 begins:
18 "Our quotation is based on the use of the SAPA
19 55-millimetre and 75-millimetre range of internally
20 glazed tilt-before-turn-style aluminium windows."

21 A. Yeah.

22 Q. Does that mean that in preparing this quotation Symphony
23 had adopted the SAPA system that was suggested in the
24 specification?

25 A. Yes, it does, yeah.

1 Q. Then looking book, please, to the list of bullet points,
2 the second to last one is:
3 "FENSA registration."
4 A. Yes.
5 Q. Could you just explain to us, in simple terms, what you
6 understood FENSA certification to be about?
7 A. It was a self-administrating scheme, for want -- I'm
8 sure I've not used the correct phrase, but effectively
9 it allowed window installers/suppliers to go online and
10 register an installation, or multiple installations, as
11 compliant to part L of the day, and from that it would
12 generate a certificate of compliance and -- I'm not
13 quite sure the occurrence of inspections, but an amount
14 of installs would be checked throughout the course of
15 the year to check compliance, and that's basically it.
16 Q. Do we take from the fact that this was included in the
17 letter that Symphony were saying that this was a scheme
18 which would be used in relation to this work?
19 A. Well, I -- I'd certainly take that from this letter,
20 yeah.
21 Q. I should, just to be fair to you, have asked you to look
22 at page 1359. At the bottom there, we can see that it
23 was a letter written by your co-director and not by you.
24 A. Yeah.
25 Q. But where we see the reference to FENSA in this list,

1 would that be normal for this sort of project in your
2 experience?

3 A. Yes. I can't recall a project since FENSA -- since the
4 period that FENSA came in where we didn't register
5 an install.

6 Q. Was your expectation then, once Symphony were awarded
7 the work for Lakanal House, that FENSA certification
8 would be used in respect of the Lakanal work?

9 A. I would say that was my understanding of it.

10 Q. If we go on towards the end of that bundle, please, at
11 page 1557, we can see what became of that quotation that
12 was submitted to Apollo. Do you have that, 1557?

13 A. 1557, I beg your pardon. This is the letter of
14 17 March?

15 Q. Exactly. So it's the letter of that date from Apollo
16 back to Symphony Windows. We can see in the top left
17 that it's marked for your attention.

18 A. Yeah.

19 Q. Notwithstanding that it was Mr Campbell who wrote the
20 letter enclosing the tender. Can you help us with why
21 Apollo would have addressed this letter to you?

22 A. Yeah, I think possibly not many weeks before but weeks
23 leading up to the date of this letter, I would have had
24 it indicated to me from Apollo that we were likely to be
25 the chosen contractor, and so I would be involved in

1 discussing things like programming, any -- any issues
2 around enabling works, how we would, you know, expect to
3 carry out the works, what -- scaffold access and
4 suchlike. So at that point I think it's -- it's -- it
5 looks like it's moved across to me fully, and they would
6 then place the order and -- and probably most of the
7 future correspondence directly with me.

8 Q. Indeed, we can see, if we look at what's said in this
9 letter, that this was Apollo placing the formal order
10 with Symphony:

11 "Please find enclosed our subcontract order. Please
12 sign and return the subcontract order acceptance form as
13 your acceptance of the terms ..."

14 And so on.

15 A. Yeah.

16 Q. At this point, in March 2006, had there been, so far as
17 you were aware, any change in the specification from the
18 documents that had originally been sent to you by
19 Apollo?

20 A. Not that I'm aware of.

21 Q. So at this point, of course, one of the things that
22 Symphony were going to have had to do was to provide,
23 first of all, the panels for the facade sections and
24 also the frames?

25 A. Yeah.

1 Q. Thinking about those two in turn, is it right that to
2 begin with you had in mind a company called Hallmark to
3 supply the panels, but in the end you chose to use
4 a different company called Commercial Panels?

5 A. It certainly would have been -- our preferred
6 contractor -- supplier at the time was Hallmark. I must
7 say that Commercial Panels was not introduced to us
8 until almost arriving on site, May time.

9 Q. Just on that point, please, could I show you a letter at
10 page 1642, which is just over into the fifth file.
11 You'll be handed that in just a moment. (Handed)

12 This is a letter dated 27 March 2006, addressed to
13 Symphony Windows but marked for the attention of Alison
14 Campbell, who I think was Tom Campbell's wife?

15 A. Yeah, that's right.

16 Q. Looking further down the page, we can see that it's from
17 Commercial Panels, the company that you were just
18 telling us about.

19 A. Yeah.

20 Q. Commercial Panels here are setting out their prices for
21 different sorts of panels?

22 A. Yeah.

23 Q. So at the top we have so-called Plastisol panels,
24 beneath that, powder-coated aluminium panels -- which is
25 the type of panel which is referred to in both the SAPA

1 specification and in the bill of quantities -- and then
2 at the bottom, a reference to Trespa panels.

3 A. Yes.

4 Q. Are you able to remember whether you saw this letter at
5 the time in March 2006?

6 A. I can definitely recall the letter. The date doesn't
7 correspond with my memory of it.

8 Q. Do you think it's possible, then, that you saw it at
9 some time after the date of the letter?

10 A. It -- it's possible. It's unlikely but it's possible it
11 was later. My recollection of panel discussions was
12 somewhat later.

13 Q. Looking at the part of the letter dealing with
14 powder-coated aluminium panels, there are two prices
15 given.

16 A. Yes.

17 Q. One is for panels shown as both sides and the other for
18 one-sided panels. For the purposes of the facade at
19 Lakanal House, which of those two sorts of panels would
20 have been the relevant one?

21 A. I would say it was the intention to go with white on
22 white, so that would be standard RAL colour both sides.

23 Q. Just looking at the price that's quoted, do we see that
24 Commercial Panels were saying that as at that date
25 in March 2006 there wasn't, in fact, any difference in

1 price between two-sided powder-coated aluminium panels
2 at £48 a square metre --

3 A. Yeah.

4 Q. -- and Trespa-faced panels, also £48 per square metre?

5 A. Yeah.

6 THE CORONER: Before you go on, can I just ask: members of
7 the jury, you're sitting right in the sun. Is that
8 bothering you? Would you like the curtains closed? You
9 would. Mr Graham, have you observed Mr Clark closing
10 the curtains? Because he has the trick of doing it.
11 Would you have a go, thank you. (Pause) Thank you very
12 much. That's very helpful. We'll open them again at
13 the break, if that's not going to be a problem. Yes,
14 thank you.

15 MR ATKINS: Yes, Mr Coupe, just seeing this part of the
16 story through to the end, if we could. If we look,
17 please, to page 2419, which is in file number 7.
18 Mr Graham, could you please pass Mr Coupe file number 7.
19 Thank you. (Handed)

20 We can see that this is a fax on Symphony's headed
21 paper.

22 A. Yes.

23 Q. The jury have heard evidence already that ultimately
24 what was ordered and installed at Lakanal were infill
25 panels faced with Trespa.

1 A. Yes, that's correct, yeah.

2 Q. This fax, dated 4 August 2006 -- I'll just zoom in -- is
3 this the order from Symphony to Commercial Panels for
4 the Trespa-faced infill panels?

5 A. Yes, yes it is.

6 Q. Could I show you then, please, page 2543, which is later
7 in the same bundle. We have here an email from
8 an address, symphonywindows@btconnect.com, to
9 James Cousins. He, I think, worked for Apollo?

10 A. Yes.

11 Q. It's dated 25 August 2006, so later the same month?

12 A. Correct.

13 Q. And the company says:

14 "James, just to update you on the recent problems we
15 have encountered on the project"

16 Then a little further down, the panels, and do you
17 see the sentence that starts:

18 "The original panel supplier went into receivership,
19 causing us to have to source another supplier. In the
20 meantime, so as not to delay the programme, we used
21 an existing dearer supplier to cover this period."

22 A. Yeah.

23 Q. Is it right, then, that to begin with, the panels for
24 the facade were ordered through Commercial Panels but
25 then Commercial Panels then went into receivership?

1 A. Yes. That's my recollection of it, yes.

2 Q. Can you remember who the other company were that you got
3 the panels from?

4 A. I think we ended up using a company called Hallmark, and
5 it had another name. There were two trading names, but
6 Hallmark Panels.

7 Q. Mr Campbell, I think, mentioned a company called
8 "Laminated Supplies"?

9 A. Laminated Supplies, yeah, that's the one.

10 Q. Returning then to the other aspect, can you recall which
11 company was going to be used to make up the frames and
12 to install the windows?

13 A. Yeah, we used a company called Joedan. They're a
14 aluminium -- a SAPA-accredited manufacturer for the
15 Dualframe window. I think at the time of the tender we
16 got a couple of companies to just price check things,
17 but Joedan were local to SAPA, we'd got good experience
18 with them, and we ended up using them.

19 Q. We know that ultimately what was installed at Lakanal
20 was the Trespa-faced panels for the facade and that the
21 balcony doors on the kitchen and the lounge side were
22 semi-glazed; that is they were glass in the top half and
23 they had a composite panel in the bottom part of the
24 door.

25 A. Yeah.

1 Q. Do you recall what had been in place before the works
2 were done in 2006 and 2007?

3 A. Do you mean in the original doors that we removed?

4 Q. If we think first of all, please, about the panels under
5 the bedroom windows. Can you remember what the material
6 was before they were replaced?

7 A. Oh, right, sorry. It was an asbestos panel.

8 Q. Are you able to remember what sort of door was in place
9 in the kitchen of each flat on the upper floor?

10 A. Hand on heart, no. No. I think there was a change of
11 design from the design originally specified -- or
12 expected, and then we were advised to put a mid-rail in
13 a door, but I couldn't tell you if that was the kitchen
14 door or the lounge door.

15 Q. But rather than thinking about what your company
16 installed and the decision-making that led to that, are
17 you able to remember what was in place before any of the
18 work was done?

19 A. I have a vague recollection of there being glass in the
20 top and panel in the bottom, but that's a vague
21 recollection.

22 Q. Do you recall whether there was any difference between
23 the kitchen doors and the lounge doors that were
24 previously in place?

25 A. I can't recall. It would be a guess.

1 Q. Did you know whether either the kitchen or the lounge
2 doors that had been in place were fire-rated or not?

3 A. I've -- again, I don't know.

4 Q. As part of your work, did you personally have
5 an awareness of Building Regulations and the various
6 requirements contained in them in?

7 A. Not a vast knowledge of -- of the whole raft of
8 regulations but generally a reasonable understanding to
9 allow us to -- to fit windows and doors. So I'm
10 familiar with areas which would require safety glass,
11 ventilation and fire egress and the size of the opening
12 in a window aperture to allow people to exit from
13 a building should there be a fire. Much beyond that,
14 not really.

15 Q. Did Symphony employ anybody who had any qualifications
16 to do with those sorts of matters; for example
17 a building surveyor?

18 A. Not specifically to deal with those sort of matters.
19 I mean, we tended to stick strictly with, if you like,
20 the subcontract role and, you know, I think anything
21 beyond that with -- it would open up room for us to
22 consider having to go outside. We -- we used the
23 services of an external health and safety company, and
24 so if specifics came up about a specific building
25 regulation, then we would -- we would have to go outside

1 the company. I don't believe within the company we had
2 the ...

3 THE CORONER: So the health and safety people you went to,
4 was that in relation to the method by which you would
5 undertake the work?

6 A. Yeah, pretty much, yeah. It's protection of workmen and
7 those that we're working around, yeah.

8 MR ATKINS: But if there was some particular query about
9 whether some item in the specification would comply with
10 the requirements of the Building Regulations, is that
11 something where the company would have to then take
12 external advice?

13 A. I think if we were asked specifically to answer
14 a question on it, then yes, we would need to go outside.

15 Q. If I could take you back just for a moment to page 1558,
16 which is in bundle number 4.

17 A. Yes.

18 Q. We've seen already 1557, which is the subcontract order
19 covering letter.

20 A. Yeah.

21 Q. Then on 1558, there's another document from Apollo, this
22 time with handwritten comments.

23 A. Yes, I have it.

24 Q. Thank you. If we look towards the bottom of the page,
25 there is a heading we can just about read, "Description

1 of work in brief".

