

STOCKTON-ON-TEES BOROUGH COUNCIL

MEETING OF CABINET TO BE HELD ON 12th JULY 2018

Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Notice of Key Decisions – General Exception

Under Regulation 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 the Council is required to give 28 clear days' notice if it intends to make a key decision.

Regulation 10(1) allows, that if it is impracticable for the Council to give the required 28 clear days' notice, the decision may still be made if the Chair of Executive Scrutiny has been given notice in writing of the matter about which the decision is to be made, a copy of the notice is made available for inspection by the public and is published on the Council's website, and at least 5 clear days have elapsed following the day on which the notice is made available for inspection by the public.

Intention to consider business in private - Agreement of the Chair of Executive Scrutiny under Regulation 5(6)(a)

Under Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 the Council is required to give 28 days' notice if it intends to hold a meeting of the Cabinet in private or partly in private. This is required on occasions where there is a report which contains information exempt from publication.

If the Council is not able to give the required notice it must first obtain the agreement of the Chair of the Executive Scrutiny Committee and publish a copy of that notice (Regulation 5(7)).

Set out below is a notice given in line with the requirements of Regulations 10 and 5.

Notice is hereby given that:-

- (1) under Regulation 10(3) it is the Council's intention to make key decisions in respect of the below item of business at its Cabinet meeting on 12 July 2018.
- (2) the Council's Cabinet will, on 12 July 2018, consider the item of business listed below, in private, without having first complied with the notice and publication requirements of regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
- (3) the Chair of the Executive Scrutiny Committee, Councillor David Harrington, has agreed that the consideration of the matter is urgent and cannot reasonably be deferred and that the meeting of Cabinet on Thursday 12 July 2018 may therefore consider the matter in private, pursuant to regulation 5(6) of the regulations.
- (4) The public may make representations about why the meeting should be held in public.

Item of Business	Reason report is Private	Reason report is urgent and cannot reasonably be deferred
Southern Gateway Site Disposal	<p>The report contains exempt information and is therefore NOT FOR PUBLICATION by virtue of Local Government Act 1972, Schedule 12A, Part 1, Paragraph 3;</p> <p>Information relating to the financial or business affairs of any particular person (including the authority holding that information)</p> <p>The appendix includes details of a proposed transaction which, if disclosed prior to entering into a binding contract, could put the Council at a commercial disadvantage. In applying the public interest test it is not considered appropriate to make public the offer received as this could lead to a revision of the bid and, in the event of the transaction failing to complete, prejudice any re-tendering of the site, therefore reducing the amount receivable by the Council.</p>	<p>The reason the report is urgent and cannot reasonably be deferred is that terms for the disposal have only just been agreed and the next available cabinet would not be until September 2018. It is commercially prudent to secure the disposal on the terms agreed rather than delay which may prejudice the transaction. In the circumstances it would be impracticable to provide at least 28 days clear notice.</p>