<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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<tbody>
<tr>
<td>Q. Can you ask you to look at {CWCT0000019}. This is something called Technical Note 75, produced by the CWCT in March 2011. Have you ever seen this document before, do you think?</td>
<td>A. Yes, I have.</td>
</tr>
<tr>
<td>Q. When do you think you had seen it before?</td>
<td>A. It was shown to me, I think, a couple of years ago.</td>
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<tr>
<td>Q. After the Grenfell Tower fire?</td>
<td>A. Yes.</td>
</tr>
<tr>
<td>Q. Had you seen it at the time of your involvement in the project?</td>
<td>A. I don’t think I had, no.</td>
</tr>
<tr>
<td>Q. You don’t think you had; do you think anybody else within Harley had?</td>
<td>A. Yes, I’m sure they would have done.</td>
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<tr>
<td>Q. Who was that, do you think?</td>
<td>A. I think Mark Stapley. When did this -- what date did this come out?</td>
</tr>
<tr>
<td>Q. March 2011.</td>
<td>A. Well, then Graham Hackley and Mark Stapley would have seen it.</td>
</tr>
<tr>
<td>Q. What about Daniel Anketell-Jones?</td>
<td>A. He may have seen it.</td>
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<tr>
<td>Q. Right. We can ask him about that.</td>
<td></td>
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<tr>
<td>Q. Did you proceed on the assumption that whoever was doing detailed design on a cladding package would have seen documents such as this?</td>
<td>A. Yes.</td>
</tr>
<tr>
<td>Q. Who was that, do you think?</td>
<td>A. I’m sure they’re the same.</td>
</tr>
<tr>
<td>Q. What would you understand by the phrase, “Where the façade is required to be fire resisting additional requirements will apply”?</td>
<td>A. That would apply if it was protecting a walkway or means of escape, and it would be fire resistant glazing.</td>
</tr>
<tr>
<td>Q. What was your understanding of the distinction between fire resistance of curtain walling compared with fire resistance of rainscreen cladding?</td>
<td>A. I think they’re the same.</td>
</tr>
<tr>
<td>Q. What about buildings over 18 metres?</td>
<td>A. I think there’s a ... sorry, there’s two sort of sides to this. Fire resisting -- a fire resisting curtain wall protects the -- one side of the wall from the other. So if you have a fire on one side, you can walk down the other side, and that is a physical fire barrier between the fire. When we’re -- so that’s fire resisting.</td>
</tr>
<tr>
<td>Q. Right. Did you proceed on the assumption that whoever was doing detailed design on a cladding package would have seen documents such as this?</td>
<td>A. Yes.</td>
</tr>
<tr>
<td>Q. Ready to continue?</td>
<td>Yes, thank you.</td>
</tr>
<tr>
<td>Q. Take your time. All right?</td>
<td>Yes.</td>
</tr>
<tr>
<td>Q. March 2011.</td>
<td>Good morning, Mr Bailey.</td>
</tr>
<tr>
<td>Q. I’m going to ask you some questions next about CWCT guidance. Were you aware at the time of your involvement in the Grenfell Tower project of guidance notes produced by CWCT?</td>
<td>A. Morning.</td>
</tr>
<tr>
<td>Q. Had you seen it at the time of your involvement in the project?</td>
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</tr>
<tr>
<td>Q. You don’t think you had; do you think anybody else within Harley had?</td>
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<td>Q. Right. We can ask him about that.</td>
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Let's look further down the page, then. On the left-hand side, under "Introduction", the third paragraph on the left under that heading says: ‘The main requirement...’ Do you see that?

A. Yes.

Q. "The main requirement for curtain walls that are not required to provide fire resistance is provision of fire stopping between the external wall and compartment floors and walls. In some situations there may also be a requirement to provide fire protection to brackets supporting the wall and limit the combustibility of materials used in the wall.”

Then it goes on: ‘Rainscreen walls are additionally required to limit the spread of fire in the rainscreen cavity.’

Did you understand that guidance, even though you hadn't read it --

A. Yes.

Q. -- to be applicable at the time?

A. Yes.

Q. Now, I want to move to questions about class 0, if I can, and what you understood about class 0 and the concept of limited combustibility. That's the next topic.

A. Mm-hm.

Q. Now, the technical note here, if you look at the bottom of page 1 and over on to page 2 [CWCT0000019/2], says at the very bottom on the right:

‘In England, Wales and Northern Ireland, materials may also be classified as non-combustible, of limited combustibility or Class 0 using definitions given in AD B. Materials may also be classified as Class 1, 2, 3 or 4 in accordance with BS 476 Parts 6 and 7. Equivalent European classifications are also used.'

Were you familiar with class 0 as a classification for building materials at the time?

A. Yes.

Q. What did you consider class 0 to mean?

A. It was a product that’s difficult to ignite, and if you take the source of flame away from it, it won’t continue to burn.

Q. What was the significance of a material having a class 0 certification, did you think?

A. That it was safe to use on a building.

Q. Safe to use on any building?

A. Over 18 metres.

Q. Safe to use on any building over 18 metres in any part of that building?

A. Yes.

Q. Was it a phrase or expression, class 0, used regularly in the construction industry at the time?

A. Yes.

Q. Had you yourself undertaken any training or CPD in relation to the testing of building products and their different classifications, fire classifications?

A. No.

Q. Do you or did you consider yourself as under a duty to educate yourself as to these different fire classifications that existed at the time of your involvement?

A. No.

Q. As a specialist cladding subcontractor, why were you not under that duty, did you think?

A. As a specialist subcontractor, there is a lot of things that we’re involved with, fire being one of them, but we are not fire experts.

Q. So is the gist of that answer, so I’m clear, that even though Harley was a specialist cladding subcontractor, it was not concerned with the fire classifications of the products and materials it was using in the envelopes it was applying to buildings?

A. No, that’s not what I said. We supply the material that actually has the correct classification to be used.

Q. Yes?

A. And, correct, we haven’t -- I haven’t investigated all the tests that are required to give the material their particular classification.

Q. You see, fire classification is to do with fire safety and the saving and protection of life. My question is really a simple one, which is why, as a specialist cladding subcontractor, at the time of the Grenfell Tower project, Harley wasn’t concerned to educate itself as to the nature of these fire classifications.

(Pause)

A. Sorry, I’m not -- no, we hadn’t educated ourselves on the tests that are used to provide materials with their classification.

Q. No, I know, and I’m just keen to know why that is.

A. Well, because the materials come classified to a standard, we didn’t necessarily understand exactly what the test is.

Q. Why is that?

(Pause)

A. I don’t know.

Q. Were you aware of a distinction between class 0 as a concept and limited combustibility as a concept?

A. Yes.

Q. What was your understanding of that difference at the...
1. Time of the Grenfell Tower project?
2. A. Well, I think class 0 generally in parts 6 and 7 refers to -- is tested for the surface spread of flame and propagation, and there is another test that then makes the material of limited combustibility.
3. Q. So does that answer tell us that you understood that they were separate concepts, subject to separate tests?
4. A. They're a slightly different concept, with additional tests.
5. Q. All right.
6. A. There's an additional test, which I can tell you now is BS 476, part 11.
7. Q. You say you can tell me now --
8. A. I knew there was another test.
9. Q. Could you have told me that in 2013?
10. A. I knew there was another test.
11. Q. Let's see how we get on, then.
12. Can I ask you to look at Approved Document B, which is at [CLG000000224/122], please.
13. I would like you to look at paragraph 13, which says -- I'll read it to you, so as to familiarise yourself with it:
14. "The highest National product performance classification for lining materials is Class 0."
15. So that's lining materials is class 0:
16. "This is achieved if a material or the surface of a composite product is either:
17. "a. composed throughout of materials of limited combustibility; or
18. "b. a Class 1 material which has a fire propagation index (i) of not more than 12 and sub-index (i1) of not more than 6.
19. Note: Class 0 is not a classification identified in any British Standard test."
20. Was it your understanding that class 0 was a classification that was primarily concerned with lining materials?
21. A. No.
22. Q. So you thought that -- is this right? -- it had relevance other than in respect of lining materials?
23. A. Yes.
24. Q. Did you consider that it had any relevance other than in respect of the external surface of a product?
25. A. No. Sorry, let me just rephrase. If it's class 0 for surface spread of flame, it's on the outside; if it's throughout, I took that to mean it was of limited combustibility.
26. Q. Your explanation just now, which is technical and detailed, is that something that you're telling us as a result of researches and learning that you have undertaken after the fire, or is this something you could have told me if I was asking you these questions in 2013?
27. A. No, this is what I know now.
28. Q. Right.
29. A. But it also goes to explain, I think, part of the confusion that is across the industry with class 0 and limited combustibility.
1 A. No, there’s a difference.
Q. And what was that difference, in your mind, at the time?
A. There was an additional test. So if ‘it’s -- because
2 class 0 covers both, to be limited combustibility,
3 there’s an additional test, and I told you at the time
4 I didn’t know exactly what that test was. I know what
5 it is now. And that is the difference. So if it’s
6 class 0 throughout, it means it’s limited
7 combustibility; if it’s class 0, that means surface
8 spread of flame.
Q. I don’t understand what you mean by the reference to
9 “class 0 throughout”.
A. Sorry, that’s a phrase that was used by Celotex.
Q. I’m really just asking you how you came to that
10 conclusion.
A. I think -- I think this was also described as class 0
11 throughout.

Q. We will come to that documentation later on. Let me try
12 and put it to you: do you accept that on paragraph 13 --
13 which is, as we can see, to do with lining materials --
14 something, a product, is class 0 if it’s composed
15 throughout of materials of limited combustibility,
16 but -- and ignore (b) for the moment -- not the other
17 way round. In other words, just because it is composed
18 of materials of limited combustibility, it’s not
19 necessarily class 0?
A. Sorry, I’ve got that the wrong way round myself.
Q. We looked at appendix A, paragraph 13 a moment ago
14
A. I knew there was an additional test, yes.
Q. But you knew there were different tests?
A. I didn’t know which it was.
Q. How did you come to that conclusion?
A. I think this is a confusion.
Q. Whose confusion?
A. Well, I think mine, and I think it’s quite widespread
throughout the industry.
Q. At the time -- and I think the answer is yes, given what
you told us a few moments ago this morning -- did you
know what tests have to be carried out to meet the
definition of limited combustibility as opposed to
class 0?
A. Yes, there were -- the two for class 0 are 6 and 7,
which are -- and the additional test is part 11.
Q. Yes. You have given us the numbers this morning.
A. Yes.
Q. Did you know the numbers at the time?
A. 6 and 7, yes.
Q. You knew 6 and 7, but not 11?
A. I didn’t know which it was.
Q. But you knew there were different tests?
A. I knew there was an additional test, yes.
Q. An additional test, all right.

16

We looked at appendix A, paragraph 13 a moment ago
Q. We can go back to it if you like, but was that the source of your thinking at the time that class 0 equalled limited combustibility?
A. Well, given, as I explained, there is a difference, there’s an additional test.
Q. Yes. Just focusing on paragraph -- perhaps we should look back at it -- it is [CLG00000224/122] -- because I just want to understand precisely the basis of your thinking at the time. We have read it and we can see it’s saying.
A. No, it doesn’t say that.
Q. In fact, it’s quite clear, I would suggest to you, what it’s saying.
A. He didn’t sit down and explain that to me, but with the use of Kingspan, when that product was first brought to market after -- or started to be used when part L was changed, he signed off on using Kingspan as a product in exactly the same way that we’ve subsequently used Celotex.
Q. Signed it off as a product for use on what building?
A. Wayland House, but a number of buildings. So the architect will specify Kingspan, Graham’s looked at it, looked at it and said, “Yes, that’s the product you can use, it’s safe to use it.”
Q. Was any of the buildings on which Graham Hackley signed off, as you put it, the use of Kingspan Kooltherm K15 -- I think that’s the product you’re referring to --
A. It is, yes.
Q. -- a high-rise building in excess of 18 metres?
A. Yes.
Q. Was Wayland House one of those?
A. Yes.
Q. Was Wayland House one of those?
A. Wayland House was one of those.
Q. When was this sign-off?
A. 2012.
Q. 2012. We may revisit that.
Can I move on. Can I ask you to go to page 20 [HAR00010184/20] of your statement, paragraph 79. You say at paragraph 79 there:
"In terms of the materials used in the building envelope, these were all materials manufactured by trusted, well known, multi-billion pound global companies. The Reynobond ACM had been used by Harley and many other cladding companies for many years. We had no reason to doubt its Class 0 rating. The Celotex, whilst a relatively new product, was manufactured by a well-known, reputable manufacturer. It had been in use for some years and had become widely used after the introduction of Part L and the drive to improve U values. It was clearly sold as being suitable for buildings over 18 metres and described as Class 0 in its
A. It wasn’t.

(Other questions and answers related to mineral wool insulation, combustibility, and the use of Kingspan and other materials in building projects.)

Q. That’s based on your error that class 0 throughout --
A. Yes.

Q. That there was such a thing as “class 0 throughout”, which equalled limited combustibility --
A. Yes.

Q. -- as opposed to “limited combustibility throughout”, which equalled class 0.
A. Could you repeat that?

Q. Yes. What you have just told us, which is the term “class 0 throughout”, is an erroneous term, because in fact what you are doing is equating “limited combustibility” with “class 0”, which would be correct, with “class 0 throughout” with “limited combustibility”, which would be incorrect, as we’ve just established earlier.
A. Okay.

Q. Do you accept that, that the source of your assumption is as I have put to you?
A. Yes.

Q. Looking at the CWCT Technical Note 73, and particularly this part about insulation, were you aware of the argument at the time that thermoset insulations might or may be regarded as satisfying the definition of limited combustibility?
A. Yes, that’s why the Kingspan was signed off.

Q. Is it right that, in fact, the only commonly used insulation that would satisfy -- let me start the question again.
A. Could you repeat that?

Q. Did you understand at the time that the only commonly used insulation material that would satisfy the definition of limited combustibility is mineral wool?
A. At the time, Kingspan had become accepted in the industry as a product that was suitable for use over 18 metres. Prior to 2009, every project we did had Rockwool on it.

Q. I think also Chalcots had Rockwool, didn’t it?
A. Yes, that was a 2000 -- we did that in 2006 to 2010.

Q. Yes, that’s right. But Ferrier Point?
A. That had Rockwool.

Q. Rockwool as well, and that was later, wasn’t it?
A. That was 2012.

Q. Yes. I think Ferrier Point was the most recent
A. Erm ... probably.

Q. Can I ask you, then, to look at the top of the right-hand column on this self-same page 6 in this note, which says:

"Where testing is carried out in accordance with BS 8414, the test applies to the complete cladding system including insulation, rainscreen, flashings and cavity barriers. Changing any of these components may affect the ability of the wall to resist the spread of fire."

At the time, did you appreciate as a matter of principle, at least, that the compliance of a cladding system against a test rig which had successfully passed the BS 8414 test?

A. Yes.

Q. You did understand that?

A. Yes.

Q. Did you understand that it was safe? So I suppose we’re saying we believed that Celotex had carried out a study on it.

A. Yeah. We wanted Celotex’s confirmation that they were happy for us to use it.

Q. So whichever choice of words you take, does it come to this: that you were delegating the sign-off or confirmation, if you like, of the safety of this product to the very person who had made it and was selling it to you?

A. Well, as I explained, we were comfortable with the Celotex for two reasons. First, the understanding of “class 0 throughout” meant that it was of limited combustibility, which we’ve discussed. Secondly, in addition to that, it had passed an 8414 test, and we sent the details of the cladding system that we were using to Celotex for them to approve.

