

IN THE: GRENFELL TOWER PUBLIC INQUIRY

WITNESS STATEMENT

OF ANTHONY BATTY

- 1 My full name is Anthony Batty and I am known as Tony. My date of birth is [REDACTED] and my address is known to the Grenfell Tower Inquiry (the **Inquiry**).
- 2 I make this statement in response to the Inquiry's request for evidence dated 23 April 2019 in which I am asked to provide my responses to 19 questions. For ease of reference I have set out those questions and my corresponding answers below.
- 3 I am employed by Silcock Dawson & Partners (**SDP**) as a Senior Mechanical Clerk of Works. I have over 13 years' experience on mechanical and electrical (**M&E**) services on various schemes from planning through to completion. I have 20 years' experience as a site based project manager/clerk of works.

Inquiry Question 1: Describe the nature of SDP's involvement in the refurbishment of the Tower, including the nature of the role it performed as regards mechanical and electrical services.

- 4 SDP was appointed as a sub-contractor to John Rowan & Partners (**JRP**) to provide M&E clerk of works services. In this role SDP provided periodic site monitoring of the installation of M&E services associated with the refurbishment works. I was the employee of SDP who carried out this role.
- 5 In this project the main elements of the M&E installation were the new boilers in the basement, the service risers going up to the top floor and branches of those risers leading into

individual flats. In the flats themselves the main elements of the M&E installation were the heat interface units, the extractor fans and the heat and smoke detectors in the kitchens and halls. There were also new M&E services being installed in the changing room to the boxing club and a new fire alarm and heating system in the nursery as well as some services in office space.

- 6 SDP was employed on a day rate with a limited number of visits. I attended site as and when requested by Kensington and Chelsea Tenant Management Organisation (**KCTMO**) or JRP. The role was to monitor the performance of the contractor and check the standards of installation of the M&E services by reference to the drawings and specification. This would involve a visual inspection only and was thereby limited to identifying issues which were visible at the point of inspection.
- 7 I would write a report with photos following each visit identifying any issues which had been observed. I also checked the current stage of the M&E works against the programme and included comment on any delays in my report.
- 8 Towards practical completion I was asked to provide an M&E tracker detailing the outstanding snagging items identified by the project team and myself (TB1: SDA00000189).

Inquiry Question 2: Identify the parties with whom SDP entered into relationships in order to carry out its role, describing the purpose of these relationships.

- 9 The key relationships were as follows:
 - Client contact – Claire Williams of KCTMO. The main stream of communication came through JRP, but occasionally Claire would contact me directly for progress updates mainly on the contractor's performance relating to the contract delays that were occurring. We were not invited to attend any progress meetings until the project approached practical completion.
 - Jon White was my lead contact at JRP. He would advise me when certain sections of the works were ready to be inspected.
 - Neil Reid was my main contact at Artelia Group, the project managers and CDM co-ordinators. When the project approached completion he requested my assistance in closing out snagging.

- We did not have a direct relationship with Rydon, the main contractor, but when I undertook my site visits I would usually be accompanied by their project manager. The identity of the project manager changed at various stages in the project.
- Max Fordham were the consultant building services engineers who carried out the design. My contact with them was fairly limited: sometimes I would ring Matt Smith if I had a query about the installation or any design changes, they would also attend some of the site meetings when requested by Claire Williams of KCTMO.
- Representatives from J S Wright, Rydon's specialist mechanical sub-contractor, would also sometimes accompany us on inspections.

Inquiry Question 3: How were responsibilities for Clerk of Works duties divided between subcontractors (including with the other Clerk of Works)?

- 10 JRP was appointed by KCTMO to provide the clerk of works services in accordance with the services described in the Invitation to Tender for Site Monitoring and Supervision Services (ITT) produced by KCTMO (TB2:SDA00000005). The ITT required tendering organisations to provide two clerks of works: one relating to the building element of the works and one relating to the M&E element. JRP sub-contracted the M&E clerk of works role to SDP and it was that element of the services which we provided.

Inquiry Question 4: How did Tony Batty/SDP come to be appointed as Clerk of Works for the refurbishment?

- 11 SDP was initially approached by JRP with a copy of the ITT on around 7 April 2014. JRP asked SDP to provide details of our rates for the M&E clerk of works services (TB3:). My understanding is that JRP was submitting a tender for the services described in the ITT and wished to instruct SDP as a sub-contractor to provide the M&E clerk of works element of the services.
- 12 SDP provided details of our day rate along with a copy of my CV to JRP on 8 April 2014 (TB4: & SDA00000003). I was SDP's only experienced M&E clerk of works and, as my CV demonstrates, I had considerable experience in the role. I was interviewed by Claire Williams and Duncan Campbell of Max Fordham in KCTMO's offices and asked about my experience with M&E inspections.

