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IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
ADMINISTRATIVE COURT  
**[2018] EWHC 2059 (Admin)**

CO/3103/2017

Royal Courts of Justice  
Thursday, 12<sup>th</sup> July 2018

Before:

THE HONOURABLE MR JUSTICE SUPPERSTONE

B E T W E E N :

THE QUEEN  
ON THE APPLICATION OF  
GHUMAN

Claimant

- and -

THAMES VALLEY POLICE

Defendant

**ANONYMISATION APPLIES**

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**J U D G M E N T**

## **APPEARANCES**

MR A RAJA appeared on behalf of the Claimant.

MS B COLLIER appeared on behalf of the Defendant.

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MR JUSTICE SUPPERSTONE:

- 1 Mr Nasir Ghuman, the claimant, challenges the decision of the Chief Constable of Thames Valley Police, the defendant, to issue him with a Child Abduction Warning Notice (referred to as a CAWN) on 25 March 2017. This matter came before me on 1 February when it was adjourned part heard. It is to be regretted that it has not proved possible to complete this hearing before today.
- 2 Mr Ahtiq Raja appears for the claimant, as he did at the previous hearing. On that occasion Ms Cecily Hayward appeared for the defendant. For good reason, she is not able to attend today and Ms Beatrice Collier appears in her stead. Ms Collier adopts Ms Hayward's skeleton argument.
- 3 The decision to issue the CAWN was made following a series of text messages the claimant (a 31-year old man), then a licensed taxi driver, sent to a 14-year old girl, JCP, whom he had recently driven as a passenger in his taxi. The CAWN was authorised by Detective Inspector Banfield on 23 March 2017. In his witness statement dated 18 September 2017 he stated:

"I am the de facto Safeguarding lead for Aylesbury Vale due to my prior experience within the Protecting Vulnerable Peoples Department .....

On 23/03/17 I authorised a CAWN in relation to a male named Nasir Ghuman (01/01/83) following comments he made to a 14-year old child following a chance encounter with her in his role as a taxi driver. The comments were perceived by the officer in the case, his supervisor, the child involved and her mother as concerning .....

Following my review of the information I shared the concerns raised. The comments were not what would be expected of a professional taxi driver towards a child fare. Given the experience I have gained through extensive work with child victims of grooming offences I suspected the comments to be the start of a process that could lead to the child involved being exploited.

As a result of the conversation Ghuman's behaviour caused me significant concerns and I authorised the CAWN in line with TVP Guidance."

- 4 In the text messages the claimant (1) asked the girl her name, (2) complimented her, (3) told her his name, (4) said it had been his good luck to pick her up, (5) said he wished to pick her up again and (6) said it would be a pleasure to do something for her.
- 5 CAWNs have no statutory footing. At the material time the Guidance (an internal document issued by the defendant in respect of CAWNs) was entitled "Procedure for Investigation and Safeguarding of Young Persons through the use of child abduction warnings" ("the Guidance"). The defendant also issued an operational briefing to officers in respect of child abduction notices ("the operational briefing") which instils the essence of the Guidance for the assistance of officers. The Guidance includes the following:

"The guidance contained within this protocol is aimed at tackling those incidences where young people under the age of 16 years (under 18 if in local authority care) place themselves at risk of significant harm due to their associations and the forming of inappropriate relationships,

sometimes with individuals much older than themselves. It is an important tactic in tackling suspected child sexual exploitation (CSE) .....

### Legislative Basis

There is no statutory or other legislative provision dealing specifically with the issue of Child Abduction Warning Notices. Breach of a Notice is NOT a criminal offence. These notices are simply part of an administrative process. If issued properly, these Notices can provide evidence to support the prosecution of other criminal offences and/or to support civil proceedings such as ASBOs, evictions or injunctions. Child Abduction warning notices are a safeguarding intervention aimed at protecting children from adults who are believed to put them at risk. They are issued in support of the following legislation:

- If child is under 16 years of age, under Section 2 Child Abduction Act 1984;
- If child is under 18 years AND in local authority care, under Section 31 Children Act 1989 - Section 49 Children Act 1989.

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### Procedure to be adopted

The issue of a Warning Notice should be viewed as a disruption tactic aimed at safeguarding the child and as part of an active investigation to support a prosecution or applications for:

- Sexual Offender Prevention Order (SOPO) - Section 104 Sexual Offences Act 2003.
- Risk of Sexual Harm Order (ROSHO) - Section 123 Sexual Offences Act.

