

Date: 1 September 2014  
Our ref: GB  
Your ref:  
Ask for: Glenn Back  
Direct Dial: (01843) 577187  
Direct E-mail: glenn.back@thanet.gov.uk



**By e-mail**

Councillor Jo Gideon  
Chairman of the Overview & Scrutiny Panel  
Thanet District Council

Dear Councillor Gideon

**Rule 18 Access to Information Procedure Rules – General Exception  
Cabinet report on Royal Sands, 11 September 2014**

I understand that Steven Boyle has previously spoken to you regarding the proposed report to Cabinet on 11 September 2014 which will make the following recommendations:

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| 6.1 | It is recommended that Cabinet authorise officers to defer the recommendations of the Cabinet paper dated 20 <sup>th</sup> February 2014 whilst positive negotiations continue;  |
| 6.2 | Furthermore, that Cabinet authorise the project team (in consultation with the S151 Monitoring Officer, Head of Paid Service and Cabinet Member for Finance and Estates) following due process and procedures to progress with negotiations; |
| 6.3 | That a report be brought back to Cabinet in October, documenting the outcome of the negotiations for final decision.   |

That report will be placed on the agenda of the Cabinet meeting despite not having been included in a published Forward Plan & Exempt Cabinet Report List for at least 28 days prior to the meeting of Cabinet. This represents failure to comply with Rule 16 of the Access to Information Procedure Rules (AIPR) contained within the Constitution.

Under Clause 18.1 of the AIPR, under these circumstances, the item can still be placed on the Cabinet agenda provided:

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| (a) | the proper officer has informed the Chairman of the relevant Overview and Scrutiny Committee, or, if there is no such person, each member of the Overview and Scrutiny Committee by notice in writing, of the matter about which the decision is to be made; |
| (b) | where the proper officer has made available at Thanet Gateway Plus, Cecil Street, Margate for inspection by the public and published on its website a copy of the notice given pursuant to sub-paragraph (a); and  |
| (c) | after five clear working days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).   |

This letter constitutes the notice to you required under clause 18.1 (a). Clause 18.3 of the AIPR goes on to require:

As soon as reasonably practicable after the proper officer has complied with Rule 18.1, he or she must make available at Thanet Gateway Plus, Cecil Street, Margate a notice setting out the reasons why compliance with Rule 16 is impracticable and publish that notice on the Council's website.

The following will be cited within the Notice required at Clause (b) as the reasons why it was not possible to include the decision in the published Forward Plan & Exempt Cabinet Report List within the required timescale:

- On 20 February Cabinet had instructed a breach notice to be served on the developer in connection with the development agreement.
- Service of the notice then triggered a request for mediation, this is within the development agreement contractual terms.
- As part of the mediation process new circumstances were brought to the attention of the Council
- Those circumstances have resulted in officers seeking instructions from Cabinet in the form of the Cabinet report.
- These developments have taken place very recently, the Council needs direction from Cabinet fairly quickly on how to proceed in this matter, and therefore cannot wait for the proposed report to be included in a future publication of the Forward Plan & Exempt Cabinet Report List.

Please note that as required in the Council's Constitution, this letter is for information only. Because the notice under Clause 18.1 is being published sufficiently in advance of the Cabinet meeting, there is no need to use the special urgency provisions of the AIPR; nor is a request being made to limit the ability of the Overview and Scrutiny Panel to call this decision in, should it wish to, therefore this is not a request to comply with the "Special Urgency" provisions contained within Clause 15.0(I)(Call-in and Urgency) of the Overview & Scrutiny Panel Procedure Rules.

Yours sincerely

**Glenn Back**  
**Democratic Services & Scrutiny Manager**

cc Chairman of the Council  
Leader of the Council  
Head of Economic Development and Asset Management – Edwina Crowley  
Senior Democratic Services Officer – Charles Hungwe