

CABINET

27 NOVEMBER 2012

EXCLUSION OF PRESS AND PUBLIC

Portfolio Holder: Councillor Rodney Chambers, Leader

Report from/Author: Perry Holmes, Monitoring Officer

Summary

This report summarises the content of two exempt appendices and one exempt report which, in the opinion of the proper officer, will contain exempt information within one or more of the categories in Schedule 12A of the Local Government Act 1972. It is a matter for the Cabinet to determine whether the press and public should be excluded from the meeting during consideration of this document.

1. Recommendation

- 1.1 The Cabinet is required to decide whether to exclude the press and public during consideration of the following documents because consideration of these matters in public would disclose information falling within one of the descriptions of exempt information contained in Schedule 12A to the Local Government Act 1972, as specified below, and, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

Report Title	Gateway 5 Procurement Contract Management Report: Highways Minor Works Contract Performance Review
Agenda Item	Exempt Appendix
Summary	This exempt appendix contains key information in respect of finance and whole-life costings.
Category of exempt information (Schedule 12A of the Local Government Act 1972)	Not for publication under paragraph 3 of Schedule 12A of the Local Government Act 1972 – information relating to financial or business affairs of any particular person (including the authority holding that information).

Report Title	Gateway 5 Contract Management Report: DCLG Weekly Collections Support Fund
Agenda Item	Exempt Appendix
Summary	This exempt appendix contains key information in respect of finance and whole-life costings.
Category of exempt information (Schedule 12A of the Local Government Act 1972)	Not for publication under paragraph 3 of Schedule 12A of the Local Government Act 1972 – information relating to financial or business affairs of any particular person (including the authority holding that information).

Report Title	Litigation Delegation
Agenda Item	Exempt Report
Summary	This exempt report contains commercially sensitive and legally privileged information in respect of litigation.
Category of exempt information (Schedule 12A of the Local Government Act 1972)	Not for publication under paragraphs 3 and 5 of Schedule 12A of the Local Government Act 1972 – information relating to financial or business affairs of any particular person (including the authority holding that information) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

- 1.2 Members are advised that the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 requires 28 clear days' notice of a Cabinet meeting to be held in private. With regard to the Litigation Delegation report, on this occasion it was impracticable to provide this 28 clear days' notice, as the progress of litigation has meant that a decision on settlement may need to be taken imminently. The Chairman of the Business Support Overview and Scrutiny Committee has agreed, in accordance with the provisions of the 2012 Regulations, that this matter is both urgent and cannot be reasonably deferred. This is because any delay will jeopardise the Council's position in the litigation and potentially lead to grater expense.
- 1.3 A notice of intention to conduct business in private was issued on 19 November 2012 and no representations have been received.

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Background Papers: None