IN THE CROWN COURT AT WOOLWICH
HEARING VIA CVP

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 14/09/2020

Before :

Mrs Justice Whipple DBE

- -

Between :

R

- v -

P and 3 other Defendants, X, Y and Z **Defendants**

- -
- -

Sarah Przybylska (instructed by **CPS**) for the **Prosecution**
Sarah Forshaw QC and Kyri Argyropoulos (instructed by **Waterfords**) for **P**
Sheryl Nwosu (instructed by **MTC Solicitors**) for **X**
Ronnie Manek (instructed by **GT Stewart Solicitors & Advocates**) for **Y**
Nicholas Wells (instructed by **Arora Lodhi Heath**) for **Z**

Hearing dates: 14 September 2020

- -

Reporting Restrictions apply to this ruling, as follows:
Pursuant to section 4(2) Contempt of Court Act 1981, until the conclusion of proceedings (i) the Defendants names must be anonymised in any published version of this ruling; and (ii) paragraphs 54 to 59 of this judgment shall not be reported.

Whipple J :

Background

1. The Crown applies to extend the custody time limits ("CTLs") in relation to all 4 Defendants, by application dated 25 August 2020. Three of the Defendants (X, Y and Z) raise no objection. However, the fourth Defendant, P, resists extension.

2. In response to the Crown's application, P has also applied for bail, that application being dated 7 September 2020. The Crown resists that application.

3. P also applies for me to recuse myself from determining the Crown's application to extend CTLs on grounds of actual or perceived bias, that application being dated 10 September 2020, supplemented by an addendum dated 12 September 2020 . The Crown resists that application.

4. P has been charged with attempted murder and firearms offences relating to a shooting on Rupert St in London on 25 August 2019. The victim was shot twice, once in the back and once in the arm. X was the shooter (and has pleaded guilty to attempted murder). The Crown's case is that P was with X all evening and was an accessory to the shooting; they say P earlier collected the gun used by X from Y, and drove X to and from the scene.

5. P has pleaded not guilty to all offences charged. Z has pleaded guilty to one count of assisting an offender. Y has pleaded guilty to four counts of possession of a weapon, four counts of possession of prohibited ammunition and one count of possession of diamorphine with intent to supply.

6. P was arrested and interviewed on 26 August 2019. He was brought before Westminster Magistrates' Court on 27 August 2019 and has remained in custody since that date.

7. The custody time limits in his case were due to expire on 25 February 2020. Trial was originally set for 17 February 2020, but by an application advanced on 14 January 2020 and supported by X and Y (but resisted by P), Z sought to break the trial fixture so that his legal team could have more time to prepare. Z's counsel told me that the adjournment was requested because of late service of evidence by the Crown. In the event, Z application succeeded and the trial date was vacated and re-fixed for 14 April 2020.

8. To fit with that new trial date, on 29 January 2020 the Crown applied to extend CTLs in P's case (extension was by consent for the other Defendants). HHJ Raynor granted that application on 11 February 2020, extending P's CTLs to 17 April 2020 (the "first extension").

9. Trial preparation continued but on 31 March 2020, the trial was adjourned in light of the Covid pandemic. A new but provisional trial date of 7 September 2020 was given. The Crown applied to extend CTLs for all Defendants to 14 September 2020; all consented to that extension (the "second extension").

10. At a case management hearing on 21 July 2020, the trial date of 7 September 2020 was vacated. The case was listed for hearing on 9 September 2020 to deal with (amongst other things) fixing the trial date and extending CTLs. In the event, the application for extension of CTLs was separated and directions given for it to be heard by me on 11 September 2020 (subsequently moved to 14 September 2020). At the hearing on 9 September 2020, the trial date was set for 11 January 2021, with a time estimate of 7 weeks.

Application for recusal

11. The legal principles governing this application are agreed and can be shortly stated. The test to be applied was laid down in *Porter v Magill* [2001] UKHL 67, [2002] 2 AC 357, in which Lord Hope of Craighead said at [103]:

> The question is whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the tribunal was biased.

12. Article 6(1) ECHR guarantees a hearing "by an independent and impartial tribunal established by law". It was said in *Findlay v United Kingdom* (1997) 24 EHRR 221 [paragraph 73] that:

> …in order to establish whether a tribunal can be considered as "independent", regard must be had inter alia to the manner of appointment of its members and their term of office, the existence of guarantees against outside pressures and the question whether the body presents an appearance of independence.
>
> As to the question of "impartiality", there are two aspects to this requirement. First, the tribunal must be subjectively free of personal prejudice or bias. Secondly, it must also be impartial from an objective viewpoint, that is, it must offer sufficient guarantees to exclude any legitimate doubt in this respect.