2 A. Yes.

3 Q. Somebody has written by hand:

4 "Design (fit for purpose), supply, delivery of

5 windows."

6 A. Yeah, I can see that.

7 Q. Did you consider that that reference to designing

8 windows which were fit for purpose required Symphony to

9 consider the Building Regulations beyond what was said

10 about it in the specification?

11 A. I would -- no, I would say the "design" word there would

12 mean more about fenestration, the -- the style of the

13 window, and making sure that we stuck within the drawing

14 guidelines of the tender, and the Building Regulations

15 side of it would, I believe -- would fall in the

16 knowledge of expressed in terms of safety glass and

17 suchlike, thermal values and ventilation.

18 Q. Who did you understand then would be considering

19 questions such as whether the specification overall

20 complied with the various different aspects of the

21 Building Regulations, for example part L, part B, and so

22 on?

23 A. I would say ultimately the client.

24 Q. By "the client" in this context, are we talking about

25 Apollo or the London Borough of Southwark and their

1 consultant?

2 A. The London Borough of Southwark.

3 Q. We saw a little earlier on that in the bill of
4 quantities that document specified a fire-rated door on
5 the kitchen side but not on the lounge side. I can take
6 you back to the page if that would help. It was at
7 1361, which is back in file number 4.

8 A. Yeah.

9 Q. Do you remember, in the paragraph next to the letter A,
10 we have the kitchen door to meet part B, "Solid
11 fire-rated door to meet part B", and next to
12 subheading B, the lounge window arrangement includes
13 a door which is a glazed door and panel. So there's
14 a difference there between the two?

15 A. Yes, there is, yeah.

16 Q. Did that strike you as being unusual or something odd?

17 A. It did, and it later became the subject of some debate
18 in a future meeting I was to be -- to attend, and
19 I think it's because the two doors that we installed,
20 whether it's in the kitchen or in the lounge, were on
21 the same elevation, so there was -- it was just unusual
22 why one perhaps should be and one isn't.

23 Q. Can we just pause there to understand better what you
24 mean.

25 A. Yeah.

1 Q. Is the point that because the kitchens and the lounges
2 alternate on the same side of the building, as you look
3 at one side of the building, one elevation, you see
4 a kitchen door next to a lounge door --

5 A. Yeah.

6 Q. -- next to a kitchen door?

7 A. Yeah.

8 Q. So on the basis of this document, we would see
9 alternating doors that were solid fire-rated doors and
10 partially glazed doors?

11 A. Yes.

12 Q. I'll ask you about the process which led to the
13 decisions about the panels and the doors in more detail
14 later on, but it's helpful that we know that that was
15 something which occurred to you when you saw the
16 specification.

17 In a similar vein, we've also seen that while there
18 was a specification for a fire-rated door in the kitchen
19 side, there isn't a reference in the SAPA specification
20 to fire-rated frames or to fire-rated panels. Just
21 before I ask you the question, the jury has heard
22 evidence that that might be problematic for two reasons,
23 essentially: first of all, if you have a fire-rated door
24 in an arrangement that is not otherwise fire-rated,
25 there's the possibility that the fire might break

1 through on either side of the door and get around --

2 A. Can I stop you there. I'm really sorry but I've not
3 heard a single word of that last bit you said because
4 I needed to clarify something I said in answer to the
5 previous question.

6 Q. I'm sorry, we'll go back then.

7 A. Yeah, at the point of tender, there wasn't a discrepancy
8 between the kitchen door and the lounge door in terms of
9 the pricing process. This was something that later
10 cropped up on a site visit that I attended with --
11 I think it was James Cousins, which suddenly brought
12 this, I would say, peculiarity out, and I just --
13 I didn't want to mislead, and I just wanted to make the
14 point that at the time of the tender, you know, we
15 had -- or we'd priced the kitchen door combination and
16 the lounge combination as we should, and it's only when
17 I've visited site when we know we're going to get the
18 job that -- that this has occurred to me. Does that
19 make sense?

20 Q. Can I just check that I've understood that correctly.
21 So in the specification document, the bill of quantities
22 that we're looking at --

23 A. Yes.

24 Q. -- we agree, I think, that there is a difference in what
25 is specified between the kitchen and the lounge?

1 A. Yeah.

2 Q. Do you mean then that when the figures were prepared,
3 you priced in accordance with what was said, but that it
4 was at a later stage, when you met Mr Cousins on site --

5 A. Yeah.

6 Q. -- that the fact that there was this difference came to
7 your attention?

8 A. Yes.

9 Q. Yes, I'm sorry, in that case I went on too quickly.
10 Thank you for clarifying that.

11 Could I move on then, please, to the point which
12 I just started, which was about the question of having
13 a fire-rated door on the kitchen side in an arrangement
14 that was not otherwise fire-rated. As I mentioned, the
15 jury have heard that there are two potential problems
16 with that. The first is that if only the door is
17 fire-rated, there is a possibility that fire might
18 spread either side of the door --

19 A. Mm-hmm.

20 Q. -- and so get around the door.

21 A. Yeah.

22 Q. The other potential problem is that if the frames do not
23 withstand the heat of the fire, and they and the panels
24 deform, then the door might fall away and there might be
25 a gap allowing fire and smoke through.

1 A. Right.

2 Q. So my question is: did you, either at the stage of
3 receiving the specification or at a later stage, have
4 the thought that it's unusual to have a fire-rated door
5 in an arrangement which is not otherwise fire-rated?

6 A. At the time of pricing it, sorry, or ...?

7 Q. At any time.

8 A. Yeah, it occurred on a site meeting -- a site visit,
9 where -- it was a familiarisation visit, really, to get
10 an understanding of what the installation held for us,
11 how I was going to set about it, and obviously this --
12 the door thing cropped up from that visit. I can't
13 recall the date, but I can recall the visit.

14 Q. In just a short while, I will take you through, if
15 I can, some of the correspondence from May, June
16 and July 2006 which concerns both the panels under the
17 bedroom windows and also the balcony doors.

18 A. Yeah.

19 Q. As we go through that, perhaps if we get to a stage
20 where you think that that was when that meeting happened
21 you can let us know and we can look at it in context.

22 A. Yeah, okay.

23 Q. So we will come back to that.

24 A. Yeah.

25 Q. Just one other topic, please, before we get to that, and

1 that is the subject of the FENSA self-certification and
2 the FENSA certificates we touched on briefly earlier.
3 We've seen that there was a reference to FENSA
4 self-certification in the letter from Symphony to
5 Apollo?

6 A. Yes.

7 Q. And you explained to us that you thought that would be
8 usual for this sort of project. The jury have seen
9 already that in due course Symphony did issue FENSA
10 certificates in respect of each of the installations --
11 so there was one per flat -- and that those were
12 forwarded on to Apollo.

13 A. Yeah.

14 Q. At the time they were issued, towards the end of the
15 project, was it still your expectation that they would
16 be issued, can you remember, or did you think that the
17 idea of using the FENSA self-certification had been
18 overtaken by something else?

19 A. I -- I believe that the certification was -- was still
20 going to go ahead, from my recollection, and -- yeah.

21 Q. I'll just put on the screen -- that's probably good
22 enough for now -- a copy of one of the FENSA
23 certificates that were issued. Do you see under the big
24 heading of "FENSA" --

25 A. Yeah.

1 Q. -- there's a description of five windows and two doors?

2 A. Yes, I see that.

3 Q. Could you help us, please, with what your understanding
4 was at the time the works were being done. Did you
5 think that the certificates that were being issued would
6 cover the panels below the windows and bedrooms?

7 A. For inspection? Yes. In terms of the thermal
8 qualities, I did.

9 THE CORONER: So covered by the FENSA certification process?

10 A. I believed that, yes.

11 MR ATKINS: Likewise in the balcony doors, we know that the
12 part below the mid-rail was a composite panel.

13 A. Correct, yeah.

14 Q. Was it your understanding at the time that the FENSA
15 certificates applied to those doors?

16 A. Yes, it was, yeah.

17 Q. Are you now aware that FENSA, the organisation itself,
18 takes a different view on each of those two points?

19 A. I believe it does, yeah. I've read that.

20 Q. At the time these certificates were issued, do we take
21 it you considered that they were validly issued and that
22 they covered not only the glazed parts but also panels
23 that we've just mentioned in the doors and under the
24 windows?

25 A. That's my understanding, yes.

1 Q. Just so that we're clear about the position, do you now
2 accept, in light of the comments from FENSA, that the
3 certificates do not, in fact, cover the balcony doors or
4 the panels under the windows in the bedroom?

5 A. Yeah, from what I've read, I agree now.

6 Q. Would there be any inspection by anybody from Symphony
7 of either each installation or of a sample of them
8 before the certificates were issued?

9 A. Yes, it's -- part of my role was to visit site. All the
10 live contracts that we had rolling at the time -- and
11 Lakanal soaked up quite a lot of our labour resource,
12 which meant that I was on site at quite regular
13 intervals. It was inspected by myself, my QS, quantity
14 surveyor, during his visits with Kitemark. We had
15 a British Standard for installing windows, and they
16 would carry out inspections, and I believe FENSA also
17 made arrangements to visit site.

18 Q. So far as you are aware, did FENSA -- or an inspector
19 from FENSA -- ever inspect any of the installations in
20 the flats at Lakanal?

21 A. I -- I don't believe we ever got anything back from
22 FENSA, but I -- another part of my duties as far as the
23 FENSA goes is that -- admin would input the various
24 installs of the week. My time was spent out of the
25 office from Tuesday to Thursday evening, and FENSA would

1 fax through a blank form requesting the live installs of
2 any given week. I can't recall if it was done on
3 a monthly basis, but they asked me to record each week
4 exactly the addresses, postcodes, and they were then
5 able to make a spot visit during the live installation
6 of works. And I know I used to frustrate them, because
7 they wanted it in on a Tuesday and I was never in on
8 a Tuesday, so they would be chasing me when I got in the
9 office on a Friday, and quite often I would speak on the
10 telephone to inspectors -- and I can't give you any
11 names, but I'm of the opinion that they indicated to me
12 that they would be visiting site.

13 Q. If we could just summarise that. As the work was being
14 done, you were telling FENSA where you were carrying
15 work out?

16 A. Yeah, and where we were likely to be carrying work out
17 the following week.

18 Q. Where you were likely to be doing it, so that if FENSA
19 happened to decide to inspect those works, you had given
20 them the information necessary to do that?

21 A. That's correct, yeah, and I have a recollection of
22 a phonecall from an installer on Lakanal who had had
23 a visit.

24 Q. I'd like, then, please to move --

25 THE CORONER: So you don't have any direct knowledge

1 yourself of any visits from an inspector?

2 A. No, sorry, no.

3 MR ATKINS: If we could then move, please, to the
4 correspondence and the decision-making which led to the
5 choice of the Trespa-faced panels for the facade and for
6 the balcony doors that were ultimately installed.

7 A. Yeah.

8 Q. By way of introduction, the jury, as you know, have
9 heard evidence from various witnesses, including
10 Mr Campbell and others who were involved in works,
11 including evidence about a meeting which took place on
12 3 May 2006 and perhaps another meeting or some sort of
13 discussion which may have taken place on 17 May.

14 A. Right.

15 Q. Rather than going straight to those meetings, what I
16 would like to do, please, is to go through with you the
17 correspondence and the other documents that were going
18 back and forth before those dates and also afterwards so
19 we can see things in context --

20 A. Yeah.

21 Q. -- and then return to ask you about your recollection of
22 any meetings that you attended and of how the decisions
23 about the panels and the balcony doors were reached.
24 We'll look at those two questions together -- that is
25 the panels and the balcony doors -- because the dates of

1 the relevant correspondence overlap.

