



THE ADMINISTRATIVE COURT IN MANCHESTER

User Group Meeting (UGM)

Thursday 28/04/2022 4.45pm by MS Teams

Minutes

Attendees:

Mr Justice Fordham (Liaison Judge)
Natasha Gaffey (ACM)
Rachel Campbell (ACM)
Jessica Turner (Clerk to Fordham J)
Kieran Tierney (ACM)
Laura McMullan (ACM)
Marc Willems QC (Cobden House)
Killian Garvey (PEBA)

Claire Jones (GLD)
Natalia Fulop (Immigration Aid Unit)
Mark McGhee (Lexent Partners)
Nicola Reimann-Jones (Lexent Partners)
Sam Karim QC (NALA)
Saoirse de Bont (Irwin Mitchell)
Shahnaz Zaidi (GLD)
Emma Parker (GLD)

Apologies: None

Introductions and overviews:

- a) Mr Justice Fordham – Liaison Judge. Fordham J thanked attendees for joining the UGM. He explained that he is new to the role as Liaison Judge (January 2022) and is keen to listen to Manchester Court users. He plans to have three Court User Group Meetings a year and would hope that they be brief, and by MS Teams, so as not to be a burden and to be accessible. He encouraged court users to email his clerk at any time if there is anything they want to be brought to his attention as Liaison Judge. He urged the UGM to consider the composition of the membership of the group to ensure there is a good balance. He asked that photos and recordings should not be made but said that anything that is said in this meeting can be disseminated to others. He said that it may be in due course that the Minutes will go into the public domain.
- b) Natasha Gaffey – Acting ACO Team Leader. Natasha Gaffey explained that she has been in the role since September 2021, that she felt ACM's reputation is growing, especially the Planning Court which has heard significant cases affecting parts of the North West. The Administrative Court office at ACM is a small team comprising of 4 members. The office also deals with UTIAC work.
- c) Laura McMullan – ACO & Planning Lawyer. Laura McMullan explained that she has been in post in Manchester since November 2021, having transferred from the London Office. Her role is to primarily keep the cases progressing quickly and effectively, using delegated powers where appropriate.
- d) Other team members. Rachel Campbell and Kieran Tierney introduced themselves as members of the Administrative Court office team. Jessica Turner, Mr Justice Fordham's clerk also introduced herself.

Questions and comments

- 1) Question from Saoirse de Bont, Irwin Mitchell: “Is there any intention of the Manchester Court accepting applications and bundles electronically?”

Answer: Natasha Gaffey: The Court office at ACM can accept any filings up to 20 mb by email. The team is pursuing greater staff access to the Document Upload Centre (DUC). There have been some IT difficulties currently being looked at by the DUC team. It is hoped that that will change in near future. In the meantime, Laura McMullan can, if prior notice given, send links out for the DUC. The Court office can issue electronically, please send the claim for to the usual Court email address (manchester@administrativecourtoffice.justice.gov.uk)

- 2) Question from Marc Willems QC, Cobden house Chambers: When QB cases cross over to administrative issues, human rights declarations are often pursued, how can it be ensured that the cases remain on the Northern Circuit, especially as it is not always easy to get High Court Judges? How can Court users improve the prospects of matching cases to High Court Judges when they come on circuit and what is the process for seeking specific specialisation of Judge for a case? To clarify this relates to QB cases rather than ACM cases.

Answer: Natasha Gaffey– this sort of issue is picked up through ‘release’ directions, to ensure an appropriately ticketed Judge. There is no reason why parties shouldn’t make representations to assist that process. Perhaps this could be raised at the point the DCJ sends out the questionnaire.

Mr Justice Fordham (noting this is asked as a QB rather than an ACM issue): (1) There is no reason why representatives shouldn’t assist the Court by stating their position as to sort of Judge they require (as equally with cases in ACM). (2) Communications with the court should cc the other parties. (3) Attempts should be made to liaise between the parties before communicating with the Court. (4) The sooner the better for these representations to be made.

Mr Justice Fordham: A key objective for ACM is making sure Manchester-based Judges have the specialism they need and are trusted to use it and to develop it. Another key objective is to have Judges with appropriate specialisms visiting and sitting in ACM (including, if appropriate, a Divisional Court).