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### Authority to Issue a Warning Notice

If a child under the age of 16 years (under 18 if in Local Authority Care):

- .....
- ..... is the subject of reports that suggest their behaviour and association with a suspect is giving significant cause for concern

The following guidance should be considered only after consultation with the relevant PVP Detective Inspector (DI) who can authorise the issue of a Child Abduction Warning Notice."

- 6 The operational briefing also makes clear that Child Abduction Notices should be used as a potential disruption method when there are no substantive offences to investigate, and that they have no statutory or other legislative basis, and a breach of a notice is NOT a criminal offence. However, they can provide evidence to support the prosecution of criminal offences in the future.

7 Mr Ivan Reaney, a detective inspector with Thames Valley Police, currently attached to TVP's Policing Strategy Unit which develops Force policies and operational guidance, states (at para.3) in a witness statement dated 4th April 2018 (made in response to queries I raised at the last hearing about CAWNs):

"The Child Abduction Warning Notice (CAWN) is widely used by the police service as an early intervention and disruption option where a child is considered to be at risk of harm from a person they are associating with, particularly in cases where the risk relates to child sexual exploitation."

He continues at para.7 of his statement:

"Despite the use of the word 'abduction' in the name, Child Abduction Warning Notices are not intended to be used in cases where the child was physically abducted against their will. Cases of that nature would invariably be dealt with as a criminal matter and an investigation commenced. Instead, they are used where the suspect seeks to take a child from the care/control of a person/organisation who has parental responsibility where the child consents but the person/organisation with parental responsibility does not. Particularly in CSE (that is child sexual exploitation) cases, the child will often be particularly vulnerable but not appreciate the risks or that they are being exploited."

8 Mr Raja summarises the issues in these proceedings at para.2 of his skeleton argument as follows:

"Did the defendant in issuing the claimant with a CAWN do so lawfully and was the same proportionate OR, as the claimant contends in his statement of grounds unlawful (illegality) and/or irrational (*Wednesbury* unreasonable) and/or procedural impropriety and/or disproportionate/perverse."

9 Essentially therefore there are four issues: first, the legality of the CAWN; second, the rationality of the decision to issue the CAWN; third, procedural impropriety; and, fourth, proportionality/Art.8 ECHR. I shall consider each in turn.

10 First, the legality of the CAWN. The claimant's case on legality appears to be: (1) that none of the circumstances envisaged in the Guidance that would warrant the imposition of a CAWN applied; and (2) the relevant factors were not taken into account. Mr Raja submits that the whole essence of s.2 of the Child Abduction Act 1984 is that the prohibited conduct is that of taking and detaining. There was no such evidence, he submits, that "the child" was going to be taken or detained by the claimant. Accordingly, the use of a CAWN in these circumstances was unlawful and also *Wednesbury* unreasonable. However, the Guidance envisages that a CAWN can be issued where a child under the age of 16 "is the subject of reports which suggest their behaviour and association with a suspect is giving significant cause for concern". The CAWN was issued because the claimant's conduct towards JCP gave rise to significant cause for concern. That is the evidence of D.I Banfield who considered a CAWN was appropriate as a disruptive tactic to make it clear to the claimant that further contact with JCP was not appropriate, and to ensure he realised that contact of this nature with any child has the potential to amount to a criminal offence.

