

Grenfell Tower Inquiry

To all Core Participants

By email only

20 March 2020

Dear Sirs,

Extension of Attorney General's undertaking to certain legal persons

On 27 February 2020 Stephen Rimmer LLP, the recognised legal representative of Mark Osborne, Grahame Berry and Osborne Berry Installations Ltd ("Osborne Berry"), wrote to the Inquiry enclosing an application of the same date that they had made to the Attorney General to extend the undertaking, which currently applies only to natural persons who give evidence to the Inquiry, to Osborne Berry, the company through which Mr Osborne and Mr Berry carry on business.

The Attorney General's Office has informed the Inquiry that any application to extend the scope of the undertaking to a specific legal person should be made by the Inquiry Panel itself, if it considers that such an extension is justified in the light of the Attorney's decision of 26 February 2020. Having considered the matter, the Panel has reached the conclusion that it is necessary for the undertaking to be extended to Osborne Berry for the following reasons:

- (i) Osborne Berry is a company used by Mark Osborne and Grahame Berry as their business vehicle. The Panel's understanding is that they own all, or almost all, the shares in the company in equal proportions and are the only active directors. Between them, therefore, Mr Osborne and Mr Berry control the company.
- (ii) The company enters into sub-contracts for the installation of windows and cladding in residential and commercial premises. It installed the windows and cladding on Grenfell Tower as a sub-contractor of Rydon Maintenance Ltd. Both Mr Osborne and Mr Berry work for the company and both worked on Grenfell Tower.
- (iii) The evidence of Mr Osborne and Mr Berry is directly relevant to the Inquiry's investigation into the design and construction of the building and its compliance with relevant regulations and guidance (see paragraphs (i)(b) and (d) of the Inquiry's Terms of Reference).

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(iv) Some criticisms have been made by experts instructed by the Inquiry of the work carried out by Osborne Berry. It is therefore necessary to understand (among other things):

(a) what instructions the company was given, how its fitters carried out their work and what degree of supervision and inspection was undertaken, when and by whom;

(b) how a quantity of insulation material of a kind different from that which had been specified was incorporated into the cladding; and

(c) the extent of the company's contact with Building Control.

Mr Osborne and Mr Berry have important evidence to give on these matters and will therefore be called as witnesses.

(v) Osborne Berry is a "two-man" company and it is clear from the submissions made by Stephen Rimmer that Mr Osborne and Mr Berry are likely to claim privilege against self-incrimination in right of the company on the grounds that when they give evidence before the Inquiry, they effectively represent themselves and embody the company simultaneously.

(vi) Since both Mr Osborne and Mr Berry were carrying out work in the name of the company, it is possible that each of them might have to be regarded as embodying the company for the purposes of answering some questions relating to acts that he personally carried out on its behalf, and perhaps more generally.

The Attorney General's Office has also informed the Inquiry that it would like to know now whether the Inquiry intends to make a similar request in relation to other companies whose representatives will be called to give evidence. The purpose of this letter, therefore, is to invite core participants to identify any other companies which in their view should be brought within the scope of the undertaking in order to enable the Inquiry to carry out its work, setting out the grounds on which that step is said to be necessary. It is not the purpose of this letter to invite comments on the Panel's conclusion relating to Osborne Berry. It will be for the Attorney General to decide in due course whether to invite submissions from core participants after a formal request to extend the undertaking has been received from the Inquiry Panel.

Please ensure that your response reaches the Solicitor to the Inquiry no later than **4.00 pm on Friday 27 March 2020**.

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Yours faithfully

Caroline Featherstone

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Solicitor to the Inquiry