

Amber Valley Borough Council

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

Notice Issued under Regulation 10 (General exception), regarding the Intention to take Key Decisions without 28 clear-days notice

Regulation 9 of the above Regulations requires 28 clear days' notice to be given of all 'key decisions' taken on behalf of the Authority. Where that notice is impracticable, the decision can only be made where:

- the Chairman of the Improvement & Scrutiny Committee has been informed in writing – 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;
- the Council has issued a Public Notice (i.e. this Notice), setting out the reasons why compliance with Regulation 9 is impracticable; and
- five clear days have elapsed following the issue of the Notice.

Notice is hereby given in accordance with Regulation 10 that the Leader of the Cabinet intends to make the following key decisions without the 28 clear-days' notice on the anticipated date of 27 April 2018:

Name of Report	Decision Maker & Date of Decision	Public or Private Decision	Reason why Regulation 9 not complied with
Taxi Licensing Fees	Leader of the Cabinet, 27 April 2018	Public	The decision whether or not to increase the fees for hackney carriage licences, private hire licences and operators' licences needs to be made and cannot wait until after the Annual Meeting on 23 May 2018, which determines the new schedule of Authority meetings for the ensuing new municipal year. [Legislation dictates that if the Authority proposes to amend the fees relating to Hackney Carriage Vehicles, Private Hire Vehicles or Operators Licences, then it must publish, in at least one newspaper circulating in the area, a notice setting out the variation proposed and specify the period (which shall not be less than twenty-eight days from the date of the first publication of

			<p>the notice), within which representations can be made. Notification of the proposed increase in fees was advertised in the Derby Telegraph on 1 March 2018, a letter was sent to every driver and operator licensed by Amber Valley Borough Council and a notice was displayed on the Authority's notice board at the Town Hall on 1 March 2018. The deadline for receipt of any representations was given as 31 March 2018. As one objection was made and not withdrawn, the Authority was required to set a further date, not later than two months after the first specified date i.e. 31 March 2018, on which the variation shall come into force with or without modification if so decided by the Authority after consideration of that objection. The Licensing Board met on 16 April 2018 and recommended approval to the Leader of the Cabinet of the variation of fees and that they should come into force on and from 1 May 2018].</p>
Crich Parish Neighbourhood Plan	Leader of the Cabinet, 27 April 2018	Public	<p>The Examiner's report was received by the Authority on 22 March 2018. From the next working day (23 March 2018) the Authority must within five weeks of that start date make a decision on each of the recommendations in the Examiner's Report under the relevant Regulations, within five weeks. It was therefore not possible for 28 days' advance notice to be given of the intention to make such executive decisions.</p>

The Chairman of the Improvement & Scrutiny Committee was informed of the intention to take the two key decisions (detailed above) by email dated 13 April 2018.

S DELAHAY
Executive Director (Resources), Amber Valley Borough Council
Date: 18 April 2018