13. P, by his counsel, Sarah Forshaw QC with Kyri Argyropoulos, submits that I should recuse myself from hearing the application for CTL extension because of the circumstances which led to the case being allocated to me, and also because of my alleged connections with Edis J as a co-Presider on this circuit. They argue that the application should be heard by HHJ Raynor who had managed the case since 11 February 2020.

14. They tell me (and I accept) that late on 8 September 2020, a note was put on the DCS by the Resident Judge at Woolwich Crown Court, HHJ Christopher Kinch QC, "*On the instruction of the SPJ [Senior Presiding Judge], any Custody Time Limit application will be heard on Friday 11 September 2020 by a High Court Judge*". I am that High Court Judge.

15. Ms Forshaw submits that an inference of apparent bias arises "inevitably" in these circumstances (she confirms that there is no suggestion of actual bias). She says that it is significant that Judge Raynor has reached decisions in two previous cases where he has refused to extend CTLs; she suggests that he has been removed from this application because of those decisions, which decisions she argues were correct and soundly reasoned; she submits that the Defendant was optimistic that his application today

would be allowed given that it was to be heard by Judge Raynor and that the change of judge has dashed his hopes; she says that the removal of Judge Raynor is highly unusual and out of line with what she understands to be the normal criteria for allocating cases to High Court Judges and that no party was consulted on the change of judge or date. She further contends, and this is really the focus of her submissions, that the change of personnel has occurred because the senior judiciary are unhappy with Judge Raynor's previous decisions, they have an agenda to prevent further judgments from Judge Raynor in the same vein as his previous two, that the senior judiciary is forum-shopping to achieve the result that it wants, that the Lord Chief Justice has entered into a Concordat with the Lord Chancellor in 2004 which engaged the senior judiciary in the administration of the criminal justice system, and by signing a foreword to HMCTS' Updated Recovery Plan in September 2020 alongside the Lord Chancellor has assumed responsibility for that plan. She says that as a Presiding Judge of the SE Circuit, I am connected with Edis J who is also a Presiding Judge of this Circuit and who was appointed by the Lord Chancellor to head a committee to restart jury trials. What has occurred, she argues, is highly irregular and undermines the independence of Judge Raynor and the judiciary more generally. She submits that the only remedy for this perceived bias is for me to recuse myself and for the case to be returned to Judge Raynor.

16. In an addendum dated 12 September 2020, they argue the appearance of bias further arises from the fact that I am a Presiding Judge of this Circuit and in that role I will have had contact with officials at HMCTS who are responsible for the recovery plan, and that I will be privy to information about that plan which is not in the public domain, so that I risk being (or being seen to be) a judge in my own cause. She suggests that the Circuit – as it is supervised by the Presiders – is to some degree culpable in the failure to take reasonable steps to ensure the Defendants can be tried within the CTLs.

17. The Crown, appearing for this application by Sarah Przybylska, resists the application for recusal. She argues that it is P himself who is forum-shopping by seeking to have Judge Raynor determine this application; that Judge Raynor has gone far beyond what it is proper for any judge to do, in expressing trenchant criticism of HMCTS in his two previous rulings dismissing CTL extension applications, and thereby Judge Raynor has compromised his own independence and judicial standing and appears to be a biased tribunal. She says that there is no bias apparent from the mere fact of a High Court Judge being invited to hear any case or part of a case in the Crown Court. Allocation and listing of cases is ultimately the responsibility of the Presiding judges (as recognised in Criminal PD XIII A2). An informed and fair-minded observer would not think there was anything amiss and would instead be reassured that this application would be determined by a fair, impartial and expert tribunal. Further, she emphasises the breadth of Ms Forshaw's argument which would in effect disqualify any judge with leadership responsibility from determining any application or case which touched on government policy, which is plainly not justified nor what happens in practice. She suggests that my role as Presider is not a disqualification from my hearing this matter.

18. If the correct test is applied and the position of the fair-minded and informed observer is considered, I am satisfied that there is no appearance of bias in my hearing these applications. Such an observer would understand that all judges are appointed by an independent appointments process and are subject to the same judicial oath; and that

judges decide cases with impartiality and objectivity, on the basis of evidence and argument put before them.

