

Temple Cowley Pools – Judicial Review

My name is Nigel Gibson, and as most of you are aware I am a member of the Save Temple Cowley Pools Campaign. You will also be aware that there is an application for Judicial Review against the Council waiting to be heard. I am the person named in that application, along with the Queen.

In recent weeks this particular Judicial Review has been mentioned in the media a number of times. Usually it is in connection with the court action costing the Council money, and if you were listening to the Bill Heine programme on local radio a couple of Sundays ago you will have heard the Judicial Review described as ‘vexatious’ by a Labour councillor. As usual with information put out by the Council in relation to your wanting to close Temple Cowley Leisure Centre, it is a combination of misleading, inaccurate, incomplete and untrue, and I want to take this opportunity to set the record straight.

Let’s be clear first of all what a Judicial Review is. Basically, when a member of the public, or a group of people such as the Campaign to Save Temple Cowley Pools, wants to challenge a decision that has been made, in this case, by the Council, in the end the only recourse is to take the matter to Court, and Judicial Review is the only process open to us. There are two stages; the first is the application for permission to seek a Judicial Review, where a court considers whether the challenge is legally sound. If permission is granted then the next stage is the full Judicial Review. All this costs money, and it is shameful that justice in this country is limited by how deep your pockets are, particularly in relation to a local authority who should be acting on our behalf in the first place to provide what most people regard as the basic services that its citizens need.

The reason I am bringing this Judicial Review is to hold the Council to account for its decision making concerning Temple Cowley Pools. Remember that Temple Cowley Pools is not just a swimming pool, it is shorthand for a complete wet/dry leisure centre, the only one in Oxford with a diving pool and also a sauna/steam room suite, as well as a gym and exercise studio.

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Holding the Council to account for its decision is something that the democratic processes have failed to do. The public across Oxford have spoken consistently, powerfully and repeatedly in favour of preserving a well-used and much-loved local facility - the latest petition that you are being forced to debate this evening, and the four preceding ones, including the largest in Oxford's history with over 12,000 signatures, clearly demonstrate what the people want. And overwhelming opinion is fully supported by evidence, which the Campaign has supplied to you all many times.

But the people have not been heard, or at least you have chosen not to hear them. Nor were they heard during the so-called consultation process that preceded the decision to build at considerable cost, a non-Olympic, only 25m swimming pool in an area where there is no evidence of demand and as a consequence force the closure of Temple Cowley Leisure Centre.

That is the first legal issue that the judicial review is focused on - defective consultation. The Council says it conducted a city-wide exercise to seek people's views, but you did not actually ask the most basic question - whether Temple Cowley Pools should be closed or not. And the so-called and gerrymandered 'Focus Groups', along with hastily arranged meetings later could not remedy that fundamental error - not least because what was said on those occasions was not properly reported to Members of the Council. If the Council truly believes a majority of local people support the closure of TCP and are happy and able to use the new pool, it should settle the Judicial Review now and agree to re-consult properly. **And I challenge you to do just that.**

If you will not meet this challenge, I will ask the Court to require a proper consultation process, through the Judicial Review.

Then there is the issue of equality and inclusion. The Council proudly promotes an inclusive Oxford, where all can use public facilities, not just an elite, and likes to think of itself as building a brand as World Class. And you are completely right to do this so that all its citizens, all of us, can be proud to live and work here.

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But that sentiment was wholly absent from the decision making about the future of Temple Cowley Pools, which is a model for how public facilities in Oxford should be - inclusive, used by the whole local community, despite their differences. The Council, you, especially with a Labour majority, ought to have recognised that - and take the impact of closure on that into account in your decision making. But the Council did not; the equality impact assessment was a document produced behind closed doors, very late in the decision making process, by officers who spoke to no-one.

Unsurprisingly it does not reflect who uses Temple Cowley Pools or why. The impact of closure has not been measured. The Council's statutory duty to have due regard to this impact has not been discharged. This is the second basis for the judicial review.

If the Council genuinely thinks there is no negative impact in equalities terms from closing TCP, it should settle the Judicial Review immediately, undertake a proper assessment and diligently evaluate the outcome.

What I find interesting and highly instructive is that the main defence being put up by the Council has nothing to do with either of these issues, the services that a Council should properly provide to its citizens. The main defence is a technicality, that the Judicial Review has been brought too late.

As I mentioned earlier, I have been accused of bringing this Judicial Review vexatiously. But the decision the Council has made is about services that affect the health and quality of life of tens of thousands of its citizens. I have to ask, what is vexatious about asking that my local authority makes decisions openly transparently and fairly, and that it honours its statutory duties?

I am asking no more than that from the Court.

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