

GRENFELL TOWER INQUIRY

PHASE 1 ORAL HEARINGS

CORE PARTICIPANT: CEP ARCHITECTURAL FACADES LIMITED ('CEP')

SUBMISSIONS ON BEHALF OF CEP **Hearing June 2018**

Representation

1. CEP is represented by Clyde & Co (Ms Helen Bourne and Mr Chris Morrison) and by Mr Jim Sturman QC, Mr Aidan Christie QC and Mr Andrew McGee.

Introduction

2. CEP supplied the ACM cladding and window frames which were fitted to the exterior of Grenfell Tower as part of the refurbishment works carried out in 2015/16.
3. The Inquiry has indicated that Phase 1 will include an examination of the origin, cause and physical development of the fire taking into account the expert evidence available to it.
4. This evidence will be vital in establishing as accurately as possible how the fire started and then spread. CEP has a substantial interest in the examination of these issues. CEP is a modest sized company with limited resources but it will do everything which it can to assist the Inquiry in its investigation and it is intending to be represented throughout the hearings.

5. For reasons developed briefly below, at this stage CEP is not in a position to make detailed written submissions and, subject to one issue addressed below, it is not intending to make any opening oral submissions to the Inquiry.
6. It is possible that CEP may wish, in due course, to make an application to the Inquiry in relation to expert evidence. If so, that is unlikely to be before September 2018 for the reasons discussed below.

CEP's Position

7. There are two factors which are currently inhibiting CEP's investigation of the issues. The first concerns disclosure. The second relates to access to the site for CEP's own expert.
8. Until disclosure is complete and CEP's expert has been given access to the site and sufficient time to complete his investigations, CEP will not be in a position to make any substantive submissions to the Inquiry.

(1) Disclosure

9. CEP acknowledges the scale of the disclosure exercise which the Inquiry has undertaken so far and is continuing to undertake. Inevitably it has been extremely time-consuming and presents significant practical problems.
10. But as matters currently stand CEP (in common with other CPs) has had access to only a limited quantity of documents from other CPs. CEP's understanding is that there is still a very large quantity of documentation, some of it potentially critical, which remains to be disclosed by the Inquiry to CPs. The inevitable consequence is that CEP cannot make progress with its own investigations. They are still underway and are unlikely to be completed for some time to come and certainly not before September 2018.

(2) Access to the Site for experts

11. The Inquiry has so far disclosed reports from four experts viz. Professor Nic Daeid, Professor Bisby, Mr Todd and Dr Lane.

12. The Inquiry's provisional programme indicates that the hearings will include
 - (a) initial oral and visual presentations from Professor Nic Daeid, Professor Bisby and Dr Lane between 18 and 20 June 2018 (albeit the form and content of these proposed presentations is unclear) and
 - (b) detailed expert evidence from all four witnesses as well as, it is understood, Professor Torero (albeit no report has yet been served) for a period of 8-10 days probably starting on 1 October 2018.
13. It is understood that each of the Inquiry's experts has had access to the site. For instance, Professor Bisby carried out site inspections at Grenfell Tower on four days between 9 October 2017 and 31 January 2018 (see appendix A of his report); Dr Lane and her team of 11 fire engineers appear to have carried out a series of site inspections between 1 October and 9 November 2017 (see section 6.4 of her report).
14. By contrast, so far as CEP is aware none of the CPs' experts has yet been granted access to the site. Certainly its own expert has not been given access.
15. In his first Statement to the Inquiry dated 15 November 2017 (paragraph 61), Counsel to the Inquiry said that CPs who wished to seek access to the site for their proposed experts should contact the MPS directly as soon as possible. Access was not given and when CEP took the matter up with the Inquiry team in March 2017, it was told again that requests for access to the site should be directed to the MPS. But as recently as April 2018, the MPS has told CEP's solicitors that requests should be directed to the Inquiry.
16. It is immaterial to CEP whether it is the MPS or the Inquiry which permits access. The critical thing is that it should be given access as soon as possible. Without access there will inevitably be further delay.
17. CEP has made the point in the past that the absence of access for its expert is impeding its investigations. Presumably other CPs are in a similar position. Put bluntly, it is impossible for experts to form their own views and to test the evidence of

the Inquiry's experts without the benefit of the very access which the Inquiry's experts have had.

18. It is unclear why there should be any problem. Dr Lane and her team were given access last year, seemingly for an extended period.
19. If this issue has not been resolved by the time the Inquiry hears opening submissions on 4 June 2018 CEP will invite the Inquiry to direct that access be given, insofar as it is in its power to do so.

18 May 2018

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