



Grenfell Tower Inquiry

Day 99

March 2, 2021

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1 Tuesday, 2 March 2021
 2 (10.00 am)
 3 SIR MARTIN MOORE—BICK: Good morning, everyone. Welcome to
 4 today's hearing. We're going to begin today by hearing
 5 further evidence from Mr Stephen Howard, formerly of the
 6 BRE. I'm just going to check that Mr Howard can see me
 7 and hear me satisfactorily.
 8 Good morning, Mr Howard.
 9 MR STEPHEN HOWARD (continued)
 10 THE WITNESS: Good morning. I can see and hear you.
 11 SIR MARTIN MOORE—BICK: Lovely, thank you very much indeed.
 12 We had better just do the housekeeping before we go
 13 any further.
 14 Can you please confirm that you're alone in the room
 15 from which you're giving evidence?
 16 THE WITNESS: I'm alone in the room.
 17 SIR MARTIN MOORE—BICK: Yes, thank you.
 18 That you have no documents or other materials with
 19 you?
 20 THE WITNESS: I have no documents or other materials.
 21 SIR MARTIN MOORE—BICK: Thank you. And that your mobile
 22 phone is in another room and that you don't have any
 23 other electronic device with you which is capable of
 24 receiving messages?
 25 THE WITNESS: That's correct.

1

1 SIR MARTIN MOORE—BICK: Good. Thank you very much.
 2 As usual, I'm here with my fellow panel members,
 3 Ms Istephan and Mr Akbor.
 4 MS ISTEPHAN: Good morning.
 5 MR AKBOR: Good morning, everyone.
 6 SIR MARTIN MOORE—BICK: I think that we are pretty well
 7 ready to begin.
 8 The procedure, Mr Howard, will be the same as it was
 9 yesterday. Again, your legal representatives are
 10 following the hearing. We will have a break during the
 11 morning, as we have in the past.
 12 Is there anything that you would like to raise or
 13 ask me before we begin?
 14 THE WITNESS: No, I'm fine, thank you.
 15 SIR MARTIN MOORE—BICK: Good, thank you very much.
 16 In that case, Mr Millett, perhaps you would like to
 17 ask some questions.
 18 Questions from COUNSEL TO THE INQUIRY (continued)
 19 MR MILLETT: Yes, Mr Chairman, thank you. Good morning,
 20 Mr Chairman, good morning, members of the panel, and
 21 good morning, Mr Howard.
 22 A. Good morning.
 23 Q. We're going to turn to look at the BS 8414—2 tests that
 24 Celotex carried out on their RS5000 insulation product
 25 in the first half of 2014.

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1 Now, the first test was carried out in
 2 February 2014, but before we look at that, I just want
 3 to ask you about your involvement with Celotex before
 4 February 2014.
 5 Can we look at {CEL00000708/3}, please, first. We
 6 can see that this sits in an email chain which we looked
 7 at, I think, on Thursday in the context of the concerns
 8 that he had raised about Kingspan, but this is now about
 9 details of the system that he wants to test.
 10 If you look at the email at the bottom of the
 11 screen, you will see it starts — and this is the one
 12 sent at 09.17, 18 October 2013:
 13 "Stephen,
 14 "Once we have agreed the final design which I'm
 15 hoping will be soon I will get back to you with
 16 confirmation.
 17 "One of the key considerations for us with testing
 18 to BR135 is that it enables us to not limit ourselves to
 19 one particular application/build-up. Is there anything
 20 the BRE can offer that could extend the use of our
 21 product in other systems similar to the tested rig. The
 22 main one for us is that whilst we will be testing
 23 a particular rainscreen cladding panel, we do not want
 24 this to limit ourselves to that one particular panel.
 25 You reply a little bit further up. If you go up the

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1 screen, please, to the email above it at the top, you
 2 can see that you reply on 21 October at 11.41:
 3 "Thanks for the email.
 4 "We would need to see further details of the systems
 5 in question to answer the question fully.
 6 "From the information below, I do not think we would
 7 be able to issue an assessment report on a terracotta
 8 systems based on the testing of an ACM panel. However,
 9 without a full explanation of the differences between
 10 the systems, we are a bit in the dark.
 11 "In terms of claims in the market, would it be
 12 possible for you to forward an example?"
 13 Were you alluding there to the possibility of
 14 a desktop assessment when you refer to an assessment
 15 report on a terracotta system?
 16 A. Yes.
 17 Q. If we go to {CEL00001883}, then, next, please, we can
 18 see that the discussion progresses into the autumn of
 19 2013. This is a further email from Jonathan Roper to
 20 you on 8 November 2013, and it starts:
 21 "Steve,
 22 "As discussed earlier find below a list of
 23 requirements that ideally we would like get out [of] the
 24 test report.
 25 "I understand that all of these will not be possible

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1 but broadening the scope as much as possible is critical
 2 to us.”
 3 Then he sets out three criteria which he wants to
 4 have in the test.
 5 Did you give any advice to Celotex in relation to
 6 how to broaden the scope of the application of any
 7 BS 8414 test?
 8 A. I think the only correspondence was to explain the
 9 process, ie we would need to test and then do
 10 an assessment — the way the market was working at the
 11 time was to do an assessment to follow, but I don't
 12 believe we ever got to the point where we were
 13 testing — where we defined what a worst-case scenario
 14 was.
 15 Q. Do you know why Mr Roper thought that it was possible,
 16 given that BS 8414 is a system test and not a product
 17 test?
 18 A. That was the way the market was working, ie you would
 19 take a test report and then there would be a desktop
 20 assessment to review changes from the test report, and
 21 I would — that was in an email from me to him,
 22 I believe.
 23 Q. Yes, and that was so, was it, in the latter part of
 24 2013? That was the situation at that stage, was it?
 25 A. That was the situation at that stage.

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1 Q. Can I then go to {CEL00001888}, please, with you. This
 2 is an email from you back to Jonathan Roper on
 3 13 November 2013, and you say:
 4 "I have spoken directly [with] Phil and he will make
 5 contact.
 6 "This is what you will be faced with. A steel frame
 7 with a simulated floor slab.
 8 "More photos to follow. If you need higher
 9 quality — let me know."
 10 Was this email your response to Jonathan Roper's
 11 email of 8 November?
 12 A. Well, I can't actually recall that, but if it's in
 13 a chain, yes, it probably will be.
 14 Q. Right. It doesn't appear to be in a chain, it seems to
 15 be a separate document.
 16 Do you know why you told him that Phil Clark would
 17 be in contact rather than answering his questions
 18 yourself?
 19 A. Because Phil was responsible for the interaction with
 20 the contractor and the client to get the systems on to
 21 the test frames.
 22 Q. Right. Now —
 23 A. So — I was going to say, Phil would be managing from
 24 that point on the client interaction.
 25 Q. I see.

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1 Can we then go to the first test itself, and you
 2 deal with this in your witness statement at page 31
 3 {BRE00005771/31}. Can we please go to page 31 and look
 4 together at paragraph 137. This is in response to the
 5 question above it, if we just see the question, Q6(c):
 6 "Which BRE employees dealt with the test sponsor at
 7 each stage? This is to include brokering, quotes and
 8 other preliminary correspondence, planning,
 9 installation, the test itself and the preparation of the
 10 report. What was your own involvement at each or any of
 11 these stages? What was the extent of Phil Clark and/or
 12 Tony Baker's involvement at each or any stage?"
 13 And you say at paragraph 137:
 14 "I dealt with the initial enquiry stage. Tony Baker
 15 initially acted as project manager, and provided the
 16 initial quotation to Celotex as I have set out above,
 17 but I believe he subsequently changed roles to fire
 18 resistance manager. It appears that his direct
 19 involvement in the project ended in or around
 20 November 2013."
 21 Now, you say that you dealt with the initial enquiry
 22 stage in relation to the first test. Was that the limit
 23 of your involvement in the first test?
 24 A. I believe so, yes, I didn't get directly involved.
 25 Q. If we go on to page 33 {BRE00005771/33}, two pages on,

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1 please, in your statement, and let's look at
 2 paragraph 149, you say after the question:
 3 "Which individuals from Celotex attended the test on
 4 14 February 2014?"
 5 You say:
 6 "... email correspondence indicates that the
 7 following people were scheduled to attend the test on
 8 14 February 2014 ... Jonathan Roper, Jamie Hayes,
 9 Rob Warren and David Cooper."
 10 Then at 149:
 11 "Were you present during the test? ...
 12 "I do not believe I attended the test but I cannot
 13 be completely sure of this. An Outlook meeting request
 14 ... suggests that the following BRE staff were present:
 15 Phil Clark, Tom Lennon, Lee Amendt and Simon Barrow."
 16 Since you wrote your report, have you had any
 17 further recollections about whether you did in fact
 18 attend the test or not?
 19 A. No. I don't believe I attended that test.
 20 Q. Now, at the time of that first test in February 2014,
 21 you were the business group manager; given that it was
 22 February 2014, do you think you had become as fully
 23 involved with cladding as you say in your statement you
 24 did become in 2014?
 25 A. Not at that stage. That was in the process of cladding

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1 moving away from Tony Baker to myself.
 2 Q. I see.
 3 Do you recall whether you yourself had oversight of
 4 that test programme at that point?
 5 A. It would have sat within — I can't recall exact dates,
 6 but it would have sat within the responsibility of the
 7 department that I was business group manager for.
 8 Q. Right.
 9 Let's see if we can be a little bit more precise.
 10 Can we go to page 22 of your statement {BRE00005771/22},
 11 please, and let's look at paragraph 98. The question
 12 here, Q5(e):
 13 "As far as you are aware, who at the BRE had
 14 oversight of BS 8414 testing in 2014? Who had overall
 15 oversight of this test?"
 16 This is the February 2014 test. You say at
 17 paragraph 98:
 18 "I was the Business Group Manager at the time and so
 19 I would have had oversight of the test programme.
 20 Phil Clark had oversight of this specific test, working
 21 for Steven Manchester. Dr Debbie Smith was the Director
 22 for the fire testing area."
 23 So you had oversight of the programme, but
 24 Phil Clark had oversight of the specific test. Does
 25 that mean you didn't have oversight of the specific

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1 test?
 2 A. I didn't attend the test, no.
 3 Q. You told us that, that's understood, but did you have
 4 oversight of it, even though you didn't attend?
 5 A. Well, Phil Clark had oversight of the specific test, ie
 6 the project management from construction on to the
 7 system. I had very little involvement in this test —
 8 Q. Right. Did you —
 9 A. — directly.
 10 Q. Directly, I understand that.
 11 Did you — well, let me ask it this way: did
 12 Phil Clark report to you directly in relation to this
 13 test as a matter of the hierarchy at the BRE?
 14 A. Phil Clark was reporting in to Steve Manchester, but he
 15 would have spoken to me regarding that test.
 16 Q. So you were indirectly —
 17 A. Yes.
 18 Q. — supervising it?
 19 A. Yes.
 20 Q. Can we go to {BRE00005808}, please.
 21 This is an email from Phil Clark to you on
 22 19 February 2014, so four days after the test, and you
 23 can see that there is an attachment, and he says:
 24 "Steve, attached is the data for the Celotex test
 25 for you to look at. I have also included a still of the

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1 system at the time the crib was extinguished with the
 2 complete panels superimposed to show where the flames
 3 are in comparison to the panels and panel joints.
 4 "I am happy to come [to] you to discuss if you have
 5 any questions.
 6 "Phil."
 7 There is an attachment to this, which was the full
 8 test data and some photographs. I'll give the
 9 references, but I don't think we need to go to them
 10 unless you want to look at them: {BRE00005809}, which is
 11 the test data, and {BRE00005810}, which is the
 12 photographs.
 13 Do you know why Mr Clark was sending you this data
 14 to look at?
 15 A. It wasn't unusual, and it's not unusual to send data
 16 around for the largest tests for review of what's
 17 actually gone on.
 18 Q. Did you consider that data?
 19 A. I would have imagined I'd have looked at the graphs,
 20 which is considering the data, but —
 21 Q. Right.
 22 A. — not much more, I don't believe.
 23 Q. You say it's not unusual to send data around of the
 24 largest tests for a review of what's going on. What
 25 precisely was it that Phil Clark wanted you to look at

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1 in the data he was sending you?
 2 A. I think it was probably forwarded on to me for
 3 information. They'd run — the cladding test was
 4 a large-scale test, it was the first test with a new
 5 client, I'm pretty sure I'd have been aware of
 6 a failure, and he was then just showing basically what
 7 the temperature measurements of that test were on the
 8 day.
 9 Q. Right. So you would have examined at least in some
 10 detail, as you've described, the data that he sent you?
 11 A. Yeah, I think I would have reviewed the data.
 12 Q. For what purpose would you have reviewed the data?
 13 A. Possible — out of interest, really. I mean, cladding's
 14 a large-scale test. It was to glean data and
 15 information from what had actually gone on. So, as
 16 I said, for the larger-scale tests, if — you're
 17 interested in temperature profiles, you're interested in
 18 maximum temperatures, you're interested in what goes on
 19 with the test.
 20 Q. It sounds — and please correct me if I'm wrong about
 21 this — from your last answer that because cladding was
 22 a large-scale test, there was something perhaps less
 23 usual about it so far as your work is concerned or
 24 perhaps something more interesting about it; is that
 25 fair?

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1 A. It is — it was probably the largest standard test that
 2 BRE ran. But it wasn't unusual to send round data from
 3 other tests. You wouldn't send it around for all tests,
 4 but 1181, which is the sandwich panel test, was often
 5 circulated for information to those involved.
 6 Q. Mr Clark says at the end of the email — which
 7 I'm afraid has disappeared from your screen but I'll
 8 tell you what he says — "I'm happy to come [to] you to
 9 discuss if you have any questions". Did he actually
 10 come to discuss the data with you?
 11 A. I don't recall a discussion about that test, no.
 12 Q. You don't recall it, but do you recall whether you had
 13 any questions arising out of the data he sent you?
 14 A. I don't recall, no, not on that specific test.
 15 Q. Let's go to {CEL00000842}, please. This is an email
 16 from Jonathan Roper to Dr Parina Patel and David Cooper,
 17 both at IFC, International Fire Consultants, dated
 18 17 February 2014. Subject, "Celotex BR 135 Preliminary
 19 Thermocouple Data". It says:
 20 "Parina/David,
 21 "Please find attached preliminary data of our test
 22 on Friday.
 23 "I've spoken to Phil this morning and he sees no
 24 reason why a classification report cannot be issued as
 25 it is in his opinion, that extending the test to the

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1 full duration of 30 mins rather than stopping at 25 mins
 2 would have made little difference and as shown attached,
 3 we meet the performance criteria of BR 135 in not
 4 exceeding 600 degrees within the first 15 mins.
 5 "Depending on how Phil's peers at the BRE receive
 6 this, it may be useful if we could set aside a date in
 7 the diary in which you could dial in to discuss your
 8 view from the test."
 9 First, was this the reason why Mr Clark was sending
 10 you the test data, namely to see whether you agree that
 11 a BR 135 report could in fact be issued?
 12 A. No, because the BR 135 test — or the BS 8414 test needs
 13 to run for an hour. If you've had to put a sample out
 14 at 25 minutes, then you could not classify that to
 15 BR 135.
 16 Q. That's a reason why he might not have done, I understand
 17 that, but does this prompt your recollection whether you
 18 had a discussion with Mr Clark about whether you could
 19 classify this data to BR 135?
 20 A. No.
 21 Q. Let's look, then, at the re-testing of Celotex RS5000.
 22 Can we go next to {CEL00000862}. This is an email
 23 from Jonathan Roper to you on 14 March 2014, and it
 24 responds to you. That's on the screen.
 25 Can we just scroll down, please, to the bottom of

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1 page 1 and look at yours to him on that day, 10 o'clock.
 2 We'll come to the response shortly. You say to him:
 3 "Jonathan,
 4 "I understand you have been talking with Phil Clark
 5 regarding the freeing up of one of the existing
 6 blockwork walls.
 7 "The estimated cost for removing the wall and
 8 returning this rig to a part 2 configuration will be
 9 £2500. This will reduce the time scales for testing.
 10 "If you want to proceed let me know and I will issue
 11 a formal quotation."
 12 At that stage, had you formed the impression that
 13 Celotex were keen to reduce the timescales?
 14 A. Yes, they wanted to re-test as — quickly, yes.
 15 Q. Had you had a discussion with Celotex before that about
 16 that subject?
 17 A. I don't recall one, no.
 18 Q. When you say, "I understand you have been talking with
 19 Phil Clark", had Phil Clark talked to you about this
 20 topic which then prompted you to send this email to
 21 Jonathan Roper?
 22 A. Yes, probably — yes, it's more likely that
 23 Jonathan Roper has asked when the next slot in the test
 24 booking was possible, and Phil said, "Then, but we can
 25 remove the blockworks from one of the other rigs to

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1 bring this date forward".
 2 Q. Right.
 3 Then if you go to the response at the top of the
 4 page, he comes back to you the same day — two minutes
 5 later, in fact, looking at the time stamp of 10.02 —
 6 and says:
 7 "Steve,
 8 "Correct — we're keen to re-test as soon as possible
 9 and therefore we are more than happy to pay to free up
 10 one of the existing blockwork walls."
 11 Was it clear to you from that — not just the speed
 12 of Mr Roper's response, but what he says in the text of
 13 this email — that Celotex were in something of a hurry
 14 to re-test?
 15 A. Yes, they were in a hurry to re-test, but a lot of
 16 people are keen to get into fire testing labs and test.
 17 This was nothing particularly unusual across the
 18 fire testing labs.
 19 Q. And they were happy to pay the £2,500, as we can see.
 20 A. Yes.
 21 Q. Now, you were still business manager at the time of the
 22 second test, that's early May 2014, weren't you?
 23 A. Yes.
 24 Q. So does it follow that you still had oversight of the
 25 test programme?

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1 A. I did, yes.
 2 Q. Was that oversight in the same way as you did in respect
 3 of the February test or had you become closer to the
 4 testing at the BRE at that time?
 5 A. I was becoming closer to the testing, yes.
 6 Q. Right. In what way were you becoming closer which
 7 differentiated your role in February 2014 from the role
 8 as you had it in May 2014?
 9 A. Things like more client communication, more looking at
 10 dealing with things like quotations, looking at the
 11 resourcing available, looking at other staff, things of
 12 that nature. I just generally became closer to the
 13 operational throughput of the test.
 14 Q. Right. Did you become more closely involved in the
 15 specifics of tests, the data produced, the results of
 16 the tests?
 17 A. Erm ... I became, yes, more involved not in the data
 18 produced but the data reviews and things like that of
 19 the tests.
 20 Q. Now, you say in your statement at paragraph 68
 21 {BRE00005771/16} that you attended the second test on
 22 2 May 2014. So, I mean, unless you have had a —
 23 A. No, I'm pretty sure I did(?).
 24 Q. Thank you.
 25 Let's go to {BRE00030681}. This is a collection of

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1 photographs which is labelled at the bottom "295369
 2 page 1 of 2".
 3 Do you know whose handwriting that is?
 4 A. I believe that's Phil Clark's.
 5 Q. And this is the report number, 295369, for the May 2014
 6 Celotex test.
 7 Can we look at the top left—hand picture and just
 8 have that one blown up, please. That's a close-up of
 9 an edge. Can you see a white board behind the orange or
 10 ruby—coloured cladding panel which is not present behind
 11 the grey or white panel immediately below it?
 12 A. Yes.
 13 Q. Now, Mr Roper told us that that — when I say "that",
 14 I mean the board behind the ruby outer board — is
 15 a 6—millimetre magnesium oxide board that was installed
 16 at the level 2 thermocouples and at the top of the rig.
 17 That was his evidence.
 18 Were you aware of the inclusion of the magnesium
 19 oxide board in those locations at the time of the test?
 20 A. No.
 21 Q. When did you first become aware of its inclusion?
 22 A. I understand that there was communication between
 23 Celotex and BRE after the Grenfell fire, when BRE were
 24 notified of this issue with this test report.
 25 Q. Notified by whom?

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1 A. I think the communication was from Celotex, that the
 2 communication come from Celotex into BRE.
 3 Q. Right.
 4 Now, in his evidence to the Inquiry last week,
 5 Mr Clark told us that he was off—site on a first aid
 6 course on 29 and 30 April 2014, and as we know, the test
 7 took place on 2 May 2014. His evidence was also that it
 8 would be common practice that the rig would be handed
 9 over by the contractors who built the rig to the BRE
 10 a clear day before the test on the 2nd, so he calculated
 11 that that would be on the Wednesday, 30 April. Do you
 12 agree with that?
 13 A. Procedurally, yes. I can't confirm the dates without
 14 specifics, but procedurally that sounds correct.
 15 Q. And he says that, based on that, he thought, in his
 16 evidence, that it was likely that the insulation and the
 17 cladding layers were installed during the very two days
 18 he was out of the office. Does that, again, accord with
 19 your experience of timescales for installation of rigs
 20 such as these?
 21 A. It's possible. I haven't got detailed knowledge of, or
 22 I didn't — I haven't got detailed knowledge of how they
 23 would install the systems and whether those sort of
 24 panels would have been installed in those couple of
 25 days.

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1 Q. He also told us that during his absence he would have
 2 arranged for someone to deputise for him and take over
 3 the supervision and the carrying out of checks on the
 4 installation. Is he correct about that?
 5 A. Yes, there was other people down — there was always
 6 someone on site within the Burn Hall for health and
 7 safety cover and contractor supervision. What handover
 8 there was, I don't know.
 9 Q. You say there was always someone on site within the
 10 Burn Hall for health and safety cover and contractor
 11 supervision; does that tell us that at all times during
 12 the construction of the rig by the contractor, someone
 13 from the BRE was supervising that exercise?
 14 A. They would supervise the contractors, but they
 15 wouldn't — we wouldn't spend all day — there wouldn't
 16 be 100% inspect — we wouldn't be there all the time
 17 during the construction process, we cannot guarantee
 18 that.
 19 Q. Because you just said at all times during the
 20 construction of the rig by the contractor, someone from
 21 the BRE — you said, "There was always someone on site
 22 for contractor supervision", that's what you just told
 23 us.
 24 A. From a health and safety point of view, to make sure
 25 that they're not infringing their risk assessments or

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1 doing other things that they shouldn't be doing down in
 2 the halls, but there's a lot going on in the Burn Hall
 3 so you wouldn't have 100% supervision of all the
 4 contractors installing stuff all the time.
 5 Q. Right. I'm sorry to press you a little, I just want to
 6 understand a bit more precisely what you mean.
 7 You said, "There's always someone on site within the
 8 Burn Hall for health and safety cover and contractor
 9 supervision". By that, do you mean that there was
 10 always somebody in the Burn Hall for one or other of
 11 those tasks?
 12 A. No, what I mean by contractor supervision is to make
 13 sure that they're using mechanical equipment correctly,
 14 if they brought it with them, that they are following
 15 their risk assessment, that they are wearing their
 16 hardhats, they're wearing gloves and things of that
 17 nature, they're not doing things in the Burn Hall that
 18 would compromise health and safety. That was the health
 19 and safety — that was the contractor supervision.
 20 Q. Yes, I follow. And that would be continuous, would it?
 21 In other words, there wouldn't be gaps in the contractor
 22 health and safety supervision?
 23 A. There should be some — well, I cannot guarantee there
 24 was never gaps, but there should be someone on hand most
 25 of the time in that area specifically covering those

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1 areas. You wouldn't — you shouldn't leave contractors
 2 unsupervised.
 3 Q. No. Who was it, do you know, who had that
 4 responsibility for that supervision during the
 5 construction of Celotex's rig on 29 and 30 April 2014?
 6 A. I can't remember exactly who was responsible at that
 7 time. Phil Clark would have had a part to play on that.
 8 I can't remember whether Richard Larman was Burn Hall
 9 manager at the time. It depends on dates.
 10 Q. Now, Phil Clark went on a course on 29 and 30 April.
 11 Would somebody have taken his place as project engineer
 12 or officer in charge of the test?
 13 A. Only if specifically asked, and only if — to do so, and
 14 there was a reason over and above having a contractor
 15 management in place to do so.
 16 Q. And did he ask?
 17 A. I don't recall seeing a request either via email or
 18 verbally.
 19 Q. He said that he would have arranged for someone to
 20 deputise for him; did he?
 21 A. I don't know the answer to that.
 22 Q. He identified you as one of the individuals he might
 23 have asked to do that. That was, for the transcript,
 24 {Day95/185:10} to the end, and {Day95/186:1–12}.
 25 Do you remember whether you were the person he asked

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1 to deputise in his two-day absence?
 2 A. I don't recall. I don't believe I was.
 3 Q. Are there records that the BRE kept at the time of
 4 exactly when the rig is built, something like
 5 a Burn Hall diary showing who is present?
 6 A. No, I don't believe there is. Sorry, there would be
 7 a contractor sign-in sheet on a daily basis, but I don't
 8 believe you'd sign in — you wouldn't sign staff in.
 9 Q. What would be the BRE's ordinary practice where the
 10 person overseeing a particular test was off-site for
 11 a day or a number of days during the construction of the
 12 test rig?
 13 A. Well, as I said, normal practice at that time would be
 14 to ensure that health and safety cover and contractor
 15 supervision was in. Depending on the absence and
 16 depending on the — where you were in the build stage,
 17 others would be asked to take records. But it depends
 18 where you are in the build stage to do that.
 19 Q. Are there or were there at the time any records of where
 20 they, contractors, had got to in the build stage at the
 21 time Mr Clark went off on his two-day course?
 22 A. Well, the information would be available from dates on
 23 photographs and dates on notes.
 24 Q. Well, why does it depend on where you are in the build
 25 stage?