2 A. Okay.

3 Q. If we begin at page 1729, please, which is in file
4 number 5.

5 A. 29 or 59?

6 Q. 1729. This would seem to be a fax from you -- we can
7 see your name on the left-hand side in typed text on
8 Symphony paper -- dated 13 April 2006.

9 A. Yes.

10 Q. It's addressed to James Cousins at Apollo.

11 A. Yes.

12 Q. The subject is "Re Lakanal House draft drawings", and it
13 says:

14 "Number of sheets: 10 plus 1 from Mike Beck."
15 Who was he, please?

16 A. He was my quantity surveyor.

17 Q. So this front sheet attached a number of drawings. If
18 we go on, please, to page 1738, we have a drawing,
19 a sketch, with various handwritten comments. Can you
20 remember first of all, the drawing itself, was that
21 a Symphony drawing or had that come from somebody else?

22 A. No, the drawing had been generated by Joedan, the
23 company we used to manufacture the frames, and
24 I believed it to be a SAPA programme which they're
25 licenced to use.

1 Q. Then the handwritten comments, do you recognise the
2 handwriting?

3 A. Yes, it's my handwriting.

4 Q. So if we look in the bottom right of that page -- I'll
5 just make it bigger on the screen -- you said:

6 "James, this is as tender. SAPA are now saying the
7 outer frame should be larger. Outer frame ..."

8 Then it looks like "1 metre", possibly.

9 A. That's "I'm".

10 Q. Sorry:

11 "... I'm trying to resolve, as the sections were
12 specified by them anyway."

13 A. Yeah.

14 Q. Do you recall what this was about? Was there an issue
15 with the SAPA frames?

16 A. I can recall sort of vaguely why I wrote that in the way
17 I have, because we didn't try to change any of the
18 frames that were tendered and we gathered all the costs
19 together, and I felt on the day that they were trying to
20 introduce something that could potentially cost more
21 money, and I -- it was something that I was in
22 discussion with SAPA over, because we'd got a fixed
23 price tender with Apollo, and we're -- we're not allowed
24 to vary our contract --

25 Q. Sorry to interrupt you. You said they were trying to

1 introduce --

2 A. Yeah, SAPA. Because what happened was the drawings --

3 how it works is we instruct and give an order to Joedan

4 to manufacture windows. Before they were able to go

5 into production, they ran -- all the design, all the

6 sections, everything that had been asked for in the

7 tender, they -- they ran that back through SAPA to get

8 the ultimate -- the nod that: "Yeah, that's what we've

9 intended to supply on the project", and this came back

10 with a wind load query and there was talk about

11 load-bearing panels. It might be on another screen as

12 well that we might well come to, but there were -- it

13 was just something -- it needed resolving between me and

14 SAPA, but I wanted James at Apollo to be aware of what

15 was going on, the dialogue basically that was taking

16 place.

17 Q. Just so we understand that, was the point that you had

18 agreed a price with Apollo and that therefore if the

19 manufacture of the window sets was going to cost more,

20 that would be a cost which Symphony would have to bear?

21 A. Yes.

22 Q. It may be helpful to move on to page 1783, which is,

23 I think, in the same bundle. If you have that, it's

24 a letter from Apollo to Annabel Sidney at SBDS.

25 A. Yeah.

1 Q. So we can see that this wasn't a letter which was
2 addressed to you or to Symphony.

3 A. No.

4 Q. It's dated 20 April, so about a week after the fax we
5 were looking at a moment ago, and we can see that the
6 writer of this letter, over the page, if we just look at
7 the bottom, is James Cousins.

8 A. Yes.

9 Q. He has said:

10 "Please find enclosed the following drawings ..."

11 And we can see that there are a number of
12 alternative drawings for different windows and the
13 arrangements?

14 A. Yeah.

15 Q. In this letter, Mr Cousins said:

16 "Due to the original design of windows numbers 1, 4
17 and 5 failing to provide sufficient strength throughout
18 the fenestration, SAPA are recommending the coupling
19 support to be added as window alternatives 1, 4 and 5."

20 So was this related to the issue you were telling us
21 about a moment ago?

22 A. Yes, I think it does, yeah.

23 Q. This was then followed at page 1802 by an email from
24 Annabel Sidney --

25 A. Yeah.

1 Q. -- addressed to Mr Cousins and various other people,
2 dated 25 April, and she said:

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

5 If we then turn over, please, to page 1803, we have
6 the letter that was attached to that email, again from
7 Annabel Sidney and addressed to James Cousins. Do you
8 have the right page?

9 A. Yes.

10 Q. In that letter Annabel Sidney said:

11 "Thank you for your letter of 20 April 2006 and
12 enclosures regarding the windows you have sent through
13 in advance of the drawings and information required as
14 detailed in the specification."

15 Then she said:

16 "In order for us to respond to your queries and
17 enable you to make a full presentation of the
18 information required, may I suggest that we meet at our
19 offices with yourselves, our client, SAPA and Symphony
20 at 3 o'clock on Wednesday, 3 May 2006."

21 A. Yeah, I agree.

22 Q. Do you recall that in due course you were invited to
23 a meeting on 3 May?

24 A. I do recall, yes.

25 Q. I won't ask you about the detail of the discussion in

1 that meeting at this stage, but I'll just ask you one or
2 two questions around it. Could we go on, please, to
3 page 1819. There's a document there that seems to be
4 an agenda for that meeting.

5 A. Yes.

6 Q. Do you remember whether you received that agenda?

7 A. No, I -- I can't say I've ever seen that before.

8 I thought the meeting of the 3rd was a meet and greet,
9 to be honest. That's ...

10 THE CORONER: Sorry, I missed that?

11 A. I thought the meeting of the 3rd was going to just be
12 a meet and greet, because I'd not worked with that
13 particular person before.

14 MR ATKINS: With Annabel Sidney, do you mean?

15 A. Yeah.

16 Q. Do you remember whether you were shown a copy of that
17 agenda at the meeting?

18 A. I'm almost certain I didn't see the agenda.

19 Q. Can you recall where the meeting or discussion took
20 place?

21 A. Yeah, it took place at Spa Road.

22 Q. Was that SBDS's offices?

23 A. Yes.

24 Q. Other than yourself, can you remember who was present?

25 A. Yes, James Cousins of Apollo, Annabel Sidney of SBDS,

1 John Menlove of SBDS and Graham Hurrell of SAPA.

2 Q. You've told us that you thought it was going to be
3 a meet and greet rather than anything else?

4 A. Yeah.

5 Q. Can you remember whether you took anything along with
6 you to the meeting or whether you did any particular
7 preparation for the meeting?

8 A. Well, I certainly was in conversation with James Cousins
9 about the fire door question, and by now the
10 wind-loading calculations and the need to introduce
11 coupling mullions had come up, and I had -- I can't
12 remember if I took those drawings to the meeting but
13 I do recall there being a potential of a -- a tweak to
14 the design, an introduction of a slightly wider sight
15 line, which is a necessary consequence of the
16 introduction of the wind-loading coupling bars.

17 Q. Do you think that those two points which you've just
18 mentioned -- the fire door question and the
19 wind-loading -- were things you had been discussing with
20 Mr Cousins before 3 May?

21 A. Yes, I do believe that.

22 Q. Just one other question about that meeting for now,
23 please, which is about how long it lasted. For that, it
24 may be helpful to look at page 1863. It's a page with
25 a number of emails. If we look at the second one,

1 please. This is an email, again, which wasn't sent to
2 you. It was sent by Annabel Sidney to other people at
3 Southwark: Ejovi Awaritefe, Robert Pearce and
4 John Menlove.

5 A. Yes.

6 Q. We can see it was sent on 3 May, the day of the meeting,
7 at about 6.30, and Annabel Sidney said:

8 "Hi Ejovi, I am so sorry there was confusion
9 regarding the meeting venue for the windows today.
10 There were quite a lot of technical issues and
11 a difficult meeting which we have only just finished."

12 So from the look of that email and the time of it,
13 it would appear that that meeting had gone on from
14 3 o'clock in the afternoon to about 6.30. Are you able
15 to remember how long the meeting had lasted?

16 A. I would say I was -- I would have said 5 o'clock, and
17 I'm struggling to remember if I came out before the end
18 of the -- or if I was asked to leave or whether the
19 meeting was drawn to an end, but I would have said
20 5 o'clock.

21 Q. Madam, I'm about to move on to a different section of
22 the correspondence. Would that be a convenient moment
23 for a morning break?

24 THE CORONER: Yes, indeed. We'll have a break.

25 Members of the jury, could you be back for 11.35.

1 it's a problem for yourselves or for anyone else in the
2 room then we'll need to close them again.

3 Yes, Mr Atkins.

4 MR ATKINS: Mr Coupe, we'd just been looking at, hadn't we,
5 of an email on 3 May, the day of the meeting at SBDS's
6 offices.

7 A. Yes.

8 Q. What I'd like to do now is to show you some of the
9 correspondence that followed that meeting throughout May
10 and June and into the beginning of July. Then, as
11 I say, I'll return to ask you about how the decisions
12 were reached in relation to the balcony doors and the
13 panels and about your recollection of those meetings, if
14 they are relevant to those questions.

15 A. Okay.

16 Q. Could I start then, please, by taking you to page 1851.
17 We have a letter sent by Apollo, it seems, to each of
18 the residents in all of the flats of Lakanal House
19 offering the choice of door types.

20 A. Yes.

21 Q. Do you see that in the middle of the page, between "all
22 panelled, all glazed" and "half glazed, half panelled"?
23 That letter is dated 4 May 2006, so it seems to have
24 been the day after the meeting that we were just
25 thinking about.

1 A. Yes.

2 Q. If we then go, please, to page 1853. This is another
3 document which you probably didn't see at the time,
4 because as you can see, it's an email from
5 Annabel Sidney addressed to James Cousins and also to
6 Robert Pearce at the London Borough of Southwark. This
7 is dated 5 May 2006.

8 A. I see it.

9 Q. We can see that Ms Sidney said:

10 "James, colour details for powder-coated aluminium
11 to kitchen and lounge doors, larder panels and panels
12 under windows as agreed."

13 So it would appear, would it not, that at that
14 point, on 5 May, the intention was still to use
15 powder-coated aluminium for the panels under the
16 windows?

17 A. Yeah, it reads that way.

18 Q. There's then a list of the powder-coated aluminium panel
19 colours, for which samples were being asked for, and
20 then further down, a reference to Trespa samples to be
21 delivered direct to site.

22 A. Yes.

23 Q. Beneath that, the final sentence:

24 "Also to confirm that we require solid,
25 powder-coated kitchen and lounge doors, please."

1 So there seems to be an indication on 5 May that
2 SBDS, at that time, were considering solid doors on both
3 sides.

4 A. Yes.

5 Q. Moving on then, please, to 8 May, at page 1872. Do we
6 see this is an email from you to James Cousins on 8 May,
7 where you say:

8 "James, just to keep you up to speed, I have had
9 a chat with Liam Hanson of SAPA this am. It appears
10 they are resolving wind-loading issues without the need
11 of a brace and at the same time this would now indicate
12 we don't need to pursue load-bearing panel options."

13 A. Yeah.

14 Q. Was this an extension of the same issue we were looking
15 at earlier?

16 A. It sounds like it, yes.

17 Q. On the same day, at page 1893, if we could just look at
18 the second email on that page, which is the one from
19 Liam Hanson.

20 A. Yeah.

21 Q. Dated 8 May, addressed to Mark Snowdon. Was he of
22 Joedan?

23 A. Yes, he was, yeah.

24 Q. We can see Mr Hanson has said:

25 "Good afternoon, Mark. Please find attached a CAD

1 drawing related to the above project. I have spoken
2 with Nick Coupe today to advise him of the changes and
3 to inform him of the importance of ensuring good sound
4 fixings and packing to the head of the window."

