

OPUS 2

INTERNATIONAL

Grenfell Tower Inquiry

Day 40

September 22, 2020

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1 Tuesday, 22 September 2020
 2 (10.00 am)
 3 SIR MARTIN MOORE-BICK: Good morning, everyone. Welcome to
 4 today's hearing. Today we're going to continue hearing
 5 evidence from Mr Ben Bailey.
 6 Would you ask Mr Bailey to come in, please.
 7 MR BEN BAILEY (continued)
 8 SIR MARTIN MOORE-BICK: Good morning, Mr Bailey.
 9 THE WITNESS: Good morning, everyone.
 10 SIR MARTIN MOORE-BICK: Ready to carry on?
 11 THE WITNESS: I am.
 12 SIR MARTIN MOORE-BICK: Good. Thank you very much.
 13 Yes, Mr Millett.
 14 Questions from COUNSEL TO THE INQUIRY (continued)
 15 MR MILLETT: Mr Chairman, good morning. Thank you.
 16 Mr Bailey, good morning.
 17 A. Good morning.
 18 Q. I am going to turn to the topic of ACM panels, and
 19 specifically PE and FR options. But I am going to begin
 20 in November 2015 with an email about the O&M manual. So
 21 that's the context for the next few questions.
 22 Could you please be shown {HAR00002555}. Now, this
 23 is an email from you to Steve Roberts and Neil Wilson at
 24 CEP, who are the fabricators of the ACM panels, dated
 25 4 November 2015. You say:

1

1 "Steve & Neil,
 2 "Could you provide copies of the warranties for the
 3 following items for inclusion in our O&M manual."
 4 Then you set out four items there, the last of which
 5 is, "Reynobond (+ any other technical information)".
 6 So do we take it from that that you were involved in
 7 collating the information for the Harley operation and
 8 maintenance, or O&M, manual?
 9 A. Yes.
 10 Q. Can we now look at that document. It's {RBK00027339}.
 11 Is this the Harley O&M manual in 2015, that you saw
 12 at the time, do you think?
 13 A. I believe so, yes.
 14 Q. Yes. Can we look at page 182 {RBK00027339/182}. Here
 15 we see an Alcoa information sheet for Reynobond and
 16 Reynolux products. If you look under the heading "Fire
 17 certificates for Reynobond Architecture", we can see
 18 that the United Kingdom classification for both PE and
 19 FR is class 0. Do you see that?
 20 A. Yes.
 21 Q. Did you ever read this document?
 22 A. I don't remember.
 23 Q. Did you remember that there was both a PE and an FR core
 24 available?
 25 A. I don't recall being aware of an FR panel at the time.

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1 Q. Right. When do you think you did first become aware
 2 that Reynobond ACM came in an FR core version?
 3 A. I believe after the fire.
 4 Q. Right.
 5 Do you remember whether there was any discussion
 6 within Harley or the industry generally from your
 7 knowledge and experience at the time of the availability
 8 of ACM panels with an FR core as opposed to a PE core?
 9 A. I don't recall any conversations.
 10 Q. Right.
 11 Can I show you the BBA certificate for the Reynobond
 12 ACM product. It's at {BBA00000047}, please. It's
 13 certificate number 08/4510, issued in January 2008, as
 14 you can see from the bottom there.
 15 Have you ever seen this document before?
 16 A. I have, but I think, as I was saying yesterday, I've
 17 seen this document since. I don't remember if my memory
 18 of it is post or pre-fire.
 19 Q. I see. So, can we be clear: you didn't, to the best of
 20 your recollection, look at this at any time during your
 21 involvement on the Grenfell Tower project?
 22 A. I'm unsure.
 23 Q. Right. Let's see how we go with it.
 24 Can I ask you, please, to turn to page 3
 25 {BBA00000047/3}. You will see there, on page 3, it says

3

1 in the third paragraph under "General" at the top of the
 2 page:
 3 "It is important for designers, planners,
 4 contractors and/or installers to ensure that the
 5 installation of the cladding is in accordance with the
 6 Certificate holder's instructions and the information
 7 given in this Certificate."
 8 Even if you didn't read this document at the time,
 9 did you know generally that you had to ensure that the
 10 installation of the cladding was in accordance with the
 11 certificate holder's instructions and the information in
 12 the BBA certificate? Did you know that as a general
 13 proposition?
 14 A. A general proposition in the fact that the people using
 15 it had to follow that, yeah.
 16 Q. So do you accept that you knew, notwithstanding you
 17 hadn't read the certificate, that those installing the
 18 rainscreen cladding on Grenfell Tower had to follow the
 19 instructions of Alcoa or Arconic, and the information in
 20 this certificate?
 21 A. I mean, I'm unsure what their instructions are or were.
 22 Q. Right. Let me see if I can get at it this way: did you
 23 take any steps to ensure that those responsible for the
 24 installation of the cladding saw this certificate, even
 25 if you hadn't, understood it, and obtained specific

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1 instructions from Alcoa as to the installation ?
 2 A. I don't recall doing so.
 3 Q. Does that mean that you yourself took no steps to make
 4 sure that the installation that Osborne Berry was
 5 carrying out was in line with the requirements in the
 6 certificate ?
 7 A. As I said, I'm unsure whether I've seen the certificate ,
 8 so if I hadn't seen the certificate , the answer's no.
 9 Q. Did you ever say to Osborne Berry or either of them,
 10 "I haven't seen the BBA certificate , but you must make
 11 sure you get it and follow it"?
 12 A. I wasn't aware of that as something to ask them.
 13 Q. So is the answer to my question that you did not?
 14 A. I don't recall .
 15 Q. Now, I think it's right that you drafted the method
 16 statement for the installation of the cladding, didn't
 17 you?
 18 A. Correct.
 19 Q. When you did that, did you review any instructions or
 20 directions from Reynobond, Alcoa, to make sure that the
 21 method statement was in line with the instructions that
 22 they gave?
 23 A. I don't believe so.
 24 Q. Let's look at it -- well, we will come back to that in
 25 a moment, actually. Can I just ask you something else

5

1 on the certificate , {BBA00000047/6}, please, and I want
 2 to show you section 10 in this document. I know you
 3 didn't read it, but I just want to show you what it
 4 says:
 5 "10.2. Installers must be trained and approved by
 6 the Certificate holder who can provide technical
 7 assistance at the design stage and at the start of the
 8 installation ."
 9 Did you take any steps to ensure that Osborne Berry
 10 were appropriately trained?
 11 A. I did not.
 12 Q. Did you take any steps to ensure that Osborne Berry were
 13 approved by Alcoa, the manufacturers, and therefore the
 14 certificate holder?
 15 A. No.
 16 Q. If we look at section 6 on page 5 {BBA00000047/5}, just
 17 back a little bit, please, it says at paragraph 6.1:
 18 "A standard sample of the product, with a grey/green
 19 Duragloss 5000 coating, when tested for reaction to
 20 fire, achieved a classification of B-s2, d0 in
 21 accordance with EN 13501-1:2002."
 22 I know you didn't read it, but did you know, at
 23 least in general terms, that there was a certificate
 24 that said those things?
 25 A. My memory of this in relation to fire was that it was

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1 a class 0 product.
 2 Q. How did you know that?
 3 A. I think I was told that.
 4 Q. Do you remember by whom?
 5 A. I do not.
 6 Q. Okay. But I think what you're telling us is that you
 7 learnt that it was a class 0 product from somebody, but
 8 not from reading this certificate ?
 9 A. Correct.
 10 Q. Very well.
 11 Were you aware that the BBA certificate specifically
 12 recommended the inclusion of cavity barriers around the
 13 windows to prevent internal fire spreading to the
 14 cladding system?
 15 A. As I said, on this certificate , I'm unaware of that
 16 wording at that time.
 17 Q. Right.
 18 Now, let's then turn to the way in which these
 19 panels were ordered to site. That's the new topic.
 20 Can I ask you to start, please, with {RYD00018272}.
 21 This is an email from Simon Lawrence to
 22 Daniel Anketell-Jones on 19 September 2014, and you can
 23 see that Ray Bailey is copied in on it, as is
 24 Rob Maxwell and Simon O'Connor.
 25 Now, this is obviously before you became project

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1 manager for Harley, so you may not have seen this email.
 2 But he says in it, in the second sentence:
 3 "The Planners have been told that the discussion
 4 needs to be made asap as the order needs to be placed
 5 3rd October."
 6 The subject of the email is "Cladding Panels".
 7 At the time, were you made aware of that deadline?
 8 A. I don't believe so.
 9 Q. Right.
 10 Just as a bit of background, did you know that the
 11 decision to use smoke silver rainscreen panels
 12 manufactured by Alcoa, ie Reynobond, was formally agreed
 13 on 30 September 2014?
 14 A. I don't know -- didn't know that, no.
 15 Q. Okay. Can I ask you to turn to {CEP000000512}, please.
 16 This is an email from Mark Stapley to Geof Blades of
 17 CEP, copied to you, 25 February 2015, and he attaches
 18 something called "ACM Panel Requirements", and he says:
 19 "Hi Geof,
 20 "Please find attached our cladding panels
 21 requirements for Grenfell Tower. Please can you provide
 22 us with your most competitive price and also confirm
 23 lead times."
 24 Now, by this time, 25 February, you I think had
 25 taken over as project manager?

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1 A. I believe I was involved at that time, yes.
 2 Q. And we can see that he's asking for the most competitive
 3 price.
 4 Are you aware, given that the ACM panels had been
 5 formally signed off by planning in September 2014, why
 6 it was that Harley didn't start ordering or even
 7 obtaining quotes for the fabrication of panels until
 8 late February 2015, something like five months later?
 9 A. I don't know.
 10 Q. Did you know that CEP had provided a quotation to Harley
 11 for the fabrication of ACM panels on 21 January 2014?
 12 A. 2014?
 13 Q. Yes.
 14 A. I'm unaware of that.
 15 Q. You didn't know that?
 16 A. I don't remember.
 17 Q. Okay. Well, we'll come back to that.
 18 Can I ask you then to look at the attachment to this
 19 email. You will find that at {CEP0000000513}. If we go
 20 to the first page at the bottom, we have to blow that
 21 up, but we can see -- I think you will see there -- it
 22 says:
 23 "Material: Reynobond.
 24 "Finish: Smoke silver metallic Duragloss 5000
 25 satin."

9

1 Do you see that?
 2 A. Yes.
 3 Q. That's Reynobond ACM, isn't it?
 4 A. I believe so.
 5 Q. Yes.
 6 Now, if we look at page 4 {CEP0000000513/4} of this
 7 document, we can see here that this is a list of
 8 "Notional material requirements - Reynobond Cladding",
 9 and it says that they are to be made of Reynobond
 10 cladding. You can see down the right-hand side the
 11 colour and, working your way towards the left, the
 12 location, the girth and the quantity.
 13 Neither in the drawing that we saw, the box at the
 14 bottom, nor in this list does it say what the core of
 15 the ACM is to be. Do you know why that is?
 16 A. I don't know why Mark hasn't put that on.
 17 Q. You say you don't know why Mark hasn't put that on; does
 18 that tell us that you at the time expected or would have
 19 expected him to identify the core of the ACM panel?
 20 A. My memory of -- or my awareness of the product at the
 21 time, I think I said yesterday, I wasn't aware of the
 22 different cores, and I don't remember it ever having PE
 23 in the description when I saw it referred to.
 24 Q. So was there an assumption that an ACM panel would have
 25 a PE core?

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1 A. I don't think that was an assumption.
 2 Q. You don't think it was an assumption. So if it wasn't
 3 an assumption, was it actually thought about?
 4 A. It's not something that I ever thought about.
 5 Q. Right.
 6 If the core wasn't specified as PE specifically, as
 7 opposed to FR, how would CEP, as the fabricator, know
 8 which core to order from Reynobond, Alcoa, if it wasn't
 9 set out in the requirements?
 10 A. I don't know.
 11 Q. You were copied in on this email. Was it your
 12 assumption at the time that it would just be PE, and
 13 that CEP would know or assume that it was to be PE?
 14 A. As I said before, I didn't have an awareness of the ...
 15 Q. Yes.
 16 Can we look at {CEP0000000528}, please. This is
 17 an email from you to Neil Wilson at CEP dated 13 March,
 18 copied to Geof Blades, and if we turn to the second
 19 email down, you will see that this is a copy of an email
 20 sent earlier the same day from Neil Wilson to
 21 Mark Stapley at Harley. You're responding by sending
 22 him a purchase order, as we can see from the top email.
 23 In the second email down, to which you are
 24 responding, Mr Wilson says:
 25 "Hi Mark,

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1 "Following our telecom yesterday I confirm our
 2 revised price for the supply and fabrication of the ACM
 3 panels to the above project:-
 4 "Reynobond Smoke Silver Panels as detailed on
 5 schedules [and he sets them out] ... @£127,500.00
 6 (inclusive of discount), ex works.
 7 "I also confirm we will supply the remainder of the
 8 panels (yet to be finalised) [then he gives the
 9 measurements] ... making the complete order value circa
 10 £300k."
 11 Now, it looks from this as if Mark Stapley had asked
 12 for a discount from Neil Wilson on the telephone on
 13 12 March, that's the "telecom yesterday" he refers to,
 14 and it looks as if he was being given one by
 15 Neil Wilson.
 16 Do you know whether Harley did ask CEP for
 17 a discount on the ACM panels?
 18 A. I don't know the details of the conversation that Neil's
 19 referring to.
 20 Q. Do you know what discount Mr Stapley asked for?
 21 A. I don't.
 22 Q. Do you know why Harley was pushing for a discount from
 23 CEP on this order?
 24 A. I do not.
 25 Q. You're sent this email because it's at the top of the

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1 email chain. Does it follow that you simply didn't have
 2 a discussion with Mr Stapley at all about the discount?
 3 A. I don't remember.
 4 Q. I mean, you sent him the purchase order; did you just
 5 cut and paste it from something, or did you compile it
 6 yourself?
 7 A. I think from what I saw of the time stamp on the email
 8 that I sent, it was an hour or two after this email, so
 9 Mark may have asked me just to --
 10 Q. Right.
 11 A. -- make -- as I said, it's an order to cover the --
 12 Q. Okay.
 13 Now, note the price that's given, and the complete
 14 order value of around £300,000. We see that. Can I,
 15 keeping that in mind, ask you to look at a document:
 16 {HAR00015299}, please. This is CEP's original quote of
 17 21 January 2014 which I mentioned about five minutes
 18 ago, and you expressed surprise that it was 2014,
 19 I think. This is the original quote by CEP of that date
 20 sent to Mike Albiston and Mark Harris at Harley, and
 21 it's the price on which Harley based its tender to
 22 Rydon.
 23 If I ask you to go to page 2 {HAR00015299/2}, you
 24 can see on that page that the rainscreen price is quoted
 25 there by CEP to Harley as £525,394.

13

1 Given that that was the price quoted in
 2 January 2014, are you able to explain why in March 2015
 3 CEP were quoting around £300,000 for the complete order;
 4 in other words, around £200,000 cheaper than the initial
 5 CEP quote the year before?
 6 A. I don't know.
 7 Q. Is it fair to say that Harley were able to get the ACM
 8 panels from CEP for a far cheaper price than the price
 9 that Harley had quoted to Rydon?
 10 A. Well, I don't remember the price that we quoted to
 11 Rydon.
 12 Q. No, but I'm asking you to accept something that I'm
 13 putting to you.
 14 A. Okay.
 15 Q. And I'm suggesting to you that Harley were able to get
 16 the panels from CEP for a price that was far cheaper
 17 than was quoted to Rydon, on the assumption that what
 18 was quoted to Rydon was based on the £525,000 that we
 19 saw in the quote given in January 2014.
 20 A. Erm ... as I say, I don't know the level of -- I don't
 21 know the difference between the two. Obviously --
 22 Q. Right.
 23 A. -- I wouldn't be surprised that we're paying less for
 24 a material than we're selling it for.
 25 Q. Right. You wouldn't be surprised about that, okay.

14

1 Was there any discussion to your knowledge at the
 2 time within Harley about making a turn on the difference
 3 between what you were quoted by CEP and what you were
 4 quoting to Rydon for these panels?
 5 A. When you say --
 6 Q. Making a turn, making a profit, pocketing the
 7 difference.
 8 A. I wouldn't use the term "pocketing the difference".
 9 I think in a business there has to be an element of
 10 profit, but I don't think "pocketing the difference" is
 11 a phrase that I'd use.
 12 Q. All right. I just want to understand how the price
 13 build-up worked, but it sounds as if you can't really
 14 help me on that.
 15 A. Yeah, in terms of the difference in the price we pay and
 16 the price we sell it for, I don't know the ins and outs
 17 of that, no.
 18 Q. All right.
 19 Can you help me with the quotation that was given by
 20 Booth Muirie? Do you remember anything to do with
 21 Booth Muirie?
 22 A. I don't remember that interaction at the time, but I've
 23 since seen a quotation from them, yes.
 24 Q. Booth Muirie were a cladding fabricator like CEP,
 25 weren't they?

15

1 A. Yes.
 2 Q. And did you know that Mr Stapley had approached
 3 Booth Muirie and asked them for a quotation? Did you
 4 know that at the time?
 5 A. What, for the whole Grenfell Tower job?
 6 Q. Well, let's look at the document. It's {BLM00000014/3}.
 7 This is an email from Mark Stapley to Stuart Murden at
 8 Booth Muirie dated 25 February 2015, and you are copied
 9 in on that, as you see. He says:
 10 "Hi Stu,
 11 "Further to our earlier telephone conversation,
 12 please find attached our panel requirements for Grenfell
 13 Tower. Please can you provide us with your most
 14 competitive price and also confirm lead times."
 15 Do you know why Harley approached Booth Muirie for
 16 a quotation?
 17 A. Specifically, no.
 18 Q. Right.
 19 Now, you're copied in on this, so when you received
 20 this email, but in copy, did it occur to you to find out
 21 what was going on, given that CEP were also being
 22 approached?
 23 A. I don't remember this email.
 24 Q. Right, okay. You don't remember the email, all right.
 25 Let's see how we go on.

16

1 Can I ask you to go to {BLM00000009}. If you look
2 at the bottom of the first page, we can see an email
3 from you, this is later in the year, 6 July 2015, and
4 it's sent to "Enquiries", and we know that that is at
5 Booth Muirie. You say:

6 "Alan,

7 "As discussed please find drawings attached to quote
8 against for our Grenfell Tower project. Please can you
9 quote an expected lead time as well, I would need these
10 panels on site w/c 17/08/15."

11 Now, we've already seen that CEP had started
12 supplying the Reynobond after you had sent the purchase
13 order on 13 March 2015. Why were you asking
14 Booth Muirie for a quote if you had already engaged CEP
15 to fabricate the panels for Grenfell?

16 A. From my recollection from the time of the deliveries we
17 were getting from CEP, my recollection is that we were
18 not getting the quantities of the types of panels that
19 we'd requested on a schedule. So I think there was
20 concern on that regard of CEP's ability to keep up with
21 progress on site. So I think my recollection is
22 exploring avenues to try and reduce that bottleneck.

23 Q. Right.

24 When you sent the email in early July 2015, did you
25 not look back at the discussions you had had with

17

1 Booth Muirie earlier in the year?

2 A. I don't recall.

3 Q. Or Harley had had with Booth Muirie earlier in the year.

4 A. I don't recall.

5 Q. You don't recall, all right.

6 I would like to turn to another topic, which is
7 John Hoban, the Building Control officer for
8 Grenfell Tower. He was one of the Building Control
9 officers responsible for the Grenfell Tower
10 refurbishment; I think you know that?

11 A. Yes.

12 Q. Can I ask you to look at his statement, please. This is
13 {RBK00033934/7}. You will see paragraph 65, and at
14 paragraph 65 you will see this is an answer to
15 a question asked at paragraph 64:

16 "What advice or information was available, and what
17 assessments were made, about the components that
18 comprised the exterior of the building, their fire
19 safety, fire-resistance and compliance with safety
20 standards (including information or advice from
21 manufacturers of relevant components)?"

22 He starts his answer at paragraph 65 and says:

23 "I was provided with initial drawings and details
24 and discussed the works with the architect and his
25 specialist consultant dealing with fire matters. I also

18

1 had a brief discussion with the engineer from the
2 contractors installing the cladding system to the
3 exterior of the building at the commencement of the
4 works to the exterior."

5 Then he goes on at paragraph 66:

6 "During that discussion I recall that I was advised
7 by the engineer that tests had been carried out to the
8 metal framework supporting the cladding. I also recall
9 that I was advised that the system had been fitted to
10 many buildings throughout England and Wales to buildings
11 of a similar height and construction."

12 Then he goes on at 67 {RBK00033934/8} to say:

13 "I also looked up information on the insulation."

14 Then in the third line he says:

15 "I was also advised at the initial meeting on site
16 by the specialist consultant that the cladding would
17 comply with the standards set out in Approved
18 Document B."

19 Now, I've read you quite a bit from his statement
20 because I want you to have the entirety of the context
21 for my questions that follow.

22 Now, we know from other documents -- and I don't
23 need to show you these -- that the initial meeting to
24 which Mr Hoban is referring took place on
25 24 November 2014. Now, that's before your detailed

19

1 involvement --

2 A. Yes.

3 Q. -- in the project.

4 Do you remember whether you or someone else from
5 Harley attended a meeting on site with Mr Hoban on
6 24 November 2014?

7 A. I don't recall.

8 Q. When Mr Hoban is referring to someone here from Harley
9 as the "specialist consultant", can you help me who that
10 might be?

11 A. I don't know.

12 Q. Did you give any assurances to Mr Hoban at any stage in
13 the way he describes here?

14 A. I don't believe so.

15 Q. And you're sure that it wasn't you who told the
16 specialist consultant that the cladding would comply
17 with the standards set out in Approved Document B?

18 A. Sorry, say that again?

19 Q. Are you sure that it wasn't you who told him that the
20 cladding would comply with the standards set out in
21 Approved Document B?

22 A. I don't think so.

23 Q. Now, in your statement -- and we don't need to go back
24 to it -- you say at paragraph 7 {HAR00010060/2} that you
25 attended the site, once you did become involved in

20

1 detail from February 2015, two or three times per week.
 2 When you were there, what were you doing?
 3 A. Many things.
 4 Q. Can you give me a very summary bullet-point list of what
 5 you did?
 6 A. Meeting the people on site from Rydon, meeting our
 7 contractors, checking our stocks of materials, you know,
 8 seeing where we are, checking the deliveries that have
 9 come in for quantities, making sure we're up to date,
 10 topped up with fixings, checking mast climbers. I would
 11 also visit -- go up the mast climbers and just have
 12 a look at the progress of the installation, again with
 13 reference to what materials we have on site.
 14 Q. Now, Mr Hughes, David Hughes of Rydon, when he gave
 15 evidence to the Inquiry in July, suggested that you
 16 might have gone up the mast climbers with Mr Hoban. Is
 17 that correct?
 18 A. I have a recollection of doing so on at least one
 19 occasion, maybe two.
 20 Q. Right. He also said that during that time, or his time
 21 on the project, and yours, you or one of the other
 22 installers would brief Mr Hoban on the works. Do you
 23 remember that?
 24 A. I think I have a slightly different recollection than
 25 Dave does. I think, as I say, I remember taking

21

1 Mr Hoban up on the mast climber at least once, maybe
 2 twice, but that was -- I was there to operate the
 3 mast climber to enable his inspections.
 4 Q. Did you have any other meetings with Mr Hoban on site?
 5 A. Other than --
 6 Q. Other than the one you have just referred to?
 7 A. I don't believe so.
 8 Q. Did you ever have any meetings with Mr Hoban anywhere
 9 else?
 10 A. Not that I recall.
 11 Q. So just going back to the one meeting you do recall,
 12 which is when you say you took Mr Hoban up on the
 13 mast climber, to operate the mast climber to enable his
 14 inspections, did you accompany Mr Hoban on his
 15 inspection?
 16 A. On that occasion, yes.
 17 Q. Do you remember when that was?
 18 A. I couldn't give you a date.
 19 Q. Well, can you give me a rough idea of at what stage the
 20 refurbishment had reached?
 21 A. I believe it was the ... it was before we put the panels
 22 on the first of the elevations that we put panels on to,
 23 so in terms of -- that's a chunk of time, but I'd have
 24 to look at other records to tell you that date.
 25 Q. Let's try it a different way: how soon after

22

1 February 2015 and your taking over the role of project
 2 manager do you think you had that meeting with Mr Hoban?
 3 A. I'd be guessing.
 4 Q. Right.
 5 During that meeting or inspection, did you discuss
 6 the work that had been done or the design or the
 7 materials?
 8 A. My recollection is of Mr Hoban asking several questions,
 9 but I don't remember those questions, it was a long time
 10 ago.
 11 Q. Does anything specific stand out to you in your
 12 recollection of that meeting?
 13 (Pause)
 14 A. I mean, I think the questions were generally about the
 15 installation and the components, but as to that I don't
 16 really remember.
 17 Q. Were there any particular problems that Mr Hoban was
 18 interested in that you recall?
 19 A. I don't remember him relaying any problems, no.
 20 Q. Do you remember at all whether there was any discussion
 21 of the Building Regulations or Approved Document B in
 22 relation to any aspect of the cladding that he was
 23 inspecting?
 24 A. Not that I recall.
 25 Q. Was there any discussion at all between you about

23

1 compliance with any aspect of what you were inspecting?
 2 A. Again, I don't recall.
 3 Q. It would follow, would it, that you wouldn't recall --
 4 let me ask it: do you recall either him asking or you
 5 giving any assurances about whether the design or the
 6 materials or products that you were inspecting with him
 7 or he was inspecting with you were compliant with the
 8 Building Regulations and Approved Document B?
 9 A. I don't recall.
 10 Q. Can we go to a document, {RYD00082733}, please. This is
 11 a site inspection report compiled by John Rowan and
 12 Partners, who were clerk of the works, and you can see
 13 the inspection is dated 16 June 2015.
 14 Can I go with you, please, to page 2 {RYD00082733/2}
 15 of the document, towards the bottom of the page, where
 16 you will see a heading, and it's the second entry from
 17 the bottom, "Review site inspection log:
 18 Building Control". You see that?
 19 A. Yes.
 20 Q. Underneath it says:
 21 "Last building control site visit was the same as
 22 before Friday 15th May 2015. The only observation was
 23 that further details of the cladding fire breaks were
 24 required. Rydon to confirm if they have done this."
 25 Were you or anyone else at Harley to your

24

1 recollection asked to provide further details on the
 2 cavity barriers to Rydon for them to pass to
 3 Building Control?
 4 A. I don't remember.
 5 Q. This doesn't trigger a recollection with you about
 6 discussion of firebreaks or cavity barriers with
 7 Building Control?
 8 (Pause)
 9 A. I think I remember a site meeting previous to that, and
 10 one of the actions in the meeting minutes were to
 11 provide drawings with those locations on. But from --
 12 I don't remember -- I don't recall the specifics in this
 13 report.
 14 Q. Did you discuss cavity barriers with John Hoban on any
 15 inspection that you can remember?
 16 A. I would imagine so, but I don't have a firm
 17 recollection.
 18 Q. Right.
 19 Now, just going back to the answer before one, you
 20 say, "I think I remember a site meeting previous to
 21 that". Do you mean one previous to this one on
 22 16 June 2016 or the previous one as noted here on
 23 Friday, 15 May 2015?
 24 A. I think the meeting minutes were from April, if
 25 I remember.

