

Ruling on application by GMP for an extension of time to the Rule 10 procedure for the evidence of DCC Pilling

1. By an application in writing dated 4th December 2020 Greater Manchester Police ('GMP') applied for an extension in the Rule 10 procedure in the case of Deputy Chief Constable Pilling, as he then was. This was opposed in writing by Pete Weatherby QC on behalf of the families he represented. I heard oral submissions on 16th December 2020. At that hearing I heard from GMP and from Mr. Weatherby who confirmed the positions they had taken in writing; from John Cooper QC on behalf of the families he represented who supported GMP's submissions and from Duncan Atkinson QC and Austin Welch on behalf of the families they represent who supported the arguments of Pete Weatherby QC.
2. Paul Greaney QC on behalf of Counsel to the Inquiry ('CTI'), while accepting that there were powerful arguments on both sides, submitted that the balance came down in favour of granting the application.
3. At the end of that brief hearing, I indicated that I would give a decision in writing. I apologise for the delay in issuing this ruling and hope that it has not caused difficulty. I was concerned that the delay might have caused difficulties because DCC Pilling had been due to give his evidence relatively soon. I believe that his evidence has now been put back until at least April and so I hope that will alleviate any problems to Core Participants that I may have caused by the delay.
4. Rule 10 of the Inquiry Rules and the Inquiry's protocol on Advance Notification of Topics provides a procedure and timetable for the notification by Core Participants who wish to have permission to question a witness. 14 days before a witness is listed to give evidence the Inquiry Legal Team circulates a note called an 'Evidence Proposal' that sets out the issues to be addressed by particular witnesses. 7 days before the witness is due to give evidence, Core Participants are required to indicate if they wish to ask additional questions of the witness and set out the areas they wish to examine.

5. The extension sought by GMP in the case of DCC Pilling is 4 weeks for the circulation of the Evidence Proposal rather than 14 days and 3 weeks rather than 7 days to make applications to ask additional questions.
6. DCC Pilling is giving evidence as GMP's corporate witness. The effect of this is that he will have to cover a great deal of ground and some of it will concern matters that he has not dealt with directly but he will give evidence as to how GMP dealt with matters relevant to the Inquiry. This means that he will have to give a great deal of time to preparing to give evidence and if, as he is likely to be, he is asked questions about matters outside his personal knowledge he will have to research the answers.
7. Mr. Horwell QC summarises the reasons for his application as 'first, *to permit DCC Pilling to employ his time in as constructive a manner as possible; second to ensure that he prepares for what is relevant to the Inquiry.....and third that he is able to give his best evidence to assist the Inquiry*'. I am sure that the need for preparation time is even greater since DCC Pilling's promotion as Acting Chief Constable of GMP.
8. Mr. Weatherby QC submits that this is not the first application to be made for an extension and that his prediction that any deviation from the rule would be '*the thin edge of the wedge*' is proving correct. There are more corporate witnesses to follow. If the application succeeds it will cause practical difficulties to the family CPs as DCC Pilling's evidence will follow the evidence of other more junior officers which may result in the families wishing to explore topics with DCC Pilling for which they will be unable to give the necessary notice.
9. As Mr. Greaney QC rightly observed there are powerful arguments on both sides. It would not be of any advantage to the Inquiry if there are numerous exceptions to the established process for ensuring compliance with Rule 10. Equally, it will not be the most efficient use of the Inquiry's time if DCC Pilling is unable to answer questions because he has had insufficient time to research the answers.
10. Having weighed the competing arguments, I agree with the submissions of CTI that the balance is in favour of allowing the extension sought. It is important that DCC Pilling has a proper opportunity to answer the questions. I consider that Mr. Weatherby's concerns about questioning on issues arising from other officers' evidence can be met by allowance being made for late applications if matters arise from witness evidence heard after the Rule 10 deadlines have passed. It would be much better if DCC Pilling is in a position to answer the questions without having to ask for more time and to respond at a later stage.
11. While I have no desire to set off a rush of similar applications, I will of course consider each on its own merits.

12. For the reasons I have given I grant this application.

Sir John Saunders
9th February 2021