



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

CO Ref:  
CO/2446/2017

In the matter of an application for Judicial Review

The Queen on the application of NIGEL DAVIES

versus ADDERBURY PARISH COUCIL

**Application for permission to apply for Judicial Review  
NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)**

Following consideration of the documents lodged by the Claimant and the file in CO/2184/2017 including my Order of today refusing permission in those other judicial review proceedings

Order by HHJ PURLE QC

**Permission is hereby refused.**

Reasons: The refusal of permission in CO/2184/2017 makes this claim academic as that claim is now at an end. In any event, I cannot see how any reasonable observer could have concluded that there was a real possibility of bias affecting the decision to defend the proceedings or in the choice of solicitors. A fair minded and informed observer would have recognised that the restrictive covenants were required by the section 106 Agreement, that the differences in wording were insignificant, and that the proceedings were out of time. Such involvement as individual Councillors may have had or been perceived to have had in the history of the covenant would not be seen by a fair minded and informed observer as giving rise to any real risk of bias. This conclusion is made stronger as the claim in CO/2184/2017 was to any informed observer evidently without merit. The fact also that the solicitors had some prior contact with Councillor Bratt would not be seen as a disqualifying factor by a fair minded and informed observer. It is commonplace for individuals to recommend solicitors who have acted for them previously.

- Case is considered to be totally without merit: as well as now being wholly academic, the claim is in my judgment without any foundation at all.

Signed

*A Purle* 7 July 2017 5.02 pm

**The date of service of this order is calculated from the date in the section below**

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

Solicitors:

Ref No. *KxW/NLS/85966-4*

**Notes for the Claimant**

If you request the decision to be reconsidered at a hearing in open court under CPR 54.12, you must complete and serve the enclosed FORM (86B) within 7 days of the service of this order. A fee is payable on submission of Form 86B. ***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.justic.gov.uk/HMCTS/Form\\_Finder.do](http://hmctsformfinder.justic.gov.uk/HMCTS/Form_Finder.do)