IN THE UPPER TRIBUNAL **Upper Tribunal case No. GIA/1739/2016**
ADMINISTRATIVE APPEALS CHAMBER

Before: Judge Nicholas Wikeley, Upper Tribunal (Administrative Appeals Chamber)

Decision: The proceedings in the Upper Tribunal on the Applicant's application for permission to appeal against the decision of the First-tier Tribunal (5th April 2016, file reference EA/2015/0156) are **STRUCK OUT** in their entirety under rule 8(3)(c) of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/2698).

REASONS

Introduction

1. Ms Gaskin has applied to the Upper Tribunal for permission to appeal against the First-tier Tribunal (FTT)'s decision by Judge Farrer QC dated 5th April 2016. For the reasons that follow, I am striking out her application on the basis that it has no reasonable prospects of success.

Background: Ms Gaskin's request to Norwich City Council

2. Ms Gaskin's appeal is concerned with the information held by Norwich City Council about trees near the Cathedral. It turned in part on two registers required to be held by the city council. One is the familiar TPO (tree preservation order) register under section 202E of the Town and Country Planning Act (TCPA). The second was the register required to be held for notices relating to trees in a conservation area (TCPA s.214). The second paragraph of the FTT's decision bears repetition in its entirety:

> "2. Given the enactment of that general right of free access to both registers, a dispassionate observer might reasonably ask why FOIA or (more properly) the EIR has come into play at all. He might wonder how the costs to the public of
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> (i) two days of hearing,
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> (ii) the production and service of a mass of documentation and
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> (iii) on the part of Ms. Gaskin, a remorseless email stream of demands, instructions and denunciations, often breaching Tribunal directions and consuming, to a possibly unprecedented extent, the time and energy of the staffs of the Tribunal and, at an earlier stage, of the ICO,
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> can be justified. There is no satisfactory answer. Muddled, unhelpful and pointless communications from Ms. Gaskin, failures, by the Council and later by the ICO, to identify precisely the object of the request and, on the part of

> the Council, certain acknowledged and not fully acknowledged shortcomings in record keeping and retrieving relevant documents; all played their part."

3. On 11 December 2014, following "a protracted course of correspondence" (FTT reasons, paragraph [6]) Mrs Gaskin made what Judge Farrer QC accurately and fairly described as a "somewhat opaque request" to the city council, entitled "Head of Planning: Browne's Meadow Poplar trees missing paperwork" (FTT reasons, paragraph [7]).

4. On 29 January 2015, in the absence of any initial response from the city council, Ms Gaskin complained to the Information Commissioner ('the IC').

5. On 24 June 2015 the IC issued a Decision Notice (FS50569418). The gist of this notice was that the IC accepted that the city council did not hold the requested information (see the helpful summary in the FTT reasons at paragraphs [12]-[17]).

The appeal to the First-tier Tribunal

6. On 17 July 2015 Ms Gaskin appealed to the FTT. As the Judge (again accurately and fairly) observed, "her initial grounds are, with respect, not easy to grasp but involved the general proposition that the Council could not control the treatment of protected trees without appropriate paperwork" (FTT reasons, at paragraph [18]). In subsequent correspondence Ms Gaskin "proceeded to launch upon the ICO a barrage of confused, vituperative and often insulting emails, usually copied to the Tribunal, in the course of which she accused members of his staff of bias in favour of the Council …, of wilfully suppressing evidence … and of self-interested 'obfuscation'" (FTT reasons at paragraph [20]). Judge Farrer QC observed that "much of it is deeply offensive, some is defamatory, almost none of it is relevant and everything save her emails of 18th August, 2015 is in clear breach of the Registrar's direction of that date as to service of **a** Reply by 3rd September, 2015 (my emphasis)" (FTT reasons, at paragraph [21]).

7. Ms Gaskin asked for an oral hearing of her appeal to the FTT. As Judge Farrer QC noted, there were then two significant developments. The first was that following a further search of its records the city council belatedly produced some e-mails and correspondence from 2010 which were relevant to the request (see FTT reasons at paragraphs [23] and [24]). The second was that Ms Gaskin, for a period at least, instructed solicitors, who then – while unaware of the first development – provided a letter containing the "first accurate and helpful analysis submitted to the Tribunal" regarding the relevant legislation and requested information (FTT reasons at paragraph [27]). Meanwhile, on 20 November 2015, the FTT held but adjourned an initial hearing on Ms Gaskin's application to require representatives of the Dean and Chapter of Norwich Cathedral to produce certain evidence.

