

Annex B to LABC Module 6 Closing Statement

Actual Industry Perceptions of LABC and LABC Certificates

Rydon – Simon Lawrence

Contracts Manager at one of the UK's largest developers and CM for Grenfell project.

[24/152/2] When the LABC certificate for K15 is raised, Mr Lawrence says that he did not see it at the time of the Grenfell Tower Project and *"I've not seen it since"*.

Rydon Limited – David Hughes

Site Manager for Rydon on Grenfell project and SM for Grenfell project.

[27/66/3] CTI asks if Mr Hughes has ever seen an LABC certificate for K15 and he says *"No"*.

Harley Facades – Ray Bailey

Owner of one of the largest façade companies in the UK (responsible for the Grenfell project).

[33/87/5] - [33/87/21] He confirms that he did not consult or look at the LABC certificate for RS5000 (*despite appending it to his witness statement*).

[33/92/20] CTI asks the witness *again* whether he read the LABC certificate at the time. The witness states *"I'm not sure I saw it at the time"*.

Harley Facades – Daniel Anketell Jones

Design Manager for one of the largest façade companies in the UK (responsible for the Grenfell project).

[36/86/14] Confirmation that despite being sent a copy of the RS5000 LABC certificate in August 2014, he did not read it, nor would he have understood it.

[36/88/21] Confirms that he had never heard of LABC or knew who they were at the time he was sent information from Celotex.

Harley Facades – Ben Bailey

Site Manager for one of the largest façade companies in the UK and son of the owner (responsible for the Grenfell project).

[39/125/20] – [39/126/13] CTI introduces the K15 certificate. Mr Bailey states that he did not see the Registered Details certificate at the time, he did not believe he had seen it before, and confirms "*he wasn't aware of LABC at the time*".

Studio E – Various

Architects for Grenfell refurbishment. Various employees examined over 10 days in March 2020 and a further 2 days in July 2020.

Despite being the architects responsible for the entire Grenfell refurbishment, there is no mention of LABC certificates in any of their five witness statements nor in their 12 days of oral evidence. The only mention of LABC was on 4 March 2020 and this was a passing reference to RBKC and not related to LABC.

The transcripts and witness statements reviewed in relation to Studio E are as below.

<u>Transcripts</u>		<u>Witness</u>	<u>Witness Statement</u>
Day 6	2 March 2020	Andrzej Kuszell	{SEA00014271}
			{MET00019989}
		Bruce Sounes	{SEA00014273}
Day 7	3 March 2020	Bruce Sounes	
Day 8	4 March 2020	Bruce Sounes	
Day 9	5 March 2020	Neil Crawford	{SEA00014275}
Day 10	9 March 2020	Neil Crawford	
Day 11	10 March 2020	Neil Crawford	
Day 12	11 March 2020	Tomas Rek	{SEA00014278}
		Bruce Sounes	
Day 13	12 March 2020	Bruce Sounes	
Day 20	14 July 2020	Bruce Sounes	
Day 21	15 July 2020	Bruce Sounes	

Max Fordham – Andrew McQuatt

Senior Engineer for the M&E contractor and the person responsible for specifying Celotex for the Grenfell refurbishment in 2012

{MAX00017292} Despite being the first person to specify Celotex as the insulation board for the Grenfell project, there is no mention of LABC in his witness statement.

[42/--/--] He did not mention LABC during his oral evidence.

RBKC – John Allen

Manager of RBKC Building Control at time of Grenfell refurbishment works and one of only two local authority building control surveyors to give evidence. As a result, his evidence on LABC certificates and how they would have been treated by surveyors is key i.e. they were not automatically accepted.

[47/159/1] LABC Note: CTI introduces a copy of the incorrect Registered Detail certificate for RS5000 {CEL00000010/1}¹.

“Q: If you had been the Building Control surveyor looking at this, would you have gone on to investigate what those limitations were?”

A: Well, this is a registered system, first of all. I would have probably seen as well if there is an actual test certificate for the product as well.

Q: Had you seen a test certificate, would you have looked to make sure that the content in which the insulation was being constructed matched what had been tested?

A: As we said before, absolutely, yeah.

Q: Can you account for why Mr Hoban did not do that?

A: I can't. I know you've asked him.”

BRE – Stephen Howard

Director of Fire Testing and Certification at BRE. He had overall responsibility for BS8414 large scale fire tests and BR135 classifications.

¹ LABC suggests the Registered Details certificate which CTI ought to have referred to in questioning Mr Allen is {LABC0001734} which was the first certificate that was available on the LABC website after Mr Hoban became aware that RS5000 was the insulation to be used on Grenfell Tower. The contents of the certificate {LABC0001734} are correct.

[97/170/9] LABC Note: Mr Howard raises his awareness of industry confusion and CTI appears to attribute that confusion to LABC.

A: Erm...well, as I said, I think I was aware of misrepresentation concerns and I don't think it directly related to the issuing of this classification. I think they are separate issues.

Q: Right. Let's just look at that a little bit more. What were the misrepresentation concerns of which you were aware?

A: This – what was the actual date of...I think there was an email dated somewhere around 2010 and subsequent information that claims were being made against insulation was things like limited combustibility and things of that nature, or combustible insulation was of...being claimed to be limited combustibility.