5 Was this also connected to those issues about
6 wind-loading?

7 A. Yes.

8 Q. It was. Just a few pages earlier at 1885, there is
9 an email on 9 May, the next day, I think again from you,
10 signed "Nick" at the bottom, to Mr Cousins, and you say:

11 "Please see attached the drawings which I consider
12 the master copies around which any changes should be
13 made."

14 Then a little further down in the same email:

15 "Window 1 reflects the SAPA revised details to meet
16 the new loading calc."

17 Was that you issuing drawings which overcame the
18 wind-loading issue?

19 A. Yeah, I believe so.

20 Q. Then, please, to page 1941. This time an email from
21 Ms Sidney to Mr Cousins on 10 May. I'm sorry, do you
22 have the page? 1941.

23 A. Yeah.

24 Q. So from Ms Sidney to Mr Cousins on 10 May, and in the
25 second sentence she says:

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

6 If we then follow the correspondence through to
7 15 May at page 1972, we see we have another email from
8 Annabel Sidney to James Cousins, now on 15 May. Looking
9 at the very last line of that email, do you see she
10 says:

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

13 A. Yeah, I see that.

14 Q. So do you agree that as at 15 May, there was at least
15 still the possibility of using powder-coated aluminium?

16 A. Yes.

17 Q. Could we then look at page 2016, which is in file
18 number 6. I don't know if you have that there already.

19 A. No, I don't.

20 Q. Mr Graham, do we have file number 6, please? (Handed)

21 These are the minutes of the second progress
22 meeting, which was held on 16 May. Looking at the list
23 of those present and the apologies list and circulation
24 list, it doesn't seem that anybody from Symphony is
25 included.

1 A. No, it doesn't.

2 Q. So it may well be that you wouldn't have seen these
3 minutes at the time. But if we look, please, at
4 page 2017, we can see what was being discussed.
5 Paragraph 3.8 says:
6 "Planning -- conditions of approval."
7 Do you have that towards the top of the page?

8 A. Yes.

9 Q. "The CPM [that's Annabel Sidney] confirmed that the
10 colour scheme options had been selected by the client
11 and that samples were currently awaited on site. It was
12 agreed that the kitchen and lounge doors would be
13 replaced to match existing."

14 A. Yeah.

15 Q. That then takes us on, please, to page 2031, which is
16 an email from Annabel Sidney on 17 May to Mr Cousins and
17 to others at Southwark and Apollo. The subject is
18 "Window drawings". Right at the bottom of the email,
19 before she signs off, she says:
20 "Perhaps we can discuss at our meeting this
21 afternoon, please."
22 So there's a reference to some sort of meeting
23 happening, or at least being expected to happen, on
24 17 May.

25 A. Yeah.

1 Q. If we look at page 2056, we can see another reference to
2 a possible meeting on that date, the second email on the
3 page. I'll just zoom in to make it easier to read.
4 That second email is from Annabel Sidney to
5 James Cousins on 25 May, so moving forwards about
6 a week. She says:

7 "Hi James, when we met with Symphony last Wednesday,
8 17 May, Nick said that he was looking into replacing the
9 aluminium panels with Trespa. I understand that his
10 colour match Trespa samples are now on site. Please
11 could you advise me what thickness of Trespa panel would
12 be required, please, on the external face."

13 Just to put that in its proper context, it came two
14 days after page 2053, if I could just ask you to turn
15 back a little way. That appears to be a page of
16 sketches on Symphony headed paper.

17 A. Yeah.

18 Q. Could you just help us with, in general terms, what that
19 document is?

20 A. Yeah, the Symphony form represents the manufacturing
21 survey and these are the production sizes that our
22 window surveyor would have taken from the physical
23 building, and this represents the pilot flat that would
24 be installed later on.

25 Q. We can see the word "Pilot", I think, in the very top of

1 the page in the middle.

2 A. Yeah.

3 Q. So these were the drawings for the installation in that
4 one particular flat?

5 A. Yes.

6 Q. There's also a handwritten note a little earlier on at
7 page 2047. Do you recognise the writing?

8 A. Yes, it's my writing.

9 Q. There's a reference there to ordering panels for "39
10 Lakanal pilot", so again the pilot flat?

11 A. Yes.

12 Q. To be Trespa Reseda mid-green outer, white Trespa inner?

13 A. Correct.

14 Q. Are you able to say whether it would be about the same
15 date as the sketches we looked at a moment ago?

16 A. It would be around that time. I don't know how many
17 days after -- we couldn't order panels from the
18 information that's contained on the Symphony survey
19 sheet, 2053. That would be presented to the
20 manufacturer Joedan, and once they've input onto their
21 computer system all of these dimensions and copied the
22 designs, it then -- the programme package gives them
23 a print-out of the metal sections that they need, all
24 the parts that are needed to clip the frames together,
25 and it also processes a list giving glass sizes and

1 panel sizes for us back at Symphony to then order in the
2 right glass, the right panels, to coincide with delivery
3 of the window frames, and it's likely to be a few days,
4 sorry, after the date of this order to Joedan. Then we
5 would receive the necessary information for me to write
6 this memo to Tom G to order the panels.

7 Q. I see. So the note we see at page 2047, which I've just
8 put back on the screen, you think would have come some
9 days after the sketch?

10 A. Yes.

11 Q. When that information was available?

12 A. Yes.

13 Q. What we've seen there is on 17 May there was the email
14 from Annabel Sidney to James Cousins which referred to
15 a meeting "this afternoon".

16 A. Yeah.

17 Q. Then we have certainly the sketches we've just looked
18 at, which are dated 23 May.

19 A. Yeah.

20 Q. And then the email on 25, again from Annabel Sidney to
21 James Cousins, referring back to a meeting with you on
22 the 17th. That was page 2056.

23 A. Yeah.

24 Q. I'll just put that back on the screen to remind us.

25 Again, I won't ask you, at this stage, about the detail

1 of any discussion, but do you remember a meeting of any
2 sort on 17 May?

3 A. Certainly not a formal meeting. It's possible I was on
4 site on 17 May. I'm sorry, but I haven't checked.
5 I probably have a diary to check if I was there, but it
6 wasn't a formal meeting, a sit down and a minuted thing.
7 Very often I would bump into the clerk of works, Annabel
8 very infrequently, but it's likely -- it's possible
9 I could have bumped into her.

10 Q. Then following on what happens in the correspondence, if
11 we could go to page 2099, please. We're now at the
12 start of June, 2 June, an email from Annabel Sidney to
13 James Cousins, where she says:

14 "Hello James, I've just spoken with Nick at Symphony
15 and I am happy to proceed with the Trespa. Formal
16 instruction to follow."

17 On the same date, there's another email at
18 page 2101, this time Mr Cousins to you.

19 A. Yes.

20 Q. He says:

21 "Nick, the panels are to be Trespa at no cost
22 adjustment."

23 A. Yeah.

24 Q. Does the phrase "no cost adjustment" mean, in effect,
25 that Symphony are to provide Trespa-faced panels for the

1 price that had been agreed for the other sort of panels?

2 A. Yes.

3 Q. Then at page 2310, which is towards the end of that same
4 file, if you have that page, we've now moved on about
5 a month because we're looking at an email on 6 July from
6 Annabel Sidney to James Cousins and copied to various
7 other people. In that email, she says:

8 "I am disappointed that we have not achieved
9 uniformity of the windows within the tendered price ..."

10 And then in the second paragraph she says:

11 "With regard to the doors, these are to have
12 a mid-rail with Trespa panel below and double glazing
13 above."

14 A. Yeah.

15 Q. That description there of the doors, does that
16 correspond with what was ultimately installed?

17 A. I believe so. I've just got an niggly memory that we
18 might have had to remake a door leaf, but certainly that
19 reflects what eventually went in on site.

20 Q. So the final position, having gone through those various
21 emails and other documents, is the panels below the
22 windows in the bedrooms would be Trespa-faced composite
23 panels?

24 A. Yeah.

25 Q. Both the kitchen door and the balcony door were going to

1 be semi-glazed, and the bottom part of the door was
2 going to be a Trespa-faced composite panel?

3 A. Yes, I agree.

4 Q. We've seen already that that led to the order that was
5 placed by Symphony with Commercial Panels --

6 A. Yes.

7 Q. -- which we looked at earlier on.

8 A. Yes.

9 Q. So, Mr Coupe, what we've done there is to look at and
10 follow through the run of correspondence in May, June
11 and July 2006, which seems to be the time when the
12 questions of what panels should be and what the doors
13 should be were being discussed. What I'd like to do
14 now, please, is to go back to ask you how those
15 decisions were reached.

16 Perhaps to start with, you mentioned earlier on in
17 your evidence that you think there had been a discussion
18 with James Cousins of Apollo before 3 May in which the
19 question of the fire door was raised.

20 A. Yeah.

21 Q. Is that still your recollection?

22 A. Yes it is, yeah.

23 Q. Starting, then, with the question of the Trespa-faced
24 panels under the bedroom windows, had you ever used
25 Trespa as a building material before in a Symphony

1 project?

2 A. Not in Symphony, no.

3 Q. Had you ever used Trespa-faced panels with any other
4 company that you worked for?

5 A. Yes.

6 Q. So you were familiar with those sorts of panels, albeit
7 that you had not used them through Symphony?

8 A. Yes.

9 Q. Can I show you, please, just a few passages from the
10 statements that you have given to ask you whether they
11 still reflect your recollection. By way of
12 introduction, I think it's right that you have given two
13 statements to the police, the first on
14 26 November 2009 --

15 A. Yes.

16 Q. -- and the second a little later on, on 13 July 2010?

17 A. Yes.

18 Q. When you gave those statements, do we understand you
19 didn't have access to the sort of chronological bundle
20 we've been looking at today?

21 A. No, I didn't.

22 Q. Did you have access to the correspondence we've been
23 looking at, perhaps the part Symphony had, their own
24 records?

25 A. I would have had access to the files. To go through the

1 files as we went through the interview, no, but
2 obviously we did at the end of the interview to be able
3 to provide Met Police and the fire investigation officer
4 some of the evidence that they needed.

5 Q. When you say "the files", those were Symphony's own
6 files?

7 A. Symphony -- yes, Symphony files.

8 Q. So you had the documents which had been sent to you at
9 the time, but you did not have documents which had been
10 sent from one party to another which had not been copied
11 to Symphony?

12 A. No.

13 Q. Your first statement begins at page 596 of the
14 statements bundle. If that could just be passed to you.
15 (Handed) Do you see at the top of that page we have
16 your name and the date of 26 November 2009?

17 A. Yes, I do, yeah.

18 Q. Could we turn over, please, to the second page, 597.
19 There's a third paragraph which begins "Once I was
20 aware".

21 A. Yes.

22 Q. About four lines down, you say:

23 "The whole process is quite a lengthy one from
24 beginning to end and prior to commencement of the
25 project I attended a pre-start meeting."

1 Then it if we follow that through, you say that at
2 the meeting there was James Cousins, Mr Menlove,
3 Ms Sidney, and also Mr Hurrell from SAPA.

4 A. Yes.

5 Q. So should we understand that reference to a pre-start
6 meeting to be a reference to the meeting on 3 May?

7 A. Yes, I would say.

8 Q. Then at the end of that page, right at the bottom of it,
9 you say:

10 "At no stage during this meeting were any
11 specification changes to the infill panels mentioned.
12 I was also never involved in any consultations involving
13 specification changes to any aspect of the project where
14 my company would have been concerned."

15 A. Yeah.

16 Q. In your second statement, if we could just turn on to
17 that, please -- you'll see it starts at page 601. You
18 see, again, we have your name, this time dated
19 13 July 2010.

20 A. Yeah.

21 Q. On page 602, you say at the top of that page, again
22 talking about that same meeting:

23 "... I can confirm that it took place on 3 May ...
24 it was the only such meeting that I attended during the
25 Lakanal project."

