

Reference Number:

**NORTH YORKSHIRE COUNCIL**

**DECISION RECORD**

**Re: Judicial Review Claim regarding Decision on the Harrogate Station Gateway Scheme**

This record is produced in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012

**This form should be used to record:**

- **EXECUTIVE decisions (key or otherwise) taken by an individual Executive MEMBER; and**
- **EXECUTIVE decisions (key or otherwise) taken by an OFFICER (either alone or in consultation with an Executive Member)**
- **A non-Executive decision taken by an OFFICER which falls into one of the following descriptions:-**
  - (i) under a specific express authorisation; or**
  - (ii) under a general authorisation to officers to take such decisions and, the effect of the decision is to**
    - **grant a permission or licence;**
    - **affect the rights of an individual; or**
    - **award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.**

*(One form per decision)*

**The following decision has been taken: -**

To agree to quash the decision made by the Executive on the 30<sup>th</sup> May 2023 to proceed with the Harrogate Station Gateway Project on the basis that it did not hold a public inquiry before approving the proposed traffic regulation order. The Council has received a legal challenge to this decision by way of Judicial Review, which was issued on the 14<sup>th</sup> July.

**By whom: Barry Khan**

**On: 07/08/23**

*Was this an executive decision?*

**NO**

*If an executive decision, was it also a key decision?*

**NO**

**Reasons for decision: -**

The Council received a legal challenge by way of judicial review to the decision of the Executive on 30 May 2023 in relation to the Harrogate Transforming Cities fund project. The challenge is brought on 6 grounds based on procedural matters in relation to the decision. Having considered the legal arguments put forward by the challenge and consulting with the relevant Executive member, it is considered prudent to consent to the quashing of the decision of the Executive to protect the Council's interests.

This decision has been made in order to ensure court timetables can be complied with and avoid any further exposure to costs and time delays. A further report on the project will be considered by Executive in due course, which will set out next steps and timescales for the future consideration of the project.

The Monitoring Officer is authorised to compromise any claims or legal proceedings under the Council's constitution (Paragraph 11.3 of Specific delegations -page 186).

**Details of any alternative options considered and rejected: -**

The possibility of fully defending the legal challenge was considered and to have this matter determined by the Courts. However due to the necessity of having a public inquiry before confirming the relevant traffic regulation order, it was considered prudent to accept this ground of challenge.

**Conflicts of Interest**

Please record below details of any conflict of interest declared by a Member or Officer regarding the decision and any dispensation granted by the Standards Committee or Monitoring Officer in respect of that conflict.

Conflict	Dispensation?

**Background Papers**

Signed  
SIGNATURE REDACTED

Publication Date: 22 August 2023

Directorate

***Note 1 regarding Executive decisions only:  
This decision will come into force, and may then be implemented, on the expiry of 5 clear working days after publication, unless any 6 members of the Council object to it and call it in by notice in writing (including e-mail) to The Assistant Chief Executive Legal and Democratic Services.***

***Note 2: non-executive and non-key executive decisions by Officers are not subject to call in.***

**Contact for further information:**

**Contact for copy of report considered -**

To: The PA to the Assistant Chief Executive Legal and Democratic Services - for onward circulation to:

All Members of the Council; All Management Board; All Management Board Secretaries; All Senior Managers; All Democratic Services Officers; All Corporate Development Officers; Senior Press Officer; Communications Officer