

Record of Cabinet decisions

Tuesday, 12 February 2019

3.00pm to 3.40pm

Date of publication: 13 February 2019

The record of decisions is subject to approval at the next meeting of the Cabinet

Present:	Councillor Alan Jarrett	Leader of the Council
	Councillor Howard Doe	Deputy Leader and Portfolio Holder for Housing and Community Services
	Councillor David Brake	Portfolio Holder for Adults' Services
	Councillor Rodney Chambers, OBE	Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships
	Councillor Jane Chitty	Portfolio Holder for Planning, Economic Growth and Regulation
In Attendance:	Councillor Phil Filmer	Portfolio Holder for Front Line Services
	Councillor Andrew Mackness	Portfolio Holder for Children's Services - Lead Member (statutory responsibility, including education)
	Councillor Martin Potter	Portfolio Holder for Educational Attainment and Improvement
	Neil Davies, Chief Executive	
	Richard Hicks, Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive	
	Perry Holmes, Chief Legal Officer/Monitoring Officer	
	Julie Keith, Head of Democratic Services	
	Teri Reynolds, Democratic Services Officer	
	Ian Sutherland, Director of People - Children and Adults Services	
	Phil Watts, Chief Finance Officer	
	James Williams, Director of Public Health	

Apologies for absence

An apology for absence was received from Councillor Adrian Gulvin (Resources).

Record of decisions

The record of the meeting held on 5 February 2019 was agreed and signed by the Leader as a correct record.

Cabinet, 12 February 2019

Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

Councillor Doe declared an OSI in agenda item 5 (Commercial Property) because he is a Director and the Chairman of Medway Development Company Limited which would potentially be involved in future development within the vicinity. He relied on a dispensation agreed by the Councillor Conduct Committee, to enable him to take part in the discussion and vote on this item.

Other interests

There were none.

Exclusion of the Press and Public

***Decision
number:***

Decision:

30/2019

The Cabinet agreed to exclude the press and public from the meeting during consideration of agenda item 5 (Commercial Property) because consideration of this matter in public would disclose information falling within paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 4 (Exclusion of Press and Public) and, in all the circumstances of the case, the Cabinet considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Commercial Property

Background:

The Cabinet accepted this exempt report as urgent to enable confidential negotiations to take place with appropriate authority.

This exempt report provided details of a proposal for acquiring commercial property.

On this occasion it had neither been practicable to provide 28 clear days' notice, nor provide 5 clear days' notice of this report coming forward to Cabinet, therefore, Rule 17 (Special Urgency) of the Access to Information Rules, as set out in the Council's Constitution, had been complied with. As the position of Chairman of the Business Support Overview and Scrutiny Committee was currently vacant, the Mayor had agreed that consideration of this report was urgent and could not be reasonably

Cabinet, 12 February 2019

deferred until the next Cabinet meeting on 5 March 2019 to enable confidential negotiations to take place with appropriate authority at the earliest opportunity. The Forward Plan was published on 5 February 2019 in accordance with this requirement and the report was published on 7 February 2019.

In line with rule 15.11 of Chapter 4, Part 5 of the Constitution, call-in could be waived where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the Public's interests. In this case, a call in would delay this matter at a sensitive point in the negotiations. Therefore, on this occasion it was proposed that the call in period be waived. As the position of Chairman of the Business Support Overview and Scrutiny Committee was currently vacant, the Vice-Chairman had agreed that the decisions proposed are reasonable in all the circumstances and to them being treated as a matter of urgency and to waive call-in.

Decision number:

Decision:

- 31/2019** **The Cabinet approved the acquisition of the head leases of the property identified in paragraph 2.1 of the report and the freehold properties also identified in paragraph 2.1 of the report for a price within the tolerance provided by the professional valuation obtained from Knight Frank, as set out in Appendix 1 to the report.**
- 32/2019** **The Cabinet agreed to delegate authority to the Chief Legal Officer in consultation with the Leader, the Portfolio Holder for Resources and the Chief Finance Officer to take all reasonable steps and due diligence to complete acquisition of the head leases of the property identified in paragraph 2.1 of the report and the freehold properties also identified in paragraph 2.1 of the report including obtaining necessary professional legal and tax advice and to complete all the necessary legal steps.**
- 33/2019** **The Cabinet agreed to delegate authority to the Chief Legal Officer in consultation with the Leader and Portfolio Holder for Resources to carry out the re-configuration and improvement works to the property identified in paragraph 2.1 of the report, as detailed in paragraph 5.10 of the report.**
- 34/2019** **The Cabinet agreed to delegate authority to the Chief Legal Officer in consultation with the Leader, the Portfolio Holder for Resources and the Chief Finance Officer to arrange management of the property identified in paragraph 2.1 of the report and the freehold properties identified after acquisition and to let, cease letting and sell premises subject to an agreed criteria within the property identified at paragraph 2.1 and the freehold properties also identified in paragraph 2.1 of the report.**

Cabinet, 12 February 2019

35/2019 Cabinet recommended to Council that this acquisition, including the re-configuration and improvement works to the property identified in paragraph 2.1 of the report, as detailed in paragraph 5.10 of the report, is added to the Capital Programme.

36/2019 The Cabinet agreed that decisions 31-35/2019 are considered urgent and therefore should not be subject to call in.

Reasons:

The head leases and freehold properties acquisition represents a good commercial return for the Council, enhances regeneration opportunities in the locality, opens up additional regeneration and residential property developments, provides the Council a stronger strategic position in the area and prevents development that is not in line with the Council's aspirations for Medway.

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Leader of the Council

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Date

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Democratic Services Officer**

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