8. On 16 March 2016 the FTT held its second and final day of hearing. The substance of that hearing is summarised in the FTT's reasons at paragraphs [29]-[34]. According to the Judge:

> "32. Ms. Gaskin gave evidence. Its relevance to the question whether the Council held the requested information was often hard to discern. She said nothing about the documents belatedly retrieved and disclosed by the Council, She dwelt on the notice given to the Dean and Chapter and the claim that the Council should obtain information from them. She reiterated her accusation that the Council was deliberately suppressing information as to Browne's Meadow, though she did not adequately explain why it should choose to do so or how its disclosure of the 2010 letters squared with that claim."

9. For the reason set out at paragraphs [35]-[42], the FTT's decision was to allow the appeal in part in the following terms:

> "*The Tribunal finds that Norwich City Council held some of the requested information, as specified in §§23 and 24 below but no more. To the extent of that finding, the appeal is allowed. The Tribunal substitutes for the Decision Notice a Notice stating that the information specified in §§23 and 24 of this Decision was held by Norwich City Council at the date of the request. Since the specified information has been communicated to Ms. Gaskin, the Tribunal does not require Norwich City Council to take any further steps.*"

10. Reading the FTT's decision was a whole, this is in many senses a "plague on all your houses" judgment. The Judge was plainly less than impressed by both the city council's record-keeping and subsequent searches and by certain aspects of the IC's investigation. That said, Judge Farrer QC was particularly concerned at Ms Gaskin's conduct of her appeal:

> "43. I regret to conclude this Decision by referring again to the conduct of Ms. Gaskin who, contrary to my clear directions of 23rd November and 11th December, 2015 and those of the Chamber's President of 24th January, 2016, continued to harass tribunal staff with telephone calls, sometimes abusive, and wordy emails, showing a complete disregard for such directions and the burden placed on the staff, which was wholly disproportionate to the value of her communications. By virtue of Rule 8(3)(a) the Tribunal has power to strike out an appeal where a party fails to comply with a direction. This appeal would, in my judgment, have been a clear candidate for such action, had I stipulated when giving directions that a breach might have that consequence.

> 44. Parties minded persistently to ignore tribunal directions should have regard to that rule."

The application for permission to appeal to the Upper Tribunal

11. On 26 April 2016 Ms Gaskin applied to the FTT for permission to appeal to the Upper Tribunal. After giving her the opportunity to clarify her somewhat confused grounds, Judge Farrer QC refused permission to appeal on 9 May 2016.

12. On 7 June 2016 Ms Gaskin renewed her application for permission to appeal direct to the Upper Tribunal.

13. On 13 July 2016 I issued Observations on the application in the following terms:

> "4.It is plain from her correspondence that Ms Gaskin disagrees fundamentally with the approach and decision of the First-tier Tribunal. However, that is not enough to justify a grant of permission to appeal. She needs to identify some error of law in the Tribunal's approach.
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> "5. This is because an appeal to the Upper Tribunal lies only on "any point of law arising from a decision" (section 11(1) of the Tribunals, Courts and Enforcement Act 2007). So an appeal to the Upper Tribunal is not an opportunity simply to re-argue a point on its factual merits. Moreover, the Upper Tribunal has a discretion as to whether to give permission. It will be exercised positively only if there is a realistic prospect of an appeal succeeding, unless there is exceptionally some other good reason to do so: Lord Woolf MR in *Smith v Cosworth Casting Processes Ltd* [1997] 1 WLR 1538.
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> 6. It is clear from the FTT's decision that Judge Farrer QC had some difficulty in understanding quite what points Ms Gaskin was seeking to make on her appeal. I have the same difficulty. I recognise that she is a litigant in person, but it is very difficult to make any coherent sense of the 'reasons for appealing' listed at Part E of Form UT13.
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> 7. I am therefore considering striking out Ms Gaskin's case, without holding a hearing, under rule 8(3)(c) of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/2698). This would be on the basis that it does not have a reasonable prospect of success. I am considering that course of action in the light of my provisional views as to the merits of the grounds of appeal upon which Ms Gaskin seeks to rely.

