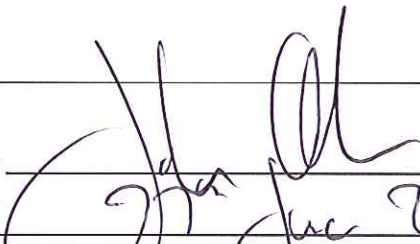


Record of an individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	Councillor John Cotton
Key decision?	No
Date of decision (same as date form signed)	27/06/2017
Name and job title of officer requesting the decision	Keerpa Patel Planning Policy Officer
Officer contact details	Tel: 07717346438 Email: keerpa.patel@southandvale.gov.uk
Decision	<ol style="list-style-type: none"> 1. To accept all modifications recommended by the examiner; 2. to determine that the Chinnor NDP, as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP; and 3. to take all appropriate actions to progress the Chinnor NDP to referendum on the 7 September 2017 4. the referendum area should not extend beyond the neighbourhood area approved by the District Council on 17 June 2015
Reasons for decision	<p>The District Council must consider each of the examiner's recommendations and the reasons for them and decide what action to take in response to each. The council must also decide whether the draft neighbourhood plan meets the basic conditions, is compatible with the Convention rights and complies with the definition of a neighbourhood plan and the provisions that can be made by a neighbourhood plan or can do so as modified.</p> <p>If the District Council is satisfied that the Neighbourhood Plan meets the basic conditions and complies with the relevant legislation and provisions, the plan must progress to a local referendum.</p> <p>In his report, the examiner proposes a number of modifications and that following those changes being implemented, the modified version of the draft plan meets the basic conditions and should proceed to referendum.</p>

<p>Alternative options rejected</p>	<p>Make a decision that differs from the examiner's recommendation If the council deviates from the examiner's recommendations, the council is required to:</p> <ol style="list-style-type: none"> 1. notify all those identified on the consultation statement of the parish council and invite representations, during a period of six weeks, 2. refer the issue to a further independent examination if appropriate. <p>Refuse the Plan The Council can decide that it is not satisfied with the plan proposal with respect to meeting basic conditions, compatibility with Convention rights, definition and provisions of the NDP even if modified. Without robust grounds, which are not considered to be present in this case, refusing to take the plan to a referendum could leave the Council vulnerable to a legal challenge.</p> <p><u>Reason for rejecting alternative options:</u> These options were rejected because the district council is mindful to agree with all of the examiner's modifications and his conclusion that the plan, as modified, meets the basic conditions and relevant legal requirements.</p>
<p>Legal implications</p>	<p>The process undertaken and proposed accords with planning legislation</p>
<p>Financial implications</p>	<p>The progress to referendum is funded by the council and budget is available. The budget is funded by the Govt grant to the council</p>
<p>Background papers considered</p>	<ol style="list-style-type: none"> 1. National Planning Policy Framework (the Framework) (2012) 2. National Planning Practice Guidance (March 2014 and subsequent updates). 3. Town and Country Planning Act 1990 (as amended) 4. The Localism Act (2011) 5. The Neighbourhood Plan Regulations (2012) (as amended) 6. South Oxfordshire Core Strategy (2012) 7. South Oxfordshire Local Plan 2011 (2006) (Saved Policies) 8. The emerging Local Plan 2033: Second Preferred options 9. Basic Conditions Statement 10. Consultation Statement 11. South Oxfordshire District Council SEA and HRA Screening Determination (February 2017) 12. Chinnor Neighbourhood Plan 13. Chinnor Neighbourhood Plan Examiner's Report 14. Cabinet Member Briefing Paper - Progressing the

		Chinnor Neighbourhood Development Plan to a local referendum		
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	None			
List consultees		Name	Outcome	Date
	Ward councillor	Lynn Lloyd	Agreed	19/06/2017
	Ward councillor	Ian White	Agreed	21/06/2017
	Legal	Ian Price	Agreed	22/06/2017
	Finance	Paul Sheppard	Agreed	20/06/2017
	Human resources	David Fairall	No response	
	Sustainability	Heather Saunders	Agreed	26/06/2017
	Diversity and equality	Cheryl Reeves	Agreed	22/06/2017
	Communications	Shona Ware	Agreed	26/06/2017
	Head of Service	Adrian Duffield	Agreed	20/06/2017
Confidential decision? If so, under which exempt category?	NO			
Call-in waived by Scrutiny Committee chairman?	N/A			
Cabinet member's signature To confirm the decision as set out in this notice.	Signature  Date <u>27 June 2017</u>			

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY

For Democratic Services office use only		
Form received	Date:	Time:
Date published to all councillors	Date:	
Call-in deadline	Date:	Time:

Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off, including the chief executive. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence.
Tel. 01235 422520 or extension 22520.
Email: democratic.services@southandvale.gov.uk
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days) if it is a 'key' decision (see the definition of a 'key' decision below). A key decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing a key decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If a key decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
 - refer the decision back to the Cabinet portfolio holder for reconsideration or
 - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
 - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

Key decisions: assessing whether a decision should be classified as 'key'

The South Oxfordshire and Vale of White Horse District Councils' Constitutions now have the same definition of a key decision:

A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers, which is likely:

- (a) to incur expenditure, make savings or to receive income of more than £75,000;

- (b) to award a revenue or capital grant of over £25,000; or**
- (c) to agree an action that, in the view of the chief executive or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.**

Key decisions are subject to the scrutiny call-in procedure; non-key decisions are not and can be implemented immediately.

In assessing whether a decision should be classified as 'key', you should consider:

- (a) Will the expenditure, savings or income total more than £75,000 across all financial years?
- (b) Will the grant award to one person or organisation be more than £25,000 across all financial years?
- (c) Does the decision impact on more than one district council ward? And if so, is the impact significant? If residents or property affected by the decision is in one ward but is close to the border of an adjacent ward, it may have a significant impact on that second ward, e.g. through additional traffic, noise, light pollution, odour. Examples of significant impacts on two or more wards are:
 - Decisions to spend Didcot Garden Town funds (significant impact on more than one ward)
 - Changes to the household waste collection policy (affects all households in the district)
 - Reviewing a housing strategy (could have a significant impact on residents in many wards)
 - Adopting a supplementary planning document for a redevelopment site (could significantly affect more than one ward) or a new design guide (affects all wards)
 - Decisions to build new or improve existing leisure facilities (used by residents of more than one ward)

The overriding principle is that before 'key' decisions are made, they must be published in the Cabinet Work Programme for 28 calendar days. Classifying a decision as non-key when it should be a key decision could expose the decision to challenge and delay its implementation.

