

Cost of Legal Representation Awards Ruling 4

1. Following my rulings of earlier dates as to designation of core participants and recognised legal representatives the Inquiry has received further applications for costs awards in respect of legal representation at the Inquiry from: John Burke-Monerville and Peter Francis.
2. In considering these applications I have applied the principles set out in the first Costs Awards Ruling dated 16 December 2015, corrected on 22 December 2015, a copy of which can be found on the Inquiry's website. Particular reference should be made to paragraphs 6 – 34 and 48 – 53 of the Ruling.
3. I am satisfied that neither of the applicants is in receipt of income or possesses capital that could properly disqualify them for representation at public expense.
4. I conclude that it is fair, reasonable and proportionate and in the public interest to make awards to each of the applicants under section 40(3)(b) of the Inquiries Act 2005, rule 20 and 21 of the Inquiry Rules 2006 and paragraph 2.a of the Secretary of State's Costs Determination.
5. It is necessary to make further public reference only to the application made on behalf of Peter Francis by Ms Rosa Curling of Leigh Day, solicitors. At paragraph 10 of the first Costs of Legal Representation Ruling dated 16 December 2015 (corrected 22 December 2015) I explained that in my view it was contrary to the public interest to make costs awards in favour of present or former police officer core participants who had not first applied to the Police Federation for legal assistance under the terms of its Funding Rules. Mr Francis is a former police officer who has made public claims about the use and misuse of undercover police operations. He did not make an application to the Inquiry for a costs award in 2015 because he had already sought legal assistance from the Police Federation and his application was outstanding.
6. In the meantime, on 27 January 2016, it was necessary for me to issue revised directions as to the timetable towards the hearings of the issues of Undertakings and Restriction Orders. Those directions are posted on the Inquiry's website and the reasons for them appear in paragraphs 1 – 7 of that document.
7. By email of 16 February 2016 Mr Francis' recognised legal representative, Ms Curling, notified the Inquiry that Mr Francis had been informed by the Police

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Federation that his application would not be processed until an application for funding had first been made to the Metropolitan Police Service or to the Mayor's Office for Policing and Crime and refused. This came as a surprise to Mr Francis since he understood that his application had been under consideration for many weeks and no earlier indication had been given that he would be required to satisfy a pre-condition.

8. The timetable towards decisions in respect of Undertakings and Restriction Orders continues to run and Mr Francis remains without funding for his legal representation at the Inquiry. It seems to me essential that Mr Francis' representation is funded so that he can participate in the preliminary issues of Undertakings and Restriction Orders while he performs the condition required of him by the Police Federation. I have already referred to the waste of time and costs brought about by changes in the Inquiry's timetable towards preliminary hearings caused by delay in the resolution of funding issues. For this reason I have concluded that the public interest requires the Inquiry, as a last resort, to make an interim costs award in favour of Mr Francis. The award will provide funding to enable Mr Francis to take part in the hearings relating to the preliminary issues of Undertakings and Restriction Orders, if he wishes, and to respond to the Inquiry's draft protocols on disclosure and redaction. It will be a condition of the interim award that he continues to pursue his application to the Mayor's Office for Policing and Crime and, if unsuccessful, to the Police Federation.
9. The awards whose terms, qualifications and conditions will be notified to the applicants in separate decision letters issued by the Solicitor to the Inquiry are made on the understanding that Harriet Wistrich of Birnberg Peirce and Partners, the recognised legal representative for Mr Burke-Monerville, will act in the co-operative manner with other non-police core participants referred to in paragraphs 27 and 30 – 34 of the first Costs Awards Ruling.
10. Recognised legal representatives should consult the revised timetables in respect of Undertakings and Restriction Orders issued by the Chairman on 27 January 2016. The current awards authorise work to be done up to and including 31 March 2016. They will be modified as appropriate to accommodate the extended timetables for decisions on the issues of anonymity and deceased children in due course.

17 February 2016

Sir Christopher Pitchford
Chairman, Undercover Policing Inquiry