25

1 Q. Right. So you have a recollection of a meeting in April
 2 at which -- is this right? -- John Hoban asked --
 3 A. Oh, no, sorry, no, John Hoban was not at that meeting.
 4 It was --
 5 Q. Okay.
 6 A. -- a Rydon meeting.
 7 Q. Did you provide Mr Hoban with the drawings that he had
 8 asked for?
 9 A. Sorry, to be clear, the meeting I'm referring to, it was
 10 a Rydon request in April.
 11 Q. Right. Hence my question: do you remember whether you
 12 or anyone else at Harley was asked to provide further
 13 details on cavity barriers?
 14 A. To John Hoban? I don't recall.
 15 Q. Right.
 16 Do you remember whether you passed anything directly
 17 to Building Control on cladding firebreaks, as is
 18 referred to here? You can see the expression "cladding
 19 firebreaks".
 20 A. I think there was discussion of the cavity barriers
 21 previous to this.
 22 Q. Was that a discussion you were involved in?
 23 A. There's quite a long email chain in March, I think,
 24 of --
 25 Q. Yes, indeed, and we're going to come to that later on.

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1 A. Yes.
 2 Q. But apart from that -- and we can read that and we will
 3 go through it together -- do you recall any face-to-face
 4 discussions or telephone discussions with John Hoban at
 5 which the subject of cavity barriers or firebreaks, as
 6 they are referred to sometimes, was discussed?
 7 A. As before, I don't have a clear recollection of
 8 a conversation like that.
 9 Q. Very well. Well, we'll come back to that email chain in
 10 due course.
 11 Can I then ask you about workshops.
 12 During the course of Mr Crawford's evidence to
 13 the Inquiry in March this year, he said that there were
 14 a number of informal what he called workshops with RBKC
 15 Building Control where drawings were discussed. Do you
 16 recall any such meetings?
 17 A. Yes, I remember attending meetings on site where I would
 18 sit in on meetings with our team, Rydon and the
 19 architect.
 20 Q. "Our team, Rydon and the architect". My question,
 21 though, was whether you recall meetings with RBKC
 22 Building Control where drawings were discussed.
 23 A. I don't recall meetings with Building Control being in
 24 attendance.
 25 Q. Right.

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1 Leaving aside Building Control, you remember, you
 2 say, meetings with Rydon and the architect. Were cavity
 3 barriers discussed during those meetings?
 4 A. I believe they would have been. Again, no firm
 5 recollection.
 6 Q. Right.
 7 Did you ever have any meetings on site with Rydon at
 8 which a representative of Studio E was not present?
 9 A. That's possible.
 10 Q. Do you remember any occasion on which Building Control
 11 were provided with drawings of the cladding system as
 12 you understood it?
 13 A. I believe they must have been.
 14 Q. That's not quite an answer to my question. My question
 15 is: do you remember any occasion on which
 16 Building Control were provided with drawings of the
 17 cladding system as you understood it to be?
 18 A. Erm ... I think other than what they would have been
 19 provided with, as I say, in that email chain I've
 20 referred to, I don't have any direct knowledge of any of
 21 the details.
 22 Q. All right.
 23 Now, you referred earlier on to a single meeting
 24 with John Hoban at which you accompanied him up the
 25 mast climber. Can I show you paragraph 13 of your

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1 witness statement --
 2 A. Sure.
 3 Q. -- page 5 {HAR00010060/5}, and see if we can get
 4 a little bit more on that.
 5 You say in paragraph 13, and it's in the middle of
 6 the paragraph, but let's start with five lines down:
 7 "In relation to the cladding, that the cladding
 8 rails were secured with the correct fixings at correct
 9 centres and levels. I then took Building Control up to
 10 see the work. I believe that Taff and Bez
 11 [Osborne Berry] were also inspecting the work as
 12 I remember asking them at various points and they would
 13 confirm that they were. I recall they also took
 14 Building Control up to see what had been installed prior
 15 to the cladding panels being installed when I was not on
 16 site. I was not aware of any issues being raised by
 17 Building Control."
 18 Now, I just want to focus on where you say, "I then
 19 took Building Control up to see the work".
 20 Is your reference there the reference to the meeting
 21 that you're recalling now today?
 22 A. I believe so.
 23 Q. And you're sure it was John Hoban you took up, are you?
 24 A. I'm reasonably sure, yes.
 25 Q. Did you customarily keep any records of the visits made

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1 by RBKC Building Control where you would take them to
 2 see the work, even that one occasion?
 3 A. I may have made notes of it.
 4 Q. Right.
 5 A. But I don't have those.
 6 Q. Right. Did you keep a day log or day-to-day diary of
 7 what was happening on site?
 8 A. Not a day-to-day diary, but more of a notebook of
 9 various things that would come up or need ordering,
 10 things of that nature.
 11 Q. Right.
 12 A. Sort of reminders.
 13 Q. Do you remember whether your meeting with Mr Hoban where
 14 you took him up on the mast climber was something you
 15 entered into your notebook?
 16 A. No, I don't.
 17 Q. Right.
 18 When you went up with him in the mast climber, did,
 19 from what you could see, Mr Hoban check every elevation
 20 and every floor?
 21 A. When I was there, I believe so. I believe -- we would
 22 either travel from the bottom, working our way up, or
 23 travel all the way to the top and work our way back
 24 down.
 25 Q. Right.

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1 Do you remember whether the inspection addressed any
 2 more than the framework for the cladding?
 3 A. I believe he was looking at every element.
 4 MR RENTEURS: Sorry to interrupt, it may be my problem, but
 5 I'm struggling sometimes to hear what Mr Bailey is
 6 saying.
 7 SIR MARTIN MOORE-BICK: Mr Bailey, it is important that we
 8 can all hear you without too much difficulty, so can you
 9 make sure you keep your voice up as best you can.
 10 THE WITNESS: Yes.
 11 MR MILLETT: Did RBKC Building Control look at the internal
 12 works or only the external works?
 13 A. Erm ...
 14 (Pause)
 15 As far as I -- in my experience, I was only there
 16 for the external parts with Mr Hoban.
 17 Q. In respect of the window installations, do you remember
 18 what Mr Hoban looked at in particular?
 19 A. I don't have a firm recollection.
 20 Q. Can I ask you to turn back a page in your witness
 21 statement to the beginning of paragraph 13, which is on
 22 page 4 {HAR00010060/4}. You say there:
 23 "In terms of the work done by the installers,
 24 I remember that I made ad hoc informal checks to the
 25 window shelf angles and weather sealing details before

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1 the frames were fitted, as a large part of this work had
 2 taken place before I had full involvement in the
 3 project."
 4 You say you checked those; did you also conduct
 5 a visual check of the windows and the insulation and the
 6 cavity barriers and the cladding rails?
 7 A. Yes.
 8 Q. A little bit further down that paragraph, you also say
 9 that you would generally check -- this is about halfway
 10 down the paragraph before the bottom of the page:
 11 "... in relation to the windows that the shelf
 12 angles were securely fitted and fixed at the correct
 13 centres to retain the window frame, that the EPDM seal
 14 to the top of the head angle was applied to a good
 15 standard and to see if any gaps that would allow water
 16 ingress around the fixings were sealed, and later on
 17 when the frames had been fitted, that the window frame
 18 was securely fitted, free from damage and foam was
 19 applied along the whole length of the frame, that the
 20 window jambs were sealed with EPDM to a good standard
 21 and the mastic seal was applied along the length of the
 22 window at the head and base, that the glass and gaskets
 23 (if the glass had been fitted at the time) were in good
 24 condition and weather bars and drain caps were fitted."
 25 That's a very long sentence. You did all of those

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1 things.
 2 On page 5 {HAR00010060/5} we can see you then go on
 3 to say:
 4 "In relation to the insulation, that it was securely
 5 fitted (fixed to the building) and joints taped and
 6 secured. In relation to the cavity barriers, that they
 7 were fitted securely with the end of the fixing strap
 8 split and bent, joints were taped and secure. In
 9 relation to the cladding, that the cladding rails were
 10 secured with the correct fixings at correct centres and
 11 levels."
 12 That is the work you say you checked, and then you
 13 say:
 14 "I then took Building Control up to see the work."
 15 To your knowledge or recollection, did you ever take
 16 Building Control up to inspect the exterior prior or
 17 before the panels were installed?
 18 A. Yes.
 19 Q. You did? So was there an earlier inspection by
 20 Building Control, or just the one that you were
 21 referring to?
 22 A. The visit that I've referred to in this is immediately
 23 before the cladding panels are installed.
 24 Q. Because when one reads the paragraph, you say:
 25 "In relation to the cladding [by which I think you

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1 mean the panels], that the cladding rails were secured
 2 with the correct fixings at correct centres and levels.
 3 I then took Building Control up to see the work."
 4 Do I take it from that that at that point, when you
 5 took Building Control up to see the work, the rails were
 6 secured with correct fixings at correct centres and
 7 levels, but the panels hadn't yet been fitted?
 8 A. Correct.
 9 Q. That's correct, is it?
 10 A. Correct.
 11 Q. I see. So that would mean, would it, that the
 12 insulation and the cavity barriers would have been
 13 visible to Mr Hoban?
 14 A. Absolutely.
 15 Q. I see.
 16 Now, can I ask you to look at Mr Hughes' evidence,
 17 David Hughes of Rydon, {Day27/100:1-14}, please. This
 18 is put to him. He is asked a question about
 19 Building Control going up to see what had been installed
 20 prior to the cladding panels being installed, and the
 21 question that's asked by Ms Grange is:
 22 "... was your understanding that Building Control
 23 would be taken up before the panels were inspected?"
 24 So this is what he is being asked about. His answer
 25 is:

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1 "I don't know whether he's [this is you] getting
 2 confused with Building Control and the clerk of works
 3 here. From my statement, from what I remember, we only
 4 went up twice with Building Control up the mast
 5 climbers, and those are the ones I said in my statement.
 6 So I took them up once when there were still some
 7 unfinished panels, and I took them up once with the
 8 clerk of works at the same time to do what I would
 9 consider to be a handover inspection."
 10 Do you agree that you might be getting confused
 11 between Building Control and clerk of works?
 12 A. No.
 13 Q. Do you recall that there were more than two inspections,
 14 as he says?
 15 Sorry, let me put that again.
 16 He says that he recalls that there were two
 17 inspections with Building Control up the mast climbers.
 18 Do you recall that there were two?
 19 A. Is Dave ...
 20 (Pause)
 21 So I think Dave uses "we", the "we" there, so I'm
 22 assuming he means "we" being me and him. I don't recall
 23 going up the mast climber with Dave and
 24 Building Control.
 25 Q. I see.

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1 A. I think I can be sure about the difference between clerk
 2 of work and Building Control, because I do remember the
 3 two different Johns very clearly in my mind. So, yeah,
 4 I'm confident that the visits I did --
 5 Q. Right.
 6 A. -- I think was only me and John Hoban.
 7 Q. Right.
 8 Now, it follows from what you're saying that there
 9 was only one Building Control mast climber trip that you
 10 recall, and that was at a time before the cladding
 11 panels were fitted.
 12 Does it follow from that that you never took
 13 Building Control, John Hoban, to see the work after the
 14 panels were installed?
 15 A. I believe those visits were -- the ones that I was
 16 present anyway were the clerk of works.
 17 Q. Sorry, I don't understand that. You say you believe
 18 those visits were, "the ones I was present anyway, with
 19 the clerk of works". Could you just explain that?
 20 A. So I think your question was: did John Hoban visit on
 21 the mast climber after the panels had been installed?
 22 Q. Yes.
 23 A. And what I'm trying to say is that, from my
 24 recollection, the only person that I can remember taking
 25 up on the mast climber once the panels had been

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1 installed was the clerk of works.
 2 Q. Right, thank you.
 3 Now, we've identified a gap in Building Control
 4 inspections over the summer of 2015. Can you help us
 5 with what stage the façade installation had reached
 6 between May and October 2015?
 7 A. I think my recollection is that the plan from the
 8 inspections side was to sign off an elevation at a time,
 9 so we would only put panels on the elevations that had
 10 been inspected by Building Control. So as I sit here
 11 now, I wouldn't be able to tell you the exact stage we
 12 were at.
 13 Q. Right.
 14 Do you think the installation of the insulation had
 15 been finished by May 2015?
 16 A. Just by the evidence we saw yesterday with purchase
 17 orders for insulation into September and October,
 18 I don't think it would have been finished, no.
 19 Q. So I think we can take it from that answer -- and you're
 20 right about the documents -- that the insulation was
 21 still being fitted after October 2015?
 22 A. I think it would have been, yes. It's likely that would
 23 have been confined to the lower floors.
 24 Q. Right. What about the rainscreen? Do you remember when
 25 that started to be fitted?

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1 A. I think I was -- I think May was suggested as a date
 2 yesterday, and I was a little unsure over the specific
 3 days, but yeah, it would have been May/June kind of
 4 time, I think.
 5 Q. Right. I'm trying to get a picture in my head of what
 6 Building Control would have missed if it is the case
 7 that they didn't visit between May and October 2015.
 8 A. Okay.
 9 Q. Can you just help me with what they might have missed?
 10 A. I think in terms of whole elevations, we wouldn't have
 11 put any panels on unless they'd inspected that
 12 elevation.
 13 Q. During that period, if they hadn't visited, what would
 14 they not have seen?
 15 A. Erm ... as I said, the one visit that they did before
 16 the panels went on was of a -- what was considered to be
 17 a complete build-up before the panels went on. So if
 18 there was a gap between those months, I don't think any
 19 panels would have gone on without a visit on
 20 an uninspected elevation.
 21 Q. Right. I see.
 22 Now, can we look at paragraph 49 of your statement
 23 on page 15 {HAR00010060/15}, please. You say there:
 24 "As far as I am able to recall, Building Control
 25 inspections were carried out on each elevation."

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1 Then you say:
 2 "I believe that the Clerk of Works carried out
 3 approximately two inspections per elevation. As
 4 described in detail above, I also carried out checks
 5 both before and after the panels were installed."
 6 Now, when you say the clerk of works carried out
 7 approximately two inspections per elevation, what does
 8 that mean, or what did that involve?
 9 A. So my recollection is that the clerk of works visited
 10 once the panels had been installed, and the first visit
 11 he would capture snags or issues that they found, and
 12 then the second visit was to tick those off, ensure
 13 they'd been done or attended to --
 14 Q. I see.
 15 A. -- on each elevation.
 16 Q. So Building Control would inspect before the panels went
 17 on, to the best of your recollection and involvement,
 18 but the clerk of works would only do inspections after
 19 the panels went on?
 20 A. That's the recollection of my involvement, yes.
 21 Q. Right, I see. I've got that clear, have I?
 22 A. That's how I remember it, yes.
 23 Q. I see. So does that tell us that the clerk of works
 24 never inspected the insulation and the cavity barriers
 25 before the panels were applied?

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1 A. Not that I was present for.
 2 Q. What about those you weren't present for but heard about
 3 or knew about or read about?
 4 A. At the time, I wasn't aware of the clerk of works doing
 5 those inspections.
 6 Q. Can I ask you to go to {HAR00000224}, please. This is
 7 a photograph of the façade of Grenfell Tower during its
 8 construction, and it's been disclosed by Harley.
 9 Do you happen to know who took it?
 10 A. It may have been me.
 11 Q. Do you remember when?
 12 A. I do not.
 13 Q. We can see from the foliage that it's clearly some time
 14 between the spring and the autumn of a particular year.
 15 But looking at the stage at which the façade
 16 construction has reached, are you able to tell me
 17 roughly when during that period?
 18 A. I couldn't tell you just by looking at the picture.
 19 Q. All right.
 20 Now, we can see on the photograph that the
 21 insulation has been installed to the spandrel panels,
 22 can't we?
 23 A. Yes.
 24 Q. And we can see that cavity barriers have been installed
 25 as well. I think you can see them.

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1 A. Yes.
 2 Q. We can see, I think, also that no insulation or cladding
 3 has been installed to the columns.
 4 A. Yes.
 5 Q. And -- is this right? -- we can also see that there are
 6 some Reynobond cladding cassettes which have been
 7 installed on to the panels.
 8 A. Yes.
 9 Q. The spandrel panels. Do you see that?
 10 A. Yes.
 11 Q. Now, based on how the cladding installation had
 12 progressed at the point at which you took this
 13 photograph, do you know roughly when it was likely to
 14 have been taken?
 15 (Pause)
 16 A. I think I would need more information to work that out.
 17 Q. Right. What information would you need to know to work
 18 it out?
 19 A. A date stamp on the photo.
 20 Q. Yes, that would obviously be very helpful. But apart
 21 from that, looking at the photograph, the contents of
 22 the photograph, is there any other information you would
 23 like to know to be able to date the photograph?
 24 A. I think one thought has sprung to mind.
 25 Q. Yes?

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1 A. A recollection.
 2 Q. Yes?
 3 (Pause)
 4 A. I think ... this is a vague recollection. I think some
 5 may have been put on as a way of storing them, to get
 6 them out of the very constricted site we had. But they
 7 would definitely have been removed before an inspection,
 8 if this was before an inspection had taken place.
 9 Q. Right.
 10 A. Without a date ...
 11 SIR MARTIN MOORE-BICK: Mr Bailey, I'm finding it a little
 12 difficult to hear what you're saying.
 13 A. Sorry, I'll speak a bit closer.
 14 SIR MARTIN MOORE-BICK: Mr Renteurs looks as though he is
 15 having a problem too. Can you keep your voice up,
 16 please.
 17 A. Of course, yes.
 18 MR MILLETT: When you say, "I think some may have been put
 19 on as a way of storing them", what is the "them"? What
 20 are you referring to?
 21 A. The cassette panels.
 22 Q. The cassette panels, right. How does that help us date
 23 the photograph?
 24 A. I don't know if that helps date it, but ... I can't help
 25 you with the date at this point in time.

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1 Q. All right.
 2 SIR MARTIN MOORE-BICK: Mr Millett, while we've got this on
 3 the screen, can you just, for my benefit if for no one
 4 else's, help me with what we can see.
 5 We can see on the spandrels insulation with markings
 6 on it. Is that right?
 7 A. I might be able to help with that.
 8 MR MILLETT: I was about to come to that, Mr Chairman, but
 9 let me ask the question.
 10 If you look at the spandrel panels, they've got
 11 cladding panels on them, and would you agree that they
 12 are clearly branded "Reynobond"?
 13 A. Yes, that's the protective film on them.
 14 SIR MARTIN MOORE-BICK: Ah, right, thank you.
 15 MR MILLETT: And that's the protective film.
 16 I'm sorry, Mr Chairman, I interrupted your
 17 questions.
 18 SIR MARTIN MOORE-BICK: No, well, that's all right because
 19 you have answered one. I was obviously under
 20 a misapprehension.
 21 So can we just make sure what we see in this. We
 22 see cladding panels with their protective film, coating,
 23 whatever; yes?
 24 A. Yeah.
 25 SIR MARTIN MOORE-BICK: And if we take the second bay from

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1 the left as an example, above that we can see a cladding
 2 panel without a protective film, or is it something
 3 else?
 4 A. So the one sort of in the middle on the left, the film
 5 is partially removed, and the one to the right of that,
 6 the film has been removed.
 7 SIR MARTIN MOORE-BICK: Right, thank you.
 8 Now, below the one with no film we see one of
 9 a number of pale yellow material. What is that?
 10 A. Is that the one with the silver foil on?
 11 SIR MARTIN MOORE-BICK: That's the insulation with the foil
 12 on it, is it?
 13 A. When you say pale yellow ...?
 14 SIR MARTIN MOORE-BICK: Well, below the cladding panel which
 15 has lost its protective film --
 16 A. Yes.
 17 SIR MARTIN MOORE-BICK: -- what are we seeing?
 18 A. There's another --
 19 SIR MARTIN MOORE-BICK: That's the window infill panel?
 20 A. Sorry, that's the window -- yes.
 21 SIR MARTIN MOORE-BICK: Right. Then if we go to the right
 22 of the panel which hasn't got any protective film, on
 23 either side we can see, again, a pale yellow area with
 24 what we now know are the cavity barriers. What are we
 25 seeing there?

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1 A. I'm unsure what that is .
 2 SIR MARTIN MOORE-BICK: Any offering, Mr Millett?
 3 MR MILLETT: Yes. It looks as if what you have in that
 4 section there -- is this right? -- is the grey rectangle
 5 is a Reynobond cassette without the protective film on
 6 it .
 7 A. Yes.
 8 Q. And to the left and right of that is the unbranded
 9 insulation ; yes?
 10 A. Yes.
 11 Q. And over the top of that, running horizontally in black,
 12 is the cavity barrier?
 13 A. The vertical one is a cladding rail .
 14 Q. They are the cladding rails . Right.
 15 SIR MARTIN MOORE-BICK: All right. Well, thank you, that's
 16 probably as far as we can take that .
 17 MR MILLETT: I think it probably is as far as we can take
 18 that .
 19 Does that tell us that anybody looking at the
 20 cladding cassettes would realise at this stage at least
 21 that they were Reynobond, from the protective film?
 22 A. Correct.
 23 Q. We can see that the insulation here is unbranded. Can
 24 you tell me which it is?
 25 A. The Celotex RS5000 had the unbranded foil faces .

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1 Q. Do you know how long the cladding panels, the Reynobond
 2 ACM that is, were left on the building with branding
 3 like this? In other words, before the protective film
 4 was pulled off .
 5 A. I think it was quite a long time.
 6 Q. And what about lying in piles in store on site ; would it
 7 have been obvious for anybody coming to the site , if
 8 they weren't on the building but were kept on the
 9 site -- and I know you say it was a constricted area --
 10 that they were Reynobond panels?
 11 A. I'd say so, yes.
 12 Q. Do you know if cladding panels were ever present
 13 on site , either on the building with the protective
 14 layer on them, or in storage on site with the protective
 15 layer on them, when Building Control came on a site
 16 visit ?
 17 A. My feeling is that they must have been.
 18 Q. Your feeling is they must have been; that's only
 19 a feeling . Do you have a recollection ?
 20 A. Not a firm recollection .
 21 Q. Right.
 22 At the time you went up the mast climbers with
 23 Mr Hoban, do you remember whether there were any
 24 Reynobond ACM cladding panels on site, either on the
 25 building, whether for storage or final fitting , or in

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1 storage on site?
 2 A. In terms of the first visit that I have a definite
 3 recollection of, they may have been on site; in the
 4 second visit that I said I wasn't crystal clear about,
 5 if that had taken place, there would have been panels on
 6 the wall, I expect.
 7 MR MILLETT: Right.
 8 Mr Chairman, I'm going to turn to a different topic .
 9 It's a little early for the break, and I'm happy to
 10 continue. Perhaps I should continue.
 11 SIR MARTIN MOORE-BICK: Would you like to see if you can run
 12 for another 10 or 15 minutes?
 13 MR MILLETT: Certainly.
 14 I'm going to turn to the subject of cavity barriers
 15 now, and I want to ask you one or two very general
 16 questions first of all .
 17 Were you aware of the fact that the NBS
 18 specification expressly required the design of a system
 19 which conformed to the CWCT standard for systemised
 20 building envelopes?
 21 A. Not in those explicit terms, no.
 22 Q. Right.
 23 I think you told us yesterday that you were aware of
 24 the existence of the organisation CWCT but you hadn't
 25 read the standard.

