

Publicity in connection with key decisions & General Exception for Key Decisions – 25 February 2022

To Councillor June Fox, Chair of the Growth, Infrastructure and Resources Scrutiny Committee.

Use of the General Exception Procedure

We are writing to inform you that Cabinet and the Portfolio Holder for Planning, Highways and Transport intend to consider a Key Decision at the meeting of Cabinet on 8 March 2022 that will not have been publicised for 28 clear days in advance of it being made, in accordance with the requirements of Regulation 9 of *The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012*. In this case the decision was only publicised 25 clear days in advance of the decision being made, this was on Thursday, 10 February 2022.

The Key Decision in question is:

HIGHWAYS CAPITAL PROGRAMME - FIRST ALLOCATION

Regulation 10 of the 2012 Regulations states that where the publication of the intention to make a Key Decision under Regulation 9 is impracticable, that decision may only be made where the proper officer has informed the Chair of the relevant Scrutiny Committee by notice in writing, of the matter about which the decision is to be made. In this instance, the relevant Scrutiny Committee in this case is the Growth, Infrastructure and Resources Scrutiny Committee.

In the circumstances, it would be impracticable to comply with Regulation 9 (which requires publication of the intention to make a Key Decision to happen 28 days in advance of the decision being made). It would be impracticable because:

The late part capital budget allocation notification from the Department of Transport has required a quick turnaround to allow works to tight deadlines with a specialist supply chain to be implemented and allow for coordinated program delivery.

If you have any queries about the details of the anticipated decision please contact Penny Sharp, Strategic Director for Places, or Andrew Tatt, Principal Highways Manager. Alternatively, if you need further explanation about the procedure outlined above works, please contact Marie Rosenthal, Monitoring Officer or Tom Delaney, Governance Manager.

For further guidance and information – please refer to the Constitution, Part 4, Cabinet Procedure Rules, Procedure Rules 242 to 244.