

Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



**TO EACH MEMBER OF THE
EXECUTIVE**

20 July 2009

Dear Councillor

EXECUTIVE - Tuesday 21 July 2009

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the following report that was marked to follow:-

1a Nirah (National Institute for Research into Aquatic Habitats)

To consider the report.

Exclusion of Press and Public

To consider whether to pass a resolution under section 100A of the Local Government Act 1972 to exclude the Press and Public from the meeting for the following item of business on the grounds that the consideration of the item is likely to involve the disclosure of exempt information as defined in Paragraph 3 & 5 of Part I of Schedule 12A of the Act.

1d Nirah (National Institute for Research into Aquatic Habitats) –
Exempt Appendix

To consider the report.

Should you have any queries regarding the above please contact Devina Lester, Senior Democratic Services Officer on Tel: 01234 228857.

Yours sincerely

Devina Lester
Senior Democratic Services Officer
email: devina.lester@centralbedfordshire.gov.uk

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Meeting: Executive
Date: 21st July 2009
Subject: NIRAH (National Institute for Research into Aquatic Habitats)
Report of: Portfolio Holder for Economic Growth and Regeneration
Summary: The report notes the decision of the Director of Sustainable Communities not to provide Council funding to NIRAH Holdings Ltd to support legal action being taken by the company.

Advising Officer: Gary Alderson, Director Sustainable Communities
Contact Officer: Liz Wade, Assistant Director, Economic Growth and Regeneration
Public/Exempt: Part Exempt Appendix A
Wards Affected: All
Function of: Executive
Key Decision: No
Reason for urgency/
exemption from call-in: To respond to a request for a decision before 16 July 2009, due to court proceedings.

RECOMMENDATIONS:

- 1. That the Executive note the decision of the Director of Sustainable Communities, taken in accordance with the urgency procedures set out at item 3.5.1 of the Scheme of Delegation to Officers, not to provide the further public finance requested by Nirah Holdings Ltd in respect of legal action being pursued by the Company.**

Reason for Recommendations: To bring the Executive's attention to a decision taken under the urgency procedures of the Constitution.

Decision

1. To respond to a request from Nirah Holdings Ltd for the Council to indicate, before 16 July 2009, whether it would provide financial support in respect of legal action being pursued by the company.
2. The decision was taken following careful consideration of the Nirah project aims, previous public sector support, the purpose of the request, information provided to Nirah and legal advice provided to the Council. Consultation also took place with the appropriate Members.

3. The decision taken was that no funding be provided by the Council to Nirah Holdings Ltd in response to its request for financial support in respect of legal action being pursued by the company.
4. The alternative considered and rejected was the provision of the requested funding to Nirah to support legal action being pursued by the company.
5. This decision was urgent and therefore not subject to call-in. The Chairman of the Sustainable Communities Overview & Scrutiny Committee has given his consent to the decision being treated as a matter of urgency both for the purposes of Rule 16 of the Access to Information Procedure Rules and Rule 10.13 of the Overview and Scrutiny Procedure Rules.
6. Full details of the financial and legal implications considered in the taking of this decision are attached in Exempt Appendix A, which is not for publication by virtue of paras. 3 and 5 of Schedule 12a to the Local Government Act 1972.

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