

[REDACTED]

[REDACTED]

[REDACTED]

My name is Maureen Comber

[REDACTED]

[REDACTED]

Parish Cllr. For Parish of Kingsley 1976 – 1991

District Cllr. for East Hants, Con. 2007-2011

EVIDENCE FOR THE JUDICIAL REVIEW PANEL

22nd November 2017. Applied under Sec. 19 Commons Act 2006. Ref. No. 01/17 to correct a mistake by the Commons Registration Authority at Broxhead Common, Headley, Hants; with regard to their removal of 80 acres of Broxhead Common from the Register of Common Land.

29TH November 2019, Application forwarded to The Planning Inspectorate. Ref. No. 3219561. Refused by Planning Inspector Martin Elliott

11th May 2020, Application to apply for Judicial Review, No. CO/762/2020. Refused by Mrs Justice Thornton.

23rd July 2020, Renewal Hearing for Judicial Review No. CO/762/2020. Refused by Mrs Justice Lieven DBE

1. How can justice be delivered if the local authority cannot be held to account?
2. This is a matter which has been recorded since the fences around 80 acres of Broxhead Common were erected without authority in 1963. However, it is not correct to say that as it is so long ago it is no longer relevant because the issue has been a problem ever since. The local registration authority is Hampshire County Council (HCC). They have not once offered to discuss the matter with me over all these years. Instead I was reported to the ICO for unreasonable complainant behaviour. That was unjust because they had not been straight forward in answering my letters regarding Broxhead Common. Neither had they

acknowledged that contact might be more than usual in my capacity as the voluntary County Access Officer for The British Horse Society.

3. Martin Elliott makes his decision to refuse to correct the register on false and misleading information given by HCC, e.g. paragraph 10 of his decision note states, "*The appeal was subsequently heard in the Court of Appeal....*" In fact, it was dismissed. Also, his last paragraph says, "*Reference is also made to Sec.194 LPA in respect of fencing. These are not matters relevant to my determination of the application.*" In fact, it is totally relevant because application for the fencing was never made to the Secretary of State and so they remain unauthorised to this day. This has deprived the commoners of their rights of common over the 80 acres and access by the public.
4. Mrs Justice Thornton similarly makes several errors by saying the land was only ever provisionally registered. It was in fact registered as per the decision of the Chief Commons Commissioner. She goes on to say his decision is being questioned. It is not. It is the opposite. We were saying that HCC had made a mistake by removing the land from the register.
5. At the Skype Hearing, Mrs Justice Lieven, while admitting that it was complicated; in the last five minutes decided to be judge and jury by saying it was all too long ago and nothing would have been much different than it is today. That is completely incorrect and of course if that was the case, what is the point of Sec.19 CA 2006? However, I put that down to the fact that Mrs Justice Lieven is a family court judge rather than the planning judge which we had specifically requested.
6. The Hearing on 23rd July 2020 felt like a Kangaroo Court because I was not invited or permitted to speak to correct some of her misconceptions. I think the Hearing was lost because I was unable to correct a couple of negligent advocacy failures, they were:
 - A failure to draw the judge's attention to the fact that HCC's submission was based on the wrong version of facts.
 - When the judge asked whether it would have happened anyway answered in the affirmative rather than the negative.I have not received a transcript or recording of the Hearing.

7. The subject really does need a judicial review to reveal the many mistakes that have been made. The problem is that when it is the local authority making them, and a powerful one at that, lawyers tend to believe them.
8. I have had to spend tens of thousands of pounds in lawyers and barristers' fees without being able to have the case properly scrutinised?
9. This is a public interest case and yet HCC threatened me with costs of £30,000 if I sought renewal of JR proceedings. Mrs Lieven has halved that to £17,000 plus £6,000 court costs, but that is still a lot of money for an OAP to find in addition to all the rest of course.
10. It now feels to me as if the Judiciary are part of the NGO's who all work for each other rather than the taxpayer. Until about 1997 one could depend on an independent hearing from the Planning Inspectorate, since then all NGO's seem to have lost their independency. There is no longer any justice in this country if the establishment cannot be held to account.
11. In view of the fact that I was unable to get a Judicial Review and in order that no one in the future has to spend the hours of research that I have had to, and find the fees for lawyers etc; I am writing the history of the case with links to the evidence, on www.horseysalk.net
12. I would like to ask the Panel if they can think of some legal route so that ordinary people like me can have recourse to justice without the threat of huge legal fees which many will find unaffordable? In such cases, justice is suppressed.

I hope this evidence will help in your deliberations

Yours sincerely

Maureen Comber

Hon.Sec. Broxhead Commoners Association (BCA)

