



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 7 - THE LOCAL GOVERNMENT ASSOCIATION AND THE WELSH LOCAL
GOVERNMENT 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 19 March 2024 the Inquiry opened Module 7 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 26 April 2024.
2. On 25 April 2024 the Inquiry received an application from the Local Government Association and (“the Applicant”) for Core Participant status in Module 7. This application was made jointly with the Welsh Local Government Association. This Notice sets out my determination of the application.
3. The Inquiry has published the [Provisional Outline of Scope](#) for Module 7, which states that this module will consider the policies and strategies developed and deployed to support the test, trace and isolate system by the UK Government and the Devolved Administrations. Further modules will be announced and opened in due course, to address other aspects of the Inquiry’s Terms of Reference.

Application

4. 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.

5. In accordance with the approach set out in my Opening Statement and the Inquiry's [Core Participant Protocol](#), I 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 7.

Summary of Application

6. This is an application on behalf of the Local Government Association ("LGA") and the Welsh Local Government Association ("WLGA"). The application states that the LGA is the representative of local authorities in England.
7. The application is made on the basis that the Applicants played a role, and have a significant interest, in the subject matters of the Inquiry, as local authorities in England and Wales were on the forefront of the UK's response to Covid-19 and subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report.
8. In relation to Rule 5(2)(a), the application notes the system was developed on a centralised basis, rather than utilise knowledge and experience of local governments; that the management of the NHS Test and Trace Service in England is said to have been opaque with a lack of clarity where responsibility lay for different functions impeding constructive engagement in finding solutions. As local councils were

brought in to work with NHS Test and Trace is said to have improved. The application also sets out a number of ways in which local councils supported isolation requirements, including by enforcement where necessary. It notes the limited funding available compared to the demand and the practical support councils provided. Finally, the application stresses the impact that the engagement of local government can have on the speed and efficacy of a test trace isolate system overall, recording that the efficacy of the programme improved significantly once local authorities were included in the national effort.

9. As regards Rule 5(2)(b), the application sets out the inclusion of local government in the Local Government Contact Tracing and Outbreak Management Design Working Group. The application submits that it made an invaluable contribution throughout the duration of the pandemic – both in terms of input to government to help shape and inform decision-making and policy, and in delivering it on the ground.
10. Finally, the application notes that in relation to Rule 5(2)(c) given its role in operational delivery across of test trace isolate system, other organisations may wish to criticise member councils, or the local government sector, such as local authorities' experience of administering the Test and Trace Support Payment.

Decision for the Applicant

11. I have considered with great care everything that is said in the application. Having done so, I have decided, in my discretion, to designate the Local Government Association (LGA) and the Welsh Local Government Association (Welsh LGA) as a joint Core Participant in Module 7.
12. Module 7 will consider a range of issues in relation to the implementation of test, trace and isolate policies in the UK. This includes, but is not limited to, the policies and strategies developed and deployed throughout the pandemic, the capacity of the systems that were implemented and their effectiveness. Local governments and councils played a crucial role in the operational delivery of the Test, Trace and Isolate system, in particular as regards tracing, isolation support and enforcement. I consider that the application meets the criteria in Rule 5(2)(a) in that they played a direct and significant role in the matters to which Module 7 relates. I also consider that the

Applicants meet the criteria in Rule 5(2)(b), as they have a significant interest in these important aspects of Module 7. Finally, I consider that the Applicants meet the criteria in Rule 5(2)(c), as they may be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report.

Legal Representation

13. 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:

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.

14. I am satisfied that the Local Government Association and the Welsh Local Government Association have jointly appointed Thelma Stober of Local Government Association as their qualified lawyer in relation to this Module. I therefore designate Thelma Stober as the Local Government Association and the Welsh Local Government Association's recognised legal representative in accordance with Rule 6(1).

15. Directions will be given in relation to applications for an award under section 40(1)(b) of the Inquiries Act 2005 of expenses to be incurred in respect of legal representation, at the forthcoming preliminary hearing. I will determine any such applications in accordance with the provisions of section 40 of the Inquiries Act 2005, the Inquiry Rules 2006, the [Prime Minister's determination](#) under section 40(4) and the [Inquiry' Costs Protocol](#).

Rt Hon Baroness Heather Hallett DBE

Chair of the UK Covid-19 Inquiry

31 May 2024