

Cabinet

1 October 2024

Exclusion of the Press and Public

Portfolio Holder: Councillor Vince Maple, Leader of the Council

Report from: Bhupinder Gill, Assistant Director, Legal and Governance

Author: Vanessa Etheridge, Democratic Services Officer

Summary

This report summarises the content of exempt appendices, which, in the opinion of the proper officer, will contain exempt information within one 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 these documents.

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 4 – Organic Waste Disposal Contract Extension
Agenda Item	12
Summary	The Exempt Appendices contains commercially sensitive information in relation to the lease agreed.
Category of exempt information (Schedule 12A of the Local Government Act 1972)	Not for publication under paragraph 3 of Schedule 12A of the Local Government Act 1972 – Information relating to financial or business affairs of any particular person (including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	Claim against the Council
Agenda Item	14
Summary	This fully exempt report sets out details in relation to a legal claim against Medway Council and asks the Cabinet to agree a course of action.
Category of exempt information (Schedule 12A of the Local Government Act 1972)	Not for publication under paragraphs 3 and 5 of Schedule 12A of the Local Government Act 1972 – Information relating to financial or business affairs of any particular person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). - 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.
- 1.3 On this occasion it has not been possible to provide 28 clear days' notice for Agenda Item 14 - Claim against the Council. The Chairman of the Business Support and Digital Overview and Scrutiny Committee has agreed, in accordance with Section 5 (procedures prior to private meetings) of the above regulations, that this matter is both urgent and cannot be reasonably deferred until the next Cabinet meeting on 29 October 2024 for the following reasons:
- Agenda item 14 – The reason for the urgency and waiving of call in is to avoid increased legal costs.
- 1.4 A Notice of intention to conduct business in private was originally issued on 1 May 2024 for agenda item 12, and 23 September for agenda item 14. No representations have been received.
- 1.5 This report confirms the previous notices of intention to conduct this business in private.

Lead Officer Contact

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Appendices

None

Background Papers

[Forward Plan Cabinet – 1 June 2024](#)

[Forward Plan Cabinet – 1 October 2024](#)

[Forward Plan Cabinet -1 October 2024 – Update No.1](#)