

# Record of Cabinet decisions

**Tuesday, 9 July 2019**

**3.00pm to 4.14pm**

**Date of publication: 10 July 2019**

**Subject to call-in these decisions will be effective from 18 July 2019  
The record of decisions is subject to approval at the next meeting of the Cabinet**

<b>Present:</b>	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	
	Councillor Phil Filmer	Portfolio Holder for Front Line Services	
	Councillor Adrian Gulvin	Portfolio Holder for Resources	
	Councillor Rupert Turpin	Portfolio Holder for Business Management	
	<b>In Attendance:</b>	Neil Davies, Chief Executive	
		Richard Hicks, Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive	
	Perry Holmes, Chief Legal Officer/Monitoring Officer		
	Teri Reynolds, Democratic Services Officer		
	James Williams, Director of Public Health		

## **Apologies for absence**

Apologies for absence were received from Councillors Josie Iles, Jarrett and Potter.

## **Record of decisions**

The record of the meeting held on 11 June 2019 was agreed by the Cabinet and signed by the Deputy Leader as a correct record.

## Cabinet, 9 July 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 8 (Proposed Use of Part of the Cornwallis Avenue Site for School Provision) because he was Director and Chairman of Medway Commercial Group Ltd and 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.

Councillor Doe also declared an OSI in agenda item 5 (Pentagon Centre Update and Mountbatten House) and in agenda item 6 (Deangate Ridge) because he was Director and Chairman of Medway Development Company Ltd and 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.

Councillor Gulvin declared an OSI in agenda item 5 (Pentagon Centre Update and Mountbatten House) and in agenda item 6 (Deangate Ridge) because he was Director of Medway Development Company Ltd and 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.

Councillor Rupert Turpin declared an OSI in agenda item 8 (Proposed Use of Part of the Cornwallis Avenue Site for School Provision) because he was Director of Medway Commercial Group Ltd and 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.

### **Petition**

With the agreement of the Deputy Leader, Councillor Pendergast presented a petition to the Cabinet asking Medway Council “to use its influence and powers to prevent the merger of Stoke Community School and Allhallows Primary Academy”.

### **Climate Change**

#### **Background:**

This report set out details of how the Council proposed to respond to the ‘Climate Change Emergency Motion’ passed by Full Council on 25 April 2019, as set out at Appendix B to the report.

## Cabinet, 9 July 2019

Proposed action, which was detailed in Section 3 of the report, included holding a workshop on 1 July 2019 for officers across the Council to scope the wider piece of work; developing a cross-cutting action plan; establishing a cross-party Member Advisory Group to set direction and monitor success and developing an Officer Steering Group to ensure the action plan is produced with relevant measures to be progressed and reported on.

**Decision number:**      **Decision:**

**73/2019**      **The Cabinet agreed the approach to tackling climate change, as set out in section 3 of the report, including the establishment of the Climate Change Member Advisory Group, its membership and terms of reference, as set out in Appendix D to the report.**

**74/2019**      **The Cabinet agreed to delegate authority to the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive, in consultation with the Deputy Leader and Portfolio Holder for Housing and Community Services, to report the findings of the workshop along with a project plan and draft Climate Change Action Plan to the initial Climate Change Member Advisory Group meeting in September 2019.**

**Reasons:**

This will enable the Cabinet to respond to the motion agreed by Full Council in April 2019.

### **Pentagon Centre Update and Mountbatten House**

**Background:**

This report provided an update on the acquisition of the Pentagon Centre and sought authority to work with the owners of Mountbatten House to bring it forward for development or to acquire the building and to add it to the list of developments to be progressed by the Medway Development Company (MDC).

The report also set out recommended amendments to a delegation agreed by the Cabinet in February 2019 in relation to the Pentagon Centre and the renewal of or amendment to individual leases in order to enable the Council to move as quickly as possible when dealing with such lettings. The amendments were set out at Appendix 1 to the report.

**Cabinet, 9 July 2019**

**Decision  
number:**

**Decision:**

**75/2019**

**The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Leader of the Council and the Portfolio Holder for Resources to:**

- (a) Continue negotiations with the Mountbatten House sub tenant (Currently Mapeley Gamma Acquisition Co 2 (Ltd) in receivership) to acquire the sublease of Mountbatten House (“the building”).**
- (b) Commission Medway Development Company to develop a residential scheme for Mountbatten House up to the obtaining of planning permission and the appointment of construction contractors.**
- (c) Continue to explore the joint venture development of the building with the subtenant of the building (currently Mapeley Gamma Acquisition Co 2 (Ltd) in receivership) or their agents to the extent that is more beneficial to the Council than a self-development approach.**
- (d) Prepare a compulsory purchase order (CPO) for any or all of the remaining interests in the building pursuant to the Council's powers under S226 of the Town and Country Planning Act 1990.**
- (e) Make the CPO to secure any or all interests required for the regeneration of the building.**
- (f) Submit the CPO to the Secretary of State requesting the confirmation of the CPO.**
- (g) Respond to objections and continue negotiations with the landowner(s) following making of the CPO.**
- (h) Give undertakings and assurances if advised to and to acquire by agreement any outstanding interests.**
- (i) Confirm the CPO as an unopposed Order if the CPO is returned to the Council for confirmation.**
- (j) Instruct experts (including counsel) to represent the Council at an inquiry into the confirmation of the CPO or in any written representation process or process including a hearing.**
- (k) Attend any inquiry into the CPO and to pay the costs of the planning inspectorate for the inquiry.**
- (l) Advertise the confirmation of the CPO if it is confirmed by either the Council as an unopposed order or by the Secretary of State.**

