

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF DECISION**

<b>Decision Taken By:</b> Leader of Council; Cabinet Member for Finance, Innovation & Property; Cabinet Member for Housing; and Chair of the Overview & Scrutiny Committee.	<b>Decision No:</b>  <b>D22005URG</b>
<b>Decision Type:</b>	Executive Key Decision
<b>Date of Decision:</b>	4 March 2022
<b>Decision(s) and Reason(s)</b>	
<b>PEMBURY ROAD TEMPORARY ACCOMODATION PROJECT</b>	
<p>A project has been underway for some time to delivery Temporary Accommodation units at the 4 Council owned properties on Pembury Road.</p> <p>Following the information report to Cabinet on 25 January 2022, which outlined the further rises in costs for the conversion to 12 self-contained units and confirmed that officers were no longer able to provide Value for Money assurance on that approach, officers have been undertaking due diligence on stage 1 of a revised approach, namely the delivery of 8 HMO units across 2 properties.</p> <p>Quotes for works costs have been received and verified and an overall works budget, including contingency, has been set at £55,000. However, given the current uncertainties in the construction market and the need to be able to move at pace to make amendments to the scheme in order to ensure timely delivery, it is proposed that any changes to this budget requirement that are considered to be minor should be agreed between the Director and Cabinet Members.</p> <p>Discussions are ongoing with experienced providers regarding management and maintenance of these units. In order to not hold up the construction element whilst those discussions continue and again to ensure the ability to move at pace to enter into an agreement, a delegation to the Director is proposed.</p>	
<b>RESOLVED:</b> That	
<ol style="list-style-type: none"><li>(1) two HMO properties as stage 1 of a revised approach to delivery of Temporary Accommodation at Pembury Road be approved;</li><li>(2) the required budget amount, set at £55,000, be repurposed from the previously approved scheme, agreeing also that any changes to that budget that are considered to be minor in scale be delegated to the Director of Planning, Housing &amp; Environmental Health in consultation with the Cabinet</li></ol>	

<p>Members for Finance, Innovation &amp; Property and Housing;</p> <p>(3) the confidential financial information relating to management arrangements for these properties be noted; and</p> <p>(4) authority be delegated to the Director of Planning, Housing &amp; Environmental Health, in consultation with the Cabinet Members for Finance, Innovation &amp; Property and Housing, for concluding these arrangements.</p>
<p><b>Delegated Authority (under which decision taken):</b></p>
<p><b>Departure from the Council’s adopted Budget and Policy Framework (as detailed below):</b></p> <p>Chief Officers shall not incur expenditure for which provision has not been made in the Council's annual estimates (paragraph 2.3 of Part 3 of the Constitution – Functions delegated to Officers). The decision to deliver HMO style accommodation in two of the properties at Pembury Road would also be a departure from the Council’s adopted Budget and Policy Framework.</p> <p>In accordance with paragraph 4 of the Budget and Policy Framework Procedure Rules, the Executive or Officers discharging executive functions may take a decision which is contrary to the Council’s policy framework or contrary or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency.</p> <p>However, the decision may only be taken</p> <ul style="list-style-type: none"> <li>i. If it is not practical to convene a quorate meeting of the full Council; and</li> <li>ii. If the Chair of the Overview &amp; Scrutiny Committee agrees that the decision is a matter of urgency.</li> </ul>
<p><b>Details of any alternatives considered:</b></p>
<p>To take a decision through regular approval channels would require a report to the next meeting of the Finance, Innovation &amp; Property Board, or for an urgent meeting of the full Council to be organised.</p>
<p><b>Reason(s) why rejected:</b></p> <p>Neither of these alternative options can be undertaken within a timescale in which the existing quotes for construction works can be guaranteed.</p> <p>In addition to this, Members have endorsed an approach to the management of TA that seeks to mitigate and minimise costs the Council as quickly and efficiently as possible.</p>

<b>Conflicts of Interest/Dispensations Granted:</b>
There were no conflicts of interest declared or dispensations granted by or to any Member who was involved in taking this decision.
<b>Background Papers (if any):</b>
None

Signed Chief Officer: Eleanor Hoyle  
Director of Planning, Housing & Environmental Health

Date of publication: 4 March 2022

This decision is not subject to call-in as it is considered urgent and any delay would seriously prejudice the Council's or the public's interests. (Overview and Scrutiny Procedure Rule 15(i)).

The decision to make the appointment will **be reported to the next appropriate Council meeting**, in accordance with Paragraph 4(b) of the Budget & Policy Framework Procedure Rules.

The scheme of functions delegated to officers can be found here:

[TMBC constitution – Tonbridge and Malling Borough Council](#)