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Councillor G Eales
The Mayor of Northampton

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Date: 21st November 2017

Dear Worshipful the Mayor,

Procedures prior to a private meeting.

I am writing to notify you that Cabinet intends to consider a Key Decision at a Cabinet meeting due to be held on the 6th December 2017. Whilst the intention to make a key decision has been publicised for 28 clear days in advance of it being made, in accordance with the requirements of Regulation 5 of *The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012* no notice was given that part of the decision may need to be discussed in private.

The Decision in question is:

Cabinet is requested to consider the options and next steps for the Greyfriars site disposal and development. Cabinet will be aware from the 11th November 2015 meeting, that following the demolition of the former Greyfriars bus station, Council Officers have been involved in a site disposal process that will ultimately pave the way for redevelopment of the site.

At the 7th September 2016 meeting, Cabinet resolved to select Carter Endurance as the preferred developer for the site. In January 2017 Cabinet were updated with the progress of the negotiations with the preferred developer. Negotiations are now at a point where they are unable to progress further without Cabinet authority.

Cabinet are being asked to consider:

- a) The progress of negotiations with the preferred developer and the best and final offer for the site.
- b) The approval to cease negotiations with the preferred developer.

- c) The approval to reassess the disposal options and restart the disposal process and to invite the Director of Regeneration, Enterprise and Planning to update Cabinet at the appropriate time.

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 with the Chairman of the Overview and Scrutiny Committee. The meeting may only be held in private once a notice of that intention is published on the authorities' website. However, in this instance, the Chair of the Overview and Scrutiny Committee is unable to act and therefore I am writing to you as the Chairman of the Council

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

Following external legal advice from Counsel any delay to the making of this decision could result in a legal challenge by the preferred developer resulting in significant additional costs to the Council.

Exempt Information means information falling within the following seven categories outlined in schedule 12A of the Local Government Act 1972:

Part 1

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Yours sincerely,

SIMON BOVEY
Interim Chief Executive