

**NOTICE OF AN URGENT DECISION OUTSIDE THE ACCESS TO
INFORMATION RULES AS LAID OUT IN THE COUNCIL CONSTITUTION
AND OUTSIDE THE REQUIREMENTS FOR HOLDING A PRIVATE
MEETING**

**MATTER – ACQUISITION OF A SITE IN THE BOROUGH TO SECURE AN
INCOME STREAM FOR THE COUNCIL**

As Leader of Spelthorne Borough Council, and in accordance with the Council's Constitution, I hereby seek your agreement, as Chairman of the Overview and Scrutiny Committee that a key decision should be made on the acquisition of a site in the borough in order to secure an income stream for the Council.

This involves a decision which falls outside the requirement for advance notice of the decision to be publicised on the Council's Forward Plan 28 days prior to the decision being made. In addition, this key decision falls outside the requirement to give 28 days' public notice prior of a meeting being held in private.

The decision is as follows:

- to purchase the investment property within the borough.

Urgent Action Notice (Councils Constitution (section 16 of the Access to Information Rule, Part 4 (g))

In accordance with the above, I am required to seek your agreement to our intention to make a key decision in advance of it being published on the Forward Plan for 28 clear days. The Urgent Action Notice will be placed on the Council's website as soon practicable together with reasons why the requirement cannot be met.

Exempt urgency - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 paragraph 5.(6).

In accordance with the above, I need to seek your agreement to hold a meeting in private in advance of Notice being given 28 days prior to that meeting. In so doing I need to set out why the matter is urgent and why it cannot be reasonably deferred.

Reason for urgency

In order to secure the property on favourable terms the Council needs to progress with the acquisition with due haste as one would expect with commercial property negotiations. The offer for the property will be strengthened considerably if it is backed by a decision by Cabinet to authorise

the purchase. It is therefore not possible to defer the decision until the expiry of 28 working days for the publication of notices under the regulations, as this would put the Council at a considerable disadvantage in the negotiations.

The intention is to hold an Extraordinary Cabinet on 25 October 2016 when the decision will be made. I am therefore notifying you of these arrangements, and requesting your agreement that the meeting is urgent and cannot reasonably be deferred.

Agreement of Chairman of Overview and Scrutiny Committee

To: Harvey, Ian (Councillor)
Cc: Tambini, Roberto
Subject: Formal Assent

Dear Leader,

As the Chair of the Overview and Scrutiny Committee I hereby agree to the Urgent Action:

- a) That a Key Decision should be made on the acquisition of a site within the borough to secure an income stream; and
- b) That the meeting to make such a decision should be held in private.

Signed: Cllr Colin Davis

Chairman of the Overview and Scrutiny Committee

Date: 18 October 2016