

Decisions Plan – General Exception Notice

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

Decisions Plan of Intended Key Decisions and Matters taken in Private

Date: 1 November 2019 to 31 May 2020: General Exception Notice

Publication Date: 14 November 2019

Notice is hereby given that the Chair of West Suffolk Council’s Overview and Scrutiny Committee has provided agreement, in accordance with Regulation 10 of the above regulations, that the date by which the matter being taken in private set out below, make compliance with the requirements for notification of a matter being taken in private under Regulation 5(2) of the above regulations impracticable enabling, in this case, the matter to be considered by a body with executive decision-making powers. The matter is urgent for the reasons stated and cannot reasonably be deferred.

Members of the public may wish to:

- make enquiries in respect of the intended decision listed below;
- receive copies of any of the documents in the public domain listed below; or
- receive copies of any other documents in the public domain relevant to those matters listed below which may be submitted to the decision taker.

In all instances, contact should be made with the named Officer in the first instance, either on the telephone number listed against their name, or via email using the format firstname.surname@westsuffolk.gov.uk or via West Suffolk Council, West Suffolk House, Western Way, Bury St Edmunds, Suffolk, IP33 3YU or College Heath Road, Mildenhall, Bury St Edmunds IP28 7EY.

The 1 November 2019 to 31 May 2020 version of the Decisions Plan was published on 25 October 2019. This Exception Notice is now available for public inspection at the above locations and has been published on the Council’s website.

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
26/11/19 (NEW)	<p>Investing in our Commercial Asset Portfolio</p> <p>The Cabinet will be asked to recommend to Council in private session regarding the proposed acquisition of property, adding to the Council's commercial asset portfolio.</p> <p>Details cannot be revealed as they could compromise negotiations and identify individuals causing prejudice to the Council and third parties.</p> <p>Given the timeframe that is being worked to resolve this matter, it has not been possible to provide 28 days notice for reporting the matter being considered in private session. Under the Access to Information Procedure Rules of the Council's</p>	Paragraph 3	<p>(R) – Council 17/12/19</p> <p>Whilst not a Key Decision (as it is a decision of Council), Cabinet will be considering the item in private session.</p>	Cabinet/ Council	Susan Glossop Growth 01284 728377	<p>Julie Baird Assistant Director (Growth) 01284 757613</p> <p>Colin Wright Service Manager (Place Delivery and Strategic Property) 01284 757385</p>	All Wards	Exempt Report to Cabinet with recommendations to Council.

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	Constitution, paragraphs 16.1 and 17.2, which requires that where the normal procedure cannot be followed in respect of the consideration of matters in private, agreement is to be sought from the Chair of the Overview and Scrutiny Committee as to why the matter cannot be reasonably deferred. This has been undertaken accordingly.							

NOTE 1: DEFINITIONS OF EXEMPT INFORMATION: RELEVANT PARAGRAPHS

In accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended)

The public may be excluded from all or part of the meeting during the consideration of items of business on the grounds that it involves the likely disclosure of exempt information defined in Schedule 12(A) of the Act, as follows:

PART 1

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

In accordance with Section 100A(3) (a) and (b) of the Local Government Act 1972 (as amended)

Confidential information is also not for public access, but the difference between this and exempt information is that a Government department, legal opinion or the court has prohibited its disclosure in the public domain. Should confidential information require consideration in private, this will be detailed in this Decisions Plan.

NOTE 2: KEY DECISION DEFINITION

A key decision is an executive decision that either:

- (a) Results in new expenditure, or a reduced income or savings of more than £100k in any one year that has not otherwise been included in the Council's revenue or capital budgets.
- (b) Comprises or includes the making, approval or publication of a draft or final scheme, which is not a routine business decision, that may require, either directly or in the event of objections, the approval of a Minister of the Crown.
- (c) Results in the formation of a new company, limited liability partnership or joint venture.
- (d) Has a potentially detrimental impact on communities outside of West Suffolk District.
- (e) Is a decision that is significant in terms of its effect on communities living or working in a definable local community in the District, or on one or more wards, in that it will:
 - (i) Have a long-term, lasting impact on that community; or
 - (ii) Restrict the ability of individual businesses or residents in that area to undertake particular activities; or
 - (iii) Removes the provision of a service or facility for that community; or
 - (iv) Increases the charges payable by members of the community to provide a service or facility by more than 5%; or
 - (v) Have the potential to create significant local controversy or reputational damage to the Council
- (f) A matter that the decision maker considers to be a key decision.
- (g) Any matters that fall under the scope of e) above must be subject to consultation with the local Member(s) in Wards that are likely to be impacted by the decision prior to the decision being made.

NOTE 3: MEMBERSHIP OF BODIES MAKING KEY DECISIONS

(a) Membership of West Suffolk Council's Cabinet and their Portfolios

Cabinet Member	Portfolio
John Griffiths Sara Mildmay-White	Leader of the Council Deputy Leader of the Council/ Housing
Sarah Broughton	Portfolio Holder for Resources and Performance
Carol Bull	Portfolio Holder for Governance
Andy Drummond	Portfolio Holder for Regulatory
Robert Everitt	Portfolio Holder for Families and Communities
Susan Glossop	Portfolio Holder for Growth
Jo Rayner	Portfolio Holder for Leisure, Culture and Community Hubs
David Roach	Portfolio Holder for Local Plan Development and Delivery
Peter Stevens	Portfolio Holder for Operations

Jennifer Eves
Assistant Director (HR, Legal and Democratic Services)
Date: 14 November 2019