



Report of the Assistant Chief Executive (Corporate Governance)

Corporate Governance and Audit Committee

Date: 14 December 2010

Subject: Information relating to significant legal cases

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1. PURPOSE OF REPORT

- 1.1 At its meeting on 15 November 2010 the Committee requested a report on proposals for arrangements for informing relevant Members of significant legal cases involving the authority.

2. BACKGROUND

- 2.1 At its meeting on 15 November 2010 the Committee received a Report headed 'Judicial Review – lessons learned'. That report informed members about the outcome of the case Technoprint Plc and Snee v Leeds City Council, ("Technoprint") a judicial review of a decision to grant planning permission.
- 2.2 The Committee, when considering the report, expressed concern about the arrangements in place for bringing to the attention of appropriate members detail of legal cases, which are, or might be, of sufficiently high-profile for those members to have knowledge of some detail of the case and its potential impact upon the Council. It was accepted by officers that the Technoprint case certainly became such a high-profile case and at the time that it did the relevant Executive Member was not aware of its potential significance.

3.0 OPTIONS

- 3.1 A Council the size of Leeds will, at any one time been involved in a number of matters that are, or are likely to become the subject of legal action. The management of such cases is the responsibility of the relevant Director who will effectively act as the 'client'. Legal advice and support is available as required by the Director.

- 3.2 Arrangements for informing Executive Members of significant legal cases will usually take the form of a briefing provided directly by the relevant Director or one of their senior colleagues. Those briefings provide an ideal opportunity for the Executive Member to be informed of any threatened or actual court cases about which it is considered the Executive Member ought to be aware .
- 3.3 Where legal services receive formal instructions in respect of cases, which they consider to be 'high-risk', they are monitored on a monthly basis.

4.0 PROPOSED ARRANGEMENTS

- 4.1 The Chief Officer (Legal Licensing and Registration) will put in place arrangements whereby each Director (or his or her nominee) receives a copy of the list of cases which the service have recorded as being 'high-risk. '
- 4.2 The definition of 'high-risk' which it is proposed is adopted for this purpose is one where; **on receipt of instructions** and as the case progresses the outcome could be an award against the Council in excess of £250,000 or there could be significant reputational damage to the Council, and such an outcome is likely.
- 4.3 Further to this there are cases that could be deemed as high risk at the **conclusion** of the case because the outcome is likely to result in significant reputational damage to the Council or a complaint has been made, or is likely to be made, concerning the handling of the case.
- 4.2 The Chief Officer (Legal Licensing and Registration) will also send a copy of the list of "high risk" cases to the Monitoring Officer (Assistant Chief Executive (Corporate Governance)) for the Monitoring Officer to appraise the Executive Member (Central and Corporate) of ongoing matters.

5.0 RECOMMENDATIONS

- 5.1 Members to consider and comment upon the proposals outlined in Section 4.

Background Papers

15 November 2010 report to the Corporate Governance and Audit Committee - 'Judicial Review – lessons learned'