8. First, it is said that Judge Farrer QC "misdirected himself & backtracked on his own CMD [case management directions]". Ms Gaskin complains that the Judge 'reneged' on CMD, but the FTT makes CMD for the parties to follow. It is entirely unclear how Judge Farrer QC can be said to have erred in law in his conduct of the appeal.

9. Second, it is said the City Council does not have certain pages of tree reports. Whether or not the public authority has certain documents is a question of fact, not law. The FTT made findings as to the facts and I can see no conceivable error of law in its approach.

10. Third, it is said the FTT erred in law by 'reinterpreting' precedents. However, the FTT cited no case law precedents and I can see no arguable error of law in its approach to the statutory regime governing freedom of information under the EIR.

11. Fourth, it is said that the City Council must have more information. That may or may not be right, but again that is an issue of fact, not law.

12. Fifth, it is said that Judge Farrer QC did not conduct the hearings properly and interrupted Ms Gaskin's arguments. However, it seems to me the Judge conducted the hearing with commendable fairness to all parties as well as patience. He had criticisms to make of all parties and did not shrink from doing so. There is simply no reliable evidence to support any complaint of bias.

13. I have considered Ms Gaskin's other arguments relating to her application. She sent the Upper Tribunal office an e-mail on 7 June 2016 headed "ADDITIONALLY". This message purports to be a further "explanation on a point of law". It is nothing of the sort. It includes a link to a picture of a particular type of tree. It is simply an attempt to reargue the case on the facts.

14. I have also re-read the grounds of appeal as originally submitted to the FTT. Judge Farrer QC had difficulty understanding them and I can see why. They are at best an attempt to re-argue the case on its facts. There are two further matters I bear in mind.

15. First, Ms Gaskin actually won her appeal. The general rule in civil litigation is that a successful party cannot appeal to a higher court or tribunal against a decision in their favour. This principle has been established in case law: see e.g. *Lake v Lake* [1955] P 336; *Osaji-Umeaku & Another v National Foundation For Teaching Entrepreneurship Inc* [1999] EWCA Civ 837 and Social Security Commissioner's Decision R(I) 68/53. There are some narrow exceptions to that principle, but none applies here.

> 16. Second, I note from the report of the High Court's ruling in *Gaskin v Norwich CC and Others* [2013] EWHC 623 (QB) that Ms Gaskin had previously brought 29 actions in the courts against various parties, 26 of which were brought against the Information Commissioner. All those actions were struck out. The High Court (Sir Raymond Jack) (i) refused permission to appeal against the District Judge's order striking out those various actions and (ii) dismissed the application to set aside a general civil restraint order made in respect of Ms Gaskin. In doing so, as regards (i) Sir Raymond Jack noted there was "no coherent, comprehensible statement as to what the case is that is advanced against any of these defendants". As to (ii), the general civil restraint order (which presumably has by now expired) was "amply justified". I have real concerns that the present application is in effect an abuse of process, attempting to continue and perpetuate Ms Gaskin's grievances against the Commissioner and the public authority through a different route. That is a further reason for applying a strike out in this case without holding yet a further hearing.
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> 17. I note the voluminous correspondence before the FTT. I also note Judge Farrer QC's observations at paragraph 43 of his reasons. As a result I am directing that all correspondence with the Upper Tribunal should be by normal pre-paid post (see Directions 3 & 4)."

14. I therefore proposed to strike out the application for permission to appeal under rule 8(3)(c) as having no reasonable prospects of success. However, I invited Ms Gaskin and the other parties to make any representations on this proposal in accordance with the Directions that followed. As noted, those Directions required all parties' submissions to be sent by ordinary pre-paid post and specifically directed that Ms Gaskin was not to send the Upper Tribunal office any e-mails.

15. Neither the public authority nor the IC has made any such representations. Indeed, the Upper Tribunal has had no communications of any nature from either Norwich City Council or from the Information Commissioner in relation to these proceedings.

16. In accordance with those Directions, Ms Gaskin has sent 4 pages of representations as to why the application for permission to appeal should not be struck out. However, in complete and flagrant disregard of those Directions, Ms Gaskin has also sent the Upper Tribunal office a series of at least six e-mails on 12, 15 and 16 August.

