

LOCAL GOVERNMENT ACT 2000

**REGISTER OF URGENT
DECISIONS TAKEN BY THE
CHIEF EXECUTIVE**

**NORTH DEVON COUNCIL CONSTITUTION
– Part 3 Annexe 2: Officer Delegations –
Chief Executive**



Reference No:

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- 1) **SUBJECT:** Response to South West Inshore and South West Offshore Marine Plan (SWMP).
 - 2) **REQUESTED DECISION:** Submit formal representations to the Marine Management Organisation (MMO) in accordance with schedule of comments.
 - 3) **STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT:** The formal consultation period ends on 6th April 2020. A formal response was scheduled to be considered by Strategy & Resources committee on 6th April (the final day) but that meeting has been postponed so an urgent decision is required for comments to be submitted before the deadline.

The draft committee report highlights a number of draft policies where amendments are recommended. Many policies are worded badly by being unclear. Clarity is required for these policies to be interpreted fairly and consistently. Proposed comments seek to improve clarity.

- 4) **FINANCIAL IMPLICATIONS:** (NOTE: Please state if there are any financial implications. If so, state whether there are sufficient funds within the agreed budget. If there are insufficient funds please state how the decision will be financed).

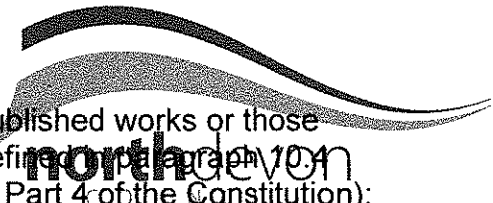
Officer time and expenses to make a response can be met within existing staff capacity and revenue budget (planning policy team). Unclear policies (through not attempting to make amendments) may result in delays and additional time required in future, by having to negotiate what is meant by particular policies and whether proposals are policy compliant.

- 5) **ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:**

Not submitting an objection before the deadline would prevent the Council's concerns from being considered at later stages of marine plan preparation. Other Councils may object on similar grounds but they would not be considering (directly) the issues relating to North Devon.

- 6) **A RECORD OF ANY CONFLICT OF INTEREST DECLARED:** None

- 7) **A NOTE OF ANY DISPENSATION IF GRANTED:** N/A



8) LIST OF BACKGROUND PAPERS (but not including published works or those which disclose exempt or confidential information (as defined in paragraphs 10.4 and 10.5 of the Access to Information Procedural Rules Part 4 of the Constitution):
N/A

10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Leader of Council (or Deputy Leader)	yes	30/3/2020
Chair of Committee (with the Authority to take the decision) (or Vice-Chair)	yes	30/3/2020
Lead Member (Cllr Prowse)	yes	30/3/2020
Ward Member(s)	n/a	
Head of Service (Michael Tichford)	yes	30/3/2020
Finance	yes	30/3/2020
Legal	yes	30/3/2020

11) OFFICER REQUESTING URGENT DECISION TO BE TAKEN BY THE CHIEF EXECUTIVE: Andrew Austen

12) APPROVED BY CHIEF EXECUTIVE: YES or NO

13) DATE OF DECISION: 6/4/20

14) CHIEF EXECUTIVE'S COMMENTS:

15) DATE TO BE PRESENTED TO STRATEGY AND RESOURCES COMMITTEE:



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GUIDANCE NOTES

NOTE:

PROCEDURE FOR URGENT DECISIONS:

1. Completed form to be passed to the Chief Executive following consultation with the interested parties.
2. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).
3. The Chief Executive will make his decision.

PROCEDURE FOR URGENT DECISION MAKING AS PER THE CONSTITUTION

Officer Delegations: the Chief Executive:

Urgent Decision Making

- 3.48 To take a decision on any matter falling within the remit of any Committee in cases of urgency where it is not reasonably practicable to obtain prior approval of a Committee SUBJECT TO:
- 3.48.1 the prior consultation, where practicable, with the Leader or Deputy Leader and the Chair or Vice Chair of the relevant Committee, and
 - 3.48.2 the proviso that this power will not extend to the determination of any application submitted pursuant to the Planning Acts or under the Licensing Act 2003 or the Gambling Act 2005, and
 - 3.48.3 the decision being reported to the next meeting of the relevant Committee and the next meeting of Strategy and Resources Committee.



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