



**In the High Court of Justice
Queen's Bench Division
Administrative Court**

CO Ref: CO/745/2017

In the matter of an application for Judicial Review

The Queen on the application of David MILLS

versus

London Borough of Hammersmith and Fulham

NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)

Following consideration of the documents lodged by the Claimant and the Acknowledgement of service filed by the Defendant

Order by Judge Andrew Grubb (sitting as a Deputy High Court Judge)

Permission is hereby granted

Observations:

1. The Claimant challenges the Defendant's decision of 11 November 2016 to introduce a new parking scheme within Zone J and the Orders made by the Defendant on 7 December 2016 to give effect to that decision.
2. The Grounds as set out at para 47 of "Statement of Facts and Grounds" are arguable. It is arguable that the 11 November 2016 decision was based upon a false factual premise on the options which were consulted upon (not including that put forward by the Claimant). Further, the decision was arguably in breach of a legitimate expectation that any changes would have majority approval and any departure from that has arguably not been justified. The consequential Orders of 7 December 2016 are arguably therefore also unlawful. Further, it is arguable that the Orders do not impose arrangements authorised by the prior decision.
3. I am satisfied that the Claimant clearly has standing and that, because of the consequential potential impact of the new arrangements upon parking in his street, his claim is not academic in the sense that the court would not grant relief.
4. Further, I am not satisfied that it is highly likely that, if there were legal errors, the decisions would be substantially the same. In my judgment, section 31(3D) of the Senior Courts Act 1981 does not apply.

Case management directions

- The defendant and any other person served with the claim form who wishes to contest the claim or support it on additional grounds must file and serve detailed grounds for contesting the claim or supporting it on additional grounds and any written evidence, within 35 days of service of this order.
- Any reply and any application by the claimant to lodge further evidence must be lodged within 21 days of the service of detailed grounds for contesting the claim.
- The claimant must file and serve a trial bundle not less than 4 weeks before the date of the hearing of the judicial review.

- The claimant must file and serve a skeleton argument not less than 21 days before the date of the hearing of the judicial review.
- The defendant and any interested party must file and serve a skeleton argument not less than 14 days before the date of the hearing of the judicial review.
- The claimant must file an agreed bundle of authorities, not less than 3 days before the date of the hearing of the judicial review.
- If permission has been granted on some grounds but refused on others, you may request that the decision to refuse permission be reconsidered at a hearing by filing and serving a completed form 86B within 7 days of the service on you of this order. The reconsideration hearing will be fixed in due course. However, if all parties agree - and time estimates for substantive hearing allow - the reconsideration hearing may take place immediately before the substantive hearing. The Administrative Court Office must be notified within 21 days of the service and filing of form 86B that the parties agree to this course.

Listing Directions

The application is to be listed for 1 day; the parties to provide a written time estimate within 7 days of service of this order if they disagree with this direction.

Case NOT suitable for hearing by a Deputy High Court Judge*

Criminal case NOT suitable for hearing by a Single Judge*

Directions as to venue, if applicable:

[*Tick if applicable]

Signed



5 April 2017

For completion by the Administrative Court Office

Sent / Handed to the claimant, defendant and any interested party / the claimant's, defendants, and any interested party's solicitors on (date):

Solicitors: *RSS / RWS / 00142108/1* 12 APR 2017
 Ref No.

Notes for the Claimant

To continue the proceedings a fee is payable.

For details of the current fee please refer to the Administrative Court fees table at <http://www.justice.gov.uk/courts/rcj-rolls-building/administrative-court>. Failure to pay the fee or submit a certified application for fee remission may result in the claim being struck out. To form to make an application for remission of a court fee can be obtained from the Justice website <http://hmctsformfinder.justice.gov.uk/HMCTS/Form Finder.do>

You are reminded of your obligation to reconsider the merits of your claim on receipt of the defendant's evidence.