

Key decision items not included in the Forward Plan

Where a matter that is a key decision item has not been included in the Forward Plan, that decision may only be made where –

- (1) the relevant Director has informed the Chairman of the relevant Policy/Overview and Scrutiny Panel or, if there is no such person, each Member of that Panel by notice in writing, of the matter about which the decision is to be made;
- (2) the relevant Director has made a copy of that notice publicly available at the offices of the Council and on the Council's Website. A copy should also be sent to all councillors for information;
- (3) at least five clear days have elapsed since the relevant Director complied with (1) and (2); and
- (4) If (3) cannot be complied with then the decision can only be taken if the decision taker (if an individual), or the Chairman of the body making the decision, obtains the agreement of the Chairman of the relevant Policy/Overview and Scrutiny Panel that the taking of the decision is urgent and cannot be reasonably deferred. If there is no Chairman of the relevant Policy/Overview and Scrutiny Panel or if the Chairman of each relevant Policy/Overview and Scrutiny Panel is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice-Chairman will suffice.

Notice of a key decision on an item not in the Forward Plan

To Councillor Chris Blades being the Chairman of the Strategic Planning & Economic Development Policy Scrutiny Panel.

A copy of this notice must be displayed at offices of the Council and published on the Council's website as soon as reasonably practicable after compliance with the above.

Take notice that it is intended to make a key decision by the Executive Member for Strategic Planning, Highways, Economic Development and Housing that has not been included in the Forward Plan. The Decision is to agree that the Council enters into the Deed of Indemnity to provide the indemnity to Network Rail (South Bristol Link) and the full decision notice will be available to view on the Council's website via the following link: <http://www.n-somerset.gov.uk/my-council/councillors/decisions/executive-member-decisions/2016-executive-member-decisions/december-2016-executive-member-decisions/>

Reasons why key decision was not included in the Forward Plan:

South Bristol Link has been constructed over a small section of land formally owned by Network Rail. In essence the embankment land which the main railway line sat on and which is now within the new Network Rail under bridge.

Network Rail have agreed to dedicate this land as highway for the purposes of South Bristol Link. However they are not willing to release the deed of dedication until a number of linked land agreements are in place. These agreements have been subject to intense and prolonged discussion over recent weeks with only a final position and agreement being reached very recently on the indemnity as detailed within the decision.

Previous authorities from Full Council and Executive decisions are broad for the South Bristol Link legal and administrative processes but it is considered that the indemnity which forms the decision notice is not sufficiently covered so an urgent Executive Member decision is required to enable this element of the agreements to be secured.

Agreement of the Chairman of the Policy/Overview and Scrutiny Panel is/is not required in accordance with (4) above. If agreement is required the Chairman is requested to notify the Director accordingly.

I have had regard to and complied with (1) to (4) above.

If the item will also need to be considered as an urgent item, a reason for urgency will be required.

Reason for urgency (if applicable) detailed above

Signed  Director of Development and Environment

Date 15/12/16

Ref. – Constitution, Access to Information Procedure Rules, ss 14, 15.