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HAWLEY
DX: 155710 OXFORD 13

Our ref: CO/434/2018
Your ref: AEH/JXB/STC/3707719

27 April 2018

Dear Sir / Madam,

Re The Queen on the application of GRANT v OXFORDSHIRE COUNTY COUNCIL

Permission to apply for judicial review has been refused and notice of that refusal is enclosed. As the application was considered to be totally without merit, you may not request that the decision to refuse permission be reconsidered at a hearing before the Administrative Court [see Civil Procedure Rule 54.12(7)].

Accordingly, I write to inform you that the file in this matter has been closed.

In Civil Cases

Where an application is identified by the Administrative Court as being totally without merit, the route of appeal against the refusal of permission to apply for judicial review is to the Court of Appeal Civil Division. An application to the Court of Appeal for permission to appeal will be determined on paper without an oral hearing [CPR 52.15(1A)].

In Criminal Cases

Where an application is identified by the Administrative Court as being totally without merit, there is no further route of appeal against the refusal of permission to apply for judicial review.

Yours faithfully,

A Retkoceri

For Court Manager

CC: defendant and any interested party



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

CO Ref:

CO/434/2018

In the matter of an application for Judicial Review

The Queen on the application of
HAROLD GRANT

versus
OXFORDSHIRE COUNTY COUNCIL

**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 Acknowledgement of service filed by the Defendant

Order by Robin Purchas QC as deputy High Court Judge

Permission is hereby refused; the application is considered to be totally without merit

Reasons:

1. It is wholly unarguable that, following the planning appeal decision, it was not open to the Defendant to refuse to vary its existing parking restriction order to allow parking permits to be issued for residents of the Claimant's premises.
2. There is no arguable basis for contending that the decision was not lawfully delegated to the cabinet member who took the decision, notwithstanding any failure to reflect that delegation by way of update to the constitution.
3. On the alleged inadequacy of reasons in the circumstances where the cabinet member's decision was contrary to the recommendation of the officers, in response to the preaction protocol letter the Defendant agreed to rescind the decision and to make a new decision whether to vary the order including reconsultation. The Defendant purported to rescind the decision on 8th February 2018 and the proposed variation order was proposed for reconsideration on 12th April 2018. In the circumstances the original decision and these proceedings have become academic and the grant of permission would not in any event be justified.
4. For all the above reasons the application would be bound to fail and is wholly lacking in merit.
5. In the circumstances, including the failure of the Defendant to file any statement of costs, it is just that there be no order for costs.

BY VIRTUE OF CPR 54.12(7) THE CLAIMANT MAY NOT REQUEST THAT THE DECISION TO REFUSE PERMISSION BE RECONSIDERED AT A HEARING.

Signed

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): **27 APR 2018**

Form JRJ 5 v. September 2017 Judicial Review Permission Refused AS TOTALLY WITHOUT MERIT [NLA claim]

Solicitors: HAWLEY
Ref No. AEH/JXB/STC/3707719