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Barnabas Branston

Call: 1999



Barney is ranked as a leading junior specialising in police law, inquests and police discipline. He is rated by clients for being “*excellent counsel*” and “*a master strategist*”.

Barney acts for a range of clients including police forces across England and Wales and other organisations in the public and private sector. He is currently representing Serco Home Affairs, Devon and Cornwall Police, West Midlands Police, Dyfed Powys Police on a variety of matters including as Junior Counsel in the Group Litigation Order arising out of the **Hillsborough** disaster. He is also providing bespoke legal advice to a start-up specialising in the provision of security at public events.

Before being called to the Bar, Barney studied French at Oxford and whilst at university was sponsored by the Welsh Guards. After graduating he served in the regiment for five years in Northern Ireland, Shropshire, Paris, Germany and London.

Barney is happy to provide lectures to solicitors on all aspects of his practice. He has recently provided training on inquests and police misconduct hearings.

Recommendations

“He is an incredibly persuasive advocate and his written submissions are of an excellent standard.” (Inquest and Inquiries)

Chambers UK 2018

“He is a master strategist. He understands which points to fight for and which not to.” (Inquest and Inquiries)

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“He is easy to work with, approachable and affable.” (Police Law)

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“He has excellent client care skills.” (Police Law)

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“He’s fantastic. He really gets to grips with the issues.” (Professional Discipline)

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“Able to provide timely, succinct and practical advice. Also able to cut through the complexities of a case and deal with the relevant issues.” (Professional Discipline)

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“He has a great rapport with officers and a really practical approach.” (Police Law)

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“He carries a very firm and positive air.” (Police Law)
Chambers UK 2016

“He is thorough and pragmatic.” (Police Law)
Chambers UK 2016

“He is excellent counsel. He has a really good, approachable and easy to work with manner – very able.” (Police Law)
Chambers UK 2016

“He is great; the clients absolutely love him.” (Police Law)
Chambers UK 2015

“He is very approachable and clients like him very much. We use him a lot for misconduct and inquest work because he knows it inside out.” (Police Law)
Chambers UK 2014

“There is no panicking with him and he puts everyone at ease. Also his style of delivery is excellent and panels really like him.” (Police Law)
Chambers UK 2014

Police Law

Barney has an extensive practice defending Chief Constables in a variety of tortious claims, specifically in civil actions for assault, wrongful arrest, false imprisonment, malicious prosecution, negligence and trespass. He also defends cases which include claims brought pursuant to the Human Rights Act.

He is currently instructed by the Chief Constable of West Midlands Police as Junior Counsel in the Group Litigation Order arising out of the **Hillsborough** disaster.

Previous cases include:

Goldsmith v CC Devon and Cornwall Police – claim for assault, false imprisonment and negligence following the use of CS spray and handcuffs.

Phillips v CC Devon and Cornwall Police – claim for assault and wrongful arrest following the use of taser and handcuffs.

Godfrey v CC Dyfed Powys Police – claim for assault, wrongful arrest, false imprisonment, trespass to property.

Fareed v CC West Midlands Police – claim for assault, false imprisonment, negligence and breach of HRA following the use of taser and handcuffs.

Fox v Commissioner of Police for the Metropolis – claim for assault, including the partially successful reliance on s329 CJA 2009.

Okoro v Commissioner of Police for the Metropolis – claim for assault and false imprisonment

Klein v CC Staffordshire Police – claim for malicious prosecution.

Gonsalves v CC Staffordshire Police – claim for assault, wrongful arrest and malicious prosecution.

Andry v Commissioner of Police for the Metropolis – claim for assault and false imprisonment.

Kirby v Commissioner of Police for the Metropolis – claim for assault.

JEA & JXA v Commissioner of Police for the Metropolis – claim for negligence.

Inquests

Barney has significant inquests experience. He regularly represents Chief Officers in coroners' inquests, notably having been instructed on behalf of the Chief Constable of West Midlands Police as junior counsel in the **Hillsborough** inquests. Barney also appeared on behalf of City of London Police in the six-week inquest into the death of the newspaper vendor **Ian Tomlinson** on the day of the G20 demonstrations.

Other police inquests in which Barney has appeared have included deaths following contact with the police where death has followed a variety of episodes including from drug toxicity, Acute Behavioural Disorder, alcohol withdrawal, taser deployment, vehicle pursuits.

Re Sean Walsh – an article 2 inquest with a jury where the deceased died from complications arising from acute alcohol withdrawal.

Re Darren Pantall – an article 2 inquest with a jury where the deceased died having swallowed a package of drugs in the course of being arrested.

Re Dorothy “Cherry” Groce – a jury inquest where the deceased died in 2014 from complications arising from her being shot by a police officer.

Re Karlene Wright – an inquest into the death of a lady who fell from the seventh floor of a car park.

Re Teresita Sison – jury inquest into the death of a lady who was killed when a tree collapsed onto her in high winds.

Re Faiza Ahmed – jury inquest where the deceased, who had been diagnosed with mental health issues and was at risk of suicide, stepped in front of a train.

