

## Amber Valley Borough Council

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

#### Notice Issued under Regulation 11 (Special urgency), regarding the intention to take a Key Decision 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 Council.

Where such notice is impracticable, Regulation 10 requires two notices and states the decision can only be made where:

- the proper officer has given written notice to the Chairman of the relevant overview and scrutiny committee– or, if there is no such person, each member of the relevant overview and scrutiny committee of the matter about which the decision is to be made;
- a copy of that notice has been made available for public inspection and published on the Council's website and five clear days have elapsed; and
- the Council has issued a Public Notice (i.e. this Notice), setting out the reasons why compliance with Regulation 9 is impracticable

Where the date by which a key decision must be made, makes compliance with regulation 10 impracticable, Regulation 11 states the decision may only be made where the decision maker has obtained agreement from:

- (a) the chairman of the relevant overview and scrutiny committee; or
  - (b) if there is no such person, or if the chairman of the relevant overview and scrutiny committee is unable to act, the chairman of the relevant local authority; or
  - (c) where there is no chairman of either the relevant overview and scrutiny committee or of the relevant local authority, the vice-chairman of the relevant local authority,
- that the making of the decision is urgent and cannot reasonably be deferred.

The Chairman of the Improvement & Scrutiny Committee agreed by telephone on 23 July 2018 that the making of the decision is urgent and cannot reasonably be deferred for the reasons set out below in this Notice.

Notice is hereby given in accordance with Regulation 11 that the Leader of the Cabinet intends to make the following key decisions without the 28 clear days' notice:

#### Decisions:

- 1.1 That it be confirmed that the Crich Parish Neighbourhood Plan meets the 'basic conditions' as required by paragraph 12 of Schedule 4B to the Town and Country Planning Act 1990 as set out in Appendix A to the Report to the Leader of the Cabinet dated 27 July 2018.
- 1.2 That the conclusions of officers in respect of the Examiner's recommendations in relation to the submitted Crich Parish Neighbourhood

Plan, as set out in the table in Appendix B to the Report to the Leader of the Cabinet dated 27 July 2018, be approved.

- 1.3 That the proposed arrangements for the holding of a referendum on 6 September 2018 in relation to the modified Crich Parish Neighbourhood Plan, as set out in Appendix C in the Report to the Leader of the Cabinet dated 27 July 2018, be approved and the Executive Director (Resources) be authorised to finalise the date and detailed arrangements for the Referendum, in consultation with the Leader and relevant Cabinet members.
- 1.4 That it be agreed that the electoral area for the Referendum shall be the Parish of Crich (Crich Ward and part of the Wingfield Ward) and not be extended beyond that area.

**Reasons for decision:**

To ensure that the Borough Council meets its requirements as set out in the Town and Country Planning Act 1990 (as amended), the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended).

<b>Reason why the decisions are urgent and cannot reasonably be deferred</b>
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The planned Referendum scheduled to take place on the 19 <sup>th</sup> July 2018 was cancelled due to the identification of an error in the wording of the Crich Parish Neighbourhood Plan document. In order to enable the rescheduled Referendum to take place on 6 <sup>th</sup> September 2018 as envisaged, the intended decisions set out above need to be made as a matter of special urgency and such decisions cannot be reasonably deferred.
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S DELAHAY

Executive Director (Resources), Amber Valley Borough Council

**Date:** 23 July 2018