

Notice to the Chair of the Resources and Public Realm Scrutiny Committee



Urgent Key Decision form

DECISION DETAILS
Decision Maker: Cabinet
Decision Title: South Kilburn Queens Park LLP – Termination and Option to acquire Falcon land
Description of Decision: Termination of the LLP agreements and enter into an option agreement on Falcon land
When will the Decision be made? 14/10/19
Will the accompanying report be: Open <input type="checkbox"/> Part Exempt <input checked="" type="checkbox"/> Fully Exempt <input type="checkbox"/>
Reasons for exemption (if applicable) The report will contain the following category of Information exempt from publication under the Schedule 12A of the Local Government Act 1972, namely paragraph: 3 - relating to the financial or business affairs of any particular person (including the authority)
TYPE OF URGENCY
Please tick all that apply: <input checked="" type="checkbox"/> A. The decision is urgent and <u>28 clear days' notice</u> of the decision cannot be given but at least 5 clear days' notice can <input type="checkbox"/> B. The decision is extremely urgent and even <u>5 clear days' notice</u> of the decision cannot be given <input checked="" type="checkbox"/> C. The decision will be made by members at a meeting and <u>28 clear days' notice</u> that the proposed decision may be discussed in private (i.e. the report will contain information <u>exempt from publication</u>) cannot be given <input type="checkbox"/> D. The decision must be implemented urgently and the <u>5 day call-in period</u> must be <u>dis-applied</u> to allow the decision to take immediate effect.
REASONS FOR URGENCY
If you have selected options A, B or C please explain: <ul style="list-style-type: none">▪ Why it was not possible to provide the required notice (i.e. why the decision or exemption was not anticipated) <p>The legal agreements in relation to SKQP LLP can be terminated after 30 October 2019 by either Brent or Londonnewcastle (LN). Approval is bbeing sought from Cabinet to terminate the SKQP LLP Project</p>

Agreement and Members Agreement after 30 October 2019 should it not be possible for the parties to agree a solution with regard to outstanding conditions precedent.

If either party terminates the agreement, Brent will then have 10 working days to enter into an option to buy the former Falcon public house land from LN at market value. Without ownership of this land Brent cannot deliver the existing planning consent. It would therefore have to seek new planning permission. Given the timescales involved a decision will need to be sought from Cabinet on 14th October 2019.

- **Why it is impractical to defer the decision to a later date to allow the appropriate notice to be provided.**

The response above also applies

If you have selected Option D please explain why the council's interest or the public interest would be seriously prejudiced by the decision not taking immediate effect.

N/A

SIGN-OFF

Strategic Director, Regeneration

Printed Name: Amar Dave

Signature: *Amar Dave*

Chief Executive

Printed Name: Carolyn Downs

Signature: *Carolyn Downs*

THE FOLLOWING SECTION IS TO BE COMPLETED BY GOVERNANCE SERVICES

CHAIR OF SCRUTINY

Notice to: Councillor Kelcher, Chair of the Resources and Public Realm Scrutiny Committee

The Chair is asked to:



Note that an urgent decision will be taken as detailed in the form above.

The decision is deemed urgent because insufficient (less than 28 days) notice of the intention to take the decision was provided on the Forward Plan. However, at least 5 clear days' notice has been provided and therefore the Scrutiny Chair is only required to note that the decision will be taken.



Permit the extremely urgent decision to be taken as detailed in the form above.

The decision is deemed extremely urgent as less than 5 clear days' notice of the intention to take the decision has been provided. The Scrutiny Chair is asked to agree that the decision is urgent and cannot be reasonably deferred for the reasons detailed in the form above.



Permit discussion of exempt information in private relying on Schedule 12A of the Local Government Act 1972

If a report is likely to contain information exempt from publication under schedule 12A of the Local Government Act 1972, then 28 days' notice of this must be provided on the Forward Plan. Where this requirement has not been met, the agreement of the Scrutiny Chair is required before proceeding.



Permit the dis-application of the 5 day call-in period, allowing the decision detailed in the form above to take immediate effect.

A Cabinet decision or a Key Decision cannot be implemented until the 5 day call in period has elapsed and no valid call-in has been received. The call-in protocol can be dis-applied if the council's or the public interest would be seriously prejudiced by the decision not taking immediate effect. The Chief Executive must determine whether a decision is urgent in this regard. The consent of the Scrutiny Chair to the matter being treated as urgent is also required.

SIGN-OFF

Notice sent to Councillor Kelcher, Chair of the Resources and Public Realm Scrutiny Committee on 02/10/19

Chair's approval: Required Not Required

Date approval granted (if applicable): 04/10/19