

Intention to hold the Cabinet meeting (or part of it) in private – 23rd December 2019.

On the 23th December 2019, Cabinet are to consider a report on the Housing Infrastructure Funding (Forward Funding) for the St George's project. Cabinet will be asked to consider the terms and conditions for the Housing Infrastructure Grant Funding.

The information contained within an appendix to the report will be commercially sensitive.

Therefore, it is the intention that part of the meeting will be held in private as it is likely that exempt information will be discussed as defined in the Local Government Act 1972:

Consideration of the information in public would give rise to the disclosure of exempt information as described in paragraph [3] of Part 1 of Schedule 12A of the Local Government Act 1972 –

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

Regulation 5 of *The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012* requires the decision making body to publicise by notice the intention to hold the meeting (or part of it) in private, for at least 28 clear days in advance of the meeting. The notice must include a statement of the reasons for the meeting to be held in private. At least 5 clear days before the meeting in question, the decision making body must publish another notice of its intention to hold the meeting (or part of it) in private. This notice must also include a statement of the reasons for holding the meeting in private together with details of any representations received by the decision making body and a statement of its response to any such representations.

In the circumstances, it would be impracticable to comply with the requirement in Regulation 5 to publish the intention to hold part of the meeting in private 28 days in advance of the decision being made. It would be impracticable because:

Any delay in would affect the Scrutiny consideration of the matter and would be likely to prejudice negotiations as there would be little scope for Councillor input.

Regulation 5(6)(a) of the 2012 Regulations states that 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 matter is urgent and cannot reasonably be deferred.

The Chair of the Growth, Infrastructure and Resources Overview and Scrutiny Committee has, in this instance, confirmed that she is in agreement that the matter is urgent and therefore cannot be deferred.