**Cabinet, 9 July 2019**

- (m) Serve notices to treat and enter, make vesting declarations and/or deed polls to secure all remaining interests in the site.**
- (n) Seek to resolve issues of compensation by agreement or in default of agreement by reference to the Lands Chamber of the Upper Tribunal and/or by mediation.**

- 76/2019**      **The Cabinet agreed to amend the existing delegation in respect of the Pentagon Centre to the Chief Legal Officer (paragraph 6.15 of the Employee Delegation Scheme), as set out in Appendix 1 to the report.**
- 77/2019**      **The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Leader of the Council and the Portfolio Holder for Resources, to acquire the sub lease of Mountbatten House and any other interests necessary to secure the development of the building on the best terms reasonably obtainable.**
- 78/2019**      **The Cabinet agreed to delegate authority to the Chief Legal Officer in consultation with the Leader of the Council and the Portfolio Holder for Resources to take all steps to complete the acquisition of the sub lease for Mountbatten House and any other interests necessary to secure the development of the building.**
- 79/2019**      **The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Leader of the Council and the Portfolio Holder for Resources, to take all steps to enter into a joint venture for the development of Mountbatten House, if appropriate, and only in circumstances where that would represent a greater benefit to the Council than a self-development scheme, through Medway Development Company.**
- 80/2019**      **The Cabinet agreed to delegate authority to the Chief Legal Officer to exercise the council's powers of appropriation in respect of any interests at the Pentagon Centre, the Council's adjoining land and Mountbatten House.**
- 81/2019**      **The Cabinet agreed to recommend to Full Council to approve the virement of up to £3M from the remaining funds in the £45M Pentagon Centre acquisition and improvement budget, for acquiring Mountbatten House either by agreement or after a Compulsory Purchase Order with compensation and the associated costs and to add this scheme to the Capital Programme.**

## Cabinet, 9 July 2019

### Reasons:

To secure the development of a strategic building which is integral to the Pentagon Centre and to the centre of Chatham. To enable delivery of residential development within Mountbatten House and to enhance the regeneration and economic vitality of Chatham.

### Deangate Ridge

#### Background:

This report requested Cabinet to recommend to Full Council on 18 July 2019 to agree to funding of up to £150,000, from revenue reserves for the redevelopment of the site, to enable surveys and a high-level capacity study to be completed in order to ascertain the level of development that is achievable on the site. This information would allow Medway Council to enter into discussions with various parties and would also form the basis of the information required for negotiations in regards to the potential sustainable development options for the site which were detailed within the report.

The report also set out details of the development options available, for information only at this stage, for the Deangate Ridge site. These options included:

- Exploring a joint venture (JV).
- Selling to a developer/promoter either the whole site or split into parcels.
- Medway Council or Medway Development Company Limited bringing the site forward for sustainable development

The report stated that work to establish the development potential of Deangate Ridge was being carried out in the context of the preparation of the new Medway Local Plan.

Appendix 1 to the report provided a site plan of Deangate Ridge.

#### **Decision number:**      **Decision:**

**82/2019**      **The Cabinet agreed to recommend to Full Council to approve the provision of up to £150,000 from revenue reserves, to complete initial investigation surveys as well as a high-level capacity study to establish approach and quantum of development as outlined in section 3.5 of the report.**

### Reasons:

The outcome of the initial investigation surveys and the high-level capacity study will inform the best route forward for the sustainable redevelopment of the site.

**Regional Adoption Agency - Medway Council, Kent County Council and London Borough of Bexley**

**Background:**

This report set out the rationale for moving into regionalised arrangements, between Medway Council, Kent County Council and the London Borough of Bexley, for the delivery of adoption services to commence in April 2020.

The Department for Education (DfE) had mandated that all local authorities must be delivering their adoption services through a regional arrangement by April 2020 and the premise of this was to increase the number of children adopted and improve outcomes for adopted children and adoptive families as well as improve efficiency and effectiveness of adoption agencies.

The report set out the background, potential benefits and outline service delivery model, alongside the likely financial implications of entering into a regional model and sought authority to formulate the detailed design of the Regional Adoption Agency, in collaboration with the partner authorities and to complete a full business case which would be presented to the Cabinet for approval in October 2019.

**Decision number:**

**Decision:**

**83/2019**

**The Cabinet agreed to instruct the Director of People - Children and Adults Services, in consultation with the Portfolio Holder for Children's Services (Lead Member) to:**

- a) Formulate the detailed design of the Regional Adoption Agency model in collaboration with local authority partners, Kent County Council and the London Borough of Bexley; and**
- b) Complete the full business case for the establishment of the Regional Adoption Agency for approval by the Cabinet in October 2019.**

**Reasons:**

An agreement to begin the detailed design of the model is now required as the DfE mandate states that the model must be in operation from April 2020. Undertaking the detailed design alongside the formulation of a full business case will allow the adoption agency to be set up within the mandated timescales.

