

SOUTHWARK COUNCIL

COUNCIL ASSEMBLY

(ORDINARY MEETING)

WEDNESDAY 21 JANUARY 2015

URGENT QUESTION

1. URGENT QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR ANOOD AL-SAMERAI

Please can the leader explain how the council failed to meet a simple deadline in the application for a judicial review of the Thames Tunnel proposals?

RESPONSE

Usual court practice for bringing judicial review proceedings is that an applicant has six weeks to bring an application, beginning on the day after the decision that is being challenged is made. Our legal team followed this practice and got the application in within this timescale.

However, the Planning Act which governs major infrastructure projects is worded slightly differently to other legislation. The judge ruled that the legislation means that the timing for a judicial review on cases like this should start on the day the decision is made, which is a day earlier than usual practice in judicial review proceedings.

No court has ruled on this interpretation of the wording until now, and both the council and one other applicant had their judicial review applications rejected on these grounds. This was not something that was appreciated by anyone including our QC, or even the Secretary of State – this was a new interpretation of the law which the judge explored in argument.

Justice ministers are now amending the Planning Act through the Criminal Justice and Courts Bill which is currently before Parliament. The effect of this change will be to clarify the rules around the timing for a judicial review in a case such as the super sewer. The new legislation will make it clear that the council's interpretation of the timing should be the one applied from now on. The government is now introducing uniformity for the time limits for issuing applications for judicial review but this was too late for the Thames Tunnel challenge which has meant that Southwark has been denied the opportunity to fight this case on behalf of local residents.

I am very disappointed by this decision which will have a huge impact on local residents for seven years – when there are better alternatives. To be clear, it is coalition ministers who want to push ahead with this and this scheme is the policy of Liberal Democrats and Conservatives in government. I welcome the cross-party support there has been in opposing this, and am disappointed that the leader of the opposition is now trying to play party politics to deflect the blame away from her colleagues in Westminster, which does nothing to support local residents or the interests of the ward which she represents.