19. Such an observer would also understand that presiding judges, including the Senior Presiding Judge, have a responsibility to ensure that court matters are listed before judges who are best placed to hear them. It is plain that the SPJ considered this application for CTL extension to be suitable for determination by a High Court Judge, and indeed a High Court Judge with some experience of running the criminal courts gained from being a Presider. There is nothing untoward about that. It would seem – to the reasonable observer – an entirely sensible view to take. This is obviously an important case because this is an application for a third CTL extension, which in and of itself is unusual. Given the nature and breadth of the arguments advanced by P, the decision in this case has the potential to be of wider interest beyond this case. For those reasons, there is press and public interest in this case. Further, because P challenges the adequacy of HMCTS' response to date to the global pandemic, there is sense in asking a judge who knows how HMCTS operates and how the recovery programme is being planned and implemented to hear this application; that does not conflict the judge out of hearing the application, quite the reverse. These are all good reasons for asking a Presiding High Court Judge to hear this application.

20. Further, cases and applications are frequently swapped around between judges, for all sorts of reasons and it is fundamental to our system of justice that no litigant has a right to ask for any particular judge or to expect that any particular judge will hear his or her case. I therefore reject Ms Forshaw's suggestion in her skeleton that P is entitled to have Judge Raynor hear this application (Ms Forshaw rather shied away from that proposition in her oral submissions, I noted).

21. It is important to emphasise that the responsibility for funding the courts, including the provision of court space and staff to run the courts, belongs to HMCTS, not the judiciary. It is true that the judiciary works closely with HMCTS, and has done so during the pandemic, as at other times, to ensure that cases are listed and dealt with efficiently. That co-working occurs at all levels, from the Lord Chief Justice downwards. But that co-working does not vest responsibility in the judiciary for the restart or for any other area of criminal justice policy. The roles of HMCTS and the judiciary are different and remain separate.

22. So, Ms Forshaw is not right to suggest that as a presider I will be a judge in my own cause. The recovery plan is not "my" cause.

23. She is, of course, right to say that as a Presider I know about the recovery plan, and that I have had contact with HMCTS officials about it. But every judge in the land knows about the recovery plan. I venture that nearly all will have had contact with HMCTS officials in relation to it (list officers, court managers and so on are all employed by HMCTS). This is the issue of the moment in the criminal justice arena. I do not accept that a right-minded observer would consider this a reason to suspect bias on any judge's part. Moreover, if all these judges were to recuse themselves the system would become unworkable.

24. Ms Forshaw suggests that Edis J's working party is part of the machinery of the recovery plan and is thereby linked to HMCTS. (That committee was originally called the Jury Trial Restart Working Group and is now called the Crown Court Trial Working

Group.) But that group is, as its title suggests, a working group which focuses on operational matters in order to increase trial capacity within the existing court estate. It is not involved in policy or funding. In any event, I do not sit on that working group, and I fail to see how it has relevance to the propriety of my hearing this case.

25. I refuse the application for recusal.

CTL Extension application

26. CTLs are set at 182 days (recently increased prospectively to 238 days – but that change will not apply to these Defendants).

27. CTLs can be extended pursuant to Section 22(3) of the Prosecution of Offences Act 1985 which provides as follows:

> The appropriate court may, at any time before the expiry of a time limit imposed by the regulations, extend, or further extend, that limit; but the court shall not do so unless it is satisfied—
>
> (a) that the need for the extension is due to—
>
> …
>
> (iii) some [other] good and sufficient cause; and
>
> (b)that the prosecution has acted with all due diligence and expedition.

28. Art 5(3) of the ECHR provides that everyone arrested or detained is entitled to trial "within a reasonable time or to release pending trial"; Art 6(1) provides that everyone is entitled to a fair and public hearing "within a reasonable time".

29. For the Crown, Ms Przybylska submits (and I accept) that the test can be broken down into three stages:

i) has the prosecution acted with all due diligence and expedition?

ii) is the need for the extension due to some other good and sufficient cause?

iii) ought the court to exercise its discretion to extend the time limit?

30. So far as the Crown's application is concerned, there is no issue in relation to i). The prosecution has acted with all due diligence and expedition. (To the extent that there may have been delay attributable to the prosecution at the time of the first CTL extension, that water has now flowed under the bridge and ceased to have relevance.) The issue in this application relates to ii) and iii).

