

**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 meeting<sup>1</sup>, 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)<sup>2</sup>.
2. The notice referred to in paragraph 1 above must also include a statement of the reasons for the meeting to be held in private<sup>3</sup>.
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)<sup>4</sup>.
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 questions<sup>5</sup>.
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 deferred<sup>6</sup>.

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<sup>1</sup> 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.

<sup>2</sup> Regulation 5(2) of the Regulations.

<sup>3</sup> Regulation 5(3) of the Regulations.

<sup>4</sup> Regulation 5(4) of the Regulations.

<sup>5</sup> 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:

<b>Date of decision</b>	<b>Matter</b>	<b>Short description</b>	<b>Decision maker</b>	<b>Cabinet Member &amp; Lead Officer</b>	<b>List of Documents to be submitted to decision maker</b>	<b>Public/Private Statement of reasons if Private</b>
17/09/2018	Travelodge Hotel Scarborough	The acquisition of the freehold estate in the property known as Travelodge Hotel, St Nicholas Cliff, Scarborough	The Commercial Director	Cllr Helen Mallory  Bryan Walker, Estates Manager	Report of the Property Selection Team  Commercial Property Investment Strategy	Report and Appendix 1 – public Appendices 2,3,4 and 5 (including all associated Appendices to Appendix 5) – private, as they contain exempt information under Paragraph 3 <sup>7</sup> of Part 1 of Schedule 12A of the Local Government Act 1972.

<sup>6</sup> Regulation 5(6) of the Regulations.

<sup>7</sup> Information relating to the financial or business affairs of any particular person (including the authority holding that information).

7. **NOTICE IS ALSO HEREBY GIVEN** to the public that the Chair of the Overview and Scrutiny Board has agreed that the Commercial Director 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:

<b>Date of O&amp;S Board Chair's agreement</b>	<b>Matter in respect of which the decision is to be made</b>	<b>Reasons why the meeting is urgent and cannot reasonably be deferred</b>
7/9/2018	Travelodge Hotel Scarborough	<p>It has been impracticable to give 28 clear days' notice due to the commercial and competitive timescales imposed by the seller of the property. The seller is an investment company operating in the commercial marketplace whose prerogative it is to stipulate transaction timing that is acceptable to it.</p> <p>The business case in respect of the acquisition has been scrutinised by the internal Property Investment Governance Board, in accordance with the Commercial Property Investment Strategy, with a Board recommendation to progress the transaction being made on 6<sup>th</sup> September 2018.</p> <p>The seller has competing buyers interested in the property and there is consequently a significant risk of the Council losing the purchase if it is unable to exchange contracts at the earliest opportunity.</p>

7 September 2018