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1 A. Because they may have — it might have been a stage
 2 where they were ... they had finished or at a very early
 3 stage where they were just setting out or materials
 4 coming in, that sort of activity. We wouldn't have
 5 staff covering the build of the rig 100% of the time.
 6 Some of the builds are two weeks.
 7 Q. You say the information would be available from dates on
 8 photographs and dates on notes; did the BRE keep
 9 photographs with dates on them, such as electronic
 10 photograph files?
 11 A. Well, any photographs that were taken would be
 12 date-stamped.
 13 Q. Right.
 14 Now, if Mr Clark is right that he asked or would
 15 have asked somebody to deputise for him during his
 16 two-day absence, would there have been or was there
 17 a process for some kind of handover?
 18 A. Not a formal process, it would have been more of
 19 an informal process.
 20 Q. What would that informal process involve?
 21 A. Just a local arrangement with someone else to make sure
 22 that notes were taken, photographs were taken, at those
 23 stages of the build. We didn't have a formal handover
 24 process.
 25 Q. Did you ever speak to anybody who had taken over from

24

1 Mr Clark during that two-day period —
 2 A. I don't recall.
 3 Q. — about the construction of the rig? Sorry, you —
 4 A. No, I don't recall. Sorry.
 5 Q. I asked: did you speak to anybody who had taken over
 6 from Mr Clark during that two-day period about the
 7 construction of the rig?
 8 A. I don't recall doing so.
 9 Q. Can we go to {BRE00005773/3}, please. This is the
 10 statement of practice, and if you go to page 1 you can
 11 see what the document is. No, you can't, I'm sorry.
 12 Page 3 is where it starts, in fact. This is the
 13 cladding test data file and report preparation sheet,
 14 otherwise known as the SOP, I believe.
 15 If you go down a little bit further, you can see
 16 what is to be done before the test itself, and the fifth
 17 item down is:
 18 "Undertaken component check and obtained samples."
 19 Do you see that?
 20 A. Yes.
 21 Q. Was it the BRE's invariable practice — I say
 22 "invariable"; was it its practice to follow the steps in
 23 this statement of practice?
 24 A. Well, I think that was being still under development at
 25 the time. So in terms of a broad brush, then that is

25

1 the practice that we should have been following. But
 2 whether ... what exactly happened on this one, I can't
 3 say in detail. But generally speaking, that is a good
 4 reflection of what should be done as — for most tests.
 5 Q. Yes. And therefore do you agree that it would be a good
 6 reflection of most tests that a component check and
 7 sample should be taken?
 8 A. We wouldn't take samples for test systems throughout,
 9 because we wouldn't do additional tests. If samples
 10 were going to be taken, that would be if we were doing
 11 third-party approvals or LPCB work.
 12 Q. What about undertaking the component check?
 13 A. That should be done.
 14 Q. Yes. What about the construction survey and
 15 photographs, each major layer, which is the next
 16 (inaudible); yes?
 17 Yes? That should be done?
 18 A. Yes.
 19 Q. Did that happen on this occasion?
 20 A. Well, from the photographs that are available, then the
 21 photographs are taken and there's layers that you can
 22 see in the system. So to some extent the records are
 23 there as to what was tested.
 24 Q. Yes, and did you yourself notice that in two places on
 25 the rig, as shown by the photographs I've shown you, and

26

1 further photographs we'll come to, that 8-millimetre
 2 Marley Eternit board was being used as well as
 3 12-millimetre Marley Eternit board?
 4 A. No.
 5 Q. Can you explain why not?
 6 A. Because I wasn't directly involved in the test, so in
 7 terms of reference, I wasn't there actually surveying
 8 the rig, so I wasn't directly involved in taking notes
 9 or photographs of the system.
 10 Q. Going back to the statement of practice, do you agree
 11 that it would have been normal come May 2014 — I think
 12 you do — that there would be a construction survey and
 13 photographs of each major layer?
 14 A. Yes, there should be.
 15 Q. Can you account for why there isn't in your records
 16 a construction survey and a set of photographs of each
 17 major layer of the rig under construction?
 18 A. But I thought we had photographs of the layers. I can't
 19 comment on why the construction photograph — the
 20 construction layers — notes were missing, but I thought
 21 we had photographs of all the layers.
 22 Q. Well, can you explain why there is no set of photographs
 23 of the magnesium oxide layer being installed at two
 24 levels on this rig?
 25 A. No, I can't.

27

1 Q. Did you yourself notice the fact, when you attended the
 2 test, that the Celotex rig had two bands of pink outer
 3 panels running round it, one at the level 2
 4 thermocouples and one at the top of the rig?
 5 A. Yes, if I attended the test, I think it would be obvious
 6 that there was two different colour bands there.
 7 Q. Did you ask anyone from Celotex what those two different
 8 coloured bands were?
 9 A. No, I don't recall asking the question.
 10 Q. Why is that?
 11 A. Because it — you often see various configurations of
 12 test samples, various decorative layers, it was ... it
 13 didn't appear to be anything of particular note at the
 14 time.
 15 Q. Did you record it? Did you record the use of the two
 16 layers of ruby board anywhere?
 17 A. No, because I understand my involvement on the day —
 18 the test was being delivered by others who were project
 19 managing. My involvement on the day, I seem to —
 20 I recall was a safety officer. So the construction
 21 notes of the rig would have been sitting with Phil Clark
 22 on the day, or over that period.
 23 Q. We've seen no record of the installation itself which
 24 shows the installation of these two layers or levels of
 25 ruby panels. Can you explain why that is?

28

1 A. No, I can't. But there are photographs that were taken
2 which shows the two layers. It may have been those
3 outer layers may have been installed in a short period
4 of time.
5 Q. Can we go to {CEL00000964}, please. This is an email in
6 June 2014, after the test. It appears you had
7 a telephone conversation on that day with Mr Roper, and
8 then he follows this up with an email.
9 If you look at this email, this is an email from
10 Jonathan Roper to you on 12 June, copied to Phil Clark:
11 "Steve,
12 "As discussed, could you please arrange a holding
13 letter for confirmation that we have successfully tested
14 to BS 8414—2:2005 and meet the criteria set out in
15 BR 135 whilst we wait for the official report to be
16 issued.
17 "Could you also please arrange that our current
18 Class 0 test report concerning our FR5000 product can be
19 renamed and reissued with Celotex RS5000 as the product
20 code. As explained, these are identical products but we
21 are simply recoding the product to launch for rainscreen
22 applications. Our FR5000 test report was issued in
23 November 2011 and has a reference of 275720."
24 Just pausing there, was it common practice for the
25 BRE to be asked for confirmatory holding letters such as

29

1 this?
2 A. Yes.
3 Q. Was it common for them to be issued?
4 A. Yes.
5 Q. Did Mr Roper tell you in your discussion why he wanted
6 such a letter?
7 A. No, but, as I said, it's common for those test sponsors
8 or those testing products to request letters of comfort
9 whilst we write the test reports.
10 Q. Do you remember what you discussed with Mr Roper during
11 that conversation?
12 A. No, I don't recall the conversation.
13 Q. Can we go on, then, to {CEL00000969}. We see again
14 there was a further conversation, it seems, on or around
15 16 June. This is an email from Jonathan Roper to you of
16 that date, and he says:
17 "As discussed, could you please send us a holding
18 letter to confirm we have successfully tested to BR 135
19 (BS 8414—2:2005) asap.
20 "System comprised a rainscreen cladding system fixed
21 to and supported by a structural steel frame."
22 And he sets out the ingredients or components of it
23 below, and we will see them:
24 "Fibre cement cladding panel.
25 "Proprietary vertical railing system.

30

1 "Ventilated cavity.
2 "100mm Celotex RS5000.
3 "Non—combustible sheathing board.
4 "Metsec frame.
5 "2 x layers of plasterboard."
6 Do you remember the discussion that you had with him
7 on or around 16 June?
8 A. I don't recall, no.
9 Q. It seems from this that he had asked you for a holding
10 letter to confirm that the test had successfully passed
11 the BR 135 criteria. Do you remember that discussion?
12 A. I remember the emails. I don't remember having
13 a specific discussion. I do remember the emails and the
14 holding letter.
15 Q. Right.
16 Did you notice, when looking at this email, that
17 there was no reference in there to the ruby—coloured or
18 pink—coloured bands of outer rainscreen material?
19 A. Did I notice? No, because it's basically a letter of
20 comfort or a confirmation, so it's just really to —
21 it's, as I said, a letter of comfort, it's not a test
22 report.
23 Q. Can we go to {CEL00002001}, please. This is your letter
24 to Jonathan Roper. It's dated 17 June 2014, so the day
25 after the email we've just seen, and you say:

31

1 "Dear Mr Roper
2 "Fire testing of cladding — test project update.
3 "The BS 8414 Part 2 fire test on the system as
4 supplied and installed by Celotex was tested on the
5 2nd May 2014.
6 "We have review the data and video footage of the
7 test and confirm that we are in the process of issuing
8 a test report and a classification document to BR135.
9 "Should you require any further information, please
10 feel free to contact me."
11 You send that to him by email at {CEL00001209}, if
12 we can just go to that, please. It's at the bottom of
13 page 1 in that email run. You can see the email at the
14 bottom of the screen there, Mr Howard, you say, 17 June,
15 "How's that?" That's all you say.
16 Why were you asking Jonathan Roper whether he was
17 satisfied with the content of the letter you were
18 sending?
19 A. Just good client management. Just to request — I've
20 done a letter of comfort, did it meet his requirements?
21 It's a question of: is that acceptable? Does that meet
22 your needs for a letter of comfort?
23 Q. Yes. Did you think that was an entirely appropriate
24 thing to do, given the requirements of impartiality?
25 A. As I said, letters of comfort are pretty common, and it

32

1 was just a statement saying, "What's your view on this
2 letter of comfort that we have sent out?"
3 Q. No, I mean, was it really appropriate, did you think, to
4 ask him his view about whether what you had provided him
5 was sufficient?
6 A. Yes, I do think it's appropriate, yeah.
7 Q. Now, let's see his response at the top of the page,
8 please, top of page 1, 17 June, the same day. He comes
9 back to you and says:
10 "Steve,
11 "This is fine thanks with the exception of to the
12 naked eye, it is not overly clear whether we have been
13 successful or not. I understand that for a test report
14 to be issued this means that we have passed but could we
15 be a little clearer in the holding letter.
16 "Could we amend the second paragraph to state:
17 "'We have reviewed the data and video footage of the
18 test and confirm that we are in the process of issuing
19 a test report and a classification document to state
20 that the tested system has met the criteria laid out in
21 BR 135.' Or something similar."
22 Then if we look at {CEL00000373}, we see what
23 happens next. This is a further version of the
24 17 June 2014 letter that you wrote to Celotex, and you
25 can see the text in the second main paragraph:

33

1 "We have review[sic] the data and video footage of
2 the test and confirm that we are in the process of
3 issuing a test report and a classification document to
4 BR135. The classification report will confirm the
5 recommendations in clause 12.5 of Approved Document B
6 have been complied with."
7 Now, it's clearly not a cut and paste, necessarily,
8 but this was you amending the letter to accommodate
9 Mr Roper's request, wasn't it?
10 A. Yes.
11 Q. Why are you letting your test sponsors suggest what to
12 write in holding letters?
13 A. Well, because of the interaction that you have with your
14 client base. I mean, he probably had a need for
15 a holding letter, and — of a certain level of detail.
16 Q. Yes. Why are you letting your test sponsors, such as
17 Celotex, take control of that level of detail and the
18 wording to be used?
19 A. Well, I don't believe they were taking control. They
20 can suggest wording, but ultimately if we disagree with
21 the wording, then we change it. I think in this
22 instance, it wasn't a cut and paste and I've amended it
23 accordingly.
24 Q. But —
25 A. The letter's a statement of fact. It reflected the

34

1 facts at the time.
2 Q. Yes, I'm not challenging that, I'm simply seeking to
3 understand the process here. It looks as if Mr Roper
4 wasn't happy with your first version, suggested some
5 wording for your second version, you took that
6 suggestion on board and reworded the letter, not exactly
7 with his own words, but (inaudible) to accommodate his
8 request.
9 My question really is: didn't you see the dangers of
10 allowing Celotex to take a measure of control, or
11 participation, if you prefer the word, in what you were
12 saying about their product?
13 A. No, I don't believe there's any danger, because the
14 letter is factual. It says what we did and it's
15 a summary of that. There's — it has just confirmed
16 that the test report — or the test had been conducted
17 and we were in the process of issuing a test report and
18 planned to issue a classification. There's no —
19 I can't ... it's a statement of fact.
20 Q. Do you agree that this exchange shows a measure of close
21 collaboration on the precise language of the holding
22 letter?
23 A. I think it shows a response to a client — to
24 a reasonable client request. I don't think there's any
25 collaboration as such.

35

1 Q. You don't.
2 Why is there no description of the tested system in
3 this letter?
4 A. Because then very little ... you can't — the letter's
5 not usable other than just a confirmation that has
6 been — that a system has been tested in. The letter is
7 basically unusable confirming — beyond confirming that
8 we've tested.
9 Q. Did you know what Mr Roper wanted it for?
10 A. No.
11 Q. Did you ask him?
12 A. No.
13 Q. Why not?
14 A. Because, as I said, letters of comfort are pretty usual.
15 We send them out, confirmation of completed tests.
16 It's — we do it regularly, or we used to do it
17 regularly.
18 Q. What did customers generally want to use comfort letters
19 for?
20 A. It ... all sorts of different reasons. There is
21 probably a contract or contracts in place which are
22 requiring a test and a classification to BR 135, or what
23 other standard that we have tested to and are in the
24 process of testing to.
25 Q. You say you used to do it; has the BRE changed its

36

1 practice?

2 A. I don't work for the BRE anymore, so I'm talking in the

3 past tense.

4 Q. Oh, I see. Right.

5 Going back to the last answer but one, you say

6 there's probably a contract or contracts in place

7 requiring a test and a classification. Was it your

8 practice, then, at the time, to provide comfort letters

9 such as these, which are in quite general terms, in

10 order to satisfy a contractor need for such a letter,

11 without a full test report?

12 A. As I said, letters of comfort across the business and —

13 were often issued.

14 Q. Did you ever give any —

15 A. It was practice at the time to confirm the status of

16 tests following the test and before the issuing of the

17 test report.

18 Q. Given the variety of uses to which these comfort letters

19 could be put, did you not think it appropriate to ask

20 Mr Roper on this occasion what he was going to use it

21 for?

22 A. No, because it's just a confirmation of what's gone on.

23 The letter in its form could not be used to put a system

24 on a building, which is why there's no summary of

25 materials in there. It's just a confirmation that

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1 a company has tested and we are in the process of

2 writing a report and classification document.

3 Q. But at that point, of course, the test report and the

4 classification report had not been finalised, had they?

5 A. No.

6 Q. And in fact they weren't finalised until early

7 September 2014, were they?

8 A. No, but that's the reason why people request letters of

9 comfort, because of the time delay between running

10 a test and the issuing of the test report.

11 Q. At the time you wrote this comfort letter, Mr Howard,

12 had you reviewed all the data and fully satisfied

13 yourself that the test data supported classification to

14 BR 135?

15 A. Yes, I would have reviewed the test data and I'd have

16 ensured that we had run for the full duration of the

17 test.

18 Q. Right. That wasn't quite my question. You would have

19 reviewed the test data, seen that it had run for the

20 full duration of the test, and my question was: had you

21 reviewed all the data and fully satisfied yourself that

22 the test data supported classification to BR 135?

23 A. Yes, I believe I did.

24 Q. Can you explain why it therefore took so long for the

25 test report and the classification report to come out

38

1 thereafter?

2 A. Because the work ... it's — delays in test reports are

3 not exclusive to cladding, and they're not exclusive to

4 BRE. It's — there is usually months of wait, or it was

5 my experience at the time in the department, between

6 issuing of — or completion of tests and actually

7 issuing of test documentation, including

8 classifications. A three-month turnaround or

9 a six-month turnaround was entirely possible. There

10 were delays post—Grenfell getting test documentation out

11 of a year. I don't know where BRE is with that now, but

12 delays between tests and issuing documentation is

13 common.

14 Q. We can follow the history of this through, but you will

15 recall that the drafts weren't issued until, I think,

16 19 June, and then there was a review process and

17 discussion with the client, wasn't there, with Celotex,

18 in July, before the reports were finally issued in early

19 August? I think I said September earlier; I meant

20 August.

21 A. Sorry, I'm not sure what you're asking. Are you asking

22 whether I agree with that?

23 Q. What I'm putting to you is: how can you reconcile

24 producing this document at this stage when in fact there

25 was still a lot more work to do on the drafts, including

39

1 discussion with the clients?

2 A. Because the classification is largely temperature-based

3 and you have your other factors in there. They are

4 quite simple to review and establish whether the

5 parameters had been met by review of the data and

6 footage.

7 Q. Now, can we move on, then, to the test report itself.

8 The test report, as it was eventually produced, was

9 issued in the name of Phil Clark and Tony Baker, but

10 Phil Clark told the Inquiry in his oral evidence last

11 week — and this is {Day96/93:18–25} — that you had had

12 involvement, some involvement, in checking it while it

13 was still in draft; is that right?

14 A. That's correct.

15 Q. Can we look at that. It's {BRE00030677}.

16 Now, this is a copy of the draft test report which

17 was produced on 2 June 2014 by the BRE. At the top of

18 the page there you can see it says "18/7/2014". Do you

19 see that?

20 A. Yes.

21 Q. At the bottom right—hand side, it's marked "Version 3

22 for checking and signing".

23 A. Yes.

24 Q. Then there is a signature or scratch underneath that

25 which we believe to be Phil Clark's. Can you confirm?

40

1 A. Yes, that looks like Phil Clark's signature.
 2 Q. Do you know whose handwriting it is when it says,
 3 "Version 3 for checking and signing"?
 4 A. I think that's Phil's.
 5 Q. That's Phil's.
 6 At the top, the date, 18 July 2014, is that also
 7 Phil Clark's handwriting?
 8 A. No, that's mine.
 9 Q. That's you?
 10 A. Yeah.
 11 Q. Right. And that's in blue.
 12 A. Yes.
 13 Q. Can we then go to page 6 of this document
 14 {BRE00030677/6}. We can see that there is handwriting
 15 on this page in various different colours, and some
 16 initials. Let's just go through this.
 17 You can see that someone in blue pen has checked the
 18 components listed under paragraph 3.2, "Description of
 19 product". Can you see that?
 20 A. Yes.
 21 Q. It's in blue pen. Was that you?
 22 A. Yes.
 23 Q. It was you.
 24 We can see that almost all of them have ticks next
 25 to them. What were you checking the components listed

41

1 there against?
 2 A. I can't recall. Possibly photographs, drawings, any
 3 notes available.
 4 Q. Notes available; what sort of notes?
 5 A. Well, any notes that were available in the file.
 6 Q. Right.
 7 The handwriting at the top there, "2 layers 10mm
 8 plaster board", is that your writing?
 9 A. Yes.
 10 Q. And the scratch next to it, is that Phil Clark's
 11 signature?
 12 A. Yes.
 13 Q. So just help me with the process at this point: was the
 14 process that he had done the draft, sent it to you, you
 15 had written your annotations on it in blue biro, and
 16 then it had gone back to him for further marking and he
 17 initialled next to where you had written; is that how it
 18 worked?
 19 A. The — yeah, the process was I would just write on the
 20 various versions of the test report until all the
 21 corrections had been done and confirmed.
 22 Q. Yes. What I'm really seeking to understand is, when you
 23 see the little signatures there, whether Phil Clark had
 24 written those next to what you had already written or
 25 ringed.

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1 A. Yeah, when you go through a test report, you just try
 2 and highlight the — any issues, any questions or any
 3 differences between what's in the test report and what's
 4 coming out of the review.
 5 Q. At the bottom of that list, you can see the last bullet
 6 point says:
 7 "12mm Marley Eternit decorative rain screen board."
 8 And in brackets you have written "Natura"; is that
 9 right?
 10 A. Yes.
 11 Q. I can't work it out, is that the closed bracket or is it
 12 a question mark?
 13 A. It's a question mark.
 14 Q. Right. Why were you querying the Natura?
 15 A. Just to confirm whether it was Marley Eternit Natura.
 16 Q. Why did you want to confirm that?
 17 A. It was a question asking what specific Marley Eternit
 18 board it was.
 19 Q. What had prompted that question, do you remember?
 20 A. I don't. It was just — I think Marley at the time were
 21 producing various boards, so it was just a confirmation
 22 back to Phil, or a question back to Phil: was it Marley
 23 Eternit Natura?
 24 Q. Had you seen something to raise the question?
 25 A. As I said, I can't recall. As I said, it's — there was

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1 a specific board that was commonly used in systems and
 2 it was Marley Eternit Natura. So the question was:
 3 should that be in there or was it a different product?
 4 SIR MARTIN MOORE-BICK: Can I just ask, Mr Howard: do you
 5 know what Natura refers to?
 6 A. It's a product name.
 7 SIR MARTIN MOORE-BICK: Yes, but what does it signify,
 8 a composition, a colour, or what?
 9 A. A composition, I believe. It's a specific fibre board.
 10 SIR MARTIN MOORE-BICK: Thank you.
 11 A. It's not a colour reference.
 12 MR MILLETT: Can we go to {BRE00032372/3}, and have that
 13 blown up, please, on the screen. This is a delivery
 14 note from FGF Birmingham, and if you look at the top
 15 right-hand corner you can see it's dated 14 April 2014.
 16 At the very bottom you can see it's signed by
 17 Phil Clark, as he accepted, and you can see what's
 18 delivered under the description, unit, original quantity
 19 and quantity delivered. You can see that it says, under
 20 "Description", "Natura", and there are some
 21 measurements:
 22 "3070x1250x8mm Ruby ... sheet. Original quantity:
 23 6. Quantity delivered: 6."
 24 Then immediately underneath that:
 25 "Natura N154 Cream White 3130x1280x12mm. Sheet.

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1 Quantity: 5."

2 Then there is something called Natura Plus, also in

3 12 millimetres, opal.

4 This clearly identifies the Marley Eternit

5 12—millimetre product as Natura, doesn't it, as you can

6 see?

7 A. Yes.

8 Q. And it also identifies the ruby panels as Natura.

9 My question is: had you identified the 12—millimetre

10 panels as Natura by reference to this delivery note?

11 A. I can't recall.

12 Q. You can't recall.

13 Would you have looked at the delivery notes on the

14 file when checking the components of the rig, as you

15 did?

16 A. Erm ...

17 Q. When I say "would have", can I be clear what I mean:

18 would it have been your practice to have done that?

19 A. I wouldn't usually go back to delivery notes, no.

20 Q. You wouldn't usually?

21 A. No.

22 Q. Did you sometimes?

23 A. Sometimes, yeah.

24 Q. What would govern whether you sometimes would do that?

25 A. If there was question marks over the build or specific

45

1 descriptions of products, but it wasn't my usual

2 practice to go all the way back to the buildings — to

3 the delivery notes.

4 Q. It looks on the documents, though, that you would have

5 been prompted to ask the question "Natura?" by looking

6 at this document, forming part of the delivery notes on

7 the file. Is that right? Is that where you would have

8 got the Natura from?

9 A. I can't recall, but Natura is a brand — is a specific

10 type of Marley Eternit board, so it was probably to

11 confirm what the board was on the system. It was — the

12 annotation on the report is "Natura" with a question

13 mark, ie what was it?

14 Q. What I'm really suggesting to you is that you wrote the

15 word "Natura" with a question mark next to it because

16 you had seen that brand name in the delivery note,

17 rather than recalling that that was a brand name for

18 a Marley Eternit board.

19 A. I don't recall. I mean, as I said, it's a popular

20 board.

21 Q. Looking at the delivery note, you can see, as I've shown

22 you, in the first line, that it identifies the

23 8—millimetre ruby board also as Natura, doesn't it?

24 A. Yeah.

25 Q. But we don't see that you commented on the fact that

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1 only one type of Marley Eternit was identified in the

2 list that we've just been looking at in the draft

3 report, namely the 12 millimetres, but not the

4 8 millimetres. You don't do that, do you?

5 A. No, it's not — it's on the delivery note but it wasn't

6 recorded in the report.

7 Q. Yes. Can you explain why you didn't note the presence

8 of the 8—millimetre Marley Eternit ruby on the list of

9 components when you were reviewing it?

10 A. Because I would not have gone all the way back to the

11 delivery notes when checking the report.

12 Q. Right. But you said you couldn't recall whether you did

13 or not. Is your explanation that because it's not

14 there, therefore you didn't? Is that what you're

15 saying?

16 A. No, what I said was it wasn't my usual practice to go

17 all the way back to the delivery notes to check system

18 components. I'd only go back to delivery notes if there

19 was a real question mark that needed the information

20 from them.

21 Q. Let's go back to the draft report, please, at

22 {BRE00030677/13}. You can see here that you looked at

23 this, because you wrote this arrow in blue pen, didn't

24 you? Well, let me ask you: is that yours?

25 A. Yeah, that looks like my writing.

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1 Q. I assumed it is, because it's in the blue.

2 You wrote, "2 size". What's that a reference to?

3 A. Probably to increase the size of the photograph.

4 Q. Increase the size of the photograph?

5 A. In the report.

6 Q. Is that not a reference to the fact that there were two

7 sizes of Marley Eternit board shown here as the

8 different colours?

9 A. I ... no, I think it's probably more likely to be,

10 looking at the — to get the — increase the size of the

11 report — sorry, the size of the photo, but I can't

12 recall specifically.

13 Q. It doesn't say "increase the size", it says "2 size",

14 with a figure 2, not "to". So is this not a reference

15 to the fact that you had noted here that there were

16 in fact two sizes of Eternit board, one signified by the

17 white and one signified by the clearly visible ruby

18 bands on this photograph?

19 A. I don't recall that. I don't ... I can't recall why

20 I wrote that.

21 Q. Given that you could clearly see from this photograph

22 that there were two colours, as indeed you observed

23 during the test, why did you not go back and check the

24 delivery notes, if you didn't, to check what these two

25 products were?

