

**Statement on Court decisions of two Applications for Judicial Reviews
brought against Adderbury Parish Council by Nigel Davies.**

Application 1: CO/2184/2017

This has been completely rejected by the Judge who said: the “Case is considered to be totally without merit: not only is the claim not arguable, but there is no recognisable public law claim at all and no act of the Defendant (APC) capable of being timeously impugned”.

In other words there was nothing in the APC’s actions which the Judge believed could be challenged.

Application 2: CO/2446/2017

This has been completely rejected by the Judge who said: the “Case is considered to be totally without merit: ... the claim is in my judgement without any foundation at all”.

The judge also added that the Claimant (Mr Davies) may not request any appeal on either of these two judgements.

This has exonerated the APC and has shown that Councillors have acted properly in all of these matters.

The first application (CO/2184/2017) challenged the Parish Council’s acceptance of the Land Transfer document for the land on the Milton Road, designated for “sports pitches and a community facility”.

The second application (CO/2446/2017) challenged the decision of Parish Councillors to contest the first application, claiming 6 councillors had an interest since they were named in the first application.

None of these allegations have been accepted by the Court.

All the Councillors were concerned at the potential cost of defending this case and the APC has applied to the Court for costs against Mr Davies, although it is not definite that the Court will award.

According to Mr Davies’s CV he is a trained lawyer, including in Contract law, and therefore should have known that his applications for JRs were very likely to fail. Mr Davies could have stopped his action at any time but he did not. The APC chose to defend itself because it is their responsibility to act in the interests of the whole community, which was fully supported by the result of the Parish Poll over the use of this land. Mr Davies wanted the APC to “reverse its decision...and issue statements (subject to my --ie Mr Davies’s--approval) which accurately state the obligations of APC in relation to the Land North of the Milton road.” (taken from an email from Mr Davies to APC 26 April 2017).

The APC will always listen to views of individuals, however, it cannot be forced to act against the wishes of the majority or to attempt something over which it has no power.