It says changing any of the components may affect the ability for the wall to resist the spread of fire, but we’re asking Celotex, “This is what we’re using, are you happy with this?” And they were.

Q. Just in terms of the principles -- I’m going to come back to the facts later, but just in terms of the general applicable principles, and I’m trying to get your understanding of those -- I think you’re telling us, but please correct me if I’m wrong about that, that you understood at the time that there were a number of routes to compliance for the purposes of limited combustibility: either that the material was of limited combustibility or it had passed a full-scale BS 8414 test --

A. Yes.

Q. -- or there was a desktop study, or a holistic engineering report.

A. Yes.

Q. I’ve given you four options there. I’m trying to summarise this because there is a lot of material we could look at, but is that how you understood it at the time?

A. Yes.

Q. Which route to compliance for limited combustibility did you think was being followed on the Grenfell Tower project?

A. I thought we were covered in two ways, that -- and our thoughts were the material was of limited combustibility, and if that’s incorrect, we accept that.

In addition, there was a BS 8414 test, so it was a material that had had a whole series of tests, it was a fantastic product. On the certificate, we saw that it said it had been tested with different facing material. We sent our details to Celotex to get them to sign off that it was safe. So I suppose we’re saying we believed that Celotex had carried out a study on it.

Q. You say, “We sent our details to Celotex to get them to sign off that it was safe”?

A. Yes.

Q. Does that tell us that you were --

A. Sorry, that may be a poor choice of words. To confirm that it was the -- they were happy for us to use it in that situation.

Q. So whichever choice of words you take, does it come to this: that you were delegating the sign-off or confirmation, if you like, of the safety of this product to the very person who had made it and was selling it to you?

A. Yeah. We wanted Celotex’s confirmation that they were happy for us to use it.

Q. Was it not up to Harley to satisfy itself that it was safe to use by making the appropriate investigations?

A. Well, we made the investigations with the manufacturer.

Q. Was there any reason why you couldn’t ask either Studio E or Exova, who had been involved in this project and remained involved in this project, to undertake the investigations of the fire safety nature of this product?

A. Well, the product was specified by Studio E. Exova were
Q. In the absence of your own architect knowing, how did you undertake any checks to see whether or not that was fire safe?
A. Because it had been signed off as fire safe previously by our technical manager on previous projects.
Q. Some years before?
A. Yes.
Q. Did you undertake any checks to see whether or not the product had changed in any way in those years?
A. No, although it is interesting that the -- there is a subsequent BBA certificate for Kingspan that came out after we had started Grenfell that actually changed its performance criteria. Now, that’s -- and this --
Q. I can’t understand how you can have a product with the same name, change its composition or not change its composition, have it re-tested, and carry on selling it when its performance has been completely downgraded.
A. That’s something you know now but not something you knew at the time; is that right?
A. It’s not something that we knew at the time, it’s not something that was advertised, and if they had called it something different, Kingspan K10, instead of -- and K15 is no longer available, it would have alerted everyone there had been a change.
Q. And had checks and investigations been carried out, Harley would have found that out.
A. At the time that we actually got the K15, it’s --
Q. Did you ever discuss the contents of the BBA certificate with you on this project?
A. No.

Q. Did Mr Harris or anybody else at Harley ever discuss the contents of the BBA certificate between 2008 and April 2014?
A. No.

Q. -- or refresh your memory about it?
A. Not to re-read it. I knew what was on there.

Q. -- or refresh your memory about it?
A. Not to re-read it. I knew what was on there.

Q. Did you have cause to look at it between 2008 and April 2014?
A. Yes.

Q. Did you consider, in general terms -- and we'll look at the certificate in a moment -- whether there was a distinction between the two methods of fixing of Reynobond PE ACM so far as regards fire safety or classification?
A. No.

Q. Right.
A. Right.

Q. Or that there had been a flashover during the test?
A. Absolutely not.

Q. Did you consider, in general terms -- and we'll look at the certificate in a moment -- whether there was a distinction between the two methods of fixing of Reynobond PE ACM so far as regards fire safety or classification?
A. No.

Q. Did you ever make any investigations yourself, or anybody else at Harley, into how the fixing method might affect fire performance?
A. No, on the BBA certificate it shows both as being conformed to class 0.

Q. It does. Well, we will come to that in a moment.

Let's just go on with Mr Wehrle's statement. Can I ask you to go to page 21 (MET00053190/21), please, paragraph 70. He says in the first two sentences at the top of the page: "The next EN 13501 testing that I organised on Reynobond 55 PE was later in 2014. It had become clear from discussions within AAP SAS and the wider market that, there was a desire to again have separate classification reports for the PE rivet and cassette variant to more accurately reflect the classifications that each had in practice obtained.”

Now, this is 2014. Were you aware at that time or by that time of any desire in the wider market, as he calls it, to have different classification reports for the PE rivet and the cassette variant respectively?
A. No.

Q. Were you aware that Alcoa, as they were then called, were sending their cassettes off for re-testing?
A. No.

Q. Assuming that Mr Wehrle is right in his evidence, are you able to explain how, as a specialist subcontractor operating on major multimillion pounds cladding projects in London and the south east of England, you weren't aware of any noises in the market about the desire to have separate classification reports for PE rivet and cassette respectively?
A. As far as I'm aware, there were none.

Q. Right.
A. Right.

So when he says there were discussions in the wider market, and assuming you were part of that wider market, you're telling us that, so far as you know, there were no such discussions?
A. No.

Q. Right.
... Reynobond Architecture Wall Cladding Panels, to:

It says under section 1, do you see, that it relates to:

... Reynobond Architecture Wall Cladding Panels, aluminium/polyethylene composite panels used to provide a decorative/protective facade over the external walls of buildings."

Then it says, under "Key factors assessed", in the third item down, "Behaviour in relation to fire."

"In relation to the Building Regulations for reaction to fire, the panels may be regarded as having a Class 0 surface in England and Wales, and a 'low risk' material in Scotland (see section 6)."

Now, I want to ask you about the expression "class 0 surface". What did you understand a class 0 surface to mean?

A. That it's class 0, and that relates to the surface, but it's not of limited combustibility.

Q. Did you understand that that description applied to both the PE and the FR versions of ACM panels?

A. Yes.

Q. Was it your understanding from this that the ACM panels would be classed as the external surface for the purposes of Approved Document B?

A. Yes.

Q. And therefore, being class 0, it was suitable for buildings over 18 metres in any circumstances; is that right?

A. Yes.

MR MILLETT: I'm going to take a slight detour for a moment a bit further on that, Mr Bailey. This certificate is actually only speaking about the panels, isn't it?
Q. Did you ever ask anybody on the Grenfell Tower project if they ever had any understanding of the fire performance of the PE or FR?
A. No.

Q. Can I go back to the BBA certificate, (BBA00000047/3), please, and I would like to look at paragraph 1.1. This is under the "Technical Specification ", and it says: "The Reynobond Architecture Wall Cladding Panels comprise two 0.5 mm thick aluminium alloy sheets ..., bonded to either side of a core of low-density polyethylene (LDPE). The panels are available either plain edged (riveted system) or flanged (cassette system) to suit architectural requirements (see Figure 1)."

Pausing there, you can see figure 1 at the bottom of that page, figure 1, and there is a pair of diagrams. Then it goes on: "A Duragloss or PVDF coating available in various colours protects the unexposed face. A polyester primer protects the unexposed face. The products are also available in a fire-retardant grade (FR)."

Then there is something about thicknesses. Did you have any understanding about the differences between the PE and the FR core described there?
A. No.

Q. Did you ever ask anybody on the Grenfell Tower project whether FR should be specified instead of PE, or should be used instead of PE?
A. No.

Q. Turning to PE, polyethylene, did you have any understanding at the time of what polyethylene actually was?
A. It was a plastic type core.

Q. Did you have any understanding of its fire performance?
A. I think polyethylene actually has quite a high ignition point.

Q. Well, at the time, did you have any understanding of its fire performance?
A. No. No, not particularly.

Q. Was it common for Harley to use products on external wall constructions without understanding how those products would perform in a fire?
A. No, we actually have products which have been tested and supplied for that specific use. Exactly their chemical composition and how they're made is perhaps a little bit beyond us.

Q. Did the reference to fire retardant in the BBA certificate not alert you to the fact that the standard product was not fire retardant?
A. The performance of the panels, if you go further in the certificate, is -- the only difference is one produces slightly more smoke than the other.

Q. Was that your understanding at the time?
A. Yes.

Q. Which produced slightly more smoke than the other?
A. The PE produces slightly more smoke than the FR.

Q. So was it your understanding at the time that, so far as fire performance is concerned, there was no difference between FR and PE?
A. Yes.

Q. Where did you get that understanding from?
A. Because of the difference in -- or the only difference in their fire performance -- there's two -- there is class 0 and there's a -- the European Standard is B-s1, d0 for the FR and B-s2, d0 for the PE.

Q. I see. So your understanding about smoke production was based entirely on the differences in those two standards?
A. Yes.

Q. Which we will come to in a moment. Did you ever seek any information from Deborah French about the fire retardant version of the product? Or did anyone at Harley?
A. No, I think the -- when we saw the certificate back in 2008, there was a query, what's the difference between the two, which is why I knew that the difference was the smoke. Whether that came from Deborah French or through some other route, I can't remember.
Q. Can we look at page 5 (BBA00000047/5) of this document, section 6, under the heading "Behaviour in relation to fire". It says at 6.1: "A standard sample of the product, with a grey/green Duragloss 5000 coating, when tested for reaction to fire, achieved a classification of B-s2, d0 in accordance with EN 13501..."

A. What did you understand that to mean?

Q. Did you consider whether the finish was on the product may have made a difference to its classification?

A. It’s strange. It was a question that I asked at the time --

Q. Who did you ask?

A. -- believe it or not. I can’t recall who I asked, whether it was Reynobond direct or through CEP, and if it was through CEP it would probably have been Roy Fewster, and the reason for the question was the delamination we were having with the Etalbond, and it was suggested that the paint on that may have had something to do with the delamination. So when I saw a metallic grey PVDF finish, when tested in accordance with EN 13501, it’s equivalent to class 0, as it says on the front of the certificate.

Q. So does it come to this: you relied on what you were told about the colours rather than what the certificate actually said in black and white at paragraph 6.4?

A. No.

Q. So does it come to this: you relied on what you were told about the colours rather than what the certificate actually said in black and white at paragraph 6.4?

A. Yes.

Q. Just to be clear, when was that? When was this assurance that you were given, you say?


Q. At the time when you first read the certificate?

A. Yes.

Q. I see. Can I ask you to look at section 6.2, please. It says:

"A fire retardant sample of the product, with a metallic grey PVDF finish, when tested in accordance with BS 476-6... achieved a fire propagation index (1) of 0 and, when tested in accordance with BS 476-7... achieved a Class 1 surface spread of flame."

Now, on its face, the BBA certificate would appear to state that the only fire retardant sample had been tested in accordance with class 0, in other words it actually passed those tests.

Q. Did you notice at the time that, although the fire retardant sample had been tested, the PE, the standard, had not been tested in accordance with those tests?

A. No, it had been tested to the European Standard, which is equivalent.

Q. Did you notice that at the time of your consideration of this certificate?

A. Yeah, I noticed that they were different, but they were both class 0, as it says on the front of the certificate.

Q. Let me ask you this: did you ever investigate with Arconic or Alcoa how the panels complied with diagram 40 of Approved Document B that you have referred to earlier?

A. Well, they complied with diagram B(sic) because it’s B-s2, d0.

Q. Did you ever ask her whether a standard sample of the product had actually been tested in accordance with BS 476-6 and BS 476-7?

A. No, I didn’t.

Q. Why is that?

A. Because it actually had a B-s2, d0 rating, which is equivalent to class 0.

Q. Right.

Did you not consider that it might be safer to use the FR product rather than the standard PE version, given that only the FR product had passed a UK class 0 test?

A. No, it didn’t occur to me, and if it was significant I would have expected Reynobond to suggest that that’s what we did.
Q. So you would have relied on Reynobond, in other words Alcoa or Arconic, to make that suggestion rather than investigating it for yourself?
A. If it -- if they felt it was a significant thing, they would have -- I would have expected them to have told us, and ... but the PE product is class 0 and complies with diagram 40.

Q. Looking at paragraph 6.3, it says: “As a consequence of sections 6.1 and 6.2, the products may be regarded as having a Class 0 surface in relation to the Approved Document B of The Building Regulations ...”
A. I don’t think I need the rest.

Q. Is it one that you asked at the time?
A. No, other than the -- sorry, let me just go back. On ACM fixing methods.

Q. Going back to paragraph 6.4 on page 5 {BBA00000047/5}, please, we looked at this a moment ago, it says: “These performances may not be achieved by other colours of the product and the designations of a particular colour should be confirmed by ...”

A. No, the product -- as far as we were concerned, the product is class 0 by dint of it having a European classification, and the certificate says class 0 on it, and we didn’t actually, I think, consider whether the edge would have a different classification to the rest of the product.

Q. Let’s look at clause 6.3, it says: “As a consequence of sections 6.1 and 6.2, the products may be regarded as having a Class 0 surface in relation to the Approved Document B ...”
A. Reynobond with a PE or Reynobond with an FR core.

Q. Given the diagram on page 3 {BBA00000047/3} of the certificate -- let’s just go back to that, if we can,
Mr Chairman, I’m still on the certificate. I’ve got

MR MILLETT: Right.

A. No, accepted.

Q. Notwithstanding the presence of 6.4? actually made no difference.

A. No, because of the conversation back in 2008, that it

silver that was eventually selected?

assurances as to the fire performance of the smoke

now, I would presume that we would wait for the

be carried out on the colour that was to be chosen if it wasn’t grey/green?

Q. When it says, “the designations of a particular colour

should be confirmed by ... [a] test ... in accordance

with Approved Document B”, when you read the
certificate, who was it who would ask for that test to

be performed out on the colour that was to be chosen if it wasn’t grey/green?

A. It’s never a point I considered. If you’re asking me

now, I would presume that we would wait for the

architect to pick the colour he wants and then Reynobond

would have to do a test on it.

Q. Did you ever go back to Arconic or Alcoa and seek any

assurances as to the fire performance of the smoke

silver that was eventually selected?

A. No, because of the conversation back in 2008, that it

actually made no difference.

Q. Notwithstanding the presence of 6.4?

A. No, accepted.

MR MILLETT: Right.

Mr Chairman, I’m still on the certificate. I’ve got

a little bit of a way to go.

SIR MARTIN MOORE-BICK: Might it make sense to break now, or

is it going to destroy your line of questioning?

MR MILLETT: Well, it makes sense in one sense, and makes no

sense in another. It’s an appropriate time, given that

we have been going for an hour and 25 minutes, but I’m

in the middle of the certificate and it’s a critical
document on any view.

SIR MARTIN MOORE-BICK: Yes, I’m not trying to hurry you

to the certificate at all.

MR MILLETT: Well, if we take a few minutes now.

SIR MARTIN MOORE-BICK: We will take a break now.

Mr Bailey, we will have a short break now.

THE WITNESS: Okay.

SIR MARTIN MOORE-BICK: We will come back at 11.40, please.

THE WITNESS: Okay.

SIR MARTIN MOORE-BICK: Again, I have to ask you not to talk
to anyone about your evidence or anything to do with it

while you’re out of the room.

THE WITNESS: Okay.

SIR MARTIN MOORE-BICK: Good, thank you very much. Would

you like to go with the usher.