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1 A. But there's four colours. There's four different
2 colours. It was not unusual to have multicoloured
3 systems installed.
4 Q. Why not note the fact that there were two different
5 colours in the list of components?
6 A. Well — but there's four different colours, if you look
7 at that photograph, so it just looked like they'd used
8 multicoloured boards.
9 Q. Well, you say four different colours. I can see that
10 the wing wall at the bottom has got a slightly darker
11 grey panel there. Where is the fourth colour?
12 A. It might be shadow, but on the wing wall.
13 Q. Right.
14 Given that you were there at the time, you would
15 have noticed four colours. I don't think you have
16 mentioned the fact that you have noticed four colours at
17 the time, as opposed to shadow representing one of them.
18 Are you going just on the photograph now, or do you have
19 a recollection that there were in fact four colours at
20 the time?
21 A. I don't really recall this specific test in that level
22 of detail, because I wasn't the project manager. What
23 I'm trying to say is it's a multicoloured system which
24 I have seen that didn't strike me as anything unusual.
25 They'd just used multicoloured boards. There's grey

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1 boards at the bottom on the wing wall.
2 Q. Phil Clark's evidence — and this is both in his witness
3 statement and to the Inquiry last week — was that he
4 had actually had a specific conversation with Mr Roper
5 about the ruby-coloured boards, as he wanted to know
6 about them.
7 If it was so common to have multicoloured rigs, as
8 you're telling us, are you able to account for why it
9 was necessary for Mr Clark to have that conversation?
10 A. Because certain colours and certain pigments used to dye
11 boards have a higher organic content, so they performed
12 differently in reaction to fire tests.
13 Q. And a ruby-coloured board was one such board; yes?
14 A. I wouldn't know that without knowing what the dye was or
15 the organic content or testing available. But colour is
16 one of the ... it's one of the questions that you ask.
17 Q. Right. So if it's very usual to have multicoloured
18 boards, would it be very usual to understand what each
19 board with different colours was, because, as you say,
20 of different performances in fire depending on the
21 pigments used?
22 A. Yes. I mean, looking at this, we should have understood
23 and fully documented what each colour was in the board,
24 but it's a large-scale test. And, in hindsight, yes, we
25 should have detailed all the colours that were on there

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1 and what the boards were.
2 Q. Yes, in hindsight, that's noted, and I'm grateful, but
3 I'm just trying to work out the thinking at the time.
4 Given that you would need to understand what these
5 boards were if they were of different colours, why
6 didn't you go about that task when reviewing the list of
7 components?
8 A. Because I just took it at the time that they'd supplied
9 multicoloured boards and we were testing a multicoloured
10 board system. I didn't see anything — it's a cladding
11 test, it's a large-scale test, I didn't see the need to
12 go any further with that (inaudible).
13 Q. Did you not see the need at least to identify clearly
14 each separate set of boards of different colours so that
15 somebody reading the test report would understand that
16 there were different coloured boards on the outside,
17 possibly with different fire performances?
18 A. I didn't at the time, no. I didn't ...
19 Q. Why is that?
20 A. Erm ... I just think for the larger-scale tests, I'd
21 accepted or it was accepted that the boards — it's not
22 a small-scale reaction to fire test. If you're running
23 a cladding test, it's a large-scale test. Maybe there
24 wasn't the thought that the colour would make that much
25 difference in a cladding test.

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1 Q. Did you —
2 A. (inaudible) the size of the test.
3 Q. Did you notice the fact that these ruby boards were at
4 very specific points, important points, on the rig,
5 namely at the level 2 thermocouples and at the top of
6 the rig?
7 A. Did I notice specifically? Yeah, I've seen the test
8 report, I've reviewed a draft of the test report, so
9 I would have noticed because I went through it and my
10 writing's on it.
11 Q. Therefore, were you not curious to know why these
12 multicoloured or different coloured boards were present
13 at those particular places on the rig?
14 A. Not specifically, no, I didn't ask a specific question,
15 because you have multicoloured — you can have
16 multicoloured systems.
17 Q. Yes. You can have multicoloured systems, I understand
18 that, but where the different colours appear at these
19 two important parts of the rig, the level 2
20 thermocouples and the top of the rig, why didn't you
21 specifically ask yourself, "I wonder what those are"?
22 A. Because I've just assumed that all we had was
23 a consistent level of board of different colours. You
24 will often see in buildings a different colour on floor
25 slab levels, for decorative features. So it didn't

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1 strike me that we were doing anything particularly
 2 different to what was being tested elsewhere.
 3 Q. Did you not wonder why those different colours weren't
 4 used anywhere else on the rig, or at other locations on
 5 the rig?
 6 A. No.
 7 Q. Did the fact that they were only at the level 2
 8 thermocouples and the top of the rig not signify
 9 anything to you at the time?
 10 A. Not — no, not really. I think I'd accepted we were
 11 dealing with a single layer of board and they'd chosen
 12 multicoloured boards.
 13 Q. Well, why wasn't the mere fact that they had chosen
 14 multicoloured boards reason enough for you to go back
 15 and find out what they were against the delivery notes
 16 on the file?
 17 A. Because, as I said, it — the significance of the
 18 multicoloured boards in those level — at those points,
 19 was not — it was if we were dealing with a — I was
 20 under the impression we were dealing with a single layer
 21 of board system with different colour boards and that
 22 was the configuration which they wished to test.
 23 Q. Indeed. I'll try one more time, and maybe you can't
 24 help any further. Given the fact that these were
 25 different coloured boards, and coloured boards can

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1 perform differently in a fire, and given the specific
 2 locations at the level 2 thermocouples and the top of
 3 the rig, why didn't you just check to make sure you
 4 understood precisely what those boards were being used
 5 at those important locations before signing off on the
 6 list of components in the test report?
 7 A. Because, as I said, I didn't put enough emphasis on the
 8 colours, because I was dealing with what I thought was
 9 a single layer of board on the system.
 10 Q. Can we look at page —
 11 SIR MARTIN MOORE-BICK: I'm wondering whether you can find
 12 a convenient point.
 13 MR MILLETT: Sorry, Mr Chairman, I've unthinkingly overrun
 14 my time, I apologise.
 15 SIR MARTIN MOORE-BICK: No, I was letting you run because it
 16 was all part of a set of questions, but —
 17 MR MILLETT: Now is a convenient moment.
 18 SIR MARTIN MOORE-BICK: Are you sure?
 19 MR MILLETT: It's as convenient as any, yes.
 20 SIR MARTIN MOORE-BICK: All right.
 21 I think it's time we had a break, Mr Howard, so
 22 we're going to take a break now, and we will resume,
 23 please, at 11.40. Again, please don't talk to anyone
 24 about your evidence or anything relating to it over the
 25 break. All right?

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1 THE WITNESS: Thank you.
 2 SIR MARTIN MOORE-BICK: Thank you very much.
 3 (11.23 am)
 4 (A short break)
 5 (11.40 am)
 6 SIR MARTIN MOORE-BICK: Welcome back, everyone. We're going
 7 to continue hearing from Mr Stephen Howard.
 8 Mr Howard, you can hear me, I hope, and see me?
 9 THE WITNESS: I can.
 10 SIR MARTIN MOORE-BICK: Good, thank you very much. And
 11 you're ready to carry on, I hope?
 12 THE WITNESS: I am, yes.
 13 SIR MARTIN MOORE-BICK: Thank you very much.
 14 Well, then, when you're ready, Mr Millett, please.
 15 MR MILLETT: Thank you, Mr Chairman.
 16 Mr Howard, did you ever have any discussions
 17 internally within the BRE about what these ruby-coloured
 18 boards were on this rig?
 19 A. I can't recall.
 20 Q. Did Mr Clark tell you at any point that you could ignore
 21 the different colours on the rig because they made no
 22 difference?
 23 A. No.
 24 Q. Did Mr Clark tell you that they made no difference
 25 because the white boards had been thickened from the

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1 8 millimetres in the February 2014 test to
 2 12 millimetres in the May 2014 test?
 3 A. No.
 4 Q. Can we go back to page 6 of the report, please, that's
 5 {BRE00030677/6}. You say under section 3.3, just at the
 6 very bottom of the page, do you see under "Fire breaks",
 7 it says:
 8 "Vertically either side of the hearth for the full
 9 height of the test frame."
 10 Those are your words you have suggested should be
 11 added in there, aren't they?
 12 A. Yes.
 13 Q. Yes. Now, if we look at {BRE00030677/12}, same report,
 14 page 12, we can go to figure 1, and that's the system
 15 during construction, which clearly shows this. Is this
 16 image what prompted you to make the correction or the
 17 addition?
 18 A. I can't recall. I mean, it's — the report's a drafting
 19 process at the stage that we're going through. I would
 20 check photographs, I would check notes, I would check
 21 a number of things.
 22 Q. Right. You can clearly see on this, can't you, that
 23 there are fire barriers vertically either side of the
 24 hearth for the full height of the test frame?
 25 A. Yes.

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1 Q. Yes.
 2 Now, in her expert's report, Dr Lane has observed --
 3 and I had better show you this, this is at
 4 {BLAS0000026/40}. This is section E4.5.21, and she
 5 says:
 6 "The provision of cavity barriers is different in
 7 the photograph (Figure 2 in BRE report [which is the
 8 figure it became in the final version]) relative to the
 9 design drawings (Figure 7 in BRE report):
 10 "a) Additional vertical cavity barriers were
 11 installed in the test above level 1, but are not shown
 12 on the test drawings;
 13 "b) An additional 3rd horizontal cavity barrier was
 14 installed in the test, but is not represented in the
 15 test drawings."
 16 Now, that's what she says.
 17 If we look at the copy of the report as issued,
 18 that's at {BRE00002497/17}, please. This is figure 7 of
 19 the issued report that she is talking about. If you
 20 look at it -- you may need to have it blown up a bit --
 21 you can see pretty clearly from that that it doesn't
 22 show the vertical fire barriers, does it?
 23 A. No.
 24 Q. No.
 25 This diagram is not in the version that you

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1 reviewed, nor the Inquiry believes, but we'll have to
 2 check, the version reviewed by Mr Baker. Can you help
 3 us as to how this diagram got into the final version of
 4 the report?
 5 A. I can't, no, I don't know how that went in.
 6 Q. Would it be normal for a diagram such as this to be
 7 inserted after checking?
 8 A. No, you shouldn't do that.
 9 Q. Right. Can you explain how come it happened?
 10 A. Well, all I've done is reviewed a draft, I have returned
 11 a draft for correction, I can't explain how
 12 an additional drawing went into the report.
 13 Q. Can we go back to the draft that you reviewed at
 14 {BRE00030677/29}, this time, please. This is figure 19.
 15 When you read this report, and made corrections, did
 16 you look at this photograph?
 17 A. Erm ... I can't recall. Possibly. Is there any text
 18 either side of the photograph? Because my usual
 19 practice would be to write on the document.
 20 Q. Well, let's chase it through.
 21 Go back to page 26 {BRE00030677/26}. Bear with me.
 22 If you look at the bottom of page 26, you can see
 23 figure 16, and you've written through it and put 15, so
 24 you have changed the number. So you clearly reviewed
 25 that one, didn't you?

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1 A. Yeah.
 2 Q. Then if we go to the next page, page 27, this is
 3 figure 17. There is no annotation on that page.
 4 Similarly, page 28, figure 18, and page 29, figure 19.
 5 Are you saying that the fact that there is no mark
 6 on that page means that you simply didn't look at those
 7 pages of the report?
 8 A. I might have flipped through it, but the report is still
 9 in draft stage. So with the number of corrections that
 10 were in there, including issues over the
 11 cavity barriers, it just ... it wasn't a final review of
 12 the document. So I can't recall whether I'd have gone
 13 through and checked each individual at that stage or we
 14 were at the stage where it was going to go back -- well,
 15 it was definitely going back round for another set of
 16 corrections and another set of reviews.
 17 Q. Yes, what I'm really seeking to explore with you,
 18 Mr Howard, is the extent to which you reviewed the full
 19 report that you were reviewing. Did you see figure 19?
 20 A. I can't recall.
 21 Q. Is there any reason why you wouldn't have seen
 22 figure 19, working on your usual practice?
 23 A. No, I'd have flipped through the report. As I said, the
 24 report was going back for a considerable number of
 25 changes, and there was obviously technical details

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1 wrong, so ...
 2 Q. You say you would have flipped through the report;
 3 that's not a fair description of the diligent approach
 4 you took to this document, is it? You actually made
 5 corrections on it, including some technical corrections
 6 of some detail. Is it quite fair to describe your
 7 process as simply flipping through it?
 8 A. What I'm saying is it was going back round for another
 9 review. I can't recall whether it had got to the --
 10 whether I was looking at a photograph and it was: right,
 11 there's so many corrections on this that we need to
 12 redo -- this needs to go back round for a full review.
 13 Q. We can see if we read on, though, to page 33
 14 {BRE00030677/33}, for example, that there was a further
 15 annotation by you, as you write on page 33, if we can
 16 just go to that, at the top of the page, "Not on file",
 17 with a tick at the bottom. So you clearly got past
 18 figure 19, didn't you, in your review?
 19 A. Yeah.
 20 Q. So can we take it, then, that, although you may not
 21 recall it specifically now, sitting there today, you saw
 22 figure 19 when you reviewed this report, this draft
 23 report?
 24 A. Yes, I think I would have gone through the report.
 25 Q. When you went through the report, and saw figure 19,

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1 what did you think the white board was at the top of the
 2 rig running round and one board at the second layer
 3 thermocouples?
 4 A. I don't recall but, as I said, this is a draft in
 5 process, so ...
 6 Q. Can we please have —
 7 A. Some of these reports go round five or six times.
 8 Q. Yes. This was the first time, I think, you had seen
 9 this, wasn't it?
 10 A. Well, no. If you look on the front it says "Version 3".
 11 Q. Well, do you remember whether this was the first time
 12 you had seen this?
 13 A. I think this was the first time I'd seen it, but it was
 14 obviously requiring a considerable volume of work.
 15 Q. Yes.
 16 Can we have up on the screen, please, together,
 17 place them side by side, page 27 {BRE00030677/27} and
 18 page 29 {BRE00030677/29}, respectively figure 17 and
 19 figure 19.
 20 Now, when you went through the report making your
 21 review and corrections as you went, did you not notice
 22 that when the rig was being dismantled, on the left-hand
 23 side — well, it was just post-test, still smouldering,
 24 we can see the ruby panels in place on those two
 25 locations on the rig, but during dismantlement, those

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1 two ruby-coloured locations had gone and behind them was
 2 this white material?
 3 A. If I'd have spotted that, I would have written it on the
 4 documents, but at that review stage I may not have
 5 seen — or, sorry, I may not have registered at that
 6 point. As I said, this is a draft in progress, and some
 7 of these go round the loop five or six times.
 8 Q. Why would you not have spotted it? After all, these
 9 photographs are separated in this report by only
 10 one page. How is it that, going through this report as
 11 you did, you would not have realised that there was
 12 something underneath the ruby boards in those two
 13 locations on this rig?
 14 A. Well, as I said, you go through the drafts. I think
 15 possibly that report had got to the point where there
 16 was so many corrections needed that it had to go back
 17 for review. I mean, I'd gone through the report. The
 18 process would be to review the report until you were
 19 satisfied with it. If — I may have just flipped
 20 through those couple of photographs, because they're
 21 photographs, and gone on to check whether other material
 22 or other aspects or the way I was checking it was going
 23 from one point to the other. As I said, these reports
 24 go through the loop — go back round the loop a number
 25 of times. They do that so that — to try to minimise

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1 the chance of items being missed.
 2 Q. We saw earlier that you were doing at this stage
 3 a careful tick-check of the precise components of the
 4 rig, weren't you?
 5 A. Yes, I was comparing what was in the report to the
 6 information in the file.
 7 Q. Clearly these photographs were in the file, because
 8 they're in the report; yes?
 9 A. Yeah.
 10 Q. So why is it that when doing your tick-check review of
 11 the precise components of the rig, you didn't, when you
 12 came to these photographs, ask yourself: I wonder what
 13 that is on figure 19, is that a component of the rig,
 14 and what is it?
 15 A. Because this is a — to me, this was a first draft
 16 report. I'd been through it once, and I expected to go
 17 through it another couple of times before adding my
 18 signature.
 19 Q. I don't understand that. You may have expected it to go
 20 through another version or two, but at this stage, why
 21 wasn't your review as thorough as you could have made it
 22 so as to minimise any further work to do on it?
 23 A. Because what we usually do is — well, what usually
 24 happens is report iterations go through and you keep
 25 reviewing and you keep checking the various drafts.

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1 It's not ... it's an iterative process. At that stage,
 2 as I said, the reports go round — go back and forward
 3 a number of times. The aspect of the cavity barriers
 4 should have been reflected in the drawings and that
 5 would have been checked. But we're at a drafting stage,
 6 so they just keep going through the loop until you are
 7 satisfied. It may have been I've just not spotted it at
 8 this stage.
 9 Q. I feel bound to suggest to you that you did spot it at
 10 this stage, as part of your careful check of the precise
 11 components of the rig, and decided to ignore the
 12 presence of that white banding in figure 19.
 13 A. No.
 14 Q. Why would you have left the investigation of what that
 15 white banding was in figure 19 to a later review
 16 process?
 17 A. Because, as I said, the review process for test reports
 18 is iterative, and it may be that on — I'd have gone
 19 back through, maybe you would start, that was a partial
 20 check, then you get to the point of a large number of
 21 corrections, it's time for the report to go back to get
 22 it closer to what is going to be the final issue.
 23 Q. When you signed this draft off, at what point did you
 24 have in mind that you would actually look carefully at
 25 these photographs?

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1 A. Sorry, can you say the question again?
 2 Q. When you signed this draft off, when did you think you
 3 would have a close look at these photographs?
 4 A. I expected to do the final sign-off of that report.
 5 Q. And you did, didn't you?
 6 A. No, I didn't do the final sign-off, these were draft
 7 reports that were going through the loop.
 8 Q. Well, let's have a look —
 9 A. There is not a sign-off process for draft reports, it's
 10 just return for corrections.
 11 Q. So when you sent it off expecting for there to be
 12 a further review, when did you think you would see this
 13 again?
 14 A. When Phil Clark had made the changes and those changes
 15 had been cross-checked and further reviews of the
 16 document had been done.
 17 SIR MARTIN MOORE-BICK: Mr Howard, would you agree that the
 18 whole purpose of the iterative process that you've
 19 described is that each person who plays his part in that
 20 process should identify everything that he can that may
 21 be wrong with the draft in its current state?
 22 A. It is, if you expect it to go to someone else. If I'm
 23 reviewing the test reports myself, and I expect to
 24 sign off the final draft, it just keeps coming back to
 25 me.

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1 SIR MARTIN MOORE-BICK: Yes, but wouldn't you expect to spot
 2 all the mistakes that you can every time it comes round?
 3 A. Well, you would expect — hopefully what you would do is
 4 have a test report to start with that you only check
 5 once.
 6 SIR MARTIN MOORE-BICK: Well, maybe.
 7 A. What you do is you go through an iterative process and
 8 there are times when you don't pick it up on the first
 9 check. If —
 10 SIR MARTIN MOORE-BICK: I quite understand that you may not
 11 pick something up on the first check, but the way you
 12 conduct the first check, surely, is that you attempt to
 13 pick up everything?
 14 A. Yes, you would attempt to pick up everything.
 15 SIR MARTIN MOORE-BICK: So one might have thought that you
 16 would examine the photographs to satisfy yourself that
 17 there was nothing that required any further action.
 18 Would that not be fair?
 19 A. Well, that, in hind — well, yes, I should have picked
 20 up every error in that report, but I've not done so.
 21 But, as I said, it's — that — I was fully expecting
 22 that report to come back to me, so it was in my mind as
 23 to the report needed a lot of work at that stage.
 24 SIR MARTIN MOORE-BICK: All right. Thank you very much.
 25 MR MILLETT: Let's move on in time.

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1 Can we go, please, to {BRE00005773/385}. This is
 2 an email from you to Celotex, Debbie Berger and
 3 Jonathan Roper, on 17 October 2014, so some six months
 4 or so after the May test. You say:
 5 "We had a conversation a while ago regarding the
 6 content of the classification reports and the level of
 7 technical detail they contained (we need to put a lot of
 8 info in, but you don't want your competitors to see it).
 9 "We have come up with a way of doing it.
 10 "So if this is of interest, can you remind me of
 11 what you were hoping to achieve (sorry it has been a
 12 while) and I will see if we can do it."
 13 On the "We have come up with a way of doing it", is
 14 the reason why you need to put a lot of technical detail
 15 into reports that a BS 8414 test is a system test and
 16 any BR 135 classification relates only to the specific
 17 system tested?
 18 A. Yes.
 19 Q. And therefore anyone relying on a BR 135 classification
 20 needs to know exactly what the system tested was; yes?
 21 A. That's correct.
 22 Q. So what information, if any, were you suggesting might
 23 be legitimately omitted?
 24 A. (inaudible) board(?).
 25 I did provide separate evidence of this with how we

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1 were going to address this issue, because as I gave in
 2 evidence yesterday, it's not unusual for manufacturers
 3 to request that specific proprietary information is not
 4 detailed in the reports, and, as I explained yesterday,
 5 across the reaction to fire testing, it's pretty
 6 commonplace to do that. The way we were going to do it
 7 is issue a full report and issue a second document that
 8 makes it very clear that there is a full report
 9 available for whoever is reliant on that and the BR 135
 10 to install on a building, that that was available. And
 11 I have submitted evidence and examples of how that was
 12 going about. It actually gets us over this issue of
 13 removing specific lines or specific technical detail
 14 from the report.
 15 Q. You started that answer with something that neither
 16 I nor the transcriber could hear, but you said
 17 "(inaudible) [something] board" in answer to my
 18 question. What was your answer?
 19 My question was: what information, if any, were you
 20 suggesting might be legitimately omitted? I heard you
 21 say "[something] board". Could you just tell us what
 22 you said?
 23 A. I didn't say "board". I'd said manufacturers often
 24 request that proprietary information is withheld from
 25 the reports, so ...

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1 Q. Right. What information —
 2 A. Sorry?
 3 Q. So sorry. I interrupted you.
 4 A. And I've provided examples in my evidence of a way to
 5 achieve that, and it gets us away from this business of
 6 removing specific details in the report at their
 7 request, which is common in reaction to fire test and
 8 classification reports.
 9 Q. What specific information were you advocating be removed
 10 from or not mentioned in the report?
 11 A. Well, that would have come down to the request of
 12 Celotex or whoever we were going to do it for, but it
 13 would involve issuing a full report with all the
 14 details, and a second document called a supplementary
 15 report that makes it very clear that specific details
 16 have been removed, but there is an original report
 17 available for review.
 18 Q. Yes, and as you say — you deal with this in your
 19 statement, I think. Shall we go to that? It's at
 20 paragraph 188 in your statement on page 42
 21 {BRE00005771/42}.
 22 Is this what you were referring to when you said
 23 earlier that you had given evidence about that?
 24 A. Yes.
 25 Q. Yes, and in the last part of that paragraph it says:

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1 "A proposal was made that BRE might be able to issue
 2 'supplemental' reports showing less detail than the main
 3 report (which could then in theory be put into the
 4 public domain), although the 'supplemental' report would
 5 make it very clear that full test and build details were
 6 available in the main report ..."
 7 So is this right: your way of doing it referred to
 8 in the emails was to come up with this sort of
 9 supplemental, truncated version of the report which
 10 could be put into the public domain, which then
 11 signposted the availability of the main report? Was
 12 that the plan?
 13 A. That was what was being suggested, and I believe
 14 I provided examples of where we've done that for others.
 15 Q. I see, and that's what you are referring to, or that's
 16 what she is referring to, is it, in her email?
 17 A. That's what I understood, because the proprietary
 18 information in the reports is valuable and, as I said,
 19 it's not uncommon to have those requests. What you end
 20 up doing with reaction to fire reports is just basically
 21 saying the manufacturer or the test sponsor requested
 22 this information is withdrawn and it's — this, in my
 23 view at the time, was a better way of doing it.
 24 Q. Can we go to {CEL00002131}, please. This is an internal
 25 email within Celotex in October 2014 where Debbie Berger

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1 writes to Jonathan Roome and Paul Evans, but also
 2 Jon Roper copied, saying:
 3 "I'm going to set up a meeting with Steve Howard
 4 early next week to talk about how to detail our BRE
 5 RS5000 fire report so as it gives the relevant
 6 commercial info without the sensitive stuff. He's got
 7 some ideas that could help us.
 8 "Would you like to come to this meeting. I would
 9 value your input.
 10 "If so will you give me access to your diary so
 11 I can schedule a meeting?"
 12 Is that a reference to your email of 17 October
 13 where you told her you had come up with a way of doing
 14 it?
 15 A. Yes, I believe so.
 16 Q. Yes. We know that you did meet Debbie Berger on
 17 4 November 2014, and we have a note of that meeting.
 18 Before I take you to that, can I just ask you: what
 19 was, to the best of your understanding — I know this
 20 isn't your language — the "sensitive stuff" that she
 21 didn't want to have in the report?
 22 A. I don't know, but from experience information such as
 23 position of cavity barriers, number of cavity barriers,
 24 manufacturer of cavity barriers and things of that
 25 nature were considered sensitive in that sector. So it

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1 wasn't unusual, as I said, and other areas of testing,
 2 it's not unusual for test sponsors to remove details of
 3 proprietary — or request the removal of details of
 4 proprietary information.
 5 Q. Was this not always a problem with any 8414 test, given
 6 that it's a system test, that you're going to be testing
 7 a product within a system comprising components which
 8 are proprietary?
 9 A. It's only — well, it is a problem, but it's a problem
 10 if the test sponsor — if the security of the test
 11 report becomes an issue for the test sponsor. If they
 12 cannot rely on that being held in confidence to the
 13 people that they are supplying to, then it becomes
 14 an issue. But from a technical point of view, you want
 15 to put as much information in the test report as you
 16 can.
 17 Q. Yes, I was just wondering why it was that it took until
 18 late 2014 to come up with this double report solution.
 19 Wasn't it a much more common problem before that?
 20 A. Well, the approach before that, and it's across RTF
 21 reports, is to remove the information on request and
 22 basically put a statement in that says "Held on file",
 23 which to — it was — the approach that we then come up
 24 with was to issue two reports: one with all the
 25 technical detail, and one effectively unusable, but

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1 demonstrated that the test was in existence.
 2 Q. Yes, and given that you had had to come up with a way of
 3 doing it, it looks very much like this was the first
 4 time that you had encountered this problem; is that
 5 right?
 6 A. On cladding, yes, but it was — there's a set of
 7 procedures under the EGOLF rules that we were using in
 8 other areas, so this was applying those rules to this
 9 area.
 10 Q. Can you account for why this was the first time this had
 11 come up on cladding, as you put it?
 12 A. Well, it wasn't the first time, because in the original
 13 Kingspan report, the 2005 one, it — there are sections
 14 in there that says products are held on file, and as
 15 I said, it's across the reaction to fire business.
 16 Q. Forgive me, Mr Howard, your answer was, in answer to my
 17 question, "It looks as if this was the first time you
 18 had encountered this problem", you said, "On cladding,
 19 yes". That's what you said. That's your evidence. Do
 20 you want to change?
 21 A. Well, it's the first time I'd had to deal with it and
 22 come up with a solution that didn't give us this issue
 23 of putting, "The details are held on file".
 24 Q. Can we then go to the note of the meeting,
 25 {CEL00001260}. This is Debbie Berger's note of that

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1 meeting, and you can see the date of it, it's — well,
 2 you can't see it from the document, but it was
 3 4 November 2014.
 4 Let's look at the bullet points at the top of the
 5 page:
 6 "Market: Growing uncertainty — Technical
 7 application."
 8 First bullet point, "Emotional", and then underneath
 9 that "Life safety".
 10 Is it right that the BRE recognised that life safety
 11 was a consideration?
 12 A. Well, life safety is a consideration in fires, but
 13 I wasn't aware of these notes.
 14 Q. Do you remember what she said or anybody said at the
 15 meeting which might have led her to write the word
 16 "Emotional" there?
 17 A. No.
 18 Q. Looking further down the bullet points, you can see that
 19 there is reference to the:
 20 "BRE/BBA/NHBC approvals sensitive to insulation
 21 being about sales."
 22 And then underneath that, at the last bullet point:
 23 "Burnt by K15 approvals in the past."
 24 What was that about?
 25 A. I don't know. I don't remember this conversation, and

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1 these were not a set of minutes that I've seen.
 2 Q. Was the suggestion being made here that the BRE in the
 3 past had been too sympathetic to manufacturers? Was
 4 that the point that was being got at here by those at
 5 the meeting?
 6 A. But, as I said, I don't recall any of these areas being
 7 specifically discussed, and that's ... I can't really
 8 comment on what was meant by that statement.
 9 Q. If you go down the page to items 2 and 5, item 2 says:
 10 "Gain advice from a Façade engineer Andrew Jones
 11 (Total Façade Solutions) to direct us."
 12 Then under 5:
 13 "Bring together Stephen Howard from BRE and
 14 Andrew Howard[sic] Total Façade Solutions to better
 15 understand how to move forward with testing. Explore."
 16 Was it you who recommended Andrew Jones of
 17 Total Façade?
 18 A. No.
 19 Q. Do you remember how his name came up?
 20 A. I don't. I don't believe I know Andrew Jones.
 21 Q. If this note is accurate, can you explain why you or the
 22 BRE would be involved in helping Celotex to "better
 23 understand how to move forward with testing"?
 24 A. Sorry, where are we looking?
 25 Q. Bullet point 5.