1 A. Yeah.

2 Q. Then in the second paragraph, about eight lines down,
3 towards the right-hand side, there's a sentence that
4 begins "As stated"?

5 A. Yeah.

6 Q. Do you have that? You say:

7 "As stated in my previous statement, I was not
8 involved in any prior detailed consultations about the
9 change from powder-coated aluminium panels to Trespa and
10 do not recall it being a subject for discussion during
11 the meeting I attended on 3 May 2006."

12 A. Yeah.

13 Q. Are you able to recall who it was who first proposed,
14 for whatever reason, that Trespa-faced panels should be
15 used rather than aluminium powder-coated panels?

16 A. Yeah, and perhaps I should say that that statement that
17 I made, I'm -- I'm not 100 per cent how that's
18 described. I accept it's my words. That's not really
19 what I was trying to get across in there. It's more
20 about the -- making the point that I wasn't part of the
21 decision-making process with it. But in answer to your
22 question -- your direct question about who instigated
23 the discussion, I believe it was Annabel Sidney, and it
24 was a comment -- I don't know who would have put it in
25 mind to bring it up but it was a question asked in the

1 meeting of the 3rd, and it was asked of the room whether
2 we'd any knowledge whether the panels would dent and
3 scratch.

4 Q. Sorry, who was asking that question?

5 A. Annabel Sidney.

6 Q. Can you remember whether anybody volunteered an answer?

7 A. I can recall Graham Hurrell from SAPA confirming,
8 basically, that yeah, the panel could dent.

9 Q. Do you remember --

10 THE CORONER: Sorry, when you say "the panel", are you
11 talking about the aluminium panel?

12 A. Yes, the specified panel, yeah.

13 THE CORONER: Yes.

14 A. There was a -- I'm not sure -- no, I think that's the
15 extent of it.

16 MR ATKINS: Do you remember any final decision being reached
17 in the meeting on 3 May about what should be used for
18 those panels?

19 A. The discussion was fairly brief on the panels on the
20 day, as I recall it. I think the panel sort of aspect
21 of things changed more over time, but that's as much as
22 I can recall on that.

23 Q. You told us a little earlier on that you think there may
24 have been some discussion on site, albeit not a formal
25 meeting --

1 A. Yeah.

2 Q. -- on 17 May?

3 A. Yeah.

4 Q. Can you remember now whether that would have included
5 discussion of the type of panel to be used?

6 A. No. That's: no, it's not a point of discussion. It's
7 not that I can't remember.

8 Q. You think it wasn't discussed?

9 A. I think it wasn't.

10 Q. Because we've seen that on 2 June, first of all there
11 was the email from Annabel Sidney to James Cousins
12 saying, "Please use Trespa", and also an email from
13 James Cousins to you confirming that.

14 A. Yeah.

15 Q. Did that come as a surprise to you, or did you know that
16 decision had been reached?

17 A. Well, I -- I certainly know that the panels were being
18 discussed outside my direct involvement, because at some
19 point -- I can't remember the date, but we were asked to
20 provide sample panels of a set number of colour options
21 and that they needed to be provided to site, so I was
22 aware that -- of the potential of a change in spec.

23 Q. Was there ever a point when anybody said to you: "We're
24 considering these two different options. Which do you
25 think we should use?"

1 A. Not in those words, no. I was certainly put in the
2 frame, or put in the knowledge, that there was a -- oh,
3 I tell you, there was something else. There was
4 a question mark about glare of the aluminium panel, and
5 I'm pretty sure that was a discussion point of 3 May.

6 Q. To interrupt you, was that about the visual appearance
7 of the panels from the outside of the building?

8 A. Yes, yes.

9 Q. Sorry, do carry on.

10 A. As time progressed and effectively works started to
11 happen on site, my attendance to site became more
12 regular and these are things that you pick up during the
13 course of a visit on site, be it with the site manager,
14 the contracts manager, James -- it could have even
15 been -- and you know, I did bump into Annabel on site
16 and I do recall having discussed the matter with her,
17 and I've no doubt it was -- it was on the agenda.

18 Q. Whose decision did you understand it to be, in the end,
19 as to what kind of panel should be used?

20 A. Annabel.

21 Q. Are you able to recall whether, at that time in 2006,
22 there was any difference in the price of aluminium-faced
23 panels as opposed to Trespa-faced panels?

24 A. I -- on memory alone -- and I have a recollection that
25 we price-tested it, there -- there wasn't a great deal

1 in it.

2 Q. I think it follows from your earlier answers that if the
3 Trespa had been more expensive, you would have been paid
4 the same amount of money by Apollo and it would have
5 been Symphony's cost to bear; is that right?

6 A. Sorry, can you repeat?

7 Q. I'm sorry. If the Trespa-faced panels had cost more
8 than the aluminium-faced ones --

9 A. If the Trespa had cost more, yeah.

10 Q. -- then once the instruction was given to use Trespa --

11 A. Yes.

12 Q. -- what would have happened is that Apollo would have
13 paid Symphony the same amount of money and Symphony
14 would have had to just absorb the difference?

15 A. Well, I think it would have -- we would have probably
16 viewed it that way round as a variation that we could
17 legitimately seek additional costs for. If a client
18 wanted to move away from the specification, that would
19 be an opportunity to reprice that element. If we'd have
20 made an error and not priced something, then obviously
21 that's our risk.

22 Q. Does it make a difference, then, where the suggestion
23 comes from, whether it comes from you or from the
24 client, on that point?

25 A. Yes.

1 Q. Could I show you, please, one other passage in your
2 first witness statement, this time at page 599. It's
3 the third paragraph down, where you say:

4 "I am aware that the previous panels at Lakanal were
5 made of asbestos. I do not, however, believe this was
6 due to their fire-resistant properties, otherwise these
7 panels would have been used as fire breaks between
8 flats. When ordering panels, I tend to give more
9 consideration to its thermal properties rather than its
10 resistance to fire. I would say that any consideration
11 with regards to fire resistance of products used in any
12 project would be made by the company producing the
13 specifications in conjunction with the client (usually
14 the surveyor)."

15 A. Yeah.

16 Q. Does that still reflect your understanding of how things
17 worked on this project?

18 A. Yes, it does.

19 Q. Could I move on, then, please, to the balcony doors.
20 Again, we've seen the various pieces of correspondence
21 that are related to that question. If I could show you,
22 please, in your second statement, page 604. In fact,
23 I'm sorry, the relevant part begins on page 603, at the
24 bottom of the page. You see in that last paragraph, you
25 say:

1 "I have been asked to comment on the proposed
2 installation of a fire door in the kitchen as referred
3 to in the specification. I recall this issue being
4 raised by John Menlove -- probably during the meeting on
5 3 May 2006. Graham Hurrell of SAPA (standing in for
6 Liam Hanson, who was on holiday) conceded to an error on
7 their part because they could not supply an aluminium
8 fire door. The result of the discussion was a decision
9 made between Graham Hurrell, John Menlove and
10 Annabel Sidney to proceed with a standard door as fitted
11 on the living room side. Both doors provided access
12 onto the balcony area, which I was unaware was
13 a designated escape route."

14 So do we understand that as well as you having
15 spoken to Mr Cousins about the balcony door question,
16 this was an issue which Mr Menlove raised in that
17 meeting on 3 May?

18 A. Yes, I've -- yes, it is. The bit about the John Menlove
19 thing, I can understand why I probably think it's him
20 that raised it, after seeing the agenda earlier, but the
21 more likely is that James Cousins brought it up.

22 Q. You think it was discussed on 3 May?

23 A. It certainly was discussed on 3 May, yeah.

24 Q. But perhaps raised by Mr Cousins rather than Mr Menlove?

25 A. Yeah.

1 Q. Is that your recollection, that SAPA were saying, in
2 effect, that they had made a mistake because they were
3 not able to supply what they had specified? Do you
4 remember that being part of the discussion?

5 A. I mean, I don't believe -- it's a little harsh maybe,
6 but I think it was -- that was a slight ad lib to the
7 statement given, in the sense that I know -- I'm aware
8 that SAPA produce a fire-rated door that's made -- full
9 of concrete and made of steel, but within the actual
10 terminology of the specification, ie Dualframe 75HP door
11 system, that door doesn't -- that's not a fire door, and
12 I think it was a conversation that went around for
13 a little while. James Cousins was involved slightly in
14 the conversation, and there was also discussion about
15 an escape -- I don't know if we've got that in there,
16 but there's an escape door within the flat, and
17 I think --

18 Q. The jury have been to Lakanal House, so they're aware
19 that there is an escape door under the stairs from one
20 of the bedrooms into the corridor.

21 A. Yeah.

22 Q. Is that the door that you mean?

23 A. That's the door that I mean, and discussion also went
24 around if we couldn't install, or it was agreed -- or,
25 you know, those that needed to agreed that we can't go

1 ahead with the Dualframe door, it needs to be an FD
2 fire-rated door, then obviously the proposal was that we
3 either use a composite door or a timber door which
4 carries the necessary certification, and that
5 conversation led on to other things about adjacent
6 window frames and things like that.

7 Q. If we could break that down, please. There was
8 a discussion, first of all, about the door?

9 A. Yeah.

10 Q. And what type of door it should be?

11 A. Yeah.

12 Q. At the end of that meeting, had any firm decision been
13 made about whether the doors to be installed should be
14 fire-rated doors or not?

15 A. I believe when I left the meeting the door was to be
16 a Dualframe 75-mill aluminium door.

17 Q. Would that door have been fire-rated?

18 A. No.

19 Q. Was your understanding that it was to be the same type
20 of door on both sides, the kitchen and the lounge?

21 A. Yes. When I left the meeting, yeah, the lounge and the
22 kitchen door were to be the same.

23 Q. We've seen in the correspondence that different things
24 were said at different times about what the doors were
25 going to be.

1 A. Yeah.

2 Q. Can you recall whether you were asked at any point about
3 what you thought the doors ought to be?

4 A. No.

5 Q. So was it a case that this discussion was going on
6 amongst others and in due course we had that email
7 confirming that the doors would be semi-glazed, and
8 that's what was installed?

9 A. Yes, that's how I remember it.

10 Q. Given that there had been this discussion that you've
11 told us about as to whether the doors should be
12 fire-rated or not, was there ever an explanation about
13 why it was decided that neither door would be
14 fire-rated?

15 A. I can't recall. I can't remember if, on 3 May, we were
16 instructed to fit a thumb-turn cylinder -- that means
17 that you don't need a key to exit the door, you've got
18 a knob that you turn. I know we were instructed to fit
19 those. I was a bit surprised about it, but then when
20 I've -- when I visited site, I know that those walkways
21 were full of furniture and they weren't free-flowing, so
22 in a way I sort of -- it was -- it seemed to fall into
23 place to me that it wasn't an actual fire door; it was
24 just the means of escape.

25 Q. So if that was your view, then, did it seem to you that

1 the doors didn't have to be fire-rated doors?

2 A. Well, that was what I was instructed to provide, so
3 I'm -- you know, you have to accept that you provide
4 what you're asked to provide.

5 Q. Mr Coupe, thank you. Those are all the questions that
6 I have, but if you wait there, please, there may be
7 questions from others.

8 A. Thank you.

9 Questions by MR HENDY

10 MR HENDY: Mr Coupe, my name's Hendy. I represent some of
11 the bereaved. You have to provide what you're asked to
12 provide. The decision, therefore, is that ultimately of
13 the client; am I right?

14 A. Yes.

15 Q. In relation to the decision that the panels below the
16 bedroom windows should be Trespa-faced composite panels,
17 was that the decision of SBDS?

18 A. Yes.

19 Q. In relation to the original proposal to put in
20 aluminium-faced composite panels below the bedroom
21 windows, was that the decision of SBDS?

22 A. I -- I can't answer that.

23 Q. Right.

24 A. I wasn't party to the writing up of the spec.

25 Q. Were you ever aware that there was a proposal to put in

1 Thermalite blocks below the bedroom windows?

2 A. No.

3 Q. The decision to fit non-fire-proofed doors at balcony
4 level, the upper level, on lounge and kitchen side, was
5 that the decision of SBDS?

