

# Record of Cabinet decisions

**Tuesday, 15 December 2020**

**3.01pm to 5.08pm**

**Date of publication: 16 December 2020**

**Subject to call-in these decisions will be effective from 29 December 2020  
The record of decisions is subject to approval at the next meeting of the Cabinet**

<b>Present:</b>	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	
	Councillor Phil Filmer	Portfolio Holder for Front Line Services	
	Councillor Adrian Gulvin	Portfolio Holder for Resources	
	Councillor Mrs Josie Iles	Portfolio Holder for Children's Services – Lead Member (statutory responsibility)	
	Councillor Martin Potter	Portfolio Holder for Education and Schools	
	Councillor Rupert Turpin	Portfolio Holder for Business Management	
	<b>In Attendance:</b>	Neil Davies, Chief Executive	
		Perry Holmes, Chief Legal Officer/Monitoring Officer	
		Jon Pitt, Democratic Services Officer	

## **Apologies for absence**

There were none.

## **Record of decisions**

The record of the meeting held on 17 November 2020 and of the urgent decisions taken by the Leader on 27 November 2020 and 4 December 2020 were agreed by the Cabinet and signed by the Leader as correct records.

## **Declarations of Disclosable Pecuniary Interests and Other Significant Interests**

### Disclosable pecuniary interests

There were none.

### Other significant interests (OSIs)

Councillor Howard Doe declared an OSI in agenda items 7 (Britton Farm - Getting Building Fund Projects), 8 (Queen Street Development Update and Affordable Housing Scheme), 11 (Authority Monitoring Report) and 12 (Infrastructure Funding Statement), because he is the Chairman of Medway Development Company (MDC) Ltd and he relied on a dispensation granted by the Councillor Conduct Committee to enable him to take part in the discussion and vote on these items.

Councillor Adrian Gulvin declared an OSI in agenda items 7 (Britton Farm - Getting Building Fund Projects), 8 (Queen Street Development Update and Affordable Housing Scheme), 11 (Authority Monitoring Report) and 12 (Infrastructure Funding Statement), because he is a Director of Medway Development Company (MDC) Ltd and he relied on a dispensation granted by the Councillor Conduct Committee to enable him to take part in the discussion and vote on these items.

Councillor Rupert Turpin declared an OSI in agenda item 15 (Medway Norse Update), because he is the Chairman of Medway Norse 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.

## **Innovation Park Medway Masterplan - Request to Adopt**

### **Background:**

This report sought Cabinet approval to adopt the Innovation Park Medway Masterplan 2020 as a Supplementary Planning Document (SPD). The masterplan outlined a scheme that would deliver a high quality innovation park, with flexible plots to encourage a wide range of high-value technology, engineering, manufacturing and knowledge-intensive businesses.

The report explained that the masterplan was publicly consulted on for six weeks from 17 September to 29 October 2018. A total of 42 responses were received through the 2018 public consultation. Two public events were held; one on a weekday evening and one on a weekend during the day. Only a small number of local residents/businesses had attended. Comments were summarised in section 6 of the report.

The report advised that throughout the development of the masterplan, discussions were held with Highways England in relation to the traffic impacts the scheme would

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generate. In March 2019, the Cabinet was advised that the Masterplan could be adopted subject to Highways England comment, with final adoption to follow.

Further work had since been undertaken to demonstrate the impact of Innovation Park Medway on the strategic and local road network, including modelling and mitigation design. The report stated that Highways England had suggested that a monitor and manage approach would be appropriate for the site, to be delivered through conditions in the proposed Local Development Order (LDO), agenda item 5 refers.

Highways England's response to the LDO consultation ensured that the highways impact could be dealt with in a way that would not have a significant impact on the strategic road network, considered in combination with future development (as proposed in the draft Local Plan through the Strategic Transport Assessment).

The report explained that Highways England had now responded, removing its objection, enabling Medway Council to fully adopt the Masterplan. No changes to the masterplan document itself had been made since the recommendation to adopt in 2019, subject to Highways England comment.

It was noted that as the site crossed the boundary with Tonbridge & Malling, the masterplan would need to be adopted by both Medway Council and Tonbridge & Malling Borough Council.

A Diversity Impact Assessment (DIA) on the Masterplan was set out at Appendix B to the report.

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

**157/2020**      **The Cabinet agreed to adopt the Innovation Park Medway Masterplan (2020), set out at Appendix A to the report as a Supplementary Planning Document (SPD), in line with paragraph 3.1 of the report.**

### **Reasons:**

Adoption of the masterplan as an SPD formally sets a standard through planning policy for high quality development to come forward at Innovation Park Medway.

