

Francis Fernandes
Borough Secretary and Monitoring Officer
Solicitor MBA; LLM; LLB; LARTPI

Borough Secretary
The Guildhall
St. Giles Square
Northampton NN1 1DE

Tel: (01604) 837334
Fax: (01604) 838554
Minicom: (01604) 838970

Councillor Jamie Lane
Chair of the Overview and Scrutiny Committee
by email only to: cllr.jlane@northampton.gov.uk;

Our Ref: FF
Your Ref:
Please Contact: Mr F Fernandes
Ext/Direct Line (01604) 837334
E-mail: ffernandes@northampton.gov.uk
Date: 21st February 2017

Dear Councillor Lane,

Use of the General Exception Procedure

I am writing to notify you that Cabinet intends to consider a Key Decision at a specially convened Cabinet meeting on 1st March 2017 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 Decision in question is:

Cabinet is requested to approve the purchase of the development of 10 homes at Ash Street, Northampton as part of the Council's commitment to the provision of Social Housing.

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 Committee 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.

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 purchase of these homes will be partly funded from Section 141 right to buy receipts if exchange is achieved before the 31st March 2017. In order to achieve this approval at the Cabinet meeting on the 1st March 2017 is necessary in order to prevent the return of those receipts to central Government.

Matter to be considered at Cabinet in private

Part of the meeting may be held in private to enable some aspects of the Key Decision to be discussed in private.

The reason for the intention to discuss part of the matter in private is that it is likely in view of the nature of the business to be transacted, that if members of the public were present during that part of the item there would be disclosure to them of exempt information as defined in section 100I of the Local Government Act 1972. Specifically, information relating to the financial or business affairs of any particular person (including the authority holding that information) (as referred to in paragraphs 3) of Schedule 12A of the Local Government Act 1972 is likely to be disclosed.

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.

If the date by which the meeting must be held makes compliance with the requirements outlined above impracticable, then the decision making body must obtain agreement from the Chair of the Overview and Scrutiny Committee that the meeting is urgent and cannot reasonably be deferred (Regulation 5(6)).

The reason I am writing to you is because Cabinet intend to approve the purchase of the development of 10 homes at Ash Street, Northampton as part of the Council's commitment to the provision of Social Housing.

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

The purchase of these homes will be partly funded from Section 141 right to buy receipts if exchange is achieved before the 31st March 2017. In order to achieve this approval at the Cabinet meeting on the 1st March 2017 is necessary in order to prevent the return of those receipts to central Government.

If you are in agreement that the making of this decision is urgent and cannot reasonably be deferred, I would be grateful if you could sign and date one copy of this letter and return it to me as soon as possible. I will then refer your agreement to Cabinet.

If you have any queries about this anticipated decision or you need further explanation about how the procedure outlined above works, please contact me.

Yours sincerely,

FRANCIS FERNANDES
Borough Secretary Monitoring Officer

I agree that the decision referred to in this letter is urgent and cannot reasonably be deferred.

Signed:
Councillor Jamie Lane
Chair of the Overview and Scrutiny Committee

Dated:
