

HORSHAM DISTRICT COUNCIL
GENERAL EXCEPTION NOTICE & NOTICE OF
INTENTION TO CONSIDER A DECISION IN
PRIVATE

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

Notice is hereby given that the Cabinet intends, at its meeting on Thursday 20 July 2023 at 5.30pm at the Council’s Parkside offices, to (i) make an executive decision in private in relation to the purchase a site in the Horsham District (“Site A”), and, (ii) make a recommendation to Council to approve the funds required for this acquisition. The Council will consider the funding element of this matter at its meeting on the same date.

The decision to purchase Site A constitutes a ‘key decision’ which will be taken in private.

The Regulations provides that a key decision must not be made until a document (“the Document”) has been published setting out, inter alia, (i) that a key decision is to be made, (ii) the matter in respect of which the decision is to be made, and, (iii) the date on which the decision is to be made.

The Document must be made available for inspection by the public at least 28 clear days (“the Requisite Period”) before a key decision is made. (Regulation 9).

It was impracticable to comply with these requirements.

Accordingly, the Chief Executive informed the Chairman of the Overview and Scrutiny Committee about the possible acquisition of Site A. (Regulation 10).

Further, the Regulations provide, inter alia, that a decision-making body must, at least 28 clear days (“the Requisite Period”) before a private meeting, provide a notice of its intention to hold the meeting in private and include a statement of the reasons for the meeting to be held in private. (Regulation 5 (2)).

It was impracticable to comply with these requirements.

Accordingly, the Chief Executive has obtained agreement from the Chairman of the Overview and Scrutiny Committee that the meeting is urgent and cannot reasonably be deferred. (Regulation 5 (6)).

It was impracticable to comply with the requirements contained in Regulations 5(2) and 9 because the meeting is urgent and cannot be deferred. This is because the Seller of Site A who has since advised that they would be prepared to negotiate with the Council for sale of the site. The Council cannot delay concluding these negotiations as the site could be purchased by another bidder during that period. Therefore, it is critical that the decision to purchase Site A is taken without further delay so that it can be secured at a suitable price and on appropriate terms.

It is recommended that the press and public be excluded from the meeting to consider

the acquisition of Site A. This is because the subject report contains financial information pertaining to Site A which would amount to a disclosure of exempt information should the meeting not be held in private. (Section 100A and Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972).

A copy of this notice is available for inspection by the public and has been published on the Council's website.

Dated 10 July 2023

Signed: Lauren Kelly, Monitoring Officer