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1 A. Sorry.
 2 Q. "Bring together Stephen Howard from BRE and
 3 Andrew [Jones] Total Façade Solutions to better
 4 understand how to move forward with testing."
 5 My question is: why were you involved, or would BRE
 6 be involved, in helping Celotex to "better understand
 7 how to move forward with testing"?
 8 A. Because it would be back to this issue of, if they
 9 wanted to cover a range of products, setting up the test
 10 plans and test programmes to test the most onerous
 11 configurations. That is something that's common across
 12 the business.
 13 Q. Was it common across the business that you would work
 14 together with façade engineers such as Andrew Jones from
 15 Total Façade Solutions in designing or setting up test
 16 plans or test programmes?
 17 A. Well, we wouldn't — I mean, we don't design.
 18 I wouldn't 100% know who I was talking to, but the
 19 information that we would provide back as to the
 20 approach to take in terms of thickest and thinnest
 21 insulation and things of that nature, if a client brings
 22 in someone else and it's — we would talk to them as
 23 well along the same lines.
 24 Q. Would it be common that you would work together with
 25 a façade professional in, to use your words and not my

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1 words, setting up the test plans and test programmes?
 2 A. Well, I think — I can only think — yes, potentially —
 3 it wouldn't be common, but we would do it. There's
 4 nothing to prevent us talking to a façade company along
 5 those lines, providing we had the permission from
 6 Celotex to do so.
 7 Q. You can see what would be explored in those two
 8 sub-bullet points under paragraph 5:
 9 " ■ Indicative tests on A2 and Class 0 cladding
 10 panels.
 11 " ■ Consider designs for re-testing."
 12 So it looks as if, according to this note of this
 13 meeting, there was discussion about the BRE being
 14 involved with Mr Jones of Total Façade Solutions in
 15 consideration of designs for re-testing.
 16 A. Again, the scope of that would be identifying testing
 17 configurations that could be taken forward to
 18 assessment.
 19 Q. Do you agree that there was discussion about that at
 20 this meeting as far as —
 21 A. I really don't recall that meeting, and I'm a bit
 22 surprised at that level of detail.
 23 Q. Right.
 24 Under item 2, looking back a little bit up the
 25 screen, please, it says in the bullet points under that:

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1 "SFS & Brick Façade Testing — Consider test as part
 2 of BS8414:2 (As instructed by Steve Howard)."
 3 What does "As instructed by Steve Howard" mean, do
 4 you think?
 5 A. I don't know. I don't recall the meeting, and ...
 6 Q. Right.
 7 A. I don't recall, because it would be very, very unusual
 8 to test a brick façade. So I'm pretty sure I'd have
 9 remembered that, because we wouldn't usually test those
 10 sort of systems.
 11 Q. Were you advising Celotex on possible systems to test in
 12 order to widen the scope of RS5000's application?
 13 A. I don't believe we ever got to that point with them.
 14 Q. Right. You may never have got to that point, but you
 15 were looking at preparatory steps to do so, were you?
 16 A. We would offer the same service to Celotex or — we
 17 would offer the same approach of testing so we could
 18 feed into assessment reports. There's no reason not to.
 19 Q. How did that sit with your obligations to remain
 20 impartial, did you think?
 21 A. As I said, we're not detailing how clients should test,
 22 we're telling them the parameters which they should test
 23 in the worst-case scenarios so that we can assess on
 24 from that. As I said, it's common throughout the
 25 fire testing area to provide this sort of information.

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1 Q. It looks from this note that there was no discussion at
 2 this meeting about coming up with the solution you had
 3 come up with by which you would have a supplemental
 4 report and a main report. That doesn't appear to have
 5 been discussed at this meeting, looking at the note.
 6 Can you explain why that was?
 7 A. No. It was just a — an offer had been made and they'd
 8 decided not to proceed with it.
 9 Q. Can we go to {CEL00001261}, please. This is an email
 10 sent by Jonathan Roome of Celotex to Andrew Jones of
 11 Total Façades on 14 November 2014, and he says:
 12 "Hi Andy,
 13 "Reason for me trying to get hold of you over the
 14 last couple of days is twofold.
 15 "1. I met with Steve Howard from the BRE last
 16 Tuesday to discuss the option of further testing of our
 17 RS5000 product for BS8414 and choice of materials."
 18 Then he says:
 19 "One thing that Steve mentioned was that he would
 20 like to understand better the decision making process
 21 for designing a façade system. He is privy to
 22 manufacturers tests at the BRE but would like
 23 clarification from the other side of the fence.
 24 "Would you be interested in arranging to speak with
 25 Steve? This would certainly help with our future

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1 discussions when deciding what we should test."
 2 Is Mr Roome's record of what you said there in the
 3 second paragraph correct?
 4 A. Yes, and that was the response that was given, "I would
 5 like to better understand the decision-making process",
 6 ie what the variables were for a façade system, and yes,
 7 I was privy to manufacturers' tests, as were all the
 8 test staff.
 9 Q. Why were you interested in gaining such
 10 an understanding?
 11 A. So that, in essence, we could understand the parameters
 12 that they wished to test to, which we wished — that we
 13 could test and then move forward with assessment.
 14 Unless you have a full understanding, I don't ... you
 15 can't set your test systems up.
 16 Q. What did you understand, and help us, was meant by "the
 17 other side of the fence"? I know you didn't write this
 18 email, but what was the other side of the fence that you
 19 were seeking to understand, if this text is correct, as
 20 you confirmed?
 21 A. Well, I don't know, I don't know what side of the fence
 22 is being referred to. I was there providing — or we
 23 were there providing a testing service for
 24 manufacturers, and I'm not sure I can add to what was
 25 meant by "other side of the fence".

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1 Q. I want to ask you finally about class 0 and your
2 involvement in issuing the class 0 classification for
3 RS5000.
4 Now, do you recall that, in fact, historically,
5 Celotex had tested FR5000, which was the same product
6 with a different brand name, to BS 476—6 and 7 in
7 November 2011 and achieved national class 0?
8 A. I wouldn't — yes, I am aware of it, but I wouldn't
9 remember it specifically, so ...
10 Q. We have two documents, and do you accept from that that
11 you were signatories to the classification —
12 A. Yeah.
13 Q. Yes.
14 A. Sorry.
15 Q. Just for the record, it's {CEL00000382} and
16 {CEL00000383}.
17 Let's go to {CEL00001210/2}, please. If we go to
18 page 2 in that email run, we see an email sent at 10.19
19 in the middle of screen there from Jonathan Roper to
20 you, copied to Phil Clark. Do you see that? And he
21 asks you in the second paragraph:
22 "Could you also please arrange that our current
23 Class 0 test report concerning our FR5000 product can be
24 renamed and reissued with Celotex RS5000 as the product
25 code."

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1 This is 12 June 2014.
2 Did you have any concerns at the time about the BRE
3 re—issuing this classification for a product without
4 carrying out any additional testing?
5 A. No, because there's procedures in place to deal with
6 that, that are followed, and the re—issue of
7 classification documents made it perfectly clear that no
8 technical assessment had been conducted and the
9 manufacturer had declared all they were doing is
10 changing the name.
11 Q. Now, the final, final topic: I just want to ask you
12 about Phil Clark's visit to the BRE in preparation to
13 make his witness statement.
14 We heard from him, and indeed following a letter
15 from the BRE's solicitors on 24 February 2021, last
16 week, that Mr Clark attended the BRE site for a period
17 of three days, unaccompanied by any legal
18 representative, before he prepared his witness statement
19 for the Inquiry. It was his evidence, when he was
20 asked, that he had been given access to any BRE files
21 and documents that he deemed relevant.
22 My question for you, Mr Howard, is: were you aware
23 that he had made that visit?
24 A. Yes.
25 Q. Did you see him during that visit?

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1 A. I believe so, briefly.
2 Q. How briefly?
3 A. I knew he was on site. I can't recall exactly how much
4 time we spent together, but I would have said hello,
5 I believe.
6 Q. Can you remember what you discussed?
7 A. I don't believe we discussed anything.
8 Q. Right.
9 He told us, as I say, that he had been given access
10 to any BRE files or documents that he wanted to see.
11 Did you assist him in that exercise?
12 A. Not directly. That was undertaken by Angela Richards.
13 Q. Did you assist indirectly in that exercise?
14 A. Potentially, because we'd secured all the files in one
15 area, so any access to the files, I may have been asked
16 what cupboard they were in, what drawer they were in,
17 where on the V drive, where on the X drives. But my
18 involvement in it was no more than that.
19 Q. Did he ask, directly or indirectly, for the full test
20 file?
21 A. I can't remember producing the full test file for him,
22 but that would have been — he would have had available
23 to him the records that we had on site, including
24 electronic versions.
25 Q. Did he mention to you, directly or indirectly through

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1 Angela Richards, that he thought there were documents
2 missing from the test file?
3 A. No.
4 Q. Or documents missing generally?
5 A. No.
6 Q. Did he ask you, directly or indirectly, for any specific
7 documents?
8 A. I don't believe so. I don't exactly recall. As I said,
9 Angela Richards was dealing with it first —hand.
10 I wasn't.
11 Q. Did you discuss Mr Clark's attendance at the BRE site in
12 order to have access to documents with Dr Debbie Smith
13 at all, either at that time or later?
14 A. I would have been involved in the process, yeah.
15 Q. Can you tell us what you did by way of involvement in
16 the process?
17 A. Well, it would have been — as I said, we collated all
18 the records, and Debbie Smith had a PA as well, it would
19 have been facilitating, letting people know where
20 certain files were, and if certain things — just
21 explaining the filing system, the mix between files and
22 electronic records.
23 Q. When you were collating all the records, or when you
24 were involved in the collation of all the records, did
25 you notice that the test file for the May Celotex test

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1 was incomplete in any way?
 2 A. No.
 3 Q. Did you examine any of the records that you thought
 4 might be relevant for the purposes of the Inquiry to
 5 ensure that they were complete?
 6 A. Erm ... well, I examined the file to produce evidence.
 7 I don't think I would have gone through a process of
 8 checking the files to see that they were complete.
 9 Q. Did anybody do that?
 10 A. Not — I can't recall. Not that I'm aware.
 11 Q. Did nobody at the BRE go through the BRE's records to
 12 make sure that what the BRE was advised was relevant for
 13 the purposes of the Inquiry was complete?
 14 A. Well, you have access to records, and they were the ones
 15 that were there. Any records that we have were
 16 provided. I'm not sure I understand your question.
 17 Q. Whose decision was it, do you know, to allow Mr Clark
 18 unsupervised access to the BRE's documents and data over
 19 the course of three days?
 20 A. Well, it would have sat with Debbie Smith.
 21 Q. Did you discuss that question with Debbie Smith?
 22 A. No.
 23 Q. Do you know, can you tell us, how it was that
 24 Debbie Smith came to her decision that Mr Clark should
 25 be afforded a three-day unsupervised access to the BRE's

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1 documents?
 2 A. Because the request for evidence, and it was the same
 3 with Dave Hoare and Richard Jones, we just ... it was
 4 a case of providing access to the records so they could
 5 produce their witness statements. The treatment of
 6 Phil Clark was no different to Richard Jones or
 7 Dave Hoare.
 8 Q. I see. So were they also given unsupervised access?
 9 A. I don't know.
 10 Q. So my question —
 11 A. But I knew they were on site. But, as I said, the level
 12 of supervision was with Angela Richards.
 13 Q. Right, and what was her role, Angela Richards?
 14 A. I think her role at the time was customer service
 15 manager.
 16 Q. Right.
 17 A. But just — all the evidence from people that had left
 18 was given at the BRE site.
 19 Q. Right. So just to be very clear, who made the ultimate
 20 decision that Mr Clark should be given unsupervised
 21 access to the BRE's documents over that three-day
 22 period?
 23 A. Well, I think that's some — I did not make that
 24 decision, that sits at a level above me, so —
 25 Q. Yes.

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1 A. Well, I believe it was Debbie Smith, but that — I don't
 2 recall directly.
 3 MR MILLETT: Yes, thank you very much.
 4 Now, Mr Chairman, I've come to the end of my
 5 prepared questions. There may be one or two further
 6 questions in my notes, I will just go back and review,
 7 and there may well be questions from others that I need
 8 to put.
 9 SIR MARTIN MOORE-BICK: Yes.
 10 MR MILLETT: Is that a convenient moment for the usual
 11 break?
 12 SIR MARTIN MOORE-BICK: It is, certainly.
 13 Well, now, Mr Howard, just so that you understand
 14 how things go from here, Mr Millett thinks he has
 15 covered the full ground that he needs to cover, but he
 16 needs a couple of minutes just to check that, and there
 17 are others following this hearing who also may wish to
 18 suggest questions that should be put to you, so we have
 19 a break at this stage, just to give them that
 20 opportunity.
 21 I'm going to say that we will come back at 12.45,
 22 please, and at that stage we will know whether there are
 23 any more questions that we need to ask you. All right?
 24 And no talking about your evidence while we're on the
 25 break.

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1 Very good. All right, 12.45, please. Thank you
 2 very much.
 3 THE WITNESS: Thank you.
 4 (12.32 pm)
 5 (A short break)
 6 (12.45 pm)
 7 SIR MARTIN MOORE-BICK: Welcome back, everyone. We're now
 8 going to see whether Mr Millett has any further
 9 questions for Mr Howard.
 10 I'll just check that Mr Howard is there. I think he
 11 is. Are you, Mr Howard?
 12 THE WITNESS: Yes, I am.
 13 SIR MARTIN MOORE-BICK: Good, thank you very much.
 14 Well, we will see now whether there are any more
 15 questions for you.
 16 Yes, Mr Millett.
 17 MR MILLETT: Mr Chairman, thank you very much.
 18 Two questions, really.
 19 The first is in relation to the enlargement of the
 20 photograph in the draft report that you reviewed. Can
 21 I just have two documents up side by side on the screen.
 22 The first is from the draft report that we looked at
 23 earlier, that's {BRE00030677/13}, and the second at the
 24 same time, please, is {BRE00002497/13}.
 25 I wanted to show you these, in fairness to you,

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1 because when I asked you about "2 size", you said it was
2 about enlargement. On the left—hand side, we can see
3 the draft with your annotation on it, and on the
4 right—hand side we can see what has become figure 3 in
5 the report as issued, which has indeed been enlarged.

6 Now, when you wrote "2 size", were you intending
7 that it should be enlarged as we see, or were you just
8 remembering that it had been enlarged and were
9 ex post facto rationalising why you had written
10 "2 size"?

11 A. I hadn't, no, I hadn't remembered specifically that the
12 request had gone in to enlarge the photo, but that is
13 typical of my style.

14 Q. Right.

15 Can I then show you {CEL00000742/5}, please. This
16 is an email which I'm afraid starts at the foot of
17 page 4, and it's an email from Jonathan Roper on
18 8 November 2013.

19 If we go to the top of page 5, you can see it's to
20 Luke Cresswell and John Simmons, they're at Simco, and
21 he says:

22 "As discussed I am awaiting the BRE to send generic
23 rig details over to help you with the design process.
24 Steve @ BRE thought a visit to the rig once the initial
25 design is done would be beneficial."

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1 Et cetera, and then he says:

2 "Also, as discussed the BRE are not willing to
3 accept two variations of panels. The critical point of
4 the test can only be occupied by one panel and
5 unfortunately using reynobond on the return wing isn't
6 possible. As much as they limit the scope of the tested
7 system, they do accept that although one system was
8 tested, i.e. eternit, they understand that commonly this
9 allows insulation products to be used with a variety of
10 systems in practice. I think testing with an eternit
11 panel is the route to go, but shouldn't cause us any
12 issues with regards to using CX [that's Celotex] behind
13 reynobond on the up and coming job. I've also got LABC
14 involved to issue a report stating CX can be used behind
15 a variety of systems above 18m to prevent any challenge
16 from building control."

17 Just at the beginning of that paragraph, Mr Roper
18 appears to be reflecting a discussion he had had with
19 the BRE about the BRE's unwillingness to accept two
20 variations of panels.

21 Do you recall yourself having a discussion with
22 Jonathan Roper at or around this time, November 2013, in
23 which you said that the BRE would not accept two
24 variations of panels?

25 A. No, I don't remember the discussion.

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1 Q. Was it in fact the BRE's practice not to accept two
2 variations of panels?

3 A. Erm ... you would — well, you would accept variability
4 in the panels, but not for assessment purposes. If
5 they'd come up with a design which involved multiple
6 colours and multiple panel configurations for a specific
7 building or a test, then I can't see how you could say
8 no to that. But what you wouldn't be able to do is test
9 multiple types of panel on a system and then do any
10 assessment work or extrapolation work from that.

11 Q. That being so, can you explain how it became common or
12 was common by May to have multicoloured rigs?

13 A. But I've just said it was acceptable to have
14 multicoloured rigs if that was specified. We wouldn't
15 accept multicoloured rigs or multi — different
16 materials on the rigs, so an ACM and an Eternit,
17 because — well, we would accept that if they specified
18 it, but it would prevent any further work being done on
19 the rigs in terms — or use of that data going forward.

20 Q. Did you see anything when reviewing the draft report for
21 the May test that showed you that there was any
22 specification for multicoloured rig or multi materials?

23 A. Sorry, did I ...?

24 Q. Did you see anything when you reviewed the draft report
25 that showed you that there had been any specification

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1 which would explain the multicoloured rig?

2 A. No.

3 Q. No. And therefore, given that there was no
4 specification about what the multi colours would be, why
5 did you not investigate?

6 A. Sorry, at what ... I'm not sure I quite understand the
7 question.

8 SIR MARTIN MOORE—BICK: Mr Millett, I think there may be
9 some misunderstanding here. There may be a distinction
10 between multi colours of the same material and varieties
11 of different materials. Can we make it clear which one
12 we're talking about, please?

13 MR MILLETT: Well, I'm just doing the best I can on the
14 answer.

15 Let's go back to your answer. You say, and this is
16 at page 91 of the transcript a moment ago:

17 "We wouldn't accept multicoloured rigs or multi —
18 different materials on the rigs, so an ACM and
19 an Eternit, because — well, we would accept that if
20 they specified it ..."

21 I thought you were saying to us that you would
22 accept different coloured panels on a rig if it was
23 specified.

24 A. Yes, if that — if we were asked the question whether we
25 could use a test report for future assessment work, and

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1 they decided to mix materials, then we would say we
2 would limit — we would say we can't do that. They can
3 still test in that configuration, they can test — it's
4 fine, it's their sample to test. But, as I said, if
5 they provided multicoloured panels, then — and that is
6 what they wanted to test, then we would do so. It only
7 becomes an issue if they wished to use the data that
8 they get for other purposes or other systems, because
9 you've got different materials and different
10 interactions.

11 Q. I see. Just so that I'm clear, are you saying that you
12 wouldn't expect there to be a specification for
13 different colours of panels on a rig when testing it?

14 A. There would be a design drawing or there'd be — what
15 they were asking is: what are the practical limitations
16 of mixing materials on a rig? So if you put an ACM and
17 a cement or particle board on there, you've got
18 differential materials. Now, they're quite within their
19 rights to test that, but from that, we'd probably go,
20 "No, we can't do anything with that because we've got
21 mixed materials". But they're within their rights to
22 test whatever they wish.

23 SIR MARTIN MOORE—BICK: Mr Millett, can I just clarify my
24 own understanding of what I think Mr Howard is saying?
25 Mr Howard, if I understand you correctly, you're

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1 saying this: if the client wants you to test a rig which
2 has different types of materials, let's say Eternit
3 panels and ACM panels, you would do the test but you
4 could not do a BR 135 assessment because of the
5 difference in materials; is that right? First point.

6 A. No, we could classify it; what we couldn't use it for or
7 it would be extremely difficult to use it for is for
8 assessments.

9 MR MILLETT: You mean desktops?

10 A. Desktops.

11 SIR MARTIN MOORE—BICK: Ah, I see, all right.

12 A. Because the number — because you've gone to — you've
13 got variable materials on a single rig, and things
14 become unpredictable.

15 SIR MARTIN MOORE—BICK: The second situation I wanted to ask
16 you about is where you have different colours of the
17 same material, let's say ACM panels of a variety of
18 different colours. How would that affect things?

19 A. I would have to review that, but ACM — we'd have to
20 know what the colouring process was, whether it was
21 an anodising or whether it was a surface finish, because
22 then you'd have a look at the respective performance of
23 the colours but from a small-scale reaction to fire
24 point of view. Without knowing what the process is for
25 an ACM and the end finish, I can't really answer that.

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1 That's quite a technical question.

2 SIR MARTIN MOORE—BICK: Well, that may be a bad choice of
3 example. What about Marley Eternit different coloured
4 panels?

5 A. Would we permit that?

6 SIR MARTIN MOORE—BICK: Yes.

7 A. Yes.

8 SIR MARTIN MOORE—BICK: Would that impose any restrictions
9 on either classification or subsequent use for
10 assessment?

11 A. It would — I don't believe it would restrict
12 classification at all, because you would issue
13 a classification on what was tested. We would then have
14 to look at what the various colours were and how — what
15 additional data we would need to carry that forward.
16 But it's a technical question that we would need to
17 address on a per contract basis.

18 SIR MARTIN MOORE—BICK: Right. Thank you very much.
19 Well, Mr Millett, I'm sorry to interrupt your flow,
20 but I just wanted to get that a bit clearer.

21 MR MILLETT: I think that's a bit clearer, Mr Chairman,
22 thank you.

23 I do have one more question, and it's this: given
24 the difficulties you have just described — if
25 "difficulty" is the right word — in doing desktop

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1 assessments on or as a result of or using tests where
2 the rig was comprised of multiple colours or types of
3 panel, that you've just explained to us, was that not
4 a very good reason to be meticulous about precisely what
5 those panels were in their various types or colours when
6 listing the components of the test rig in the test
7 report?

8 A. Yes, in hindsight, and if, and — yes, to make that
9 usable for assessment purposes, then you would need
10 a lot more information. But on the day, there was no —
11 we were not looking to do any assessment work; we were
12 testing a system for Celotex. So there would be more
13 questions asked if we got — went down that road in
14 terms of: have you considered the various colours? Can
15 we use this colour throughout the rig?

