



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2 - UK HOSPITALITY INDUSTRIES, HUGH OSMAND, SACHA LORD AND THE
NIGHT TIME INDUSTRIES ASSOCIATION

Introduction

1. In my [Opening Statement](#) on 21 July 2022, I explained that Modules would be announced and opened in sequence, with those wishing to take a formal role in the Inquiry invited to apply to become Core Participants for each module. On 31 August 2022, the Inquiry opened Module 2 and invited anyone who wished to be considered as a Core Participant to that Module to submit an application in writing to the Solicitor to the Inquiry by 23 September 2022.
2. The Provisional Outline of Scope for Module 2 provides that this module will examine the decision-making by the UK Government during the Coronavirus pandemic. Further modules will be announced and opened in due course, to address other aspects of the Inquiry's Terms of Reference.
3. On 23 September 2022 the Inquiry received an application from UK Hospitality Industries, Hugh Osmond, Sacha Lord and the Night Time Industries Association ('the Applicants') for Core Participant status in Module 2.
4. I made a provisional decision not to designate the Applicants as a Core Participant in Module 2, thereby declining the Applicants' application ("the Provisional Decision"), on 13 October 2022. The Applicants were provided with an opportunity to renew the application in writing by 12pm on 20 October 2022.
5. On 20 October 2022, the Applicants submitted a renewed application for Core Participant status in Module 2. This notice sets out my determination of the Applicants' application for Core Participant status in Module 2.

Application

6. Applications for Core Participant status are considered in accordance with Rule 5 of the Inquiry Rules 2006, which provides:

5.—(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.*

7. In accordance with the approach set out in my Opening Statement and the Inquiry's [Core Participant Protocol](#), I have considered whether the application fulfils the requirements set out in Rule 5(2) in relation to the issues set out in the Provisional Outline of Scope for Module 2.
8. I have taken into account all of the information which the Applicant has relied upon. The fact that I have not, in making this determination, referred to every matter which is set out in the application does not mean that I have not considered it. The summary below is intended to capture what appear to be the most important points made in support of the application.

Summary of Application

9. This application is made on behalf of a group composed of (1) the UK Hospitality Industries ("UKHI"), a membership trade association acting as the single voice of hospitality, representing 95% of the industry; (2) Hugh Osmond, the founder of Punch Taverns, former director and major shareholder of PizzaExpress and current director

and major shareholder of Various Eateries plc, a hotel and restaurant operator; (3) Sacha Lord, the Night Time Economy Adviser to the Mayor of Greater Manchester and co-founder of The Warehouse Project and Parklife Festival; and (4) the Night Time Industries Association (“NTIA”), a membership trade association promoting the contribution of the Night Time Industry in the UK (together, “the Applicant Group”/“Applicants”).

10. The Applicants’ original application stated that it was made on the basis that the Applicant Group has a significant interest in an important aspect of the matters to which the Provisional Outline of Scope for Module 2 relates, to the extent that the hospitality and leisure sectors were affected by the response. The Applicant Group in particular wishes to scrutinise the extent to which the government’s decision-making appraised and evaluated evidence (including the genuine empirical evidence) into the efficacy, benefits and harm of closing and restricting hospitality in response to the pandemic.
11. In its renewed application, the Applicants confirm that the original application set out how the Chief Executive of UK Hospitality Industries, Kate Nicholls OBE, was involved in ongoing discussion with the Government during the exact period to which Module 2 will pay particular scrutiny. It provides further information in relation to this and maintains that the Applicants fulfil Rules 5(2)(a) and (b).
12. It is contended that the Applicants played a direct role in core political and administrative decision-making in the coronavirus response, and to a degree not matched by any other organisation or set of individuals within the hospitality industry. It is at this level of decision-making by the Government, that the Applicants contend decisions were taken which adversely – but foreseeably – significantly harmed the interests of the hospitality industry and/or failed correctly to take into account such empirical data as existed.

Decision for the Applicants

13. I am mindful of the impact the pandemic had on the industries which the Applicants represent. I have considered with great care everything that is said in the Applicants’ renewed application. I have also reminded myself of what was said in the original

application to enable me to assess the merits of the application for Core Participant status holistically. Having done so, in my discretion, I consider that although the Applicant has a significant interest (Rule 5(2)(b)), that interest is not sufficient to warrant designation as a Core Participant in Module 2. The position may be different in relation to later Modules which are likely to directly deal with the interests of the Applicants - business and hospitality. I am also mindful of the need to manage the Inquiry effectively and efficiently. Therefore, in my discretion, I have decided not to designate the Applicants as a Core Participant in Module 2. I confirm that this is my final decision.

14. I am grateful for the detailed submissions setting out the actions and work of senior members within the Applicant Group. I accept that the role played was, in summary, an important advisory role, including the provision of relevant data and impact assessments and one of challenges to Government decision making during the pandemic at various levels up to and including the Office of the Prime Minister. However, I do not consider that the Applicants played a direct or significant role in core political and administrative decision-making (Rule 5(2)(a)) within the provisional scope of Module 2 sufficient to merit designation as a Core Participant.
15. The Core Participant Protocol provides that while I am bound to consider the factors set out in Rule 5(2), it is also open to me to take into account other relevant matters. I am also not obliged to designate a person or organisation that meets the criteria set out in Rule 5 of the Inquiry Rules as a Core Participant. It further explains that I particularly invite applications from groups of individuals and organisations with similar interests, rather than from individual persons and organisations and that the designation of Core Participant status to groups representing the interests of more than one person would assist the fair and efficient running of the Inquiry. I additionally have regard to my duty to act with fairness and with regard to the need to avoid any unnecessary cost to public funds.
16. I do not consider, having regard in particular to the need to manage the Inquiry effectively and efficiently, that its interest in decision making by the UK Government is sufficiently significant as to grant it Core Participant status in this specific Module. I am determined to run the Inquiry as thoroughly and as efficiently as possible, bearing in mind the Inquiry's wide-ranging terms of reference and the need for the Inquiry

process to be rigorous and fair. Given the vast numbers of people who were involved with, or adversely affected by, the Covid-19 pandemic, very many people and organisations in this country could potentially have an interest in it and a significant one at that, but not everyone can be granted Core Participant status for the purposes of the Inquiry hearings.

17. I am mindful of the fact that the Applicants have raised a number of issues that will be the subject matters of future modules in this Inquiry. I am determined that there will be an examination of how Government decision-making affected hospitality and other business sectors during the course of this Inquiry. As I have stated before, my decision not to designate the Applicant as Core Participants in Module 2 does not preclude it from making any further applications in respect of any later modules. In my Opening Statement, I said that I will publish more information about the issues intended to be covered by later modules in the coming months. The Applicant may wish to consider applying for Core Participant status in relation to future modules likely to deal directly with the impact on business sectors: Businesses; Self-employed; Hospitality (restaurants, hotels) and the night industry.
18. It is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Applicant may have relevant information to give in relation to matters being examined in the Inquiry and the Inquiry will be reaching out in due course to a range of individuals, organisations and bodies to seek information, to gain their perspective on the issues raised in the modules and, where appropriate, to ask for witness statements and documents.
19. Finally, may I take this opportunity to thank the Applicant for their helpful submissions.

Rt Hon Baroness Heather Hallett DBE
Chair of the UK Covid-19 Inquiry
25 October 2022