

Title:	Local Government Re-organisation – Judicial Review
Portfolio Holders:	Cllr Graham Payne, Leader Cllr Rod Eaton, Change and Integration Portfolio Holder
Reporting Officer:	Nicola Mathiason - Head of Legal and Democratic Services Andrew Pate - Chief Executive
Key Decision:	No

Purpose

- To obtain a view from Council about the appropriateness of supporting the Shrewsbury and Atcham and Congleton appeal against the Secretary of State's decision in respect of Local Government Reorganisation.

Background

On 7 November Cabinet reviewed a report setting out proposals to support the appeal against the High Court decision in respect of the Secretary of State's decision about Local Government Reorganisation.

Cabinet resolved as follows:

- That the Council's own judicial review proceedings be put on hold and a financial contribution of up to a maximum of £30,000 be made towards the costs of an appeal by Shrewsbury and Congleton against the High Court judgment.
- That if necessary an appropriate agreement to make the contribution is entered into with Shrewsbury and Congleton Borough Councils and delegated authority be given to the Head of Legal and Democratic Services, in consultation with the Portfolio Holder for Change and Integration, to conclude such an agreement.

Cabinet also resolved to refer these issues to Council on 21 November 2007 and to only proceed with support for Shrewsbury and Congleton if there was a majority in favour of this course of action.

Key issues

The key issues are set out in the enclosed Cabinet report.

Issues highlighted in the discussion at Cabinet were as follows:

- If the Secretary of State's decision in respect of Local Government Reorganisation in Wiltshire is implemented it will mean that substantial parts of this Council's Corporate Plan together with aspects of the Community Strategy for Wiltshire will not be implemented.
- The MORI poll conducted in the is area indicated that 78% of people were in favour of improving the existing two-tier system rather than creating a new unitary council.
- At previous meetings of Council and Cabinet decisions have been made to jointly fund a separate judicial review in conjunction with two other Wiltshire Districts. The intention is to put this on hold and to use the funding intended for the separate review to support the appeal that has now been lodged by Congleton.

If this Council is to take forward a separate judicial review this will need to be consider afresh in light of the appeal decision. It is intended that this matter will be brought back to Cabinet and Council at the appropriate time if the need arises.

Recommendation

Council is recommended to:

- State whether it supports the resolutions of Cabinet set out in this report.