16 Q. Was the danger in extrapolating in assessment reports
17 based on multiform or multicoloured rigs not itself
18 a warning light to you to make sure that what you listed
19 in the test report was complete and accurate and didn't
20 simply ignore the fact that there were different colours
21 of panel on the rig?

22 A. But, as I said, we should have listed accurately, but
23 the system as tested met the BR 135 criteria, so that is
24 what your BR — test report would report on, and that is
25 what your BR 135 would state. Your classification is

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1 for the rig as shown. It's not a classification and
 2 a statement that you can then use the data to carry on.
 3 Q. Well, Mr Howard, in that answer, you have just said the
 4 test would meet the 135 criteria.
 5 My question — I'll put it one more time — is:
 6 given the dangers of extrapolating by means of a desktop
 7 assessment from multicoloured rigs or rigs made of
 8 panels from different forms, was it not vitally
 9 important to you to make sure that the list of
 10 components of the rig as tested identified precisely
 11 what each of those separate colours or components were?
 12 A. Yes, I think I've actually stated we should have listed
 13 all the panels and the colours. But, as I said, the
 14 test report and the classification report covers
 15 a specific configuration.
 16 MR MILLETT: Mr Howard, thank you very much. I have no
 17 further questions for you, and in fact I have come to
 18 the end of my questions completely.
 19 It just remains for me to express my gratitude to
 20 you for coming to the Inquiry to assist us with our
 21 investigations. It's been very helpful and we are very
 22 grateful to you, so thank you.
 23 THE WITNESS: Thank you.
 24 SIR MARTIN MOORE—BICK: Well, Mr Howard, it's also right
 25 that I should thank you on behalf of the panel for the

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1 time that you have given us to give us your evidence.
 2 It has, as Mr Millett said, been very useful to hear
 3 what you could tell us, and we're very grateful to you
 4 for coming to do so. So thank you very much indeed,
 5 that's all the questions we have, and you are now free
 6 to go about your business in the ordinary way. Thank
 7 you very much.
 8 THE WITNESS: Thank you.
 9 (The witness withdrew)
 10 SIR MARTIN MOORE—BICK: Well, that's a convenient point. We
 11 will resume at 2 o'clock, please. Thank you.
 12 (1.00 pm)
 13 (The short adjournment)
 14 (2.00 pm)
 15 SIR MARTIN MOORE—BICK: Good afternoon, everyone. Welcome
 16 back. We're going to hear evidence from a fresh witness
 17 this afternoon, Mr Patrick Jones. So my first task is
 18 to see whether he is there and can hear me and see me.
 19 Hello, Mr Jones.
 20 MR PATRICK JONES (called)
 21 THE WITNESS: Hello, I can hear you and see you.
 22 SIR MARTIN MOORE—BICK: Very good, thank you very much.
 23 Can I just ask you: do you have a full screen
 24 picture?
 25 THE WITNESS: I do, yes.

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1 SIR MARTIN MOORE—BICK: Good. The previous witness had
 2 a bit of trouble with that, so I just wanted to check
 3 that.
 4 Now, you should have on the screen in front of you
 5 the words of the affirmation which we ask witnesses to
 6 make. Do you have it there?
 7 THE WITNESS: I do.
 8 SIR MARTIN MOORE—BICK: Could I trouble you, then, to please
 9 read the affirmation out.
 10 (Witness affirmed)
 11 SIR MARTIN MOORE—BICK: Good, thank you very much indeed.
 12 Now, before you start giving evidence, there are one
 13 or two things we need to cover, just housekeeping
 14 matters really.
 15 Can you confirm for me that you're alone in the room
 16 from which you're giving evidence?
 17 THE WITNESS: I am alone, yeah.
 18 SIR MARTIN MOORE—BICK: Thank you.
 19 Can you confirm that you have no documents or other
 20 written materials with you?
 21 THE WITNESS: I have nothing, no, I have no documents, no
 22 written materials.
 23 SIR MARTIN MOORE—BICK: Very good.
 24 Can you also confirm that your mobile phone is in
 25 another room and that you don't have any other

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1 electronic device with you that is capable of receiving
 2 messages?
 3 THE WITNESS: Yeah, I've got no — I've got nothing in here
 4 with me, everything's elsewhere.
 5 SIR MARTIN MOORE—BICK: Good, thank you very much indeed.
 6 I hope we are not going to have trouble with sound
 7 or vision, we haven't had very much trouble so far, but
 8 if there is a difficulty, what I'll do is to call for
 9 a short break and we'll sort it out and then get back to
 10 you when we're ready.
 11 We will have a short break during the afternoon,
 12 somewhere round about 3.15, so be ready for that, but if
 13 you need an additional break at any time, just indicate
 14 and we'll try and accommodate you. All right?
 15 THE WITNESS: Okay, yeah.
 16 SIR MARTIN MOORE—BICK: Is there anything you would like to
 17 bring to my attention or any questions you would like to
 18 ask before we start?
 19 THE WITNESS: No, I think I'm okay, thank you.
 20 SIR MARTIN MOORE—BICK: Ready to go. Right.
 21 Ms Sullivan, I understand you're going to examine
 22 this witness.
 23 MS SULLIVAN: Yes, thank you, Mr Chairman.
 24 SIR MARTIN MOORE—BICK: So, when you're ready, off you go,
 25 thank you.

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1 Questions from COUNSEL TO THE INQUIRY

2 MS SULLIVAN: Good afternoon, Mr Jones. Before we start,
3 could you just confirm again that you can see me and
4 hear me?

5 A. I can hear you and see you quite clearly.

6 Q. Excellent.

7 Can I start by thanking you for attending this
8 public inquiry to come and give your evidence. It's
9 very much appreciated.

10 If you have any difficulty understanding any of the
11 questions I'm going to ask, please do just say that and
12 I'll ask it again or put it a different way.

13 Finally, before I start, just a reminder that if you
14 could keep your voice up so that the transcriber, who is
15 also on the hearing, can take a note, and if you could
16 not nod or shake your head but say "yes" or "no" when
17 you're answering, that would be very helpful.

18 A. Okay, understood.

19 Q. Thank you.

20 Mr Jones, you have provided some written answers in
21 response to questions sent to you by the Inquiry. Could
22 I please take you to those. They'll appear on your
23 screen, and they are at {SEF00000075}. You can see in
24 the top left-hand corner, hopefully, it says, just under
25 the Inquiry header:

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1 "Please find highlighted text as answers to the best
2 of my knowledge and recollection. Patrick Jones.
3 10/11/19."

4 Can you see that?

5 A. I can, yes.

6 Q. So although that document is not signed, can you confirm
7 that that represents your answers to the questions that
8 the Inquiry put to you in that letter?

9 A. I believe that — I can't tell from that part, that
10 section of it, but I would guess that that is the one,
11 yes.

12 Q. Do you want to look at — could we go to page 2, please,
13 so Mr Jones can see.

14 A. Yeah, that's my — I was — seems silly, but I was
15 having trouble with my pdf editor at the time, that's
16 why it's in such a state like that.

17 Q. Not a problem, Mr Jones.

18 Have you read that document and your answers
19 recently?

20 A. I read it a couple of month back, a few weeks back,
21 yeah, I have revisited it since I did it originally,
22 yes.

23 Q. So could you confirm that the answers that you have
24 given there are true and accurate?

25 A. Yes, I still stand by everything I answered there, yes.

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1 Q. Have you discussed your answers to those questions or
2 your evidence generally with anyone before coming here
3 today?

4 A. No.

5 Q. Okay.

6 I'm going to ask you, then, a few questions about
7 your background. We're going to focus then on 2014, and
8 in particular the work you did for Simco in relation to
9 two tests carried out by Celotex at the BRE in February
10 in 2014.

11 So starting with your background, in 2014 you were
12 a self-employed cladding installer; yes?

13 A. That's correct, yes.

14 Q. If we could go back to your statement, {SEF00000075/2},
15 and zoom in on question 2, I think as much as we can on
16 the yellow highlighted text, we asked you there about
17 your previous experience and you answered that you had
18 been working on numerous rainscreen cladding contracts
19 nationwide since 1999.

20 Can I take it that, in terms of your own work on
21 those contracts, that would be installation of the
22 cladding?

23 A. Yeah, that's correct, yes.

24 Q. Can you remember what kinds of rainscreen cladding you
25 had worked on?

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1 A. Very, very numerous. A lot of — in the first few years
2 I did a lot of just the substrate, which was the LSF and
3 the, you know, particle board. There's so many
4 different products. I did quite a lot of work on Trespa
5 and Resopal, you know, as in high-pressure laminates.
6 There's so many — various different products, so many.

7 Q. Had you worked on any projects that involved buildings
8 over 18 metres in height by 2014?

9 A. I can't recall. I may well have done. I've not done
10 too many high-rise buildings, so ... I've done —
11 I don't really think I did. It was mainly hospitals and
12 offices and schools in the early years. I didn't do any
13 high-rise stuff.

14 Q. I think that's now gone from your screen, but you also
15 said in your answer to that question that you had
16 installed — there we go, it's right at the end of your
17 highlighted text.

18 A. Yeah.

19 Q. You had installed various products at testing centres
20 for different testing regimes.

21 A. Yeah. To elaborate on that, is that what you're asking
22 me? I have been a fixer for a long time. It was
23 only — I started cladding in 1999 or thereabouts, but
24 before that I was shopfitting and ceiling installing,
25 internal installing, and I used to get the jobs of doing

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1 testing for acoustic tests and fire tests for different
 2 products, really .
 3 Q. Okay, that's partly what I wanted to ask you.
 4 Can I just start: which testing centres were you
 5 familiar with?
 6 A. I've been to Warrington and Cardington and ... Wintech,
 7 which is Cannock way, I'm not sure, yeah, Wintech.
 8 Q. Had you, by 2014, before the Celotex tests, been
 9 familiar with the BRE?
 10 A. I have been to BRE. I can't recall that. I have been
 11 to BRE a couple of times, whether it was that one or
 12 not. I don't know if it was before or after that test,
 13 I can't — I really couldn't answer that.
 14 Q. Okay. How many times do you think you had been?
 15 A. I think I have been to BRE on another test, although
 16 I can't really recall what.
 17 Q. If it helps you at all, the BRE is based in Watford.
 18 Does that —
 19 A. Yeah.
 20 Q. — help you with how often you might have been there or
 21 when?
 22 A. No, no, I — not that I'd say. No, I recall the BRE
 23 well, you know, from the time I was there. I think
 24 I might have been in a different building at the BRE at
 25 another time for another test. I think it was years,

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1 years prior. I think it was an acoustic test for
 2 ceiling panels. That's where I think I've been to BRE
 3 one time before, but that was — you know, in the
 4 fire test hall, I think this is the — that was the only
 5 time I have been there for that purpose.
 6 Q. I see.
 7 You mentioned that you, as well as acoustic tests,
 8 had carried out fire tests by this point. Can you
 9 remember what kind of fire tests those were?
 10 A. It was a fire test for — it was at Cardington and it
 11 was for Cape Marine.
 12 Q. Was it a large-scale fire test, a BS 8414 test, or
 13 something else?
 14 A. I really don't know. As I say, I'd no knowledge of the
 15 test. Like I say, I'm — they just instruct me as to
 16 what to install meticulously and I install it. I had no
 17 knowledge of the test that was — you know, that was
 18 there.
 19 Q. Yes, I was going to come to that. I think in your
 20 written answers you said — and I don't think we need to
 21 go to it but we can if you want to — that you were
 22 unaware of BS 8414 in 2013. Does that sound right?
 23 A. Yeah, that's correct, yes.
 24 Q. So just to be completely clear, before February 2014,
 25 did you have any knowledge of what BS 8414 was?

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1 A. No.
 2 Q. You were contracted by Simco to carry out the
 3 installation work for the test for Celotex in
 4 February 2014; is that right?
 5 A. Yes, that's correct, yeah.
 6 Q. If we could call up page 2 of your statement
 7 {SEF00000075/2}, in your answer to question 1, the
 8 second half of the sentence, you say that you would
 9 probably have been in contact with John Simmons or
 10 Graham.
 11 A. Yeah.
 12 Q. Graham, is that Graham Smith of Simco?
 13 A. It would have been Graham Smith, yes.
 14 Q. Had you worked for Simco before February 2014?
 15 A. Yes.
 16 Q. Do you know roughly how often?
 17 A. No, I've been involved with those people for a number of
 18 years, not in the guise of Simco but in another cladding
 19 company called ECL Limited, and I've just known those
 20 people for a while, so they — you know, they know me.
 21 Q. What kind of jobs had you been working on with them as
 22 ECL?
 23 A. Cladding installer. That's who I started cladding
 24 installing with in 1999.
 25 Q. Right.

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1 Can you remember when Simco first contacted you
 2 about installing the test rig for the February 2014
 3 test?
 4 A. No, I can't remember that, no. It wouldn't have been
 5 far off — I think I would be working for them at the
 6 time, although I can't — I can't remember where or
 7 which job. I mean, I've not looked into that.
 8 I suppose I could find out through past records, but,
 9 you know, I would have been working for them. Normally
 10 the case were they'd phone me and up and say, "Will you
 11 go here?" and I'd say yes or no, and that would be —
 12 that was it. But it wouldn't have been long before,
 13 I wouldn't have thought. Generally — there is no
 14 lead-in time or anything like that, usually.
 15 Q. Can you remember, did they call you up on this occasion?
 16 A. I really can't remember. I would have thought so. Very
 17 little was done email-wise back then, so yeah, they
 18 would have telephoned me.
 19 Q. I appreciate you have said you can't recall, but do you
 20 remember anything about what you were told about what
 21 work they wanted you to do before you got there?
 22 A. No, they would say could we just go to the BRE, someone
 23 will meet you there and, you know, that was it. That's
 24 basically it, really. That's all the information,
 25 you know, you would generally get. Obviously they'd

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1 give me the address and the time and the date and say,
 2 "Turn up, everything else will be there and there'll be
 3 somebody there to meet you — somebody will meet you
 4 there".
 5 Q. Could we go back to question 3 of your statement. We
 6 see you say:
 7 "I recall that it was mentioned that the test was
 8 for an over 18m install criteria, but I had no more
 9 understanding or involvement in any testing
 10 particulars."
 11 A. Yeah, I understand — yeah, I mean, yeah, that's
 12 correct.
 13 Q. Can you remember who it was who mentioned that it was
 14 for over—18—metre installation?
 15 A. Yeah, it was Jon Roper.
 16 Q. Okay. So this isn't referring to a conversation you had
 17 with Simco, this is a conversation with Celotex, is it?
 18 A. This is a conversation with Celotex. For that
 19 particular job I had very little involvement at all with
 20 Simco on that — you know, on that job. They phoned me
 21 and asked me to go there, which was nothing unusual, and
 22 I went there, met with Jon Roper, and that was it.
 23 Until I wanted payment from Simco for the work, I had
 24 hardly any contact with them at all. I think I asked
 25 for — I think I might have phoned them or emailed them

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1 asking for the drawings on the first day or the second
 2 day, and other than that I don't think Simco were
 3 particularly involved at all.
 4 Q. So turning to Jon Roper and the contact you had with
 5 him, if we can scroll down slightly in that document to
 6 question 5, you say in the second sentence there:
 7 "... the process was [what you have just told us]
 8 I was asked by Simco (I do not recall who) to attend the
 9 BRE and meet some one (who transpired to be
 10 John[sic] Roper)."
 11 A. Exactly, yes.
 12 Q. Was that the first meeting you had with Jon Roper at the
 13 BRE?
 14 A. Yeah, no, I had never met him before that point.
 15 Q. Had you had any contact with anyone from Celotex before
 16 that point?
 17 A. No, I don't think so. Possibly. Like I say, it's —
 18 I have been cladding — I had been cladding for
 19 four years then, but not that I'm aware of, not
 20 particularly, no.
 21 Q. Can you remember, did Jon Roper explain that Celotex
 22 were testing an insulation product to you?
 23 A. Yes.
 24 Q. And what did he tell you about the product, if you can
 25 remember?

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1 A. Nothing really. I mean, obviously I was aware of
 2 Celotex because we install it — I installed it all over
 3 the — you know, all over the place on various different
 4 jobs, but I just — that was a new product. Actually,
 5 I didn't — he didn't say it was a new product, he just
 6 said that it was a test to achieve over 18 metres, which
 7 that's as far as ... that's as much information as I was
 8 told really.
 9 Q. Did he explain anything about why they were testing to
 10 over 18 metres to you or just the fact?
 11 A. No, obviously I understood through just general
 12 knowledge that, you know, up to 18 metres was a
 13 specific — you know, a specific test to install over
 14 18 metres. Other than that, you know, so that — so if
 15 this product passed the criteria, then they could sell
 16 it above 18 metres. Obviously that's the reason for it.
 17 That's as much as I understood.
 18 Q. Was that just general knowledge you had picked up on the
 19 job, that there was some testing criteria for above
 20 18 metres?
 21 A. Yes.
 22 Q. But you have told us you knew there was a test but you
 23 didn't know anything about what test it was?
 24 A. It was just — I mean, that is the — that is as much
 25 information as I would have on that. I know at some

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1 point up — you know, they're only classified up to
 2 18 metres, and things above 18 metres is a different
 3 criteria, classification. So other than that, you know,
 4 what test was involved or, you know, I just — as of
 5 now, I could see BS 8414 now and various others that I'm
 6 aware of now; at the time, you know, that's it.
 7 Q. We're going to turn now to that test, and I'm going to
 8 ask you some questions about what you can remember about
 9 the installation.
 10 The test was carried out on 14 February 2014. Do
 11 you remember how long it took you to put up the rig from
 12 start to finish?
 13 A. Not exactly, but I wouldn't have thought any more than
 14 two days, three days maybe, I would have thought.
 15 Q. Were you installing the materials for this, the February
 16 test, by yourself?
 17 A. I believe so. I think I had somebody with me at some
 18 point, and I can't remember who they were, just because
 19 of the weight of the panels, but I can't remember who
 20 they were.
 21 Q. We're going to look at the drawings that you were given
 22 to help you with installing that. So if we could go to
 23 {BRE00005422}. This is an email from Luke Cresswell at
 24 Simco, and it's an email to Phil Clark, and I think we
 25 can see he's copied in I think it's your personal email

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1 address, so it's been partially redacted.
 2 A. Yeah.
 3 Q. He says there:
 4 "Unfortunately our site guys have turned up without
 5 any drawings, is there any chance you can print off the
 6 attached for them?"
 7 And there are two attachments.
 8 Just to help your memory, if we can quickly look at
 9 the drawings which were attached, that's {BRE00005423}.
 10 So you had these. Do you recognise that?
 11 A. Not specifically, because obviously you can imagine I've
 12 seen thousands and thousands of drawings, but yeah, they
 13 look ... yeah. I don't specifically recognise them from
 14 that time, but yeah, I would say that they're ... yeah,
 15 they're in — yeah, I would say that they are probably
 16 the ones that were there, yes.
 17 Q. The other drawing that was attached was at
 18 {BRE00005424}, so if we could just call that up too.
 19 Same question: can you remember this specifically
 20 or ...?
 21 A. I can't remember the specific drawing, but it looks
 22 totally in keeping with that test rig. I recall the
 23 layout of it. I mean, that layout would fit that test
 24 rig. So, yes, I would say that that probably is the
 25 drawing for that area and that test rig. Looking back

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1 at the photographs that I had, it's — that is the
 2 layout, you know, or as near as.
 3 Q. Well, we've seen from the email we were just looking at
 4 that Luke Cresswell asked Phil Clark at the BRE to print
 5 these out for you. I don't think we need to go to it,
 6 but Mr Clark has told us — and for the record, it's at
 7 {BRE00005768/36} — that he did print those out and, as
 8 far as he knows, those were the drawings that you used
 9 to construct the rig.
 10 A. Yeah, I'd agree with that. There would have been —
 11 I must have had those drawings from Phil Clark because,
 12 you know, otherwise I wouldn't have been able to build
 13 it, because, you know, like I say, Simco's involvement
 14 was very little, so I must've had those drawings,
 15 because no one else visited, so yes.
 16 Q. Can you remember, were those the only two drawings you
 17 had?
 18 A. Yes. I don't — yeah, nobody give me any more, no.
 19 Q. Were you given any other documents to help with the
 20 installation?
 21 A. I really can't recall. I may have had product-specific
 22 for the actual fire barrier. I know that a man did turn
 23 up and show us the correct application of the
 24 fire barrier. I think it was Siderise, but I can't
 25 remember his name and I can't remember which company he

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1 was from, I just recall a man that Jon Roper introduced
 2 one morning and he showed us the correct application in
 3 the — you know, the correct fitting procedure of that
 4 particular product.
 5 Q. In terms of the product specification, could you just
 6 help me by explaining, how is it that that would have
 7 been helpful for you as something to have?
 8 A. If it's — like I say, not the product technical
 9 details, but the install details, sometimes they
 10 arrived, if it was a different product. Generally
 11 everything's — you know, it's very similar install
 12 criteria but, you know, something might be — you know,
 13 it might have a particular washer or they might want the
 14 fixings fixed to a particular height or centres,
 15 sometimes — I don't recall anything, but there may have
 16 been something.
 17 Q. Is that based on a sense of what normally happens or —
 18 A. Yeah.
 19 Q. So it's not a memory or — it's just —
 20 A. It's just what normally happens, yeah. If it's
 21 a different product or something that needs to be
 22 installed in a particular way as in a test, then
 23 usually — generally they would cover all bases and say,
 24 you know, "These centres needs to be at 300, 100 this
 25 way", so you would generally get a specification —

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1 an install specification sheet. Although I can't really
 2 recall having one.
 3 Q. I just want to ask you a couple of questions about this
 4 person possibly from Siderise who came along with
 5 Jon Roper one day. Was that before the February test?
 6 A. I can't remember which test it would have been at. It
 7 probably would have been at the first test, because
 8 I should imagine it was probably during or prior to the
 9 first test.
 10 Q. But that's on the basis that that makes sense rather
 11 than that you have a recollection that that's the case;
 12 is that right?
 13 A. Yeah, that's correct, yeah. Like I say, he would have
 14 come on and — yeah, there is no point in coming after
 15 the first test, he would have arrived at the first test.
 16 Q. I know you've said that you can't remember who it was or
 17 what company they were from, but you have also said that
 18 it might have been Siderise. Could you just help with
 19 what's led you to think that?
 20 A. I think the fire barrier that we was installing was
 21 Siderise. It's a Siderise type. I can't recall the
 22 brand, but it's a Siderise style. So — but I'm not
 23 actually sure of the fire barrier type or manufacture,
 24 but yeah, it was whoever was supplying it. I really
 25 don't know the answer to that one.

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1 Q. You said he came with Jon Roper. Was Jon Roper with you
 2 every day when you were doing the installation?
 3 A. No. Most days, but not every day, no.
 4 Q. And how long would he stay for?
 5 A. A good few hours generally.
 6 Q. Was he giving you any verbal instructions about how they
 7 wanted the rig put together?
 8 A. Yes.
 9 Q. Can you remember anything he said?
 10 A. Not specifically.
 11 Q. Was he effectively expecting you to just build and
 12 install the system according to the drawings that you
 13 had been given?
 14 A. Yes. I should imagine — obviously if it's a test to
 15 try and — it's a test to try and achieve certification,
 16 I understood it, I mean, it's not the first time it's —
 17 obviously the — somebody from the company's got
 18 a massively vested interest to ensure that the test is
 19 as accurate and as — you know, is installed as
 20 accurately as possible. That's what I understood he was
 21 there for.
 22 Q. So it's your understanding he was there to oversee your
 23 work?
 24 A. Yes, oversee and quality control, yes.
 25 Q. Apart from Jon Roper, and also you have mentioned this

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1 man possibly from Siderise, did anyone else give you any
 2 instructions about how to install the rig?
 3 A. I think we may have had light guidance from the BRE
 4 staff themselves, just to say, you know — because
 5 obviously they know their test rigs, but I do remember
 6 people saying, "Fix to this" and, you know, "Fix to this
 7 section and fix to that section". But other than that,
 8 no.
 9 Q. So when you say light guidance —
 10 A. As in, like I say, they are fully familiar with their
 11 test rig and they just outlaid the procedure of,
 12 you know, "You fix to this and then, you know, fix to
 13 these beams and fix to these columns, et cetera, and
 14 then when you get to that stage" — obviously they're
 15 watching me, it's inside their hall, so like I say,
 16 "When you get to that stage, you know, stop and then
 17 we'll come and install our, you know, sensors as such
 18 and then, you know, we continue."
 19 Q. You say they're watching; was there someone from the BRE
 20 there present all the time?
 21 A. It's inside their hall. There wasn't somebody standing
 22 watching over us, but obviously there are people around.
 23 I mean, there's several — probably six, eight test rigs
 24 in that one hall in question, so obviously they're
 25 working on other rigs and doing other things. You know,

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1 there's people around all the time mostly.
 2 Q. I wanted to ask you about that, actually.
 3 When you were installing the rig, were you the only
 4 person working on — as in was it just your rig which
 5 was having work done, or was there work going on on the
 6 other rigs in the Burn Hall?
 7 A. We were the only people actually installing on the rigs,
 8 but there were people coming in and looking and setting
 9 up. I think it was mainly the BRE people, but there are
 10 other visitors, there were other tests going on, and
 11 there were no other installers at the time.
 12 Q. I'm going to come on to some questions about the BRE's
 13 processes and procedures, but just before I do, just one
 14 last question about the man maybe from Siderise: do you
 15 know if he might have been Chris Mort? Does that name
 16 mean anything to you?
 17 A. I really can't recall, but Mort could possibly be it.
 18 Q. But you can't remember?
 19 A. No, I really can't remember his name, no. I remember
 20 what he looked like, but other than that, no.
 21 Q. Are you able to give us a sort of general description?
 22 A. At that time he would have been early 50s, I'd have
 23 thought, quite a stocky, rounded, slightly balding,
 24 wearing glasses. Other than that, no.
 25 I just remember because he was showing me in the

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1 thing how to install the — you know, how to bend the
 2 tabs on the fire barrier that, you know, one one way,
 3 one the other. It was a different product that I
 4 hadn't — you know, I was not totally familiar with, and
 5 he says, "We'd like you to install it in this manner, do
 6 this, do this, do this", et cetera.
 7 Q. Just before I move on, was it just the fire barriers
 8 that you had? There wasn't any other component where
 9 someone came in to talk to you like that?
 10 A. No, it was just the fire barrier system.
 11 Q. Okay, I'm going to move on to some questions about what
 12 you might have seen about how the BRE worked in
 13 February 2014.
 14 At that time when you were installing that first
 15 test, did anybody tell you anything about what standard
 16 practices were for the BRE?
 17 A. Sorry, could you rephrase that? In what way?
 18 Q. Well, did anyone say to you, "Look, these are our
 19 standard operating procedures and this is how we're
 20 going to be doing things, so you know what's going on"?
 21 A. Yes, yes, there would have — yeah, we would've had a —
 22 yeah, I'm sure we had an induction, yes. I'm sure we
 23 had a verbal induction to work in that area.
 24 Q. Was that administered by a member of BRE staff?
 25 A. Yes, it would have been, yes.