(Pause)

Right, 11.40, please. Thank you.

(11.24 am)
A. From what I had looked at, I can’t see anything that PE can do that FR can't. And, as it turned -- you know, as we found out now, the price differential between them is minimal.

SIR MARTIN MOORE-BICK: Thank you very much.

MR MILLETT: Just in that last answer you told the Chairman that Reynobond were involved with Camden -- that's Chalcots, I think --

A. Yes.

Q. -- and they said Reynobond PE is fine. Are you telling us that Reynobond confirmed to you that their own product at Chalcots was acceptable?

A. Yes, and they issued a warranty for all of those buildings.

Q. Right. And you relied on Reynobond's say-so, did you?

A. We've accepted that.

Q. Yes.

Can I ask you to look at section 10, then, please, on page 6 (BBA00000047/6). Let's just look at paragraph 6.6. That says: “For resistance to fire, the performance of a wall incorporating the product, can only be determined by tests from a suitably accredited laboratory, and is not covered by this Certificate.”

What did you understand that statement to mean?

(Pause)

A. The ability of the products to resist the fire from one side of a wall to another.

Q. Did the wording in there alert you to the fact that the fire performance of a wall incorporating the cladding in a different system could not be ascertained by reference to this certificate alone?

A. No.

Q. Why is that?

A. I read that as resistance to fire, stopping the passage of fire from one side of a wall to another.

Q. Can I ask you to look at paragraph 6.6, then, please.

This is cavity barriers, and it says:

“Cavity barriers should be incorporated behind the cladding, as required by the national Building Regulations, but should not block essential ventilation pathways. Particular attention should be paid to preventing the spread of fire from within a building breaching the cladding system through window and door openings.”

When you read this, what did you consider that statement to mean?

A. That they'd need to put cavity barriers in the cladding system.

Q. And specifically round window openings?

A. Depending on the layout of the windows, yes.

Q. Depending on the layout of the windows? What do you mean by that?

A. I think we're going back to the interpretation or the industry practice, if there is a single window contained within an opening, the compartmentalisation around the opening -- around the compartment means that the cavity barriers directly round the window may not be necessary. But I think we've accepted previously that that’s an error.

Q. Yes.

Do you agree that the BBA certificate for Reynobond, as we see here, itself recommends the inclusion of cavity barriers around the windows in order to prevent internal fire spreading --

A. We've accepted that.

Q. Yes.

Can I ask you to look at section 10, then, please, on page 6 (BBA00000047/6). Let's just look at paragraph or section 10.2. This is under "General":

“Installers must be trained and approved by the Certificate holder who can provide technical assistance at the design stage and at the start of the installation.”

Would you accept that Harley, in the case of the Grenfell Tower project, was the certificate holder for this purpose?

A. Yes.

Q. What steps did you take, or did you take any steps, to ensure that Osborne Berry, as the installers, were appropriately trained?

A. They, Osborne Berry, have installed ACMs on a number of projects for us, so we've done training with them over the years.

Q. On these panels, the installation of these panels?

A. Installation of these panels.

Q. Right. I see.

I may have misled you by suggesting that the certificate holder was Harley. If, as a matter of correct reading, the certificate holder was the person to whom the certificate was issued, that would mean that the installers would have to be trained and approved by Arconic. To your knowledge, were Osborne Berry ever trained and approved by Arconic?

A. No.

Q. In your experience generally in the industry, were cladding installers ever trained and approved by the person who had received a BBA certificate in respect of its product?

A. No.

Q. I'm going to turn to a different topic.
Can I ask you to look at [RYD00023468], please.

Now, this is an email which people in this Inquiry have called the "Lacknall" moment email. It's from Claire Williams of the TMO to Simon Lawrence on 12 November 2014, copied to Phil Booth at Artelia, and she says:

"Simon

"I am just writing to get clarification on the fire retardance of the new cladding - I just had a 'Lacknall' moment."

She then goes on to set out some excerpts, which we believe are from the NBS specification, and there's a reference to the CWCT standard and a section from the GRC cladding.

Now, you weren't copied in on this email, so we don't expect you to have seen it at the time, but do you recognise it?

A. Maybe it had been in a bundle of documents that I have looked through.

Q. I see.

Now, Simon Lawrence, when he gave evidence, said that he would have forwarded Ms Williams' query to Harley. To your knowledge, Mr Bailey, did he ever do so?

A. No.

Q. Can you -- and I don't want you to speculate, but are you able to help me with who at Harley would be the person to have had such conversations with Mr Lawrence, if they had taken place?

A. No.

Q. Can you -- and I don't want you to speculate, but are you able to help me with who at Harley would be the person to have had such conversations with Mr Lawrence, if they had taken place?

A. So what was the date of this email?

Q. 12 November 2014.

A. So the ... maybe -- I'm only speculating -- maybe Mark.

Q. Mark Harris?

A. Harris, yeah.

Q. I see, all right.

I would like then to turn to ask you some questions about the insulation. Let's start with Celotex.

Can we first look, please, at your statement at page 28 [HAR00010184/28], paragraph 113. Here you say:

"The Celotex RS5000 PIR insulation was a relatively new product at the time of the project, and this was the first time that Harley had used it. As with the Reynobond ACM, it had been specified by the architects in the NBS specification document. Prior to this, Max Fordham had also specified the use of Celotex ...

And then you go on to say over the page at [HAR00010184/29], about six lines down:

"The LABC certificate in relation to the Celotex RS5000 confirmed that it had been assessed by the BRE ...

I'm so sorry, I should have read on at the top of the page, first of all:

"The Celotex marketing material stated clearly that it was suitable for buildings above 18 metres in height. One of its selling points was that it was the first PIR insulation board to successfully test to BS 8414-2:2005, and meet the criteria set out in BR 135, and was therefore acceptable for use in buildings above 18 metres in height."

Then you, I think, exhibit the LABC certificate in relation to that product, and I've just read that bit.

Now, you say in numerous points in your statement, as well as this, that the architects specified RS5000. In fact, the NBS specification actually specified heavy to get in, whereas the Reynobond panels are light.
Q. As far as you were aware, was RS5000 a new product or did you think that it was an old material or product, FR5000 simply re-branded and launched as a new product?
A. No, we thought it was a new product.

Q. You thought it was a new product?
A. Yes.

Q. Why did you think that?
A. Because of the marketing, that it was RS5000.
Q. Do you know why it was Jonathan Roome who attended Harley's offices, as you say, rather than Studio E or Rydon in order to discuss the proposed use of RS5000?

A. Because we were trying to satisfy ourselves that the product, as far as we were -- that the use of Celotex was suitable for the project.

Q. Can we look at [CEL00099973], please. Now, this is a Celotex Salesforce entry, and if we look at page 2 [CEL00099973/2], we can see that next to a meeting on 24 November 2014, your name is mentioned.

A. All those are the same date, are they?

Q. Well, it's about two-thirds of the way down the page.

A. Yes.

Q. -- if you look at the meeting identity, rainscreen contractor, Ray Bailey, and then reading across to the very far right-hand column, 24 November 2014. Do you see that?

A. I do.

Q. Yes.

Were you present at a meeting, as identified here, with Jonathan Roome on 24 November 2014?

A. I don't think ... I don't think I was. I may have met Jonathan when he was in the office, but I don't recall sitting down to a meeting with him.

Q. Now, I know this is not your document, and we will investigate it with others, but I just want to try and get your recollection.

Looking at this document, it may be that the meeting was about Premier House, because we can see that the entry above it, Mike Albiston, is next to something to do with Premier House, and that's also...

A. All those are the same date, are they?

Q. They were the same date, as is entered. This seems to have been a meeting with Mark Harris, "Premier Inn (T4) - Heathrow"; Mark Albiston, Premier House; and Ray Bailey, no entry, all on 24 November.

A. It may be just -- we know Jonathan, he's worked for a number of companies, and it may be, you know, I stopped and said hello to him. So I don't know quite what that meeting was about.

Q. Do you remember having a meeting with Jonathan Roome about this time yourself?

A. No, I don't remember having a meeting with Jonathan.

I have had -- I met a chap -- I don't recall actually having a meeting with him, but I'm not saying I wasn't there on that day.

Q. Do you remember having a meeting with anybody else with Celotex on or about 24 November 2014?

A. No. The only person that we had contact with from Celotex as far as I'm aware is Jonathan.

Q. I see.

Can I then ask you to look at [CEL00000018]. This is an email from Jonathan Roome at Celotex to Daniel Anketell-Jones at Harley dated the same day, 24 November 2014, as you can see:

"Hi Dan
"I spoke with Mark and the team regarding a few projects."

You can see the Premier projects are set out there, as well as another one, Chartwell House, Southend. The first one is Grenfell Tower, as you can see, and he says under the heading "Grenfell Tower":

"When we last looked at this we came to a conclusion of using 3,000m2 of 150mm RS5000. Is this still so?"

"Mark's drawings were showing a mix of 100mm & 160mm."

Does this prompt a recollection about a discussion between Harley and Celotex at that time?

A. No, it doesn't, but they clearly -- Mark, I suspect that's Mark Stapley, because it's talking about drawings, but they were, yeah, chatting about various projects that may or may not happen.

Q. Did Mr Roome, to your recollection, give any assurances to you or to anybody else at Harley about the suitability of Celotex RS5000 on high-rise buildings?

A. Yes.

Q. What were those assurances?

A. That -- well, that it was a perfectly safe product for the job.

Q. Did he say that to you in a conversation?

A. No, not to me.

Q. Did he say that to anybody else in a conversation --

A. Er...

Q. -- to your knowledge?

A. The conversations with regard to the suitability of this I think would be had with Daniel, and I knew they'd certainly had assured him, otherwise he wouldn't have put it on the job.

Q. Right. What I'm seeking really to establish is whether or not, apart from what was on the certificate, Harley had any conversations with Celotex in which Celotex gave assurances as to the suitability of this material --

A. Yes.

Q. -- on high-rise buildings.

A. Yes, but I wasn't present.
Q. I see.

Did, to your knowledge -- and if you weren't present, you weren't present -- anybody at Harley discuss the fire performance of RS5000 with Mr Roome, either on this occasion or any other?

A. I think that that was the intention of Daniel's first email when he was talking about, he needs to be convinced otherwise we would be staying -- or going with Rockwool.

Q. So you think that Daniel Anketell-Jones wanted to be convinced that it was safe; is that what you're saying?

A. Yes.

Q. From a fire safety perspective?

A. Yes.

Q. Otherwise you wouldn't use it?

A. Yes.

Q. You say you think that; what leads you to think that?

A. (Witness nods).

Q. Okay. Can you help us any further with that or is this something we should be asking Mr Anketell-Jones?

A. I've seen an email.

Q. You know that, do you?

A. The architect.

Q. Who was it who passed it up to the architect to sign off?

A. It would have been Daniel or maybe Ben.

Q. Are you aware of any discussions between Daniel or Ben on the one hand and the architect on the other about whether or not RS5000 should be used?

A. No, I can't recall.

Q. When you say the architect, obviously Studio E.

A. Yes.

Q. Who at Studio E would have, as you say, signed off on the use of RS5000?

A. Since I wasn't part of the conversation, I can't tell, but I suspect it would have been Neil Crawford.

Q. I just want to show you something in Neil Crawford's evidence on that point. Can you please go to [Day10/46:13]:

"Do I recall the period when it was specified?"

This is in the context of earlier questions about RS5000, in place of FR5000. He says at line 15:

"Answer: Yes, it was forwarded to me by, I think, Ray, Harley, 17/18 September, thereabouts, I think, 2014.

"Question: What makes you recall that so specifically ?

"Answer: Because we were having a conversation -- I think they had raised their RF11 in relation to the cavity barrier strategy."

Now, do you recall a conversation with Mr Crawford on 17 or 18 September 2014 or thereabouts about changing from FR5000 to RS5000?

A. No.

Q. At the time of the change, did anybody at Harley, to your knowledge, consider how RS5000 met the requirements of Approved Document B?

A. I think we've discussed this earlier.

Q. Well, remind me, in summary.

A. In summary, we sent the details and the information to Rockwool.

Now, Mr Roome goes on, as we can see in this email, to give the measurements in respect of the product for the tower and asks "Is this still so?"

Is it fair to say that the decision to use RS5000 had been made by this point, 24 November 2014?

A. Yes, I would... sorry. I would imagine so, but I'm not 100% certain of the timeline on this.

Q. Who would have made the decision to use RS5000?

A. The architect.

Q. The decision to use the Celotex was part of the specification that we came -- that was handed down to us. So unless there was a good reason to change it, the decision was made by the architect back in... I'm losing track of the years.

Q. Let me help you. The original decision, of course, was made in 2012, but that was FR5000.

A. Yes.

Q. Let me be a bit more precise with my question.

Who made the decision to use RS5000 as opposed to FR5000?

A. The architect.

Q. You know that, do you?

A. Well, yeah, this is -- we pointed out that there's a difference, and this is one we use, so it had to be signed off for us to use it.

Q. I see.

Did anybody at Harley make the decision that RS5000 should be used?
Q. Did anybody at Harley?
A. I don’t know.

Q. Did anybody at Harley check what system RS5000 had been tested in, as part of its 8414 test and certification?
A. I think that was the reason for sending them our details, to get them to -- to get Celotex to compare them and confirm that, with their study, it complied.

Q. Did you think there was a -- you mentioned the word “desktop” a moment ago -- desktop study in relation to RS5000?
A. I thought there was a -- perhaps “desktop study” is not the right -- there was an assessment carried out by Celotex on our system compared to their 8414 test.

Q. Did you ask for the BBA certificate in relation to RS5000?
A. I’m sure we’ve -- I didn’t, but I’m sure we had one from them.

Q. All right.
A. Did you consider how Reynobond PE would interact with RS5000 in terms of fire safety?

Q. Subsequent to ...?
A. Yes. Well, as I said, I’ve read this subsequent to --

Q. So you have read this?
A. Yes.

Q. At the time, did this confirm to you that the RS5000 product was class 0?
A. Yes. Well, I don’t want to ask you questions on a false basis. Assuming you had read it at the time --

Q. -- do we take it from your answers earlier on that you understood from the reference to class 0 that that meant it was a material of limited combustibility?
A. Yes. The reference to class 0 relates to an assumption about combustibility.

Q. Can you look at page 5 {CEL00000013/5}, please, “Fire performance”, left-hand side, and there is a big set of words between two purple lines:

“Celotex RS5000 has been successfully tested to BS 8414-2:2005 (Fire performance of external cladding systems).”

Then it says, under “Rainscreen Insulation”:

“Celotex RS5000 is Class 0 fire rated as described by the national Building Regulations having achieved both:

“A pass to BS 476 Part 6 ... Classification as Class 1 in accordance BS 476 Part 7 ....”

Do you see that?
A. Yes.

Q. Does this ring a bell with you?
A. Yes, the document I was actually -- should have been included, it’s the wrong one, it was the sales brochure.

But yes, carry on with this, I have read this since.

Q. Did anybody at Harley?
A. I don’t know.

Q. You say more clear ...
A. Sorry, this is the -- wasn’t the document that should have been included, it was a different one, but carry on with this.

Q. All right. Well, I don’t want to ask you questions on a false basis. Assuming you had read it at the time --
A. Yes.

Q. -- do we take it from your answers earlier on that you understood from the reference to class 0 that that meant it was a material of limited combustibility?
A. It’s more clear in here that this relates to part 6 and part 7.

Q. You say more clear ...
A. Well, on the sales brochure, it referred to it being “class 0 throughout”, and this is -- relates to class 0, parts 6 and 7. A. Yeah.

