

## **Burnley Borough Council**

### **Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

#### **Private meeting and Key Decision- Agreement of Scrutiny Committee Chair under Regulation 5 (6) (a) and Regulation 11**

Under these Regulations the Council is required to give 28 days notice if it intends to hold a meeting of the Executive in private or partly in private. This is done on occasions where there is a report which contains confidential information. Notice was duly given on 19<sup>th</sup> February 2019 that the report below is to be considered in private by the Executive on 20<sup>th</sup> March 2019.

The Council is also required to give a further notice at least 5 clear days before the meeting of its intention to hold the meeting in private and publish such notice. Such notice must include details of any representations about why the meeting should be open to the public and a statement by the Council in response.

Representations have recently been received from members of the public stating that the report below should be considered in public. The representations have been taken into account and the Council remains of the view that the report should be considered in private.

As it has not been possible to give the required notice, the Council must obtain the agreement of the Chair of the Scrutiny Committee (or other relevant person for the decision to be made as a case of special urgency) and give notice of the reasons why the making of the decision is urgent and cannot reasonably be deferred. This Notice satisfies the requirements set out in the regulations.

The Chair of Scrutiny has given agreement on 18<sup>th</sup> March 2019 for the decision to be taken urgently, and has also given agreement for call in to be waived.

The public can make representations about why the meeting should be held in public.

Report	Reason report is Private	Reason report is urgent and cannot reasonably be deferred
Woodtop School and Land Adjacent at Cog Lane	The report contains exempt information and is therefore NOT FOR PUBLICATION by virtue of Local Government Act 1972, Schedule 12A, Part I, Paragraph 3;	The reason the report is urgent and cannot reasonably be deferred is to allow the development to take place in a timely fashion.  The representations regarding it being taken in Private, and the Council's response to those representations are set out below.

	Information relating to the financial or business affairs of any particular person (including the authority holding that information)	
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Representations on why it should not be taken in Private	Response to those representations from the Council
<ol style="list-style-type: none"> <li>1. The non-disclosure of information is outweighed by the public interest in the matter.</li> <li>2. There is a public interest in making representations on what should happen to a listed building, the public should have access to all information available to the Council and know the options that are being considered, the public ought to be able to make representations as to how the land is developed and consideration ought to be given to whether and how efforts are made to preserve the listed building.</li> </ol>	<p>The report contains information relating to the financial affairs of the Council and a third party which are of a commercially sensitive nature. Despite the representations made which argue that public interest in the matter justifies the matter being debated in public, it is considered that the balance rests in favour of keeping consideration of the matter private, due to the commercially sensitive information which is contained within the report.</p>

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Date: 18<sup>th</sup> March 2019