



Neutral Citation Number: [2022] EWHC 1705 (Admin)

Case No: CO/2177/2022

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

1 Oxford Row,  
Leeds LS1 3BG

6<sup>th</sup> July 2022

**Before:**  
**MR JUSTICE FORDHAM**

**Between:**  
**THE PORKY PINT LTD** **Appellant**  
**- and -**  
**STOCKTON ON TEES BOROUGH COUNCIL** **Respondent**

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**Tilbrook's Solicitors for the Appellant**  
**Litigation, Stockton-on-Tees BC for the Respondent**  
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## **Determination as to Venue**

I direct that no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

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THE HON. MR JUSTICE FORDHAM

Note: a non-confidential version of this judgment was released on 1 July 2022,  
for finalisation (correction of typos) and formal hand-down on 6 July 2022.

**MR JUSTICE FORDHAM:**

1. This is a judicial determination on the papers, but where it is, in my judgment, appropriate to give reasons by way of a short judgment. This is an appeal by case stated, in which a minded to transfer order (“MTTO”) was made on 22 June 2022 for transfer to Leeds.
2. In response to the MTTO the Appellant’s solicitors filed these objections:

*Thank you for your email of the afternoon of Wednesday, 22<sup>nd</sup> June in which you implicitly asked whether we would like the case transferred to the Leeds Administrative Court. The answer is no we would not. Leeds is no more convenient to us than it is to the Respondent and this is a case where one side is publicly funded and therefore not concerned at the cost, whereas our client is not publicly funded and would be put to considerable extra cost for travel expenses for his lawyers to travel up to Leeds, which in any case has no real connection with the case and is not even in the “North East Region”, whatever label has been applied to it. This is a case where there will be two hearings and, if we have to travel up to Leeds for these hearings, then there will be an additional expense to our client in excess of £5,000. We would respectfully suggest that that is neither fair, nor reasonable, nor proportionate.*

The Respondent filed these representations in support of the transfer:

*I write further to the Order made concerning venue and the below email from the appellant’s representative in this matter. Public money and the cost to the public purse are a relevant matters that should be taken into consideration. The appellant and the respondent are based in the North East as is our Counsel. I reiterate the view expressed previously that the respondent is supportive of the matter being transferred to Leeds Administrative Court.*

3. The Appellant is licensed premises in Billingham TS23, which is where its proprietor is based. The case is about the licensing action taken in response to what is said to have happened at the premises during the pandemic. A decision of the Respondent’s licensing committee, at which the Appellant was represented by Leading Counsel (Philip Kolvin QC), was unsuccessfully appealed to the Teesside Magistrates’ Court, before whom there was a 3-day hearing at which the Appellant was represented by Counsel (Mr Oakley, based in London EC4Y) and Mr Henderson gave evidence. The Grounds of Appeal to the High Court have been settled by Mr Oakley. The Appellant’s solicitors are in Ongar, Essex CM5.
4. In my judgment, this case plainly has its closest connection with the North-East Region. That is the Region where it was decided by the licensing committee and the magistrates, the Region where the Appellant and Mr Henderson are based, and where the Respondent is based. The Essex solicitors speak of what is “convenient to us”, to the travel costs for the Appellant of his lawyers going to Teesside, and to the distance between Teesside and Leeds. These matters are decisively outweighed by the overall picture, the strong connections with the North-East Region, the fact that travel considerations are not all one-way, that the Respondent is properly also concerned about cost, the fact that the Appellant has chosen whom to instruct as lawyers knowing the region to which the case is closest connected, and the appropriateness of the case being dealt with and heard in the North-East. The “North-East Region” is not a “label” and Leeds has the “real connection” of being the Administrative Court venue identified, as reflected in the relevant CPR provisions, for dealing with cases within that Region. Questions of geographical connection and orientation of a case and its subject-matter do not suddenly evaporate when the case has passed through the relevant licensing

committee (here, Stockton-on-Tees) and the relevant magistrates' court (here, Teesside) and comes before the relevant High Court region (here, the North-East). This appeal can properly be dealt with from Leeds. It should be. I will assume for now, as should the parties, that Leeds is where the hearing will be. But I will also – in my capacity as Liaison Judge for the Administrative Court in the North – look into any possibility that a hearing in this appeal might take place on Teesside.

6.7.22