

Report of the Director of Legal and Administrative Services

COUNSEL ADVICE : TEMPLE LAKE1. Purpose of report

To note the exercise of standing order 31(2) powers authorising Counsel's advice to be sought thereby promoting the objective of providing high quality services and the aim of continuously improving the quality and level of services.

2. Background

Members will be aware of the development at Temple Lake, Nuthall and the circumstances which led to the commissioning of a report by Ian McLaren QC into the granting of planning permission for the development and its subsequent handling. Mr McLaren's report was considered by cabinet at its meeting on 11 July 2006, which adopted proposals to review planning procedures in the light of the findings and recommendations of the report.

3. Proposal

Consideration must now be given by the Development Control Committee to a current application by the owner of Temple Lake to regularise the development as well as to the issue of whether enforcement or other action should be taken.

Neighbours of the development obtained the advice of Counsel (Graham Machin) which has been made available to the Council. That advice contains a critique of the approach of the Council in considering the application and enforcement issues and the Council is on notice of potential litigation. The Chief Executive, in consultation with the Leader of the Council, accordingly exercised standing order 31(2) powers to enable further advice to be sought to enable secure decisions to be taken.

Recommendation

The cabinet is asked to NOTE the exercise of standing order 31(2) powers for the reasons stated.

Background papers

Nil