



Weightmans LLP
1 St James' Gate
Newcastle upon Tyne
NE99 1YQ

T +44(0)345 901 2100
F +44(0)345 901 2040
www.weightmans.com

FAO: Caroline Featherstone
Grenfell Tower Inquiry

Contact: Tom Thurlow

By Email Only:
caroline.featherstone@cabinetoffice.gov.uk

T: 0345 901 0945
E: tom.thurlow@weightmans.com

Our ref: 170835.00101/TT

27 March 2020

Dear Sirs

Extension of Attorney General's undertaking to certain legal persons

We refer to your letter to all Core Participants dated 20 March 2020 ("Letter").

As you know, we act for CS Stokes & Associates Limited ("CS Stokes").

Request from the Inquiry

Further to a request, from Osborne Berry, that the Undertaking given by the Attorney General be extended to cover Osborne Berry's representatives, and the GTI indicating that it will ask the Attorney General to extend the undertaking in that regard, the GTI has asked:

"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."

We set out CS Stokes' response below.

Response to the Letter

To date CS Stokes has attempted to work with the GTI in an open and co-operative manner. For example, when Rule 9 requests for Witness Statements have been made of it, CS Stokes has attempted to provide considered and fulsome responses.

When CS Stokes' sole director – Carl Stokes – is called on to give oral evidence, he intends to take the same approach.

Mr Stokes has been forced to consider his position following the Attorney General's decision to only extend the Undertaking to natural persons, given that Mr Stokes is the sole director of CS Stokes and CS Stokes being the corporate vehicle through which Mr Stokes carried out work as a fire risk assessor.

Similar to Osbourne Berry, therefore, and as a 'one-man-band', Mr Stokes is capable of being seen as embodying CS Stokes. Consequently, by the Chairman's own reasoning in his letters to the Attorney General, and as canvassed in the Letter *vis-à-vis* Osbourne Berry, Mr Stokes could also:

"claim privilege against self-incrimination in right of the company on the grounds that when [he] give[s] evidence before the Inquiry, [he] effectively represent[s] ... and embod[ies] the company simultaneously."

Unlike Osborne Berry, however, Mr Stokes has not felt it necessary to claim any such privilege against self-incrimination, both out of respect for the Inquiries' work, but also on account of the fact that Mr Stokes does not consider his evidence to be self-incriminatory in relation to CS Stokes as a company or at all.

Furthermore, in contrast to the position of Messrs Osborne and Berry, whose corporate vehicle has been criticised by the Inquiry's appointed experts, the Inquiry's appointed Fire Risk Assessment ("FRA") expert – Colin Todd – has not to date criticised CS Stokes.

On the contrary, as part of series of emails and conversations between the MPS and CS Stokes' legal representatives, in the context of a request to provide evidence by way of a statement as a witness (and not under caution), Mr Stokes was informed by DS Kath Watson of the Metropolitan Police (Operation Northleigh) by way of email dated 30 April 2018 (09:49) that:

"Your FRA has been reviewed by our expert, Colin Todd, and he sees it as satisfying the requirements of the Regulatory Reform (Fire Safety) Order 2005".

Moreover, CS Stokes' legal team have also been informed by DS Lydia Stephens of the Metropolitan Police (Operation Northleigh) by way of email to our Tom Thurlow dated 16 May 2018 (10:49) of the following:

"Colin Todd has been contacted to assist the MPS with interpreting specialist subjects and literature in which he is an expert, and has as DC Watson explained reviewed Mr Stokes' June 2016 FRA as meeting the required standards of the Fire Safety Order. Unfortunately, we are not in a position to provide you with a copy of his advice at this stage, as it forms part of a broader document containing information that cannot yet be disclosed. However, we can reiterate that Mr Stokes will be interviewed on a voluntary basis as a witness and Colin Todd has assessed his FRA as being satisfactory. If Mr Stokes would like to review Mr Todd's report prior to the interview, we would be happy for him to have access at a convenient time for him and can discuss that in further detail."

We have asked the MPS for a report which we have been led to believe that the MPS have, and which records this view and it has not been provided to date. CS Stokes' legal representatives (James Leonard of Counsel and Richard Palmer of Watson Burton LLP, now Weightmans LLP) also met with Counsel to the Inquiry - Kate Grange QC - and members of the Inquiry team on 6 July 2018. During that meeting, and in follow up correspondence thereafter, this issue was raised and again the report was requested. To date, this report has not been provided to CS Stokes.

As matters stand therefore, we do not have any basis, and neither does CS Stokes, for believing that he is the subject of criticism in relation to the FRAs prepared by the company for Grenfell Tower. Moreover, although some comments have been made in Submissions made by BSR CPs relating to CS Stokes in terms of performance, we are also aware that all of the FRAs were reviewed at or about the time they were completed (prior to the fire) by the London Fire and Rescue Service (the enforcing authority for the Regulatory Reform (Fire Safety) Order 2005 and all (we believe) were accepted to be compliant.

It was indicated by Kate Grange QC in the meeting of the 6 July 2018 referred to above (which was a helpful indication on her part) that there was or might be criticism may be made by Dr Lane in due course of the FRAs undertaken by CS Stokes. We have not had sight of any such criticism so far but in any event, given her qualifications, and working experience, it is not clear to us why Dr Lane is considered suitable to comment as an expert on matters relating to FRAs made pursuant to the Regulatory Reform (Fire Safety) Order 2005. As matters stand, we do not regard Dr Lane as an expert on those matters and would challenge the admissibility of her opinions in that regard were these civil or criminal proceedings. We suggest the Inquiry team might also subject those issues to scrutiny before publishing or calling evidence from Dr Lane in that regard. The Inquiry's position on this would be much appreciated. Pending receipt, CS Stokes reserves its position in this regard.

In light of the above, CS Stokes does not currently consider it necessary to invoke its privilege against self-incrimination and an undertaking being sought from the Attorney General is not currently sought in its name. However, should matters change, CS Stokes would certainly fall within that small class of core participants who reside in the lacuna created by the Attorney General's existing ruling. As such, CS Stokes cannot entirely discount having to make an application for the undertaking to be extended to it in due course.

We hope this assists the Inquiry, however should it require any further assistance, CS Stokes' RLR (either solicitors or Counsel) would be happy to discuss the matter further.

Yours faithfully

Weightmans LLP

Weightmans LLP