

Case Name: *We Love Hackney Ltd, R (On the Application Of) v London Borough of Hackney*
2019 EWHC 1007 (Admin) (17 April 2019)

Full case: [Click Here](#)

Commentary: The claimant (a company with share capital amounting to £10) had been granted permission to bring judicial review proceedings in respect of the defendant local authority's decision to adopt a revised statement of licensing policy in July 2018 which curtailed the sale of alcohol past midnight in two special policy areas, in Shoreditch and Dalston in east London. The claimant had applied for a cost capping order under sections 88 and 89 of the Criminal Justice and Courts Act 2015. The claimant's cost-capping application was dismissed by the judge on the papers. Separately, the defendant had made an application for security for costs, which was listed for oral hearing. The claimant's cost-capping application was renewed and heard at the same hearing.

The judge at the hearing held that the claim did not raise an issue of general public importance within the terms of section 88(7)(a) as it related only to the defendant's framing of a local licensing policy. For similar reasons, she held that the further considerations identified in section 88(8) were not met either.

Finally, turning to her duty to consider the factors in section 88(6), the judge found that the claimant would not be forced to withdraw the claim if the cost-capping order was not made, given that the claim was funded by a number of local businesses and well-resourced individuals who would have the means to fund the proceedings in the absence of a cost-capping order.

The application for a cost-capping order was therefore dismissed. For similar reasons, the judge granted the defendant's application for security for costs, in the amount of £60,000. She found that the financial means of the claimant's backers would enable them to comply with such an order.

Case summary prepared by Town Legal LLP