



**FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
Community Right to Bid**

Tribunal Reference: CR/2014/0007
Appellant: GK Scott
Respondent: South Norfolk District Council
Second Respondent: Pulham St Mary Parish Council
Judge: NJ Warren

DECISION NOTICE

1. Mr Scott appealed successfully to the Tribunal against a decision of South Norfolk District Council (“South Norfolk”) to list a pub known as “The Kings Head” as an asset of community value. Mr Scott has now applied to the Tribunal for a costs order. The application is made under 10(1)(b) of the GRC Procedure Rules. The Tribunal may make an order in respect of costs if South Norfolk has acted unreasonably in defending the proceedings.
2. It seems to me that there are some general considerations which I should take into account when exercising this jurisdiction.
3. First, although in the Courts costs follow the event, public law tribunals have a different tradition which is reflected in the present Rule 10. It is in my judgement part of our public law system that challenges to a state decision before a Tribunal do not generally attract a penalty in costs for either side. It works both ways. Millions of decisions are taken every year by public authorities. Inevitably some of them are wrong. There are also many on which ordinary reasonable people be they members of the public, decision makers in the public authority or decision makers in the Tribunal might reasonably differ. In general, both the public authority and the citizen gain from a cost free environment. The decision under appeal is

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properly scrutinised, no one pays out more in lawyers fees than they choose to do so.

4. Finally, while there will always be exceptional cases requiring exceptional treatment, it is a principle of the First Tier Tribunal that neither appellants nor public authorities should feel the need to be routinely legally represented. See the Leggatt report. The judges in this jurisdiction have a duty to use their expertise effectively to enable appellants to conduct their cases proportionately, informally and flexibly. See Rule 2 GRC Procedural Rules.
5. It is true that in this case I decided that on South Norfolk's own findings of fact the appeal should be allowed. I would not, however, characterise their defence of the proceedings as "unreasonable" especially taking into account that this is a relatively new jurisdiction in which local authorities are still finding their way.
6. For these reasons, I refuse the application for costs.

NJ Warren

Chamber President

Dated 2 October 2014