### **Innovation Park Medway Local Development Order - Request to Adopt**

#### **Background:**

This report provided details of the Innovation Park Medway Local Development Order (LDO) and asked the Cabinet to recommend to Full Council that it be adopted. The report explained that the LDO built upon the masterplan (agenda item 4 refers) to set principles for development to bring forward high quality development in the high-value technology, engineering, manufacturing and knowledge-intensive sectors.

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The report described that an initial consultation on the LDO was undertaken from 7 June to 19 July 2019. Comments received were set out in the Consultation Statement, at Appendix D to the report. A number of further actions were required to address concerns regarding the transport assessment for Highways England, prior to the adoption of the LDO. In addition, Natural England also required several actions to address the impacts on the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Area of Conservation (SAC). These related to landscape and visual impact on the AONB, noise and tranquillity impact on the AONB, and air quality impacts on the North Downs SAC.

Additional modelling was undertaken in consultation with Highways England and KCC Highways, to identify the traffic impacts from Innovation Park Medway, with consideration of the potential wider impacts from the Strategic Transport Assessment. Mitigation design and further modelling was then undertaken for the key local and strategic junctions to demonstrate the impacts of the development could be mitigated satisfactorily.

Further work was also undertaken to address the concerns raised by Natural England and an addendum to the Environmental Statement was produced, including an additional chapter of the Design Code to reflect Natural England's concerns regarding landscape and visual impact on the AONB.

The report stated that a second public consultation was then undertaken by Medway Council on the new information from 26 October to 27 November 2020. Additional comments were gathered from statutory and public consultees, which are set out at Appendix E to the report. Tonbridge & Malling Borough Council conducted a separate consultation in parallel with a difference of three days to the start and end dates.

The report noted that the response from Natural England had been positive, recognising the additional work done to satisfy their concerns. Their comments provided a steer to some minor tweaks to the design code, which had been undertaken. The Kent Downs AONB Unit response was less positive. However, it did acknowledge the work done to date to further mitigate the impacts on the AONB, with input from both Natural England and the AONB unit.

The report also noted that officers had worked very closely with Highways England to reach agreement on the way forward. Further changes were made to the LDO to clarify the delivery of necessary mitigation measures at the right time and in the right place to be informed by a Monitor and Manage Mitigation Strategy. KCC Highways had also reached an agreed position whereby the Monitor and Manage Mitigation Strategy would consider the necessary trigger point for mitigation, particularly at Bridgewood Roundabout and the junction of Rochester Road/Laker Road, in consultation with KCC Highways and Highways England. On this basis KCC Highways confirmed they do not wish to raise objection on highway grounds.

The report explained that once adopted, the LDO would allow future occupants and developers to submit proposals through a self-certification form, verifying their proposals against the criteria set out in the Local Development Order and Design Code. The process would be limited to 28 days following a 7-day validation, to help

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provide a swift response and allow development to come forward in a short timeframe. This timeframe included discharge of conditions and no further consultation was required prior to approval.

A Diversity Impact Assessment was carried out during the consultation stage and was set out at Appendix G to the report.

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

**158/2020**      **The Cabinet agreed to recommend to Full Council that the Local Development Order (LDO) as set out in Appendix A to the report is adopted in line with paragraph 3.1 of the report.**

**159/2020**      **The Cabinet agreed to recommend to Full Council to agree to delegate authority to the Director of Place and Deputy Chief Executive in consultation with the Leader and Portfolio Holders for Inward Investment, Strategic Regeneration and Partnerships and Planning, Economic Growth and Regulation to approve any necessary minor amendments to the LDO for the purposes of presentation, improving clarity, and consistency with Tonbridge & Malling Borough Council.**

**Reasons:**

Adoption of the LDO will set a clear planning framework to allow high quality development to come forward at Innovation Park Medway.

### **Procurement Strategy 2021-2025**

**Background:**

This report provided the Cabinet with an update on the progress made against the 2016-2021 Procurement Strategy. The report also recommended using the National Procurement Strategy for Medway Council's 2021-2025 Procurement Strategy objectives.

The report stated that Medway Council's Category Management team had carried out a self-assessment against the National Procurement Strategy. The main benefit of this exercise was that Medway could now reflect on its procurement related strengths and weaknesses against the national agenda. The National Strategy had 59 objectives split into 11 sections and the Category Management team assessed the Council as '3', or better against 39 objectives representing 66% of the objectives in the National Procurement Strategy.