Q. It then says the same thing underneath “Building above 18 metres”.
A. Yes.

Q. And it then goes on to say, at the end of that first paragraph:

“... meets the criteria set out in BR 135 and is...”
Q. You say the building designer was the architect; did you send the details and requests to Studio E to ask them to assess whether or not the differences between the system tested by Celotex and that to be applied at Grenfell were satisfactory from a fire safety point of view?

A. We sent them the RS5000 details and they have our -- and they had in fact their cladding details.

Q. I’m sorry, I’m not sure that’s an answer to my question. Did you send the details and the request to Studio E to ask them to make an assessment about whether or not the differences between the cladding system to be used at Grenfell and the cladding system used in the 8414 test by Celotex made a difference from a fire safety point of view?

A. I don’t think we specifically did, no.

Q. Did Daniel Anketell-Jones or anybody else at Harley, assuming for the moment them to be the building designer, make any such assessment?

A. Our assessment on this would have been through Celotex.

Q. So, again, you were content to rely on what the manufacturer was telling you rather than making an independent assessment of those differences, either yourself or with other professionals engaged on the project?

A. We’re not fire experts and that’s why we asked Celotex, who were the manufacturers, for their input on it.

Q. Well, you say, “We’re not fire experts”; you are cladding experts, and although there may be a debate about whether you are the building designer, Celotex are clearly saying here, are they not, that any changes to the components should be considered by the building designer? They’re not inviting questions to them. That’s right, isn’t it? It was the building designer’s job to get to the bottom of what differences the changes made; no?

(Pause)

A. It does -- that seems to be what they’re saying but not how they acted.

Q. Can we look at a slightly different document. This is the rainscreen cladding compliance guide, which is (CEL00000012), and I would like first of all just to ask you whether this is a document you’re familiar with.

A. I’ve seen this.

Q. Yes. Had you seen it at the time?

A. No.

Q. Right, let’s see how we go with that.

Can I ask you to look at page 3 (CEL00000012/3).
A. Compared to the 100-mil thick concrete at Grenfell.

Q. Yes.

A. Different, but --

Q. Yes.

A. -- Grenfell is far better than that in terms of --

Q. I understand that, I understand what you're saying, but different. And then underneath that, aluminium 60x40x2 continuous rail, and then underneath the Celotex.

Now, you refer, at paragraph 113 of your statement [HAR00010184/29], if we could just go back to that, to the LABC certificate and the BRE assessment. Could we just look at that very briefly. I touched on this earlier when I read this part of the paragraph to you.

You can see that it says, seven lines down: "The LABC certificate in relation to the Celotex RS5000 confirmed that it had been assessed by the BRE (Building Research Establishment) and complied with BR135 for use in rainscreen walls above 18 metres."

Do you see that?

Q. Did you look at the LABC certificate at the time?

A. Yes.

Q. Did you look at any documents demonstrating the assessment by BRE at the time?

A. Not personally, no.

Q. Did you look at the LABC certificate and the BRE assessment? Could we just look at that very briefly. I touched on this earlier when I read this part of the paragraph to you.

You can see that it says, seven lines down: "The LABC certificate in relation to the Celotex RS5000 confirmed that it had been assessed by the BRE (Building Research Establishment) and complied with BR135 for use in rainscreen walls above 18 metres."

Do you see that?

A. Yes.

Q. Did you look at the LABC certificate at the time?

A. No.

Q. Did you look at any documents demonstrating the assessment by BRE at the time?

A. Not personally, no.

Q. You see, you referred to it in your statement, and

I confess that I had thought that that was something that you were speaking to at the time. So do we read your statement here as something that you came to know afterwards?

A. No, the LABC, all the statements there were on the front page of their sales literature, which was the document I was referring to.

Q. Let’s look at the certificate.

Before I go to that with you, does that tell us that, although you noticed it in the sales literature, you didn’t actually look at the certificate itself?

A. Correct.

Q. Right. Did anybody at Harley actually look at the LABC certificate and the BRE assessment itself?

A. I can’t say for sure, but if... it would have been Daniel, if we did indeed look at it.

Q. Okay.

Let’s look at the BRE classification report, first of all. This is for RS5000. This is at [CEL00000011]. Is this document familiar to you?

A. I can’t recall. As you go through it, I may recognise it.

Q. This is dated 11 August 2014, and it’s issue 2, it appears, produced by the BRE. If we go to page 4 [CEL00000011/4], section 5.3, I want to focus on that
A. Well, it -- they said it was safe and acceptable to use it with -- in the configuration that we had. If they had told us it wasn't safe to use, it would not be on the building.

Q. They said it was safe and acceptable to use, you say.

A. An assessment.

SIR MARTIN MOORE-BICK: Did they provide you with any detailed analysis to explain why they came to the conclusion that it was an acceptable use?

A. I hadn't seen it, so I don't know what they gave to Daniel.

SIR MARTIN MOORE-BICK: You would normally, I suppose, expect a desktop assessment to be based on some form of analysis of the products actually used and comparing them with the materials used in the test, wouldn't you?

A. Correct, yes.

SIR MARTIN MOORE-BICK: But you don't know whether any such analysis was supplied?

A. I don't know what analysis was supplied.

MR MILLETT: Now, in paragraph 113, you also refer to the LABC certificate, as we've seen. We don't need to go back to it.

Can we look at the certificate, [CEL00000539].

Again, just to be clear with you, is that a document you ever saw at the time, do you think?

A. I'm not sure I saw it at the time.

Q. Right. We can see from the bottom of the page that it was issued first on 21 August 2014, and had a three year validity life.
A. Okay.

Q. This particular version was issued on 19 August 2016. It covers RS5000 insulation board, and there is a description of the product there on the first page. It says:

“This is an assessment of a PIR insulation board by Celotex designed for use within rainscreen construction.”

Then it goes on to say, towards the bottom of that paragraph:

“It has been assessed by the BRE and complies with BR135 for use in rainscreen applications above 18 metres in height subject to the board being fixed to a non-combustible substrate ‘see conditions of certificate for more information.’

Can we then look at the second page (CEL00000539/2) of the certificate. That says, under the “Scope of Registration”, six lines down:

Celotex RS5000 has been successfully tested to BS 8414 – meets the criteria set out in BR135 – and therefore is acceptable for use in buildings with storeys above 18m in height (subject to matching the specification criteria of the BRE Classification Report carried out) as alternative compliance to AD B.

Do you see that?

A. Yes.

Q. Then under “Conditions of Certificate”, it says, reading from the eighth line down:

“For use on buildings with a floor more than 18m above ground level, Celotex RS5000 has been successfully tested to BS 8414 part 2 – and meets the criteria set out in Annex B of BR 135 – This classification is only valid for the system specification and detailing outlined in section 2 of the BRE Classification report – including the associated details found in section 4 test reports as an alternative compliance to AD B.

A full copy of the report should be made available by Celotex.”

It goes on to particularise the details of the build-up of the test.

Again, would you agree that the LABC certificate – although you didn’t, I think, see it at the time – sets out quite clearly the exact system which the RS5000 was said to have passed?

A. Yes.

Q. And that was different from Grenfell, I think we’ve established. Again, this certificate makes clear in a number of places that the classification related only to the system that was tested.

A. Yes.
A. Yes.

Q. And you would have realised that, because the system to be applied at Grenfell was different from the components of the system, the subject of the BS 8414 test, that the fact that the BS 8414 test had been passed did not mean that you could use it at Grenfell.

A. Unless there was an assessment on it, yes.

Q. And you can’t put your finger on a separate individual assessment, can you?

A. I can’t.

Q. Thank you.

I’m now going to turn to Kingspan K15. Can I ask you to go, please, to paragraph 114 of your witness statement, which is at page 29 [HAR00010184/29]. You say there:

"A small amount of Kingspan Kooltherm K15 was used in place of the Celotex. The reason for this was that SIG Plc, the suppliers, had sold the allocation intended for Grenfell Tower to another customer. SIG Plc offered to supply Harley with the Kingspan Kooltherm K15 as a substitute to help keep the project progressing. Kingspan Kooltherm K15 is described in its BBA certificate as being Class 0. Whilst the test in Approved Document B paragraph 12.7 is one of ‘limited combustibility’, it was assumed that, as the product was described as Class 0 in respect of ‘Behaviour in relation to fire’, it was compliant with paragraph 12.7, and suitable for buildings over 18 metres.”

First of all – I’ll come back to class 0 in a moment – do you know where on the building K15 was used, even roughly?

A. No, I don’t. But there are long-range photographs of the building in construction with the Kingspan logo on it, so it is – it would be possible to locate it.

Q. Well, we may come back to that. But you say here that the Kingspan Kooltherm K15 is described in its BBA certificate as having a class 0 rating. Did you actually read the Kingspan K15 BBA certificate at the time?

A. No, as I explained earlier, the Kooltherm K15 had been signed off some while -- some years ago, and therefore we were using it on other projects. So when there was some K15 to go on here, it was signed off by our technical guys.

Q. What, signed off for all projects?

A. K15, going back to the initial use of it in 2010/2011, yeah, it’s become an industry standard insulation product for tall buildings. It was regarded, other than Rockwool, as the only other product you could use on high-rise buildings, and then subsequently Celotex have...
A. After 2013, yes.

Q. Indeed. 17 December 2013. You can see that it says under "Key factors assessed": “Behaviour in relation to fire - the product will not contribute to the development stages of a fire or present a smoke or toxic hazard (see section 8).”

Q. How would anybody at Harley, or any independent contractor of Harley brought in to assist with the design, know whether K15 was safe unless there was something they could go to to tell them?

Q. In people’s heads?

A. That would have been just historic data.

Q. Historical detail held by whom?

A. On -- details on previous projects.

Q. No, there’s -- on projects which we completed, we have O&M manuals and product data from those projects.

Q. Okay.

A. Yes, we had a copy of the BBA certificate, which was suggested by SIG as a substitute product?

Q. Can we go to the BBA certificate. It’s at bottom of page 5: {KIN00000454}. This is a second issue of the certificate dated 2013.

Q. Do you accept -- I mean, it’s common sense -- that if anybody did want to see the BBA certificate for Kingspan Kooltherm K15, this is what they would have got?

Q. We can look at this document in total, but take it from me that there is no reference in it to limited combustibility at all. Can you comment on --

A. I accept that.

Q. Right.

Now, we looked yesterday at the Curtins structural performance specification, which formed part of your contract with Rydon, and in particular clause 7.1.14, which related to fire hazards if the insulation was exposed. Given the contractual obligations we looked at yesterday in some detail, Mr Bailey, do you accept that in order to comply with them, Harley should have made further investigations in respect of the combustibility of K15 before ordering it and applying it to the building?

Q. If we turn the page on this certificate {KIN00000454/6}, just before we finish off, before the lunch break, it refers to the BS 8414 test under paragraph 8.2 at the top there, and it shows what the specific cladding construction was which met the criteria in BR 135.

A. Yes, I think there should have been a check on it, yes.

Q. If we check the page before we finish off, the page before we finish off, before the lunch break, it refers to the BS 8414 test under paragraph 8.2 at the top there, and it shows what the specific cladding construction was which met the criteria in BR 135.

Q. Indeed. 17 December 2013. You can see that it says under "Key factors assessed": “Behaviour in relation to fire - the product will not contribute to the development stages of a fire or present a smoke or toxic hazard (see section 8).”

Q. So, again, that means that K15 was neither a material of limited combustibility, nor reliable as a route to compliance on the basis of a successful pass of an 8414 test?

A. Correct.

MR MILLETT: Yes.

Mr Chairman, is that a convenient moment?
September 9, 2020
Grenfell Tower Inquiry
Day 33

1 SIR MARTIN MOORE-BICK: Yes, please.

2 Thank you, Mr Millett.

3 MR MILLETT: Mr Chairman,

4 Mr Bailey, I just want to revisit one or two answers
5 you gave us this morning on the subject of assurances
6 given by Mr Roome to Harley.

7 You, I think, referred earlier this morning -- and
8 it’s [Day33/68:23] and again at [Day33/73:6] -- to
9 an email to Celotex saying along the lines of, “You need
10 to convince us this stuff is as good as Rockwool or we
11 won’t be using it.”

12 Q. I just want to explore that a little bit more.
13 Can you please be shown [CEL00000019]. Now, this is
14 an email from Jonathan Roome to Daniel Anketell-Jones on
15 21 January 2015, and Mr Roome says:
16 “I have attached the 12 Page BS8414:2 report showing
17 the build-up and components used. In addition I am
18 sending you the thermocouple graphs showing the
19 temperatures at each level of the test.
20 “I am not able to send you the BS476 test document
21 as this is confidential.”
22 Now, you are not copied in on this email, but just
23 looking at it, is this the email, do you think, that you
24 were referring to in your evidence this morning?

Q. How did you know, then, when you were giving evidence
A. I think it must be, yes.

A. I don’t know.

Q. Do you remember which client it was that had asked these
detailed questions about RS5000?

A. I don’t know.

Q. Do you remember having a discussion with
Mr Anketell-Jones to the effect that a client, whoever
it was, was asking headache-giving questions about
RS5000?

A. No.

Q. Okay.

Can we just scroll up the page. We see there is
an email from Daniel Anketell-Jones on 20 January 2015.
If we can scroll down, you can see that the message is,
“Morning” -- well, there is a message before that on the
19th.

“Morning Dan,

“Hope you had a good weekend.

“I will check regarding test reports and what we are
allowed to send out.

Then Daniel Anketell-Jones back to Jonathan Roome,
you can’t quite see, I am afraid, the top of that
email, but if you scroll up to the bottom of page 1, top
of page 2, we can see here is Daniel Anketell-Jones
going back to Jonathan Roome on 20 January:

“Fingers crossed you can get this for us. I am
worried that if this can’t be cleared up, then we will
have to change to Rockwool duo slab as this has the
necessary backup to appease the specialists!”

Pausing there, is that the message or email that you
were referring to this morning when you say, “You need
to convince us this stuff is as good as Rockwool or we
won’t be using it”?

A. I think it must be, yes.

Q. Do you remember having a conversation with
Daniel Anketell-Jones about this message?

A. No.

Q. How did you know, then, when you were giving evidence
this morning, that there was an email to Celotex saying
words along the lines of, and your words this morning,

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Q. If the email that we looked at before about, "If we can't clear it up, we will have to change to Rockwool," I don’t recall, no.

A. Yes.

Q. If the email that we looked at before about, "If we can’t clear it up, we will have to change to Rockwool," Duoslab is not the email you were referring to earlier, would you agree with me that the reply from Mr Roome cannot be read as any kind of assurance that RS5000 was safe to use at Grenfell?

A. Mm-hm.

Q. So there are earlier versions of this. This is as late as July. If you look at the document on the left-hand side, you can see the specification for the things going on to the building. We don’t see anywhere there any reference to any insulation.

A. It appears so, yes.

Q. Why is that?

A. I can’t answer that.

Q. Do you know why the insulation product was omitted from -- well, do you know who might be able to tell us why, in your opinion?

A. I agree with that, yeah.

Q. We don’t see anything in here about any assurance from Celotex that RS5000 was safe to use on buildings in excess of 18 metres in height, do we?

A. Yes.

Q. To do with insulation, to do with U-values?

A. Yes.

Q. Yes. To do with insulation.

A. Yes.

Q. Yes, thank you.

Q. Now, can I turn to a different topic, which is specification of insulation products in the Harley spec.

Can we go, please, to {RYD00046822}. Now, this is a document entitled “Specification notes”. This particular version, as you can see, is revision D dated 15 July 2015, and you can see that in fact it was originally created on 15 January 2015, as you can see from the date at the very bottom.