- 3) Sam Karim QC, NALA (and Kings Chambers) reported, based on comments from solicitors and other counsel:
 - a. Recurring themes concern judicial specialisms and their development.
 - b. Issuing in ACM is seen as a ‘wonderful user experience’ and linked to that is the speed. For example when challenging Covid Regulations the claim was issued in ACM as the parties knew it would be heard sooner than in London. The main thing parties are looking for is suitable judicial specialism, but speed is also important.
 - c. As to caseload, when the regionalisation project first started there was a lot of immigration cases which kept the Administrative Court busy. The volume was greater, so it was easier for s.9(1) Judges to get experience. Those Judges also had to spend time in London a few weeks a year to get experience. The volume of work has reduced so s.9(1) Judge specialism may be harder to achieve. Service users would rather have a s.9(1) Judge with specialism rather than a s.9(4) Judge, but if it is to be a s.9(4) Judge the parties need one with administrative law experience.
 - d. NALA tries to provide education, rather than being social in nature. One idea is to try and involve s.9(1) ACM Judges in NALA events where these touch on substantive/ specialist content. Such meetings could in principle be at the CJC. But virtual meetings do make them more inclusive. On 05/05/2022 at 16:45 NALA is deciding the next education programme and input is welcome.

- 4) Killian Garvey, PEBA (and Kings Chambers):
- a. Agreed - specialism is by far more important factor in issuing with confidence.
 - b. Barristers' clerks observations are that ACM is excellent and by far the best planning court with special praise for listing officer (Rachel Campbell).
 - c. In terms of the mode of hearing: there appears to be no consensus at PEBA (or Kings Chambers) as to whether remote or in person hearings are superior, but nobody appears to be put off that hearings are now to be heard in person.
 - d. As to venue, the Fortt judgment is well respected.
 - e. In terms of the new CPR 54D PD, paragraph 6.3 states prior to issuing party must serve a copy of the draft notice and witness statement on the planning authority. This is so often breached as to seem pointless.
 - f. Clients often ask shouldn't the claim be issued in London as they would be guaranteed specialist planning Judges. Clients are especially concerned in this issue at permission stage. There needs to always be a minimum of two planning ticketed judges, one to deal with permission and another who can deal with renewal.

Other matters

- Laura McMullan, Administrative Court: Please note that IT difficulties with the DUC must not be a reason not to issue at ACM. She is able to access the DUC, the parties' just need to give the Court office advance notice.
- Mr Justice Fordham: Please do contact him/the Court office with any issues. Please spread the word about UGM and that ACM is listening

Date of next ACM:UGM. We will make contact by email. This is intended to be before the summer vacation and we plan to use Microsoft Teams again.

Minutes: Laura McMullan
(approved by Fordham J)

Annex: Agenda

Administrative Court (Northern Circuit) Manchester (ACM) User Group Meeting (UGM)

Thursday 28/04/2022 4.45pm-5.30pm by MS Teams

AGENDA

1. Introductions and overviews by:
 - a) Mr Justice Fordham – Liaison Judge
 - b) Natasha Gaffey – ACO Team Leader
 - c) Laura McMullan – ACO & Planning Lawyer
2. Materials for tabling (with hyperlinks):
 - a) Mode of hearing: 21/04/2022 [Administrative Court Listing Notice](#)
 - b) Venue: [Fortt v FSCS \[2022\] EWHC 152 \(Admin\)](#)
 - c) Planning Court: new [Practice Direction 54D](#)
3. Discussion topics:
 - a) User experience of ACM: general
 - b) User experience of ACM: planning
 - c) Questions, comments, ideas
4. AOB

5. Date of next ACM:UGM

Notes:

- The ACM team is: Natasha Gaffey (Team Leader), Laura McMullan (Lawyer), Rachel Campbell and Kieran Tierney (Team Members). The ACM email address is: manchester@administrativecourtoffice.justice.gov.uk
- The Judges who regularly sit in the ACM are: HHJ Nigel Bird; HHJ Mark Cawson QC; HHJ Stephen Davies; HHJ Mark Halliwell; HHJ Richard Pearce; UTJ Melanie Plimmer; HHJ Craig Sephton QC; HHJ Graham Wood QC.
- The Liaison Judge (Fordham J) is currently next scheduled to be at ACM 11.7.22-29.7.22 and is contactable via Jessica.Turner1@justice.gov.uk