

LOCAL GOVERNMENT ACT 2000

**REGISTER OF URGENT  
DECISIONS OF THE EXECUTIVE**

NORTH DEVON COUNCIL CONSTITUTION  
– Appendix 12



Reference No: 2014/09

1) SUBJECT: Ladywell Meadows, Chulmleigh – HCA Builders Finance Fund

2) REQUESTED DECISION: For Executive to support a bid to the HCA under the Builders Finance Fund for Ladywell Meadows, Chulmleigh

3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT:

- NDC has been asked to support a bid to the HCA under the Builders Finance Fund. The scheme is for up to 95 new homes at Ladywell Meadows, Chulmleigh. This is a repayable loan to the developer for a scheme that already has outline planning consent won on appeal and does not involve a cost to NDC.
- Delegated powers state that the Head of Environmental Health and Housing and the Lead Member for Housing should in consultation with ward members support bids to the HCA. If the Ward Member refuses to support a scheme the decision lies with Executive.
- Unfortunately, due to the tight timescale from the HCA, Cllr Croft was unable to make a decision by this morning and as the HCA require an answer by close of play today the decision will need to be taken by Executive.

4) FINANCIAL IMPLICATIONS: No cost to NDC

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

Do not support bid – this was rejected as:

- The HCA have made it clear that NDC cannot refuse to support based on an appeal
- The scheme already has planning consent so the development will go ahead at some point.
- Our support will bring forward housing supply, including much needed affordable housing – NDC's corporate priority.

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED:

7) A NOTE OF ANY DISPENSATION IF GRANTED:

Not applicable.

8) THE CONSENT OF THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE WAS OBTAINED ON:

27<sup>th</sup> November 2014.

9) LIST OF BACKGROUND PAPERS (but not including published works or those which disclose exempt or confidential information (as defined in rule 10 of appendix 15 (Access to Information Procedural Rules) and the advice of a political advisor):

- Ladywell Meadows, Chulmleigh - Builders Finance Fund, HCA – Nov 2014

10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Executive Member (Cllr Webber)	Yes	25.11.2014
Ward Member(s) (Cllr Croft)	Yes	25.11.2014
Chief Executive		
Head of Service (Jeremy Mann)	Yes	25.11.2014
Legal	Yes (to confirm not a key decision)	27.11.2014
Finance		

11) APPROVED BY DECISION TAKER

Councillor Greenslade – Leader

12) NOT APPROVED BY DECISION TAKER

13) DATE THAT DECISION WAS TAKEN

27<sup>th</sup> November 2014

# GUIDANCE NOTES

NOTE: ALL REFERENCES TO SUB-PARAGRAPHS REFER TO APPENDIX 12 OF THE CONSTITUTION

PROCEDURE FOR DECISIONS WHICH MAY BE CONTRARY TO ADOPTED PLANS AND STRATEGIES (INCLUDING THE BUDGET):

1. The Chief Executive must notify the Leader/Deputy Leader/Other Executive Member.
2. The Leader/Deputy Leader/Other Executive Member must approve the use of the procedure and notify the Chief Executive of his approval together with his reasons.
3. The Chief Executive must notify the Chairman of the Overview and Scrutiny Committee or if unable to act the Chairman of Council or if absent the Vice-Chairman to seek his determination as to whether the conditions detailed in paragraph 1.1 (b) (i), (iii) or (iv) are satisfied.
4. The Chairman of the Overview and Scrutiny Committee or if unable to act the Chairman of Council or if absent the Vice-Chairman, must confirm to the Chief Executive in writing that the proposed decision is urgent and that either of the conditions identified in paragraph 1.1 (b) (iii) or (iv) have been satisfied, the Chief Executive shall advise the Leader, Deputy Leader or other member of the Executive that the decision may be taken by a person or body possessing a relevant power to make such a decision.
5. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).

PROCEDURE FOR DECISIONS WHICH ARE WITHIN THE ADOPTED PLANS AND STRATEGIES (AND CAN NOT BE INCLUDED IN THE FORWARD PLAN):

1. If the Chief Executive considers that the conditions in sub-paragraph 2.1 are satisfied, he must notify the Proper Officer of the need for the decision, the reasons why it was impracticable for it to be included in the Council's Forward Plan, and whether or not the decision is required to be taken within five working days.
2. On receiving the notification, under sub-paragraph 2.3 and where satisfied that no decision is required to be taken for five working days, the Proper Officer shall:
  - (a) notify in writing the Chairman of the Overview and Scrutiny Committee or if there is no such person, each Member of the Overview and Scrutiny Committee, with particulars of the proposed decision, the reasons for its urgency and the reasons for it being impracticable to include in the Council's Forward Plan;

- (b) make available for public inspection at the Council offices a copy of the written notice given to the Chairman of the Overview and Scrutiny Committee about the decision.
- 3. Decisions to which sub paragraph 2.4 applies, shall not be made until after five working days have elapsed following publication of the proposed decision under 2.4 (b) of Appendix 12 in the Constitution.
- 4. Where it appears to the Chief Executive that an urgent decision-
  - (a) meets the requirements of sub-paragraph 2.1 of Appendix 12 of the constitution; and
  - (b) because of the urgency cannot be deferred for five working days,he shall seek the agreement and confirmation in writing on both those points from-
  - (c) the Proper Officer; and
  - (d) the Chairman of the Overview and Scrutiny Committee or in his absence the Chairman of Council or if there is no Chairman the Vice-Chairman of Council;and the person or body possessing a relevant power to make the decision may proceed to make it only when the necessary agreement and confirmation have been obtained.
- 5. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).