31. Ms Przybylska argues that there is good and sufficient cause to extend custody time limits in this case and that I should exercise my discretion to do so. The trial has been postponed owing to a global health emergency. HMCTS has taken proportionate and reasonable measures to cope with the initial emergency, then to restart jury trials within

the 2m social distancing rules, and then move to 1m+ in order to extend capacity. There is no systemic failure. Further, the balance of fairness lies in favour of extending time limits in this case.

32. For P, Ms Forshaw denies that there is good and sufficient cause for extending CTLs for a third time. P has already been in custody for over a year; and if he is now held in custody pending trial, he will have spent a total of 16½ months awaiting trial, which is unreasonable. She submits that the cause of the delay in his case and indeed in other cases involving serious charges and multiple defendants is a lack of available courtrooms, and that that is a consequence of the lack of money provided by Parliament to provide sufficient space for trials, and that the delays in bringing cases to trial will not be alleviated by the current steps being taken by HMCTS. She argues that the health advice from Government has changed, many social spaces are now open again (such as bowling allies, skating rinks and casinos) and that the pandemic and the accompanying health advice no longer provide a good and sufficient cause to extend CTLs.

33. Ms Forshaw relies on *Zimmerman and Steiner v Switzerland* 6 EHRR 17, cited in Archbold at para16-98, for the proposition that shortage of resources is not a sufficient reason because the State has an obligation to organise its legal system so as to comply with obligations under Art 6(1) (the current issue touches more closely on Art 5(3), but no matter; and, by the by, I note that that case involved a delay of 3 ½ years in a case coming on for trial). She relies on a series of domestic cases to support the argument that lack of availability of courtrooms (or judges) does not amount to a good and sufficient cause, in particular *R (Raeside) v Crown Court at Luton* [2012] EWHC 1064 (Admin).

34. She also places reliance on the two previous decisions of Judge Raynor and a decision of HHJ Graeme Smith at Bolton Crown Court who also refused to extend CTLs, on grounds similar to those she advances before me.

35. In an addendum argument, she submits that it is for the Crown, by the CPS, to invite HMCTS to provide evidence to the Court to demonstrate sufficient allocation of resources and timely remedial action in light of the pandemic, "otherwise the Defendant must be released" citing *R (McAuley) v Crown Court at Coventry (Practice Note)* [2012] EWHC 680 (Admin); [2012] 1 WLR 2766 at [35]. She submits that the withdrawal of the CTL protocol, which recognised at [15] that the pandemic was an exceptional situation which could amount to a just and sufficient cause, means that the State is no longer permitted to rely on the pandemic to justify an extension of CTLs. She notes the large backlog of trials, now increased due to the effects of the pandemic and the lack (as she argues) of sufficiently prompt remedial action, with insufficient trial courts and insufficient staff. Such actions as have been taken should have been taken six months ago. She argues that Nightingale Courts can only modestly increase capacity and that plexiglass has been too slow in coming. More should have been done, and sooner; what has been done is too little, too late and there is now a systemic problem.

36. I remind myself of *R v Manchester Crown Court ex p McDonald*]1999] 1 Cr App R 409 where the Divisional Court stated that there are three objectives underpinning the 1985 Act: (i) to ensure that the periods for which unconvicted defendants are held in custody awaiting trial are as short as reasonably and practicably possible; (ii) to oblige the prosecution to prepare cases for trial with diligence and expedition; and (iii) to

invest the court with power and duty to control any extension of the maximum period for which any person may be held in custody pending trial. The Court also emphasised that there is an almost infinite variety of matters which are capable of amounting to a good and sufficient cause, and that the judgment in each case is fact specific. By the by, I note that the Court considered four separate cases and endorsed extensions leading to a total period of custody pending trial well in excess of a year in at least two of them.

37. In *R (Kalonji) v Wood Green Crown Court* [2007] EWHC 2804 (Admin), the Divisional Court (Latham LJ and Simon J, DC) cited from the earlier case of *R (Gibson and another) v Crown Court at Winchester [2004] 1 WLR 1623*, per Woolf J at [31], as follows:

> [10] … The courts cannot ignore the fact that available resources are limited. They cannot ignore the fact that occasions will occur when pressures on the court will be more intense than they usually are. In such a situation it is important that the courts and the parties strive to overcome any difficulties that occur. If they do not do so, that may debar the court from extending custody time limits.

