

# **KENNET DISTRICT COUNCIL**

## **FULL COUNCIL**

**24 July 2007**

### **Local Government Reorganisation – Legal Challenge by Another Local Authority**

**REPORT BY  
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CHIEF EXECUTIVE**

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#### **1.0 PURPOSE OF REPORT**

To inform members of a request for financial support, towards the costs of litigation, by a council which is challenging the local government review process being carried out by the Secretary of State.

#### **2.0 FINANCIAL IMPLICATIONS**

If the council decides to give financial assistance that will obviously have a direct cost.

#### **3.0 STAFFING IMPLICATIONS**

There are no staffing implications arising as a result of this report.

#### **4.0 LEGAL IMPLICATIONS**

The legal implications are set out in the report.

#### **5.0 RISK IMPLICATIONS**

There are no significant risks in this report as the council is not being asked to become a party to the litigation.

#### **6.0 BACKGROUND**

At its meeting on 24 April 2007 Council considered a request by Shrewsbury and Atcham Borough Council (SABC) that the council support its judicial review of the Secretary of State's conduct of the current review of local government structures. No financial assistance was requested.

Council resolved to support that action.

#### **7.0 CURRENT SITUATION**

SABC inform us that 28 councils supported the action.

SABC have reported that at a Permission Hearing in the High Court on 18 June Mr Justice King granted the Borough Council permission to seek Judicial Review of the Secretary of State's decision to proceed to stage 2 consultation with proposals for one unitary council in Shropshire and one in Cheshire. The councils are able to challenge the decision on three grounds:

- A. Want of legal power for the Secretary of State to engage in the current process.
- B. No broad cross-section of support for the unitary bids.
- C. That, in the process of consultation, the Secretary of State is unfair in not also putting forward opposition cases on the DCLG web site.

A full Judicial Review hearing has been set for 12 September.

## **8.0 REQUEST FOR FINANCIAL ASSISTANCE**

SABC have asked if those councils that supported them can now provide financial assistance towards the costs of the full hearing.

SABC are asking for £5,000 from each council. They have allocated a budget of £45,000 themselves. Contributions would be capped at £5,000 and at the end of the action any unspent money would be returned pro rata.

West Wiltshire District Council has resolved to make such a contribution. It is understood that Salisbury District Council is currently considering the matter.

## **9.0 RECOMMENDATIONS**

Council is asked to decide whether or not they wish to give financial assistance of £5,000 towards the costs of litigation by Shrewsbury and Atcham Borough Council.