

Annex A to LABC Module 6 Closing Statement

Counsel to the Inquiry's Perception of LABC Certificates

LABC is of the opinion that there is a perception held by Counsel to the Inquiry that LABC certificates were a 'golden ticket' and automatic passport to use on >18m buildings. The below examples are included to illustrate the way in which LABC certificates, including those issued in 2009, were presented, contrary to the evidence, as widely known and, indeed, esteemed:

'You go on to say building control were very unlikely to challenge those claims. Was that because there was an LABC certificate?'

Richard Millett QC to Jonathan Roper on RS5000 LABC cert [71/34/7]

[Note: Richard Millett makes considerable attempts during the ensuing discussion to point Mr Roper's finger at LABC while the witness himself is attempting to point to BBA and BCA]

'...an official-looking document which would have profound influence on the way building control officers might regard the use of RS5000 above 18 metres'

Richard Millett QC to Jonathan Roper on RS5000 LABC cert [72/42/3]

'Were you pleased because having LABC Approval was valuable to Celotex, and particularly its ability to market RS5000?'

Richard Millett QC to Paul Evans on RS5000 LABC cert [73/100/24]

'...it was thoroughly misleading, nonetheless it was of immense assistance in marketing RS5000 to as wide a customer base as possible'

Richard Millett QC to Paul Evans on RS5000 LABC cert [73/110/12]

'Q. Mr Evans, this LABC document was thoroughly misleading. You knew it was. You deliberately allowed it to go into the marketplace, with the intention of misleading people'

Richard Millett QC to Paul Evans on RS5000 LABC cert [73/110/24]

'...it was a very important document, wasn't it, when getting K15 accepted for use on high-rise buildings?'

Kate Grange QC to Ivor Meredith on K15 LABC cert [76/22/17]

'Q. It's right, I think isn't it, that LABC approval was a significant benefit for Celotex's RS5000 product?'

A. They saw it, yeah. Celotex viewed that approval equally as important [as NHBC], I would suggest'

Richard Millett QC to Jonathan Roper on importance of LABC [72/26/9]

'Putting it simply, a certificate from the LABC saying that K15 was of limited combustibility and suitable for use in all situations was of enormous benefit to Kingspan commercially, wasn't it?'

Kate Grange QC to Ivor Meredith on K15 LABC cert [76/31/4]

'It's very clear what you mean by coming unstuck is that that certificate had been of fundamental importance to winning high-rise projects, and without it Kingspan was in much more difficulty?'

Kate Grange QC to Ivor Meredith on K15 LABC cert [76/40/21]

'Q. And I'm suggesting to you that the LABC did so [include misleading, false material in RS5000's RD cert] with the knowledge and, as we've seen, the encouragement of Celotex'

Richard Millett QC coming close to suggesting LABC actively included erroneous statements in the certificates for RS5000 [78/112/6]

'What I will suggest to you is that you knew at the time that the certificate was misleading, and you celebrated it because it was an automatic ticket to put K15 on tall buildings, wasn't it?'

Kate Grange QC to Philip Heath on K15 LABC cert [79/184/22]

'So, again, that illustrates how persuasive that LABC certificate was in systems other than the one you had tested, doesn't it?'

Kate Grange QC to Philip Heath on K15 LABC cert [79/187/10]

'I'd suggest to you...the BBA certificate and the LABC certificate when sent on jobs was an automatic passport to getting K15 on tall buildings; would you agree?'

Kate Grange QC to Philip Heath on K15 LABC cert [79/189/13]

'...the LABC certificate had bought you time, but when that expired and when consultants like Wintech started raising their concerns, Kingspan were forced into the position of having to start that programme of testing again'

Kate Grange QC to Malcolm Rochefort on K15 LABC cert [80/183/8]

'Wasn't that a very important document to read, given the significance of it for sales of K15?'

Kate Grange QC to Tony Millichap on K15 LABC cert [81/67/22]

'Did it not occur to you at the time when you read this certificate, to the best of your recollection, that that statement there, that as a result of these three tests K15 could be considered as material of limited combustibility, was dangerously untrue?'

Richard Millett QC to Stephen Howard on 2009 System Approval for K15 [98/67/22]

'As far as you can recollect, were the Kingspan representatives at your meeting on 5 December aware of that aspect of having an LABC approval certificate, that it could make the passage through building control easier'

Kate Grange QC to David Jones on Kingspan's need for an LABC Certificate [101/42/5]