

**Committee: FULL COUNCIL**

**Date: 21 June 2022**

**Title: Judicial Review Claim against South Somerset District Council**

**Purpose of Report**

For members to update members on a claim for a Judicial Review against SSDC

**Recommendation:**

Members to note the report.

**Report:**

1. At the Full Council Meeting on the 17 August passed a resolution: *to allow Ilminster Town Council to be named as the Applicant for the South Somerset Carnival Park in a resubmitted planning application and to issue a letter supporting the ethos and the reasons behind the need for a park to be built by 7 votes for the proposal and 2 Abstentions*
2. As a result an application was submitted to South Somerset District Council for them to consider which they duly did. A meeting of the Area West Planning Committee was held on the 19 January 2022.
3. The outcome of the application was that the Area West Committee passed the application at which point it was then sent to the Chief Executive for her final decision.
4. Following the decision on the 19 January a request was made to the Department for Levelling up, Housing and Communities for the application to be called in as a result of the decision. A decision by the Chief Executive was not made until the outcome of this request was made known.
5. South Somerset District Council's Chief Executive then passed the application on the 8 April by the Chief Executive to pass the application.
6. Following this decision the CPRE (Formerly known as the Campaign for the Protection of Rural England) have decided to launch a Judicial Review request based upon the decision of the application against SSDC and naming both

the Town Council and Dillington Estates as Interested Parties. Documents relating to this have been shared with members of the council.

7. At the time of writing this report there has been no confirmation from SSDC as to how they intend to respond to the request for a Judicial Review. They have options open to them but I am unaware as to what they wish to follow. The outcome of a Judicial review would be either to find that there was no breach in the decision-making process or that there was a breach. If it finds there was a breach the main outcome will be that the application would be sent back to the Committee Stage of the process. Inevitably there will be costs to SSDC and CPRE if Judicial Review does run its full course.
8. We have been notified that the case “may be suitable for transfer to the administrative Court in Cardiff for administration and hearing in the South western Circuit.” As members are aware because of the time scales given I have indicated to the court that a hearing in Cardiff would likely be more preferable than one held in London as requested by CPRE’s legal team.
9. Until such time as I am made aware of what SSDC’s intentions are, there is nothing for the council to take action over. We will obtain a steer from our insurers to ascertain if and to what level legal cover will be provided by them once we are aware of what the process is going to be.
10. Members are being asked to note the report. If they wish to discuss this matter, they are strongly advised to take the matter into Exempt Business under Standing Order;

***3 d - Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public’s exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public’s exclusion. The press and public may be excluded by means of the following resolution: “That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw.”***

11. Matters, where legal information may be imparted that may undermine both SSDC and Ilminster Town Council position should it be revealed publicly ahead of any court proceedings, should only be discussed in exempt business.

**Mark Tredwin  
Town clerk  
June 2022**