

**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION**

1. On 25 January 2016 the Inquiry invited anyone who wished to be designated as a core participant in the investigation into institutional responses to allegations concerning the late Lord Janner to make an application to the Solicitor to the Inquiry by 22 February 2016.
2. On 1 June 2016, an application was made by the Chief Constable of Derbyshire, Michael Creedon, for core participant status in the Lord Janner investigation, and for Ian Lewis of Lewis Hymanson Small Solicitors LLP and Christopher Daw QC to be Mr Creedon's recognised legal representatives. This notice sets out my determination of the application.
3. Applications for core participant status are considered under Rule 5 of The Inquiry Rules 2006 ('the Rules') which provides:

(1) The chairman may designate a person as a core participant at any time during the course of the inquiry, provided that person consents to being so designated.

(2) In deciding whether to designate a person as a core participant, the chairman must in particular consider whether –

a. The person played, or may have played, a direct and significant role in relation to the matters to which the inquiry relates;

b. The person has a significant interest in an important aspect of the matters to which the inquiry relates; or

c. The person may be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report.

(3) A person ceases to be a core participant on –

a. the date specified by the chairman in writing; or

b. the end of the inquiry.

4. In determining the application, the matters listed in Rule 5(2) must be considered, but the list is not exhaustive and other relevant matters can also be taken into account.

The Time Delay

5. The application has been lodged approximately three months after the deadline for core participant applications on the Lord Janner investigation were due. It is made clear that the reasons for this significant delay arise from a change in Mr Creedon's circumstances. Notwithstanding the delay, I am asked to designate Mr Creedon pursuant to Rule 5(1) as I have a discretion to do so "at any time" during the course of the inquiry, subject to any issue of consent.
6. Mr Creedon was previously notified in early May 2015 of an investigation by the Independent Police Complaints Commission into the response of Leicestershire Police to allegations of historic child sexual abuse it received in Restriction Order 2001 and 2006. At that time Mr Creedon was informed by the IPCC that he was regarded as a witness. Shortly afterwards Mr Creedon attended the Inquiry to provide assistance with information about the Leicestershire Police investigation into Lord Janner.
7. On 23 May 2016, Mr Creedon was served by the IPCC with a disciplinary notice under Regulation 16 of the Police (Complaints and Misconduct) Regulations 2012. Mr Creedon is alleged to have breached Standards of Professional Behaviour in regards to Restriction Order. It is said Mr Creedon's actions may amount to gross misconduct for disciplinary proceedings, or criminal conduct.
8. Having regard to the time delay in Mr Creedon's application, I am satisfied that there is good reason for me to go on to consider the merits of the substantive application for designation. The change of circumstances outlined are significant and I have a wide discretion in Rule 5(1) to consider an application at any time during the Inquiry.

The Application

9. In considering the matters set out in Rule 5(2), I am satisfied that Mr Creedon played a direct and significant role in relation to matters under investigation and that he has a significant interest in an important aspect of the matters under investigation.

10. The investigation will consider allegations of child sexual abuse involving Lord Janner, and, to the extent that the Inquiry finds some or all of the allegations to be well founded, the Inquiry will also consider the adequacy and propriety of law enforcement investigations.

Restriction Order

Restriction Order

Restriction Order

Plainly, he has a significant interest in these matters. Mr Creedon is now the subject an investigation by the IPCC and acknowledges that he may be subject to criticism during the Inquiry on matters relating to Lord Janner.

11. I am satisfied, bearing in mind the matters in Rule 5(2), that Mr Creedon should be designated a Core Participant in the investigation into allegations of child sexual abuse involving Lord Janner.

Designation of Legal Representatives

12. Applications for designation as the recognised legal representative of a core participant are governed by rules 6 and 7 of the Inquiry Rules 2006, which provide as follows:

6(1) *Where -*

- (a) *a core participant, other than a core participant referred to in rule 7; or*
- (b) *any other person required or permitted to give evidence or produce documents during the course of the inquiry,*
has appointed a qualified lawyer to act on that person's behalf, the chairman must designate that lawyer as that person's recognised legal representative in respect of the inquiry proceedings.

7(1) *This rule applies where there are two or more core participants, each of whom seeks to be legally represented, and the chairman considers that -*

- (a) *their interests in the outcome of the inquiry are similar;*
- (b) *the facts they are likely to rely on in the course of the inquiry are similar; and*
- (c) *it is fair and proper for them to be jointly represented.*

(2) The chairman must direct that those core participants shall be represented by a single recognised legal representative, and the chairman may designate a qualified lawyer for that purpose.

(3) Subject to paragraph (4), any designation must be agreed by the core participants in question.

(4) If no agreement on a designation is forthcoming within a reasonable period, the chairman may designate an appropriate lawyer who, in his opinion, has sufficient knowledge and experience to act in this capacity.

13. Accordingly, as I am satisfied that Mr Creedon has appointed Ian Lewis of Lewis Hymanson Small LLP as his qualified lawyer, I designate Mr Lewis as Mr Creedon's recognised legal representative in accordance with Rule 6(1).

14. Although the application for designation requests that I also appoint Mr Daw QC as a recognised legal representative, it is not necessary under Rule 6(1) for me to appoint both solicitor and counsel as recognised legal representatives. Pursuant to Rule 8, nothing in Rules 6 or 7 prohibits a core participant from appointing a legal team to assist his recognised legal representative in the discharge of their functions.

15. I am further satisfied that it is appropriate for Mr Creedon to have separate legal representation from the Chief Constable of Leicestershire Police. It would not be fair or proper for them to share joint legal representation under Rule 7(1). The evidence of Mr Creedon may criticise the actions of senior officers in Leicestershire Police involved in the investigation into Lord Janner. Mr Creedon is entitled to legal representation separate from the Chief Constable of Leicestershire Police

16. If Mr Creedon wishes to make an application for an award for expenses to be incurred in respect of legal representation under section 40 of the Inquiries Act 2005 it must be lodged by 30 June 2016. Any such application will be determined in accordance with the Inquiry's Cost Protocol on Legal Representation at Public Expense.

Hon. Dame Lowell Goddard DNZM

10 June 2016