

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.

SUPPLEMENTAL QUESTION TO THE LEADER FROM COUNCILLOR ANOOD AL-SAMERAI

Thank you Mr Mayor, and I thank the leader for his answer, and I think we all share the frustration about missing the chance to have our judicial review heard because of a one-day missing a deadline. I know that he's given an answer explaining about how that seemed to happen – and obviously it was a complete mess-up. I have no doubt he would have taken credit if the judicial review had gone well, and I just wondered whether he would actually apologise to the people of Riverside ward and the borough for it not going well?

RESPONSE

Mr Mayor; no, I'm not going to apologise to the people of Riverside or Southwark. I've been a leading voice in this campaign since Thames Water first proposed actually digging to Kings Stairs Gardens, and have led the opposition when they moved over to Chambers Wharf. I didn't need to take three months, unlike Simon Hughes, to decide that I was on the side of local residents in this debate, and opposed absolutely to the proposal to go from Chambers Wharf.

I'm not going to apologise, either, for a judge reaching a conclusion on an argument, having heard four hours of argument from lawyers, on this particular issue. I think in the answer I have given, I set out that this is a particularly complex issue, where the government itself has recognised there is inconsistency in the way that judicial review is approached, and is putting it right by itself. Does she want to apologise for Simon Hughes, and the way he has let down the residents of Bermondsey and Old Southwark, by being a coalition minister in this coalition government?

SUPPLEMENTAL QUESTION TO THE LEADER FROM COUNCILLOR ANOOD AL-SAMERAI

Thanks, Mr Mayor. I mean, sadly, the Planning Act, as the judge says, was very clear about when the deadline was, and it was a complete screw-up by the council, and I think somebody ought to say sorry for that. But clearly the leader is not going to do that. Perhaps there is a silver lining, Mr Mayor; in that lots of money which would have been spent on the judicial review process will not now be spent because it's been thrown out because of the council's screw-up. That money that isn't being spent on a judicial review; could the leader of the council commit to using that money to manage the works as they go forward, because they will now be happening in a very densely populated area, and could some of that money that had been put aside for those legal costs actually be tonight committed to the people who live around Chambers Wharf, for managing the works as we go forward?

RESPONSE

I'm going to repeat the point; and I think it is regrettable that Councillor Al-Samerai has to try and blame someone for this. I've tried to explain in this answer and on other occasions where the fault lies here. Actually, the fault lies with Eric Pickles and Liz Truss, who have ignored the recommendations of the Planning Inspectorate. When is she going to stand up to Eric Pickles and Liz Truss? When is she going to hold them to account, and ask them to apologise? It is not good enough, I don't think; and it just represents, I think, the whole Liberal Democrat approach – we've got to blame somebody; let's blame the council, without thinking through who's really responsible. Simon Hughes wants to blame everybody but himself for the problems which are being inflicted on this borough.

So, Mr Mayor, I am not going to accept the criticisms which she is determined to place at this council in respect of this matter; and I'm going to say to her that I would have thought that it was absolutely clear from my actions to date, and this council's actions to date, through the resource and the energy that it has put in to opposing Chambers Wharf as a drive site, that we will stand absolutely shoulder to shoulder with the residents and schools affected by Thames Water. But I say again; she is really playing with fire if she is trying to divide this community and this council on this issue. It is going to take us absolutely nowhere if she keeps on trying to play the blame game. It is absolutely wrong, and I know the community will be very unhappy if she continues to pursue this line.

We are at one with this community, we will stand by them. We will continue to make the case against the government. And she should be standing up today and saying 'I will take on the government with you, shoulder to shoulder with this community', and not trying to blame somebody because of her government's decisions.