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1 A. Yes.
 2 Q. Right.
 3 Were you aware at the time of your involvement as
 4 project manager on the Grenfell Tower project of the
 5 functional requirement in the Building Regulations that
 6 the building shall be designed and constructed so that
 7 the unseen spread of fire and smoke within concealed
 8 spaces in its structure and fabric is inhibited?
 9 A. Again, in those explicit terms, no, but it's a concept
 10 I was aware of.
 11 Q. Right. That is functional requirement B3.(4), but you
 12 didn't know it in terms but you knew it in general.
 13 Did you understand that there was such a thing as
 14 a cavity barrier?
 15 A. Yes.
 16 Q. What did you understand the purpose of a cavity barrier
 17 to be?
 18 A. To slow down the unseen spread of fire and smoke.
 19 Q. And had you also heard of something called a firestop?
 20 A. Yes.
 21 Q. Did you understand that there was a difference between
 22 a firestop and a cavity barrier?
 23 A. Yes.
 24 Q. What did you understand that difference to be?
 25 A. A firestop would be between a slab edge and an internal

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1 wall, and that would provide a two-hour rating, similar
 2 to what concrete would, and a cavity barrier sits on the
 3 outside of the building.
 4 Q. Right.
 5 Do you know who it was who specified the type of
 6 cavity barriers that should be used on Grenfell Tower?
 7 A. Type in terms of product?
 8 Q. In terms of product.
 9 A. So, what, Lamatherm?
 10 Q. Yes, Lamatherm.
 11 A. I think that might be in the NBS spec.
 12 Q. Right.
 13 Did you yourself undertake any investigations with
 14 the manufacturer of the Lamatherm, which was Siderise,
 15 as to whether they had been tested in a rainscreen
 16 system?
 17 A. I think that's implied by their literature.
 18 Q. Can we go to Mr Lamb's evidence. This is the transcript
 19 for {Day37/172:12}. Now, Ms Grange is asking Mr Lamb
 20 some questions here, and at line 12 she asks him in the
 21 context:
 22 "... 'there was talk about cavity barriers around
 23 window openings'"
 24 And her question is at line 15:
 25 "Question: Can you just tell us when there was talk

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1 about cavity barriers around window openings?
 2 "Answer: Around the table at Harley.
 3 "Question: And who did you have those discussions
 4 with?
 5 "Answer: By this point it may well have been Ben,
 6 certainly Ray.
 7 "Question: And can you help us as to what was
 8 discussed about cavity barriers around windows?
 9 "Answer: Only the broad requirement, whether there
 10 was a requirement, and it was deemed that the
 11 architect's drawings showed explicitly what was required
 12 and our drawings were issued for him to comment upon,
 13 and which he approved fully."
 14 Do you see that?
 15 Do you recall any meetings at which you were
 16 present, as Mr Lamb puts it, around the table at Harley?
 17 A. I think certainly we had meetings that I was present at.
 18 Q. And at any of those meetings, do you remember whether
 19 cavity barriers were discussed or the cavity barrier
 20 strategy?
 21 A. Not with any clarity.
 22 Q. Do you remember whether you attended round-table
 23 meetings with Kevin Lamb at Harley at which cavity
 24 barriers were discussed, even if you don't remember the
 25 details?

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1 A. I'm sure there would have been.
 2 Q. Do you recall whether specific consideration was given
 3 to putting cavity barriers around the windows?
 4 A. I'm unsure.
 5 Q. In general terms, would you agree that the
 6 specification, the NBS specification, would take
 7 precedence over the drawings?
 8 A. I think, as the architect reviewing drawings, our
 9 drawings as well, I think, you know, we expect what the
 10 architect puts on their drawings or comments on our
 11 drawings to -- you know, that we could follow through
 12 with.
 13 Q. Do you accept that the NBS specification, at least in
 14 respect of cavity barriers around the windows, wasn't
 15 prescriptive; it was a performance spec?
 16 (Pause)
 17 A. If that's what you're putting to me, I ... I can't
 18 remember what it says to agree or disagree.
 19 Q. Right. Well, let me ask it this way: if you had thought
 20 that there was a difference between the requirements of
 21 the NBS spec on the one hand and the drawings on the
 22 other, then the NBS spec would take precedence?
 23 A. I think my view, looking back on it, was it's the other
 24 way round.
 25 Q. Right. Where there was a divergence between the two,

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1 did you think that it was appropriate to refer the
 2 matter back to the architect for clarification?
 3 A. I think the architect was -- we did query the cavity
 4 barriers with the architect, so ...
 5 Q. You did in a specific respect, and we're going to come
 6 to that in a moment. Just in general terms, if you had
 7 come across a divergence between the drawings on the one
 8 hand and the NBS spec on the other, would you have
 9 referred that back to the architect for him to clarify
 10 which should take precedence?
 11 A. Possibly.
 12 Q. Right. Do you remember doing so?
 13 A. I don't remember.
 14 MR MILLETT: Okay.
 15 Let's then turn to the run of emails in March 2015.
 16 Mr Chairman, this is, as you know, I think, already,
 17 a fairly labyrinthine exercise.
 18 SIR MARTIN MOORE-BICK: Yes. Would it be better to have a
 19 break before we do that?
 20 MR MILLETT: Yes.
 21 SIR MARTIN MOORE-BICK: Mr Bailey, we will have a break now,
 22 then. We will come back at 11.35, please.
 23 THE WITNESS: Thank you very much.
 24 SIR MARTIN MOORE-BICK: And remember not to talk to anyone
 25 about your evidence or anything relating to it while

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1 you're out of the room. All right?
 2 THE WITNESS: Thank you.
 3 SIR MARTIN MOORE-BICK: Good. Would you like to go with the
 4 usher, please. Thank you.
 5 (Pause)
 6 Thank you, 11.35, please.
 7 (11.20 am)
 8 (A short break)
 9 (11.35 am)
 10 SIR MARTIN MOORE-BICK: Right, Mr Bailey, all ready to carry
 11 on?
 12 THE WITNESS: I am.
 13 SIR MARTIN MOORE-BICK: Good, thank you very much.
 14 Yes, Mr Millett.
 15 MR MILLETT: Thank you, Mr Chairman.
 16 Mr Bailey, earlier on this morning I was putting to
 17 you some questions about the frequency of
 18 Building Control visits to site --
 19 A. Yes.
 20 Q. -- and I put to you questions on the footing that there
 21 were no visits between May 2015 and October 2015.
 22 In fact, we have been corrected on that by RBKC, and
 23 there is some evidence that there was a meeting or
 24 a visit on site around about 17 August 2015 by
 25 Building Control to the Grenfell Tower site.

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1 Now, with that correction in mind, do you recall
 2 what, in that two-month period, June and July, where
 3 there were no Building Control visits, happened in terms
 4 of the progress of the installation of the rainscreen
 5 and the insulation?
 6 A. It would have been progressing, but in specifics --
 7 Q. Right.
 8 A. -- I don't remember.
 9 Q. Do you remember what stage the installation had reached
 10 in about mid-August 2015?
 11 A. Again, without any certainty, sat here now, it's likely
 12 that the west, north and east elevations would have been
 13 progressing.
 14 Q. Right.
 15 A. But that's as much as I can tell you.
 16 Q. Okay.
 17 As at August 2015, were any Reynobond cassette
 18 rainscreen panels on site yet?
 19 A. I believe they would have been.
 20 Q. Okay.
 21 Now, do you recall any conversations at all with
 22 John Hoban of Building Control about the cladding?
 23 A. Other than in general terms, not specifics.
 24 Q. If Mr Hoban had been having discussions with the
 25 specialist subcontractor for the cladding, who would it

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1 have been on site? Who would it have been if it hadn't
 2 been you?
 3 A. It could have been one of the site supervisors from
 4 Osborne Berry, who I think also accompanied him on some
 5 visits.
 6 Q. Can you name them?
 7 A. Mark Osborne or Grahame Berry.
 8 Q. But they're not from the specialist subcontractor; they
 9 are the specialist subcontractor's sub-subcontractor for
 10 installation only, aren't they?
 11 A. Yes.
 12 Q. Can you explain why, as project manager for the
 13 specialist subcontractor on this project, to the best of
 14 your recollection, you had so little interaction with
 15 Building Control?
 16 A. I think -- and my experience on my previous site, where
 17 Building Control visits were handled by the main
 18 contractor, on this job I thought it was unusual that we
 19 were being asked to deal directly with Building Control.
 20 I get the sense that that's unusual.
 21 Q. So do you think, to the best of your recollection, that
 22 Mr Hoban, when he refers to specialist consultants, is
 23 not referring to you but somebody else? You remember
 24 the passages from his statement I referred you to
 25 earlier?

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1 A. I think he said that was in a meeting, wasn't it?
 2 Q. Let's then turn to the March 2015 emails.
 3 Can we start with your witness statement, please, at
 4 paragraph 37. It's on page 11 {HAR00010060/11}, and you
 5 say there at paragraph 37:
 6 "In relation to the cavity barriers installed at
 7 Grenfell, in around March and April 2015 I was involved
 8 in or being copied into or having forwarded to me email
 9 correspondence between Rydon, Studio E, Harley and
 10 Siderise (Chris Mort and Ricky Kay, National Facades
 11 Manager) as well as RBKC Building Control (John Hoban)
 12 discussing what the cavity barrier/fire stopping
 13 requirement was."
 14 Then you go on to say:
 15 "As Siderise were the specialists their advice was
 16 sought, however the final decision in relation to what
 17 was installed reflected the advice of John Hoban, RBKC's
 18 Senior Building Control Surveyor."
 19 Now, the first question is: would it be normal, in
 20 your admittedly limited experience at the time, for the
 21 requirement of cavity barriers to be the subject of
 22 widespread discussion such as that that we see in the
 23 email run, when work on site had already been started?
 24 A. No, because I think this stemmed from a specific
 25 question.

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1 Q. I see. It did stem from a specific question, but would
2 it be normal in your admittedly limited experience for
3 that specific question to be raised at a time when work
4 on site had already been started?

5 A. I don't know.

6 Q. Right.

7 Can we look at the emails, then. Start with
8 {SEA00012953}, please. Now, this is an email dated
9 18 March 2015 from you to Neil Crawford at Studio E and
10 Simon Lawrence at Rydon, copied to, among other people,
11 Daniel Anketell-Jones and John Hoban. Do you see that?

12 A. Yes.

13 Q. You are responding, as we can see lower down page 1, to
14 an email from Neil Crawford earlier in the month,
15 10 March 2015, to Kevin Lamb, on which you were copied.
16 This is where Neil Crawford is sending Kevin Lamb
17 Paul Hanson of RBKC's response relating to the question
18 about cladding firebreaks. That's the background to it.
19 I don't think I need to go through all that.

20 You then say to Neil Crawford and Simon Lawrence, in
21 the second -- well, I'll show you the whole thing, but
22 I want to focus on the second sentence. You start by
23 saying:

24 "The firebreak supplier (who it seems was involved
25 with Grenfell at the specification stage) has made a

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1 comment and I'd like to clarify what firebreaks are
2 required.

3 "Could you confirm what the vertical and horizontal
4 requirement is please, the spec and supplier technical
5 rep say very different things!"

6 When you say "very different things", what did you
7 mean?

8 A. To my recollection, it was the insulation and integrity
9 value of the cavity barriers.

10 Q. Who was saying one thing and who was saying another?

11 A. So the specification I believe was for a higher period
12 of resistance. The technical rep gave a lower based on
13 an excerpt from Approved Document B.

14 Q. Yes, I see.

15 Now, following that exchange, we can see that on
16 25 March 2015, you were then copied in to an email from
17 Kevin Lamb. That's at {HAR00017781}, if we can just
18 have that up, please. So this is the next week.
19 Kevin Lamb sends Simon Lawrence a raft of drawings as
20 the attachments, and you are copied in, among other
21 people. Do you see that?

22 A. Yes.

23 Q. He says:

24 "Simon,

25 "Further to our meeting yesterday, please find

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1 attached details for the firebreaks, all now upgraded to
2 120min."

3 Do you know why Kevin Lamb had upgraded the
4 resistance of the cavity barriers?

5 A. I think that was to reflect an architect's drawing.

6 Q. Did you have your own view at the time as to the
7 appropriate integrity and insulation time?

8 A. No, I was following the architect's lead on that.

9 Q. Right. Do you know why you were being copied in on
10 this?

11 A. I was part of the project team on the job, so ...

12 Q. Right. You had asked a specific question, as we've seen
13 from the email we looked at earlier.

14 A. Yes.

15 Q. Had you had a clear answer to your question by this
16 point?

17 A. By that point, I think not.

18 Q. Right.

19 Now, he says, does Mr Lamb, in his email to
20 Simon Lawrence:

21 "Further to our meeting yesterday ..."

22 So that would be 24 March 2015. Were you at that
23 meeting, do you think?

24 A. I don't recall.

25 Q. Do you recall anything about that meeting?

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1 A. No.

2 Q. Right.

3 Do you know from discussions with those who were or
4 might have been at that meeting what was discussed at
5 that meeting?

6 A. I don't remember. Sorry, I don't remember.

7 Q. Okay.

8 Let's go on to {HAR00004002}, please. This is
9 an email from you, Mr Bailey, to Ricky Kay at Siderise
10 dated 27 March 2015, copied to Kevin Lamb and
11 Mark Stapley and also Sue Sheppard. It's in response
12 to, as you can see below, the email from Ricky Kay to
13 you of the same day, a little bit earlier that day.

14 I've shown you the top of the email so you can see
15 you were part of the chain. Let's then go to the bottom
16 email on page 3 {HAR00004002/3}, because this is how it
17 ends, but let's see how it starts. It starts the day
18 before, when you send Ricky Kay an email on 26 March:

19 "Hi Ricky,

20 "As discussed yesterday could you forward the
21 relevant building regs to support the advice that 30/15
22 firebreaks are what is required. I've got to have this
23 approved by the client before I can order anything so
24 time is of the essence!"

25 Now, it looks as if this email followed

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1 a conversation that you had had with Ricky Kay. Do you
 2 remember it?
 3 A. I don't know if I remember a specific -- or this
 4 specific conversation, but I do recall some
 5 conversations with Ricky.
 6 Q. Right. Do you remember in general terms the gist of the
 7 conversation that you had had the day before this email,
 8 25 March?
 9 A. I'm unsure of the conversation I had on that date.
 10 Q. You're unsure of it; do you have any recollection at all
 11 of what it was about?
 12 A. I think we made -- originally we made an order for
 13 cavity barriers that reflected the 120-minute
 14 requirement that we were given, and I think this whole
 15 issue came up when Siderise, the supplier, questioned
 16 why we were ordering and what they were for, and I think
 17 their reaction was: that's not required. So I think,
 18 just by reading that, that could be the conversation
 19 we'd had.
 20 Q. Right, okay.
 21 Now, you asked him to forward you the relevant
 22 Building Regulations. Is that because you yourself were
 23 not familiar with them?
 24 A. At that time, yes.
 25 Q. So you were wholly dependent on Siderise, the

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1 manufacturer and seller, for advice about
 2 Building Regulations in the context of this question?
 3 A. Me at that time, yes.
 4 Q. Was there some pressure on site to avoid having to
 5 specify the cavity barriers with a fire resistance of
 6 120 minutes as had earlier been requested or required by
 7 Mr Hoban?
 8 A. As I said, the only resistance I'd say we met was from
 9 Siderise.
 10 Q. Right.
 11 Now, scrolling up the email chain, we can see that
 12 Mr Kay then sends you an extract from table A1. Just
 13 scroll up to page 2 {HAR00004002/2}, please. He sends
 14 you an extract from table A1 from Approved Document B,
 15 and that confirms that the appropriate integrity and
 16 insulation of a cavity barrier was 30 for integrity and
 17 15 for insulation. You got that in response to his
 18 request, didn't you?
 19 A. Yes.
 20 Q. Did you study that?
 21 A. I remember looking at that, yes.
 22 Q. Yes.
 23 He says underneath the extract:
 24 "Here you can see that it clearly states that
 25 30 minutes fire integrity and 15 minutes insulation is

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1 all that is required from a cavity fire barrier."
 2 He goes on to explain why. He says in the last
 3 sentence:
 4 "Our RH25-90/30 will offer 90 minutes fire integrity
 5 and 30 minutes fire insulation, therefore exceeds
 6 minimum requirements."
 7 Then he says:
 8 "120 minute fire rating is generally the industry
 9 standard for curtain wall to concrete slab edge
 10 firestopping where the firestop is located on the inside
 11 of a building and is considered to be a continuation of
 12 the floor slab."
 13 Now, did that, what he says there, reflect your
 14 understanding of the distinction between cavity barriers
 15 and firestopping?
 16 A. I think that helped me clarify it for me, yes.
 17 Q. It helped you clarify, okay.
 18 Let's then look at {RYD00037117}, so we come out of
 19 this email chain and look at another. This is
 20 Ray Bailey to Simon Lawrence on 27 March now, copied to
 21 you and also to Kevin Lamb and Daniel Anketell-Jones:
 22 "Hi Simon,
 23 "Reading the email from the specialist suppliers
 24 Façade Manager, it should be fairly straight-forward.
 25 "A firestop is required to stop fire spreading

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1 between floors or party walls if it is inside the
 2 building. I.e. inside of the window or curtainwall.
 3 "A cavity barrier is required to stop fire spreading
 4 inside the cavity. For the fire to enter the cavity it
 5 has had to have gone through the window or curtainwall.
 6 "In our situation the cladding is outside of the
 7 windows and therefore it should have a cavity barrier as
 8 opposed to a firestop."
 9 Again, did that email, when you saw it, reflect your
 10 understanding of the distinction between cavity barriers
 11 and firestopping?
 12 A. Yes.
 13 Q. If we turn, then, to the email at the bottom of page 1
 14 from Neil Crawford, to which this is a response to
 15 a response, if you see, because you've got
 16 Simon Lawrence's intervening, Neil Crawford to
 17 Simon Lawrence, bottom of page 1 over to page 2
 18 {RYD00037117/2}, says -- and you would have seen this at
 19 the time because you'd have got Ray Bailey's email. You
 20 can see what he says there. He says:
 21 "Hi Simon
 22 "Have spoken with John and he wasn't happy with
 23 Harley's email as we are talking about fire stopping as
 24 opposed to cavity barriers. I have explained again the
 25 specifics of our scenario and he will have a

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1 conversation with Paul Hanson to see if there is a
 2 reduced spec they can agree to and will then speak with
 3 Harley's directly."

4 So you could see the exchange.

5 What was your impression at this stage, when you got
 6 the email from Ray Bailey attaching this string below
 7 it, including what Neil Crawford is telling
 8 Simon Lawrence, of the professionals' understanding of
 9 the differences between firestopping and cavity
 10 barriers?

11 A. I think there was a confusion.

12 Q. Did that concern you? Did it concern you that there
 13 appeared to be a significant level of confusion among
 14 the professionals, as shown by this chain, even at this
 15 late stage of the process?

16 A. I recall another conversation with Ricky Kay where he
 17 had -- this is my recollection, that he had said to me
 18 that this confusion between cavity barrier and firestop
 19 in regards to rainscreen cladding was a confusion that
 20 they'd come across before.

21 Q. Really? When did you have that conversation?

22 A. It may have been in the same conversation that I spoke
 23 about earlier on. And actually Siderise had produced
 24 a drawing, I don't know if you're familiar with it, it's
 25 like a cruciform-type drawing, and it does help clarify

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1 the difference between a cavity barrier and a firestop.

2 Q. Right. We may need to explore that in a bit more
 3 detail, but let's just stick with this email chain.

4 Can I ask you to go to {HAR00006585}. This is
 5 another part of the email chain we were looking at
 6 earlier. If we go to the bottom email, if we go to the
 7 very last page of this email run, please
 8 {HAR00006585/3}, we can see this is the email we looked
 9 at earlier, the one from Ricky Kay on 26 March 2015
 10 where he sends you the extract from Approved Document B.

11 If we then scroll up, we can see that you send this
 12 excerpt to Simon Lawrence. I'm sorry, you should start
 13 at the bottom of page 2 {HAR00006585/2}. Here it is,
 14 Ben Bailey to Simon Lawrence and Simon O'Connor, copied
 15 to others, including Ray Bailey, 26 March. Then over to
 16 page 3 {HAR00006585/3}, we can see what you say. You
 17 say:

18 "As discussed, please see the email below from the
 19 firebreak supplier. There is quite a large cost
 20 difference between what Siderise and the spec recommend,
 21 and upgrading to the 120min barriers we discussed on
 22 Tuesday.

23 "Could you forward this to the client's
 24 representative for approval please."

25 Is it fair to say, Mr Bailey, that the additional

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1 cost influenced the decision to try to get a lower
 2 specification of cavity barriers approved?

3 A. I don't think so.

4 Q. Did you consider whether the potential reduction in cost
 5 would have any knock-on effect on fire safety?

6 A. No.

7 Q. Now, scrolling up further, we can see that Mr Lawrence,
 8 Simon Lawrence of Rydon, sends the email to
 9 Neil Crawford at Studio E. You can just see it in the
 10 middle of the page there on page 2 {HAR00006585/2}:
 11 "Hi Neil,
 12 "Following Tuesday's design meeting, Harley via
 13 their supply chain are questioning the rating of the
 14 cladding firebreaks. Apparently by going to 2hrs as we
 15 discussed has a cost increase of around £12k. Their
 16 supplier is saying it only needs to be 30mins everywhere
 17 as per the Regs extract below.

18 "Could you take a look to see what you think and
 19 discuss with John Hoban please?"

20 You see that?

21 A. Yes.

22 Q. Then we can see that Ray Bailey sends this email to
 23 Daniel Anketell-Jones -- again, I am afraid it comes out
 24 of this chain, it's {HAR00006585/1} -- and he asks him
 25 for his comments. Do you see he says, it's the second

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1 email down on that page:

2 "Dan,
 3 "Do you have any comments?
 4 "Ray."

5 Do you see that?

6 A. Yes.

7 Q. You weren't copied in on that. Were you aware of that
 8 email?

9 A. I was not at the time.

10 Q. Right.

11 Then we see Mr Anketell-Jones' reply if we scroll up
 12 to the top of page 1, or a little bit higher on page 1.
 13 We can see Daniel Anketell-Jones' response to
 14 Ray Bailey, and again you're not copied on that, but he
 15 says:

16 "Just that it's ridiculous.

17 "There is no point in 'fire stopping', as we all
 18 know; the ACM will be gone rather quickly in a fire!

19 "The whole point is to stop 'unseen' fire spreading
 20 in the cavity and moving to other parts of the
 21 building."

22 Were you aware of this email?

23 A. No.

24 Q. Did you have any discussion with either
 25 Mr Anketell-Jones or Ray Bailey about its contents,

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1 about the subject matter?

2 A. I don't think so.

3 Q. Now, we can see that Mr Anketell-Jones appears from this
4 to realise and says, "as we all know; the ACM will be
5 gone rather quickly in a fire ". I know there is
6 a semi-colon between the "as we all know" and the
7 statement "the ACM will be gone rather quickly in
8 a fire ".

9 Did you know that there was no point firestopping
10 because the ACM would be gone rather quickly in a fire?

11 A. No.

12 Q. No.

13 Can I then turn to another part of the subject at
14 the same time, late March 2015, on the subject of cavity
15 barriers. {HAR00006560/7}. It starts on 26 March 2015.
16 This is where the email chains weave in and out of the
17 previous chain that I was showing you before.

18 If we start at page 7, we can see the email that we
19 looked at before at 13.42 on 26 March from Mr Kay to
20 you, where he sends you the extract from ADB. We have
21 looked at that before.

22 But then we scroll up, and we can see that on
23 27 March 2015, Neil Crawford sends this on. It looks as
24 if he sends this on to the Building Control officer ,
25 John Hoban at RBKC, copied to Terry Ashton and

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1 Paul Hanson. You see that.

2 Then above that Mr Crawford, on 30 March, tells
3 John Hoban:

4 "Ben Bailey from Harley's is who you might ask for."
5 Do you see that?

6 A. Yes.

7 Q. He gives your phone number.

8 Can you explain why Mr Crawford might have been
9 giving John Hoban your details for him to talk to you?

10 A. I can't speak for Neil, I don't know.

11 Q. It looks from this as if Neil Crawford thought that you
12 were the contact point at Harley, so far as
13 Building Control were concerned. Would that be right?
14 Were you the contact point at Harley for
15 Building Control?

16 A. Erm ...

(Pause)

18 I don't think my role is a technical role in terms
19 of being able to agree -- or, sorry, specifically
20 discuss these things with John Hoban, but I could
21 probably facilitate that discussion --

22 Q. Right.

23 A. -- with our team.

24 Q. Maybe we can deal with that now. We can see that.

25 Do you remember whether you had a discussion with

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1 Mr Hoban --

2 A. I'm unsure.

3 Q. -- at this time about cavity barriers?

4 A. On the phone, I'm unsure.

5 Q. You're unsure. That means you might have done or might
6 not have done, but you can't recall?

7 A. Okay, I don't remember.

8 Q. Well, I mean, you tell me. Can you remember anything
9 about having a discussion with Mr Hoban on the telephone
10 or even face-to-face about cavity barriers in late
11 March 2015?

12 A. The only discussions I remember having with John Hoban
13 is via email.

14 Q. Right.

15 A. In relation to this.

16 Q. In relation to this, thank you.

17 So then can we go back to the email chain and then
18 look up a little bit, please, to page 5 {HAR00006560/5}.
19 We can see there that John Hoban replies on
20 30 March 2015 at 14.22 to pretty much everybody. You
21 see that? Including you. So you got this email.