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1 Q. Can you remember what that induction covered?
 2 A. No, I think it was mainly just a general induction, as
 3 in, you know, the fire escape route procedures, and we
 4 couldn't be in there — I do remember that we couldn't
 5 be in there when there was a test going on, so they had
 6 other tests set up in there, so, you know, there was
 7 a period of hours where we wouldn't be able to work, so
 8 we, you know, finish our work by this time. Other than
 9 that — no, I don't think any more than that, no.
 10 Q. I think the BRE have explained that they would have done
 11 a health and safety induction at least. Is it that
 12 sort of thing that you're remembering?
 13 A. Yes.
 14 Q. Do you remember anyone telling you the BRE had processes
 15 in place to check and record the installation and design
 16 of the cladding systems there that you put up?
 17 A. I don't recall it but they must have done because I am
 18 aware, so somebody must have told us, yes.
 19 Q. We have heard a bit from Phil Clark about that, so I'm
 20 going to go through what he has told us.
 21 Before I do that, could you just tell us anything
 22 you can remember about what you must have been told or
 23 what you now know?
 24 A. Yeah, well, in that particular test rig they —
 25 you know, I was told the location of the fire and,

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1 you know, where they would be and where the sensors
 2 would be, because obviously we had to avoid fixing
 3 points as to where the sensors were required, and that
 4 was it. I was told, you know, we had to reach
 5 a specific duration of which I can't recall, you know.
 6 Those sort of things, you know, meant little to me at
 7 the time, and, you know, that was it, and they were —
 8 we would complete it or we would partially complete it,
 9 they would install their sensors, then we would complete
 10 it, then they would test it, and they would test it
 11 during the test and after the test, and record
 12 everything, you know. Obviously I must have been told
 13 that, I didn't just guess it, so yeah.
 14 Q. When you say, "We had to reach a specific duration", are
 15 you talking about how long you had to put the rig
 16 together, or are you talking about the test that was
 17 going to be carried out?
 18 A. No, the test, obviously, I was aware that, you know, it
 19 had to — (inaudible) says, you know, "What's it for?",
 20 and it, you know, has to reach a specific amount of time
 21 at a specific temperature.
 22 Q. Were you told who at the BRE you should raise any
 23 problems or questions with?
 24 A. I must have been, but, you know, they would have just
 25 said to come and see us. There was an office upstairs

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1 and they would have said, "Come and see us up there if
 2 you need anything".
 3 Q. Do you remember who that was?
 4 A. No. Like I say, if Phil Clark — again, if Phil Clark's
 5 got grey hair — I really can't remember his name, I'm
 6 terrible with names, but if Phil Clark's got grey hair,
 7 that would have been Phil Clark.
 8 Q. Did you get the impression that it was the person whose
 9 office it was who was saying —
 10 A. Yes, there were some more people in that office, but
 11 yes.
 12 Q. Okay.
 13 Could we go to {BRE00005768/8}, please. This is
 14 from Mr Clark's witness statement, which he has given to
 15 the Inquiry. You can see under question 2(b), which is
 16 in bold and underlined, there is paragraph 38, and he
 17 says:
 18 "The Client/Project Officer works with the test
 19 sponsor to ensure the system is correctly installed onto
 20 the appropriate test rig and that all required
 21 information regarding the materials, fixings and names
 22 of the materials being installed has been provided."
 23 Then in paragraph 39 he goes on to explain some of
 24 the checks that the BRE carry out.
 25 So, first of all, did you understand that there was

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1 a person who was the BRE project officer or generally in
 2 charge for this test?
 3 A. Yeah. Obviously I was aware that there was somebody
 4 that was in charge and there was one particular man who
 5 was quite obviously the man in charge. I'd guess from
 6 context that it was Phil Clark, but — and I was
 7 obviously aware that, you know, they would be testing
 8 and measuring samples of everything, yeah. But he did
 9 have a lot of — obviously I was there installing, and
 10 so details like that, he would have been speaking to
 11 Jon Roper. He would have spoken to us briefly,
 12 obviously he did speak to us, but, you know, things like
 13 this, I'm sure he was talking to Jon Roper.
 14 Q. Could we go to page 42 in this statement
 15 {BRE00005768/42}.
 16 At paragraph 177, and he's described here that he
 17 would have taken notes, photographs and had email
 18 correspondence with the client and the contractor. He
 19 also then goes on:
 20 "This would have involved day-to-day checking of the
 21 system and ensuring the safe working practice of the
 22 contractors working on site ..."
 23 That would obviously be you, wouldn't it?
 24 A. Yeah.
 25 Q. Do you remember Phil Clark, or indeed anyone from the

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1 BRE, carrying out health and safety checks?
 2 A. Yeah, yeah, definitely . There was people — like
 3 I said, there were definitely people around watching and
 4 looking and recording and photographing, you know, at
 5 various intervals during the install , you know, on the
 6 rig that we were on and other rigs. Like I say, there
 7 were people around.
 8 Q. So when you say recording, what do you mean by that, do
 9 you mean taking notes?
 10 A. Yeah, yeah, definitely , taking notes, yeah, there was
 11 people walking round — the rig has got like a raised
 12 scaffold all the way round the back of it, you know,
 13 a stairwell . There were people on there, while we —
 14 while I was on the machine on the (inaudible), there's
 15 definitely people on the back there. You know, like
 16 I say, obviously I wasn't paying too much attention to
 17 what they were doing, but for sure there were people
 18 walking round taking notes and measurements and
 19 installing , you know, the sensors. Yeah, there was
 20 definitely people recording what was occurring, for
 21 sure.
 22 Q. You mentioned that they were taking photographs at
 23 intervals . Do you remember Phil Clark or anyone else
 24 from the BRE taking photos of the components before you
 25 started putting them up?

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1 A. I can't recall that now. I can't actually remember
 2 seeing anything like that, no.
 3 Q. In terms of the photos that they were taking, when you
 4 say at intervals , how often would that be?
 5 A. I don't know. I really can't remember. I just — I do
 6 remember, you know, there were people in there — there
 7 were, there were people photographing, but like I say,
 8 I was just installing .
 9 Q. When you got there, where did you get the materials
 10 from? Were they in a store or a pile , how did you find
 11 them?
 12 A. Just — some were just inside the doorway. There's
 13 a big roller shutter door on the front. Some of the
 14 materials were inside and some materials were outside
 15 and some were delivered during the process.
 16 Q. We might come back to that for the May test, but did
 17 anyone check those materials at the BRE?
 18 A. I don't know that. I just — I'm only assuming, yes,
 19 I'm sure they would have done, but really I can't recall
 20 actually seeing it . I couldn't evidence that, no.
 21 Q. And you don't recall seeing anyone checking them against
 22 the drawings or a specification or anything like that?
 23 A. I can't specifically recall that, no.
 24 Q. If we could go back to Mr Clark's statement at page 9
 25 {BRE00005768/9}, at paragraph 40 Mr Clark gives a list

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1 of what he says is the BRE's general practice. He tells
 2 us that generally BRE staff undertake a visual
 3 inspection of the constructed test rig . Do you remember
 4 anyone visually inspecting it after you had finished
 5 building?
 6 A. Specifically what they were doing, I couldn't say, but
 7 yeah, I do remember people — like I said previously,
 8 I do remember people measuring, you know, and ensuring
 9 that the work that we'd done, you know, again, exactly
 10 like I say, so that the criteria 's correct, like the
 11 width of the opening and the height of the head of the
 12 hearth and the height of the — I do remember the height
 13 of the head of the hearth section being critical , and
 14 I remember the height of the rig being critical , so they
 15 must have gone and measured it, but I can't really
 16 recall anyone specifically doing it, but, you know,
 17 I vaguely remember BRE staff measuring things.
 18 Q. So, sorry, you think they must have been measuring
 19 something; can you remember what they were measuring?
 20 A. No, exactly what they were measuring, I can't recall ,
 21 no.
 22 Q. Do you remember anyone measuring the width of the
 23 cladding panels?
 24 A. No, I can't recall that, no.
 25 Q. Do you remember anyone taking a record of the system as

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1 it had been built up?
 2 A. Not specifically but, as I said previously , there were
 3 people in there photographing at various points while
 4 I was installing , so I would assume that they had
 5 a record. I just understood that they took a record
 6 of — you know, at intervals all the way through the
 7 whole process.
 8 Q. Did they seem to be regularly spaced intervals?
 9 A. I can't recall that, no.
 10 Q. Did anyone from the BRE undertake any checks to ensure
 11 that the system was being correctly installed or were
 12 you just left to it?
 13 A. No, they did — as I said, they did — they were there,
 14 they were checking. Yes, they definitely were checking.
 15 Q. And do you recall anyone checking or comparing the rig
 16 against the drawings that had been provided and which
 17 you had copies of?
 18 A. I can't specifically remember that, no.
 19 Q. When you got to the end of your task of installing, did
 20 you have to tell someone from the BRE that you were
 21 finished?
 22 A. I think — yeah, I think we did — I think we did tell,
 23 more — I can't remember whether it was specified or
 24 whether we just said it 's — you know, more out of
 25 courtesy that we're now leaving the building.

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1 Q. Do you remember —
 2 A. Sorry, they were there, and if I remember rightly, their
 3 office on the first or second floor of the hall
 4 overlooks the whole area, so anyone in that office would
 5 be able to see what we were doing anyway. So — and, as
 6 I said, there were people around most of the time.
 7 Q. Could I just clarify something. You just said there was
 8 an office on the first or second floor.
 9 A. Yeah.
 10 Q. You have obviously told us there was a walkway running
 11 round. Was it your impression that there were two
 12 floors, then, and the office was on one of those?
 13 A. Yeah, it's quite a — it's like a — it's quite
 14 a high-rise hall, obviously, so it must be at least 6 to
 15 10 metres, maybe higher, to the roof, and I'm sure that
 16 the office is on the second or — sorry, could be the
 17 first floor, I can't recall, but it's definitely higher
 18 up. It overlooks the hall, the fire test hall, if I'm
 19 recalling correctly.
 20 Q. I see.
 21 We were just talking about whether you alerted
 22 anyone when you had finished; was there any sort of
 23 formal handover process or formal sign-off?
 24 A. I can't remember.
 25 Q. Do you remember if anyone checked the rig before it was

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1 handed over back to the BRE?
 2 A. I can't remember that. Like I said, I was fully aware
 3 that they were recording and testing and watching
 4 everything that we did, so, you know, I just took it
 5 as — understood it that they knew, they knew when we
 6 was ready.
 7 We did definitely tell people that we'd finished and
 8 when we left and, you know, is everything correct,
 9 you know, we were talking to the staff and various
 10 members, you know, so yeah.
 11 Q. I think you said earlier that there was definitely
 12 someone, whoever it was, who, you know, was the guy in
 13 charge.
 14 A. Yes.
 15 Q. Was he somebody you alerted to the fact that you had
 16 finished, whether out of courtesy or because you had to?
 17 A. If he was there, yes, he would have been the first port
 18 of call because obviously he was the man dealing.
 19 Q. Just to be clear, it's your evidence that, in addition
 20 to Jon Roper of Celotex, the BRE were also carrying out
 21 checks whilst you were installing the rig in 2014 and
 22 maybe after?
 23 A. Yes, I understood that they were testing and checking,
 24 yes. Or checking and measuring, sorry, yes.
 25 Q. Did they, the BRE or Celotex, make any comments in

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1 relation to the installations you were putting up?
 2 A. I can't really recall that they did. I think they
 3 specified it accurately enough and the drawings must
 4 have been accurate enough for us to build it how they
 5 wanted the first time. I can't — they may well have
 6 done. I can't remember that. I can't remember them
 7 making any verbal amendments during it.
 8 Q. Was it your understanding that the BRE and Celotex were
 9 both aware of what was on the rig in February 2014?
 10 A. Definitely, yes.
 11 Q. Would it have been possible, given what you've described
 12 about people being around, in and out all the time, for
 13 you to have installed something without the BRE or
 14 Celotex knowing it was there?
 15 A. No, no.
 16 Q. I think you have told us that that was the first time
 17 you had been at the BRE to install a fire test, so you
 18 wouldn't have had anything to compare it against to know
 19 whether that was normal, would you?
 20 A. Sorry, can you rephrase that? Sorry.
 21 Q. Since it was the first time you were there —
 22 A. Yeah.
 23 Q. — you couldn't say whether the level of checking and
 24 the level of activity was normal for the BRE or not,
 25 could you?

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1 A. No, I couldn't, I couldn't say that, but having done
 2 similar tests on different things, not specifically for
 3 fire, it was — you know, that's general and, sorry, par
 4 for the course. So they — obviously the client's got
 5 a vested interest that it's done to its best
 6 capabilities, so that it's accurate, so that it's got
 7 its best chance of passing, then the people that record
 8 it obviously have to ensure that it's done correctly,
 9 otherwise the test would be invalid, wouldn't it? So,
 10 yeah, everyone was checking, and I understand that just
 11 from common sense.
 12 As for the BRE's exact procedure, no, I've got
 13 nothing to gauge of their own procedure.
 14 Q. How did it compare with your experience of other tests
 15 and —
 16 A. Very similar. Very similar.
 17 Q. Okay, I want to now move on to the second test, which is
 18 in May 2014. I am afraid some of these questions are
 19 going to be pretty similar, but it's important that we
 20 understand from you what you can remember.
 21 A. Mm—hm.
 22 Q. So I think I'm right, you were employed by Simco again
 23 to install the test sample in May 2014; right?
 24 A. Yes.
 25 Q. Who was it, can you remember, who contacted you on that

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1 occasion to tell you there was going to be a second
 2 test?
 3 A. I can't recall that, sorry.
 4 Q. Do you remember when roughly that might have been?
 5 A. No, I don't know, other than looking back through the
 6 possible emails. But, no, like I say, generally
 7 they'd — they don't give you much warning. You know,
 8 I never got much warning. It would have been a week at
 9 the very most.
 10 Q. Is it right that this time somebody else was employed to
 11 go along and help you with the installation?
 12 A. Yes.
 13 Q. I think Phil Clark has told us in his witness statement
 14 that he thinks Wayne Jones —
 15 A. Wayne Jones probably was with me — it might have been
 16 the first time, I believe. Wayne Jones is my brother,
 17 who I generally worked with all of the time, but one
 18 time he wasn't there with me.
 19 Q. It might just help you if we look at Mr Clark's
 20 statement where he says this. If we could go to
 21 {BRE00005768/65}. It is right at the top of that page,
 22 at the end of paragraph 266. So, actually, maybe if we
 23 could go back a page to the bottom of page 64
 24 {BRE00005768/64}.
 25 You can see in context that Mr Clark's talking here

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1 about the May test, because he says that the
 2 installation was undertaken by the installers of the
 3 first system, which has already happened. Then over on
 4 page 65, he says it appears from what's on the BRE's
 5 files that the work was undertaken by you and
 6 Wayne Jones.
 7 So can you remember whether it was the first test or
 8 the second test where —
 9 A. I would think — I think Wayne was with me on the first
 10 test and then not on the second test because, as I said,
 11 Simco sent somebody else to assist me with lifting the
 12 panels because they were heavy, they were 9 or 12—mil
 13 panels and it was like 90—kilo, I think, so that man,
 14 but I can't remember who he was.
 15 Q. So you think you had somebody —
 16 A. Wayne was with me for the first test, I believe.
 17 Q. Thank you. So you had someone with you for the second
 18 test but not Wayne Jones; is that right?
 19 A. I think so, yes.
 20 Q. Were they with you throughout when you were installing
 21 the second test or were they, like the first test, just
 22 there to help you move the panels?
 23 A. On the second test they were there — Wayne was with
 24 me — he would have been with me throughout. We worked
 25 together for years, so yeah, on the second test, whoever

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1 they sent, they would have been there in place of Wayne.
 2 I don't think Wayne wanted to go. I can't quite recall,
 3 it's that long ago. But, yeah, they would have been
 4 there installing with me.
 5 Q. Were you given an induction or any explanation of
 6 standard procedures when you arrived for that second
 7 installation in May?
 8 A. I would have thought so. It's normal process to have
 9 a health and safety induction everywhere on every site
 10 before any work starts, so I can't recall it, vaguely,
 11 but I'm sure I must have been given a — something.
 12 Q. I've got some questions about the design of that second
 13 test. I realise you weren't involved in the design
 14 process, but just to help your memory with what it was,
 15 if we could look at {CEL00010052/13}.
 16 This is Jonathan Roper of Celotex's witness
 17 statement, and if we look at paragraph 5.32 in the
 18 middle of the page, he is explaining here the
 19 discussions that took place internally at Celotex prior
 20 to the second test about what design changes they might
 21 make.
 22 You can see, after the (ii), he talks about
 23 increasing the panel thickness and using a double panel
 24 system on the fire barrier, using a magnesium oxide
 25 board, and they decided on option (ii), and then in the

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1 next paragraph, at 5.33, he says, just at the bottom of
 2 the screen there:
 3 "The only changes between the first test and the
 4 second test that I was aware of was the thickening of
 5 the Marley Eternit panel from 8mm to 12mm and the use of
 6 a 6mm magnesium oxide board at the fire barrier at
 7 level 2 and at the top of the test rig."
 8 Does that sound right to you in terms of the changes
 9 that were made between the first and second test?
 10 A. Yeah, yeah, like I said, reading through the transcripts
 11 as the Inquiry's gone on, I'd completely forgotten about
 12 the magnesium oxide board, but having heard mention of
 13 it again, I do recall it now. But, yeah, that is
 14 exactly how I remember it, yes.
 15 Q. So from your perspective, the changes would have been:
 16 you had different cladding boards to install?
 17 A. Yes.
 18 Q. And there was also the layer of magnesium oxide which
 19 you say you now recall?
 20 A. Yeah.
 21 Q. We know from Celotex — I don't think we need to go to
 22 it, but if you want to then let me know and we can —
 23 that an 8—millimetre board of the Marley Eternit was
 24 used over the magnesium oxide. Do you remember that?
 25 A. No. If — there was definitely a heavier board, 12—mil.

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1 I think it might have been a 12-mil board — no, I can't
 2 remember the exact configuration, no.
 3 Q. If there was a heavier board, does it follow that you
 4 also had a lighter board then?
 5 A. If ... no. No, it doesn't necessarily, no. I think the
 6 rig may have been — there was a heavy board lower and
 7 then the magnesium oxide board was higher, at the second
 8 fire barrier. So it may well have had a thinner panel
 9 because of the addition of the 6-mil underneath it.
 10 Q. Do you remember installing cladding at that level which
 11 was a different colour to the cladding that was lower
 12 down?
 13 A. Only vaguely, but I do recall from having looked back
 14 through my own photographs that you should have on file
 15 there, but yeah, I do remember there was one board that
 16 was particularly heavy. It was really heavy.
 17 Q. You have said that you can remember from seeing photos
 18 that there were different colour boards. Do you
 19 remember those boards being thinner or lighter?
 20 A. Yeah, I think that one of them was orange. I think the
 21 orange one was the heavy board. I think that was the
 22 12-mil and the other would have been the 8-mil,
 23 I believe, yeah.
 24 Q. I think we have the records the other way round, but
 25 I don't think we really need to go into that.

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1 Could I ask about, again, where all of the materials
 2 were when you arrived, were they already on site?
 3 A. I believe so. No, actually, no, I think we was waiting
 4 for a delivery of some board.
 5 Q. Do you remember what —
 6 A. No, I can't remember accurately, but I do remember
 7 having a delivery — accepting a delivery while we were
 8 there still.
 9 Q. Do you know if that was a delivery of the magnesium
 10 oxide board?
 11 A. I can't say, you know, accurately. It could have been.
 12 It could have been that or the other panel. I don't
 13 recall.
 14 Q. You say you were waiting to take delivery of it. When
 15 whatever that was arrived, did you personally take
 16 delivery of it?
 17 A. Well, we accepted delivery of it because we were waiting
 18 to install it, but, yeah, no, obviously the BRE would
 19 have taken charge of it because it was their forklift
 20 that offloaded it.
 21 Q. So your memory is you were waiting for something with
 22 the BRE forklift?
 23 A. Say again, sorry?
 24 Q. Were you waiting with the BRE forklift?
 25 A. As I said, there was various staff around most of the

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1 time, so when anything arrived, somebody would come out
 2 and offload it.
 3 Q. I see. So when it arrived, is your memory that the
 4 forklift went off and offloaded it and you would have
 5 then accepted delivery by signing for it or whatever?
 6 A. I don't know if I'd have signed for it, no. I probably
 7 wouldn't have accepted it, no.
 8 Q. Do you know who would have accepted it?
 9 A. No, I can't recall who. Like I say, there was various
 10 members of staff. I think it was probably about four
 11 different men of BRE around at any one point.
 12 Q. Were those all BRE employees rather than Celotex as far
 13 as you know?
 14 A. Yes.
 15 Q. Were you just waiting for this delivery, just waiting in
 16 the Burn Hall for it to arrive?
 17 A. I think we would have been reinstating and reinstalling
 18 the system, I don't think we were standing around
 19 waiting, but I do recall expecting a delivery to arrive.
 20 Q. So you would have started installing the system whilst
 21 you were waiting and then when the delivery turned up —
 22 A. Yeah, I think — sorry. I think we would have —
 23 I believe we would have been — although I can't quite
 24 recall, I think we would have been reinstating the
 25 substrate after the first test, I'm sure we would have

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1 been, you know, taking away the previous test and
 2 reinstalling new aluminium rails and brackets. I would
 3 have thought that's what we would have been doing.
 4 Q. Do you remember how far you were into installing or
 5 setting up the installation when the new delivery
 6 arrived?
 7 A. No.
 8 Q. Did you see any delivery notes for the materials that
 9 had already arrived?
 10 A. No.
 11 Q. Would you have expected to?
 12 A. Not in such a place, no.
 13 Q. Could I just ask you what you mean when you say not in
 14 such a place?
 15 A. Because any deliveries were not specifically mine, they
 16 were either Celotex's or the property of the BRE. If
 17 I was on a standard cladding job and I was the
 18 supervisor or the — you know, the installer on the
 19 site, I would have been in charge of the property that
 20 had come, it would have been Simco's or whoever, so
 21 I would have taken the delivery of it in that case, but
 22 not in this particular case, no.
 23 Q. Was any explanation given to you about why that material
 24 was being delivered whilst you were on site?
 25 A. No, we were just — it — I was aware that they'd

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1 changed it, and the way I understood it was that the
 2 first test had failed because the panel had failed
 3 before the Celotex product could be tested to the
 4 duration. So it made perfect sense to me to put
 5 a thicker panel on it so the Celotex being tested in
 6 question could be tested. So there was just — they'd
 7 just changed the panel, we was just waiting for the new
 8 panel to arrive, that's all.

9 Q. Do you remember where you had got that impression, that
 10 it had failed because before the Celotex product could
 11 be tested —

12 A. Yes, Jon Roper.

13 Q. Jon Roper?

14 A. Yeah, like I say, I did speak to who I think now is
 15 Phil Clark, you know, not, the main man at the thing,
 16 but not so much. The information that I got from the —
 17 you know, from the whole thing at all was Jon Roper,
 18 because he was there overseeing. I spoke to him quite
 19 a bit when he was there.

20 Q. Can you remember what else Mr Roper told you? Was there
 21 anything else?

22 A. Not really, no. I'm not saying — I'd ask him a general
 23 question and he'd answer it. Like I say, you know,
 24 I said — obviously I was intrigued as to why, you know,
 25 we were back there, you know, why did it fail or how did

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1 it do, and he says it failed, and, you know, like I just
 2 said, it failed, the system burnt away. I could see it
 3 for myself because I think I uninstalled it. It had
 4 burned before, you know — the panel had failed before
 5 the product had been tested.

6 Q. Did he explain to you what the changes were that they
 7 had made?

8 A. Inasmuch as we were installing a thicker panel to stop
 9 that happening again, which made perfect sense to me.

10 Q. I'm going to move on to ask you a couple of questions
 11 about the installation process itself at that May test.

12 We know that that was carried out on Friday, which
 13 was 2 May 2014, and Mr Clark's told us in his evidence
 14 that normally the rig would need to be handed back
 15 a clear day beforehand. For the record, that's at the
 16 transcript at {Day96/11:9–18}, but I don't think we need
 17 to go to it, you can just take it from me.

18 Do you remember if you were installing in the week
 19 running up to 2 May?

20 A. I can't recall that, no.

21 Q. Do you remember when you would have started?

22 A. No, I don't know. Like I say, it's so long ago.
 23 I haven't gone back over — I might be able to find that
 24 information out, but off the top of my head, I really
 25 don't know that.