Re Darren Lyons – an article 2 inquest with a jury where the deceased, who had been diagnosed with mental health issues, died having been restrained in custody.

Re Jason Pearce – a jury inquest where the deceased died following a cardiac arrest caused by multiple drug toxicity or excited delirium, and after being restrained by police officers.

Re Robert Grimsley – a jury inquest where the deceased died following a cardiac arrest caused by critical stenosis and atheroma after carrying stolen lead and having been pursued by police officers.

Barney also regularly appears on behalf of Serco Home Affairs in inquests following deaths in custody, notably for those at HMP Doncaster, HMP Dovegate, HMP Thameside and HMP Norwich.

Recent examples of inquests include:

Re Tharmalingham – considering the adequacy of response to an alarm system at Thames Magistrates' Court.

Re Davies-O'Neill – considering the adequacy of mental health assessment, allegations of bullying and the efficacy of the observation regime.

Re Gary Bell – considering the adequacy of medical care given in the present setting.

Re Samuel Gale – considering the adequacy of the ACCT process.

Re Paul Flynn – considering the adequacy of communication between the healthcare providers within the prison and the local hospital.

Re Adetekunbo Ajakaiye – considering the adequacy of medical treatment given to a prisoner returning from Sierra Leone with malaria.

Re Adam Wileman – considering the ACCT process and the application of the observation regime.

Re Duncan Drummond – considering the difficulty of establishing intent in the context of apparent suicide.

Re Jonathan Swift – considering the foreseeability of a transgender prisoner's apparent suicide and the adequacy of the regime in place to support prisoners from that community.

Barney is also developing a practice in inquests in the general care setting, having recently appeared on behalf of an NHS Foundation Trust in charge of a psychiatric ward, on behalf of a care home and on behalf of the family of a patient who was awaiting transportation under section.

He has also represented an Audi dealership in the inquest into the death of one of their apprentices (**Re George Cheese**) and Transport for London in the inquest into the death of an apprentice waterman who fell from a ferry into the Thames (**Re Benjamin Woollacott**).

Health & Safety

Barney has dealt with a wide array of cases defending alleged or actual statutory breaches, including HSWA 1974, PUWER, the PPE legislation, and the various regulations that apply to workplaces, contributing at an early stage in threatened proceedings and in associated negotiations with the HSE. He is instructed to advise pre-charge, in challenges to prohibition and improvement notices, to respond to Friskies schedules and to act at trial.

Barney has represented a number of defendants with notable experience in the printing industry and in heavy industry. His many years at the criminal bar gave him regular exposure to both Magistrates' and Crown Courts, in which he is also able to deploy the full array of advocacy skills honed in the regulatory work he does elsewhere.

R (HSE) v Cammell Laird – advising on correspondence with HSE, on plea, in drafting a response to the Friskies schedule, analysis of the sentencing guidelines and subsequently at the sentencing hearing.

R (HSE) v Artisan Press Ltd – advising on and drafting the response to the Friskies schedule and appearance at the sentencing hearing.

R (HSE) v Lettershop Ltd – advising on and drafting the response to the Friskies schedule and appearance at the sentencing hearing.

R (HSE) v xxx – ongoing case regarding a fall from height, requiring submissions regarding tactical approach to

take and how best to present the case.

Regulatory

Barney has a wide-ranging practice acting on behalf of the Appropriate Authority in proceedings brought under the Police (Conduct) Regulations and Police Appeals Tribunals Rules and under the previous regulatory regime was often instructed as the legal adviser to the panel.

Recent cases include:

PC N (Devon & Cornwall Police) – IPCC directed hearing regarding allegations that the officer had used excessive force in striking a football fan to the head with a baton.

PC D (Gwent Police) – allegations that the officer had accessed police databases to pursue a private relationship.

PC B (Metropolitan Police) – fast track case where the officer had been using and possessing cocaine and amphetamines.

PC S (Metropolitan Police) – allegations that the officer had used excessive force in the course of an arrest following a pursuit.

PS S (Gwent Police) – allegations that the officer had regularly absented himself from duty in order to pursue a new relationship.

SC A (Thames Valley Police) – allegations that the officer had acted aggressively towards members of the public and to attending police officers when drinking off-duty.

PC P (South Wales Police) – allegation that the off-duty officer had slapped the backside of a female member of the public when out drinking with colleagues.

PC B (Thames Valley Police) – allegations that the officer had repeatedly made sexual advances to two females whilst on duty.

PC H (West Mercia Police) – allegations that the officer had knowingly falsified his firearms training record.

PC D (West Midlands Police) – allegations that the officer had used a phrase with racist connotations knowing that such a phrase was offensive.

PC B and PC S (West Yorkshire Police) – allegations that officers had colluded in the writing of their witness statements.

Personal Injury

Barney represents both claimants and defendants at all stages of proceedings and in cases that range from “simple” tripping and slipping cases on the fast track to rather more complex matters on the multitrack.