

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: 23 September 2020 to 31 May 2021: General Exception Notice

Publication Date: 23 September 2020

Notice is hereby given that the Chair of West Suffolk Council's Overview and Scrutiny Committee has been informed, in accordance with Regulation 10 of the above regulations, that the date by which the Key Decision and matter potentially being taken in private set out below, make compliance with the requirements for notification of a Key Decision and matter potentially being taken in private under Regulations 9 and 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 Democratic Services, West Suffolk House, Western Way, Bury St Edmunds, Suffolk, IP33 3YU; or College Heath Road, Mildenhall, Suffolk IP28 7EY.

The 1 October 2020 to 31 May 2021 version of the Decisions Plan was published on 4 September 2020. This Exception Notice has now 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	Documents to be submitted
06/10/20 (new)	<p>Brandon Leisure Centre Investment Following the outcome of the cost certainty stage of the project, the Cabinet will be asked to consider a proposed investment in Brandon Leisure Centre to update and improve facilities.</p> <p>The decisions intended to be taken by Cabinet in respect of this item was originally scheduled for 22 September 2020 and was published on the Decisions Plan giving the required notice accordingly. The</p>	Exempt appendix: paragraph 3	(KD)	Cabinet	Joanna Rayner Leisure, Culture and Community Hubs 01284 750366	Jill Korwin Director 01284 757252	Report to Cabinet with exempt appendix attached.

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	<p>Council had decided to postpone the making of these decisions due to the uncertainty Covid-19 was having on leisure operations and the item was subsequently removed from the Plan.</p> <p>However, another month of trading has given increased confidence to progress this matter and if the decisions to proceed are taken, take the opportunity to commence work as soon as practicable with the aim of ultimately reducing the management fee to</p>						

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	<p>Abbeycroft Leisure and promoting health and wellbeing through physical activity.</p> <p>The required 28 days' notice for reporting the intended Key Decision and the potential for the matter being considered in private session has not now been given. Under the Access to Information Procedure Rules of the Council's Constitution, paragraphs 16.1 and 17.2, which requires that where the normal procedure cannot be followed in respect of the consideration of</p>						

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	Key Decisions and matters being taken in private, the Chair of the Overview and Scrutiny Committee is to be informed as to why the matter cannot be reasonably deferred. This has been undertaken accordingly.						

Note 1: Definition of exempt information and relevant paragraphs of the Local Government Act 1972

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:

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	Leader of the Council
Sara Mildmay-White	Deputy Leader of the Council and 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: 23 September 2020