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1 Q. Is it right that you would carry out the installation in
 2 terms of putting the system up, is that layer by layer?

3 A. Yes.

4 Q. How long did that take, can you remember?

5 A. No, but I shouldn't imagine it lasted any longer than
 6 two days, three days maximum, I would have thought.

7 Q. Can you remember when in that window, towards the
 8 beginning or towards the end, you would have been
 9 installing the layer of the magnesium oxide?

10 A. Toward the end. If I recall, it was part — it was,
 11 what, two-thirds, three-quarters of the way up. So we
 12 would have started at the bottom, obviously, start at
 13 the bottom sequentially and worked us way up. So it
 14 would have been towards the end of the process.

15 Q. So if you start at the bottom, would that then have been
 16 visible until you put the next layer — until you got up
 17 to that level with the next layer; is that right?

18 A. Yeah, but — yes, but I think — I can't quite recall,
 19 but I think there was only one panel of magnesium oxide.
 20 Whether there was one band that went round both sides of
 21 the test rig or whether it was just on the large face,
 22 I can't recall, but it could have been visible for half
 23 an hour, it could have been visible for several hours,
 24 I really can't recall how long it was open for before we
 25 installed — we could have put the magnesium oxide panel

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1 on and then installed the next panel straight over it,
 2 you know, so it could have been a matter of, you know,
 3 minutes, 10, 15, 20 minutes, it could have been open for
 4 hours, I really can't recall that.

5 Q. Were you given any instructions to try and ensure that
 6 it wasn't visible for very long?

7 A. No.

8 Q. Were you given any suggestion or any instructions that
 9 it should be concealed from the BRE staff?

10 A. No. No. Like I say, there was — I wouldn't have
 11 thought — no, there was definitely nothing, I would
 12 say, underhanded that I could understand that was going
 13 on in that respect, and BRE staff could have seen it at
 14 any point in time. There were people everywhere all the
 15 time. So, no, there was no — there was never any — to
 16 hide anything or cover anything up, no.

17 Q. I think you said you think it was roughly two, maybe
 18 three days; is that the clearest memory you have of how
 19 long the installation would have taken?

20 A. Yes. It's only 15 metres squared at the most, so
 21 that's — you know, and doing it as meticulously you
 22 can, you know, so it's got its best chance of achieving
 23 what it needs to, and nobody would want to pay any more
 24 than two days for us, so I shouldn't imagine it would
 25 last any longer than that.

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1 Q. Do you remember seeing Mr Clark or other BRE employees
2 as you were carrying out the installation ?
3 A. Not specifically , no. I couldn't say as to what point
4 in time they were there watching, but, you know, there
5 were people around, but I couldn't specifically say at
6 what point in time and, you know, what stage in
7 an install , you know, they were there recording. No,
8 I couldn't say that.
9 Q. Do you know when you handed the rig back to the BRE for
10 testing?
11 A. I don't remember. If you're saying it was on a Friday,
12 I should imagine it was 2.30.
13 Q. I'm just going to ask you about the drawings or any
14 drawings you had for that test. We've talked already
15 about the drawings you were provided with for the
16 February test.
17 Could we go back to Jonathan Roper's witness
18 statement, that's {CEL00010052/13}, paragraph 5.35.
19 You can see 5.35, Mr Roper says:
20 "The team at Celotex had wanted Patrick Jones [so
21 you] to construct the rig ... because Paul, Rob and
22 I decided that we did not want to pay for another set of
23 drawings ... and Patrick knew the system from the first
24 test. We thought that Patrick could oversee the
25 construction without the need for revised drawings."

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1 Mr Roper has told us orally that Celotex didn't get
2 any new drawings commissioned before the test.
3 Do you remember that you were not given any
4 additional drawings when they commissioned the second
5 test?
6 A. I can't specifically recall , but I would generally agree
7 with that, because, as I said, it was very lax in that
8 way, like I say, nobody give me the drawings first,
9 nobody — you know, there's no forethought or
10 confirmation of anything before, so I would guess that
11 the first set of drawings — I would agree with that,
12 that I did it exactly the same from the first one,
13 because I don't know — you know, I really do not think
14 there was a second set of drawings. There was
15 definitely not a set of drawings that showed two layers
16 of panel, if that's the question. But, no, I would
17 agree, it was just — the original set would have been
18 all I would have worked from.
19 Q. Given that we know there had been these changes to the
20 design, did you think it was strange that there weren't
21 any new drawings?
22 A. No.
23 Q. How did you know to put up the magnesium oxide layer
24 without the drawings there?
25 A. Jon Roper would have specifically told me what to do.

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1 Q. Just to be clear, you say he would have told you —
2 A. Jon Roper did tell me, yeah. I wouldn't — yes. If
3 I didn't have a drawing — if I'd have had a drawing —
4 my mind does work like that, if I'd have had a second
5 drawing with the magnesium oxide, I'm sure I would have
6 remembered it, but I didn't, and so, yeah, I was
7 instructed by Jon Roper what boards to put on and how to
8 put them on.
9 Q. Did he give you those instructions when you were on site
10 at the BRE?
11 A. Yes.
12 Q. So they were verbal instructions?
13 A. Yes, yes, Jon Roper was there. Like I say, he was there
14 quite a lot to — you know, overseeing and instructing
15 the work, so yes.
16 Q. Can you remember what he told you in terms of where
17 those boards needed to be installed?
18 A. Looking back from context, back at the photographs and
19 what I recall from it, at the level of the second
20 fire barrier.
21 Q. That's an answer you have put together being as helpful
22 as you can, but it's not a memory; is that right?
23 A. Yes, but also it goes logically that I wouldn't have
24 guessed where to put them, I would have specifically
25 been told where to put them. I wouldn't have chosen

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1 where to put them myself, I would have been told where
2 to put them. I would have built the rig specifically as
3 requested, and requested by, in this case, Jon Roper.
4 Q. As far as you can remember, did anyone except Jon Roper
5 give you any instructions about how to install or the
6 design that was to be installed?
7 A. No.
8 Q. Did he give you any explanation about why the changes
9 were being made or just tell you what they were?
10 A. Only generally, as I said previously, that the first
11 test had failed because the panel product in question in
12 the first test had failed, it had burnt through before
13 it reached its — before the test could conclude, so
14 that where it failed, they'd put a thicker board on or
15 two layers of board. That's what I understood. And
16 like I said, it made perfect sense to me that that would
17 be — you know, I understood that it wasn't the panel
18 product that was being tested, it was the Celotex
19 underneath.
20 SIR MARTIN MOORE-BICK: Ms Sullivan, I'm sorry to interrupt
21 you, but can I try and clarify something with Mr Jones.
22 Mr Jones, I envisage you putting up this test rig,
23 and when you get to the cladding panels, you start at
24 the bottom, I assume, and work on up; is that right?
25 A. Yes, that's correct, yeah.

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1 SIR MARTIN MOORE—BICK: Was Mr Roper present when you were
 2 putting up these panels for the whole time, as far as
 3 you recall?
 4 A. I believe he probably was, yes.
 5 SIR MARTIN MOORE—BICK: You see, I can understand that if
 6 you had a drawing which showed where you should put the
 7 magnesium oxide boards, you would know exactly where to
 8 work to and where they should go. But without
 9 a drawing, how did it work?
 10 A. I think there's — obviously the original drawings
 11 showed that there was, I think, if I remember rightly
 12 it's either four or five panels high.
 13 SIR MARTIN MOORE—BICK: Yes.
 14 A. First panel covered the first fire barrier, second panel
 15 was intermediate, I believe, so the third panel would
 16 have been on the second fire barrier, so that would have
 17 been the level it was required. But I'm sure Jon Roper
 18 was there, though. I do recall him being there. He
 19 must have been, yes.
 20 SIR MARTIN MOORE—BICK: So your recollection is that he in
 21 a sense supervised the placing of the cladding at that
 22 particular level?
 23 A. Yes. I don't recall — I really do not believe there
 24 was another drawing, I really don't.
 25 SIR MARTIN MOORE—BICK: No, but I'm just trying to

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1 understand how it worked, because you would need some
 2 fairly precise instructions, either in the form of
 3 a drawing or in the form of oral instructions.
 4 A. It would have been — I mean, if there was four panels,
 5 third one from the bottom, the one that corresponds with
 6 the second fire barrier, would have been the magnesium
 7 oxide. But I'm sure he was there at the time.
 8 SIR MARTIN MOORE—BICK: Right.
 9 Can you remember whether, having got the magnesium
 10 oxide board on, you immediately put on the outer board,
 11 the Eternit board, or whether you worked on up the rig?
 12 A. I really — I really can't remember. We probably would
 13 have done, worked on up the rig, but I really — I can't
 14 remember that, not in that detail.
 15 SIR MARTIN MOORE—BICK: No, all right. Thank you very much,
 16 that's very helpful.
 17 Sorry, Ms Sullivan, on you go.
 18 MS SULLIVAN: Thank you, Mr Chairman.
 19 Mr Jones, in relation to those instructions you were
 20 getting from Mr Roper, do you remember anyone from the
 21 BRE being present when he was giving you those
 22 instructions?
 23 A. Not in any — not anything specifically, but as I said
 24 previously, there were definitely people from the BRE
 25 around all the time. I mean, sometimes Jon would be

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1 standing there talking to several people of whom
 2 I assumed were BRE people. So, yes, he was definitely
 3 talking to, you know, BRE staff at intervals. At what
 4 particular time and what particular stage of the
 5 process, I couldn't clarify.
 6 Q. But as far as you remember, any verbal instructions
 7 given to you by Mr Roper was a conversation between the
 8 two of you rather than with anyone from the BRE standing
 9 in as well?
 10 A. I don't ever recall anyone from the BRE inputting on the
 11 specifics of how the test went, no — you know, how the
 12 install went, sorry. But everything that I was asked to
 13 do, yeah, it was from Jon Roper. I don't — yeah, no,
 14 no one from the BRE had any design input, not directly
 15 to myself, anyway.
 16 Q. Could anyone have overheard the instructions he was
 17 giving you if they had wanted to?
 18 A. Yeah, I would have thought so, yes.
 19 Q. I think we've already discussed this, but just for the
 20 sake of clarity, were you given any instructions to try
 21 and conceal the changes that were made to the design
 22 from the BRE?
 23 A. No, definitely not. I was unaware of anything, as
 24 I said, underhanded or anything going on like that.
 25 There was no question of anything sinister occurring to

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1 me at the time, and no one suggested, "Hurry up and get
 2 that on" or "Cover that up" or "Don't let anyone see
 3 that". There was nothing like that.
 4 MS SULLIVAN: Mr Chairman, I'm making quite good time with
 5 Mr Jones, but I have a fair few pages to go, so, looking
 6 at the time, it might be a good point for a break.
 7 SIR MARTIN MOORE—BICK: Is that convenient to you?
 8 MS SULLIVAN: Yes, I'm about to start a new topic.
 9 SIR MARTIN MOORE—BICK: Right.
 10 Well, Mr Jones, I said that we would have a break
 11 during the afternoon and we're going to have it now. We
 12 will resume at 3.30, please, and I have to ask you,
 13 while we're having a break, please don't talk to anyone
 14 at all about your evidence or anything relating to it.
 15 THE WITNESS: Understood, yes.
 16 SIR MARTIN MOORE—BICK: All right. See you at 3.30, then.
 17 THE WITNESS: Thank you.
 18 SIR MARTIN MOORE—BICK: Thank you very much.
 19 (3.16 pm)
 20 (A short break)
 21 (3.30 pm)
 22 SIR MARTIN MOORE—BICK: Welcome back, everyone. We're now
 23 ready to continue hearing further evidence from
 24 Mr Jones.
 25 Mr Jones, are you there? Can you see me and hear

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1 me?

2 THE WITNESS: Yes, I can see you and hear you, yes.

3 SIR MARTIN MOORE-BICK: Very good, thank you very much, and

4 you're ready to carry on, I hope?

5 THE WITNESS: Yes.

6 SIR MARTIN MOORE-BICK: Good, thank you.

7 In that case, Ms Sullivan, when you're ready.

8 MS SULLIVAN: Thank you, Mr Jones.

9 Mr Jones, we were talking before the break about

10 what, if anything, you could remember about when the

11 installation for the May test was carried out, and

12 I think it's fair to say you don't have a clear memory.

13 Could I ask you to look at {CEL00000873/2}. About

14 halfway down that page, there's an email on 11 March

15 from Jon Roper at Celotex to Graham Smith at Simco, and

16 it says:

17 "Have just come off the phone to the BRE who have

18 confirmed that work can commence on-site from 7th April.

19 "I'd envisage needing materials supplied by

20 Simco ... and labour for 3 days [week commencing]

21 7th April ..."

22 If you could just scroll up, please, to the email at

23 the top of that page, we can see Mr Smith's reply:

24 "Jon,

25 "As discussed yesterday Patch should be available

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1 that week as the site he is on are behind again."

2 Does that prompt any memory from you about when you

3 were there for the installation of the test carried out

4 in May, or can you not remember?

5 A. No, I really — I can't remember, no.

6 Q. Thank you.

7 You told us that Siderise or someone from Siderise

8 attended before the February test, you think, to tell

9 you about their product. Was anyone there at the May

10 test as well, or was there only one such session?

11 A. There was only one visit. I really can't recall whether

12 it was Siderise. I really can't recall, you know,

13 I might be citing Siderise incorrectly there, but it was

14 the — it was whoever was supplying that particular

15 fire barrier, which is a Siderise style, you know,

16 whoever it was, but I really can't recall.

17 Q. I see.

18 We're going to just look then at some questions

19 about the BRE's involvement, which we partially

20 discussed, but just to make sure we've covered

21 everything.

22 Can you remember in relation to the May test who

23 from the BRE had oversight or whether there was a person

24 who had oversight as you were carrying out that

25 installation?

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1 A. I can't recall who that was, and like I've said, I'm

2 only assuming from context that it was Phil Clark, but

3 I've got a terrible memory for names and it would have

4 been — it was the same gentleman, who I believe is

5 Phil Clark, but like I say, you know, I don't know for

6 sure.

7 Q. Whoever it was who was overseeing, it was the same

8 person you remembered from February; is that right?

9 A. Yes.

10 Q. And do you remember that person viewing or inspecting

11 the rig as you were assembling it?

12 A. Not specifically, no.

13 Q. Could we go to {BRE00005773/3}. As it comes up, I'll

14 explain what it is. It's not a document you have any

15 input into. It's a document that's been disclosed to us

16 by the BRE. It's a document that at least was in

17 existence from May 2013 onwards.

18 Did you see anyone from the BRE with a document of

19 this sort whilst you were assembling the rig in

20 May 2014?

21 A. I've got no — no, not specifically that document, no.

22 As I've said numerous times, there were definitely

23 people walking round measuring and checking and

24 photographing and walking round with clipboards and

25 looking at what we were doing at intervals during the

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1 whole time we were there, but I couldn't specifically

2 say, you know, when and at what stage, you know, they

3 were, you know, recording and reporting, but there were

4 definitely people. But that particular form, I can't

5 ever remember seeing that one, no.

6 Q. Do you remember anyone checking off against any sort of

7 list or checklist?

8 A. I'd be — it would be conjecture. Definitely there was

9 people — there were people checking stuff and maybe

10 against lists, maybe that one, but I would just be

11 guessing.

12 Q. You say there were people checking and making —

13 A. BRE staff.

14 Q. Yes. Was there more than one person doing that?

15 A. I couldn't say. Again, I'd just be assuming. There

16 were definitely BRE staff, different members of staff,

17 doing different things, but who was — into what exact

18 detail, who was doing what, that's their job, you know,

19 I wasn't really paying that much attention at the time.

20 Q. I see. Did any of them ask you any questions at any

21 point?

22 A. Possibly.

23 Q. Possibly, but you don't remember, or ...?

24 A. I did speak on several occasions to some of the BRE

25 staff, but I don't think ... looking on there, possibly

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1 on the thermocouple positions, just specifics. Nothing
 2 particular springs to mind, but I did have conversations
 3 with, you know — likely with BRE's staff when I was
 4 installing.
 5 Q. Can you remember what sort of things you would have been
 6 talking about?
 7 A. It would have mainly been about their particular rig.
 8 As I've said much earlier on, obviously they have
 9 knowledge of their rig and they would specifically tell
 10 me, "We'll need to put the thermocouple on here and
 11 there and, you know, fix to that, you know, fix to this
 12 section, you know, if you use particular (?) fixings in
 13 this section", you know, exactly — just things like
 14 that, just general information on the rig itself.
 15 Nothing particular on the products that I was
 16 installing. They had no design input (inaudible), but
 17 just on the particulars of their rig and what was
 18 required on that score.
 19 Q. Did anyone ask any questions about why there were
 20 different coloured layers of board being installed?
 21 A. No.
 22 Q. I know you told us you don't have a great memory for
 23 names; do you know if you ever met Stephen Howard whilst
 24 you were at the BRE?
 25 A. Name doesn't ring a bell at all, no.

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1 SIR MARTIN MOORE—BICK: Ms Sullivan, I'm sorry to interrupt
 2 you yet again, but can I just ask about photographs.
 3 Mr Jones, we understand that various people took
 4 photographs of the rig in the course of construction.
 5 A. Yes.
 6 SIR MARTIN MOORE—BICK: Were there times when you asked BRE
 7 to come and take a photograph?
 8 A. No.
 9 SIR MARTIN MOORE—BICK: So whatever photographs they took,
 10 they took them as and when they wanted to; is that how
 11 it worked?
 12 A. Yes, yeah.
 13 SIR MARTIN MOORE—BICK: Did you take any photographs of the
 14 rig in the course of construction?
 15 A. I did, yes.
 16 SIR MARTIN MOORE—BICK: And what happened to them?
 17 A. I think you have copies of some of those, the ones that
 18 I took. There's some I took just as a, "Well, this is
 19 the stage we're at at the moment", and emailed them to
 20 Jon Roper. Other than that, they just stayed on my
 21 Google Photos and that's where they've been ever since.
 22 SIR MARTIN MOORE—BICK: Okay, that's helpful. But you think
 23 we've got them anyway?
 24 A. Yeah, anything I found, information I thought might be
 25 helpful, I'm sure I sent them in.

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1 SIR MARTIN MOORE—BICK: Yes, Ms Sullivan, sorry to interrupt
 2 you.
 3 MS SULLIVAN: Thank you. Just for clarity, we do have
 4 photos from Mr Jones and we are coming to look at some
 5 of them a bit later, just so Mr Jones knows that they
 6 haven't got lost in transmission anywhere.
 7 A. Okay.
 8 Q. We've spoken about photos; do you remember whether
 9 anyone from the BRE was taking any measurements at any
 10 point?
 11 A. Specifically, no, but yes, they were definitely taking
 12 measurements, but of what, I couldn't specifically say.
 13 As I said, again, sorry, numerous times, there were
 14 definitely people from BRE who were recording and
 15 looking at things, you know, during the build, yeah, but
 16 specifically what they were measuring, you know,
 17 I couldn't say. They were doing their work and that's
 18 as much as it went.
 19 Q. Just to check I've understood that, is that you remember
 20 measurements being taken but not specifically of what?
 21 A. Yeah, they were measuring and recording several times,
 22 several intervals, they were looking at things.
 23 I didn't see them measuring thickness of the panels,
 24 I didn't see them measuring — I didn't specifically see
 25 what they were measuring, but they were for sure

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1 recording the build as it progressed.
 2 Q. Were you asked at any point to identify all of the
 3 component parts that were going into the system?
 4 A. No.
 5 Q. Were you aware of anyone from the BRE recording that
 6 information?
 7 A. Not specifically, no, I just assumed that everything
 8 that was done was recorded because that's their job.
 9 Q. I think the Chairman asked you earlier about the
 10 instructions that you were getting from Mr Roper. Could
 11 you just help: how often during the installation being
 12 built up were you having conversations with Mr Roper?
 13 A. Usually in the morning and ... he didn't really need to
 14 tell us any more than what we needed to know. He would
 15 instruct us — you know, there's not — it's not that
 16 detailed a thing. He would say, "Put this bit there,
 17 put that bit there", and then that would more or less be
 18 it, and he would come again and check that we were doing
 19 what he'd asked. It's not really that deep a thing. If
 20 he told me once at 9 o'clock, then it would be done,
 21 you know, he wouldn't have to keep talking about it all
 22 day long.
 23 Q. Was he there all day every day?
 24 A. He was there quite a lot, but I can't remember —
 25 I don't think he was there every day, but he was there

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1 every other day, most days. I really can't remember,
 2 but he visited quite a bit, yes. He wasn't there every
 3 day though.
 4 Q. I know we have been talking about if you can remember
 5 how long it took, but can you remember, if it was the
 6 case that Mr Roper was there every other day or not each
 7 day, were you there consecutive days or do you think you
 8 did some days and then came back and did some more?
 9 A. I think we did, but I really can't recall. It's that
 10 long ago, I can't — I'm only getting that from looking
 11 back over emails and a lot similar to the one that you
 12 just said that (inaudible) revisit. I really can't say
 13 for sure. I did think there was a break — you know,
 14 there was a break in the install, but I can't remember
 15 why, whether I was busy or whether it wasn't ready or
 16 whatever reason, but I do seem to vaguely recall that we
 17 didn't install in one hit, as it were.
 18 Q. Do you have any memory of what stage you would have been
 19 at when there was that break?
 20 A. No.
 21 Q. Do you remember how long that was for?
 22 A. No, sorry, I can't — I really couldn't say.
 23 Q. In terms of conversations whilst you were at the BRE,
 24 were you present at or did you hear any conversations
 25 between Celotex and the BRE whilst you were installing

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1 the rig?
 2 A. No. No. No, I didn't, because usually we're up in the
 3 air on a scaffold. No, I'm aware that they were talking
 4 together, but no, I didn't overhear. No, I didn't
 5 particularly overhear anything specific, no.
 6 Q. We've talked a bit about the processes that were
 7 followed and your memory of what checks were carried
 8 out. Was there any difference, as far as you can
 9 remember, between the process in February 2014 and the
 10 process in May 2014?
 11 A. What, from the aspect of BRE?
 12 Q. Yes, in terms of the checks and the —
 13 A. No, not that I'm aware of, no. I didn't notice anything
 14 particularly different, no.
 15 Q. No real differences in the way that those checks were
 16 done?
 17 A. No, I didn't notice anything particularly different, no,
 18 at all.
 19 Q. As with February, do you remember if you told anyone
 20 from the BRE when you had completed installing that you
 21 were done and it was ready for handover?
 22 A. I do recall letting them know, but like I said, it may
 23 be just out of courtesy or building security that we'd
 24 finished and we were leaving the building, you know,
 25 we'd cleaned everything up. But as for particular,

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1 you know, process and protocol, I really can't remember.
 2 You know, I don't think I was given any instruction to
 3 let them know at certain intervals or stages, but,
 4 again, I may have done. I do remember going up to the
 5 office and saying, you know, "We're leaving now" or
 6 "We're done", but I can't remember any set, you know,
 7 stage points having to inform on that.
 8 Q. Do you remember who was in the office when you went up
 9 to say that?
 10 A. No. There was — sometimes there was nobody, sometimes
 11 there was who I believed to be Phil, and sometimes there
 12 were several people in there. Or two or three people.
 13 Q. As far as you were aware, were any checks carried out
 14 once you had announced that you were finished but prior
 15 to testing?
 16 A. Yeah, I think they come and checked it when we were
 17 done, or did the work that they needed to do.
 18 (inaudible) like I said, after we'd installed to
 19 a certain stage, they would come and install
 20 thermocouples and sensors and readers and whatever they
 21 needed to do. So that happened, obviously, as soon as
 22 I'd finished.
 23 Q. Can you remember in terms of when the thermocouples were
 24 installed, was that after you had installed the
 25 magnesium oxide layer or before?

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1 A. I can't recall that, no. I think it was before because
 2 some of them, they would have needed to check the face
 3 and the penetration through the insulation of — I would
 4 have believed. I'm just guessing, sorry.
 5 Q. Do you know who carried out that overall check before
 6 you left?
 7 A. No, just BRE staff. I don't know who.
 8 Q. I see.
 9 We have slightly covered this already, but just for
 10 the sake of the record, was it your understanding that
 11 the BRE and Celotex were both aware of the components in
 12 the test rig in May 2014?
 13 A. Yes.
 14 Q. And as far as you were concerned, was there any reason
 15 that the BRE could not have identified the changes in
 16 the design, so the 6 millimetres magnesium oxide and the
 17 8 millimetres of Marley Eternit?
 18 A. It was clear for anybody to see at any stage, if that
 19 answers your question. Anyone with access into that
 20 fire hall, obviously BRE staff or invited participants,
 21 because sometimes the door was shut, it was clear at any
 22 stage for anyone to record anything. What they actually
 23 did see, I've got no idea, but there's nothing hidden
 24 or — you know, it was clear for anyone to see at any
 25 point, so I should imagine that BRE would have seen it.