38. This paragraph seems to provide the answer to Ms Forshaw's resources argument. The availability of scarce public resources is relevant in domestic law as a factor in determining whether a good and sufficient cause is made out. It is only one consideration, but it cannot be left out of account altogether as she submits.

39. Latham LJ continued:

> [18] … It seems to me that paragraph 31 of Lord Woolf's judgment in Gibson provides a pragmatic and helpful approach to the difficult question that has to be answered by Crown Court judges when deciding whether or not the circumstances are such that it can be proper to extend custody time limits. In other words, **where there are real pressures on a court which have been created by exceptional circumstances the court should be careful to examine what the reason is and the proposed solution to it and come to a judgment as to whether or not it can properly be said that the reason is one which is exceptional, on the one hand, and the steps that are proposed to alleviate it appear to have a prospect of success on the other.** If the delays which are being experienced by a court are not being alleviated by any steps that are being taken, the judge may be forced to conclude that the position has become one where there is a systemic failure to be able to provide for trials within the custody time limits ….

40. The highlighted passage provides relevant guidance. The pandemic has undoubtedly placed real pressures on all Crown Courts. Its existence is an exceptional circumstance. If authority were needed for that proposition, it exists in *R (McKenzie) v Crown Court at Leeds* [2020] EWHC 1867 (Admin) at [42].

41. The proposed solution is set out in a number of documents, most of which were cited by Ms Forshaw. In order to complete the picture, I reminded the parties of the 24 August 2020 memorandum which also seemed relevant. The three documents I would consider most important are the following, because they are the most recent:

i) The Memorandum from Helen Measures, Crime Service Owner, HMCTS to the SPJ dated 24 August 2020 with attachments.[1]

ii) The statement withdrawing the 9 April 2020 Protocol on Custody Time Limits issued by the President of the Queen's Bench Division and the SPJ on 2 September 2020.[2]

iii) Covid-19 Update on HMCTS response for criminal courts in England and Wales, published by HMCTS on or about 7 September 2020.[3]

42. These documents set out the steps that are being taken to alleviate those difficulties. There is a plan. That plan will make available for jury trials court rooms and ancillary areas which are safe for all court users, staff, jurors and judges. Unlike other jurisdictions (I am thinking of civil and family work) where technology may be at least part of the solution, in the crown court, it is necessary to accommodate large numbers of people for long periods in relatively confined spaces; because of the pandemic, that must be done safely and with distancing or other measures in place.

43. I am satisfied that the planned steps have a prospect of success. The plans have not yet come to fruition, and much will depend on when and how that occurs. But the evidence of the plans being implemented is all around. I am most familiar with the 14 crown courts in the South East outside London and I use that part of the country as an example: all 14 South East crown courts are now open and able to host at least one jury trial, there are now 28 trial court rooms operating across that part of the Circuit, there are concrete plans to increase that number substantially to something in the region of 70 trial court rooms (against a historic total of 84 court rooms, some of which would have been used for non-jury work anyway). Some of the equipment has been delivered and installed. Some is on order with delivery dates over the next weeks and months. The picture is not without blemish: some spaces still have to be assessed for suitability, some orders for equipment still have to be placed or confirmed, some equipment is proving difficult to source, and some delivery dates have slipped. Questions remain at some courts about staffing, space in the common parts, alternative spaces for jurors, and the like. And there are some options for increasing trial capacity (for example by the use of different spaces, not currently used for crown court trials) which are only at an early stage of investigation.

44. So far as Woolwich court is concerned, I asked for and was given the following information by HHJ Heathcote Williams QC and Judge Kinch. Woolwich has 12

---

[1] https://www.judiciary.uk/wp-content/uploads/2020/09/Memo-to-the-SPJ-Supporting-recovery-in-the-Crown-Court-jurisdiction_.pdf

[2] https://www.judiciary.uk/wp-content/uploads/2020/09/CTL-Protocol-withdrawal-Direction-2-September-2020-SPJ-and-PQBD-signed.pdf

[3] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/915493/HMCTS401_recovery_overview_for_crime_WEB.pdf

courts. It has been able to run one trial court since 29 June, adding a second trial court on 1 September. The plan is to run three trial courts from 5 October 2020 and four trial courts from 2 November 2020, those last two courts requiring plexiglass installation. The plexiglass is on order with a delivery date later this month. After that, the problems become more complex, involving the capacity of Serco to operate more courts safely, an issue which touches on cell capacity and space for Serco employees; these matters remain under discussion.

