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27 July 2017

And by email: james.gorman@freeths.co.uk

Dear Sir

Sobell Leisure Centre: potential judicial review in respect of the 'decision' not to conduct a public consultation on the trampoline park development.

We have been instructed by David Daniels, the Assistant Director of Law at the London Borough of Islington (the "Council") in respect of the above matter. Please ensure that any further correspondence on this matter is directed to us (for the attention of Trevor Griffiths and Edwina Acland).

We are in receipt of your undated Letter Before Action sent to Councillor Janet Burgess. Your letter was received by the Council by email late on 20 July 2017. You have requested an urgent response as you have been advised by your client that substantive building works at the Sobell Leisure Centre are due to start on 31 July 2017 and that if no response is received, you expect to be instructed to issue Court proceedings, which may include an application for injunctive relief.

As you will be aware, the usual Pre-Action Protocol for Judicial Review gives defendants 14 days to respond to the letter before claim. We reserve our right to respond on behalf of our client with a formal letter of response by 4 August 2017.

We have been advised that your clients have been misinformed in respect of the 31 July date: whilst some of the main works to the sports hall have already started (for example, ancillary works and works relating to the dismantling of the climbing wall), the next phase of substantive works has not yet started and is not due to start on 31 July 2017. Our client understands that Greenwich Leisure Limited ("GLL") will be providing customers with two weeks' notice as to when these works are due to start. Notwithstanding, if your client does instruct you to seek injunctive relief in respect of the substantive building works, we would be interested to understand what cross undertaking in damages your client will be giving.

Whilst we do not intend to respond in any detail to your letter at this stage, your client is obviously not happy with the Council's base decision, made in March of this year, to approve GLL's proposal to build a trampoline park at the Sobell Leisure Centre. However, just because your client is unhappy about the development at the

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centre, it does not mean it is open for a judicial review. Notwithstanding the time limit issue (the 'decision' relied on as being made on 22 May 2017 is clearly an engineered decision, the principle decision having been made in March 2017), we do not consider your client's proposed claim to have any merit. The Council has never been under any obligation to hold a public consultation on the principle of a trampoline park and as such, your client could not have a legitimate expectation to such a consultation. The Council is not bound by the minutes of the Customer Representative Committee ("CRC") meeting: it is not a member of the CRC. Officers only attend as observers. There was no requirement on the Council to hold a public consultation as it is not closing or reducing the facilities for any current activity: it is introducing a new activity for residents and as necessary, relocating some existing activities (including the indoor football pitches). Insofar as the Council did require a consultation, this was a requirement on GLL to hold meetings with the displaced user groups - such meetings have taken place, and as a result GLL has made some improvements to the facilities at Holloway School, including making the door frames your client has complained about flush with the walls.

Our client firmly rejects the allegation that it has failed to comply with section 149 of the Equalities Act 2010 on the basis of age discrimination. When making its decision, the Council was required to have due regard to the need to, amongst other matters, "*advance equality or opportunity between persons who share a relevant protected characteristic and persons who do not share it*". Facilities for indoor football will still be provided to the same extent as before, in a safe and appropriate location – a location which has used indoor football for almost 10 years and meets the standards set by Sport England for such use. Further, indoor football is not solely a game preserved for middle-aged or more elderly persons.

The Council fully rejects the very essence of your client's proposed claim. It is not prepared to halt the project works in order to undertake a public consultation exercise in respect of a decision that (a) was made over four months ago and (b) has never required such a consultation. If your client decides to pursue its case, the Council will fully defend its position.

Yours faithfully

Sharpe Pritchard

Sharpe Pritchard LLP