22 A. Yes.

23 Q. And he says in the second paragraph -- I suppose it's
24 really the main paragraph:

25 "I would advise you that it is my interpretation of

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1 diagram 33 of Approved Document B is that the detail
2 between compartment floors and external cladding is not
3 a cavity barrier, therefore it must be fire stopped to
4 at least the standard of the existing compartment floor
5 [120 minutes]. Therefore the methods described in
6 clause 9.13 would not be appropriate in this particular
7 case."

8 What did you understand by that response there?

9 A. I think at that point in time, it didn't make sense to
10 me, and I didn't feel that I was able to make
11 an interpretation of that.

12 Q. It looks as if -- would this be right? -- Mr Hoban
13 thought that the gap between the compartment floor and
14 the external cladding needed a firestop of 120 minutes.

15 A. So my understanding at the time was that -- I'm being
16 told two different things, basically, by different
17 people. I didn't have a particular understanding of
18 that requirement at the time.

19 Q. What was the purpose, did you think at the time, of
20 being copied in on this exchange?

21 A. For information.

22 Q. Okay. And what information did you glean from this
23 communication?

24 A. That John Hoban had a different interpretation to what
25 Siderise had.

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1 Q. All right.
 2 Now, we then see the response from Ricky Kay just at
 3 the top of the page. You have to go to page 4
 4 {HAR00006560/4} at the bottom to see the full email.
 5 Let's just quickly do that. Very bottom of page 4,
 6 Ricky Kay, 30 March 2015. Then if we can go to the top
 7 of page 5 {HAR00006560/5}, we can see that you are
 8 in fact a recipient of it, along with John Hoban.
 9 You're not just a copy party; you are actually a
 10 recipient:
 11 "All,
 12 "Please can somebody forward over a drawing of the
 13 build-up of the cladding so that my Technical Officer
 14 can evaluate and forward an official response with
 15 a SIDERISE product specification."
 16 I think in fact you then send him a drawing later
 17 the same afternoon. If we look at that, that's
 18 {HAR00006560/2}. So you then respond to him and send
 19 him the drawings representing the window head and the
 20 window cill. Do you see that?:
 21 "... as we don't have a drawn detail to cover what
 22 Chris is requesting."
 23 So you respond to his request.
 24 Then if you scroll up to page 1 {HAR00006560/1} on
 25 this email chain, this is the email sent to you by

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1 Chris Mort on 30 March 2015, a little bit later in that
 2 afternoon, and he says this -- and this is copied to
 3 Ricky Kay and nobody else:
 4 "Hi Ben,
 5 "I have reviewed the drawings sent over and sketch
 6 a proposal to alleviate the issues raised by the BCO,
 7 also on the second page of the attachment I have
 8 highlighted the weak link so to speak in terms of fire
 9 and I think the BCO would have also noticed this."
 10 Do you see that?
 11 A. Yes.
 12 Q. What did you understand by that passage there?
 13 A. I think I interpreted that passage along with the
 14 drawings they attached to that email and the -- my
 15 understanding or interpretation of that email then and
 16 now is that they were intending to provide a solution
 17 for a firestop to satisfy the BCO.
 18 Q. He goes on in the next paragraph to explain his proposal
 19 and he says that it:
 20 "... requires the installation of RH25g 90/60
 21 product in two layers one at the head of the window
 22 aligning with the compartment floor and the other at the
 23 top of the existing up stand, therefore two layers of
 24 60 minutes protection that overall would provide if
 25 tested over 120 minutes protection, at the window

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1 locations."
 2 He's providing that as a solution to the difference
 3 in opinion between Building Control on the one hand and
 4 the on-site contractors on the other, isn't he?
 5 A. I think it's a difference of opinion between Siderise
 6 and the BCO. I think --
 7 Q. Well, was the solution that he was proposing ever
 8 communicated to Mr Hoban?
 9 A. I don't believe it was.
 10 Q. Given what Mr Mort says, "I think the BCO would also
 11 have noticed", the weak link he refers to, did you not
 12 take up with Mr Hoban whether he had noticed it or not
 13 or what he thought about it?
 14 A. No, but I think I should say, again, my interpretation
 15 of that email was as I explained to you, and I think
 16 quite quickly after we received this there was
 17 another -- I tried to explain the cruciform diagram to
 18 you earlier on, I think there was a reply to that from
 19 the BCO saying it made it a lot clearer for him and that
 20 they agreed with our interpretation, that -- or
 21 Siderise's interpretation.
 22 Q. Let's just stick with what we've got at the moment.
 23 Your reaction to this is to send this on to Ray Bailey
 24 and Kevin Lamb and Mark Stapley, as we can see at the
 25 top of the page, and you say, "Still going round in

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1 circles".
 2 A. Yes.
 3 Q. Right.
 4 You told us a moment ago that you didn't pass on the
 5 proposed solution that Siderise were recommending to
 6 Building Control. Why was that?
 7 A. Again, because my interpretation of that diagram was
 8 that they were offering a solution to offer a 120-minute
 9 firestop cavity barrier, and quite shortly after this
 10 email was received there was a clarification from the
 11 BCO.
 12 Q. Given what Chris Mort had said about the weak link,
 13 namely that there was a weak link in terms of fire, and
 14 that he thought the Building Control officer would have
 15 noticed it, why did you not think to pass his concern
 16 about a weak link in terms of fire to John Hoban?
 17 A. I read this -- that issue in the context of a two-hour
 18 firestop, which was then -- later on the advice we
 19 received was that that was not required.
 20 Q. We'll come to the drawing in a moment which explains
 21 exactly where the weak link was, but just on this email
 22 for the moment, did you not think to pass the concern
 23 about a weak link in terms of fire to Neil Crawford?
 24 A. I think my answer's the same to that as what I've
 25 previously answered.

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1 Q. And would the answer be the same to explain why you
2 didn't, as far as we can see, pass the concerns to
3 Simon Lawrence?
4 A. Yes.
5 Q. Kevin Lamb?
6 A. I think Kevin Lamb was copied in on the forwarded email.
7 Q. What about Daniel Anketell-Jones?
8 A. Erm ...
9 Q. He wasn't, was he?
10 A. Yeah, I don't think he was.
11 Q. Now, is it fair to say that you were alerted by this
12 email that, in order to alleviate the weak link that
13 Mr Mort had identified, Harley should install a cavity
14 barrier at the window head and another at the top of the
15 upstand? You were alerted to that.
16 A. I don't think -- I don't think so.
17 Q. Why is that? Why don't you think so?
18 A. My understanding of what the email said and what the
19 drawing showed was that their proposal was to try and
20 achieve the 120-minute rating that the BCO was asking
21 for, and that that -- the weak link, as he refers to --
22 was part of the issue in achieving that. It's all read
23 in that context.
24 Q. Let's look at the drawings then.
25 We can see that Mr Mort had confirmed in the email

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1 that without specific details of the overall
2 construction of internal linings and/or sight of
3 fire strategy for the project, he could only offer the
4 proposal.
5 Did you not think to send him specific details that
6 he was lacking and ask him to consider the proposal
7 afresh or revise it in any way?
8 A. I think I'd already requested that information from
9 Simon Lawrence and I'd been told it didn't exist.
10 Q. Right.
11 Let's look a little more closely, then, at what he
12 was saying. If we can look at the attachment to his
13 email, it's at {HAR00003948}. This was what he sent
14 you. At page 1 we can see a drawing with the
15 "90/60 x 2 = 180/120" on it; yes?
16 A. Yes.
17 Q. That was the proposal, wasn't it, to alleviate the
18 issues raised by the BCO? Yes?
19 A. Yeah, the issue being his different interpretation.
20 Q. Indeed, but that was that.
21 Then if we look at page 2 {HAR00003948/2}, where
22 he's talking about the weak link in his email, that is
23 where he identifies a weak link for fire. Do you see
24 that?
25 A. Yes.

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1 Q. So he's got a proposal which deals with the times, to
2 put it broadly, but he's also identified a weak link for
3 fire. Do you see that? And you saw that at the time,
4 presumably?
5 A. Yes.
6 Q. Did you study this drawing at the time?
7 A. I saw it at the time, yes.
8 Q. So you would have known that Chris Mort had identified
9 a weak link for fire in the area identified in that
10 second picture; yes?
11 A. And it was interpreted in the context of the text of his
12 email and the previous drawing.
13 Q. Right.
14 Now, let's take this in stages. Going back to the
15 first drawing {HAR00003948/1}, at the right-hand side we
16 can see a hand-drawn plan. Can you see it?
17 A. Yes.
18 Q. Which corresponds to the orange line that bisects the
19 window.
20 A. Yes.
21 Q. You can see the orange line bisecting the window and
22 then the plan on the right.
23 The blue section is labelled "window", can you see,
24 in manuscript, with a little arrow?
25 A. Yes.

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1 Q. At the head and the cill of the window we can see that
2 Chris Mort has drawn some orange cavity barriers; yes?
3 A. Yes.
4 Q. Now, did you therefore see at the time that that showed
5 that Mr Mort thought that cavity barriers were required
6 in those locations, at the window head and the window
7 cill?
8 A. I think it shows the cavity barrier above the bracket
9 that holds the head of the window.
10 Q. I think you're agreeing with what I'm putting to you in
11 that answer; in other words, that Mr Mort thought that
12 cavity barriers were required in the locations he's
13 identified.
14 A. Yeah, well, I don't know if I'm agreeing with you.
15 I think he shows that above the bracket that holds the
16 head of the window.
17 Q. We can see that. It may be above the bracket, but it's
18 just above the head of the window; yes?
19 A. It's above the window, yes.
20 Q. And also, if you look at the bottom of it, just below
21 the blue oblong, it's just below the cill; yes?
22 A. Yes.
23 Q. Almost immediately below the cill.
24 A. Yes.
25 Q. Thank you. You could see that at the time when you got

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1 this drawing.
 2 A. Yes.
 3 Q. Yes.
 4 Then if we go to page 2 {HAR00003948/2}, we can see
 5 that here is the drawing of the window head, upper
 6 levels, and Mr Mort has circled the window joint at the
 7 head there with a cloud of orange, a bubble, and has
 8 written "weak link for fire", and you saw that at the
 9 time; yes?
 10 A. Yes.
 11 Q. Yes.
 12 Given that there was a weak link, as he has
 13 identified, did you not consider that it was vital that
 14 cavity barriers were placed at the head of the window?
 15 A. I don't believe that was shown on the previous drawing,
 16 so no.
 17 Q. When you say the previous drawing, you mean the one
 18 immediately above it?
 19 A. Correct. As I said, I was reading this all in the
 20 context of the same issue.
 21 Q. But Mr Mort's head of window cavity barrier is a lot
 22 lower down towards the head of the window -- it's
 23 immediately above the head of the window -- than the one
 24 shown on the Harley drawing, isn't it?
 25 A. He's drawn it above the bracket, as we have.

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1 Q. Well, yours is a lot further above the bracket than his.
 2 A. I disagree.
 3 Q. Why do you disagree?
 4 A. To me it looks representatively a similar drawing.
 5 Q. Well, it doesn't, with great respect, does it?
 6 Mr Mort's head of window cavity barrier is drawn
 7 immediately above the bracket, with no space for
 8 insulation in it, whereas the Harley drawing is quite
 9 a way above the bracket with a chunk of insulation below
 10 it. I mean, that's obvious from what we're looking at,
 11 isn't it?
 12 A. The window bracket on our drawing, to my eye, looks like
 13 it extends 200/250-mil above the slab edge, and the
 14 cavity barrier is maybe 10/20 millimetres above that.
 15 I think on the sketch that Mr Mort provides, it's
 16 a similar distance apart. It's obviously a smaller
 17 scale, but ...
 18 Q. If Mr Mort was satisfied with your location of the
 19 cavity barriers, did it occur to you to ask yourself why
 20 he thought it was necessary to add in orange his own
 21 identification of where he thought cavity barriers
 22 should be, as he has done on this first drawing?
 23 A. Is this -- can you show me the first drawing, please?
 24 Q. Yes, of course. Could you scroll up there
 25 {HAR00003948/1}.

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1 A. And your question again was?
 2 Q. My question again is: if Mr Mort was of the view that he
 3 thought it was necessary to add in orange his own
 4 identification of where he thought cavity barriers
 5 should be, why do you think he did that when he could
 6 see that you had already added cavity barriers in your
 7 locations?
 8 A. My understanding of this diagram is it's in response to
 9 the BCO's specific -- or it's a response to alleviate
 10 that issue about the 120 rating, that's my understanding
 11 of this.
 12 MR RENTEURS: I'm sorry to interject, but I'm anxious for
 13 the witness not to be misled about what this diagram
 14 shows and what it doesn't. I don't think there is any
 15 suggestion that Mr Mort's diagram was to scale.
 16 SIR MARTIN MOORE-BICK: Well, what the witness is saying, as
 17 I've understood him, is that Mr Mort's manuscript
 18 drawing shows the cavity barrier at the head of the
 19 window, just above the bracket supporting the head of
 20 the window, and the drawing also shows that, but I think
 21 he suggests that the apparent difference may be
 22 attributable to the length of the bracket in the
 23 full-scale drawing.
 24 I think that's what you were saying, wasn't it?
 25 A. Yeah, I -- yes.

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1 SIR MARTIN MOORE-BICK: Right. But it doesn't quite answer
 2 Mr Millett's question, which is why on page 2
 3 {HAR00003948/2} -- can we throw up page 2, please --
 4 Mr Mort has identified what he regarded as a weak link
 5 for fire around the junction between the bracket and the
 6 head of the window itself.
 7 A. Yes.
 8 SIR MARTIN MOORE-BICK: Do you see that?
 9 A. Yes.
 10 SIR MARTIN MOORE-BICK: So I think the question you were
 11 being asked to consider is: what did that indicate to
 12 you?
 13 A. As I said, I've read the two drawings in context of what
 14 was written in the email, and they're pointing out that
 15 that would be an issue in terms of achieving the
 16 120-minute rating that the BCO was asking for. I think
 17 I can't say more than that.
 18 MR MILLETT: Let me try and get at it this way, Mr Bailey:
 19 you could see, if we go to the bottom of the drawing on
 20 page 2 there, that Mr Mort had identified a weak link
 21 for fire around the head of the window. If he was happy
 22 with the position of the cavity barrier as shown on that
 23 drawing, why did you think at the time that he had
 24 thought that the head of the window presented a weak
 25 link for fire?

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1 A. I don't know.
 2 Q. Did you not think to ask him?
 3 A. I didn't.
 4 Q. It's quite a serious warning, isn't it, for
 5 a manufacturer who has provided you with some expertise
 6 on Approved Document B to be warning you that the
 7 design, as Harley had presented it, offered a weak link
 8 for fire? That was a serious matter, was it not?
 9 A. I think, looking at it now, if they thought that --
 10 other than in the context I've already told you I read
 11 it in, and I believe that's my interpretation, if they
 12 thought that was going to be an issue that was not
 13 related to a two-hour stop, they would have marked in
 14 a different cavity barrier on that drawing. They've
 15 marked another drawing with cavity barriers, why not
 16 this one?
 17 Q. I'll ask my question again: when you were told that the
 18 drawing of the head of the window represented a weak
 19 link for fire, why did you not go back to Mr Mort and
 20 ask him what he meant?
 21 A. I don't know.
 22 Q. Why did you not take this to the architect and say, "The
 23 manufacturer has identified a weak link for fire on our
 24 drawings, could you please help us"?
 25 A. Because I read it in the context of a 120-minute

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1 firestop, and that issue was shortly afterwards cleared
 2 up, to my recollection.
 3 Q. This is not about a 120 firestop; this drawing is about
 4 a weak link for fire which has been created by the
 5 position of the cavity barrier, isn't it?
 6 A. I disagree. My reading of it at the time is what I've
 7 told you.
 8 Q. Did you yourself check the drawings when it came to the
 9 installation of the cavity barriers?
 10 A. Erm ... obviously I'd reviewed the drawings, so I knew
 11 what to expect on site.
 12 Q. Were you surprised that cavity barriers had not been
 13 included in the drawings around the windows?
 14 A. No.
 15 Q. Can you explain why that is?
 16 A. At that time I didn't know of a requirement to do so.
 17 Q. Right. Does it follow from that that you didn't alert
 18 anyone at Harley or Studio E or Rydon, or indeed
 19 anybody, that there were no cavity barriers around the
 20 windows provided for in the drawings?
 21 A. I wasn't aware of the issue, so ...
 22 Q. Right. Even though Chris Mort had identified a weak
 23 link for fire at the end of March 2015?
 24 A. He doesn't indicate cavity barriers directly round the
 25 windows, so I wasn't alerted to that issue.

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1 Q. Well, we can agree or disagree about what the drawings
 2 show, and I have been through that with you.
 3 Let's move on. {RYD00037478}, please. Now, this is
 4 an email also on 30 March 2015 from you to
 5 Simon Lawrence, copied to Simon O'Connor, at 17.15:
 6 "Simon is there a building fire strategy document
 7 and some information on internal finishes that you can
 8 send over for me to pass on to Siderise?"
 9 I think this follows on from, because it's later on
 10 in the day on 30 March, Chris Mort's email to you of
 11 that day where he refers to the weak link, because we
 12 saw that that was at 16.21.
 13 A. Yes.
 14 Q. This one is going at 17.15, so just under an hour later.
 15 Did Chris Mort's email to you prompt you to ask
 16 Simon Lawrence whether there was a building
 17 fire strategy document, do you think?
 18 A. Yes.
 19 Q. Mr Lawrence responds at 9.37 the next morning, 31 March,
 20 and he says:
 21 "Morning Ben,
 22 "Yes there is but it only relates to the bottom four
 23 levels where we are constructing new. As we are
 24 constructing new the fire ratings are in line with the
 25 current regs (Approved Document B). Anything above that

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1 is existing and there is no records showing what fire
 2 rating the slabs and walls (internal and external) were
 3 constructed to when the building was originally built
 4 back in 1974. We know that it is unlikely that the
 5 party walls, etc would be in line with current regs
 6 however this can't be proved without extensive surveys
 7 and specialist analysis. Unfortunately that is what you
 8 get with refurb and because we can't prove otherwise the
 9 Building Control Officers will revert to current regs.
 10 On a better to be safe than sorry approach."
 11 Now, I've read you all of that because I want you to
 12 see everything he is saying, but he says there the
 13 fire strategy only related to the bottom four levels,
 14 "Anything above that is existing".
 15 Did you take from that that you then knew that there
 16 was no fire strategy for the upper floors for this
 17 building?
 18 A. Yeah, it appears that way.
 19 Q. Yes, it does appear that way, and is that how you
 20 understood it at the time?
 21 A. Yeah, I took Simon's advice.
 22 Q. Right. So did it strike you as odd, given that you were
 23 overcladding an entire building and building a crown
 24 made of aluminium composite material?
 25 A. No, Simon gave me quite a lengthy explanation.

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1 Q. Well, you can see the explanation he's given you in the
2 email. Are you referring to another explanation?
3 A. In the email.
4 Q. I see.
5 Did you ever pass this response back to Siderise?
6 A. I don't remember.
7 Q. No, we can't see any record of you doing so, so can we
8 take it that you didn't?
9 A. Yes.
10 Q. Do you remember whether Siderise -- because you say you
11 had a telephone discussion with them, but did Ricky Kay
12 of Siderise or anybody else at Siderise ever raise any
13 concern with you that there didn't appear to be
14 a fire strategy for the upper floors?
15 A. I don't believe so.
16 Q. Did you think to bring to the attention of John Hoban
17 the fact that there was no fire strategy for the upper
18 floors?
19 A. No, and I think that's because of Simon's last two
20 sentences. He says we would just revert to current
21 regs, so I believed the current -- what he's saying in
22 my mind is that the current regulations would be kept to
23 rather than older ones.
24 Q. Did you think to push Simon Lawrence and discuss with
25 him whether he should be putting together a fire

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1 strategy document for this building if there wasn't one
2 for the upper floors?
3 A. No. My view was Simon was experienced in this. He
4 didn't seem to be too concerned, so yeah.
5 Q. Mr Lawrence gave some evidence about this email, and his
6 evidence was that he was mistaken in his response and he
7 was in fact referring to fire strategy drawings as
8 opposed to a building fire strategy document. I'll just
9 give you the transcript reference for that. You don't
10 need to see it, it's really more for our purposes:
11 {Day23/103:16-19}, so that's on the record.
12 We know that Exova had provided a draft outline fire
13 safety strategy for the refurbishment in the November of
14 2013. Do you recall ever seeing such a document?
15 A. I wasn't aware of that document.
16 Q. You weren't aware of that document?
17 A. No.
18 Q. Let's just be absolutely clear. I can flash it up on
19 the screen. It's {EX000001107}. Let's just have it up
20 so we can be crystal clear. This is the Grenfell Tower
21 outline fire safety strategy, issue number 3, of
22 7 November 2013, Mr Bailey. You have never seen this
23 document --
24 A. I don't recall seeing it, no.
25 Q. -- at the time of your involvement on the project; is

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1 that right?
2 A. Correct.
3 Q. Okay.
4 Now, going back to the email thread, if we can,
5 please, that we were looking at before, can we go to
6 {HAR00006560} and look at the top email. I showed you
7 this before. You passed it on. This is the Chris Mort
8 weak link email which you then passed on to Ray Bailey,
9 Kevin Lamb and Mark Stapley with the comment, "Still
10 going round in circles". I showed you it before but
11 I didn't ask you any questions about it.
12 What did you mean by, "Still going around in
13 circles"?
14 A. From my understanding of these emails and the
15 conversation -- sort of the conversations we'd had via
16 email on this issue is that Siderise had told us the
17 previous advice that conflicted with the
18 Building Control officer's requirement or preference,
19 and then they've sent us a suggestion for the 120-minute
20 sort of solution or proposal, and to me it felt like we
21 weren't getting closer to a definitive answer.
22 Q. Did the fact that Mr Mort had said in terms in his email
23 in the first paragraph, "also on the second page of the
24 attachment I have highlighted the weak link so to speak
25 in terms of fire" not ring an alarm bell with you?

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1 A. No.
2 Q. Why is that?
3 A. I don't know, other than what I've --
4 Q. It looks from your response here and from what you have
5 told us earlier this morning in response to my questions
6 that you focused only on the proposal to alleviate the
7 issues about the firestopping/the 90/30 and 120-point,
8 but didn't actually take on board the second page of the
9 attachment that we looked at and the weak link in terms
10 of fire. Is that fair?
11 A. I think my answer is the same as before: I read it as
12 the same issue.
13 Q. Right.
14 Did you expect Ray Bailey or Kevin Lamb or
15 Mark Stapley to read the contents of Chris Mort's email
16 and the attachment when you forwarded it to them?
17 A. I suppose that's a reasonable expectation.
18 Q. Yes, otherwise you wouldn't have forwarded it,
19 I suppose. Yes?
20 A. Yes.
21 Q. Yes.
22 Can we then look at {SIL00000078}, please, and
23 I would like to look with you please at the second email
24 on that string at the bottom of page 1. It's not that
25 clear, but you can see that it starts from you,

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1 Ben Bailey, 30 March, to Chris Mort, 16.47. So it's on
 2 the same day as the discussion about the weak link.
 3 If you scroll down to page 2 {SIL00000078/2},
 4 please, and this is your response to his weak link
 5 email, you say:
 6 "Thanks Chris.
 7 "Ricky/Sue, could you provide a price based on
 8 Chris's recommendation please."
 9 That's the recommendation, I think, in the second
 10 paragraph, isn't it? That's the proposal; yes?
 11 A. Yeah -- yes. I don't remember this particular reply,
 12 but ...
 13 Q. Right. So it looks as if from this you were interested
 14 in his proposal which would alleviate the issues raised
 15 by the Building Control officer. Is that a fair reading
 16 of your response to him on that day?
 17 A. Yes.
 18 Q. Yes.
 19 Then if we turn to {SIL00000079}, please, we can see
 20 that you get a response on the next day, 31 March, from
 21 Sue Sheppard of Siderise, and she sends you a quotation:
 22 "Hi Ben
 23 "Good Morning.
 24 "Following your conversation with Ricky and our
 25 Technical Officer Chris Mort, we have pleasure in

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1 attaching our amended quotation.
 2 "Ben please see as recommended the revised fire
 3 barrier, we hope that our prices will again meet with
 4 your approval and look forward to receiving your further
 5 instructions."
 6 If you turn to page 2 {SIL00000079/2}, we can see
 7 that there is an attachment and there is a quote, it's
 8 not terribly clear, 247,227. If we look at page 3
 9 {SIL00000079/3}, there is the quotation in full,
 10 I think. There it is, and it's dated 31 March 2015,
 11 it's sent to you, and we can see that there is
 12 a quotation for a horizontal open state cavity barrier
 13 fire rating E90 I60, and a firestop of E120 I120, and
 14 the price is there. Do you see that?
 15 A. Yes.
 16 Q. Then if we go to the next document, {SIL00000081},
 17 please, this is an email from Ricky Kay on 31 March:
 18 "Ben,
 19 "How did you get on mate? Was everything clear with
 20 regards to Chris' mark-up and subsequent quote?
 21 "Give me a bell if you need."
 22 Did you reply to that email? We can't find one.
 23 A. I don't recall.
 24 Q. Is there a reason why you didn't reply to it?
 25 A. Erm ... probably just from the dates that I know

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1 surrounding these email chains, I think either that day
 2 or the day afterwards there was a clarification issued
 3 from the BCO.
 4 Q. Did you think to go back to Ricky Kay and say, "I didn't
 5 agree with Chris's mark-up"?
 6 (Pause)
 7 A. I don't recall. As I said, I don't recall this --
 8 Q. All right.
 9 I will go back to the discussions with
 10 Building Control. We looked at a lot of the chain
 11 before, and we saw earlier that you were the person whom
 12 Neil Crawford thought John Hoban should speak to at
 13 Harleys, we saw that, on 30 March.
 14 Just after that, can we then go to the exchange with
 15 Simon Lawrence, {RYD00037553}, please. This is an email
 16 under which Simon Lawrence sends to you, and only to
 17 you, a typical bay drawing, and he's forwarding to you
 18 the email from Neil Crawford to John Hoban and to him
 19 the same day earlier on, in fact nine minutes earlier,
 20 and he says:
 21 "Ben,
 22 "Just for your info only at the moment. Neil is
 23 discussing with BC [Building Control]. He is aware of
 24 the urgency and cost implications. Studio E also have
 25 a vested interest in getting to the bottom of the issue

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1 as they wrote the spec.
 2 "Let them do their stuff and we will come back to
 3 you later."
 4 Do you see that?
 5 A. Yes.
 6 Q. Is it fair to say, in the light of what you had then on
 7 31 March, that that is why you didn't respond to
 8 Mr Kay's email asking you about the quote?
 9 A. As I say, I don't remember at the time, but it's
 10 possible, yes.
 11 Q. In other words, you were aware that Rydon were still
 12 resisting John Hoban's position and you thought there
 13 might be a solution, which is why you didn't go for
 14 Mr Kay's quotation?
 15 A. That's possible.
 16 Q. Now, can we then go to {SEA00013076}, please. This is
 17 1 April, and this is the final email from John Hoban,
 18 it's the second email down, to Neil Crawford, copied to
 19 Simon Lawrence, and he says he has no adverse comments
 20 to make on the cladding proposals. We will go back to
 21 the body of that email in a minute.
 22 Simon Lawrence then sends that on to you and to
 23 Ray Bailey, and he says, at the top of the page:
 24 "Gents,
 25 "The Building Control officer is now in agreement

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1 with the fire protection in the cladding being a 'cavity
 2 barrier' rather a fire stop as first thought."
 3 Now, you saw that on that day.
 4 As a result of that, did you consider it unnecessary
 5 to consider the matter any further?
 6 A. Erm ... I think I notified Siderise of this
 7 clarification .
 8 Q. How did you do that, by email or by telephone, do you
 9 remember?
 10 A. I may have forwarded the email.
 11 Q. Right.
 12 Had you had any hand in persuading John Hoban to
 13 agree with your position on the fire protection in the
 14 cladding being a cavity barrier rather than a firestop?
 15 A. I don't -- other than providing him with information he
 16 requested, I don't think I had a --
 17 Q. Right. Did you have a conversation with him about the
 18 subject on the telephone?
 19 A. I don't think so. As I said, at the time I -- my view
 20 on -- sorry, my view of what I knew about this at the
 21 time was that I wasn't able myself to be able to make
 22 a decision on something such as this, so I was --
 23 Q. Right.
 24 A. -- deferring it to people who knew more than me, so
 25 I don't think I would have, you know, influenced him.