The legal framework on strike out applications

17. The relevant legal framework as to the principles governing strike outs was helpfully set out by Judge Mitchell in *Dransfield v Information Commissioner* [2016] UKUT 0273 (AAC), in part quoting from my own earlier decision in *AW v the Information Commissioner & Blackpool CC* [2013] UKUT 030 (AAC):

> "31. Rule 8(3)(c) of the Tribunal Procedure (Upper Tribunal) Rules 2008 confers power on the Upper Tribunal to strike out the whole or part of "proceedings which are not an appeal from the decision of another tribunal or judicial review proceedings" if "the Upper Tribunal considers there is no reasonable prospect of the appellant's…case, or part of it, succeeding". The present matter is not an appeal – it is an application for permission to appeal – and so the power in rule 8(3)(c) is potentially available. However, the Tribunal may not strike out proceedings without giving the applicant "an opportunity to make representations in relation to the proposed striking out". That opportunity has been given.
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> 32. Rule 34(1) provides that the Upper Tribunal "may make any decision without a hearing", although rule 34(2) provides that the Tribunal "must have regard to any view expressed by a party when deciding whether to hold a hearing to consider any matter".
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> 33. The overriding objective of the Upper Tribunal Rules is to enable the Tribunal to deal with cases fairly and justly (rule 2(1)). That includes "dealing with the case in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties" and "ensuring, so far as practicable, that the parties are able to participate fully in the proceedings". The overriding objective must be taken into account by the Tribunal when it exercises any power under the Rules or interprets a rule.
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> 34. The power to strike out the proceedings on an application for permission to appeal must be exercised with caution since it is a denial of access to appellate justice.
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> 35. Upper Tribunal Judge Jacobs in *AD v Information Commissioner & Devon County Council* [2013] UKUT 0550 (AAC) considered the First-tier Tribunal's use of the strike-out power in an information rights case. He made the point that "all aspects of the overriding objective have to be taken into account when a tribunal is considering exercising its power to strike out". That applies equally to the Upper Tribunal's exercise of its strike-out power since its procedural rules are, in material respects, constructed in the same way as the First-tier Tribunal's. However, there is a contextual difference in that, where

the applicant seeks permission to appeal against the First-tier Tribunal's determination of the merits of an appeal, s/he has already had the benefit of a judicial adjudication of his/her right to the information requested.

36. Judge Jacobs also made the important points, by reference to Court of Appeal authorities, that the strike-out power:

> (a) must be used for legitimate case management purposes, not for some other purpose;
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> (b) should not be exercised unless the tribunal has considered whether its other case management powers could be used to arrive at a more just result;
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> (c) since it is a method of "final disposal", should only be used as a "last resort".

37. Upper Tribunal Judge Wikeley in *AW v the Information Commissioner & Blackpool CC* [2013] UKUT 030 (AAC) also considered the First-tier Tribunal's use of its strike-out power in an information rights case. I shall quote his helpful description of the development and purpose of the power to strike out proceedings:

> "7. It is important to consider issues of first principle. It is well established in the ordinary courts that the historic justification for striking out a claim is that the proceedings are an abuse of process (see e.g. *Hunter v Chief Constable of West Midlands Police* [1982] AC 529 at 541B *per* Lord Diplock). On that basis, the power should only be exercised in plain and obvious cases (see *Lonrho PLC v Fayed* [1990] 2 QB 479 at 489F-G *per* Dillon LJ and 492G-H *per* Ralph Gibson LJ).
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> 8. More recent rulings from the superior courts point to the need to look at the interests of justice as a whole (see e.g. *Swain v Hillman* [2011] 1 All ER 91). It is also well established that striking out is a draconian power of last resort: see *Biguzzi v Rank Leisure plc* [1999] 1 WLR 1926 at 1933B *per* Lord Woolf MR (where, admittedly, the issue was delay rather than lack of reasonable prospects) and also, in the Upper Tribunal, *AS v Buckinghamshire CC (SEN)* [2011] AACR 20 and [2010] UKUT 407 (AAC) at [14]. It is, moreover, plainly a decision which involves a balancing exercise and the exercise of a judicial discretion, taking into account in particular the requirements of Rule 2 of the GRC Rules [the overriding objective provisions].
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> 9. So what then is meant by saying that "there is no reasonable prospect of the appellant's case, or part of it, succeeding" (within rule 8(3)(c))? The

> standard and authoritative commentary on tribunal procedure, by Judge Edward Jacobs (*Tribunal Practice and Procedure*, 2nd edn, 2011, at [12.39]), advises that this "is only appropriate if the outcome of the case is, realistically and for practical purposes, clear and incontestable…"

The reasons for striking out Ms Gaskin's application to the Upper Tribunal

18. I have decided to strike out Ms Gaskin's application for permission to appeal under rule 8(3)(c), and to do so without directing a hearing. I do so for the following two main reasons.

