

**Date:** 23 July 2019  
**Your Reference:** TGY/TWS/00201750/1  
**Our Reference:** CLS/AB/CSNF  
**Enquiries to:** Aidan Brookes

**Legal Services**  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP  
  
Direct 020 7974 1947  
e-mail [aidan.brookes@camden.gov.uk](mailto:aidan.brookes@camden.gov.uk)  
[www.camden.gov.uk](http://www.camden.gov.uk)

**Leigh Day  
Solicitors  
Priory House  
25 St John's Lane  
London EC1M 4LB**

**By email:** [tshort@leighday.co.uk](mailto:tshort@leighday.co.uk)  
[lhadler@leighday.co.uk](mailto:lhadler@leighday.co.uk)

Dear Sirs

**RE: LETTER BEFORE CLAIM PURSUANT TO THE PRE-ACTION PROTOCOL FOR  
JUDICIAL REVIEW: CHALLENGE TO REFUSAL OF CALL-IN REQUEST**

We act on behalf of the London Borough of Camden in relation to the above matter.

This letter constitutes the Council's response to your letter before claim, dated 16 July 2019. This letter is set out in accordance with the Pre-Action Protocol for Judicial Review under the Civil Procedure Rules.

**1. THE PROPOSED CLAIMANT**

The Camley Street Neighbourhood Forum c/o Leigh Day Solicitors, Priory House, 25 St John's Lane, London EC1M 4LB (the **Claimant**).

**2. THE PROPOSED DEFENDANT**

The London Borough of Camden, Town Hall, Judd Street, London WC1H 9LP (the **Council**).

**3. REFERENCE DETAILS**

Andrew Maughan, Borough Solicitor, London Borough of Camden. All correspondence related to this proposed claim should be addressed to: Aidan Brookes, Principal Lawyer, Legal Services, London Borough of Camden, 5 Pancras Square, London, N1C 4AG.

**Borough Solicitor  
Andrew Maughan**

#### 4. THE DETAILS OF THE MATTER BEING CHALLENGED

The decision of the Council's Proper Officer dated 2 July 2019 to reject a request for a call-in to the Council's Scrutiny Committee of a decision made by the Cabinet Member for Investing in Communities and an Inclusive Economy on 21 June ("the **Decision**") to:

- (a) approve a draft Supplementary Planning Document ("the Draft SPD") relating to the re-development of the Camley Street area to be used for public consultation;
- (b) to agree to the interim use of the Draft SPD to support informal discussions with relevant stakeholders and in pre-application discussions on specific sites in Camley Street area in advance of the formal consultation and adoption.

#### 5. GROUND(S) OF CHALLENGE

The Proposed Claimant seeks to challenge the Decision of the Proper Officer to refuse the call in request on the basis it was alleged to be unlawful for two grounds: (1) the Proper Officer erred in law by misinterpreting the Council's Constitution and ascribing to himself a discretion to consider the merits of the Call-in Request which under the Constitution he did not have, and (2) in any event reached a decision that was *Wednesbury* unreasonable.

#### 6. RESPONSE TO THE PROPOSED CLAIM

- 6.1. The Council considers that the decision of the Proper Officer not to accept the request for call-in was lawful.
- 6.2. It is illogical to suggest that the Proper Officer cannot examine whether an alternative course of action purportedly relied upon in a call-in request is genuinely a meaningful alternative course of action in administrative and public law terms. The Council remains of the view that in this case the suggested alternative course of action is not a genuine and meaningful course, given the limited and provisional status of the draft SPD. Furthermore, the Proper Officer's decision was clearly not *Wednesbury* unreasonable.
- 6.3. However, the Council does not have any desire to delay matters relating to the redevelopment of Camley Street or to be drawn into costly and time-consuming litigation over a matter such as this, thereby expending public money that could be better applied to essential services.

6.4. On that basis the Proper Officer will accept the Call-in Request and refer it to the next appropriate meeting of the Culture and Environment Scrutiny Committee.

6.5. For the avoidance of doubt we also respond specifically to the actions (a) to (d) set out in the section of your letter headed “*Action that the Council Is Requested to Take*”. Your requested actions (a) to (d) are set out below in bold (with the Council’s response below each requested action).

- a. **Confirm that the Proper Officer will now refer the Decision taken on 21 June to an Extraordinary Meeting of the Scrutiny Committee to take place as soon as possible pursuant to paragraph 19(8)(e);**

The decision will be referred to the next available meeting of the Culture and Environment Scrutiny Committee. The precise date of this meeting is being confirmed but I am informed that it is anticipated to be in September.

- b. **Remove from the agenda of the Housing Scrutiny Committee consideration of the report concerning the re-development of 120 -126 Camley Street and Units 3-30 Cedar Way, Camley Street, N1C until the Scrutiny Committee has considered the Call-in Request;**

This meeting took place on 16<sup>th</sup> July (and for the record your letter was not received until immediately before the meeting). In any event the report to the Housing Scrutiny Committee concerned decisions relating to the Council’s function as landowner which are independent of and separate from the 21<sup>st</sup> June decision of the Cabinet Member in relation to the draft SPD which concerns the Council’s function as local planning authority.

- c. **Confirm that any discussions with third party stakeholders planned to take place in which the Draft SPD was going to be used and referred to by the Council’s officers will be delayed until such time as the Call-in Request has been considered by the Scrutiny Committee and/or that such a document will not be used as the basis for such discussions until the Call-in Request has been considered by the Scrutiny Committee;**

It is not reasonable or appropriate for discussions with stakeholders to be delayed pending the call-in given that these discussions relate to the Council’s function as landowner, rather than as local planning authority. However, in any discussions with

stakeholders, officers will make clear that the 21<sup>st</sup> June Cabinet member decision has been called-in.

- d. **Confirm in particular that the Cabinet will remove from the agenda as an item for discussion at the meeting on 17 July the approval of £2.8 million funding to be made in relation to the Camley St Master Plan and to delay further discussion until such time as the Draft SPD has been considered by an Extraordinary Meeting of the Scrutiny Committee**

This meeting took place on 17<sup>h</sup> July. In any event the report to the Cabinet concerned decisions relating to the Council's function as landowner and is independent of and separate to the 21<sup>st</sup> June decision of the Cabinet Member in relation to the draft SPD which concerns the Council's function as local planning authority.

Yours faithfully



pp

**Aidan Brookes**  
**Principal Lawyer**  
**for the Borough Solicitor**