

**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 –

- (i) *Agree to bring grounds maintenance services back in-house from 19 July 2017 (Cabinet decision)***
- (ii) *Recommend a supplementary capital estimate of £500k for the purchase of grounds maintenance machinery, vehicles and plant (Council decision) and***
- (iii) *Agree expenditure of £500k for the purchase of grounds maintenance machinery, vehicles and plant (Cabinet decision subject to Council agreeing the supplementary capital estimate).***

As Chief Executive of Spelthorne Borough Council, and in accordance with the Council's Constitution, I hereby give you, as Chairman of the Overview and Scrutiny Committee, formal notice that a Key Decision is to be made on the expenditure of £500,000 for outright purchase of grounds maintenance machinery, vehicles & equipment, item (iii) above. All three matters will be considered at the Cabinet meeting on 21 June 2017. Item (ii) will be considered at an Extraordinary Council meeting on the same day. Item (iii) expenditure will be subject to approval granted by Council to provide the capital which is not currently within this year's capital programme.

Item (iii) involves a decision which calls 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 within requirement to give 28 days' public notice prior of a meeting being held in private

The decision is as follows:

Subject to Council approval on 21 June 2017 to provide the necessary capital budget, agree the purchase of equipment, vehicles and machinery to be used for maintenance and servicing of parks and open spaces.

General Exception Notice (Councils Constitution (section 15 of the Access to Information Rule, Part 4 (f))

In accordance with the above, I am required to notify you of our intention to make a Key Decision in advance of it being published on the Forward Plan for 28 clear days. There is no requirement to seek your agreement on this as the report will be made available and the General Exception Notice will be placed on the Council's website at least five clear working days before the decision is made 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

The Council is currently 8 years into a 10 year contract for the provision of grounds maintenance services in its parks & open spaces. In May 2017 the contractor and Spelthorne Borough Council agreed a mutual termination of the contract. The date the contract is anticipated to end is 18 July 2017. All machinery currently used on the Spelthorne contract is owned and/or controlled by the current contractor Lotus and they will be removing this at contract end. 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 not be sufficient time in which to procure and take delivery of the equipment required to manage the service as an in-house operation with effect from 19 July 2017.

The intention is to hold an Extraordinary Council meeting after the scheduled Cabinet meeting on 21 June 2017 when the decision will be made. I am therefore notifying you of these arrangements, and requesting your agreement that the Key Decision at the Cabinet meeting is urgent and cannot reasonably be deferred.

**NOTICE OF AN URGENT DECISION OUTSIDE THE REQUIREMENTS FOR
HOLDING A PRIVATE MEETING**

MATTER – SUPPLEMENTARY CAPITAL EXPENDITURE

Dear Cllr Davis

Please find attached a 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. I am notifying you of these arrangements, by way of the attached notice, and requesting your agreement that the Key Decision at the Cabinet meeting is urgent and cannot reasonably be deferred. This notice needs signing and returning as a matter of urgency if possible.

In any case please would you respond to this email by return, signifying that you agree that this matter relating to:-

- bringing the grounds maintenance service back in-house
- agree to a supplementary capital estimate of £500k
- agree expenditure of £500k for plant & machinery

is urgent and cannot reasonably be deferred.

Regards
Jackie Taylor
Group Head Neighbourhood Services

Agreement of Chairman of Overview and Scrutiny Committee

Dear Jackie,

Please accept this mail as my consent.

Regards
Cllr C A Davis

Chairman of the Overview and Scrutiny Committee

Date: 7 June 2017