The proposed appeal has no arguable merit

19. First, Ms Gaskin's proposed appeal is entirely without merit. The outcome, in the event that permission to appeal was to be granted, would be "clear and incontestable". Any appeal would be bound to fail. Her grounds of appeal do not have even a remote prospect of success. Her initial application for permission to appeal was, frankly, rambling and incoherent. I identified (with some difficulty) what appeared to be the five main themes in the application in my earlier Observations (paragraphs [8]-[12] at paragraph 13 above). My consequential Directions were designed to try and encourage Ms Gaskin to clarify her grounds. She has submitted a four-page supplementary document as directed (albeit revised several times and sent on four separate occasions) but these representations merely muddy the water further.

20. One example from Ms Gaskin's representations will suffice (her abbreviations UTT and LTT presumably refer to 'upper tier tribunal' and 'lower tier tribunal', and 'CDMs' presumably means CMDs, or 'case management directions'):

> "5. para.43 of UTT reasons are somewhat a ruse. The focus by Appeal must be on poor service of LTT staff but by which Farrer J. knew he avoided the fact of his non compliance with his CDMs and those parts of them he explicitly ascribes to his own action. He thus prejudices the outcome of the case. He erred in Law. Why would he otherwise slip in to his Finding on Appeal that he 'followed his own directions' (sic) Had he done so he could not give rise to errors of law as are set out."

21. The best that can be said of this passage is that it does not even begin to identify an arguable error of law. There is much more of the same.

22. Insofar as there are any identifiable alleged grounds of appeal, they are hopeless for the reasons indentified in the earlier Observations, which need not be rehearsed again here. As the proposed appeal is entirely without merit, it has no reasonable prospects of success under rule 8(3)(c) and so the application should be struck out.

There is no prospect of any different outcome

23. The second reason for striking out is that even if the proposed appeal were to go forward, there is no chance of any different outcome to the original appeal before the FTT against the IC's Decision Notice. In doing so I recognise Ms Gaskin's argument that her appeal was not fully 'won', and so the case law referred to in paragraph 15 of my earlier Observations (see paragraph 13 above) is not directly applicable. This was a case where the appeal was allowed, but only in small part. However, the FTT made a clear finding of fact that "the Council holds no further responsive information" (reasons at paragraph [41]). There is no meaningful challenge on a point of law to that straightforward factual conclusion, a finding that was plainly sustainable on the evidence before Judge Farrer QC.

Other considerations when contemplating a strike out

24. In accordance with the principles established in the case law I have asked myself whether exercising the power to strike out Ms Gaskin's application would be for a legitimate case management purpose. Furthermore, I have considered whether it would be in accordance with the overriding objective under rule 2 of dealing with cases fairly and justly, including in particular "dealing with the case in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties" and "ensuring, so far as practicable, that the parties are able to participate fully in the proceedings". Judge Farrer QC's observations at paragraph [2] of his reasons (see paragraph 2 above) are very much in point here.

25. Further, I recognise that, by striking out Ms Gaskin's application, rather than by refusing permission to appeal on the papers, she is deprived of the opportunity under rule 22(4) to have her application reconsidered at an oral hearing. As Judge Mitchell noted in his decision in *Dransfield v Information Commissioner*, "the rule does not confer in terms a right to such a hearing but the Administrative Appeal Chamber's practice is to grant a request for reconsideration and I know of no case in which it has been refused" (at paragraph 41). I can only endorse Judge Mitchell's further observations:

> "42. However, the case management consequence of a decision to strike out an application for permission to appeal is not something I am obliged to avoid, especially where an application does not have even a remote prospect of success. The Upper Tribunal does not have unlimited resources. A hearing incurs financial and other costs and also delays the hearing of some other case. I also take into account that the Upper Tribunal's rules anticipate the possibility of striking-out an application which, if simply refused on the papers, would allow the applicant to seek an oral reconsideration. The rules do not disapply the power to strike out in a case where, had permission to appeal

> been refused on the papers, the Appellant would have the right to seek an oral reconsideration. For certain immigration decisions, rule 34(3) requires a hearing before "disposing" of the case. And so the makers of the Rules identified certain categories of case where a hearing would always be required. But the Rules do not, in the same way, treat as a special case an application for permission to appeal against an information rights decision of the First-tier Tribunal."

