

Procedure Prior to Private meeting:

Intention to hold the Cabinet meeting (or part of it) in private – 21st April 2020.

On the 21st April 2020, Cabinet are to consider a report the 'Contract Extension Report'.

Due to the current circumstances of the COVID-19 pandemic, Cabinet are being asked to extend a number of contracts that are currently in place but may expire imminently and further report the request to extend the length of contracts at a future Council meeting.

The information contained within the report (or part of the report) will be commercially sensitive as it contains exempt information, namely the prices received for specific contracts.

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:

The consideration of the report cannot be delayed as without the renewal of such contracts; the Council are obliged to have contracts in place in order to fulfil many of their statutory duties and any delay in this could prevent the continuation of certain services.

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 Commission that the matter is urgent and cannot reasonably be deferred.

Publicity in connection with key decisions

Use of the General Exception Procedure

I am writing to notify you that Cabinet intends to consider a Key Decision at its meeting on 21st April 2020 that will not have been publicised for 28 clear days in advance of it being made, in accordance with the requirements of Regulation 9 of *The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012*.

The Key Decisions in question are:

- 1) *Covid-19 Update and endorsement of Emergency Powers*
- 2) *Contract Extension Report*

Regulation 10 of the 2012 Regulations states that where the publication of the intention to make a Key Decision under Regulation 9 is impracticable, that decision may only be made where the proper officer has **informed** the Chairman of the Overview and Scrutiny Commission by notice in writing, of the matter about which the decision is to be made. The Key Decision may then only be made after 5 clear days have elapsed following the publication of the notice given to the Chair of Overview and Scrutiny Commission.

In the circumstances, it would be impracticable to comply with Regulation 9 (which requires publication of the intention to make a Key Decision to happen 28 days in advance of the decision being made). It would be impracticable because:

The making of this decision is urgent and cannot reasonably be deferred because:

- 1) *Covid-19 Update and endorsement of Emergency Powers- It is necessary to provide an up to date picture in a timely way and enable decisions at the first available opportunity.*
- 2) *Contract Extension Report – The Council is obliged to have contracts in place in order to fulfil many of their statutory duties and any delay in this could prevent the continuation of certain services.*