- 13 When JRP's tender was successful SDP was appointed as its sub-contractor on the basis of the above exchange of emails and the services described in the ITT.

Inquiry Question 5: What supervision of other contractors and/or subcontractors was carried out by SDP during the refurbishment?

- 14 My role was to attend site when requested to inspect ongoing and completed M&E works and report on any issues which needed addressing. I would then check that these issues had been addressed at the time of my next inspection (see Question 17 below). It was not part of my role to watch over and supervise any of the contractors/sub-contractors during the installation of the works or the rectification of any of the issues identified in my reports.

Inquiry Question 6: What steps did SDP take to survey and understand the existing Mechanical and Electrical ("M&E") features of the Tower in order to perform its role? In particular, please set out:

- a. SDP's understanding of the design, intended function and pre-refurbishment effectiveness of the legacy smoke ventilation system?*
- b. SDP's understanding of the lifts' capabilities prior to the refurbishment (including whether they were 'fire lifts' or 'firefighting' lifts and, if so, why and with reference to what standard/framework)?*
- c. SDP's information about the location, function and operability of any fireman's switches for the lifts (prior to the refurbishment)?*

- 15 As described above, my role involved visually inspecting installation of the M&E element of the refurbishment works in accordance with the designs and specification produced by others. It was not necessary for me to undertake any surveys or obtain an understanding of the pre-existing M&E installation to perform this service.
- 16 Accordingly, I did not have any direct understanding of the design, intended function or pre-refurbishment effectiveness of the legacy smoke ventilation system. This would have been considered by those responsible for specifying and designing the replacement system.
- 17 Neither did I have any knowledge of the capabilities of the pre-refurbishment lifts or the function and operability of the pre-refurbishment fireman's switches. I was aware that the fireman's switches had been located either outside or in the lobby.

Inquiry Question 7: Was any consideration given to fire safety of the existing M & E features at this time and/or how the elements of the refurbishment within SDP's remit may affect fire safety of the Tower?

- 18 I didn't give any consideration to the fire safety of the existing M&E features because it was not part of my remit. This would have been considered by those specifying which works were required and those designing the systems.
- 19 Considering how the M&E refurbishment would affect fire safety in the Tower was the role of those designing the new systems. This included a specialist fire consultant. As clerk of works I would check the services had been installed to the correct standard and flag any issues, including those which I considered might affect fire safety (see Question 16), but I would not undertake any design role.

Inquiry Question 8: Describe the original design of the refurbishment (to the extent of SDP's remit), any relevant changes made to the design during the course of the refurbishment, by whom those changes were made and the reasons for those changes.

- 20 As noted above, SDP was not involved in the design of the refurbishment, however as M&E clerk of works I did need to familiarise myself with the design of the works which I was inspecting. At the start of the project I met with Duncan Campbell from Max Fordham and we went through the drawings and specification. Thereafter I had access to an up to date set of drawings which was kept in the site office by Rydon.
- 21 The original design included new boilers and associated heat interface units and pipework, new boosted cold water mains, new Automatic Opening Vent (AOV) dampers, repositioning of existing smoke detectors in lift lobbies, new extractor fans and heat/smoke detectors in the flats. It also included fit-out of the new ground floor boxing club, nursery, offices and additional new flats.
- 22 I was not involved in any design changes because we were not involved in the administration of main contract particulars and were not invited to the site/project meetings. Any changes to the original design that were relevant to the works I was inspecting were flagged up by JRP. For example, there was a change in the type of pressurisation unit being used.

Inquiry Question 9: To what extent, if at all, was SDP involved in or aware of detailed design carried out by others, such as subcontractors for individual work packages (in particular in respect of the smoke ventilation system and lifts)?

- 23 We were not involved in or aware of any sub-contractor design for individual work packages.
- 24 The smoke ventilation system is a specialist system that would have been designed by a specialist designer in line with a strategy produced by a fire consultant who I think would have been either Carl Stokes or Exova. I inspected the installation of components, such as the AOV's dampers and extractor fans and was aware of the design for that purpose.
- 25 Lifts are another specialist system which were outside my remit as a general M&E clerk of works. The services I provided did not include inspecting the lift systems and I was not involved in or aware of the detailed design of them. I did identify some issues with the installation of components such as lift indicator and call panels but I just noted these because they were obvious and if I saw things that I felt needed to be raised during my visit I would record them.

