

Public Document Pack



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872453
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

19 July 2019

Dear Councillor

NOTICE OF INTENTION TO HOLD A CABINET MEETING (OR PARTS OF IT) IN PRIVATE

Cabinet will be considering two additional exempt reports at its special meeting to be held on 5 August 2019 for which 28 days' notice has not been given, as required under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

In the event that the requisite notice of a Cabinet meeting (or parts of it) being held in private has not been given, we are required to obtain permission from the Chairman of the relevant Scrutiny Committee that the decisions can be considered at the meeting. A notice to this effect is attached.

Members of the public who require further information are asked to contact Kate Batty-Smith on 01304 872303 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in cursive script that reads "Kate Batty-Smith". Below the signature is a short horizontal line.

Democratic Services Officer

ENCL

1 **NOTICE OF EXEMPT CABINET MEETING THAT CANNOT BE DEFERRED**
(Pages 2-3)



DEMOCRATIC SUPPORT SECTION ONLY	
Notice No:	_____
Publication Date:	<u>19/07/19</u>

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Notice of Intention to Hold a Cabinet Meeting (or parts of it) in Private

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 came into force on 10 September 2012. These prescribe that 28 clear days' notice must be given by a decision-making body where it intends to hold the whole or part of a meeting in private because confidential or exempt information would otherwise be disclosed.

Under Section 5 (6) of the above-mentioned Regulations, it is permissible to hold a meeting (or parts of it) in private, notwithstanding that 28 days' notice has not been given, provided the Chairman of the relevant Scrutiny Committee has agreed that the meeting is urgent and cannot reasonably be deferred. The local authority is thereafter obliged to publish a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

A. Date of Cabinet meeting and agenda items:

5 August 2019 (Special Cabinet meeting)

The press and public will be excluded from the meeting during consideration of the following exempt agenda items:

- Award of Contract for Fire Prevention Works
- Award of Interim Heating Contract

(Exempt under paragraph 3 (Information relating to the financial or business affairs of any particular person [including the authority holding that information]) of Part 1 of Schedule 12A of the Local Government Act 1972.)

B: Reasons why the meeting is urgent and cannot reasonably be deferred:

The Council's contractor for gas servicing and maintenance triggered a no-fault break clause under the terms of the contract in April and stopped delivering these services on 3 July 2019.

Cabinet awarded a contract for fire prevention works to the highest scoring contractor at its meeting held on 1 April 2019. The contractor subsequently withdrew its tender.

The requisite notice of these decisions has not been given. However, neither of these developments, and the need to come back to Cabinet for further decisions, could have been foreseen. It is important to safeguard the health and safety of residents living in Council-owned properties and, for this reason, the awarding of contracts to alternative contractors

should not be deferred until the next Cabinet meeting in September.

C: Agreement to meeting (or parts of it) being held in private:

I agree that part of the special Cabinet meeting to be held on 5 August 2019 should be held in private in order to consider the restricted reports relating to the award of contracts for heating and fire prevention works.

Signed: _____
(Chairman of Scrutiny (Policy & Performance) Committee)

Date: 19 July 2019