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1 Q. I'm sorry, I'm going to have to ask you to keep your
 2 voice up, I couldn't hear that.
 3 A. I'm sorry.
 4 Q. So you were "deferring it to people who knew more than
 5 me, so I don't think I would have ... influenced him",
 6 right.
 7 Given the solution that appears to have been arrived
 8 at, at least according to Simon Lawrence, did that cause
 9 you not to take any steps to follow up and address the
 10 weak link for fire above the windows that Chris Mort had
 11 identified?
 12 A. As I said before, I read that whole issue as a single
 13 issue, so when -- ie not as a -- so, basically, when we
 14 got the definitions of cavity barrier, yes, I felt that
 15 issue went away.
 16 Q. Do you agree that a close and careful consideration of
 17 what Chris Mort was saying, both in his email and in the
 18 drawings, would have led you to understand that there
 19 were two issues which Mr Mort was addressing, and that
 20 he was giving advice about the position of cavity
 21 barriers and saying that there was a weak link at the
 22 head of the window, so far as regards fire?
 23 A. My interpretation is the same as I've told you.
 24 Q. Right.
 25 Now, if we go on to {HAR00019412}, we do see you

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1 going back to Ricky Kay the next day, 2 April 2015, and
 2 Chris Mort. Do you see that? You forward on this
 3 message that you got from Simon Lawrence, as you said
 4 you did:
 5 "Morning Ricky,
 6 "As discussed please see drawing attached showing
 7 the placement of the firebreak at the head of the
 8 window. The BCO has agreed to the definition of a
 9 cavity so I believe that the 30/15 equivalent product
 10 can be used?"
 11 Do you see that?
 12 A. Yeah.
 13 Q. You say, "As discussed please see drawing attached", but
 14 what discussion are you referring to there?
 15 A. I don't recall.
 16 Q. Was there a telephone discussion between you and
 17 Ricky Kay or you and Chris Mort about the placement of
 18 the firebreak at the head of the window?
 19 A. That's what the email implies, but I don't remember
 20 a conversation.
 21 Q. Right.
 22 Can we look at the drawing that you attached. It's
 23 at {HAR00019413}. Now, this is a Studio E drawing, not
 24 a Harley drawing, isn't it?
 25 A. Yes.

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1 Q. We can see that on the right-hand side there is a
 2 "Proposed Section - Typical Bay" heading, if you like,
 3 in the middle of the page, halfway down the right-hand
 4 side, and above that is a big orange box.
 5 A. Yes.
 6 Q. Can you see that in hatched markings there, there is
 7 a cavity barrier marked?
 8 A. Yes.
 9 Q. And it goes to the head of the window, do you see?
 10 A. Yes.
 11 Q. And also right under the cill; do you see that? Yes?
 12 A. I can't see the one under the cill.
 13 Q. I'm sorry, that's my misunderstanding of the hatching.
 14 It's the little thing immediately at the head of the
 15 window.
 16 A. Yeah, I see the one by the arrow, yes.
 17 Q. Yes.
 18 Now, so far as Siderise were concerned, is it fair
 19 to say that they were under the impression that you were
 20 going to install a cavity barrier at the head of the
 21 window in accordance with the drawing?
 22 A. Based on them having a -- one of our drawings, which was
 23 a later issue, I don't think so.
 24 Q. You don't think so.
 25 Given that you could see from this drawing that

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1 cavity barriers had been provided for in this drawing at
 2 the head of the window by Studio E, can you explain why
 3 you permitted cavity barriers to be installed above the
 4 head of the window if you had discussed their location
 5 and told Siderise that they were going to be placed at
 6 the head, as you can see this drawing shows?
 7 A. I don't know.
 8 Q. Do you accept that you ought to have known that the
 9 location of the cavity barriers at the head of the
 10 window was an important matter to you, otherwise you
 11 wouldn't have been discussing it with Siderise?
 12 A. Whilst I knew that cavity barriers were an important
 13 item in the build-up, I wasn't aware, as I am now,
 14 specifically about the suggestion that they should be at
 15 the head of the window. I don't remember any specific
 16 instruction or otherwise of why that wasn't done as in
 17 that architect's drawing.
 18 Q. Do you accept that by sending Siderise this drawing
 19 which shows the cavity barrier at the head of the
 20 window, and therefore in a different location from where
 21 you had had the cavity barrier on the weak link for fire
 22 drawing that we saw earlier, you were giving Siderise
 23 the impression that you had moved the cavity barrier so
 24 that it sat immediately above the head of the window and
 25 had therefore taken their advice on that subject?

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1 A. I think if that was the case we would have sent them
 2 a Harley drawing showing that.
 3 Q. Why did you send them this drawing, then?
 4 A. I don't know. I don't recall.
 5 Q. You don't know why you sent them this drawing?
 6 A. Other than the -- I don't remember sending it, so other
 7 than the context of the email you've shown me, as I say,
 8 I don't remember that conversation.
 9 Q. Because you say in the covering email, "Please see
 10 drawing attached showing the placement of the firebreak
 11 at the head of the window", and I've got to repeat the
 12 suggestion that you were telling Siderise, in essence,
 13 that you were taking their advice, had moved the cavity
 14 barrier, in response to the weak link for fire warning;
 15 no?
 16 A. I don't believe so. I think if that had been discussed,
 17 we would have re-issued a Harley drawing, not
 18 an architect's drawing.
 19 Q. Mr Mort's statement makes it crystal clear, and we can
 20 go to it if you like, that he was raising a separate
 21 concern about a weak link for fire separate from the
 22 question of the time periods for firestopping or cavity
 23 barriers. That's what he was doing. But I think you're
 24 telling us that you read it as a single issue?
 25 A. Yes.

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1 Q. Do you accept that you were wrong about that?
 2 A. I think knowing what I know now, unfortunately yes.
 3 Q. Now, can we look at paragraph 31 of your witness
 4 statement, please, on page 10 {HAR00010060/10}. You say
 5 there:
 6 "I was not involved in any compliance issues or
 7 decisions in relation to the project. Until the fire
 8 I had no reason to question either the design or the
 9 materials being used."
 10 Now, Mr Bailey, having considered the material, the
 11 emails that we have been discussing, particularly at the
 12 end of March, regarding fire barriers, do you accept
 13 that you were indeed involved in the discussion of
 14 location and specification of cavity barriers?
 15 (Pause)
 16 A. Insofar as asking the questions that I thought were
 17 pertinent and helpful in trying to get to the bottom of
 18 the issue.
 19 Q. Indeed, and that therefore paragraph 31 has to be
 20 rewritten, doesn't it? It's not correct.
 21 (Pause).
 22 A. I think in paragraph 37 {HAR00010060/11} I do make
 23 reference to this issue in terms of advice sought.
 24 Q. Yes, but at paragraph 31 you say:
 25 "I was not involved in any compliance issues or

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1 decisions in relation to the project."
 2 So far as cavity barriers is concerned, that's not
 3 correct, is it?
 4 A. I'm unsure.
 5 Q. Well, it's not a difficult question. Given what we've
 6 seen in detail this morning, Mr Bailey, about your
 7 involvement in the cavity barrier question, when you
 8 say, "I was not involved in any compliance issues or
 9 decisions in relation to the project", that's not
 10 correct, is it?
 11 A. As I said in paragraph 37, I've detailed that
 12 involvement, so ...
 13 Q. Yes. I know you say that at paragraph 37. I'm asking
 14 you, and I'll ask you one more time: given what we've
 15 seen about your involvement in the cavity barrier
 16 question at the end of March 2015, it is not correct to
 17 say that you were not involved in any compliance issues
 18 or decisions in relation to the project, is it?
 19 A. As I said, insofar as I've asked the questions, that was
 20 my involvement. So asking the questions about the
 21 cavity barriers, yes, would be a compliance issue.
 22 Q. That's right.
 23 A. And I had an involvement in it.
 24 Q. Therefore, paragraph 31 is incorrect in that respect.
 25 A. I think, put like that in that particular scenario ...

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1 as I said, I had an involvement in that area.
 2 Q. Yes. Will you please accept, therefore, that
 3 paragraph 31 of your witness statement in that respect
 4 is incorrect?
 5 A. For this particular issue, yes.
 6 MR MILLETT: Thank you.
 7 Mr Chairman, we're going to turn to a slightly
 8 different topic, but one I will not finish before
 9 1 o'clock.
 10 SIR MARTIN MOORE-BICK: It would probably be better to stop
 11 there, wouldn't it, Mr Millett?
 12 MR MILLETT: Yes, it would.
 13 SIR MARTIN MOORE-BICK: Yes.
 14 Well, Mr Bailey, we're going to break now to have
 15 some lunch. We will come back at 2 o'clock, please.
 16 Again, please don't talk to anyone about your
 17 evidence or anything to do with it while you're out of
 18 the room. All right?
 19 THE WITNESS: Thank you.
 20 SIR MARTIN MOORE-BICK: Thank you very much.
 21 (Pause)
 22 Thank you, 2 o'clock, please. Thank you.
 23 (1.00 pm)
 24 (The short adjournment)
 25 (2.00 pm)

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1 SIR MARTIN MOORE-BICK: All right, Mr Bailey, are you ready
 2 to carry on?
 3 THE WITNESS: I am.
 4 SIR MARTIN MOORE-BICK: Thank you very much.
 5 Yes, Mr Millett.
 6 MR MILLETT: Thank you, Mr Chairman.
 7 Mr Bailey, I just want to revisit one little thing
 8 we were talking about before the break, and that's the
 9 Chris Mort weak link for fire.
 10 Can I ask you, please, to be shown Chris Mort's
 11 witness statement. That's at {SIL00000298/7}. This is
 12 his statement to the Inquiry which we've got from him.
 13 At paragraph 31, he says:
 14 "I emailed Mr Bailey [that's you, Ben Bailey] on
 15 30 March 2015, with a sketch proposal and a marked up
 16 'A-A' where I had highlighted a weak link, so to speak,
 17 in terms of fire ..."
 18 And he attaches the drawings to the statement, and
 19 then he says:
 20 "I comment as follows."
 21 Then at the next page, {SIL00000298/8}, he says at
 22 c:
 23 "My email also refers to the marked up A-A where
 24 I identified a 'weak link for fire'. By this, I was
 25 highlighting that there was nothing to stop fire in an

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1 internal compartment moving to an external cavity. The
 2 window head interface with the structure shows that
 3 there is a gap. It needed some form of protection.
 4 There should have been a design to protect this. As
 5 a supplier of a product, Siderise was not obliged to
 6 provide any general advice about fire safety and
 7 compliance with the Building Regulations and associated
 8 guidance. However, in this instance, I did highlight
 9 the weak link I identified despite it not relating
 10 directly to cavity barriers. It was a clear error and
 11 I felt I should highlight it. In my opinion Harley
 12 and/or Building Control should have picked it up
 13 already. It was their issue to deal with. I would have
 14 expected Harley to raise this issue with the main
 15 contractor by way of a Request for Further Information
 16 (RFI). A design should then have been designed and
 17 detailed and put in place by the main contractor and/or
 18 Harley."
 19 Now, I just want to ask you about what he says at
 20 the bottom of that paragraph there, because we know what
 21 you did and didn't do.
 22 Do you accept that Harley should have raised the
 23 issue with the main contractor by way of a request for
 24 further information?
 25 A. I mean, at the time ... well, we weren't detailing the

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1 internal finishes, so I think, as I said before, it was
 2 my recollection of it being a singular issue to do with
 3 externals. You know, I don't think Chris had made it
 4 clear that he meant it to be an internal issue.
 5 Q. Well, you're drawing a distinction between internal and
 6 external, and the weak link for fire is at the
 7 interface. He says he would have expected Harley to
 8 raise the issue, because it had been pointed out to
 9 Harley, to you, with the main contractor by way of
 10 a request for further information.
 11 My question -- I'll ask it one more time -- is: do
 12 you accept that Harley should have raised the issue with
 13 Rydon, as the main contractor, by way of an RFI,
 14 a request for further information?
 15 A. In the way that Chris explains it here, as an internal
 16 issue, if I had read it any other way, as it not being
 17 a single issue to a two-hour firestop, then yes, we
 18 could have issued an RFI.
 19 Q. Right.
 20 Do you accept that a design should have been
 21 designed and detailed and put in place by Rydon or
 22 Harley?
 23 A. I feel that he is talking about internal finishes, so
 24 I feel that's an issue for Rydon and/or the architect.
 25 Q. Well, he says "and/or Harley". Do you agree or disagree

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1 with his view there about what should have happened?
 2 A. In my experience, on jobs where they have
 3 internal/external finishes, it's the architect who
 4 co-ordinate -- and the main contractor who co-ordinates
 5 that interface.
 6 Q. Well, on your experience on jobs, you say. What
 7 experience did you have as at March 2015 of any jobs
 8 where there was external/internal finishes where the
 9 architect would co-ordinate?
 10 A. My previous job.
 11 Q. What, Merit House?
 12 A. Correct.
 13 Q. Was there an issue about that there?
 14 A. Not this specifically, but in terms of just general
 15 interfaces between the external system and the internal
 16 finishes.
 17 Q. Was there a fire-related issue about the interfaces
 18 between external and internal finishes on that project?
 19 A. Not that I'm aware of.
 20 Q. No.
 21 Can we then turn to a little bit later in the year,
 22 {SIL00000585}, because we pick up again in the June of
 23 2015 more contact between you and Siderise.
 24 Here we see an email, if we go to page 2
 25 {SIL00000585/2}, first of all, to the bottom email,

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1 an email from you of 17 June to Ricky Kay at Siderise at
 2 17.57. It straddles the page but I can show you just
 3 the top of that page {SIL00000585/3}:
 4 "I'm after some technical advice ... we are putting
 5 vertical firebreaks up the building where there are
 6 party walls. I've marked where these are on the
 7 attached drawing; will we have to install the verticals
 8 anywhere else (like on the corners of the building) so
 9 we don't fall foul of some regulation etc?"
 10 What did you mean by "some regulation etc" there,
 11 Mr Bailey?
 12 A. I expect I'm probably referring to ADB.
 13 Q. Right.
 14 Did you make any attempt yourself to educate
 15 yourself as to the appropriate location for cavity
 16 barriers, or were you simply reliant on Siderise giving
 17 you advice on an ad hoc basis?
 18 A. I think my knowledge at the time was ... I think I had
 19 been told at that time that it was -- it had to be
 20 broken up every 20 metres and on corners of the
 21 building, and that's what I referenced in this email as
 22 well.
 23 Q. That's not an answer to my question really.
 24 Let me try it a different way: given that by June of
 25 2015 you had had at least two, and in fact there are

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1 more, discussions with Siderise about regulatory
 2 requirements, did it not occur to you at that moment to
 3 educate yourself about what the cavity barrier
 4 requirements were in the regulations, sit down with them
 5 and study them?
 6 A. I don't know if I did at that time. As I think I said
 7 yesterday, I had read parts of ADB and I did find them
 8 confusing. I think that's why I'm seeking other advice,
 9 because it didn't make a whole lot of sense to me.
 10 Q. Do you know why you were seeking technical advice, as
 11 you put it, of this nature after the drawings had been
 12 prepared, demonstrating where the cavity barriers ought
 13 to have been located?
 14 A. I don't have a recollection of where the drawings were
 15 at that time.
 16 Q. Would it not have been a better approach, rather than
 17 worrying about whether you would fall foul of some
 18 regulation, as you put it, it might have improved
 19 fire safety to try to comply with the regulations?
 20 A. That was my intention, to comply.
 21 Q. Right.
 22 Now, let's scroll up to page 1 {SIL00000585/1},
 23 then, please. On 22 June we can see that you write to
 24 Chris Mort and Ricky Kay and Barnaby Carrick as well,
 25 and you say:

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1 "Chris,
 2 "To confirm my understanding from our conversation,
 3 we need vertical firebreaks on the columns [then you
 4 show the grid references] ... as well as the party
 5 walls?"
 6 Now, this email obviously followed a conversation
 7 where you discussed the relevant locations for vertical
 8 firebreaks. Do you remember what was discussed in that
 9 conversation?
 10 A. No.
 11 Q. Are you able to explain how come Harley, as the
 12 specialist cladding subcontractor, and you, indeed, as
 13 the project manager overseeing the installation, so
 14 lacked any expertise in the placement of cavity barriers
 15 that you were forced to seek advice from the
 16 manufacturer?
 17 A. From my part, I'm not in a technical role. I don't
 18 think project managers are usually employed in
 19 a technical role such as that. And I think from
 20 drawings of the bays that I have in my head, they do
 21 show vertical and horizontal cavity barriers in them,
 22 and some of them are noted on -- not on these grids, and
 23 I think with this request for information, I'm just
 24 double checking that.
 25 Q. Right. I see. So you were confirming what you had

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1 understood from the conversation about the position of
 2 vertical firebreaks.
 3 But to answer my question again, you have seen two
 4 sets of questions now just at this point about vertical
 5 firebreaks. Are you able to explain how Harley, as
 6 a specialist subcontractor, so lacked expertise in where
 7 these cavity barriers should be put that you had to seek
 8 advice from the manufacturer? That was my question.
 9 A. Okay. No.
 10 Q. Was there nobody else in Harley who could have assisted
 11 you with this?
 12 A. It may have been Dan.
 13 Q. Did you ask him?
 14 A. I don't remember.
 15 Q. What about Mr Lamb? I mean, after all, Harley was
 16 paying Mr Lamb for his specialist design advice. Did
 17 you not think of going to Mr Lamb?
 18 A. I think the drawings we had of the individual bays where
 19 they showed marked-up cavity barrier locations, I think
 20 there are notes on some of them noting not on certain
 21 columns. So I think if I asked Kevin I would get the
 22 same answer, and I think this is a --
 23 Q. Right. What about Studio E? Did you think of going to
 24 Studio E and asking them this question?
 25 A. I don't remember if I asked them at this point. Their

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1 response to the original query we'd made was to refer to
 2 others, so ...
 3 Q. Right.
 4 Let's move on, then, to a slightly different topic,
 5 which is your discussions with Gary Martin.
 6 Do you remember meeting Gary Martin on site while
 7 you were working on the Grenfell Tower project? He was
 8 an employee of Rydon.
 9 A. Yes.
 10 Q. Do you remember him?
 11 A. Yes.
 12 Q. Do you remember meeting him on site?
 13 A. Yes.
 14 Q. Now, he gave some evidence to the Inquiry, and I just
 15 want to show you the transcript at {Day30/19:3}, please.
 16 He was asked by Ms Grange at line 3:
 17 "Question: Were you aware that cavity barriers had
 18 to be provided to close the edge of cavities, including
 19 around openings?
 20 "Answer: Yes, but if you're talking about windows
 21 specifically, there was a barrier -- a foil and tape
 22 barrier placed around the whole window opening, and when
 23 I thought about -- it should be a fire barrier or
 24 shouldn't be a fire barrier, I checked with the drawings
 25 and asked -- and I can't remember who I asked, but the

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1 comment back was that there was vertical and horizontal
 2 fire barriers continuing the compartment out through to
 3 the exterior cladding.
 4 "Question: I see.
 5 "Answer: So they weren't required around the
 6 window.
 7 "Question: Were you specifically told that, that
 8 they weren't required --
 9 "Answer: Yes.
 10 "Question: -- around the window?
 11 "Answer: Yeah."
 12 Do you see that at lines 17 to 21?
 13 A. Yes.
 14 Q. Then he's asked at 22 by Ms Grange:
 15 "Question: Can you recall who might have told you
 16 that?
 17 "Answer: I don't recall, but it prompted me to look
 18 at the drawings and there was nothing on the drawings to
 19 suggest that they should be.
 20 "Question: Do you think that it was somebody within
 21 Rydon that you would have spoken to?
 22 "Answer: I honestly can't remember.
 23 "Question: Is it possible that you spoke to someone
 24 outside Rydon about that question?
 25 "Answer: It would have been three people: probably

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1 Taff from Harleys, it would have been probably
 2 Dave Hughes, it could have been Jason North, or it would
 3 have been the clerk of works. It would have been one of
 4 those people.
 5 "Question: Okay, thank you."
 6 Now, did you ever tell Mr Martin that cavity
 7 barriers were not required around the windows because
 8 there were vertical and horizontal fire barriers
 9 continuing the compartment out through to the exterior
 10 cladding?
 11 A. I don't remember.
 12 Q. But sitting here, you're not able to say no,
 13 categorically it wasn't you, are you?
 14 A. As Gary says, they don't appear on the drawings, and
 15 I don't remember having that conversation with him.
 16 Q. Right.
 17 To your knowledge, do you know whether anybody else
 18 at Harley had that conversation with him, or anyone at
 19 Osborne Berry?
 20 A. I don't know.
 21 Q. Can I turn to a different topic altogether, which is
 22 Harley's supervision of Osborne Berry.
 23 Can we start with {RYD00029683}, please. This is
 24 an email from Simon Lawrence to Rob Maxwell on
 25 2 February 2015, and you are copied in.

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1 Now, obviously we know that you took over as project
 2 manager from Rob Maxwell in February 2015, as you've
 3 told us. It looks from this as if it's from the very
 4 beginning of February, would that be about right, which
 5 would explain why you're copied in on this email?
 6 A. Yeah, that fits the --
 7 Q. All right. Okay.
 8 Now, let's look at the email itself. He says:
 9 "I've asked Simon to arrange meetings on site this
 10 week with yourselves to go through programme, deliveries
 11 etc. Unfortunately you seem to be a hard man to get in
 12 contact with. This means that we are getting
 13 information from your sub contractors on site. This is
 14 not ideal. As far as I'm concerned we need Harley
 15 supervision permanently on site, as promised, from now
 16 on to ensure the programme is achieved and that we have
 17 clear contactable lines of communication. Also we have
 18 major concerns about your current labour levels. All
 19 mastclimbers should be running full tilt from now on but
 20 they aren't.
 21 "Please call Simon urgently to remedy this situation
 22 before it gets out of hand."
 23 Now, we've got no record that you responded
 24 disagreeing with Simon Lawrence. Do you think you did?
 25 A. That I disagreed with Simon Lawrence?

