

IN THE EAST LONDON CORONER'S COURT

BEFORE HER HONOUR JUDGE MUNRO QC

**INQUESTS INTO THE DEATHS OF ANTHONY WALGATE, GABRIEL KOVARI,
DANIEL WHITWORTH and JACK TAYLOR**

RULING ON ADJOURNMENT

1. On 31 December 2020, in consultation with the Inquests Legal Team (ILT), I took the decision to adjourn the inquest hearings that had been due to commence on 7th January 2021. That decision was communicated to Interested Persons (and also published on the Inquests website) immediately, with an indication that a ruling containing my reasons would follow. This is that ruling.
2. I took the decision to adjourn with great regret. Having considered all the circumstances with care, I concluded that, due to the current situation with the COVID pandemic, there was no safe nor satisfactory alternative to me adjourning the Inquests. London was in tier 4 and Barking and Dagenham is now one of the highest, if not the highest, borough in London for positive cases. The nearby hospitals are at capacity. Schools will not reopen this week. Learning about the new strain of COVID-19 is ongoing, but it appears clear from the information presently available that it is significantly more transmissible than the original strain. It cannot be overlooked that, since I made the decision to adjourn, the Prime Minister yesterday (4th January 2021) declared a third lockdown for the whole of the country.
3. Against that background, the questions for me to resolve were whether (a) it would be safe to hold the Inquests within the current restrictions and (b) it would be wise to do so.
4. I must firstly emphasise that Barking and Dagenham Council have worked tirelessly to achieve an entirely safe environment within the Town Hall and they must be commended for those efforts. In addition to the huge amount of work they have put into ensuring social distancing is achieved at all times within the Town Hall, they have offered further facilities in order to ensure the safety of those who need to attend the Inquests in person such as regular COVID testing. They have gone out of their way over the past six months to assist my team and me and I am extremely grateful for that. For those who do not need to attend in person, arrangements have been made by the Inquests Legal Team and Secretariat to achieve remote participation by Interested Persons, witnesses and advocates.
5. However, the current figures and the level of positive COVID cases in the South East, including in Barking and the surrounding areas are such that I am

unable to guarantee the safety of those travelling to and from the Town Hall on a daily basis, while they are travelling. The Government had, as at 31st December, decided that it is not safe to open schools within London and most of the surrounding counties this week. It has now closed schools nationwide until after half term. It is, therefore, hard, indeed impossible for me to assure attendees that it is, nevertheless, safe for the 20-30 individuals (including jurors and court staff) who must attend the Inquests to do so.

6. Whilst it would be possible to embark upon these Inquests and, as I have said, to guarantee the safety of those required to attend within the Town Hall building, it cannot be wise to do so. There are significantly increased risks to the health of all those who must attend in person simply due to the fact that they must travel to and from the Town Hall each day. Even if none of those 20-30 individuals was themselves to become seriously ill if infected, given the transmissibility of the new strain of the virus it is incredibly likely that they would increase the spread of the virus to others, including some who may be very adversely affected by it. There are other considerations relevant to the second of the questions that I set out at paragraph 3 above, which I address below.
7. In reaching my decision to adjourn I have taken account of the submissions made by the Interested Persons before Christmas. The Families, whose position Mr Waumsley and Detective Inspector Kirk agreed with, expressed the wish for the hearings to proceed noting the length of time the Families have already waited for the Inquests to be heard, and the uncertainty as to when a case of this length might be re-listed. The MPS was ready for the Inquests to proceed, and had no desire for the Inquests to be further delayed, but raised concerns about the safety for attendees and the possibility that MPS resource may need to be diverted to responding to the pandemic. The officers represented by Reynolds Dawson Solicitors were also keen for the Inquests to commence, but were concerned about the safety of travelling to Barking. All Interested Persons who made observations, endorsed the greater use of remote attendance for witnesses and Interested Persons.
8. I understand and share the desire of all Interested Persons to progress the Inquests which the Families have waited a very long time for. I do not underestimate the impact of this delay on them, or indeed on the witnesses, both practically and emotionally.
9. I also considered how the hearing would be for the jury. This is a complex case that covers 16 months of police activity over four different investigations with involvement from different sections of the MPS. It is a case where the MPS structure, ranks and responsibilities matter and the jury will need to understand those issues, whilst keeping on top of the chronology and roles and evidence of the large number of witnesses, including expert witnesses. I know that some Public Inquiries have managed effective remote or largely

remote hearings in recent months. But there is in my view a significant difference between conducting a largely remote Public Inquiry with a professional tribunal in this particularly difficult period in the pandemic, when there is an unprecedented likelihood of witness order being disrupted, frequent delays and unplanned adjournments, and conducting four jury inquests. In a Public Inquiry the panel or Chairman will have detailed knowledge of the facts and issues before hearing from each witness, and recourse to revisit their statements and transcripts, and so can manage better witnesses being taken out of turn and delays. There are far fewer people in a Public Inquiry whose attendance is absolutely essential to the hearings proceeding on any given day, and importantly a Public Inquiry will only ever need to be adjourned because of pandemic related difficulties; it does not risk having to be aborted entirely and re-commenced at some later date with all the associated practical difficulties and wasted costs.

10. As to the latter point, I have come to the view that were the Inquests to commence the chances of them reaching a conclusion are minimal. Given the current COVID figures, the high likelihood is that certain of the participants will need to self isolate either as a result of symptoms pending a test, a positive test or, for example, a member of their household or support bubble testing positive. Save for a small number of individuals, if one or more of those who need to attend Court on a daily basis need to isolate for any of those reasons, the hearings would have to adjourn for the isolation period or, in the case of a jury member, that juror would have to be excused. This would result in unavoidable delays and probably (if infection rates do not improve or continue to rise) abortion of the whole proceedings. This practical consideration is a further, and powerful, consideration that militates against commencing these hearings as planned.
11. A note will be circulated to interested persons as soon as possible setting out proposals for relisting the inquests so that observations can be provided. I will then consider whether a hearing is required, although I would hope that this is a matter that can be dealt with by way of written submissions.

HHJ SARAH MUNRO QC
5TH JANUARY 2021