



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

CO Ref: CO/900/2018

In the matter of an  
application for Judicial Review  
The Queen on the application of MR MARK ROSTRON  
versus GUILDFORD BOROUGH COUNCIL  
Applications for permission to apply for Judicial Review and for urgent interim relief  
NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)  
Following consideration of the documents lodged by the claimant  
Order by the Honourable Mr Justice Walker

1. The application for permission to apply for judicial review is refused.
2. The application for urgent interim relief is refused.

**Reasons:**

A. Your first ground for seeking judicial review asserts a breach of s 300(3) PHA 1936, requiring notification of entitlement to appeal. Even if there were such a breach, however, it would not follow that the livery condition would be quashed. I have no doubt whatever that you were well aware of the entitlement to appeal. You cite *Stockton-on-Tees BC v Latif* [2009] EWHC 228 (Admin), but that concerned only the question whether the time limit for appealing could be extended.

B. Your second ground is dependent on the first, and falls with it.

C. Your third ground assumes that failure by the council to notify you of an appeal right would deprive you of that right. I can see no good reason for such an assumption.

D. Your fourth ground appears to be that the council's policy forbade suspension in the present circumstances. However the material you rely upon appears to comprise no more than examples of circumstances in which s 68 LG(MP)A 1976 would be used.

E. Your fifth ground relies on a policy of not taking enforcement action as a punitive response to "minor technical contraventions". To my mind the council was fully entitled to treat your breach as not falling within this description.

F. Your sixth ground asserts a breach of human rights law. There is no reason, however, to consider that use of s 68 was disproportionate. You also assert bias under this ground. Before making such an assertion you need to consider the matter very carefully. You have cited the test for bias, but do not cite anything falling within that test. Instead you assert, "It is clearly unfair ..." – but that complaint is inconsistent with the Court of Appeal decision in *Wilcock v Lancaster City Council* [2013] EWCA Civ 1607.

G. Your seventh ground (abuse of process) is also inconsistent with *Wilcock*, and so is your eighth ground (alleged limitation on ability to suspend under s 68), while your ninth to eleventh grounds cannot succeed for the reasons given above.

H. As your grounds have no merit your claim must be brought to an end. This means that I cannot give you interim relief.

Signed: *Paul Walker*

Date: 1 March 2018

Signed:

Date: 1 March 2018

**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.

**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 <https://www.gov.uk/court-fees-what-they-are>**. Failure to pay the fee or submit a certified application for fee remission may result in the claim being struck out. The form to make an application for remission of a court fee can be obtained from the Justice website <https://www.gov.uk/get-help-with-court-fees>



**In the High Court of Justice  
Queen's Bench Division  
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CO Ref no: CO/900/2018

In the matter of a claim for Judicial Review

The Queen on the application of

ROSTRON

versus GUILDFORD BOROUGH COUNCIL

**Notice of RENEWAL of claim for permission to apply for Judicial Review (C P R 54. 12)**

1. *This notice must be lodged in the Administrative Court Office, by post or in person and be served upon the defendant (and interested parties who were served with the claim form) within 7 days of the service on the claimant or his solicitor of the notice that the claim for permission has been refused.*
2. *If the claim was issued on or after 7 October 2013, a fee is payable on submission of Form 86B. Failure to pay the fee or lodge a certified Application for Fee remission may result in the claim being struck out. The form for Application for Remission of a Fee is obtainable from the Justice website <http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do>*
3. *If this form has not been lodged within 7 days of service (para 1 above) please set out below the reasons for delay:*
4. *Set out below the grounds for seeking reconsideration:*

5. *Please supply*

COUNSEL'S NAME:

COUNSEL'S TELEPHONE NUMBER:

Signed

Dated

Claimant's Ref No.

Tel.No.

Fax No.

**To the Administrative Court Office, Royal Courts of Justice, Strand, London, WC2A 2LL**

**FORM 86B**