The outstanding 20 objectives (34%), each with their own comments and action plans, were set out in Appendix 3 to the report and, subject to Cabinet approval,

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would be the focus of detailed work to improve the Council's performance during year one of the Strategy.

The report explained that by adopting and implementing the national framework, the Council would be in the most advantageous position to be able to work more closely with other public sector organisations and help, or be helped with, the development of Medway's procurement deliverables.

The Business Support Overview and Scrutiny Committee considered this report on 26 November 2020. The comments of this Committee are set out at section 6 of the report.

**Decision number:**

**Decision:**

**The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee set out at section 6 of the report.**

**160/2020**

**The Cabinet agreed that training on the Council's Procurement Strategy and the associated processes for local authority procurement be provided for all Members of the Council and that the Chief Legal Officer and the Head of Category Management be instructed to develop a proposal for the format and delivery of the training in consultation with the Chairman and Opposition Spokesperson of the Business Support Overview and Scrutiny Committee.**

**The Cabinet noted the achievements of the 2016-2021 Procurement Strategy as outlined in the objectives in Appendix 1 to the report.**

**161/2020**

**The Cabinet agreed to the utilisation of the National Procurement Strategy for the 2021-2025 Procurement Strategy's objectives.**

**162/2020**

**The Cabinet agreed that year one of the new strategy should be used to attain a score of 3 against all objectives as detailed within Appendix 3 to the report.**

**163/2020**

**The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holder for resources to progress the actions specified in Appendix 3 to the report, reporting back to the Cabinet to obtain any necessary approvals.**

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### Reasons:

The proposed Procurement Strategy will provide a holistic suite of objectives to ensure the service maintains national awareness but with the ability to focus on local issues effectively.

### Britton Farm - Getting Building Fund Projects

#### Background:

The Cabinet accepted this report as urgent to enable consideration of the matter at the earliest opportunity (the next scheduled Cabinet meeting was due to take place on 12 January 2021) to ensure compliance with the strict SELEP funding timescales.

This report provided an update on the progress of three elements (the Skills and Employability Hub, public realm works and affordable housing scheme) of the Getting Building Fund Project at Britton Farm which represented an overall investment by the Council of £7.19 million in Gillingham, which would support local regeneration.

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

**The Cabinet noted progress on the projects at Britton Farm, as set out in the report.**

### Reasons:

To ensure that the Cabinet is apprised of progress on the projects being undertaken by Medway Development Company Ltd at Britton Farm.

### Queen Street Development Update and Affordable Housing Scheme

#### Background:

The Cabinet agreed to accept this report as urgent to enable consideration of the matter at the earliest opportunity (the next scheduled Cabinet meeting was due to take place on 12 January 2021) to allow timely consideration of the two linked planning applications.

This report provided an update on the progress of a housing development on the Queen Street and Slicketts Hill car park site. The report explained that the Council had entered into a legal agreement with a developer, Creval to secure the redevelopment of the site, with the retention of public parking. After a Design Review Panel and two informal presentations to Members, a planning application for a residential scheme with 178 new homes had now been submitted for the proposal.

As a means to deliver the 45 affordable homes as part of this scheme the report proposed that Cabinet agree to commission Medway Development Company Ltd to

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deliver it on the basis that agreement had been reached in principle with MHS to acquire the site on completion.

Exempt appendices 1 and 2 to the report set out amendments to the legal agreement with Creval and draft Heads of Terms for a legal agreement with MHS.

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

- 164/2020**      **The Cabinet agreed option 2 as set out at paragraph 3.2 of the report and agreed to commission Medway Development Company Ltd, to complete the affordable scheme for the Queen Street development.**
- 165/2020**      **The Cabinet approved the amendments to the agreement with Creval set out in Exempt Appendix 1 and the draft Heads of Terms with MHS in Exempt Appendix 2.**
- 166/2020**      **The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Leader of the Council, to complete all necessary legal agreements and amendments necessary to commission Medway Development Company Ltd to complete the affordable housing scheme of this project.**

**Reasons:**

The Council has a housing company that is building a reputation for completing schemes on time and on budget.

### **Mental Health Community Support**

**Background:**

This report provided details of the outcome of consultation on the future provision of 147 Nelson Road, Medway Council's in-house Community Resource Centre for those who have social care needs because of their mental health.

The report explained that the consultation was conducted from 9 January to 5 March 2020. Service users, the public, health professionals and staff were all invited to give their views on the proposals. Detailed information about the outcome of the consultation was set out at section 8 of the report.

