



Neutral Citation Number: [2024] EWHC 1851 (Admin)

Case No: AC-2024-MAN-000205

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT
SITTING IN MANCHESTER

Circulated: Wednesday, 17 July 2024

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Before:

MR JUSTICE FORDHAM

Between:

**THE KING (on the application of
LADYBILL LIMITED)**

Claimant

- and -

SHEFFIELD MAGISTRATES' COURT

Defendant

- and -

ROTHERHAM CITY COUNCIL

Interested Party

Gareth Darbyshire (instructed by In-House Solicitor, MCR Property Group) for the Claimant

Determination as to Venue

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THE HON. MR JUSTICE FORDHAM

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 claim for judicial review was filed in Manchester on 6 June 2024. Manchester is the Administrative Court venue for the North-West region. A minded to transfer order (MTTO) for transfer to the Administrative Court in Leeds was made on 14 June 2024. Leeds is the Administrative Court venue for the North-East region. The claim form (N461) records in the notes that:

The general expectation is that proceedings will be administered and determined in the region with which the claim has closest connection: see Practice Direction 54C §2.5.

The N461, filled out by the Claimant's representatives, recorded that the Claimant is based in Manchester (M12) and Mr Darbyshire (Counsel) is based in London (WC2A). The form contains this question:

Have you filed this claim in the region with which the claim is most closely connected?

After ticking "Yes", this comment was added:

Manchester is the most convenient to the parties and their representatives in terms of distance and connections.

The answer "Yes" was incorrect. So is the starting point adopted in the submissions opposing transfer. They say that "the general rule" is that the claim be administered in the venue with "the closest connection to the parties". That is not correct. The general expectation focuses not on the parties but on "the claim".

2. Here, the claim is that District Judge Spruce ought to have recused himself. The Judge was sitting at Sheffield Magistrates' Court. He was dealing with proceedings brought by Rotherham City Council against the Claimant. The proceedings concerned rating liability in respect of the Claimant's property or properties. That property is, or those properties are, situated in Rotherham's local authority area. Those proceedings will continue, whether heard by the Judge or another judge, in the North-East region and not in Manchester. The North East region is the area with which the claim is most closely connected. Leeds is where the claim should have been started. In my judgment, points about convenience and travel, made in respect of the Claimant and its in-house solicitor, have no traction in this case. The claim belongs as surely in the North-East as do the underlying rating proceedings themselves. The grounds for judicial review describe the MCR Property Group – within which the Claimant is a company – as "a large scale property developer". The train ticket or car journey from Manchester to Leeds is a tiny cost when put alongside the costs and costs risks of the proceedings, and what is at stake in the proceedings. The Claimant's personnel will have to travel, as will its London-based Counsel. The Claimant could have chosen Leeds-based Counsel for what it says is an argument on "an issue of pure law".
3. Reference is made, in the Claimant's submissions opposing transfer, to "other proceedings in Leeds" which are said to raise "different issues entirely". That is a reference to AC-2024-MAN-000128, which Emeraldshaw Ltd – another MCR Property Group company – issued in Manchester. That judicial review claim arose out of District Judge's Spruce's judgment in the rate liability proceedings brought by

Sheffield City Council, in respect of Emeraldshaw's properties situated in Sheffield's local authority area. The same in-house solicitor acts, again with a London-based Counsel. Ladybill's judicial review grounds emphasise the "almost total similarities between this case and the Emeraldshaw case". The Judge's judgment in the Emeraldshaw case – being challenged in those judicial review proceedings – and an AOS which was filed by Sheffield Magistrates' Court are the context for the recusal request and the present claim challenging the decision refusing that request. When the Emeraldshaw claim was issued in Manchester, the N461 claim form gave the, incorrect, answer "Yes" to the question "Have you filed this claim in the region with which the claim is most closely connected?" The Emeraldshaw claim was transferred to Leeds on 2 May 2024 and rightly so. This claim will now join it there.

4. Finally, reference has been made to the time taken to deal with the proceedings. But there has been no material delay on the part of the Administrative Court. Indeed, an unopposed application for a stay has been granted (28 June 2024). Venue issues have to be dealt with. It is bound to take some time. Claimants must understand that, if and insofar as delay follows from their choosing and defending the wrong regional venue for a judicial review claim, that delay will be down to those choices; just as are additional travel costs down to choices made by parties, wherever lawyers are instructed who are based outside a region to which proceedings belong. For the reasons I have given, I will direct the transfer of these judicial review proceedings to Leeds.

17.7.24