

Key decision item 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 of the notice 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 John Crockford Hawley being the Chairman of the Place Policy and 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 that the Executive Member for Major Infrastructure Projects has made the following urgent key decision which has not been listed on the forward plan.

DECISION TITLE

- 1. To accept the amendments to the compulsory purchase order red line boundary (Appendix A & B)**
- 2. To authorise the submission of the CPO, SRO and Section 19 certificate to the Secretary of State**
- 3. To approve the Side Road Order plans (Appendix C)**

Reason not listed on forward plan: Both a Side Roads Order (SRO) and Compulsory Purchase Order (CPO) are required for the Banwell Bypass and Highways Improvements Scheme. The CPO and SRO require sealing on the 28th September and then serving on the 6th October.

The Council submitted a report to Full Council in July 2022 (decision no: COU37) seeking approval to make the Compulsory Purchase Order (CPO) and all other related orders (Side Road Order and Traffic Regulation Orders) for the Banwell Bypass and Highways Improvement scheme. The Banwell Bypass and Highways Improvements scheme was approved, which recommended to delegate the Executive Member for Major Infrastructure Projects, in consultation with the Director of Place, the authority to make any necessary amendments to the Orders. It also delegated to the Executive Member for Major Infrastructure Projects the authority to make and submit the CPO, SRO and section 19 certificate to the relevant Secretary of State for confirmation and to take all necessary steps to secure the making, confirmation and implementation of the CPO and SRO, including the preparation and presentation of the Council's case at any public inquiry

As the CPO and SRO documentation has been finalised changes have been required that were not known in sufficient time for adding the decisions to the forward plan.

Agreement of the Chairman of the Policy/Overview and Scrutiny Panel is 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 (3) cannot be complied with:

Both a Side Roads Order (SRO) and Compulsory Purchase Order (CPO) are required for the Banwell Bypass and Highways Improvements Scheme. The CPO and SRO require sealing on the 28th September and then serving on the 6th of October. Both Orders require a notice to be in the Weston Mercury newspaper on the day the Orders are served, which is published weekly and has a week's lead in time. The SRO requires 6 weeks of consultation and CPO 3 weeks of consultation any delay will affect the programme and date in which the SRO and CPO can be made thus affecting the subsequent scheme programme for starting construction. The scheme has a very rigid programme, to meet the Grant Determination Agreement Milestones from Homes England. If any milestones are missed this could put the funding from Homes England at risk.

Signed



Assistant Director Placemaking and Growth

Date: 6 October 2022

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