

KENT COUNTY COUNCIL – URGENT RECORD OF DECISION

DECISION TAKEN BY:

Peter Oakford, Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services

DECISION NUMBER:

24/00078

For publication

Key decision: YES

Key decision criteria. The decision will:

- a) *result in savings or expenditure which is significant having regard to the budget for the service or function (currently defined by the Council as in excess of £1,000,000).*

Title of decision: Disposal of Land at Intersection of M20/M25, Swanley, Kent

Decision:

As Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, I agree to:

1. Approve the sale of the property known as Land at the Intersection of the M20/ M25 under the terms and conditions of an Option Agreement dated 11 June 2020;
2. Confirm the Director of Infrastructure's decision under delegated authority to dispose of the property known as Land at Intersection of M20/M25, Swanley, Kent, noting that the property's performance in terms of consideration payable exceeded the expectations underpinning the original disposal governance plan; and
3. Delegate authority to the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services to finalise the sale and take other actions including but not limited to, entering into relevant contracts or other legal agreements, as necessary to implement this decision.

Reason(s) for decision:

Under commercial negotiations with significant market improvements in the industrial land sector since the pandemic, the property option was finalised at a figure exceeding the £1m decision threshold and therefore an urgent key decision is needed to enable the transaction to complete on the 27 August 2024.

Cabinet Committee recommendations and other consultation:

This is an Urgent decision due to contractual timescales associated with the sale under the terms and conditions of an Option Agreement dated 11 June 2020 between the council and the purchaser. In line with the required processes, a report will be provided to the Policy and Resources Cabinet Committee confirming the reasons for urgency and why it was not possible to consult the committee prior to the decision being taken.

The Chair of Scrutiny Committee, Mr Booth, agreed that the decision could not be reasonably deferred and supported the decision to be taken as urgent.

The Spokespeople of the Scrutiny Committee provided the following comments:

No specific comments provided.

The Chair and the Spokespeople of the Policy and Resources Cabinet Committee provided the following comments:

No specific comments provided.

No Cabinet Committee consultation possible due to urgency process. The decision will be reported to a future Policy and Resources Cabinet Committee.


The Local Member was consulted as part of the initial disposal plan and Officer level decision process as per the Council's constitutional requirements. No comments were made in respect of the proposal to dispose of the site.

Any alternatives considered and rejected:

- Obtain an urgent decision – This will ensure compliance with KCC's governance processes.
- Follow the normal route for a decision – The property is subject to an Option Agreement which has been triggered and the Council must complete by the 27 August 2024, therefore this option has been **REJECTED**.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

None.



27 August 2024

signed

date