



NORTHAMPTON
BOROUGH COUNCIL

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Councillor Jamie Lane
Chair of the Overview and Scrutiny Committee
by email only to: cllr.jlane@northampton.gov.uk;

Our Ref: FF
Your Ref:
Please Contact: Mr F Fernandes
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Date: 10th July 2018

Dear Councillor Lane,

On the 18th July 2018 Cabinet are to consider a report on the expansion of the Central Museum and Art Gallery. Cabinet will be asked to delegate authority to the Director of Customers and Communities in consultation with the Cabinet Member for Community Engagement and Safety and the Borough Secretary, to appoint the main construction contractor for the Central Museum and Art Gallery Expansion Project. Part of the information contained within an appendix to the report will be commercially sensitive.

Therefore, it is the intention that part of the meeting will be held in private as it is likely that exempt information will be discussed as defined in the Local Government Act 1972:

Consideration of the information in public would give rise to the disclosure of exempt information as described in paragraph [3] of Part 1 of Schedule 12A of the Local Government Act 1972 –

- *Information relating to the financial or business affairs of any particular person (including the authority holding that information).*

Regulation 5 of *The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012* requires the decision making body to publicise by notice the intention to hold the meeting (or part of it) in private, for at least 28 clear days in advance of the meeting. The notice must

include a statement of the reasons for the meeting to be held in private. At least 5 clear days before the meeting in question, the decision making body must publish another notice of its intention to hold the meeting (or part of it) in private. This notice must also include a statement of the reasons for holding the meeting in private together with details of any representations received by the decision making body and a statement of its response to any such representations.

Regulation 5(6)(a) of the 2012 Regulations states that where the date by which a meeting must be held makes compliance with this regulation impracticable, the meeting may only be held in private where the decision making body has obtained agreement from the Chairman of the Overview and Scrutiny Committee that the matter is urgent and cannot reasonably be deferred.

In the circumstances, it would be impracticable to comply with the requirement in Regulation 5 to publish the intention to hold part of the meeting in private 28 days in advance of the decision being made. It would be impracticable because:

Any delay in delegating authority to the Director of Customers and Communities, in consultation with the Cabinet Member for Community Engagement and Safety and the Borough Secretary to appoint the main contractor for the Central Museum and Art Gallery expansion project would expose the Council to additional costs risk and delay the commencement of works on the project.

If you are in agreement, a notice will be published on the Council's website setting out the reasons why consideration of this report is urgent and cannot be deferred. (The notice will be in the form of this letter).

If you have any queries about this anticipated decision or you need further explanation about how the procedure outlined above works, please contact me.

Yours sincerely,

FRANCIS FERNANDES
Borough Secretary Monitoring Officer

I agree that the decision referred to in this letter is urgent and cannot reasonably be deferred.

Signed:
Councillor Jamie Lane
Chair of the Overview and Scrutiny Committee

Dated:
