

Cabinet Meeting: Monday, 14 April 2025

Question from: Dave Pugh

Question to: Councillor Dacre, Cabinet Member with responsibility for Resources

QUESTION

A member of the public seeks permission to apply for judicial review concerning the grant of an environmental permit by CMBC for a waste incineration plant in Sowerby Bridge.

The grounds for the Judicial Review are that the decision was unlawful:

- (i) The Council failed to give adequate and intelligible reasons for its decision.
- (ii) The Council failed to reach a conclusion on many of the issues raised.

Who will decide to pay out yet more of taxpayers money to defend the case in the high court if the council have a case to answer? Will it be the cabinet or an officer? What is the estimated cost?

Response

Dear Mr Pugh

Thank you for your question.

The conduct of all civil litigation brought by or against the Authority is delegated to the Head of Legal and Democratic Services.

In undertaking that function the Head of Legal would provide advice to and seek instructions from the relevant Director who would consult with relevant members of Cabinet.

Independent external legal advice may also be taken.

At this stage in the process, it is too early to provide an estimate of costs.

Yours sincerely