

**LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS)
(MEETINGS AND ACCESS TO INFORMATION) (ENGLAND)
REGULATIONS 2012 ('THE REGULATIONS')**

SCARBOROUGH BOROUGH COUNCIL ('THE COUNCIL')

**NOTICE OF A PRIVATE MEETING OF A DECISION MAKING BODY TO WHICH THE MAYOR (IN THE ABSENCE OF THE
CHAIR OF THE OVERVIEW AND SCRUTINY BOARD) HAS AGREED IS URGENT AND CANNOT REASONABLY BE
DEFERRED**

1. At least 28 clear days before a private meeting¹, the decision-making body must make available at its offices a notice of the intention to hold the meeting in private, and must also publish that notice on their website (if they have one)².
2. The notice referred to in paragraph 1 above must also include a statement of the reasons for the meeting to be held in private³.
3. At least 5 clear days before a private meeting, the decision-making body must make available at its offices a further notice of its intention to hold the meeting in private, and must also publish that notice on their website (if they have one)⁴.
4. The notice referred to in paragraph 3 above must include a statement of the reasons for the meeting to be held in private, details of any representations received about why the meeting should be open to the public, and a statement of the decision-making body's response to any such questions⁵.
5. Where the date by which a meeting must be held makes compliance with the above requirements impractical, the meeting may only be held in private where the decision-making body has obtained agreement from the Chairman of the Overview and

¹ A 'private meeting' means a meeting, or part of a meeting, of the decision-making body during which the public are excluded due to the confidential or exempt nature of the business being transacted.

² Regulation 5(2) of the Regulations.

³ Regulation 5(3) of the Regulations.

⁴ Regulation 5(4) of the Regulations.

⁵ Regulation 5(5) of the Regulations.

Scrutiny Board (or in their absence the Chair of the authority (the Mayor)), that the meeting is urgent and cannot reasonably be deferred⁶.

6. **NOTICE IS HEREBY GIVEN** that compliance with the requirements for giving public notice has been impracticable in relation to the items of business detailed in the below table:

Date of decision	Matter	Short description	Decision maker	Cabinet Member & Lead Officer	List of Documents to be submitted to decision maker	Public/Private Statement of reasons if Private
14/6/2016	Letting of Unit 2, Cholmley Way, Whitby	To provide the necessary authority to enable the Council to agree the letting in principle of the unit.	Cabinet	Cllr Cockerill Nick Edwards Bryan Walker	Report of the Director (NE)	Appendix 2 of this report contains information which is exempt information under Paragraph 3 ⁷ of Part 1 of Schedule 12A of the Local Government Act 1972.

⁶ Regulation 5(6) of the Regulations.

⁷ Information relating to the financial or business affairs of any particular person (including the authority holding that information).

7. **NOTICE IS ALSO HEREBY GIVEN** to the public that the Mayor (in the absence of the Chair of the Overview and Scrutiny Board) has agreed that the Cabinet may hold a private meeting to consider the exempt appendix to the report referred to in the above table because the meeting is urgent and cannot reasonably be deferred. The reasons are set out in the table below:

Date of Authority Chair's agreement	Matter in respect of which the decision is to be made	Reasons why the meeting is urgent and cannot reasonably be deferred
13/6/2016	Letting of Unit 2, Cholmley Way, Whitby	<p>The Council only recently received an offer for the tenancy meaning that it was not possible to provide the usual period of notice prior to the next Cabinet meeting.</p> <p>It would not be reasonable to defer this matter for the following reasons:</p> <ul style="list-style-type: none"> (a) The prospective tenant requires approval in principle to enable them to serve adequate notice at their current premises to allow them to occupy the unit as soon as the current tenant vacates; (b) Deferring the decision would likely result in the Prospective Tenant: <ul style="list-style-type: none"> (i) withdrawing their offer; or (ii) not being able to serve notice within sufficient time to allow them to occupy the unit upon vacation of the current tenant, <p>which would lead to uncertainty, a loss of income, and the Council potentially having to go back to the market (adding further costs). This in turn impacts upon the Council's ability to obtain best value, and public finances.</p>

13 June 2016