

Item no.

Report to: **District Council**

Date: **3 April 2008**

Report of: **Chief Executive and Monitoring Officer**

Subject: **Update on Judicial Review**

Ward: **All**

1. **Purpose of the Report**

To update Members on developments relating to the Judicial Review proceedings and to obtain authority to discontinue the challenge to the LGR Legislation.

2. **Consultation**

This report has been written after consultation with other District Councils affected.

3. **Background**

The Council resolved on 6 September 2007 that proceedings for the Judicial Review be instituted to challenge the Secretary of State's decision to implement the proposals put forward for a Single Unitary Authority for County Durham. Because a similar challenge had already been lodged by Shrewsbury and Atcham and Congleton Borough Councils, the Durham Districts application was stayed, pending the outcome of the Shrewsbury case. The Council received a report on 1 November 2007 that the action brought by Shrewsbury and Atcham and Congleton had been lost but an appeal was being considered and it was agreed that the Durham Districts case should be stayed pending the outcome of any appeal.

The Court of Appeal has now considered and dismissed the appeal brought by Shrewsbury and Atcham and Congleton Borough Council. Members are therefore recommended to authorise the discontinuance of the claim brought by Easington since there are insufficient prospects of success to warrant proceeding further.

4. **Financial**

Costs will be payable on the discontinuance of the Durham Districts claim. Those costs have been limited by the decision to await the outcome of claims brought by other Councils, none of which were contributed to by this Council.

5. **Legal**

It would not be prudent to incur further costs in this case in light of the Court of Appeal decision.

6. **Risk**

The decision recommended minimises the Council's risks.

7. **Communications**

None

8. **Corporate**

None

9. **Procurement**

None

10. **Equality and Diversity/Social Inclusion**

None

11. **LGR**

The Council has been participating fully in the preparations for LGR and will continue to do so.

12. **Recommendations**

The Council is recommended to authorise discontinuance of the proceedings for Judicial Review instituted to challenge the Secretary of State's decision to create a single unitary authority for County Durham.

13. **Background Papers**

Court of Appeal Decision in the cases brought by Shrewsbury and Atcham Borough Council and Congleton Borough Council.