

## REPORT OF PLANNING COMMITTEE

(Meeting held on 13 February 2019)

### 1. **AUTHORITY TO PROCEED WITH AND INDEMNIFY IN RELATION TO A LEGAL ACTION (MINUTE NO 38)**

The Planning Committee considered a confidential report which set out the options available to safeguard the Council's position following the issue, in error, of a planning permission, under delegated powers, when the Council's scheme dictated that the application should have been referred to the Planning Committee for determination.

The Committee was advised that the applicant and owner of the site had declined to enter into a Unilateral Undertaking to the effect that the permission issued in error would not be implemented. The only other course of action open to the Council was to institute a judicial review, the effect of which would be to quash the permission.

#### **RECOMMENDED:**

- (a) *That a claim for judicial review be brought, with Councillor W G Andrews as Claimant, effectively on the Council's behalf; and***
- (b) *That Councillor W G Andrews be indemnified in respect of any costs order that might be made against him.***

**COUNCILLOR P J ARMSTRONG  
VICE-CHAIRMAN**