

From: Gary Cooke, Cabinet Member for Corporate and Democratic Services

David Cockburn, Corporate Director, Business Strategy & Support

To: Policy and Resources Cabinet Committee 25 – September 2013

Subject: The granting of a long leasehold interest to Orbit Housing of the site known as the ‘former Residential Care Home, Sampson Court, Mongeham Road, Deal’ to facilitate the redevelopment of the site for Extra Care Housing with nominations rights.

Classification: Unrestricted.

FOR INFORMATION ONLY

Summary: The attached urgent decision was taken between meetings as it could not reasonably be deferred to the next programmed meeting of the Policy and Resources Cabinet Committee for the reason(s) set out below.

1.1 In accordance with the new governance arrangements, all significant or Key Decisions must be listed in the Forthcoming Executive Decision List and should be submitted to the relevant Cabinet Committee for endorsement or recommendation prior to the decision being taken by the Cabinet Member or Cabinet.

1.2 For the reason set out below it has not been possible for this decision to be discussed by the Cabinet Committee prior to it being taken by the Cabinet Member or Cabinet. Therefore, in accordance with process set out in Appendix 4 Part 7 paragraph 7.18 of the Constitution, the Chairman and Group Spokespersons for this Cabinet Committee and the Chairman and Spokesmen for the Scrutiny Committee were consulted prior to the decision being taken and their views were recorded on the Record of Decision (attached at Appendix 1). After the decision was taken, it was published to all Members of this Cabinet Committee and the Scrutiny Committee.

1.3 The deadlines and dates of the Policy & Resources Cabinet Committee would have delayed the decision and it was imperative that the legal documentation was completed. To delay the decision would have put at risk the HCA funding secured by Orbit Homes to undertake the project; and therefore put at risk the benefits of the development for Kent County Council

2. Recommendation: Members of the Policy and Resources Cabinet Committee are asked to note Decision no 13/00055 – Sampson Court – taken in accordance with the process in Appendix 4 Part 7 paragraph 7.18 :-

- i) That a 125 year lease of the property be agreed for the purposes set out in the Sampson Court Final Cabinet Report”;
- ii) That authority be delegated to the Director of Property and Infrastructure Support to negotiate the final terms and conditions, and sign the lease;
- iii) That a nominations agreement and associated care package between Orbit and KCC be established; and
- iv) Authority be delegated to the Corporate Director of Families and Social Care to sign the nominations agreement, subject to being satisfied as to the detailed terms and conditions.

Background documents:

- Record of Decision No. 13/00055 – Attached at Appendix 1

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