11 I am satisfied that the CAWN was issued to the claimant in circumstances envisaged by the Guidance.

- 12 As for the claimant's contention that relevant factors were not taken into account, the claimant makes a number of points.
- 13 First, the good character of the claimant. For the purpose of issuing the CAWN, the fact that the claimant had no criminal record is irrelevant.
- 14 Second, the fact that the claimant had not contacted JCP for 23 hours before the report was made and the CAWN was not issued for a month after the last communication, neither of these matters mean that the risk posed by the claimant ceased. I will return to the issue of the alleged delay in a moment. I accept the submissions made by Ms Collier for the defendant that a reasonable interpretation of the text messages is that the claimant had taken early steps to groom a child less than half his age.
- 15 Third, the claimant was not questioned for his account to be ascertained. The Guidance does not require that he should be questioned. In his second witness statement served on 15 January 2018 the claimant states that he had "no idea that his fare-paying passenger was a child, and a 14-year old child. She looked like an adult, early 20s". I agree with Ms Collier that if the claimant had given this account it is highly unlikely that it would have resulted in a CAWN not being issued.
- 16 Next, the rationality of the decision to issue the CAWN. I have already considered Mr Raja's submission that the use of the CAWN was both unlawful and irrational on the basis there is no evidence of taking and detaining. In addition, Mr Raja contends that the decision was irrational because, first, there was no active investigation or application for a SOPO and/or a ROSHO; second, the content of the messages is said not to be of a sexual nature. Indeed, the claimant suggests and Mr Raja submits that the communication between the claimant and the girl is a polite communication between two individuals. Third, there were no safeguarding issues with the girl; fourth, Police Sergeant Dover, who first considered the matter, stated that there was no significant cause for concern; fifth, a CAWN is to be used in the main in an urgent situation; sixth, Mr Raja submits in response to D.I. Reaney's evidence as to the circumstances in which CAWNs are used (see para.7 of his witness statement to which I have already referred) that there was no evidence upon which the defendant could have concluded that the claimant was seeking to take the child from the care/control of the person/organisation who has parental responsibility.
- 17 I do not accept any of these points. I consider that the decision made by D.I. Banfield was reasonably open to him having regard to all relevant circumstances, which did include the claimant's good character albeit, as I said, that is not strictly relevant when one comes to consider whether a CAWN should be issued or not. The fact that P.S. Dover initially considered that the concerns arising from the text messages were not ongoing does not make it irrational of D.I. Banfield to take a different view that they did give rise to significant concerns. Moreover, it is clear from the police records (see P.S. Dover's entry made on 6 March and D.I. Banfield's entry made on 23 March) that D.I. Banfield discussed the case with P.S. Dover and, despite P.S. Dover's initial view that a CAWN was not available because the text messages between the claimant and JCP had been identified and stopped early, after discussing and reviewing the circumstances, D.I. Banfield and P.S. Dover agreed a CAWN would be an effective disruptive measure. There was, in my view, no need to interview the claimant and ask for his account. The text messages speak for themselves.
- 18 I reject the claimant's contention that the decision to issue the CAWN was irrational.
- 19 Mr Raja advances, as I understand it, four allegations of procedural impropriety.

- 20 First, the policy requires that the CAWN be issued by a PVP DI (being a Protecting Vulnerable People Detective Inspector). The CAWN was not issued by a PVP DI. D.I. Banfield explained in his witness statement the circumstances in which he came to take the decision as the de facto Safeguarding lead for Aylesbury Vale. Ms Collier accepts that this was a departure from the Guidance, which she describes as a formal or minor departure. There was no PVP inspector available at the time, and D.I. Banfield has considerable experience in safeguarding matters. I accept it was therefore appropriate for him in the circumstances to take the decision. The fact that a CAWN was approved by a non-PVP D.I. does not, in my view, invalidate the CAWN. The process is not governed by statute or mandatory guidance.
- 21 Second, it is said that the witness statement of JCP's mother does not set out what her concerns are, as required by the Guidance. That is correct. D.I. Banfield in his witness statement dated 28 February 2018, made after the last hearing, accepts he did not have available the statement of JCP's mother at the time he made the decision to authorise a CAWN as she did not sign the statement until 24 March. He apologises for the error in his earlier statement. He says that when he considered the CAWN application on 23 March he was aware that the child's mother was fully supportive of the application because this was clear from both the occurrence inquiry log (crime report) and the discussions he had with P.S. Dover regarding the case. It was the mother and stepfather who reported the text messages to the police who asked for appropriate action to be taken against the suspect, their main concerns being if he has texted any girls in the past or may continue to do so in the future. Mr Raja is concerned that this evidence should be introduced at this stage in the proceedings. However, it seems to me that D.I. Banfield is going no further than saying what is clear from the documentation. It is the documentation that I have regard to, not what D.I. Banfield now says.
- 22 Third, it is said that consideration should have been given to serving the claimant with a translated copy of the CAWN. However, there is no suggestion that he had any difficulty understanding the notice.
- 23 Fourth, the CAWN is only to be used in a very urgent situation. The Guidance does not so provide. It states that a proactive stance should be taken to issue the warning notice quickly, (within 48 hours), once it has been authorised. D.I. Banfield authorised the CAWN on 23 March at 22.27 hours and it was issued to the claimant on 25 March at 20.10 hours. I do not consider there is any breach of the Guidance in this respect.
- 24 In his oral submissions Mr Raja developed this point or, rather, made what is an additional and new submission, namely, that one month after the text messages there was no significant cause for concern and therefore the CAWN should not have been issued. I do not accept this submission. It is correct that there were no further text messages, but of course the claimant's phone had been blocked since 26 February. Further, it is clear that since that time the matter was under investigation, in particular - as appears from the log - between 4 and 6 March. There was then a review on 23 March and the issuing of the CAWN on 25 March. There was, in my view, no delay in this case which invalidated the issuing of the CAWN one month after the events which gave rise to a significant cause for concern.
- 25 Finally, Mr Raja's skeleton argument asserts that the CAWN was disproportionate/perverse, and that Art.8 is sufficiently engaged, and that damages should be awarded. The proportionality and Art.8 and ECHR claims have not been properly particularised as they should be. Nevertheless, the defendant accepts that the issue of a CAWN may be capable of engaging the claimant's Art.8 rights to a private life where retention of a harassment

