



The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (“the Regulations”) (Regulation 9)

NOTICE OF CONSIDERATION OF A DECISION THAT HAS NOT BEEN INCLUDED ON THE FORWARD PLAN AS SUCH

East Suffolk Council (ESC) needs to consider a report related a Section 113 Agreement between ESC as a member of the Anglia Revenue Partnership (ARP) and Norwich City Council, to enable ARP officers to continue to provide Fraud services to Norwich City Council.

The urgency related to this decision is that it is intended that all the ARP partner authorities approve the new Section 113 agreement in time for commencement on 1 June 2022.

As such the report needs to be presented to Cabinet at its meeting on 3 May 2022. This will be a non-key decision for Cabinet to take but it will need to be an exempt report and, as such, it should have been included in the Forward Plan.

In accordance with the General Provisions (Paragraph 10) of the Local Authorities (Executives Arrangements (Meetings and Access to Information) England) Regulations 2012, an exempt decision, that has not been included on the Forward Plan as exempt, can still be taken provided that:

- a) It is impractical to defer the decision until it has been included on the next Forward Plan.
- b) The Chairman of the Scrutiny Committee has been informed.
- c) The Proper Officer has made available to the public copies of the notice given to the Chairman of the Scrutiny Committee at the offices of the Council and its website.
- d) At least 5 clear days have elapsed since the Proper Officer complied with b) and c) above.

The report needs to be exempt because it will contains confidential financial information.

Regulation 10 of the Regulations (General Exception) allows for a key decision to be made if it is impracticable for notice of the intention to take a key decision under Regulation 9 to be given 28 clear days in advance of the taking of the decision. Regulation 10 sets out the actions required to be taken in those circumstances which includes setting out the reasons for General Exception.

This Notice has not provided the relevant 28 days. However, in accordance with Regulation 5(6) of the Regulations where the Chairman of the Scrutiny Committee considers that there is urgency which dictates that this decision is urgent and cannot be reasonably deferred to allow compliance with Regulation 5 the decision may still be taken.

The Chairman of the Scrutiny Committee has been notified that the making of the decision in private detailed below is urgent and cannot reasonably be deferred and has agreed for it to proceed.

The reason for this is as set out below:

The report contains information relating to the financial and business affairs of the Council and third parties. It is impractical to delay the decision. The reason why the matter is to be considered in private is that the exempt information consists of commercial information regarding the cost of providing fraud services which could be detrimental to the provision of services to further authorities. Therefore, it is considered that the public interest in not disclosing the exempt information outweighs the public interest in disclosing the information.

Karen Cook
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21 April 2022