



COMMITTEE SECTION ONLY

Decision No: DPH04
Notification Date: 12/12/14
Implementation Date:
(unless called in) 12/12/14
Call-In No

**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 Sue Chandler, Portfolio Holder for Housing, Children's Services and Safeguarding, Youth and Community Safety

B. Part of the Constitution authorising decision:

Paragraph 12 of Section 3 (Responsibility for Executive Functions) of Part 3 (Responsibility for Functions) of the Constitution.

C. (a) Subject (including whether it is a Key Decision and included within the Notice of Forthcoming Key Decisions):

The leasing of three long-term empty flats in Dover for affordable housing.

This is a Key Decision which has not been included in the Notice of Forthcoming Key Decisions.

(b) Is the decision likely to disclose exempt information?

Yes – under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

D. Decision:

To approve:-

1. The Council entering into a 26-year lease agreement for the three flats identified in the report of the Director of Finance, Housing and Community at the price stated in the report;
2. Capital expenditure to refurbish the flats up to the maximum stated in the report of the Director of Finance, Housing and Community;
3. The appointment of Shepway Building Contractors as the main contractors on the basis of their lowest competitive tender; and
4. The appointment of East Kent Homes Improvement Agency as contract managers.

E. Reason(s) for decision (including why the decision cannot wait until the next meeting of Cabinet (or Council where appropriate)):

At its meeting held on 4 March 2013 Cabinet approved the submission of a bid to the Homes and Communities Agency (HCA) under their 'Bringing Empty Homes Back into Use as Affordable Housing' programme which formed part of their larger Affordable Housing Programme 2011-15 (Cabinet decision CAB 93(e)). The Council's bid was based on bringing five long-term empty homes back into use via lease agreements with property owners, and was for a grant of £110,000, equating to £22,000 per property, the maximum level indicated by the HCA.

Cabinet also approved the use of Housing Revenue Account funds to help deliver the project. The bid to the HCA was successful and the Council has been working to identify suitable properties and to negotiate the terms of lease agreements with the owners.

At the time of the bid, the specific properties had not been identified. The three flats have now been found and the owner has agreed a 26-year lease with the Council on the basis that the Council will undertake the necessary refurbishment work required.

The refurbishment has to be completed, and the grant funding provided by the HCA spent, by 31 March 2015. The Chairman of the Council has therefore agreed to suspend call-in as this, if exercised, might jeopardise the Council meeting this deadline.

The project has taken some time to bring together, and so in order to provide sufficient time for completion of the works, approval of the project as a 'decision taken between meetings' is now sought.

Further information is contained in the attached report which is exempt.

F. Details of alternative options considered and rejected:

a. Not to proceed with the project.

If the project does not proceed the HRA will forgo adding three flats to its portfolio, and a contribution to the regeneration of the area will be lost. For these reasons this is not the preferred option.

b. Seek an alternative project with more units or that will generate a larger surplus.

Properties that meet the HCA criteria and form the basis of a viable project are in short supply, and so finding alternatives cannot be guaranteed. In addition, the HCA has a time limit on the award and use of the grant, and so finding an alternative project to be completed by the end of March 2015 is not a realistic ambition. For these reasons this is not the preferred option.

c. Proceed with the current project.

The project is financially viable, can be delivered within the required timescale, meets HCA conditions, adds three flats to the HRA portfolio and aids the regeneration of the area. For these reasons this is the recommended 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:

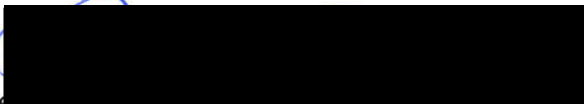
None.

I. Background Documents:

Attached report (exempt)
Report to Cabinet of 4 March 2013

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:  Dated: _____
(Leader of the Council or Deputy)

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.

Signed:  Dated: 4th December 2014
(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.

Signed:  Dated: 4th December 2014
(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)

The Special Urgency procedure will be followed.

The original decision taken by Cabinet on 4 November 2013 was not a Key Decision. However, since there has been an increase in costs to over £200,000 this decision now qualifies as a Key Decision. This could not have been foreseen when the last (qualifying) Notice of Forthcoming Key Decisions was published on 31 October 2014.

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.

Signed: _____ Dated: 8th Dec

(Chairman of the relevant Scrutiny Committee)

Signed: _____

(Decision-Taker)

Dated: 4th December 2014