Q. Correct?

A. Yes.

A. No.

Q. And it appears that the drawings weren’t sent by Ben Bailey with a comment, “Please check or confirm that your product is suitable for use in this build-up as set out in attached drawings?”

A. On that date, yes, I would.

Q. If we then look at the email I started with at the top of page 1 [CEL00000019/1]. This is the final message in this email string from Jonathan Roome, and I’ve read you the first paragraph. Just go back to the second:

“Can I then turn to the statement of Jonathan Roome.

Looking at it, do you agree, from what Mr Roome says there, that Celotex were only asked to check U-values and not the fire performance of RS5000?

A. Yes.

Q. If we then look at the email now, I would agree with you.

Q. Yes.

A. I think I’ve seen it in an email bundle.

Q. I see.

A. Looking at this email now, I would agree with you.

[att] HCW. Ben sent the drawings via dropbox link.

Celotex prohibited the use of dropbox facilities therefore I had to forward to my personal email account to download and view the drawings. I identified two relevant drawings which I exhibit as JWR/35:C_00456 and JWR/36:C_00457 and sent them back to my work email address. These drawings were then emailed to the Technical Team and asked if they could see if a U-value of 0.15 with 150mm for RS500 could be achieved.

I explained that there was an 150mm existing concrete wall and 150mm/160mm RS5000. This email I exhibit as JWR/37:C_08724.*

Just looking at that, do you agree, from what Mr Roome says there, that Celotex were only asked to check U-values and not the fire performance of RS500?

Q. Yes.

A. No, I think this one was to do with insulation.

Q. Yes. To do with insulation, to do with U-values?

A. Yes.

Q. Yes, thank you.

A. No.

Q. If the email that we looked at before about, “If we can’t clear it up, we will have to change to Rockwool,” Duoslab is not the email you were referring to earlier, would you agree with me that the reply from Mr Roome cannot be read as any kind of assurance that RS5000 was safe to use at Grenfell?

Q. Correct?

A. Yes.

Q. Yes.

A. I don’t recall, no.

Q. If the email that we looked at before about, “If we can’t clear it up, we will have to change to Rockwool,” Duoslab is not the email you were referring to earlier, would you agree with me that the reply from Mr Roome cannot be read as any kind of assurance that RS5000 was safe to use at Grenfell?

A. Mm-hm.

Q. So there are earlier versions of this. This is as late as July. If you look at the document on the left-hand side, you can see the specification for the things going on to the building. We don’t see anywhere there any reference to any insulation.

A. It appears so, yes.

Q. Why is that?

A. I can’t answer that.

Q. Do you know why the insulation product was omitted from -- well, do you know who might be able to tell us why, in your opinion?

A. I agree with that, yeah.

Q. We’ve never seen a version of this specification that does contain any specification of the insulation product to be used at Grenfell. Is that right?

A. It appears so, yes.

Q. Is that right?

A. I can’t answer that.
why the insulation product was omitted from the Harley system specification?

A. I would -- you would need to ask Kevin.

Q. If we look at [RYD000046822/4] and [RYD000046822/S], please, we can see there that, despite showing insulation, because you can see the wiggly lines which are a legend or mark for insulation, we don’t see any reference to an insulation type or insulation product.

A. That’s correct, isn’t it?

Q. And not in the spec? Did anybody flag up the fact that it wasn’t in the spec?

A. No. I think if we had realised it, we should have put it on.

Q. Yes.

A. That it wasn’t on the drawing?

Q. Yes, did they flag it up?

A. Studio E or anybody else?

Q. Again, do you know why these drawings omitted any identification of the insulation product to be used in that location?

A. The specification drawing you referred to is basically a key, so that the notes are not put on all of the drawings.

Q. Right.

A. So that’s why there is a specification drawing, it is just a reference for materials being used, but I can’t understand why the insulation wasn’t shown on that drawing.

Q. Would that be normal, not to have the insulation shown on either the drawing or in the specification?

A. No, I don’t think it would be.

Q. Can you explain why there was a departure from normal practice in the case of this specification for Grenfell Tower, then?

A. No, I can’t, except it wasn’t that nobody knew what the insulation was.

Q. It wasn’t that nobody knew what the insulation was, which means they did know and therefore you can’t explain why it wasn’t there?

A. Everybody knew what the insulation was. I can’t explain why it wasn’t written on the drawing.

Q. We can see from this document -- if we go back to page 1 (RYD000046822/1) again, perhaps it’s even clearer -- that Studio E had stamped this document as “A: conforms to design intent”, and I think Harley had stamped it “issued for approval”.

Did Harley, to your knowledge, flag up the omission of the identification of the insulation product to Studio E or anybody else?

A. Sorry, can you repeat?

Q. Yes, did they flag it up?

A. That it wasn’t on the drawing?

Q. Yes.

A. No. I think if we had realised it, we should have put it on.

Q. And not in the spec? Did anybody flag up the fact that it wasn’t in the spec?

A. No.

Q. Can I just ask you one or two questions about Rockwool.

A. Yes.

Q. Is it right that you would usually use Rockwool as your insulation product in a rainscreen cladding for a high-rise building?

A. Yes.

Q. It was used at Chalcots, I think we know that. I think it was also used at Ferrier Point.

A. Correct.

Q. Was it used at Little Venice?

A. Yes.

Q. Did you ever consider on the Grenfell Tower project whether Rockwool would be a more appropriate insulation product for use at Grenfell than either FR or RS5000?

A. Given the thermal requirements and the cladding zone that we had, it was the only product which would achieve the U-value.

Q. Did you yourself get into the calculations to see whether or not the U-value was appropriate or the measurements for the cladding system which the product was to fill were appropriate, and compare those with Rockwool, and what would happen if Rockwool were used?

A. No, I didn’t. The cladding zone was set out by the architect, so the area that we had to put insulation in was determined long before we were involved, and given the desire of the client to produce a warm building for the residents, that was the product we -- and, as I say, the designers handed down to us, and we had at that point no concerns with it because we expected, by the time we received it, it to be fully compliant.

Q. Did you know that Rockwool could have been used and achieved similar U-values and similar dimensions and thicknesses?

A. No.

Q. Do you accept that that was possible?

A. Sat here, I don’t.

Q. All right.

Now, can I ask you to look at paragraph 44 of your statement at page 11 (HAR00010184/11). You say there:

"As regards the use of Rockwool as an alternative to Celotex, I am now aware that Rockwool had contacted the Project Client, with a view to consideration being given to the use of their products. The Project Client appeared then to have passed this enquiry straight on to Rydon. Rydon, at least initially, appeared to have been interested in the use of Rockwool because it may have opened up some eco funding for the project. Contact was
1. made - it may have been by Mark Harris - with Rockwool, who explained that funding may only become available if Rockwool had provided the complete system, that is cladding panels, rails and insulation. By this relatively late stage all the bids had been based on the request for Celotex with Reynobond panels, and furthermore, Celotex offered a higher insulation rating. It is for this reason, as I understand the position, that Rockwool was not used at Grenfell. Both Celotex and Rockwool had the same British class 0 rating."

11. Is this paragraph -- I've read it to you in full -- telling us what you knew at the time or is it a commentary on the documents you have been shown when preparing your statement?

15. A. I think it’s stuff that I knew at the time.
16. Q. You knew this at the time, did you?
17. Did you yourself have any role in deciding not to use Rockwool at Grenfell Tower?
18. A. No.
19. Q. Who was the person who ultimately made that decision?
20. A. I think I -- because the ECO funding fell away, the initial -- Rob is the contracts manager and he needs to start controlling it as we are picking up the order. The date here is 19/6; I think we got the order for the job in July. So the first elements that we deal with are the design, and Daniel then took over as project lead, because he was designing the project.

21. Q. Did you or anyone else at Harley to your knowledge consider whether Rockwool would be a preferable insulant from the fire safety perspective?

22. A. The initial -- Rob is the contracts manager and he needs to control it as we are picking up the order. But in a nutshell, can you just tell us, what did you decide to do as a result of Mark Harris's concerns as expressed to you?

23. Q. Who was the person who ultimately made that decision? 
24. A. I think I -- because the ECO funding fell away, the initial -- Rob is the contracts manager and he needs to start controlling it as we are picking up the order. The date here is 19/6; I think we got the order for the job in July. So the first elements that we deal with are the design, and Daniel then took over as project lead, because he was designing the project.

25. Q. Who was the person who ultimately made that decision? 
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1. A. No.
2. Q. Did you or anyone else at Harley seek any information about the fire performance of Rockwool insulation in comparison with RS5000?
3. A. We carried out the analysis of Celotex, as we spoke about earlier, and as far as we were concerned that was compliant and performed. We knew from past experience that Rockwool was -- performed as well.
4. Q. When you say, "We carried out the analysis of Celotex as we spoke about earlier", is that a shorthand for the evidence that you were giving us this morning --
5. A. It was, yes.
6. Q. -- about the discussions with Celotex?
7. A. Yes.
8. Q. Right.

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5. A. It was, yes.
6. Q. -- about the discussions with Celotex?
7. A. Yes.
8. Q. Right.
team in place?
A. Yes.
Q. Right. Then why did it come as a surprise to Mr Harris, then, that he was being asked all this now and there was a problem which needed a resolution?
A. No, I think what he was saying in the email is they’re about to place an order with us, and as soon as the order is placed, they’re going to want someone to jump on it. So I think he was forewarning that in a couple of weeks’ time it’s going to start running. Is that what he says?
Q. Well, no, to be frank, it isn’t. If you go back to page 1 {HAR00006092/1}, can you please look at the paragraph I read to you: “Some of the items below and attached are for estimating, however, there are many items which need looking at by our proposed Grenfell House construction team, and therein lies the problem, we don’t f**cking have one!”

So my question is: given that 26-item list, what in that list were the many items which needed looking at by the non-existent Grenfell House construction team?
A. Can you roll that back up?
Q. Yes. I’m sorry, could you go to {CEL00006092/2}, please. Thank you.
(Pause)
A. Only item 16, but the estimators are capable of filling that in anyway.
Q. Right. So are you saying that, in fact, apart possibly from item 16, all of those, or the remaining 25 items, were items which could be managed by the existing Grenfell House team, and that Mark Harris is wrong when he says, “there are many items which will need looking at by our proposed Grenfell House construction team”?
A. Yes.
Q. I see.

If you go to the third paragraph down in his email on page 1 {HAR00006092/1}, he says: “There is no doubt that this job is starting to gather pace. Rydon are fully on board with the client, and will start setting up on site in the next few days. They will issue a contract to us shortly, which will underwrite initial design. Once we have that in our possession, I guarantee that the architect will expect our design to commence. In addition, we need to install the mock up on site in the next 2 weeks.”

Would it be usual for Harley’s design work not to have commenced at all by this stage?
A. Yes, we didn’t -- we had no contract, no letter of intent, so we wouldn’t have started any design.
Q. So when Mark Harris says to you “contract stuff” is starting to hit us now on the Grenfell Tower front”, what did you understand he meant?
A. Again, if you go to the previous -- the next page down {CEL00006092/2}.
Q. Certainly, yes, of course.
A. It’s all this stuff is starting to come through, and this is a precursor to design being started.
Q. Right.

I mean, to be fair to you, Mr Bailey, you are right that the letter of intent discussions did not take place until the July and into August and September of this year, but it looks very much from this, although Mark Harris has called it “contract stuff”, there was a need for urgency in terms of getting on top of the design.

My question is: how did it all happen so quickly and would that be usual?
A. Not unusual. We’re waiting for an order, then we’ll start the design.
Q. Did it take you by surprise that suddenly you had to start doing all these things?
A. No.
Q. Right.

Mr Harris then goes on to say in the final main paragraph {CEL00006092/1}: “The last thing I want to do is walk away from the job (believe me, I’ve invested many month’s of time into this), not least because it would severely damage our relationship with Rydon, and worst still, would potentially leave the door open for Tim Lovell & Co. However, unless we can gear up and service it, will are doomed to fail.”

“We need to have an honest and frank team chat about this job on Friday!”

What did you understand by the reference to Tim Lovell there?
A. They’re one of our competitors.
Q. Right. He was an employee at Harley, wasn’t he, in 2012?
A. He was.
Q. And he has left and set up on his own in competition with Harley, is that it?
A. Correct.
Q. Was there a team meeting on Friday, do you remember?
A. I can’t recall, but there could well have been.
Q. What plans did Harley put in place after this to ensure
that there was sufficient resource on the project in
order to be able to meet these matters and make
estimates for them?
A. Well, the estimates would be taken care of by the
estimating department, which were in -- which was
Mike Albiston, basically, in place, and on the design
side, Daniel took over that, and we looked at recruiting
some additional design resource to assist him.
Q. Was that done more quickly than would be normal due to
the pressures of this job that, according at least to
Mark Harris’s email, you suddenly found yourself under?
A. I wouldn’t have said it was particularly unusual.
Q. Can I ask you to look at [HAR00006153]. This is
Rob Maxwell’s reply to Mark Harris’s email we’ve just
been studying, and this is the same day. He says:
“Mark,
“We need to get an external design team on this now.
I can pull in a project/site manager within a couple of
weeks, we could use Neal or Ben to attend a meeting in
the next couple of weeks.
“From our discussion on Monday in the office about
this job it would be a shame to let this go (if Im
honest it would be better to let Karma go) as we know
the client and our risk is less as a consequence.
“Let’s talk on Friday to try and find a way to
cope.”
I don’t need the last line there.
First, what is the reference to letting Karma go?
A. At the time there were two projects that we were looking
at, Karma and Grenfell Tower, and we had a choice of
which one to -- we couldn’t take both, we didn’t have
the capacity to take both.
Q. Right.
A. So we decided that we’d let Karma go.
Q. And what was Karma?
A. A high-rise overcladding in Wembley.
Q. Right, in Wembley. Why was it better to let Karma go
and do Grenfell?
A. I think Karma was actually -- whilst it’s overcladding,
it’s a new-build, and refurbishment is actually a better
project to be involved in for us.
Q. Why is that?
A. Because if it’s an existing building, it’s there and
there’s usually less delays on site.
Q. Right.
A. If it’s a new-build, we’re waiting for concrete to be
poured and there’s lots of things that can go wrong.
Q. Is it also fair to say that because you knew the client,
it was better to go with Grenfell?
A. We knew the client for Karma as well.
Q. Well, he says, does Rob Maxwell, “as we know the
client “:
“... it would be a shame to let this go (if Im
honest it would be better to let Karma go) as we know
the client and our risk is less as a consequence.”
So did the fact that you knew the client play in the
decision to opt to do the Grenfell project?
A. Both the fact that we knew the client and it was a -- it
wasn’t a new-build.
Q. Right. The client being Rydon?
A. Yes.
Q. Yes.
Q. Is it also fair to say that because you knew the client,
honest it would be better to let Karma go) as we know
the client and our risk is less as a consequence.
Q. I see. At what point would one drop and one stand up?
A. We didn’t have capacity to do both.
Q. Well, he says, does Rob Maxwell, “as we know the
client “:
“... it would be a shame to let this go (if Im
honest it would be better to let Karma go) as we know
the client and our risk is less as a consequence.”
So did the fact that you knew the client play in the
decision to opt to do the Grenfell project?
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wasn’t a new-build.
Q. Right. The client being Rydon?
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Q. Yes.
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honest it would be better to let Karma go) as we know
the client and our risk is less as a consequence.”
So did the fact that you knew the client play in the
decision to opt to do the Grenfell project?
A. Both the fact that we knew the client and it was a -- it
wasn’t a new-build.
design, once we designed one floor, it repeats up, so we don’t need a whole design team on this. The two guys working on it is sufficient, particularly at the initial stages. If we need additional design throughout the project, we can bring them in later or transfer people across. In fact, Mark Stapley assisted on occasion with the design.