Inquiry Question 10: What involvement did SDP have with (a) RBKC Building Control (b) the London Fire Brigade (c) Carl Stokes in respect of the refurbishment, including in respect of fire safety and testing/commissioning of M & E features? What discussions took place, particularly in respect of the lifts and smoke ventilation system

- 26 I had no involvement with RBKC Building Control. My inspections were entirely separate to the inspections undertaken by Building Control. I was periodically informed by Rydon that the Building Control Officer had undertaken their inspection and were satisfied with the works.
- 27 The only contact I had with the London Fire Brigade was when they came to check the AOV system (see Question 11). I did not have any contact with Carl Stokes.

Inquiry Question 11: In respect of the smoke ventilation system, to what extent was SDP aware of:

- a. The design, intended function (including in respect of creating a pressure differential and transitioning from environmental to smoke control function) and effectiveness of the redesigned system when in 'fire mode'?*
- b. The functionality and effectiveness of the smoke detector and dampener elements of the system (including in respect of any testing conducted or witnessed by SDP)?*
- c. Any information, discussion or assessment (whether by SDP or others) of whether the redesigned system contributed to the building's compliance with Part B of the Building Regulations 2010 including the 'non-worsening' principle in respect of its performance?*

- 28 As noted above, I was not involved in the design of any of the systems. The extent of my awareness of the design is as described in my answer to Question 8. In addition, smoke ventilation systems are a specialist field; I had no detailed knowledge of the intended function or effectiveness of the redesigned systems when in 'fire mode' as such specialist knowledge was not required for me to conduct my inspections on the installation of the M&E systems. This is borne out and reflected in my site reports as you will see very little referring to the AOV's or the smoke extract system
- 29 I was in attendance (along with Max Fordham, Rydons and KCTMO) when the smoke ventilation system was demonstrated to the fire officer by the smoke ventilation specialist, but I had not witnessed any previous commissioning of the system, except for checking the opening and closing of the dampers as they had had new actuators fitted to them so I checked that these worked. On that occasion the system was demonstrated and appeared to be working.
- 30 SDP had no involvement with assessing whether the redesigned system contributed to the building's compliance with Building Regulations.

Inquiry Question 12: In respect of the lifts and fireman control switches, to what extent was SDP aware of:

- a. The lifts' intended status following the refurbishment, specifically whether they were expected to meet the prescribed requirements for 'firefighting lifts'?*
- b. The status of the lifts following the refurbishment by Apex in 2005, specifically whether they were regarded (whether by SDP or others) as 'fire lifts' or 'firefighting lifts' and, if so, why and with reference to what definition/standard?*
- c. How many fireman's switches were present following the completion of lift refurbishment works and where were they located? Were they connected to the lift control system?*
- d. The function, operability and testing/maintenance of any fireman's switches for the lifts following the refurbishment?*
- e. Did SDP test the correct operation of the fireman's switches (including as part of the inspection for Snagging Report No. 42 for week commencing 20th June 2016)? If so, what was the result? If not, why did SDP not test the fireman's switch?*

31 SDP had no knowledge of the intended status of the lifts following refurbishment or their status in 2005. The lift systems were outside our remit so I was not familiar with the number of fireman's switches or how they were connected to the control system. I knew they were positioned outside the lifts. I had no involvement in arrangements for testing and maintenance of the fireman's switches following the refurbishment.

32 SDP did not test the function of the fireman's switches as that was not part of our role. The switches would have been tested by Rydon.

Inquiry Question 13: In respect of other Mechanical and Electrical systems, to what extent was SDP aware of:

- a. The suitability of the installed kitchen extractor fans for use in high rise buildings?*
- b. The extent and effectiveness of the emergency lighting system on the stairway?*

33 Inspecting the installation of the kitchen extractor fans was within my remit and I questioned the suitability of the fans being used due to the noise of the back draught dampers in certain conditions. I noted that the extractor fans appeared to have an open louvre and might not be suitable for use in high rise buildings. The contractor obtained written confirmation from the fan manufacturer that the fans were suitable (TB5:).

34 I was not aware of any issues regarding the extent or effectiveness of emergency lighting system on the stairway. The emergency light fittings were replaced by LEDs but this was not part of the refurbishment works so I was not inspecting them.

