

## CABINET MEETING

DATE: 20 December 2019

**NOTICE OF PROPOSAL TO TAKE AN URGENT PRIVATE KEY DECISION IN ACCORDANCE WITH THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 AND THE FOLLOWING RULE(S) IN THE FOLKESTONE AND HYTHE DISTRICT COUNCIL CONSTITUTION:-**

**Part 6.4, 'Cabinet Access to Information Procedure Rules' – Rule 12 'General Exception' and Rule 14 'Private Meetings of the Executive'.**

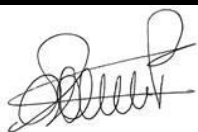
### **Otterpool Park**

The report recommends the acquisition of further interests at Otterpool Park.

#### NOTICE IS GIVEN THAT:

1. The decision on the matter outlined above cannot practically be deferred until the publicity requirements for key and exempt decisions can be met because:
  - A decision on the item is considered to be urgent and cannot reasonably be delayed because of the need to complete the acquisition urgently to enable the Otterpool Park garden town project to proceed expeditiously and to meet the seller's timescales.
  - For this reason compliance with Regulation 5 (2) and rule 14.1 is considered impracticable and an exception to that Regulation and Rule has been sought under Regulation 5 (6) and Rule 14.2. This exception has been obtained by the chairman of the Overview and Scrutiny Committee agreeing that the making of the decision is urgent and cannot reasonably be deferred. Accordingly a copy of this notice is made available pursuant to Regulation 5 (6) and Rule 14.3 prior to 12 December 2019.
2. The decision will therefore be taken after five clear working days have elapsed from the date of this notice and its publication; that is, at a meeting of the Cabinet on the date shown above.
3. The Head of Paid Service has notified the Chairman of the Overview and Scrutiny Committee, in writing, of the matter on which the decision is to be made and obtained the latter's agreement that the taking of the decision is urgent and cannot reasonably be deferred.
4. It is proposed to exclude the public from this item of business on the grounds that it is likely to disclose exempt information, as defined in the following paragraph of Part 1 of Schedule 12A to the Local Government Act 1972:

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



Dr S Priest  
Head of Paid Service  
Folkestone and Hythe District Council  
Civic Centre, Castle Hill Avenue  
Folkestone, Kent, CT20 2QY

Date: 12 December 2019

A Key Decision is any decision:

- (a) Relating to the approval of or variation to the Council's Budget or Policy Framework which is reserved in the Council's Constitution for determination by full Council on a recommendation from Cabinet; or
- (b) Which involves the incurring of expenditure, or the making of savings, by the Council, which are anticipated to be in excess of £300,000 with the exception of items previously included in the relevant approved budget ; or
- (c) Where the Council is entering into a contractual obligation with a value in excess of £500,000; or
- (d) For the acquisition or disposal of land or property with a value of over £500,000; or
- (e) Which is likely to be significant in terms of its effect on communities living or working in an area comprising two or more wards in the Council's area.

A decision will not be a key decision if it relates to expenditure, income or savings that:

- a) Has been approved previously by full Council; or
- b) Has been approved previously, following compliance with the key decision procedure; or
- c) Is in accordance with the current treasury management and investment policy of the Council.