warning engaged the claimant's Art.8 rights. But even if the issuing of a CAWN engages Art.8, Ms Collier submits that any interference the claimant proves will be at the lower end of the scale. Following the issue of the CAWN, he lost his licence as a taxi driver. However, according to his evidence, he only worked evenings and weekends as a taxi driver to supplement his income. His full-time employment is at Tesco.

- 26 I shall assume that the claimant's Art.8 rights are engaged, but I consider that any interference with those rights is necessary in the interests of the prevention of crime and the protection of the rights and freedom of others, and proportionate. The CAWN was issued to protect JCP, and potentially other young girls from any risk posed by the claimant. And, as Ms Collier observes, at least in the case of JCP, it has effectively disrupted that risk. That being so, I agree with Ms Collier that the issuing of the CAWN is proportionate and justified.
- 27 For the reasons I have given, none of the grounds of challenge have been made out. Accordingly, this claim is dismissed.
- 28 Thank for both very much for your very helpful submissions.

MS COLLIER: Thank you. I do have a schedule of costs which I think has been served on the court. I would ask that those be summarily assessed.

MR JUSTICE SUPPERSTONE: A schedule of costs may well have been sent to me; I am not sure I have it to hand.

MS COLLIER: May I pass up a copy. (Same passed)

MR JUSTICE SUPPERSTONE: Mr Raja, do you have this?

MR RAJA: I do, but it is on my mobile phone. I do seek to be excused whilst I look at it on my mobile phone.

MR JUSTICE SUPPERSTONE: Of course. Thank you for asking. Yes, £7,500-odd.

MS COLLIER: Yes, £7,252 I think.

MR JUSTICE SUPPERSTONE: I misread it, 7252, yes.

MS COLLIER: I do not want to overplay that.

MR JUSTICE SUPPERSTONE: Of course not.

MS COLLIER: I simply ask----

MR JUSTICE SUPPERSTONE: These are the costs including -- well, they are all the costs.

MS COLLIER: They are all the costs, yes.

MR JUSTICE SUPPERSTONE: Pre-permission and post?

MS COLLIER: That is right, yes.

MR JUSTICE SUPPERSTONE: Mr Raja, first, the principle?

MR RAJA: My Lord, just dealing with whether or not they should be assessed, of course----

MR JUSTICE SUPPERSTONE: With the principle, do you accept they are entitled to their costs?

MR RAJA: Yes.

MR JUSTICE SUPPERSTONE: So now the question of quantum and assessment.

MR RAJA: In so far as quantum and assessment, you may not be aware - my friend may not be - there was no engagement from the defendants on the pre-action protocol letter. You will have the order----

MR JUSTICE SUPPERSTONE: I think I saw reference to that, yes.

MR RAJA: There is an order from Mr Justice Davis, from memory, dated -- in fact, it is in the bundle.

MR JUSTICE SUPPERSTONE: Yes, that is Mr Justice William Davis. Let us have a look at that.

MR RAJA: Page 98.

MR JUSTICE SUPPERSTONE: This is Mrs Justice Davies, yes.