Inquiry Question 14: At the outset and throughout the refurbishment works:

- a. *What consideration was given to compliance of the design with the relevant Building Regulations and associated guidance?*
- b. *Did anyone at SDP form a view as to whether the design of the refurbishment of the Tower (insofar as it fell within SDP's remit) complied with the relevant Building Regulations and associated guidance, in particular the parts of the Building Regulations relevant to fire safety?*
- c. *If not, why not?*
- d. *If so, what was that view?*
- e. *Did SDP rely on the advice from third parties about the compliance of the design of the refurbishment of the Tower with the relevant Building Regulations and associated guidance, in particular the parts of the Building Regulations relevant to fire safety? If so, what was the nature of that advice?*

35 Whether the design complied with Building Regulations was a matter for the designers to consider when producing the design and specification. Building Control would then check the designs for compliance. SDP was not involved in any of the design work so we did not give any consideration to these matters.

36 Where the design or specification referred to compliance with a particular Building Regulation or standard I would check the installation for compliance with that. If there were aspects of the installation which I inspected that appeared not to be in compliance with Building Regulations I would note that in my reports, but it was the standard of installation rather than the design which I was checking.

Inquiry Question 15: How were inspections (both during construction and at handover) conducted? By whom were they conducted? To whom were any records of inspections provided?

37 I was instructed to attend site by Jon White of JRP. He would usually ring me and we would attend site together. At the beginning we would walk the whole site where work was being carried out. When it got later into the contract the arrangements were made by Rydon for

inspecting the flats, and dates would then be agreed. On occasion Claire Williams of KCTMO would contact me direct to arrange an inspection. A full list of the dates when I carried out inspections is attached (TB6: SDA00000097).

- 38 When I carried out an inspection I would meet Jon White in Rydon's site office and then we would go together into the flats. I would physically check the M&E installation in each flat. For example, I would check the central heating worked correctly, that there was hot water and good water pressure and that the extract fan worked. I would also show the resident how to operate the thermostat on the wall. I also checked that the heat and smoke detectors sounded when we pressed the test buttons. If there was anything we were not sure about we would go back to Rydon's office and check the drawings and specification.
- 39 I took photos if there was anything we felt wasn't correct or wasn't of a good standard, we then went back to Rydon's site office and signed any paperwork relating to that day's inspection. Each site inspection would take approximately 4 hours. The inspections in the flats would be about ½ hour each as we did not want to take up too much of the residents' time and we had other appointments lined up.
- 40 John and I were accompanied on our inspections by a representative from Rydon. When we inspected the basement plant room, boxing club, offices, nursery and lift lobby service risers we were sometimes accompanied by JS Wright .
- 41 After each inspection I drafted up a 'Work Progress Report' detailing any issues I had identified as well as commenting on programme implications. An example of one of these reports is attached (TB7: SDA00000211). I issued these reports by email to Claire Williams at KCTMO, copying in various people from JRP, Rydon, Max Fordham, JS Wright and Artelia.

Inquiry Question 16: What consideration was given (if any) to fire safety measures during inspections and in follow-up reports?

- 42 If I became aware of any issues related to the fire safety measures within the M&E works on my site visits I would record them on my site report. For example, in my report number 5 for week commencing 2 March 2015 I noted that the ventilation fire sleeve had not been fitted correctly (TB8: SDA00000206). Another example was in my report number 20 for week commencing 17 August 2015 in which I noted that an intumescent sleeve was required over a pipe to comply with Building Regulations (TB9: SDA00000232). In my report number 4

(TB10: SDA00000236) I noted that potentially fire rated walls were being gouged out to fit back boxes. In accordance with the scope of our remit this was recorded from the point of view of quality of installation/workmanship rather than in relation to design or function which were issues falling within the remit of others.

Inquiry Question 17: What system did SDP adopt to ensure that any recommendations based on inspections were being implemented? Were recommendations implemented?

43 On each inspection I would return to inspect any issues identified in my previous report. If the issue had not been rectified that would be noted in my next report and would continue to be noted until it had been rectified. As far as I am aware all recommendations were implemented.

Inquiry Question 18: How was remedying of defects monitored? By whom?

44 In addition to the process described at Question 17, at practical completion I produced a commissioning and snagging tracker which was updated following any site visit (TB1: SDA0000189). If I was not available to witness any systems being tested I reviewed the relevant test certificates.

Inquiry Question 19: When were parts of the Tower formally signed-off and handed over? How were handovers undertaken and to whom?

45 We were not responsible for the formal signing off and handover process but when we were requested to visit site Rydon would organise sample inspections of certain systems and flats.

I believe that the facts stated in this witness statement are true. I am willing for this statement to form part of the evidence before the Inquiry and for it to be published on the Inquiry's website.

Signed: 

Name: ANTHONY BATTY

Date signed: 17-06-2019