

Core Participants Ruling 6

1. This is the sixth ruling that I have given in relation to applications to be considered for designation as core participant under rule 5 of the Inquiry Rules 2006. Reference should be made to paragraphs 1 – 16 of my revised first Core Participants Ruling of 21 October 2015 (to be found on the Inquiry’s website) for an understanding of the principles that I shall apply to the applications made.
2. First, however, I shall consider applications for termination of designation as core participants made in an earlier Ruling. On 21 October 2015 I designated as core participants several police officers known in the Inquiry by ‘N’ ciphers (see Core Participants Ruling 1, paragraph 28). Rule 5(1) of the Inquiry Rules 2006 provides that a person may be designated a core participant in an inquiry *“provided that person consents to being so designated”* and, by rule 5(3), a person ceases to be a core participant on a date specified by the chairman in writing or at the end of the inquiry.
3. The Inquiry has received applications from N28, N67 and N3541 for the termination of their designation as core participants. It is enough for present purposes that their consent has been withdrawn. I shall specify that: as from the date of this Ruling the above-ciphered persons will cease to be core participants in the Inquiry.
4. N104 has re-applied for designation as a core participant. I shall grant that application.
5. The Inquiry has received an application from Public Interest Lawyers on behalf of Tony Mulhearn that he should be designated a core participant under rule 5 of the Inquiry Rules 2006. Mr Mulhearn was vice-president and then president of Liverpool District Labour Party for a total period of 13 years. In 1984 he was elected as a city councillor and remained in office until his removal by the district auditor in 1987. The Liverpool District Labour Party was an amalgam of delegates from constituency parties, branches, trades unions, youth and women’s organisations, community groups, Co-operative Party, labour councillors and Liverpool Members of Parliament.
6. Mr Mulhearn suspects that his left wing political activities were the subject of targeting and reporting by undercover police officers who infiltrated the Liverpool District Labour Party and Militant in Liverpool. It is asserted on Mr Mulhearn’s

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behalf that, *"It is clear it did happen and it is acknowledged that it did happen"*.

The basis for this assertion is said to be part of a transcript of the second instalment of the BBC programme 'True Spies' broadcast in November 2002, supported also by the Borderland website. I have examined both sources.

7. The sources relied on do not support the assertion (i) that Mr Mulhearn or the Liverpool District Labour Party was the subject of surveillance or (ii) that any such surveillance was carried out by police officers acting in an undercover role within the meaning of section 26(8) of the Regulation of Investigatory Powers Act 2000 (see paragraph 6 of the Inquiry's terms of reference).
8. I am unable to conclude that the applicant played or may have played a direct and significant role in relation to matters to which the Inquiry relates and, for that reason, I shall not exercise my discretion to designate Mr Mulhearn as a core participant. However, the Inquiry will keep this application under review during the course of its investigation.
9. Tamsin Allen of Bindmans LLP has submitted an application for designation as core participant on behalf of Baroness Jennifer Jones of Moulsecoomb. Baroness Jones has a background in environmental campaigning. She has campaigned in support of several groups who and whose members are already core participants in the Inquiry, including London Greenpeace, the Blacklist Support Group and the Newham Monitoring Project. She joined the Green Party in 1988, serving as chair of the executive between 1995 and 1997. She has been a member of the London Assembly since 2000 and was a member of Southwark Council between 2006 and 2010. Among other duties Baroness Jones is a member of the Metropolitan Police Authority and served as deputy mayor of London in 2013 and 2014. She has been a member of the House of Lords since 2013.
10. Baroness Jones relies on the product of a data subject access request made to the Metropolitan Police Service in June 2013. In a reply dated 9 August 2013 she was provided with a copy of entries held in a database in which her name featured. In her application Baroness Jones concedes that there is no direct evidence that she was the subject of undercover police activity but it is contended nonetheless that *"in circumstances where she was plainly under some form of surveillance, it is probable that undercover officers were in fact involved"*.
11. I have read the document on which the applicant relies. All of the information recorded relates to Baroness Jones' attendance at public events and demonstrations between 2001 and 2011. In some of them she was advertised as a speaker. The content of the reports betrays no sign that the reporter had obtained the information in consequence of an undercover role within the meaning

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of section 26(8) of the Regulation of Investigatory Powers Act 2000. Some of the sources are clearly public, for example, press releases and websites.

12. I cannot conclude that I have grounds for finding that Baroness Jones played or may have played a direct and significant role in relation to matters to which the Inquiry relates and, for that reason, I shall not exercise my discretion to designate her as a core participant. However, this is also an application that the Inquiry will keep under review.

15 April 2016

Sir Christopher Pitchford
Chairman, Undercover Policing Inquiry