

NOTICE of reasons for Urgency

NORTH HERTFORDSHIRE DISTRICT COUNCIL (“the Council”)

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

The Council intends to hold a public meeting of the Cabinet on 19 March 2024, 7:30PM at which Part 2 reports not previously notified to the public will be considered in respect of the future of the Crematorium Project.

1. This Committee is deemed to be a relevant “decision-making body” under the Regulations.
2. It is likely that this meeting will be held in private or at this meeting, the Council will exclude members of the public and press from part of this meeting, for one or both of the following reasons:
 - (a) In view of the business to be transacted or the nature of the proceedings, if members of the public were present, it is likely that confidential information would be disclosed to them in breach of the obligation of confidence
 - (b) In view of the nature of the item of business to be transacted, if members of the public were present during the item, exempt information would be disclosed to them
3. Under Regulation 5, the Council is required to give notice of its intention to hold this meeting, or part of this meeting, in private, at least 28 clear days before the date of this meeting and to give a statement of reasons for this meeting, or part of this meeting, to be held in private.
4. Where the date by which a meeting must be held, makes compliance with this Regulation impracticable, the meeting may only be held in private where the agreement of the Council’s Chairman of the Overview and Scrutiny Committee (or if s/he is unable to act, the Chairman of the Council) has been obtained, for the reason that the meeting is urgent and cannot reasonably be deferred.
5. As soon as reasonably practicable after the agreement has been obtained, the Council must publish a notice setting out the reasons why the meeting was urgent and could not reasonably be deferred.
6. The Council has obtained the agreement of the Council’s Chair of the Overview and Scrutiny Committee to waive compliance with the Regulations for this meeting. The reasons why the meeting was considered urgent and could not reasonably be deferred are as follows:

STATEMENT OF REASONS

1. A decision by the sub-committee is imperative to authorise the initiation of operations for the Council-owned entity, Broadwater Hundred Property Management Limited. This step is crucial for enabling the leasing of Harkness Court. Upon obtaining the necessary approval, the Enterprise Team will be positioned to commence commercial activities on this project. Furthermore, the approval for a financial loan is essential; in its absence, the Company’s operational commencement would be significantly hindered. Both Council-affiliated enterprises (Broadwater Hundred Property Management Limited and Broadwater Hundred Limited) will face initial expenditures and necessitate adequate cash flow to kickstart operations.

2. Should the business case's financial forecasts receive approval, the subsequent phase will involve the revision of critical legal and governance documentation, including the Articles of Association and the Shareholder Agreement. Due to the specialised nature of these documents, external legal expertise will be required. This phase cannot proceed without the sanction of a Council-provided loan to the Company.
3. In light of the Council's acquisition of Building Control approval on 17 January 2024, any delay in advancing this project would be commercially imprudent. The costs associated with property vacancy are likely to escalate if action is not taken promptly.
4. The Part 2 documentation serves to update and enhance the information previously presented to the sub-committee under Part 2, ensuring all members are fully informed of the current project status and forthcoming steps.

Melanie Stimpson
Proper Officer of the Council
Date: 19/03/24