Q: Yes, you may be referring, I don't know, to the LABC certificate for K15. Is that something you knew at the time of this email or something that you have picked up?

A: Probably not, no, the dates are not clear.

[98/55/11] LABC Note: CTI suggests Mr Howard blame the LABC certificate.

Q: Before I move on, I want to take you back to 2009. Were you aware that in May of that year, 2009, Kingspan had obtained a systems approval certificate from the LABC for Kingspan K15?

A: I wasn't aware at the time, no.

Q: Do you remember whether you read an LABC certificate at around that time, 2009, in respect of K15?

A: I can't recall.

Q: Did you ever –

A: I don't, unless – I can't recall at this time.

Q: Did you ever come to read such a document?

A: I believe so. I think there was quite a bit – there's been quite a lot of information post-Grenfell, so it's quite hard to determine what I've read since or what I've read at the time. I don't recall in 2009 reading an LABC document."

Exova – Cate Cooney

Fire engineer employed by Exova on refurbishment works at Grenfell.

[14/212/19] A single mention of LABC in a passing reference to RBKC (not LABC the company).

Exova – Clare Barker

Principal fire engineer at Exova who were the company who created fire strategy for the Grenfell refurbishment.

{EXO00001603} No mention of LABC

[15/--/--] No mention of LABC.

Exova – Terence Ashton

Associate in the Fire Engineering department at Exova who were the company who created the fire strategy for the Grenfell refurbishment.

{EXO00001621} No mention of LABC.

[16/--/--] Single mention of LABC which is a passing reference to RBKC not LABC the company.

[17/--/--] No mention of LABC.

[18/--/--] No mention of LABC.

Exova – Dr Tony Pearson

Senior consultant in the Fire Engineering department at Exova who were the company who created the fire strategy for the Grenfell refurbishment.

EXO00001753 No mention of LABC.

[19/--/--] No mention of LABC.

Kingspan – Richard Burnley

Ex-Managing Director of Kingspan Insulation. Questioned by CTI on awareness of LABC certification when he was Divisional MD of SIG – the largest insulation distributor in England. The exchange below illustrates the actual industry awareness of LABC (and its certification).

[85/174/21] “Q: Now, you had been in the building industry or the products industry for many years, and you had been at SIG for about nine years, 2005 to 2014. Was it really the case that

you were unaware, and are still aware at the time you wrote this statement, of the purpose of obtaining a system approval from the LABC?

A: I'd never heard of the reference to an LABC, I mean, I've heard of registered details, I know of, but the...when I joined Kingspan, everything was focused on BS8414 testing, and so I – it was not something I was familiar with.

Q: You say, you have never heard of the reference to an LABC. As at June 2014, had you actually heard of the LABC?

A: Yeah, I knew of the LABC.

Q: Right. So you were aware of the LABC. Were you really not aware of the purpose of obtaining an LABC certificate?

A: I can't say I was, no. I mean, I've never had a technical role in the building industry, I've always been involved in the commercial side.

Q: Did you never come across the usefulness of having an LABC certificate on the commercial side in order to sell products to customers?

A: The honest answer is no.

Q: Really? In all the time at SIG, did no customer ever ask you for an LABC certificate?

A: That's why I make comment on the Registered Details. I was aware of registered details, not in any great knowledge, but I was aware that when I was first at SIG, we got involved in acoustic products, and there were – ah, they were robust details. So, yeah, I'm not a building technician."

NB LABC Note: The reference to robust details is a reference to a different scheme ('Robust Details') run by a different company ('Robust Details Ltd') concerning acoustic compliance only.

Wintech – Chris Macey

Senior employee of the specialist design consultancy Wintech and a board member of CWCT. He was the first person to raise the unsuitability of K15 in 2013 which prompted the creation of TGN18, Brian Martin's 2014 email to NHBC on 2 July 2014 and, in turn, the correction of LABC's certificates.

{WIN00000005/25} *‘The Inquiry has asked me a series of questions regarding these LABC certificates. I was not aware of these certificates and therefore did not have any concerns or views about their content. I did not discuss these certificates with any of my colleagues. I do not know whether any of my colleagues at Wintech were aware of them’.*

NHBC – Steve Evans

NHBC Head of Technical Operations.

{NHB00003020/86} *‘However, NHBC did not accept the above LABC certificates as evidence of compliance with the Building Regulations or in relation to its building control services’.*

NHBC – Diane Marshall

NHBC Operations Director.

{NHB00003434/34} *‘Since my time working at NHBC, I have had nothing to do with LABC Type Approval Certificates and NHBC placed no reliance on these certificates. This includes for K15 or RS5000 products. I did not read or become aware of the LABC Type Approval or System Approval Certificates for K15 or RS5000 prior to 14 June 2017’.*

NHBC – Ian Davis

Ex-NHBC Operations Director.

{NHB00003435/43} *‘I only had a general understanding of the purpose of LABC certificates, I rarely if ever read them or had the need to refer to them. As far as I am aware, neither NHBC nor its employees placed any reliance on LABC certificates, for K15, RS5000 or any other product’.*