

**Cabinet Urgency procedure - Leader's Action – Meeting held on Thursday, 16th February, 2023.**

**Present:-** Councillor Swindlehurst

**PART 1**

**1. Declarations of Interest**

None.

**2. Disposal of Council Asset at Montem Lane**

The Leader of the Council considered a report on the Disposal of a Council Asset at Montem Lane.

The Cabinet had previously agreed to the disposal at its meeting on 17<sup>th</sup> October 2022. The report sought approval to accept the revised purchase price offer for the Montem Lane asset (which is the best consideration reasonably obtainable for the disposal of the asset in accordance with section 123 of the Local Government Act 1972) on the revised completion date of 3rd August 2023.

The contract for sale was due to exchange on 17 February 2023 and any delay in the exchange date would be prejudicial to the best interests of the Council.

An urgent decision needed to be taken before the next scheduled Cabinet and it was not necessary or practical to call a special Cabinet meeting.

The proposed decision was being considered under paragraph 2.11 (urgency procedure – Leader's Action) of Part 4.4 of the Executive Procedure Rules as set in the Constitution.

Prior to taking the decision, the Leader confirmed that:

- The Lead Member for Financial Oversight & Council Assets had been consulted.
- The Leader had considered whether a special meeting of the Cabinet be convened to consider this matter, but had decided that this was not practical given the need to exchange contracts on 17<sup>th</sup> February 2023.
- It was noted that the relevant urgent notice of a key decision had been published.

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- The Chair of the Overview & Scrutiny Committee had agreed that the normal call-in provision for key decisions should be waived to enable to decision to be implemented immediately.

The Leader considered the report that had been published. It was noted that Best Value Commissioners supported the recommendations.

After due consideration, the Leader agreed the recommendations to dispose of the Montem Lane asset at the revised price set out in the exempt Appendix 1 to enable early exchange of contracts and subsequent completion.

#### **Resolved –**

- (a) Agreed to the disposal of the Montem Lane asset at the revised purchase price and on the revised completion date (or on any alternative completion date subsequently agreed by the parties) shown in the exempt Appendix to the report, and
- (b) Delegated authority to the Executive Director of Housing and Property, in consultation with the Lead Member for Financial Oversight and Council Assets and the Executive Director of Finance and Commercial, to exchange contracts and to enter into the sale contract and the related legal documentation in connection with the disposal.