6 A. Yes.

7 Q. Then the final matter was this: I just wanted to ask you
8 about something at page 599 of your witness statement.
9 I wonder if Mr Atkins would be kind enough to put it up.
10 We want the third paragraph down, beginning "I am
11 aware". Mr Atkins asked you about that. There you say:

12 "I am aware that the previous panels ... were made
13 of asbestos. I do not, however, believe that this was
14 due to their fire-resistant properties otherwise these
15 panels would have been used as fire breaks between
16 flats. When ordering panels, I tend to give more
17 consideration to its thermal properties than its
18 resistance to fire."

19 I just wanted to explore that a little with you.

20 A. Yeah.

21 Q. Am I right in saying that you're not in a position to
22 tell the jury one way or the other as to why asbestos
23 was originally used for the panels that were taken out?

24 A. No, I'm not.

25 Q. This is simply speculation on your part?

1 A. Yes, it would be, yeah.

2 Q. When you say that asbestos panels would have been used
3 as fire breaks between the flats, I wasn't quite sure
4 what you had in mind as fire breaks between the flats.

5 A. No, it is a bit confusing. I think what I'm trying to
6 say is that had we been advised that we needed to
7 provide a fire-rated panel, then that's what I was
8 meaning, not where you've got flat 1 and flat 2 side by
9 side -- I'm not referring to the break where the wall
10 junction comes; I'm talking about the actual physical
11 panel that goes underneath the window.

12 Q. So would it be fair to say you're sort of doing
13 a deduction in reverse? Because you weren't asked to
14 supply fire-resistant panels, you're assuming that the
15 original asbestos panels were not there to provide fire
16 resistance?

17 A. I wouldn't tie the two together that way. I would --

18 Q. Okay. Thank you very much.

19 THE CORONER: Were you carrying on to say something then?

20 A. I was just going to say that the aluminium-faced panel
21 in the specification, it's -- I think over time it's
22 been proved that, you know -- obviously the aluminium
23 might have stood the test of the fire better than the
24 Trespa but I was aware that the aluminium panel wasn't
25 a fire-proof panel, so it meant -- it led on that it

1 wasn't a requirement within our scope of consideration.

2 THE CORONER: I see. I understand your point. Thank you
3 very much. Mr Dowden?

4 MR DOWDEN: No thank you.

5 THE CORONER: Ms Al Tai? Thank you. Mr Walsh?

6 MR WALSH: No, thank you, madam.

7 THE CORONER: Mr Matthews.

8 Questions by MR MATTHEWS

9 MR MATTHEWS: My name's Matthews. I ask questions on behalf
10 of the London Borough of Southwark. Can I ask that we
11 go to page 597, which is your witness statement.

12 I think it's the third paragraph.

13 THE CORONER: Could you put your microphone on, please.

14 MR MATTHEWS: I'm so sorry, madam.

15 The third paragraph, you've told us, deals with
16 a meeting that at the time you thought was 17 March, or
17 about that time, a pre-contract meeting, but in fact
18 we've now established that the meeting was 3 May. Are
19 you with me?

20 A. No.

21 Q. Okay.

22 A. I've got -- I've got the page 597.

23 Q. "At the meeting I recall was James Cousins ..."

24 THE CORONER: Just so we get this accurately, the paragraph
25 begins with notification on 17 March that a quote had

1 been accepted.

2 A. Yeah, that was the point I was trying to make, that

3 I think I went away from -- from this meeting and then

4 clarified at the -- sorry, interview -- and clarified at

5 the second interview the date when that meeting took

6 place, I think.

7 MR MATTHEWS: Right. I think we found, if you remember, the

8 agenda that you don't remember seeing.

9 A. Yes.

10 Q. That meeting with the agenda --

11 A. Yeah.

12 Q. -- was 3 May 2006.

13 A. Right.

14 Q. Okay? That's the date.

15 A. Yeah.

16 Q. That, we know, is the date that there was a meeting with

17 Mr Hurrell --

18 A. Yes.

19 Q. -- at Spa Road?

20 A. Yes.

21 Q. So we know now that that date is 3 May 2006, okay?

22 A. Yeah.

23 Q. Here you're describing that meeting, and about six lines

24 down into that paragraph, you say:

25 "This meeting took place about one or two months

1 prior to commencement of the pilot flat work."

2 A. Yeah.

3 Q. And you set out who was present. We can see near the
4 end of the page, you say this:

5 "At no stage during this meeting were any
6 specification changes to the infill panels mentioned."

7 A. Yeah.

8 Q. That's your recollection about this meeting, that there
9 was no discussion?

10 A. No, that's not -- that's not right. I've sought to try
11 and clarify that earlier in my answers to ...

12 THE CORONER: Mr Atkins.

13 A. Mr Atkins. Yeah, I've -- having had this sent to
14 me January of this year, obviously I've read it and read
15 it, and I do have recollections of the panel -- I'm
16 trying to understand what the question was asked of me
17 on the day that led me to give that answer, because
18 I'm -- it's more about the specification change. I had
19 no input in the specification change.

20 MR MATTHEWS: Let's get onto the next sentence then, and
21 let's understand that.

22 A. Yeah.

23 Q. "I was also never involved in any consultations
24 regarding specification changes to any aspect of the
25 project where my company would have been concerned."

1 What do you mean by that?

2 A. Just purely from a decision-making point of view.

3 That's -- that's all it is. I've read it, and I'm not
4 happy with it, but it is my statement, and it's -- it's
5 just the case that I haven't quite got across what I'm
6 trying to say in my statement.

7 Q. You've not quite got across? I mean, that is
8 a statement that appears to say "I was not involved".

9 A. Well, in the -- in the short of it, I don't really think
10 I was involved. I think these were discussions that
11 were taking place around me. I wasn't asked for, you
12 know, a blunt point fact, get an answer to this, get
13 an answer to that. I just happened to be in the
14 vicinity of a conversation that was taking place.

15 Q. Can I ask Mr Atkins to put up for us page 1289 in the
16 chronological bundle. It's file 4.

17 THE CORONER: Could you set the context?

18 MR MATTHEWS: I'm just about to. I was waiting until he had
19 the page.

20 A. Yeah, I'm there.

21 Q. We have to go to 1283, where you told us that we have
22 your handwriting:

23 "Waiting for drawings to be sent."

24 This is 23 August 2005. It's for Tom Campbell, your
25 fellow director's attention, and this is the covering

1 letter that sends the information from Apollo to
2 Symphony in order for Symphony to, as it were, prepare
3 a quote for the tender?

4 A. Yeah.

5 Q. 1289 is part of the documentation. Mr Campbell has told
6 us his understanding of what we see under "Aluminium
7 windows", "Supplier":

8 "Your attention is drawn to the relevant clauses
9 within the preliminaries ..."

10 Where it says:

11 "The system supplier shall also be the system
12 manufacturer and the system designer."

13 Is your understanding of that the same as
14 Mr Campbell's, that that's Symphony?

15 A. I -- I don't really know, to be honest.

16 Q. Why not?

17 A. I don't really understand the question. Can you go
18 through it again for me -- with me, please?

19 Q. Certainly. "Aluminium windows", "Supplier":

20 "Your attention is drawn to the relevant clauses
21 within the preliminaries:

22 "(a) The system supplier shall also be the system
23 manufacturer and the system designer."

24 Mr Campbell's understanding of that was that's
25 Symphony Windows. They are the supplier, manufacturer

1 and the designer.

2 A. Right. Well, we didn't manufacture it.

3 Q. I'll ask you one more time.

4 A. Yes, I'm clearly missing what -- what the question is.

5 I can hear the question. I'm just missing the question,

6 I'm not getting it, I'm sorry.

7 Q. Okay. Let's go back then further forward and see if you

8 can help with this. It's page 2073, which you've been

9 shown.

10 THE CORONER: In fact, Mr Coupe has not been taken to that

11 page before.

12 MR MATTHEWS: It's the wrong page. That's why. I'm so

13 sorry, it's 2056, I think. Do forgive me. Indeed, it's

14 2056. I do apologise everybody.

15 A. Quite an interesting page though, 2073.

16 Q. 25 May 2006. It's an email to James Cousins:

17 "Hi James, when we met with Symphony last Wednesday,

18 17 May, Nick said that he was looking into replacing the

19 aluminium panels with Trespa."

20 Is our understanding of your evidence right, then,

21 that at no time had you ever said that you were looking

22 into replacing the aluminium panels with Trespa?

23 A. No, I am saying that I -- that sounds like I had

24 something -- you know, I was proposing we change it, by

25 the looks of this. The point of this, from the way

1 I understand my recollection of it, is that I'd been
2 approached to gather samples and to price-test Trespa
3 panels against aluminium-faced panels, and that's --
4 that's the extent of my involvement with it, and I'm
5 asked by a client -- it's not unusual to receive
6 a phonecall or an email from the ultimate client, rather
7 than the main contractor, but ultimately the
8 instructions would come via the main contractor, and as
9 far as I'm concerned, if I bumped -- if 17 May is the
10 day that I bumped into Annabel Sidney, whereby I was
11 asked to gather this information, then that's what I
12 did, and that's her recollection of it and my
13 recollection of it is somewhat different.

14 Q. And you have a recollection now of bumping into
15 Annabel Sidney?

16 A. Oh, I bumped into Annabel -- I've not -- I've said
17 already this morning that I would bump into the clerk of
18 works, into Annabel --

19 Q. No, Mr Coupe, you have a recollection of bumping into
20 Annabel and having a conversation about this?

21 A. Not specifically about this, no. If I bumped into her,
22 I bumped into her, but certainly I'm acting on, you
23 know, an instruction to gather information relating to
24 panels.

25 Q. Mr Coupe, where did these infill panels come from?

1 A. The ones that were installed?

2 Q. The ones that were installed.

3 A. Well, they came from two suppliers. The first was
4 a company called Commercial Panels. I recall them going
5 into receivership, from evidence we've seen this
6 morning. We sourced the balance of the panels from
7 a company called Hallmark and the other name that
8 I couldn't remember, but they're one and the same, and
9 I think the sample Trespa panels, for speed at the
10 time -- because this was moving quite quickly -- were
11 obtained through -- Laminated Supplies, sorry.

12 Q. Did you provide a specification to that supplier in
13 order for them to manufacture the panels?

14 A. No. I can -- I mean, from my recollection of it, it was
15 pretty clear what we were being told to get a sample of,
16 and the sample was submitted to site for approval and
17 nothing more than that.

18 Q. Did you generate any paperwork in relation to obtaining
19 them?

20 A. No, only an order to the panel supplier.

21 Q. And that order still exists, that paperwork?

22 A. Well, it should do, yeah.

23 Q. And that was it? Just an order?

24 A. As simple as that, yeah. I mean, it's unfortunate --
25 I mean, I know at the time we were going through --

1 well, within a few months of this project getting
2 underway, we did undertake an upgrade of our IT system,
3 because we were, you know, a bit thin on the ground that
4 way, but there would have been, on subsequent -- not as
5 a result of this fire but on subsequent projects, lots
6 more paper/email trail would have been generated, but
7 unfortunately on this one we were still, you know,
8 relying on a bit of -- a bit of fax work and a bit of
9 email work -- traffic.

10 Q. Sorry to make you mentally jump about, but can we go
11 back to 3 May 2006. That's the date of that meeting.

12 A. Yeah.

13 Q. With all that you've said, can we go back to, again,
14 what I understand you to be saying about the discussion
15 about the aluminium being liable to dent.

16 A. Well, I can't remember much more than what I've said,
17 but yeah.

18 Q. Well, hold on. Is this right: your recollection is that
19 Annabel Sidney at that meeting, 3 May, brought up the
20 topic of the aluminium being liable to dent?

