

**Decision Maker: Julie Muscroft – Service Director Legal Governance & Commissioning**  
**Date:**

**Title of report: Claim for Judicial Review of an Executive Decision**

**Purpose of report:**

The purpose of the report is to obtain authority to respond to a claim brought against the council for the judicial review of an executive decision

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Yes/ no or Not Applicable</b> Yes  <b>If yes give the reason why</b> Affects more than one ward – Newsome, Greenhead & Dalton
<b>Key Decision - Is it in the <u>Council’s Forward Plan (key decisions and private reports)?</u></b>	<b>Key Decision – Yes</b>  <b>Public Report &amp; Private Report</b>  The Private Report is confidential on the grounds Exemption 5 of Schedule 12A of the Local Government Act 1972  Exemption 5: Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Yes</b>
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>  <b>Is it also signed off by the Service Director for Finance IT and Transactional Services?</b>  <b>Is it also signed off by the Service Director for Legal Governance and Commissioning Support?</b>	<b>David Shepherd:</b> 9 October 2020  <b>Eamonn Croston:</b> 9 October 2020  <b>Julie Muscroft:</b> 9 October 2020
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Regeneration</b>

**Electoral wards affected: Newsome, Greenhead & Dalton**

**Ward councillors consulted: None**

**Public or private:** Public Report

**Has GDPR been considered?** Yes.

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### 1. **Summary**

A claim for judicial review of an executive decision has been issued against the Council.

### 2. **Information required to take a decision**

Officers have sought internal and external legal advice.

### 3. **Implications for the Council**

The claim either needs to be compromised or the Council needs to defend its executive decision against the claim for judicial review.

The external legal costs of defending a claim for judicial review will be substantial.

### 4. **Consultees and their opinions**

Member briefings have been undertaken with Cllr McBride and Cllr Mather

### 5. **Next steps and timelines**

Officers will implement the decision made by the Service Director – Legal Governance & Commissioning

### 6. **Officer recommendations and reasons**

Officers recommend that the Service Director Legal Governance & Commissioning gives authority for the Council to respond to claim for judicial review of an executive decision that has been brought against the Council in the manner set out in the private report.

**Reason:** To provide authority for the Council to respond to the claim that has been brought against the Council for judicial review of the executive decision

### 7. **Cabinet Portfolio Holder's recommendations**

Councillor McBride was briefed on 23<sup>rd</sup> September 2020 and is supportive of the approach outlined.

### 8. **Contact officer**

Contact Name: Mathias Franklin  
Job Title: Head of Planning and Development  
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### 9. **Background Papers and History of Decisions**

Please see Private Report

**10. Service Director responsible**

Contact Name: Naz Parkar

Job Title: Service Director for Growth and Housing

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Appendix 1 – Private report