MR RAJA: So not only had they failed to engage pre-action but they had also failed to----

MR JUSTICE SUPPERSTONE: We see the order. Where do we see reference to pre-action protocol?

MR RAJA: We do not see it here, but I make the submission with full facts.

MR JUSTICE SUPPERSTONE: Yes. I certainly saw reference to it.

MR RAJA: I am grateful. The observations at p.98 of Mrs Justice Davies are the acknowledgement of service failed to address the specific points raised by the claimant. All the acknowledgment of service did at that juncture was to say this is effectively a statute-barred time limitation that expired. That was what the acknowledgement of service, certainly from memory, had spelt out as being the reason for challenge. In so far as conduct, that is a relevant consideration----

MR JUSTICE SUPPERSTONE: Yes.

MR RAJA: -- as to the amount of costs and, indeed, if any is payable. Whilst I accept in principle, it is with those caveats in place.

MR JUSTICE SUPPERSTONE: Yes.

MR RAJA: Turning to the schedule before us, you may have seen an earlier defendant's costs schedule which totalled £4,649 at the previous hearing.

MR JUSTICE SUPPERSTONE: I cannot recall it, but if you tell me there was one.

MR RAJA: My friend would be jumping to her feet if there was not one.

MS COLLIER: That is absolutely right. I can hand up a copy.

MR RAJA: We can share one. The additional factors to that seem to be item no. 3 which is a list of considering draft index and liaising with instructing solicitor, 30 minutes. We have seen the additional bundle that was produced in this matter. What we are dealing with is that singular page.

MR JUSTICE SUPPERSTONE: That is £62.

MR RAJA: That is disproportionate entirely so. Thereafter, conference with instructing solicitor and clerks, being item 6 on the schedule; again, appears for the first time today. Conference with instructing solicitor and client. With great respect, this was a part-heard hearing. I cannot see what that would have been about; and, more so, that the instructing solicitor was present. You will recall the previous occasion.

The next items we see deal with counsel's attendance here today. The preparation, including reading the authorities at 9.5 hours, in my submission is a duplication of counsel payments (doing exactly the same thing). Of course, there was a change of counsel, and it is whether or not you think that should be at the behest of the claimant, i.e. whether or not he should pay it.

MR JUSTICE SUPPERSTONE: What do you say about that? In fairness, it is wholly accepted that there is good reason for change of counsel. But the question is whether the claimant should pay the costs of that.

MR RAJA: My position is this. When one looks at 9.5 hours, it was the same skeleton argument which was adopted by my friend, same bundle. No new authorities were produced. My friend has been referring to notes throughout. I cannot imagine that that would have taken some 9.5 hours or reasonably so at 9.5 hours. In those circumstances I would invite you to dismiss that element of the matter.

MR JUSTICE SUPPERSTONE: Can we approach it this way? There had to be a change of counsel. Conscientious counsel, as I am sure we have here, would have wanted to read the skeleton arguments and the authorities with care and get the case up properly to be in a proper position to deal with all matters. I think really the question that arises is whether the claimant should pay for that.

MR RAJA: When we look at the next entry, that is the brief fee for the hearing. I say that all should be encompassed within the same matter. There is clearly a change in counsel and that brief fee, therefore, would suffice.

MR JUSTICE SUPPERSTONE: There should be one brief fee and one refresher.

MR RAJA: Yes.

MR JUSTICE SUPPERSTONE: On the basis of the same counsel.

MR RAJA: Yes, and may be some extra because there has been a change in counsel; therefore, there was some additional work required.

MR JUSTICE SUPPERSTONE: Yes.

MR RAJA: Then dealing with costs of -- it is the final item.

MR JUSTICE SUPPERSTONE: We have had drafting acknowledgement of service which you had in the previous one, but the acknowledgement of service Mrs Justice Davies was not very impressed with.

MR RAJA: No.

MR JUSTICE SUPPERSTONE: And there had been no pre-action protocol response.

MR RAJA: No. So you have a point on that. We then see an additional hour for telephone calls with counsel instructing officer; additional hour for emails and letters to the court; counsel for instructing officer.

MR JUSTICE SUPPERSTONE: There was some additional work of course by reason of the additional witness statements and the case going part heard. That does not seem excessive.