21 A. That's my recollection.

22 Q. It was Graham Hurrell who responded to Annabel Sidney?

23 A. Yes, I think that's how it went, yeah.

24 Q. Mr Hurrell's response was to the effect that it was
25 liable to dent?

1 A. Yeah.

2 Q. What happened next in the conversation?

3 A. I don't think a lot else happened. We -- I can't even
4 remember if that conversation took place -- I've got
5 a feeling it took place at the end of the meeting but
6 it -- it could equally have taken place before the
7 door -- fire door questions were brought up. It could
8 have been literally a discussion point at the end of the
9 meeting.

10 Q. Right.

11 A. I cannot confirm one side or the other of the meeting.

12 Q. Who proposed the solution?

13 A. Well, I -- I'm not sure a proposal was made in that
14 meeting -- a solution was made in that meeting. I'll --
15 I'm struggling to recall whether -- you know, whether it
16 was the process of time, you know, as work started to
17 commence on site, whether the question of the Trespa got
18 reintroduced outside my knowledge. It suddenly appeared
19 again as a -- as a -- you know, a proposal. I didn't
20 attend another meeting, so, you know, I can't --

21 Q. You didn't propose a solution?

22 A. No.

23 Q. Thank you. That's all I ask.

24 THE CORONER: Thank you. Mr Compton?

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Questions by MR COMPTON

MR COMPTON: Good afternoon, Mr Coupe. I represent Apollo Property Services, my name is Ben Compton, and I just want to ask you about one or two short matters, please. Firstly, can we just go right back in time to the beginning and just look at your company's involvement in windows.

A. Yeah.

Q. By 2006, would this be right: Symphony Windows were carrying out quite a large percentage of your work involved with local authorities?

A. Yes, that's correct.

Q. Thank you. If one was to put a percentage on that, it doesn't matter, but would you say approximately 70 per cent of your work was with local authorities?

A. Yeah, I will say at least that, yeah.

Q. Thank you. You, by that stage, had been involved in fitting windows to a number of local properties, including high rise buildings?

A. Yes.

Q. Thank you. Just to park a particular point, you were, you accept, regulated by the British Standards; would that be correct?

A. Yes, for the installs, yes.

Q. And were you kitemarked to install windows and doors at

1 that time?

2 A. Yes, we were.

3 Q. "Kitemarked" means that you had a UK quality certificate

4 effectively to carry out that sort of work?

5 A. Yes.

6 Q. We talked about size of contracts. Your company had

7 certainly been involved in some big projects of --

8 I think you said 1.2 million, 1.1 million?

9 A. Yes.

10 Q. But this nevertheless was a good subcontract for you?

11 A. Yes.

12 Q. So that's the background. As far as FENSA is

13 concerned -- the jury has heard a lot about FENSA and

14 we've heard from a FENSA expert. You, I think, were

15 accredited in 2006/2007, would that be right, for FENSA?

16 A. No, I -- again, in my evidence I think it shows as that,

17 but either I've missed when checking -- but I know we

18 were in at the front end, which I think was around 2002.

19 Q. Very well. So that's an error in the statement. But

20 that scheme enables you to issue the certificate to

21 confirm that the installation complied with

22 Building Regulations?

23 A. Yes.

24 Q. And at that time, as far as you were concerned, you

25 genuinely believed that the panels fitted by Symphony

1 Windows underneath each window complied with the

2 Building Regulations?

3 A. Yes.

4 Q. I think that must be right. It's not a trick question.

5 A. No.

6 Q. We're looking a number of years on back in time.

7 All right. The only other matter I really want to

8 ask you about is about this meeting that was on 3 May.

9 When you made your first statement, I think you said

10 that you didn't have much of the documentation; is that

11 right?

12 A. Yeah.

13 Q. We know that in your second statement you refer to

14 seeing your site diary.

15 A. Yeah.

16 Q. And your site diary confirmed the date of 3 May?

17 A. Yes.

18 Q. I think even in the course of this morning you've

19 mentioned something about the glare of the panels.

20 I just want to ask you this, and see if this just jogs

21 your memory at all. Can you remember, in respect of

22 that meeting, whether there was a concern about

23 residents using the fire escapes as walkways and

24 disposing of their rubbish and that led into whether

25 Trespa would be damaged, scratched, or dent easily?

1 A. I'm -- I've no recollection --

2 Q. I'm so sorry, aluminium.

3 A. Yeah, I don't recall it getting that far or into that

4 detail.

5 Q. If I was to put to you a number of aspects of that

6 meeting, would you be able to remember, or is that just

7 something where you've given us the evidence that you

8 can recall and that's really the best that you can

9 recall, going back over time?

10 A. Well, I think pretty much it is -- things do sort of

11 crop back, but I -- I find myself -- I mean,

12 I've followed the progress of obviously the inquest and

13 I'm trying to -- I've read it and I'm trying for it not

14 to influence what I've said this morning, and I believe

15 I've done that. But now obviously there are bits -- but

16 my recollection of that meeting is limited, and

17 I think -- although there's an agenda that I've seen

18 this morning, I know -- my biggest memory of that

19 meeting was to be introduced to the client, and I know

20 that the client had been taking up references on my

21 company. So, you know, it was important to attend the

22 meeting and meet the people and make sure, you know,

23 that everybody knew who I was.

24 Q. Yes, and to be helpful?

25 A. Yeah.

1 Q. I mean, at the time, would you have known, for example,
2 whether Trespa was more expensive than aluminium or the
3 other way round?

4 A. No, I wouldn't have known that.

5 Q. I mean, considering what you've already said about if
6 it's a suggestion of a contractor or subcontractor to
7 change something, then the costs may ultimately lie with
8 them, do you think it's likely that you would have been
9 suggesting, "Well, let's change it from aluminium to
10 Trespa"?

11 A. No, unlikely. I mean, it was very early in our
12 aluminium years, if you like, and SAPA ruled the
13 specification with an iron fist, to be honest, and it
14 was important on this job -- it was a prestigious job
15 for us. It was no different to any other, really, in
16 terms of how we operate, how we set things up, the
17 process to install it and all of that, but lying in the
18 background, SAPA were aware of all of the activities
19 that we were installing and we were undertaking, and
20 I would have thought, on reflection, we would have been
21 keener to stick with the original specification than for
22 it to have been changed.

23 Q. Yes, because otherwise you're going into the unknown,
24 aren't you, with a potential financial void?

25 A. Yeah.

1 Q. Is this right, though: your impression was that no
2 decision had been made, at the end of the day, when you
3 left that meeting, as to whether to change from
4 aluminium to Trespa?

5 A. No, I would -- I would almost certainly say there was no
6 decision made at all.

7 Q. Yes. Do you think it might be that it was -- that there
8 was a discussion as a result of which you simply offered
9 to see if panels could be changed from aluminium to
10 Trespa, and that was how it was left?

11 A. I'm not -- I don't recall me personally having an input
12 in that.

13 Q. I'm not suggesting it was you saying, "We must change
14 it", but you, just trying to be helpful, offering to see
15 what the cost implications of it all were.

16 A. No, I think somewhere along the line I was asked to --
17 I can't remember who asked me, if I'm honest. I don't
18 know who, if there's evidence --

19 Q. I don't want to push you to speculate about it. I think
20 I've covered all I can. Those are all the questions
21 I ask.

22 THE CORONER: Thank you very much. Ms Canby? Thank you.
23 Ms Petherbridge?
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Questions by MS PETHERBRIDGE

MS PETHERBRIDGE: Mr Coupe, Bridget Petherbridge. I ask questions on behalf of Trespa UK Limited. Mr Coupe, the jury's heard from Mr Laing of Trespa that in fact Trespa, as a company, don't make composite panels. You presumably were aware that, were you?

A. Yes.

Q. Your understanding was, was it, that the panels you eventually sourced were manufactured by first Commercial Panels and then Laminated Supplies?

A. Yeah, that's right, yeah.

Q. The jury has also heard, Mr Coupe, from an expert witness, Mr Crowder of BRE --

A. Yeah.

Q. -- that in his experience of testing composite panels -- he doesn't make them either, but in his experience of testing them, it would be possible to make a panel using firstly Trespa or a similar material, but a different kind of filling that would be fire-resistant.

A. Right.

Q. The jury also heard from Mr Crowder, again, in his testing experience, that if you used a Trespa facing with a fire-retardant resin and a suitably conformed foam filling, that could be class 0 as a building product.

1 A. Okay, right.

2 Q. I just ask you in respect of that opinion: did anybody
3 in connection with Lakanal House ever ask you to explore
4 that matter, using a different filling that might be
5 fire-resistant or provide a class 0 if used with the
6 fire-retardant class of Trespa?

7 A. No, nobody.

8 Q. That's all I ask. Thank you.

9 THE CORONER: Thank you. Mr Leonard.

10 Questions by MR LEONARD

11 MR LEONARD: If you had been asked, that's something you
12 could have dealt with and supplied and costed in the
13 usual way?

14 A. Yeah, absolutely.

15 Q. I just wonder, in that regard, if we could just go back
16 to 1360 for a moment, and 1361, simply because these two
17 pages are together as they appear with the quoted
18 figures on.

19 THE CORONER: File 4. You might have that.

20 MR LEONARD: I'm so sorry.

21 I'll wait until you get there. 1360, please, first
22 of all.

23 THE CORONER: Do you have that in front of you?

24 A. 1360? Yes, got it.

25 MR LEONARD: When you talk about the specification that you

1 were being asked to install and comply with, is that
2 what we see on this page, save for the reference to
3 aluminium units in terms of panelling?

4 A. Yes.

5 Q. Did the panels with the Trespa facing that were
6 eventually installed still comply with the regulations
7 that you were asked to make sure it complied with?

8 A. I believe so, yeah. The --

9 Q. So albeit with a different facing, that which was
10 installed eventually complied with the specification
11 that was quoted for?

12 A. Yes.

13 Q. Let me ask you about 1298 for a moment, if I may. If
14 somebody had said to you at the time, Mr Coupe -- 1298.
15 If we could have that up. 1289, in fact. I'm confusing
16 myself and everybody else.

17 If somebody said to you at the time: "You, Mr Coupe,
18 and your company are the designer of this window
19 installation that is being put into Lakanal House",
20 would you have agreed with that proposition?

21 A. No.

22 Q. Would you have agreed with the proposition that you were
23 the manufacturer?

24 A. No.

25 Q. Would you -- though I think you've already told us --

1 agree that you were, in terms, the supplier, because you
2 were installing the thing?

3 A. Yes.

4 Q. So does that paragraph A on that page, in truth, mean
5 anything that makes sense to you in the terms of
6 Symphony's own role in this construction project?

7 A. I wouldn't have said so, no.

8 Q. No?

9 THE CORONER: But your company was responsible for procuring
10 the manufacture?

11 A. Yeah.

12 MR LEONARD: Back over to page 1360, if we may.

13 I'm sorry, madam, he did say, I think, that he
14 accepted being the manufacturer in terms of that which
15 was installed.

16 1360. At B, at the bottom of that page, do we see
17 there, and over onto the pages that follow, the design
18 specification in accordance with, as it says, "all as
19 identified on the drawings"?

20 A. Yes.

21 Q. Were those the drawings LW1 that we've already looked at
22 and came slightly later than the original letter?

23 A. Yes.

24 Q. Were you ever asked, as a company, to alter those
25 designs or alter those drawings?

1 A. There were just -- as we discussed earlier in my
2 evidence, there were wind-loading issues that cropped
3 up.

4 Q. Yes.

5 A. They were the -- if you call those design changes, then
6 those are the things that occurred.

7 Q. In respect of any design change or any specification
8 change that took place on this project, is it your
9 position that that could only ever be agreed to by SBDS
10 and it would be their decision to do it?

11 A. I believe so, and I think that's why a pilot
12 installation went ahead.

13 Q. Over on to page 1361, finally, if we may. The last
14 point. We know you already helped us with the fact that
15 there was a solid fire-rated door to meet part B
16 specified at the top of page 1361. Do you see that?