Option 2 (Development of the Service) was the recommended way forward. The report explained that this option would introduce a model of community based mental health support and would strengthen the Council's offer for those suffering with poor mental health. This offer would be driven by a desire to provide good quality support in the community making good use of existing services.



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The Cabinet was advised that work would take place over the next six months with service Users, residents, partners and voluntary organisations to identify how the service would be developed to ensure the provision of good quality support in the community. It was suggested that an update report could be presented to the Cabinet in three months' time, particularly in relation to the bringing together of the service at 147 Nelson Road with the Community Support Outreach Team.

This report was considered by the Health and Adult Social Care Overview and Scrutiny Committee on 12 November 2020. The comments of this Committee were set out at section 5 of the report.

A Diversity Impact Assessment (DIA) had been carried out in relation to the proposals, as set out at Appendix 1 to the report.

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

**167/2020**      **The Cabinet noted the comments of the Health and Adult Social Care Overview and Scrutiny Committee set out at section 5 of the report together with the Director's comments set out at section 6 of the report and agreed Option 2 (Development of the Service).**

### **Reasons:**

Following the COVID-19 pandemic, Medway Council remains vigilant in our support for residents and service users with Mental Health needs.

Progressing with option 2 and developing the service by firstly bring together the service at 147 Nelson Road and our Community Support Outreach Team will strengthen our offer during what is a difficult time for those suffering with poor mental health.

### **Provisional Funding Formula for Mainstream Schools and Academies 2021-2022**

#### **Background:**

The Cabinet accepted the report as urgent as the next scheduled meeting of the Cabinet was due to take place on 12 January 2021 and consideration of the report on 12 January would be too late to enable the Schools Forum to consider, at its meeting on 13 January 2021, whether to recommend approval of the final funding formula to Cabinet for the Cabinet to consider on 4 February 2021.

This report provided details of the 2021-22 funding arrangements for schools and academies and set out proposed changes to Medway's mainstream schools and academies provisional funding formula, following consideration by the Schools Forum on 3 December 2020.

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The report stated that the financial modelling had been built using the October 2018 census data but that the final budget allocations would be based on actual pupil numbers from the autumn census in October 2020. The data was due to be released by the Department for Education in Mid-December 2020.

The Schools Forum's recommendations were detailed in paragraph 4.2 of the report. This included implementation of a Medway schools and academies local funding formula from April 2021 and a recommendation to offer a Minimum Funding Per Pupil Guarantee of £4,180 for a Primary school/academy, £5,415 per pupil for secondary schools and £4,800 for an all-through school in 2021/22.

In order to balance the funding formula allocation back to the actual funding received, the Schools Forum had recommended that the local authority should adjust the factors set out at paragraph 3.5 of the report.

***Decision number:***

**168/2020**

***Decision:***

**The Cabinet instructed officers to implement the 2021-22 provisional funding formula, as detailed in paragraph 4.2 of the report, and noted that the Schools Forum, on 13 January 2021, will recommend approval of the final funding formula to Cabinet.**

**Reasons:**

The local authority is required to implement the funding formula changes from 2021-22 in accordance with the regulations and to inform the Education Skills Funding Agency.

### **Authority Monitoring Report**

**Background:**

This report provided details of the annual Authority Monitoring Report (AMR) and included an assessment of development trends and wider social, economic and environmental indicators, together with progress on the preparation of a new Medway Local Plan.

The report provided highlights of the AMR, as set out in section 4 of the report. Further details were set out in the appendices to the report, namely Volume 1: Medway Authority Monitoring Report 2020, which was set out in Appendix 1 to the report and Volume 3: Medway Local Aggregate Assessment 2019, which was set out in Appendix 2 to the report.

***Decision number:***

**169/2020**

***Decision:***

**The Cabinet approved the Medway Authority Monitoring Report 2020 for publication.**

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### **Reasons:**

To comply with the duty to compile and publish a planning monitoring report.

### **Infrastructure Funding Statement**

#### **Background:**

This report provided details of the Infrastructure Funding Statement (IFS) which set out information on developer contributions.

The report explained that it was a statutory duty of any authority that received a contribution from development through section 106 planning obligations or a Community Infrastructure Levy to prepare an IFS. Councils must publish annually details of receipts, expenditure and proposed spend of developer contributions. This first IFS, set out at Appendix 1 to the report, reported on the financial year 2019/20 and indicated the Council's priorities for investment in future years to provide for the sustainable growth of Medway.

