

**Executive Decision
Individual Decision Notice
Special Urgency Notification**



Decision Maker: Mayor, 16 June 2015

Classification:
Fully Exempt]

Rich Mix Litigation

Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 – notice is hereby given that an Executive Key Decision is required to be taken under Special Urgency provisions as it is not possible to provide at least 5 clear days’ notice of the decision.

As required under the above regulations, the Chair of the Overview and Scrutiny Committee has agreed to the above decision being taken under the Special Urgency Provision.

This notification will be published as soon as possible before the decision is taken.

Reason why it is impractical to provide 28 clear days’ notice of the decision:

This case has been listed for a three day trial during the week commencing 20 July 2015. Rich Mix has applied to stay proceedings and a hearing has been listed for 19 June 2015. This is against the background of settlement discussions. Instructions are required to enable efficient further conduct of the proceedings and negotiations.

Signature:

Robin Beattie, Adam Ballard

Date:

16th June 2015

Comments of the Chair of the Overview and Scrutiny Committee:

Signature:

Date:

Further details of the decision to be taken:

Key Decision? Yes

Ward(s) All Wards

Summary of Decision	<p>The Mayor is recommended to:</p> <ol style="list-style-type: none"> 1. Decide whether to proceed with the trial which is listed for 3 days in the week commencing 20 July 2015 or not. 2. Decide whether to accept Rich Mix's settlement proposal of 27 March 2015 or to continue with settlement discussions on the basis outlined in paragraph 3.17 of the report or on some other basis. 3. Agree, subject to 2, to continue the constructive discussions with Rich Mix concerning co location as set out in paragraph 3.17. 4. Specify the balance of supporting reasons in respect of the decisions in 1 and 2.
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Community Plan Theme	A Prosperous Community
Who will be consulted before decision is made and how will this consultation take place	The report is a result of work by CLC and Legal Services. The Commissioners have been consulted about this case as well as the Chair of the Overview and Scrutiny Committee. Meeting with the Commissioners on 27 th May 2015. Service Head-Legal Services made initial contact with the Chairman of Overview and Scrutiny Committee by telephone on 16 June 2015. The commissioners will be consulted prior to the report being given to the Mayor for his consideration.
Has an Equality Impact Assessment been carried out and if so the result of this Assessment?	Not required
Contact details for comments or additional information	Robin Beattie, Adam Ballard (Service Head, Strategy & Resources, Communities Localities & Culture) robin.beattie@towerhamlets.gov.uk , Solicitor Adam.Ballard@towerhamlets.gov.uk
What supporting documents or other information will be available?	Appendix 1 - Letter to the Council from Latham & Watkins, 30 September 2014 Appendix 2 - Letter to the Council from Latham & Watkins, 27 March 2015 Appendix 3 - Letter to Rich Mix from key funders, 17 March 2015
Is there an intention to consider this report in private session and if so why (Paragraph number – see notes	Fully Exempt (the whole report will be exempt) This is an on-going case in the high court and the information contained in the report is subject to legal privilege. Paragraph 5 - Information in respect of which a claim to legal

section)?	professional privilege could be maintained in legal proceedings.
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NOTES

Advance notice of Key Decisions

Key decisions are all those decisions which involve major spending, or savings, or which have a significant impact on the local community. The precise definition of a key decision adopted by Tower Hamlets is contained in Article 13.03 of the [Constitution](#). Key Decisions are taken by the Mayor, or the Mayor in Cabinet.

Individual notices of new Key Decisions will be published on the website as they are known, whilst a Forward Plan collating these decisions will be published 28 days before each Cabinet meeting. The Forward Plan will be published on the Council's website and will also be available to view at the Town Hall and Libraries, Ideas Centres and One Stop Shops if required. [The Committee pages](#) on the Council website include copies of the Forward Plan, Cabinet and other meeting dates and the publication dates of the Forward Plan.

If, due to reasons of urgency, a Key Decision has to be taken where 28 days' notice have not been given. Notice will be published (including on the website) as early as possible and Urgency Procedures as set out in the Constitution will have to be followed.

The most effective way for the public to make their views known about the issues listed in the Forward Plan is to examine the consultation column of the Forward Plan, and/or contact the report author or Cabinet Lead Member as soon as possible, and no later than 10 working days before the decision is expected to be taken.

You can also view the Council's [Consultation Calendar](#), which lists all the issues on which the Council and its partners are consulting.

Reports, appendices and background papers will be available on the Council's website 5 clear working days before the Cabinet meeting. For all other information or to submit documents in relation to any issue, please contact the relevant officer.

Notice of Intention to Conduct Business in Private

The Council is also required to give at least 28 days' notice if it wishes to consider any of the reports on the agenda of an Executive meeting (such as Cabinet) in private session. The last row of each item below will indicate any proposal to consider that item in private session. Should you wish to make any representations in relation to an item being considered in private please contact Democratic Services on the contact details listed below. Note that this applies to Cabinet but not to Individual Mayoral Decisions outside of Cabinet.

The notice may reference a paragraph of Section 12A of the 1972 Local Government Act. In summary those paragraphs refer to the following types of exempt information (more information is available in the Constitution):

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual

3. Information relating to the financial or business affairs of any particular person (including the authority handling the information)
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:-
 - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Democratic Services Contact Details:

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