17 A. Yes.

18 Q. And that that was changed in the way you described in
19 your evidence this morning.

20 A. Yeah.

21 Q. If Symphony had been asked to supply a solid fire-rated
22 door in the end, was that something that Symphony would
23 have done?

24 A. Yes.

25 Q. Yes. Thank you. I don't have any further questions.

1 THE CORONER: Thank you. Members of the jury, do you have
2 any questions?

3 Questions from THE JURY

4 THE FOREMAN OF THE JURY: Thank you. Just a couple of brief
5 ones.

6 Mr Coupe, we've heard right at the beginning of your
7 evidence, I think it was, that yourself and your
8 colleague started Symphony in 1998; is that correct?

9 A. That's correct.

10 THE FOREMAN OF THE JURY: We've also heard that during your
11 time with Symphony you hadn't used Trespa.

12 A. Yes.

13 THE FOREMAN OF THE JURY: But you had used it on previous
14 jobs?

15 A. Yeah.

16 THE FOREMAN OF THE JURY: So does it follow that you hadn't
17 used Trespa as a material for at least eight years by
18 the time you had the Lakanal contract?

19 A. Yes, I would agree with that.

20 THE FOREMAN OF THE JURY: In that case, I was just wondering
21 how you would have brought yourself up to scratch as far
22 as your own knowledge of the material. Is that part of
23 ongoing research, just talking to colleagues?

24 Whereabouts did your knowledge come from?

25 A. Okay, the -- we relied on the representatives from the

1 panel manufacturing companies to -- and it just happens
2 that Commercial Panels had a relationship with
3 a competitor of ours, who -- I think they believed they
4 were in line to secure Lakanal House, and I think the
5 way it's worked -- and this is second guessing, but this
6 is to try and answer the thought process behind the
7 question -- is --

8 THE CORONER: Can I just stop you. We don't want you to do
9 too much guessing, Mr Coupe. Could you talk about
10 things you directly know about.

11 A. Okay. The director of Commercial Panels presented his
12 company to me -- and I think, from what I've seen this
13 morning, he'd already presented himself to the company,
14 but around April/May time, he introduced himself to me
15 as the panel manufacturer on an adjacent block on the
16 Sceaux Gardens estate, and we -- the discussions that
17 took place was to provide a panel that -- that met the
18 same specification as elsewhere on the project, that the
19 client was happy with, and I -- again, it would be
20 speculation to comment --

21 THE CORONER: Well, I think a that's probably sufficient.
22 Does that give you the answer to your question?

23 THE FOREMAN OF THE JURY: Mainly, but just to clarify: when
24 you're talking about your knowledge of Trespa and your
25 use of that both before Symphony Windows and the Lakanal

1 job, does that also include composite panels, in that
2 your knowledge would have come from a company such as
3 Commercial Panels?

4 A. Sorry, I'm struggling to hear because I'm not great at
5 hearing.

6 THE FOREMAN OF THE JURY: Sorry, I'm probably not speaking
7 clearly. I just wanted to clarify that in regard to
8 composite panels. Were they something that you'd used
9 in previous experience or did you have to rely on the
10 expertise of suppliers such as Commercial Panels?

11 A. Yeah, no, I've always -- in the window industry, panels
12 are a specialist item, and so you tend to buy in all
13 the -- all the window manufacturers, to my knowledge, in
14 the commercial sector buy their panels in, so we'd
15 use -- we used various different types of panel, mainly
16 a steel-faced panel in-house, you know, but we still
17 bought those in.

18 THE FOREMAN OF THE JURY: Thank you very much. I think that
19 answers it.

20 A. Thank you.

21 THE CORONER: Are those your questions? Thank you very
22 much.

23 Mr Coupe, thank you very much for coming and for the
24 help you've given to us. You're welcome to stay -- in
25 fact, I think we're not going to have very much more

1 circulated to all advocates yesterday evening, and
2 Mr Hendy indicated that he thought that Mr Martin should
3 be called. As I understand it, no decision has yet been
4 taken but we notified Mr Martin and DCLG and the
5 treasury solicitor this morning that he might well be
6 called and that it would be a good idea to convert the
7 email into a witness statement sooner rather than later,
8 in case he were called.

9 THE CORONER: Indeed, yes, and in fact warned him that if he
10 were going to be called there may be some other aspects
11 that we would need him to deal with at the same time.

12 MR MAXWELL-SCOTT: Yes.

13 THE CORONER: Mr Hendy, are you going to go next?

14 MR HENDY: Madam, yes. We think that Mr Martin ought to be
15 called. The position is that the jury have heard the
16 thesis put forward by Mr Walker, which Mr Martin
17 completely disagrees with, although he doesn't say so
18 expressly but by necessary implication. He disagrees
19 with the thesis that I put before him, so we have at
20 least three different potential theses as to the
21 application of approved document B to the panels below
22 the bedroom window.

23 Madam, I haven't yet had a chance -- Mr Atkins very
24 kindly sent me the BRE document to which Mr Martin
25 refers, but I haven't had a chance to read that. I'll

1 certainly read that this afternoon, and as I've always
2 made clear, I'm happy to be proved wrong in my analysis.
3 I come to it very new, and if I'm wrong I'm wrong. But,
4 wrong or right, the jury are entitled to know all the
5 theses and make their own decisions, as it's not
6 a matter of law.

7 Whatever the correct approach is, whether it's one
8 of those three or another, the question then is: what is
9 the implication for fire resistance for those panels?
10 If it's the case that there is no requirement for any
11 degree of fire resistance -- we're all agreed, of
12 course, on flame retardation, that's not a matter in
13 dispute, but if there's no requirement in relation to
14 fire resistance, clearly that's a critical matter for
15 rule 43, as is, you may well think, the clarity of the
16 advice being given by the state to agencies such as the
17 London Borough of Southwark.

18 So we would like to explore those matters with
19 Mr Martin. It may not take very long in the event, but
20 we do think he ought to be called, and the jury, having
21 heard evidence of two theses ought to hear the evidence
22 in support of a third.

23 THE CORONER: All right. Thank you very much. Does anyone
24 wish to add to that or dissent from what Mr Hendy is
25 suggesting? Mr Compton.

1 MR COMPTON: Well, madam, I understand Mr Hendy's position.
2 It is unfortunate, in a way, because Mr Walker did make
3 concessions. He did explain -- what the jury may think
4 of it is a matter for them -- that he got things wrong,
5 and we went on a sort of stroll through the
6 Building Regulations where we ended up with 120 minutes.
7 You do have the expert saying, "Actually, that is
8 wrong", but if we need to do the exercise in front of
9 the jury, so be it. It's, in a way, unfortunate we
10 can't agree it, but I think we should all remember that
11 again, they're going to have to go through the tortuous
12 route of trying to understand regulations which are
13 difficult enough, as you said, for the lawyers, let
14 alone a jury, although they are very switched on, by all
15 appearances and the questions they're asking.

16 So if we have to go through this exercise, I hope
17 everyone will speak in plain English. But it may not be
18 possible.

19 THE CORONER: All right. That's helpful. Does anyone want
20 to make any points. Mr Matthews?

21 MR MATTHEWS: Madam, only to say on reflection that I think
22 the safer course is to have Mr Martin. It's difficult
23 to know now how you'll leave any issues to the jury but
24 certainly in terms of rule 43, I don't think there's
25 anyone better than Mr Martin to assist you in terms of

1 the status of approved document B.

2 THE CORONER: Okay, thank you. Is there any dissent?

3 That's very helpful -- sorry, yes, Ms Canby.

4 MS CANBY: Sorry, madam. I, as others, can identify the
5 sense of calling Mr Martin to deal with rule 43 issues.
6 I do have some reservations in him being called to deal
7 with the fire resistance issue. It seems to me that the
8 Hendy interpretation, if I can term it that, has been
9 explored through Mr Walker, and I'm not sure how much
10 more we're going to gain by it being explored through
11 Mr Martin, particularly when it appears that Mr Martin
12 does not agree with that interpretation, and it may be
13 very difficult for the jury to follow, it having been
14 difficult for them to follow, it seems to me, on the
15 first occasion.

16 I'm also not sure where it really takes us, because
17 my understanding of the Hendy interpretation is that the
18 120-minute fire resistance applies to the panels but
19 wouldn't apply to the windows and the frames, and so it
20 seems to me that if that is the interpretation being
21 explored it doesn't really take us very much further,
22 because of course, we know from Mr Crowder's evidence
23 that the aluminium framing and the windows would have
24 failed, in any event, long before the 120 minutes is up.

25 So I do have my reservations in relation to where

1 this is going to take us and whether or not it is going
2 to assist the jury in any verdicts that they have to
3 give. Of course, if Mr Martin does express the view
4 that those panels should have been 120-minute
5 fire-resistant, then it seems to me that David Crowder
6 would have to be recalled to answer those questions that
7 he answered to you on that basis, because we've not yet
8 heard any evidence as to the causative impact of that.
9 That's something else that would need to be taken into
10 account.

11 So as I say, I just put down a marker. I understand
12 why he should be called for rule 43, but I do have
13 reservations in relation to the fire-resistant issue.

14 THE CORONER: Anyone else want to make any comment?

15 Mr Leonard.

16 MR LEONARD: Madam, only that we would support, in tentative
17 terms, him being called, understanding Ms Canby's point.
18 There is also an issue about, in terms of rule 43, the
19 question of FENSA and what it covers in the future and
20 whether there should be greater clarity in that regard,
21 because you have heard from people that there was
22 a misunderstanding in that regard, a misunderstanding
23 that, as at page 424 of the bundle, this witness
24 appeared to share, and so it may well also be relevant
25 for you to consider what, if anything, needs to be done

1 by way of steps in that regard.

2 THE CORONER: All right. Well, thank you all very much.

3 That's helpful to have your contributions. It seems to
4 me that we've embarked on this route, it's plainly not
5 yet complete, given the text of the email which we've
6 seen from Mr Martin, and I think that it's right that we
7 should complete the evidence that's available on that.
8 So for that reason I think it would be right to call
9 Mr Martin so that all possible interpretations can be
10 explored.

11 As to where that takes us on the question of
12 directions to the jury, that's a matter that we'll deal
13 with subsequently. If there are complications in terms
14 of Mr Crowder's evidence, then we'll just have to tackle
15 that when we've heard what Mr Martin has to say, and in
16 any event, I should like to hear what he has to say in
17 terms of rule 43. So yes, please, we will he ask him if
18 he could come tomorrow morning. All right? Thank you
19 very much.

20 So please, Mr Graham, would you be kind enough to
21 give the jurors a message that we would like them here
22 at 10 o'clock tomorrow.

23 MS CANBY: Madam, could I just seek one matter of
24 clarification in relation to that? The question as it's
25 been put to Mr Martin by email at the moment is

1 predicated on the fact that if there was to be fire
2 resistance it was to 30 minutes. Presumably, that's
3 something that we can all explore, given that there are
4 some of us that don't accept that proposition? It's
5 just that Mr Martin appears to have expressed some
6 reluctance in relation to embarking on any discussions
7 as to what the Building Regulations required, so if he
8 is going to be called, I assume we're all able to
9 explore all elements of that evidence with him.

10 THE CORONER: Ms Canby, if there is anyone who wishes to
11 challenge the suggestions which Mr Martin is going to
12 make, then of course they're free to do so. I hope that
13 if one person does it then others will be able to simply
14 stay silent and adopt that. It is confusing enough for
15 jurors without giving them more material than they can
16 possibly handle. So yes, of course, his views can be
17 challenged, but let's try and do it as simply as we can.

18 MS CANBY: Thank you.

19 THE CORONER: Okay, thank you. Yes, any other points that
20 we need to discuss before tomorrow morning? All right,
21 10 o'clock tomorrow then, thank you very much.

22 (1.16 pm)

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

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