MR RAJA: I have the point. We have the attendance at the hearing which has now been put at 2.25 hours (it was previously put at 4 hours). There is a question whether or not there was an attendance or a requirement for an attendance at all. Counsel were here, they were briefed. No doubt counsel would have taken a proper note and reported back to solicitors. If they chose to come along my submission is----

MR JUSTICE SUPPERSTONE: What item are we looking at?

MR RAJA: The bottom item, attendance at the hearing.

MR JUSTICE SUPPERSTONE: This is attendance at hearing by?

MR RAJA: Solicitors.

MR JUSTICE SUPPERSTONE: Solicitors, yes.

MR RAJA: Counsel are in attendance. They take a full note; they make the submissions. There was nothing peculiar about this matter in any real way. The overriding submission is that it should not be allowed.

In addition to all that I have said about the schedule, I bring to the court's attention that Mr Ghuman is now a part-time student. He is a family man of now three young children. He has lost his supplementary income, and those hours that he works at Tesco are by way of bank-hours so they are not guaranteed but he endeavours to do two or three evenings a week. He has very little means.

MR JUSTICE SUPPERSTONE: What do you say is a proper sum, having regard to those matters?

MR RAJA: I have not done the calculation.

MR JUSTICE SUPPERSTONE: One cannot do this with precision. If it is going to be summary assessment, it is summary assessment having regard to the factors and taking a view.

MR RAJA: I would say half of what is being claimed.

MR JUSTICE SUPPERSTONE: Of 7252, you say?

MR RAJA: 3,600.

MR JUSTICE SUPPERSTONE: 3,600.

MS COLLIER: I will now be working from a copy on my phone.

MR JUSTICE SUPPERSTONE: Certainly.

MS COLLIER: Addressing the points in turn---

MR JUSTICE SUPPERSTONE: Can I assist you? One has to take a broad view of this. One cannot go into every penny. The first question which arises is no response to the pre-action protocol and an acknowledgement of service that did not impress the judge. So should you have any of your costs pre-permission?

MS COLLIER: I accept that we should not.

MR JUSTICE SUPPERSTONE: Thank you. That is very helpful. What sum is that approximately that we deduct?

MS COLLIER: I would suggest -- I am sorry to hesitate. I realise that I do not actually see any -- here we are.

MR JUSTICE SUPPERSTONE: There was a figure for the acknowledgement of service, was there not?

MS COLLIER: Yes. I do see that now.

MR JUSTICE SUPPERSTONE: Work on detailed grounds of resistance, that was 625. There is a sum before that.

MS COLLIER: So perhaps £500 removed.

MR JUSTICE SUPPERSTONE: Work on detailed grounds of resistance, is that referring to the AoS?

MS COLLIER: No. I think the AoS is under "Graham Wood, solicitor".

MR JUSTICE SUPPERSTONE: Yes. You are quite right, so you say £500 off for the costs pre-permission, do you?

MS COLLIER: Yes.

MR JUSTICE SUPPERSTONE: The next question to consider is the change of counsel. What do you say about that?

MS COLLIER: Once again, I would suggest no order for costs on that part of it.

MR JUSTICE SUPPERSTONE: That is very fair.

MS COLLIER: That is to say Thames Valley Police bear the costs of the work that I had to do.

MR JUSTICE SUPPERSTONE: So what deduction does that lead to?

MS COLLIER: That removes off £2,437.50.

MR JUSTICE SUPPERSTONE: So that is that.

MS COLLIER: Yes. And everything else I would suggest was entirely appropriate.

MR JUSTICE SUPPERSTONE: Essentially you are saying about 3,000 off.

MS COLLIER: Yes.

MR JUSTICE SUPPERSTONE: So that would leave about 4,2.

MS COLLIER: Yes.

MR JUSTICE SUPPERSTONE: What do you say to that, Mr Raja - if I may say so - a very reasonable response from Ms Collier?

MR RAJA: Indeed, a reasonable response. I retain my position at 3,600. We are now at 3,600.

MR JUSTICE SUPPERSTONE: Mr Raja, you continue to make your submissions very fairly and very clearly. I would say that the claimant should pay the defendant's costs assessed in the sum of £4,000. If it needs to be spelled out, I have deducted from the sum of £7,252.67 and £500 for pre-permission costs and £2,437.50 in relation to additional costs of new counsel and I have taken a view on the other factors that Mr Raja has identified. Does that conclude matters?

MR RAJA: It does.

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This transcript has been approved by the Judge