

NOTICE of reasons for Urgency – KEY DECISION

NORTH HERTFORDSHIRE DISTRICT COUNCIL (“the Council”)

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (“the Regulations”)

The Council intends to hold a public meeting of the Cabinet on 31 July 2018 at 7.30pm at which a part 1 urgent item will be considered in respect of the St Ippolyts Parish Council to designate the whole parish as a neighbourhood planning area for the purpose of producing a neighbourhood plan.

1. This Cabinet is deemed to be a relevant “decision-making body” under the Regulations.
2. In these Regulations a “key decision” means an executive decision, which is likely—
 - (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority’s budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.
3. Under Regulation 9, the Council is required to give notice of its intention to make a Key Decision, at least 28 clear days before the date of this meeting and publish this on its website.
4. Where publication of the intention to make a Key Decision under Regulation 9 is impracticable, then under Regulation 10 that decision may only be made –
 - (a) where the proper officer has informed the Chairman of the Overview and Scrutiny Committee or, if there is no such person, each member of the relevant Overview and Scrutiny Committee by notice in writing, of the matter about which the decision is to be made;
 - (b) where the proper officer has made available at the offices of the relevant local authority for inspection by the public and published on the relevant local authority’s website, a copy of the notice given pursuant to sub-paragraph (a); and
 - (c) after five clear days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).
5. As soon as reasonably practicable after the agreement has been obtained, the Council must publish a notice setting out the reasons why compliance with Regulation 9 is impracticable.
6. Where the date by which a key decision must be made, makes compliance with Regulation 10 impracticable, the decision may only be made where the decision maker has obtained agreement from—
 - (a) the Chairman of the Overview and Scrutiny Committee; or
 - (b) if the Chairman of the Overview and Scrutiny Committee is unable to act, the Chairman of the Council; or
 - (c) where there is no Chairman of either the Overview and Scrutiny Committee or of the Council, the Vice-Chairman of the Council,

that the making of the decision is urgent and cannot reasonably be deferred.

7. The Council has obtained the agreement of the Chairman of the Overview and Scrutiny Committee that the making of the decision was considered urgent and could not reasonably be deferred for the following reasons:

STATEMENT OF REASONS

Officers have been in informal discussions with the Parish Council regarding a potential revised application for several months. Due to the abnormal nature of the parish straddling two electoral wards, the fact that the determination of such an application would be a Key Decision was overlooked in error by officers and the opportunity to proactively put this decision on the Forward Plan in advance of the application / in accordance with normal procedures was missed. The Parish Council should not be unnecessarily inconvenienced for this error.

The precise timing of the application was unknown. Applications or requests by Parish Councils to the District Council in relation to neighbourhood planning matters cannot necessarily be anticipated or coordinated with Forward Planning / Committee cycles in the same way as internal decisions.

St Ippolyts wish to proceed with the preparation of a Neighbourhood Plan for their area and have informally indicated a desire to carry out their first statutory consultation in the Autumn. The Neighbourhood Plan must correspond with the approved Neighbourhood Planning Area. Without formal approval of the revised application the consultation cannot proceed and any preparatory work (e.g. drafting of the plan, production of maps, screening for environmental impacts etc) is unnecessarily at risk.

There is no alternate decision which can be made. In this instance, the relevant regulations require that the Council must exercise its powers to approve the area applied for. Waiting until the next Cabinet cycle incurs an unnecessary delay.

The Council is under a statutory duty to give advice or assistance to qualifying bodies to facilitate proposals for neighbourhood development plans.

To ensure St Ippolyts is not unnecessarily or unfairly penalised for its unusual administrative geography.

Signed: Jeanette Thompson

Proper Officer of the Council

Date: 11 July 2018