Q. Why was it necessary to bring in an external design team as opposed to using your existing in-house design capabilities?

A. Because we -- it gives us flexibility in our capacity.

Q. Was bringing in Kevin Lamb as a designer your solution?

A. Yes.

Q. Was he brought in because Harley lacked the design expertise itself or because --

A. No, not the design expertise, the actual -- we needed to increase our design resource at that stage.

Q. I see. So this was about numbers of designers?

A. Yes.

Q. Just on Kevin Lamb, it’s right, I think, that he had only worked for Harley once before.

A. Yes.

Q. And that was on a job doing design details for a project proposal, wasn’t it?

A. Yes.

Q. What was that project?

A. I can’t recall.

Q. How familiar with his work were you?

A. He had worked -- personally, I wasn’t. He worked with Daniel for, I think, two or three years prior to Daniel joining us.

Q. I see. So this was about numbers of designers?

A. Yes.

Q. What was that project?

A. I can’t recall.

Q. How familiar with his work were you?

A. He had worked -- personally, I wasn’t. He worked with Daniel for, I think, two or three years prior to Daniel joining us.

Q. I see. So this was about numbers of designers?

A. Yes.

Q. What was that project?

A. I can’t recall.

Q. How familiar with his work were you?

A. He had worked -- personally, I wasn’t. He worked with Daniel for, I think, two or three years prior to Daniel joining us.

Q. I see. So this was about numbers of designers?

A. Yes.

Q. Is Mark Heywood connected with CEP?

A. He is.

Q. Yes, the name is familiar. Is that how you got the cladding design or cladding designer, through CEP, for that project?

A. He wasn’t through CEP, he was -- whilst he works with CEP, he is independent of them, so he did some design work on that for us.

Q. Is it fair to say that between June and August 2014, Harley was pretty desperate for some immediately available design expertise, extra expertise, and you took Kevin Lamb on for the want of anyone better?

A. No, I wouldn’t say that.

Q. All right.

Can I just ask you one or two questions about Ben Bailey, your son.

Q. Who was the designer that you did meet?

A. A chap called Gerry Clutterbuck.

Q. Which firm, or did he have a firm?

A. I can’t remember the name of his firm, but it was basically him.

Q. What was your experience of him?

A. I had worked with him a number of years ago and he has been a freelance designer on high-rise buildings for 20, 30 years.

Q. Which projects?

A. That I worked with him on?

Q. I’m so sorry, you’re right. Which of the Harley projects did you use Gerry Clutterbuck as your designer?

A. Not with Harley.

Q. Prior to Harley?

A. Yes.

Q. Right.

Looking at Chalcots and Ferrier Point, who were the designers on that? Was that a Harley design team or did you have externals on those projects?

A. On those two, I think Daniel did Ferrier Point.

Q. Right.

A. And Mark Stapley did Chalcots.

Q. Right, so you didn’t have externals?

A. At Chalcots we actually had a chap called -- sorry, my brain’s gone.

Q. Not to worry.

A. Did you have an external designer on Chalcots?

A. We did, to assist. Mark Heywood.

Q. Mark Heywood?

A. Yes.
1. Q. Did you or anyone else at Harley conduct the firebreak supplier. There is quite a large cost difference between what Siderise and the spec recommend, and upgrading to the 120min barriers we discussed on Tuesday.

2. A. Yes.

3. Q. Who preceded him?

4. A. The role of project manager at that point was being project manager, the Harley project manager for the Grenfell Tower project, in February 2015, wasn’t he?

5. A. Yes.

6. Q. Who preceded him?

7. A. The role of project manager at that point was being project manager, the contracts manager.

8. Q. I see.

9. A. He had just finished being a project manager on a high-rise curtain wall project, the value of which was probably double that of Grenfell.

10. Q. Which was that project?

11. A. That’s a project called Merit House.

12. Q. When did he start as project manager on Merit House?

13. A. It would have been two years before that.

14. Q. Aged 23?

15. A. Yes.

16. Q. And before Merit House, did he have any experience of project management?

17. A. He has worked for the company during his school holidays since 2009, so he was very familiar with project management.

18. Q. Merit House in 2013, that was his first project manager role, was it?

19. A. It was. Was it 2013? No, it was before that.

20. Q. Before that?

21. A. Sorry, I’m --

22. Q. When did --

23. A. I’m losing track of the dates.

24. Q. Let me try and clear it up. When did Ben Bailey become project manager on the Merit House project?

25. A. He — when he completed Merit House, we moved him on to

Kevin Lamb and Daniel Anketell-Jones. There is a context to this, quite a lengthy context to this.

I just want, if I can, to scroll to the bottom of this email and scan up to this email.

Can we go, please, to the bottom email in this chain (RYD00037117/3), I just want to show it to you, first of all. It starts at the bottom with an email from Ricky Kay on 26 March, he is Siderise, to Ben Bailey, copied to Lamb and Stapley. You didn’t see this. He includes an extract from Approved Document B on the subject of -- trying to summarise it -- fire integrity and insulation in relation to cavity barriers.

Then if we look at the next email up on page 2 (RYD00037117/2), please, there is an email from Ben Bailey to Simon Lawrence. Again, you don’t see -- sorry, you are copied in on this one actually:

“Simon,

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

“Could you forward this to the client’s representative for approval please.”

Then Simon Lawrence sends this to Studio E, copied to

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... and he wasn't happy with Harley's email as we were talking about fire stopping as opposed to cavity barriers. I have explained again the specifics of our scenario and he will have a conversation with Paul Hanson to see if there is a reduced spec they can agree to and will then speak with Harley's directly.

Then if we can look at the next page up you're copied in:

“Thanks for checking Neil.

Ben - See Neil’s response. It doesn’t look promising.”

Then you come in with your email at the top of that to Simon Lawrence, Neil Crawford and Ben Bailey, et cetera:

“Hi Simon,

“Reading the email from the specialist suppliers Facade Manager [that’s Ricky Kay, as we saw at the bottom] it should be fairly straightforward.

“A firestop is required to stop fire spreading between floors or party walls if it is inside the building. MC inside of the window or curtainwall.

“A cavity barrier is required to stop fire spreading inside the cavity. For the fire to enter the cavity it has had to have gone through the window or curtainwall.

“In our situation the cladding is outside of the windows and therefore it should have a cavity barrier as opposed to a firestop.”

Does that email reflect your understanding at the time of the distinction between cavity barriers and firestopping?

A. Correct.

Q. Where had you got that understanding from? I’m not saying it’s wrong, I just want to know where it’s from.

A. Experience, I suppose.

Q. Was it your conclusion that the façade was required to contain cavity barriers rather than firestopping to prevent the fire from entering the cavity?

A. The cavity barrier -- cavity barriers don’t stop it from entering the cavity, they stop it travelling round the cavity.

Q. Were you alive to the importance of effective cavity barriers around windows, particularly around these windows, to prevent fire from progressing into a cavity between the external wall and the rainscreen?

A. This comes back to the industry practice that if you’ve got a single window in a compartment, it’s not always regarded as necessary, except according to Approved Document B that is an incorrect assumption.

Q. Just so I understand: first of all, where does this industry practice that you’re referring to come from?

A. On a number of projects that we’ve done where we have this situation, the Building Control will decide whether or not the cavity barriers are necessary around the windows, and ... so, again, with this, this is why we always ask with cavity barriers, we ask the architect, Building Control, where they want them, what do they want. So we’ve gone along with that.

Q. In your answer before last you also said, “It’s not always regarded as necessary, except according to Approved Document B that is an incorrect assumption”.

A. Yes, I accept that.

Q. Right, okay. That may shorten things. I just want to be clear about it.

By way of a little build-up to that, just looking at the email I showed you at the top of page 2 about John Hoban not being happy about Harley’s email, what was your impression of the professionals’ understanding of the differences between firestopping and cavity barriers?

A. I thought he had made a mistake.

Q. Did it surprise or concern you that there appeared to be a significant level of confusion or mistake, as you put it, among the professionals in this chain even at this late stage of the project?

A. Yeah, I suppose it did.

Q. It did concern you?

A. It surprised me.

Q. It surprised you, all right.

Given that surprise, did you -- well, what did you do, I suppose is the best question I can ask you, given the fact that you had felt surprise about the degree of confusion?

A. I think the email that I sent was -- tried to clarify the position as we understood it.

Q. Did you check the guidance in Approved Document B before reaching the view that only cavity barriers were required, or were you already familiar with the provisions of Approved Document B in relation to cavity barriers?

A. I was familiar with the provision of cavity barriers and what they need to do and their fire -- on their fire performance that's necessary.

Q. Now, I think you say now that you have accepted that it was an erroneous understanding and that you do need
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Day 33

Grenfell Tower Inquiry

Q. If we go to {HAR00010169/2}, there are two photographs. Above the first one it says:

“The fire had caused extensive damaged(sic) to the living room, the windows and building structure as all had been subject to extensively high temperatures.”

Then we see the photograph of who turned out in the end to be Steve Blake pointing at the windows. It says underneath that:

“It was evident that despite the fire and the amount of flammable items in the flat such as paper etc. the fire breaks were still intact and prevented the fire spreading between flats. The Harley designed fire break system is visible, now the surrounding fabric has melted under the extensive heat.”

Did you understand or do you understand what was meant there by “firebreaks” in the context of this photograph?

A. It was firestopping.

Q. So not cavity barriers?

A. No.

Q. Were these breaks behind the cladding or was there firestopping elsewhere?

A. This firestopping was from the concrete slab to the back of the -- I’ll call it -- it’s not a -- a curtain wall.

Q. Right. Do you know why Harley constantly used the expression “firebreaks” --

A. I think that’s --

Q. -- as opposed to “firestops” or --

A. I think it’s just a generic term that’s used within the industry, and it covers cavity barriers and firestops.

Q. Who designed the Harley-designed firebreak system?

A. On there, it may have been Mark Stapley.

Q. Right. Do you know whether it was used at Grenfell Tower?

A. No, we had no firestopping.

Q. Or firebreaks?

A. No, we had cavity barriers.

Q. Not around the windows.
Q. Can we look at Approved Document B, which I think will/functions. So what happened at Camden is a different
situation from what we were faced at Grenfell.
A. Yes, and my question, again, is: given the lessons that
you, Harley, had learnt at Taplow House, why didn't
those lessons cause you to bring them to bear when
examining precisely what was going to go around the
windows at Grenfell?
A. We accept that's an error.
Q. Going back, then, to the email chain if I can, please,
| {HAR00006585}, this is an email to Daniel Anketell-Jones
which you forward to him, seeking his input. You say:
"Dan," "Do you have any comments?"
A. Yes.
Q. Do you have any comments?
A. Yes.
A. We accept that's an error.
Q. Can we look at Approved Document B, which I think will
crystallise the error. {CLG000000224/82}, please,
paragraph 9.1, 9.2 and 9.3.
9.1, let's start with that. I want, as I say, 9.1,
9.2 and 9.3. But 9.1:
"Concealed spaces or cavities in the construction of
a building provide a ready route for smoke and flame
spread. This is particularly so in the case of voids
in, above and below the construction of a building, e.g.
Q. Did you understand Mr Anketell-Jones to be indicating that there was no point installing fire resistant products, or specifically cavity barriers, within the cavity of the rainscreen because they wouldn’t have anything to expand against to resist the spread of fire because the rainscreen would have fallen off very quickly?

A. The... if we go back to firestopping, in two hours’ time there would be no panels there, in 20 minutes’ time there would be no panels there. The cavity barriers are supposed to stop the chimney effect and the spread of smoke around the building.

If the panels aren’t there, we no longer have a chimney, and therefore the draw of the fire up the inside of the cavity will stop.

Q. So there was no point effectively having any effective cavity barriers within the rainscreen system?

A. No, the half hour cavity barriers will do... will stop the spread within the cavity until such time as the cavity disappears.

Q. How do you reconcile his and your understanding that ACM would be gone rather quickly in a fire with what you understood to be its fire performance qualities as communicated to you by the BBA certificate that we were discussing this morning?

A. The fire performance certificate was that it wouldn’t actually ignite, as far as I...

Q. So it was your understanding that the ACM would either melt or would somehow remove itself from the building but wouldn’t ignite?

A. Yes.

Q. What would be the mechanism for that?

A. What, that it would melt?

Q. What would be the mechanism for melting but not igniting?

A. Well, if it’s... if there’s a fire, with the heat, it will melt. It may... and as at Chalcots, it burnt away.

Q. Was it your understanding that the tests which the BBA certificate had said that the panels had passed nonetheless allowed it to melt and fall off the building?

A. Yes.

Q. Really? Okay.

Given what you told us about class 0 this morning, which was that class 0 meant that the material was of limited combustibility throughout, as you told us, how does that reconcile with the idea that ACM would be gone rather quickly in a fire?

A. I said that class 0 throughout indicated to me that it was of limited combustibility, and that ordinary class 0 was just class 0, so that would... do you want to look that up?

Q. I’m not sure I understand, to be honest. Can we try it...
a different way. Given your understanding --

SIR MARTIN MOORE-BICK: I think Mr Bailey was going to explain.

MR MILLETT: Oh, I'm sorry.

SIR MARTIN MOORE-BICK: Did you want to explain, Mr Bailey?

A. Yes, I think the confusion with regard to class 0 is if it's class 0, it's not of limited combustibility, but if it's class 0 throughout, it is what I took to be of limited combustibility. So the Reynobond panels are just class 0. The assertion was made in the Celotex literature that their product was class 0 throughout, and that was the distinction that I was making.

SIR MARTIN MOORE-BICK: Right, thank you.

MR MILLETT: Did you think that the point about ACM being gone rather quickly in a fire was something that needed to be escalated to the attention of Building Control or Exova or Rydon or Studio E for that matter?

A. No, I thought it was a well understood result of a fire. Be it ACM or aluminium or glass, if there's fire on it, it will break.

Q. So you assumed that each of Studio E, Rydon, Exova and Building Control would have known what you knew, namely that ACM would be gone rather quickly in a fire, and you didn't need to take that up with them or tell them about your knowledge or concerns about that?

A. No, it's not just ACM.

Q. No, I understand what you're saying, but I think the answer to my question is: no, you didn't, because you assumed that they would know the same as you did?

A. Yes, and I think certainly at that time, and looking at Harley's drawings that Studio E had sent to is on 6 March?

Q. Did Simon Lawrence tell you that John Hoban had not commented on a set of Harley drawings that Studio E had provided to RBKC Building Control on 6 March 2015?

A. No, he hadn't.

Q. And those drawings which had been sent by Kevin Lamb of Harley to Simon Lawrence on 3 March?

A. I can't recall.

Q. For our reference purposes, they're at [SEA00000252], just for the transcript.

A. Did you seek to clarify with Rydon or Studio E whether RBKC's Building Control had any comments to make on Harley's drawings that Studio E had sent to is on 6 March?

A. No, the procedure is that we pass the drawings to -- technically to Rydon, but practically to the architects, and they deal with Building Control. In my experience, subcontractors almost never talk direct to Building Control.

