

# Public Document Pack



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13 November 2014

Dear Councillor

## **NOTICE OF DECISION TAKEN BETWEEN MEETINGS – (DPH02 14) AWARD OF CONTRACT AND PROVISION OF FUNDS FOR CONSTRUCTION OF FLATS AT CASTLE STREET, DOVER**

Please find attached details of a decision taken by Councillor Nigel Collor, Portfolio Holder for Access and Property Management, in relation to the award of a contract and the provision of funds for the construction of eight flats at 12-14 Castle Street, Dover.

The deadline for call-in of this decision is **10.00am on Wednesday, 19 November 2014**.

If call-in is not activated, the implementation date for this decision will be noon on 19 November 2014.

The supporting report is exempt under paragraph 3 of Schedule 12A of the Local Government Act 1972.

Members of the public who require further information are asked to contact Kate Batty-Smith on 01304 872303 or by e-mail at [kate.batty-smith@dover.gov.uk](mailto:kate.batty-smith@dover.gov.uk).

Yours sincerely

A handwritten signature in black ink that reads "Kate Batty-Smith". Below the signature is a short horizontal line.

Democratic Support Officer

ENCL

1 **DPH02 14 - AWARD OF CONTRACT AND PROVISION OF FUNDS FOR CONSTRUCTION OF FLATS AT CASTLE STREET, DOVER** (Pages 2 - 11)



COMMITTEE SECTION ONLY	
Decision No:	<u>DPH02</u>
Notification Date:	<u>13/11/14</u>
Implementation Date: (unless called in)	<u>19/11/14</u>
Call-in:	<u>Yes</u>

**Notice of Decision Taken by Portfolio Holder/Leader of the Council  
Between Meetings of the Cabinet**

*(Please read the attached guidance notes before completing this notice)*

**A. Decision taken by:** Councillor Nigel Collor, Portfolio Holder for Access and Property Management

**B. Part of the Constitution authorising decision:**  
  
Part 3 (Responsibility for Functions); Section 3C; paragraph 13 (General Responsibilities)

**C. (a) Subject (including whether it is a Key Decision and included within the Notice of Forthcoming Key Decisions):**  
  
The award of a contract and provision of funds for the construction of eight flats at 12-14 Castle Street, Dover.  
  
It is a Key Decision and has been included within the Notice of Forthcoming Key Decisions.  
  
**(b) Is the decision likely to disclose exempt information?**  
  
Yes – the attached report is exempt under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

**D. Decision:**  
  
To approve the award of the contract for the construction of eight flats in Castle Street, Dover to Jenner (Contractors) Ltd and the provision of funds for the project.

**E. Reason(s) for decision (including why the decision cannot wait until the next meeting of Cabinet (or Council where appropriate)):**  
  
The Castle Street scheme was agreed in principle by Cabinet at its meeting held on 2 June 2014 (Cabinet decision CAB 5) and competitive tenders were sought for the construction of the flats. Redevelopment of the St James's area in Dover is one of this Council's principal corporate objectives and the flats in Castle Street will be one of the first parts of the St James's site to be constructed.  
  
It was anticipated that a decision on the contract would be taken by Cabinet at its meeting to be held on 3 November 2014. However, the construction industry is experiencing a very busy period and some key tenderers requested an extension (of two weeks) to the tender

deadline which was granted. This has caused a delay in meeting the Cabinet timetable.

It is important that the Council lets the contract as soon as possible to enable works to start on site. There are currently long lead-in periods within the construction industry and any opportunity to bring forward the commencement date should be taken. It has therefore been decided that, rather than waiting until the next Cabinet meeting on 1 December 2014, a decision should be taken by the Portfolio Holder between Cabinet meetings.

**F. Details of alternative options considered and rejected:**

Not to agree to the expenditure will mean a prominent site within the St James's site will sit vacant.

Not to undertake this work is not considered to be an option.

**G. Any interest declared by the decision-taker or any Executive Member who is consulted by the decision-taker:**

None.

**H. Where a conflict of interest has been declared, details of any dispensation granted by the Monitoring Officer:**


None.

**I. Background Documents:**

12-14 Castle Street Tender Report (exempt) and Files held within Property Services.

**J. Decisions within the Budget or Policy Framework taken by the Portfolio Holder (or Leader of the Council) between Meetings of the Cabinet (Part 3, Section 3C, paragraph 13 - General Responsibilities Delegated to All Members of the Executive)**

I confirm that the decision-taker has taken the decision in consultation with me.