45. Woolwich has a number of very serious trials in its list. The list is regularly reviewed by staff and a panel of judges. It has not been possible to find a slot for this trial any earlier than January 2021, given the priority of this case relative to others in the list.

46. Building up trial capacity in the crown courts will take time. This is a complicated exercise, being undertaken at speed and on a large scale. The plans are a work in progress, and there is still a very great deal to do: the plans must be developed in their detail and then implemented meticulously and at speed. If that does not occur, the sufficiency of HMCTS' response will come into question. I am not persuaded, on the evidence before me, that the plan is too little too late or that there is at present a systemic failure.

47. Turning to Ms Forshaw's submissions dated 6 September 2020, I am not persuaded that the matters listed at para 32 are deficiencies in HMCTS' Covid response, although I am hampered in dealing with those matters with precision because HMCTS was not put on notice of this application and it has filed no evidence in response, nor is it present in Court to make submissions today. I will deal with this evidential gap below. However, the short answer is that we are in the midst of a global pandemic and that is why so few trials have taken place since March. As to the suggestion that public buildings and centres should have been used for Nightingale Courts, as she knows, on this circuit we have two such courts, at Prospero House and the Knight's Court in Peterborough Cathedral; other spaces are being investigated. But Nightingale Courts would not have helped these defendants because the crown courts are now concentrating on custody cases and additional space for bail cases would probably not make much difference to the listing of cases like this. It would take more than a few months to design and build additional Crown Court capacity across the country with cells and secure docks and the other necessary security features for dealing with very serious criminal cases. Ms Forshaw is correct to say that multi-handed trials, like this one, pose particular challenges because there are fewer courts which can accommodate them in Covid conditions. That is doubtless why this case cannot be accommodated at Woolwich before January 2021 (and it is not possible to give it an earlier listing at any other London court or at Basildon or Maidstone, which also have capacity for 4-hander trials: I have checked).

48. The reason P's trial cannot be heard before January 2021 is the existence of the global pandemic. The global pandemic is, in my judgment, a good and sufficient cause to extend CTLs.

49. I reject the suggestion that the withdrawal of the Coronovirus Protocol precludes me from so deciding. I note that the direction from the PQBD and SPJ by which that Protocol was withdrawn specifically states that decisions henceforth should be made "*with the restricted availability of courts an important factor*". The availability is

restricted because of the effects of the pandemic; the pandemic has not gone away; we are now just having to manage with it and despite it.

50. I am also satisfied that this is a case where I should exercise discretion to extend custody time limits until trial in January 2021. Extending time limits does not preclude P from making a bail application (as indeed he has done). Examination of his individual case, and his arguments for release from custody are better examined in the context of that bail application.

51. I therefore grant the Crown's application to extend CTLs. I extend them until 15 January 2021.

52. If there is any further application to extend CTLs in this case (I hope there will not be) I would wish HMCTS to be put on notice of the application, to be at liberty to file evidence, and to be represented at the hearing of the application. I have not been persuaded that there is substance in Ms Forshaw's criticisms of HMCTS, but if I had found any attraction in her submissions, I would have felt it necessary, as a matter of basic fairness, to give HMCTS the opportunity to answer those criticisms before coming to any conclusion on the application. Ms Forshaw argues that it is for the CPS to invite HMCTS to participate. I am not so sure about that. After all, it is P, not the CPS, who submits that HMCTS has failed in its obligations under domestic and Convention law and it is P who raises the issue on which HMCTS is entitled to give its answer. Thus, this situation is very different from that which arose in *R (McAuley) v Crown Court at Coventry* [2012] EWHC 680 (Admin), [2012] 1 WLR 2766 on which Ms Forshaw relies. But I do not need to decide the point and I simply record it for future determination, if that is necessary.

Bail Application

53. There is a rebuttable presumption in favour of bail, and of course a presumption of innocence too. The bases on which bail can be withheld are familiar, and are contained in Sch 1, para 2 to the Bail Act 1976, with relevant factors to be considered set out at para 9. Articles 5(3) and 6(1) require that trial takes place within a reasonable time (and see *O'Dowd v UK* (2012) 54 EHRR 8 (187) at [69]).

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

59. [redacted]

60. I refuse bail.

Summary

61. In summary:

    i) I refuse P's application for recusal.

    ii) I extend the CTLs for all Defendants until 15 January 2021.

    iii) I refuse P's application for bail.

62. I thank all counsel and supporting legal teams for their submissions.