



**The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (“the Regulations”) (Regulation 9)**

## **NOTICE OF CONSIDERATION OF A KEY DECISION THAT HAS NOT BEEN INCLUDED ON THE FORWARD PLAN**

The reason why the decision is urgent and cannot reasonably be deferred is that East Suffolk Council is required under Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 to review the East Suffolk Council – Waveney Local Plan by 20 March 2024.

In accordance with the General Provisions (Paragraph 10) of the Local Authorities (Executives Arrangements (Meetings and Access to Information) England) Regulations 2012 (the Regulations), a key decision, that has not been included on the Forward Plan, can still be taken provided that:

- a) It is impractical to defer the decision until it has been included on the next Forward Plan.
- b) The Chair of the Scrutiny Committee has been informed.
- c) The Proper Officer has made available to the public copies of the notice given to the Chair of the Scrutiny Committee at the offices of the Council and its website.
- d) At least five clear days have elapsed since the Proper Officer complied with b) and c) above.

Where the date by which a meeting must be held makes compliance with this regulation impracticable, the meeting may only be held in private where the decision-making body has obtained agreement from the Chair of the Overview and Scrutiny Committee that the meeting is urgent and cannot reasonably be deferred. This is also reflected in the Access to Information Rules (ATIR) which form part of the Council’s Constitution.

As soon as reasonably practicable after the decision-making body has obtained agreement to hold a private meeting, it must make available at the offices of the local authority a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred and publish that notice on the local authority’s website.

The Forward Plan contains details of all the matters likely to be the subject of Key Decisions and confidential and exempt decisions which will be taken by the Cabinet. The Forward Plan is updated on a monthly basis or as required, ensuring that all Key Decisions and confidential/exempt decision that are due to be taken are included in the Forward Plan. The Forward Plan is published at least 28 days before the start of the period covered by the Forward Plan.

The decision which will be taken by the Cabinet at its meeting on 5 March 2024 relates to the consideration of the statutory five-year review assessment of the East Suffolk Council - Waveney Local Plan. This decision needs to be taken on this date as the Council is required under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) to review a Local Plan within five years from the date of adoption, and to consider whether it needs to be updated. The

Waveney Local Plan was adopted on 20 March 2019, and this review therefore needs to be undertaken by 20 March 2024, after the Cabinet meeting scheduled for 5 March 2024 and before the following meeting scheduled for 9 April 2024.

In the light of the above we wish to expedite the Cabinet process.

It is deemed important that the Cabinet considers this decision prior to its meeting of 9 April 2024 in order to meet the statutory timescale for reviewing the Waveney Local Plan.

Regulation 10 of the Regulations (General Exception) allows for a key decision to be made if it is impracticable for notice of the intention to take a key decision under Regulation 9 to be given 28 clear days in advance of the taking of the decision.

Regulation 10 sets out the actions required to be taken in those circumstances which includes setting out the reasons for General Exception.

This Notice has not provided the relevant 28 days, however in accordance with Regulation 10, paragraph (a), sub-paragraph (1), the Chair of the Overview and Scrutiny Committee has been notified that the making of the key decision is urgent and cannot reasonably be deferred and has agreed for it to proceed.

Lorraine Fitch  
Democratic Services Manager  
1 February 2024