Signed:  (Leader of the Council or Deputy)

Dated: 13/11/2014

**K. Decisions outside the Budget or Policy Framework taken by the Portfolio Holder (or Leader of the Council) between Meetings of the Council (Part 4, paragraph 4 – Budget and Policy Framework Procedure Rules)**

Please give reasons why it is not practical to convene a quorate meeting of the Council or General Purposes Committee to take the decision.

**Not applicable.**

I have given my consent to the decision being taken as a matter of urgency.

Signed \_\_\_\_\_

Dated: \_\_\_\_\_

(Chairman of the relevant Scrutiny Committee)

**L. Urgent decisions not subject to call-in**

I confirm that this decision is an urgent one and should not, therefore, be subject to call-in.

Yes/No

**Not applicable.**

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_  
(Decision-taker)

On the advice of the decision-taker, I agree that the decision is reasonable in all the circumstances and, as a matter of urgency, should not be subject to call-in.

Yes/No

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_  
(Chairman/Vice-Chairman/Head of Paid Service or their nominee)

(Please note that M-O relate to Key Decisions not in the Notice of Forthcoming Key Decisions (Part 4; Rules 15 and 16 of the Access to Information Procedure Rules))

**M. Reason(s) for General Exception/Special Urgency (i.e. why the decision was not included in the current Notice of Forthcoming Key Decisions and why it would be impracticable to defer the decision until the period covered by the next Notice)**

Not applicable.

**N. Notice of use of General Exception Procedure (to be followed where at least five clear days will have elapsed between issuing a General Exception Notice and informing the Chairman of the relevant Scrutiny Committee, and the Key Decision being taken)**

I have informed the Chairman of the relevant Scrutiny Committee.

**Not applicable.**

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

**O. Agreement to use of Special Urgency Procedure (to be followed where it is not possible to give five clear days' notice that a Key Decision will be taken)**

I agree that the taking of the decision cannot reasonably be deferred.

**Not applicable.**

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

(Chairman of the relevant Scrutiny Committee)

Signed: \_\_\_\_\_

(Decision-Taker)

Dated: \_\_\_\_\_

## Guidance Notes for Completion of a Notice of Decision Taken by the Portfolio Holder or Leader of the Council between Meetings of the Cabinet

- (1) The Decision Notice should be clear, concise and capable of immediate publication by the Democratic Services Manager.
- (2) It must include the following information:
  - A Details of the decision-taker (i.e. Portfolio Holder or Leader of the Council).
  - B Part of the Constitution authorising decision. Where the decision is one which would normally be taken by the Cabinet, Part 3 (Responsibility for Functions); Section 3C; paragraph 13 (Responsibility for Executive Functions) will apply. Where the decision is outside the Budget or Policy Framework and would therefore normally be taken by the Council, Part 4 (Rules of Procedure); paragraph 4 (Budget and Policy Framework Procedure Rules) will apply.
  - C (a) State the subject of the decision and whether it is a Key Decision (Part 2 (Articles of the Constitution); Article 13.03 – Decision-Making). A Key Decision is defined as any executive (i.e. Cabinet) decision that:
    - results in the Council incurring expenditure which is, or savings which are, significant (£200,000 or more) having regard to the Council's budget for the service or function to which the budget relates;
    - is significant in terms of its effects on communities living or working in an area comprising two or more wards in the District; or
    - has a particularly significant impact on any community as experiencing social exclusion or discrimination, whether geography or interest defines that community and even if that community is only located in one ward in the area of the local authority.(b) If the decision relates to an exempt item, please specify the relevant paragraph(s) of Part 1 of Schedule 12A of the Local Government Act 1972 which applies. Exempt information is information relating to any individual or organisation, or information which is likely to reveal the identity of an individual, or the financial or business affairs of any person. There are other categories of exempt information and these are described in paragraph 10.4 of Part 4 (Access to Information Procedure Rules) of the Constitution. Advice should be sought from the Monitoring Officer or the Democratic Support Section if you are in doubt about which paragraph of the Local Government Act 1972 applies.
  - D Please provide full details of the decision taken.
  - E Reasons for the decision, including why it cannot wait until the next meeting of Cabinet (or Council where appropriate).

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted