

**NOTICE TO CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE
OF A GENERAL EXCEPTION TO THE PUBLICATION OF THE
INTENTION TO MAKE A KEY DECISION¹**

AND

**NOTICE SETTING OUT REASONS WHY PUBLICITY
REQUIREMENTS ARE IMPRACTICABLE²**

1. Where a decision maker intends to make a key decision that decision must not be made until at least 28 clear days public notice has been given³.

¹ In accordance with Regulation 10(1) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

² In accordance with Regulation 10(3) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

2. Where the publication of the intention to make a key decision is impracticable, that decision may only be made where the Chair of the Overview and Scrutiny Committee has been informed of the matter about which the decision is to be made, notice to the Chair has been made available for public inspection at the Council offices and published on the Council's website, and after 5 clear days have elapsed following the day on which notice to the Chair was made publicly available⁴.
3. **This notice is to inform the Chair of the Overview and Scrutiny Committee that it has been impracticable to give 28 clear days public notice of the item(s) set out below for the reasons set out below and that it is intended that the key decision(s) will be made on the date specified below.**
4. **Notice is also given to the public that the reasons why compliance with the requirements for publicity in connection with key decisions are impracticable are set out below.**

³ In accordance with Regulation 9(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

⁴ In accordance with Regulation 10(1) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

General Exception Notice

Date of decision or period within which the decision is to be made	Matter in respect of which the decision is to be made	Short description	Decision maker	Cabinet Member & Lead Officer	List of documents to be submitted to the decision maker	Public or Private meeting. Statement of reasons if private	Reasons why impracticable to give 28 days' clear public notice
Cabinet Meeting, 13th June 2023	Decision to provisionally award an Operation and Maintenance Contract in relation to the proposed Decentralised Energy Network	<p>Following a procurement exercise, Cabinet will be asked to approve the provisional award of an Operation and Maintenance contract for modern DEN systems within the Housing Revenue Account (to include Broadwater Farm, Rosa Luxemburg, Walter Tull House, and other systems to be added over the life of the contract). The report will update Cabinet about the procurement undertaken; seek authority for s20 consultation with leaseholders on the proposed contract; and (subject to the outcome of the s20 consultation) authorise the award of the contract to the preferred bidder.</p> <p>The need for an Operational and Maintenance Contractor was set out in the Outline Business Case for the DEN Programme (which was approved by Cabinet in Dec</p>	Cabinet	<p>Cabinet Member for Housing Services, Private Renters and Planning</p> <p>Operational Director Housing Services & Building Safety</p>	Report of the Director of Placemaking and Housing	<p>Part exempt</p> <p>Paragraph 3, 5</p> <p>Information relating to the 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.</p>	<p>This decision cannot wait until the next Cabinet meeting on 11 July because the price offered by the preferred bidder is only valid until September 2023. If this deadline is to be achieved, and to allow appropriate time for the Council to undertake Section 20 consultation with leaseholders, a decision to award the contract must be agreed by June 2023. This will then allow the appropriate time for the Section 20 consultation (minimum of 30 days to be undertaken over the summer period) to be undertaken, for the Council to review and respond to this, and then formalise the contract unless there are sound reasons for not doing so.</p> <p>Given the above, it is not practicable to comply with the 28-day notice requirement in Part Four, Section D, Rule 13 of the constitution. This is set out in Part Four, Section D, Rule 16, of the Constitution.</p>

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		<p>2021).</p> <p>The contract will be in place for 5 years with the option to extend for a further 5 years if desired. The value is set in the exempt report.</p>					
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<p>Between 22 May 2023 and 16 June 2023</p>	<p>New Contractual arrangement with an existing Construction Company contracted with the Council</p>	<p>To enable existing Construction Contracts with Contractor A on Sites 1 and 2 to be terminated by mutual consent and simultaneous Construction Management Contracts entered in to between the same Parties.</p>	<p>Cabinet Member signing</p>	<p>Cabinet Member for Council Housebuilding, Placemaking and Development Assistant Director for Housing</p>	<p>Report of the Director of Placemaking and Housing</p>	<p>Part exempt Paragraph 3, 5 Information relating to the 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.</p>	<p>The nature of the transaction for which a Cabinet Member signing is required is an urgent one which, in order to maintain Works on Site and to preserve Warranties, must be made on, or, about 31st May 2023. In circumstances in which the full 28 Notice has to be given there is a significant risk that the Contractor will enter Administration and the additional costs of re-procurement will be very significantly increased</p>
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In addition to the notices above, the current version of the Forward Plan (v126) is to be reissued to reflect the changes to the Cabinet portfolios as agreed at the Council's AGM on 15 June 2023. There are no new items to be taken with less than 28 days' notice, aside from the items listed above on this General Exception Notice.

Published: 22 May 2023