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1 Q. Yes. Did you disagree with him?
 2 A. Erm ...
 3 Q. By which I mean did you contact him and reply to this
 4 email saying, "You're wrong"?
 5 A. I think Rob replied to it.
 6 Q. Right.
 7 Is it right that Harley didn't have anyone on site
 8 permanently at the time?
 9 A. I think that's my understanding now, yes.
 10 Q. Yes. Some questions were asked of Ray Bailey about this
 11 and he explained that there was very little room on the
 12 site for permanent site presence of Harley. Does that
 13 accord with your recollection?
 14 A. Correct.
 15 Q. Yes.
 16 After this email, did Harley do anything to
 17 implement further site presence or supervision?
 18 A. I think that's when I became involved, spending two or
 19 three days or visiting two or three times a week.
 20 Q. That's not permanent on-site supervision, though, is it?
 21 That's two or three times a week.
 22 A. It's not, no.
 23 Q. If we look at Mr Maxwell's response, we see that at
 24 {RYD00029689}. This is Rob Maxwell's response to the
 25 email, and copied to you, so you receive it, same day,

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1 2 February 2015, and he says in the third line:
 2 "In regards to supervision, Taff is more than
 3 capable to manage the current labour level.
 4 "I am bringing over our project manager Ben Bailey
 5 on Friday to introduce him to your site team."
 6 So we get the dates about your involvement there.
 7 Just in relation to Taff's capabilities, do you know
 8 what investigations Harley had taken to ensure that
 9 Taff -- that's Mr Osborne of Osborne Berry -- actually
 10 had the right number of workmen on site?
 11 A. I think the answer is I don't know, no, but the right
 12 number of men on site is a subjective answer.
 13 Q. Yes.
 14 Now, in your statement at paragraph 7
 15 {HAR00010060/2} -- and I don't think you need to go to
 16 it -- you say you believe you first attended on site in
 17 February or March 2015, and thereafter two or three
 18 times a week as required.
 19 "Harley did not have a site office and when on site
 20 I would use the Rydon (main contractor) office
 21 facilities."
 22 I've just read that out to you --
 23 A. Yes.
 24 Q. -- rather than taking you to it.
 25 Did that situation persist through the life of the

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1 project so far as you were involved in it, namely that
 2 when on site you had to use the Rydon office facilities?
 3 A. Yes, and the extent of the Rydon office facilities was:
 4 sit on the end of someone else's desk.
 5 Q. I see. So you were hot-desking within the Rydon
 6 Portakabin?
 7 A. They didn't have a Portakabin; they had an area of the
 8 ground floor they had turned into a small office.
 9 Q. I see, okay. The impression I had was that it was a
 10 Portakabin. It doesn't matter.
 11 Does that mean that there was no period during your
 12 involvement in the project when you were full-time
 13 on site, in other words every day, and you had your own
 14 office space?
 15 A. No.
 16 Q. Right.
 17 Does that mean that there were some days when
 18 Osborne Berry, Taff and Bez, were just left to get on
 19 with the installation unsupervised by anyone from
 20 Harley?
 21 A. As a company, yes, but there was the expectation of
 22 Mark Osborne and Grahame Berry that they were
 23 supervising their employees.
 24 Q. Yes. That's Osborne and Berry supervising their
 25 employees. What I'm asking you about is whether there

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1 were some days when Osborne Berry were left to get on
 2 with their job unsupervised by Harley.
 3 A. Yes.
 4 Q. Right.
 5 Now, can we go to paragraph 32 of your statement,
 6 please, page 10 {HAR00010060/10}. You say there:
 7 "I have been show a number of photographs which
 8 I understand are contained within the first expert
 9 report of Professor Barbara Lane. In particular, I have
 10 been shown photographs ..."
 11 And you set out the ones you have been shown:
 12 "I was very shocked when I saw these photographs.
 13 Through observations on site or when I conducted my
 14 checks I never saw workmanship like this, if I had,
 15 I would have immediately raised this with Taff and/or
 16 Bez of Osborne Berry to rectify."
 17 Now, I'll come back to this paragraph a little bit
 18 later on this afternoon, but do you accept that had you
 19 or another Harley person had permanent on-site presence
 20 supervising the installation of the cladding work done
 21 by Osborne Berry, these issues would have come to light
 22 and been rectified at the time?
 23 A. I don't think I particularly agree with that. A lot of
 24 that has to do with access to the elevations and the
 25 mast climbers as well.

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1 Q. But you would have had the same access to the
 2 mast climbers that they would have had; no?
 3 A. Yes. Yes.
 4 Q. And if you had been on site all the time, perhaps with
 5 your own office, you could have been watching them day
 6 by day to make sure that what they were doing was right,
 7 and would not have resulted in you being shocked by
 8 photographs of their workmanship?
 9 A. I think there's an issue or a difference between
 10 mast climbers and scaffolding in terms of how often and
 11 the extent to which things can be looked at. So whilst
 12 working in a mast climber, if they're doing a sequence
 13 of work, obviously it's impractical to bring that down
 14 to collect someone to go back up again regularly.
 15 Q. I see. So is what you're saying that even if you had
 16 been on site seven days a week, five days a week, with
 17 your own office, you still wouldn't have been able to
 18 see everything they did?
 19 A. You would have to have a supervisor in each individual
 20 mast climber all the time, I think, to achieve what
 21 you're suggesting.
 22 Q. Very well.
 23 Can we then turn to {RYD00038501}. This is an email
 24 from Simon O'Connor to you of 9 April 2015, as we can
 25 see, copied to Ray Bailey at Harley and others at Rydon.

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1 "Complaints", it says:
 2 "I have concerns over a certain member of your staff
 3 on site ... following a number of complaints. These
 4 comprise of:
 5 "Knocking on windows asking for tea. (in jest or
 6 not) is not acceptable.
 7 "Banging on peoples windows to scare animals inside
 8 flats. (I have witnessed this on 1 occasion)
 9 "Feeding the wrong information to residents saying
 10 that it's all been put in the wrong way round because of
 11 Rydon and hopefully it won't leak.
 12 "A complete lack of respect for health and safety
 13 (Climbing across climbers - dropping material on public
 14 footpaths) to mention a few.
 15 "As you are aware we are tackling a difficult
 16 situation with residents as it is and these sorts of
 17 comments and behaviours only adds fuel to the fire.
 18 "If I have 1 more incident on site with this
 19 individual then I will have no option but to remove him
 20 from site permanently."
 21 What did you do in response to this email,
 22 Mr Bailey, do you remember?
 23 A. I notice the name is blacked out.
 24 Q. Yes.
 25 A. So ...

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1 Q. Well, don't mention the name.
 2 A. That was my question.
 3 Q. What did you do in relation to the email?
 4 A. I think I remember there -- I think I forwarded it to
 5 the person concerned, maybe giving them the benefit of
 6 the doubt at the time but making it clear that these
 7 allegations are unacceptable.
 8 Q. Did the person to whom you forwarded it have any
 9 response to them? Did he say they were completely wrong
 10 or did he accept that that is what had happened?
 11 A. I think his response -- I don't know if it was an email
 12 or not, but I think in his opinion -- this is my
 13 memory -- some of the things said here were inflated.
 14 But, again, we left him in no doubt as to --
 15 Q. Right.
 16 A. -- that it is not acceptable.
 17 Q. Did Simon O'Connor's message to you not cause you to
 18 question Osborne Berry's competency or their ability to
 19 supervise their own operators?
 20 A. If the person I'm thinking this email refers about is
 21 correct then I think they were well known to the company
 22 and I don't think it gave me any doubt, no.
 23 Q. Did you wonder why it was that Osborne Berry had such
 24 a person working on a site such as this? Why did they
 25 allow that to happen?

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1 (Pause)

2 A. I don't know.

3 Q. Were you not concerned?

4 A. It's not ideal to receive, you know, a message such as

5 this. You know, Simon's trying to manage the situation,

6 I think, his job -- one of his jobs on site. I think

7 the fact that this person I don't think was removed from

8 site afterwards I think meant that the message got

9 through loud and clear to them.

10 Q. Right. The transcript got you down as saying, "this

11 person I don't think was removed from site afterwards";

12 is that right? Or were they removed from site?

13 A. I don't think they were.

14 Q. You don't think they were?

15 A. If it's the person I'm thinking of.

16 Q. Right.

17 Did it not concern you that, notwithstanding what on

18 the face of it are quite serious and unpleasant actions

19 by an operator involved in the installation, that person

20 was still working on site after this?

21 A. Well, they got a warning.

22 Q. Well, it's quite serious, isn't it? Not just banging on

23 people's windows, et cetera, it's also a complete lack

24 of respect for health and safety and dropping materials

25 on footpaths. I mean, these are dangerous activities.

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1 Did it not concern you that you had a subcontractor

2 responsible for installation who within their midst had

3 an operator who was conducting themselves in this

4 fashion?

5 A. I think we asked about this, we had discussed it, and as

6 I said, I think their opinion was some of these claims

7 were inflated. I don't remember exact conversations on

8 it other than sort of the gist I've given you, and

9 I think any concerns I did have were subdued after this.

10 Q. Let's move on to {RYD00040227}, please. This is

11 an email from Simon O'Connor to you and to others,

12 including Simon Lawrence, attaching minutes from

13 a meeting that took place on 28 April. Do you see that?

14 A. Yes.

15 Q. If you look at the minutes themselves, those are at

16 {HAR00000414}, please. You can see the date of the

17 meeting, and you can see who was present. That includes

18 you. Do you see that?

19 A. Yes.

20 Q. At item 2.02, just near the bottom of the page, it says:

21 "Mast climbers are still not being operated

22 correctly, climber drive unit being wedged up to

23 operate. Harleys advised that this is not acceptable

24 and if found doing this again a red card will be

25 issued."

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1 Now, Osborne Berry were operating the mast climbers,

2 weren't they?

3 A. Yes.

4 Q. Did this make you question their abilities to do their

5 job properly?

6 A. Sorry, I was reading the page -- which bit did your

7 question ...

8 Q. I'm so sorry, I may have gone too fast.

9 It's 2.02 under "Health and Safety".

10 A. Yes, okay.

11 Q. Do you see that?

12 A. Yeah.

13 Q. "Mast climbers are still not being operated correctly,

14 climber drive unit being wedged up to operate. Harleys

15 advised that this is not acceptable and if found doing

16 this again a red card will be issued."

17 Now, the red card would be issued to Osborne Berry.

18 A. Yes.

19 Q. Did this event that's recorded here at the end of

20 April 2015 not make you question their abilities to do

21 their job properly?

22 A. No.

23 Q. Why is that?

24 A. So what they're referring to there is there's a lever on

25 the mast climber drive control that you have to hold up

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1 by hand to move the unit up and down, and they take

2 10/15 minutes to move up and down the building, and I'm

3 not saying that -- Simon I think is right that it's not

4 acceptable to do that, but it's hard to police. Again,

5 you stop them doing it every time you see them doing it,

6 but ...

7 Q. Did you do anything as a result of this?

8 A. Every time you make it clear to them not to do it.

9 Q. Right.

10 Did you go to Osborne Berry and say, "Do not wedge

11 the climber drive unit upwards, please. If you do that

12 again you will get a red card", whatever that means?

13 Did you do that?

14 A. I believe so, yes.

15 Q. What does a red card mean?

16 A. A red card is removal from site, I believe.

17 Q. Right.

18 Who was it from Osborne Berry who was responsible

19 for this conduct?

20 A. I don't know.

21 Q. Well, you must know. You went to them and told them not

22 to do it again. Who was it?

23 A. Oh, no, I would have told Taff or Bez as a general

24 point. But these kind of issues are also covered in

25 the -- when you induct someone to use these

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1 mast climbers, it's covered in that as well.
 2 Q. Right.
 3 While we're on this document, and sorry to go back
 4 to the topic of firebreaks again, but while we've got
 5 the document here I can ask you about it, can you look
 6 at item 6.03, please, on page 3 {HAR0000414/3}. You
 7 can see there that under 6.03 -- this is under the
 8 heading "Design Changes, Information and Drawings Cont",
 9 at the top of the page, 6.02, you can see that there's:
 10 "BB to provide elevation drawings showing progress
 11 on a weekly basis to D.O."
 12 You see that?
 13 A. Yes.
 14 Q. That's the background. Then "Design Changes", 6.03:
 15 "B.B to issue elevations showing positions of fire
 16 break on all elevations to D.O."
 17 DO is Daniel Osgood, isn't it?
 18 A. I believe so.
 19 Q. And BB is you; yes?
 20 A. Yes.
 21 Q. Did you ever do that, in other words issue a set of
 22 elevations showing the position of firebreaks?
 23 A. I don't remember, but I should say that our drawings
 24 which show the bays of windows formed together to
 25 provide --

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1 Q. Yes.
 2 A. -- produce an elevation. So I don't know if that
 3 specific elevation was made up. I may have marked it in
 4 pen on an A3 drawing, I don't remember.
 5 Q. Well, the minute says that it was "B.B to issue
 6 elevations". My question is: whoever had originated
 7 those drawings, did you issue them?
 8 A. I don't remember.
 9 Q. Right.
 10 Let's go to item 9.01, then, a little bit lower down
 11 the page, under the heading "Review of progress to
 12 date". It says:
 13 "Windows and firebreaks being fitted to the North,
 14 East and West elevations."
 15 Does that tell us that cavity barriers were being
 16 fitted to the building at these elevations at that time?
 17 A. Yes.
 18 Q. Can you explain why cavity barriers were being fitted
 19 before Harley -- that's you, BB -- had issued elevation
 20 drawings indicating where the firebreaks, that is cavity
 21 barriers, should be?
 22 A. Yes, they were shown on our bay drawings.
 23 Q. I'm not sure I understand. It says that:
 24 "B.B to issue elevations showing positions of fire
 25 breaks ..."

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1 Then it goes on to say:
 2 "Windows and firebreaks being fitted ..."
 3 It looks like that's happening before the elevation
 4 drawings were being issued by you.
 5 Can you explain why cavity barriers, if that's what
 6 firebreaks refer to, were being fitted before Harley,
 7 that's you, had sent elevation drawings indicating where
 8 to install them?
 9 A. So the positions of where to install them are indicated
 10 on the drawings that we had showing the bays of windows.
 11 Q. So what was the purpose, then, of you issuing elevations
 12 showing position of firebreaks on all elevations to
 13 Daniel Osgood?
 14 A. I think my instinct for that is it makes it easier for
 15 Daniel to visualise where they go.
 16 Q. Are these pre-existing drawings that Daniel Osgood
 17 didn't have but wanted you to give him?
 18 A. I think it might have been for clarity, for his clarity.
 19 Q. Did he explain why he wanted them?
 20 A. As I say, I think it would be for his clarity. I don't
 21 know. This meeting was in --
 22 Q. April 2015. End of April 2015.
 23 A. -- April, yes. I believe the positions for the cavity
 24 barriers were indicated on our -- not elevation
 25 drawings, they're bay drawings of around the windows.

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1 Q. Yes, and that's why I'm asking you: what was the reason
 2 why you agreed, as we can see from 6.03, to issue
 3 elevations showing positions of firebreaks?
 4 A. I think it's for clarity for Daniel.
 5 Q. But he could have got that clarity either from Studio E
 6 or from someone else in Rydon, couldn't he, rather than
 7 coming to you?
 8 A. I don't remember an existing elevation drawing that
 9 showed those positions on it.
 10 Q. Now, can we go to Osborne Berry's Inquiry position
 11 statement. That's {OSB0000084/2}, please. We can look
 12 at paragraph 8 in this document, at subparagraph (ix),
 13 and what's happening here is that Osborne Berry in this
 14 position statement -- and I should just be clear with
 15 you, it's not a witness statement; this is a formal
 16 submission or position to the Inquiry that Osborne Berry
 17 have done some time ago. What they are listing here is
 18 what they did. At (ix) you can see they say that:
 19 "Vertical and horizontal ... fire breaks were
 20 installed as per elevation drawing."
 21 Now, if Osborne Berry in this document when using
 22 the word "firebreaks" meant cavity barriers -- and
 23 that's a question we'll have to ask them -- would you
 24 accept that Osborne Berry did install the cavity
 25 barriers as per elevation drawing?

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1 A. I don't remember a Harley elevation drawing, so whilst
 2 I would agree with you that they installed them to
 3 a Harley drawing, again, we didn't have a Harley
 4 elevation drawing, or I think possibly what they're
 5 referring to there is the bay drawings that show the
 6 individual window types with the cladding and cavity
 7 barriers around them.
 8 Q. What instructions did you give, do you remember, to
 9 Osborne Berry in relation to the installation of cavity
 10 barriers and the other components of the rainscreen
 11 system?
 12 A. I think the methodology was covered in the method
 13 statements.
 14 Q. Right. So method statements. Let me just see if I can
 15 get a picture of what you gave them before they started
 16 their job. What did you give them in terms of documents
 17 so that they would know exactly what to do?
 18 A. Method statement, risk assessment.
 19 Q. Yes, anything else?
 20 A. Sets of drawings.
 21 Q. Which sets of drawings did you give them, do you think?
 22 A. It would have been the full set that was available to me
 23 at the time.
 24 Q. Do you know which that was?
 25 A. I think --

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1 Q. Or rather what the date of the drawings was?
 2 A. No.
 3 Q. Right.
 4 Did you provide Osborne Berry with any copies of
 5 Siderise product literature, for example its guides,
 6 "Siderise RH and RV cavity barriers for use in the
 7 external envelope or fabric of buildings"?
 8 A. I don't remember.
 9 Q. Right. What about its "Cavity barriers for rainscreen
 10 cladding" guide?
 11 A. Again, I don't remember.
 12 Q. Is there any reason why you wouldn't have done that?
 13 I mean, given what they were fitting was Siderise cavity
 14 barriers --
 15 A. Yes.
 16 Q. -- can you think of any reason why you wouldn't have
 17 given them those documents?
 18 A. No.
 19 Q. Let's now look at Mr Osborne's witness statement. This
 20 is [OSB00000087/7], please, and we can look together at
 21 his answer to question 11 on that page. I'm afraid it's
 22 unparagraphed, but we have got the questions.
 23 The question he is asked at paragraph 11 is:
 24 "What training did Osborne Berry give to those
 25 installing the façade and windows, in particular with

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1 regard to fitting cavity barriers?"
 2 His answer is:
 3 "On-site training was provided to those who were
 4 employed to assist Osborne Berry in the installation
 5 process. Osborne Berry had no involvement in relation
 6 to the fitting of cavity barriers."
 7 Do you agree with that?
 8 A. No.
 9 Q. Are you surprised to read it there?
 10 A. Yes.
 11 Q. Did you supervise the on-site training that was provided
 12 to those who were employed to assist Osborne Berry in
 13 the installation process?
 14 A. I don't think so.
 15 Q. Do you know what the on-site training that Mr Osborne is
 16 referring to there included or comprised?
 17 A. I'd be ... I would imagine it was Taff and Bez training
 18 their own guys.
 19 Q. Did you see that happen?
 20 A. Possibly on a passing basis.
 21 Q. Right.
 22 A. But not fully witnessed.
 23 Q. Right. So you didn't take any steps to discuss with
 24 Taff or Bez what it was they were doing to train their
 25 operatives to do the installation tasks?

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1 A. My recollection is that they were -- or they had told me
 2 that they were doing so.
 3 Q. Was it not part of your role to make sure that
 4 Osborne Berry were making sure that their operators were
 5 carrying out their installation tasks properly, as
 6 Harley's subcontractor?
 7 A. Erm ... to the best of my recollection, I believe that
 8 they were training their installers.
 9 Q. Yes. To the best of your recollection, you believe they
 10 were, but did you take any steps yourself to find out
 11 exactly what they were doing by way of training, as
 12 opposed simply to operating on the assumption that they
 13 were training them?
 14 A. Erm ... I don't recall what I did further to that.
 15 Q. I mean, is the truth that Osborne Berry were contracted
 16 in to do the installation and they were left just to get
 17 on with it, without any supervision from you as the
 18 on-site project manager about the qualifications of
 19 those that they employed to carry out the job?
 20 A. I think there was an element of supervision over them.
 21 Again, I was doing my snag checks after their fitting of
 22 stuff, and --
 23 Q. Right.
 24 A. -- you know ...
 25 Q. So the element of supervision was simply snag checks, or

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1 was there something else you were doing?
 2 A. Well, there's the general stuff. I can't remember if
 3 I covered that earlier on, but it's the monitoring of
 4 where we are in the programme with their work, their
 5 labour levels. As I say, every time I went to site
 6 I would have a discussion with them about their works,
 7 supervision of their own employees.
 8 Q. Did you ever give anybody from Osborne Berry any
 9 instructions relating to compartmentation?
 10 A. Erm ... I think -- I don't recall specific conversations
 11 about compartment -- I can't say the word.
 12 Compartmentation. But I think they were aware of that
 13 concept or requirement.
 14 Q. Is that an assumption that you're making, or do you
 15 actually know from discussions with them in the past
 16 that they knew at least about what it meant and
 17 involved?
 18 A. I think that's ... I think it's more than an assumption;
 19 I think it's an expectation that they know.
 20 Q. Well, an expectation is an assumption unless you have
 21 actually done some homework to find out precisely what
 22 they do know. Did you do any homework to find out
 23 precisely what the extent of their expertise was in the
 24 maintaining of compartmentation on high-rise residential
 25 buildings such as Grenfell Tower?

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1 A. I think the reading of the drawings and the positioning
 2 of them made clear to them that they are on party walls
 3 for compartmentalisation purposes, and -- yeah, I'm ...
 4 Q. Did you ever give them any instructions about materials
 5 or fire safety?
 6 A. Specific?
 7 Q. Yes. Let me be more specific: did you give any
 8 instructions or guidance to Osborne Berry about the
 9 materials to be used in the cladding system or
 10 fire safety in general in relation to the building, as
 11 opposed to site safety?
 12 A. Other than the cavity barriers being an important part
 13 of that, I don't recall any specific conversations about
 14 topics further to that.
 15 Q. Had you had any training that would allow you to inspect
 16 Osborne Berry's installation to make sure that the
 17 installation complied with the manufacturers' advice,
 18 directions or guidance?
 19 A. No.
 20 Q. Had Rydon ever asked you any questions to find out
 21 whether you were competent to supervise Osborne Berry's
 22 installation?
 23 A. I don't think so.
 24 Q. Had Rydon ever asked you whether you were sufficiently
 25 up to speed with the Building Regulations and Approved

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1 Document B to be able to supervise the installation
 2 on site?
 3 A. No.
 4 Q. Are you able to tell us how you were in a position to
 5 supervise the work of your subcontractors if you didn't
 6 know whether or not what they put on the building was
 7 compliant with the Building Regulations?
 8 A. I think early on we had a bay or bays of the building
 9 they were deemed to be completed and they were checked
 10 off as being at the standard, so I think that's what
 11 everyone was sort of replicating around the building.
 12 So that's our yardstick.
 13 Q. Do you recall giving instructions about the cutting of
 14 insulation and the need to cover joints, for example, in
 15 adhesive foil tape?
 16 A. I think that forms part of the method statement.
 17 Q. Yes.
 18 Well, let's be a little more specific. If you can
 19 go to paragraph 26 of your statement at page 8
 20 {HAR00010060/8}.
 21 Sorry, can I just go back to an answer before last
 22 you gave on the transcript. I've just noticed it.
 23 In response to my supervision question, you said:
 24 "... early on we had a bay or bays of the building
 25 they were deemed to be completed and they were checked

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1 off as being at the standard ..."
 2 Who checked off the bay or bays of the building as
 3 standard?
 4 A. I believe that would have been a group of people from
 5 Rydon, myself, Mark -- sorry, Taff or Bez. Possibly
 6 others.
 7 Q. Right. Do you know when that check or checks were made?
 8 A. I'm unsure of an exact time, but it would have been at
 9 a point in time where all the --
 10 Q. All right, let's look at paragraph 26 of your statement.
 11 You say there:
 12 "Osborne Berry fixed the insulation to all outward
 13 facing walls of the building using insulation fixing
 14 anchors (designed for this purpose). I believe that
 15 these were cut to size in places, and to the best of my
 16 recollection, joints and fixing locations were covered
 17 in adhesive foil tape."
 18 So is it fair to say that part of the insulation
 19 method was to cover joints with foil tape?
 20 A. I believe so.
 21 Q. Do you know who carried out the cutting, the cutting of
 22 the insulation?
 23 A. That would have been Osborne Berry.
 24 Q. On whose instructions were Osborne Berry working when
 25 doing that cutting?

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1 A. Where it's a necessity to make it fit the building.
 2 Q. So on an on-site as-and-when basis?
 3 A. I think all the insulation had to be cut to fit.
 4 Q. Right.
 5 How did you ensure that the cutting they did didn't
 6 leave any gaps within the cladding system?
 7 A. When you say gaps ...
 8 Q. Well, gaps. I mean holes, spaces.
 9 Let me ask the question again: did you take any
 10 steps to ensure that the cutting to size on site to fit
 11 didn't leave any gaps within the cladding system, holes,
 12 spaces for air to move through?
 13 A. It's an expectation that it's cut square or to suit the
 14 building.
 15 Q. Yes, "It's an expectation"; does that mean that you
 16 expected it to be cut square or to suit the building but
 17 didn't actually take any steps yourself to ensure that
 18 it had been?
 19 A. Well, from what I saw, it was.
 20 Q. Right.
 21 Were there any records kept of the way in which the
 22 insulation had been cut in each location where it was
 23 cut to fit?
 24 A. Not detailed records, no.
 25 Q. Any records at all?

