

# CHESHIRE EAST COUNCIL

## Cabinet

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**Date of Meeting:** 19<sup>th</sup> January 2016  
**Report of:** Bill Norman, Director of Legal Services  
**Subject/Title:** Legal Claim against the Council  
**Portfolio Holder:** Councillor J P Findlow, Performance

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### 1.0 Report Summary

- 1.1 This report seeks to update Cabinet in respect of a legal claim against the Council.

### 2.0 Recommendations

- 2.1 That authority to agree the terms of settlement at Mediation be delegated to Peter Bates (Chief Operating Officer), in consultation with Mike Suarez (Chief Executive), Brenda Smith (Director of Adult Social Care and Independent Living), Bill Norman (Director of Legal Services), Councillor Janet Clowes (Portfolio Holder for Adults, Health and Leisure) and Councillor Paul Findlow (Portfolio Holder for Performance).
- 2.2 That officers be authorised to undertake all necessary actions to implement the recommendation above.

### 3.0 Reasons for Recommendations

- 3.1 The detailed reasons for the recommendation are currently confidential as the matter is subject to ongoing High Court proceedings. When the claim is resolved, further information can be provided.
- 3.2 The claim is of a significant value. As is normal in complex High Court proceedings, parties are obliged to engage in Mediation. In a Mediation, the parties will put forward their proposals for settlement. The process is designed to facilitate a mutually acceptable settlement of the dispute, if this is possible. The terms of the Mediation Agreement require the parties to have authority to agree a settlement on the day of the mediation. The recommendation enables the Council to meet this requirement. The Mediation will take place in February.

### 4.0 Wards and Local Ward Members Affected

- 4.1 All

## **5.0 Policy Implications**

5.1 None

## **6.0 Financial Implications**

6.1 The claim is of a significant value which is currently confidential and subject to Court proceedings and a forthcoming Mediation.

6.2 The financial implications of this report may require access to additional funding, outside of the existing specified budget allocation for the 2015/16 financial year. Such emerging risks are covered by the Council holding financial reserves to protect against potential additional liabilities. The approach is detailed in the Council's Reserves Strategy, which is an annex of the Council's Medium Term Financial Strategy (approved by Council, February 2015). The risk assessment, that supports the level of general reserves, reflects the risk of legal costs being incurred. Reporting of any financial impact of this report will be provided via a revised Medium Term Strategy (February 2016) or an appropriate Quarterly Performance Report.

## **7.0 Legal Implications**

7.1 The subject matter of this report is subject to legal professional privilege, which applies not just to this Council but all parties involved in the proceedings which are currently ongoing.

## **8.0 Risk Management**

8.1 The issues are confidential as the matter is subject to ongoing Court proceedings and a forthcoming Mediation.

## **10.0 Background and Options**

10.1 This is a claim against the Council of a significant value. Details of the claim are confidential due to the fact that Court proceedings are ongoing.

## **11.0 Access to Information**

Due to the report being primarily in respect of Exempt Information no background papers are available for inspection.

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