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1 Q. So could we put it this way: as far as you're concerned,
2 there was no reason to think that they were unaware of
3 those differences?
4 A. Correct, yeah, there's — yeah.
5 Q. I'm going to ask you some questions now about stripping
6 down that test rig, so after the fire test had been
7 carried out.
8 If we could go to {BRE00005548/6}, you can see
9 there, at the second email down, it's an email from
10 Mr Roper to Mr Clark on 15 May, so about two weeks after
11 the test, and with the subject line "Monday 19th", and
12 he says:
13 "Phil,
14 "I've spoken to Simco who are struggling to carry
15 out a strip down of the rig Thursday or Friday next
16 week. If I instruct Patch (installer) to strip down on
17 Monday without me attending, would this be okay and can
18 we prevent as much as possible our competitors being in
19 hall at that time?"
20 Patch, that's a reference to you, isn't it?
21 A. It is, yes, yes.
22 Q. Yes, and the Monday that he's saying if he instructed
23 you to attend, that would be Monday, 19 May. We know
24 that you did attend on that date, because you took some
25 photos which we're going to have a look at. Can I just

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1 ask first: do you think that was the first time that you
2 were asked to go and strip down the rig, the first date?
3 A. I really can't — I would guess so, but I'm guessing,
4 I don't know. I would guess so.
5 Q. Do you remember, did you complete the strip-down of the
6 rig in one day?
7 A. I can't remember, but I certainly would have thought so.
8 I mean, it's hours' worth of work, if that, yeah, so
9 definitely, I would have thought so. But I can't
10 remember. But I would have thought usually, yes,
11 definitely, in a day.
12 Q. Do you remember, was it just you who went to do that or
13 did you have someone helping you?
14 A. I can't remember 100%, but I think it might have just
15 been myself. I really — I can't remember.
16 Q. Just looking again at that email, you can see just after
17 the sentences we have been looking at, Mr Roper goes on
18 to say:
19 "Also, would it be for possible for you to [take]
20 a couple of images once the guys have removed the façade
21 so we have something on file which shows insulation
22 below and above fire break."
23 Then Mr Clark's reply is just above that, and he
24 says:
25 "Hi Jon, this would be Ok and I will put a camera up

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1 and get some good photos for the system coming down."
2 Do you remember whether Mr Clark or a person who you
3 thought had been Mr Clark was present on 19 May when you
4 went to strip down?
5 A. Again, I would be surmising. I would think, though.
6 Really I would be guessing. I couldn't say whether he
7 was or not. I would assume that he was, but again, it's
8 just an assumption.
9 Q. That's very clear, thank you.
10 I should say, Mr Clark's evidence was that when he
11 said in this email, "I'll put a camera up", he meant
12 that he would arrange it, not that he would be there
13 himself. Do you remember, when you went to strip down,
14 was anyone from the BRE there?
15 A. Yeah, there must have been somebody there. No,
16 I can't — like I said, they were recording, that is
17 their job, I mean, that is — they are recording, but
18 I do — now seeing that, I do remember cameras on
19 tripods, but at what point in time, I don't know.
20 Q. When you say cameras on tripods, where would those be?
21 A. Now having seen that, I do remember cameras — a camera
22 rig set up on a tripod. In what specific location,
23 I don't know, but I do remember now, that is how they
24 set it up and recorded.
25 I think I might be thinking of a recording for the

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1 video evidence for the actual tests. I might be getting
2 mixed up with that.
3 Q. Were you present for the actual test?
4 A. No. No, I think that was one criteria, that you were
5 not allowed to be in to witness tests, I believe.
6 Q. When you say you remember cameras on tripods, how high
7 do you remember those being?
8 A. A metre, 1,200.
9 Q. Judging by that email, it looks like Mr Roper didn't go
10 with you to the strip-down. Did he give you any
11 instructions before you went to take it all down?
12 A. I don't remember.
13 Q. Can you remember if he referred to in any way the
14 magnesium oxide boards?
15 A. No, sorry, no, I don't recall any conversation from Jon.
16 No. There's nothing specifically about anything, no.
17 I had no instruction specifically about, you know, doing
18 anything with anything in particular. No, I don't
19 believe — I don't believe I even spoke to him, but
20 I may have.
21 Q. If you didn't speak to him, do you think you might have
22 been told to go by Simco instead then?
23 A. Yes. It's Simco I was working for, so I should imagine
24 at the time — this is where I vaguely recall that there
25 was a break in it. I think I was busy on another job

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1 that was equally as critical . So, yeah, it would have
 2 been Simco that requested my, you know, presence there.
 3 Q. I'm just going to look with you at some of the photos
 4 you sent to Mr Roper. You actually sent a number of
 5 emails, but there is one I want to look at first . If we
 6 could go to {CEL00000950}. Sorry, that's the photo, not
 7 the email. Could we go to {CEL00000946}, I think is the
 8 actual email. No, that's another photo.
 9 Okay, well, this is not the one I wanted to look at,
 10 but this is another email you sent on that evening,
 11 {CEL00000942}, please. That should just be coming up.
 12 There we go. It's a blank message, but you can see,
 13 which is the important point, the date and the time that
 14 you sent it. It's got subject line "BRE". Attached to
 15 that email and another two emails there are some
 16 photographs which you took.
 17 Given the time that you sent that, that one says
 18 just before 10 o'clock at night, I assume you were
 19 sending those when you had finished and got back?
 20 A. I guess so, yeah, when I got round to it, but yes.
 21 Q. Do you remember why you were sending them immediately
 22 after being there? Had you been asked to send them?
 23 A. No, I think it was -- no, I don't believe that I was
 24 ever asked to send photos, I think I just did it because
 25 I'm kind. I think because -- I don't think, because Jon

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1 was there, I think it was just to -- I can't remember,
 2 but looking back through the emails when I was
 3 originally giving the evidence, it just -- I think I was
 4 just informing him as to the state of the thing, looking
 5 at that previous emails, because he wasn't there. It
 6 must have been just for his own information. I wasn't
 7 specifically asked by him to send photographs, I just
 8 did it.
 9 Q. Can we look at {CEL00000947}, which was the email I was
 10 initially trying to take you to, via our tour of various
 11 photographs. This is the one which attaches the photos
 12 we're now going to look at. Again, this one is 10.05
 13 and it just says, "John, Regards, Patch". So is this
 14 the same position: you were just sending them because
 15 you thought it was for his information, really?
 16 A. Yeah. Yeah, for sure.
 17 Q. Could we go back to {CEL00000950}, which is one of the
 18 photographs which was attached to this email. You can
 19 see in that photograph the white layer of magnesium
 20 oxide boards around the level 2 thermocouples and the
 21 top of the rig. Are those the magnesium oxide boards?
 22 A. Yeah. Well, I think so. I don't recall the one at the
 23 top being magnesium oxide board, but looking at that, it
 24 must have been. But, yeah, I do remember the magnesium
 25 oxide board being at that second level there, you know,

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1 the wider one.
 2 Q. So is it the case then that you have a clear memory of
 3 the magnesium oxide being put at the second level but
 4 you don't remember the top so well?
 5 A. No, I don't recall putting it there, but obviously
 6 I did, but yes.
 7 Q. Did you take this photo?
 8 A. Yes, I think so.
 9 Q. Was there any reason particularly that you had taken
 10 a photo at this level of the board being stripped down?
 11 A. No.
 12 Q. You can see there is a man in a blue hardhat --
 13 A. Yeah.
 14 Q. -- in what looks like it might be a cherry-picker or
 15 something. Obviously it's not you, if you were taking
 16 the photo. Do you know who that is?
 17 A. Yeah, that was -- now I've seen that, that was
 18 an assistant I took with me.
 19 Q. Then there is another -- it's not actually very easy to
 20 tell in this photo because their face has been redacted,
 21 but on the very right-hand side, coming down the steps,
 22 you can see somebody wearing a high-vis jacket, and in
 23 the photo they have, underneath the redacted face, a red
 24 helmet on. Do you have any idea who that might be?
 25 A. No.

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1 Q. Did you only have the one assistant with you, as you
 2 can --
 3 A. Yeah. Until I've just seen that, I can't even
 4 remember -- yeah, it's a friend of mine called Richard.
 5 Like I say, it's a -- yeah, I didn't even -- I couldn't
 6 even remember him being there. He used to help me out,
 7 so, again ...
 8 Q. So there were the two of you and then we've got a third
 9 person in this photograph. We know it's not Jon Roper
 10 because he wasn't there. Was there anyone from Celotex
 11 there with you?
 12 A. I don't -- no, I don't think so, no. I don't ever
 13 remember anyone from Celotex other than Jon Roper ever
 14 attending. I would have guessed that would be BRE
 15 staff, but -- it would have to be. Like I say, I ...
 16 yeah, they'd have to be. There wouldn't have been three
 17 of us there, for sure, for definitely. There would have
 18 been me and one other. I thought I'd stripped that down
 19 on my own, actually, but yeah.
 20 Q. Was there anyone --
 21 SIR MARTIN MOORE-BICK: Ms Sullivan, I'm sorry to interrupt
 22 you, I seem to be doing it a lot, I'm afraid, but
 23 I would just like to clarify something with Mr Jones
 24 while we've got this picture up on the screen.
 25 Mr Jones, we can see from that photograph that all

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1 the Marley Eternit cladding has been removed.
 2 A. Yeah.
 3 SIR MARTIN MOORE—BICK: But none of the magnesium oxide.
 4 When you dismantle a rig of this kind, do you start at
 5 the top or the bottom?
 6 A. I don't think it would — it wouldn't matter for
 7 dismantle.
 8 SIR MARTIN MOORE—BICK: Okay. But would you just work your
 9 way straight up or down the face of the rig as the case
 10 may be?
 11 A. Probably, yes. I can't remember why this — there's no
 12 specific reason why that's left there.
 13 SIR MARTIN MOORE—BICK: Well, that's what I was wondering,
 14 whether, first of all, you left those particular boards
 15 there for any reason —
 16 A. Well —
 17 SIR MARTIN MOORE—BICK: — but you can't remember, if you
 18 did, why you did?
 19 A. No, I don't know. There's no particular — I would
 20 remember, but there's no particular reason why those
 21 boards are still left there.
 22 SIR MARTIN MOORE—BICK: Okay. And does the fact that the
 23 boards are left there when you're dismantling the rig
 24 tell you anything about the order in which the boards
 25 were put up when you were erecting the rig?

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1 A. No. For install, I'd definitely always start at the
 2 bottom for install, because once you have put the first
 3 one on, you've got something to rest the next one on.
 4 I mean, that's the simple mechanics of it. But if those
 5 boards were charred and burnt, which I can't remember,
 6 but if they were, I might have taken the most dangerous
 7 ones off first, you know, might have taken the loosest
 8 ones off, which could have been the bottom ones, it
 9 could have been any of them.
 10 SIR MARTIN MOORE—BICK: Yes.
 11 A. I could have started at the bottom and worked my way up
 12 or the other way.
 13 SIR MARTIN MOORE—BICK: All right. Thank you very much
 14 anyway.
 15 Sorry, Ms Sullivan, on you go.
 16 MS SULLIVAN: Thank you, sir.
 17 Mr Jones, I just want to look at a couple of the
 18 other photos you took with you, just to see if that
 19 helps you at all with what you were taking photos of and
 20 why in particular.
 21 Could we have a look at {CEL00000946}. You can see
 22 this is pretty similar to the photograph we've just been
 23 looking at, it's another one that you emailed Mr Roper,
 24 but —
 25 A. I know why I've taken that, because it clearly shows the

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1 fire damage up to the fire barrier and then just smoke
 2 damage above it. I can see that's why I've taken it.
 3 But I don't know why I've stripped the other board off,
 4 unless we was chucking it in two different skips.
 5 I can't think. There's no specific reason, but I can't
 6 think why I've done it like that.
 7 Q. Could we look as well at {CEL00000945}. That's
 8 a close-up, but again it's showing that white board, and
 9 I think there's an area of charring or soot damage at
 10 the bottom. Can you see that?
 11 A. I can see that, yes.
 12 Q. Again, could you help us with why you're taking photos
 13 of this?
 14 A. It's not specifically the white board. As I've said,
 15 there's nothing — there was never any inference of
 16 anything suspicious or underhanded going on. That's not
 17 particularly a photograph of the white board, it's just
 18 of the state of it, the white board, and the other as
 19 well, and the fire barrier behind it. Like I say, it's
 20 not — although it is a picture of the magnesium oxide
 21 board, it's not specifically a magnesium oxide board.
 22 Q. The other two photos were obviously photographs of the
 23 system from a bit more of a distance, this seems to have
 24 been taken quite close up. Would it have been taken at
 25 that level?

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1 A. Yes, it would have, yeah. I'd have only taken it on my
 2 telephone, but that clearly shows the smoke damage below
 3 and above the fire barrier, which I believe to be
 4 Siderise. Yeah, but that's why I've taken that, because
 5 it's clean one side and so effective, in my opinion.
 6 Q. Could we go back to the email we were looking at from
 7 Mr Roper to Mr Clark, which was at {BRE00005548/6}.
 8 A. Sorry, these photographs, are these — these are not
 9 photographs that I would have sent to Jon Roper, or are
 10 they? Like I say, I don't think I would have sent that
 11 particular one, I think that's just from my own file.
 12 Q. Yes, these are attached to —
 13 A. Is it? Okay.
 14 Q. If you would like to see the email this one is attached
 15 to, it's at {CEL00000944}, please. I think the emails
 16 are just blank, so I'm afraid you will have to take it
 17 on trust from me, but the emails and the photos belong
 18 together.
 19 A. Yeah, okay.
 20 Q. So that's the one that attached that, and the other two
 21 belonged to the email we looked at that said, "John,
 22 regards, Patch".
 23 A. Okay.
 24 Q. If we go back to the email exchange with Mr Roper and
 25 Mr Clark at {BRE00005548/6}, you can see there, at the

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1 bottom of Mr Roper's email, he is asking Mr Clark about
 2 getting some images which shows the insulation above and
 3 below the firebreak. Do you recall if Mr Roper made
 4 a similar request to you at any stage?
 5 A. Looking at those photos, maybe, but I don't recall it.
 6 I don't recall him -- no, I don't -- no, the answer is
 7 I don't recall him ever requesting me to take
 8 photographs. I was just trying to look and see if I was
 9 copied in on that, I was wondering why. But no, I just
 10 think I just did it as -- because, you know, just stage.
 11 Q. Does it follow, given we've looked at a photo which was
 12 taken by you of the full tested rig system showing those
 13 white boards --
 14 A. Yeah.
 15 Q. -- and also a close-up at the same level, that you must
 16 have got down from dismantling it, taken a photo and
 17 then gone back up, or the other way round, but you
 18 varied in level as those photos were taken; is that
 19 right?
 20 A. Yeah, yeah, I was stood on the floor for the other ones,
 21 I must have been, so, yeah, I must have been -- the
 22 second one where you've got the fire barrier and the
 23 white board removed, I would have guessed that that was
 24 during the uninstall.
 25 Q. Do you know how long you spent taking these photographs?

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1 A. Seconds, minutes.
 2 Q. We have a copy of the photograph I showed you which had
 3 your friend Richard and somebody else redacted, but we
 4 have apparently a copy which has their helmet not
 5 redacted. So if we could go to that, that is at
 6 {CEL00010626}. You can just see on the right-hand there
 7 on the stairs -- you may need your glasses, it's not
 8 terribly good quality, I'm afraid -- there is the man in
 9 the red helmet. You can see his helmet and --
 10 A. It is blurry, but I do recall him as being one of the --
 11 well, I believe it was one of the BRE technicians that
 12 installed the -- you know, that worked there.
 13 Q. What did you understand his role to be, sorry?
 14 A. One of the BRE staff, you know, at the -- one of the
 15 ones who was about, you know, installing the
 16 thermocouples and the -- you know, I don't actually know
 17 what his role was, but I believe that that man there,
 18 quite a big man, tall man, dark hair, I think that's
 19 him.
 20 Q. You remember him; do you remember anyone else from the
 21 BRE being there or do you not have that clear a memory?
 22 A. No. Those people -- there was a younger man as well who
 23 was around quite a bit, and ... I can't recall, just
 24 there was the younger guy, (inaudible) glasses as well,
 25 I think. But I don't know, no. At what particular

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1 stages -- they were around doing their work all over the
 2 place all the time, as I said, they were around doing
 3 things a lot.
 4 Q. Can I take you to the final test report which is
 5 {BRE00002497/29}. This is a photograph which made its
 6 way into the final test report, but which is not one of
 7 the ones which you sent to Mr Roper. Obviously that
 8 white board is still partly there.
 9 Do you remember BRE staff taking photos as you were
 10 dismantling that white board? I think that's your
 11 friend Richard in there.
 12 A. No, I don't recall anyone taking photographs at any
 13 specific interval, but I do -- I am aware that they were
 14 taking photographs as and when they deemed necessary.
 15 Like I say, it was available -- you know, it was
 16 available to be seen and photographed at any point in
 17 time, so -- and they were doing such. But, you know,
 18 specifics, no.
 19 I'm just wondering if they ... whether I was
 20 requested to take it down in that manner so that they
 21 could -- although again, I'm just guessing. I'm just
 22 guessing.
 23 Q. You can't remember any specific request like that?
 24 A. No, no.
 25 Q. Apart from you and BRE staff, was there anybody else in

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1 attendance who was taking photographs?
 2 A. I don't remember. I don't think so, but there could
 3 have been, I don't know.
 4 Q. Did anyone at the BRE ask you about that white board
 5 whilst you were dismantling the rig?
 6 A. I don't specifically remember, no.
 7 Q. Thank you.
 8 I'm coming to my last topic, which I can take fairly
 9 quickly.
 10 We know from Celotex that there were some revised
 11 drawings issued after the second test which were then
 12 sent over. Were you asked to check those drawings at
 13 any point?
 14 A. I don't ever remember, no. I may have been, but I don't
 15 remember. I don't think so, shall I say. I don't think
 16 so. I don't recall.
 17 Q. Those drawings were sent to the BRE in July 2014. One
 18 of the changes which we can look at -- if we could get
 19 up side by side {CEL00003194} and {CEL00003201}. Sorry,
 20 we may need to zoom in, actually. On the top left-hand
 21 corner of the diagrams, both, it's very small here so
 22 you may not be able to see, but there is a -- thank you,
 23 that's very helpful.
 24 Can you see on the left-hand side of the screen now,
 25 about halfway across, there is a red screw going

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1 vertically and the same — it's on a line with
 2 "aluminium continuous rail".
 3 A. Yes.
 4 Q. There is no text next to that red screw on the left—hand
 5 side. On the right—hand side, which is the revised
 6 version, there is a very small number 10 next to the red
 7 vertical screw.
 8 A. Yeah, I can see that, yes.
 9 Q. That is the instruction of a 10—millimetre vertical
 10 joint running through the system.
 11 Can you recall what the width of the ventilation
 12 gaps were in the rig?
 13 A. No.
 14 Q. But presumably, since the only drawings which were
 15 actually available to you were the original ones, which
 16 are the ones on the left which don't show the gap, you
 17 wouldn't have built that in?
 18 A. No, but if — generally the standard is the ventilation
 19 expansion gap is the same as the width of the panel, so
 20 if that was an 8—mil panel, it would have been a minimum
 21 of an 8—mil gap or an 8—mil joint, I would guess.
 22 Q. If we could go to the transcript for {Day72/3:16} —
 23 A. Other than that, I can't really recall.
 24 Q. If we look from line 16, this was Mr Roper giving
 25 evidence, and at line 16 he was asked:

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1 "Question: Did you instruct Patrick Jones or
 2 Patch Jones to construct the panels with very small,
 3 under 10—millimetre, ventilation gaps?
 4 "Answer: Correct, yes."
 5 Then he went on to say at lines 21 to 24:
 6 "Answer: Because I think we had a discussion there,
 7 and I didn't fully understand the ventilation
 8 requirements, if I'm completely honest, but I think
 9 Patch sort of indicated that you don't necessarily need
 10 a 10 or 12—mil gap, and, yes, it sat with the concept of
 11 trying to overengineer the rig."
 12 Do you remember any conversation along those lines
 13 about the ventilation gap?
 14 A. Not really. Vaguely. Vaguely, looking at that.
 15 Probably the same thing. Not specifically, but I've got
 16 a vague recollection of ...
 17 Q. Do you think vaguely you would have said what you have
 18 just said to us, that the minimum would be —
 19 A. Yeah, I wouldn't — I don't think it would have been any
 20 less than — it wouldn't have been any less thickness
 21 than the panel unless I was instructed to do that, but
 22 I can't remember what it was. Generally it would be
 23 10—mil, or the panel that you're using, because if
 24 you've got a piece of 8—mil panel and the gap is
 25 supposed to be 8—mil, you can cut a piece of that panel

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1 off and use the panel as the gap, if you understand what
 2 I mean, and a 10—mil pack is readily available, which is
 3 a standard sort of a gap.
 4 So I wouldn't have thought it would have been
 5 a smaller gap than that, unless I was specifically asked
 6 to do that, but I can't remember putting a smaller gap
 7 in for any reason.
 8 Q. Did any of the conversations you had with Mr Roper when
 9 you were installing the two tests or otherwise touch on
 10 this idea that Celotex were overengineering the rig?
 11 A. No, sorry, no.
 12 Q. And did you form any view that Celotex were attempting
 13 to do that in order to secure a pass for their second
 14 test?
 15 A. No. No, what they — for the second test, what, as
 16 I said before, what they were doing, putting a — well,
 17 two panels, I don't know what is the term, sorry —
 18 putting a thicker panel at that point made perfect sense
 19 to me, because it wasn't the panel that was being
 20 tested, is the way I understood it. So — but, no,
 21 I didn't think there was anything wrong with what they
 22 were doing.
 23 MS SULLIVAN: Thank you very much, Mr Jones.
 24 Mr Chairman and members of the panel, that's the end
 25 of our prepared questions. Might we take a break to see

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1 if there are any further questions from anyone
 2 following?
 3 SIR MARTIN MOORE—BICK: Yes, certainly.
 4 Before we do, Mr Jones, what happens to all the
 5 materials after the test rig has been dismantled?
 6 A. There are skips or stillages that we dismantle it into
 7 that — into the skips, and then BRE tip it into
 8 a larger one, I believe.
 9 SIR MARTIN MOORE—BICK: Thank you very much.
 10 Well, counsel has reached the end of the questions
 11 she thinks she wants to put to you, but we always have
 12 a break at this stage so that she can just make sure
 13 nothing has been left out, and also to allow others who
 14 are not as directly involved to suggest questions which
 15 perhaps we might put to you.
 16 So we're going to have a break now. We will come
 17 back at 4.30 and see if there are any more questions for
 18 you. In the meantime, please don't talk to anyone about
 19 your evidence while we're out. All right?
 20 THE WITNESS: Yeah. Of course. Thank you.
 21 SIR MARTIN MOORE—BICK: See you at 4.30, then. Thank you
 22 very much.
 23 (4.20 pm)
 24 (A short break)
 25 (4.30 pm)

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1 SIR MARTIN MOORE—BICK: Well, welcome back, everybody.
 2 We're now going to see if there are any more questions
 3 for Mr Jones. I'll just check that he can see and hear
 4 me all right.
 5 Are you there, Mr Jones?
 6 THE WITNESS: I am, yes, I can see you and hear you, yes.
 7 SIR MARTIN MOORE—BICK: Good, thank you very much.
 8 Well, we'll now find out whether Ms Sullivan has any
 9 more questions for you, if you're ready to go on.
 10 Yes, Ms Sullivan.
 11 MS SULLIVAN: Thank you. I'm afraid just a couple.
 12 Could we look at {CEL00000780}. Mr Jones, this is
 13 a method statement prepared by Simco which was then sent
 14 to the BRE in advance of the February test. Did you
 15 ever see this method statement?
 16 A. I don't recall. Possibly. Really, I can't remember.
 17 It's standard procedure that I would see the method
 18 statement and the risk assessments before I start any
 19 work. I don't recall it, but it is standard procedure,
 20 so I may well have done.
 21 Q. Do you remember seeing any other method statement other
 22 than this one?
 23 A. No, I can't remember at all.
 24 Q. Thank you.
 25 A couple of questions just about the photographs you

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1 took.
 2 I think you said you think you would have been
 3 taking them on your mobile phone; is that right?
 4 A. Yes.
 5 Q. Would those have a date stamp on them, time and date?
 6 A. I found those photographs because they're in — I'm sure
 7 they'd be dated. I don't think they will have a date
 8 stamp — sorry, I don't think they'll have a time stamp
 9 on them or anything, but they're in my Google Photos,
 10 that's where I found them from, so they are dated.
 11 Q. Do you still have them in your Google Photos?
 12 A. I think so, yes.
 13 Q. We may come back to you by letter about that.
 14 A. Yeah.
 15 Q. But thank you, we know you have already provided them
 16 and we've got them.
 17 The last but one question: did you keep a diary or
 18 a calendar at the time showing your work commitments?
 19 A. No, I'm very lax like that. I possibly have got
 20 records. I have got — I did used to keep a diary but,
 21 you know, I didn't keep it up — I did, in the first
 22 break, run out into the garage and have a rummage
 23 through, but I couldn't find one. I may well have
 24 a record of the times, but no, possibly no.
 25 Q. Thank you.

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1 The final question, then: we've spoken about the
 2 cavity barriers and someone from Siderise maybe; did you
 3 have any involvement in the design of where those were
 4 put in the system?
 5 A. No, I was just instructed as to what to build and
 6 I built it. No, they just say, "Please can you build
 7 this in this particular manner" and I just do that. No,
 8 I didn't have any input in, you know, the location or
 9 the — no design input.
 10 MS SULLIVAN: Thank you.
 11 Well, Mr Chairman, those are actually all of my
 12 questions, and I should just thank Mr Jones for having
 13 come to assist us, it's really very much appreciated.
 14 SIR MARTIN MOORE—BICK: Yes. Well, thank you very much,
 15 Ms Sullivan.
 16 Well, Mr Jones, it's right that I should thank you
 17 on behalf of the panel for making yourself available to
 18 give evidence. It's been very useful to us to hear what
 19 you have to say, and we're very grateful to you for, as
 20 I say, making yourself available. That's all the
 21 questions we have for you, and now it's all over. So
 22 thank you very much and good luck.
 23 THE WITNESS: Thank you.
 24 SIR MARTIN MOORE—BICK: Right.
 25 MS SULLIVAN: Thank you.

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1 SIR MARTIN MOORE—BICK: I think we're going to be sent on
 2 our different ways when someone gets round to pressing
 3 the buttons.
 4 Right, goodbye.
 5 THE WITNESS: Goodbye, thank you.
 6 (The witness withdrew)
 7 (4.35 pm)
 8 (The hearing adjourned until 10 am
 9 on Wednesday, 3 March 2021)
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