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1 A. There were handover sheets created, but that was later
 2 on in the job.
 3 Q. Did you consider why it was that joints might need to be
 4 taped?
 5 A. My understanding from my previous job was that's more to
 6 do with cold bridging, and it's a thermal performance.
 7 Q. Right.
 8 Now, you have said in paragraph 26 of your
 9 statement, as we can see, that joints had to be covered
 10 in adhesive foil tape.
 11 Can I then show you paragraph 32 of your statement
 12 on page 10 {HAR00010060/10}, just two pages on. You say
 13 in paragraph 32, halfway down:
 14 "I was not aware of a requirement to cover the edges
 15 of the insulation boards with foil tape, nor that the
 16 horizontal cavity barriers should be installed with the
 17 green printed side up, as stated in Dr Lane's report."
 18 Just focusing on the foil tape for the moment, given
 19 that you knew that joints had to be covered in adhesive
 20 foil tape, did you consider that if foil tape was
 21 required at the joints, it might also be required where
 22 the insulation had been cut?
 23 A. I did not.
 24 Q. Why is that?
 25 A. As I said before, I thought the taping of joints was

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1 more of a thermal performance issue rather than anything
 2 else.
 3 Q. So it didn't cross your mind that foil needed to be put
 4 on the edges as well as the joints?
 5 A. No, I don't think I'd ever heard that before.
 6 Q. What was the purpose of taping the joints?
 7 A. My understanding was that it's from a thermal
 8 performance point of view.
 9 Q. Right.
 10 I'm going to turn to a different topic now, which is
 11 the installation of the windows.
 12 Can you please go to {CEP000007020}. This is
 13 an email from you to Steve Roberts at CEP dated
 14 25 March 2015. You say:
 15 "Hi Steve,
 16 "We are running short on type 10B windows at
 17 Grenfell, can you run a few of these off for the next
 18 delivery please. Is there a factory schedule you're
 19 working to that I could have a look over? We're having
 20 to install the frames in an odd way so it may be worth
 21 tweaking certain parts of the schedule ..."
 22 What was odd about the way you were having to
 23 install the frames?
 24 A. So my recollection of this in the way that they're odd,
 25 and it's to do with the scheduling, is that I don't

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1 think all areas of the building were accessible at that
 2 time, in terms of -- usually how you'd install a whole
 3 batch of frames would be in a very sort of methodical
 4 way, so --
 5 Q. I see.
 6 A. -- across the building and up at the same time, and
 7 I think what we were doing -- I don't remember the exact
 8 reasons, but we were putting them in in --
 9 Q. Right. So just to be clear, your reference to "odd"
 10 meant in an odd order?
 11 A. Oh, sorry, I could have made that clearer. Yeah, in
 12 an odd order.
 13 Q. I follow, rather than in an odd way as a matter of
 14 design and installation?
 15 A. Yeah, it's in an odd order.
 16 Q. I follow.
 17 If we can go to paragraph 13 of your statement on
 18 page 4 {HAR00010060/4}, you say there:
 19 "In terms of the work done by the installers,
 20 I remember that I made ad hoc informal checks to the
 21 window shelf angles and weather sealing details before
 22 the frames were fitted, as a large part of this work had
 23 taken place before I had full involvement in the
 24 project. I remember that before the panels were
 25 installed I went up the mast climber and conducted

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1 a visual check of the windows, the insulation, the
 2 cavity barriers and the cladding rails in most areas
 3 over each level of existing flats in the building
 4 (levels 1-20 in the original floor numbering
 5 convention). I recall doing this on the North, East and
 6 West elevations (not the South - over the main entrance)
 7 before Building Control inspection visits at the request
 8 of Rydon to check the work was ready to be inspected.
 9 There was not a 'checklist' or specification to inspect
 10 the areas against at this time but I would generally
 11 check the following ..."
 12 Then you give a list.
 13 First of all, who was undertaking inspections of the
 14 work carried out by Osborne Berry before your
 15 involvement in the project from early February 2015?
 16 A. If anyone, that would have been Rob Maxwell.
 17 Q. Right.
 18 How frequently did you go up the mast climber to
 19 perform these ad hoc inspections?
 20 A. That's difficult to answer. You know, some weeks it
 21 could have been every day, other weeks it could have
 22 been less frequent. It's a difficult question to
 23 answer, that, and I don't remember.
 24 Q. Would it be fair to say that, to prevent delays to the
 25 programme, access to the mast climbers was relatively

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1 infrequent and mainly to inspect completed areas?
 2 (Pause)
 3 A. I mean, there would be times throughout the day where
 4 they weren't being used anyway, such as at lunch times,
 5 so it wouldn't be long periods of time you could use
 6 them, but ...
 7 Q. How comprehensive was this ad hoc, informal inspection
 8 regime that you describe?
 9 A. It was mostly visual.
 10 Q. Was there an equivalent of the handover sheet for this
 11 inspection to the one that you sent to Rydon that you
 12 referred to before for the inspections carried out after
 13 the cladding panels were installed?
 14 A. Not -- no.
 15 Q. Did you use any other tracking system or checklist
 16 system for these ad hoc inspections?
 17 A. I think with the notes I kept, I think anything I found
 18 that needed any attention afterwards, it would have been
 19 noted down. I believe these were probably referenced
 20 when we created the handover sheets.
 21 Q. How were you able to be sure you had inspected all the
 22 elements without a tracking system or checklist system?
 23 A. By virtue of how the mast climbers are set out and run,
 24 so it would be a quick note of where you'd been. The
 25 building is sort of a grid system, so you have two

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1 mast climbers on each elevation, so you've got
 2 a position 1, position 2 and then levels, and then a bay
 3 which we labelled alphabetically. So it would -- you
 4 could make a note of where you've got up to.
 5 Q. Where did you make a note?
 6 A. In my notebook.
 7 Q. Right. So you used your notebook as the sole method --
 8 is this right? -- for --
 9 A. For my reference, yes.
 10 Q. Right.
 11 Is it fair to say that these ad hoc, informal checks
 12 that you detail here were not part of any formal
 13 snagging inspection?
 14 A. I think the check I did before a Building Control visit
 15 was a snag.
 16 Q. Right. And that was undertaken prior to the
 17 installation of the cladding panels, was it?
 18 A. Correct.
 19 Q. Yes. So you would be able to see the installation of
 20 the cavity barriers and the insulation and the windows;
 21 yes?
 22 A. Yes.
 23 Q. Did you undertake that visual check over every level on
 24 at least the three sides of the building that you've
 25 referred to, the north, east and the west?

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1 A. Yeah, my recollection is, you know, levels 1 to 20 on
 2 each elevation, yes.
 3 Q. Right. What about the south, when was that done?
 4 A. I don't recall --
 5 Q. Was it ever done --
 6 A. -- the south.
 7 Q. -- by you? Did you ever inspect, even ad hoc, the south
 8 elevation?
 9 A. I don't recall. I can't find any -- there weren't any
 10 handover sheets for that area, but it's a blur.
 11 Q. It's a blur?
 12 A. All the bays look the same.
 13 Q. You have made it very clear in this statement that you
 14 recall doing ad hoc, informal checks on a list of things
 15 here on the north, east and west elevations but not the
 16 south. Does that tell us that you yourself, at least,
 17 never made any even ad hoc, informal inspections on the
 18 south elevation?
 19 A. I don't recall the south.
 20 Q. Why was it omitted?
 21 A. I don't recall.
 22 Q. Did anybody else other than you, to your knowledge,
 23 conduct even an ad hoc, informal inspection of these
 24 elements on the south elevation?
 25 A. Certainly Osborne Berry. I think members of Rydon would

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1 have done so as well.
 2 Q. Well, Osborne Berry are the installers ; they're not
 3 going to be checking their own work, are they?
 4 A. Could be checking the work of their employees.
 5 Q. Right, okay. I'm talking about Harley, though. Did
 6 Harley ever, to your knowledge, carry out any even
 7 ad hoc, informal inspections to the south elevation?
 8 (Pause)
 9 A. As I said, it's possible, but I don't remember. The
 10 handover sheets give me a good memory or reference point
 11 back in time to what I did, where I have been, but they
 12 don't exist for the south. So I can't certainly say
 13 I did or did not, I don't remember.
 14 Q. Who else would it have been within Harley to conduct
 15 inspections of the south elevation if not you?
 16 A. I don't know if anyone else would have done.
 17 Q. No. So if you didn't do it, then can we assume that
 18 nobody in Harley ever conducted even any ad hoc,
 19 informal inspection of the south elevation?
 20 A. Yes.
 21 Q. Did anybody such as Rydon or the clerk of works ever ask
 22 you whether you had done an inspection of the south
 23 elevation, and if you hadn't, why you hadn't?
 24 A. Erm ... I don't remember. As I said, I don't have
 25 a definite memory of doing so.

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1 Q. When you undertook your inspections of the north, east
 2 and west elevations, did you take the drawings with you?
 3 A. Erm ... I had an iPad with the drawings on.
 4 Q. I see. Did you check whether the insulation, the
 5 windows and the cavity barriers that you could see on
 6 those inspections had been installed in accordance with
 7 the architect's intent?
 8 A. Erm ... I think my reference when we were checking these
 9 areas goes back to the earlier bays that we'd seen or
 10 agreed on. So I think at the time, checking back to
 11 the -- I was more checking back to how everything else
 12 was, it had all been repeated.
 13 Q. Did you compare the installation you were inspecting
 14 with what was shown on the drawings you had on your
 15 iPad?
 16 A. Well, not every bay, no. It becomes learned after
 17 a while, I think.
 18 Q. Right.
 19 During the informal inspections that you describe,
 20 did you notice any poor workmanship?
 21 A. Erm ... nothing specific. My memory is that at the end
 22 of -- before the panels went on, anything that was
 23 picked up was dealt with.
 24 Q. Right.
 25 You have referred to handover sheets. Did Rydon

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1 ever ask you for the handover sheets in relation to the
 2 south elevation?
 3 A. I don't think so.
 4 Q. Let's just go back to your statement we looked at
 5 before, paragraph 32, please, page 10 {HAR00010060/10},
 6 where you refer to being shown the photographs in
 7 Dr Lane's first report, and saying you were very shocked
 8 when you saw these photographs. We have put it up on
 9 the screen. I'm not going to read it again to you.
 10 What was it about the workmanship that shocked you,
 11 that you can see from those photographs?
 12 A. My recollection of those photos is where the
 13 mast climber tie insulation has been filled in -- sorry,
 14 the area around where the mast climber ties appear to
 15 have been, the way they've been filled in.
 16 Q. Anything else?
 17 A. I don't have a -- sitting here, I don't have
 18 a recollection of what all those numbers represent,
 19 but ...
 20 Q. Right.
 21 Can you explain how it comes about that,
 22 notwithstanding your ad hoc, informal inspections that
 23 you have described, there nonetheless existed elements
 24 of the workmanship that, when revealed by photographs
 25 after the fire, shocked you? Can you explain that?

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1 A. So I think in reference to where I think the
 2 mast climber ties were, when a mast climber is struck,
 3 that element of the machine is unsupported, and I think
 4 it's very much accepted practice with mast climbers that
 5 you spend as little time as -- sorry, not as little time
 6 as possible, but as few repeat visits as possible,
 7 because they're unsupported. It's a -- not a dangerous
 8 situation, but it's a situation you don't want to spend
 9 too much time in. So we're not going back up to check
 10 where a tie's been removed and the material placed at
 11 that end of the job where, you know, there is
 12 an expectation that the guys doing it are going to do it
 13 properly.
 14 Q. So are you saying that the parts or those photographs of
 15 the workmanship that shocked you were those that you did
 16 not inspect?
 17 A. I couldn't have done.
 18 Q. You couldn't have done.
 19 Now, Siderise published two pieces of product
 20 literature, "Siderise RH and RV cavity barriers for use
 21 in the external envelope or fabric of buildings", and
 22 also "Cavity barriers for rainscreen cladding". Did you
 23 refer yourself to the installation instructions
 24 contained in them during your inspections?
 25 A. Erm ... possibly. I can't picture the document in my

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1 head right now.
 2 Q. Right.
 3 Did you consult the product literature at any time
 4 during your involvement on the Grenfell Tower project?
 5 A. Probably.
 6 Q. Right.
 7 Well, let's look at the first of those:
 8 {SIL00000230}, please. It is the introductory page,
 9 "Siderise RH and RV cavity barriers for use in the
 10 external envelope or fabric of buildings".
 11 Looking at the first page, is this familiar to you?
 12 A. Yes.
 13 Q. It triggers a recollection? So you looked at this at
 14 the time, did you?
 15 A. It triggers a recollection now, yes.
 16 Q. That you looked at it at the time; yes?
 17 A. As I've said before, it's hard to remember what I've
 18 seen before and since.
 19 Q. Right. So you recognise the document but you don't know
 20 whether you looked at it at the time or not?
 21 A. Yeah, it's possible I have done, yes.
 22 Q. I want to use it as a trigger for a contemporaneous
 23 recollection.
 24 Looking at it now, do you remember whether you
 25 looked at it during your involvement on the project?

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1 (Pause)
 2 A. It's likely.
 3 Q. Okay.
 4 Can we then look at page 2 {SIL00000230/2}, please,
 5 where we can see "Siderise RH 'Open State' horizontal
 6 [cavities]", do you see that?
 7 A. Yes.
 8 Q. You have some photographs there on the right-hand side,
 9 and at the bottom of the page it says:
 10 "For product identification purposes, the top edges
 11 of the film used on the RH25 and RH50 systems are
 12 colour-coded green and red respectively."
 13 Did you read that at the time, do you think?
 14 A. I wasn't aware of that, no.
 15 Q. Right. Is there any reason why, if you did read this
 16 document at the time, you wouldn't have read that?
 17 A. I don't think so.
 18 Q. Right. If you had read it, that would have enabled you
 19 to identify that the cavity barriers should have been
 20 installed green side up; yes?
 21 A. As to what it says here, yes, but I disagree that
 22 there's a top and bottom to these cavity barriers.
 23 Q. Is it fair to say that, if you had done a proper
 24 inspection, you would have picked up the fact that in
 25 some cases the RH horizontal cavity barriers had been

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1 installed the wrong way up?
 2 A. The green stripe on top was not something I was aware of
 3 at the time. As I understand it, on this particular
 4 product, the intumescent strip on the front is
 5 a full-depth intumescent strip and so, as such, there is
 6 no correct -- there is no top and bottom. There's other
 7 products from Siderise that I've seen which have
 8 a thinner intumescent strip for cost-saving purposes,
 9 and that is located nearer a face of the board, and
 10 I think that is the reference there of where the top is
 11 and where the bottom is, because the intumescent strip
 12 would be lower down.
 13 MR MILLETT: Yes.
 14 Can I then turn to a different topic, which is
 15 Waylands House.
 16 Mr Chairman, I think I can do this reasonably
 17 quickly and then we can take the afternoon break, if
 18 that's all right.
 19 SIR MARTIN MOORE-BICK: Yes, very well.
 20 MR MILLETT: Can I ask you first, then, to turn to
 21 {SIL00000321}, please.
 22 I should tell you the context of this. It relates
 23 to a refurbishment that Harley were undertaking in
 24 December 2014 at Waylands House. I don't think you were
 25 involved in Waylands House, were you?

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1 A. No.
 2 Q. Do you remember that Harley was involved in it though?
 3 A. I was aware of that, yes.
 4 Q. Now, it was the same time, as we can see from the date
 5 of this, that I'm going to show you, as the
 6 Grenfell Tower project, so December 2014. Does that
 7 ring a bell with you?
 8 A. Sorry, can you say that again?
 9 Q. Well, Waylands House was a project happening at the same
 10 time as Grenfell.
 11 A. I think so, yes.
 12 Q. Yes. Could you go to page 2 {SIL00000321/2} of this
 13 document. This is an email from Ricky Kay to
 14 Terry Nicolls at Harley relating to Waylands, and the
 15 subject is "Fire Break/Lamatherm", and in the first
 16 bullet point he says:
 17 "Areas where the Lamatherm has clearly been
 18 installed with the fibres in a horizontal orientation
 19 need to be replaced with pieces cut and installed in the
 20 correct way. There is a clear label that runs down the
 21 centre of each slab indicating which way the material
 22 needs to be cut and subsequently installed. See ...
 23 image 0441 as an example."
 24 Do you remember yourself any discussion within
 25 Harley about how to install the Lamatherm?

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1 A. No.
 2 Q. Then he goes on in the third bullet point to say:
 3 "Areas where the Lamatherm has not been installed
 4 under sufficient compression need to be packed out with
 5 off cuts of Lamatherm or fire rated rock fibre to the
 6 full 90mm width of the 60 minute fire barrier. There
 7 were many areas where gaps had been left or the fire
 8 barriers were loose in the cavity. The barriers must be
 9 cut to the cavity width + 20mm and then installed under
 10 compression. The compression can only be achieved if
 11 the material is cut and installed the correct way round.
 12 See attached image ..."
 13 At the top of the next page {SIL00000321/3} -- I'll
 14 just finish this off -- he says:
 15 "The vertical fire barriers that are sitting between
 16 the vertical cladding rails have been cut too small.
 17 There is a clear air gap between the face of the
 18 fire barrier and back of the rail where the panel will
 19 sit."
 20 Then at the end of the email he recommended a
 21 re-inspection once the remedial works had been carried
 22 out.
 23 Just in general terms, Mr Bailey, were you aware of
 24 this discussion within Harley at the time?
 25 A. No.

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1 Q. Right.
 2 Were Osborne Berry involved in the installation of
 3 the firestopping or cavity barriers at Waylands House?
 4 A. No.
 5 Q. Do you know from your knowledge whether anyone else at
 6 Harley, for example Terry Nicolls or Ray Bailey,
 7 communicated to Osborne Berry the issues that Harley had
 8 faced with these products at Waylands House so that
 9 lessons could be learned from that project?
 10 A. I'm unaware.
 11 MR MILLETT: Right.
 12 Mr Chairman, that might be a convenient moment for
 13 the break.
 14 SIR MARTIN MOORE-BICK: Yes.
 15 MR MILLETT: Yes.
 16 SIR MARTIN MOORE-BICK: And how are you getting on
 17 generally?
 18 MR MILLETT: Well.
 19 SIR MARTIN MOORE-BICK: Good.
 20 MR MILLETT: I won't augment it, but well enough.
 21 SIR MARTIN MOORE-BICK: Right, thank you.
 22 We are going to take a break now, Mr Bailey. We
 23 will come back at 3.35, please.
 24 THE WITNESS: Thank you.
 25 SIR MARTIN MOORE-BICK: While you're out of the room, no

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1 talking about your evidence or anything in relation to
 2 it. All right?
 3 THE WITNESS: Okay, thank you.
 4 SIR MARTIN MOORE-BICK: Good, thank you very much. Would
 5 you like to go with the usher, please.
 6 (Pause)
 7 Thank you, 3.35, please. Thank you.
 8 (3.18 pm)
 9 (A short break)
 10 (3.35 pm)
 11 SIR MARTIN MOORE-BICK: All right, Mr Bailey, ready to carry
 12 on?
 13 THE WITNESS: I am.
 14 SIR MARTIN MOORE-BICK: Yes, thank you very much.
 15 Yes, Mr Millett.
 16 MR MILLETT: Mr Bailey, I apologise for taking you back over
 17 ground that is ever so slightly old.
 18 Can you go back to paragraph 32 of your witness
 19 statement, please, at page 10 {HAR00010060/10}. I want
 20 to just revisit the photographs which shocked you when
 21 you saw them.
 22 You told us earlier that it was really the results
 23 of the striking of the mast climbers which had shocked
 24 you.
 25 The first question I have is: did you ask

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1 Osborne Berry to take any photographs or other visual
 2 record of the areas where the mast climber had been
 3 attached to the building, and then had had to be made
 4 good, as opposed simply to relying on them getting it
 5 right?
 6 A. I don't remember if I asked them or not, and I haven't
 7 seen any photos.
 8 Q. No. But you could have done, couldn't you? You could
 9 have said, "I would like some photographs, please, of
 10 exactly where you strike the mast climbers so I can
 11 check the workmanship in that location?"
 12 A. Yes.
 13 Q. Looking at paragraph 32 of your statement, you can see
 14 that you list some photographs, some eight in all, which
 15 caused you shock. I just want to show you one of those,
 16 if I may. Can I ask you to go to the photograph at
 17 8.52. I'm not sure that's one of those that does cause
 18 you a shock, but never mind, let me show it to you
 19 anyway. This is at {BLAS0000008/48}, please.
 20 Now, we can see here that this is a photograph of
 21 Siderise RH25 which has a green edge, do you see? So
 22 it's a horizontal cavity barrier installed in the
 23 vertical orientation. Do you see that?
 24 A. Yes.
 25 Q. We can also see that it's been installed with the

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1 intumescent strip facing in to the building; yes?
 2 A. Yes.
 3 Q. Clearly incorrect. It's clearly incorrect on two
 4 counts. First of all, a horizontal cavity barrier has
 5 been installed in a vertical position. Do you accept
 6 that that's a mistake?
 7 A. It's not its intended orientation.
 8 Q. Yes. It isn't. And do you accept that that's
 9 a mistake?
 10 A. Yeah, it's -- I think it's sloppy.
 11 Q. Yes, "sloppy" is your word, I'm grateful.
 12 Secondly, you can see that the intumescent strip has
 13 been installed facing in to the building. Do you also
 14 accept that that's sloppy?
 15 A. Yes. I don't think its performance is negatively
 16 affected on those by virtue of its orientation.
 17 Q. Well, maybe you don't. I'm putting to you that by
 18 taking a horizontal cavity barrier with an intumescent
 19 strip and then sticking it up in a vertical position,
 20 and, what is more, with the intumescent strip on the
 21 wrong side, is evidence of sloppy workmanship, to use
 22 your word. Do you accept that?
 23 A. Yes.
 24 Q. Can you explain why you never noticed workmanship like
 25 that on site?

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1 A. I think it partly could be down to the -- could have
 2 been insulation around that point of the wall at the
 3 time that covered the intumescent strip up from view.
 4 Q. Right. Does that tell us that your inspections, your
 5 ad hoc, informal inspections, were not thorough enough
 6 so that you inspected the build-up of the elements of
 7 the cladding system at each element so that you could
 8 see the cavity barriers going in?
 9 A. I think the insulation would have been applied at the
 10 same time as the cavity barrier. I don't think this is
 11 representative of --
 12 Q. Well, why didn't your inspections pick this error up, do
 13 you know?
 14 A. I don't know, other than what I've said, it could have
 15 been covered up.
 16 Q. Well, it could have been covered up, but if it was
 17 covered up, do you accept that that's because you
 18 weren't inspecting regularly enough?
 19 A. Equally it's possible that it was done at the same time.
 20 Q. Done at the same time?
 21 A. The insulation was installed directly after the cavity
 22 barrier.
 23 Q. And that would mean that you weren't able to inspect the
 24 installation of the cavity barriers, wouldn't it?
 25 A. Err ... in this -- yeah.

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1 Q. In this instance at least, yes.
 2 I think I misled you by saying this wasn't one of
 3 the photographs that you were shown which shocked you.
 4 In fact, what's happened is that in her supplemental
 5 statement, Dr Lane has changed her figure numbers to
 6 a different number.
 7 Can you confirm this was one of the photographs you
 8 were shown which caused you such dismay?
 9 A. If the original number is in my witness statement, yes.
 10 But I don't remember the exact photos I saw when
 11 I wrote --
 12 Q. Right.
 13 You go on at paragraph 32 of your statement
 14 {HAR00010060/10} to give us a theory as to why you
 15 didn't spot these issues. Can we just go back to that,
 16 in fairness to you. At the bottom of the page you say:
 17 "I have tried to reflect on why I did not see the
 18 issues identified and it occurs to me that the
 19 insulation boards would have covered the interface
 20 between existing concrete walls and the back of all the
 21 cavity barriers, making identifying issues described in
 22 Dr Lane's report impossible without dismantling and
 23 damaging the finished works."
 24 Now, this is something I think you mentioned
 25 a moment ago as well.

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1 Is it fair to say that you ought to have been
 2 conducting inspections at each stage of the
 3 installation, in other words after the cavity barriers
 4 were installed but before the installation of the
 5 insulation, and then again after the insulation but
 6 before the rainscreen?
 7 A. In hindsight, in reflection, you know, given some of the
 8 issues pointed out, that may well have been a better way
 9 of doing it.
 10 Q. Yes. And would you agree that if you were unable to
 11 spot these instances of sloppy workmanship with your
 12 inspection regime, because the insulation obscured them
 13 as you say might have been the reason, that would also
 14 apply for Rydon, the clerk of works and Building Control
 15 in their inspections?
 16 A. Maybe not Rydon, who were there a lot more often than
 17 the Building Control officer and clerk of works, but
 18 it's a possibility for the other two as well, yes.
 19 Q. But Rydon wouldn't be inspecting the work of your
 20 subcontractors; that was you, no?
 21 A. I was performing snagging checks.
 22 Q. You weren't expecting Rydon to perform step-by-step,
 23 layer-by-layer inspections of your own installers, or
 24 were you?
 25 A. I think there was some discussion of them doing that

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1 when Daniel Osgood was on site, I think.
 2 Q. Well, Daniel Osgood says in his statement that he didn't
 3 have any direct involvement with the installation, that
 4 was done by Harley, and he only checked it in the way
 5 he's described, which isn't a more thorough check than
 6 you were doing, if I can summarise it that way. Now, is
 7 that right?
 8 A. If that's what Daniel says.
 9 Q. Well, he does. So why are you suggesting that
 10 Daniel Osgood for Rydon was carrying out more regular or
 11 more thorough inspections of the cladding system
 12 elements than you were?
 13 A. That's a recollection that comes to mind, but ...
 14 Q. Right.
 15 Do you know why no proper vertical cavity barriers
 16 were actually installed on site anywhere?
 17 A. When you say, "no proper vertical cavity barriers" ...?
 18 Q. Yes.
 19 A. I don't know what you mean.
 20 Q. Well, looking at the photograph, we've seen that there
 21 is a horizontal -- do you want to look at the photograph
 22 again?
 23 A. I know the photograph.
 24 Q. Yes, you can see there is a horizontal cavity barrier
 25 there. Do you know why a proper vertical cavity barrier

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1 was not installed?
 2 A. In that location?
 3 Q. In that location.
 4 A. I don't, no.
 5 Q. Right.
 6 Would you agree that ultimately the responsibility
 7 fell to Harley to ensure that its façade installation
 8 was undertaken to a professional standard?
 9 A. I think it's a collective responsibility falling on
 10 Harley, Rydon, the clerk of works, CDM co-ordinator.
 11 Q. And as the project manager and the only employee
 12 regularly on site, would you agree that you had the
 13 primary responsibility of making sure that the
 14 installation was carried out to a professional standard?
 15 A. As with my previous answer, part of the procedure but
 16 not the procedure.
 17 Q. Right.
 18 How did Harley ensure that the works were snagged to
 19 the correct standard before inspection by the clerk of
 20 works?
 21 A. I think -- so we do a snag, and that snag is in a way
 22 verified by the snag that the clerk of work does.
 23 You know, they on occasion have picked up extra issues,
 24 but generally speaking most of the issues were dealt
 25 with before their inspection.