A full business case will be necessary for both the executive and elected members, in order to make a final, informed decision on the viability of the model.

## Cabinet, 9 July 2019

### Proposed Use of Part of the Cornwallis Avenue Site for School Provision

#### Background:

This report requested the Cabinet to approve the grant of an agreement for a lease and a lease or leases of land at Cornwallis Avenue, Gillingham, to a third party for the purpose of developing education facilities to meet pressure on specialist school places.

The action proposed in the report superseded the decisions made by the Cabinet on 4 September 2019 (decision numbers 112-113/2018 refer), which approved the leasing of the site (as shown hatched black on the site plan set out at Appendix 1 to the report) to Medway Commercial Group (MCG) for the provision of educational and associated uses as this proposal was no longer being progressed. Therefore, officers were exploring alternative opportunities with the Department for Education to bring forward a suitable solution.

Members asked that an updated site plan be provided to clarify where the access would be to the part of the remaining sports field (the non-hatched area on Appendix 1).

<b><i>Decision number:</i></b>	<b><i>Decision:</i></b>
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<b>84/2019</b>	<b>The Cabinet agreed to revoke decisions 112/2018 and 113/2018 made on 4 September 2018 as set out in paragraph 2.7 of the report.</b>
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<b>85/2019</b>	<b>The Cabinet agreed to grant delegated authority to the Chief Legal Officer, in consultation with the Portfolio Holder for Resources, to complete (i) an agreement for a lease and then (ii) a lease or leases and any other necessary agreements of part of the site at Cornwallis Avenue, as set out in the plan at Appendix 1 to the report, for the provision of educational and associated uses.</b>
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#### Reasons:

To ensure that sufficient land is available for additional education provision to meet expected demand from across all sectors of the place planning system, which will help to ensure that the Council meets its statutory duty to provide sufficient school places.

### Treasury Management Outturn Annual Report

#### Background:

This report provided an overview of treasury management activity during 2018/19.



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Overall the Interest and Financing budget made a surplus over its targeted budget of £348,000. The overspend on interest paid was due to increased borrowing and the move from the use of short term to long term borrowing.

Bank rate had increased from 0.5% to 0.75% in August 2018 but there was no further change since that, which was likely to continue until the uncertainties over Brexit have cleared.

The report was considered by the Audit Committee on 27 June 2019, and comments from this Committee were set out in section 13 of the report.

**Decision number:**      **Decision:**

**The Cabinet noted the treasury management outturn annual report and the comments of the Audit Committee as set out in Section 13 of the report.**

### Reasons:

Section 7.1 (e) of the Council's Financial Rules state that the Chief Finance Officer shall report to Cabinet and the Audit Committee not later than September on treasury management activities in the previous year.

### Council Plan Performance Monitoring Report - Quarter 4 and End of Year 2018/19

#### Background:

This report provided details of how the Council had performed in 2018/19 against the Council's three priorities using 43 key measures of success and 13 programmes which supported these priorities.

It was explained that, with regards to quarter 4, it was only possible to report on 38 of the key measures of success as 2 measures were data only and 3 measures were not currently available. It was noted that 76.3% of key measures of success had met or exceeded the target, 6.3% were slightly below the target and that 18.4% of key measures of success were significantly below target.

The report would also be considered by the Overview and Scrutiny Committees between June-July.

Cabinet Members highlighted a number of key issues during discussion.

**Decision number:**      **Decision:**

**The noted the Quarter 4/end of year 2018/19 performance against the measures used to monitor progress against the**

## Cabinet, 9 July 2019

### Council's priorities.

#### Reasons:

Regular monitoring of performance by management and Members is best practice and ensures achievement of corporate objectives.

#### Recruitment Freeze

#### Background:

This report presented information on a number of vacancies that officers had requested approval to commence recruitment for, following the process agreed by Cabinet on 7 January 2003 (decision number 9/2003).

Details of the posts were set out within Appendix 1 to the report and the addendum report which was tabled at the meeting.

#### **Decision number:**      **Decision:**

**86/2019**      **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the main report and in Appendix 1 to the addendum report:**

#### **Business Support Department**

- a) Exchequer Officer**
- b) Payroll Officer x 2 (1.48 fte)**

#### **Children and Adults**

- c) Administrative Data Support Assistant**
- d) Admin Support Officer**
- e) Admin Support Officer**

#### **Regeneration, Culture, Environment and Transformation**

- f) Town Centre Project Support Officer**
- g) Administrative Support Officer**
- h) Executive Assistant to Assistant Director, Transformation**

#### Reasons:

The posts presented to Cabinet would support the efficient running of the Council.

**Cabinet, 9 July 2019**

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**Leader of the Council**

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**Date**

**Teri Reynolds, Democratic Services Officer**

Telephone: 01634 332104

Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)

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