

## KENT COUNTY COUNCIL - RECORD OF DECISION

### DECISION TAKEN BY

Mr Roger Gough, Cabinet Member for Business Strategy,  
Performance and Health Reform

### DECISION NO.

13/00030

### Unrestricted

**URGENT: This decision is taken in accordance with the statutory and local procedures for urgency owing to the negative impacts that a delay would cause and detailed within the accompanying report.**

### Subject:

The granting of a lease for the purposes of providing supported accommodation and completion of a nominations agreement.

### Decision:

As Cabinet Member for Business Strategy, Performance and Health Reform I hereby agree that:

- i) a 125 year lease be granted to the Town and Country Housing Group for the purposes of providing supported accommodation for KCC Families and Social Care (FSC) Clients on the site at Cavendish Road, Herne Bay;
- ii) authority be delegated to the Director of Property and Infrastructure Support to negotiate the final terms and conditions;
- iii) a nominations agreement between TCHG and KCC to allow KCC to nominate clients to receive services for the duration of the lease be established; and
- iv) authority be delegated to the Director of Learning Disability and Mental Health to sign the nominations agreement, subject to him being satisfied as to the detailed terms and conditions.

### Reason(s) for decision

Kent County Council (KCC) are to grant a 125 year lease to Town and Country Housing Group (TCHG) for the purposes of providing supported accommodation for KCC Families and Social Care (FSC) Clients on the site at Cavendish Road, Herne Bay.

Families and Social Care (FSC) have worked in partnership with Canterbury City Council, the local housing authority, to develop a range of services to meet individual local need. Canterbury City Council has a range of preferred 'Registered Social Landlords' (RSL) providers on their established "Preferred Partner List" and on KCC's behalf identified two partners working in the Herne Bay area. Town and Country Housing Group (TCHG) was the only Housing Association identified as being pro-active in the smaller, more development intensive schemes.

TCHG will create six units on the Cavendish Road site, the design and specification of which was subject to KCC's input. TCHG are also working in partnership on an intensive supported accommodation scheme in Central Parade, Herne Bay. The link with the Central Parade scheme is important because the support for the six KCC units will be provided by outreach from this service, by the Kent and Medway NHS and Social Care Partnership Trust. Therefore no further revenue

funding will be required.

This scheme does not require any direct capital contribution by KCC/ FSC.budgets. KCC's contribution is the deferment of a capital receipt that could be otherwise sought from a disposal of this land.

The Capital costs for the build (estimated at £470,000) are being met through Homes and Community Agency (HCA) funding and TCHG have agreed that they would be prepared to take the site on a 125 year lease with a peppercorn rent.

TCHG will also sign upto a 125 year 'nominations agreement' giving KCC the right to nominate KCC clients to live in the accommodation. The nominations agreement is extremely robust and ensures that KCC can use the property for the primary purpose of providing accommodation for mental health clients. If KCC cannot nominate mental health clients then KCC has the option of nominating another client group. If no KCC clients can be found, then the property has to be used for general needs accommodation. This agreement will be signed by the Director of Learning Disability and Mental Health.

TCHG have obtained internal approval from their board to continue to work with FSC on this development, and have received the HCA funding. A planning application has been nearly completed by TCHG.

Due to its priorities in relation to mental health care and the associated costs to the Council, FSC viewed that the recycling of this site for the provision of care/facilities by an external provider would be a more cost effective use of the property asset. Therefore, whilst the original decision was taken in 2010, the premise of the proposal still stands in relation to both cost savings and KCC/FSC objectives. It is clear that to ensure full compliance with legislative requirements; a new decision needs to be completed to conclude this matter.

The decision was approved by Graham Gibbons in 2010 (the Cabinet member for FSC at the time) and also supported by the local Member for Herne Bay, Jean Law. A formal decision report was undertaken delegating authority to complete this lease and was signed by Roger Gough (Cabinet Member for Corporate Support Services & Performance Management at that time) in July 2010.

However, as all of legal documentation became ready for completion, it became evident that certain statutory requirements had not been fulfilled. Therefore Democratic Services Officers have recommended that in order to satisfy legislative requirements, a new decision should be taken.

The legal documentation must be complete in March; if the lease and nominations agreement are not completed by then, Town and Country Housing Association will lose their 'Homes and Community Agency' funding and the project will fall. With this deadline in mind, Democratic Services have advised that KCC urgency provisions should be followed and that this decision should be taken as a matter of urgency in order to meet this tight deadline.

### **Cabinet Committee recommendations and other consultation**

The decision has not been considered by the Policy and Resources Cabinet Committee as the decision has been taken via urgency procedures. In line with those requirements, the following members have agreed that this decision cannot be reasonably be deferred, and urgent measures can be utilised:

Roger Manning (Chairman of Scrutiny Committee), Eric Hotson (Chairman of the Policy & Resource Committee), Trudy Dean and Gordon Cowan (Group Spokespeople for the Policy and Resource Committee).

Roger Manning requested that KCC Legal confirmed that all of the legal documentation was ready to complete. This was confirmed.

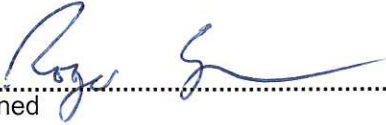
The Cabinet Member for FSC, Graham Gibbons, has been briefed and has re-signed a briefing note from FSC Officers; and the local Member Jean Law has been consulted.

**Any alternatives considered:**

There were no other suitable sites in this location which KCC could contribute to this scheme.

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

None

  
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signed

14 / 3 / 13  
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date