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1 Q. Right, I see.
 2 Can I then turn to a different topic, which is the
 3 O&M manual and as-built drawings. Can we first go to
 4 {HAR00002555}, please. This is an email from you to
 5 Steve Roberts at CEP. We saw this earlier today, and it
 6 says:
 7 "Could you provide copies of the warranties for the
 8 following items for inclusion in our O&M manual."
 9 One of the things you identify there is the
 10 "Reynobond (+ any other technical information)" heading;
 11 do you see that as the fourth bullet point down?
 12 A. Yes.
 13 Q. Is it fair to say in general that you were involved in
 14 developing elements of the O&M manual for the
 15 refurbishment?
 16 A. I think I collated some of the information, yes.
 17 Q. Right. Did that involve collating various information
 18 about each element of the façade that you had installed?
 19 A. Yeah, I suppose it would have done.
 20 Q. Can we go to {RYD00074295}, please. Now, this is
 21 an email from you on 13 April 2016 to Steve Butler at
 22 somebody called All Group Holdings, copied to
 23 Dave Hughes, and it's in response, or at least it
 24 follows in an email chain, as we can see from the second
 25 email down, from an email from David Hughes to

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1 Ray Bailey and to you and others at Harley on
 2 6 April 2016, which says:
 3 "Hi Ben, Ray & Kevin
 4 "We have to present our draft O&M/H&S file to the
 5 client on Tuesday 19th April.
 6 "To help compile the files we have contracted 'All
 7 Group Holdings' and this process is being managed by
 8 Steve Butler - I've copied him into this e-mail.
 9 "Please could you amend where necessary & reissue
 10 the drawings as construction issue by Friday 15th
 11 April?"
 12 Then you send the email to Steve Butler, you have
 13 been given his email address because it's on the copy:
 14 "Steve,
 15 "As discussed please follow the drop box link below
 16 to the main bulk of our O&M information. Some items
 17 need to be added which I will try to get done before
 18 Tuesday. I am awaiting the issue of the Construction
 19 issue drawing package."
 20 Now, do you remember what was contained in that
 21 Dropbox folder?
 22 A. Erm ... it was a blow-by-blow list of information.
 23 No -- generally I know information would have, as you
 24 said, information about all the major components.
 25 Q. Right. Okay.

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1 Were you familiar with regulation 38 of the Building
 2 Regulations 2010, do you think?
 3 A. No.
 4 Q. Right. Well, I'll just tell you what it says. It says:
 5 "The person carrying out the work shall give
 6 fire safety information to the responsible person not
 7 later than the date of the completion of the work, or
 8 the date of the occupation of the building or extension,
 9 whichever is the earlier."
 10 Is that something you have ever heard before?
 11 A. No.
 12 Q. I see.
 13 When you read the email from David Hughes and saw
 14 that Rydon had to present the draft O&M/H&S file to the
 15 client, what did you think that was?
 16 A. The O&M file.
 17 Q. Right. Did you know that that had to be provided
 18 pursuant to the regulation?
 19 A. No.
 20 Q. Right. Did nobody tell you anything about
 21 regulation 38?
 22 A. I don't believe so.
 23 Q. Did anybody tell you that fire safety information had to
 24 be provided to the TMO?
 25 A. I don't remember.

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1 Q. When you were -- well, let me ask you this question: you
 2 can see the email from David Hughes to Ray Bailey and to
 3 you, and we can see your response on 13 April. Between
 4 6 April, which is Dave Hughes' email, and your email to
 5 Steve Butler, did you have any discussion with
 6 David Hughes, or indeed anybody at Rydon, or indeed
 7 anybody within Harley, about what should go into the
 8 O&M/health and safety file that had to be presented to
 9 the TMO on 19 April?
 10 A. I don't remember.
 11 Q. What made you put together the contents of the Dropbox
 12 link? How did you decide what to put into it?
 13 A. I don't remember if they gave us a criteria of things
 14 they wanted or if I used the -- our specification notes.
 15 Q. Did anybody tell you to send this information to
 16 Steve Butler?
 17 A. Erm ... that would have been Dave or someone at Harley.
 18 Q. Right. Did they tell you why it was needed?
 19 A. Just in my memory, O&M information is always requested
 20 at the end of the job.
 21 Q. I see.
 22 Now, when you provided the O&M materials, did you
 23 consider any guidance at all about what that should be?
 24 A. I wasn't aware of --
 25 Q. Okay.

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1 Now, as Harley designed the façade and supervised
 2 its installation, do you accept that Harley were well
 3 placed to provide the information to Rydon on the
 4 components that made up the façade for the purposes of
 5 the O&M file?
 6 A. Yes.
 7 Q. Were you aware that the O&M file, if properly completed,
 8 was a way of complying with regulation 38?
 9 A. As I said, I hadn't heard of regulation 38.
 10 Q. How specific did you consider that the documentation for
 11 the O&M/H&S file had to be?
 12 A. I wasn't aware of how specific it had to be.
 13 Q. Right.
 14 Did you realise at the time that if somebody wanted
 15 to use the O&M manual in order to understand the
 16 façade's fire performance, it would be important that
 17 the manual contained clear information on each and every
 18 component of the façade? Did you realise that?
 19 A. Other than issuing our drawing package, I don't think it
 20 occurred to me.
 21 Q. Right.
 22 Well, can we now look, then, at the Harley O&M
 23 manual. It's at {RBK00027339}, please. It's dated
 24 November 2015, and this is the first page.
 25 Do you recognise this document?

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1 A. Yes.
 2 Q. This is 2015, rev A. Can we go to page 9
 3 {RBK00027339/9}, please, first. This is a table called
 4 "Finishes Schedule", and it sets out a list of materials
 5 used at various locations on the building. Yes?
 6 A. Yes.
 7 Q. You can see there is a description, material, internal
 8 finish, external finish.
 9 If you go down to the second row, you can see
 10 "Column Cladding Level 1 & Above: Reynobond Aluminium
 11 Composite Panel", and then "External Finish: Smoke
 12 Silver Metallic Duragloss 5000 Satin", and then the
 13 fourth entry down: "Solid Spandrel Rainscreen Panels
 14 Level 4 & Above: Reynobond Aluminium Composite Panel",
 15 and then the external finish is "Smoke Silver Metallic
 16 Duragloss 5000 Satin".
 17 We can see that it details the finishes there,
 18 external finish, but would you agree with me that from
 19 that information you wouldn't be able to tell what the
 20 material making up the core of the ACM panels was, could
 21 you?
 22 A. No.
 23 Q. So you wouldn't know whether it was PE or FR, assuming
 24 you knew there was a difference at all?
 25 A. Yeah, from what I said yesterday, I wasn't aware there

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1 was a difference , so ...
 2 Q. No. But the reader of this information -- let's assume
 3 for the moment that that person did know that there was
 4 a difference between PE and FR -- wouldn't be able to
 5 tell from this document what the core was, whether it
 6 was PE or FR, would they?
 7 A. No.
 8 Q. Nor would they be able to know the thickness of the
 9 panels, would they?
 10 A. No.
 11 Q. Nor would they know how the panels were fixed to the
 12 building.
 13 A. No.
 14 Q. Nor would they know the fire performance of the panels.
 15 A. No.
 16 Q. So they wouldn't know an awful lot, would they, about
 17 the propensity to combustion or the fire performance of
 18 the external surface of this building from your O&M
 19 entry?
 20 A. From the finishes schedule, no.
 21 Q. Now, let's look at the fifth row down. This is the
 22 detail for the "Intermediate Glazed in Sandwich Panel
 23 Level 4 & Above". The material is "PPC Aluminium
 24 Sandwich Panel", internal finish and external finish are
 25 the same, "RAL9010 30% Gloss". That's the infill panel,

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1 isn't it?
 2 A. I believe so.
 3 Q. From this we can see, as you can see, it's PPC
 4 aluminium, but you can't tell from this what the core of
 5 the panels is, can you?
 6 A. No.
 7 Q. So you wouldn't be able to tell, looking at this,
 8 whether it was styrofoam or Kingspan TP10 or anything?
 9 A. No.
 10 Q. So therefore you wouldn't know or be able to tell what
 11 the fire performance of those panels was, could you?
 12 A. No.
 13 Q. No.
 14 A. This is the finishes schedule.
 15 Q. Right.
 16 Let's look at page 179 {RBK00027339/179}. This is
 17 the information sheet relating to the Celotex RS5000.
 18 Do you remember putting that into the O&M manual
 19 yourself?
 20 A. I don't recall.
 21 Q. Right.
 22 Now, you will recall, I think, that Kingspan K15 was
 23 also used in the façade. We discussed that yesterday.
 24 A. Yes.
 25 Q. Do you know why you didn't include a similar information

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1 sheet for the Kingspan product, K15 in this case?
 2 A. I don't know.
 3 Q. Because it's not in there, we can't find it. Can you
 4 explain that?
 5 A. I don't remember.
 6 Q. Do you accept that if the information about K15 was not
 7 there, then the reader of this document would not get
 8 a complete picture of the products used on the building,
 9 would they?
 10 A. Erm ... no.
 11 Q. And that goes also for Kingspan TP10 and styrofoam,
 12 which we saw on the Harley specification as the
 13 materials comprising the core of the infill panels. The
 14 reader similarly of this manual wouldn't know whether
 15 those were used unless there had been information set
 16 out in it?
 17 A. I don't know if the O&M manual included the
 18 specification note drawing that was part of the drawing
 19 package.
 20 Q. Well, you don't know if the O&M manual included it. It
 21 may not have included the specification note. My point
 22 isn't about the specification note, the Harley
 23 January 2015 note, we know about that. My point is:
 24 there was no datasheet or product literature included in
 25 the O&M manual for the Kingspan TP10 and styrofoam that

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1 we know formed the core of the infill panels. That
 2 being so, the O&M manual would not tell the reader what
 3 the fire performance was of the infill panels, would it?
 4 A. No.
 5 Q. Do you know why you didn't provide the information in
 6 relation to either of those insulation products or
 7 materials?
 8 A. I don't remember, other than it's an unfortunate
 9 omission.
 10 Q. Let's turn to page 182 {RBK00027339/182}, please. This
 11 is the information sheet we looked at earlier in your
 12 evidence, I think this morning, for the Reynobond
 13 rainscreen panels.
 14 Now, looking at that, we can see together there are,
 15 I think, three different products on this information
 16 sheet, aren't there? There's the Reynobond Architecture
 17 certifications for cassette, and also for rivets. Do
 18 you see that?
 19 A. Yes.
 20 Q. There's also fire certificates for Reynolux. Do you see
 21 that?
 22 A. Yes.
 23 Q. Would you accept from this page that it's not clear
 24 which product was used on Grenfell Tower?
 25 A. Erm ... yes.

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1 Q. Yes. Can we look at page 192 {RBK00027339/192}, please.
 2 We can see here that you included in the O&M manual the
 3 page that we looked at together, "Siderise RH and RV
 4 cavity barriers for use in the external envelope or
 5 fabric of buildings", and you said you recalled it but
 6 not precisely when you recalled it. This is the generic
 7 information sheet about Siderise cavity barriers.

8 If you go on to page 195 {RBK00027339/195} of this
 9 document, you can see that there are two tables, each
 10 with four different products, so a total of eight
 11 products for horizontal cavity barriers.

12 Would you agree that it's not possible to see from
 13 this which horizontal cavity barriers had actually been
 14 installed in the façade?

15 A. As I said before, I mean, if the specification notes
 16 drawing is included in the O&M manual, then that would
 17 tell the reader, but from this product datasheet,
 18 unmarked, yes.

19 Q. Did you consider that it would be helpful to include
 20 test results for these products in the O&M manual if you
 21 had them?

22 A. As I said before, my knowledge of what to include in
 23 an O&M manual was limited.

24 Q. Right. Did nobody give you any instruction or guidance
 25 as to what the O&M manual should contain?

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1 A. No.

2 Q. Did anybody check the draft O&M manual that you put
 3 together or you helped All Group put together afterwards
 4 to make sure that, given your limited experience, you
 5 had collected all the right material and ensured that
 6 All Group Holdings had it?

7 A. I don't think so.

8 Q. We don't see in the O&M manual the BBA certificates for
 9 any of the products that we've looked at together in the
 10 course of your evidence. They're not there. Can you
 11 explain why they're not there?

12 A. I don't know.

13 Q. Let me qualify that: the only BBA certificate which was
 14 supplied was for the Reynobond panels, the
 15 BBA certificate from 2008, but no other certificates.
 16 Can you explain why there were no other certificates for
 17 any of the other products?

18 A. I don't know.

19 Q. Is it also fair to say that, as part of the Harley O&M
 20 manual, you were involved in supplying the as-built
 21 drawings of the refurbishment in respect of the façade
 22 elements?

23 A. I would have forwarded them on, yes.

24 Q. What was your understanding of the role that as-built
 25 drawings would play in the O&M/health and safety file

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1 that was to go to the client?

2 A. Erm ... I think part of it is if in the future anything
 3 that was damaged needs to be replaced, to give the
 4 reader of that, you know, an understanding of how
 5 everything works together, fits together. It's
 6 an operation and maintenance manual.

7 Q. Would you expect that the as-built drawings would show
 8 exactly what was built and with what materials?

9 A. I'd say that's a fair thing to say.

10 Q. Yes.

11 How carefully did you check the as-built drawings to
 12 make sure that they reflected the actual installation of
 13 the elements of the façade?

14 A. Erm ... I don't remember.

15 Q. Right.

16 Do you accept that Harley had a responsibility to
 17 ensure that the as-built drawings did accurately reflect
 18 the components of the façade as installed?

19 A. As best efforts as possible, yes.

20 Q. Did you know that some drawings did not accurately
 21 reflect the installation of the façade components?

22 A. I don't remember being aware, no.

23 Q. Can I show you Kevin Lamb's witness statement. That's
 24 {HAR00010419/8}, please. This is paragraph 31, and it's
 25 a long paragraph, but he says about halfway down:

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1 "The window vent profile was also changed but
 2 I cannot remember why. I added in the detail of the
 3 adhesive foam and removed the local fixing straps to
 4 reflect things as they had been built. I did not mark
 5 these changes up as a further revision as this drawing
 6 was not submitted to Rydon or Studio E, which is why
 7 there are two versions of Revisions D of C1059-302 ...
 8 This drawing was not submitted for further approval as
 9 I was concentrating on the fabrication drawings."

10 Were you aware yourself of these kinds of revisions
 11 being made by Kevin Lamb but then not submitted to Rydon
 12 or Studio E?

13 A. As a general thing, I don't remember it being a common
 14 thing to do, no.

15 Q. Right. Maybe not common, but were you aware that there
 16 were occasions, at least, when changes made by Mr Lamb
 17 were not marked up as further revisions?

18 A. I don't recall.

19 Q. Do you accept that, given the way the changes were made
 20 by Mr Lamb and then not marked up as further revisions
 21 as drawings were not submitted to Rydon or Studio E,
 22 that would have affected the accuracy of the information
 23 supplied to Studio E and Rydon as regards the as-built
 24 state of the building?

(Pause)

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1 A. Sorry, Kevin's talking about updating the drawings to
 2 the as-builts. As-builts are not increasing the
 3 revision, so ...
 4 Q. Well, did you check the Studio E drawings that were
 5 provided as the as-built drawings?
 6 A. The Studio E as-built drawings?
 7 Q. Yes.
 8 A. I don't remember seeing them.
 9 Q. You don't remember seeing them?
 10 A. The Studio E as-built drawings.
 11 Q. If you didn't check the as-built drawings produced by
 12 Studio E, how could you discharge your responsibility of
 13 checking and making sure that the drawings that went
 14 into the O&M file were as-built?
 15 A. We would put our own --
 16 Q. You would use your own?
 17 A. -- as-built drawings into the O&M file, I believe. Our
 18 part of the O&M file.
 19 Q. Right.
 20 Well, let's just try an example or two.
 21 {SEA00003436}. These are the Studio E as-built
 22 drawings, and you may have to turn this around into
 23 landscape, or at least enlarge the bottom. They're
 24 dated September 2013, but these are the as-built
 25 drawings.

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1 If you look on the left-hand side at H92 --
 2 I'm afraid you'll have to blow it up -- which is about
 3 halfway down, just below the man. Actually, there is
 4 another example of it just above the cill of the lowest
 5 window. Do you see at H92 it says "Thermal insulation"?
 6 It doesn't specify the product information. Can you see
 7 that? It just says "Thermal insulation", it doesn't say
 8 "Celotex RS5000" --
 9 A. Right.
 10 Q. -- which is what an as-built drawing should say. Yes?
 11 A. Erm ...
 12 (Pause)
 13 Could you ask the question again, please?
 14 Q. Yes. You can see -- it's probably my fault for not
 15 picking it out clearly enough for you -- if you look at
 16 the left-hand side on the ground floor, there is
 17 a woman, or a drawing of a woman, and then above her
 18 there is a window and there is a window cill, and just
 19 by the window cill there is an arrow which goes out on
 20 the left-hand side to "H92" in a bubble, "Thermal
 21 insulation". Can you see that?
 22 A. Yes.
 23 Q. Now, an as-built drawing wouldn't simply say "Thermal
 24 insulation"; it would specify the product, wouldn't it,
 25 normally, if it's an as-built drawing?

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1 A. I don't know.
 2 Q. Well, why is what I'm putting to you not what you would
 3 expect?
 4 A. The insulation wasn't listed on any of our drawings
 5 either, so I thought the insulation was a -- could be
 6 listed somewhere else.
 7 Q. That was rather my next point. The insulation was never
 8 identified on any drawings, whether in the O&M package
 9 or at all. So how can you explain that the as-built
 10 drawings in the O&M package didn't even identify the
 11 insulation used in the refurbishment?
 12 A. I don't know.
 13 Q. Right.
 14 I have the same question in relation to the
 15 rainscreen panel. Let's just try a drawing,
 16 {SEA00003436}, please, which I think is the same picture
 17 actually. I've got it on a different reference. If you
 18 look at this, it also records at the very top, above the
 19 man standing or leaning against the putative window, you
 20 can see above him on the very left-hand side "H92 Zinc
 21 composite rainscreen panel"; do you see that?
 22 A. Yes.
 23 Q. The very top entry. Yes?
 24 A. Yes.
 25 Q. Again, did you notice that in any drawing that you saw?

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1 A. No, I'm not familiar with these drawings.
 2 Q. Right.
 3 Can you explain how it came about that there is no
 4 drawing, whether in the O&M file or at all, on the
 5 as-built drawings, which shows Reynobond Duragloss 5000
 6 smoke silver as the product used for the rainscreen?
 7 A. I don't know.
 8 Q. Can I then turn to the CDM Regulations very briefly.
 9 As at and after February 2015, were you aware of the
 10 existence of, at that stage, the CDM Regulations 2007?
 11 A. Broadly speaking, but not in detail.
 12 Q. You say broadly speaking but not in detail; were you
 13 aware of the obligations of a designer under those
 14 regulations?
 15 A. Again, not in any detail.
 16 Q. Were you aware that the regulations were going to change
 17 during the course of 2015?
 18 A. No.
 19 Q. Did you know that, as a designer and a contractor,
 20 Harley was responsible for complying with the
 21 CDM Regulations?
 22 A. As a general concept, yes, but not in any detail.
 23 Q. Right.
 24 Well, let me ask you a specific question: were you
 25 aware that, as a designer and a contractor, Harley was

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1 duty bound to liaise with the appointed CDM
 2 co-ordinator, who in this case was Artelia, to make sure
 3 that the design and the construction risk assessments
 4 were compiled, reviewed, revised and updated as
 5 appropriate if there were any design changes at any
 6 time?
 7 A. I was not aware.
 8 Q. You weren't aware of that?
 9 A. No.
 10 Q. Was there any discussion in the office to your knowledge
 11 ever of those obligations that I've just described to
 12 you?
 13 A. Not that I'm aware of.
 14 Q. Apart from the email we've seen which says "O&M/H&S
 15 file ", 6 April 2016, David Hughes' email, were you
 16 actually asked to contribute information for the health
 17 and safety file as opposed to the O&M?
 18 A. I don't recall.
 19 Q. Do you know whether anybody else at Harley was asked to
 20 contribute to the health and safety file?
 21 A. I don't recall.
 22 MR MILLETT: Right.
 23 Mr Chairman, I've come to the end of my questions.
 24 SIR MARTIN MOORE-BICK: Yes, very well.
 25 MR MILLETT: There are one or two which I am conscious that

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1 I may need to go back and ask myself -- not ask myself,
 2 but myself ask the witness to find out, and there are
 3 one or two things which may take a little bit of time.
 4 There are also questions, I think, which have come in
 5 from core participants which I just need to examine
 6 carefully.
 7 SIR MARTIN MOORE-BICK: Of course, yes. 4.30 would give
 8 enough time, would it? Or if it doesn't, do you want
 9 to --
 10 MR MILLETT: If we were to say 4.35, would that be
 11 unreasonably inconvenient?
 12 SIR MARTIN MOORE-BICK: Not unreasonably.
 13 Mr Bailey, as you heard, Mr Millett's got to the end
 14 of his questions, at least those he has prepared, but he
 15 needs time just to check that there's nothing he has
 16 overlooked, and it may be that questions will come in
 17 from others who are not present in the room. So we're
 18 going to have a break now until 4.35, and then we will
 19 see whether there are more questions that you need to
 20 deal with. All right?
 21 THE WITNESS: Okay.
 22 SIR MARTIN MOORE-BICK: So no talking to anyone about your
 23 evidence still, please.
 24 If you go with the usher, we will continue at 4.35.
 25 THE WITNESS: Thank you.

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1 SIR MARTIN MOORE-BICK: Thank you very much.
 2 (Pause)
 3 Right, 4.35, Mr Millett.
 4 MR MILLETT: Yes.
 5 (4.19 pm)
 6 (A short break)
 7 (4.35 pm)
 8 (Proceedings delayed)
 9 (4.40 pm)
 10 SIR MARTIN MOORE-BICK: Mr Bailey, I think there may be one
 11 or two more questions, but not very many, I think.
 12 All right?
 13 THE WITNESS: Okay.
 14 SIR MARTIN MOORE-BICK: Mr Millett.
 15 MR MILLETT: Mr Chairman, yes.
 16 Mr Bailey, were you ever given any instruction or
 17 shown any drawings which would show exactly how far
 18 above the windows the horizontal cavity barriers should
 19 be?
 20 A. That would have been shown on one of our section
 21 drawings.
 22 Q. Did you ever measure the position of the cavity barriers
 23 as installed, so far as you did inspect them, against
 24 the drawings to make sure that the as-installed
 25 distances above the windows complied with the drawings?

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1 A. I'm unsure of a specific time that they were measured.
 2 Q. I'm not sure I understand that answer, "I'm unsure of
 3 a specific time that they were measured".
 4 Let me ask the question again: during any of your
 5 inspections of the work or workmanship of the
 6 installation of the façade, did you ever measure the
 7 position of the horizontal cavity barriers above the
 8 windows as installed by Osborne Berry against the
 9 drawings that you had?
 10 A. I don't recall.
 11 MR MILLETT: Right, thank you. Thank you very much.
 12 Well, Mr Bailey, it only remains for me to thank you
 13 very much for coming here and giving your evidence.
 14 I have no further questions for you, so thank you very
 15 much.
 16 Mr Chairman.
 17 SIR MARTIN MOORE-BICK: Thank you, Mr Millett.
 18 Well, Mr Bailey, that's all the questions we have
 19 for you. Thank you very much for coming to give your
 20 evidence. I know it's taken rather a lot of time, but
 21 it's been very helpful to hear from you.
 22 You are now free to go. Thank you very much.
 23 THE WITNESS: Thank you very much.
 24 SIR MARTIN MOORE-BICK: All right.
 25 (The witness withdrew)

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1 SIR MARTIN MOORE-BICK: Thank you very much, Mr Millett. 191
2 Now, that's it for the day, and we will sit again at
3 10 o'clock tomorrow, when there will be another witness.
4 MR MILLETT: There will be another witness, yes,
5 Mr Geof Blades of CEP.
6 SIR MARTIN MOORE-BICK: Thank you very much.
7 10 o'clock tomorrow, then, please.
8 (4.45 pm)
9 (The hearing adjourned until 10 am
10 on Wednesday, 23 September 2020)
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