Q. Just on that, then, can I just come to a point I was going to come to later.

A. Sorry, yeah.

Q. Did you ever have a discussion with John Hoban yourself --

A. No.

Q. -- whether on site or off site?

A. No.

Q. Did you ever have a discussion with anybody at RBKC Building Control?

A. No.

Q. Right.

Just going back to this, did you or anybody else at Harley to your knowledge assume, on receipt of Simon Lawrence's email of 1 April that we can see there, that Building Control had no adverse comments to make on the drawings that Studio E had sent to RBKC Building Control?

A. Correct.

Q. Right.

A. Were you aware, having seen those four drawings, if you had looked at them, that there were no cavity...
Q. Now, you do say in your statement -- and it’s paragraph 69 (HAR00001018/4), I don’t think I need to show it to you -- that you believed you would have read this email but had already seen the email chain of Chris Mort by the time you read Chris Mort’s email.

A. Yes.

Q. Now, you do say in your statement -- and it’s paragraph 69 (HAR00001018/17), I don’t think I need to show it to you -- that you believed you would have read this email but had already seen the email chain of Chris Mort by the time you read Chris Mort’s email.

A. Yes.

Q. Now, you do say in your statement -- and it’s paragraph 69 (HAR00003947). This is Ben Bailey’s email to you, 30 March 2015, as well as Kevin Lamb and Mark Stapley, and he is forwarding to you an email he had got the same day from Chris Mort at Siderise which attached some drawings.

Can I just look at the first paragraph of that email, just below it, halfway down the screen, he says: “Hi Ben, I have reviewed the drawings sent over and sketch a proposal to alleviate the issues raised by the BCO which was being forwarded to you, namely that he has highlighted the weak link so to speak in terms of fire and I think the BCO would have also noticed this.”

Now, let’s look at the drawing where he identifies the weak link. This is (HAR00003948), please. If you look, please, at the second drawing down there (HAR00003948/2), you can see where he has put a pink or orange squiggly cloud around the bracket and said, “Weak link for fire.”

Did you look at that drawing when it was forwarded to you by Ben Bailey on 30 March?

A. I’m not sure if I saw it on 30 March but I’ve seen it subsequently.

Q. Did you see it subsequently before the end of the project?

A. Yes.

Q. And did you note what Chris Mort had said in his email, which was being forwarded to you, namely that he has highlighted the weak link?

A. Yes.

Q. Now, you do say in your statement -- and it’s paragraph 69 (HAR00003948/2), you can see where he has put a pink or orange squiggly cloud around the bracket and said, “Weak link for fire.”

Did you look at that drawing when it was forwarded to you by Ben Bailey on 30 March?

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Did you look at that drawing when it was forwarded to you by Ben Bailey on 30 March?

A. I’m not sure if I saw it on 30 March but I’ve seen it subsequently.
Q. Would it be normal on a construction project for a specialist external façade contractor like Harley to be made aware by a manufacturer of a weak link for fire in the external façade and not then bring that to the attention of the Building Control body?
A. I don’t think we’ve ever had the situation before, no.
Q. If Harley were reliant, as I think you have said to some extent yesterday, on Building Control, how could John Hoban ever have given an informed final decision in relation to what was installed at least here so far as fire safety was concerned if he wasn’t fully apprised of the potential risks as identified by the manufacturer?
A. Building Control have the drawings. I’m not sure that this is actually a weak link if there is a continuous aluminium angle along the head of the window.

MR MILLETT: Mr Chairman.
SIR MARTIN MOORE-BICK: Yes, Mr Millett, I would like to ask you now some questions about infill panels on this project. Can I ask you to go to your statement at page 29 of your evidence. All right?

THE WITNESS: Okay.
SIR MARTIN MOORE-BICK: We will come back at 3.40, please.
THE WITNESS: Okay.
SIR MARTIN MOORE-BICK: We will come back at 3.40, please.
THE WITNESS: Okay.
SIR MARTIN MOORE-BICK: And no talking again, please, about your evidence. All right?

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MR MILLETT: Mr Chairman.
SIR MARTIN MOORE-BICK: Thank you.
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SIR MARTIN MOORE-BICK: Thank you. 3.40, please.

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SIR MARTIN MOORE-BICK: We will come back at 3.40, please.
THE WITNESS: Okay.
SIR MARTIN MOORE-BICK: And no talking again, please, about your evidence. All right?

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MR MILLETT: Mr Chairman.
SIR MARTIN MOORE-BICK: Thank you.
MR MILLETT: Mr Chairman.
SIR MARTIN MOORE-BICK: Thank you. 3.40, please.

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SIR MARTIN MOORE-BICK: If Harley were reliant, as I think you have said to some extent yesterday, on Building Control, how could John Hoban ever have given an informed final decision in relation to what was installed at least here so far as fire safety was concerned if he wasn’t fully apprised of the potential risks as identified by the manufacturer?
A. Building Control have the drawings. I’m not sure that this is actually a weak link if there is a continuous aluminium angle along the head of the window.

MR MILLETT: Mr Chairman.
SIR MARTIN MOORE-BICK: Yes, Mr Millett, I would like to ask you now some questions about infill panels on this project. Can I ask you to go to your statement at page 29 of your evidence. All right?

THE WITNESS: Okay.
SIR MARTIN MOORE-BICK: We will come back at 3.40, please.
THE WITNESS: Okay.
SIR MARTIN MOORE-BICK: We will come back at 3.40, please.
THE WITNESS: Okay.
SIR MARTIN MOORE-BICK: And no talking again, please, about your evidence. All right?

---

MR MILLETT: Mr Chairman.
SIR MARTIN MOORE-BICK: Thank you.
Do you remember looking at this drawing and similar drawings?
A. Yes.
Q. Did you ever make any investigations into what materials made up P1 and P2?
A. No. From the specification on the key drawing, there was a make-up shown on that, yes.
Q. The specification on the key drawing?
A. There is --
Q. Let’s see how we go, we may come to it.
Can you please go to {HAR00003866}. This is an email -- well, it isn’t an email. This is a meeting note, actually, of January 2015. I’m not sure we can see the date on the first page, but it’s progress meeting number 1 of 2015. In attendance were Mr Maxwell, you, Mr Stapley and Kevin Lamb. Do you see that?
A. Yes.
Q. Do you remember the meeting?
A. Not offhand, no.
Q. No. Let’s look down to page 3 {HAR00003882/3} and look at item 8. Item 8: “Sanwich(sic) panels RAL 9010 sorce(sic) from new supplier?”
A. Yes.
Q. Do you remember earlier today Mr Bailey we looked at the drawings?
A. We did.
Q. -- revision? This is the very first one, as you can see, 15 January 2015. If you look, please, with me, you can see on the left-hand side that Mr Lamb, if you ignore the red annotations, specified under “Glazing - P1”:

"Outer - 2mm aluminium skin RAL 9010 matt ..."

So answering your question --
A. It would have been between those two dates.
Q. Right, fine.
A. Don’t.
Q. Just on there, while we’re on it, there is also a reference to “Alucobond panels to be ordered” at item 13. Can you explain that?
A. I think I said yesterday that Alucobond is to ACM what Hoover is to vacuum cleaners.
Q. The date of the document is 15 January 2015. You can see that from the bottom right-hand corner.
A. Do we know what date the revision A was?
Q. Offhand, we cannot go to another document. Well, I’ll try and answer your question by showing you {RYD00046822}. I don’t want to go round in circles, but you can certainly see that from this document -- this is revision D of 15 July 2015, and that tells us from the box that the first revision, revision A, is 3 March 2015.

First of all, did you see this document when it was first produced in January 2015?
A. No.
Q. Looking at the red annotations, they amended the dimensions of the aluminium skins on both P1 and P2, as you can see, but they also amended the core from Kingspan TP10 rigid insulation to 25 millimetres of styrofoam.
Can you explain when that decision was made?
A. What’s the date of the drawing?
Q. The date of the document is 15 January 2015. You can see that from the bottom right-hand corner.
A. Do we know what date the revision A was?
Q. Offhand, we can go to another document. Well, I’ll try and answer your question by showing you {RYD00046822}. I don’t want to go round in circles, but you can certainly see that from this document -- this is revision D of 15 July 2015, and that tells us from the box that the first revision, revision A, is 3 March 2015.

Going back, if we can, then, to the red annotations on {HAR00003866}, do you know whose red annotations those were?
A. I don’t know whose they are, but they look like they might be Mark Stapley’s writing.
Q. Right.
A. Mm-hm.
Q. But if you look at the rev box, there are no revisions. So we can narrow our timeframe down to the changes, I think, to between 15 January and 26 January 2015, can’t we?
A. Yes.
Q. Yes, because we can then see, if we pan out again, that the core for glazing for P1 had by then been changed in the printed form of this document from Kingspan TP10 to "Core - 24mm Kingspan TP10 rigid insulation."
Q. Hoover is to vacuum cleaners.
A. I don’t.
Q. In fact, they were Reynobond?
A. Yes.
Q. Just to clear that up.
A. Mm-hm.
Q. -- revision? This is the very first one, as you can see, 15 January 2015. If you look, please, with me, you can see on the left-hand side that Mr Lamb, if you ignore the red annotations, specified under “Glazing - P1”:

"Outer - 2mm aluminium skin RAL 9010 matt ..."
Q. -- that the infill panel at P1 became styrofoam but P2 remained TP10 rigid insulation?

A. I can’t.

Q. -- during that timeframe, between 15 January and 26 January? You can’t, all right.

Do you know why Mr Lamb, as it appears, adopted that change for P1 but not for P2, as you can see the core there for P2 remained Kingspan TP10 rigid insulation?

A. I don’t know.

Q. This version, as you can see, went to Studio E, who approved it as conforming to design intent, but subject to a comment that I don’t think we need to get into, but you can’t explain why for P1 but not P2.

Did you or Kevin Lamb to your knowledge tell the author of the red annotations, who may have been Mark Stapley, that his prescription of styrofoam was being followed for P1 but not for P2?

A. No.

Q. Now, can we look at your witness statement, page 23 (HAR00010184/23), please. You say at paragraph 92:

“"All the materials used in the building envelope were specified within Studio E’s NBS specification."

That’s not correct, is it, because the P1 and P2 materials were specified by Harley, not by Studio E in the NBS spec?

A. That may be correct.

Q. Well, we can’t find anywhere in the NBS spec where we find either styrofoam or TP10 as the material to be used in the core of the sandwich panels.

A. That may be correct.

Q. So -- well, can you help us?

A. If it’s not actually in the NBS spec, it may be in the original pack of drawings.

Q. We haven’t been able to find it.

A. You can’t find it?

Q. We haven’t been able to find anything at all specifying the material for the core for P1 or P2 infill panels anywhere in the --

A. Right.

Q. -- NBS spec or the drawings. So we are proceeding on the assumption that that came from Harley, and I’m interested to know whether you agree, and, if so, why that is.

A. Without the -- looking back at all the documents, I can’t disagree with you.

Q. And you can’t, I think, help us why it is --

A. No, I can’t.

Q. -- that the infill panel at P1 became styrofoam but P2 remained TP10.

A. No, I can’t.

Q. Styrofoam is the trading name for extruded polystyrene insulation material, or XPS, isn’t it?

A. It is.

Q. Do you know why a named product was not(sic) specified at this point in the design process?

A. Sorry?

Q. Yes. Do you know why a named product was being specified at this point?

A. No, I think, again, styrofoam is a commonly used trade name for that type of product.

Q. Right. So given that styrofoam is a trade name -- a bit like Hoover, I think was your example before.

A. Yes.

Q. Given that Styrofoam was the Hoover of extruded polystyrene, do you know then why a named product wasn’t specified in the way that TP10 was for that material?

A. I don’t.

Q. Now, do you accept that styrofoam is an insulation product?

A. Yes.

Q. And do you accept that it was not a material of limited combustibility?

A. I do.

Q. Do you accept that it should not therefore have been specified for the P1 panel?

A. I think there’s a -- there is a debate on that, because it is bonded to two skins of aluminium, so it can be classed as a class 0 product, and because it’s in the window rather than a rainscreen cladding, I don’t believe that that’s covered by ADB2.

Q. Did you believe that at the time?

A. Yeah, windows are always a bit of an oddity with regard to this.

Q. Was it your view at the time that the P1 panel was not part of the external wall construction for the purposes of Approved Document B?

A. Yes.

Q. Was that a view you discussed with anybody at Studio E at the time?

A. No.

Q. Was it a view you discussed with anybody at the time?

A. No, it’s -- it is just one of those oddities that windows seem to fall outside of the cladding.

Q. You say it can be classed as a class 0 product; did you know of any tests or any certificates in relation to these panels which could have shown you that it was class 0?

A. No, I’m just looking at ADB2, which has two skins of
Q. Did you know of any tests or certificates which showed you that it was either of material of limited combustibility or had passed a BS 8414 test?

A. No, because it’s... sorry, yes, it’s not a product that we believed was of limited combustibility.

Q. Now, can I turn to the P2 panel? We saw earlier that Kingspan Thermapitch TP10 throughout the Harley spec from January to July 2015.

Did you know that Kingspan TP10 rigid insulation was in fact a PIR insulation product sold for use as a roofing insulation?

A. I didn’t.

Q. Can we look at the BBA certificate for it, which is at [KIN00000276]. This is the BBA certificate for TP10, Kingspan Thermapitch TP10, and it’s dated, or date of first issue, 30 January 2009. On page 1 we can see that the product is described under the heading “Product scope and summary of certificate”, do you see? It says: “This Certificate relates to Kingspan Thermapitch TP10 board, a warm roof insulation system, using rigid polyisocyanurate (PIR) board, faced on both sides with aluminium foil for use in pitched roofs in new and existing domestic and non-domestic buildings.”

Can I assume that you didn’t read this BBA certificate at the time of the Grenfell Tower project?

A. I’ve not seen this.

Q. Do you know whether anybody at Harley did?

A. I would suspect that Kevin has read it.

Q. You suspect that he has read it. Do you know that?

A. I don’t, you need to ask Kevin.

Q. Okay. And Kevin because he was the one who pulled together the Harley spec, is that why?

A. Yes.

Q. Are you saying that you wouldn’t have expected Kevin Lamb to have specified Kingspan Thermapitch TP10 in that document unless he had read the certificate; is that what you would have expected of him?

A. I would have expected -- I know he has used this on other projects, not for us but for other people he works for, so it’s a product that he’s familiar with.

Q. You know that. On those other projects which you say he has used it on, where did you think or know that he had used it?

A. I don’t know which projects they were.

Q. Where in the building?

A. Sorry.

Q. Where in the building do you think Kevin Lamb had previously used or specified Thermapitch TP10?

A. On other window infill panels.

Q. I see. And how did you know that?

A. Because he had told me he was familiar with them.

Q. In what context did he tell you that?

A. When we were -- I said, “Why have we got, you know -- what is this?”, and this is after the fire, so not at the time, “What’s the difference?”, and he said, “I specified TP10 because I used it all the time” --

Q. I see, so this is a conversation after the fire?

A. It was, yeah.

Q. Not during the project?

A. No.

Q. Looking at the certificate now, are you surprised that Kevin Lamb thought it appropriate to use Thermapitch TP10 as a window panel or infill panel material?
A. There wasn’t.

Q. It’s right, I think, that there was no written contract

A. We don’t employ installers.

Q. It’s right, I think, that there was no written contract

A. No, that is just the insulation itself.

Q. Well, it’s the product.

SIR MARTIN MOORE-BICK: I think you may be at

cross-purposes. If I have understood you correctly,

Mr Bailey, what you are saying is you take this TP10 --

A. Yes.

SIR MARTIN MOORE-BICK: -- which doesn’t test to class 0,

but then you encase it in aluminium --

A. Yes.

SIR MARTIN MOORE-BICK: -- and then, viewed overall, the

resulting product can be regarded as class 0.

