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Cllr Alan Preest
Strategic Overview and Scrutiny
Chairman

Contact: Ms S Roxborough
Direct Line: 01594 812537
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Date: 19th November 2021

Dear Cllr Preest,

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

In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (the Regulations) please find attached a formal notice issued to you in your capacity as chairman of the Council's Strategic Overview and Scrutiny Committee.

You will see from the attached notice that the Council's Executive wish to consider an item at its meeting on Thursday, 1st December 2021 which, although it has been marked as a key decision on the Cabinet Forward Plan since 11th November 2021 it has not been marked as a key decision for the required 28 days under the regulations. Having considered the matter as Proper Officer I am satisfied that it would be impractical to comply with the regulations and that it would be appropriate to rely on the exemption to publication provided in regulation 10.

Furthermore, you will also see from the attached notice that the Council's Executive wish to consider this item as an urgent exempt item at its meeting on 1st December 2021, which has also not been the subject of the 28 days notice required under the above regulations (regulations 5.) This is an exempt decision (by virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972 – 'Information relating to the financial or business affairs of any particular person (including the authority holding that information)' that has not been advertised as such on the forward plan and cannot reasonably be deferred. Having considered the matter as Proper Officer I am satisfied that it would be impractical to comply with the regulations and that it would be appropriate to rely on the exemption to publication provided in regulation 5(6).

A copy of the attached notice and this letter will be published on the Council's website.

I trust that this notification does not cause you any difficulties. I will set up a meeting to discuss this in order for you to raise any queries you may have and confirm your agreement in writing to this course of action.

Yours sincerely,

Sian Roxborough

Monitoring Officer

EXECUTIVE KEY DECISION – 1st December 2021

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

Notice of Intention to take Key Decision, in Private Session, without 28 Day Notice

Notice is hereby given in accordance with Regulation 10 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that it is impracticable to give 28 days' notice of the taking of the following decision, which is a Key Decision to be taken by the Cabinet at an extraordinary meeting on the 1st December 2021:

(a) to support the proposed changes to office layout and the relocation of the Council Chamber, Committee rooms and Member rooms to the ground floor, with the provision of a more flexible meeting space.

(b) to enter into a Lease with a tenant to let the entire second floor of the building, delegating to the Group Manager- Commissioning authority to finalise the terms of the Lease in consultation with the Interim Head of Legal Services and the Cabinet Member for Finance.

(c) to seek a tenant(s) to occupy space that will be created on the first floor of the building, including authority to specify Lease arrangements in consultation with the Interim Head of Legal Services and the Cabinet Member for Finance .

And make recommendations to Council to:

(d) allocate funding of up to £1,550,000 to facilitate the changes in the above recommendations, with detailed costs to be agreed by the Head of Paid Service in consultation with the Chief Finance Officer and the Cabinet Member for Finance.

The reason for which it has been impracticable to give 28 days' notice of this decision is as follows:

At the same time that future use of the council offices use has been considered, a prospective tenant has indicated that they wish to rent the whole of the second floor. They have recently informed the Council they need to relocate from their existing rented space by Autumn 2022. This commercial interest has been explored. The tenant would be attractive to the Council and would generate a significant increased income for the Authority. The prospective tenant is not interested in any other space within the building so would withdraw their interest unless the entire second floor can be leased to them. The prospective tenants operate a Financial Services business and are currently operating in the Forest of Dean. Offering them this office space provides

assurance their business will remain in the area. Prospective tenants need to be in occupation by Autumn 2022. A delay in these key decisions may jeopardise the opportunity to secure these tenants. The proposed change of use is also a major project which will require a considerable amount of work to enable occupation by Autumn 2022 therefore any delay could also be detrimental to the efficient delivery of the project in a timely manner. This requires an urgent decision on the part of the Council in order not to lose the opportunity to progress this project and acquire the prospective tenant for the second floor.

The Chair of the Strategic Overview and Scrutiny Committee has been advised of this issue by letter of the 19th November 2021 in accordance with Regulation 10.

Notice is further given in accordance with Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that the same decision is expected to contain information which will be considered in private session, and is therefore subject to the provisions of Regulation 5 (6). In accordance with this Regulation, the Chair of the Strategic Overview and Scrutiny Committee has been advised of this issue in the same letter of the 19th November 2021 and has agreed that the making of the decision is urgent and cannot reasonably be deferred, for the following reasons:

On the grounds of the urgency of the situation in relation to the acquisition of the prospective tenant who has indicated that they wish to rent the whole of the second floor. They have recently informed the Council they need to relocate from their existing rented space by Autumn 2022. The tenant would generate a significant increased income for the Authority and would withdraw their interest unless the entire second floor can be leased to them. Offering them this office space provides assurance their Financial Services business will remain in the area. A delay in these key decisions may jeopardise the opportunity to secure these tenants. The proposed change of use is also a major project which will require a considerable work to enable occupation by Autumn 2022 therefore any delay could also be detrimental to the efficient delivery of the project in a timely manner. This requires an urgent decision on the part of the Council in order not to lose the opportunity to progress this project and acquire the prospective tenant for the second floor.

The timing of the opportunity which is limited by reference to the prospective tenant's circumstances, requires a decision to be made before the next scheduled meeting of the Cabinet which would have allowed for 28 days notice.

Part of the report will contain exempt information under Paragraphs 3 of Part 1 of Schedule 12A of the Local Government Act 1972-

'Information relating to the financial or business affairs of any particular person (including the authority holding that information).'

The Chair recognises the impact of the time restrictions imposed by the prospective tenant. The Monitoring Officer has provided an explanation of how the acquisition of the property will meet the requirements of the Council, generating a significant increased income for the Authority and assurance this business will remain in the area, contributing to the economy.

SIAN ROXBOROUGH

Monitoring Officer

Forest of Dean District Council

19th November 2021