

**Special Exception Notice under Regulation 11(2) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 ("the Regulations")**

Cabinet on 17<sup>th</sup> January 2023 is to consider a report under the title "Brentford Police Station / Albany Riverside Progress Update

1. Cabinet is a relevant "decision-making body" under the Regulations.
2. Regulation 9 of the Regulations applies as the recommendation in the report is not considered to be a 'key decision' in that it is not significant in terms of its value. Regulation 9 requires 28 days advance publication of a document setting out that a decision is to be made, the matter in respect of which the decision is to be made, the name of the decision making body and its members or the name of the individual decision maker, the date the decision will be made, a list of the documents submitted, the address from where to obtain copies of documents, notice that other documents may be submitted to the decision maker and the procedure for requesting details of these.
3. Regulation 10 of the Regulations provides that:-

Subject to regulation 11, where the publication of the intention to make a key decision under regulation 9 is impracticable, that decision may only be made—

- (i) where the proper officer has informed the chairman of the relevant overview and scrutiny committee or, if there is no such person, each member of the relevant overview and scrutiny committee by notice in writing, of the matter about which the decision is to be made;
- (ii) where the proper officer has made available at the offices of the relevant local authority for inspection by the public and published on the relevant local authority's website, if it has one, a copy of the notice given pursuant to sub-paragraph (i); and
- (iii) after five clear days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (ii).

4. Regulation 11 provides that:-

- (i) Where the date by which a key decision must be made, makes compliance with regulation 10 impracticable, the decision may only be made where the decision maker has obtained agreement from—
  - (a) the chairman of the relevant overview and scrutiny committee; or

(b) if there is no such person, or if the chairman of the relevant overview and scrutiny committee is unable to act, the chairman of the relevant local authority; or  
(c) where there is no chairman of either the relevant overview and scrutiny committee or of the relevant local authority, the vice-chairman of the relevant local authority,

that the making of the decision is urgent and cannot reasonably be deferred.

(ii) As soon as reasonably practicable after the decision maker has obtained agreement under paragraph (i) that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must—

(a) make available at the offices of the relevant local authority a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred; and

(b) publish that notice on the relevant local authority's website, if it has one.

5. As the date by which the decision needs to be taken makes compliance with both Regulation 9 and Regulation 10 impracticable, in accordance with Regulation 11 (1)

(a) the Chair of the Overview and Scrutiny Committee has agreed that the decision is urgent and cannot reasonably be deferred.

6. The reasons that the decision is urgent and cannot reasonably be deferred are set out below in accordance with Regulation 11(2)(a)

### **Statement of Reasons**

This decision falls within the special exception provisions within the Regulations because:

The decision relates to approvals required to progress negotiations to put in place the legal framework to secure the delivery of affordable housing and the arts centre. This is urgent given current economic climate and to give guidance to time critical legal and commercial negotiations underway and would prejudice the timely progress of the Development Programme if it were delayed until the meeting of Cabinet in February 2023.

Signed

Thomas Ribbits  
Proper Legal Officer of The Council  
20 December 2022