A. That’s my understanding, yes.

SIR MARTIN MOORE-BICK: Is that what you’re saying?

MR MILLET: Who produced the panels which included the

Thermapitch TP10 as the insulation material, or the

middle, if you like, of the panel?

A. I may be wrong but I think it was Panel Systems.

Q. Did you ever see any certificate in relation to the

product that Panel Systems provided?

A. No, I didn’t.

Q. Now, I want now to turn to some questions about the

selection of Harley’s subcontractors, and I want to look

at Osborne Berry in particular.

Can I please go to your statement at page 19

[HAR00010184/19], please, paragraph 75. You say there:

“From Harley’s perspective, work began on site in

around October 2014, and was completed in around

May/June of 2016. The stages of work were as follows:

(1) erection of mast climbers; (2) commencement of

installation of brackets/rails and insulation; (3)

window installation; and (4) the final stage, which

would have been the cladding installation. The

installation work was carried out by Osborne Berry

Installation Limited, supervised by Mark Osborne and

Graham Berry, with whom Harley had worked on a number of

previous projects.

So is it right to say that the installation of

the brackets and rails and insulation, windows and cladding

were not carried out by Harley employees but by a

subcontractor called Osborne Berry?

A. Correct.

Q. Do you know why Harley didn’t undertake the installation

works itself?

A. We don’t employ installers.

Q. It’s right, I think, that there was no written contract

with Osborne Berry in relation to the Grenfell Tower

works that they were to carry out, was there?

A. There wasn’t.

Q. No. Why is that?

A. It is not uncommon practice for us to employ

subcontractors on an agreed price but not actually have

a written contract.

Q. Right.

If you look at paragraph 97 of your statement on

page 24 {HAR00010184/24}, you say:

“The installation of the external facade was

subcontracted to Osborne Berry, with whom Harley had

worked for many years on a number of large projects.

The directors of Osborne Berry are Mark ‘Taff’ Osborne

and Graham ‘Bez’ Berry, both of whom are highly

experienced in installing external facades.”

Did you or anyone else at Harley look for any

installation subcontractors other than Osborne Berry?

A. We have a list of four or five subcontract glazing

companies that we use and that we’ve used over the

years. On this particular project, we decided that

Osborne Berry were probably the right team to use. So

it was a negotiated contract with them.

Q. How did you decide that Osborne Berry were, as you put

it, probably the right team to use?

A. They were finishing another project, becoming available

at the time that the project was due to start.

Q. What processes did Harley have in place to ensure that...

its subcontractors were competent to undertake the works

for which they were to be subcontracted?

A. That’s the reason we have a list of four or five

subcontract companies that we work with, and only those
guys. We’ve worked with them for -- with Osborne Berry

for -- I’ve known them for 30 years and they’ve worked

on some other large projects for Harley of a similar

nature.

Q. What did subcontractors have to do to become approved by

Harley, to be able to get on to Harley’s list?

A. Normally, if a new -- a new subcontractor we would take

on if we had a new contracts manager came to work for

us, for example, who had had a good relationship with

a subcontract fixing company, and we would start them

off on one project, and if they were successful we would

move them to other projects.

Q. Did price play a role in your selection of Osborne Berry

for this project?

A. No. Price is obviously important, but the fixers

actually have a pretty standard installation rate per

square metre for putting -- and they’re all very much

the same.

Q. Had you used Osborne Berry on Chalcots?

A. No.

Q. Who had you used on Chalcots?

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actually have a pretty standard installation rate per

square metre for putting -- and they’re all very much

the same.

Q. Had you used Osborne Berry on Chalcots?

A. No.

Q. Who had you used on Chalcots?
Q. Can I just ask you then to look at a slightly different topic, an email at {RYD00029683}. This is an email of February 2015 be, sent by Simon Lawrence to Rob Maxwell, into which you were copied.

A. Clements Court in Heathrow, and -- not City Road, another project in east London.

Q. I've asked Simon to arrange meetings on site this week with yourselves to go through programme, deliveries etc. Unfortunately you seem to be a hard man to get in contact with. This means that we are getting information from your sub contractors on site. This is not ideal. As far as I'm concerned we need Harley supervision permanently on site, as promised, from now on to ensure the programme is achieved and that we have clear contactable lines of communication. Also we have major concerns about your current labour levels. All

mastclimbers should be running full tilt from now on but they aren't.

"Please call Simon urgently to remedy this situation before it gets out of hand."

How frequently were Harley employees attending the site at this time, February 2015?

A. I would say twice a week.

Q. So Mr Lawrence was right, wasn't he, then, that there was no Harley person permanently on site at this time?

A. No, we had no -- we wanted a site cabin. We had no site facilities on site, so it was difficult for us. We asked for site facilities but they weren't available.

Q. Who did you ask for site facilities?

A. Simon Lawrence.

Q. And what did he tell you?

A. There's no room.

Q. When did he tell you that?

A. At -- when we started on site, probably October time.

Q. Did you press him after that?

A. We did, but they would only allow -- there's a small play area to the west of the building, and that was full of cabins, and we weren't allowed, so I'm told, to stack the cabins.

Q. Could you share one with another subcontractor or with Rydon?

A. W Kenny.

Q. What about on Ferrier Point?

A. W Kenny had done that.

Q. What other high-rise projects had you used Osborne Berry on prior to Grenfell Tower?

A. Six blocks at Little Venice.

Q. Right.

A. Rydon?

Q. What about on Ferrier Point?

A. W Kenny.

Q. What about on Ferrier Point?

A. Rob Maxwell.

Q. What about on Ferrier Point?

A. 14ам.

Q. March 2015.

A. Clements Court in Heathrow, and -- not City Road, another project in east London.

Q. Can I just ask you then to look at a slightly different topic, an email at {RYD00029683}. This is an email of February 2015 be, sent by Simon Lawrence to Rob Maxwell, into which you were copied.

A. He says:

"Rob,

I've asked Simon to arrange meetings on site this week with yourselves to go through programme, deliveries etc. Unfortunately you seem to be a hard man to get in contact with. This means that we are getting information from your sub contractors on site. This is not ideal. As far as I'm concerned we need Harley supervision permanently on site, as promised, from now on to ensure the programme is achieved and that we have clear contactable lines of communication. Also we have major concerns about your current labour levels. All

mastclimbers should be running full tilt from now on but they aren't.

"Please call Simon urgently to remedy this situation before it gets out of hand."

Q. More frequently.

A. That would have been Rob.

Q. How could Rob -- Rob Maxwell, that is -- promise permanent supervision on site if, as you say, Mr Lawrence had kept telling him there was no room?

A. It's a good question.

Q. Well, what's the answer to that?

A. I've no idea why he said that.

Q. After this email, given what he was after, did Mr Lawrence get the satisfaction of having Harley supervision permanently on site as he records here?

Q. After this email, to ensure appropriate workmanship and after this email, to ensure appropriate workmanship by its subcontractors if it didn't have operatives constantly on site?

A. Well, when we have mast climbers, we can't have people permanently going up and down in the mast climbers, so when work reaches a certain stage, there is a series of handover sheets produced to check the quality of the work, but it's not -- in the first stage, Osborne Berry will check their own work, that they're happy with it, and offer it to us. We'll carry out a check. It's not 100%, every nut, bolt and screw checked. Once we're happy with the quality of work coming to us, we'll check it and then hand it over to Rydons to inspect, and when they're happy with it they pass it over to the clerk of works to inspect. So there is a four-stage checking on the works.

Q. After this email, how frequently did Harley attend on site?

A. Three or four times a week after this email, but before this email?

Q. Three or four times a week.

A. Twice a week.

Q. I see.
1 Q. Did he ever accuse you of being cheap and incompetent?
   2 A. No.
   3 Q. Or at least incompetent, if not cheap?
   4 A. No.
   5 Q. Did Harley have a process in place for ensuring that its work and residents’ complaints were dealt with as swiftly as practically possible?
   6 A. Yes.
   7 Q. What was that system?
   8 A. If there is an issue with the quality, it’s put -- it’s returned back from Rydons and we put it right. If it’s not put right, then Rydons will call me and tell me.
   9 Q. So Rydons was the route, was it?
   10 A. Yeah, if -- well, it will come back through us, through Harley, and if we don’t deal with it, Rydon will get involved and call me.
   11 Q. Can I then ask you to look at RYD00085661. This is an email into which you were copied, late on in the project. It’s dated 12 January 2017, from Emma Kelly at Rydon to Ben Bailey and you, copied to David Hughes:
      “Urgent update - Grenfell Tower windows.”
      Emma Kelly sets out a “large number of defects relating to windows open on our system” and she sets them all out.
      Looking at this email, do you recall it?
      A. I’m not sure that I recall that, but I’ve obviously seen it.
      Q. All right. She says, as I’ve said:
         “… there are a large number of defects relating to windows open on our system, some of which have been open as long as August. This is not acceptable and we are not receiving any response from our chaser emails/calls. We must ensure that defect[s] are closed out within the target rectification time provided.
         “Please ensure that we are provided with a thorough update by close of play today.
         “Failure to do this will result in the issue being escalated.”
         Then you can see that there are a number of open items or open defects relating to windows set out there. Some of them, as you can see, go back to August and September 2016, if you look at the dates in the second column. Do you see that?
MR MILLETT: I think so, for the time being, and if I need

SIR MARTIN MOORE-BICK: Do you think ten minutes would be

MR MILLETT: I think so, for the time being, and if I need

SIR MARTIN MOORE-BICK: You can come --

MR MILLETT: Thank you.

SIR MARTIN MOORE-BICK: Mr Bailey, as Mr Millett has

explained, he has got to the end of the questions he has

prepared, but he needs to take a moment or two to check

there aren't any more things he needs to cover. So

we're going to break for ten minutes.

THE WITNESS: Okay.

SIR MARTIN MOORE-BICK: Then we will see if he has some more

questions.

So if you would like to go with the usher, remember

the no talking rule, and we will come back at 4.35.

THE WITNESS: Okay.

(Pause)

SIR MARTIN MOORE-BICK: Right, 4.35, then, please.

Thank you.

(4.26 pm)

(A short break)

(4.35 pm)

SIR MARTIN MOORE-BICK: Have you found some more questions,

Mr Millett?

MR MILLETT: Just one or two.

SIR MARTIN MOORE-BICK: Right.

of the quality of the work on site or some of the

quality of the material?

A. No, I think the bulk of these is to do -- and the report

of what they are, kitchen window not closing, window

doesn't close, these are to do with the mechanism that

probably nine times out of ten are to do with the window

being operated incorrectly.

Q. What did you do to remedy these defects, do you

remember?

A. Well, we went there, we remedied them. There's probably

half a dozen windows on the job where the top arm

connect had broken, which is probably because they had

been dropped when the window's been out of mode, so we

needed new parts to change those. The rest of them are

pretty much resetting the handle mechanism.

MR MILLETT: Yes, thank you.

Mr Chairman, Mr Bailey, I've come to the end of my

questions. It's now customary for us to take a short

break just to see whether there are any sweep-up

questions I have missed, or whether there are questions

from elsewhere that I should be putting as a result of

follow-up.

SIR MARTIN MOORE-BICK: Do you think ten minutes would be

enough?

MR MILLETT: I think so, for the time being, and if I need

a little bit more, may I apply through the usual

channels.

Could you ask Mr Bailey to come back, please.

(Pause)

Right, Mr Bailey, I think Mr Millett has one or two

questions, but we will see.

THE WITNESS: Okay.

MR MILLETT: Mr Bailey, I took you earlier to Chris Mort --

he's the Siderise chap -- and his warning about the weak

link for fire. Do you recall that --

A. I do.

Q. -- evidence from this afternoon?

You told us you thought he had the wrong end of the

stick. You also said that you didn't think it was

actually a weak link if a continuous aluminium angle

along the head of the window was used. Do you remember

that evidence?

A. I do.

Q. Just for our purposes, that's at [Day33/159:25] and

[Day33/161:14]; just so we have it in the transcript.

Can I ask you to look, please, at ADB at

[CLG00000224/86]. You will see here paragraph 9.13, and

you can see under the note there:

"Cavity barriers provided around openings may be

formed by the window or door frame if the frame is

constructed of steel or timber of the minimum thickness

in a) or b) above as appropriate."
SIR MARTIN MOORE-BICK: Mr Bailey, it's been quite a long period for you to give evidence, and it may not have been a weak link if there was a continuous aluminium angle along the head of the window.

A. Yeah, if -- it's far, far better to have a continuous angle along the head.

Q. That's not something that is recommended or even suggested by ADB, is it?

A. No, and we're not suggesting that it's a cavity barrier.

SIR MARTIN MOORE-BICK: No, you say what you want to say, please.

A. No, it's -- no. You know, things need to change. We have through a great deal of evidence over the last two days and we are very grateful for your assistance. Looking back on all of that evidence and looking back on your involvement in general in the Grenfell Tower project as a whole, is there anything that you would have done differently?

A. I have been asking myself that for the past three years. Looking back to what we knew then, certification that we had, the industry practices that were used throughout the UK, if we were faced with the same job now, I suspect, I'm pretty certain, that we would have done it exactly as we did back then.

There's no one, I can't think for a second that anybody in the construction team working on Grenfell or on the hundreds of other buildings that we similarly constructed across the UK, nobody would have thought for one minute that anything we were doing was unsafe. But if I could go back in time, armed with what I know now, the certification, the testing regimes, the caveats, the misinterpretation of the Building Regulations, that are not just restricted to us but the whole industry, this stuff, Reynobond, Celotex, Kingspan, none of it would be on the wall.

The legislation is complicated to use, it's not very clear, and I think any form of combustible insulation or cladding should be banned immediately. I know that's not my place to say, but if the building regs banned it, it wouldn't be on the building.

Class 0, as I sort of understand how that came into being, was some industry self-interest body created this false class and it's clouded everybody's judgement and belief over the past 40 years.

So, yes, we would do -- sorry, I'm ranting.

SIR MARTIN MOORE-BICK: Mr Bailey: No, you say what you want to say, please.

A. No, it's -- no. You know, things need to change.

SIR MARTIN MOORE-BICK: All right.

MR MILLETT: Mr Bailey, thank you very much. I have no further questions.

SIR MARTIN MOORE-BICK: Mr Bailey, it's been quite a long period for you to give evidence, and it may not have...
been a very easy task for you to undertake, but we are very grateful to you for coming to tell us what you know, and it has been very helpful to hear from you, so thank you very much indeed.

It’s all over now, those are all the questions we have for you, so you are now free to go.

THE WITNESS: Thank you.

SIR MARTIN MOORE-BICK: Thank you very much.

(The witness withdrew)

SIR MARTIN MOORE-BICK: Right, thank you very much, Mr Millett.

MR MILLETT: Thank you, Mr Chairman.

SIR MARTIN MOORE-BICK: That’s it for the day, I take it?

MR MILLETT: That’s it for the day.

SIR MARTIN MOORE-BICK: Tomorrow we have another witness.

MR MILLETT: We have another witness, Mr Mark Harris, who will be giving evidence from a remote location.

SIR MARTIN MOORE-BICK: Yes. Good.

Thank you very much. 10 o’clock tomorrow, please.

(4.45 pm)

(The hearing adjourned until 10 am on Thursday, 10 September 2020)
September 9, 2020
Grenfell Tower Inquiry

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