26. Ms Gaskin has already had the benefit of a lengthy and detailed judicial determination by the FTT of her rights to the information requested. She has now failed to get close to showing there is any arguable error in the FTT's decision and reasons. A strike out is accordingly not unfair and unjust. Indeed, rather, it is the only fair and just way forward. A strike out is not a disproportionate response having regard to the case's importance, complexity and the anticipated costs and resources of the parties. The case is not of any general importance.

27. I am also more than satisfied that Ms Gaskin has been able to participate fully in these proceedings. She has had more than her day in court at the FTT. She has been given, and has taken up, the opportunity to make representations against the proposed striking out of her application. She is not unfamiliar with the tribunal process; in Galanter's vocabulary of the sociology of law, she is a "repeat player", unlike the typical litigant in person who is a "one shotter". I also recognise, of course, that many individuals who may have difficulty in putting their case on paper are better able to present their case at an oral hearing. Regrettably the compelling evidence from the FTT proceedings is that Ms Gaskin's submissions in person will be no clearer than those on paper. According to Judge Farrer QC:

> "34. Ms. Gaskin made increasingly diffuse final submissions which eventually caused me to impose but then modestly extend a time-limit. Despite my advising her that criticisms of the DN [Decision Notice] or the ICO's procedures would not assist me in reaching a decision, she persisted in such a line of argument. Her undoubtedly sincere concern for the trees at the heart of this appeal was, unfortunately, not helped by her desire to criticise the other parties in respect of matters, which, even if her complaints were made good, could have no bearing on my decision."

28. I have also considered whether the exercise of some other case management power would be a more just way to proceed. But there is no case management power that could convert this hopeless case into an application with even the faintest glimmer of arguable merit.

Conclusion

29. For all the above reasons, I refuse to direct a hearing of the proposed striking-out of Ms Gaskin's application and, having found that there is not a reasonable prospect of her case succeeding, I decide under rule 8(3)(c) to strike out the proceedings on her application in their entirety.

Postscript

30. Before finishing, there is one other matter I should refer to. In my earlier Observations I referred to the High Court's ruling in *Gaskin v Norwich CC and Others* [2013] EWHC 623 (QB) (see Observations at paragraph 16, cited at paragraph 13 above). The High Court there refused permission to appeal against a District Judge's order striking out various actions by Ms Gaskin against the city council and the IC and also dismissed the application to set aside a general civil restraint order made in respect of Ms Gaskin (an order which has presumably since expired).

31. Ms Gaskin takes objection to my reference to this previous history. Her objection appears to be on the basis that (1) it is not for a Judge to refer to a matter which has not been raised by any of the parties; (2) "there's a potential third party who has interfered behind the scenes" (her e-mail of 12 August 2016); and (3) the reference to this case represents a breach of her "personal data".

32. Point (1) in the previous paragraph fails to recognise that the Upper Tribunal is an inquisitorial jurisdiction. This means a Judge may taken any relevant point in proceedings, whether or not it has been raised by one of the parties, subject always to natural justice considerations.

33. Point (2) is nonsense. As already noted, neither the city council nor the IC have made representations on the application or made any other contact with the Upper Tribunal. For the record, the High Court's decision came to my attention quite by chance – I was looking for an on-line version of the FTT's reasons to "cut and paste" a paragraph from Judge Farrer's QC decision and resorted to the quickest method, i.e. a case name search on the free public website Bailii (http://www.bailii.org/form/search_cases.html). Thus searching for 'Gaskin' (as at today's date) generates 10 case reports, 5 of which involve the present Applicant. Having read the High Court's judgment, I considered it only fair to put to Ms Gaskin the point that it was arguable that her present application was tantamount to an abuse of process, attempting to continue and perpetuate her grievances against the city council and the IC via a different route. Nothing she has said in her representations has caused me to doubt that initial impression. Indeed, quite the contrary.

34. Point (3) adds nothing; the High Court's judgment is a matter of (very) public record.

Signed on the original
on 22 August 2016

Nicholas Wikeley
Judge of the Upper Tribunal