

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

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.

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
13/11/2018	The Sands – Hotel Phase	To provide the necessary authorities to enable the Council and the developer to move forward with the Sands Development, in particular the development of a hotel.	Cabinet	Cllr Derek Bastiman Nick Edwards	Report of the Director (NE)	An appendix to this report contains information which is exempt information under Paragraphs 3 ⁷ and 5 ⁸ 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).

⁸ Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

7. **NOTICE IS ALSO HEREBY GIVEN** to the public that the Chair of the Overview and Scrutiny Board has agreed that the Cabinet may hold a private meeting to consider the business 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 O&S Board 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
05/11/2018	The Sands – Hotel Phase	<p>It was originally anticipated that the whole of the report would be open to the public however an appendix to the report contains the heads of terms for the transaction which contain commercially sensitive and exempt information.</p> <p>Therefore whilst on the Forward Plan for the requisite period of time for a Key Decision, it was not marked as being private and confidential.</p> <p>Cabinet are required to make a decision on this matter as soon as possible in order to meet the developer timescales.</p> <p>It would not be reasonable to postpone this matter because to do so would likely result in failure to meet contractual deadlines.</p>

5 November 2018