



Neutral Citation Number: [2020] EWHC 1503 (Admin)

Case No: CO/2090/2020

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

Cardiff Civil Justice Centre
2 Park Street, Cardiff CF10 1ET
Date: 2/7/2020

Before :

HIS HONOUR JUDGE JARMAN QC

Sitting as a judge of the High Court

Between :

JONATHAN BISHOP

Applicant

- and -

PUBLIC SERVICE OMBUDSMAN FOR WALES

Respondent

-and-

(1) TAFF'S WELL AND NANTGARW COMMUNITY COUNCIL

(2) GAIL WILLIAMS

(3) ALUN FOWLER

(4) HELEN EDMUNDS

Interested Parties

The applicant in person

Mr Gwydion Hughes instructed by the defendant

The second to fourth interested parties in person

Hearing dates: 3 June 2020

Approved Judgment on consequential matters

Covid-19 Protocol: This judgment was handed down remotely by circulation to the parties' representatives by email and released to BAILII. The date and time for hand-down is deemed to be 10:30 on the 2 July 2020

HH JUDGE JARMAN QC :

1. This judgment on consequential matters is supplemental to the judgment which was handed down remotely on 12 June 2020.
2. PSOW applies for its costs to summarily assessed in the sums set out in its costs schedule dated 1 June 2020 and limits the application to the costs incurred to that date.
3. As PSOW succeeded in resisting the applicant's pre-action application for an injunction to stop its statutory investigation of complaints made against him, the general rule on the principle of costs under CPR 44.2(2)(a) and (b) is that the applicant will be ordered to pay its costs. Paragraphs (4) and (5) provide that in deciding what order (if any) to make about costs, the court will have regard to all the circumstances, including the conduct of the parties.
4. The applicant has submitted in emails that costs should be reserved. The first ground is that the judgment of 12 June 2020 is in error substantially and procedurally and the applicant intends to appeal.
5. I do not regard the matters which he sets out in support of that submission as giving rise to a realistic prospect of a successful appeal or showing compelling reasons why an appeal should be heard. In the main these seek to re-argue the merits. He also raises, after judgment has been handed down, procedural points in relation to the hearing and the hand down. I have taken these into account but do not regard them as justifying giving permission to appeal. Accordingly, I would refuse permission to appeal, but of course the applicant is entitled to apply to the Court of Appeal for such permission.
6. The general position is that an appeal shall not operate as a stay or any order or decision (see CPR 52.16) but this court may order otherwise if it is in the interest of justice to do so. I do not consider that it is in the interest of justice to do so in the present case.
7. The applicant has also raised his lack of ability to pay any such order and says that any costs order against him will result in an application in from N245. That in my judgment is the appropriate course if he needs time to pay, rather than justifying reserving costs. In my judgment that is not a good reason why a costs order should not be made.
8. Paragraph 9 of CPR 44PD9 provides that the general rule in a non-fixed costs case such as this is that the court should make a summary assessment of cost at the conclusion of any hearing. In my judgment it is appropriate to do so in this case.
9. The costs set out in the PSOW schedule in my judgment are reasonable and proportionate and I assess those costs in the sum claimed at £3441 inclusive of VAT.
10. I have considered the request of PSOW to certify the application for injunctive relief as totally without merit, but despite the view I came to as to the merits I am not satisfied that I should so certify.