

Notice of decision for Capel Neighbourhood Plan Area Designation

Pursuant to the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Regulation 13(1)

Decision Made: Monday 17 February 2020

Details of decision made:

Decision:

Resolved - that the designation of a neighbourhood area for the purposes of producing a Capel Neighbourhood Development Plan be approved.

Reason for decision:

The proposed neighbourhood area exactly follows the parish boundary of Capel. This is the most appropriate definition for an area and accords with best practice.

Possible alternatives considered and rejected:

Not to approve the neighbourhood area as submitted and seek an amendment: If this option were taken, it would become necessary for changes to be recommended to the neighbourhood area. The application area exactly follows the parish boundary of Capel, and therefore is considered appropriate with no logical or better alternatives identified. Accordingly it is not considered that it would be necessary to suggest any changes to the area.

Not to approve a designated area: There are considered to be no legal grounds or other reasons to decline the application of designation. Refusal of the application would not allow CPC to pursue a neighbourhood plan. The lack of any valid reasons to reject the application is such that it is considered that this option is not possible.

Conflicts of interest and any dispensations granted:

No conflicts of interest were declared by any Member who was consulted in respect of this decision.

Approval

I have read and approve the above decision for the reasons (including possible alternative actions rejected) set out above and in the report:

Signed:



Councillor Alan McDermott

Dated: Monday 17 February 2020

Full details of the decision made can be found in the accompanying document(s) to this Notice, in our [Capel Neighbourhood Plan Area Designation](#) page.

Please see page three for details of the Council's call-in procedure.

Call-in Procedure

Call-in is the procedure whereby a decision of the Cabinet, the Leader or a Portfolio Holder, or a member or officer with delegated executive authority (an executive decision), taken but not implemented, may be examined by the Overview and Scrutiny Committee prior to implementation.

This is a power which should only be used in exceptional circumstances and should not be used in respect of day-to-day operational decisions. The procedure will not apply to decisions to which the Call-in and Urgency Procedure is applied (Overview and Scrutiny Procedure Rule 14) or to recommendations to or decisions of Full Council.

An executive decision can be called in by the date specified below (within five clear working days of the publication of the decision) by the Chairman of the Overview and Scrutiny Committee or at least any three (non-Cabinet) members of the Council in accordance with Overview and Scrutiny Procedure Rule 12 of the Constitution.

Any request for call-in must be in writing, bearing the signature(s) of the Council member(s) initiating the call-in, or by email which, if from several persons, shall require a separate email from each of them.

A request for call-in must state the reason(s) and must meet at least one of the following grounds:

- (12.6.1) inadequate consultation with stakeholders prior to decision;
- (12.6.2) the absence of adequate evidence on which to base a decision;
- (12.6.3) the decision would require a departure from or a change to the agreed budget and policy framework;
- (12.6.4) the action decided upon would not be proportionate to the desired outcome;
- (12.6.5) the decision would be open to a human rights challenge;
- (12.6.6) insufficient consideration of legal and financial advice; or
- (12.6.7) the decision is not within the Cabinet's powers or terms of reference or within the portfolio of the Leader or Portfolio Holder or member or Officer with delegated executive powers who took it.

Any request in respect of the above decisions must reach the proper officer by:

5pm on Monday 24 February 2020

Mark O'Callaghan
Scrutiny and Engagement Officer
Email: Scrutiny@TunbridgeWells.gov.uk

Tunbridge Wells Borough Council Town Hall
Tunbridge Wells TN1 1RS