#### **Decision number:**

**170/2020**

**Decision:**  
**The Cabinet approved the publication of the Infrastructure Funding Statement, 2020 as set out at Appendix 1 to the report.**

### **Reasons:**

To satisfy the requirement to publish an Infrastructure Funding Statement by 31 December 2020.

### **Monuments and Place Names Working Group**

#### **Background:**

This report explained that, following agreement of a motion by Full Council on 16 July 2020, a Monuments and Place Names Working Group had been established to consider monuments and place names in Medway. The report presented the outcome of the Working Group's work.

The report advised that the Working Group had met on three occasions and had produced a final report on 17 November 2020, which was attached as Appendix A to the Cabinet report.

This report had been considered by the Business Support Overview and Scrutiny Committee on 26 November 2020. The comments of this Committee were set out at section 5 of the report.

A Diversity Impact Assessment (DIA) had been carried out in relation to the proposals, as set out at Appendix B to the report.

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**Decision  
number:**

**Decision:**

The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee set out as section 5 of the report.

**171/2020**

The Cabinet agreed to rename the Sir John Hawkins car park to “St John’s Car Park.”

**Reasons:**

Sir John Hawkins has links to the slave trade and the cross-party Working Group recommends the changing of the name to something that is more in keeping with Medway’s cultural heritage and future.

### **Voluntary Sector Task Group**

**Background:**

This report set out that the recommendations of the Voluntary Sector Task Group that had previously been presented to the Cabinet on 4 August 2020. At this meeting, the Cabinet noted these recommendations and in light of the impacts of Covid-19, instructed officers to undertake a full assessment of the recommendations arising from the Voluntary Sector Task Group and report back on the effect that the pandemic has had on the needs of the sector. (decision no. 91/2020 refers).

Taking into consideration the COVID-19 impact and the recommendations of the Task Group, the revised recommendations to Cabinet, set out in the report, focused on developing a local lottery programme to provide a new income generation stream for the voluntary sector; development of a written commitment that the Council, NHS and voluntary sector would work collaboratively on shared ambitions; the ambition of developing a single point of contact for the third sector to contact the Council and; to review the options for a Social Value Policy that would allow the third sector to benefit from the Council’s supply chain, which also factors in the climate change ambitions of the Council.

A Diversity Impact Assessment (DIA) had been carried out in relation to the recommendations of the Task Group, as set out at Appendix C to the report.

**Decision  
number:**

**Decision:**

**172/2020**

The Cabinet agreed the revised priority action areas to support the Voluntary and Community Sector (VCS) as set out in section 4 of the report, including:

- i) Agreeing the development of a business case to create a voluntary sector liaison post.

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- ii) **Agreeing the development of a written document between the Council, NHS and VCS that signifies its commitment to work in partnership.**
- iii) **Agreeing the development of a social value policy and climate change partnership with the NHS and the VCS.**

**173/2020**      **The Cabinet agreed to delegate authority to the Director of Public Health, in consultation with the Deputy Leader and Portfolio Holder for Housing and Community Services and Portfolio Holder for Adults' Services to progress the priority action areas specified in paragraph 8.1 of the report, reporting back to the Cabinet to obtain any necessary approvals.**

### **Reasons:**

The recommendations are consistent with those of the Business Support Overview and Scrutiny Committee Task Group and factor in the recent COVID-19 impacts on the Voluntary Sector. The recommendations will allow Medway Council and the NHS to strengthen its existing relationship with the community and voluntary sector.

### **Medway Norse Update**

#### **Background:**

This report provided details of a review of the performance of the Medway Norse Joint Venture from the perspective of the Council client for the second quarter of the 2020/2021 financial year.

The report also included an update on the Joint Venture's achievements and financial performance prepared by the Partnership Director at Medway Norse.

The report provided a breakdown of performance for each service area covered by Medway Norse.

The report set out that in July 2020, Medway Norse had commenced delivery of the graffiti service and handyman roles to enable a seamless service delivery of all frontline street cleaning operations. Whilst this formed part of a wider reorganisation of Front Line Services, the report advised that Cabinet approval was required to formalise this transfer.

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

**174/2020**      **The Cabinet noted the contents of this report and its Appendix and formally approved the transfer of the graffiti and handyman service to Medway Norse.**

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**Reasons:**

When the Cabinet agreed to establish the joint venture company it was also agreed that regular monitoring reports would be provided to Cabinet.

.....  
**Leader of the Council**

.....  
**Date**

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