



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

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

The reason why the decision cannot reasonably be deferred, is that East Suffolk Council needs to consider the procurement of vehicles for the food waste collection service at the earliest opportunity due to excessive demands and timescales on the procurement process in the waste collection industry.

In accordance with the General Provisions (Paragraph 10) of the Local Authorities (Executives Arrangements (Meetings and Access to Information) England) Regulations 2012 (the Regulations), an exempt decision, that has not been included on the Forward Plan, 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 Chair of the Overview and Scrutiny Committee has been informed.
- c) The Proper Officer has made available to the public copies of the notice given to the Chair of the Overview and Scrutiny Committee at the offices of the Council and its website.
- d) At least five clear days have elapsed since the Proper Officer complied with b) and c) above.

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 Chair of the Overview and Scrutiny Committee that the meeting is urgent and cannot reasonably be deferred. This is also reflected in the Access to Information Rules (ATIR) which form part of the Council’s Constitution.

As soon as reasonably practicable after the decision-making body has obtained agreement to hold a private meeting, it must make available at the offices of the local authority a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred and publish that notice on the local authority’s website.

The Forward Plan contains details of all the matters likely to be the subject of Key Decisions and confidential and exempt decisions which will be taken by the Cabinet. The Forward Plan is updated on a monthly basis or as required, ensuring that all Key Decisions and confidential/exempt decision that are due to be taken are included in the Forward Plan. The Forward Plan is published at least 28 days before the start of the period covered by the Forward Plan.

The key decision which will be taken by the Cabinet at its meeting on 7 January 2025 relates to the procurement of vehicles for the food waste collection service.

It is important that the Cabinet considers this decision prior to its meeting of 4 February 2025 as the decision is deemed an urgent one due to the need to order vehicles for the food waste service as soon as possible as lead times for vehicle delivery are getting longer all the time – 80% of councils in England and

Wales are introducing the same service at the same time (April 2026) so there is excessive demand for suitable vehicles. Lead times are currently around 12 months, so to ensure that we fulfil our statutory duty to introduce a food waste collection in April 2026 the council will need to order vehicles in February 2025 at the latest.

In the light of the above we wish to expedite the Cabinet process.

Regulation 10 of the Regulations (General Exception) allows for an exempt and 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 10, paragraph (a), sub-paragraph (1), the Chair of the Overview and Scrutiny Committee has been notified that the making of the decision is urgent and cannot reasonably be deferred and has agreed for it to proceed.

Lorraine Fitch
Democratic Services Manager
17 December 2024