

By: Mr Paul Carter – Leader of the Council
Mr Peter Sass – Head of Democratic Services

To: County Council – 20 October 2011

Subject: Quarterly Report On Urgent Key Decisions

Classification: Unrestricted

Summary: To report two urgent Key Decisions taken in the last quarter.

1. The Constitution requires the Leader to provide a quarterly report to the County Council of any Key Decisions which were taken as urgent matters during the previous three months.

2. Two urgent Key Decisions were taken in the last quarter as set out below.

(a) Sandwich Sea Defences – Contribution by Kent County Council to the costs of the scheme (11/01728)

An urgent decision was taken on 12 August 2011 by Mr P Carter, Leader of the Council, to commit KCC to a maximum contribution of £5 million to the costs of the Sandwich Sea Defence Scheme to be implemented by the Environment Agency. The commitment was made on the basis that:

- The total cost of the scheme is estimated at £24.71 million. Costs of £20.07 million will be borne by the Government and Pfizer Ltd
- KCC's contribution will be £4.64 million on the basis of the estimated cost of the scheme
- In the event that the scheme costs more or less than the estimated cost:
 - KCC will benefit from any gain on a pro-rata basis with the Government
 - KCC's liability for any increased costs will be capped at a maximum contribution of £5 million
- The funding will only be used if and when the scheme proceeds
- KCC's contribution will be made in staged payments as the construction of the scheme progresses over an estimated period of 2012 to 2015

Whilst there is no guarantee that KCC's contribution will be recovered, options for the recovery of some or all of the contribution are being explored. These include the business rate growth including that arising from the proposed Sandwich Enterprise Zone and the potential for charging a precept on households in

Sandwich benefiting from the scheme, which will be explored with Sandwich Town Council and Dover District Council.

This matter was deemed urgent under the terms of the Council's Constitution because:

- The national system for funding flood defence schemes has changed. Confirmation of KCC's contribution to the Sandwich Scheme, together with a further contribution from Pfizer, raises the priority of the scheme within the national programme. This will enable the Environment Agency to progress the scheme as part of the approved 2011/12 programme;
- An application has been made by KCC to designate the Pfizer site at Sandwich as an Enterprise Zone. This is currently being considered by Ministers. However, Government has made it clear that any designation decision is dependent on the resolution of the flood risk to the site.

Consultations

In accordance with the requirements in the Constitution, the Chairman and Spokespersons of the Cabinet Scrutiny Committee were consulted and agreed that the decision should be taken as a matter of urgency.

(b) Repton Park Primary School, Ashford – creation of new 1 form entry (FE) primary school with capability to expand to 2FE (11/01713)

An urgent decision was taken on 28 July 2011, by Mr Roger Gough, Cabinet Member for Business Strategy, Performance and Health Reform and Mrs S Hohler, Cabinet Member for Education, Learning and Skills, (i) to the letting of a contract to deliver the proposed scheme to create a new 1FE primary school at Repton Park, Ashford, with the capability of expanding to 2F in due course; and (ii) subject to being satisfied as to the detailed terms and conditions, to authorise the Director of Property and Infrastructure Support to sign the contract on behalf of the County Council.

This matter was deemed urgent under the terms of the Council's Constitution because, following a ten week delay due to planning issues and the need for KCC to negotiate and secure a robust agreement with regard to the developer's contribution, the project team wanted to assure the contractor that it had formal permission to enter into the build contract, in view of the fact that the building was originally scheduled for occupation in September 2012.

Consultations

The Chairman and Spokespersons of the Cabinet Scrutiny Committee were consulted about this matter and their views were reported to the Cabinet Member prior to the decision being taken. The Members concerned expressed concern about the slippage on this particular project and the fact that the mid-August 2012 completion date was not made part of the contractual performance. Concerns were also expressed more generally about the increase in the number of urgent

decisions and the justification for these. Members agreed, however, that this particular decision should be made and implemented.

3. The comments of the Chairman and Spokespersons of the Cabinet Scrutiny Committee in relation to the number of urgent key decisions are noted. It should always be a last resort to use the urgency procedures for any formal decision and the County Council is advised that the Corporate Management Team and the Cabinet are working on improving awareness amongst officers and Members of the correct decision-making procedures and emphasizing the need for greater use of the Forward Plan to highlight and forecast such key decisions in future.

Recommendation:

4. The County Council is requested to note this report.

P B Carter
Leader of the Council

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Background documents: Records of Decision 11/01728 and 11/01713