



URGENT DELEGATED DECISION

Date: 28 March 2023.

Request to the Head of Paid Service to exercise delegated authority as per Responsibility of Functions in Part IV, page 28 of the Constitution.

“To determine any matter within the referred or delegated powers and duties of a Committee / Sub Committee / Board / Working Group which is so urgent that a decision must be made before the next meeting of that Committee / Sub-Committee/ Board / Working Group is due to be held.”

Limits on delegation: -

- Before making a decision using this delegated power, the Head of Paid Service shall consult with and take cognisance of the views of the Chairman (or in his absence the VC) of the relevant Committee / Sub-Committee etc; and
- Any decision taken by the Head of Paid Service under this delegated power shall be reported to Members within five working days of the decision being taken.
- During the COVID-19 Pandemic we have also committed to consult with the Leader of the Opposition on such decisions.

Usual Decision Maker: -

This decision would have been taken by Prosperous Communities Committee / Corporate Policy and Resources Committee.

This decision needs to be made and implementation commence, before these Committees are due to meet in order that the Council can respond robustly and swiftly given imminent announcements expected.

Call-in does not apply.

Background

The background to this decision is as detailed in the report titled **“RAF Scampton – Approval for Legal Proceedings”**. The report was marked **“Not for publication by virtue of paragraphs 3 and 5 of Part 1 of Schedule 12 A of the Local Government Act 1972, information relating to the financial or business affairs of any**

particular person (including the authority holding that information), and, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings” and as such **is not** appended to this public decision. The report was made available in advance to those consulted on this decision and is available to Members of the Council on request.

Reason for Urgency and Rationale for use of urgent Delegated Decision

The decision is in response to intelligence which suggests the Home Office will make an announcement stating their intention to proceed with an Asylum Accommodation Centre at RAF Scampton on Wednesday 29th March 2023

The Council along with other multi-agency partners considers the site to be unsuitable for this use for a wide variety of reasons, included in the risk section on pages 1 to 5 of the associated report.

Furthermore, the Council has grave concerns that the revised use does not comply with the land use requirements set out in the approved Local Plan.

An urgent decision was required to seek approval to instigate legal proceedings utilising funding earmarked for the site as detailed in the Financial Reference section on page 2 of the associated report.

The pre-election period is also active across the District to which cognisance has been paid.

The full rationale for the decision was contained within the report.

Financial Detail and Implications

Full financial details and implications were contained within the associated report.

Notes of Consultation Relevant to the Decision

Officers outlined potential legal challenges which could be made, the main aspects which could be focussed on, and the arguments which could be developed to challenge the Home Office decision, both short and longer term.

It was confirmed that total costs were unknown and Expenditure updates would be provided on a quarterly basis as an exempt report to Corporate Policy and Resources Committee as part of the quarterly budget monitoring process.

It was also confirmed that the Council if successful in any planned challenges would seek to re-coup all costs.

All present were in agreement that the Council needed to engage the best Counsel it could to protect its position and challenge that of the Government.

Officers advised they intended to work alongside the other Local Authority which had found itself subject to a similar announcement.

Whilst legal procedures would be progressed discussions with the Home Office would also continue should the Government proceed with their proposals.

Decision Made

- 1. That West Lindsey District Council authorise the Chief Executive to commence and continue legal proceedings against the anticipated decision by the Home Office to deliver an Asylum Accommodation Centre at RAF Scampton; and**
- 2. The Legal proceedings and advice to be funded from the £475,000 expenditure allocation approved by Corporate Policy and Resources Committee on the 9th February, to support future work on RAF Scampton.**


Note: In order to fully engage as many Members of Council as possible, a full Member Briefing was held in advance of this decision.

Decision Taken By:



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Ian Knowles
Head of Paid Service

As the Chairman of the Corporate Policy and Resources Committee I have been fully consulted on this matter



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Cllr Anne Welburn
Chairman of Corporate Policy and Resources

As the Chairman of the Prosperous Communities Committee and Leader of the Council I have been fully consulted on this matter



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Cllr Owen Bierley
Leader of the Council / Chairman of the Prosperous Communities Committee

As Leader of the Opposition I have been fully consulted on the is matter.



Cllr Trevor Young
Leader of the Opposition Group.

Date all Members were notified of the decision: 31 March 2023